

**ASSEMBLY BILL**

**No. 1738**

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**Introduced by Assembly Member McCarty**

February 1, 2016

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An act to amend Section 17922.12 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1738, as introduced, McCarty. Building Standards: Dark Graywater.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption.

Existing law requires the Department of Housing and Community Development to propose the adoption, amendment, or repeal of building standards to the commission relating to hotels, motels, lodging houses, apartment houses, and dwellings, and the buildings and structures accessory thereto, except as specified.

Existing law requires the department, at the next triennial building standards rulemaking, to adopt and submit to the commission for approval building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses. Existing law excludes wastewater from kitchen sinks and dishwashers from the definition of “graywater.”

This bill would define “dark graywater” as a specified wastewater that comes from kitchen sinks and dishwashers. This bill would require the department, at the next triennial building standards rulemaking

cycle, to adopt and submit for approval building standards for the construction, installation, and alteration of dark graywater systems for indoor and outdoor uses.

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

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

1 SECTION 1. Section 17922.12 of the Health and Safety Code  
2 is amended to read:

3 17922.12. (a) For the purposes of this section, “graywater”  
4 means untreated wastewater that has not been contaminated by  
5 any toilet discharge, has not been affected by infectious,  
6 contaminated, or unhealthy bodily wastes, and does not present a  
7 threat from contamination by unhealthful processing,  
8 manufacturing, or operating wastes. “Graywater” includes  
9 wastewater from bathtubs, showers, bathroom washbasins, clothes  
10 washing machines, and laundry tubs, but does not include  
11 wastewater from kitchen sinks or dishwashers. *For purposes of*  
12 *this section, “dark graywater” includes untreated wastewater*  
13 *from kitchen sinks or dishwashers that has not been contaminated*  
14 *by any toilet discharge, has not been affected by infectious,*  
15 *contaminated, or unhealthy bodily wastes, and does not present a*  
16 *threat from contamination by unhealthful processing,*  
17 *manufacturing, or operating wastes.*

18 (b) Notwithstanding Chapter 22 (commencing with Section  
19 14875) of Division 7 of the Water Code, at the next triennial  
20 building standards rulemaking cycle that commences on or after  
21 January 1, 2009, the department shall adopt and submit for approval  
22 pursuant to Chapter 4 (commencing with Section 18935) of Part  
23 2.5 building standards for the construction, installation, and  
24 alteration of graywater systems *and dark graywater systems* for  
25 indoor and outdoor uses.

26 (c) In adopting building standards under this section, the  
27 department shall do all of the following:

28 (1) Convene and consult a stakeholder’s group that includes  
29 members with expertise in public health, water quality, geology  
30 or soils, residential plumbing, home building, and environmental  
31 stewardship.

1 (2) Ensure protection of water quality in accordance with  
2 applicable provisions of state and federal water quality law.

3 (3) Consider existing research available on the environmental  
4 consequences to soil and groundwater of short-term and long-term  
5 graywater *and dark graywater* use for irrigation purposes,  
6 including, but not limited to, research sponsored by the Water  
7 Environment Research Foundation.

8 (4) Consider graywater *and dark graywater* use impacts on  
9 human health.

10 (5) Consider the circumstances under which the use of in-home  
11 graywater *and dark graywater* treatment systems—~~is~~ *are*  
12 recommended.

13 (6) Consider the use and regulation of graywater *and dark*  
14 *graywater* in other jurisdictions within the United States and in  
15 other nations.

16 (d) The department may revise and update the standards adopted  
17 under this section at any time, and the department shall reconsider  
18 these standards at the next triennial rulemaking that commences  
19 after their adoption.

20 (e) The approval by the California Building Standards  
21 Commission of the standards for graywater systems adopted under  
22 this section shall terminate the authority of the Department of  
23 Water Resources to adopt and update standards for the installation,  
24 construction, and alteration of graywater systems in residential  
25 buildings pursuant to Chapter 22 (commencing with Section 14875)  
26 of Division 7 of the Water Code.