

**STATE OF CALIFORNIA
CALIFORNIA BUILDING STANDARDS COMMISSION
MEETING MINUTES**

July 30, 2009

1. CALL TO ORDER

Chair Aguiar called the meeting to order at approximately 10:00 a.m., at the Department of Consumer Affairs, 1625 N. Market Blvd., Sacramento, California.

ROLL CALL

Commissioners Present:

Chair Aguiar, Chairperson
James Barthman
Craig Daley
Christina Jamison
Stephen Jensen
Michael Paravagna
Richard Sawhill
Tony Hoffman
Susan Dowty

Commissioners Absent:

Isam Hasenin, Vice-Chair
Steve Winkel

Also Present:

Tom Morrison, Deputy Director
Teresa Boron-Irwin, Legal Counsel
Michael Nearman, Architectural Associate
Russell Frank, Associate Architect
Katrina Benny, Staff Services Manager
Cynthia Biedermann, Assoc.Govt. Program Analyst
Erika Keeler, Technical Analyst
Stephanie Davis, Executive Assistant
Enrique Rodriguez, Associate Construction Analyst

2. APPROVAL OF THE MINUTES OF THE MAY 2009 MEETING

Chair Aguiar requested a motion to approve the Minutes of the May 20, 2009 meeting. Commissioner Sawhill made the motion to approve and Commissioner Jamison seconded the motion. **Motion carried.**

3. APPOINTMENT OF A NEW MEMBER TO THE GREEN BUILDING CODE ADVISORY COMMITTEE

Commissioner Jamison made the motion to recommended William R. Schock, nominated by CALBO, as the Building Official to replace Peter Bruck on the Green Building Code Advisory Committee; Commissioner Barthman seconded the motion. **Motion carried.**

A) Selection of a replacement for the building g official representative and vice-chair position.

Secretary Aguiar tasked the Green Building Code Advisory Committee in regards to the selection of a replacement for the vice-chair position.

4. REQUEST FROM THE CALIFORNIA ENERGY COMMISSION TO DELAY THE EFFECTIVE DATE OF THE RECENTLY PUBLISHED BUILDING ENERGY EFFICIENCY STANDARDS (TITLE 24, PARTS 1 AND 6)

Bill Pennington representing the California Energy Commission updated the California Building Standards Commission (Commission) on the new effective date of the 2008 California Building Energy Efficiency Standards from August 1, 2009 to January 1, 2010. The reason for the change in date is largely due to the delay in the public domain compliance software programs for these Standards. Secretary Aguiar requested a motion to move the effective date from August 1, 2009 to January 1, 2010. Commissioner Sawhill made the motion to approve and Commissioner Paravagna seconded the motion. **Motion carried.**

5. BRIEF REPORT FROM THE SEISMIC SAFETY COMMISSION REGARDING THE OCTOBER 2009 STATEWIDE SEISMIC SAFETY PREPARDNESS EVENT

Karen Cogan from the Seismic Safety Commission gave a brief update on the Great Shakeout scheduled for October 15, 2009. California will be participating in a unified, state-wide earthquake drill. A handout was provided illustrating all of the various events to commemorate the 20th Anniversary of the Loma Prieta Earthquake.

6. UPDATE ON THE 2009 CODE ADOPTION CYCLE

A) Code Advisory Committee Meetings

Mike Nearman provided an update with Code Advisory Committee Meetings dates: Plumbing, Electrical, Mechanical, Energy Meeting and the Access meetings have been completed; Green Building meeting is scheduled for August 4th and 5th and BFO is scheduled for August 10th.

B) Timeline

All meetings will be completed by the end of August.

