



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 07/03/01  
AGENDA ITEM 4  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council  
**FROM:** Director of Public Works  
**SUBJECT:** Comments to East Bay Municipal Utilities District Regarding Draft Environmental Impact Report for Bayside Groundwater Project

**RECOMMENDATION:**

It is recommended that the City Council authorize the City Manager to forward the attached letter to East Bay Municipal Utilities District (EBMUD) regarding the Draft Environmental Impact Report (DEIR) for the Bayside Groundwater Project.

**BACKGROUND/DISCUSSION:**

EBMUD is considering a project to provide a supplemental water supply for its service area during periods of droughts. Essentially, the project consists of constructing several deep wells and pumping water from the deep aquifer during water shortages. EBMUD plans to mitigate the extraction by injection of groundwater. The well field, located on Grant Avenue in San Lorenzo, would consist of about ten wells capable of pumping approximately 15 million gallons of water per day during peak usage. A DEIR was prepared to evaluate the environmental impacts of the Bayside Groundwater Project and circulated to interested parties, including the City of Hayward. The public comment period for the DEIR closes on August 6, 2001.

The City of Hayward has an interest in this project because of its potential adverse impact on Hayward's emergency wells, which have been designed and constructed to secure a reliable source of potable water for use in the event of an interruption in delivery of water from the Hetch Hetchy water system. To date, four emergency wells have been completed, and a fifth is currently under construction. The emergency wells are expected to provide a total of about 10 million gallons per day. Exhibit A shows the location of the emergency wells.

In order to evaluate the impact of EBMUD's proposed project on the City's emergency wells, staff retained the firm of Luhdorff & Scalmanini to review the DEIR to determine if the potential impacts on Hayward's wells have been addressed and appropriate mitigation proposed. This consulting firm performed the studies and design of the emergency wells and thus has extensive knowledge of the aquifer, as well as the hydraulic and technical basis for

our emergency wells. In addition to the DEIR, consultants reviewed a variety of technical references cited in the DEIR.

Luhdorff & Scalmanini forwarded a technical memorandum detailing issues that, in their opinion, have not been properly addressed in the DEIR, or significant impacts for which inadequate mitigation is proposed. Staff reviewed the memorandum and is in agreement with the findings. City staff has also met with EDMUB staff to discuss the issues.

In general, concerns about the proposed project are related to the potential lowering of groundwater levels due to extraction and the likely impacts of groundwater replenishment. The project would induce lowering of groundwater levels, which could extensively impact the City's groundwater supply. This would have the effect of reducing the yield from the City's emergency well system. The impact of the proposed extraction on Hayward's wells is not adequately mitigated as presented in the DEIR. It is also possible that the City's wells (and other properties) could be adversely impacted by EDMUD's planned groundwater replenishment because of a resulting rise in the water level or "draw-up" from abandoned wells that may exist but are not identified. The DEIR does not describe mitigation for this potential problem, but rather specifies that monitoring of groundwater levels will be used to identify problems and speculates that solutions to the problems can be implemented when they are detected. It is important from the City's perspective that feasible mitigation measures be investigated and specified for both of these potential impacts in the environmental documents.

In addition to the impacts described in the preceding paragraph, the consultant identified a number of other issues and potential impacts that must be addressed prior to implementation of the EBMUD project. The attached draft letter to EBMUD expresses the City's support for EBMUD's efforts to address water supply needs, but states clearly that the City has concerns about the proposed groundwater project. Under separate cover, staff will forward to EBMUD a copy of the technical memorandum, which is attached as Exhibit B, to provide specific details about the issues related to the City's emergency wells. It is possible that minor revisions will be made to the text of the memorandum prior to submitting it to EBMUD; however, the major issues and conclusions will not change.

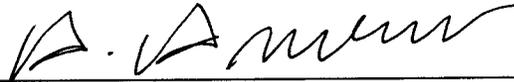
Staff believes that it is in the best interest of the City to provide comprehensive comments to EBMUD and request that the DEIR be revised to address the City's concerns.

