

BUILDING STANDARDS COMMISSION

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**Notice of Availability of the
Recirculated Draft Environmental Impact Report
for the
Adoption of Statewide Regulations Allowing the Use of PEX Tubing**

Date: October 16, 2008

To: Responsible Agencies, Interested Parties, and Organizations

Subject: Notice of Availability of the Recirculated Draft Environmental Impact Report

Lead Agency: California Building Standards Commission

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Purpose of Notice

The California Building Standards Commission (BSC) released a draft environmental impact report (DEIR) on May 9, 2008 for statewide regulations that would allow the use of cross-linked polyethylene (PEX) tubing for a variety of hot and cold water applications, for public review and comment. The DEIR analyzed the potential environmental impacts of approving the proposed regulation. The DEIR was prepared in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Title 14 of the California Code of Regulations, Section 15000 et. seq.). The DEIR comment period closed June 23, 2008.

BSC reviewed comments received on the DEIR to identify specific environmental concerns and determine whether any additional analysis would be required to respond to issues raised in the comments. Based on issues raised and information submitted, it was determined that revisions to the DEIR were needed. Section 15088.5 of the California Environmental Quality Act Guidelines (State CEQA Guidelines) requires lead agencies to recirculate information in an EIR when significant new information is added to the EIR after public notice is given of the availability of the DEIR for review. Significant new information requiring recirculation includes “changes in the project or environmental setting as well as additional data or other information.” Section 15088.5 requires recirculation of only the significant new information, rather than the entire DEIR. New information has resulted in changes to two water quality impacts and one cumulative impact. Therefore, BSC has decided to recirculate the water quality and cumulative sections of the DEIR for public review in the form of a Recirculated Draft Environmental Impact Report (RDEIR).

Responsible Agencies relying on this EIR for the adoption of regulations include the California Department of Housing and Community Development, California Division of the State Architect, California Office of Statewide Health Planning and Development, California Department of Public Health, and the California Department of Food and Agriculture. The purpose of this notice is to solicit the views of the Responsible Agencies, affected agencies, and interested members of the public regarding the adequacy of the RDEIR. All comments submitted within the comment period will be responded to in writing in the final EIR.

Project Location

The proposed adoption of regulations related to PEX tubing is a statewide regulatory change. As such, the project area is the State of California (Exhibit 1).

Deadline for Submitting Comments

BSC has requested a Shortened Clearinghouse Review pursuant to Appendix K of the State CEQA Guidelines. The RDEIR is available for public review for 30 days, beginning October 16, 2008. Comments must be received no later than 5:00 p.m. on November 14, 2008.

Project Description

BSC proposes the adoption of new state plumbing code regulations that would allow the use of PEX tubing in various cold and hot water plumbing (including potable water) applications. PEX tubing is a high-density material that is an alternative to ferrous and nonferrous piping for water distribution.

The proposed regulations would apply to all occupancies, including commercial, residential, and institutional building construction, rehabilitation, and repair in all areas of the state. Residential buildings include single-family dwellings, apartment houses, hotels, and motels. Institutional buildings would include schools, hospitals, and other uses.

PEX tubing is currently allowed and is used in California for hydronic heating systems and for all uses in manufactured homes. It is also authorized as an alternate material in approximately 200 California cities and 30 California counties. Three California cities have approved the use of PEX for all uses by local ordinance. For the majority of existing and residential buildings in California, potable water pipe is made of



Source: Created by EDAW in 2008.

Proposed Project Area

Exhibit 1

metal, though chlorinated polyvinyl chloride (CPVC) plastic pipe has recently been approved for use in residential buildings.

The project is limited to the consideration and possible adoption of plumbing regulations to allow use of this alternative water-distributing piping material in applications under the jurisdiction of all California cities, cities and counties, counties and state agencies. The EIR does not assess any specific project that involves direct construction or modification to structures.

The following table and text are excerpted from “The Express Terms for the Building Standards of the Building Standards Commission Regarding the Adoption of Amendments into the 2007 California Plumbing Code (CPC) California Code of Regulations, Title 24, Part 5.” The proposed changes to the regulations are as follows, with proposed deletions shown in strikeout and proposed additions in underline.

UPC TABLE 6-4			
Material	Water Distribution Pipe and Fittings		Building Supply Pipe and Fittings
	Hot	Cold	
Asbestos – Cement			X
Brass	X	X	X
Copper	X	X	X
Cast Iron	X	X	X
CPVC	X	X	X
Galvanized Malleable Iron	X	X	X
Galvanized Wrought Iron	X	X	X
Galvanized Steel	X	X	X
PE			X
PE-AL-PE	X	X	X
PEX [†]	X	X	X
PEX-AL-PEX ¹	X	X	X
PVC			X

1. [BSC, HCD, DSA] The use of ~~PEX and PEX-AL-PEX~~ in potable water supply systems is not adopted for applications under the authority of the ~~California Building Standards Commission, the Division of State Architect and the Department of Housing and Community Development.~~

604.1

Exceptions:

~~(2) [For OSHPD 1, 2, 3 & 4] Use of PEX piping is not permitted for applications under the authority of the Office of Statewide Health Planning and Development.~~

~~(4) [For BSC] Use of PEX piping is not adopted for applications under the authority of the Department of Health Services and the Department of Food and Agriculture.~~

604.11 PEX. ~~[Not Adopted by BSC, HCD, DSA/SS, DHS, AGR & OSHPD 1, 2, 3 & 4]~~ Cross-linked polyethylene (PEX) tubing shall be marked with the appropriate standard designation(s) listed in Table 14-1 for which the tubing has been listed or approved. PEX tubing shall be installed in compliance with the provisions of this section.

604.11.1 PEX Fittings. ~~[Not Adopted by BSC, HCD, DSA/SS, DHS, AGR & OSHPD 1, 2, 3 & 4]~~ Metal insert fittings, metal compression fittings, and cold expansion fittings used with PEX tubing shall be manufactured to and marked in accordance with the standards for the fittings in Table 14-1.

604.11.2 Water Heater Connections. . ~~[Not Adopted by BSC, HCD, DSA/SS, DHS, AGR & OSHPD 1, 2, 3 & 4]~~ PEX tubing shall not be installed within the first eighteen (18) inches (457mm) of piping connected to a water heater.

~~(2) [For OSHPD 1, 2, 3 & 4] Use of PEX piping is not permitted for applications under authority of the Office of Statewide Health Planning and Development.~~

~~(4) [For AGR, DHS] Use of PEX piping is not adopted for applications under the authority of the Department of Health Services and the Department of Food and Agriculture.~~

Significant Environmental Impacts

The DEIR identifies significant or potentially significant impacts of the proposed project in the following areas: air quality, water quality, and public health and hazards. The RDEIR revises specific impacts in the water quality and cumulative impacts sections. All impacts would be reduced to less-than-significant levels with mitigation.

Document Review and Comment Information

Please send written comments concerning the content of the RDEIR to:

California Department of General Services
Real Estate Services Division
Professional Services Branch, Environmental Services Section
Attn: Valerie Namba, Senior Environmental Planner
707 Third Street, Third Floor, MS 509
West Sacramento, CA 95605-9052

The RDEIR, DEIR, and related documents are available for review during regular business hours at:

California Department of General Services, Real Estate Services Division
Professional Services Branch, Environmental Services Section
707 Third Street, Suite 3-400
West Sacramento, CA 95605

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

The RDEIR, DEIR, and related documents may also be viewed on the Building Standards Commission's Web site: <http://www.bsc.ca.gov/pex>.