

COMMUNITY AFFAIRS

Division Of Codes And Standards Uniform Construction Code Certificate of Compliance for Backflow Preventers

Adopted Amendment: N.J.A.C. 5:23-2.23

Proposed: December 1, 2008 at 40 N.J.R. 6684(a)

Adopted: July 17, 2009 by Joseph V. Doria, Commissioner,

Department of Community Affairs

File: _____, 2009 as R. 2009 d. _____, **with changes** not requiring additional
public notice or comment (see N.J.A.C. 1:30-6.30)

Authority: N.J.S.A. 52:27D-124

Expiration Date: June 13, 2013.

JOSEPH V. DORIA, JR., Commissioner

Summary of Public Comments and Agency Response: Comments were received from Bill Wise, President, Irrigation Association of New Jersey, and Tim Martin, MBI-GluckShaw, Trenton, New Jersey.

COMMENT: While supporting the Department's commitment to public health, the commenters express concern that the Department is reducing the requirement for an annual backflow preventer test for landscape irrigation systems at one- and two-family dwellings. The commenters believe that the Department should retain the current requirement for annual testing of backflow preventers for those irrigation systems that are considered to be high hazard, whether the system is installed at a one- or two-family dwelling or on a commercial site.

RESPONSE: The Department thanks, and agrees with, the commenters. This rule is, therefore, being amended upon adoption to exempt only those backflow preventers in one- and two- family dwellings that are not connected to a high hazard irrigation system.

Federal Standards Statement

No Federal standards analysis is required because these amendments are not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows (additions indicated in boldface with asterisks ***thus***; deletions indicated with brackets with asterisks *[thus]*).

5:23-2.23 Certificate requirements

(a) – (k) (No change.)

(l) Equipment listed below, which has been determined by the Department to create a significant potential hazard to public health and safety, shall be granted a certificate of compliance by the construction official based upon the findings of the appropriate subcode official or approved agency for the time period specified. Such equipment shall periodically be reinspected or tested in accordance with the provisions of the regulations prior to the expiration of the certificate of compliance and any violation shall be corrected before a new certificate may be issued. No device shall continue in operation unless a valid certificate of compliance has been reissued.

1.-3. (No change.)

4. Backflow preventers that are designed to be tested and used to isolate sources of contamination as defined in the plumbing subcode: 12 month.

i. Exception: Testable backflow preventers ***not used to isolate a high hazard source of contamination*** that are installed on water supplies in one- and two-family dwellings.

5. (No change.)

(m)-(q) (No change.)