Prepared by:



Alex Ameri, Deputy Director of Public Works

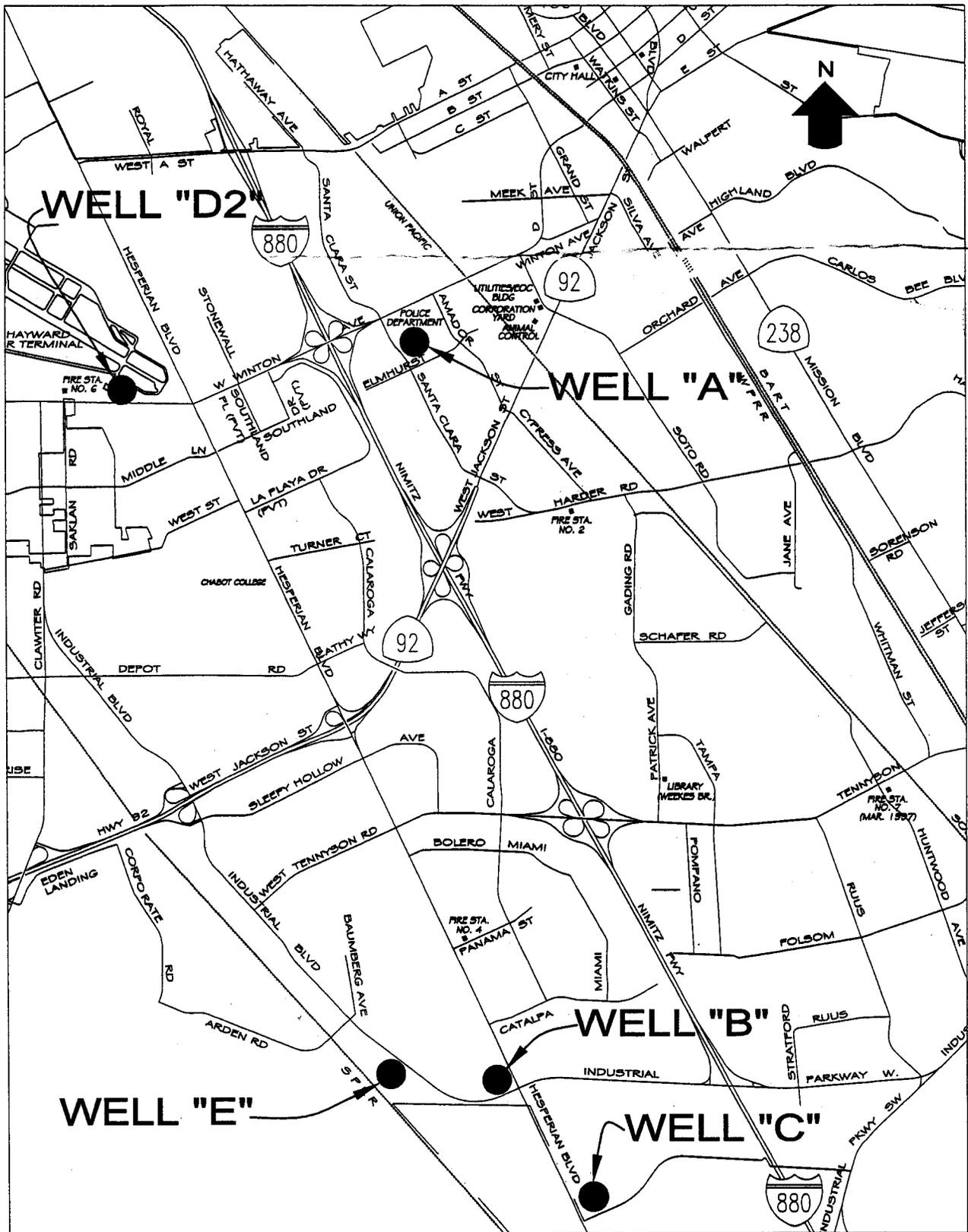
Recommended by:

for   
Dennis Butler, Director of Public Works

Approved by:

  
Jesús Armas, City Manager

- Attachments:
- A. Location of City Emergency Wells
  - B. Technical Memorandum from Luhdorff and Scalmanini
  - C. Draft Letter to EBMUD



**LOCATION MAP  
EMERGENCY WATER SUPPLY WELL "A" TO "E"**

**EXHIBIT A**



RECEIVED

JUN - 1 2001

DEPT. OF PUBLIC WORKS

## MEMORANDUM

May 31, 2001  
File No. 01-1-052

**TO:** Alex Ameri  
Deputy Director of Public Works  
City of Hayward

**FROM:** Tom Elson   
Dave Van Brocklin

**SUBJECT: UPDATED COMMENTS ON BAYSIDE GROUNDWATER PROJECT**

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As a follow up to your request, we have reviewed EBMUD's Bayside Groundwater Project, DEIR. This memorandum combines the comments from our initial review with those from a more detailed analysis of some of the pertinent reference materials cited in the DEIR document. In particular, we studied the supporting documentation for the predictions of impacts on the ground-water system in the greater Hayward area to determine whether they are reasonable and reliable. We found numerous aspects of the DEIR that would be of concern with respect to the City's ground-water resources. Of most significance is the induced lowering of ground-water levels due to proposed extraction by EBMUD. This would have the direct impact of reducing the City's existing well capacity. The mitigation of this impact as presented in the DEIR is not feasible and would be ineffectual.

While it is clear that the City's emergency supply capacity would be negatively impacted by the water level draw-downs reported in the subject DEIR, use of the wells in a non-emergency mode, i.e., to supplement the City's Hetch Hetchy supply source to meet normal demand, would also be constrained. Furthermore, the DEIR does not present an analysis of the potential mutual interference posed by pumping in City wells. As a result of mutual interference between EBMUD wells and City wells and the resultant cumulative draw-down, water levels would be expected to be lower than depicted in the DEIR. The DEIR only accounts for pumping by EBMUD and some other users (irrigation wells at golf courses and industrial wells). As a result of this factor, EBMUD may need to expand its well field to achieve its desired capacity, which

would in turn further increase the draw-down influence.

Further discussion of this impact and other areas of concern in the project DEIR are presented below in the form of comments as well as questions which we think need to be addressed in the DEIR

### **Water Level Impacts on City Wells Not Mitigated (Impact 3.8-3)**

Based on the technical analysis presented in the DEIR, in particular the modeled water level impacts, the proposed extraction and injection project would cause significant impacts to the City's ground-water supply. The DEIR indicates that the project would cause a deep and extensive impact on ground-water levels (i.e., draw-down) throughout the City of Hayward. This would have the immediate impact of reducing the City's water supply capacity from its water supply well network (Wells A, B, C, D, and E). Even though the report acknowledges such an impact, the proposed mitigation falls short in alleviating the loss in capacity due to inadequate and incomplete significance criteria and due to a lack of understanding about the design and operation of the City's well network, as discussed below. It is also notable that the modeled draw-down impacts during extraction by EBMUD are nearly the same whether ground-water replenishment, or injection cycles, occur or not.

The City's emergency water supply network was designed to provide short-term capacity in the event of an interruption in its historical Hetch Hetchy supply. An interruption could result from physical damage to the water supply transmission lines (i.e., as a result of a fire or earthquake) or through curtailment of supplies in the Hetch Hetchy system. It is not unlikely that the City would need to operate the emergency backup system at the peak of extraction operations proposed in EBMUD's Bayside project.

Four out of five of the City's wells rely on every foot of available draw-down in the wells without the pumping impacts estimated from the proposed EBMUD extraction. As a result, the influence of over 100 feet of draw-down due to extraction in EBMUD's project, as indicated in the DEIR, would directly reduce the aggregate capacity of the City's emergency supply network by 25 to 30 percent (current capacity is nearly 9,500 gpm).

