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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777

Jim Doyle, Governor
Jack L. Fischer, A.I.A., Secretary

August 22, 2008

Robert Marchant
Senate Chief Clerk
B20 Southeast, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Patrick Fuller
Assembly Chief Clerk
Room 401
17 West Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 08-055

RULE NO.: Chapters Comm 62 and 81 to 84

RELATING TO: Wisconsin Uniform Plumbing Code and Commercial Building Code

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Aaron Olver".

Aaron Olver
Deputy Secretary

August 22, 2008

Senator Fred Risser
President of the Senate
Room 220 South, State Capitol
Madison, Wisconsin 53702

Representative Mike Huebsch
Speaker of the Assembly
Room 215 West, State Capitol
Madison, Wisconsin 53702

Dear Senator Risser and Representative Huebsch:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 08-055

RULE NO.: Chapters Comm 62 and 81 to 84

RELATING TO: Wisconsin Uniform Plumbing Code and Commercial Building Code

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,



Aaron Oliver
Deputy Secretary

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 08-055

Rule No.: Chapters Comm 62 and 81 to 84

Relating to: Wisconsin Uniform Plumbing Code and Commercial Building Code

Contact person for substantive questions:

Contact person for internal processing:

Name Lynita Docken

Name Norma Sampson

Title Program Manager, Plumbing

Title Communications Specialist

Telephone Number 608-785-9349

Telephone Number 608-267-7907

1. Basis and purpose of the proposed rule.

The basis of the proposed rules are sections 101.02, 145.02 and 145.13, Stats. The purpose of the proposed rules is to update and revise the state's Uniform Plumbing Code so that the code is best able to protect public health, safety, and the waters of the state.

The proposed rules consist of updates of chapters Comm 81 to 84, Uniform Plumbing Code, including the incorporation by reference of the latest editions of many national standards related to plumbing products and methodologies. The proposal would allow the recycling of wastewater from water closets, change the calculation of the load factor on drain piping and upgrade the requirements for water conserving fixtures to more closely follow national standards.

In addition, the allowance of waterless toilets and waterless antiseptic cleansing provisions in chapter Comm 62, the Commercial Building Code, is being revised to restrict installation of such devices in lieu of water-based toilets and cleansing provisions.

2. How the proposed rule advances relevant statutory goals or purposes.

Sections 101.02 and 145.02 Stats., grant the Department of Commerce general authority for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the design, installation or construction, inspection and maintenance of plumbing. In accordance with s. 145.13, Stats., the Department also is responsible for safeguarding the waters of the state. To fulfill this responsibility, the Department has promulgated the state uniform plumbing code, chapters Comm 81 to 84.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantive changes have been made.

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Charters Comm 62 and 81 to 84
Amendment No. if Applicable

Subject

Wisconsin Uniform Plumbing Code and Commercial Building Code

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

- Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

1. Increase Costs
- Permissive Mandatory

3. Increase Revenues
- Permissive Mandatory

5. Types of Local Governmental Units Affected:

- Towns Villages Cities
- Counties Others _____
- School Districts WTCS Districts

2. Decrease Costs
- Permissive Mandatory

4. Decrease Revenues
- Permissive Mandatory

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Not applicable

Assumptions Used in Arriving at Fiscal Estimate

The Safety and Buildings Division is responsible for administering and enforcing rules relating to the design, installation or construction, inspection and maintenance of plumbing. The proposed rules consist of updates of chapters Comm 81 to 84, Wisconsin Uniform Plumbing Code, and chapter Comm 62, Wisconsin Commercial Building Code, including the incorporation by reference of the latest editions of many national standards related to plumbing products and methodologies. There are no new regulatory schemes contained in the proposed rule revisions that would significantly affect revenues, expenditures or the division's workloads.

The proposed rules will not have a fiscal effect on other state agencies or local governments.

The proposed rules will not increase the effect from what the current rules impose on small businesses that own or are involved in the design, installation or construction, inspection and maintenance of plumbing.

Long-Range Fiscal Implications

No long-range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)
Commerce/Lynita Docken
608-785-9349

Authorized Signature/Telephone No.

Alan W. Ode 6-8976

Date

5-29-08

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
 Chs Comm 62 and 81-84

Amendment No.

Subject
 Wisconsin Uniform Plumbing Code and Commercial Building Code

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category	\$ 0	\$ -0
State Operations - Salaries and Fringes		
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs	0	-0
Local Assistance	0	-0
Aids to Individuals or Organizations	0	-0
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds	Increased Costs	Decreased Costs
GPR	\$ 0	\$ -0
FED	0	-0
PRO/PRS	0	-0
SEG/SEG-S	0	-0
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$ 0	\$ -0
GPR Earned	0	-0
FED	0	-0
PRO/PRS	0	-0
0 SEG/SEG-S	0	-0
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)
 Commerce/Lynita Docken, 608-785-9349

Authorized Signature/Telephone No.
 Alan D. Oh 6-8976

Date
 5-29-08

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 08-055

RULE NO.: Chapters Comm 62 and 81 to 84

RELATING TO: Wisconsin Uniform Plumbing Code and Commercial Building Code

Final regulatory flexibility analysis not required. (Statement of determination required.)

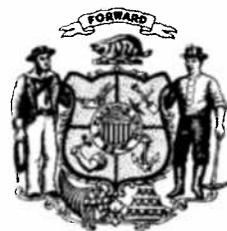
Pursuant to s. 227.19 (3m), Stats., the Department of Commerce has determined that the proposed rules to update chapters Comm 81 to 84 will not have a significant impact on a substantial number of small businesses.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

(Continued on reverse side)



WISCONSIN STATE LEGISLATURE



**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-055		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 62 and 81 to 84		Hearing Date: July 8, 2008	
Relating to: Wisconsin Uniform Plumbing Code and Wisconsin Commercial Building Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker 1	Jeffrey J. Beiriger Executive Director Plumbing, Heating and Cooling Contractors (PHCC) – Wisconsin Association 660 E. Mason Street Milwaukee, WI 53202	Supports the process and code package. The PHCC association and its members have been involved in the code process and appreciates having stakeholders at the table. Supports the section on water sizing for water softeners. Believes it strikes a balance between what is being installed and what is reasonable and economically feasible. The potential is there to oversize the piping going to the water softening equipment. By looking at normal water use patterns, the PHCC believes this can reduce cost to homeowners. Supports the change regarding waterless lavatories in Comm 62.	Support noted.
Exhibit 1	Haller Jenkins E-mail	Expresses concern with Comm Table 82.22-1 relating to testing and submitting requirements for cross connection control assemblies. Because purveyors have to do more cross connection surveys, suggests that the table be changed so purveyors receive copies of all test reports for testable devices.	Concern noted. The Department will discuss having purveyors receive copies of all test reports at future code council meetings.
Exhibit 2	Don Hough Plumbing Fire/Water Consultant Department of Commerce Safety & Buildings, District 6 10541N Ranch Road Hayward, WI 54843	<p>Opposes the proposed changes for Comm Table 82.40-3e relating to conversion of water supply fixture units to gallons per minute for water treatment devices serving an individual dwelling. Lists the following reasons for his opposition:</p> <ul style="list-style-type: none"> • Changes in the table are based upon a survey of current occupant use of water fixtures and not specific mathematical formulas based upon potential flow rates, velocities, and peak demand of the plumbing fixtures. • Supporting data is not available as to how many water distribution systems have been installed and inspected in the last 5 years since this table was approved as an Alternate Plumbing System (August 6, 2002) product file no.: 20020250). • Table removes two-thirds of the water distribution systems ability to contain flow velocities to 8 feet per second, and provides required adequate pressure to plumbing fixtures when simultaneous use and high volume fixtures are creating peak demand on the water distribution system when converting from 3.5 to 40 wsf/s. • Pipe and plumbing fixture manufacturers depend upon designers properly calculating the water distribution system Hydraulic Shock potential and 	Disagree. Comm Table 82.40-3e is based on metering data. There is no documentation to preclude using data from actual water use patterns.

