

Council, IFGC, unless another edition is specifically stated, together with the following amendments:

(a) through (6) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-203, 50-60-303, MCA

REASON: The department is amending (1) to reflect the adoption of the 2012 edition of the International Fuel Gas Code.

24.301.301 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING CODE (1) The department adopts and incorporates by reference the Uniform Plumbing Code, ~~2009~~ 2012 edition, unless another edition is specifically stated, together with the following appendix chapters and amendments:

(a) through (c) remain the same.

(d) Subsection ~~103.1.3~~ 103.1.2, is amended with the addition of the following language: The requirements for who must be licensed to perform plumbing work is regulated by Title 37, chapter 69, MCA.

(e) Subsections ~~102.3, 102.4, 102.5,~~ 103.1, 103.2, 103.3, 103.4, 103.5, and 103.6 will be left as is for use by local governments (i.e., municipalities and counties), but will not be used by the department and the state of Montana. For the purposes of enforcement by the department, these subsections are replaced with provisions of Title 50, chapter 60, part 5, MCA.

(i) through (iv) remain the same.

(f) Delete Table No. ~~1.4~~ 103.4 - PLUMBING PERMIT FEES and replace with the following schedule:

(i) for issuing each permit	\$30*
(ii) (i) for each plumbing fixture	\$10
(iii) (ii) water service - domestic or commercial	40 20
(iv) (iii) for each building sewer and each trailer park sewer	45 20
(v) (iv) storm drains and storm drainage	40 20
(vi) (v) for each water heater (<u>replacement or new</u>)	40 25
(vii) (vi) for each industrial water pretreatment interceptor, including its tray and vent, excepting kitchen type grease interceptors functioning as fixture traps	40 30
(viii) (vii) for installation, alteration, or repair of water piping and/or water treatment equipment	40 30
(ix) (viii) for repair or alteration of drainage or vent piping	40 30
(x) (xi) for each lawn sprinkler system and fire protection system or any one meter, including backflow protection devices therefore	40 30
(xi) (x) for <u>each hose bibb, vacuum breakers, or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping</u>	6 each
(A) one to four each	7
(B) five or more, each	2

(xii) (xi) requested plumbing inspection fee (provided that such service is not in excess of one hour in duration, and then \$ 25 <u>35</u> for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will <u>may</u> be charged as per the state of Montana's existing rate for these items)	65 <u>75</u>
(xiii) (xii) reinspection (provided the \$30 does not exceed the original permit fee, in which case the original fee will be charged)	30 <u>45</u>
(xiv) (xiii) for each medical gas <u>type/piping system as follows:</u> serving one to five inlet(s)/outlet(s) for a specific gas	75
(A) <u>oxygen piping</u>	<u>100</u>
(B) <u>nitrogen piping</u>	<u>100</u>
(C) <u>medical compressed air piping</u>	<u>100</u>
(D) <u>nitrous oxide piping</u>	<u>100</u>
(E) <u>carbon dioxide piping</u>	<u>100</u>
(F) <u>medical vacuum piping</u>	<u>100</u>
(G) <u>any other medical gas piping not included above in (A) through (F)</u>	<u>100</u>
(H) <u>if total outlets for all gases/vacuum piping exceed 20 outlets, then there is an additional fee for each outlet over 20</u>	<u>10</u>
(xv) for each additional medical gas piping inlet(s)/outlet(s)	10
(xvi) (xiv) for each gray water system (commercial or residential) * except for replacement of water heaters.	75 <u>60</u>
(g) remains the same.	
(h) Table 4-4 422.1 , Minimum Plumbing Facilities, is deleted and replaced with ARM 24.301.351, Minimum Required Plumbing Fixtures.	
(i) Subsection 508.14 <u>507.13</u> , paragraph one is amended to read as follows: "Gas utilization equipment, or any equipment that generates a glow, spark, or flame, in residential garages and in adjacent spaces that open to the garage and are not part of the living space for a dwelling unit shall be installed so that all burners, burner-ignition devices, and heating elements are located not less than 18 inches (450 mm) above the floor unless listed as flammable vapor ignition resistant."	
(j) Delete Subsection 603.3-3 <u>603.4.2</u> .	
(k) Subsection 603-4 <u>603.2</u> , Approval of Devices or Assemblies, is amended to read as follows: "Before any device or assembly is installed for the prevention of backflow, it shall have first been approved by the authority having jurisdiction. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the authority having jurisdiction, so long as those standards are consistent with the intent of this code. All devices or assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices or assemblies. If found to be defective or inoperative, the device or assembly shall be repaired or replaced. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the authority having jurisdiction."	
(l) Subsection 603.4.10 <u>603.5.10</u> , is amended with the addition of the following language: "Boiler feed lines, in single-family dwellings on their own private	

well, may be protected with a dual check valve with intermediate atmospheric vent when a nontoxic transfer fluid is utilized in the boiler."

