

ASSEMBLY BILL

No. 1366

**Introduced by Assembly Members Feuer, Caballero, and Audra
Strickland
(Coauthor: Assembly Member John A. Perez)**

February 27, 2009

An act to add Section 13148 to the Water Code, relating to water softeners.

LEGISLATIVE COUNSEL'S DIGEST

AB 1366, as introduced, Feuer. Residential self-regenerating water softeners.

Existing law requires the State Water Resources Control Board to formulate and adopt state policy for water quality control. California regional water quality control boards are required to establish water quality objectives in water quality control plans. Under existing law, a local agency, by ordinance, may limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the community sewer system if the local agency makes certain findings and includes them in the ordinance.

This bill would authorize any local agency that maintains a community sewer system within specified areas of the state to take action, by ordinance or resolution and after a public meeting, 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. The bill would state related findings and declarations of the Legislature, including findings and declarations concerning the need for special legislation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) Recycled water provides additional water supplies that are
4 a cost-effective and reliable method of helping to meet California's
5 water needs.
- 6 (b) The Water Recycling Act of 1991 established a statewide
7 goal to recycle a total of 700,000 acre-feet of water per year by
8 2000, and one million acre-feet of water per year by 2010.
- 9 (c) The 2005 California Water Plan indicates that the statewide
10 potential for recycled water use by 2030 is between 900,000
11 acre-feet to 1.4 million acre-feet per year. Based on this projection,
12 the state will fall far short of the goal of recycling one million
13 acre-feet per year by 2010, unless new policies are enacted to
14 accelerate recycled water use.
- 15 (d) Elevated levels of salinity in community sewer systems can
16 hinder needed water recycling projects, and discharges from those
17 systems may impair groundwater resources and surface waters of
18 the state.
- 19 (e) The State Water Resources Control Board's Recycled Water
20 Policy requires every region in California to develop a salt/nutrient
21 management plan by 2014 to assist regions in providing a clean
22 and abundant water supply.
- 23 (f) Existing law allows regulation of discharges from industrial,
24 commercial, and agricultural sources, but severely limits local
25 public agencies from regulating salinity discharges from residential
26 self-regenerating water softeners, which can discharge up to one
27 pound of salt per day.
- 28 (g) The California Water Recycling Task Force Report of 2003,
29 prepared by the Department of Water Resources and the State
30 Water Resources Control Board, recommends that current law be
31 changed to allow local public agencies more control over salinity
32 from residential self-regenerating water softeners.
- 33 (h) It is the intent of the Legislature to require local public
34 agencies to consider local economic issues and other community

1 input before taking action to regulate residential self-regenerating
2 water softeners.

3 (i) It is the intent of the Legislature, by enacting this act, to give
4 local public agencies additional authority to regulate residential
5 self-regenerating water softeners, especially in areas of the state
6 with water bodies adversely impacted by salinity and high use
7 groundwater basins that are hydrogeologically vulnerable to
8 contamination.

9 SEC. 2. Section 13148 is added to the Water Code, to read:

10 13148. (a) This section applies to the following hydrologic
11 regions as identified in the California Water Plan: Central Coast,
12 South Coast, San Joaquin River, Tulare Lake, and the Counties of
13 Butte, Glenn, Placer, Sacramento, Solano, Sutter, and Yolo.

14 (b) Notwithstanding Article 1 (commencing with Section
15 116775) of Chapter 5 of Part 12 of Division 104 of the Health and
16 Safety Code, if a regional board with jurisdiction over a region
17 identified in subdivision (a) makes a finding at a public hearing
18 that the control of residential salinity input will contribute to the
19 achievement of water quality objectives, any local agency that
20 maintains a community sewer system affected by the finding, may
21 take action by ordinance or resolution after at least one public
22 meeting to take into consideration local economic issues and other
23 community input, to control salinity inputs from residential
24 self-regenerating water softeners, to protect the quality of the
25 waters of the state. The finding may be made in any of the
26 following water quality actions adopted by regional board:

- 27 (1) Water quality control plans.
- 28 (2) Waste discharge requirements.
- 29 (3) Master reclamation permits.
- 30 (4) Water recycling requirements.
- 31 (5) Cease and desist orders.

32 (c) Actions to control residential self-regenerating water softener
33 salinity inputs authorized by subdivision (b) include, but are not
34 limited to, actions to do any of the following:

- 35 (1) Require that residential self-regenerating water softeners
36 sold within the jurisdiction of the local agency be rated at the
37 highest efficiency commercially available.
- 38 (2) Require that plumbing permits be obtained prior to the
39 installation of residential self-regenerating water softeners.

1 (3) Require that residential self-regenerating water softeners be
2 plumbed to hook up to hot water only.

3 (4) Require that potassium chloride be used in residential
4 self-regenerating water softeners instead of sodium chloride, if
5 water quality conditions warrant.

6 (5) Enact a voluntary “buy back” program for the removal of
7 existing residential self-regenerating water softeners, consistent
8 with existing law.

9 (6) Require the removal of previously installed residential
10 self-regenerating water softeners.

11 (7) Prohibit the installation of residential self-regenerating water
12 softeners.

13 (d) If a local agency adopts an ordinance or resolution to require
14 the removal of previously installed residential self-regenerating
15 water softeners pursuant to paragraph (6) of subdivision (c), the
16 local agency shall make available to owners of residential
17 self-regenerating water softeners within its service area a program
18 to compensate the owner of the residential self-regenerating water
19 softener for the reasonable value of the removed residential
20 self-regenerating water softener, as determined by the local agency.

21 (e) The regional board making a finding pursuant to subdivision
22 (b) shall base its finding on the evidence in the record. The standard
23 of judicial review required for a finding made pursuant to
24 subdivision (b) shall be the same as the standard of review required
25 for the water quality action in which the finding is made.

26 (f) This section does not require a local agency to adopt an
27 ordinance or resolution if a finding is made pursuant to subdivision
28 (b).

29 (g) This section does not limit the use of portable exchange
30 water softening appliances or limit the authority of a local public
31 agency to regulate the discharge from a centralized portable
32 exchange tank servicing facility into the community sewer system.

33 SEC. 3. The Legislature finds and declares that it is necessary
34 to address elevated levels of salinity in community sewer systems
35 in specified hydrologic regions of the state. It is therefore hereby
36 declared that a general law within the meaning of Section 16 of
37 Article IV of the California Constitution cannot be made applicable

- 1 to those specified hydrologic regions and the enactment of this
- 2 special law is necessary for the public good.

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