Testimony of Buildings Commissioner Robert LiMandri
New York City Council
Committee on Housing and Buildings
Plumbing Code Revision
Introductions 807
May 21, 2012

Good afternoon Chairman Dilan, and members of the Committee. I am Robert LiMandri, Commissioner of the Department of Buildings, and have with me: James Colgate, Assistant Commissioner of Technical Affairs and Code Development, Arthur Cordes, Executive Director of Plumbing, and Helen Gitelson, Executive Director of Code Development. Thank you for allowing me the opportunity to testify in support of this important Construction Code revision legislation, Intro 807.

The legislation you have before you continues the tradition established by the Council's passage of Local Laws 99 of 2005 and 33 of 2007, the first comprehensive update of the building code in 40 years. These laws adopted, with modification, the International Code Council's International Plumbing, Building, Fuel Gas and Mechanical Codes. These laws also required that the Department submit to the council periodic revisions that should be made to these codes to bring them up to date with the latest edition of the International Codes.

The legislation before you provides the mandated progress with the updates to the Plumbing Code based on the 2009 edition of the International Plumbing Code. The proposed revisions utilize the uniform format, clarity and built-in infrastructure of the International Codes, and where necessary, modify or add new text tailored to the unique needs and characteristics of

the City's dense environment. The passage of Intro 807 will ensure that New York City's Construction Codes are up to date and implement the continuing advancement in technologies.

In 2010, the department began the mandated revision and updating process. This effort continues the public/private partnership begun with Local Law 99 of 2005. It involves over 400 professionals and industry stakeholders who volunteer their time and sit on the 11 technical, advisory and managing committees. The committee members include architects, engineers and representatives of the construction industry, labor, real estate and government. Over the past two years, these committees have been working together to resolve issues and craft revisions to the code that reflect the needs of this City.

The proposed text provisions contained in this bill represent the work product of the Plumbing Technical Committee. The Technical Committee participants are experts in the subject matter. Members of the Plumbing committee include representatives from the Master Plumbers Council, ACEC (American Council of Engineering Companies), REBNY (Real Estate Board of NY), Plumbers Local Union Number 1, and the Plumbing Foundation of NY. The Plumbing Technical Committee achieved consensus on the proposed revisions which were then forwarded to the Managing Committee.

The Managing Committee is responsible for reviewing and accepting the Technical Committee proposals. The Managing Committee consists of 51 members drawn from industry, real estate and professional organizations, city agencies and the technical committee chairs and co-chairs. The Managing Committee, upon review of the Plumbing Committees proposed

revisions, achieved consensus and voted to send these Plumbing Code revisions to the City Council for consideration and adoption.

Achieving consensus on the revisions was vital in order to ensure that the bill before you is balanced. The consensus-based approach forced the diverse committee members to work together to find mutually acceptable solutions. It did not always mean unanimity of thought or abandonment of individual values. It was, however, the acknowledgement that resulted in the bill before you that all parties support.

I would like to pause here for a moment to acknowledge and thank the Chairperson of the Plumbing Committee, Robert Benazzi of Jaros, Baum & Bolles, and, the 22 members of the Plumbing Committee. All of these people have been meeting twice a month since March of 2011 to produce this piece of legislation. It would not have been possible without their expertise, commitment and patience.

The changes that would be incorporated into the Plumbing Code, by means of this legislation, recognize the advances in technology and materials of the past several years. Passage of this bill will increase safety while at the same time streamline procedures and reduce some bureaucratic hurdles. Some of the revisions include;

- Changes to Table 403.1, 2, and 3 that remove onerous requirements for small food service establishments with fewer than 75 persons.

- Removing a burdensome requirement in Section 710.1(2) that currently mandates that sanitary piping in buildings be sized much larger than necessary when horizontal runs meet vertical stacks.

- Establishing in section 106.6 a definitive list of work types for which applicants need to provide DEP with sewage and stormwater disposal documentation.

- Requiring in section 606.5.3 lockable, tamper-proof covers with local alarms on building water supply tanks.

- And requiring in Section 608.8 the identification for non-potable water lines.

The effective date of this local law is contingent on the enactment of a subsequent local law that will revise and update the New York City Building, Fuel Gas Mechanical and Administrative Codes. The technical and advisory committees are already working on proposed revision to these codes, and the Department expects to submit this local law to the City Council by the end of this year.

Thank you. I would be happy to answer any questions you may have.

May 21, 2012

Testimony before the Housing and Buildings Committee of the New York City Council Re: Into. 807

Submitted by:
Victor L. Hines, Jr, CPD, LEED® AP
Senior Field Technical Representative
Charlotte Pipe and Foundry Co.

Charlotte Pipe and Foundry Co. is a one hundred and ten year old domestic manufacturer of plumbing pipe and fittings. Charlotte Pipe manufactures cast iron soil pipe as well as PVC and ABS pipe and fittings

Cast iron soil pipe has long been required and used in both residential and commercial construction for building sewer connections within New York City and has provided reliable permanent service in those applications. We feel that any move to allow plastics for residential connections while well intentioned is probably not in the best long-term interests of the City or its residents. As a strong rigid material cast iron soil pipe is extremely easy to install correctly requiring only a minimum trench width and a smooth trench bottom with no requirements for bedding or backfill

Plastic pipe is considered a "flexible" material and in our opinion plastic pipe below grade should be installed in accordance with ASTM D2321. This standard is not referenced within the International Plumbing Code or the New York City Plumbing Code. This standard includes requirements for specific trench widths, select bedding a minimum of 4" in depth (6" in rocky excavations), hand compaction of backfill to 85% to 95% compaction up to the spring line of the pipe as well as other very specific installation requirements.

It is our recommendation that Table 702.3 (Building Sewer Pipe) remain as it is in the 2008 New York City Plumbing Code and not be revised at this time to list any plastic piping systems.

CHAPTER VI
UNDERGROUND INSTALLATION COMPARISON: FLEXIBLE VS. RIGID

UNDERGROUND SEWERS ... ARE THEY INSPECTED CORRECTLY?

Proper underground installation is one of the most costly and misunderstood piping activities. A pipe underground is expected to support the earth load and expected live and traffic loads while limiting deflection so that obstructions and joint leaks are not caused.

A great number of installation specifications and types of pipe are being used, so the inspections to assure proper compliance have become increasingly complicated.

Pipes for underground sewer construction are generally classified in two ways. One is rigid (which includes cast iron, concrete, and vitrified clay). The second classification is flexible (which includes PVC, ABS, steel and ductile iron).

As the names suggest, rigid types are expected to support the anticipated earth and live loads with little or no deflection. This type depends on strength, rigidity, and stiffness to maintain its structural strength. The flexible type is designed to use the side-fill stiffness of trench construction to limit the outward deflection as earth and live loads are exerted on the top of the pipe. (See Figure 1.)

