

1 [Building, Plumbing Codes - Permit Exemption for Installation of Simple Gray Water Systems]

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3 **Ordinance amending the Building and Plumbing Codes to exempt the installation of**
4 **simple gray water systems from the requirement to obtain a permit; and affirming the**
5 **Planning Department’s determination under the California Environmental Quality Act.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

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11 Be it ordained by the People of the City and County of San Francisco:

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13 Section 1. Findings.

14 (a) The Planning Department has determined that the actions contemplated in this
15 ordinance comply with the California Environmental Quality Act (California Public Resources
16 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
17 Supervisors in File No. 151106 and is incorporated herein by reference. The Board affirms
18 this determination.

19 (b) The Building Inspection Commission considered this ordinance on _____,
20 at a duly noticed public hearing, pursuant to Charter Section D3.750-5.

21 (c) The Governor of California has issued multiple successive Executive Orders
22 proclaiming a statewide drought, and ordering water districts to take action to meet deep
23 conservation goals, specifically including accelerated use of technologies such as onsite
24 reuse systems.

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1 (d) The evidence suggests that household gray water reuse for irrigation poses a
2 negligible public health hazard and there is a general trend, both nationally and in California,
3 towards a more permissive standard for gray water irrigation.

4 (e) An increasing number of Western states, including Arizona, Nevada, Utah, and
5 Wyoming, are shifting from proscriptive standards to either exempting gray water systems
6 from the permit requirement, or granting a general statewide permit to gray water systems that
7 meet a short list of proven, reasonable performance standards.

8 (f) The rate of gray water usage in California is the highest in the country, but the
9 compliance rate for California's proscriptive standards is among the lowest of any code,
10 standard, or rule. This low compliance rate has raised serious questions about whether
11 California's proscriptive standards and permit requirements have dissuaded homeowners
12 from hiring professionals to install the gray water systems and instead encouraged
13 homeowners to install the systems themselves.

14 (g) The effect of California's exemption since 2009 of laundry-only systems from the
15 permit requirement appears to have resulted in creating jobs for professional installers,
16 increasing the percentage of professionally-installed systems, and elevating the quality of the
17 systems.

18 (h) California Plumbing Code, Section 1602.1.2, requires a construction permit for
19 installation of a gray water system, but authorizes a local agency to exempt a simple gray
20 water system from the permit requirement after consulting with the local water purveyor for
21 any public water system providing drinking water to the dwelling or non-residential structure.

22 (i) It is in the public interest to promote the use of gray water systems by reducing
23 regulatory barriers that do not provide significant improvement in public health or
24 environmental protection.

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1 Section 2. The Building Code is hereby amended by revising Section 106A.2, to read
2 as follows:

3 **106A.2. Work exempt from permit.** Exemptions from the permit requirements of this code
4 shall not be deemed to grant authorization for any work to be done in any manner in violation
5 of the provisions of this code or any other laws or ordinances of this jurisdiction. A building
6 permit shall not be required for the following:

7 * * * *

8 23. A simple gray water system described and regulated in Section 1602.1.2 of the Plumbing
9 Code which meets the exemption requirements of the San Francisco Public Utilities Commission, set
10 forth in its guidelines/manual for the design of outdoor irrigation systems using gray water, as
11 amended from time to time.

12 Section 3. The Plumbing Code is hereby amended by revising Section 103.1.1, to read
13 as follows:

14 103.1.1 **Exempt Work.** A permit shall not be required for the following:

15 * * * *

16 (9) Installation of a simple gray water system, as defined in Section 1602.1.2 of this Code, if
17 such system meets the requirements of the San Francisco Public Utilities Commission, set forth in its
18 guidelines/manual for the design of outdoor irrigation systems using gray water, as amended from time
19 to time.

20 (10) Work performed in buildings or structures owned and occupied by the State and
21 Federal governments.
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23 Section 4. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
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1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance

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4 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

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11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 JUDITH A. BOYAJIAN
15 Deputy City Attorney

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