

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2019 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(BSC 04/18)**

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) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code 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.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

The California Building Standards Commission has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. BSC 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) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The following is a summary of the comments BSC received during the 45-day public comment period, BSC's explanation for how changes were made in response to each comment, and reasons for making no changes, as specified:

Commenter 1: Laura Allen, Greywater Action

Recommend: Approve as Amended

1. **1503.2 System Requirements.** The commenter suggests adding the term "mulch basin" to the list of places to discharge graywater and removing the sentence about only using a mulch basin for residential occupancies.
2. **1503.9.1 Surge Tanks.** The commenter suggests adding the backwater valve protection in this section and removing it from Section (8) below.
3. **Table 1504.2 DESIGN OF SIX TYPES OF SOIL.** The commenter suggests deleting various soil types and replacing them with those found in the upper soil horizon.

Agency Response:

BSC acknowledges the commenter's concerns and appreciates their support and participation in the code development process. After further review and coordination with other appropriate state agencies, no changes to the Final Express Terms were made as a result of these comments, which are technical and substantive in nature. The suggested code changes referenced in these comments would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy (PEME) Code Advisory Committee. BSC thanks the commenter and may consider the proposed changes during a future code adoption cycle. BSC's responses for each specific comment are addressed below.

1. BSC is not proposing changes to 1503.2 this cycle. Additionally, the existing definition of "Disposal Field," which is referenced in this section, includes mulch basins. This suggested code change is substantive and necessitates further vetting during a future code cycle.
2. BSC is not proposing changes to 1503.9.1 this cycle. These suggested code changes are substantive and necessitate further vetting during a future code cycle to, among other things, ensure compliance with Title 17 of the California Code of Regulations.
3. BSC is not proposing changes to Table 1504.2 this cycle. These suggested changes to the model code table are substantive and necessitate further vetting during a future code cycle.

Commenter 2: Joanne Carroll, National Association of Sewer Service Companies

Recommend: Disapprove Section 715.3 of the 2018 Uniform Plumbing Code and maintain Section 715.3 of the 2016 California Plumbing Code

Agency Response:

BSC acknowledges the commenter's concerns and appreciates their support and participation in the code development process. After further review and coordination with other appropriate state agencies, no changes to the Final Express Terms were

made as a result of these comments, which are technical and substantive in nature. Moreover, BSC and the other state agencies are not proposing changes to Section 715.3, which is model code language published in the 2018 Uniform Plumbing Code (UPC). As a reminder, California Building Standards Law requires the adoption of the most recent edition of the UPC (Health & Safety Code Section 18928). The suggested code changes referenced in these comments would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy (PEME) Code Advisory Committee. BSC thanks the commenter and recommends they contact the International Association of Plumbing and Mechanical Officials (IAPMO), the organization that develops the UPC, for additional information.

Commenter 3: Shane P. Peters, City of Santa Monica Building & Safety Division
Recommend: Disapprove expansion of NSF 350 systems (no section cited)

Agency Response:

BSC acknowledges the commenter's concerns and appreciates their support and participation in the code development process. The commenter indicates that BSC is looking to possibly expand the use of NSF 350 systems, and requests BSC exercise caution and diligence in doing so. It is important to note that BSC's proposed amendments to the 2019 California Plumbing Code are nonsubstantive and editorial in nature, with no intended change in regulatory effect. Because this comment does not cite specific sections of the 45-day express term language, no changes to the Final Express Terms were made as a result of this comment.

Commenter 4: Paul A. Weghorst, Irvine Ranch Water District
Recommend: Approve as Amended

- 1. General Comment (no specific section cited).** The commenter suggests removing additional requirements for operation and maintenance manuals.
- 2. General Comment (no specific section cited).** With regard to the terms "Authority Having Jurisdiction" and "Enforcing Agency," the commenter suggests modification of the CPC to provide clarification associated with multi-jurisdictional situations.
- 3. 1503.3 Connections to Potable and Reclaimed (Recycled) Water Systems – Exception 2.** 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.

Agency Response:

BSC acknowledges the commenter's concerns and appreciates their support and participation in the code development process. After further review and coordination with other appropriate state agencies, no changes to the Final Express Terms were made as a result of these comments, which are technical and substantive in nature. The suggested code changes referenced in these comments would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy (PEME) Code Advisory Committee. BSC thanks the

commenter and may consider the proposed changes during a future code adoption cycle. BSC's responses for each specific comment are addressed below.

1. BSC is not proposing changes relative to operation and maintenance manual requirements this cycle. This suggested code change is substantive and necessitates further vetting during a future code cycle.
2. BSC is not proposing changes relative to the terms "Authority Having Jurisdiction" and "Enforcing Agency" this cycle. This suggested code change is substantive and necessitates further vetting during a future code cycle.
3. With the exception of an editorial change made to 1503.3 Exception 2 (update code section referenced within existing language), BSC is not proposing substantive amendments to this section this cycle. This suggested code change is substantive and necessitates further vetting during a future code cycle.

A final general comment requests BSC, HCD, and DWR publish a single set of proposed code amendments. BSC understands the difficulty in reviewing multiple express terms proposed for adoption by different state agencies. However, publishing a single set of proposed amendments may not be possible due to the differences in authority of the three agencies. Additionally, other state agencies (e.g. Division of the State Architect, Office of Statewide Health Planning and Development, State Fire Marshal, California Department of Public Health, etc.) also amend the California Plumbing Code.

Commenter #5: Madeline Wood, City of Santa Barbara

Recommend: Approve as Amended

1. **Chapter 15 Intent.** The commenter suggests preserving and amending the non-regulatory Intent language.
2. **1501.2 System Design.** The commenter suggests adding "untreated" to Exception 2 specific to nonpotable water systems, and also proposes adding a third exception exempting irrigation design plans for alternative water systems from compliance with the Model Water Efficient Landscape Ordinance (MWELO).
3. **1502.3.2 Cross Connection Test.** The commenter suggests adding an exception indicating cross-connection tests are not required for gravity-flow systems without a pump and clothes washer systems where the only pressure is from the washer pump.
4. **1503.2 System Requirements.** The commenter suggests adding the term "mulch basin" to the list of places to discharge graywater and removing the sentence about only using a mulch basin for residential occupancies.
5. **1503.2.2 Diversion.** The commenter suggests deleting the word "readily" and adding an exception for diverter valves for systems with gravity overflow from surge tank to sewer.
6. **1503.3 Connections to Potable and Reclaimed (Recycled) Water Systems.** The commenter suggests adding an exception allowing connections protected by an air gap or reduced-pressure principle assembly.
7. **Laundry only greywater system; Tier 2 system; Tier 3 system (new definitions).** The commenter suggests creating new definitions for "Laundry only

greywater system,” “Tier 2 system,” and “Tier 3 system,” as well as new language specifying discharge capacity calculation.

8. **1506.3 System Changes.** The commenter suggests added the phrase, “except as noted elsewhere herein” to the end of the section requiring the approval by the Authority Having Jurisdiction.
9. **1601.7 Minimum Water Quality Requirements.** The commenter suggests deleting Exception 1, specific to water treatment for rainwater systems used for aboveground irrigation with a maximum storage capacity of 5,000 gallons.
10. **1602.4 Connections to Potable or Reclaimed (Recycled) Water Systems.** The commenter suggests adding the term “unprotected” to the provision specific to direct connections to potable water or alternate water source systems.
11. **1602.9.4 Other Surfaces.** The commenter suggests deleting the term “subsurface” from the Exception specific to rainwater and stormwater used for landscape irrigation.
12. **Table 1602.9.6 MINIMUM WATER QUALITY.** The commenter suggests amendments to the table specific to irrigation, flushing, and clothes washing.
13. **Appendix A, Table A 103.1 WATER SUPPLY FIXTURE UNITS AND MINIMUM FIXTURE BRANCH PIPE SIZES.** The commenter suggests BSC and HCD update this table to conform with CALGreen and California Plumbing Code fixture flows and corresponding fixture units; adding a footnote relative to local jurisdictions’ ability to adjust table to encourage water efficiency; and adding references to other specified fixtures, water softener, and drip irrigation.

Agency Response:

BSC acknowledges the commenter’s concerns and appreciates their support and participation in the code development process. After further review and coordination with other appropriate state agencies, no changes to the Final Express Terms were made as a result of these comments, which are technical and substantive in nature. The suggested code changes referenced in these comments would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy (PEME) Code Advisory Committee. BSC thanks the commenter and will consider the proposed changes during a future code adoption cycle. BSC’s responses for each comment are addressed below.

1. This non-regulatory intent language was originally included in the code when HCD and BSC adopted specified graywater building standards. Since that time, the model code has restructured Chapter 15 to include various alternate nonpotable water sources, the application for which is specified in other appropriate locations. Following coordination with HCD and DWR, this intent language is being removed for clarity and consistency within the code. The amendments suggested by the commenter (including what appears to be a reference to Chapter 16A, which no longer exists) necessitate further vetting during a future code cycle.
2. These suggested amendments are technical and substantive in nature and necessitate further vetting during a future code cycle. Additionally, BSC does not have the authority to exempt compliance with the Model Water Efficient

Landscape Ordinance (MWELo), which is adopted in Title 23 of the California Code of Regulations by the Department of Water Resources.

3. BSC is not proposing changes to 1502.3.2 this cycle. This suggested code change is substantive and necessitates further vetting during a future code cycle.
4. BSC is not proposing changes to 1503.2 this cycle. Additionally, the existing definition of "Disposal Field," which is referenced in this section, includes mulch basins. This suggested code change is substantive and necessitates further vetting during a future code cycle.
5. BSC is not proposing changes to 1503.2.2 this cycle. This suggested code change is substantive and necessitates further vetting during a future code cycle.
6. With the exception of an editorial change made to 1503.3 Exception 2 (update code section referenced within existing language), BSC is not proposing substantive amendments to this section this cycle. This suggested code change is substantive and necessitates further vetting during a future code cycle.
7. These proposed new definitions are substantive and necessitate further vetting during a future code cycle.
8. BSC is not proposing changes to 1506.3 this cycle. This suggested code change is substantive and necessitates further vetting during a future code cycle.
9. With the exception of an editorial change made to 1601.7 (update code section referenced within existing language), BSC is not proposing substantive amendments to this section this cycle. This suggested code change is substantive and necessitates further vetting during a future code cycle.
10. BSC is not proposing changes to 1602.4 this cycle. This suggested code change is substantive and necessitates further vetting during a future code cycle.
11. BSC is not proposing changes to 1602.9.4 this cycle. This suggested code change is substantive and necessitates further vetting during a future code cycle.
12. The suggested code changes to Table 1602.9.6 are substantive and necessitate further vetting during a future code cycle.
13. BSC is not proposing changes to Appendix A, Table A 103.1 this cycle. These suggested code changes are substantive and necessitate further vetting during a future code cycle.

Note: BSC was unable to accept two public comments that were received after the close of the public comment period (5:00 p.m. on October 29, 2018).

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

BSC has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, be as effective as and less

burdensome to affected private persons than the adopted regulation, or be more cost-effective to affected private persons and be equally as 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) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

There were no proposed alternatives. BSC has determined that the proposed regulations will have no adverse impact on small businesses.