The installation of the two classes of pipe are different. Listed below are the major differences in the installation of cast iron soil pipe and thermoplastic pipe for sewers. For comparison, we used ASTM D2321 (Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications) for installation requirements for thermoplastic sewer pipe.

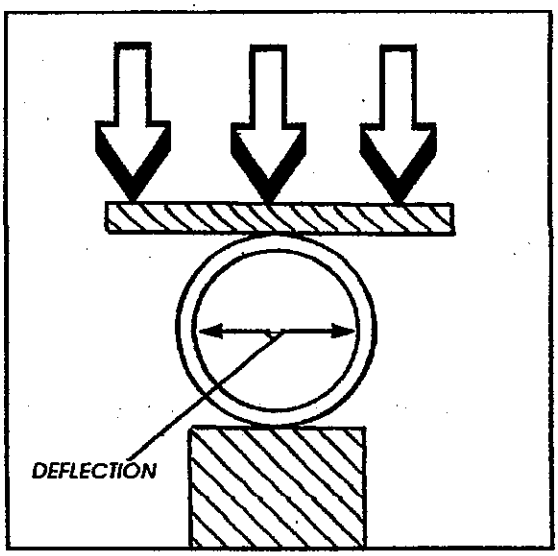

Figure 1—Deflection in Thermoplastic Pipe: Deflection Limit Is Five Percent of O.D. Any Deflection in Excess of Five Percent Is Considered Failure.

TRENCH WIDTH

Cast Iron Soil Pipe

This rigid material does not depend on sidefill stiffness, so the trench can be as narrow as the installer needs to make joint connections. (See Figure 2.)

Thermoplastic Sewer Pipe

As a flexible material, it is dependent on sidefill stiffness to limit deflections. ASTM D2321 recommends a trench width of the pipe outside diameter plus 16 inches or pipe outside diameter times 1.25 plus 12 inches. (Example: a 6″ (6.625 O.D.) pipe needs a 20″-wide trench; see Figure 3.)

The reason for the increased width is to allow compaction equipment to operate in the spaces between the trench walls and the pipe. This additional compaction is required to enhance the flexible material's sidewall stiffness.

CAST IRON SOIL PIPE

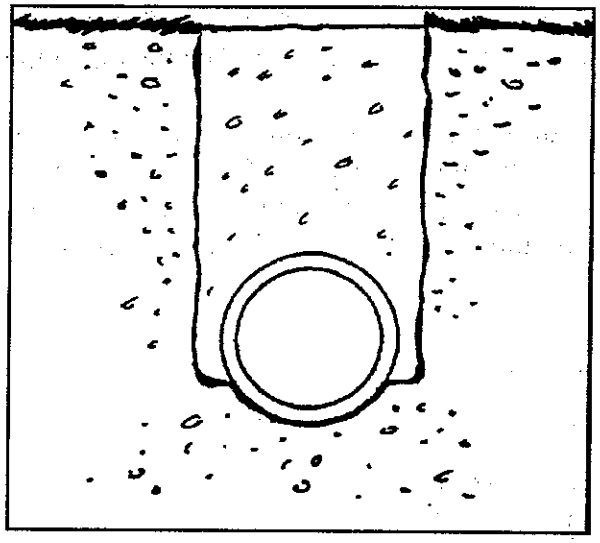

Figure. 2—No Special Requirements for Trench Width Needed.

THERMOPLASTIC PIPE

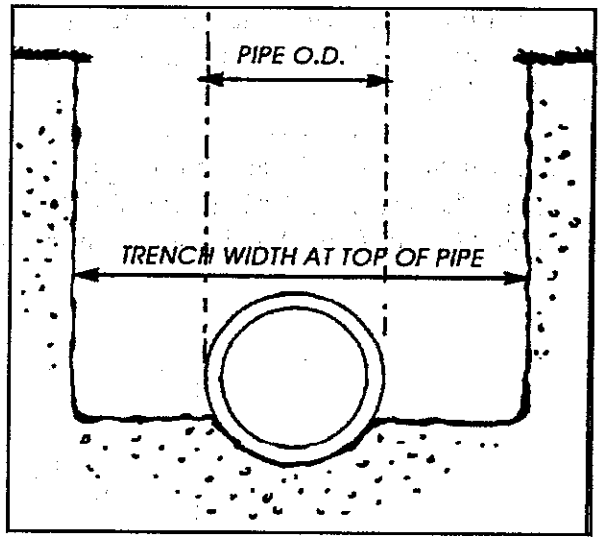

Figure 3—Special Requirements, Trench Width Must be 1.25 x O.D. of Pipe Plus 12 Inches.

TRENCH BOTTOM

The bottom of the excavated trench must be firm, even, and stable to provide uniform support.

Cast Iron Soil Pipe

The trench bottom must be flat with hub or coupling holes provided so the pipe is uniformly supported. No special bedding is necessary unless the pipe is installed in rock, as illustrated in Figure 4. (In rock excavations, a six-inch bed of sand or other backfill is suggested to protect the pipe from sharp projections.)

Thermoplastic Sewer Pipe

The trench bottom must be provided with a minimum of four inches of bedding unless otherwise specified. The bedding material varies by soil type. ASTM D-2321 provides a classification chart for determining the type bedding for varying conditions. In rock excavations, a minimum cushion of six inches is required below the bottom of the pipe. (See Figure 5.)

COMPACTION OF BACKFILL

Cast Iron Soil Pipe

Special compaction of the backfill is not necessary except for meeting the requirements of normal compaction of the excavated area. Because cast iron is rigid, it does not depend on sidefill support.

Thermoplastic Sewer Pipe

The flexible pipe design is dependent on sidefill support to gain stiffness to control deflections within acceptable limits. Compaction in six-inch maximum layers is required to the springline of the pipe. Compaction around the pipe must be done by hand. As noted earlier, trench width must be sufficient to allow this compaction. Depending on soil type, minimum density compaction can range from 85 to 95 percent. (See Figure 6.) If the installation does not have suitable backfill material available, it must be imported.

CAST IRON SOIL PIPE

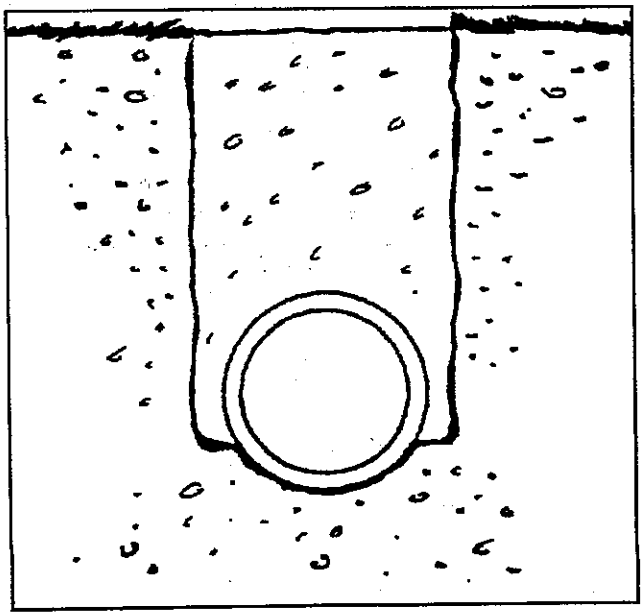

Figure 4—No Special Bedding Required Unless Installations Are in Rock.