The DEIR acknowledges the impact of draw-down on the City's wells as a result of extraction (see Impact 3.8-3). However, the significance criteria to avoid cascading water cited in the DEIR is inadequate to accurately quantify and assess the draw-down impact. Simply avoiding cascading water does not take into account the substantial reduction in pumping capacity cited above. The proposed mitigation consists of lowering pumps, deepening wells, or "other means" of maintaining historical supply. However, in four of the five wells, there would be no mitigation of loss in capacity by these measures. That is, the pumps cannot be lowered further, the wells cannot be deepened (because there are no water supply targets at greater depth), and

there are no "other means" presented in the DEIR which would mitigate the loss in capacity short of curtailing the City's extraction capacity.

There is a clear intention and need to extract a significant quantity of ground water to meet the objectives of EBMUD's proposed project which would have a deleterious effect on the City's ability to use its underlying ground-water resources. In short, the impact of extraction draw-down due to the EBMUD project is severe and not mitigated as presented in the DEIR.

### **Mutual Interference with Hayward Wells Not Included**

As cited earlier, the DEIR analysis does not appear to account for mutual interference between EBMUD wells and City wells. The anticipated interference effects would be expected to cause even lower draw-down than depicted in the DEIR for the same extraction rates. As a result, EBMUD may need to expand its well field to achieve the stated extraction rates which would further increase the draw-down influence. The DEIR should incorporate an appropriate level of pumping from City wells to address this issue.

### **Hayward's Wells Completed Only in Deep Aquifer**

Section 3.8.3 states that since most of the wells completed in the Deep Aquifer are also completed in overlying aquifers, impacts would be less than if screened only in the Deep Aquifer. However, four of the five high capacity Hayward wells are completed only in the Deep Aquifer and, from the discussion presented in the DEIR, would therefore be susceptible to the greatest impacts. This fact should be acknowledged in the DEIR and particularly addressed in the discussion of impacts and mitigation measures.

### **Injection Draw-up Should be Limited to Levels Below the Ground-Surface**

With regard to the proposed ground-water replenishment (i.e., injection), significant impacts to City wells and potentially other City property due to the estimated draw-up, or water level rise, in water levels cited in the DEIR report (see Impact 3.8-5) are likely. Each of the City's large capacity emergency supply wells would need to be retrofitted to accommodate the projected water level rise. This retrofit would consist of removing each pump and reconstructing the pedestal and well head. While we anticipate that the retrofit of the existing wells would be expensive, we expect that the draw-up impact from injection can be mitigated in those cases. However, the draw-up has potentially much broader impacts through the channeling of water from the deep aquifer upward through old and existing wells and through leakage through the overlying aquitards. For example, the DEIR for EBMUD's East Bayshore Recycled Water Project, DWR Bulletin 81 (1960), and Figuers (1998) cite the existence of thousands of wells that have been drilled in the region including many that have penetrated strata that could be hydraulically connected to the deep aquifer system.

Sustained injection along with the resultant draw-up estimated in the Bayside DEIR could result in surface flow under roadways, buildings, and in the vicinity of the many wells that are no longer active. It is important to note that most wells drilled prior to the 1990's did not have extensive surface seals and, in many cases, there are no records that abandoned wells were properly destroyed. The concern over draw-up is real and we have observed analogous cases where ground-water conditions have changed (i.e., water levels have risen) and the types of problems cited above have been experienced. To further emphasize this point, very little draw-up in a shallow water table would be enough to cause problems when the water level is close to the ground surface to begin with.

The mitigation measures proposed in the DEIR (3.8-5a and b) specify that monitoring be used to identify problems after which solutions would be developed (see Residual Impact). From the City's perspective, this is not mitigation but rather speculation that problems can be fixed once they are detected (unless it is EBMUD's intent to completely halt injection operations, if necessary, to arrest a detected problem).

