

**FINAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE DEPARTMENT OF WATER RESOURCES  
REGARDING THE 2019 CALIFORNIA PLUMBING CODE,  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

**(DWR 01/19)**

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.

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**

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

The proposed amendments are intended to clarify existing regulatory standards without adding any new regulatory requirements.

**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.

## General Comments.

**Commenters:** WaterReuse California, California Association of Sanitation Agencies, Goleta Sanitary District, Irvine Ranch Water District, Las Virgenes Municipal Water District, Padre Dam Municipal Water District, and Pasadena Water & Power

**Commenters Recommendation:** The commenters recommended that the Department of Water Resources consider providing greater clarification around the applicability of the Plumbing Code to landscape irrigation.

**Agency Response:** Chapter 15 covers standards for on-site plumbing for both gray water and recycled water. Landscape irrigation is a permitted use of either of these alternate water supplies. However, the standards are not consistent between untreated gray water, treated gray water, and recycled water. Most standards for recycled water are contained in Section 1505 and are applicable to plumbing within or a part of a building, consistent with the statutory authority of the Department of Water Resources. The Department of Water Resources and the California Building Standards Commission are aware of the concern of the commenters and will coordinate in a future code adoption cycle to clarify the requirements applicable to recycled water landscape irrigation systems that have no connection to buildings.

**Commenters:** WaterReuse California, California Association of Sanitation Agencies, Goleta Sanitary District, Irvine Ranch Water District, Las Virgenes Municipal Water District, Padre Dam Municipal Water District, and Pasadena Water & Power

**Commenters Recommendation:** The commenters recommend that backflow related matters and requirements be addressed in a single regulation, namely either Title 17 or a handbook adopted by the State Water Resources Control Board.

**Agency Response:** The cross-connection and backflow standards currently in Title 17, which will be transitioned into a policy handbook, have the primary purpose of protecting the public potable water supply. The California Plumbing Code has a primary purpose of protecting the occupants of a water use site. There are also different, though overlapping, audiences of Title 17 and the Plumbing Code. As such, within the scopes of Title 17 and the Plumbing Code, it may be impractical to consolidate all backflow standards into one document. To aid the users of either document, it is valuable to incorporate pointers to specific provisions in the other document where relevant. The Department of Water Resources will coordinate with the State Water Resources Control Board to ensure consistency and assist the regulated community.

**Regarding Item #1, Section #1505.4 of Final Express Terms.** The Initial Express Terms included a proposed addition of Exception (4) to permit potable water to be used as an auxiliary water supply when there is an interruption to the recycled water supply by using a changeover device, swivel ell, or other assembly as specified in regulations or a policy handbook that include standards for backflow prevention and cross-connection control as adopted by the State Water Resources Control Board pursuant to AB 1180 (Chapter 455, Statutes of 2019). However, to date the State Water Resources

Control Board has not adopted these standards, leaving the proposed amendment vague by referring the reader to a nonexistent document. Therefore, the Department of Water Resources has withdrawn the proposed Exception (4) from the Final Express Terms in furtherance of Health and Safety Code section 18930(a)(6), which requires that a proposed building standard be not unnecessarily ambiguous or vague, in whole or in part.

**Commenters:** WaterReuse California, California Association of Sanitation Agencies, Goleta Sanitary District, Irvine Ranch Water District, Las Virgenes Municipal Water District, Padre Dam Municipal Water District, and Pasadena Water & Power

**Commenters Recommendation:** The commenters supported the addition of Exception (4) to facilitate consistent standards between cross-connection standards adopted by the State Water Resources Control Board and standards in the California Plumbing Code. They recommended clarifying the meaning of “auxiliary water supply” to avoid confusion with the meaning of this term in Title 17 of the Code of Regulations.

**Agency Response:** Exception (4) is being withdrawn in furtherance of Health and Safety Code criteria for building standards. This withdrawal may result in an inconsistency between the California Plumbing Code and the future standards adopted by the State Water Resources Control Board. If there is a future inconsistency, the Department of Water Resources will resolve this in the next Triennial Code Adoption Cycle for the Plumbing Code. AB 1180 is a statute stating legislative intent to allow the use of a changeover device. The Department of Water Resources’ understanding is that the AB 1180 standards to be adopted by the State Water Resources Control Board should take precedence over the Plumbing Code with respect to changeover devices. The Department of Water Resources will coordinate with the California Building Standards Commission and the State Water Resources Control Board to keep the regulated community informed of the current prevailing standards until the Plumbing Code can be brought into alignment.

## **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.

The proposed amendments are edits intended to clarify existing regulatory standards and have no regulatory effect.

## **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).

No alternatives were identified to lessen the adverse impact on small business. The proposed amendments are clarifying edits intended to have no regulatory effect. 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.