



Planning and Development Department  
Toxics Management Division

February 23, 2009

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Environment, Health  
and Safety - UCB

Mark Freiberg, CIH, CSP  
Director  
Office of Environment, Health and Safety  
University of California, Berkeley  
University Hall, 3<sup>rd</sup> Floor  
Berkeley, CA 94720

Subject: Agreement for Permitting of Drilling Activities

Dear Mr. Freiberg:

The Toxics Management Division (TMD) has considered Greg Haet's opinion of December 3, 2008 (attached) and proposal for the City of Berkeley's role in the permitting of soil borings and wells on UC Berkeley properties. The TMD is in general agreement with Mr. Haet's proposal. The TMD consulted with representatives of the Regional Water Quality Control Board. The following conditions were prepared to memorialize permit conditions for various types of soil boring activities and well construction.

Conditions requiring permits from the City of Berkeley, TMD:

- Groundwater monitoring wells installed for the purpose of measuring chemical impacts or assessment of contaminants;
- Piezometer installations;
- Other permanent or temporary wells and borings installed with the primary purpose of collecting hydrologic information; and
- Proper closure or destruction of permitted installations.

Conditions exempt from permits from the City of Berkeley, TMD:

- Construction site dewatering wells, hydraugers, or similar dewatering installations;
- Boreholes advanced for assessment of archeological resources;
- Geotechnical soil borings;
- Environmental soil borings; and
- Other soil borings or excavations with the primary purpose of collecting information on soil.

The TMD is authorized to direct the investigation and remediation of releases associated with the underground and aboveground storage of petroleum products. Investigations of these cases will require permitting and inspection for the installation of groundwater monitoring wells. Permits will be required as proposed above.

The intent of the City of Berkeley well and soil boring permitting ordinance is to prevent unintentional impacts to groundwater resources from contaminants that may be introduced through the improper construction or installation of soil borings, dewatering devices, probes, and investigative boreholes. In consideration of this concern, TMD recommends that UC Berkeley implement standard operating procedures for the proper sealing of the permit-exempt soil boring, wells, and other drilling activities that are not permitted by the TMD. These procedures could be incorporated into requests for proposals to allow a degree of certainty that groundwater resources are protected. UC Berkeley may also consider the use of a special inspector or other policies to ensure the appropriate sealing of boreholes, dewatering wells, and other permit-exempt installations.

Please contact Geoffery Fiedler or me at (510) 981-7460 with any questions.

Sincerely,



Nabil Al-Hadithy  
Hazardous Materials Manager

CC:

RWQCB, John Wolfenden, 1414 Clay Street, 14th Floor, Oakland, CA 94612

DTSC, Barbara Cook, 700 Heinz Street, Berkeley, CA 94710

Dept. of Water Resources, David Sandino, P.O. Box 942836, Sacramento, CA 94236

Alameda County Public Works Agency, James Yoo, 399 Elmhurst Street, Hayward, CA 94544

**Fiedler, Geoff**

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**From:** Greg Haet [gjhaet@berkeley.edu]  
**Sent:** Wednesday, December 03, 2008 8:01 AM  
**To:** Al-Hadithy, Nabil  
**Cc:** Lear, Meridith; Fiedler, Geoff; Cowan, Zach; Anthony Garvin; Mark B. Freiberg; mcole@cp.berkeley.edu  
**Subject:** RE: Berkeley Authority

Dear Nabil,

I have reviewed your response with our legal and project management staff.

We concur with your assertion that some soil borings may reveal hydrologic information as you state below. However, obtaining hydrologic information is not the "purpose" of environmental or geotechnical soil borings. Environmental borings are made for the purpose of collecting information on the concentration of contaminants in soil. Geotechnical borings are used to conduct mechanical testing on soils, such as compressibility, strength, and soil type.

Additionally, Section 13710 of the Water Code expressly excludes: "wells used for the purpose of (1) dewatering excavations during construction, (2) stabilizing hillsides or earth embankments," from the definition of well or water well. As a consequence, construction dewatering wells are not subject to the permit or construction standards of other wells.

The University is interesting in bringing this issue to closure so that we may provide clear guidance to our project managers. I propose that we split the list of common borings and wells into two categories: those where the University will obtain City of Berkeley permits and those where permits or other City oversight is not required.

Permits Required

monitoring wells (to measure the concentration in groundwater of chemical contaminants or other parameters)  
piezometer installations  
other permanent or temporary wells installed with the primary purpose of collecting hydrologic information

No Permits or City Regulation

construction site dewatering wells  
archeological borings  
geotechnical soil borings  
environmental soil borings  
other soil borings or excavation with the primary purpose of collecting information on soils

Please review this with others in the City. I look forward to hearing from you.

Thanks,  
Greg

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Greg Haet  
Associate Director, Environmental Protection  
Office of Environment, Health & Safety  
University of California, Berkeley  
317 University Hall #1150  
Berkeley, CA 94720-1150

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