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-055		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 62 and 81 to 84		Hearing Date: July 8, 2008	
Relating to: Wisconsin Uniform Plumbing Code and Wisconsin Commercial Building Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 3	Herman J. Delfosse Plumbing/POWTS Reviewer Cross Connection Control Consultant 1340 E. Green Bay Street Shawano, WI 54166	designing the water distribution system per industry accepted guidelines. Suggests that Comm 82.34 (5) (a) 1. c. should read: "The wash compartment of a scullery sink shall discharge through a grease interceptor."	Agree. The proposal has been modified.
Exhibit 4	Jerry Thompson Plumbing Product Reviewer E-mail	<p>a. Suggests that Comm 82.50 (3) (b) 5. be changed as follows: Remove "comply with ASSE 1016 and shall" because ASSE 1016 does not shut down with change in temperature.</p> <p>b. Requests an editorial change to update ASME A112.14.1 Standard to the current 2008 standard.</p>	<p>Agree. The proposal has been modified.</p> <p>Agree. The proposal has been modified.</p>
Exhibit 5	Tom Kasper Department of Commerce Madison, WI E-mail	<p>Opposes the proposed revision to Comm 62.2900 (1) relating to waterless sanitation. Cites sanitation issues, odors, additional maintenance and other reasons why the rule should be changed to provide a higher level of sanitation in public buildings and places of employment. Suggests the following code language to broaden the exception for the department to allow non-water-based toilets on a case-by-case basis, and to harmonize the lavatory and service sink requirements with the limited, waterless toilet exception: <u>Comm 62.2900(1) Plumbing Fixture Alternatives (a) Water Closets.</u> Systems or devices recognized under ch. Comm 91 may be substituted for water closets required under IBC chapter 29 where the <u>department determines that it is impractical to provide water closets.</u> (b) <u>Lavatories.</u> Waterless antiseptic cleansing provisions may be substituted for lavatories required under IBC chapter 29 where systems or devices under par. (a) are substituted for water closets. Where water-based water closets or urinals are used, water-based lavatories shall be provided in numbers to accommodate the number of people served by the water closets and urinals. (c) <u>Service Sinks.</u> Other cleaning means may be provided where systems</p>	<p>Agree in part. The proposal has been modified to restrict the installation of waterless toilets and waterless antiseptic cleansing provisions in lieu of water-based toilets and cleansing provisions.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-055		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 62 and 81 to 84		Hearing Date: July 8, 2008	
Relating to: Wisconsin Uniform Plumbing Code and Wisconsin Commercial Building Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 6	Jim Miller Department of Commerce Madison, WI	or devices under par. (a) are substituted for water closets. Opposes the proposed revision to Comm 62.2900 (1) relating to waterless sanitation and endorses the comments in Exhibit 5.	Agree in part. See response to Exhibit 5.
Exhibit 7	Steve P. Dobratz Department of Commerce Madison, WI	Opposes the proposed revision to Comm 62.2900 (1) relating to waterless sanitation and endorses the comments in Exhibit 5.	Agree in part. See response to Exhibit 5.
Exhibit 8	Mark Huiting and Chris Ignatowski E-mail	Recommend changing the minimum size for residential storm sumps in Comm 82.36 (8) (a) 4. a. from 16 inches to 30 inches.	Disagree. The 16-inch diameter is the minimum size listed in the state's current code. The Department has no basis to change the minimum diameter at this time.
Exhibit 9	Pat Casey Plumbers Local 75 Email	<p>a. Points out that there is no need to add the word "the" before "drainage fixture units" in Comm 82.30 (3).</p> <p>b. Opposes the proposed change in Comm 82.30 (3) relating to load on drain piping to increase the current requirement by a factor of 4. Explains that the International Plumbing Code (IPC) and the Uniform Plumbing Code (UPC) differentiate between "intermittent" and "continuous flow" and not "fixture" and "device." Points out that for many years IPC has been 2 fixture units per 1 gpm and Wisconsin has been 1 fixture unit per 2 gpm. His preference is intermittent flow (7.5 gpm=1 dfu) and continuous flow (1 gpm=1dfu) or leave the code as it currently reads.</p> <p>c. Opposes the proposed dfu value for 1 1/2" building drain listed in Comm Table 82.30-3 because it would permit less dfu on the building drain than on horizontal piping (Comm Table 82.30-2). Explains that this is inconsistent with IPC, and that the dfu value permitted for 2" building drain should be increased. Prefers revising the table and included his suggested revision in Exhibit 9.</p>	<p>a. Agree. The proposal has been modified.</p> <p>b. Agree in part. The Department has revised proposal language to limit the definition of intermittent flow.</p> <p>c. Agree. Comm Table 82.30-2 has been modified.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-055		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 62 and 81 to 84		Hearing Date: July 8, 2008	
