

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
CALIFORNIA DEPARTMENT OF WATER RESOURCES**

**REGARDING THE CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

**DUAL PLUMBING DESIGN STANDARDS FOR POTABLE AND RECYCLED WATER
SYSTEMS INSIDE BUILDINGS**

Notice is hereby given that the California Department of Water Resources (DWR) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The CALIFORNIA DEPARTMENT OF WATER RESOURCES is proposing building standards related to DUAL PLUMBING DESIGN STANDARDS FOR POTABLE AND RECYCLED WATER SYSTEMS INSIDE BUILDINGS.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5 p.m. on October 12, 2009.

Please address your comments to:

California Department of Water Resources
901 P Street, Room 314
PO Box 842836
Sacramento, CA 95814
Attention: Dean Reynolds

Written Comments may also be faxed to (916) 651-7059 or E-mailed to recycle@water.ca.gov

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, DWR may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which DWR adopts, amends, or repeals the regulation(s). DWR will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Department of Water Resources proposes to adopt these building standards under the authority granted by Water Code Section 13557. The purpose of these building standards is to implement, interpret, and make specific the provisions of Water Code Sections 13553. .

INFORMATIVE DIGEST

Summary of Existing Laws

Water Code Section 13553 declares that the use of potable water for certain indoor uses and in certain structures is an “unreasonable” use of water if recycled water is available. Section 13553 (B) states “That any plumbing modifications in the condominium unit or any physical alteration of the structure will be done in compliance with state and local plumbing codes.”

Summary of Existing Regulations

There is currently no California dual plumbing code.

Summary of Effect

The adoption of California Dual Plumbing Design Standards will assist local agencies in providing recycled water. The absence of a California Dual Plumbing Code has caused confusion in local jurisdictions. Local authorities have turned to the Uniform Building Code without assurance that the code is compliant with California Department of Public Health requirements. Some local agencies have denied dual plumbed buildings because of this uncertainty. Adoption of this dual plumbing code will increase the use of recycled water and further the success of water conservation throughout the state.

Comparable Federal Statute or Regulations

No Federal Statute or Regulation

Policy Statement Overview

The objective of this addition to the California Building Standards Code is to promote the use of recycled water and conserve potable water. California is actively working to achieve 20% water conservation by the year 2020. Increased use of recycled water will contribute to meeting this goal and provides local water supply.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

N/A

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CALIFORNIA DEPARTMENT OF WATER RESOURCES has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **NO**

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

Estimate: \$0

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The CALIFORNIA DEPARTMENT OF WATER RESOURCES has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The proposed code does not require any business or individual to dual plumb a building. The code simply provides standards on how to design, construct, and maintain a dual plumbed building.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The use of recycled water is expected and encouraged in California. The proposed Dual Plumbing Code Standards have incorporated protections to comply with the requirements of the Department of Public Health. The requirements are designed to protect public health, safety, and welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department of Water Resources is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Department of Water Resources has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
This code will not eliminate jobs.
- The creation of new businesses or the elimination of existing businesses within the State of California.
This code will not create jobs.
- The expansion of businesses currently doing business with the State of California.
This code could allow business to expand in areas that are constrained by water availability.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Department of Water Resources has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

Pursuant to a Legislative mandate (AB371, 2006), the Department of Water Resources is adopting a state version of Chapter 16 Part II of the Uniform Plumbing Code (UPC) to provide design standards to safely plumb buildings with both potable and recycled water systems. The only existing alternative to the proposed code is the UPC unmodified version (which is not currently adopted in California). The UPC alternative does not however conform with California's Health and Safety Regulations.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Department of Water Resources website:

<http://www.owue.water.ca.gov/recycle/plumb/plumb.cfm>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Department of Water Resources website.

CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Dean Reynolds, Chief
Water Recycling and Desalination
916-651-7055
dreynold@water.ca.gov
FAX 916-651-7059

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Dean Reynolds, Chief
Water Recycling and Desalination
916-651-7055
dreynold@water.ca.gov
FAX 916-651-7059