

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

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**DRAFT NEGATIVE DECLARATION WITH MITIGATION MEASURES
for
REGULATIONS FOR LIMITED USE OF
CHLORINATED POLYVINYL CHLORIDE (CPVC) PIPE
AS POTABLE WATER PIPING IN RESIDENTIAL BUILDINGS**

Project Proponent:

Department of Housing and Community Development
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Project Description:

The project under review in this Initial Study is an amendment to the California Plumbing Code proposed by the Department of Housing and Community Development (HCD) that would authorize local building officials to approve chlorinated polyvinyl chloride (CPVC) pipe as an alternate material for hot and cold water distribution systems within residential structures under limited circumstances and subject to specified conditions and mitigation measures. HCD is authorized to propose building standards applicable to certain residential occupancies. (Health & Saf. Code section 17921.) The building standards proposed by HCD are submitted to the California Building Standards Commission for final adoption. (Health & Saf. Code section 18930.)

If adopted, the proposed building standards regulations would grant local building officials the authority to approve the use of CPVC pipe for water distribution systems within residential buildings subject to conditions and mitigation measures that are incorporated into the regulatory proposal. The full text of the proposed California Plumbing Code amendments comprising the regulatory proposal is attached.

The following specific conditions would apply to the local approvals of CPVC and would be set forth in a new section 604.1b of the California Plumbing Code. First, a local building official would be authorized to approve the use of CPVC only if he or she first determines that there is or will be a premature failure of metallic pipe if installed in such residential structures due to existing water or soil conditions. Second, any building permit issued by the local building official

authorizing the use of CPVC based on such a finding would be conditioned on compliance with specific mitigation measures described below. Third, only CPVC plumbing

material listed as an approved material and installed in accordance with the California Plumbing Code could be used. Fourth, any installation and use of CPVC plumbing material pursuant to this local authorization would be required to comply with all applicable requirements of the California Plumbing Code and specific Installation Standards. Fifth, prior to issuing a building permit authorizing use of CPVC, the building official must require that any contractor or subcontractor provide written certification that such contractor or subcontractor: 1) is aware of the health and safety hazards associated with CPVC plumbing installations, has included the hazards associated with CPVC in its Illness and Injury Prevention Plan, and has included worker safety training elements in its Injury Prevention Plan that meet the guidelines of the Department of Industrial Relations; and 2) will comply with the flushing procedures and worker safety measures required as a part of these regulations. Sixth, the building official would not be authorized to give final permit approval to the installation of any CPVC plumbing materials unless he or she finds that the material has been installed in compliance with the requirements of the California Plumbing Code and specified Installation Standards. Seventh, any contractor or subcontractor found to have failed to comply with the mitigation requirements imposed by these regulations would be subject to penalties set forth in Health and Safety Code sections 17955 et seq. Finally, if during the conduct of any building inspection the building official found that the worker safety requirements imposed by these regulations were being violated, the building official would be required to cite that contractor or subcontractor for such violation.

The regulatory proposal also incorporates the following specific mitigation measures that would be adopted in a new section 301.0 of Appendix I Installation Standards of the California Plumbing Code:

301.0.1 Flushing Procedures.

301.0.1.1 All installations of CPVC pipe within residential structures shall be flushed twice over a period of at least one week. The pipe system shall be first flushed for at least 10 minutes and then filled and allowed to stand for no less than 1 week, after which all the branches of the pipe system must be flushed long enough to fully empty the contained volume. At the time of the fill, each fixture shall have a removable tag applied stating:

“This new plumbing system was first filled on (date) by (name). The California Department of Housing and Community Development requires that the system be flushed after standing at least one week after the fill date specified above. If the system is used earlier than one week after the fill date, the water must be allowed to run for at least two minutes prior to use for human consumption. This tag may not be removed prior to flushing, except by the homeowner.”

301.0.2 Worker Safety Measures.

301.0.2.1 Mechanical ventilation sufficient to maintain exposures below the relevant exposure limits established by state regulations shall be provided in enclosed spaces. This ventilation shall be directed at the breathing zone of the worker installing the pipe. Where

mechanical ventilation is not practical, respirators, suitable for organic vapors, shall be used. For the purpose of this subdivision, and enclosed space is defined as:

- (a) A space less than 100 square feet of floor area under a ceiling with a height of 10 feet or less, and which does not have openings (consisting of doors, windows, or unfinished walls) on at least two sides;
- (b) Crawl spaces having a height of less than three feet;
- (c) Enclosed attics that have a roof and ceiling; or
- (e) Trenches having a depth greater than twenty-four inches.

3.01.0.2.2 Installers of CPVC pipe within residential structures shall use non-latex thin gauge (4 millimeters) nitrile gloves, or other gloves providing an equivalent or better degree of protection during the installation of the CPVC plumbing system. Gloves shall be provided to all workers by the contractor, or plumbing subcontractor, and shall be replaced upon contamination by cements.

This regulatory proposal and Negative Declaration are also being prepared pursuant to an agreement to settle a lawsuit challenging an Environmental Impact Report (EIR) that had been certified by HCD with regard to a previous HCD proposal to approve CPVC for statewide use. This settlement agreement provides for rescission of the prior EIR certification and withdrawal of the proposed regulations approving CPVC on a statewide basis. In addition to the conditions and mitigation measures described above, the settlement agreement provides that HCD will issue an Information Bulletin to all local building officials informing them of the specific conditions and mitigation measures required for local approvals of CPVC. The settlement agreement also provides for HCD's periodic monitoring of the local implementation of the mitigation measures required for CPVC use.

Because the local CPVC approval authority that would be granted by the proposed regulations requires findings of existing or expected metallic pipe failure due to existing soil and water conditions, the potential scope of CPVC use that will result from the proposed project will be limited. Information in the record of previous HCD examinations of CPVC pipe indicates that corrosive drinking water is not a widespread problem in California. The evidence before the Lead Agency indicates that the problems with metallic pipe corrosion have been isolated and occurred significantly only in certain limited areas of the state where residential units are being served by underground water wells. Finally, no cities or counties have filed with HCD modifications or changes in California Plumbing Code provisions to approve CPVC pipe pursuant to Health and Safety Code section 17958.7. For these reasons, the Lead Agency has concluded that the CPVC installations that may result from the proposed regulatory approval will be limited in scope.

Project Location:

Residential Occupancy buildings where the local building official determines that there is or will be the premature failure of metallic pipe.

Findings of No Significant Effect on Environment:

The proposed project will not have a potentially significant impact on the environment. The Initial Study, which supports this finding, is attached.

Mitigation Measures:

See Above Project Description.