

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	19384	Agenda Number	5.
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Meeting Date:	10/11/2012	Department:	Austin Water Utility
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Subject

Approve an ordinance amending the City Code to add a new Chapter 15-12 related to water wells, establishing registration requirements, and establishing penalties for violations.

Amount and Source of Funding

Funding in the amount of \$111,610 is available in the FY 2012-2013 operating budget of Austin Water. This will cover the cost of two temporary FTEs and related expenditures necessary for implementation of the proposed ordinance.

Fiscal Note

A fiscal note is not required.

Purchasing Language:	
Prior Council Action:	August 23, 2012 - Resolution 20120823-067 was approved by the City Council to direct city staff to return to City Council on or before October 11, 2012 with an ordinance requiring registration for water wells drilled on any property served by Austin Water.
For More Information:	Antonio M. Canales, 972-1060; Daryl Slusher, 972-0218; Denise Avery, 972-0104
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

On August 23, 2012, the council approved a resolution directing staff to return to City Council on or before October 11 with an ordinance requiring registration for water wells drilled on any property served by Austin Water, and report back to City Council on or before November 1 about a possible permitting process for water wells that would ensure compliance with applicable state and local health and safety codes and enable staff to collect data and analyze the potential impact of water well drilling in Austin Water's service area.

Staff of Austin Water, Watershed Protection, Planning and Development Review, and Law Departments jointly developed a draft ordinance in response to this council directive.

To address the concerns cited in the August resolution, if approved, the ordinance would:

- Require the property owner to provide advance notice of their intent to have a water well drilled,
- Require the property owner to provide advance notice of their intent to have an existing water well re-

drilled, capped, or plugged,

- Require water well drillers to register with Austin Water,
- Require water well pump installers to register with Austin Water,
- Require the owner of a new water well to register the well within 70 days after the well has been completed,
- Require the owner of an existing water well to register the well within 180 days of the effective date of this ordinance,
- Make clear that any work conducted to drill new wells or repair existing wells must be compliant with all relevant City codes, including but not limited to, the city's existing cross-connection regulations; building, plumbing and electrical codes; and water quality controls,
- Make clear that cross-connections with Austin Water's potable water system are prohibited (as is the case under existing city codes today),
- Make clear that any well that is injurious to the public health, a potential source of disease, or a threat to groundwater, the public water system, or private water supplies will be declared a nuisance and required to be abated (as is the case under existing city codes today), and
- Prescribe how Austin Water may enforce this ordinance.

In summary, a citizen planning to drill a new water well or re-drill, cap, or plug an existing well on a property served by Austin Water would be required to register intent to do so. The citizen would then be required to register the new well within 70 days of its completion. For an existing well, a citizen would be required to register the well within 180 days of the effective date of the ordinance.

Water well drillers and water well pump installers performing work on properties served by Austin Water would be required to register with the utility. Water well drillers and water well pump installers would be required to obtain all necessary permits and conduct such work in conformance with all relevant city codes.

This ordinance would not apply to environmental soil boring, geothermal, injection, de-watering, monitoring, and test wells and other wells or excavations not included in the state's definition of water wells regulated by the Texas Occupations Code.

The proposed ordinance allows for fees to be established through separate ordinance in the future. However, no fees are proposed at this time since further analysis would need to be conducted in order to determine an appropriate fee.

Because there are existing city codes and regulations and existing state regulations that apply to new wells being drilled and repairs to existing wells, these regulations are referenced throughout the proposed ordinance. Generally, these regulations govern water well drillers and water well pump installers, water well drilling, discharges or spills that result in a release to the environment, cross-connections with the city's public drinking water system, and prohibition of polluted discharges into the water supply or water treatment or distribution system in order to prevent pollution and contamination during or after well drilling.