

October 9, 2009

Dave Walls, Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Subject: Comments on Proposed Building Standards Related to Graywater Systems:

- 1) 2007 California Plumbing Code, Emergency Regulations Filed with the Secretary of State 8/4/09 (California Code of Regulations, Title 24, Part 5, Chapter 16A, Part I)
- 2) Adoption of the 2009 Edition of the Uniform Building Code with Proposed Amendments into the 2010 California Plumbing Code (California Code of Regulations, Title 24, Part 5)

Dear Mr. Walls:

The Santa Clara Valley Water District (District) thanks you for the opportunity to comment on the proposed changes to the California Plumbing Code. The mission of the Santa Clara Valley Water District is a healthy, safe and enhanced quality of living in Santa Clara County through watershed stewardship and comprehensive management of water resources in a practical, cost-effective and environmentally-sensitive manner for current and future generations.

Groundwater provides nearly half the water used in Santa Clara County, and in some areas, it is the sole drinking water supply source. Due to its critical importance, protecting groundwater is a key District mission. The District recognizes the interest to increase the use of graywater to reduce demands on potable supplies and reduce the number of non-compliant graywater systems. As we have implemented numerous water use efficiency programs throughout the county, we support this goal. However, this must be done such that groundwater, which is a critical drinking water resource throughout the state, is not adversely impacted.

The District believes the proposed revisions to the California Plumbing Code do not provide adequate protection of groundwater resources and offers the following comments for your consideration:

The proposed discharge of untreated graywater to the subsurface with almost no groundwater protection requirements endangers this critical resource.

- Graywater may contain pathogens, detergents, and emerging contaminants found in personal care products and the potential impacts to groundwater from graywater used for irrigation are largely unknown. Given the unknown impacts on groundwater quality, the minimum separation to groundwater for all graywater systems should be 10 feet.
- The lack of a permitting process for clothes washer or single-fixture systems makes it impossible to ensure compliance with the standards outlined in section 1603A.1.1. At a minimum, the District recommends a streamlined permitting process for these systems, to include registration of the system and verification of adequate separation to groundwater, if groundwater elevation

data is available. A simple registration-based permit will help reduce the number of non-compliant systems while providing information to local agencies on the location and number of systems.

- The minimum horizontal setbacks from graywater systems (Table 16A-1) do not adequately protect groundwater quality. Allowing subsurface irrigation within 4-5 feet of sewage pits, cesspools, and sewage disposal fields could potentially interfere with the operation of these systems and may result in groundwater degradation or contamination.
- The standards should require local enforcing agencies to confer with local groundwater management agencies to ensure groundwater resources are not negatively impacted.
- Discharges to waters of the state, which include surface water and groundwater, are regulated by the State Water Resources Control Board and Regional Water Quality Control Boards. The discharge of untreated graywater to the subsurface may require a permit from these agencies as it may impact groundwater quality.
- As mentioned in the policy overview for the proposed emergency regulations, one of the broad objectives of these standards is to comply with SB 1258 (Ch. 172, Stats. of 2008). Among other things, SB 1258 required the Housing and Community Development Department to:
 - Convene and consult a stakeholder's group that includes members with expertise in water quality, geology or soils, and other areas
 - Ensure protection of water quality in accordance with applicable provisions of state and federal water quality law
 - Consider existing research available on the environmental consequences to soil and groundwater of short-term and long-term graywater use for irrigation purposes

However, no information has been provided to demonstrate that these requirements have been considered or met in the development of the proposed standards.

Thank you for the opportunity to provide comments. Please contact me at (408) 265-2607, extension 2080 if you need additional information.

Sincerely,



Keith Whitman
Deputy Operating Officer
Water Supply Operations & Maintenance Division

cc: H. Ashktorab, B. Ahmadi