

Mitigation Monitoring and Reporting Program

# Adoption of Statewide Regulations Allowing the Use of PEX Tubing



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# **Mitigation Monitoring and Reporting Program Adoption of Statewide Regulations Allowing the Use of PEX Tubing**

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# TABLE OF CONTENTS

<b>Mitigation Monitoring And Reporting Program.....</b>	<b>1</b>
Introduction .....	1
Purpose of the MMRP.....	1
Roles and Responsibilities.....	1
Monitoring Schedule .....	1
Changes to Mitigation Measures .....	1
MMRP Summary Table .....	2

## **Table**

Adoption of Statewide Regulations Allowing the Use of PEX Tubing	
Mitigation Monitoring and Reporting Program Summary Table .....	3



# MITIGATION MONITORING AND REPORTING PROGRAM

## INTRODUCTION

This environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) and State CEQA Guidelines to ensure the effective implementation of the mitigation measures adopted by the California Building Standards Commission (BSC) and five other state agencies in their approval of statewide regulations allowing the Use of PEX tubing (Project), as set forth in the Second Revised Final Environmental Impact Report (EIR) for the Project. The five other state agencies—collectively, the “Responsible Agencies”—include the California Department of Housing and Community Development (HCD), Division of the State Architect (DSA), Office of Statewide Health Planning and Development (OSHPD), Department of Public Health (DPH, previously known as the Department of Health Services, or DHS), and the Department of Food and Agriculture (DFA).

Section 21081.6 of the California Public Resources Code (and Section 15091(d) and 15097 of the State CEQA Guidelines) require that public agencies “shall adopt a reporting or monitoring program for changes made to the project or condition of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A MMRP is required for the proposed project because the EIR for the Project identified potentially significant adverse impacts related to implementation of the proposed project and mitigation measures have been identified to reduce these impacts to less-than-significant levels.

This MMRP will be adopted by the BSC and the Responsible Agencies when they approve the Project.

This MMRP will be kept on file at the BSC, 2525 Natomas Park Drive Suite 130 Sacramento CA 95833.

## PURPOSE OF THE MMRP

This MMRP has been prepared to ensure that all required mitigation measures are implemented. The MMRP may be modified by the BSC during project implementation as necessary in response to changing conditions or other refinements. A summary table (attached) identifies the mitigation measures, monitoring/mitigation timing, responsible person/agency, monitoring procedures, and a record of implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR.

## ROLES AND RESPONSIBILITIES

BSC and the Responsible Agencies are responsible for taking all actions necessary to implement the mitigation measures according to the specifications provided for each measure and for demonstrating that the action has been successfully completed. For this project, each mitigation measure simply involves adoption of regulatory language; no ongoing monitoring or reporting is required.

## MONITORING SCHEDULE

As described above, the Project mitigation measures involve adoption of regulatory language at the time of project approval; no ongoing monitoring or reporting is required.

## CHANGES TO MITIGATION MEASURES

Any substantive change in the MMRP shall be reported in writing. Modifications to the mitigation measures may be made subject to one of the following findings and documented by evidence included in the record:

1. The mitigation measure included in the Final EIR and the MMRP is no longer required because the significant environmental impact identified in the Final FIR has been found not to exist or to occur at level which makes the impact less than significant as result of changes in the project, changes in conditions of the environment, or other factors.

OR

2. The modified or substitute mitigation measure to be included in the MMRP provides level of environmental protection equal to or greater than that afforded by the mitigation measure included in the Final FIR and the MMRP.

AND

3. The modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered by the responsible hearing bodies in their decisions on the Final EIR and the proposed project.

AND

4. The modified or substitute mitigation measures are feasible and the BSC and Responsible Agencies, through measures included in the MMRP or other applicable procedures, can assure their implementation.

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

## MMRP SUMMARY TABLE

The MMRP Summary Table that follows provides formal record of implementation of the mitigation measures. The column categories identified in the MMRP Summary Table are described below:

**Mitigation Number** – lists the mitigation measures by number.

**Mitigation Measure** – provides the text of the mitigation measures identified in the EIR.

**Timing/Schedule** – identifies the time frame in which the mitigation will take place (for this project upon project approval).

**Implementation Responsibility** – identifies the entity responsible for complying with the requirements of the mitigation measure.

**Implementation and Verification** – verifies compliance and may be initialed by an appropriate BSC representative for the record.

**Adoption of Statewide Regulations Allowing the Use of PEX Tubing  
Mitigation Monitoring and Reporting Program Summary Table**

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Implementation and Verification	
				Monitoring Action	Date Completed
<b>Mitigation Measures Identified in the EIR</b>					
<b>Public Health and Hazards</b>					
<b>4.2-1</b>	<b>Risk of Premature or Unexpected PEX Failure and Flooding Potentially Increasing the Incidence of Mold.</b>				
	<p><b>4.2.1a:</b> The Building Standards Commission shall amend Table 14-1 of the California Plumbing Code to require compliance with NSF 14-2009, which includes requirements to prevent dezincification and stress crack corrosion of brass fittings used with plastic pipe.</p> <p><b>4.2.1b.</b> The BSC also shall adopt regulatory language requiring that when installing PEX for any continuously recirculating hot water system, the PEX tubing must be certified as meeting the chlorine resistance requirements of ASTM F876-08 or an appropriate, equally rigorous standard. Any equally rigorous yet-to-be adopted standard shall be approved by the Building Standards Commission and shall be one that tests for 100% exposure to continuously recirculating hot water and ensures a product lifetime of at least 50 years. The adopted regulatory language shall specify these requirements for all continuously recirculating hot water systems regardless of the type of disinfection used.</p>	During the regulatory adoption process.	BSC, HCD, DSA, OSHPD, DPH, and DFA	Verify adoption of appropriate regulatory language.	
<b>Water Quality</b>					
4.4-3	<p><b>Noncompliance with California and Federal Drinking Water Standards (including Proposition 65) Resulting from Permeation.</b> The regulation shall prohibit the installation of PEX for potable water uses below the slab (i.e., in bare soil) unless: PEX is sleeved by a metal or other material approved for potable water use that is impermeable to solvents and petroleum products.</p>	During the regulatory adoption process.	BSC, HCD, DSA, OSHPD, DPH, and DFA	Verify adoption of appropriate regulatory language.	