

**FINAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS OF THE  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
REGARDING THE 2019 CALIFORNIA PLUMBING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

**(HCD 02/18)**

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.

No data or any technical, theoretical or empirical study, report, or similar document on which the Department of Housing and Community Development (HCD) is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

HCD has made no changes to the Express Terms as originally proposed.

**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).

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or 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 text with proposed changes was available to the public for a 45-day public comment period from **September 14, 2018**, until **October 29, 2018**. There was no subsequent public comment period.

Six public comments were received during the 45-day public comment period; one public comment was received after the close of the public comment period.

HCD evaluated the 45-day Express Terms during the comment period and has formally submitted a comment letter to the California Building Standards Commission (CBSC) indicating areas of possible revision during a subsequent public comment period or during the next code adoption cycle.

The following is HCD's summary of, and responses to public comments, specifically directed at HCD's proposals for the 2019 California Plumbing Code (CPC).

### **COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD ARE LISTED BELOW**

- 1. COMMENTER:** Stoyan Bumbalov, Codes and Standards Administrator I  
Division of Codes and Standards  
Department of Housing and Community Development  
2020 W El Camino Ave, Suite 200  
Sacramento, CA 95833

#### **COMMENT EM-1:**

**Section 1.8.4.1 Permits:** Senate Bill 1226 (Chapter 1010, Statutes of 2018) added new Section 17958.12 to the State Housing Law. This section provides recognition of the existing discretion of enforcing agencies to apply building standards in effect at the time of a building's construction and to grant case-by-case approvals for use of alternate methods of construction or use of materials. Section 17958.12(b) also requires HCD to propose the adoption of a building standard to the CBSC to authorize enforcing agencies to determine the date of construction of existing residential units without existing building permits and to issue retroactive building permits.

## **HCD RESPONSE:**

Section 1.8.4.1 requires written construction permits prior to erection, construction, reconstruction, installation, moving or alteration of any building or structure. SB 1226's provisions for retroactive permits for existing residential buildings creates conflict between statute and Section 1.8.4.1. It was HCD's intent to introduce an exception to this section to provide for the use of retroactive permits as determined by the local enforcing agency. However, the CBSC has determined that the inclusion of this exception is not sufficiently related to HCD's initial proposal and did not allow HCD to proceed with another 15-day or 45-day public comment on this issue. In addition, the CBSC determined that the enactment of SB 1226 occurred too late in the code adoption cycle to ensure sufficient pre-cycle participation, Code Advisory Committee review and recommendation and CBSC processing for inclusion in the 2019 CPC. HCD plans to revisit the inclusion of SB 1226 provisions in the next code adoption cycle.

**2. COMMENTER:** Shane Peters, Plumbing & Mechanical Plans Examiner  
City of Santa Monica Building & Safety Division  
1685 Main Street Room 111  
Santa Monica, CA 90401

## **COMMENT EM-2:**

The commenter expresses a concern regarding expanding the use of NSF 350 systems. The commenter believes these new systems need too much energy, time, money to maintain, and are not sustainable. The commenter also states that NSF 350 systems are a public health nuisance, and provides details to justify his statements and proposes code changes.

## **HCD RESPONSE:**

HCD appreciates the commenter's point of view and the commenter's suggestions. This comment may have merit; however, HCD's intent for this code adoption cycle was to adopt the model code and move forward existing California amendments. There is no current proposal, as part of this rulemaking cycle, which expands the use of NSF 350. HCD coordinated with the CBSC and Department of Water Resources (DWR), and concluded that the suggested code changes referenced in this comment would be more appropriately vetted by stakeholders during a future pre-cycle workshop and then presented to the Plumbing, Electrical, Mechanical, and Energy (PEME) Code Advisory Committee. HCD may consider the proposed changes during a future code adoption cycle. No changes to the Final Express Terms were made as a result of this comment.