Another concern with respect to the existence of the thousands of wells that have been drilled in the region is the fate of contaminants near the surface (see Impact 3.8-2). Because of the steep water level draw-down predicted as a result of the extraction by EBMUD, there would be limited control to prevent contaminant migration. It is our opinion that it would be difficult and probably not feasible to locate all of the vulnerable wells for destruction purposes as indicated in Mitigations 3.8-2b and c and note that Mitigation 3.8-2a, which calls for monitoring, is not a mitigation measure.

Mitigation Measure 3.8-5b indicates that injection would be reduced to mitigate problems associated with water level draw-up. In light of the potential damaging impacts of ground-water rising above the ground surface, EBMUD should present a scenario in which ground-water levels are constrained at a point below the ground surface. This scenario could help safeguard the City's concerns with regard to the issues of retrofitting wells and damage from surface flow. Additional mitigation should be presented, as opposed to monitoring, and existing contaminant plumes should be identified with respect the project impacts to provide a sound basis for assessing any proposed mitigation.

#### **Aquifer Characteristics in Hayward Not Accurate**

In the 1980's, the City performed a study to determine the feasibility of developing a network of wells to meet the short-term needs of an emergency or interruption in its normal supply source. The studies are cited in EBMUD's DEIR document as a source of information regarding aquifer characteristics in the Hayward area (Brown and Caldwell, 1984 and 1986). The City's development plan, which was based on the findings of those studies, encountered immediate problems that were ultimately attributed to optimistic interpretation of aquifer characteristics at

an old City well (Well 9); that optimistic interpretation is now perpetuated in the technical analysis (model) of the proposed Bayside project and the assignment of large values of transmissivity (45,000 to 75,000 gpd/ft<sup>2</sup>) in the Hayward area.

The result of a nearly 10-year effort by the City of Hayward to install its water supply well system has clearly shown that the deep aquifer system, which is targeted by EBMUD's project, has significantly poorer characteristics beneath Hayward as compared to intermediate and shallower aquifer units and the deeper unit that underlies the proposed Bayside well field. Thus, some of the fundamental input to EBMUD's technical analysis, including the simulation of scenarios and interpretation of impacts, are not supported by actual conditions as the optimistic transmissivity appears to have been extended through the Hayward area.

Furthermore, and perhaps more significantly, it can be inferred from the analysis presented in the DEIR that the estimated impact may be understated because the analysis (model) did not consider the that the deep aquifer in the Hayward area is much different (lower transmissivity) than originally projected. There are two important consequences of this factor. First, injection may be constrained due to lower transmissivity in the greater Hayward area, thus limiting the ability to offset extraction with injection. And second, the projected impact during extraction may be deeper in Hayward and further decrease the pumping capacity of the City's wells for certain scenarios. At a minimum, the appropriate adjustments to the model parameters should be made and presented in the DEIR.

### **Contradictions in Description of Connections Between Deep and Shallow Aquifers**

At various points in Chapter 3.8 (e.g., the discussion of the conceptual model), it is suggested that there is a lack of hydraulic continuity between shallow and deep aquifers. On page 1-9 it is stated that the "Deep Aquifer is protected from shallow zones by hundreds of feet of clay and fine-grained material" and that "Testing indicates that shallow groundwater is not hydraulically connected to the deep zone utilized by the project." This conceptual model of an hydraulically isolated deep aquifer system has been used to support findings that certain impacts, such as inducing movement of shallow contaminant plumes or saltwater intrusion from shallow zones, are insignificant. However, there are statements made in this same chapter which seem to contradict the conceptual model:

- It is stated that impacts to some wells would be lessened because they have screened intervals that cross-connect the deep and shallow systems.
- A source of recharge in the ground-water basin and appears to be from precipitation and other surface sources since the conceptual model draws on work by Muir and others (Muir, for example, cites leaky pipes, rainfall, and stream recharge as the significant components of inflow to the entire ground-water basin).

- Selection of hydrogeologic properties for modeling the Deep Aquifer assumes leakage from overlying and underlying units (page 3.8-5).

Considering the above, the following questions should be addressed in the DEIR:

How does the acknowledgment of cross-connected well completions affect other concerns such as movement of shallow contamination and salt-water intrusion (Impacts 3.8-2 and 3.8-6)? And, does the analysis consider the potential for the existence of many more wells (as cited by Figuers, 1998 and DWR, 1960) which would also provide conduits for cross-flow? These questions should be addressed in view of the potential that the large head differences developed between the deep and the shallow aquifers could induce significant vertical flow through wells completed in multiple aquifers.

Given the age of the water (as suggested by citation of a USGS study by CH2MHILL, January 2001) and the stated lack of hydraulic communication between deep and shallow units, what is the mechanism for recharge to the Deep Aquifer? Are surficial sources needed to recharge the Deep Aquifer and balance the extraction activities of the proposed project (the model appears to need inflow from overlying layers to balance extraction in the Deep Aquifer)?

Is the leakage from overlying units assumed in the selection of hydrogeologic properties (see p. 3.8-5, Hydrogeologic Properties) consistent with the assumption that the Deep Aquifer is hydraulically isolated?

### **Limited Potential for Saltwater Intrusion Not Supported**

Impact 3.8-6 discusses the potential for saltwater intrusion through shallow zones and focuses on monitoring (not a mitigation measure) and control of influence through wells completed in deep and shallow zones. As discussed above, there appear to be contradictions in the conceptual model which indicates limited, if any, hydraulic connection with the deep aquifer system. Thus, the potential for shallow saltwater intrusion does not appear to be mitigated by the measures presented in the DEIR. Furthermore, the impact analysis seems to ignore the potential for degradation of water quality in the deep zone through possible interconnection with marine to estuarine deposits underlying the Bay as described by Figuers, 1998.

### **Inadequate Subsidence Mitigation (Impact 3.8-10)**

There is no mitigation proposed for subsidence. Under the mitigation discussion, only monitoring is cited. If subsidence occurs, and is detected through monitoring, it is possible that irreversible damaging impacts would have occurred with no mitigation measure in place and that no after-the-fact mitigation would be possible. In addition, considering that much of the affected

area is close to sea level, the DEIR should identify how much subsidence would be considered as significant to trigger mitigation.

### **What are Limitations of Model?**

The ground-water model is described as a "reconnaissance-level" tool in the DEIR document (page 3.8-10). Model calibration was limited to matching short-term (months) transient test data and a steady-state condition. With regard to the steady-state calibration, it has been noted that ground-water levels have been rising in the basin since 1965 and that Muir (1993 and 1996) estimated a gain in storage of 3,000 acre-feet per year. As a result, the basin does not appear to be in a steady state condition. On the transient calibration, there is an inordinate discrepancy in the calibration basis (i.e., short-term test data) and the projections of impacts over 75 years. As a result, clarification of the statement implying that the model is of a "reconnaissance-level" nature and its apparent limitations with respect to projecting impacts over a 75-year period should be included in the DEIR.

In addition to the above, the model's constant head boundary at the Niles Cones ground-water basin boundary appears to be problematic according to discussions by the model study author (CH2MHILL, January and February 2001), especially since approximately one-third of the inflow needed to balance extraction (under Scenario 1) moves across this boundary. The DEIR needs to acknowledge the significant problem in which the modeled draw-down impacts caused by the project reaches the Niles Cone Ground-Water Basin constant-head boundary. As pointed out by the model author, the Niles Cone boundary needs to be investigated further considering the extent of the project impacts and the inflow contribution across this region. This appears to be a significant model limitation that may influence project impacts on the City's ground-water resources.

In light of all of these model concerns, the DEIR should address the realistic limitations in drawing conclusions about impacts from this project. For example, what confidence level should the public expect for predictions over 75 years considering the limited transient calibration criteria?

Figure 3.8-4 shows that for Scenario 1 there is no net draw-down impact over time for this extraction-only case. What would be the explanation for this to actually occur, particularly in the Deep Aquifer where conceptually there is limited hydraulic continuity with the shallower units? There is little treatment of model predictions in other than the Deep Aquifer by which to judge conclusions regarding movement of shallow contaminants, intrusion, and draw-up/draw-down in shallow aquifer units. What degree of leakiness exists in the Deep Aquifer in the model analysis and how does it account for the existence of conduits (in the form of wells), leakage from the overlying unit, and the contribution of surficial sources of inflow in the water budget?

### **What Are the Project Operating Limits?**

The results presented in Chapter 3.8 reflect scenarios over 75 years. Will the actual extraction schedule be expected to differ significantly from Scenario 1, for example? If so, is it possible that EBMUD might extract ground water at up to 15,000 acre-feet for 5 or more years in succession? For 10 years? In such cases, what are the impacts on the basin with respect to ground-water level recovery or induced impacts in the shallow aquifer system?

For Scenario 1, impacts at the Hayward Airport extend for a number of years after each extraction period; albeit, less significantly than during extraction. What would the draw-down and recovery curves presented in Figure 3.8-5 look like if extraction extended much beyond the durations assumed for Scenario 1? That is, if average extraction were approached 15,000 acre-feet per year over, say, a 15-year period? Are there project constraints that would make such a scenario not possible?

It is noted that the risk of saltwater intrusion through shallow zones is considered to be low in part due to the fact that the scenarios presented in the DEIR result in a "near zero" net change in storage. However, this net change is for a 75-year period. Could there be a significant negative deficit for 10, 20 or 30 years, or longer, under EBMUD's proposed operating plan? If so, how would impacts due to intrusion, contaminant migration, and safe yield be mitigated if the "near zero" net change is not in effect for significant durations? If the project is to be constrained to avoid such negative deficits, the operating parameters should be described in the DEIR under the project description and discussion of mitigation. It is noted that the project would be operated within the "operational safe yield of the basin" (page 3.7-8); however, this safe yield is never defined or quantified in a manner that makes it clear how EBMUD would manage the project.

### **What If Injection Is Not Feasible?**

The preferred project incorporates ground-water replenishment, or injection. As an extension of the questions posed above about project operating limits and the previous discussion about limiting draw-up impacts to below the ground surface, what are the expected impacts of the project when either injection is not feasible, or is greatly curtailed, and when extraction occurs at a greater average rate over a given period? If injection is considered to be a necessary element for these conditions, then the DEIR should state how much and when injection would be conducted as triggered by extraction.

Attachment (references)

## References

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**CH2M Hill**, *Draft Bayside Wellfield Simulation Results*, February 2001.

**DWR**, 1960, *Intrusion of Salt Water into Ground Water Basins of Southern Alameda County*; Bulletin 81, 44 pp.

**EBMUD**, *Bayside Groundwater Project Draft Environmental Impact Report*, 2001.

**Figuers, S.H.**, *Groundwater Study and Water Supply History of the East Bay Plain, Alameda and Contra Costa Counties, CA*; unpublished report for the Friends of the San Francisco Estuary, 114 pp., June 15, 1998.

**Muir, Kenneth S.**, *Groundwater Recharge in the East Bay Plain Area, Alameda County, California*, 1993a.

**Muir, Kenneth S.**, *Classification of Groundwater Recharge Potential in the East Bay Plain Area, Alameda County, California*, 1993b.

**Muir, Kenneth S.**, *Groundwater Discharge in the East Bay Plain Area, Alameda County, California*, 1996a.

**Muir, Kenneth S.**, *Groundwater Yield of the East Bay Plain Area, Alameda County, California*, 1996b.



July 5, 2001

Mr. Dennis Diemer  
General Manager  
East Bay Municipal Utilities District  
P.O. Box 24055  
Oakland, CA 94623-1055

Dear Mr. Diemer:

**SUBJECT: Draft Environmental Impact Report for Bayside Groundwater Project**

At its July 3 meeting, the Hayward City Council reviewed and authorized staff to respond to the Draft Environmental Impact Report (DEIR) pertaining to East Bay Municipal Utilities District's (EBMUD) proposed Bayside Groundwater Project. I understand that the public comment period ends on August 6, 2001.

EBMUD's efforts to supplement water supplies for its service area during periods of drought are to be commended. However, the potential impacts of the proposed groundwater project on Hayward's preparations for emergency water service must be considered in the planning and design.

The City of Hayward has an interest in this project because of its potential adverse impact on the City's emergency wells, which have been designed and constructed to secure a reliable source of potable water for use in the event of an interruption in delivery of water from the Hetch Hetchy Water System. In order to evaluate the effect of EBMUD's proposed project, the City retained the firm of Luhdorff and Scalmanini to review the DEIR to determine if the potential impacts have been addressed and appropriate mitigation proposed. This consulting firm performed the studies and design of the emergency wells and has extensive knowledge of the aquifer and the hydraulic and technical basis for our wells.

Luhdorff and Scalmanini identified a number of issues that, in their opinion, have not been properly addressed in the DEIR, or significant impacts for which inadequate mitigation is proposed. City staff has reviewed the technical memorandum prepared by the consultant and is in agreement with the findings.

In general, concerns about the proposed project are related to the potential lowering of groundwater levels due to extraction and the likely impacts of groundwater replenishment. The project would induce lowering of groundwater levels, which could extensively impact the City's groundwater supply. This would have the effect of reducing the yield from the City's emergency well system. The impact of the proposed extraction on Hayward's wells is not adequately mitigated as presented in the DEIR. It is also

## **EXHIBIT C**

**OFFICE OF THE CITY MANAGER**

777 B STREET, HAYWARD, CA 94541-5007

TEL: 510/583-4300 • FAX: 510/583-3601 • TDD: 510/247-3340

possible that the City's wells (and other properties) could be adversely impacted by EDMUD's planned groundwater replenishment because of a resulting rise in the water level or "draw-up" from abandoned wells that may exist but are not identified. The DEIR does not describe mitigation for this potential problem, but rather specifies that monitoring of groundwater levels will be used to identify problems and speculates that solutions to the problems can be implemented when they are detected. It is important from the City's perspective that feasible mitigation measures be investigated and specified for both of these potential impacts in the environmental documents.

I respectfully request that the DEIR be revised to fully address the City's concerns regarding the proposed Bayside Groundwater Project.

Sincerely,

Jesús Armas  
City Manager

**EXHIBIT C**

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION AUTHORIZING CITY MANAGER TO  
RESPOND TO EAST BAY MUNICIPAL UTILITIES  
DISTRICT REGARDING THE DRAFT ENVIRONMENTAL  
IMPACT REPORT FOR THE BAYSIDE GROUNDWATER  
PROJECT**

WHEREAS, East Bay Municipal Utilities District (EBMUD) is considering the Bayside Groundwater Project to provide a supplemental water supply for its service area during periods of drought and a Draft Environmental Impact Report was prepared and circulated to interested parties, including the City of Hayward, for comment by August 6, 2001; and

WHEREAS, the firm of Luhdorff & Scalmanini was retained by staff to review the DEIR to consider how the proposed project impacts the City's preparations for emergency water service and to make a determination as to whether all of the potential impacts on Hayward's wells had been addressed and appropriate mitigation proposed; and

WHEREAS, Luhdorff & Scalmanini forwarded to staff a technical memorandum detailing issues that, in their opinion, had not been properly addressed in the DEIR or significant impacts for which inadequate mitigation was proposed, and staff is in agreement with their findings and believes that it is in the best interest of the City to provide comprehensive comments to EBMUD and request that the DEIR be revised.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to forward comments to EBMUD regarding the DEIR prepared for the Bayside Groundwater Project and request that the DEIR be revised to address the City's concerns to interested parties for comment.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward