STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
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Office Use Item No. _____

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: Sept 10, 2009

From:

Toby Roy
Name (Print or type) (Signature)

San Diego County Water Authority
Agency, jurisdiction, chapter, company, association, individual, etc.

4677 Overland Ave San Diego CA 92123
Street City State Zip

I/We (do)(do not) agree with:

[ ] The Agency proposed modifications As Submitted on Section No. _____

and request that this section or reference provision be recommended:

[ ] Approved [ ] Disapproved [ ] Held for Further Study [X] Approved as Amended

Suggested Revisions to the Text of the Regulations: Graywater standards, Title 25, Part 5, Chapter 16A, Part 1

1063A1.1 Clothes Washer System and/or Single Fixture System. A clothes washer system and/or a single fixture system in compliance with all of the following is exempt from the construction permit specified in Section 108.4.1 and may be installed or altered without a construction permit:

1. **If notification has been provided to the Enforcing Agency regarding the proposed location and installation of a graywater irrigation or disposal 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 proposed standard in this section is unnecessarily vague in that it is not clear whether notification of the enforcing agency is required. The Water Authority believes that any waiver of the notice requirements for installation of graywater systems is unreasonable and arbitrary for the following reasons:

1. A notice requirement provides an opportunity for the enforcing agency to educate the customer on the twelve requirements that must be met in order to waive the permit requirements. Compliance with these requirements is critical to ensure protection of public health. Two key requirements are of particular concern to water agencies: the provision that prohibits the use of a pump and the provision that prohibits a direct connection between the potable and gray water system. On site pumping and direct connections would pose a direct threat of contamination to the public water supply system.

2. A notice requirement will provide water agencies with information on where graywater systems are being installed. This information is critical to water agencies for the following reasons:

a. Where auxiliary water supplies are in use, water agencies have a duty under Title 17, CCR, Section 7604, to ensure that backflow protection is installed at the meter to protect their water system. Meter protection cannot be provided where the water agency is not aware of the auxiliary water supply.

b. For planning purposes, water agencies need to know the extent of graywater use to better assess the impacts on demands on the public water supply system.

c. For planning purposes, wastewater agencies need to know the extent a graywater use to better assess the impact on wastewater flows.

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.