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CALIFORNIA BUILDING STANDARDS
COMMISSION, ET AL.

FILED
ALAMEDA COUNTY

SEP 14 2010

CLERK OF THE SUPERIOR COURT
By Vicki Daybell JD

Exempt from Filing Fees
Gov. Code, § 6103

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

CENTER FOR ENVIRONMENTAL HEALTH;)
CONSUMER FEDERATION OF)
CALIFORNIA; PLANNING AND)
CONSERVATION LEAGUE; CALIFORNIA)
STATE PIPE TRADES COUNCIL; CALIFORNIA)
PROFESSIONAL FIREFIGHTERS; SIERRA)
CLUB CALIFORNIA and DOES 2 through 10,)
inclusive,)
Petitioners and Plaintiffs,)
v.)
CALIFORNIA BUILDING STANDARDS)
COMMISSION, a public agency; CALIFORNIA)
DEPARTMENT OF HOUSING AND)
COMMUNITY DEVELOPMENT, a public agency;)
CALIFORNIA DIVISION OF THE STATE)
ARCHITECT, a public agency; CALIFORNIA)
OFFICE OF STATEWIDE HEALTH PLANNING)
AND DEVELOPMENT, a public agency;)
CALIFORNIA DEPARTMENT OF PUBLIC)
HEALTH, a public agency; CALIFORNIA)
DEPARTMENT OF FOOD AND)
AGRICULTURE, a public agency; and DOES 11)
through 20, inclusive,)
Respondents and Defendants.)
PLASTIC PIPE and FITTINGS ASSOCIATION;)
and DOES 21 through 30, inclusive,)
Real Parties in Interest.)

CASE NO. RG09437040
ORDER ON
RESPONDENTS' FINAL
RETURN TO WRIT AND
REQUEST FOR ORDER
DISCHARGING PEREMPTORY
WRIT OF MANDATE

ASSIGNED FOR ALL PURPOSES:
Hon. Frank Roesch
Department: 31

Filing Date of Action: February 20,
2009

Trial Date: August 28, 2009

Judgment & Order Entered: Dec. 30,
2009

Writ Issued: March 18, 2010

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Respondents California Building Standards Commission ("Commission") et al. move for an order discharging the Writ of Mandate ("Writ") issued by this Court on March 18, 2010 and making a determination that the Commission has fully complied with the California Environmental Quality Act ("CEQA"). Having reviewed the Final Return to Writ filed by the Commission and having considered the Second Revised Draft EIR, the Second Revised Final EIR and other supporting documents submitted by the parties, the Court hereby rules as follows:

1. The Writ issued by this Court on March 18, 2010, commanded the Commission to set aside certification of the environmental impact report ("EIR") and all decisions, approvals, and findings the state plumbing code standards (i.e., regulations) authorizing the statewide use of PEX tubing (the "Project") until the Commission had fully complied with the California Environmental Quality Act ("CEQA") (Public Resources Code, § 21000 et seq.) with respect to the Commission's environmental analysis and approval of the regulations authorizing the statewide use of crosslinked polyethylene pipe ("PEX").

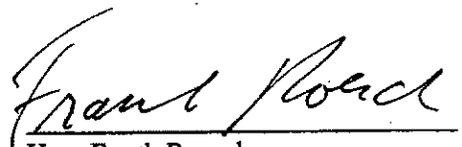
2. As set forth in the Commission's Final Return to Writ, the Commission has complied with the Writ, and Petitioners Center for Environmental Health, Consumer Federation of California, Planning and Conservation League, California State Pipe Trades Council, California Professional Firefighters and Sierra Club California agree that such compliance has occurred.

3. It is ordered that the Peremptory Writ of Mandate be, and hereby is, discharged.

4. Judgment shall be entered in accordance with this Order.

IT IS SO ORDERED:

DATED: Sept 14, 2010


Hon. Frank Roesch
Judge of the Superior Court

CLERK'S DECLARATION OF MAILING

I certify that I am not a party to this cause and that on the date stated below I caused a true copy of the foregoing ORDER ON RESPONDENTS' FINAL RETURN TO WRIT AND REQUEST FOR ORDER DISCHARGING PEREMPTORY WRIT OF MANDATE to be mailed first class, postage pre paid, in a sealed envelope to the persons hereto, addressed as follows:

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I declare under penalty of perjury that the same is true and correct.
Executed on September 15, 2010.

By: Vicki Daybell
Vicki Daybell, Deputy Clerk
Department 31