THERMOPLASTIC PIPE

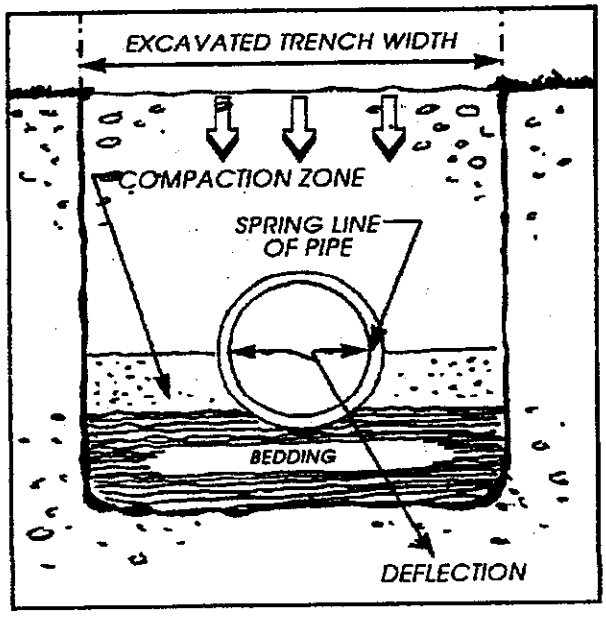

Figure 5—Special Bedding Requirements Per ASTM D 2321.

DEFLECTION

Deflection in all piping materials must be controlled in order to prevent obstruction of flow and assure that the joints remain secure. (See Figure 7.)

Cast Iron Soil Pipe

Because cast iron is rigid, deflection of the pipe wall is almost nonexistent.

Thermoplastic Sewer Pipe

A flexible pipe is dependent on sidefill support to gain stiffness and some deflection of the pipe wall is both normal and expected. This deflection must be controlled within predetermined limits to assure clearance for inspection, cleaning, meeting flow requirements, and integrity of joint seals. The amount of allowed deflection must be determined before installation, with a maximum of five percent deflection allowed.

Lack of adequate backfill compaction to the springline of the pipe can result in excessive deflection, because this compaction must help support vertical loads on the pipe. There are varied specifications for thermoplastic sewer materials, all of which have a 5 percent deflection limit during test of pipe stiffness.

After selecting piping material, the applicable specification should be reviewed to determine allowed deflection with appropriate safety factors. It is important to monitor the deflection both during and after installation

THERMOPLASTIC PIPE

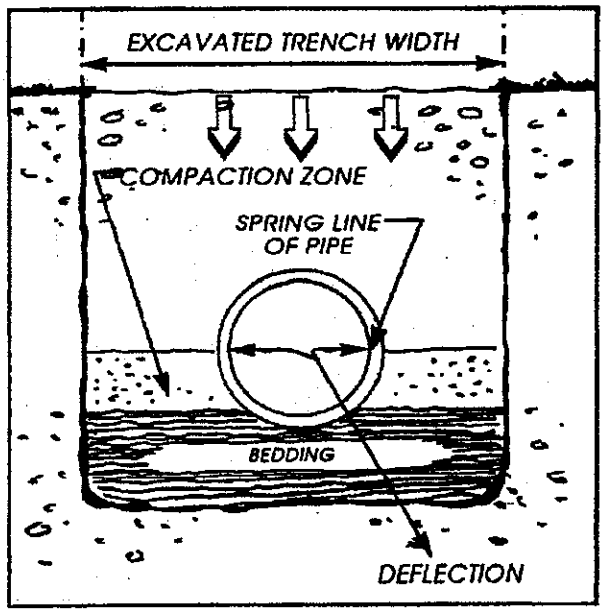

Figure 6—Special Bedding Requirements Per ASTM D 2321.

DEFLECTION IN THERMOPLASTIC PIPE

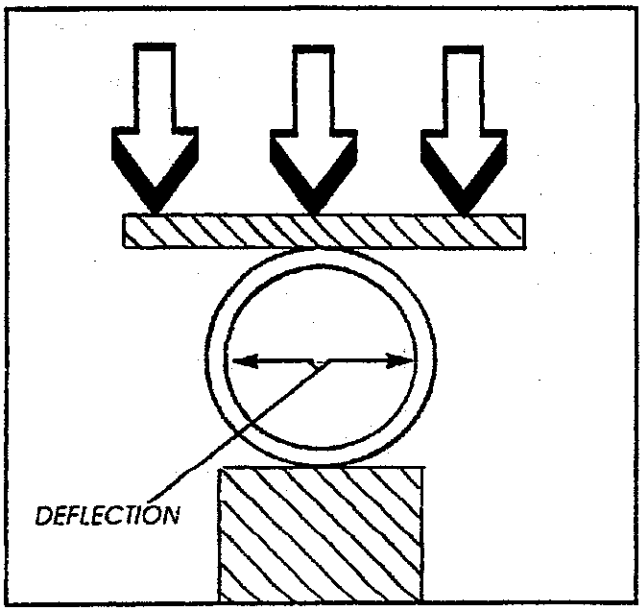

Figure 7—Deflection Limit Is 5 Percent of O.D. Any Deflection in Excess Is Considered Failure.

DETERMINATION OF EXPECTED LOADS AND CRUSH VALUES

To select any piping material, begin by determining probable earth loads and live loads that can be expected to be exerted on the installed pipe. Then compare these loads to the crush resistance of rigid-type pipe such as cast iron, or compare these loads to the maximum allowable deflection of a flexible type pipe such as PVC.

Cast Iron Soil Pipe

Cast iron pipe has known crush strength. Earth loads and live loads are, likewise, relatively easy to calculate. Once these are determined, the specifier can select the type of pipe to use and know the safety margin.

Thermoplastic Sewer Pipe

Thermoplastic sewer pipe depends on the installer to limit deflection by compacting the sidefill support. Earth loads and live loads are easily calculated using the minimum trench widths established in ASTM-D2321. The added stiffness from the sidefill plus the pipe stiffness combine to resist the earth and live loads while limiting the deflection.

Table 1 lists crush strengths of cast iron soil pipe and the minimum pipe stiffness and ring deformation allowed by various popular "thermoplastic sewer" pipes. The minimum stiffness and ring deformation values of the plastic materials stated in pounds per square inch and pounds per linear foot should be used in selection of the piping material. Thermoplastic pipe with a higher pipe stiffness and ring deformation value still requires sidefill support to limit deflection; one with a lower pipe stiffness requires still more. We also include a table with calculated earth loads and live loads for various sizes of pipe in three-foot to seven-foot depths. The trench widths are established by ASTM D2321 for the size of plastic pipe indicated.

Because cast iron soil pipe and plastic pipe are classified as rigid and flexible materials, respectively, the tests for measuring the performance of each material are different. In the case of cast iron soil pipe, minimum ring crush loads can be determined for the different classes of pipe. For plastic pipe, parallel plate loading tests are used to make a determination of the minimum allowable PSI necessary to deflect a pipe five percent. Cast iron is measured to destruction, whereas some thermoplastic piping is considered out of specification when more than five percent deflection occurs at a certain PSI or PLF.

An example of the differences in three materials in buried conditions can be seen in Table 1. ASTM 2665 requires that 10″ Schedule 40 PVC pipe should not be deflected more than five percent at 503 lbs. per linear foot to be within specification. In the case of cast iron, the minimum ring crushing load on 10″ pipe service is 4,342 pounds per linear foot. Cast iron is eight times stronger than its plastic counterpart without relying on any compacted backfill or sidefill support. In thermoplastic materials, with their lower stiffness values and ring deformation values, greater stiffness can only be obtained by adjusting trench width, backfill, sidefill, and compaction.

From an operating perspective, Table 2 illustrates actual earth and live loads subjected to thermoplastics buried at three feet. For example, on 6″ pipe buried three feet, earth loads of 465 lbs. and live loads of 563 lbs.would be exerted. However, if you look at the pipe stiffness values and ring deformation values shown in the table, you will note that the plastic pipe is rated at 596 lbs. per linear foot of pressure at five percent deflection. Theoretically, a thermoplastic piping material could meet the requirements of the specification at 596 lbs. but might not meet the total load on the pipe of 1028 lbs. Again, adjustments to backfill and compaction are necessary for the thermoplastic pipe to carry the combined weight of earth load and live load. Cast iron requires no additional support.

TABLE 1
Crush Loads/Maximum Allowable Deflection for Sewer Pipes (Lbs. Per Linear Ft.)

Crush Lod			Maximum Allowable Deflection (5%)				
	CI (No Hub)	CI (Service Wt.)	PVC SCH40 ASTM D2665 Solid Wall	PVC SCH40 ASTM F891 Cellular Core	PVC Sewer SDR 35 ASTM D3034	ABS SCH40 ASTM D2661 Solid Wall	ABS SCH40 ASTM F628 Cellular Core
4″	4877	4451	837	540	125	513	473
6″	3344	2997	596	477	183	378	298
8″	3674	3674	Not Mfg.	518	238	Not Mfg.	Not Mfg.
10″	4317	4342	503	387	297	Not Mfg.	Not Mfg.
12″	Not Mfg,	3632	482	383	352	Not Mfg.	Not Mfg.

TABLE 2
Anticipated Loads for Buried Pipe

PIPE SIZE		4″	6″	8″	10″	12″
Depth of Cover						
3.0′	EL	392	465	538	611	685
	TL	282	563	774	986	1232
	L	674	1028	1312	1597	1917
3.5′	EL	439	523	607	692	777
	TL	192	384	576	736	896
	L	631	907	1183	1428	1673
4.0′	EL	482	576	672	768	865
	TL	144	320	480	624	752
	L	626	896	1152	1392	1617
4.5′	EL	521	626	732	839	947
	TL	120	272	417	536	648
	L	641	898	1148	1375	1595
5.0′	EL	556	671	788	906	1025
	TL	96	240	352	448	544
	L	652	911	1140	1354	1569
5.5′	EL	589	713	840	969	1099
	TL	88	192	312	392	488
	L	677	905	1152	1361	1587
6.0′	EL	618	752	889	1028	1168
	TL	80	160	272	336	432
	L	698	912	1161	1364	1600
6.5′	EL	645	788	934	1083	1234
	TL	76	148	248	308	396
	L	721	936	1182	1391	1630
7.0′	EL	670	821	976	1135	1296
	TL	72	136	224	280	360
	L	742	957	1200	1415	1656

EL = Earth Load in Pounds; TL = Truck Load in Pounds; L = Total Load in Pounds.

As you can see, cast iron offers the greatest margin of safety for the owner, architect, engineer, and inspector. The installation requirements for backfill and support for cast iron are minimal when compared to those required for thermoplastics to perform reliably. Cast iron is often less expensive to purchase and properly install in both the short- and long term.

ASSOCIATION OF WATER & SEWER

EXCAVATORS INC.

420 Carroll Street

Brooklyn, NY 11215

Tel# (718) 596-4040 Fax# (718) 596-6166

Email: safetyfirst@aowse.com

May 20, 2012

The Association is in favor of intro 807 with the exception of the use of PVC plastic pipe for a building house sewer. In the 2008 plumbing code PVC was not allowed except in building five stories or less.

The Term Building Sewer

That part of the drainage system that extends from the end of the building drain and conveys the discharge to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

In the 2008 NYC plumbing Code PVC was allowed under 702.1 above ground sanitary drainage and vent pipe.

PVC was not allowed in table 702.2 underground building drainage and vent pipe

PVC was not allowed in table 702.3 building sewer pipe

PVC was not allowed in table PVC 703.1 building sewer pipe near the water service

PVC pipe was not allowed in 703.2 drainage pipe in filled ground

PVC pipe is not allowed in 603.2 separations of water service and building sewer

PVC pipe is not approved by the NYC Department of Environmental Protection for building house sewers

The Association of Water & Sewer objects to the inclusion of PVC pipe into the plumbing code as is for safety reasons.

We believe that PVC can be easily damaged by landscapers with hand held tools and by sewer cleaners using saw blades.

In addition on new construction water & sewer service are installed first and later the utilities re – excavate to install gas & electric service, PVC pipe could easily be damaged or the earth could be disturbed allowing the PVC pipe to sag and loose pitch, or even come apart leading to contamination.

In 305.8 of this into protection against physical damage in concealed locations where piping other than cast iron galvanized steel is installed through holes or notches in studs, hoist, rafters or similar members less than 1.5 inches from the nearest edge of the member, the pipe shall be protected by steel shield plates. Clearly PVC must be protected from damage while extra heavy cast iron does not.

Sanitary Sewers are designed to flow by gravity the normal pitch for 6" pipe would be a minimum of 1/8" per foot, PVC pipe is not ridged as is extra Heavy Cast iron or ductile iron pipe and if not placed in a concrete cradle, the PVC pipe under the weight of the backfill material could sag or bow eliminating the proper pitch causing backups. In addition, the connections could pull apart and in fact the Department of Buildings has stated that they have had PVC come apart allowing PVC pipe for building house could put the people of the City of New York at risk according to the NYC office of Emergency Management which warns to avoid contact with sewer water as it poses a serious health risk.

The Association believes that PVC if allowed must be installed on concrete cradle to prevent the PVC pipe from sagging or bowing and it must also be protected against physical damage installing steel shields or encasement of the sewer in concrete.

In Intro 807 PVC pipe would be added to 702.3 table building sewer pipe, ask that this be removes unless encased in concrete.

PVC pipe would be allowed in 603.2 separation of water service and building sewer this could contaminate our water supply and must be removed.

Section 703.2 drainage pipe in filled ground

This section was in the 2008 code and did not allow PVC, and has been omitted from intro 807.

The Association of Water & Sewer Excavators Inc. strongly urges you to protect the health of the people of the City of New York and I thank you for your time.

Yours Truly,

John Figliolia

President

Master Plumbers Council
of the City of New York, Inc.

aka

Licensed Plumbing Association of New York City, Inc
104-09 Metropolitan Avenue * Forest Hills NY 11375
Phone: (718) 793-6300 • Fax: (718) 793-6190 • Website: www.nycmpc.org

May 18, 2012

Councilman Erik Martin Dilan
Chairperson, Committee on Housing and Buildings
New York City Council
250 Broadway, 14th Floor
New York, NY 10007

FOR THE RECORD

Dear Councilman Dilan,

I write to you on behalf of the membership of the Master Plumbers Council of the City of New York with regard to Int. No. 807 – A Local Law to amend the New York City plumbing code, in relation to bringing it up to date with the 2009 edition of the international plumbing code, with differences that reflect the unique character of the city. We are in favor of the proposed bill as we respect any change made for the betterment of the industry and good plumbing practices. We commend all those who gave of their time and hard work to making these code revisions.

We do ask that an allowance be made for correction to possible clerical mistakes before this bill is passed into law. One example is in section 703.1. As it reads now:

> **703.1 Building sewer pipe near the water service.** Where the building sewer is installed within 5 feet (1524 mm) of the water service, [as provided for in Section 603.2, the building sewer pipe shall conform to one of the standards for, cast-iron pipe, copper or copper-alloy tubing, or ductile iron listed in Table 702.3] the installation shall comply with the provisions of Section 603.2.

Rather than list the materials individually, it is our recommendation that to avoid redundancy or the lack of inclusion of a piping material, eliminate this section or amend it to read:

> **703.1 Building sewer pipe near the water service.** Where the building sewer is installed within 5 feet (1524 mm) of the water service, **the pipe shall conform to the standards for material listed in Table 702.3,** and comply with the provisions of Section 603.2.

The Master Plumbers Council of the City of New York promotes education to the plumbing industry to better the efforts of safety. Thank you for allowing us to comment.

Sincerely,

Angela Cappiello

Angela Cappiello CMP CAE
Executive Director

Robert V. Benazzi P.E.

Testimony before the Housing and Buildings Committee meeting

Monday, May 21, 2012

My name is Robert V. Benazzi PE. I am a Partner Emeritus and former head of the plumbing department at Jaros Baum & Bolles Consulting Engineers. JB&B is considered one of the foremost engineering companies in the world and has provided the mechanical and electrical systems design for some of the most prestigious buildings in the world including the original World Trade Center, the Moscow World Trade Center, the Bank of China buildings in both Hong Kong and Beijing, and the Sears Tower in Chicago. We are currently the design engineers for Towers 1, 2, 3 and 4 at the Trade Center site as well as the Memorial, the West Side Yards project, Columbia University's new Manhattanville campus and new building on the NYU Langone Medical center campus. We also were the engineers for One Bryant Park, the headquarters of the Bank of America, completed in 2008 and bestowed a LEED platinum certification. I also represent the American Council of Engineering Companies of New York (ACECNY) and serve as the Chair of its Plumbing and Fire Protection Committee.

The last time I appeared before this committee was in October of 2005, to urge the support of Intro 478 A the adoption of a new Plumbing Code. That Code was the result of the hard work of the Plumbing Technical Committee consisting of fifteen members and fifteen sub-committee members who worked for approximately 18 months adopting the 2003 International Plumbing Code to the special needs of New York City and forming the 2008 Plumbing Code which is in current use. If you recall, the previous NYC Building Code was adopted in 1968 and through the intervening 42 years had become technically outdated, voluminous, and hard to use both by the practitioners and those assigned to administer it. For those reasons, then building Commissioner Patricia Lancaster formed a managing committee and technical committees to adopt and modify the International Building Code and its corresponding I Codes to the needs of New York City. As a secondary but perhaps equally important feature of the International Code Council, the administrators of the International Building Code, was their commitment to review and update the Codes on a three year cycle. NYC would follow the same update procedure. In the intervening three plus years the Code has been in existence, I believe the building community has generally been pleased with the outcome of the new code. We have found the Plumbing Code easy to understand and apply and more importantly we are better able to work with the DOB personnel in responding to some of the more complex problems which arise in new building designs.

Due to the complexity of adopting and formulating the Building Code and the other I codes, we missed the 2006 update. However, in February of 2010, I was asked again to chair the Plumbing Technical Committee. The process which was followed was slightly different than the original Code change in that the Building Department personnel first reviewed both the 2006 and the 2009 versions of the International Plumbing Code and then gave to the Technical Committee its findings. In addition, the Technical committee was expanded to include approximately 25 members representing the engineering community, union workers, contractors, representatives of the Real Estate Board (REBNY) and Building

Owners and Managers Association (BOMA). In addition, representatives of the DOB, DEP, FDNY, SCA and the NYCHA also were represented on the committee. We worked for approximately one year, reviewing the changes within the International Plumbing Code, understanding how and where the changes should be applied within our Code. We added requirements to the Code to foster more sustainable design features such as the addition of sub meters with encoders for large users of water within buildings to monitor water use and possible leaks within the subsystem. Detention system regulations were added to conform to new DEP regulations regarding storm water flow to the City's sewer system. Appendix C dealing with Water Recycling Systems was totally rewritten to better organize the requirements of Rainwater harvesting and black water reuse. We also tried to clarify sections of the Plumbing Code which were not as clear as originally envisioned. In addition Building Bulletins issued in the intervening years which were used to clarify sections of the Code were researched, vetted and brought into the body of the Code. The results of our work are the Code Changes before you in Intro 807. I believe that these changes to the Plumbing Code will make a good Code even better. It will allow our Code to remain current with the rest of the building industry, clarifies points which were not as clear as originally written and puts NYC back on track to keep our codes updated on the three year review cycle. I therefore urge this committee to accept and approve Intro 807.

ACEC New York

American Council of Engineering Companies of New York

The New York City Council

Committee on Housing and Buildings

Hearing on Int. 807 - A Local Law to amend the New York City plumbing code, in relation to bringing it up to date with the 2009 edition of the international plumbing code.

Testimony by Hannah O'Grady, Vice President
American Council of Engineering Companies of New York (ACEC New York)

Tuesday, May 21, 2012 at 1:00 p.m.

