

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2010 CALIFORNIA PLUMBING CODE (CPC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

The Administrative Procedure Act requires an Initial Statement of Reasons to be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

Specific Proposed Regulatory Actions:

HCD proposes to adopt by reference the 2009 edition of the Uniform Plumbing Code with amendments into the 2010 California Plumbing Code. These proposed amendments are intended to provide clarity, specificity and direction to the code user and to implement and make specific existing state laws. These proposed amendments are a result of recommendations developed during the public participation period prior to submittal to the California Building Standards Commission (CBSC). The rationale for each amendment by chapter and section is listed below.

CHAPTER 1
CALIFORNIA ADMINISTRATION
DIVISION I

HCD proposes to bring forward and adopt the existing California amendments from the 2007 California Plumbing Code (CPC). As a result of guidance received from the California Building Standards Commission, Coordinating Council Ad Hoc Committee, HCD in coordination with its state agency partners also proposes to redesignate Chapter 1 to include two administrative divisions.

SPECIAL NOTE: In order to differentiate “*California Chapter 1*” from “Chapter 1, Administration”, former “*California Chapter 1, General Code Provisions* (Sections 101.0–108.10.2) is renumbered to “*Chapter 1, California Administration, Division I* (Sections 1.1.0–1.8.10.2). For example, former Section 101 is renumbered to Section 1.1, and former Section 108 is renumbered to Section 1.8. Since this change consistently affects all sections in Chapter 1, including subsections, each renumbering will not be addressed separately.

However, all other amendments to the chapter are described below and also identified on the Matrix Adoption Table.

SECTION: 1.1.0 (formerly 101.0) – GENERAL

SECTION: 1.1.1 (formerly 101.1) Title.

HCD proposes to update the Uniform Plumbing Code (UPC) reference from 2006 to 2009 and make other nonsubstantive editorial corrections in pluralization and capitalization.

SECTION: 1.1.2 (formerly 101.2) Purpose.

HCD proposes to reword the term "safety to preserve life" to "safety to life" to provide consistency with other building codes. The modification has no intended change in regulatory effect.

SECTION: 1.1.3 (formerly 101.3) Scope.

HCD proposes to pluralize "building" and to add the word "or" to provide parallel reference to the prior phrase and to provide consistency with the California Building Code (CBC). The modifications have no intended change in regulatory effect.

SECTION: 1.1.3.1 (formerly 101.3.1) Non-State Regulated Buildings, Structures, and Applications.

HCD proposes replacement of the existing language to provide consistency with the CBC and to provide reference to all parts of the California Building Standards Code. The modifications have no intended change in regulatory effect.

SECTION: 1.1.3.2 (formerly 101.3.2) (6) and (13) State-Regulated Buildings, Structures, and Applications.

HCD proposes rephrasing this section to provide consistency with the CBC. HCD also proposes to correct the range of state agencies referenced, correct a reference to the "Preface", and correct the list of HCD applications and referenced terms. The modifications have no intended change in regulatory effect.

SECTION: 1.1.4 (formerly 101.4) Appendices.

HCD proposes to add a reference to Health and Safety Code Section 18938.3 added by Senate Bill 1473 (Chapter 719, Statutes of 2008) providing clarity on adoption of model building codes by the California Building Standards Commission. HCD also proposes pluralizing "section" to accommodate the addition. The modifications have no intended change in regulatory effect.

SECTION: 1.1.6 (formerly 101.6) Non-Building Standards, Orders and Regulations.

HCD proposes using boldface for the title of this section and making a nonsubstantive code reference correction for consistency within the code. The modifications have no intended change in regulatory effect.

SECTION: 1.1.7.2 (formerly 101.7.2) Specific Provision.

HCD proposes making corrections in pluralization to provide consistency with the CBC. The modifications have no intended change in regulatory effect.

SECTION: 1.1.7.3 (formerly 101.7.3) Conflicts.

HCD proposes making corrections in pluralization to provide consistency with the CBC. The modifications have no intended change in regulatory effect.

SECTION: 1.1.8 (formerly 101.8) City, County, or City and County Amendments, Additions or Deletions.