Relating to: Wisconsin Uniform Plumbing Code and Wisconsin Commercial Building Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>d. Proposes modifying Comm Table 82.30-2. Explains that the maximum dfu permitted at each branch interval should apply to all drain stacks regardless of the number of branch intervals. Included his suggested revision in Exhibit 9.</p> <p>e. Opposes repealing Comm 82.30 (6) (a) 2. and (b) 5. relating to relief for stack offsets. Points out that this is not consistent with IPC. Recommends leaving Comm 82.30 (6) (a) 1. and 2. and (b) 1. to 5. as the code currently reads and changing "2" branch intervals to "5" branch intervals.</p> <p>f. Suggests that Comm 82.30 (11) (e) 2. relating to bedding and backfilling for sewers be rewritten to correspond more closely with NR 110.13 requirements.</p> <p>g. Points out that by removing the words "or urinal" from Comm (13) (a) 1. e. relating to higher fixture drains not serving water closets then additional changes should be made in Comm 82.31 (17) (a) 1. b. which in turn would require updating the definition of a "wet vent" in Comm 81.01 (288).</p> <p>h. Suggests that eliminating the word "stack" in Comm 82.31 (17) (b) 1. and 3. does not clarify the rules. Explains that the upstream pipe should not be required to be a stack and that the term "stack" should be removed. Adds that the changes identified for Comm 82.31 (17) (b) should also be applied to Comm 82.31 (17) (c) where similar language for vent "stack" and drain "stack" occur.</p> <p>i. Believes the proposed language in Comm 82.35 (3) (b) 2. a., (3) (c) 2.a. and (3) (d) 2.b is unclear and needs clarification. Asks for clarification concerning Comm 82.30 (4) (d) and (5) (b) and (c) relating to conformance to NR 110.13 for certain items for building sewers and private interceptor mains sewers.</p>	<p>d. Agree. Comm. Table 82.30-2 has been revised to reflect the recommended changes.</p> <p>e. Agree in part. The proposal has been revised to reflect IPC offset language.</p> <p>f. Agree in part. The proposal has been revised to incorporate language from the current state code. See Exhibit 10, Comment h.</p> <p>g. Agree in part. The definition for "wet vent" in Comm 81.01 (288) has been revised. However, no revision is necessary for Comm 82.31 (18) (a) 1. b.</p> <p>h. Agree. The proposal has been modified.</p> <p>i. Agree. The proposal has been modified.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-055		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 62 and 81 to 84		Hearing Date: July 8, 2008	
Relating to: Wisconsin Uniform Plumbing Code and Wisconsin Commercial Building Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>j. Points out that to protect against scalding, an ASSE 1017 device as proposed in Comm 82.40 (3) (b) 1. b. does not give proper protection for multiple lavatories, wash fountains and shower heads. Proposes requiring an ASSE 1070 or 1069 to bring the state code up to date with current technology and nationally recognized standards.</p> <p>k. Recommends requiring an ASSE 1070 for items proposed in Comm 82.40 (3) (b) 5. that fall outside the scope of the ASSE 1016 standard. The ASSE 1016 device is specifically designed as the point-of-use application for shower or tub-shower combination only.</p> <p>l. Opposes exempting NFPA 13D 7.6, 8.1.3 and 8.6 from applying to Wisconsin' multi-purpose piping systems in Comm 82.40 (3) (e) 2. b.</p> <p>m. Agrees that the proposed Comm 82.40 (3) (e) 2. d. relating to requiring warning signs for multipurpose piping systems that do not conform to NFPA 13D is moving in the right direction. Recommends adding the following language to the warning label: "This system should not be expected to prevent flashover. This system should not be relied upon to provide improved protection against injury, life loss and property damage.</p> <p>n. Points out that if "vitrified clay" is removed from Comm Table 84.30-2 and Comm Table 84.30-6 then Comm 84.40 (16) "Vitrified Clay Pipe" should be repealed. Adds that both the IPC and UPC lists vitrified clay as an approved material for sanitary building sewer and storm building sewer.</p>	<p>j. Concern noted. The Department will discuss this proposal at future code council meetings.</p> <p>k. Concern noted. The Department will discuss this proposal at future code council meetings.</p> <p>l. Disagree. Because all one- or two-family homes in Wisconsin are required to have smoke detectors, Section 7.6 of NFPA 13D is not needed in Wisconsin. Also because fire sprinkler systems are optional there is no basis for prohibiting partial systems.</p> <p>m. Support noted. The Department will discuss this proposal at future code council meetings.</p> <p>n. Agree. The proposal has been modified to eliminate Comm 84.40 (16).</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

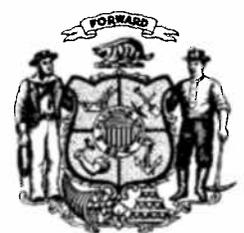
Clearinghouse Rule Number: 08-055		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 62 and 81 to 84		Hearing Date: July 8, 2008	
Relating to: Wisconsin Uniform Plumbing Code and Wisconsin Commercial Building Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 10	Ken Pertzbom Department of Commerce Madison, WI	<p>a. Proposes modifying the note in Comm 82.30 (3) (a) 2. to read "Note: Equipment with a timed discharge cycle(s) of 2 minutes or less may be considered as an intermittent flow device." Contends that equipment with lengthy discharge cycle(s) increase the probability of simultaneous use within the drain system, and therefore should be considered continuous. Based on his findings using Manning's and Flow Master software, assigning 2 drainage fixture units to each gallon per minute of discharge is more accurate conversion and will result in compliance with loading limitations in Comm 82.30 (5).</p> <p>b. Agrees with assigning an emergency drain pan a load value in Comm Table 82.30-1 (partial) and Comm Table 82.30-3 (partial) if and when it connects to the sanitary drain system. Disagrees with the minimum trap size because manufacturers do not produce drainage pattern fittings for pipe diameters less than 1 1/4-inch in diameter. In the past, the department has not considered these safety pans "plumbing" unless they acted as an approved receptor of indirect waste, and therefore, the drain, sizing and materials are not regulated. Believes that if emergency drain pans are listed in Comm Table 82.30-1 then they should be considered "plumbing" and additional issues should be addressed. Proposes exempting loading by revising the language in Comm 82.30 (4) (a) 2. to include emergency drain pan values, and recommends exemption language that includes all drain piping for emergency pans.</p> <p>c. Expresses concern that the line for 1 1/2-inch diameter pipe in Comm Table 82.30-3 indicates a dfu loading value of 2 @ 1/4 inch per foot pitch. Points out that this is in conflict with Comm Table 82.30-2 and recommends changing to 3 dfu's to be consistent.</p>	<p>a. Agree. The proposal has been modified.</p> <p>b. Agree. Emergency drain pan has been removed from Comm Table 82.30-1.</p> <p>c. Agree. Comm Table 82.30-3 has been changed to 3 dfu's to be consistent.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-055		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 62 and 81 to 84		Hearing Date: July 8, 2008	
Relating to: Wisconsin Uniform Plumbing Code and Wisconsin Commercial Building Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>d. Expresses concern about 1) repealing of 82.30 (6) (a) 2. relating to the installation of relief vent for vertical stack offsets below two or more branch intervals; 2) repealing of 82.30 (6) (b) 5. relating to installation of vents for the drain stack, both up and downstream of a horizontal offset; and 3) increasing the requirement relating to tall drain stacks in Comm 82.31 (4) (a). Assumes these changes are to more closely reflect designs permitted in IPC. Recommends that if Wisconsin relaxes its venting requirements per IPC, then it should also adopt IPC's prohibition(s). Cites IPC 711.11, IPC 711.2 and IPC Table 710.1 (2).</p> <p>e. Disagrees with repealing Comm 82.30 (10) (a) 2. b. relating to minimum run time. Believes this is not an unreasonable requirement and that manufacturers would agree. Indicates that the code allows for small diameter sumps in par. (c).</p> <p>f. Suggests that to be consistent, the code language in Comm 82.31 (5) relating to properly connecting yoke vents and relief vents to other vents should be similar to the code language in Comm 82.31 (4), (6) and (7).</p> <p>g. Recommends incorporating current code language in Comm 82.30 (11) (e) 2. a. and b. relating to stable bottom. Suggests adding "and free of water" to "where the bottom of the trench can be maintained in a stable condition" to further define "stable condition." Points out that in subdivision paragraphs a and b. there are conflicts in pipe bedding requirements. Recommends using the bedding requirements found in the current subdivision paragraph b. to reflect actual installation practices in the field.</p> <p>h. Recommends adding the word "accessible" before "check valve" in Comm 82.30 (11) (f) 2. b. to be more consistent with subdivision paragraph c. relating to disconnect language.</p>	<p>d. Agree. The proposal has been modified to reflect IPC requirements.</p> <p>e. Agree. The proposal has been modified and Comm 82.30 (10) (a) 2. b. has not been repealed.</p> <p>f. Agree. The proposal has been modified.</p> <p>g. Agree. The section has been modified to include current code language.</p> <p>h. Agree. The proposal has been modified.</p>



WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **08-055**

AN ORDER to . . . relating to the design, installation or construction, inspection and maintenance of plumbing.

Submitted by **DEPARTMENT OF COMMERCE**

06-02-2008 RECEIVED BY LEGISLATIVE COUNCIL.

06-26-2008 REPORT SENT TO AGENCY.

RS:MCP

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-055

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

- a. In s. Comm 81.01 (79m) and (80m), every word of the defined terms, except the first word, should appear in lowercase. [See also s. Comm 81.01 (204m) and (231m).]
- b. A space should be added in s. Comm 81.01 (189) immediately after “PVB.”
- c. In the third item of Table 81.20-4, the word “tank” should be stricken, and “tanks” should be shown underlined. This same comment applies in item 11 (new numbering) in the amendment to the word “preventer.” See also item 19 (new numbering) in Table 81.20-7e.
- d. In s. Comm 82.20 (1) (c), the phrase “~~back siphonage backflow~~” should precede the word “reduced.”
- e. In s. Comm 82.21 (1), the notation “sub.” should be inserted before the number “(2).”
- f. In s. Comm 82.22 (1) (c), the phrase “be responsible for the maintenance of” should be replaced by the word “maintain.” In sub. (2) (a) (intro.), the phrase “shall be permitted to” should be replaced by the word “may.”
- g. The hyphenation of “minimum” in Table 82.30-1 should be corrected.
- h. In s. Comm 82.30 (11) (f) 2., the word “the” should be inserted before the word “connection.”
- i. In s. Comm 82.31 (5) (d), the phrase “shall be permitted to” should be replaced by the word “may.”

j. Section Comm 82.33 (7) (a) (intro.) should read: "The installation of an air gap shall conform to any of the following requirements;"

k. In s. Comm 82.34 (5), it appears that the introduction should begin with the notation "(a)" and the second paragraph should begin with the notation "~~(a)~~ (b)."

l. In s. Comm 82.36 (8) (a) 4., the introduction should be numbered as subpar. a. and the reference to "a. or b." should be replaced by a reference to "this subd. 4. b. or c."

m. In s. Comm 82.40 (4) (c) 1. a., the word "~~and~~" should precede the word "dual."

n. Section Comm 82.40 (8) (e) 2. should conclude with the phrase "for any of the following purposes:"

o. In s. Comm 82.41 (5) (f), the phrase "all of" should be inserted before the phrase "the following limitations."

p. In s. Comm 82.51 (3) (c), the second occurrence of the word "manufactured" should be underscored.



RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 08-055

RULE NO.: Chapters 62 and 81 to 84

RELATING TO: Wisconsin Uniform Plumbing Code and Commercial Building Code

Agency contact person for substantive questions.

Name: Lynita Docken

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Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached