

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
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Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE NOTICE DATED AUGUST 28, 2009**

Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: OCTOBER 12, 2009**

Date: 9/23/09

From:

Martin D. Cooper  
Name (Print or type)

  
(Signature)

City of Foster City

Agency, jurisdiction, chapter, company, association, individual, etc.

610 Foster City Blvd.  
Street

Foster City  
City

CA  
State

94404  
Zip

I/We (do)(do not) agree with:

The Agency proposed modifications As Submitted on Section No. 1601A.0(D) exception and 1603A.0

and request that this section or reference provision be recommended:

Approved  Disapproved  Held for Further Study  Approved as Amended

**Suggested Revisions to the Text of the Regulations:**

~~1601A.0(D) Exception: A construction permit shall not be required for a graywater system supplied by a clothes washer system and/or a single fixture system in compliance with the requirements of Section 1063A.1.1~~

~~1603A.1.1 Clothes Washer System and/or Single Fixture System. A clothes washer system and/or a single fixture system in compliance with all of the following is exempt from the construction permit specified in Section 1.8.4.1 and may be installed or altered without a construction permit:~~

**Table 1603A.1.4 Construction Permit Requirements**

~~No construction permit required if conditions in Section 1603A.1.1 are met. Permit and plans required unless exempted by Enforcing Agency~~

**Reason:** [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

The provisions of §1601A.0(D) exception, §1603A.1.1 and Table 1603A1.4 should not be adopted as published in the proposed express terms.

The proposed terms conflicts with 1.8.4.1 of proposed Chapter 1.

The ISOR concluded that gray water systems have been discouraged due to "... the cumbersome and expensive permitting and engineering process." This is not a valid reason to propagate a potential risk to the public. HCD stated that it "has received numerous comments from stakeholders indicating extensive unlawful installations of graywater systems for single family dwellings due to the current permitting requirements." If the graywater systems were submitted for plans review approval and inspected then the installations would have not been unlawful and the public health risk would be minimal. A clothes washer system and/or a single fixture system installed without permit would have a greater public health risk than a system approved and inspected by the local jurisdiction.

### HEALTH & SAFETY CODE SECTION 18930

#### SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
  - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
  - (3) The public interest requires the adoption of the building standards.
  - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
  - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
  - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
  - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
    - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
    - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
  - (8) The format of the proposed building standards is consistent with that adopted by the commission.
  - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.