

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendment: N.J.A.C. 5:23-3.15

Authorized By: Lieutenant Governor Sheila Y. Oliver, Commissioner, Department of
Community Affairs.

Authority: N.J.S.A. 52:27D-119.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2022-051.

Submit written comments by June 17, 2022, to:

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The agency proposal follows:

Summary

Under the State Uniform Construction Code Act (Act), N.J.S.A. 52:27D-119, et seq., the Commissioner of the Department of Community Affairs (Department) is charged with adopting model codes as part of the Uniform Construction Code (UCC), N.J.A.C. 5:23. The model code

for plumbing, the National Standard Plumbing Code (NSPC), is published by the International Association of Plumbing and Mechanical Officials (IAPMO). All other subcodes were published in a separate proposal, published elsewhere in this issue of the New Jersey Register. The New Jersey UCC consists of two basic parts: scoping and administrative requirements, which are adopted through the regulatory standards and processes of the Office of Administrative Law, and technical requirements, which are contained in the national model codes, and which are also proposed and adopted as part of the UCC through the administrative law processes. The national model codes are adopted by reference and are amended in the New Jersey Administrative Code through the publication of the proposal and adoption in the New Jersey Register.

When the Act was signed into law, it provided for the adoption of unamended national model codes. That changed with P.L. 1996, c. 53, which amended the Act to give the Commissioner of the Department “the authority to limit the adoption of later versions of the model codes to include only those standards in effect on July 1, 1995, and any later versions or amendments of model codes which would not be inconsistent with the purpose of the Act.” The intent and purpose of the Act includes controlling the cost of construction, allowing the use of new technology, and providing for uniformity of requirements and predictability of construction costs (N.J.S.A. 52:27D-120). Following the enactment of P.L. 1996, c. 53, the Department has undertaken a review of each subsequent model code edition and has proposed and adopted the newest edition of the national model codes in keeping with the intent and purpose of the Act, pursuant to N.J.S.A. 52:27D-122.1. In addition to the review of the national model codes for consistency with the Act, the Department reviews the national model codes for consistency with other State laws.

In September 2019, the Department adopted revisions to the 2018 edition of the NSPC as the plumbing subcode.

In order to implement the most recent published technical standards, in keeping with its statutory charge at N.J.S.A. 52:27D-120, the Department proposes the 2021 edition of the NSPC to update the plumbing subcode of the UCC with amendments. These proposed amendments reflect the changes to the 2021 NSPC and modify the code to align with New Jersey conditions and law. The Department has adopted the most recent edition of the NSPC, since the adoption of the UCC in 1977, and its continued adoption appropriately addresses all requirements related to plumbing throughout the State. The NSPC is a specification-driven code that provides users with great detail for all requirements. In addition, those who utilize the plumbing subcode are familiar with the layout and requirements within the NSPC, so the only necessary training resulting from its adoption would be on the changes that occurred since the last edition of the code. This is true for all model codes when they are updated. In addition, the NSPC appropriately serves the interests of the citizens of the State in providing safe plumbing installations.

The latest edition of the NSPC is online and may be accessed through the Department's "Codes and Regulations" webpage (<http://www.nj.gov/dca/divisions/codes/codereg/>). Please note that this version does not include or reflect the changes proposed in this rulemaking.

A section-by-section description of all proposed amendments to the NSPC/2021 follows. These changes are listed in the order in which they appear in the plumbing subcode of the Uniform Construction Code.

1. At N.J.A.C. 5:23-3.15(a)1 and 2, the proposed amendments update the edition of the National Standard Plumbing Code Illustrated (NSPC) from the 2018 edition to the 2021 edition

and update the publisher of the NSPC. In addition, N.J.A.C. 5:23-3.15(a)2i is proposed for deletion; the 2021 edition updated the illustrations, therefore, this section is no longer applicable.

2. At N.J.A.C. 5:23-3.15(b)7iv, the proposed amendment would incorporate the third sentence of Note 1 to Table 7.21.1, Minimum Number of Required Plumbing Fixtures, into the plumbing subcode. This sentence was previously deleted, but should remain for consistency with the text of Section 5.21.6a.

3. At N.J.A.C. 5:23-3.15(b)10iii, the proposed amendments retain the 2015 text for this section, as, while the substantive requirements are the same, the text from the 2015 edition is clearer than both the 2018 and 2021 editions.

4. At N.J.A.C. 5:23-3.15(b)15i, the proposed amendments update the name and address of the Pool and Hot Tub Alliance, a Standards organization.

