

**ORDINANCE NO. 13-79**

**AN ORDINANCE OF THE MISSION HILLS COMMUNITY SERVICES DISTRICT PROHIBITING THE INSTALLATION OF ON-SITE SELF-REGENERATING WATER SOFTENERS, REGULATING PREVIOUSLY INSTALLED SELF-REGENERATING WATER SOFTENERS, AND REPEALING ARTICLE II SECTION II OF ORDINANCE NO. 37.**

**WHEREAS**, the Mission Hills Community Services District ("District") is a special district formed pursuant to California Government Code Section 61000 et seq.; and

**WHEREAS**, pursuant to Government Code Section 61100(b), the District is authorized to collect, treat, and dispose of sewage, wastewater, recycled water and storm water; and

**WHEREAS**, pursuant to Government Code Section 61060(b), the District is authorized to make and enforce rules and regulations necessary for the administration, operation, and use and maintenance of its wastewater conveyance and treatment system; and

**WHEREAS**, pursuant to Regional Water Quality Control Board ("RWQCB") Waste Discharge Requirements Order No. 97-35, the District is authorized to discharge treated effluent into the Santa Ynez River sub-basin, subject to the terms, conditions and effluent limitations and standards set forth in the Waste Discharge Requirements Order No. 97-35; and

**WHEREAS**, the District Board of Directors ("Board") finds that regulation of influent to the District's wastewater conveyance and treatment facilities is necessary in order to protect the District's wastewater operations and the beneficial uses of the Santa Ynez River and to achieve compliance with the Waste Discharge Requirements Order No. 97-35; and

**WHEREAS**, pursuant to California Water Code Section 13148, the District is authorized, by ordinance, to take action to control salinity input from self-regenerating water softeners to protect the quality of the waters of the State; and

**WHEREAS**, Water Code Section 13148 authorizes the District to prohibit the installation of self-regenerating water softeners and to regulate existing self-regenerating water softeners; and

**WHEREAS**, on July 5, 1989, the District adopted Ordinance No. 37 establishing the District's rules and regulations regarding sewer and water connections and usage,

including, among other things, the prohibition of future hook-ups of self-regenerating water softeners to the District wastewater system; and

**WHEREAS**, Ordinance No. 37 was enacted prior to the enactment of Water Code Section 13148, which requires a finding to be made by the RWQCB with jurisdiction over the region that the control of residential salinity input will contribute to the achievement of water quality objectives in order for a local agency to take action to control salinity input from residential self-regenerating water softeners; and

**WHEREAS**, on May 3, 2012, the RWQCB adopted Resolution R3-2012-0017, which contains the finding required by Water Code Section 13148 that the control of residential self-regenerating water softener use will contribute to the achievement of the water quality objectives approved in the RWQCB Basin Plan for the region; and

**WHEREAS**, it is the intention of the District to amend its regulations by this Ordinance in order to comply with the requirements of Water Code Section 13148 and to strive for compliance with the terms, conditions, effluent limitations and standards set forth in Waste Discharge Requirements Order No. 97-35 and all other applicable laws and regulations; and

**WHEREAS**, a public hearing on the proposed Ordinance was held on September 11, 2013.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Directors of the Mission Hills Community Services District as follows:

**SECTION 1. Recitals.**

The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2. Purpose and Intent.**

The purpose and intent of this Ordinance is to protect the health, safety and welfare of the inhabitants of the District, to protect the beneficial uses of the Santa Ynez River and to strive to comply with the District's Waste Discharge Requirements Order No. 97-35 and all other applicable laws and regulations.

**SECTION 3. Findings.**

The District Board hereby finds that:

1. Pursuant to Waste Discharge Requirements Order No. 97-35, the District is authorized to discharge treated effluent into the Santa Ynez River sub-basin subject to the terms, conditions and effluent limitations and standards set forth in Waste Discharge Requirements Order No. 97-35.

2. On December 2, 2010, the District received a Notice of Violation from the RWQCB identifying violations of effluent discharge limits for the following: Total Dissolved Solids, Chloride and Total Nitrogen. The Notice of Violation states the District must take immediate actions necessary to ensure compliance with Waste Discharge Requirements Order No. 97-35.
3. The District desires to adopt and enforce regulatory requirements that limit the volumes and concentrations of total dissolved solids and saline discharges into the District's wastewater system.
4. Self-regenerating water softeners produce high saline wastewater concentrations and such wastewater, when discharged to the District's sewer system, contributes significantly to the elevated concentration levels of total dissolved solids, chlorides and sodium in effluent.
5. The District provides wastewater service to approximately 1,257 residential customers and eight commercial customers.
6. Use of self-regenerating water softeners is the most significant controllable source of saline entering the District's wastewater system.
7. There is an urgent need to reduce future discharges of high saline waste into District facilities for the immediate protection of the beneficial uses of waters of the State, including the District's groundwater sources and the preservation of public health and safety, and in order to prevent continued violation of the District's discharge limitations set forth in Waste Discharge Requirements Order No. 97-35.
8. The RWQCB made a finding at a public hearing held on May 3, 2012, that the control of residential salinity input will contribute to the achievement of water quality objectives. Specifically, the RWQCB amended the District's Waste Discharge Requirements Order No. 97-35 to include the following finding:

The Central Coast Water Board finds that the control of self-regenerating water softener use 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 self-regenerating water softeners is a significant source of controllable salts within the Mission Hills Community Services District. The water softener ordinance would protect beneficial uses and provide maximum benefit to the users of the Santa Ynez Watershed and the Santa Ynez groundwater sub-basin, Lompoc Upland and Lompoc Plain sub-units, and to the State of California. The Health and Safety Code sections 116785 and 116786 also address salt control.

9. The District hereby adopts all of the findings contained in the RWQCB's Resolution No. R3-2012-0017 in support of the District's Ordinance to control salinity inputs from self-regenerating water softeners. A true and correct copy of the RWQCB's

Resolution No. R3-2012-0017 is attached hereto as Exhibit "A" and incorporated herein by this reference.

10. The findings included in the RWQCB's Resolution No. R3-2012-0017 and incorporated herein have been substantiated by an independent study of discharges from all sources of salinity, including, but not limited to, residential self-regenerating water softeners into the wastewater collection system. A salt analysis performed through mass balance calculations and estimates regarding human consumption indicates approximately 47% of the salt loading at the wastewater treatment facility is from self-regenerating water softeners. This source also represents the majority of salt discharged from controllable sources, as the remainder is estimated to be from human waste. This study has been prepared in accordance with the requirements of Water Code Section 13148 and a copy of said study is on file at the District office located at 1550 East Burton Mesa Blvd, Lompoc, California 93436.

#### **SECTION 4. Definition.**

For purposes of this Ordinance, "self-regenerating water softener" means water softening equipment or conditioning appliances that discharge brine into a community sewer system.

#### **SECTION 5. Prohibitions.**

1. No person shall install or in any manner assist in the installation of an on-site self-regenerating water softener that discharges into the District's wastewater system.
2. All common interest developments must include a provision in the development's covenants, conditions and restrictions, which prohibits the installation of a self-regenerating water softener.
3. Every person who has a self-regenerating water softener that is installed upon his or her property or premises, and every person occupying or leasing the property or premises of another who has a self-regenerating water softener installed thereon, prior to the effective date of this Ordinance, that discharges into the District's wastewater system shall comply with the following:
  - A. Self-regenerating water softeners shall be set at a salt efficiency rating of no less than 2,900 grains of hardness removed per pound of salt used in regeneration when regeneration is initiated with clock controls or manually-initiated controls, or shall have regenerations initiated with demand devices; and
  - B. Self-regenerating water softeners shall be plumbed to hook up to hot water only; and
  - C. Self-regenerating water softeners shall not treat water that is used for landscape irrigation.

**SECTION 6. Exceptions.**

The District Board, upon recommendation of the General Manager shall have authority to allow medical and/or special exceptions to permit the installation of on site self-regenerating water softeners that discharge into the District's wastewater system.

**SECTION 7. Enforcement.**

The General Manager of the District shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated to persons acting in the beneficial interest of or in the employ of the District. The General Manager shall enforce this Ordinance by (1) performing public outreach to inform residents of the terms of this Ordinance and to encourage voluntary compliance; (2) monitoring flows within the District to determine the locations of self-regenerating water softeners; and/or (3) conducting inspections upon reasonable notice of any property or premises that discharges to the District wastewater system, subject to obtaining any inspection warrants as may be required by law.

**SECTION 8. Violation.**

Any violation of this Ordinance is a misdemeanor punishable by a fine of not to exceed \$1,000 or by imprisonment not to exceed six months or by both such fine and imprisonment. The District may discontinue water and sewer service to a customer violating this Ordinance.

**SECTION 9. Affect on Prior Ordinances.**

All ordinances, sections of ordinances and resolutions that are inconsistent with this Ordinance are hereby repealed, including, but not limited to, Article II, Section 2 of Ordinance No. 37.

**SECTION 10. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The District Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

**SECTION 11. Effective Date.**

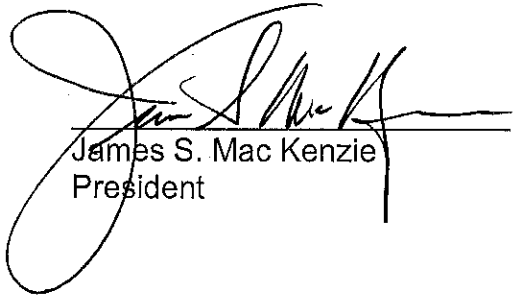
This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption.

**SECTION 12. Publication.**

A summary of this Ordinance shall be published in a newspaper and circulated in the District at least five (5) days prior to the Board of Directors' meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the District office. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those Directors voting for and against the Ordinance shall be published again, and the District shall post a certified copy of the full text of such adopted Ordinance.

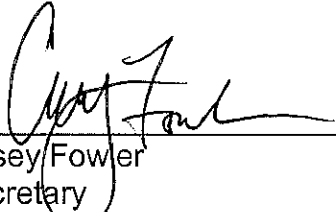
Introduced at a meeting of the Board of Directors on September 11, 2013, and passed and adopted by the Board of Directors of the Mission Hills Community Services District on the 13th day of November, 2013, by the following roll call vote:

AYES: Directors: Fasold, Mac Kenzie, and Naughton  
NOES: Director: Jones  
ABSENT: None  
ABSTAINING: Director: Hayes




James S. Mac Kenzie  
President

ATTEST:



Casey Fowler  
Secretary

APPROVED AS TO FORM:



Ziyad I. Naccasha, District Counsel

Attachments:  
Exhibit A-Regional Water Quality Control Board Resolution No. R3-2012-0017

Exhibit A

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

**RESOLUTION NO. R3-2012-0017**

**RESOLUTION IN SUPPORT OF MISSION HILLS COMMUNITY SERVICES DISTRICT  
ORDINANCE TO CONTROL SALINITY INPUTS FROM 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 self-regenerating water softeners to protect the quality of the waters of the state, if the appropriate regional water board makes a finding that the control of such 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 groundwater basins that are hydrogeologically vulnerable to contamination.
3. The Water Quality Control Plan for the Central Coastal Basin (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 No. 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.
4. The Mission Hills Community Services District conducted a salt source determination study in 2011, due to chronic salts violations of its waste discharge requirements. A salt analysis performed through mass balance calculations and estimates regarding human consumption indicate approximately 47% of the salt loading at the wastewater facility is from self-regenerating water softeners. This source also represents the

majority of salt from controllable sources, as the remainder is estimated to be from human waste.

5. Salt loading through the use of self-regenerating water softeners within the Mission Hills Community Services District contributes to effluent discharge violations. The Mission Hills Community Services District proposes to restrict the use of water softeners as a key component of its corrective actions plan. With the enactment of Water Code Section 13148, the Mission Hills Community Services District may move forward with the recommended project solution to reduce salts in its effluent and avoid further enforcement action by the Central Coast Water Board.
6. It is appropriate for Mission Hills Community Services District to enact an ordinance controlling the use of self-regenerating water softeners.
7. 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.
8. The previously described study provides for a direct benefit to the Central Coast Water Board's groundwater protection efforts in the Santa Ynez Watershed and underlying groundwater basins, consistent with the vision of Healthy Watersheds and measurable goal of Clean Groundwater.
9. The control of self-regenerating water softener use 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 self-regenerating water softeners is a significant source of controllable salts within the Mission Hills Community Services District. The water softener ordinance would protect beneficial uses and provide maximum benefit to the users of the Santa Ynez Watershed and the Santa Ynez groundwater sub-basin, Lompoc Upland and Lompoc Plain sub-units, and to the State of California. The Health and Safety Code sections 116785 and 116786 also address salt control.
10. The Central Coast Water Board has issued Waste Discharge Requirements Order No. 97-35 to the Mission Hills Community Services District. As authorized by California Water Code section 13148(e), this Resolution amends Waste Discharge Requirements Order No. 97-35, to add a finding as set forth in paragraph 9 of this Resolution.

THEREFORE, BE IT RESOLVED THAT:

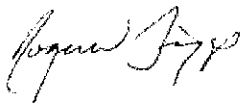
1. It is appropriate for Mission Hills Community Services District to control salinity input from self-regenerating water softeners to protect the quality of the waters of the State. Mission Hills Community Services District representatives shall update, as necessary, the district ordinance or other local agency regulatory tools. The ordinance shall give Mission Hills Community Services District the authority to implement and enforce the ordinance regulating self-regenerating water softeners.
2. Waste Discharge Requirements Order No. 97-35 is hereby amended to include the following finding:



"The Central Coast Water Board finds that the control of residential self-regenerating water softener use 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 self-regenerating water softeners is a significant source of controllable salts within the Mission Hills Community Services District. The water softener ordinance would protect beneficial uses and provide maximum benefit to the users of the Santa Ynez Watershed and the Santa Ynez groundwater sub-basin, Lompoc Upland and Lompoc Plain sub-units, and to the State of California. The Health and Safety Code sections 116785 and 116786 also address salt control."

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 a resolution adopted by the California Regional Water Quality Control Board, Central Coast Region on May 3, 2012.



Digitally signed by Roger W. Briggs  
DN: cn=Roger W. Briggs, o=RWQCB3,  
ou=CalEPA,  
email=rbriggs@waterboards.ca.gov,  
c=US  
Date: 2012.05.07 15:09:02 -07'00'

Executive Officer