

**ASSOCIATION OF CALIFORNIA WATER AGENCIES
ASSOCIATION OF METROPOLITAN WATER AGENCIES
CALIFORNIA ASSOCIATION OF SANITATION AGENCIES
CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION
EASTERN MUNICIPAL WATER AGENCY
INLAND EMPIRE UTILITIES AGENCY
LAS CRUCES UTILITIES
NATIONAL WATER RESEARCH INSTITUTE
NATIONAL WATER RESOURCES ASSOCIATION
METRO WASTEWATER RECLAMATION DISTRICT
PLANNING AND CONSERVATION LEAGUE
SANITATION DISTRICTS OF LOS ANGELES COUNTY
SOUTHERN CALIFORNIA ALLIANCE OF PUBLICLY OWNED TREATMENT WORKS
SOUTHERN CALIFORNIA SALINITY COALITION
SOUTHERN CALIFORNIA WATER COMMITTEE
Tri-TAC
WATEREUSE ASSOCIATION
WATEREUSE ASSOCIATION, CALIFORNIA SECTION
WESTERN COALITION OF ARID STATES
WESTERN MUNICIPAL WATER DISTRICT**

July 21, 2011

Nancy Stoner, Acting Assistant Administrator
Office of Water
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mailcode 4101M
Washington, DC 20460

WaterSense Notification of Intent to Develop Efficiency and
Performance Specifications For Residential Cation Exchange Water Softeners

Dear Assistant Administrator Stoner:

The undersigned organizations remain deeply concerned about the Notification of Intent (NOI) to Develop Efficiency and Performance Specifications for Residential Cation Exchange Water Softeners proposed by EPA's WaterSense Program last November. We are writing to ask that you direct the WaterSense Program to stop work on development of this standard. Instead, we recommend EPA develop a more fully integrated approach that both protects our nation's water quality and promotes water efficiency.

Please understand that the undersigned organizations are all strong supporters of the EPA's WaterSense program, and many are WaterSense Partners. We actively promote the water efficient products endorsed by the EPA through this program. Last January we wrote to Assistant Administrator Silva to express our concerns about this effort.

However, we feel our concerns still have not been adequately addressed (see attached correspondence).

Typical Cation Exchange Water Softeners (also known as Self-Regenerating Water Softeners (SRWS)) used in homes are water intensive. These devices are also very effective at removing hardness from water, which means they are useful for protecting other water and energy efficient appliances from the impacts of calcium and magnesium that are found in local water supplies. For WaterSense to identify self regenerating water softeners as candidates for evaluation is understandable.

The problem is the amount of salt that this type of water softener discharges to the sewer system (or to septic systems), which can average over 1 pound of salt per day. From a national perspective, salinity is a significant water quality issue, contributing throughout the country to impairments in surface and groundwater supplies. The EPA's 303 (d) impaired waters list shows almost 1,800 listings across the country due to salinity or related compounds (including total dissolved solids, chloride, sulfates, conductivity and/or combinations of these compounds). High levels of salt entering sewer systems also threaten the ability of communities to use recycled water when salinity in these supplies rises to unacceptable levels.

Salt management is a major water challenge facing our nation, especially, though not exclusively, in the arid west. Many communities throughout the nation have found self-regenerating water softeners to be a significant contributor to pollutant loadings. Local and state agencies in California, Texas, Arizona, Montana, Kentucky, Michigan, Massachusetts, Connecticut and New Jersey and elsewhere have at one time enacted or are now contemplating laws, regulations and ordinances to limit or ban the use of self-regenerating water softeners.

Thank you for your consideration of our request to immediately withdraw the WaterSense Notification of Intent to Develop Efficiency and Performance Specifications For Residential Cation Exchange Water Softeners. We recommend EPA develop a broader framework for salt management and would be happy to work with you on this initiative.

Sincerely,



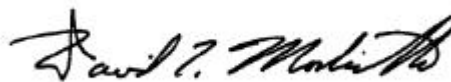
Tim Quinn
Executive Director
Association of California Water Agencies



Diane Van De Hei
Executive Director
Association of Metropolitan Water Agencies



Catherine Smith
Executive Director
California Association of
Sanitation Agencies



David Modisette
Executive Director
California Municipal Utilities Association

Anthony Pack
General Manager
Eastern Municipal Water Agencies

Thomas A. Love
General Manager
Inland Empire Utilities Agency

Joshua Rosenblatt

Joshua Rosenblatt
Regulatory and Environmental Analyst
Las Cruces Utilities

Jeff Mosher
Executive Director
National Water Research Institute

Barbara Biggs
Governmental Affairs Officer
Metro Wastewater Reclamation District

Thomas Donnelly
Executive Vice President
National Water Resources Association

Jonas Minton
Senior Water Policy Advisor
Planning and Conservation League

Philip L. Friess
Department Head, Technical Services
Sanitation Districts of Los Angeles County

John Pastore
Executive Director
Southern California Alliance of Publicly
Owned Treatment Works

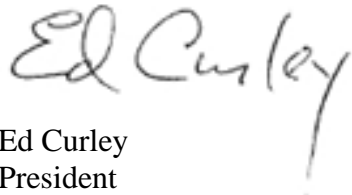
Jeff Mosher
Administrative Director
Southern California Salinity Coalition

Richard Atwater
Executive Director
Southern California Water Committee

Ben Horenstein
Chair
Tri-TAC

Wade Miller
Executive Director
WaterReuse Association

Dave Smith
Managing Director
WaterReuse California



Ed Curley
President
Western Coalition of Arid States



John Rossi
General Manager
Western Municipal Water District

cc:

Jim Hanlon, Director, Office of Wastewater Management
Sheila Frace, Director, Municipal Support Division, Office of Wastewater
Management
Veronica Blette, WaterSense Program, Office of Wastewater Management

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 8 2011

OFFICE OF
WATER

Mr. Philip L. Friess
Dept. Head, Technical Services
Sanitation Districts of Los Angeles County
P. O. Box 4998
Whittier, CA 90607-4998

Dear Mr. Friess:

Thank you for your letter of January 25, 2011, to Peter S. Silva, former Assistant Administrator of the U.S. Environmental Protection Agency's (EPA) Office of Water. Your letter expressed concern about a recent notice of intent (NOI) to develop a WaterSense specification for cation exchange water softeners and suggested that EPA include the use of non water-using technologies in the specification.

Your letter highlighted concern about the potential impact softeners could have on surface water quality. EPA understands the concerns that some communities are facing due to increased loading of chlorides from softeners used within their service areas. We also recognize that increased salinity and total dissolved solids are a concern in many surface waters across the country. There are many sources responsible for elevated salinity levels and a comprehensive assessment of sources and appropriate controls on a watershed basis is an important step in improving water quality.

Encouraging water efficiency, while also maintaining product performance, is a key objective of the WaterSense program. Our NOI process is intended to provide notice to the public that the WaterSense program believes there may be an opportunity for significant water savings through the development of efficiency and performance standards for products. There is no commitment on the part of the agency to develop a specification within a certain time period after release of the NOI, if at all.

Our concern is that the technologies proposed as an alternative to traditional water softening products are not well-defined or understood. Efforts are currently underway on several fronts that could potentially give the WaterSense program the certainty it needs to ensure that products would perform in accordance with consumer expectations. The program is continuing to follow these developments, carrying out discussions with interested parties, and conducting additional research of available information to help it come to a decision on next steps with respect to a specification.

APR 18 2011 AM 09:53

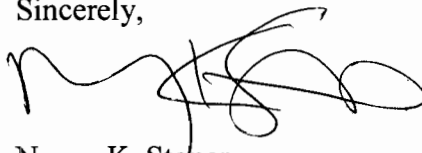
DUC #
[] Friess L.

Internet Address (URL) • <http://www.epa.gov>

EPA and the WaterSense program staff appreciates the support expressed in your letter because it is critical to the success of the program. In the time since your letter was received, staff has met with representatives of the Inland Empire Utilities Agency and Sanitation Districts of Los Angeles County, and I understand plans may be underway to convene a meeting to further discuss this issue. Your letter will also be added to the record and inform our decision-making process.

Again, thank you for your letter. We hope that we may continue to depend on your support and that of the broader water efficiency community as we work to expand awareness about water issues. If you have further questions, please contact me or your staff may call Sheila Frace, Director of the Municipal Support Division, at (202) 564-0749.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy K. Stoner', with a large, stylized flourish at the end.

Nancy K. Stoner
Acting Assistant Administrator

Association of California Water Agencies (ACWA)
Association of Metropolitan Water Agencies (AMWA)
California Association of Sanitation Agencies (CASA)
California Municipal Utilities Association (CMUA)
City of Phoenix, Water Services Department
City of Scottsdale, Water Resources
Clean Water Action
Inland Empire Utilities Agency
Las Cruces Utilities
Metro Wastewater Reclamation District
Multi-State Salinity Coalition
National Association of Clean Water Agencies (NACWA)
National Water Research Institute
National Resources Defense Council
Planning and Conservation League
Sanitation Districts of Los Angeles County
Southern California Alliance of Publicly Owned Treatment Works (SCAP)
Southern California Salinity Coalition
Southern California Water Committee
Tri-TAC
WaterReuse Association
WaterReuse California
Western Coalition of Arid States (WESTCAS)

January 25, 2011

Peter S. Silva, Assistant Administrator
Office of Water
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mailcode 4101M
Washington, DC 20460

Subject: WaterSense Notification of Intent to Develop Efficiency and Performance
Specifications for Residential Cation Exchange Water Softeners

Dear Mr. Silva:

The undersigned organizations are writing to call to your attention our concerns regarding the Notification of Intent (NOI) to Develop Efficiency and Performance Specifications for Residential Cation Exchange Water Softeners by the U.S. Environmental Protection Agency's (EPA's) WaterSense Program. For the reasons indicated below, we urge that the NOI be

Peter S. Silva
Page Two

expanded to include non-salt discharging appliances. We request the opportunity to meet with you, at your earliest convenience, to discuss potential solutions to these concerns. We believe that we can work with you to develop a fully integrated approach that will work for WaterSense Partners throughout the nation.

The undersigned organizations are all strong supporters of the Environmental Protection Agency's WaterSense program. We firmly believe in the importance of improving the water efficiency of appliances, buildings, and landscapes, and in the significance of creating an easily-recognizable "brand" for products with the highest water efficiency ratings. Indeed, many of the undersigned organizations are WaterSense Partners. We actively promote the water efficient products endorsed by the EPA through this program.

We understand that typical Cation Exchange Water Softeners (also known as Self-Regenerating Water Softeners (SRWS)) used in homes are water intensive. These devices are also very effective at removing hardness from water, which means they are useful for protecting other water and energy efficient appliances from the impacts of calcium and magnesium that are found in local water supplies. For WaterSense to identify self regenerating water softeners as candidates for evaluation is understandable.

The problem is the amount of salt that this type of water softener discharges to the sewer system on average 1 pound or more of salt per day. From a national perspective, this is a significant water quality concern, potentially contributing to impairments in surface and groundwater supplies. The EPA's 303 (d) impaired waters list shows almost 1,800 listings across the country due to salinity or related compounds (including total dissolved solids, chloride, sulfates, conductivity and/or combinations of these compounds). High levels of salt entering sewer systems also compromise the ability of communities to use recycled water when salinity in these supplies rises to unacceptable levels.

Salt management is a major water challenge facing our nation, especially, though not exclusively, in the arid West. The EPA, along with the Department of Agriculture and the Department of Interior, have congressional mandates for implementing programs to reduce salt impacts, including the Colorado River Salinity Control Act and the joint federal/California initiative to protect the San Francisco Bay Delta. In addition, these agencies, along with the U.S. Council on Environmental Quality, are promoting the use of recycled water as a water efficiency measure.

Many communities throughout the nation have found self-regenerating water softeners to be a significant contributor to pollutant loadings. Local and state agencies in California, Texas, Arizona, Montana, Kentucky, Michigan, Massachusetts, Connecticut, and New Jersey and elsewhere have at one time enacted or are now contemplating laws, regulations, and ordinances to limit or ban the use of self-regenerating water softeners.

Peter S. Silva
Page Three

Understandably, for those of us who have been working for decades and spending ratepayer dollars to reduce salt loadings into our systems, the possibility of an EPA WaterSense label limited to devices that discharge significant quantities of salt (even if the amount could be less than comparable softeners) is of profound concern. If approved as proposed by the NOI, such a WaterSense specification would preclude many WaterSense partners from promoting the water softener specification.

We have spoken with the WaterSense staff about this problem, and understand that the existing program guidelines currently preclude a better approach to identifying the appropriate water efficient product for the control of hardness or scale. Staff indicates that the WaterSense process is limited to a consideration of older technology that may be able to achieve a 20% or more improvement in water efficiency. *This means that the available alternative technologies (used in Europe and now starting to be introduced into the American market) that use neither water nor salt cannot be evaluated in the WaterSense Program – even though these appliances may achieve 100% water efficiency while protecting the nation’s water quality.*

Our recommendation is that the WaterSense program guidelines be modified to permit evaluation of non-water using technologies **and** that the NOI be revised so that the EPA can evaluate and compare salt and non-salt discharging appliances.

Admittedly, this will be a somewhat more extensive and challenging task than the evaluation contemplated under the NOI, but the benefits to the public and to the implementation of the Clean Water Act will be substantial.

In summary, we strongly believe that there is a better way to integrate EPA’s water resource and water quality goals through the WaterSense Program. We are committed to working with you and the WaterSense program to develop a broader water softener evaluation initiative.

Thank you for your consideration of our request to meet with you at your earliest convenience to discuss our concerns and a possible new joint initiative.

Sincerely,

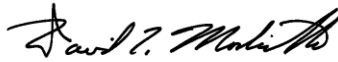


Tim Quinn
Executive Director
Association of California Water Agencies



Catherine Smith
Executive Director
California Association of Sanitation Agencies

Peter S. Silva
Page Four



David Modisette
Executive Director
California Municipal Utilities Association



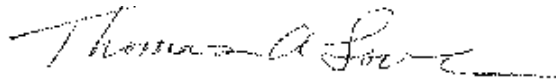
Marshal Brown
Water Resources Executive Director
City of Scottsdale



Jennifer Clary
Policy Analyst
Clean Water



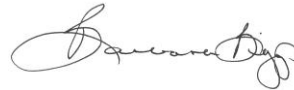
Edmund G. Archuleta
MSSC Chairman
President and CEO
El Paso Water Utilities



Thomas A. Love
General Manager
Inland Empire Utilities Agency

Joshua Rosenblatt

Joshua Rosenblatt
Regulatory & Environmental Analyst
Las Cruces Utilities



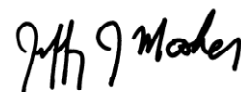
Barbara Biggs
Governmental Affairs Officer
Metro Wastewater Reclamation District



Ken Kirk
Executive Director
National Association of Clean Water Agencies
Owned Treatment Works



Ed Osann
Senior Policy Analyst
National Resources Defense Council



Jeff Mosher
Executive Director
National Water Research Institute



Jonas Minton
Senior Water Policy Advisor
Planning and Conservation League

Peter S. Silva
Page Five



John Pastore
Executive Director
Southern California Alliance of Publicly
Owned Treatment Works



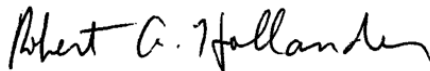
Richard W. Atwater
Executive Director
Southern California Water Committee



Mark R. Norton
Chair
Southern California Salinity Coalition



Ben Horenstein
Chair
Tri-TAC



Robert Hollander
President
Western Coalition of Arid States



Dave Smith
Managing Director
WateReuse California



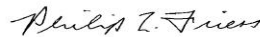
Wade Miller
Executive Director
WateReuse Association



Barbara Glaus
Acting Water Services Director
Phoenix Water Services Department



Diane Van De Hein
Executive Director
Association of Metropolitan Water Agencies



Philip L. Friess
Department Head, Technical Services
Sanitation Districts of Los Angeles County

cc: Nancy Stoner, Deputy Administrator
Bob Perciasepe, EPA Assistant Administrator for Water
Jim Hanlon, Director, EPA Office of Wastewater Management
Veronica Blette, WaterSense Program, EPA Office of Wastewater Management
Alexis Strauss, Director, EPA Region IX Water Division
Tom Howard, Executive Director, California Water Resources Control Board