

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2022 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

(BSC 02/21)

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

This proposed action by the California Building Standards Commission (BSC) adopts the most current edition of the Uniform Plumbing Code (UPC) of the International Association of Plumbing and Mechanical Officials, (IAPMO) with existing amendments to be moved forward without modification (not shown) and new amendments shown below. BSC's amendments are non-substantive and, for the most part, address sections that have been renumbered in Chapter 16 of the 2021 UPC. Each triennial edition of the California Code of Regulations (CCR) becomes effective 180 days after its publication and is effective at the time an application for a building permit is submitted. The adoption of the 2021 UPC will make applicable the most recent edition for use by individuals, businesses and state agencies as mandated by the Health and Safety Code (HSC), Section 18928.

New amendments and existing amendments (some shown for context): Item numbers used coordinate with the items listed in the Express Terms.

The Building Standards Commission's proposal to amend the 2022 California Plumbing Code (CPC) was presented to the Plumbing, Electrical, Mechanical, and Energy (PEME) Code Advisory Committee during its March 24-25, 2021 meeting. Each committee recommendation is listed below, accompanied by BSC's response.

ITEM 1

Chapter 1, ADMINISTRATION *DIVISION I, CALIFORNIA ADMINISTRATION Sections 1.1.0 through 1.2.3.2*

BSC proposes to bring forward existing California amendments in Chapter 1, Division I from the 2019 California Plumbing Code for adoption into the 2022 edition of the California Plumbing Code (CPC) with the following amendments:

Section 1.1.1 Title

BSC proposes to update the general title statement reflecting adoption of the 2021 Uniform Plumbing Code, the most recent edition of the model code. Additionally, BSC proposes to carry forward existing amendments in *Chapter 1, Division I*.

Updating the edition of the model code referenced is required to meet Building Standards Law regarding the adoption of the most recent edition of model code within one year of the model code publication. This update will clarify the codes available for use in construction and maintain the most current building standards for the protection of public health and welfare in the built environment.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

1.1.3.2 State-Regulated Buildings, Structures, and Applications.

The proposed modification to the “Note” replaces a reference to an incorrect location. BSC edited this note in Parts 2 and 10 in the 2015 Triennial Code Adoption Cycle to correct where the code user can find language explaining how to distinguish model code vs. California amendments. For consistency BSC proposes to edit the note in Parts 3, 4, 5 and 9 to match text in Parts 2 and 10. There is no intended change in regulatory effect.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 2

Chapter 1, DIVISION II ADMINISTRATION

Chapter 1 Administration of the 2021 UPC is renamed Chapter 1, *Division II*, by BSC, and contains administrative provisions used by local jurisdictions. BSC proposes to only adopt Section 104.4.3.1 and continues to not adopt the balance of Chapter 1, *Division II*, which is printed for use by local jurisdictions only.

Section 104.4.3.1

BSC proposes to adopt Section 104.4.3.1 Expiration, by adding the Section to address recent statutory requirements in Assembly Bill 2913 (AB 2913) (Chapter 655, Statutes of 2018), which became operative January 1, 2019 and amended Health and Safety Code (HSC) Section 18938.5(b)(2)(B) and added HSC Section 18938.6 to Building Standards Law.

BSC proposes regulations changing the exception relative to the permit expiration time period from 180 days to 12 months. The legislation also added HSC Section 18938.6 to provide that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance; the exception being where the permittee has abandoned the work authorized by the permit. Furthermore, this new law authorizes the permittee to request extension of the permit, and the building official may

grant in writing one or more extensions in increments not exceeding 180 days. According to the Assembly Bill 2913 fact sheet, “many local jurisdictions have adopted administrative provisions allowing for one or more extensions, there is a lack of uniformity throughout the state regarding availability and length of time associated with local permit extensions. The inconsistency in this area contributes to a situation that is not helpful in addressing the housing shortages experienced throughout the state. Additionally, California has been confronted with numerous natural disasters resulting in the complete destruction of over 8,000 structures. The push to rebuild these structures has placed significant, unplanned strain on local capabilities. Issues related to insurance payouts, infrastructure and utility repairs and access to needed materials and labor have created an additional burden that is impacting areas far beyond those devastated disaster areas. The stage is set for a very long build-out process. Any one of these issues can result in an unintended delay in the construction process which could easily take years to resolve, a period well beyond the 180 days currently allocated for a building permit. This is now an issue of statewide concern.”

