

ORDINANCE NO. 1656

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING CHAPTER 23, ARTICLE II, DIVISION 5, SECTION 23-162 OF THE FONTANA MUNICIPAL CODE IN ITS ENTIRETY, PERTAINING TO SPECIAL RESTRICTIONS - WATER CONDITIONING DEVICES.

WHEREAS, pursuant to authority conferred by law including, but not limited to, Section 13148 of the California Water Code; Chapter 5, Part 12, Division 104 of the Health and Safety Code, and Assembly Bill No. 1366; the Regional Water Quality Control Board (RWQCB) adopted Resolution No. R8-2004-0001, the Basin Plan Amendment which included the salt and nutrient management plan for the Chino Basin and identified the need of regulating residential self-regenerating water softeners; and

WHEREAS, on March 18, 2010, the Regional Water Quality Control Board (RWQCB) adopted Order No. R8-2010-0008, which amended Inland Empire Utility Agency's (IEUA) Regional Recycling Water Permit, order R8-2009-002, which made the necessary finding on the basis of substantial evidence, that the control of discharge from residential on-site self-regenerating water softeners (SRW) into the collection system will contribute to the achievement of the water quality objectives set forth in the Basin Plan Amendment; and

WHEREAS, on July 20, 2011, IEUA amended its Regional Wastewater Ordinance No. 87, to restrict the installation, replacement or enlargement of residential SRW units that dispose of salinity to the community sewer system contributing to the IEUA regional sewer and to require the City adopting a similar restriction. The IEUA restriction does not apply to the portable exchange water softener which is regenerated off-site at a lawfully regulated facility, nor the removal of existing SRW units; and

WHEREAS, upon review of the Fontana Municipal Code, Chapter 23, Article II, Division 5, Section 23-162, it has been determined that an amendment is necessary to comply with the RWQCB objectives and IEUA restriction.

THE CITY COUNCIL OF THE CITY OF FONTANA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 23, Article II, Division 5, Section 23-162, is amended in its entirety to read as follows:

It is unlawful to install or cause to be installed, replace or enlarge any residential self-regenerating water softening appliance which is used for softening all or any part of the water supply to any premises, when such appliance is regenerated by the on-site application of a salt-containing brine solution with the regenerated wastes being discharged to the City's community Sewer System. This section shall not apply to any portable exchange water softener of the type which is regenerated off-site at a lawfully regulated location.

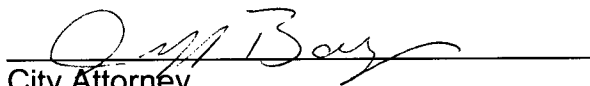
Section 2. Any provision of this Ordinance which is declared by a court of competent jurisdiction to be void, invalid or unlawful may be stricken from this Ordinance and the remainder of this Ordinance enforced in accordance with its terms. The City Council declares that it would have adopted this Ordinance, such severance notwithstanding.

Section 3. The City Council of the City of Fontana has determined that the project is Categorically Exempt pursuant to Section 15307 (Class 7, Actions by Regulatory Agencies for Protection of Natural Resources) of the California Environmental Quality Act (CEQA) Guidelines and has directed staff to file a Notice of Exemption.

Section 4. This Ordinance shall take effect thirty (30) days after the date of the adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published by the City Clerk at least once in The Sun, a local newspaper of general circulation, published and circulated in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

APPROVED AND ADOPTED this 13th day of March, 2012.

READ AND APPROVED AS TO LEGAL FORM:


City Attorney

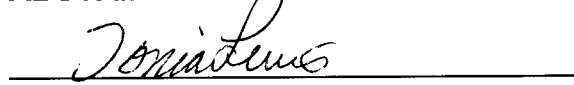
I, Toni Lewis, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting of said City Council on the 13th day of March, 2012, and was finally passed and adopted not less than five (5) days thereafter on the 27th day of March, 2012, by the following vote to wit:

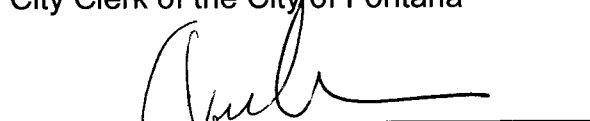
AYES: Mayor Warren and Council Members Roberts, Slowik, Tahan, and Wibert.

NOES: None.


ABSENT: None.

ABSTAIN: None.


City Clerk of the City of Fontana


Mayor of the City of Fontana

ATTEST:


City Clerk



Cucamonga Valley
Water District

CUCAMONGA VALLEY WATER DISTRICT

10440 Ashford Street
Rancho Cucamonga, CA 91730-2799
(909) 987-2591 Fax (909) 476-8032

MARTIN E. ZVIRBULIS
Secretary / General Manager/CEO

February 27, 2012

Mayor Acquanetta Warren
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

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Received
Feb 28 2012
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Subject: Inland Empire Utilities Agency Automatic Water Softener Ordinance – **Support**

Dear Mayor Warren:

On behalf of the Cucamonga Valley Water District (CVWD) I am pleased to write in support of the Inland Empire Utilities Agency's (IEUA) Automatic Water Softener Ordinance prohibiting the installation of self-regenerating water softeners within this region. CVWD also supports IEUA's efforts to encourage the removal of damaging water softener systems, as well as working with local cities to reinstate ordinances that prohibit future installation of harmful systems.

As a member agency of IEUA, we depend on the quality recycled water that is supplied throughout our service area. We have approximately 80 sites currently using recycled water that would be affected if there was a rise in salinity in the recycled water system. As we work to connect more sites to recycled water, it is important to have a constant and high quality supply. CVWD continues to promote the use of recycled water and optimizing the use of brine lines in the Chino Basin to control salinity impacts to our service area.

If you have any questions, or if we can be of further assistance, please do not hesitate to contact me at (909) 987-2591.

Sincerely,

Todd M. Corbin

Todd M. Corbin
Assistant General Manager

[Signature]

Cc: Ken Hunt, City Manager

KATHLEEN J. TIEGS
President

OSCAR GONZALEZ
Vice President

HENRY L. "HANK" STOY
Director

JAMES V. CURATALO, JR.
Director

RANDALL J. REED
Director



CHINO BASIN WATERMASTER

9641 San Bernardino Road, Rancho Cucamonga, Ca 91730
Tel: 909.484.3888 Fax: 909.484.3890 www.cbwm.org

February 23, 2012

Mayor Acquanetta Warren
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

Dear Mayor Warren:

On behalf of the Chino Basin Watermaster, I am writing to express our support for the Inland Empire Utilities Agency's (IEUA's) Automatic Water Softener Ordinance.

It is critical that we protect our local water supplies. Residential self-regenerating water softeners – the kind that uses rock salt or potassium chloride pellets – pose a serious water quality problem for our communities. Residents in the Chino Basin have access to alternatives to self-regenerating water softeners for home treatment of their water. These alternatives include the use of professional water softener exchange tank services that enable residents to use a salt-based device, and the salt is discharged to the brine line where it belongs.

The use of self-regenerating water softeners is recognized by the SARWQCB to be a significant source of salt within the Chino Basin. Each self-regenerating water softener discharges an average of 30 pounds of salt per month into IEUA's regional sewer system that ultimately impacts recycled water and groundwater supply quality. With an estimated 18,000 households using self-regenerating water softeners within IEUA's service area, these devices discharge about 3,000 tons per year of salt – about 10% of all controllable sources of salt in IEUA's system.

Hundreds of millions of dollars have been invested by our communities over the past forty years in projects and programs to reduce the amount of salt impacting the Chino Basin, including stormwater capture, recharge, recycled water and groundwater desalter facilities. In particular, two brine lines have been constructed that enable industries and commercial enterprises that discharge significant amounts of salt to bypass IEUA's regional sewer system and send these salt-laden waters to coastal plants for treatment and release to the ocean.

Given the vital importance of protecting the Chino Basin's groundwater and the region's local water supplies, the Chino Basin Watermaster strongly supports the IEUA's Automatic Water Softener Ordinance that prohibits the future installation of self-regenerating water softeners within IEUA's service area.

Sincerely,


Bob Kuhn
Chino Basin Watermaster Chairman



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City Clerk's