



WEEKLY UPDATE

December 14 - 18, 2020

Please be advised, in person membership meetings are scheduled to resume in March 2021. The safety and wellbeing of our members is most important to us. While we all miss the social interaction, we here at the MPC are hard at work making sure you don't miss any important industry related information that you need. Have a very safe and happy holiday season.

Message from the Executive Board:

All our Committees have been very busy. In this issue you will find a lot of valuable information. It is important that you distribute this to the appropriate persons in your company that work with the DOB and other agencies. One of the busiest Committees has been the DOB Committee. They are reviewing and addressing an average of 4-6 member issues a week, which require the MPC to send an email to the DOB. For each email we send, there are 3-4 others that get resolved without reaching that level.

We would like to extend a thank you, on behalf of the DOB Committee, to the members that have sent us their issues so they can be addressed and resolved quickly. Member participation, along with the Committee's efforts, enables the entire membership to benefit. If an issue can be resolved quickly there is less chance that it will affect other members. One example is the "requirement" by the DOB Development Inspectors that a gas meter bar be upgraded when any work is being done on a gas system. We are addressing this issue now.

In this issue there are not one but two Local Law 152 updates. While this year is winding down, 2021 is going to be a huge year for the plumbing industry. The Existing Building Code has been introduced and should be completed in 2021. In addition, the Code revision for the existing Codes should move forward to the City Council shortly. Other things to look for in 2021 are the first renewal for the Task 86/87 qualifications, MPC gas work qualification study classes, MPC LL 152 training sessions and much more. Last, but not least, in 2021 we hope to resume in person meetings.



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MPC DONATES \$5,000 TO TOYS FOR TOTS

On Friday, December 11th, MPC President Richard Bonelli had the honor of attending a Toys for Tots event at the Town of Hempstead Town Hall. As a longtime supporter of Toys for Tots, the MPC usually makes toy donations after its annual holiday party where more than 100 toys are donated by MPC members. This year, the MPC decided to make a donation of \$5,000 to Toys for Tots. We are proud to learn that Toys for Tots will be using our donation to purchase toys for participants of the Town of Hempstead's [Camp ANCHOR Program](#), a comprehensive year-round program serving 1,200 children and adults with special needs.



Thank you to Toys for Tots and the ANCHOR Program for all that you do to help our community! Happy Holidays!

WELCOME NEW MEMBERS!

(December 2020)

- Jay Friedman, Irwin Friedman & Son
- William Johnston, XCEL Plumbing & Heating of NY
- John Mulligan, J & M Plumbing of Westchester

(November 2020)

- Gregory Yavalidakis, NYCO Plumbing & Heating Corp.
- Peter Yavalidakis, NYCO Plumbing & Heating Corp.
- Paul Traktman, Paul Traktman Licensed Plumber Inc.
- Louis Abramo, Orbit Plumbing & Heating
- Richard Corcoran, RJC Mechanical Corp
- Stephen Shishko, New Age Engineering PLLC

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WEEKLY UPDATE

Local Law 152 Updates Part 1

[Click here to review Proposed Int. No. 2151-B](#)

IMPORTANT CHANGE TO NATIONAL GRIDS EWN PROCEDURE

Effective Immediately

Please be advised that the NATIONAL GRID **EWN** procedure has changed. All Call Center Representatives can now access external websites; therefore, the email step is no longer required. The EWN filings and DOB authorizations are checked at the time of the customer call.

A Word About EWNs:

Every EWN **must** be followed by an LAA application within 2 business days after issuance. We strongly recommend that you do not try to “renew” a EWN. It can lead to complications and possibly violations. Section 28-105.4.1 of the NYC Administrative Code requires that you submit an application within 2 days of commencement of the work. The Department does not have the statutory authority to extend this time frame. When EWN “renewal” is permitted, it may be done so arbitrarily and, while it may work for some, it does not always work for all.

Recommendation: We recommend that you consider obtaining a EWN for any emergency work, even if it is on DOT jurisdictional gas piping. By Code you can perform work on this pipe without a permit, however, we have had several members who were issued work without a permit violations when doing this type of work. Filing an EWN will require an LAA filing and a Gas Finish inspection. You can pay the minimum fee for the permit. The Enforcement Inspectors can issue a fine at their discretion. Even if you are 100% in the right, you will need to retain a lawyer and attend one or more ECB Hearings.

Using an LAA for a Work Scope that Exceeds LAA Limitations

If you have an emergency job, such as a boiler or water heater replacement, you may file an LAA and state that an ALT-2 application will follow within **30** days. In the past, 60 days were permitted, which has now been changed.

If you have a circumstance where you want to start work ahead of obtaining an Alt-2 permit, you **must** obtain permission prior to filing for an LAA. Contact laa-pr@buildings.nyc.gov

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NYC DOB CODE Mediation Determination Memorandum Managing Committee Review of AC 28-105.4.4 and AC 28-105.4.7 Update

On behalf of Joseph Ackroyd...

To the Members of the Administrative and Enforcement Committee:

I hope this email finds you and your families well.

We would like to provide you with an update on the status and outcome of the Department's proposal to amend AC 28-105.4.4, Ordinary plumbing work and AC 28-105.4.7, Replacement of existing and flexible gas tubing. Proposed text was distributed on October 14, 2020, via email and discussed on October 26, 2020 at the Managing Committee meeting. Consensus was not achieved by the Managing Committee on the proposed changes at that meeting. After consideration, the Department has made the determination **not to amend the previously approved managing committee sections at this time.**

We thank you for your expertise and time in reviewing and preparing responses to the proposals. As always, we thank you for your continued participation in our code revision process.

Wishing you a happy holiday season.

Joseph Ackroyd, PE, CFM
Assistant Commissioner
Technical Affairs & Code Development
New York City Department of Buildings
280 Broadway, 7th Floor
New York, NY 10007

What does this mean?

This proposal would have allowed anyone, at any time, to replace any residential gas stove, range, oven, dryer, or BBQ without being a licensed master plumber or having a work permit. The DOB has decided to pull this despite the fact that the language was already approved by the managing committee. What is scary is that everyone who provided testimony at the managing committee mediation meeting spoke in opposition to this. The MPC proposed that the Ordinary Plumbing Work 28-105.4.4 be modified to allow a licensed master plumber to be permitted to do this work as part of that code section. The intent was to provide relief for NYC residents in regard to COVID-19 and we need all the relief we can get. The MPC will continue to pursue trying to get the Code modified to provide streamlined and less expensive installation costs for NYC residents.



WEEKLY UPDATE

NYC DOB CODE Mediation Determination Memorandum Managing Committee Review of AC 408.1 and AC 28-410.1

Affected Sections: The following sections are included in this mediation:

- **AC Chapter 4:** §28-408.1 and §28-410.1

Background:

On May 29, 2020, the Managing Committee requested mediation for §28-408. This followed review by the Plumbing Technical Committee, as an overlap section, and by the Administrative and Enforcement Advisory Committee, the primary committee.

During the process of mediating §28-408.1, mediation participants requested that §28-410.1 be bundled into the mediation process despite being approved by the Managing Committee at the same May 29 meeting. In August the Managing Committee was polled by email, and at the September 8, 2020 Managing Committee Meeting Section §28-410.1 was officially bundled with §28-408.1 in the mediation process.

The issue that precipitated mediation was the removal of constraints placed on Licensed Master Plumbers (§28-408.1) and Licensed Master Fire Suppression Piping Contractors (§28-410.1) employed by The City of New York. The 2014 New York City Building Code limited city employees holding such licenses to perform only replacement, maintenance, and repair work on existing buildings in the course of his or her employment. The mediation discussion focused on the nature of the license and what if any distinctions exist between licensees employed in the private sector and those employed by The City of New York, including the nature of the supervisory relationship in each employment setting. The discussion sought to determine if there was any risk associated with the proposed expansion of the scope of permissible work for licensees employed by the City of New York, which would make it appropriate to continue to constrain the exercise of a license because of the licensee's employer.



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Proposed Text:

As a result of the mediation process the following text will be incorporated into the Department's submission to the City Council of proposed revisions to Construction Codes:

ARTICLE 408 MASTER PLUMBER LICENSE

§28-408.1 Master plumber license required. It shall be unlawful for any person:

1. To perform plumbing work unless such person is a licensed master plumber or working under the direct and continuing supervision of a licensed master plumber, except that a city employee who holds a master plumber license may only perform [~~replacement, maintenance and repair~~] plumbing work on existing buildings in the course of his or her employment.
2. To use the title licensed master plumber, master plumber or any other title in such manner as to convey the impression that such person is a licensed master plumber, unless such person is licensed as such in accordance with the provisions of this article.

What does this mean?

When this first came up two years ago during the Administrative Code Committee Meetings, there was strong industry opposition to the DOB proposal. The DOB supported it and, since there was no consensus at the committee level, it ended up in arbitration.

Prior to the 2008 Code persons employed as Licensed Master Plumbers by city agencies were limited to perform only maintenance work that did not require a permit. With the introduction of the 2008 Code, their abilities were extended to allow them to perform replacement and repair work in addition to maintenance work. Working at a city agency would also allow persons to claim that experience if they decided to become a licensed master plumber. The DOB made the argument that a licensed master plumber should have no such restrictions placed upon the license. To that point, the MPC was in agreement with the DOB but was strongly opposed to making this change for other very important reasons. This is not set in stone yet as it must be passed by City Council and signed into law by the Mayor.



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MPC LICENSING COMMITTEE MEETS WITH DOB

On December 01, 2020, the MPC Licensing Committee attended a virtual meeting with the DOB in regard to licensing issues, especially the renewals. Attending for the DOB was Patrick Wehle the Assistant Commissioner for Strategic Planning & Industry Relations and William Hinckley the Director of Licensing. Other industry associations also participated. [Please click here for the meeting agenda.](#)

Much of the meeting was spent going over the reason why so many licensees are not having their applications approved in time and are ultimately expiring. Since the system went online in July 2020, the MPC has helped more than a dozen members with renewal issues. In some cases, we have been able to intercede and help members get renewed in time. In the other cases, we were able to shorten the time for which they were expired.

We are working on a complete summary of the meeting and are preparing a handout for members. The main thing you need to take away from this is that the days of renewing your license at the last minute are **over**. The MPC has gone over and beyond to help members with this process. We have started contacting members 120 days ahead of their expiration date to remind them to renew. The majority of the time that a member was not renewed on time was due to their inability to properly complete and submit the required forms. We are in the process of putting together a presentation on renewal and the DOB will be updating their website. It is incumbent on **you**, the licensee, to verify the application is completed properly.

On a positive note, the DOB is going to consider some of our suggestions that may simplify the renewal process. If you are scheduled to expire before April 2021, the office will have already contacted you. Make sure you are on top of the situation or you may find yourself expired.

Rules to Follow:

- Submit complete renewal application 60 days in advance of your expiration date.
- If there are **any** changes on your LIC-2 form, you are no longer doing a renewal. Follow the **business change** checklist.
- All reviews for **all** transactions should be allowed 15 calendar days for review. After 15 days contact the licensing unit at licensingdob@buildings.nyc.gov
- If you do not get an answer, please contact the MPC at licensing@nycmpc.org



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UTILITY UPDATES

We have not been receiving many emails from members asking for assistance with the Utilities. Our Committee Members, who perform a lot of inspections, have been having issues with prompt inspection and service wait times. They will be setting up a meeting with each Utility early in 2021. We will provide membership with the ability to provide input. The first step is to submit input on the Con Edison Yellow Book changes. If you have any immediate issues, please contact the Committee at utility@nycmpc.org

Yellow Book Feedback: The MPC invites you to submit feedback on the Yellow book. Please use the survey below to share how you believe the Yellow Book can be improved. This information will be used as we continue to collaborate with Con Edison. [Click here to complete the survey.](#)

COPPER FITTINGS AND TUBE

Effective December 7, 2020, copper fitting manufacturers released another 9% increase, the third change in six months. To date, copper fitting and flange list prices are up approximately 40%!

Copper Tube has changed 10 times in 2020! To date, it is up 27% for the year. That's the largest single year increase in at least 10 years.

NYSIF PPE CREDIT

Current Policyholders Up to \$500 Credit - NYSIF's new program gives workers' compensation policyholders credit for their PPE purchases. At NYSIF, we're here to help make it safer and more affordable for our policyholders to get back to business. Our Personal Protective Equipment (PPE) Premium Credit Program rewards you with a credit of up to 5% of your annual premium (capped at \$500) for the purchase of PPE and other eligible items. It's an easy way to save money while protecting your employees and taking steps toward a safe reopening. [Click here for more information about the NYSIF PPE Credit.](#)

OSHA's Fatality and Severe Injury Reporting Requirements

All employers are required to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye. This is in addition to the recordkeeping requirement that some employers are required to maintain. [For more information click here for OSHA FAQs: Reporting Serious Injuries.](#)



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DEP CHECKLIST TO AVOID TAPPING GAS MAINS

New protocol and requirements have been implemented to the Pre-Tapping/ Cutting/ Wet Connection Checklist. Please [click here](#) for the updated checklist that will be effective 10/14/2020.

HOUSING MAINTENANCE CODE - HOW TO PASS BOILER INSPECTIONS

[Chapter 2 of the Housing Maintenance Code](#) states that the area where the boiler is located must be readily accessible to inspectors. If it is under lock and key, the key must be kept on premises, and the building owner must post a notice naming the person who has the key and their location ([click here for an example of this notice](#)). Failure to place this notice could result in a \$650 fine.

We are sure that when members read the section above, they were thinking that they need something on how to pass a NYC DOB Boiler inspection. We are pleased to announce that the MPC Mechanical Code Committee Members have prepared a fillable checklist that members can use prior to submission of an inspection request. That list will be made available to membership within the next few weeks.

LOCAL LAW 152 UPDATE PART 2

The MPC Committee was in full swing earlier this year in finalizing the entire process for submission to the DOB for approval, then COVID-19 arrived. Despite all of the obstacles, we have been successful in developing a complete list of AOCs and assisting the DOB with the first FAQ list, which was published to the DOB website.

As this is written, we are working with the DOB on a major issue, which is the definition of tenant space. When the law was passed it simply said tenant spaces were exempt. Members of the MPC Code Committee negotiated the law back in 2016 and know the intent was only to exclude residential tenant spaces (i.e., room set gas meters). It was reflected in the FAQ that the DOB published back in October of this year.

Since that time, the DOB has had a change of heart and is excluding **all** tenant spaces. In response to this determination, we have sent them follow-up questions. Once we receive the responses will make the information available to members.



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What should you do if you have a building with a commercial tenant space you need to inspect? For the time being you **should not inspect it** unless the building owner allows you to do so. We anticipate this issue being worked out in early January. The best thing may be to put these inspections off for a month until we have a clearer picture.

The Committee would like to thank all of the members who answered the call and submitted questions about LL152. We are working on finishing replies and all of the answers will be made available to membership. We ask that you please send in the questions and include pictures of situations encountered in the field. In the new year, we will be conducting training classes for conducting LL152 inspections, reporting from the field and completion of the GPS-1 and GPS-2 forms. The Committee is working on the forms now and is almost done with their first draft.

IMPORTANT GPS-1 FACTS:

- The GPS-1 should be completed as soon as possible after the inspection is completed.
- You **must** list all AOCs you find on this list, regardless if they are reported from the field or not.
- You **must** deliver the form to the owner within 30 days of the initial inspection. This is mandatory whether you are paid or not.
- If you correct the defects listed on the GPS-1 prior to delivery to the owner, the GPS-1 **must** still reflect the AOC you found during the inspection.
- Box 5 (additional comments) may be used for recommendations or things encountered that are not reportable.

Message from the LL152 Committee:

We have received a lot of questions from members regarding LL152. If you sent a question where the answer can clearly be found within the law or rule, you may have received a copy of the law or rule to review. Some of the questions prompted the Committee to refer you to the training coordinator who called members personally to explain some of the fine points.

While being a licensed master plumber legally permits you to conduct these inspections, you really need to know and understand exactly what is required. There is

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no more important inspection than a LL152 inspection. For all other gas related items you are testing and inspecting piping that is inert. It is tested at least three times by qualified persons before gas is introduced. That being said, if you conduct an inspection improperly, we expect that the disciplinary actions taken against you will be severe. This is not written to scare anyone, but to make you aware. Persons that have attended our training program and read our updates should have no issues providing they apply the information that has been provided. We are aware of at least one BSIU investigation into a licensee who has not conducted an inspection properly. We are here to help one another. In order for us to do that, we need you to communicate an issue to us and we will help you work through it. This is what we do!

Reporting AOCs:

The biggest complaint we get is about trying to report AOCs from the field. Most of the time when you call Con Ed for a minor item, they go into full gas safety mode and send the FDNY. The FDNY arrives and gets upset, followed by the Con Ed one hour board who piles on. National Grid is sometimes harder to get and calling the DOB can be very frustrating. So what is the MPC doing about that? Well, we are glad you asked.

We are working to change the law so that only immediately hazardous items need to be reported from the field. That would include, but not be limited to, gas leaks, theft of service and levels 3&4 corrosion. Immediately hazardous AOCs mean immediate response is required. Everything else that is nonhazardous can be reported and the appropriate response can be taken up by the utilities and/or DOB at a later date.

Besides seeking to change the law we are working with the utilities on their phone apps. Con Edison introduced their app a few months ago. Members of the Committee have been working with them to tweak it. National Grid is working on their app now. Right after the New Year the Committee will be seeking MPC members to help us further refine the apps.

The app is phone based, so it is not tied into any one specific GMI. The benefit of using the apps is that you can take a picture of any AOC, or possible AOC, and send it directly to the Utility before you leave the site. Submitting that report will mean you have complied with the law, rule, and the training program. There is nothing more to do (immediately hazardous issues will still be resolved in the field). The job of the

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inspector is to **report** AOCs encountered and then it is up to **others to decide** if they are hazardous.

Reporting Immediately Hazardous AOCs:

All immediately hazardous AOCs must be reported from the field. The inspector is required to take appropriate actions and wait on site to provide access. We have heard the stories where an inspector “*finds*” a leak or level 4 corrosion only to have the Utility operator respond and say, “*no leak here*” and “*I’m calling it a level 2*”. As we have stated, the inspector is there to conduct a leak survey and visual inspection. The inspector’s job is to **report**. The utility operator has the qualification to do a leak investigation and determine if there is a leak. That is how the process was designed to work. Same thing on the corrosion.

From time to time things may slip through the cracks and when that happens, we need to hear from you directly. What you never want to do is leave a job with any leak indication or potential level 4 corrosion. It is a good way to possibly lose your license. If you are in the field and have an issue be sure to take the appropriate actions. Better safe than sorry. Follow-up with an email to ll152@nycmpc.org and we will do our best to help you.

Last Note:

This is Christmas week. Therefore, everything is either closing or slowing down. Please consider this when scheduling these inspections over the next couple of weeks. The utilities response times for any restoration work may be lengthened and short staffing could reduce their ability to mitigate issues rather than shut down an entire gas service. This could mean that many senior highly trained persons that could make a temporary repair may be on vacation and the person responding may not be able to help.



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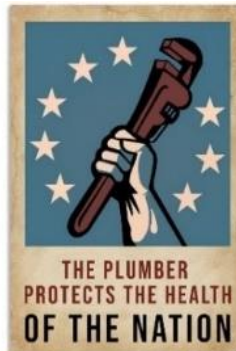
DOB DEVELOPMENT CONTACT LIST

All inquiries are to be sent to the plumbingIR@buildings.nyc.gov email address.

- For Staten Island inquiries: SlplumbingIR@buildings.nyc.gov
- For Queens inquiries: QNplumbingIR@buildings.nyc.gov
- For Brooklyn inquiries: BKplumbingIR@buildings.nyc.gov
- For Bronx inquiries: BXplumbingIR@buildings.nyc.gov
- For Manhattan inquiries: MNplumbingIR@buildings.nyc.gov
- For Highrise inquiries: highriseIR@buildings.nyc.gov

Plumbing Development Inspections CONTACT:

- Staten Island: (718) 420-5418
- Queens: (718) 286-8350
- Brooklyn: (718) 802-3723
- Bronx: (718) 960-4720
- Manhattan: (212) 323-7287



STAY SAFE