On behalf of the the American Council of Engineering Companies of New York, I'd like to thank Chairman Dilan and the members of the Committee for their efforts over the years to update the City's construction codes. I am here today to testify in support of the proposed amendments to the New York City Plumbing Code.

Founded in New York City in 1921, ACEC New York is one of the oldest continuing organizations of professional consulting engineers in the U.S. We represent over 220 engineering firms throughout New York State that collectively employ more than 20,000 people statewide, with a concentrated presence of firms located within the five boroughs of New York City.

Since 2002, close to 120 members of ACEC New York have donated thousands of hours chairing and/or serving on the city's technical committees, working through issues associated with the adoption of the International Building Code and the National Electrical Code for use in New York City.

We applaud the work of the Department of Building's Plumbing Technical Committee and understand that it is a two tier process with further review by a Managing Committee composed of representatives from all sectors of industry and government. The end result is a true consensus document.

Going forward, ACEC New York members will continue to work with the other Department of Buildings Technical Code Committees and the New York City Council to ensure that the updates reflect the on-the-ground issues encountered by our engineers, architects and builders every day as well as best practices for safety and sustainability.

We respectfully offer our support for this current round of amendments which reflect those objectives and urge the council to swiftly pass this bill.

TESTIMONY OF STEWART O'BRIEN, EXECUTIVE DIRECTOR OF THE PLUMBING FOUNDATION CITY OF NEW YORK, INC. BEFORE THE HOUSING AND BUILDINGS COMMITTEE OF THE NEW YORK CITY COUNCIL ON INTRO. 807
MAY 21, 2012

I am Stewart O'Brien, Executive Director of the Plumbing Foundation City of New York. The Plumbing Foundation is the umbrella organization for the plumbing industry. We include large licensed plumbing firms, small firms, union firms, non-union firms, Plumbers Local 1, representatives of engineering societies, manufacturers and supply houses. The Foundation was well represented on the DOB Plumbing Code Revision Committee and our members spent hundreds of hours developing and reviewing the Code update. While there will always be varying view points and some disagreements when updating a Code of this size, the process was inclusive and the prime issue of the participants was the safety of New Yorkers. Accordingly, the Foundation supports this bill.

We do know, though, that the DOB Plumbing Code Revision Committee is presently working on corrections to Intro. 807. In particular, we would like the Committee to address the apparent expanded use of plastic piping in New York City for underground building drainage, vent and sewer pipe authorized by Intro. 807.

Generally speaking, it is environmentally unsound to expand the use of plastic when other more green materials are available and have been used for

decades. Moreover, we understand that a manufacturer of plastic pipe is opposed to the expansion of plastic pipe for these purposes.

Specifically, the present Plumbing Code, Tables 702.2 and 702.3, does not allow the use of PVC, high density polyethylene pipe (except for sewer piping 12 inches or larger) or other types of plastic in ANY type building (residential, commercial or institutional) of ANY size for UNDERGROUND drainage, vent or sewer pipe. Some people believe that the provision in Section 701.10, which allows the use of plastic pipe "only IN residential buildings 5 stories or less" limits the use of plastic pipe in Tables 702.2 and 702.3 only to piping in those buildings (residential buildings 5 stories or less). Others believe that the change in Tables 702.2 and 702.3 included in Intro. 807 allows the use of plastic pipe for "underground" drainage, vent and sewer pipe even for residential buildings 5 stories or less (because the work is not IN the building) and allows the use of the material in ANY type or size of building. As it stands now, Intro. 807 is not clear on the issue. We would ask the Plumbing Code Revision Committee to clarify and make sure there is no expansion of the use of plastic pipe.

We also note that, if passed, Intro. 807 will not become effective until the passage of the update to the Administrative Code Section of the Building Code. That update is still in process at DOB and the Foundation is again volunteering a lot of time to assure a safe and practical code. While it might sound less interesting, the Administrative Code includes many important provisions such as

whether certain safety work must be performed by licensed firms, how often critical safety devices must be checked, etc. The Administrative Code update is perhaps even more important to the health and safety of New Yorkers than the technical codes themselves. Having strong technical code provisions is irrelevant unless the compliance mechanisms contained in the Administrative Code are strong as well. We will keep you advised on the update to the Administrative Code Sections.

Again, we appreciate the opportunity to testify today and reiterate our support for Intro. 807.

INTERNATIONAL CODE COUNCIL®

International Code Council
48 Dublin Drive
Niskayuna, NY 12309
tel: 888.icc.safe (422.7233)
fax: 518.783.4570
www.iccsafe.org

Good afternoon Chairman Dilan, Members and Staff of the City Council Committee on Housing and Buildings. My name is Dorothy Harris. I am the Vice President of State & Local Government Relations and your liaison to the International Code Council. The International Code Council (ICC), a member-focused association dedicated to helping building safety community and the construction industry provide safe and sustainable construction through the development of codes and standards used in the design, build and compliance process. Most U.S. communities and many global markets choose the International Codes. The mission of the ICC is to provide the highest quality codes, standards, products, and services for all concerned with the safety and performance of the building environment. I would like to commend the City of New York for its outstanding work to ensure the safety, health and well being of its citizens. Int. No. 807, A Local Law to amend the New York City plumbing code, in relation to bringing it up to date with the 2009 International Plumbing Code, with differences that reflect the unique character of the City. Therefore I offer the following testimony in support of the legislation before you today.

The International Plumbing Code (IPC) is currently adopted at the state or local level in 34 states, the District of Columbia, Guam and Puerto Rico. The IPC along with the other International Codes are revised and updated every three years by a national consensus process that strikes a balance between the latest technology and new building products, economics and cost while providing for an acceptable level of public and first responder safety as well as safe drinking water and safe sanitary systems. It is an open, inclusive process that encourages input from all individuals and groups and allows those governmental members, including representatives from NYC, to determine the final code provisions. The International Codes are correlated to work together without conflicts so as to eliminate confusion in building design or inconsistent code enforcement among different jurisdictions.

New York City is one of many jurisdictions that values public safety and the protection of our built environment by updating building, fire, plumbing and energy codes every three years. By adopting such codes the City provides the safest and economically prudent climate for its citizens since it will allow the use of new construction standards or methods. Accordingly, Int. No. 807 will update the City's Plumbing Code to reflect recent building, safety and efficiency standards developed by the nation's leading building scientists, building, plumbing and fire department officials, builders, general and plumbing contractors, architects, engineers, product manufacturers and discipline specific associations with modifications unique to the City.

The International Code Council is honored to partner with the City of New York and we look forward to continuing to serve your needs. I anticipate seeing you at future hearings for the rest of the New York City Construction Code updates (International Building Code (IBC), International Fire Code (IFC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC) and hopefully the International Green Construction Code (IgCC)). Thank you for the opportunity to present testimony to you today in support of Int. No.807. I am happy to answer any questions you may have or provide additional documentation.

Joint Testimony of New York State Senator Daniel Squadron and New York State Assemblymember Brian Kavanagh

Before the City Council Housing Committee Regarding Proposed Resolution No. 1329-A

May 21, 2012

We are Daniel Squadron, the State Senator representing the 25th Senate District including parts of Brooklyn and Manhattan, and Brian Kavanagh, the Assemblymember representing the 74th Assembly District on the East Side of Manhattan.

We want to thank Speaker Christine Quinn, Chair Erik Dilan, the members of the Housing Committee, and the entire Council for their advocacy on many important housing issues, including reform of the Rent Guidelines Board. Thank you for the opportunity to testify today and for considering bill S741B / A6394B as part of Resolution 1329-A.

The New York City Rent Guidelines Board establishes rent adjustments for the approximately one million units subject to the Rent Stabilization Law in the City. As such, its decisions dramatically impact the lives of millions of New Yorkers and the future of our city.

Yet the RGB currently lacks the checks and balances that should go hand-in-hand with such serious responsibility.

Our legislation, S741B / A6394B, would require City Council confirmation of the Mayor's appointees to the Rent Guidelines Board and expand qualifications for membership on the board.

By requiring Council approval of the Mayor's appointees, S741B / A6394B would bring necessary checks and balances to the system while making the appointment process more open and democratic.

Requiring advice and consent of a legislative body is an important way of ensuring that those appointed to key government positions by the executive are vetted by representatives of the people and that there is an opportunity for public discussion of appointees' qualifications and vision for their role. The Rent Guidelines Board directly impacts the lives of millions of New Yorkers and plays an important role in the future of the entire City. Appointees should undergo the same scrutiny and public process required of many other executive appointments.

S741B / A6394B would also make more New Yorkers eligible to serve as public members. Current qualifications considered for public member appointments are five years of experience in finance, economics or housing. This bill would expand the list of qualifications to serve as a public member by adding five years of experience in public service, social services, urban planning, or social sciences.

Expanded qualifications, when combined with a public advice and consent process, would lead to a greater diversity of views on the Rent Guidelines Board than currently exists.

By requiring Council approval of appointments to the Rent Guidelines Board and broadening qualification for membership, we can create necessary accountability, ensure a broader variety of voices are represented on the board, and better protect the affordability that has made New York the vibrant and diverse city it is today.

Thank you again for considering our legislation, and for putting forward your resolution. We look forward to continuing to work with you on this issue here and in Albany.

For the Record

STATEMENT OF TIMOTHY L. COLLINS IN SUPPORT OF CITY COUNCIL RESOLUTION 1329

I REGRET THAT I CANNOT BE HERE IN PERSON TODAY TO TESTIFY ON BEHALF OF CITY COUNCIL RESOLUTION 1329. THIS IS A VERY IMPORTANT RESOLUTION AND THE EFFORT TO REFORM THE RENT GUIDELINES BOARD APPOINTMENT PROCESS IS LONG OVERDUE.

FROM 1987 TO 1994 I SERVED AS EXECUTIVE DIRECTOR AND COUNSEL FOR THE RENT GUIDELINES BOARD. I HAVE ALSO SERVED AS A CONSULTANT TO THE BOARD PREPARING BRIEFING MATERIALS ON VARIOUS ISSUES.

I AM ONE OF THE FEW PEOPLE WHO HAS FREQUENTLY SUPPORTED THE BOARD AND ITS DECISIONS IN A PUBLIC WAY. HOWEVER OVER THE LAST FOUR OR FIVE YEARS IT APPEARS TO ME THAT THE BOARD HAS BEGUN TO DEPART FROM THE FUNDAMENTAL MANDATE, WHICH IS TO ESTABLISH NORMAL MARKET RENTS IN AN ABNORMAL MARKET DRIVEN BY CHRONIC HOUSING SCARCITY. THE BOARD SHOULD TAKE TWO MAJOR FACTORS INTO ACCOUNT IN SETTING ITS GUIDELINE. FIRST IT SHOULD CONSIDER COST-PUSH INFLATIONARY CONDITIONS, SUCH AS RISING FUEL COSTS AND TAXES. SECOND THE BOARD SHOULD CONSIDER DEMAND-PULL INFLATIONARY FACTORS, WHICH ARE LARGELY DRIVEN BY CHANGES IN TENANT INCOMES. THIS LATTER CONSIDERATION IS IMPORTANT BECAUSE IN A NORMAL MARKET AS INCOMES RISE SO DO RENTS AND AS INCOMES FALL, RENTS FALL AS WELL OR STAGNATE. UNFORTUNATELY EVEN MORE THAN THE REST OF THE NATION, WORKING FAMILIES IN NEW YORK HAVE EXPERIENCED SUBSTANTIAL DECLINES IN INCOME OVER THE LAST THREE DECADES AND THESE DECLINES HAVE ONLY ACCELERATED WITH THE RECENT RECESSION. SO WE HAVE A COMBINATION OF BOTH LONG TERM STRUCTURAL AND SHORT TERM CYCLICAL INCOME LOSSES.

IF THE RENT GUIDELINES BOARD WAS PROPERTY CONSTITUTED AND FULLY SENSITIVE TO ALL OF THESE CONDITIONS, WE WOULD HAVE WITNESSED MARKETEDLY LOWER RENT ADJUSTMENTS OVER THE LAST FIVE YEARS. HOWEVER THE BOARD HAS ADOPTED A SERIES OF UNWARRANTED AND EXCESSIVE GUIDELINES DURING THIS RECESSION. IN AN APPARENT EFFORT TO INSURE BUILDING PROFITABILITY, THEREBY PASSING THE ENTIRE BURDEN OF THIS RECESSION ONTO THE TENANTS.

THIS APPROACH IS UNWARRANTED ON POLICY GROUNDS AND IS A DEVIATION FROM THE BOARDS STATUTORY MANDATE - ALTHOUGH THAT MANDATE IS BROAD AND AFFORDS THE BOARD WIDE LATITUDE TO ADJUST RENTS. I CAN ONLY SURMISE THAT THE FAILURE ON THE PART OF THIS BOARD TO BE MORE SENSITIVE TO DECLINES IN TENANT'S INCOMES IS A PRODUCT OF IT COMPOSITION AND REFLECTS A LATENT HOSTILITY ON THE PART OF SOME MEMBERS TO ITS STATUTORY MANDATE.

REFORM IS CLEARLY NEEDED. HAVING THE CITY COUNCIL PLAY A ROLE IN THE APPOINTMENT PROCESS THROUGH ADVICE AND CONSENT SHOULD HELP TO ENSURE THAT THE APPOINTEES TO THE BOARD SUPPORT THE LAW THAT THEY ARE CHARGED WITH IMPLEMENTING. THANK YOU FOR YOUR TIME.

TIMOTHY L. COLLINS

Testimony to the City Council
Housing and Buildings Committee Hearing
Monday May 21st, 2012, 1:00 pm
250 Broadway, 16th floor

Good morning. My name is Sam Stein and I am the Rent Regulation Campaign Coordinator at Tenants & Neighbors, a grassroots organization that harnesses tenant power to preserve at-risk affordable housing and strengthen tenants' rights in New York. I am also the coordinator of the Real Rent Reform campaign, a coalition of over 60 tenant, community, labor, legal, and political groups working from the ground up to pass pro-tenant legislation in New York.

I would first like to thank Chairman Dilan and the members of this committee for the opportunity to testify today. I would also like to thank the resolution's sponsors, Council Members Dilan, James, and Levin.

Tenants & Neighbors and the Real Rent Reform campaign strongly support resolution 1329, which calls on the New York State Legislature to pass S741B and A6394. These bills, sponsored by Senator Squadron and Assembly Member Kavanaugh respectively, would significantly reform the Rent Guidelines Board, and make the Board more accountable, more representative, and more transparent.

Tenants & Neighbors and Real Rent Reform campaign members have been organizing actively in support of this legislation, and have staged actions and events on the steps of City Hall, in the Capital Building in Albany, and in front of the Rent Guidelines Board preliminary vote to call for change in the way the board is composed. This reform legislation is extremely important to our members, and is a top priority for our organization.

The bill would reform and improve the Rent Guidelines Board in a number of significant ways: it would give the City Council advice and consent powers over the Mayor's RGB appointments; it would make more New Yorkers eligible to

serve as public members and ensure that diversified views are represented on the RGB by including new professions among those qualified for appointment; finally, the bill allows un-paid members of tenant associations to become members of the board, if their appointment is approved.

This legislation would have dramatic impacts on over 2 million rent stabilized tenants in New York City. RGB rent increases can mean the difference between tenants being able to afford their apartment, and being displaced. A better RGB is crucial not only for rent stabilized tenants, but for the continued economic and racial diversity of our city. The current system of Mayoral appointees with no New York City Council oversight has failed to protect our communities from gentrification and displacement.

We need a Rent Guidelines Board that represents the interests of the working and poor tenants of New York City. Typically, it seems like many people who are appointed as public members come from the corporate sector, and that they often have a background in finance. We believe the public would be better served with members drawn from more diverse backgrounds and experiences, including people who may be more connected to the day to day struggles of low and moderate income people. We need to be sure that whoever sits on that board approaches their work with rigor, earnestness, and a deep sense of accountability to the people who will be impacted by their decision.

It is time the members of the RGB are elected in a fair, and transparent manner that ensures the makeup of the Board is a true reflection of our city. Tenants & Neighbors and the Real Rent Reform campaign strongly support resolution 1329, and urge you to vote in favor of this important measure.

Again, thank you Chairman Dilan, and members of this committee, for the opportunity to testify.

Sam Stein
Rent Regulation Campaign Coordinator
Tenants & Neighbors
236 West 27th Street, 4th floor
New York, NY
10001

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ________ Res. No. 1329
☐ in favor ☐ in opposition
Date: 5/21/12

(PLEASE PRINT)

Name: FAITH STEINBERG
Address: 153 W. 75 ST. nyc
I represent: ________
Address: ________

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Date: ________

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Name: Brian Chisholm
Address: 5 East 11 St. #4K
I represent: ________
Address: ________

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☒ in favor ☐ in opposition
Date: 5/21/12

(PLEASE PRINT)

Name: RYAN SENSER
Address: 383 St. Johns Pl #4A Brooklyn 11238
I represent: Self (tenant)
Address: ________

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Appearance Card

I intend to appear and speak on Int. No. 807 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: David C. Jaffe

Address: 415 Cedar Rd. Neptune NJ 07753

I represent: Cast Iron Soil Pipe Institute

Address: 1064 Delaware Ave S.E. Atlanta GA. 30316

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Date: 5-21-12

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Name: VICTOR HINES JR

Address: 3425 MANOR GROVE CIR GLEN ALLEN VA 23059

I represent: Charlotte Pipe and Foundry Co.

Address: P.O. BOX 35430 Charlotte NC

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☒ in favor ☐ in opposition

Date: May 21, 2012

(PLEASE PRINT)

Name: Helen Gitelson

Address: _____

I represent: NYC DOB

Address: 280 Broadway.

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Name: [illegible] LIMANDRI

Address: 280 BROADWAY

I represent: Dept of Buildings

Address: _____

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Appearance Card

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☐ in favor ☐ in opposition

Date: _____

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Name: ROBERT BENAZZI

Address: 1 ST. ANDREWS LN. GLEN COVE NY

I represent: PLBG. TECH. COMMITTEE

Address: _____

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 807 Res. No. _____

☒ in favor ☐ in opposition

Date: May 21, 12

(PLEASE PRINT)

Name: James P. Colgate

Address: 280 BWAY

I represent: NYC DOB

Address: _____

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☒ in favor ☐ in opposition

Date: ______

(PLEASE PRINT)

Name: Dorothy Harris

Address: 48 Dublin Drive

I represent: International Code Council

Address: 4F Dublin Drive Sch'dy NY

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Appearance Card

I intend to appear and speak on Int. No. 807 Res. No. ______
☒ in favor ☐ in opposition

Date: 5/21/12

(PLEASE PRINT)

Name: Stewart O'Brien

Address: 44 West 28th Street

I represent: Plumbing Foundation

Address: ______

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☐ in favor ☐ in opposition

Date: 5-21-2012

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Name: John Figliolia

Address: 7- Dalwood Dr Holmdel NJ 07733

I represent: Association Water & Sewer Excavators

Address: 420 Carroll St Brooklyn NY 11215

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☑ in favor ☐ in opposition

Date: 5/21/12

(PLEASE PRINT)

Name: Hannah O'Grady

Address: 8 W 38 St Ste 1101

I represent: ACEC New York

Address: 8 W 38 St Ste 1101

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Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Limandi

Address: Commissioner

I represent: Dept of Buildings

Address: 280 Broadway

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: James Colgate

Address: Assistant Commissioner

I represent: Dept of Buildings

Address: 280 Broadway

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Helen Gitelson

Address: Executive Director

I represent: Dept of Buildings

Address: 280 Broadway

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1329

☑ in favor ☐ in opposition

Date: May 21

(PLEASE PRINT)

Name: Samvel Stein

Address: 75-06 Woodside Ave Elmhurst NY 11373

I represent: Tenants and Neighbors

Address: 236 West 27th St, NY NY 10001

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1329-A

☒ in favor ☐ in opposition

Date: 5/21/12

(PLEASE PRINT)

Name: Amy Spitalnick

Address: 250 Bway, 20th Fl.

I represent: Sen. Squadron

Address: 250 Bway, 20th Fl.

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1329

☑ in favor ☐ in opposition

Date: 5/21/12

(PLEASE PRINT)

Name: EMILY PINKOWITZ

Address: 285 St. Johns Place, Brooklyn, NY 11238

I represent: self

Address: _____

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