**3. COMMENTER:** Joanne Carroll  
National Association of Sewer Service Companies (NASSCO)  
3470 Longstone Lane, Suite M  
Marriottsville, MD 21104  
jcarroll@subtegitic.com

**COMMENT EM-3:**

The commenter opposes the adoption of Section 715.3 from the 2018 UPC into the 2019 CPC. The commenter expresses a concern that this section is internally inconsistent; and prohibits some methods for repair and replacement of cast iron soil pipes and fittings, and the use of cured-in-place pipe (CIPP) liners to replace collapsed or compromised piping. The commenter proposes an alternative to maintain Section 715.3 of the 2016 CPC.

**HCD RESPONSE:**

HCD appreciates the commenter's point of view and the commenter's suggestions. However, this comment is directed at a code section not part of HCD's proposal for the 2019 CPC. As specified in the Notice for the Public Comment Period, comments should be limited to proposed code changes only.

Health and Safety Code (HSC) Section 18928 requires each adopting and proposing state agency to adopt the most recent edition of applicable model codes, national standards, or specifications. HCD proposes the adoption by reference of the 2018 UPC; including Section 715.3.

HCD coordinated with the CBSC and concluded that the suggested code changes referenced in this comment would be more appropriately vetted by stakeholders during a future pre-cycle workshop and then presented to the PEME Code Advisory Committee. HCD may consider the proposed changes during a future code adoption cycle. No changes to the Final Express Terms were made as a result of this comment.

**4. COMMENTER:** Laura Allen  
Greywater Action  
laura@greywateraction.org

**COMMENT EM-4:**

The commenter proposes several amendments to the 2019 CPC to address alternate water sources for nonpotable applications. The commenter's concerns and recommendations are summarized below.

1. Add “mulch basin” to the text in Section 1503.2 and remove the language regarding residential occupancies; there is no reason for this best practice to be restricted to residential properties only.
2. Update the estimated water use (gallons per day) for showers, clothes washers, bathtubs and faucets for residential occupancies in Section 1503.8.1 because these numbers are outdated. Code should be updated to reflect the 2016 Residential End Use of Water Study by the Water Research Foundation.
3. Add backwater valve protection for surge tank overflow drains in Section 1503.9.1, Item (5), and eliminate Item (8) because requiring a gravity drain on a surge tank is overly restrictive and costly; and not required for other types of tanks.
4. Delete “types of soil” from Table 1504.2 and update the table to reflect the typical soils found in the upper levels of the soil horizon (where graywater is discharged).

### **HCD RESPONSE:**

HCD appreciates the commenter’s point of view and the commenter’s suggestions. However, these comments are directed at code sections not part of HCD’s proposal for the 2019 CPC. As specified in the Notice for the Public Comment Period, comments should be limited to proposed code changes. HCD’s intent for this code adoption cycle was to adopt the model code and move forward existing California amendments.

HCD coordinated with the CBSC and concluded that the suggested code changes referenced in these comments would be more appropriately vetted by stakeholders during a future pre-cycle workshop and then presented to the PEME Code Advisory Committee. HCD may consider the proposed changes during a future code adoption cycle. No changes to the Final Express Terms were made as a result of these comments.

**5. COMMENTER:** Paul A. Weghorst, Executive Director of Water Policy  
Irvine Ranch Water District (IRWD)  
15600 Sand Canyon Avenue  
Irvine, CA 92618

### **COMMENT EM-5:**

The commenter proposes several amendments to the 2019 CPC addressing dual plumbed buildings where non-potable water is used for toilet and urinal flushing. The commenter’s concerns and recommendations are summarized below.

1. Adding more requirements for the use of recycled water, e.g., operation and maintenance manuals for each recycled water use site will be burdensome and costly; the requirements should be removed from the CPC.
2. The terms “Authority Having Jurisdiction” and “Enforcing Agency” are vague and ambiguous; there could be confusion when permits are required to be issued to a water district with jurisdiction within a county or city from a Regional Water Quality Control Board.

