

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401**

DRAFT RESOLUTION NO. R3-2011-0215

**RESOLUTION IN SUPPORT OF SAN BENITO COUNTY LOCAL AGENCY
ORDINANCE TO CONTROL SALINITY INPUTS FROM RESIDENTIAL AND
INDUSTRIAL SELF-REGENERATING WATER SOFTENERS**

The California Regional Water Quality Control Board, Central Coast Region (hereinafter, Central Coast Water Board), finds that:

1. On February 3, 2009, the State Water Resources Control Board adopted the Recycled Water Policy (Resolution No. 2009-0011). It is the intent of the policy that salts and nutrients from all sources be managed in a manner that ensures attainment of water quality objectives and protection of beneficial uses. The State Water Board found that the appropriate way to address salt and nutrient issues is through the development of regional or sub-regional salt and nutrient management plans rather than through imposing requirements solely on individual recycled water projects.
2. On October 11, 2009, the State of California enacted Water Code Section 13148, relating to water softeners. This new law authorizes any local agency that owns or operates a community sewer system or water recycling facility to take action, by ordinance or resolution, after a public hearing on the matter, to control salinity inputs from residential self-regenerating water softeners to protect the quality of the waters of the state, if the appropriate regional board makes a finding that the control of residential salinity input will contribute to the achievement of water quality objectives. Water Code Section 13148 allows local agencies more control over salinity by giving local agencies additional authority to regulate residential self-regenerating water softeners, especially in areas of the state with water bodies adversely impacted by salinity and high use groundwater basins that are hydrogeologically vulnerable to contamination.
3. The Pajaro River Watershed and the groundwater basins of Bolsa, Bolsa SE, San Juan, Hollister West, Hollister East, Tres Pinos, and Pacheco face water quality challenges due to salinity issues from legacy pollution resulting from agricultural and other activities and new discharges of waste from ongoing activities. Producing high quality recycled water is imperative to the regional initiative within the City of Hollister's service area to maximize beneficial reuse of recycled water through landscape irrigation, agricultural irrigation, industrial reuse, and groundwater recharge. Reuse of recycled water is a critical component of the regional plans to reliably meet current and future water needs for the cities of Hollister and San Juan Bautista and Tres Pinos and other communities within San Benito County.
4. The Water Quality Control Plan for the Central Coast Region (Basin Plan) currently has in place plans and policies; Chapter 5 sections V.C and V.H.8, Salt Discharge and Salinity Management for Central Coast Water Board. These plans and policies emphasize the control of brine disposal into public sewer systems, actively support measures designed to protect and to improve quality of waters imported into areas

with unfavorable or poor salt balance, and support actions by municipalities to implement salt source control measures. These plans and policies are based on considerations of the factors specified in Water Code Section 13241 and State Water Board Resolution 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California, also known as the "Anti-degradation Policy"), as well as the economic implications of them.

5. The Hollister Urban Area Water and Wastewater Master Plan and Coordinated Water Supply and Treatment Plan¹ (Master Plan, adopted 2008) is scheduled to be completed in three phases: near-term (2015), intermediate (2023), and long-term (buildout). The Master Plan was developed through a memorandum of understanding among the City of Hollister, San Benito County, San Benito County Water District, and Sunnyslope County Water District (MOU). The overall purpose of the Master Plan is to:

- Improve the quality of municipal drinking water, industrial supply, and recycled water for urban and agricultural irrigation users.
- Provide a reliable and sustainable water supply to meet the current and future demands of the Hollister urban area.
- Implement goals for the Hollister Water Reclamation Facility to be the primary wastewater treatment plant for incorporated and unincorporated lands in the Hollister urban area to protect groundwater quality and public health.

The Master Plan recognizes the need to reduce total dissolved solids entering its wastewater treatment plants in the Hollister urban area and in unincorporated areas from all sources and includes the requirement that the MOU regulate the use of new and existing residential self-regenerating water softeners to the extent allowed by law (including provision of incentives for the removal of on-site residential self-regenerative water softeners and encouragement of the use of exchange canisters and other water softener technology that does not introduce salt into the residential sewer system).

The Central Coast Water Board finds that a San Benito County local agency water softener ordinance would protect beneficial uses and provide maximum benefit to the users of the Pajaro River Watershed and the groundwater basins of Bolsa, Bolsa SE, San Juan, Hollister West, Hollister East, Tres Pinos, and Pacheco and to the State of California.

6. The City of San Juan Bautista conducted a salt reduction² study in 2004 due to chronic salts violations of its wastewater discharge requirements. A salt analysis performed through a community survey and mass balance calculations (SJB Study) indicates removal of on-site, self-generating water softeners will have the most impact in reducing salts in wastewater effluent. Salt loading through the use of water softeners

¹ HDR. *Hollister Urban Area Water and Wastewater Master Plan*. Produced by City of Hollister, San Benito County, San Benito County Water District, and Sunnyslope County Water District. November 2008

² Bracewell, L. (Bracewell Engineering Inc.). *City of San Juan Bautista Salt Reduction Project Report*. November 17, 2004.

within the City of San Juan Bautista adds an additional seven tons per year into its wastewater stream. The SJB Study showed replacement of water softeners to be infeasible at the time since a City ordinance prohibiting existing residential self-regenerating water softeners was protected under State law at the time. The City of San Juan Bautista has been in violation of its waste discharge requirements for the past five years and have been fined over \$45,000 by the Central Coast Water Board for not meeting its effluent limits. With the enactment of Water Code Section 13148, the City of San Juan Bautista may move forward with the recommended project solution to reduce salts in their effluent and avoid further minimum mandatory penalties by the Central Coast Water Board.

7. In January 2007, the Water Resource Association (WRA) of San Benito County conducted a technological and economic feasibility study³ assessing alternatives to an ordinance limiting or prohibiting water softeners per section 116786 of the Health and Safety Code in the City of Hollister and in the communities of Ridgemark Estates and Cielo Vista Estates. The study found that the residential use of self-regenerating water softeners contributed at least 46% of the controllable salt inputs. It also determined that only by implementing an ordinance prohibiting brine-discharging water softeners can the salinity in the Hollister and Ridgemark Estates wastewater treatment plants be significantly reduced to meet their discharge requirements. At the time of the study, the WRA and San Benito County determined an ordinance cannot require removal of existing residential brine discharging water softeners by existing owners but can be applied to replacement water softeners and probably when residences are sold.

The study included a draft ordinance prohibiting brine discharging water softening appliances in non-residential applications and prohibiting the installation in residential applications.

8. In December 2006, the board of directors of the San Benito County Water District unanimously approved a memorandum of understanding between the Santa Clara Valley Water District and the San Benito County Water District for a water softener rebate program. The water softener rebate program provides an incentive to homeowners in San Benito County to upgrade, replace, or remove pre-1999 water softeners. The cash incentive provides \$150 to upgrade to new low-salt technology, \$250 to replace with a unit that does not self-regenerate, or \$300 to remove the water softener altogether. As of December 2010, a total of 377 rebates have been processed so far with the program.
9. It is appropriate for San Benito County local agencies to enact an ordinance controlling the use of residential self-regenerating water softeners.
11. The Central Coast Water Board is responsible for ensuring that present and potential beneficial uses applicable to the groundwater basins in the region are protected from the pollution and nuisance that may occur as a result of waste discharges.

³ Bracewell, L. (Bracewell Engineering Inc.). *A Technological and Economic Feasibility Study of Alternatives to Limiting or Prohibiting Water Softeners Per Section 116786 of the Health and Safety Code*. January 2007.

12. The previously described regional studies provide a direct benefit to the Central Coast Water Board's surface water and groundwater protection efforts in the Pajaro River Watershed and underlying groundwater basins, consistent with the vision of Healthy Watersheds and measurable goal of Clean Groundwater.
13. The Central Coast Water Board finds that the control of residential use of self-regenerating water softeners will contribute to the achievement of the water quality objectives approved in the Basin Plan. This finding is based on evidence in the records of the Central Coast Water Board, as described in this Resolution, demonstrating that salinity input from residential use of self-regenerating water softeners is a significant source of controllable salts within the County of San Benito and there are regional economic impacts if residential use of self-regenerating water softeners is not controlled.
14. The Central Coast Water Board has issued Waste Discharge Requirements Order Nos. R3-2008-0069 to the City of Hollister, R3-04-0065 to Sunnyslope County Water District, R3-87-115 to Cielo Vista Estates CSA No. 22, R3-2004-0153 to Rancho Larios CSA No. 45, and R3-2009-0019 to City of San Juan Bautista. As authorized by California Water Code section 13148(e), this Resolution amends Waste Discharge Requirements Order Nos. R3-2008-0069, R3-04-0065, R3-87-115, R3-2004-0153, and R3-2009-0019, to add a finding as set forth in paragraph 13 of this Resolution.

THEREFORE, BE IT RESOLVED THAT:

1. It is appropriate for San Benito County local agencies to control salinity input from residential self-regenerating water softeners to protect the quality of the waters of the State. San Benito County local agency representatives shall update, as necessary, the city or county ordinance or other local agency regulatory ordinances. The ordinance shall give San Benito County local agencies the authority to implement and enforce the ordinance regulating self-regenerating water softeners.
2. Waste Discharge Requirements Order Nos. R3-2008-0069, R3-04-0065, R3-87-115, R3-2004-0153, and R3-2009-0019 are hereby amended to include the following finding:

“The Central Coast Water Board finds that the control of residential use of self-regenerating water softeners will contribute to the achievement of the water quality objectives approved in the Basin Plan. This finding is based on evidence in the records of the Central Coast Water Board, as described in this Resolution, demonstrating that salinity input from residential use of self-regenerating water softeners is a significant source of controllable salts within the County of San Benito and there are regional economic impacts if residential use of self-regenerating water softeners is not controlled.”
3. The Executive Officer is directed to transmit a copy of this Resolution to the State Water Board.

I, ROGER W. BRIGGS, Executive Officer of the California Regional Water Quality Control Board, Central Coast Region, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on December 1, 2011.

Executive Officer

Date

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