

ORDINANCE NO. 01-05

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT RESTRICTING THE USE OF SELF-REGENERATING WATER SOFTENERS.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT AS FOLLOWS:

1. PURPOSE AND AUTHORITY. This Ordinance establishes rules and regulations intended to protect the quality of the waters of the State of California by reducing saline discharges from sources within the San Miguel Community Services District (“District”). The authority for this Ordinance is found at Chapter 5, Part 12, Division 104 of the Health and Safety Code, Government Code Sections 54739, 61612.5 and 61621.5, Water Code Sections 100 et seq., and other applicable law.
2. FINDINGS. The Board of Directors of the District hereby finds and determines the following:
 - a. The State of California legislature has found and declared that pollution prevention should be the first step in a hierarchy for reducing pollution and managing wastes, and to achieve environmental stewardship for society.
 - b. The District is subject to waste discharge requirements issued by the California Regional Water Quality Control Board (“Regional Board”) pursuant to Chapter 5.5 (commencing with Section 13370) of Division 7 of the Water Code which sets limits on concentrations of certain constituents, including total dissolved solids and saline discharges.
 - c. The District desires to adopt and enforce regulatory requirements that limit the volumes and the concentrations of total dissolved solids and saline discharges within the District’s sewer system to the extent technologically and economically feasible.

- d. Limiting the availability, or prohibiting the installation, of self-regenerating water softening appliances is one of the only available means of ensuring continued compliance with the District's waste discharge requirements established by Regional Board Order No. 99-046.
 - e. Self-regenerating water softeners produce high saline wastewater concentrations and such wastewater, when discharged to the District sewer collection system, contributes significantly to the elevated concentrations levels of total dissolved solids, chlorides and sodium.
 - f. 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 Regional Board Order No. 99-046.
3. RESTRICTIONS ON USE OF WATER SOFTENERS. No person shall install or in any manner assist in the installation of water softeners of the self-regenerating type that discharge into the District's sewer system or that discharge into a private sewer or community sewer system that is tributary to the District's sewer system or that discharge to land within the District.
4. EFFECT ON EXISTING WATER SOFTENERS. The restrictions on the use of self-regenerating water softeners shall be prospective in nature and shall not require the removal of self-regenerating water softening appliances that are installed before the effective date of this Ordinance. However, no existing self-regenerating water softening appliance or self-regenerating water softening appliance installed prior to the effective date of this ordinance shall be replaced, and such appliance shall only be allowed to remain in use for its current effective lifetime.
5. VIOLATION. Any violation of this Ordinance is a misdemeanor punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed thirty days. The District may discontinue water and sewer service to a customer violating this Ordinance.

6. ENFORCEMENT. The District Manager shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the District Manager may be delegated to persons acting in the beneficial interest of or in the employment of the District.
7. EXEMPTIONS. The District Manager shall have the discretionary authority to allow medical and/or special exemptions to permit discharging water softeners. Such authority shall not guarantee that the District will approve such special requests for exemption.
8. SEVERABILITY. If any provision of this Ordinance or the applicability thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid portion or application, and to that end the provisions of this Ordinance are severable.
9. EFFECTIVE DATE. This Ordinance shall become effective thirty days from the date of final passage.

PASSED AND ADOPTED by the Board of Directors of the San Miguel Community Services District on May 9, 2005, by the following roll call vote:

AYES: Buckman, Hamblin, Wimer, Jarvis, Harrison

NOES: None

ABSTAIN: None

ABSENT: None

Richard Harrison
President of the Board of Directors

ATTEST:

J. M. Ellison, General Manager
Secretary to the Board of Directors