3. The use of a reduced-pressure principle backflow prevention device shall be required for meter protection anywhere when graywater, treated graywater, or rainwater is being used for non-potable applications.
4. In Section 601, IRWD recommends replacing the outdated glass with water symbol with a symbol showing the profile of the person drinking, which depicts the idea of “do not drink.”

### **HCD RESPONSE:**

HCD appreciates the commenter’s point of view and the commenter’s suggestions. However, these comments are directed at a code sections not part of HCD’s proposal for the 2019 CPC. As specified in the Notice for the Public Comment Period, comments should be limited to proposed code changes. HCD’s intent for this code adoption cycle was to adopt the model code and move forward existing California amendments.

HCD coordinated with the CBSC and concluded that the suggested code changes referenced in these comments would be more appropriately vetted by stakeholders during a future pre-cycle workshop and then presented to the PEME Code Advisory Committee. HCD may consider the proposed changes during a future code adoption cycle. No changes to the Final Express Terms were made as a result of these comments.

**6. COMMENTER:** Madeline Wood, Water Conservation Supervisor  
City of Santa Barbara, Public Works Department  
630 Garden Street  
Santa Barbara, CA 93101-1656  
[MWood@SantaBarbaraCA.gov](mailto:MWood@SantaBarbaraCA.gov)

### **COMMENT EM-6:**

The commenter proposes several amendments to the 2019 CPC. The commenter’s concerns and recommendations are summarized below.

1. Add text to Section 1.8.1 for the purpose of code that promotes water efficiency and water related energy, use of alternate water sources and water reuse for conformance with high level State Policy Goals.
2. Keep the “Intent” statement in Chapter 15, which provides administrative guidance.
3. Modify Section 1501.2 to remove the model code requirements for licensing for alternate water source system designers. There is no requirement for graywater installers and some dedicated unlicensed graywater installers have more experience than other licensed/certified professionals.
4. Add an exception to Section 1502.3.2 to exempt clothes washers or gravity flow systems because gravity flow systems pose negligible risk of cross-connection.
5. Add “mulch basin” to the text in Section 1503.2 and remove the language regarding residential occupancies; there is no reason this best practice to be restricted to residential properties only.

6. Remove “readily” as related to accessible locations in Section 1503.2.2; it is not feasible to place a three-way valve in “readily” accessible locations and have proper flow. Add an exception to clarify that a diverter valve is not required for systems with a gravity overflow from the surge tank to the sewer.
7. Add an exception to Section 1503.3 to allow direct connections between graywater systems and potable systems if protected by a reduced-pressure principle assembly or an air gap.
8. Change the terminology used for greywater systems because the current terminology (“simple” and “complex”) result in constant confusion. Incorporate and define the terms “Laundry only greywater system,” Tier 2 system and Tier 3 system.
9. Update the estimated water use (gallons per day) for showers, clothes washers, bathtubs and faucets for residential occupancies in Section 1503.8.1 because these numbers are outdated and should be updated to reflect the 2016 Residential End Use of Water Study by the Water Research Foundation.
10. Add “except as noted elsewhere” to Section 1506.3 for consistency; it appears the current text contradicts other exceptions noted elsewhere.
11. Remove Exception 1 in Section 1601.7, which is an exception from water treatment based on storage quantity for irrigation and contradicts Exception 2, which has no storage capacity limit.
12. Add “unprotected” to the text in Section 1602.4 for clarity.
13. Remove “subsurface” from the exception in Section 1602.9.4; the exception for water quality requirements for only subsurface irrigation implies a tremendous increase in required treatment, cost, and consequent lower utilization of this vital resource.
14. Modify Table 1602.9.6; add a separate row for surface and subsurface irrigation with no minimum treatment and keep drip irrigation in a separate row; maintaining requirements for debris excluder or other approved means of treatment. Modify requirements for urinal and water closet flushing, clothes washing and trap priming to recognize manufactured specifications and to remove water quality standards since pathogens are reduced by mechanical filtration and storage.
15. Update Table A103.1 to be consistent with the current CALGreen code and CPC fixture flows.

### **HCD RESPONSE:**

HCD appreciates the commenter’s point of view and the commenter’s suggestions. However, after further review and coordination with DWR and BSC, no changes were made to the Express Terms as a result of these comments. HCD’s responses for each comment are addressed below.

1. Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards for the protection of the public health, safety, and general welfare of the occupants. This section clarifies the purpose for adopting the California Building Standards Code (including CPC). The text in Section 1.8.1 is the same for all California codes adopted by HCD, and is consistent with Section 17921.
2. The intent in Chapter 15 was brought into the CPC, Chapter 16A, during the 2009 Graywater Emergency Rulemaking. It was intended to inform the code user that Chapter 16A “Graywater” only applied to occupancies under the authority of HCD and explained the intention of the regulations. Chapter 15 now encompasses all alternate water sources by many different authorities; therefore, the intent is no longer necessary.
3. HCD proposes to adopt the model code Section 1501.2 and repeal the existing California amendment because the model code adequately addresses the requirements for the design of alternate water source systems. Exception 2 allows a person who is not a registered design professional to install systems with a maximum discharge capacity of 250 gallons per day, i.e., clothes washer systems/simple systems.
- 4 – 11., 13-15. HCD coordinated with the CBSC and concluded that the suggested code changes referenced in these comments would be more appropriately vetted by stakeholders during a future pre-cycle workshop and then presented to the PEME Code Advisory Committee. HCD may consider the proposed changes during a future code adoption cycle.
12. HCD proposes to repeal the term “unprotected” from Section 1602.4 to match the language in Chapter 15. This clarifies that a direct connection to a potable water supply and an alternate water source system is not permitted, as per California Code of Regulations, Title 17, Section 7604. If we keep the term “unprotected,” the text will conflict with California Code of Regulations, Title 17, Section 7604.

**7. COMMENTER:** Stephen Wm. Bilson  
 Rewater Systems  
 P.O. Box 19364  
 Thousand Oaks, CA 91319

**COMMENT M-7:**

The commenter proposes amendments to the 2019 CPC as summarized below.

1. Keep the “Intent” statement in Chapter 15.
2. Add exceptions to Section 1503.1 (A) and Section 1503.2.2, which would clarify that a diverter valve is not required for systems with a gravity overflow from the surge tank to the septic/sewer.
3. Add an exception to Section 1503.3 to allow connections between graywater systems and potable water systems to be protected by a Reduced Pressure Principle Device or an air gap.
4. Remove the reference to NSF 350 as a listing on labeling reference for on-site treated nonpotable graywater devices or equipment in Section 1506.7; NSF 350 is seriously flawed, endangers the public, and should not be used in this code.



## **HCD RESPONSE:**

HCD appreciates the commenter's point of view and the commenter's suggestions. These comments may have merit; however, HCD's intent for this code adoption cycle was to adopt the model code and carry forward existing California amendments. HCD coordinated with the CBSC and DWR, and concluded that the suggested code changes referenced in this comment would be more appropriately vetted by stakeholders during a future pre-cycle workshop and then presented to the PEME Code Advisory Committee. HCD may consider the proposed changes during a future code adoption cycle. No changes to the Final Express Terms were made as a result of this comment.

## **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.

HSC Section 18928.1 requires building standards adopted or approved by the CBSC to incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions. In addition, HSC Section 18928 directs each state agency adopting or proposing adoption of a model code, national standard, or specification to reference the most recent edition of applicable model codes, national standards, or specifications. The 2019 CPC implements this requirement by proposing to adopt by reference the selected contents of the 2018 UPC (i.e., model code). No other alternatives have been considered since there is a recent model code available for adoption, including any necessary existing and new California amendments. In addition, adoption of the most recent building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.

## **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 alternatives available to HCD. HCD is required by statute to adopt this model code by reference. Providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.