

**CHANGE WITHOUT REGULATORY EFFECT
EXPRESS TERMS
FOR PROPOSED BUILDING STANDARDS
OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING AMENDMENT OF THE 2019 CALIFORNIA PLUMBING CODE
AND THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 5 AND 11

(HCD 02/19 CWORE)**

ITEM 1: 2019 CALIFORNIA PLUMBING CODE (PART 5, TITLE 24)

LEGEND FOR CWORE EXPRESS TERMS (Based on model code - Part 5)

1. Model code language appears upright.
 2. Existing 2016 California amendments appear in *italics*.
 3. Repealed California amendments appear in ~~*italics* and *strikeout*~~.
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RATIONALE FOR PROPOSING CHANGES WITHOUT REGULATORY EFFECT

The California Department of Housing and Community Development is proposing a “change without regulatory effect” to delete amendments from the 2019 California Plumbing Code (CPC) and the California Green Building Standards Code (CALGreen). These building standards (rulemaking files HCD 02/16 and 03/16) were previously approved by the California Building Standards Commission (Commission) on June 20, 2017, for the 2016 CPC and CALGreen and had an effective date of July 1, 2018. HCD proposed the building standards as mandated by AB 2282 (Chapter 606, Statutes of 2014) during the 2016 Intervening Code Adoption Cycle and these sections were “carried forward into the 2019 CPC and CALGreen Codes. (HCD 02/18 and 06/18, respectively).

HCD’s proposed repeal of the affected sections is in response to the Peremptory Writ of Mandate for Case No. BS171958 issued by the Superior Court of California, County of Los Angeles, which declared the regulations invalid and ordered HCD, as well as the Commission, to vacate them for the 2016 codes (see HCD’s Information Bulletin 2019- 02: Invalidated AB 2282 Recycled Water Building Standards). In compliance with the Writ, HCD is repealing these provisions from both the 2016 and 2019 editions of Parts 5 and 11, Title 24, in coordination with the Commission. The repeal of related provisions adopted into the 2016 CPC and CALGreen are addressed by a separate rulemaking file (HCD 01/19).

This rulemaking meets criteria in the California Administrative Code, Section 1-421(c), Item 3 for a “change without regulatory effect,” which references deletion of a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction and/or various United States courts of law, as specified.

SUMMARY OF CHANGES

HCD proposes to repeal all or portions of the following sections: Sections 205.0, 206.0, 220.0, 1501.1.1.1, 1501.1.1.2, 1501.6, 1501.7, 1501.9 and 1501.11 from the 2019 CPC.

EXPRESS TERMS

CHAPTER 2 DEFINITIONS

205.0

~~**Construction Site (HCD 1).** A parcel of land bounded by lot line(s) or a designated portion of a public right-of-way where construction is taking place. A construction site may include, but not be limited to, buildings and accessory structures, walks, sidewalks, curbs, curb ramps, parking facilities, planting areas, pools, promenades, exterior gathering or assembly areas, raised or depressed paved areas, open spaces, golf courses, and/or landscape areas.~~

206.0

~~**Disinfected Tertiary Recycled Water. (HCD 1)** Filtered and subsequently disinfected wastewater that meets the approved method of treatment and minimum level of water quality specified in California Code of Regulations, Title 22, Division 4, Chapter 3 for the purpose of direct beneficial use.~~

220.0

~~**Recycled Water Supply System. (HCD 1)** The building supply pipe, the water distribution pipes, and the necessary connecting pipes, fittings, control valves, backflow prevention devices, and all appurtenances carrying or supplying reclaimed (recycled) water in or adjacent to the building or within the premises.~~

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17926, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4, 1101.5 and 1954.201; and Government Code Sections 12955.1 and 12955.1.1.

CHAPTER 15 ALTERNATE WATER SOURCES FOR NONPOTABLE APPLICATIONS

1501.1 Applicability. (HCD 1) The provisions of this chapter shall apply to the construction, alteration, *discharge*, use and repair of alternate water source systems for nonpotable applications. *[no change, shown for clarity]*

1501.1.1 Allowable Use of Alternate Water. Where approved or required by the Authority Having Jurisdiction, alternate water sources [reclaimed (recycled) water, gray water, and on-site treated nonpotable gray water] shall be permitted to be used instead of potable water for the applications identified in this chapter. *[no change, shown for clarity]*

~~**1501.1.1.1 Outdoor Recycled Water Supply Systems. (HCD-1)** All newly constructed residential and nonresidential developments, where disinfected tertiary recycled water is available from a municipal source to a construction site, shall be provided with both a potable water supply system and a recycled water supply system. The recycled water supply system shall allow the use of reclaimed (recycled) water for aboveground and subsurface irrigation to all landscape irrigation systems.~~

~~For the purposes of Section 1501.1.1.1, when a recycled water supply pipe is located within 300 feet (91 440 mm) from a construction site boundary, it shall be considered that reclaimed (recycled) water is available from a municipal source.~~

Exceptions:

- ~~(1) Service areas in which the only reclaimed (recycled) water is used for potable purposes, or in which net nonpotable deliveries are anticipated to remain level or decrease as a result of the potable reuse project.~~
- ~~(2) Where access to disinfected tertiary recycled water is not feasible and/or cost-efficient, as determined by the Authority Having Jurisdiction in consultation with the recycled water purveyor.~~

~~**Note:** A city, county, or city and county, in consultation with the recycled water purveyor, may further reduce the area for the mandate to install recycled water supply systems if the recycled water purveyor is unable to accommodate new services or unable to provide uninterrupted service.~~

- ~~(3) A potable water supply system is not required for landscape irrigation if the landscape irrigation system is supplied with recycled water at the time of final inspection.~~
- ~~(4) Potable water may be used with the recycled water supply system on a temporary basis, as allowed by the Authority Having Jurisdiction in consultation with the recycled water purveyor.~~

~~**1501.1.1.2 Technical Requirements for Outdoor Recycled Water Supply Systems.** Recycled water supply systems for outdoor applications shall meet the requirements of this code, and the California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 1; Title 22, Division 4, Chapter 3; and Title 23, Division 2, Chapter 2.7, as applicable.~~

1501.6 Operation and Maintenance Manual (HCD-1). An operation and maintenance manual for gray water and on-site treated *nonpotable* water, ~~and recycled water supply~~ systems required to have a permit in accordance with Section 1501.3, ~~Section 1503.2~~ and Section 1506.2 shall be supplied to the building owner by the system designer or *installer*. The operating and maintenance manual shall include the following:

- (1) *Diagram(s)* of the entire system and the location of system components.
- (2) Instructions for operating and maintaining the system.
- (3) *Instructions* maintaining the required water quality for *on-site treated nonpotable water systems*.
- (4) Details on *startup, shutdown, and* deactivating the system for maintenance, repair, or other purposes.
- (5) Applicable testing, inspection, and maintenance frequencies in accordance with Section 1501.5.
- (6) A method of contacting the *installer and/or* manufacturer(s).
- (7) *Directions to the owner or occupant that the manual shall remain with the building throughout the life cycle of the structure.*

1501.7 Minimum Water Quality Requirements (HCD 1). The minimum water quality for alternate water source systems shall meet the applicable water quality requirements for the intended application as determined by the Authority Having Jurisdiction. *Water quality requirements for on-site treated nonpotable graywater shall comply with Section 1506.9.2. Recycled water shall comply with the water quality requirements of Section 1505.14.*

Exception: Water treatment is not required for gray water used *in a disposal field* or for subsurface or *subsoil* irrigation.

1501.9 Signage (HCD 1, HCD 2, HCD 1 AC). *Signage for on-site treated nonpotable gray water shall comply with Sections 1501.9.1 and Section 1501.9.2. Signage for reclaimed (recycled) water shall comply with Section 1505.12.*

~~1501.11 Hose Bibbs for Single-Family Dwellings. (HCD 1) Hose bibbs shall not be allowed on reclaimed (recycled) water piping systems for single-family dwelling units.~~

NOTE:

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Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4, 1101.5 and 1954.201; and Government Code Sections 12955.1 and 12955.1.1.

ITEM 2: 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE (PART 11,

TITLE 24)

LEGEND FOR EXPRESS TERMS (California only codes – Part 11)

1. Existing California amendments appear upright.
 2. Amended or new California amendments appear underlined.
 3. Deleted California language appears ~~upright and in strikeout~~.
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RATIONALE FOR PROPOSING CHANGES WITHOUT REGULATORY EFFECT:

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This CWORE rulemaking meets the criteria in the California Administrative Code, Section 1-421(c), Item 3 for a “change without regulatory effect,” which references deletion of a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction and/or various United States courts of law, as specified.

SUMMARY OF CHANGES

Chapter 4, Division 4.3 WATER REUSE SYSTEMS: Section 4.305.1 is repealed which contains the AB 2282 building standards mandating that new construction have both potable water and recycled water supply systems, allowing the use of recycled water for landscape irrigation. Once published in a new supplement to the 2019 CALGreen, the section referencing recycled water supply systems will no longer appear in CALGreen. HCD proposes that the “(Reserved)” notation be printed below Section 4.305 Water Reuse Systems.

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CHAPTER 4 RESIDENTIAL MANDATORY MEASURES

Division 4.3 - WATER EFFICIENCY AND CONSERVATION

SECTION 4.305 WATER REUSE SYSTEMS

~~**4.305.1 Recycled water supply systems.** Newly constructed residential developments, where disinfected tertiary recycled water is available from a municipal source to a construction site, may be required to have recycled water supply systems installed, allowing the use of recycled water for residential landscape irrigation systems. See Chapter 15 of the California Plumbing Code.~~

(Reserved)

Note:

Authority Cited: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17926, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4, 1101.5, and 1954.201; and Government Code Sections 12955.1 and 12955.1.1.

Division A4.6 – TIER 1 AND TIER 2

Section A4.602 Residential Occupancies Application Checklist: The portion of this checklist/table which references Section 4.305.1 is repealed. This section summarizes the text in Section 4.305.1, also repealed, and is shown as a potential requirement to install recycled water supply systems. With the repeal of Section 4.305.1 there is no need to include the section in the checklist.

**SECTION A4.602
RESIDENTIAL OCCUPANCIES APPLICATION CHECKLIST
Effective January 1, 2020**

FEATURE OR MEASURE	LEVELS APPLICATION TO SELECTED ELECTIVE MEASURES				VERIFICATIONS ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD		
	Mandatory	Prerequisites and electives ¹		Enforcing Agency <input type="checkbox"/> All	Installer or Designers <input type="checkbox"/> All	Third Party <input type="checkbox"/> All	
		Tier 1	Tier 2				

WATER EFFICIENCY AND CONSERVATION						
Water Reuse Systems						
4.305.1 Newly constructed residential developments, where disinfected tertiary-recycled water is available from a municipal source to a construction site, may be required to have recycled water supply systems installed, allowing the use of recycled water for residential landscape irrigation systems.	<input checked="" type="checkbox"/>					

Note:

Authority Cited: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17926, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

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