

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: 10/08/09

From:

Michael Harrison
Name (Print or type)


(Signature)

County Of Santa Clara

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

70 W Hedding Street
Street

San Jose
City

CA
State

95110
Zip

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

The Agency proposed modifications As Submitted on Section No. 1601A.0(D) exception and 1603A.0

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:

~~1601A.0(D) Exception: A construction permit shall not be required for a graywater system supplied by a clothes washer system and/or a single fixture system in compliance with the requirements of Section 1063A.1.1~~

~~1603A.1.1 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 1.8.4.1 and may be installed or altered without a construction permit:~~

Table 1603A.1.4 Construction Permit Requirements

~~No construction permit required if conditions in Section 1603A.1.1 are met. Permit and plans required unless exempted by Enforcing Agency~~

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 language is in violation of the 9 point criteria as follows:

Criteria 2 The BSC does not have authority to adopt administrative provisions exempting any work from permits is an administrative requirement.

Criteria 3,4 and 5 An unfair cost will be placed on local jurisdictions if un-permitted and un-inspected greywater systems do not meet the technical requirements of the code and become violations. HCD suggest that local jurisdictions can deal with these violations through their normal code enforcement procedures, this will add great cost to already overburdened jurisdictions. .

An unfair cost will be born by homeowners if systems installed without complying with the technical requirements of chapter 16 fail and become violations.

The requirements will perpetuate the underground economy excepting permits will encourage unlicensed unqualified contractors to do this work.

M. Paul Hansen - 9/10

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.