

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS OF THE
DEPARTMENT OF WATER RESOURCES**

**REGARDING THE AMENDMENT OF THE
2019 CALIFORNIA PLUMBING CODE (CPC),
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

DWR 01/18

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) and Section 11347.1.

There were no changes made to the proposed regulations published during the 45-day public comment period to the final statement of reasons.

The California Department of Water Resources (DWR) has not added any additional data or any technical, theoretical or empirical studies, reports or similar documents on which the DWR relied on in proposing these amendments to Title 24, Part 5 into this Final Statement of Reason.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Government Code Section 11346.9(a)(2) and Part 7 of Division 4.

The California Department of Water Resources has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

DWR does not have authority to adopt regulations for school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3).

Some commenters provided comments during the 45-day public comment period applicable to amendments of several agencies. The following is a summary of the comments specifically applicable to DWR authority along with DWR's explanation for how changes were made in response to each comment, and reasons for making no changes, as specified:

General Comments

Name/Organization: Paul A. Weghorst / Irvine Ranch Water District

General Comment (Section is not specified). The commenter requests BSC, HCD, and DWR publish a single set of proposed code amendments.

Response: DWR acknowledges the commenter's concerns and understands the difficulty in reviewing multiple express terms proposed for adoption by different state agencies. However, DWR's authority is different from that of the other three agencies. DWR is not proposing to change the code adoption methodology.

Name/Organization: Paul A. Weghorst / Irvine Ranch Water District

General Comment (Section is not specified). The commenter suggests modification of the CPC to provide clarification associated with multi-jurisdictional situations with regard to the terms "Authority Having Jurisdiction" and "Enforcing Agency". Although the applicable sections were not specified, the terminology is found in the following sections within DWR authority: 1501.7, 1505.1, 1505.5, 1505.13, 1505.13.2.1, 1505.13.2.2, 1505.15.

Response: In regard to recycled water, there is clarifying language in Section 1505.1 that the "Authority Having Jurisdiction" and "Enforcing Agency" may be as provided on water supply permits and these entities may include the recycled water purveyors or potable water purveyors. DWR is not proposing amendments to this section during this cycle. DWR may consider reevaluating this issue in a future code cycle to add even greater clarity. Because the suggested code change is technical and substantive in nature, it would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy Code Advisory Committee.

Chapter 2. Section 205.0

Name/Organization: Paul A. Weghorst / Irvine Ranch Water District

Comment on 45-Day Items: The commenter suggests using the definition of "cross-connection" found in Title 17 section 7583(e).

Response: DWR acknowledges the commenter's concerns. The definitions are similar in meaning, however they are not identical. Because the suggested code change is technical and substantive in nature, it would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy Code Advisory Committee. DWR is not proposing amendments to this section during this cycle. DWR may consider reevaluating this issue in a future code cycle.

Chapter 15. Intent / 1501.0

Name/Organization: Madeline Wood / City of Santa Barbara

Comment on 45-Day Items: The commenter suggests retaining the Intent language by incorporating it into section 1501.0.

Response: The Intent purpose seems to not be warranted. The original Intent language explained the reason for the greywater standards. Currently the chapter addresses multiple alternative water classifications not just greywater. Additionally, if the regulations are prescriptive, the Intent is not necessary. However, language specifying the intent may be of some value to Authorities Having Jurisdiction to address new technologies or situations not addressed in the code. DWR may consider reevaluating this issue in a future code cycle. DWR is not proposing amendments to this section during this cycle. The suggested code change would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy Code Advisory Committee.

Chapter 15. 1501.2

Name/Organization: Madeline Wood / City of Santa Barbara

Comment on 45-Day Items: The commenter suggests deleting the word “licensed” in section 1501.2.

Response: The commenter is proposing an amendment to outdated language, the word licensed does not appear in the current code section. DWR is not proposing amendments to this section during this cycle.

Chapter 15. Section 1501.6

Name/Organization: Paul A. Weghorst / Irvine Ranch Water District

General Comment on 45-Day Items: Although the commenter did not cite a specific section, section 1501.6 contains language regarding requirements for operation and maintenance manuals to be supplied to building owners by the system designers or installers where nonpotable water systems are present. The commenter suggests removing additional requirements for operation and maintenance manuals as years of experience without manuals has occurred generally without incident. Additionally, the commenter believes the requirement for manuals could hamper the realization of the state’s recycle water use goals because of the cost of manual creation and publication, as well as program implementation.

