

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: 13 Oct 2012

From:

GF Duerig  
Name (Print or type)

[Signature]  
(Signature)

Zone 7 Water Agency  
Agency, jurisdiction, chapter, company, association, individual, etc.

100 N. Canyons, Livermore, CA 94551  
Street City State Zip

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

The Agency proposed modifications As Submitted on Section No. Cal Green - residential & nonresidential (see letter)

and request that this section or reference provision be recommended:

Approved  Disapproved  Held for Further Study  Approved as Amended in attached letter.

**Suggested Revisions to the Text of the Regulations:**

See attached letter.

**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.]

## 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.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7  
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551-9486 • PHONE (925) 454-5000

October 15, 2012

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

Subject: ***Avoiding Invasive Plants in the California Green Building Standards (CALGreen)***

Dear Deputy Executive Director Nearman:

Please accept our comments for the 45-day public comment period pertaining to code changes intended for the 2013 California Building Standards Code. Our comments apply to the proposed 2013 edition of the California Green Building Standards Code (CGBC), Title 24 Part 11, also known as CALGreen and are in reference to both the Residential and Non-Residential new construction and additions/alterations portions of the code.

Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7) is the wholesale water supplier to approximately 220,000 residents and businesses in Livermore, Pleasanton, Dublin and parts of San Ramon. Zone 7 also provides flood protection to the people of Eastern Alameda County and distributes State Water Project water directly to agricultural customers.

In addition, Zone 7 is a member of the Water Supplier Council of Stopwaste.Org, Alameda County Waste Management Authority and Recycling Board. The Water Supplier Council is a consortium of local agencies and water districts in Alameda County who provide information on legislation, California Green Building Standards and codes as well as many policies surrounding green building, sustainable landscaping, waste prevention, recycling, construction and demolition debris, and other programs and policies for the built environment. Zone 7 strongly supports the green building codes.

Our agency is generally supportive of the proposed code changes in the 45-day Express Terms documents. However, during earlier rounds of public comments May 24 and June 12, 2012, Stopwaste.Org on behalf of the Water Supplier Council, submitted a recommendation for the ***avoidance of invasive plants*** within CALGreen as a mandatory measure. We do not see proposed in the Express Terms documents any mention of invasive plants except in the voluntary portions of the code (i.e. Tiers), and we have not been given reasons why our comments were not incorporated into the current draft. *Therefore, we would like to reiterate our concern and strongly urge the CBSC, HCD and other adopting agencies to include a new mandatory code provision to avoid invasive plants for permitted construction projects covered by CALGreen.*

There are compelling reasons to avoid invasive plants in the mandatory section of the code.

- ***Invasive plants produce greater amounts of waste.*** Invasive plants tend to grow faster, spread beyond their original planting areas, and result in greater amounts of green waste than non-invasive species. Additionally, effective eradication of invasive plants often requires the use of herbicides which are classified as hazardous waste and must be disposed of properly at end of life. Avoiding invasive plants is a waste prevention measure for California's cities and counties who regulate and operate hazardous waste facilities and landfills.

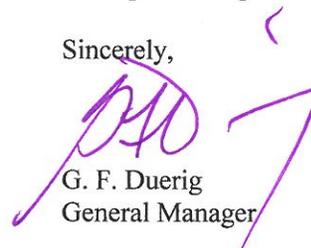
- ***Invasive plants have serious environmental impacts throughout the state***, including increased frequency and intensity of fire regimes in California, altered soil composition, lack of dissolved oxygen in waterways, changes to natural hydrologic cycles, and threats to wildlife. While the effects of invasive plants are most severely felt in the rural areas and wildlands of California, evidence shows that most invasive plants currently causing havoc in California started as horticultural plantings in urban areas. Therefore, land development in urban and suburban California has a direct correlation with invasive plant exposure throughout the state.
- ***Management of invasive plants is expensive***. In California, the cost of control, monitoring, and outreach is conservatively estimated to be \$82 million a year (not including indirect costs associated with lost agricultural yields, increased severity of wildfires and floods, loss of productive range and timber lands, reduced land values, damage to infrastructure, and degraded recreational opportunities).
- ***Avoiding invasive plants via the building code is effective and low-cost***. Experts agree that prevention is the most effective and resource-efficient way to combat the spread of invasive plants. By requiring construction projects to avoid invasive plant species, demand for invasive plants from nurseries and suppliers will diminish over time. Further, a wide variety of alternatives to invasive plants is easily available with no cost difference, resulting in no cost increase for the design and construction industry.
- ***There is precedent for avoiding invasive plants in building codes***. A similar provision is provided in the International Green Construction Code (IgCC) and its compliance option, ASHRAE standard 189.1.

To effectively avoid invasive plants from becoming established or spreading in California, the building code can include a Mandatory Measure that does not allow the planting of invasive species. Though several listings of invasive plants are available, we recommend the industry-leading California Invasive Plant Inventory Database, which is hosted and maintained by the California Invasive Plant Council (Cal-IPC). The Invasive Plant Inventory Database is developed by Cal-IPC (a 501c3 tax-exempt nonprofit educational charity) with input from leading experts from academia, scientists, California State Parks, the US Geological Survey, and environmental nonprofits. The Cal-IPC Inventory Database is free, publicly available, and includes approximately 200 of the state's most problematic invasive plant species (of which less than 50 are commercially available). The database is online at: [www.cal-ipc.org](http://www.cal-ipc.org)

Our request to add a mandatory provision for the avoidance of invasive plant species in CALGreen fits within the scope statement of CalGreen Sections 4.101 and 5.101: "...to protect, restore and enhance the environmental quality of the site and respect the integrity of adjacent properties." Further, our request to prevent the spread of invasive plants and to lessen impacts and remediation costs via CALGreen is consistent with Criterion #3 of the Health and Safety Code, "The public interest requires the adoption of building standards."

We believe invasive plants should be avoided for all new landscape areas. The Building Code, and particularly the Green Build Standards portion of the Code, is the correct place to advance this approach for newly-permitted projects. By making the avoidance of invasive plant species a mandatory measure, California can prevent waste, lessen environmental degradation and lower subsequent mitigation costs for invasive plants.

Sincerely,



G. F. Duerig  
General Manager

cc: Gary Wolff, Executive Director, StopWaste.Org