7. PRESENTATIONS BY THE NATIONAL MODEL CODE PUBLISHERS

A) Update from individual organizations regarding code development efforts at the national level with an emphasis on green building standards development

i) International Association of Plumbing and Mechanical Officials (IAPMO)

Dwight Perkins from IAPMO provided an update on the development of the Green Plumbing and Mechanical Supplement; this is a separate document from the Uniform Codes which will establish requirements for green building and water efficiency applicable to plumbing and mechanical systems.

ii) International Code Council (ICC)

Kevin Scott representing the International Code Council updated the Commission regarding the ICC code process. The 2009 codes have been published and are being reviewed by several local jurisdictions, specifically the updates for the Building, Fire, and Existing Building Code. The International Residential Code and Wildland Urban Interface Code are currently being considered for possible future publication. A new edition of the code will be published every three years and each code will go through one code change cycle during this time. The next published edition will be available 2012. The Green Construction Code is currently in the process of development; and will apply to commercial buildings and high performance buildings.

PUBLIC COMMENT

Art Ludwig from Oasis Design “I would like to request part openings in the Green Building Code for research and development and will be submitting written comments on the subject.

Doug Moliter, representing California Green Tech Open, “I look at this presentation and I see a 20th century approach to a 21st century problem specifically when you work on the codes in 2009 and publish in 2012.” New and better technology should be considered in the code process.

Erik Emblem, representing SMACNA would like to specifically comment regarding IAPMO’s Green Code Supplement. They are doing a terrific job; Innovative and up to date.

Commissioner Dowty requested that Kevin Scott from ICC, address Mr. Moliter’s comment regarding the opportunity to submit code changes to the green code after publication in 2012; and how the incorporation of new technologies that are developed along the way be facilitated.

8. CODE ADOPTION PROPOSALS

A) The Department of Housing and Community Development (HCD EF 01/09)

Doug Hensel; with the Department of Housing and Community Development (HCD), presented this proposal and requested that the Commission concur with the finding of emergency regarding the graywater modifications to California Code of Regulations, Title 24, Part 5, Chapter 16A.

Commissioner Jamison requested clarification regarding local jurisdiction filing in regards to SB 1258 adoption of ordinances as they apply to graywater.

Commissioner Sawhill had a concern with the proposal being filed as an emergency regulation.

Commissioner Barthman wanted to know how people would be made aware of the new regulations without the benefit of the permit requirement.

PUBLIC COMMENT

Art Ludwig in support for the graywater standards. Request anyone in opposition to the adoption of this standard to explain exactly how overflowing septic systems are better than permit free graywater systems. These are common sense standards.

Dr. Linda Rudolph, acting Chief Deputy Director from Policy and Programs, Department of Public Health, supports the proposed provisions to the California Plumbing Code and believes that the proposed standards are adequately protective of public health and significantly decrease demand on our drinking water supply.

Bob Raymer, technical director of California Building Industry Association (CBIA) and representative for California Business Property Association (CBPA): CBIA and CBPA are both in strong support of the Commission's adoption of HCD's graywater regulations as is and concurs with HCD; this is an emergency adoption and regulation needs to be put in place.

Laura Allen, representing Greywater Guerrillas and Greywater Alliance, is in support of the emergency regulations proposed by HCD. She stated that the state of Arizona has a much more relaxed code, with no permits required. The inspectors have not had any complaints since 2001 in regards to permit-free graywater systems. Restrictive codes are a huge barrier for usage; people don't follow them and the people that do have multiple problems. Also this regulation could provide jobs for installers and stimulate our economy.

Raphael Garcia, from Rona Creek, is in support of the HCD proposed regulations. This code is adequate to safeguard the health and safety of the planet.

Cleo Woelfle-Evskive, representing Greywater Action and Greywater Guerrillas, is in support of the proposed regulations and believes that they adequately address public health concerns and the water crisis.

Andrea Lara, representing Greywater Guerrillas, is in support of the proposed regulations. There is a great desire for graywater use in California and this code will allow people to save money and water and provide job opportunities for installers.

Christina Berteau, representing Greywater Alliance, UA Local 159, is in support of HCD's emergency regulations for graywater systems. Public health risk is greater with a shortage of water in comparison to the risks of the use of graywater systems.

Becky Fraser, representing California Building Officials (CALBO), is in full support of the HCD emergency regulations with provisions requiring a permit for installation.

Tom Enslow, representing California State Pipe Trades Council, is in support of the HCD emergency regulations. However, it opposes the permit exemption proposal for graywater systems.

DeWayne Starnes, Building Official from Sonoma County, is in support of the HCD emergency regulations with the permit requirement which can be amended by local ordinances.

Tim Dunn, from the City of Ventura, opposes the emergency regulations and recommends that further studies be completed regarding the HCD emergency regulations.

Michael Harrison, from the County of Santa Clara, Office of Development Services opposes HCD's emergency regulations. The exemption from permits language is not necessary due to the emergency action and does not meet the 9-point criteria. This exception should go through normal code development procedures. He does not believe that it is in the best interest of the public to be permit free.

Don Wadsworth, representing the Cast Iron Soil Pipe Institute, opposes HCD's emergency regulations regarding graywater systems. He is in favor of graywater but consideration should be made in regards to health and safety with installation of these systems. Permits should be required for installation of graywater systems.

Martin Cooper, from the City of Foster City, opposes HCD's emergency regulations and does not think that this is an emergency measure. It does not meet the 9-point criteria and the normal code development process should be followed.

Phil Ribbs, representing PHR Consultants, fully supports the forward thinking legislation, but not at the risk of public health and well being. He opposes HCD's emergency regulations; the current graywater permit requirements are no different or more cumbersome than those required for building, electrical, or mechanical codes.

Steven Bilson, representing Rewater Systems, supports HCD's emergency regulations. The company sponsored California's original, and its revision, laws and has worked under that for 15 years. The changes today are over due.

Jeff Hutcher, from the City of Oakland, supports HCD's emergency with amendments. Permits should be required to prevent unsanitary conditions.

Sonia Diermayer supports HCD's emergency regulations. This code is the beginning of the solution.

Doug Hensel reassured the Commission that the emergency regulations are necessary and will not have a negative impact on health and safety without permitting the graywater systems. There are procedures that allow local jurisdictions to track installations. A tremendous amount of outreach and research have gone into these emergency regulations.

HCD is willing to work with CALBO or any other organization regarding installation guidelines. There is still a 45-day public comment period that these regulations are required to go through.

Commissioner Jamison expressed her concern regarding the emergency process and would like to postpone approval.

Secretary Aguiar requested a motion to concur in the emergency finding. Commissioner Jamison made a motion to concur. Inaudible seconded the motion. **Motion carried.**

Secretary Aguiar requested a motion to adopt/approve the emergency building standards. Commissioner Daley made the motion to approve and Commissioner Paravagna seconded the motion. Commissioner Jamison voted against adopting/approving the emergency standards. **Motion carried.**

B) State and Consumer Services Agency on behalf of the Division of the State Architect (DSA-AC 01/09): Access for Disabled Account (Fund 0006) and Financial Integrity and State Manager's Accountability Act:

Rene Gutierrez, Deputy Secretary, Fiscal Operations, presented the proposal to increase fees for the Access for Disabled Account on behalf of DSA. This would be a short term solution and would give a sufficient balance for the next two years; a full consultation study will be completed during this time and further adjustments can be made accordingly.

Secretary Aguiar requested a motion to approve, subject to the sign-off by the Department of Finance. Commissioner Barthman made the motion to approve and Commissioner Paravagna seconded the motion. **Motion carried.**

9. PRESENTATION BY CBSC STAFF REGARDING SB 1473

Cynthia Biedermann and Katrina Benny provided a short presentation on the new SB 1473 process of fund collections and education and outreach with the new regulations in place.

10. REVIEW AND POTENTIAL ADJUSTMENT OF CBSC MEETINGS

Secretary Aguiar moved this item to the September 16, 2009, meeting.

11. FUTURE AGENDA ITEMS

NONE

12. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THE AGENDA

NONE

13. ADJOURN

Chair Aguiar adjourned the meeting at approximately 1:00 pm.