(m) Subsection 603.5.12, Beverage Dispensers, delete the first sentence and replace with: "Potable water supply to carbonated beverage dispensers or coffee machines that may produce back pressure shall be protected by an air gap or a vented backflow preventer in accordance with ASSE 1022."

~~(m)~~ (n) Subsection ~~604.1~~ 604.0, Materials, is amended to read as follows:

(i) through (iv) remain the same.

(v) Table ~~6-4~~ 604.1 is amended to add the following: "PB is allowed for hot and cold water distribution."

(n) remains the same, but is renumbered (o).

(p) Subsection 605.13.2, Solvent Cement Joints, delete the third sentence and replace with the following: "Where surfaces to be joined are cleaned and free of dirt, moisture, oil, and other foreign material, apply approved primer in accordance with ASTM F 656."

~~(e)~~ (q) Subsection 701.1 is amended to read as follows: "Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, Schedule 40 ABS DWV, Schedule 40 ABS DWV cellular core, Schedule 40 PVC DWV, Schedule 40 PVC DWV cellular core, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

"(1) Galvanized wrought iron or galvanized steel pipe shall not be used underground, and it shall be kept at least six inches (152 mm) above ground.

"(2) ABS and PVC DWV piping installations must be installed in accordance with IS 5, IS 9 and Chapter 15, "Firestop Protection for DWV and Stormwater Application." Except for individual single-family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke-developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (See the building code standards based on ASTM E-84 and ANSI/UL 723).

"(3) Vitrified clay pipe and fittings shall not be used above ground or where pressurized by a pump or ejector. They shall be kept at least 12 inches (305 mm) below ground.

"(4) Copper tube for drainage and vent piping shall have a weight not less than that of copper drainage tube type DWV."

~~(p)~~ (r) Subsection 610.8, ~~second paragraph last sentence~~, is amended to read as follows: No building supply pipe shall be less than 3/4 inch (19.1 mm) in inside diameter.

~~(e)~~ (s) Subsection ~~701.1.4~~ 701.1 (4), is amended with the addition of the following language: Copper tube for underground drainage and vent piping shall have a weight of not less than that of copper tube type L.

(r) remains the same, but is renumbered (t).

(u) Subsection 705.7.2, Solvent Cement Joints, delete the third sentence and replace with the following: "Where surfaces to be joined are cleaned and free of dirt, moisture, oil, and other foreign material, apply approved primer in accordance with ASTM F 656."

(s) remains the same, but is renumbered (v).

(t) ~~(w)~~ Section ~~708.0, Grade of Horizontal Drainage Piping~~ 708.1, is amended to read as follows: Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than 1/4 of an inch per foot or 2 percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of 1/4 of an inch per foot or 2 percent, any such pipe or piping 2 inches or larger in diameter may have a slope of not less than 1/8 of an inch per foot or 1 percent.

(u) and (v) remain the same, but are renumbered (x) and (y).

(z) Subsection 897.4, Domestic Dishwashing Machine, add exception as follows: "Exception #1: An approved type of indirect waste receptor may be used to receive discharge from domestic dishwashing machines."

(w) remains the same, but is renumbered (aa).

~~(x)~~ (ab) Subsection 906.1, is amended to read as follows: Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less ~~that~~ than 12 inches above the roof nor less than ~~4~~ one foot from any vertical surface.

(y) through (ad) remain the same, but are renumbered (ac) through (ah).

~~(ae)~~ (ai) Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems, is deleted except for subsections 1303.0, 1304.0, 1305.0, 1306.0, 1307.0, and 1308.0. In lieu of Chapter 13, except for the subsections not deleted, the Department of Labor and Industry adopts and incorporates by reference the National Fire Protection Association's Standard NFPA 99G, Gas and Vacuum Systems, 2005 2012 edition, referred to as NFPA 99G Chapters 1 through 5 for the exclusive use as a standard for medical gas and vacuum systems, unless a different edition date is specifically stated, as the standard for the installation of medical gas and vacuum systems. The requirements of this rule shall not be construed as to replace or supersede any additional requirements for testing and certification of medical gas and vacuum systems, including independent third party certification of systems, as may be applicable. NFPA 99G is a nationally recognized standard setting forth minimum standards and requirements for medical gas and vacuum systems. A copy of NFPA 99G may be obtained from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

(2) remains the same.

AUTH: 50-60-203, 50-60-504, 50-60-508, MCA

IMP: 50-60-201, 50-60-203, 50-60-504, 50-60-508, MCA

REASON: The department is amending (1) to reflect the adoption of the 2012 edition of the Uniform Plumbing Code (UPC). Sections (1)(d), (e), and (f) are modified to reflect formatting changes in relevant sections and subsections of the UPC.

The department is also amending (1)(f) to adjust fees and ensure they are commensurate with associated costs. The fee increases are necessary because costs have continued to rise including fuel, labor burden, and other costs associated with inspection labor and expenses. The department is decreasing fees due to inefficiencies in online permitting and some aspects of office operations. The

department anticipates a net decrease in annual revenue of approximately \$18,800 and approximately 2,485 persons affected by the fee adjustments.

The department is eliminating (1)(f)(i) because advances in technology and efficiencies have negated the need for an issuance fee. To address confusion among medical gas installers, the department is amending (1)(f)(xiii) to more clearly set forth these fees. The fee formerly at (1)(f)(xv) is also incorporated into the new fee arrangement in (1)(f)(xiii).

The department is amending (1)(f)(x) because these are the top fee items that require voiding or reworking as they are often done incorrectly. It is also reasonably necessary to rework and simplify this fee because the department no longer has the ability to void these fees.

It is reasonably necessary to amend (1)(h) through (l) to reflect formatting changes in the 2012 edition of the UPC.

The department is adding (1)(m) to provide additional health and safety measures for beverage dispensers as embraced by the Building Codes Advisory Council.

Section (1)(n) is being amended to reflect formatting changes in the 2012 edition of the UPC.

It is reasonably necessary to add (1)(p) to reflect changes in industry installation methods as embraced by the Building Codes Advisory Council.

The department is amending subsection (2) of (1)(q) to reflect changes in the 2012 edition of the UPC.

The department is amending (1)(r) to reflect changes in formatting.

It is reasonably necessary to add (1)(u) to reflect industry changes in the 2012 edition of the UPC.

Section (1)(w) is being amended to reflect changes in formatting.

The department is adding (1)(z) to offer an exception that provides the industry an additional installation method as embraced by the Building Codes Advisory Council.

It is reasonably necessary to amend (1)(ai) to align with changes in formatting and reflect adjustments to the 2012 edition of the National Fire Protection Association's Standard NFPA, which is no longer referred to as NFPA 99C.

24.301.361 PLUMBING PERMITS (1) and (2) remain the same.

(3) The exception to the plumbing permit requirement listed in 50-60-506(4), MCA, for the owner of residential property applies to the owner of a single-family dwelling who does the work on the plumbing installation in the dwelling in which ~~he~~ they will reside. The "homeowner exemption" applies to those dwellings intended for the owner's personal use and not for dwellings built on speculation of resale or intended as rental property.

(4) The exception to permit requirements listed in 50-60-506(5), MCA, for regularly employed maintenance personnel doing maintenance work on the business premises applies to personnel on the regular payroll rather than personnel under contract. Maintenance work includes the stopping of leaks in drains, soil, waste, or vent pipe, clearing of stoppages, and repairing of leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(5) The applicant shall complete the plumbing application form and designate in the spaces provided the items to be covered by the plumbing permit. ~~The applicant shall sign and return the application to the department along with the check or money order in the full amount of the permit fee.~~

(6) and (7) remain the same.

AUTH: 50-60-203, 50-60-501, 50-60-504, MCA

IMP: 50-60-201, 50-60-504, 50-60-505, 50-60-506, 50-60-507, 50-60-508,
MCA

REASON: The department is amending (5) to eliminate unnecessary requirements and facilitate the online application process.

24.301.371 PLUMBING INSPECTIONS (1) and (2) remain the same.

(3) Upon completion of the final inspection and approval of the plumbing work, the department shall, if requested, issue the permit holder a certificate of compliance.

(4) remains the same.

AUTH: 50-60-203, 50-60-504, MCA

IMP: 50-60-510, 50-60-511, MCA

REASON: It is reasonably necessary to amend (3) to clarify that a certificate of compliance is only issued after a final inspection.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to dlibsdbcb@mt.gov, and must be received no later than 5:00 p.m., August 22, 2014.

6. An electronic copy of this notice of public hearing is available at www.buildingcodes.mt.gov (program's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the

person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written requests may be sent or delivered to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2050; e-mailed to dlibsdbcb@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.301.109, 24.301.131, 24.301.138, 24.301.139, 24.301.142, 24.301.146, 24.301.154, 24.301.161, 24.301.171, 24.301.172, 24.301.173, 24.301.301, 24.301.361, and 24.301.371 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to dlibsdbcb@mt.gov.

10. Colleen White, attorney, has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 14, 2014