

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DR., SUITE 130  
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Email: BSC@dgs.ca.gov

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

**PARTICIPATION COMMENTS FOR THE NOTICE DATED November 25, 2009**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: December 9, 2009**

Date: December 9, 2009

From: Frank Anderson, Utilities Services 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. \_\_\_\_\_

**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 for:
- **16010: Graywater Systems - General**
  - **A.** The provisions of this part shall apply to the construction, alteration, discharge, use and repair of graywater systems. The graywater system shall not, **under any circumstances**, be connected to any potable water system ~~without an air-gap or other physical device which prevents backflow~~ and shall not cause the ponding or runoff of graywater. **No graywater system shall be installed without appropriate safety devices, including air gaps or other physical device that prevents backflow.** A city, county, or city and county or other local government or water supplier may, after a public hearing and enactment of an ordinance or

resolution, further restrict or prohibit the use of graywater systems or establish fees for administration, survey or inspection of such systems. The Enforcing Agency shall notify the local water supplier, if any, of the proposed installation of graywater systems, permitted and non-permitted. For additional information, see Health and Safety Code Section 18941.7

- **D.** No construction permit for any graywater system shall be issued until a plot plan with appropriate data satisfactory to the Enforcing Agency has been submitted and approved. When there is insufficient lot area or inappropriate soil conditions to prevent the ponding or runoff of the graywater, as determined by the Enforcing Agency, no graywater system shall be allowed.

**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 requirements of Section 1603A 1.1. However, prior notice of the installation must be submitted to the Enforcing Agency.

### **1603A.0 Permit**

A written construction permit shall be obtained from the Enforcing Agency prior to the erection, construction, reconstruction, installation, relocation or alteration of any graywater system that requires a permit.

**Exception:** A construction permit shall not be required for graywater system supplied only by a clothes washer system and/or single fixture system in compliance with the requirements of Section 1603A. 1.1. However, a notice to construct will be required to be submitted to the Enforcing Agency.

The Enforcing Agency shall notify the local water supplier, if any, of the proposed installation of graywater systems, permitted and non-permitted.

### **1603A.1 System Requirements.**

#### **1603A1.1 Clothes Washer System and/or Single Fixture System.**

1. ~~If required,~~ Notification has been provided to the Enforcing Agency regarding the proposed location and installation of a graywater irrigation or disposal system.

**Note:** A city, county, or city and county or other local government or water supplier may, after a public hearing and enactment of an ordinance or resolution, further restrict or prohibit the use of graywater systems or establish fees for administration, survey or inspection of such systems. The Enforcing Agency shall notify the local water supplier, if any, of the proposed installation of graywater systems, permitted and non-permitted. For additional information, see Health and Safety Code Section 18941.7

**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 and because it appears to the District that the cost to the public could outweigh the benefits. The District would support the standards, as amended.

- The District is particularly concerned with the lack of notice requirements for the graywater systems contemplated under the Graywater Standards. The California Code of Regulations (CCR), requires public water systems to protect their water supplies from contamination by implementing a cross-connection control program for the protection of the drinking water supply through the installation of appropriate backflow prevention assemblies where a hazard or potential hazard to the water supply is identified by the public water system (CCR, Title 17, Section 7584). However, although the revised Graywater Standards require notice to be given to the Enforcing Agency, which is usually the City or County, many persons receive water services from municipal water districts, such as the District, or other water suppliers who are not entitled to notice prior to the installation of graywater systems. Thus, there are no clear means for those agencies to prevent cross-connections, require backflow prevention devices or monitor or inspect the systems, even if those agencies adopt their own regulations. Therefore, 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.