

**INITIAL 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 (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.

DWR's proposal amending the 2019 California Plumbing Code (CPC) was presented to the Green/Plumbing, Electrical, Mechanical, and Energy Ad Hoc Code Advisory Committee (CAC) during its March 4-5, 2020 meeting. Each committee recommendation is listed below, accompanied by DWR's response.

**Section 1503.3 Connections to Potable and Reclaimed (Recycled) Water Systems—  
Exc. (2).**

DWR proposes to carry forward and amend this section from the 2019 CPC in coordination with HCD and BSC.

The purpose is to add clarifying language to Exception (2) which allows a temporary connection to the potable water supply for the initial cross-connection test of the untreated graywater system.

This is necessary to respond to comments received during a previous code cycle. 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 DWR's mission.

There is no intended change in regulatory effect.

**CAC Recommendation:** The GREEN/PEME Ad Hoc Code Advisory Committee (CAC) recommended Approve as Submitted to the proposed amendment to Chapter 15, Section 1503.3 (2).

**DWR Response:** DWR agreed with the CAC recommendation, but made a minor modification, changing the word "testing" to "test" in accordance with CAC comments, and in coordination with BSC and HCD.

**Section 1505.4 Connections to Potable or Recycled Water Supply Systems—Exc. (2).**

DWR proposes to carry forward and amend this section from the 2019 CPC in coordination with HCD and BSC.

The purpose is to add clarifying language to Exception (2) which allows a temporary connection to the potable water supply for the initial cross-connection test of the recycled water supply system.

This is necessary to respond to comments received during a previous code cycle. 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 DWR's mission.

There is no intended change in regulatory effect.

**CAC Recommendation:** The GREEN/PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted to the proposed amendment to Chapter 15, Section 1505.4 *Exception (2)*.

**DWR Response:** DWR agreed with the CAC recommendation, but made a minor modification, changing the word “testing” to “test” in accordance with terminology in Section 1505.13.2 and consistent with CAC comments on Section 1503.3, Exception (2), and Section 1506.4, Exception (2).

**Section 1505.4 Connections to Potable or Recycled Water Supply Systems—Exc. (4).**

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. The initial express terms proposed by DWR included placeholder language to reference the provisions to be adopted by the SWRCB. DWR provided an addendum to replace the placeholder language in its 2019 California Plumbing Code initial express terms and initial statement of reasons prior to the GREEN/PEME Ad Hoc Code Advisory Committee meeting. The new provisions in development by SWRCB necessitate the corresponding code change to the recycled water building standards developed by the DWR in Chapter 15 of the CPC. This amendment to the CPC is intended to implement the provisions to be adopted by the SWRCB.

There may be a need in a future code adoption cycle to add definitions to correspond to terminology consistent with the SWRCB regulations or handbook.

DWR proposes to add Exception (4) to this section from the 2019 CPC in coordination with HCD and BSC.

The purpose is to add a new Exception (4) to implement requirements for a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.

This is necessary to allow a backup potable water supply for recycled water systems while protecting the potable water supply.

There is no intended change in regulatory effect.

**CAC Recommendation:** The GREEN/PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted to the proposed amendment to Chapter 15, Section 1505.4 *Exception (4)*.

**DWR Response:** DWR agreed with the CAC recommendation, and has incorporated the language included in the addendum reviewed by the CAC into Exception (4), which previously contained a placeholder in lieu of the addendum language.

### **Section 1505.13.2 Cross-Connection Inspection and Testing.**

DWR proposes to carry forward and amend this section from the 2019 CPC in coordination with HCD and BSC.

The purpose is to add language distinguishing steps taken during initial cross-connection tests (i.e. those conducted before initial operation of a reclaimed (recycled) water source system from those taken during subsequent inspections and tests. Additionally, DWR proposes to delete duplicative language referencing Section 1505.13.2.2.

This is necessary to respond to comments received during a previous code cycle. The benefits of these code changes include clarifying code language that will produce sensible and usable state building standards that promote health and safety, consistent with DWR's mission.

There is no intended change in regulatory effect.

**CAC Recommendation:** The GREEN/PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted to the proposed amendment to Chapter 15, Section 1505.13.2.

**DWR Response:** DWR agreed with the CAC recommendation.

### **Section 1505.13.2.2 Cross-Connection Test.**

DWR proposes to carry forward and amend this section from the 2019 CPC in coordination with HCD and BSC.

The purpose is to add language distinguishing steps during an initial cross-connection test from those taken during subsequent cross-connection tests.

This is necessary to clarify code language to have sensible and usable state building standards that promote health and safety, consistent with DWR's mission.

There is no intended change in regulatory effect.

**CAC Recommendation:** The GREEN/PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted to the proposed amendment to Chapter 15, Section 1505.13.2.2.

**DWR Response:** DWR agreed with the CAC recommendation.

**1506.4 Connections to Potable or Reclaimed (Recycled) Water Systems—Exc. (2).**

DWR proposes to carry forward and amend this section from the 2019 CPC in coordination with HCD and BSC.

The purpose is to add clarifying language to Exception (2) which allows a temporary connection to the potable water supply for the initial cross-connection test of the on-site treated nonpotable graywater system.

This is necessary to respond to comments received during a previous code cycle. 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 DWR's mission.

There is no intended change in regulatory effect.

**CAC Recommendation:** The GREEN/PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted to the proposed amendment to Chapter 15, Section 1506.4 Exception (2).

**DWR Response:** DWR agreed with the CAC recommendation, but made a minor modification, deleting the word “testing” in accordance with CAC comments, and in coordination with BSC and HCD.

**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, 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 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 contains only 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.

DWR 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.

DWR has not identified any reasonable alternatives to these proposed regulations, which would not have an adverse impact on small business. This proposal includes clarifying code language with no intended change in regulatory effect.

### **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 coordinated with HCD and 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.

Because this proposal makes only non-substantive, clarifying changes to existing code language resulting in no change in regulatory effect, 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.

Because this proposal makes only non-substantive, clarifying changes to existing code language resulting in no change in regulatory effect, 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.

Because this proposal makes only non-substantive, clarifying changes to existing code language resulting in no change in regulatory effect, 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.

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 no additional cost of compliance because the proposal presents non-substantive, clarifying changes which preserves the existing status quo of the CPC with no intended change in regulatory effect.

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.