

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DR., SUITE 130  
SACRAMENTO, CA 95833  
(916) 263-0916 Phone  
(916) 263-0959 Fax  
Email: BSC@dgs.ca.gov

RECEIVED

Office Use Item No. \_\_\_\_\_

2009 OCT 13 A 8:31

CALIFORNIA BUILDING  
STANDARDS COMMISSION

**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: October 12, 2009

From:

William Granger, Water Conservation Manager  
Name (Print or type)

  
(Signature)

Otay Water District  
Agency, jurisdiction, chapter, company, association, individual, etc.

2554 Sweetwater Springs Blvd., Spring Valley, CA 91978-2004  
Street City State Zip

We do not agree with:

The Agency proposed modifications As Submitted on Section No. Health and Safety Code Section 18930

**Graywater Standards, Title 24, Part 5, Chapter 16A, Part 1.**

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:**

- The District proposes that the following requirements be incorporated into the Graywater Standards:
  - During the design and planning stage of any graywater system, whether permitted or exempt from construction permit requirements, the property owner must submit the plans for the system to its local water supplier, together with a report from a qualified inspector indicating the proposed location for a backflow prevention device. A list of qualified backflow inspectors could be obtained from the water supplier.
  - The owner shall ensure that a backflow prevention device acceptable to its water supplier is installed and tested by a qualified inspector before or concurrently

with the installation of the graywater system. The owner shall comply with the local water requirement's regulations concerning the backflow devices and the graywater systems.

- o The graywater system must NOT connect to any public potable or reclaimed water systems.
- o If any portion of a public water supply is polluted due to the use or misuse of a graywater system, the property owner will be responsible for all resulting costs, including all costs incurred by the local water supplier due to such pollution.
- o The Enforcing Agencies shall be responsible for monitoring and citations of code violations. The Enforcing Agencies shall not hold the local water suppliers responsible for any violations of other permits or operational requirements of, or for any damages attributable to, any graywater system.

**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 District is opposed to the Graywater Standards, as written, because they are vague (Section 18930 (a) 6) and because it appears to the District that the cost to the public could outweigh the benefits (18930 (a) 3). The District would support the standards, as amended. The District is also requesting clarification on the issue of whether the Graywater Standards constitute legislation on a matter that is expressly within the jurisdiction of other state and federal agencies.
- In the District's experience, it is usually within the purview of the Water Quality Resources Control Board (WQRCB) to enact legislation concerning the discharge of pollutants. (See 33 U.S.C.S. commencing with Section 1342 and Cal. Water Code commencing with Section 13374). The Graywater Standards do not address the issue of jurisdiction (See HSC Section 18930(a)(2)) and it is not clear how conflicts with other legislation, if any, will be addressed.
- The District is particularly concerned with the lack of notice, regulation and compliance requirements for the graywater systems contemplated under the Graywater Standards, particularly those described under Section 1603A.1.1. The California Code of Regulations (CCR), requires public water systems to protect their water supplies from contamination by implementing a cross-connection control program. The program must include provisions for the protection of the drinking water supply through the installation of appropriate backflow prevention assemblies at all water user's connections where a hazard or potential hazard to the water supply is identified by the public water system (CCR, Title 17, Section 7584). However, under the Graywater Standards water suppliers, such as the District, are not even entitled to notice prior to the installation of graywater systems. Thus, there are no clear means to preventing cross-connections or requiring backflow prevention devices. The current provisions could create conditions that could lead to potential contamination of the public supply system, and could endanger the health and safety, not only of the customers who installed the original system, but the population at large.

**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.