5. At N.J.A.C. 5:23-3.15(b)18, the Department is proposing to delete Appendix G, entitled “We-Stand Excerpts” from the plumbing subcode, and clarify that the Appendix may be used as a reference standard for special design plumbing systems. Former Appendix G, Green Plumbing and Mechanical Code Supplement, was deleted from the NSPC in its entirety in the 2021 edition.

6. At N.J.A.C. 5:23-3.15(b)19, the Department is proposing to adopt Appendix L, Tiny Houses, as a part of the plumbing subcode. This Appendix provides the plumbing requirements to be utilized for the construction of tiny houses.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The amendments are proposed to adopt the most recent edition of the NSPC and would have a positive social impact. This rulemaking promotes the stated purposes and intent of the

Uniform Construction Code Act by providing for the use of the latest construction methods, techniques, and materials through a single, clear, and up-to-date set of technical standards. The proposed adoption of the latest edition of the NSPC enhances the protection of the health and safety of building occupants by providing for the most recent advances in building methods and technologies to be incorporated into new construction in the State.

Economic Impact

The Department anticipates that the proposed amendments would have a largely positive economic impact because clear and current technical standards promote cost effective construction. Because the requirements of the standards proposed for adoption by reference apply to new construction, in the absence of any dramatic change to the model codes, the incremental cost of compliance is not significant as compared to the overall cost of construction. The majority of changes to the NSPC are for clarification purposes. There were no major changes to the NSPC, which are expected to pose a noteworthy increase in the cost of compliance.

Federal Standards Statement

A Federal standards analysis is not required because the amendments are not being proposed under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or any State statute that incorporates or refers to any Federal law, standard, or requirements.

Jobs Impact

The proposed amendments to adopt the latest edition of the National Standard Plumbing Code are not expected to have an impact on the generation or loss of jobs.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would impact the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments impose technical compliance requirements on builders, some of which are “small businesses” as defined pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments establish code requirements that provide technical standards for construction, as discussed in the Summary above. Master plumbers would be required to comply with the requirements of the adopted subcodes of the Uniform Construction Code, as would any other entity performing plumbing installations in the State of New Jersey. Because the proposed amendments establish health and safety requirements, there is no basis for differential treatment of small businesses. The adoption of the most recent edition of the NSPC is not expected to introduce any new recordkeeping or reporting requirements on small businesses, nor is it expected to cause small businesses to need to employ professional services not already required for compliance with the UCC.

Housing Affordability Impact Analysis

The proposed amendments to adopt the most recent edition of the NSPC may have a modest impact on the affordability of housing or on the average costs of housing in the State. This is because the updated code may entail an increased cost of compliance, which is imperative to ensure the highest level of safety for building occupants in the State.

Smart Growth Development Impact Analysis

The proposed amendments update the plumbing subcode of the Uniform Construction Code. As the proposed amendments do not impact zoning or what may be built in a given location, it is not anticipated that the proposed amendments will have any impact upon housing

production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact Statement

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. SUBCODES

5:23-3.15 Plumbing subcode

(a) Rules concerning the plumbing subcode adopted are as follows:

1. Pursuant to the authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the Model Code of the [Plumbing Heating-Cooling Contractors--National Association] **International Association of Plumbing and Mechanical Officials**, known as "The National Standard Plumbing [Code/2018] **Code Illustrated/2021**," as the plumbing subcode for New Jersey.

i. (No change.)

2. "The National Standard Plumbing [Code/2018] **Code Illustrated/2021**," including appendices, may be known, and cited as "the plumbing subcode."

[i. Comments and illustrations contained in this code are denoted with a border and are supplemental information and not part of this subcode. The note "Comments are presented with a shaded background similar to this note and are intended as supplemental

information” shall be deleted from the first printing of the National Standard Plumbing Code/2018 in its entirety.]

(b) The following pages, chapters, sections, or appendices of the plumbing subcode shall be amended as follows:

1. – 6. (No change.)

7. Chapter 7 of the plumbing subcode, entitled "Plumbing Fixtures, Fixture Fittings and Plumbing Appliances," shall be amended as follows:

i. – iii. (No change.)

iv. In Note 1 to Table 7.21.1, Minimum Number of Required Plumbing Fixtures, delete the second [and third] sentence[s].

v. – viii. (No change.)

ix. Section 7.23, Safety Features for Spas and Hot Tubs, shall be deleted and Section 7.23, Safety Features for Spas and Hot Tubs, shall be inserted as follows:

"7.23 Safety Features for Swimming Pools, Spas, and Hot Tubs.

7.23.1, Suction Entrapment Avoidance. Suction outlets shall be designed and installed in accordance with [ANSI/APSP/ICC-7] **ANSI/PHTA/ICC-7.**"

8. – 9. (No change.)

10. Chapter 12 of the plumbing subcode, entitled “Vents and Venting,” shall be amended as follows:

i. – ii. (No change.)

iii. Section 12.10, Wet Venting, shall be deleted and the text of the 2015

National Plumbing Code shall be inserted:

12.10 WET VENTING

12.10.1 Single Bathroom Groups

a. An individually vented lavatory in a single bathroom group shall be permitted to serve as a wet vent for the water closet, the bathtub, or shower stall, the water closet and bathtub/shower if all of the following conditions are met.

1. The wet vent is 1-1/2" minimum pipe size if the water closet bend is 3" size, or it shall be 2" minimum pipe size if the water closet bend is 4" pipe size.

2. A horizontal branch drain serving both the lavatory and the bathtub or shower stall is 2" minimum pipe size.

3. The length of the trap arm for the bathtub or shower stall is within the limits of Table 12.8.1. If not, the bathtub or shower stall shall be individually vented.

4. The distance from the outlet of the water closet to the connection of the wet vent is within the limits established by Section 12.8.4. Otherwise, the water closet shall be individually vented.

5. A horizontal branch serving the lavatory and the bathtub or shower stall shall connect to the stack at the same level as the water closet, or it may connect to the water closet bend, or the lavatory and bathtub or shower stall may individually connect to the water closet bend.

6. When the bathroom group is the topmost load on a stack, a horizontal branch serving the lavatory and the bathtub or shower stall may connect to the stack below the water closet bend, or the lavatory and the bathtub, or shower stall may individually connect to the stack below the water closet bend.

12.10.2 Double Bathtubs and Lavatories

Two lavatories and two bathtubs or showers back-to-back may be installed on the same horizontal branch with a common vent for the lavatories and with no back vent for the bathtubs or shower stalls provided the wet vent is 2" in size and the lengths of the tub/shower drains conform to Table 12.8.1.

12.10.3 Multi-Story Bathroom Groups

- a. On the lower floors of a stack, the waste pipe from one or two lavatories may be used as a wet vent for one or two bathtubs or showers as provided in Section 12.10.2.**
- b. Each water closet below the top floor shall be individually back vented.**

EXCEPTION: The water closets in bathroom groups shall not be required to be back vented if the following conditions are met:

(1) The 2" waste serving the tubs/showers and lavatories connect directly into the water closet bend with a 45° wye tap in the direction of flow; or

(2) A special stack fitting is used that consists of a 3" or 4" closet opening and two side inlets each 2" in size and the inverts of which are above the center, and below the top of the water closet opening; and one of the 2" inlets is connected to the tub/shower drains, and the other is connected to the waste pipe from a maximum of two lavatories that are vented to a vent stack or stack vent; or

(3) In lieu of the special stack fitting of Section 12.10.3b(2) above, 4" closet bends with two 2" wye taps may be used.

12.10.4 Bathtubs and Water Closets

- a. An individually vented bathtub in a single bathroom group shall be permitted to serve as a wet vent for the water closet if all of the following conditions are met:**

1. The wet vent is 2" minimum size.

2. The distance from the outlet of the water closet to the connection of the wet vent is within the limits established by Section 12.8.4. Otherwise, the water closet shall be individually vented.

12.10.5 Reserved

12.10.6 Floor Drains and Floor Sinks

a. A lavatory or sink shall be permitted to serve as a wet vent for a floor drain or floor sink if all of the following conditions are met:

1. The wet vent shall be not less than 1-1/2" size for a 1 DFU lavatory or 2" for 2 DFU sink.

2. The wet vent shall be larger than 1/2 the size of the drain for the floor drain or floor sink.

3. The distance from the outlet of the floor drain or floor sink to the connection of the wet vent shall be within the limits established by Table 12.8.1.

11. – 14. (No change.)

15. Chapter 18 of the plumbing subcode, entitled Referenced Standards, shall be amended as follows:

i. In Section 18.2, Standards Organizations, insert the following: "[APSP--The Association of Pool and Spa Professionals, 2110] **Pool & Hot Tub Alliance (Formally APSP--The Association of Pool and Spa Professionals), 2111 Eisenhower Avenue, Ste. 500, Alexandria, VA 22314, tel: 703-838-0083, fax: 703-549-0493,**" and "International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001, tel: 888-422-7233."

16. – 17. (No change.)

[18. Appendix G of the plumbing subcode, entitled “Green Plumbing and Mechanical Code Supplement,” shall be deleted in its entirety.]

18. Appendix G, entitled “We-Stand Excerpts,” shall not be adopted as part of the plumbing subcode. Appendix G may be used as a reference standard for special design plumbing systems in accordance with Appendix E.

19. Appendix L, entitled “Tiny Houses,” shall be adopted as part of this subcode.

(c) (No change.)