



DATE: November 14, 2017
TO: Mayor and City Council
FROM: Director of Utilities & Environmental Services
SUBJECT Construction, Repair, Reconstruction, Destruction or Abandonment of Wells:
Introduction of Ordinance Updating Section 5-4.10 of the Hayward Municipal Code

RECOMMENDATION

That the City Council introduces an ordinance updating Section 5-4.10 of the Hayward Municipal Code pertaining to Construction, Repair, Reconstruction, Deconstruction or Abandonment of Wells.

SUMMARY

The construction, maintenance, and removal of water wells is regulated in Hayward by the Alameda County Public Work Agency through implementation of the Alameda County well standards ordinance, which has been adopted by reference in the Hayward Municipal Code (HMC). Recent updates to the HMC incorporated the revised County ordinance. The recommended action would further correct the HMC by replacing outdated references to State documents with current references and would add language to ensure that future changes to the County ordinance can be enforced in Hayward without specific City Council action.

Council Sustainability Committee (CSC) Action:

This item has been scheduled for Council Sustainability Committee review at its November 13, 2017 meeting.

BACKGROUND

Section 5-4.10 of the HMC adopts as the well standards for Hayward the Alameda County Ordinance 0-2015-20 titled "An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the County of Alameda." The regulations are intended to protect groundwater from pollution and contamination and ensure that they do not jeopardize the health and safety of groundwater users. Except for a handful of jurisdictions that have assumed responsibility for well permitting and oversight, the Alameda County Public Works Agency is responsible for implementing the Well Standards Ordinance within the County, including Hayward. In April 2015, the Alameda County Board of Supervisors adopted an

updated County ordinance to bring the well standards into compliance with current codes and to enhance enforcement provisions. It was the first such update since 1973.

In June 2017, the Hayward City Council adopted an ordinance to update various sections of the HMC based on a comprehensive legal review. The changes included a revision of Section 5-4.10 to adopt the 2015 County ordinance as the well standards for Hayward.

DISCUSSION

The June 2017 HMC update left in place references to outdated State documents. In order to ensure accuracy, staff recommends wording changes to update these references. Staff further recommends that language be incorporated to ensure that future changes to the Alameda County well standards are enforceable in Hayward without specific City Council action. The proposed changes are minor in nature and do not substantively change the purpose or application of the well standards. The recommended ordinance is included as Attachment I.

STRATEGIC INITIATIVES

This agenda item does not directly relate to one of Council's Strategic Initiatives.

FISCAL AND ECONOMIC IMPACTS

There are no fiscal or economic impacts associated with the recommended Ordinance revision.

SUSTAINABILITY FEATURES

Well standards are in place to protect groundwater from contamination and pollution. The recommended ordinance revision ensures that future changes to the well standards will be in effect in Hayward upon adoption by the County.

PUBLIC CONTACT

Public contact was not conducted regarding this minor revision. If introduced, the City Clerk will publish a legal notice of the introduction of the ordinance prior to its adoption.

NEXT STEPS

If introduced at this meeting, the City Council will consider adoption of the ordinance at a subsequent meeting. The ordinance would become effective thirty days after adoption.

Prepared and Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager