



3rd Wave Construction Information & Technical Services

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August 9, 2016

Kevin Day
Staff Services Manager & Specialist
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

RE: CA AB 2282, Recycled Water Stakeholder Committee, HCD and BSC Express Terms

Dear Kevin:

Oh Behalf of the Laborers International Union of North America (LIUNA), and their local affiliates, we appreciate the opportunity to participate in this process and as statutorily defined our ability to express our comments in an open and public forum. Our comments and opinions are directed to the California Building Standards Commission (CBSC), and the California Department of Housing and Community Development (HCD), State Water Resources Control Board and any other interested parties as defined by the intent of AB 2282 (Gatto, Chapter 606, Statutes of 2014), which added sections 17921.5 and 18940.6 to the Health and Safety Code.

The LIUNA is an organization throughout North America that beyond its recognizable labor component, is a synergic relationship of a highly skilled trained workforce which is supplied to the LIUNA Contractor partner members, who in turn have a direct relationship with manufacturers, suppliers, distributors, design community, enforcement agencies and others in the pursuit of providing a defined scope of contract services of labor and materials installation. The thousands of LIUNA contractors and members are cognizant with the affected aforementioned groups to the most important issue for everyone which is maintaining the public's health and safety to the highest degree available, **and within our immediate, acceptable and recognized federal, state and local regulatory codes and standards.** The LIUNA feels strongly that there is no room for anecdotal conjecture, beyond proven and recognized codes and standards which the BSC and HCD been delegated to accept and develop in an open consensus public process and publish and maintain in the interest of the public's health and safety in newly constructed residential, commercial, public buildings and building site landscaped areas.

With respect to the charge of CA AB 2282, we offer the following comments and opinions:

- As communicated during our participation of the AB 2282 Committees, on July 28, 2016
 - We strongly disapprove of legislation that supplants a process that is already defined statutorily and which directs the California Building Standards Commission to address issues brought forth during its 2016 triennial and intervening code adoption code cycle.

- With good intentions, CA AB 2282, which was added to statute in 2014, is for all intentions out of sync with the most recently developed, accepted and recognized codes and standards within the current BSC 2016 public process.
- Beyond the legislature or the governors need to address a man made or natural event that would require the immediate attention of the BSC to convene the expertise of those who participate in the triennial BSC public consensus process statewide, there is no reasonable understanding to circumvent a process that is defined in statute, and to do so may impose an unfunded mandate to the BSC and the industry as previously defined. That we believe is the current situation, with the struggle to implement many of the good intentions of AB 2282.
- With respect to the State Water Resources Board and others who are cited as “In Consultation” with the BSC and HCD
 - It is our opinion that these entities, including the thousands of water purveyors statewide are sufficiently governed by statute and agencies as to their delegated authority to the recognized and approved potable water quality requirements which then connect to the meter services of the impacted occupancies or sites
 - This delegated authority may also include the conveyance of non-potable water through “Purple Pipe” to the same meter services of the impacted occupancies or sites.
- With respect to the California Building Standards Commission, from the impacted meter service to the affected occupancy, it is clear that this falls under the delegated authority of the CBSC, and the Local Authority Having Jurisdiction as defined statutorily.
 - It is our opinion that the current accepted and recognized codes and standards that are the composite of the 2016 triennial code adoption code cycle, notwithstanding the current ongoing intervening code adoption cycle, sufficiently address the majority of the needs and intentions of AB 2282.
 - It is our strong opinion that there may be issues of concern for the public's health and safety with non-potable water that may be defined as recycled water, reclaimed water and graywater which would be conveyed through purple pipe to the meter service and incorporated within the occupancy without any recognizable or accepted standard(s) to direct its approved acceptance for its intended use.
 - We are familiar with current accepted and approved onsite treatment systems that result in the potential use of approved and accepted BSC non-potable water qualities that meet the already recognized standard of NSF 350.
 - Again, this is already available through the 2016 triennial codes and standards, but may be further illuminated by the “Express Terms” section of the codes to support the intentions of AB 2282.
 - Additionally, we are aware of an accepted Standard developed by the National Fire Protection Association (NFPA 22) for the use of stored locally treated non potable water for fire suppression systems, which meet the NSF 350 standard of water quality. This too, could be added within the “Express Terms” section to support the intentions of AB 2282.
 - With respect to site irrigation systems that may utilize non-potable water as referenced above, we offer the same concerns to the public's health and safety, without an approved and recognized onsite treatment of water quality that would meet a recognized and approved and accepted quality of water for its intended and approved use.

- We recognize that a building code is the lowest common baseline for a regulatory system of approval and enforcement for the built environment, and to that point the recognized authority of the local jurisdictions as defined by statute have the delegated authority to approve and enforce systems, materials, methods of construction and other areas not clearly defined in the codes in statute, being prescriptive and or performance based in nature of design, material or method of the intended approved use.
 - This process does allow the proponent of a system(s) to seek local approval providing they can show through sufficient means of testing and or other technical recognized and approved substantiations that the proposed item meets the intentions of the code, and with the highest level of the public health and safety to be considered. We offer this as a thought to be illuminated within the ‘Express Terms’ as a process for those who feel that there is a solution that may come beyond the publication and implementation of the 2016 California Building Standards. This is a time and tested process of approval by the local AHJ’s, that works concurrently with all parties within the scope and intention of AB 2282.

In conclusion, the LiUNA respectfully acknowledges the good intentions of AB 2282, but to duplicate a statutorily defined process that puts an undue burden on the industry and those who participate as defined by statute, not to mention the wasted staff man hours of the agencies involved, is truly an unnecessary unfunded mandate. We recommend during this current process, that a fast track list of “Express Terms” extracted and interpolated from the current 2016 Triennial be put forth and whatever is not specifically addressed by the intentions of AB 2282, may be left to the local AHJ’s as mentioned above and defined by the CBSC, and the Public Health and Safety Code.

Sincerely,

Michael A. Quiroz



Principal

Representing Laborers International Union of North America – LiUNA

Cc: Rocco Davis, Armando Esparza