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MAY 17 2010
MONO COUNTY CLERK

Notice of Availability of the Second Revised Draft Environmental Impact Report and Notice of Public Meeting for the Adoption of Statewide Regulations Allowing the Use of PEX Tubing

Date: May 17, 2010

To: Responsible Agencies, Interested Parties, and Organizations

Subject: Notice of Availability of the Second Revised Draft Environmental Impact Report

Lead Agency: California Building Standards Commission
Contact: Mr. David Walls, Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

Purpose of Notice

The California Building Standards Commission (BSC) is releasing a Second Revised Draft EIR (SRDEIR) that evaluates specific issues relative to the adoption of Statewide Regulations Allowing the Use of PEX Tubing. The SRDEIR 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.).

Responsible Agencies relying on the 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 SRDEIR. All comments submitted within the comment period will be responded to in writing in a Revised Final EIR.

Project Background

In January 2009 the BSC adopted new state plumbing code regulations that removed the prohibition against the use of cross-linked polyethylene (PEX) tubing, a type of plastic pipe, for potable water uses from the California Plumbing Code. The regulations authorize PEX tubing for use in various cold and hot water (including potable water) plumbing applications in residential, commercial, and institutional buildings. As a result of a legal challenge to the EIR evaluating those regulations, BSC was directed to remedy specific issues in the EIR. The SRDEIR addresses those issues as well as a minor revision to reflect updated regulatory standards applicable to fittings that may be used with PEX. Because the court decision invalidating the PEX EIR is currently on appeal, the regulations adopted by the BSC in January 2009 remain in effect pending BSC's revisions to the EIR. The SRDEIR evaluates the potential environmental effect of the regulations as they were originally

10-00025

proposed and makes no assumption about the future status of the PEX regulations, including what action BSC may take after considering the revised EIR.

Project Location

The 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

The SRDEIR is available for public review for 45 days, beginning May 17, 2010. Comments must be received no later than 5:00 p.m. on July 1, 2010.

Project Description

The PEX regulations 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.

Source: Created by EDAW in 2008

Project Area **Exhibit 1**

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

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 changes to the regulations involve deletion of exceptions to the adoption of PEX in the CPC and addition of notes reflecting the requirements of the January 2009 FEIR.

10-00025

TABLE 6-4. UPC			
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 [1,2]	X	X	X
PEX-AL-PEX[3]	X	X	X
PVC			X

[1] When PEX tubing is placed in soil and is used in potable water systems intended to supply drinking water to fixtures or appliances, the tubing or piping shall be sleeved with a material approved for potable water use in soil or other material that is impermeable to solvents or petroleum products.

[2] PEX tubing shall meet the requirements of ASTM F 876-08 or an equivalent or more stringent standard when used in continuously recirculating hot water systems where chlorinated water is supplied to the system and the PEX tubing is exposed to the hot water 100% of the time.

[3] [BSC, DSA/SS & HCD] 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]*~~ Crosslinked 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 SRDEIR addresses specific impacts in the public health and hazards and water quality sections of the document. All impacts would be less than significant or reduced to less-than-significant levels with mitigation.

Document Review and Comment Information

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

California Building Standards Commission
Attention: Mr. David Walls, Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

The SRDEIR and related documents are available for review during regular business hours at:

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

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

Public Meeting

The BSC will hold a public hearing on the PEX regulations on August 16, 2010 at 9:00 am at the following location:

Department of Consumer Affairs
1625 North Market Boulevard
First Floor Hearing Room
Sacramento, CA 95834