

Water Resources Committee

Summary Notes

Meeting Date: January 13, 2015

Start Time: 4:00 p.m.

Directors Present: John Greci
Bill Stevens
Sarah Palmer

Staff Present: J. Duerig, K. Arends,
M. Katen

Director Greci called the meeting to order at 4:00 p.m.

1. Public Comment on Items Not on the Agenda

None.

2. Status Update on Draft Well Ordinance and Proposed Permit Fees

Kurt Arends introduced the agenda stating that staff would cover changes being proposed in response to comments that have been received and staff would then provide an update to the Committee on its communications with Alameda County staff. Matt Katen then reviewed changes that staff is recommending to the previously proposed well destruction permit fees. At the October 15, 2014 Board Meeting, concerns were expressed that the amount of the well destruction permit fees could discourage people from getting a permit and properly destroying wells. Mr. Katen provided a chart showing a \$200 reduction to the proposed permit fee for a water supply well destruction (from \$700 per well to \$500 per well) and a \$100 reduction for the initial monitoring well destruction on a permit application (from \$600 to \$500). All the other permit fees were kept at the same level as previously proposed at the October Board Meeting.

President Greci commented on how important it was to encourage well owners to destroy wells properly. Director Stevens agreed and said he was in favor of the proposed fees, but asked if the recently-enacted Groundwater Sustainability Act would have any bearing on additional wells being destroyed. Staff indicated that the Act would not have a direct impact on the number of wells requiring destruction. Director Palmer asked about the impact of the fee reduction on the projected revenue from drilling permits. Staff showed data that suggested the impact would be minor, less than \$3,000 per year.

Mr. Arends then proceeded to review Zone 7's communications with Alameda County since the October Board meeting regarding the County's preferences on how they would like Zone 7 to proceed with its Well Ordinance. He described that staff met with County Public Works staff in October and at that meeting they wanted to use Zone 7's draft Well Ordinance language to improve the County's ordinance, but keep Zone 7 under its umbrella; and then later how they changed their approach and began pursuing a simple modification to the County Ordinance that would allow the County Ordinance to exclude the Zone 7 area once Zone 7 adopted its own ordinance. Mr. Arends explained that this was the approach up through last week. A Board of Supervisors agenda item had been submitted and reviewed by County Counsel. Staff was then informed that the item would need to be vetted through the County Transportation and Planning Committee before going to the Board of Supervisors. Staff then learned that the County wanted to go back to their original

preference of Zone 7 holding off on its Well Ordinance and the County adopting a revision to its own ordinance that would continue to cover the entire County including Zone 7.

Mr. Arends said that staff was looking for direction from the Committee on how to proceed with this matter. Director Palmer asked whether Zone 7 would be able to adopt and implement its own fee schedule if still under the County's umbrella. Mr. Arends responded that staff still need to develop the details of the new County Ordinance but Zone 7 has expressed the need to be able to establish its own ordinance provisions and be able to implement its own special permit requirement areas and permit fees. The Committee asked if the Board had authority to adopt a well ordinance independent of the County. Staff said that Zone 7's General Counsel had previously advised the Board that that was the case, but that it required a "first reading" at a public meeting before it could be adopted at a subsequent meeting. There was some discussion among the Committee on whether the staff presentation at the October Board meeting constituted a "first reading" and whether the Ordinance should be on the agenda for adoption at the January Board meeting. The Committee unanimously agreed that the official "first reading" should be placed on the January 21st Board meeting agenda.

3. Verbal Comments

Mr. Arends told the Committee that staff was recommending holding off on the presentation and adoption of the final Nutrient Management Plan (NMP) until after the Well Ordinance was adopted to avoid confusion of the two separate matters.

He also mentioned that staff has developed a new septic tank requirement option for failed residential septic systems within the nitrate Areas of Concern in response to comments made by members of the public at two previous Water Resources Committee meetings. The previous comments were for consideration of the homeowners whose existing septic systems fail and they are required to add pre-treatment. The public commented that existing residents should not have to pay extra for a treatment system upgrade if their old system fails if they are not making any upgrades or additions to the property. Staff's new proposal is to allow the homeowner to replace a failed system with a conventional system if there is no associated capacity increase, but also encourage an upgrade to a treatment system. To further encourage these upgrades, staff is investigating the cost of providing a financial incentive such as a Zone 7 rebate program. Staff estimated that the number of failed systems in any budget year within the Areas of Concern boundaries would be very few.

Staff commented on another concern that a member of the public voiced at a previous Water Resources Committee meeting for the NMP's Areas of Concern. The concern was for some of the Areas of Concern boundaries being drawn based on inferred information rather than complete information. Staff's comment was that the Area of Concern provisions encourage further characterization of the hydrogeology and extent of the nitrate contamination, and allows for periodic adjustments of the boundaries based on new information.

The Committee was fine with staff's NMP schedule, and liked staff's approaches for both the incentive program and the NMP Areas of Concern issues.

4. Adjournment

Meeting was adjourned at approximately 4:30 p.m.