

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

(DWR 01/21)

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.

The Department of Water Resources' proposal to amend the 2019 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 DWR's response.

These are new amendments and existing amendments (some shown for context). The following item numbers used coordinate with the items listed in the Express Terms.

ITEM 1

Chapter 1, ADMINISTRATION DIVISION I, CALIFORNIA ADMINISTRATION Sections 1.13.0 through 1.13.2

Department of Water Resources (DWR) proposes to carry forward existing California amendments in *Chapter 1, Division I* from the 2019 California Plumbing Code as shown in the Express Terms for adoption into the 2022 edition of the California Plumbing Code (CPC).

There is no intended change in regulatory effect.

CAC Recommendation: T

The PEME Code Advisory Committee recommended Approve as Submitted the existing amendments to Chapter 1, Sections 1.13.0 through 1.13.2.

Agency Response:

DWR accepts the CAC recommendation.

ITEM 2

Chapter 2, DEFINITIONS

DWR proposes to carry forward existing amendments in Section 206.0 and Section 220.0

in Chapter 2 from the 2019 CPC as shown in the Express Terms for adoption into the 2022 edition of the CPC.

There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted the existing amendments to Chapter 2, Sections 206.0 and 220.0.

Agency Response:

DWR accepts the CAC recommendation.

ITEM 3

Chapter 6 Water Supply and Distribution

DWR proposes to carry forward existing amendments in Section 601.2 and Section 601.3.3 in Chapter 6 from the 2019 CPC for adoption into the 2022 edition of the CPC. DWR proposes to adopt only the Exception to Section 601.3.3.

There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted the existing amendments to Chapter 6, Sections 601.2 and the Exception to Section 601.3.3.

Agency Response:

DWR accepts the CAC recommendation.

ITEM 4

Chapter 15 Alternate Water Sources for Nonpotable Applications

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

Sections 1501.4, 1501.8, 1501.10, 1502.5, 1502.5.1, 1502.5.2, and 1502.6

DWR proposes to continue its adoption of the above referenced sections without amendment from the 2021 UPC for adoption into the 2022 edition of the CPC.

There is no intended change in regulatory effect.

Sections 1501.1; 1501.1.1; 1501.5 and Exception; 1501.5.1; 1501.7; 1501.9; 1502.1 and Exception; 1502.4 and Exception; and 1503.3 and Exceptions

DWR proposes to carry forward existing amendments from the 2019 CPC as shown in the Express Terms for adoption into the 2022 edition of the CPC.

There is no intended change in regulatory effect.

Section 1501.2 System Design.

DWR proposes to amend Section 1501.2 in Chapter 15 of the 2021 UPC to restore existing California language in the 2019 CPC for adoption into the 2022 edition of the CPC. Note that DWR is not adopting the Exceptions to this section.

In response to comments received during the 2022 CPC Workshop, December 11, 2020, and in coordination with California Building Standards Commission (BSC) and the Department of Housing and Community Development (HCD), DWR 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 UPC is more restrictive than the current requirements in Chapter 15 of the 2019 CPC and does not capture the specified expertise needed for system design. 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.

DWR is not adopting the Exceptions because they are not within the authority of DWR.

The purpose is to retain existing requirements for system design.

This is necessary to maintain the same level of specified expertise needed for system design. The UPC has more restrictive language than the current requirements.

By restoring existing regulatory language through the amendments to the UPC, there will be no change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted the restoration of the existing amendment to Chapter 15, Section 1501.2.

Agency Response:

DWR accepts the CAC recommendation.

Section 1501.3 Permit.

DWR proposes to carry forward existing amendments in Section 1501.3 in Chapter 15 from the 2019 California Plumbing Code for adoption into the 2022 edition of the CPC. DWR is not adopting the Exceptions because they are not within the authority of DWR.

There is no intended change in regulatory effect.

Section 1501.6 Operation and Maintenance Manual.

DWR proposes to rescind its existing amendment of Section 1501.6 in Chapter 15 of the 2019 CPC and amend Section 1501.6 in the 2021 UPC for use in the 2022 edition of the CPC.

The proposed amendment would retain the existing provisions adopted by DWR but integrate the provisions with the amendments by BSC and HCD.

The purpose is to simplify and shorten the CPC language for the user.

The reason is to improve clarity for the code user.

There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted the proposed amendment to Chapter 15, Section 1501.6.

Agency Response:

DWR accepts the CAC recommendation.

ITEM 5

Chapter 5 Section 1505

Section 1505.8

DWR proposes to continue its adoption of the above referenced section without amendment from the 2021 UPC for adoption into the 2022 edition of the CPC.

There is no intended change in regulatory effect.

Sections 1505.1.2; 1505.2; 1505.2.1; 1505.3; 1505.5; 1505.6; 1505.7; 1505.8.1; 1505.8.2; 1505.9 and Exception; 1505.10; 1505.11; 1505.12; 1505.12.1; 1505.12.2; 1505.12.3; 1505.13; 1505.13.1; 1505.13.2.1; 1505.13.2.2; 1505.13.2.3; 1505.13.2.4; 1505.14; and 1505.15; and Figure 1505.9

DWR proposes to carry forward existing amendments from the 2019 California Plumbing Code as shown in the Express Terms for adoption into the 2022 edition of the CPC.

There is no intended change in regulatory effect.

Section 1505.0 Reclaimed (Recycled) Water Systems.

Section 1505.1 General.

DWR proposes to carry forward existing amendments and propose new amendments in Section 1505.1 in Chapter 15 of the 2019 CPC and to add an exception as shown in the Express Terms for adoption into the 2022 edition of the CPC.

In response to comments received during the 2022 California Plumbing Code Workshop, December 11, 2020, DWR proposes to amend this section to clarify the applicability of Section 1505 to landscape irrigation systems using recycled water. For recycled water use sites where a recycled water system within a building connects to an irrigation system outside of the building, a cross-connection anywhere between recycled water and potable water plumbing represents a risk of contamination of the potable water system. For this reason DWR has intended that the requirements in Section 1505 apply to irrigation systems using recycled water that connect to plumbing that is within or a part of a building,

DWR initially proposed an exception that pointed the code user to other requirements in state regulations that apply to irrigation systems that do not connect to plumbing that is within or a part of a building. During the PEME Code Advisory Committee, DWR recognized that the proposed exception should not be an exception but rather be incorporated as part of the main paragraph. The initially proposed exception implied that the referenced state regulations only applied to irrigation systems that do not connect to plumbing that is within or a part of a building. However, that is not true or accurate. The referenced state regulations apply to all irrigation systems using recycled water.

The purpose is to clarify for and assist code users where recycled water is used for irrigation.

This is necessary because of confusion expressed by members of the public regarding the applicability of Section 1505.

There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Further Study the proposed amendments to Chapter 15, Section 1505.1.

Agency Response:

DWR accepted the CAC recommendation by rewording and incorporating the references to state regulations into the main paragraph with the effect that the references apply to all irrigation systems using recycled water.

Section 1505.1.1 Allowed Uses.

DWR proposed to carry forward existing amendments in Section 1505.1.1 in Chapter 15 of the 2019 CPC and restore language in the 2021 UPC for use in the 2022 CPC.

Section 1505 applies to irrigation systems using recycled water that connect to plumbing that is within or a part of a building. These systems would serve uses for aboveground and subsurface irrigation. For this reason, these uses shown in the UPC should be restored into the CPC.

The purpose is to make the allowed uses consistent with the applicable scope for Section 1505 with respect to landscape irrigation systems.

This is necessary for consistency and clarity of the CPC.

There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted the proposed amendment to Chapter 15, Section 1505.1.1.

Agency Response:

DWR accepts the CAC recommendation.

Section 1505.4 Connections to Potable or Recycled Water Supply Systems

DWR proposes to carry forward existing amendments in Section 1505.1 in Chapter 15 of the 2019 CPC and to add exception (4) as shown in the Express Terms for adoption into the 2022 edition of the CPC.

Pursuant to AB 1671 (Chapter 533, Statutes of 2017) the State Water Resources Control Board (SWRCB) shall adopt standards for backflow prevention and cross-connection control and may do this through the adoption of a policy handbook. Pursuant to AB 1180 (Chapter 455, Statutes of 2019), the policy handbook shall include provisions for the use of a swivel or changeover device to supply potable water to a dual-plumbed system during an

interruption in recycled water service. SWRCB is preparing a policy handbook what will include the provisions for a swivel ell device as required by AB 1671. The policy handbook is scheduled for adoption during 2021. In coordination with the SWRCB, DWR is proposing a new Exception (4) to allow the swivel ell upon approval of the SWRCB. After the SWRCB adopts the handbook, it will begin approving these devices that meet the requirements.

During the PEME Code Advisory Committee, a committee member expressed concern that the use of a changeover device could occur without adequate regulatory oversight and backflow prevention. The initially proposed Exception 4 was restructured, and detail added to inform the code user that many requirements and regular surveillance are required to allow the use of the changeover device.

The purpose of Exception (4) is to allow the use of a swivel ell or other changeover device when there are interruptions in recycled water supply.

This is necessary to provide consistency with AB 1671 and its implementation by the SWRCB.

Because the proposed Exception (4) would allow consistency with regulatory requirements to be adopted by the SWRCB in response to AB 1671, this amendment has no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Further Study the proposed amendments to Chapter 15, Section 1505.4.

Agency Response:

DWR accepted the CAC recommendation by adding more specificity to inform the code user of the many requirements for changeover device use.

Section 1505.13.2 Cross-Connection Inspection and Testing.

DWR proposes to carry forward existing amendments from the 2019 California Plumbing Code and adopt new amendments as shown in the Express Terms into the 2022 edition of the CPC.

Under regulations in California Code of Regulations, Title 22, Section 60316, inspection and testing for cross-connection control is required to be performed by a cross-connection control specialist that is certified.

The purpose is to carry forward standards, and to provide continued direction on inspection and testing, as well as the certification of cross-connection control specialists. DWR wants to protect health and safety by maintaining clear directives in this section.

This is necessary to have a consistent inspection and testing protocol, as well as properly qualified inspectors.

There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted the proposed amendment to Chapter 15, Section 1505.13.2.

Agency Response:

DWR accepts the CAC recommendation.

ITEM 6

Chapter 15, Section 1506.4

Section 1506.4 Connections to Potable or Reclaimed (Recycled) Water Systems

DWR proposes to carry forward existing amendments from the 2019 CPC as shown in the Express Terms for adoption into the 2022 edition of the CPC.

There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted the existing amendment to Chapter 15, Section 1506.4.

Agency Response:

DWR accepts the CAC recommendation.

ITEM 7

Chapter 16, Section 1602.4

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

DWR proposes to adopt Section 1602.4 in Chapter 16 of the 2021 UPC with amendments as shown in the Express Terms.

This section of the UPC allows makeup water supplies for nonpotable rainwater catchment systems. Sections 1503.3, 1505.4, and 1506.4 in Chapter 15 have similar provisions for makeup water for graywater and recycled water supply systems but with a different level of protection of the makeup waters from contamination and with an exception to allow a temporary connection to potable water for an initial cross-connection test. Currently in Title 17 of the California Code of Regulations there are provisions for backflow protection for connections between potable water and auxiliary water supplies like graywater, rainwater, and recycled water. DWR intends that makeup water protections in the CPC be consistent with Title 17. In consultation and coordination with BSC and HCD, DWR proposes to amend Section 1602.4 to have parallel language, consistent protections, and an initial test exception. After the Initial Submittal to BSC, DWR became aware of an inconsistency of language in the co-adopted section with BSC and HCD. DWR submitted an addendum to align DWR's proposal with the language proposed in this section by BSC and HCD. DWR is not aware of any existing rainwater catchment systems that use potable water, graywater, or recycled water for makeup water.

The language of the UPC in the sections in Chapters 15 and 16 (specifically, Sections 1503.3, 1505.4, 1506.4, and 1602.4), dealing with connections to potable and/or reclaimed (recycled) water systems have different sentence construction. The language used specifying the protections for each of these types of connections to alternate water sources varies. A future code cycle should vet these sections and bring the sections' language and sentence structure of the Uniform Plumbing Code into alignment.

The purpose is to provide consistency between Chapters 15 and 16 regarding the use of makeup water sources.

This is necessary for adequate protection of public health.

It is not expected that there would be any significant regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Amended the proposed amendments in the addendum to Chapter 16, Section 1602.4.

Agency Response:

DWR 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).

DWR did not rely on any technical, theoretical, or empirical study, report, or similar document for this proposal, which contains non-substantive amendments that clarify existing law and regulations, with no intended change in regulatory effect.

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.

Prescriptive standards provide explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters and ensuring compliance with minimum health, safety, and welfare standards for owners, occupants, and guests.

California Building Standards Law (Health and Safety Code Section 18901 et seq) requires the adoption of the Uniform Plumbing Code into the California Plumbing Code (CPC), which contains prescriptive building standards. The CPC provides prescriptive standards for the installation of recycled water supply systems. Some of the prescriptive standards in the CPC are from the drinking water supply requirements in Title 17 and from the recycled water use criteria in Title 22 of the California Code of Regulations.

However, this proposal does not mandate the use of specific technologies or equipment beyond the existing requirements already contained within the CPC. This proposal consists primarily of changes without intended regulatory effect, and one change that is not expected to have any significant regulatory effect or cost impact.

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.

DWR has not identified any reasonable alternatives to these proposed regulations, which do not mandate the use of specific technologies or equipment. This proposal consists primarily of changes without intended regulatory effect, and one change that is not expected to have any significant regulatory effect or cost impact.

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.

DWR has not identified any reasonable alternatives to these proposed regulations, which would not have an adverse impact on small business. This proposal consists primarily of changes without intended regulatory effect, and one change that is not expected to have any significant regulatory effect or cost impact.

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.

DWR communicated with the State Water Resources Control Board to clarify code language within their authority. DWR also coordinated with BSC and HCD at a joint workshop on December 11, 2020, to review elements of this proposal with affected stakeholders. During the workshop DWR received comments relative to recycled water. Based on this feedback, DWR is proposing to carry forward language from the 2019 CPC and to adopt some clarifying language into this proposal for adoption of the 2022 CPC.

Regarding the proposal to amend various sections within Chapters 15 and 16 of the CPC, DWR coordinated with the Department of Housing and Community Development and the BSC to co-adopt clarifying code language with no intended change in regulatory effect.

DWR has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

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 DWR has assessed whether or not and to what extent this proposal will affect the following:

- A. The creation or elimination of jobs within the State of California.

This proposal consists primarily of changes without intended regulatory effect, and one change that is not expected to have any significant regulatory effect or cost impact. Therefore, it 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.

This proposal consists primarily of changes without intended regulatory effect, and one change that is not expected to have any significant regulatory effect or cost impact. Therefore, it will not affect the creation of new businesses or the elimination of existing businesses within the State of California.

- C. The expansion of businesses currently doing business within the State of California.

This proposal consists primarily of changes without intended regulatory effect, and one change that is not expected to have any significant regulatory effect or cost impact. Therefore, the proposed amendments will not affect the expansion of businesses currently doing business within the State of California. The CPC as currently in effect and as changed by the proposed amendments facilitates the use of recycled water, and thereby could allow business to expand in areas that are constrained by water availability.

- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The proposed amendments will update and improve California Plumbing Code standards for the safe use of recycled water when buildings are plumbed with both potable and recycled water. The clarifying code language will produce sensible and usable state building standards that promote health and safety.

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.

This proposal consists primarily of changes without intended regulatory effect, and one change that is not expected to have any significant regulatory effect or cost impact. As such, DWR estimates there will be no additional cost for the regulated community to comply with these building standards. DWR concludes, in coordination with HCD and BSC, there will be insignificant, if any, additional cost of compliance

The benefits of this code change include clarifying code language that will produce sensible and usable state building standards that promote health and safety, as well as potable water savings consistent with DWR's mission.

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 comparable federal regulations.