



# THE VOICE OF THE LICENSED MASTER PLUMBER



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## PRESIDENT'S MESSAGE

### LAA Delays

Licensed Master Plumbers are becoming increasingly frustrated in their ability to obtain LAAs in a timely fashion. It is ironic that at a point in time when the industry is joining forces and making progress in an effort to squelch unlicensed and illegal plumbing work, these excessive delays for obtaining LAAs is actually creating more unlicensed and illegal plumbing activity. In the face of these excessive delays, property owners are simply going to look elsewhere to get their work performed in a reasonable timeframe. If all licensed plumbers are faced with the same delays, then they will look to either unlicensed plumbers or to licensed plumbers who are willing to break the law by performing the work without a permit. The delays should be considered as a crisis and, therefore, requires the immediate attention of the DOB. The Master Plumbers Council has been hard at work cooperating within the industry, with politicians and the DOB in order to alleviate this problem. If your business is being affected by these excessive delays, you can get involved by contacting your local politicians, city council or joining our efforts by becoming a member of the Master Plumbers Council.

### EPA LEAD PAINT CERTIFICATION

If you aren't already aware, effective April 22nd, 2010, federal law has required contracting firms performing renovations, repairs and painting jobs in homes, child care facilities, and schools erected prior to 1978, to become certified with the Environmental Protection Agency. Additionally, all individuals under your employ that could potentially be performing the work on said premises, must be certified individually. Certification may be obtained by successfully completing an 8-hour training course from an accredited training provider.

For further information about this new mandate, including how to obtain an application for your firm to be certified with the EPA and/or to find a local accredited training facility, please visit the EPA's website, directly: <http://epa.gov/lead/pubs/renovation.htm>

### LOCAL LAW 58/09

This law became effective March 2nd, 2010, with a compliance date of June 2nd, 2010. The law requires that all fire sprinkler/standpipe piping and requisite valve handles be properly painted and color-coded in accordance with the law. Once painted, a signed and sealed certificate of compliance must be provided, kept on premises and presented to either a NYC DOB or FDNY Inspector, upon request. This one-time certification can only be provided by Licensed Master Plumbers, Licensed Fire Suppression Contractors, Registered Architects, Professional Engineers or Certificate of Fitness holders. Industry licensed tradesmen are being presented with a unique opportunity to generate additional revenue for their businesses, by acting quickly to bring their respective customers into compliance with the law.

For further information, please visit the NYC DOB's website, directly:

[http://www.nyc.gov/html/dob/downloads/pdf/painting\\_req\\_standpipe\\_sprinkler.pdf](http://www.nyc.gov/html/dob/downloads/pdf/painting_req_standpipe_sprinkler.pdf)

To obtain Certification of Compliance forms, please go to:

[http://www.nyc.gov/html/dob/downloads/pdf/Color\\_Coding\\_Certification.pdf](http://www.nyc.gov/html/dob/downloads/pdf/Color_Coding_Certification.pdf)

Sincerely,

*Robert J. Bellini*

## RESPONSE TO INTRODUCTION 62 OF 2010

### ON BEHALF OF THE SUBSURFACE PLUMBERS ASSOCIATION OF THE CITY OF NEW YORK, INC.

In what appears to be an attempt to alleviate a financial burden on some property owners in the former Jamaica water territory of having to maintain their own water services, some members of the City Council have sponsored Introduction 62 of 2010. While this legislation is still in committee, the Subsurface Plumbers Association would like to comment on the proposed legislation.

Introduction 62 if enacted into Local Law relates to the repair of leaks occurring in certain portions of service pipes by the Department of Environmental Protection ("DEP"). Presently throughout NYC property owners are responsible to maintain their water services, as they are to maintain all other plumbing pertaining to their properties. It outlines that certain repairs identified by DEP would be repaired by DEP or its designee. The following points are a summary from the proposed legislation followed by the Subsurface Plumbers Association comment.

#### A DEP "test" to determine the point of a leak:

- Determining the location or point of a leak can cost more than actual repairs. Running water seeks the path of least resistance and can have little bearing on determining the point of the leak.

#### DEP turning off a tap and hiring a contractor within 3-days:

- A property owner cannot be out of service for 3-days while a DEP bureaucracy, not yet formed, determines a contractor to perform repairs through a not-yet-developed process.
- Further, as written the excavation is to remain open for the 3-day period creating a dangerous condition and liability exposure for all concerned parties.
- If the property owner hires their own contractor they are to receive reimbursement within 45-days from an unnamed entity with interest accruing after the 45-day period. Presently the Comptrollers Office typically takes up to a year, or longer, to reimburse property owners for 3-day notices issued in error.

#### Intro. 62 makes the property line the determining point of who is responsible for repairs:

- This poses at least three major issues:
  1. Water services are typically installed as one continuous length of copper with no joints. There is no reason to have a joint/connection at the property line; it makes for a poor installation.
  2. The NYC DEP forbids repairs on undersized services of any material, and all lead or galvanized water services.
  3. The NYC DEP mandates that when 50% or more of a water service is replaced that the entire water service must be replaced.
- If the defect exists within the property line, the owner shall be responsible for repairs. Again the excavation is to remain open, with all inherent liabilities and dangers.
- All work is predicated on the DEP performing work at each property that has a leak to close the tap connection for the affected service. This is work that the DEP now only performs sporadically, and does not have the personnel to perform on a regular basis.
- Intro. 62 does not mention that the DEP fee for closing a tap is \$500 to the property owner. A \$500 bill that under Intro. 62 would become routine and extraordinary to property owners. This does not cover the actual DEP costs incurred. A lose, lose for everyone.

### DEP in-house personnel performing the work:

- Intro. 62 states that “if DEP lacks sufficient licensed plumbers in-house”, they shall have a list of pre-qualified licensed plumbers. Presently the DEP has barely enough in-house personnel to perform their usual scope of duties. With the present economic climate that situation is not likely to improve; actually severe staff lay-offs are expected. A key-point is that any licensed plumber working under a City contract will now be forced to pay their field personnel at a prevailing rate of pay, thereby greatly increasing the cost of any and all work.

### Summary:

The intent of this legislation is to subsidize and/or provide relief to homeowners within the former Jamaica Water territory. The result will have little to do with the intent. The majority of funds will be spent on properties in Manhattan who rarely have a front property (area between the front of a building and the property line).

### Twelve Reasons to Say No To Intro. 62:

1. Higher cost of performing the work (estimated at hundreds of millions of dollars)
2. Higher cost of determining responsibility (estimated at hundreds of millions of dollars)
3. Higher cost of overseeing the work (estimated at hundreds of millions of dollars)
4. General liability claims (estimated at hundreds of millions of dollars)
5. Property damage claims (estimated at hundreds of millions of dollars)
6. Poorer service for property owners.
7. Large sums of money spent subsidized unintended recipients- Manhattan property owners.
8. An industry of 100's of locally employed workers being displaced.
9. Requirement of forming a new bureaucracy.
10. Millions of dollars in lost revenue to NYC generated from permit fees.
11. If NYC takes over responsibility for water services they likewise take over responsibility for existing lead water services. This responsibility includes inherent liabilities such as health related lawsuits (possibly a class action lawsuit) and mandatory replacement regardless if there is a leak or not.
12. Intro. 62 violates existing NYC DEP code.

### A Simple Solution:

Since complete all-inclusive water service replacements in the outer Boroughs have a median price of substantially less than \$3,000 (less than a boiler, less than ½ the cost of a roof), a source of lost cost financing or subsidized funding is the simple answer. A City take-over of this service will easily quadruple costs at a minimum. There is no need to reinvent the wheel, which would include a complete new City bureaucracy and bid-letting process.

## About The Sub Surface Plumbers Association

The Sub Surface Plumbers Association consists of licensed plumbing firms specializing in the performance of sewer and water main replacements, repairs, upgrades, and all other associated underground plumbing work.

The S.P.A keeps its Membership up to date on all current and pending government rules, codes and legislation. In addition the S.P.A. provides a forum to keep abreast of new industry developments such installation methods and job-site safety issues.



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The Master Plumber's Council would like to recognize our affiliate members who continue to support the Council and the plumbing industry. Thank You!

### Plumbing Supply

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## GOT WORK? NEED AN LAA PERMIT? IT'S MAY; DO YOU KNOW WHERE YOUR LAA WORK PERMIT IS?

If you submitted an LAA application less than four months ago, it is probably sitting on a desk in the LAA unit waiting to be reviewed. Yes, that is right: it is taking in excess of four months to have some LAA work applications processed. While some emergency work permits are being approved within days of submission, other applications for time sensitive repairs to non-gas related plumbing and fire suppression systems, and work required to clear up ECB Violations, linger for months.

Do you have planned work such as a new RPZ installation or a bathroom build out? Well, plan to wait for your permit and hope your customer does not decide to go elsewhere-- to someone who is willing to break the law and start the work without a permit.

These processing delays are prohibiting legitimate contractors from being able to start work in a timely fashion and employ more New Yorkers in the plumbing and fire suppression trades. They are also tying up the ECB courts, as owners must return month after month to explain that the corrective work could not be done because their licensed contractor could not get a work permit from the DOB.

What is the problem? The LAA Division is comprised of personnel who are dedicated, hard working and competent at their jobs. They make every effort to accommodate the licensed professional whenever possible. In spite of their efforts this problem still exists. Could it be the process, could it be the application form is too complicated, or could it be other procedural issues they are mandated to follow that slow things down?

Bottom line is something is broken and the DOB needs to fix it immediately. The MPC, along with other industry trade associations, are scheduled to meet with DOB personnel to develop a solution to this intolerable problem.

What can you do? You can sit in your office and stare at your computer waiting for your permit to appear on BIS, or you can get active and write a letter to your elected officials informing them this situation is hurting their constituents and needs to be corrected immediately.

Better yet, if you are not a member of a trade association such as the MPC, you should join today. Support the association that promotes the industry that provides your livelihood--before it's too late.



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**Monday, July 12, 2010  
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516-487-0831 or via email at  
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**Registration info to follow in the  
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