

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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June 2, 2014

California Energy Commission (CEC)
Dockets Office, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: Appliance Efficiency Pre-Rulemaking (Title 20) – Comments
Docket No. 14-AAER-1

CEC Staff:

The Department of Housing and Community Development (HCD), Division of Codes and Standards, State Housing Law Program has prepared the following comments for your consideration:

Comment 1. Proposed Section 1605.1, Table A-2

California Code of Regulations, Title 20, Section 1605.1, Table A-2, (as proposed) would allow a 1.6 gallon per flush “replacement valve” for water closets in buildings built on or before 1994. However, the California Civil Code (Sections 1101.1 through 1101.9) currently requires all “noncompliant plumbing fixtures” to be replaced with “water-conserving plumbing fixtures” as defined in Section 1101.3 of the Civil Code. A “water-conserving plumbing fixture” is defined as any fixture that is in compliance with **current building standards** applicable to a newly constructed real property of the same type. The current building standards for indoor water use relating to water closets is located in Section 4.303 of the 2013 California Green Building Standards Code (CALGreen), and Section 403.2.1 of the 2013 California Plumbing Code (CPC) and specifies that the effective flush volume of all water closets shall not exceed 1.28 gallons per flush. Therefore, the 1.6 gallon per flush “replacement valve” is not in compliance with current building standards and should be amended to **1.28 gallons per flush**.

California Energy Commission

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Comment 2. Proposed Section 1605.1, Table A-2

California Code of Regulations, Title 20, Section 1605.1, Table A-2, (as proposed) would allow a 1.0 gallon per flush “replacement valve” for urinals in buildings built on or before 1994. However, the California Civil Code (Sections 1101.1 through 1101.9) currently requires all “noncompliant plumbing fixtures” to be replaced with “water-conserving plumbing fixtures” as defined in Section 1101.3 of the Civil Code. A “water-conserving plumbing fixture” is defined as any fixture that is in compliance with **current building standards** applicable to a newly constructed real property of the same type. The current building standards for indoor water use relating to urinals is located in Section 4.303 of the 2013 CALGreen, and Section 403.3 of the 2013 CPC, and specifies that the effective flush volume of all urinals shall not exceed 0.5 gallons per flush. Therefore, the 1.0 gallons per flush “replacement valve” is not in compliance with current building standards and should be amended to **0.5 gallons per flush**.

Comment 3. Proposed Sections 1602(i) and 1605.1, Table A-2

Plumbing fixtures, specifically water closets and urinals, are currently required to meet specific design standards to ensure that they function properly without the need for multiple flushes or the occurrence of sewage backups. However, it is a concern that some older, noncompliant water closets and urinals may not function or flush properly with the installation of low-flow “replacement valves” as defined in Section 1602(i), thereby causing a potential situation where multiple flushes may be required and/or sewage backups may occur.

Comment 4. Proposed Sections 1604(i)(2) and 1605.1(i)(2)

The proposed requirement for plumbing fixtures, specifically water closets, to comply with MaP Testing conflicts with existing provisions contained in the California Building Standards Codes, California Code of Regulations, Title 24. Section 403.2.1 of the 2013 CPC requires compliance with ASME A112.19.2, *Standard for Vitreous China Plumbing Fixtures and Hydraulic Fixtures Requirements for Water Closets and Urinals*, and ASME A112.19.14, *Standard for Six-Liter Water Closets Equipped with a Dual Flushing Device*. In addition, Section 403.2.1.1 of the 2013 CPC and Section 4.303.1.1 of the 2013 CALGreen requires performance testing and certification of high-efficiency toilets in accordance with the *WaterSense* program sponsored by the U.S. Environmental Protection Agency (EPA).

The Department would respectfully ask the California Energy Commission to consider our comments and amend or withdraw as appropriate.

If you have any questions regarding the above comments, please feel free to contact Kyle Krause, State Housing Law Program Manager at (916) 263-4719 or by email at kyle.krause@hcd.ca.gov.

Sincerely,

Kyle Krause

Codes and Standards Administrator I