



City Council Agenda Item

City Council Meeting Date: March 19, 2019

TO: Jim Throop, City Manager

FROM: Brad Wilkie, Utility Director
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SUBJECT: Discussion of Medical Facility Exemption from Water Softener Requirements

Recommendation:

Staff recommends the City Council review and discuss requirements concerning water softening devices in the City.

Background:

At the February 5, 2019, City Council meeting, a City Council request was made to have a discussion concerning water softener requirements in the City, the State mandates and exemptions thereto, specifically for a medical facility, as well as any leeway provided within the Lompoc Municipal Code (LMC).

The Lompoc Regional Wastewater Reclamation Plant (LRWRP) operates under Waste Discharge Requirements (WDR) Order No. R3-2011-0211 of the Central Coast Regional Water Quality Control Board (Water Board) and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0048127 issued January 13, 2012. The LRWRP has been operating under an Administrative Extension of the NPDES permit since July 13, 2016, when the Water Board deemed the City's application for a successor NPDES permit complete. The Water Board has not yet issued a new NPDES permit for the LRWRP.

The 2012 NPDES permit provides for maximum discharge limits regarding salts and total dissolved solids as follows:

Total Dissolved Solids (TDS):	1,100 mg/L
Chlorides:	250 mg/L
Sodium:	270 mg/L

The City is required to report to the Water Board actual levels on a quarterly basis. The levels reported over the past two years have consistently been very close to the limits leaving no room for error or for additional salts in the system.

Discussion:

State Requirements

In order to stay within NPDES permit limits, the City prohibits the installation of both commercial and residential water softeners, unless a softener meets the discharge standards found in California Health & Safety Code (HSC) section 116785 or unless the softener is regenerated off-site by a water conditioning company (LMC 13.16.320).

California state law requires in order for a city to regulate or prohibit residential water softeners, that city must regulate or prohibit commercial water softeners “to the extent technologically and economically feasible” (HSC section 116786(a)(2)).

In other words, if the City did not regulate or prohibit commercial water softeners “to the extent technologically and economically feasible,” then the City would not be able to prohibit residential water softeners, the combination of which would likely increase the risk the City would exceed its NPDES permit limits for salts discharge.

LMC Requirements

LMC section 13.16.320 allows a water softener if it meets or exceeds the standards specified in HSC section 116785. Those standards are, in part:

- (2) An appliance installed on or after January 1, 2000, shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than 3,350 grains of hardness removed per pound of salt used in regeneration. An appliance installed on or after January 1, 2002, shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than 4,000 grains of hardness removed per pound of salt used in regeneration.

Other than the above exception for water softeners installed after the year 2000, and the exception for softeners regenerated off-site, an exception for medical facilities was not found in either the HSC or the LMC.

Permit Requirements

The City is required to follow Environmental Protection Agency (EPA) guidelines in order to maintain its NPDES Permit required by the State of California. Failure to comply with its NPDES Permit will subject the City to fines of up to \$10,000 per day or the possible

shutdown of the LRWRP. In addition to the compliance powers of the Water Board, the Clean Water Act allows any person to enforce NPDES permit violations in the courts.

Similar to the HSC and LMC, an exception was not found for medical facilities in the NPDES Permit.

Fiscal Impact:

The February 5, 2019, City Council request was to provide an opportunity to the City Council to discuss water softener requirements in the City, the State, and federal mandates and exemptions thereto, specifically for a medical facility, as well as any discretion provided within the LMC that does not violate any of the State or Federal mandates. While staff time and City Attorney services have been expended to prepare this staff report in order to facilitate the discussion requested, no other budgetary resources have been expended for the requested item.

Conclusion:

As requested at the February 5, 2019, City Council meeting, information has been provided related to the City's water softener requirements and State mandates. Additional information has been provided related to investigations made related to potential exemptions for medical facilities within the LMC.

Respectfully submitted,

Brad Wilkie, Utility Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager