

## NOTICE OF EXEMPTION

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Joddi Leipner, Santa Barbara County Public Works, Resource Recovery and Waste Management

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APN:** Not Applicable

**Case No.:** Not Applicable

**Location:** Laguna County Sanitation District service territory in the Orcutt and unincorporated areas of the Santa Maria Valley in the 3rd, 4th and 5th Supervisorial Districts

**Project Title:** Ordinance Amending Chapter 29 of the Santa Barbara County Code Relating to the Regulation of Water Softeners in the Laguna County Sanitation District

**Project Description:** The proposed project involves the adoption and implementation of an ordinance that would prohibit the installation of regenerating water softeners in all new development after its effective date. The action amends Article III of Chapter 29 of the County Code (Ordinance 4074) by adopting a new water softener control ordinance, as allowed by current state law, to control the use of water softeners when the regulatory body makes a finding that the salt from regenerating water softeners is detrimental to groundwater quality by impairing the beneficial uses of groundwater. The ordinance would prohibit the installation of regenerating water softeners in new development after March 1, 2012.

An incentive based temporary softener exchange program (regenerating exchanged for canister) would also be implemented for existing regenerating water softeners to remove 20% to 25% of the estimated 6,500 regenerating water softeners used by LCSD customers. If the goals of the exchange program are not met, the Board may consider modifications to the ordinance such as requiring higher efficiency softeners, the prohibition on the installation of any regenerating water softeners, or even the mandatory buy-back of regenerating water softeners.

Name of Public Agency Approving Project: Board of Supervisors and Board of Directors Laguna County Sanitation District

Name of Person or Agency Carrying Out Project: Martin Wilder, LCSD Utilities Manager

**Exempt Status:** (Check one)

- Ministerial  
 Statutory Exemption  
 Categorical Exemption  
 Emergency Project  
 Declared Emergency

**Cite specific CEQA and/or CEQA Guideline Section:** CEQA Guidelines Section 15308, Actions by Regulatory Agencies for the Protection of the Environment.

**Reasons to support exemption findings:** CEQA Guidelines Section 15308 (Class 8) consists of actions taken by regulatory agencies as authorized by state or local ordinance to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment. The exemption does not include construction activities and relaxation of standards allowing environmental degradation.

On October 11, 2009, the State of California Legislature enacted Water Code Section 13148, relating to water softeners. This law authorizes any local agency that owns or operates a community sewer system or water recycling facility to take action, by ordinance or resolution, to control salinity inputs from residential self-regenerating water softeners to protect the quality of the waters of the state. Consistent with this law the LCSD is undertaking the proposed project to control salt loading from self-regeneration water softeners.

Consistent with CEQA Guidelines section 15308, the proposed project involves the adoption and implementation of an ordinance prohibiting the installation of regenerating water softeners in new development and implementing a canister exchange program. The purpose of the ordinance and canister exchange program is to protect groundwater quality by reducing the total dissolved solids (TDS), chloride and sodium levels in the wastewater treated by the LCSD.

The majority of potable water supplied within the LCSD service territory comes from the Santa Maria Groundwater Basin as purveyed by the Golden State Water Company. Water from the groundwater basin is “very hard” and necessitates the extensive practice of water softening. The water softening process requires the addition of salts. The salt added to regenerating water softeners (used by 55% of LCSD customers) is discharged to the sewer. The District is regulated by the Regional Water Quality Control Board (RWQCB) and is required to reduce salt in the wastewater such that the treated water meets discharge standards to protect groundwater quality.

Several years ago under separate environmental review, the LCSD implemented plant improvements that included the installation of reverse osmosis for a portion

of the flow and a disposal well for the brine. While salt content in the treated water has been drastically reduced by the plant improvements, the concentration for chloride still exceeds the permitted level. Implementation of the proposed project is expected to further assist in reducing salt loading in the treated and recycled wastewater and help enhance and protect groundwater quality. The project would not involve any construction activities and would not relax environmental standards. Instead, the prohibition on new regenerating water softener units would provide more stringent control on salt loading as authorized under the State Water Code. Therefore the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15308.

Further, there is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

Section 15308 is a Class 8 categorical exemption therefore this exception does not apply.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The proposed project is expected to improve water quality by reducing salt loading in the wastewater treated and recycled by the LCSD. Implementation of the project is allowed under Water Code Section 13148 et seq. as enacted October 11, 2009. The proposed ordinance replaces Ordinance 4074 adopted by the board on November 10, 1992 as written into County Code Section 29-26. No significant cumulative impacts are expected; therefore this exception is not applicable.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

Implementation of the project is allowed under Water Code Section 13148 et seq. as enacted October 11, 2009. There are no unusual circumstances with respect to the location, scope or nature of the project such that there is a reasonable possibility that the project will have a significant effect on the environment. The proposed project is expected to improve water quality by reducing salt loading to the wastewater treated and recycled by the LCSD and thereby protect and improve groundwater quality. Therefore this exception does not apply.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

The proposed project (ordinance amendment prohibiting regenerating water softeners and canister exchange program) does not involve construction activities, would not impact scenic resources and does not involve scenic highways. Therefore this exception does not apply.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The proposed project (ordinance amendment prohibiting regenerating water softeners and canister exchange program) does not involve any hazardous waste sites. Therefore this exception does not apply.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

The proposed ordinance only affects new construction. The canister exchange program could involve homes which are older than 50 years and which may qualify as a historical resource. However, the exchange program is voluntary and replacement of the canisters should not result in any structural or physical changes that would impact historical qualities or change the historical significance of a residence. Therefore this exception does not apply.

Notice of Exemption  
Ordinance Amending Chapter 29 of the Santa Barbara County Code  
Regulation of Water Softeners  
Page 5

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Department/Division Representative: Joddi Leipner, Sr. Eng. Env. Planner  
Date: November 14, 2011

Acceptance Date: December 6, 2011

Date Filed by Clerk of the Board: \_\_\_\_\_

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