HSC Section 18938.5, subdivision (B), states that “*A permit that is subsequently deemed expired because the building or work authorized by the permit is not commenced within 12 months from the date of the permit or the permittee has abandoned the work authorized by the permit.*” The amended law authorizes a permittee to request and the building official to grant, in writing, one or more extensions of time for periods of not more than 180 days per extension. The amended law authorizes the permittee to request the extension in writing and demonstrate justifiable cause for the extension. *HSC section 18938.6, subdivision (a), “Every permit shall remain valid for purposes of this part if the work on the site authorized by that permit is commenced within 12 months after its issuance, unless the permittee has abandoned the work authorized by the permit.”*

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 3

Chapter 2, DEFINITIONS

BSC proposes to adopt Chapter 2 of the 2021 UPC, and to carry forward existing amendments as shown in the Express Terms, that includes the deletion of some model code definitions, for use in the 2022 CPC (for BSC and BSC-CG). BSC has included specified state definitions in its express terms for context. This will ensure accuracy and consistency with existing definitions that have been co-adopted by other state agencies (e.g., HCD, DWR, etc.).

Sections 203.0

BSC proposes to repeal California amendment in section 203.0 for Alternate Water Source and adopt model code definition with an amendment to add “on-site treated nonpotable gray water” which BSC has authority for on-site treated nonpotable gray water.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 216.0

UPC changed the term from Urinal, Hybrid to Nonwater Urinal with Drain Cleansing Action; BSC is proposing to adopt this new definition (this name change also appears in Section 412.1.4.1, see Item 5 below). Nonwater urinal with drain cleansing action is shown on the Express Terms to acknowledge BSC is adopting. BSC is not making any amendments to this definition and is making corresponding changes in CALGreen as well, in coordination with HCD.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 222.0

BSC proposes to add **BSC-CG** to the banner for the definition of “Treated Gray Water” to clarify that the banner, when used to indicate BSC-CG’s amendments regarding gray water systems, applies to all nonresidential occupancies for which no other state agency has authority, pursuant to Health and Safety Code Section 18941.8.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 4

Chapter 3 General Regulations

BSC proposes to adopt the entire Chapter 3 of the 2021 UPC without amendment into the 2022 CPC. This action provides general construction provisions for plumbing systems used throughout the state and ensures consistency for the code user.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 5

Chapter 4 Plumbing Fixtures and Fixture Fittings

BSC proposes to adopt the entire Chapter 4 of the 2021 UPC (for BSC and BSC-CG, as applicable); to carry forward existing amendments as shown in the Express Terms; to renumber sections as model code changed their numbering sequence to Sections: 412.1.3, 412.1.4 and 412.1.4.1; and propose new editorial changes to Section 412.1.4.1 and Table 422.1.

Section 412.1.4.1

BSC proposes to adopt the above referenced section with an existing California amendment. The existing amendment *in Section 412.1.4* refers to the HSC Section 17921.4 for additional information regarding nonwater urinals. Model code adopted nonwater urinals with drain cleansing action to replace Urinals, Hybrid. BSC is removing language that refers to the hybrid urinals and replacing with new term, including the definition in Chapter 2 above as well as corresponding changes in CALGreen. No change to regulatory effect. Because Section 412.1.4 and 412.1.4.1 both have the heading “Nonwater Urinals with Drain Cleansing Action,” BSC is removing the heading from Section 412.1.4.1 to avoid confusion between these two sections and clarify the code.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation but made further modifications to clarify the code.

Table 422.1

The 2019 edition of CPC Section 422.1 was amended during the intervening code adoption cycle, to permit an alternate *Table 4-1* (replaced *Table A*) as an exception, which can be used if the jurisdiction has adopted it. BSC proposes to amend the statement at the top of Table 422.1 to allow California Building Code or *Table 4-1* to be used to as an alternate to calculate the occupant load factor for the fixture counts in nonresidential occupancies, consistent with the language in Section 422.1 and in coordination with DSA-SS/CC.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 6

Chapter 5 Water Heaters

BSC proposes to adopt Chapter 5 of the 2021 UPC without amendment into the 2022 CPC. This action provides general construction provisions for plumbing systems used

throughout the state and ensures consistency for the code user.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 7

Chapter 6 Water Supply and Distribution

BSC proposes to adopt Chapter 6 of the 2021 UPC and carry forward existing amendments as shown in the Express Terms for the 2022 CPC. BSC is also renumbering Section 601.2 Exception (4) to Exception (5) due to an additional exception added in the 2021 UPC. This action provides general construction provisions for plumbing systems used throughout the state and ensures consistency for the code user.

