

EXHIBIT 5-A

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 715

**Introduced by Assembly Member Laird
(Coauthors: Assembly Members Hancock, Huffman, Mullin, and
Wolk)**

February 22, 2007

An act to amend, renumber, and add Section 17921.5 of, to add and repeal Section 17921.4 of, and to repeal and add Section 17921.3 of, the Health and Safety Code, relating to water conservation appliances.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as introduced, Laird. Water conservation: low-flush water closets.

(1) The State Housing Law requires all water closets sold or installed in this state to be water closets and associated flushometer valves, if any, that use no more than an average of 1.6 gallons per flush and urinals and associated flushometer valves, if any, that use no more than an average of one gallon per flush and requires these water closets, urinals, and associated flushometer valves to meet performance standards established by the American Society of Mechanical Engineers standards. Violation of the State Housing Law is punishable as a misdemeanor.

This bill would require, on and after January 1, 2010, tank type water closets and flushometer type water closets, as specified, to use a specified amount of water per flush that is less than currently allowed if they are installed in new buildings constructed in this state and all washdown urinals sold or installed in this state to use a specified amount of water per flush that is less than currently allowed.

The bill would require, on and after January 1, 2011, tank type water closets sold or installed in the state to use a specified amount of water

per flush that is less than currently allowed. It would also require, on and after January 1, 2012, all flushometer-type water closets sold or installed in the state to use a specified amount of water per flush that is less than currently allowed.

The bill would authorize the California Building Standards Commission, upon recommendation of the Department of Housing and Community Development, to delay the 2010, 2011, and 2012 implementation dates specified above by up to 2 years if certain conditions are met. The bill would also authorize the commission to lower the water consumption requirements and to update the technical standards for water closets and urinals, as specified.

The bill would, until January 1, 2010, require a nonwater-supplied urinal approved for installation or sold in this state to satisfy specified requirements. The bill would require state agencies that adopt or propose building standards for plumbing systems to determine, by January 1, 2009, whether to develop building standards that would authorize the use of nonwater-supplied urinals and would require these urinals to meet certain minimal requirements.

By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17921.3 of the Health and Safety Code
- 2 is repealed.
- 3 ~~17921.3. (a) All new buildings constructed in this state shall~~
- 4 ~~use water closets and associated flushometer valves, if any, which~~
- 5 ~~use no more than an average of 1.6 gallons per flush and which~~
- 6 ~~meet performance standards established by American Society of~~
- 7 ~~Mechanical Engineers standards A112.19.2-1990 and~~
- 8 ~~A112.19.6-1990, and urinals and associated flushometer valves,~~
- 9 ~~if any, which use no more than an average of one gallon per flush~~
- 10 ~~and which meet performance standards established by American~~

1 Society of Mechanical Engineers standards A112.19.2-1990 and
2 A112.19.6-1990.

3 (b) ~~Any city, county, or city and county may enact an ordinance~~
4 ~~to allow the sale and installation of non-low-consumption water~~
5 ~~closets or urinals upon its determination that the unique~~
6 ~~configuration of building drainage systems or portions of a public~~
7 ~~sewer system within the jurisdiction, or both, requires a greater~~
8 ~~quantity of water to flush the system in a manner consistent with~~
9 ~~public health. At the request of a public agency providing sewer~~
10 ~~services within the jurisdiction, the city, county, or city and county~~
11 ~~shall hold a public hearing on the need for an ordinance as provided~~
12 ~~in this subdivision. Prior to this hearing or to the enactment of the~~
13 ~~ordinance, those agencies responsible for the provision of water~~
14 ~~and sewer services within the jurisdiction, if other than the agency~~
15 ~~considering adoption of the ordinance, shall be given at least 30~~
16 ~~days' notice of the meeting at which the ordinance may be~~
17 ~~considered or adopted.~~

18 (c) ~~On and after January 1, 1994, all water closets sold or~~
19 ~~installed in this state shall be water closets and associated~~
20 ~~flushometer valves, if any, which use no more than an average of~~
21 ~~1.6 gallons per flush and which meet performance standards~~
22 ~~established by American Society of Mechanical Engineers~~
23 ~~standards A112.19.2-1990 and A112.19.6-1990, and urinals and~~
24 ~~associated flushometer valves, if any, which use no more than an~~
25 ~~average of one gallon per flush and which meet performance~~
26 ~~standards established by American Society of Mechanical~~
27 ~~Engineers standards A112.19.2-1990 and A112.19.6-1990. Blowout~~
28 ~~water closets and associated flushometer valves are exempt from~~
29 ~~the flush volume requirements of this section.~~

30 (d) ~~Notwithstanding subdivision (c), on and after January 1,~~
31 ~~1994, water closets and urinals which do not meet the standards~~
32 ~~referenced in subdivision (c) may be sold or installed for use only~~
33 ~~under either of the following circumstances:~~

34 (1) ~~Installation of the water closet or urinal to comply with the~~
35 ~~standards referenced in subdivision (c) would require modifications~~
36 ~~to plumbing system components located beneath a finished wall~~
37 ~~or surface.~~

38 (2) ~~The non-low-consumption water closets, urinals, and~~
39 ~~flushometer valves, if any, would be installed in a home or building~~
40 ~~which has been identified by a local, state, or federal government~~

1 entity as a historical site, and historically accurate water closets
2 and urinals that comply with the flush volumes specified in
3 subdivision (c) are not available.

4 (e) (1) On and after January 1, 1994, all water closets and
5 urinals sold for installation, or installed, shall be labeled, on both
6 fixture and container, in accordance with their consumption
7 classification and the average water consumption, measured in
8 gallons, for that classification. The fixture label shall be intended
9 for removal by the purchaser only, and shall so state on the label.

10 (2) The wording on the label shall include, but not necessarily
11 be limited to, the following:

12 “This fixture qualifies according to ASME test procedures as a
13 low-consumption water closet/urinal with an average consumption
14 flush of 1.6 gallons or less/1.0 gallon or less.”

15 (f) (1) This section shall not be construed to preempt any
16 actions of cities, counties, cities and counties, or districts which
17 prescribe additional or more restrictive conservation requirements
18 affecting the sale, installation, or use of low-consumption water
19 closets, urinals, and flushometer valves that meet the standards
20 referenced in subdivision (e), or affecting the continued use of
21 non-low-consumption water closets, urinals, and flushometer valves
22 installed prior to January 1, 1994, that shall result in greater savings
23 of water than would result under this section.

24 (2) This section shall not be construed as granting any new or
25 additional powers to cities, counties, cities and counties, or districts
26 to promulgate or establish laws, ordinances, regulations, or rules
27 governing the sale, installation, or use of low-consumption water
28 closets, urinals, and flushometer valves.

29 (g) As used in this section, “non-low-consumption flushometer
30 valve,” “non-low-consumption urinal,” and “non-low-consumption
31 water closet” shall refer to devices which do not meet the standards
32 referenced in subdivision (e).

33 SEC. 2. Section 17921.3 is added to the Health and Safety
34 Code, to read:

35 17921.3. (a) All water closets, including any associated
36 flushometer valves, and urinals installed or sold in this state shall
37 meet performance, testing, and labeling requirements established
38 by the American Society of Mechanical Engineers standard
39 A112.19.2-2003, or A112.19.14-2001, as applicable. No other
40 marking and labeling requirements shall be required by the state.

1 All water closets, including any associated flushometer valves,
2 and urinals installed or sold in this state shall be listed by an
3 American National Standards Institute accredited third-party
4 certification agency to the appropriate American Society of
5 Mechanical Engineers standards set forth in this subdivision. No
6 other listing or certification requirements shall be required by the
7 state.

8 (b) (1) All new buildings constructed in this state shall use
9 water closets that use no more than an average of 1.6 gallons per
10 flush and urinals that use no more than an average of one gallon
11 per flush.

12 (2) On and after January 1, 2010, tank type water closets,
13 including pressure tank water closets, installed in new buildings
14 constructed in this state and all floor-mounted/floor-outlet and
15 wall-mounted/wall-outlet flushometer water closets installed in
16 new buildings constructed in this state shall use no more than an
17 average of 1.6 gallons per flush for solids and 1.1 gallons per flush
18 for liquids, for dual flush water closets, and, for single flush water
19 closets, shall use no more than an average of 1.3 gallons per flush.

20 (3) On and after January 1, 2010, all washdown urinals installed
21 in new buildings constructed in this state shall use no more than
22 0.5 gallon per flush.

23 (4) All consumption values stated in this subdivision shall be
24 determined by the test procedures contained in the American
25 Society of Mechanical Engineers standards A112.19.2-2003 and
26 A112.19.14-2001.

27 (c) (1) All water closets sold or installed in this state shall be
28 water closets that use no more than an average of 1.6 gallons per
29 flush and urinals that use no more than an average of one gallon
30 per flush.

31 (2) On and after January 1, 2011, tank type water closets,
32 including pressure tank water closets, sold or installed in this state
33 shall use no more than an average of 1.6 gallons per flush for solids
34 and 1.1 gallons per flush for liquids, for dual flush water closets,
35 and, for single flush water closets, shall use no more than an
36 average of 1.3 gallons per flush.

37 (3) On and after January 1, 2012, all flushometer-type water
38 closets sold or installed in this state shall use no more than an
39 average of 1.6 gallons per flush for solids and 1.1 gallons per flush

1 for liquids, for dual flush-water closets, and, for single flush water
2 closets, shall use no more than an average of 1.3 gallons per flush.

3 (4) On and after January 1, 2010, all washdown urinals sold or
4 installed in this state shall use no more than 0.5 gallon per flush.

5 (5) All consumption values stated in this subdivision shall be
6 determined by the test procedures contained in the American
7 Society of Mechanical Engineers standards A112.19.2-2003 and
8 A112.19.14-2001.

9 (d) The California Building Standards Commission, upon
10 recommendation of the department, may, by regulation, delay the
11 implementation dates specified in paragraphs (2), (3), and (4) of
12 subdivision (b) and paragraphs (2), (3), and (4) of subdivision (c)
13 by up to two years if the commission determines, based on
14 substantial evidence in the record, that manufacturers are not
15 capable of producing sufficient numbers of devices or that there
16 are significant technical reasons that would make a delay in the
17 public interest.

18 (e) The California Building Standards Commission may, by
19 regulation, reduce the quantity of water per flush required pursuant
20 to this section if deemed appropriate in light of standards referenced
21 in the most recent version of the California Plumbing Code, and
22 may refer to successor standards to the standards referenced in this
23 section if determined appropriate in light of standards referenced
24 in the most recent version of the California Plumbing Code.

25 (f) Any city, county, or city and county may enact an ordinance
26 to allow the sale and installation of nonlow-consumption water
27 closets or urinals upon its determination that the unique
28 configuration of building drainage systems or portions of a public
29 sewer system within the jurisdiction, or both, requires a greater
30 quantity of water to flush the system in a manner consistent with
31 public health. At the request of a public agency providing sewer
32 services within the jurisdiction, the city, county, or city and county
33 shall hold a public hearing on the need for an ordinance as provided
34 in this subdivision. Prior to this hearing or to the enactment of the
35 ordinance, those agencies responsible for the provision of water
36 and sewer services within the jurisdiction, if other than the agency
37 considering adoption of the ordinance, shall be given at least 30
38 days' notice of the meeting at which the ordinance may be
39 considered or adopted.

1 (g) Notwithstanding subdivision (c), on and after January 1,
2 1994, water closets and urinals that do not meet the standards
3 referenced in subdivision (c) may be sold or installed for use only
4 under either of the following circumstances:

5 (1) Installation of the water closet or urinal to comply with the
6 standards referenced in subdivision (c) would require modifications
7 to plumbing system components located beneath a finished wall
8 or surface.

9 (2) The nonlow-consumption water closets, urinals, and
10 flushometer valves, if any, would be installed in a home or building
11 that has been identified by a local, state, or federal governmental
12 entity as a historical site and historically accurate water closets
13 and urinals that comply with the flush volumes specified in
14 subdivision (c) are not available.

15 (h) (1) This section does not preempt any actions of cities,
16 counties, cities and counties, or districts that prescribe additional
17 or more restrictive conservation requirements affecting either of
18 the following:

19 (A) The sale, installation, or use of low-consumption water
20 closets, urinals, and flushometer valves that meet the standards
21 referenced in subdivision (a), (b), or (c).

22 (B) The continued use of nonlow-consumption water closets,
23 urinals, and flushometer valves.

24 (2) This section does not grant any new or additional powers to
25 cities, counties, cities and counties, or districts to promulgate or
26 establish laws, ordinances, regulations, or rules governing the sale,
27 installation, or use of low-consumption water closets, urinals, and
28 flushometer valves.

29 (i) As used in this section, the following terms have the
30 following meanings:

31 (1) "Floor-mounted/floor-outlet water closets" means models
32 that are mounted with the fixture base on the floor and discharge
33 to the drainage system through the floor.

34 (2) "Nonlow-consumption flushometer valve,"
35 "nonlow-consumption urinal," and "nonlow-consumption water
36 closet" mean devices that use more than 1.6 gallons per flush for
37 toilets and more than 1.0 gallons per flush for urinals.

38 (3) "Urinal" means a water-using urinal.

1 (4) "Wall-mounted/wall-outlet water closets" means models
2 that are mounted on the wall and discharge to the drainage system
3 through the wall.

4 (5) "Washdown urinals" means models that operate primarily
5 on a dilution only, nonsiphonic principle.

6 SEC. 3. Section 17921.4 is added to the Health and Safety
7 Code, to read:

8 17921.4. (a) A nonwater-supplied urinal approved for
9 installation or sold in this state shall satisfy all of the following
10 requirements:

11 (1) Meet performance, testing, and labeling requirements
12 established by the American Society of Mechanical Engineers
13 standard A112.19.19-2006.

14 (2) Be listed by an American National Standards Institute
15 accredited third-party certification agency to the American Society
16 of Mechanical Engineers standard A112.19.19-2006.

17 (3) Provide a barrier liquid sealant to maintain a trap seal.

18 (4) Permit the uninhibited flow of waste through the urinal to
19 the sanitary drainage system.

20 (5) Be cleaned and maintained in accordance with the
21 manufacturer's instructions after installation.

22 (6) Be installed with a water supply rough-in to the urinal
23 location that would allow a subsequent replacement of the
24 nonwater-supplied urinal with a water-supplied urinal if desired
25 by the owner or if required by the enforcement agency.

26 (b) As used in this section, the following terms have the
27 following meanings:

28 (1) "Building" means any structure subject to this part, and any
29 structure subject to the California Building Standards Law as set
30 forth in Part 2.5 (commencing with Section 18901).

31 (2) "Water supply rough-in" means the installation of water
32 distribution and fixture supply piping sized to accommodate a
33 water-supplied urinal to an in-wall point immediately adjacent to
34 the urinal location.

35 (c) This section shall remain in effect only until January 1, 2010,
36 and as of that date is repealed.

37 SEC. 4. Section 17921.5 of the Health and Safety Code is
38 amended and renumbered to read:

1 ~~17921.5.~~

2 17921.6. Except as provided in Section 18930, the department
3 shall prepare and adopt minimum standards regulating the use and
4 application of cellular concrete as it determines are reasonably
5 necessary for the protection of life and property.

6 SEC. 5. Section 17921.5 is added to the Health and Safety
7 Code, to read:

8 17921.5. (a) By January 1, 2009, any state agency that adopts
9 or proposes building standards for plumbing systems shall
10 determine whether to develop building standards, for submission
11 to the California Building Standards Commission in accordance
12 with Section 18930, that would authorize the use of
13 nonwater-supplied urinals. If building standards are adopted that
14 authorize the use of nonwater-supplied urinals, the standards shall
15 require nonwater-supplied urinals to satisfy at least all of the
16 following requirements:

17 (1) Meet performance, testing, and labeling requirements
18 established by the American Society of Mechanical Engineers
19 standard A112.19.19-2006.

20 (2) Be listed by an American National Standards Institute
21 accredited third-party certification agency to the American Society
22 of Mechanical Engineers standard A112.19.19-2006.

23 (3) Provide a barrier liquid sealant to maintain a trap seal.

24 (4) Permit the uninhibited flow of waste through the urinal to
25 the sanitary drainage system.

26 (5) Be cleaned and maintained in accordance with the
27 manufacturer's instructions after installation.

28 (6) Be installed with a water supply rough-in to the urinal
29 location that would allow a subsequent replacement of the
30 nonwater-supplied urinal with a water-supplied urinal if desired
31 by the owner or if required by the enforcement agency.

32 (b) As used in this section, the following terms have the
33 following meanings:

34 (1) "Building" means any structure subject to this part, and any
35 structure subject to the California Building Standards Law as set
36 forth in Part 2.5 (commencing with Section 18901).

37 (2) "Water supply rough-in" means the installation of water
38 distribution and fixture supply piping sized to accommodate a
39 water-supplied urinal to an in-wall point immediately adjacent to
40 the urinal location.

1 SEC: 6. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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