

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DR., SUITE 130  
SACRAMENTO, CA 95833  
(916) 263-0916 Phone  
(916) 263-0959 Fax  
Email: cbsc@dgs.ca.gov

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

**PARTICIPATION COMMENTS FOR THE NOTICE DATED AUGUST 31, 2012**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: OCTOBER 15, 2012**

Date: October 15, 2012



From:

Geoff Brosseau, Executive Director  
Name (Print or type)

\_\_\_\_\_  
(Signature)

Bay Area Stormwater Management Agencies Association (BASMAA)

Agency, jurisdiction, chapter, company, association, individual, etc.

P.O. Box 2385, Menlo Park, CA 94026

Street

City

State

Zip

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

The Agency proposed modifications As Submitted on Section No. **A4.106.3, 4.106 (new) and 5.106 (new)**

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:**

While we support the revision to the code, we propose the following revisions to the language in Section A4.106.3:

*Note: 4.106.4 & 5.106.4: Invasive plant species as determined by the local enforcing agency should shall not be planted on a building site. Information on invasive species is also available from the University of California, the California Invasive Plants Council, and other sources. Construction documents shall include a plant list indicating botanical name and common name and shall be approved by the landscape architect or architect of record.*

**DEFINITIONS**

**Cal-IPC.** The California Invasive Plant Council is a nonprofit organization which defines criteria for invasive plant species and maintains the Invasive Plants Inventory in California.

**INVASIVE PLANT SPECIES.** Species that are not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species shall include those plants listed on approve city, county or regional lists. In the absence of an approved list, invasive species shall include those plants on the Cal-IPC Invasive Plant Inventory Database classified as invasive within the region of the project.

Further, we recommend that this measure be added to the Mandatory portions of the code, such as in additions to Sections 4.106 and 5.106 of the mandatory code.

**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.]

See attached letter.

Criterion #3 of the Health and Safety Code, "The public interest requires the adoption of building standards."

## 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.



# B A S M A A

Alameda Countywide  
Clean Water Program

Contra Costa  
Clean Water Program

Fairfield-Suisun  
Urban Runoff  
Management Program

Marin County  
Stormwater Pollution  
Prevention Program

Napa County  
Stormwater Pollution  
Prevention Program

San Mateo Countywide  
Water Pollution  
Prevention Program

Santa Clara Valley  
Urban Runoff Pollution  
Prevention Program

Sonoma County  
Water Agency

Vallejo Sanitation  
and Flood  
Control District

October 15, 2012

Michael L. Nearman, Deputy Executive Director  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

## Re: Avoiding Invasive Plants in CALGreen

Dear Mr. Nearman:

On behalf of the Bay Area Stormwater Management Agencies Association (BASMAA)<sup>1</sup>, thank you for this opportunity to comment on code changes intended for the 2013 California Building Standards Code. Our comments apply to the Residential and Non-Residential new construction and additions/alterations portions of the proposed 2013 edition of the California Green Building Standards Code (CGBC), Title 24 Part 11, also known as CALGreen.

Our agencies manage watersheds throughout the San Francisco Bay Area – specifically the quality of the stormwater runoff from these watersheds to local creeks, and the Delta, Bay, and Ocean. Unfortunately, as watersheds are developed and re-developed, sometimes landscape and building design decisions are made that cause significant problems – both in causing pollution of stormwater runoff as well as changing the character and function of our California watersheds. The use of invasive plants is one of those design decisions. Invasive plants affect the quality of stormwater runoff when the residue of herbicides used to eradicate the plants makes its way into runoff. The plants also affect the natural hydrologic cycle by using groundwater differently than native plants. Alterations in the natural hydrologic cycle affect the quantity and quality of stormwater runoff. Invasive plants increase the frequency and intensity of fires, which reduce vegetative cover, causing soil erosion and runoff polluted by excess sediment. To address these impacts we recommend CALGreen include a Mandatory Measure prohibiting the planting of invasive species. We support StopWaste.Org's recommendations for implementation of such a Mandatory Measure.

Thank you again for the opportunity to comment. Please feel free to contact me with questions.

Sincerely,

Geoff Brosseau, Executive Director

Bay Area

Stormwater Management

Agencies Association

P.O. Box 2385

Menlo Park, CA 94026

510.622.2326

info@basmaa.org

<sup>1</sup> BASMAA is a 501(c)(3) non-profit organization comprised of the municipal stormwater programs in the San Francisco Bay Area representing 96 agencies, including 84 cities and 7 counties. BASMAA is focused on regional challenges and opportunities to improving the quality of stormwater that flows to our local creeks, San Francisco Bay and Delta, and the Ocean.