Section 601.2 Water Supply and Flushing.

BSC is proposing to renumber code references in this section in the exceptions to align with corresponding exceptions added and renumbered in the 2021 UPC. This is consistent with HCD and DWR and there is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 8

Chapter 7 Sanitary Drainage, Chapter 8 Indirect Wastes, Chapter 9 Vents, Chapter 10 Traps and Interceptors

BSC proposes to adopt Chapters 7, 8, and 9 of the 2021 UPC without amendment for use in California for all occupancies, as required by statute. This action provides general construction provisions for plumbing systems used throughout the state and ensures consistency for the code user.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 9

Chapter 11 Storm Drainage

BSC proposes to adopt Chapter 11 of the 2021 UPC, and carry forward existing amendment as shown in the Express Terms, for the 2022 CPC. This action provides general construction provisions for plumbing systems used throughout the state and ensures consistency for the code user.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 10

Chapter 12 Fuel Gas Piping

BSC proposes to adopt Chapter 12 of the 2021 UPC without amendment for use in California, as required by statute into the 2022 CPC. This action provides general construction provisions for plumbing systems used throughout the state and ensures consistency for the code user.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 11

Chapter 13 Health Care Facilities and Medical Gas and Medical Vacuum Systems, Chapter 14 Firestop Protection

BSC proposes not to adopt Chapter 13 of the 2021 UPC into the 2022 CPC. This chapter is adopted by the Office of the State Fire Marshal (for fire and panic safety) and amended by the Office of Statewide Health Planning and Development.

BSC proposes not to adopt Chapter 14 of the 2021 UPC into the 2022 CPC. BSC does not have authority to adopt provisions that pertain to fire and life safety, which are the sole authority of the State Fire Marshal (SFM). This action maintains consistency with prior BSC rulemaking actions and will avoid conflict with the proposed actions of SFM.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 12

Chapter 15 Alternate Water Sources for Nonpotable Applications.

BSC proposes to adopt Chapter 15 of the 2021 UPC, to carry forward existing amendments, and propose new amendments as shown in the Express Terms, into the 2022 CPC.

Section 1501.2 System Design.

In response to comments received during the 2022 California Plumbing Code Workshop, December 11, 2020, and in coordination with HCD and DWR, BSC proposes to carry forward existing language from the 2019 California Plumbing Code; to continue to allow a licensed person who demonstrates the competency to design alternate water source systems to be carried forward into the 2022 CPC. The new language adding in a “licensed plumbing contractor” in the 2021 model code is more restrictive than the current requirements in Chapter 15 of the 2019 CPC. Stakeholders from the Plumbing Code Workshop indicated that there are other licenses that have the ability to design systems, such as a licensed landscape architect.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1501.5.1 Maintenance Responsibility.

BSC proposes to carry forward renumbering of model code section number from 1501.5.3 to 1501.5.1 to maintain accuracy for the code user.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1501.7 Minimum Water Quality Requirements.

BSC is proposing to adopt the above referenced model code section, carrying forward existing amendments that delete reference to the water reuse guidelines from the UPC. BSC is proposing to restore the UPC model code language referencing NSF 350 as the water quality treatment for onsite treated nonpotable water systems, consistent with Section 1506.9.2. Additionally, BSC is proposing an amendment that clarifies onsite treated nonpotable graywater shall comply with this section (1501.7 Minimum Water Quality Requirements) and 1506.9.2 (Minimum Water Quality). Lastly, BSC is making Exceptions plural and adding a (1) to its existing exception to accommodate DWR’s added Exception (2). This proposed amendment was coordinated with HCD and DWR and there is no intended change in regulatory effect (for BSC-CG occupancies).

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

1503.1 General.

BSC proposes to add **-CG** to the BSC banner in front of 1503.1(F)(2) to clarify that the banner, when used to indicate BSC's amendments regarding gray water systems, applies to all nonresidential occupancies for which no other state agency has authority, pursuant to Health and Safety Code Section 18941.8.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1503.2.2 Diversion.

In response to comments received during the 2022 California Plumbing Code Workshop on December 11, 2020, and in coordination with HCD, BSC proposes to remove term "gray water" from diverter valves. Stakeholders indicated in the meeting the new term "gray water diverter valves" is too specific and would exclude other types of diverter valves, stated concerns with the supply of compliant products. For the same reasons, stakeholders also expressed concern with the new UPC reference to IAPMO PS 59 and recommended HCD and BSC propose to modify and align with existing language previously adopted, which does not define the type of diverter valve other than approved. Lastly, BSC is carrying forward the existing amendment indicating a readily accessible location, with a minor editorial change from "an" to "a." Because these amendments preserve the 2019 CPC language there is no intended change in regulatory effect.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1503.2.4 Rainwater Diverter Valves.

In response to comments received from industry, BSC originally proposed to amend this section. Per industry there is only one available valve on the market listed to the IAPMO ICG 352. BSC had proposed to remove the reference to IAPMO IGC 352 to allow for more markedly available valves. The type of valve used should be up to the designer. Rainwater is not very different from other types of water, like well water or surface water, and there are many potential valves on the market that could work.

While BSC received an "Approve as Submitted" recommendation from the PECE CAC, a

committee member made suggestions for additional amendments at the meeting. Upon further review of these amendments, and consistent with HCD, BSC is withdrawing its proposed amendment for further study during a future code cycle and adopting the new model code language without amendment.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC is withdrawing its amendment.

Section 1503.3 Connection to Potable and Reclaimed (Recycled) Water Systems.

BSC is carrying forward its existing amendments to this section in alignment with HCD and DWR, and also adding the word “gray” in the main code language and Exception (1) to clarify references to onsite treated nonpotable graywater, in coordination with HCD. There is no intended change in regulatory effect.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1503.8.2.1 Lavatories.

BSC is proposing to carry forward existing amendment to this section and correct the reference to Table A. The 2019 edition of CPC Section 422.1 was amended during the intervening code adoption cycle, to permit an alternate *Table 4-1* (replaced *Table A*) as an exception, which can be used if the jurisdiction has adopted it. BSC proposes to amend the statement at the top of Table 422.1 to allow California Building Code or *Table 4-1* to be used to as an alternate to calculate the occupant load factor for the fixture counts in nonresidential occupancies, consistent with the language in Section 422.1. BSC is also proposing to renumber the code reference within the section to align with corresponding section renumbered in the current CALGreen Code.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Table 1504.5 SUBSURFACE IRRIGATION DESIGN CRITERIA FOR SIX TYPICAL SOILS

BSC originally proposed to renumber Table 1504.5.5 to 1504.5 to be consistent with the 2019 CPC. However, upon further review BSC is withdrawing this renumbering and instead preserving the 2021 UPC renumbering of Table 1504.5.5 and updating the reference to this table in Section 1504.5.2 (3), in coordination with HCD.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation, but has made further modifications following coordination with HCD.

Section 1504.5.2 Irrigation Field.

BSC proposes to adopt the above referenced section with an amendment to remove language referencing Center for Irrigation Technology, California State University Fresno does not have an updated version of the document for replacement. There is no change in regulatory effect. Additionally, upon further review BSC is renumbering a reference in 1504.5.2 (3) to correctly reference Table 1504.5.5, in coordination with HCD.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Table 1504.5.3 Subsoil Irrigation Field Construction.

This Table has been renumbered in the 2021 UPC. BSC is proposing to renumber this Table to more accurately align with corresponding renumbered sections in the CPC. This editorial amendment is consistent with HCD and there is no intended change in regulatory effect.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1506.9.5 Required Filters.

BSC proposes to make the word “system” plural as a grammatical correction. This editorial code change will benefit the code user by ensuring consistency, accuracy, and clarity within the code. There is no intended change in regulatory effect.

ITEM 13

Chapter 16 Nonpotable Rainwater Catchment Systems

BSC proposes to adopt Chapter 16 of the 2021 UPC, to carry forward existing amendments as shown in the Express Terms, and propose new amendments (for BSC only) into the 2022 CPC.

Section 1601.2 System Design.

In response to comments received during the 2022 California Plumbing Code Workshop,

December 11, 2020, and in coordination with HCD, BSC proposes to carry forward existing language from the 2019 California Plumbing Code; to continue to allow a licensed person who demonstrates the competency to design alternate water source systems to be carried forward into the 2022 CPC. The new language adding in a “licensed plumbing contractor” in the 2021 model code is more restrictive than the current requirements in Chapter 16 of the 2019 CPC. Stakeholders from the Plumbing Code Workshop indicated that there are other licenses that have the ability to design systems, licensed such as landscape architects. This amendment was proposed in coordination with HCD and because it preserves 2019 CPC language, there is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1601.5.1 Maintenance Responsibility.

BSC proposes to carry forward renumbering of model code section number from 1601.5.3 to 1601.5.1 to maintain accuracy for the code user.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1601.7 Minimum Water Quality Requirements.

BSC is proposing to renumber code references in this section to align with corresponding sections renumbered in the 2021 UPC. This is consistent with HCD and there is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Sections 1601.8 Material Compatibility, 1601.9 System Controls, 1601.10 Separation Requirements, 1601.11 Abandonment, 1601.11.1 General, 1601.11.2 Underground Tank, and 1601.12 Sizing.

BSC has previously not adopted these sections because of potential conflicts with state requirements (e.g., Title 23 Model Water Efficient Landscape Ordinance, Rainwater Capture Act of 2012, etc.). However, upon further analysis these sections do not appear to conflict with any existing state requirements. Furthermore, stakeholders voiced no concerns with BSC adopting these sections. As such, BSC is adopting these sections

applicable to nonpotable rainwater catchment systems, in coordination with HCD and with no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1602.4 Connections to Potable or Reclaimed (Recycled) Water Systems.

BSC proposes to amend the above referenced section as follows: BSC is modifying its proposed amendments to this section to align with HCD and DWR. BSC also proposes to add Subtitle "Exception" to clarify there are two exceptions. Exception (2) is added to parallel language in 1503.3 allowing a temporary connection to a potable line for testing purposes prior to connection to a rainwater catchment system (consistent with HCD and DWR). There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1602.9.3 Rainwater Catchment System Surfaces.

BSC proposes to repeal California amendment in the above referenced section and carry forward existing amendments and adopt model code Sections 1603.4 and 1603.4.1, consistent with HCD and with no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1603.4 Rainwater Catchment Collection Surfaces.

BSC proposes to adopt the above referenced model code section and repeal an existing California amendment in 1602.9.3. The model code provides the same language referring to the Rainwater Catchment System Surfaces; there is no need for the California amendment to be carried forward.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1603.4.1 Other Surfaces.

BSC proposes to adopt the above referenced model code section and repeal an existing California amendment in 1602.9.3. The model code provides the same language referring to the Other Surfaces; there is no need for the California amendment to be carried forward.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1603.5 Minimum Water Quality.

BSC proposes to adopt the above referenced model code section with a modification to the exception. Model code partially adopted language that was part of a California amendment. BSC proposes to repeal that portion of the California amendment and carry forward the balance of the amendment that references 5000-gallon tank.

During the CAC meeting BSC received questions about what standards would be applicable for underground storage tanks. Upon further study BSC has identified that all types of storage tanks (including underground) are addressed in Table 1603.5. As such, BSC has reformatted the amendment to carry forward existing regulatory language more accurately, preserving the status quo of the 2019 CPC.

CAC Recommendation:

Further Study

Agency Response:

BSC accepts the CAC recommendation and has modified its amendment.

Section 1603.5.1 Treatment.

BSC is adopting this new UPC model code section without amendment.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1603.5.2 Disinfection.

BSC proposes to carry forward existing amendment with non-substantive change. To remove the capital E and A and use lower case for enforcing agency. This has no change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1603.8 Above Grade.

BSC proposes to carry forward existing amendment with non-substantive change. To add the word “section” prior to the referenced section number. This has no change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

Section 1603.13 Storage Tank Venting.

BSC is proposing to renumber code references in this section to align with corresponding sections renumbered in the 2021 UPC and bring forward existing amendment and provide a non-substantive change replace (2.4 mm) with (1.6 mm). This is consistent with HCD and there is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 14

Chapter 17 Referenced Standards, TABLE 1701.1 and 1701.2

BSC proposes to adopt Chapter 17 of the 2021 UPC with with new and existing amendments for use in California for all occupancies, as required by statute. This action provides general construction provisions for plumbing systems used throughout the state and ensures consistency for the code user.

