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Hard Battle Over Water Softeners



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By DAVE ROBERTS

The battle over water softeners is boiling over in California. On the one side is the water-softener industry. It's joined by homeowners and businesses whose municipal water suppliers deliver them ["hard" water](#) — which has high concentrations of corrosive minerals, especially magnesium and calcium ions. The deposits are most visible when they cake on faucets, as shown in the second picture.

These people, about one in 10 Californians, insist that there really is no alternative to installing [water softener devices](#) to prevent "hard" water from rapidly corroding their appliances and fixtures.

On the other side are environmentalists who oppose water softening and even want to invade people's homes to seize the devices. They insist that water-softening devices release salt into the water, which ruins the environment, especially recycled water.

This is the first of a series of articles CalWatchDog.com will run on government crackdowns on water softeners in California.



Water Fight in the Legislature

“I’m very conflicted,” said Assemblywoman [Jean Fuller](#), R-Bakersfield, in 2009. She was discussing a bill by [Assemblyman Mike Feuer](#), D-Los Angeles, that would increase the regulation of water softeners to control salinity. “So I’m just going to hope that there are amendments you will take that won’t make me look like a communist if I vote for your bill.

“Especially, considering the fact that I’m going against the grain, some of the things that would ease the pain of the consumers would be appreciated. And certainly not to criminalize the consumers would be good. I have never used a water softener, but in some areas it’s unlivable without one. So I like the idea of local control. I hope that you will work to minimize the roar, so that when it gets to the governor’s office it will be smooth sailing.”

[AB 1366](#) did sail smoothly through the Democratic-controlled Legislature and gained Gov. Arnold Schwarzenegger’s signature, although he had vetoed [AB 2270](#), a similar but broader bill, the previous year.

Criminalizing Consumers

But Fuller was justified in her concern about the potential criminalization of consumers in the regulation of water softeners. In August the [Santa Clarita Valley Sanitation District](#), which has banned softeners, announced that it will be conducting home inspections and may slap violators with a \$1,000 fine.

For the past two decades, a war has been waged between a coalition of environmentalists, water and sanitation districts and farmers who have sought to reduce salinity in recycled water by targeting salt-based water softeners, and the [\\$500 million California water softener industry](#), which believes it’s being unfairly targeted because water softeners account for only 10 percent of the salinity problem. The industry argues that there are no sufficient alternatives to salt-based systems.

In the 1990s, the ordinances passed by California municipalities restricting water softeners were invalidated by lawsuits brought by the water softener industry. The anti-softener coalition fought back and has gained the upper hand in the past decade. The

opening salvo was launched by the [California Recycled Water Task Force report](#) in 2003, which called for renewed regulation of water softeners in order to increase the recycled water supply.

Recycled water is used for a variety of purposes, including landscape irrigation in highway medians, golf courses, parks and schoolyards. Industrial uses include power station cooling towers, oil refinery boilers, carpet dyeing, recycled newspaper processing and laundries. Agricultural uses include the irrigation of produce, pastures for animal feed and nursery plants. Recycled water has even made its way into office buildings for toilet flushing.

“California has the potential to recycle up to 1.5 million acre-feet per year of water by the year 2030,” the task force report noted. “This could free up freshwater supplies to meet approximately 30 percent of the household water needs associated with projected population growth.”

Excluding Salt

But one of the challenges, in addition to the \$11 billion infrastructure cost to produce and deliver recycled water, is keeping out salt.

“Over the last few decades, increasing numbers of residents in California have installed water softeners in their homes to reduce problems caused by hard water,” the report stated. “Unfortunately, the use of softeners, particularly onsite, self-regenerative water softeners, has led to increased salt in the water that is recycled from municipal wastewater. Any salt added to recycled water can push recycled water agencies into non-compliance with their water quality permits and make the recycled water unmarketable for irrigation use, currently the primary use throughout the state, and for some industrial uses.”

In 2006 state Sen. [George Runner](#), R-Antelope Valley, authored [SB 475](#), which enabled the Santa Clarita Valley Sanitation District, after voter approval ([Measure S](#)), to require the removal of all residential water softeners in order to reduce chlorides discharged into the Santa Clara River. It also required water-softener providers to turn over to the district their records of purchases by district residents. Nearly two-thirds of district voters approved Measure S. And in the last three years, the district has removed about 7,300 units.

“This has led to a very substantial decrease in the salt levels in the water leaving the district’s water reclamation plants,” said [Steve Maguin](#), chief engineer and general manager for the district. “Unfortunately, there are many illegal automatic water softeners still in the community, with an estimated 500 of them discharging to the sewer system.”

In August the district sent out 2,500 letters to residents suspected of having illegal automatic water softeners, notifying them that they have 30 days to apply for compensation of \$206 to \$2,000 (depending on the unit), and an additional 30 days to

remove the unit. Those who fail to respond can expect a knock on the door by a district inspector and a possible \$1,000 fine.

“This enforcement program will help remove the remaining automatic water softeners in the community,” said [Santa Clarita Mayor Marsha McLean](#). “It will further lower the salt concentration in the water going to the river and ultimately save Santa Clarita Valley residents and businesses a substantial sum of money.”

Letters for Freedom

When Feuer’s AB 1366 came to the Senate floor in September 2009, Runner spoke in opposition. First he responded to a comment by [Sen. Gloria Negrete McLeod](#), D-Chino, who had said, “When we cut services for the needy, for the helpless, the children, we get very few letters. However, take away somebody’s water softener, and we got tons of letters.”

Runner said, “Let me illustrate why it is that people respond to this. And that is, people enjoy their liberties and freedoms. And when you take liberties and freedom away from people, people respond. So, that’s why people write letters and make phone calls.”

He criticized expanding the water softener crackdown.

“There’s some technologies out there that may not take out 100 percent, but they take out 90 percent,” said Runner. “But yet under this particular bill that’s not good enough. And so I think we’re going to end up coming back. We’re going to end up looking at other kinds of programs and technologies, and we’re going to end up with a series of bills that try to leverage one program or one kind of technology over another, instead of just letting that be done on the local level like (my) previous bill did.”

The other senator concerned about the bill was [Roderick Wright](#), D-Los Angeles, who owns several apartment buildings, and said that eliminating water softeners would cost him \$8,000-\$10,000 each year to replace the pipes damaged by the area’s alkaline water.

“The water softener that I put on the system not only has protected my pipes, but in addition the water in the South Bay also eats up water heaters at the rate of two or three years,” said Wright. “In a normal setting, a water heater should last you 10 years. So the difficulty for me is that you’re asking me again to have to replace the pipes in my building. You’re asking me to vote to take eight grand a year out of my pocket.” Wright ended up not voting on the bill.

Targeted Bill

The strongest debate on AB 1366 took place at the [Assembly Water, Parks and Wildlife Committee](#) meeting in April 2009 in which Fuller made her comment about not wanting to look like a communist by supporting it.

Feuer pointed out that his bill is more targeted than the previous year's AB 2270 because it applies only to areas facing salinity problems. But those are large areas: the South Coast, Central Coast, San Joaquin Valley and half of the Sacramento Valley. Feuer said that, unlike AB 2270, his bill doesn't allow regulation of portable exchange water softeners, which don't discharge into sewers.

And he pointed out that the state was on track to fall more than two-thirds short of its goal of providing one million acre-feet of recycled water by 2010.

"So we are woefully short of where we need to go," said Feuer. "That's what this bill is designed to address. One of the goals of this bill is to deal with an issue of salt concentration in wastewater and enable us to use recycled water more readily. The major source of residential salt is the typical water softener. These automatic timer-controlled softeners use about 50 pounds (of salt) a month. This salt is a pollution source that impedes cost-effective recycling in our state."

Feuer said that since the task force's recommendation six years earlier to increase regulation of water softeners, "there have been very modest efforts in that regard so far. This is the next step. This says just in areas threatened by excess salinity, local agencies could bypass burdensome existing laws that give water softeners exalted protection above all else in the state right now, and they can pass ordinances that limit the contribution of self-regulating water softeners to salinity."

Strickland Support

Assemblywoman [Audra Strickland](#), R-Thousand Oaks, crossed party lines to support the bill.

"Many of you who have had the opportunity to travel through the San Fernando Valley and Oxnard plains know that agriculture is a vital part of Ventura County and the 37th Assembly District," said Strickland. "In fact, agriculture is a big part of our state's economy. Additionally, as many of you know who represent rural areas, the crops that farmers grow are quite vulnerable to the contaminants in our water supply. With increased salinity levels beginning to impair both ground and surface water, our agricultural industry is being threatened. It's important that we do all we can to prevent salts from all sources from entering our state's water system.

"Anyone who owns a water softener device has an obligation to ensure that any discharge from their appliance is completely contained within their property. There should be no right for anyone to leach contaminants to their neighbor's property. Please do not listen to those who might fear-monger or warn of house-to-house searches for contraband water softeners. We all know better that AB 1366 does not exceed the U.S. Constitution. In fact, AB 1366 does not require the removal of water softeners at all, but provides local government the tools to limit salinity from self-regenerating water softeners."

One of the opponents of AB 1366 was [Culligan](#), a leading water softener company. It was represented by [Gene Erbin](#), who told the committee, “Some of what you heard almost dumbfounds me and it’s not entirely accurate.”

He said that current law already allows municipalities to prohibit the installation of water softeners, as has occurred in Dixon and Santa Clarita. The difference is that each municipality has been required to make its own findings on the necessity of regulation. Whereas AB 1366 allows a regional board, perhaps encompassing hundreds of miles in area, to make a finding, which any jurisdiction in that region could use to step up its regulations.

Compromise Suggested

Erbin suggested a compromise that would require an increase in the efficiency of water softeners. “The notion that people who now use water softeners do it lawlessly and without any sensitivity to the environment is simply wrong,” he said. “There are efficiency standards in state law that have to be met. We are proposing increasing those. We also would relax the findings that local government has to make to prohibit the installation of water softeners.”

He also offered to provide matching contributions to the rebate programs encouraging replacement of old, inefficient units for new ones.

“And lastly, if it’s important to people, we would take the Santa Clarita Model, which was negotiated with Sen. Runner a few years ago, and extend it to all jurisdictions so that they could compel the removal of machines,” said Erbin. “Just so you know, previously very few if any local officials ever expressed interest in that. When that was put on the table years ago when negotiating existing law, they said, ‘No way in hell we are ever going into people’s homes and removing machines.’ So they didn’t want that authority.”

Also speaking against the bill was [Pete Conaty](#), representing the [Water Quality Association](#), which represents the water softener industry nationwide. He argued that it’s unfair to treat home water softeners the same as industrial, commercial and governmental units. He warned that districts like Santa Clarita may end up raising rates to upgrade treatment facilities, despite banning home water softeners. And he argued that the state should first clean up its own house.

“We don’t deny that California has great salinity problems,” said Conaty. “But why isn’t the state taking the lead in this? Why isn’t the state reducing its salinity output? The state is the largest issuer of salt in the state. They get salt in truckloads at prisons, hospitals and a few other places. All of their equipment is pretty darn old. The University of California at Davis was recently fined \$27,000 for too much salinity.”

But Erbin and Conaty’s concerns were pretty much brushed off by most of the committee.

Assemblywoman [Mary Salas](#), D-Chula Vista, noted that water softeners are important to have in areas with very hard water such as San Diego, but argued that the potential environmental damage outweighs the benefits.

“Yes, softened water in some areas does really make a difference in how your hair feels, how your clothes are washed,” said Salas. “But I think that the responsibility is with all of us to ensure that we protect our water supply in any way that we can. Water softeners only affect 10 percent of the water supply. To me, 10 percent of the water supply is huge. If there’s any way that we can reduce the damage or pollution to the quality of our water, we need to do it as responsible citizens of the state of California.”

As for Fuller’s concern about looking like a communist? Feuer smiled as he assured her, “I will come to your district, any time you want, to testify that you are not in fact a communist.”

In 2010, Fuller won election to the state Senate [representing the 18th District](#).

This is the first of two articles on the California battle over water softeners. The second is, [“Punch Hits CA Water Softening Industry.”](#)