



COUNCIL AGENDA: 05-20-08  
ITEM: 3.6

# Memorandum

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk 

**SUBJECT: AB 2270 (LAIRD) – RECYCLED  
WATER: WATER QUALITY**

**DATE:** 05-15-08

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## RECOMMENDATION

As recommend by the Rules and Open Government Committee of May 14, 2008 and outlined in the attached memo previously submitted to and approved by the Rules and Open Government Committee, adopt a position of support for AB 2270 (Laird) – Recycled Water: Water Quality.





# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** John Stufflebean

**SUBJECT:** SEE BELOW

**DATE:** 05-09-08

Approved

Date

5/9/08

**SUBJECT: AB 2270 (LAIRD) RECYCLED WATER: WATER QUALITY**

## RECOMMENDATION

It is recommended that:

1. The City Council support AB 2270 (Laird).
2. The Committee approve a one-week turnaround for Mayor and City Council review.

## OUTCOME

If the Rules and Open Government Committee and the City Council accept staff's recommendation, the City lobbyist will begin seeking support for AB 2270 (Laird).

## BACKGROUND

A number of local communities have recently taken steps to reduce sources of salt discharged to the wastewater treatment plants. Municipal, industrial, and agricultural use all increase the salinity of wastewater and salinity is generally not removed during the wastewater treatment process. As a result, high levels of salt in recycled water, an increasingly important supply in the Santa Clara County area, can reduce or even preclude some use of recycled water.

Notwithstanding the local interest in reducing salinity, state law currently requires that all other sources of salinity must be regulated before a city or water agency can restrict the usage of self-regenerating residential water softeners, despite the fact that these devices contribute, on average, more than one pound of salt per day per water softener and less harmful substitutes are readily available. AB 2270 enables local authorities to adopt ordinances to regulate the use of self-regenerating residential water softeners whenever a Regional Water Quality Control Board or the State Water Resources Control Board finds that control of residential salinity will contribute to achievement of water quality objectives, in this case, reduction of salinity. Control of water softeners would be accomplished by adding a section to the Water Code that sets aside

Section 116778, et seq., of the Health and Safety Code that gives preferential treatment to self-regenerating water softeners that are used in homes. In addition, AB2270 includes language requiring local recycled water producers to report their annual recycled water production to their regional boards in order to assist the state in meeting five-year recycled water targets.

### ANALYSIS

A fact sheet and analysis of AB 2270 is attached.

### COORDINATION

This memorandum was coordinated with the City Attorney's Office, the Intergovernmental Relations Director in the City Manager's Office, and the City's Legislative Representative in Sacramento.

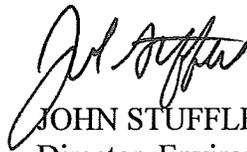
### POLICY ALIGNMENT

The attached fact sheet and analysis demonstrate that the proposed legislation is consistent with the Council-adopted 2008 Legislative Guiding Principles, and the Council-adopted guidelines.

#### **Promote Livability, Sustainable Development, and Environmental Protection**

1. Protect the environment through conservation and, preservation of natural resources, habitat, and improving the health of local watersheds.

10. Promote initiatives and secure funding that address water efficiency and regional, state and global initiatives (e.g. the Urban Environmental Accords).



JOHN STUFFLEBEAN  
Director, Environmental Services

For questions, please contact Eric Rosenblum, Division Manager, South Bay Water Recycling, at (408) 363-4721.

Attachment

## AB 2270 (Laird) – RECYCLED WATER: WATER QUALITY

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*What's the issue the bill is trying to resolve?*

Rising salt levels in water supplies is a serious problem in California – especially given the recent drought and impacts of climate change on the State's water supplies. In many areas, groundwater salinity has increased to the point that the State Water Resources Control Board has called for State-wide development of regional and local salt management plans. At the same time, increasing levels of salt in wastewater can reduce or even preclude the use of recycled water – the only new source of water available to the State, and a critical part of San José's and Silicon Valley's water future.

In addition to salt that enters state water supplies from a variety of sources, including municipal, industrial, and agricultural use, discharges of salt from self-regenerating residential water softeners contribute on average more than one pound a day per water softener (depending on the hardness of the source water and the efficiency of the water softener) to recycled water systems. Current law specifies that all these other sources of salinity must be regulated before a city or water agency can adopt an ordinance to restrict the usage of self-regenerating residential water softeners. Furthermore, current law states that a city or local agency must prove that there is **no other way** to comply with local water quality objectives before the use of self-regenerating residential water softeners can be controlled, despite the fact that less harmful substitutes for use in these water softeners are readily available. As a result, many communities are spending millions of dollars on desalting facilities and brine lines to remove salt from water supplies, only to have self-regenerating residential water softeners continue to put salt back into these water systems.

*How would the passage of this bill affect San José?*

AB 2270 enables local authorities to adopt ordinances to regulate the use of self-regenerating residential water softeners whenever a Regional Board or the State Water Resources Control Board finds that control of residential salinity will contribute to achievement of water quality objectives. This would be accomplished by adding a section to the Water Code that sets aside Section 116778, et seq., of the Health and Safety Code that gives preferential treatment to self-regenerating water softeners that are used in homes.

In addition, AB2270 includes language requiring local recycled water producers to report their annual recycled water production to their regional boards in order to assist the state in meeting five-year recycled water targets.

*What is staff's Proposed Position?*

Staff recommends that the City support AB2270.

*Who are the bill's supporters and opponents?*

The California Section of the Water Reuse Association, an agency supported non-profit advocating appropriate use of recycled water, is the sponsor of the bill as well as the Santa Clara Valley Water District.

*What is the current status of the measure?*

AB 2270 passed the Assembly Water, Parks and Wildlife Committee on April 16 and has been referred to the Assembly Appropriations suspense file.