Table 1701.1 and 1701.2 REFERENCED STANDARDS

BSC proposes to carry forward existing amendments and also proposes new amendments in the row for the standard ASTM D1235-2014 (Standard Test Method for Residual Chlorine in Water), deleting the reference to Section 1602.9.6.1 and adding a reference to Section 1603.5.2 consistent with the renumbering in Item 13. Additionally, BSC is deleting reference to the standard IAPMO PS 59-2016^{a1} consistent with the deletion of this standard in Section 1503.2.2 (Item 12). Lastly, BSC had originally proposed to add both IAPMO PS 59-2016 and IAPMO IGC 352-2018 to Table 1701.2 REFERENCES STANDARDS allow the use of the standard for the regulated community. Following the PEME CAC meeting BSC is withdrawing its amendment to Section 1503.2.4 (see rationale above). Accordingly, BSC is proposing to remove the reference to IAPMO IGC 352-2018 from Table 1701.2 to be consistent with Section 1503.2.4. There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation with a further modification for consistency.

ITEM 15

APPENDIX A, B, D, H, and J

BSC proposes to continue adoption of Appendix Chapters A, B, D, H, and J of the 2021 UPC without amendment. This action is carried forward from prior cycles and there is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 16

APPENDIX I, Section IAPMO IS 31-2014

BSC proposes to continue adoption of Appendix Chapter I, IAPMO IS 31-2014 only of the 2021 UPC without amendments into the 2022 CPC, and not adopting new 2021 UPC Appendix sections IAPMO IS 26-2019e2, IAPMO IS 33-2019e1 and TCNA Handbook-2018.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

There were no formal studies or reports used as the bases for the proposed adoption of the 2021 UPC. Health and Safety Code Section 18928 mandates this proposed action.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

California Building Standards Law (Health and Safety Code Section 18901 et seq) requires the adoption of the UPC into the California Plumbing Code (CPC), which contains prescriptive building standards. However, this proposal does not mandate the use of specific technologies or equipment beyond the existing requirements already contained within the CPC. This proposal only contains clarifying code language with no intended change in regulatory effect.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

BSC has not identified any reasonable alternatives to these proposed regulations, which do not mandate the use of specific technologies or equipment. This proposal includes clarifying code language with no intended change in regulatory effect.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

No alternatives were identified to lessen any adverse impact on small businesses. Health and Safety Code Section 18928 mandates the proposed action, which will not result in an adverse impact on small business.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

BSC, in coordination with HCD and DWR, hosted a joint workshop on December 11, 2020, to review elements of this proposal with affected stakeholders. During the workshop BSC received comments and concerns with new provisions in the 2021 Uniform Plumbing Code (UPC) relative to graywater and/or rainwater diverter valves, as well as design requirements for alternate nonpotable water systems (including nonpotable rainwater catchment systems). Based on this feedback, BSC is not adopting some of the new UPC language, and instead is proposing to carry forward language from the 2019 California Plumbing Code (CPC) into this proposal for adoption as the 2022 CPC, thereby resulting in no change in regulatory effect.

Regarding the proposal to amend various sections within Chapters 15 and 16 of the CPC, BSC coordinated with the Department of Housing and Community Development and the Department of Water Resources to co-adopt clarifying code language with no intended change in regulatory effect. Likewise, these proposed code changes will not have a significant adverse economic impact on business.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

The Building Standards Commission has assessed whether and to what extent this proposal will affect the following:

- A.** The creation or elimination of jobs within the State of California.
These regulations will not affect the creation or elimination of jobs within the State of California
- B.** The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or elimination of existing businesses within the State of California.
- C.** The expansion of businesses currently doing business within the State of California.
These regulations will not affect the expansion of businesses currently doing business with the State of California.
- D.** The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.
These regulations will bring California into compliance with the most recent edition of the national model code (i.e., the 2021 UPC, developed by the International Association of Plumbing and Mechanical Officials), thereby benefiting the welfare of residents, worker safety, and the state's environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

Because this proposal makes only non-substantive, clarifying changes to existing code language resulting in no change in regulatory effect, BSC estimates there will be no additional cost for the regulated community to comply with these building standards. The benefits of this code change include clarifying code language that will produce sensible and usable state building standards that promote health and safety, consistent with BSC's mission. In coordination with HCD, DWR, DSA, and other state agencies and stakeholders, BSC's assumption of no additional cost of compliance is based on the fact that the proposal preserves the existing status quo of the CPC with no intended change in regulatory effect.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission

within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

There are no federal regulations related to this proposed action, which is required by Health and Safety Code Section 18928.