Response: DWR believes it is appropriate that users of recycled water be provided with a manual for operation and maintenance of their systems including proper use of recycled water. To the extent that recycled water permits currently require similar

guidance, this section would not require the duplication of equivalent documents. While some local jurisdictions have sufficient oversight of recycled water supply systems, this may not apply to all communities serving recycled water. DWR is not proposing amendments to this section during this cycle. DWR may consider reevaluating this issue in a future code cycle. Because the suggested code change is technical and substantive in nature, it would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy Code Advisory Committee.

Chapter 15. 1503.3

Name/Organization: Madeline Wood / City of Santa Barbara

Comment on 45-Day Items: The commenter suggests the addition of using a reduced-pressure backflow prevention assembly, in addition to an air gap, if a connection is made between an untreated greywater water supply system and any of the following water supplies: potable water, recycled water, or on-site treated nonpotable water.

Response: DWR has evaluated the use of an RP device during the 2016 Intervening Code Adoption Cycle and determined that an RP device did not adequately protect the treated water supplies from contamination. DWR is not proposing amendments to this section.

Chapter 15. Section 1503.3. Exception 2

Name/Organization: Paul A. Weghorst / Irvine Ranch Water District

Comment on 45-Day Items: The commenter suggests requiring the use of a reduced-pressure backflow prevention assembly if a potable water supply is used to temporarily test a gray water system.

Response: DWR acknowledges the commenter's concerns. Because the suggested code change is technical and substantive in nature, it would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy Code Advisory Committee. DWR is not proposing amendments to this section, other than an updated code section referenced within existing language, during this cycle. DWR may consider reevaluating this issue in a future code cycle.

Chapter 15. Section 1504.7

Name/Organization: Shane Peters / City of Santa Monica

Comment on 45-Day Items: The commenter is concerned about the safety and maintenance of NSF 350 certified systems.

Response: DWR acknowledges the commenter's concerns. DWR does not have authority over on-site greywater systems and therefore is not proposing amendments to this section. DWR will bring the subject to the attention of the appropriate state agencies.

Chapter 15. Section 1505.4

Name/Organization: Paul A. Weghorst / Irvine Ranch Water District

Comment on 45-Day Items: The commenter suggests changing the text in three places.

1. The first text change is intended to specify the requirements apply only to "active" recycled water supply systems.
2. The second text change is to remove the option of using a reduced pressure principal backflow preventer when potable water is used as makeup water for a recycled water storage tank.
3. The third text change is intended to clarify the requirements apply only to "pre-activation" of the recycled water supply systems during initial testing.

Response: DWR acknowledges the commenter's concerns to add clarity.

Comments 1 and 3: DWR notes that the terms "active" and "pre-activation" are not defined in the plumbing code. Because the suggested code change is technical and substantive in nature, it would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy Code Advisory Committee. DWR is not proposing amendments to this section during this cycle. DWR may consider reevaluating this issue in a future code cycle.

Comment 2: The commenter is quoting outdated code language. The option of a reduced pressure principal backflow preventer is no longer in the California Plumbing Code.

Chapter 15. Section 1505.13.2

Name/Organization: Paul A. Weghorst / Irvine Ranch Water District

Comment on 45-Day Items: The commenter suggests language that allows an AWWA certified specialist to have flexibility to modify the procedures for the cross-connection control test when those procedures are not practical.

Response: DWR acknowledges the commenter's concerns. The comment contains two issues. First issue is the question of who is qualified to alter the testing procedures when necessary. Second issue is the question of whether there are merits to allowing the procedures to be modified. Because the suggested code change is technical and substantive in nature, it would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy Code Advisory Committee. DWR is not proposing amendments to this section, other than updated code sections referenced within existing language and minor editorial changes, during this cycle. DWR may consider reevaluating this issue in a future code cycle.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4).

Two alternatives were evaluated in addition to the proposed amendments: (1) Keep existing regulations in Plumbing Code Section 1503.0 Chapter 15 without update. (2) Move Plumbing Code Section 1503.0 Chapter 15 content to Section 1505.0 Chapter 15 to conform to current Plumbing Code organization without update or effective integration for ease of use.

DWR has determined that no reasonable alternative considered by DWR or that has otherwise been identified and brought to the attention of DWR would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) and Section 11346.5(a)(3).

No alternatives were identified to lessen the adverse impact on small business. With minor exceptions, the proposed amendments constitute a migration of existing regulations from Section 1503.0 Chapter 15 of the CPC to Section 1505.0 Chapter 15, with edits to improve clarity and harmonize with the current organization of the CPC. Proposed amendments are justified to implement the statutory mandate contained in Water Code Section 13557, which is to provide design standards to safely plumb buildings with both potable and recycled water systems.