HCD proposes to add language referencing statutory provisions related to local modifications of building code. This will provide consistency with other building codes. The modifications have no intended change in regulatory effect.

SECTION: 1.1.8.1 (formerly 101.8.1) Findings and Filings.

HCD proposes to correct punctuation and reference HCD's post office box for purposes of receiving copies of referenced findings via mailing. The modifications have no intended change in regulatory effect.

SECTION: 1.1.10 (formerly 101.1.10) Availability of Codes.

HCD proposes to replace the ampersand symbol with the word "and" in regulatory text and to make other nonsubstantive editorial and clarifying changes. Language has been added for clarity and consistency with the other building codes requiring an up-to-date copy of the code for public inspection. The modifications have no intended change in regulatory effect.

SECTION: 1.1.11 (formerly 101.1.11) Format.

HCD proposes capitalization of the term "Matrix Adoption Table" for consistency within the code. The modifications have no intended change in regulatory effect.

SECTION: 1.1.12 (formerly 101.12) Validity.

HCD proposes a nonsubstantive punctuation correction. The modifications have no intended change in regulatory effect.

SECTION: 1.8.0 (formerly 108.0) – DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

SECTION: 1.8.1 (formerly 108.1) Purpose.

HCD proposes to replace the word "standards" with "requirements" and to make other grammatical and punctuation changes to provide consistency with the CBC. These changes will not result in changes in regulatory effect. The modifications have no intended change in regulatory effect.

SECTION: 1.8.2 (formerly 108.2) – AUTHORITY AND ABBREVIATIONS

SECTION: 1.8.2.1.1 (formerly 108.2.1.1) Housing Construction.

HCD proposes to provide a complete list of statutory authority and reference citations for clarification purposes. The modifications have no intended change in regulatory effect.

SECTION: 1.8.2.1.2 (formerly 108.2.1.2) Housing Accessibility.

HCD proposes to delete “units” and add “s” to “covered multifamily dwellings” so the reference is consistent with the definition in Chapter 11A of the CBC, remove the hyphen from “timeshares” and “Common-use” and hyphenate the acronyms for HCD 1-AC and DSA-AC. The modifications have no intended change in regulatory effect.

HCD proposes to correct the term “persons with disabilities” by deleting reference to “physical” disabilities. HCD proposes to capitalize this term and other referenced defined terms and including the terms in quotes for purpose of consistency. The modifications have no intended change in regulatory effect.

During the 2007 annual adoption cycle, HCD removed many references to the Group R occupancy classification in CBC’s Chapter 11A because occupancy classifications are located in CBC Chapter 3 and are not relevant to determine accessibility standards for covered multifamily dwelling units. HCD proposes a similar change to provide clarity and consistency for the code user. The modifications have no intended change in regulatory effect.

HCD proposes to delete references to Chapters 11A and 11B for the term “publicly funded” since this term is not defined in the referenced chapters. The modifications have no intended change in regulatory effect.

HCD amended the CBC, Section 1101A.1, during the 2007 annual update to clarify a HCD 1-AC application. HCD proposes a similar amendment to applications listed in the CPC, Chapter 1, Administration, Division I, to provide consistency and clarity on HCD 1-AC applications. The rationale submitted for the amendment to the 2007 CBC, Section 1101A.1, is noted below:

“The change is for consistency with the Federal Fair Housing Amendments Act (FHAA), page 11, and to clarify that a new building, when constructed as multifamily dwelling units behind an existing façade, is covered. The change provides clarity for the code user.”

HCD proposes to provide a complete list of statutory authority and reference citations for clarification purposes. The modifications have no intended change in regulatory effect.

SECTION: 1.8.2.1.3 (formerly 108.2.1.3) Permanent Buildings in Mobilehome Parks and Special Occupancy Parks.

HCD proposes to provide punctuation corrections in referenced statutes and to provide a complete list of statutory authority and reference citations for clarification purposes. The modifications have no intended change in regulatory effect.

SECTION: 1.8.3 (formerly 108.3) – LOCAL ENFORCING AGENCY

SECTION: 1.8.3.1 (formerly 108.3.1) Duties and Powers.

HCD proposes to correct information on the Title 25 reference addressing use and occupancy of existing buildings.

SECTION: 1.8.3.2.1 (formerly 108.3.2.1) State Housing Law.

HCD proposes to provide punctuation corrections in referenced statutes and to clarify a reference to a statutory citation by identifying the initial section number instead of the article number. The modifications have no intended change in regulatory effect.

SECTION: 1.8.3.2.2 (formerly 108.3.2.2) Mobilehome Parks Act.

HCD proposes to clarify a reference to a statutory citation by identifying the initial section number instead of the article number. The modification has no intended change in regulatory effect.

SECTION: 1.8.3.2.3 (formerly 108.3.2.3) Special Occupancy Parks Act.

HCD proposes to clarify a reference to a statutory citation by identifying the initial section number instead of the article number and deleting capitalization of “special occupancy parks” for consistency with the CBC. The modifications have no intended change in regulatory effect.

SECTION: 1.8.3.2.4 (formerly 108.3.2.4) Employee Housing Act.

HCD proposes to clarify a reference to a statutory citation by identifying the initial section number instead of the article number. The modifications have no intended change in regulatory effect.

SECTION: 1.8.3.2.5 (formerly 108.3.2.5) Factory-Built Housing.

HCD proposes to correct the name of the law, clarify a reference to a statutory citation by identifying the initial section number instead of the article number, and to make punctuation corrections. The modifications have no intended change in regulatory effect.

SECTION: 1.8.4 (formerly 108.4) – PERMITS, FEES, APPLICATIONS AND INSPECTIONS

SECTION: 1.8.4.1 (formerly 108.4.1) Permits.

HCD proposes to reference the new title for the former Appendix Chapter 1 as Chapter 1, Administration, Division II and to make a punctuation correction. The modifications have no intended change in regulatory effect.

SECTION: 1.8.4.3.1 (formerly 108.4.3.1) Retention of Plans.

HCD proposes corrections of the references to exceptions and to include a reference to a metric equivalent. The modifications have no intended change in regulatory effect.

SECTION: 1.8.5 (formerly 108.5) – RIGHT OF ENTRY FOR ENFORCEMENT

SECTION: 1.8.5.1 (formerly 108.5.1) (1) through (5) General.

HCD proposes to add more specificity and consistency to citations for referenced statutes and make punctuation corrections. The modifications have no intended change in regulatory effect.

SECTION: 1.8.6 (formerly 108.6) – LOCAL MODIFICATION BY ORDINANCE OR REGULATION

SECTION: 1.8.6.1 (formerly 108.6.1) General.

HCD proposes adding Health and Safety Code, Section 17958.5, which provides authority for developing local amendments to building codes, to the list of references addressing local amendments. The modifications have no intended change in regulatory effect.

SECTION: 1.8.6.2 (formerly 108.6.2) (2) Findings, Filings, and Rejections of Local Modifications.

HCD proposes a spelling correction for "cities." The modification has no intended change in regulatory effect.

SECTION 1.8.7 (formerly 108.7) – ALTERNATE MATERIALS, DESIGNS, TESTS AND METHODS OF CONSTRUCTION

SECTION: 1.8.7.2 (formerly 108.7.2) Local Building Departments.

HCD proposes to add the words "structure" related to accessory buildings and make additional grammatical and punctuation corrections. These changes will provide consistency with the CBC. The modifications have no intended change in regulatory effect.

SECTION: 1.8.7.2.1 (formerly 108.7.2.1) (4) Approval of Alternates.

HCD proposes to correct reference to defined terms by capitalizing the terms and including the terms in quotes. The modifications have no intended change in regulatory effect.

SECTION: 1.8.7.3 (formerly 108.7.3) Department of Housing and Community Development.

HCD proposes to restructure this section to provide consistency with the CBC. The modifications have no intended change in regulatory effect.

SECTION: 1.8.9 (formerly 108.9) – UNSAFE BUILDINGS OR STRUCTURES

SECTION: 1.8.9.1 (formerly 108.9.1) (1) through (5) Authority to Enforce.

HCD proposes to add more specificity and consistency to citations for referenced statutes and make related punctuation corrections. The modifications have no intended change in regulatory effect.

SECTION: 1.8.9.2 (formerly 108.9.2) (1) through (5) Actions and Proceedings.

HCD proposes to add more specificity and consistency to citations for referenced statutes and make related punctuation corrections. The modifications have no intended change in regulatory effect.

ADMINISTRATION

DIVISION II

HCD proposes redesignating this chapter as Division II of Chapter 1, deleting the former designation and location as an appendix chapter, and keeping it in the front section of the CPC. This action, in coordination with HCD's state agency partners, resulted from guidance received from the California Building Standards Commission, Coordinating Council Ad Hoc Committee.

HCD proposes a note to alert users of the relocation of the chapter.

HCD proposes adoption of this chapter as shown on the attached Matrix Adoption Table.

CHAPTER 2 DEFINITIONS

HCD proposes to adopt the 2009 UPC, Chapter 2, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTIONS: 203.0 "Approved"
203.0 "Approved Testing Agency"
203.0 "Authority Having Jurisdiction"

HCD proposes to continue adoption of the above referenced California amendments. These California amendments have been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 204.0 "Building"

HCD proposes to continue adoption of the above referenced California amendment with modification to editorially correct the term "multi-unit manufactured housing" to "multifamily manufactured home". The modification has no intended change in regulatory effect.

SECTION: 205.0 "Covered Multi-Family Dwellings"

HCD proposes to continue adoption of the above referenced California amendment with modification to editorially correct "Dwellings" by adding an "s". The modification has no intended change in regulatory effect.

SECTIONS: 206.0 "Department"
206.0 "Department Having Jurisdiction"

HCD proposes to continue adoption of the above referenced California amendments with modification to the banner for consistency. These California amendments have been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 207.0 "Enforcing Agency"

HCD proposes to continue adoption of the above referenced California amendment with modification to the banner for consistency. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 211.0 "Insanitary"

HCD proposes to repeal the above referenced California amendment. The new model language contains the same language as this repealed California amendment. This repeal will have no intended regulatory effect.

SECTIONS: 214.0 "Labeled"
214.0 "Lavatory"
214.0 "Listed"
214.0 "Listing Agency"
214.0 "Low VOC Cement"
214.0 "Low VOC One-step Cement"
214.0 "Low VOC Primer"

HCD proposes to continue adoption of the above referenced California amendments. These California amendments have been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTIONS: 216.0 "Non-Water Supplied Urinal"
216.0 "Nuisance"

HCD proposes to continue adoption of the above referenced California amendments. These California amendments have been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 221.0 “Single Family Dwelling”

HCD does not adopt this definition; it is not consistent with state housing law and would be a conflict between building code and state housing law. This non-adoption is being brought forward from the previous adoption cycle and will be shown in the matrix.

SECTION: 222.0 “Testing Agency”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 223.0 “UPC”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 225.0 “Water Closet”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

CHAPTER 3 GENERAL REGULATIONS

HCD proposes to adopt the 2009 UPC, Chapter 3, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTION: 301.2 “Alternate Materials and Methods of Construction Equivalency”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 301.5 “One- and Two-Family Dwellings”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 303.0 “Disposal of Liquid Waste”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 304.0 “Connections to Plumbing System Required”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 316.1.6 “Solvent Cement Plastic Pipe Joints”

HCD proposes to continue adoption of the above referenced California amendment with modifications to remove the hyphen from Low VOC and correct an internal reference to Section 214. The modifications have no intended change in regulatory effect.

SECTION: 316.2.4 “Dielectric Unions”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

CHAPTER 4 PLUMBING FIXTURES AND FIXTURE FITTINGS

HCD proposes to adopt the 2009 UPC, Chapter 4, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTION: 402.0 Water-conserving Fixtures and Fittings

SECTION: 402.1

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 402.1.1 “Shower Heads”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 402.1.2 “Faucets”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 402.2.1 “Water Closets after January 1, 1994”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 402.2.2 “Water Closets on or after July 1, 2011”

HCD proposes to continue adoption of the above referenced California amendment with modification. This California amendment has been brought forward from the 2007 CPC and has been amended to specify a flushing performance standard and to enable local enforcing agencies to modify the requirement should availability become a problem.

These amendments are necessary to address concerns expressed to HCD stating that toilets with lower flush volumes may not perform as well as other models generating consumer complaints and that as manufacturers continue to convert their entire product lines to meet the high-efficiency criteria, a sufficient number of toilets may not be available to satisfy the market needs of California.

The U.S. Environmental Protection Agency (EPA) through the *WaterSense Program* has done extensive research on the flushing performance of high-efficiency water closets and has developed a performance standard to address the concern regarding consumer satisfaction. As of January 2009, recent advancements in design have allowed over 30 manufacturers producing nearly 200 models to meet or exceed the *WaterSense* performance and efficiency standards while using 20 percent less water than the current federal 1.6 gallon per flush standard. Unlike some toilets considered low-flow toilets, *WaterSense* toilets combine high-efficiency with high performance. Design advances enable *WaterSense* toilets to save water with no trade-off in flushing power. In fact, many perform better than standard toilets in consumer testing.

EPA estimates that over the course of a person’s lifetime, they will likely flush the toilet nearly 140,000 times. Use of high-efficiency toilets can save 4,000 gallons per year. EPA also states that these toilets are available at a wide variety of price points and a broad range of styles. In addition, EPA estimates that a family of four will, on average, save more than \$90 per year in reduced water utility bills, and \$2,000 over the lifetime of the toilet.

HCD has also received comments from manufacturer trade associations indicating a sufficient number of high-efficiency toilets may not be available to meet the needs of the California market. Considering the need for a drastic reduction in water use to conserve one of California’s most valuable resources, the number of manufacturers that currently have the ability to produce high-efficiency toilets, the number of models available, and the fact that the California housing market is experiencing a reduction in the projected number of housing starts of approximately 75%, HCD does not believe that the concern over product availability is adequate to delay the requirement to use high-efficiency water closets.

However, in an effort to address these concerns and ensure that as the housing market in California recovers and to eliminate any perceived burden related to availability, HCD is proposing to amend this section to clarify that a local enforcing agency may temporarily suspend the requirement for the use of high-efficiency water closets.

SECTION: 402.3.1 “Urinals after January 1, 1994”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 402.3.2 “Urinals on or after July 1, 2011”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 402.3.3 “Non-Water Supplied Urinals (Waterless Urinals)”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 405.2 “Prohibited Urinals”

HCD proposes to repeal the above referenced California amendment. The new model language contains the same language as this repealed California amendment. This repeal will have no intended regulatory effect.

SECTION: 406.5. "Drinking Fountains"

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 407.6 "Installations for Persons with Disabilities"

HCD proposes to continue adoption of the above referenced California amendment with modification to remove the word "physical". The modification has no intended change in regulatory effect.

SECTION: 411.6

HCD proposes to continue adoption of the above referenced California amendment with modification to remove the word "physical". The modification has no intended change in regulatory effect.

SECTION: 411.7

HCD proposes to continue adoption of the above referenced California amendment with modifications to correct punctuation and to remove the word "physical". The modifications have no intended change in regulatory effect.

SECTION: 412.3

412.5

412.5.1

412.5.2

412.5.3

412.6

HCD proposes to not adopt the above sections. These non-adoptions are being brought forward from the 2007 CPC and will have no change in regulatory affect. These sections are not applicable to occupancies under authority of HCD. The non-adoptions will be shown in the Matrix Adoption Table.

SECTION: 413.0 "Fixtures and Fixture Fittings for Persons with Disabilities"

HCD proposes to continue adoption of the above referenced California amendment with modifications to correct punctuation and to remove the word "physical". The modifications have no intended change in regulatory effect.

TABLE 4-1 MINIMUM PLUMBING FACILITIES

HCD proposes to continue adoption of the above referenced California amendment with modification. The modifications have no intended change in regulatory effect.

CHAPTER 5 WATER HEATERS

HCD proposes to adopt the 2009 UPC, Chapter 5, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTION: 508.2

HCD proposes to continue to not adopt this section. The amendments in Section 508.2.1 are the California requirements for this section. There is no intended change in regulatory affect.

SECTION: 508.2.1

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

HCD proposes to adopt the 2009 UPC, Chapter 6, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTION: 601.1

HCD proposes to continue adoption of the above referenced California amendment with modification. This California amendment has been brought forward from the 2007 CPC, in the form of two added exceptions with no intended change in regulatory effect of the existing exceptions. The modification adds another exception to the existing exceptions and allows the use of recycled water for uses specified in Chapter 16 Part II. This modification will promote water conservation efforts in residential applications.

SECTION: 601.2.2 “Color and Information”

HCD proposes to continue adoption of the above referenced California amendment with modification to change “provided” to “shown” and adding “for all nonpotable water systems”. The addition language is to make clear that the exception in the model language only applies to the color of the markings, all nonpotable water systems will have the international symbol of a glass in a circle with a slash through it.

NOTE: The California amendment that applied to former Section 601.2.2 “Nonpotable Water” now applies to the revised 2009 model code Section 601.2.2 “Color and Information”. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 601.4

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 603.4.11 “Nonpotable Water Piping”

HCD proposes to continue adoption of the above referenced California amendment with modifications to change “provided” to “shown” and capitalize “Figure”. The modifications have no intended change in regulatory effect.

TABLE 6-4

HCD proposes to continue adoption of the above referenced California amendment with modification. The table has been replaced in model code. The superscript numbers on the footnotes have been changed due to an addition to the model code. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 604.1.1.” Local Authority to Approve CPVC Pipe Within Residential Buildings Under Specified Conditions”

HCD proposes to continue adoption of the above referenced California amendment with modifications to update internal references and to add a reference to Section 1.2.1 regarding flushing requirements. The modifications have no intended change in regulatory effect.

SECTION: 604.10

HCD proposes to continue adoption of the above referenced California amendment with modification to add a banner to the “Note”. The modification has no intended change in regulatory effect.

SECTION: 604.13 “PEX-AL-PEX and PE-AL-PE”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 604.13.1 “PEX-AL-PEX and PE-AL-PE”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 604.13.2 “Water Heater Connections”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 609.10 “Water Hammer”

HCD is proposing to continue to not adopt this section and places banner to show non-adoption of this section.

TABLE 6-5

HCD proposes to continue adoption of the above referenced California amendment with modifications to Footnote No. 9 by adding a banner, adding “water supply” and correcting a reference to “mobilehome parks” for clarity. The modifications have no intended change in regulatory effect.

CHAPTER 7 SANITARY DRAINAGE

HCD proposes to adopt the 2009 UPC, Chapter 7, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTION: 701.1.2.2

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

TABLE 7-3

HCD proposes to continue adoption of the above referenced California amendment with modifications to Footnote No. 9 by adding a banner, adding “drainage” and correcting a reference to “mobilehome parks” for clarity. The modifications have no intended change in regulatory effect.

SECTION: 705.1.7 “Elastomeric Gasketed and Rubber-Ring Joints”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 705.1.9 “Hubless Cast Iron Pipe Joints”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 705.2.5 “ABS and PVC Pipe”

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 710.3.3.1

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 713.4

HCD proposes to adopt the above referenced section with amendment to add an Exception. The choice of when a sewer is considered as not being available is to be determined by the Authority Having Jurisdiction because of geographic diversity and cost. Local conditions could present challenges so that a set distance would not be appropriate or cost effective.

CHAPTER 8 INDIRECT WASTES

HCD proposes to adopt the 2009 UPC, Chapter 8, without California amendments, as indicated on the attached Matrix Adoption Table.

CHAPTER 9 VENTS

HCD proposes to adopt the 2009 UPC, Chapter 9, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTION: 903.1.3

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 903.1.4

HCD proposes to continue adoption of the above referenced California amendment. This section was previously Section 903.3.1 and has been relocated to Section 903.1.4 because of a change in the model code language. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

CHAPTER 10 TRAPS AND INTERCEPTORS

HCD proposes to adopt the 2009 UPC, Chapter 10, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTION: 1003.1

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

CHAPTER 11 STORM DRAINAGE

HCD proposes to adopt the 2009 UPC, Chapter 11, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTION: 1101.3 Material Uses

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 1101.5.1

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 1102.1.2

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

SECTION: 1005.0 Trap Seals

HCD proposes to continue adoption of the above referenced California amendment. This California amendment has been brought forward from the 2007 CPC with no intended change in regulatory effect.

CHAPTER 12 FUEL PIPING

HCD proposes to adopt the 2009 UPC, Chapter 12, without California amendments, as indicated on the attached Matrix Adoption Table.

CHAPTER 13 HEALTH CARE FACILITIES AND MEDICAL GAS AND VACUUM SYSTEMS

HCD proposes to not adopt the 2009 UPC, Chapter 13, as indicated on the attached Matrix Adoption Table.

CHAPTER 14 MANDATORY REFERENCED STANDARDS

HCD proposes to adopt the 2009 UPC, Chapter 14, without California amendments, except for the repeal of ASME A112.20.2 2004, as indicated below and on the attached Matrix Adoption Table.

After input from stakeholders and other departments, HCD proposes to repeal model code language. The referenced standard ASME A112.20.2 2004 has been reviewed and is too restrictive for application of one- and two-family dwellings. The SFM has reviewed this standard and will also repeal. This action provides consistency among departments and provides clarity for the code user.

CHAPTER 15 FIRESTOP PROTECTION

HCD proposes to adopt the 2009 UPC, Chapter 15, without California amendments, as indicated on the attached Matrix Adoption Table.

CHAPTER 16 NONPOTABLE WATER REUSE SYSTEMS

HCD proposes to not adopt the 2009 UPC, Chapter 16, as indicated on the attached Matrix Adoption Table.

APPENDIX A RECOMMENDED RULES FOR SIZING THE WATER SUPPLY SYSTEM

HCD proposes to adopt the 2009 UPC, Appendix A, without California amendments, as indicated on the attached Matrix Adoption Table.

APPENDIX B EXPLANATORY NOTES ON COMBINATION WASTE AND VENT SYSTEMS

HCD proposes to not adopt the 2009 UPC, Appendix B, as indicated on the attached Matrix Adoption Table.

APPENDIX D SIZING STORMWATER DRAINAGE SYSTEMS

HCD proposes to adopt the 2009 UPC, Appendix D, without California amendments, as indicated on the attached Matrix Adoption Table.

APPENDIX E MANUFACTURED/MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS

HCD proposes to not adopt the 2009 UPC, Appendix E, as indicated on the attached Matrix Adoption Table.

APPENDIX F FIREFIGHTER BREATHING AIR REPLENISHMENT SYSTEMS

HCD proposes to not adopt the 2009 UPC, Appendix F, as indicated on the attached Matrix Adoption Table.

APPENDIX G GRAYWATER SYSTEMS [DWR]

HCD proposes to not adopt the 2009 UPC, Appendix G, as indicated on the attached Matrix Adoption Table.

APPENDIX I INSTALLATION STANDARDS

HCD proposes to adopt the 2009 UPC, Appendix I, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTIONS 1.2 *Special Requirements for CPVC Installation within Residential Structures.* [HCD 1]

1.2.1 *Flushing Procedures*

1.2.2 *Worker Safety Measures*

HCD proposes to continue adoption of the above referenced California amendments. There is a spelling correction: the word "withing" should have been "within". These California amendments have been brought forward from the 2007 CPC with no intended change in regulatory effect.

APPENDIX K PRIVATE SEWAGE DISPOSAL SYSTEMS

HCD proposes to adopt the 2009 UPC, Appendix K, without California amendments, as indicated on the attached Matrix Adoption Table.

APPENDIX L ALTERNATE PLUMBING SYSTEMS

HCD proposes to not adopt the 2009 UPC, Appendix L, as indicated on the attached Matrix Adoption Table.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

None.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency's reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternative.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

(Government Code Section 11346.2(b)(3)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.

(Government Code Section 11346.2(b)(4) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.)

None.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(5) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives.)

These regulations neither duplicate nor conflict with federal regulations.