

Water Resources Committee

Summary Notes

Meeting Date: October 6, 2014

Start Time: 4:00 p.m.

Directors Present: Sarah Palmer
Bill Stevens

Staff Present: M. Katen, T. Rooze,
J. Chahal, J. Duerig

Directors Absent: John Greci

Director Palmer called the meeting to order at 4:05 p.m.

1. Public Comment on Items Not on the Agenda

None.

2. Well Ordinance and Fee Schedule

Staff gave a presentation and answered questions from the committee.

Summary of Presentation

Staff began by summarizing the history of well permitting in the County and stated that the District Act gives Zone 7 the authority to adopt a well ordinance. Staff then outlined the goals of the proposed well ordinance and provided a map for clarification:

- To conform with the State's model ordinance;
- To provide clear details on well permitting procedures, well construction; requirements, and steps to be taken for the enforcement of the rules;
- To increase the protection of groundwater quality in the basin;
- To provide for a Zone 7 fee program, independent of the County's; and
- To strengthen Zone 7 position to maintain local control over basin management.

Staff highlighted the following requirements of the new well ordinance:

- Inside Zone 7 Service Area – permit will be required if a proposed borehole is expected to encounter groundwater
- Inside DWR-defined groundwater basins - permit will be required for any boring greater than 10 feet deep.
- Inside special requirement areas - special well construction requirements to ensure that contamination does not migrate to lower aquifers.

Staff concluded the presentation showing a summary of their well permit fee analysis and asked for direction on this issue.

Ordinance Discussion

The committee asked for clarification regarding the differences between the County's ordinance, which Zone 7 is currently administering, and the State's model ordinance. Staff explained that the County's well ordinance was in place before the State issued its model

ordinance and was lacking some definition of ordinance terms, procedural details, and basin-specific provisions as suggested by the model ordinance. Zone 7's proposed well ordinance is in full compliance with the State's model ordinance. Staff reiterated that the new ordinance will not change the way we currently run the well permit program, except for possible new fees, but rather it will put Zone 7 in a better position for protecting groundwater quality.

The committee asked if there were comments from other entities such as the cities or the County. Staff said that Zone 7 has received feedback from the Cities of Livermore, Dublin, Pleasanton, and Dublin San Ramon Services District and addressed them, as appropriate. Staff has also worked closely with Director Figueroa on several of the program details.

Director Palmer asked if staff could change all masculine references to gender-neutral ones, such as converting "his" to "his/her". Staff stated they would revise the ordinance accordingly.

The committee commented on several specific ordinance provisions, and potential exclusions, such as the inclusion of "direct-push" borings in the soil boring definition and Permit Requirement section. The committee also commented that the ordinance does not specifically mention environmental borings in the definition of borings.

The committee asked why most agencies do not require permits for dewatering wells. Director Stevens stated that "dewatering" wells were similar to supply or extraction wells when considering the risk for groundwater contamination. Staff explained that those used temporarily for construction purposes were excluded in the Water Code and California Well Standards, but pointed out that the Zone 7 ordinance language only exempts those that are going to be removed by the associated excavation. Director Stevens suggested that "dewatering wells" be clearly explained because most contractors will miss it if the ordinance is left as is.

Director Stevens also asked about the requirement for backflow preventers on certain wells. Staff explained that they prevent the accidental backflow of chemicals or pollution (e.g., fertilizers, irrigation return flows, etc.) from connected tanks or reservoirs into the well. They also prevent untreated groundwater from entering the potable water distribution system, if one is present on the well site.

Director Stevens asked about requirements for the cement used for sealing wells and boreholes. Staff indicated that there are some recent studies that suggest sand-cement mixtures are best, however well sealing grout standards are not part of the well ordinance; but they are included in the well permit as conditions when issued. Director Stevens pointed out that 11-sack cement can be very difficult to drill out.

The committee suggested that the well ordinance provide for earlier notification of a job for the Inspecting Officer. Staff indicated that they would consider revising that provision in the Inspection section.

The committee asked why the "special requirement areas" did not include the high nitrate areas. Staff said that they were primarily established in the known chlorinated solvent contamination areas to protect boreholes and wells from being vertical conduits for the migration of this denser-than-water contamination, but that they were still formulating which other areas should be included. Staff also mentioned that Pleasanton asked that Zone 7 require a public hearing to modify the special requirement areas; however staff felt it was

important that Zone 7 retain the flexibility to modify special permit areas in a more timely fashion than allowed by a public hearing process.

The committee asked for clarification on the “guarantee of performance” requirement. Staff indicated that the provision allows the General Manager to require a “guarantee of performance” bond in certain cases, such as when a contractor has a bad track record for completing work satisfactorily. Staff also indicated that this requirement is also in the State’s model ordinance. The committee asked what would happen if abatement costs more than the bond. Staff indicated that the nuisance abatement clause would enable Zone 7 to seek a lien against the property title.

Permit Fee

Staff outlined the procedures used for calculating program costs as the basis for the proposed fees. Calculated costs of the well permitting, inspections and program administration were included then compared to fee schedules from other well permitting agencies. Staff also stated that the fee adoption will be a separate Resolution from the well ordinance, and therefore fees can be changed in the future if they do not cover actual costs.

Director Stevens discussed the possibility of basing the soil boring permit fee on the number of days of drilling instead of on the number of boreholes or parcels. Staff pointed out the difficulty in predicting the number of days for the permit and that it would be a cumbersome process to refund surplus fees if deposits were collected ahead of time.

The committee suggested that the cost for a geotechnical boring permit should be less than a permit for a contamination investigation because of the higher risks involved with contamination investigations. Director Stevens suggested a fee of around \$300 for geotechnical borings. Staff pointed out that soil borings were the bulk of permits issued, therefore if the fee for geotechnical boring permits were kept low, other permit fees would have to be high if the agency is to recoup its expenses.

Director Stevens also discussed the justification for charging a higher fee for cathodic well permits because they are often very deep and cross several aquifers. Staff indicated that most agencies charge the same price for a cathodic well as a regular well. Staff stated they would run the numbers and try to come up with a modified fee schedule that covers program costs and substantially meets the discussed objectives. The committee reiterated the need for a simple, easy-to-understand fee schedule.

The committee concluded the meeting recommending that staff bring the proposed well ordinance with the changes discussed to the full Board. The committee also recommended bringing the proposed fee schedule forward which attempts to recover all costs associated with the program.

3. Verbal Reports

None

4. Adjournment

The meeting was adjourned by Director Palmer at 5:20 p.m.