

DEPARTMENT OF HEALTH, DIVISION OF PROTECTIVE HEALTH CODES

SUBJECT: 2018 Arkansas Plumbing Code

DESCRIPTION: In addition to the many engineering and quality standards updates and the new materials that have been added, below is a list of the most prevalent changes from the 2006 Plumbing Code to the 2018 Plumbing Code Draft.

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421.5.2 Shower linings: The addition of sheet applied and liquid trowel applied shower lining materials.

427.1 Hand-wash sinks in Examination Rooms: Hand wash sinks required in medical examination rooms.

601.5 Rehabilitation of piping systems: This is a new code provision approving epoxy lining systems meeting the specified standards, for pressure water piping rehabilitation.

603.2 Separation of water service and building sewer: This code segment has been revised to allow water service and building sewer to be installed in the same ditch where building sewer is constructed of materials listed in Table 702.2.

SECTION 715 VACUUM DRAINAGE SYSTEMS: This is a new code section approving Vacuum drainage systems.

SECTION 716 REPLACEMENT OF UNDERGROUND SEWERS BY PIPE-BURSTING METHODS: This is a new code section approving an alternate method of sewer pipe replacement.

903.5 Location of vent terminal: In this segment, “3” replaces “2” as the minimum size primary vent.

PUBLIC COMMENT: A public hearing was held on this rule on November 18, 2020. The public comment period expired November 18, 2020. The agency indicated that it received no public comments.

Lacey Johnson, an attorney with the Bureau of Legislative Research, asked the following question and received the following response:

Q. Where do the new definitions of “minor repairs” and “tepid water” come from?

RESPONSE: The [“minor repairs”] definition originates in the Arkansas Plumbing Law § 17-38-302 (3), repairs exempt from licensing, “Minor repairs consisting of repairing minor working parts of plumbing, fixtures, or the removal of stoppages.” This updates the definition from the 2006 Code.

The [“tepid water”] definition comes from the American National Standards Institute / International Safety Equipment Association (ANSI / ISEA Z358.1/2014) which is referenced in *Section 411 Emergency Showers and Eyewash Stations* of the *International Plumbing Code*, but not specifically defined.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicated that this rule does not have a financial impact.

LEGAL AUTHORIZATION: The State Board of Health has oversight over the safety and sanitation of “the construction, installation, and maintenance of plumbing in connection with all buildings in this state,” as well as general supervisory authority over “all plumbing[.]” Ark. Code Ann. § 17-38-201(a)(1), (2)(A). The Board of Health “shall prescribe and publish and enforce minimum reasonable standards that shall be uniform as far as practicable.” Ark. Code Ann. § 17-38-201(a)(2)(A).

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Arkansas Department of Health
DIVISION Protective Health Codes, Plumbing and Natural Gas
DIVISION DIRECTOR Ric Mayhan, Environmental Health Manager
CONTACT PERSON Laura Shue, General Counsel
ADDRESS ADH, 4815 West Markham, LR
PHONE NO. 501-661-2647 FAX NO. _____ E-MAIL ric.mayhan@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Ric Mayhan, Laura Shue
PRESENTER E-MAIL Ric Mayhan, Laura.Shue@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

- 1. What is the short title of this rule? Arkansas Plumbing Code
- 2. What is the subject of the proposed rule? ADH Rules for Plumbing
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes _____ No X
If yes, please provide the federal rule, regulation, and/or statute citation. _____
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes _____ No X
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes _____ No X If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. 17-38-201 et seq.

7. What is the purpose of this proposed rule? Why is it necessary? Updates outdated plumbing code to 2018 version.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules>

9. Will a public hearing be held on this proposed rule? Yes X No _____
If yes, please complete the following:

Date: November 18, 2020

Time: 8:30 a.m. to 10:00 a.m.

Place: Auditorium at 4815 West Markham in Little Rock, Arkansas

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
10:00 a.m. on November 18, 2020

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
May 2021

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. to be provided upon filing

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). _____ will be attached _____

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. Proponents, no known opponents.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Health
DIVISION Protective Health Codes, Plumbing and Natural Gas
PERSON COMPLETING THIS STATEMENT Laura Shue, General Counsel
TELEPHONE NO. 501-661-2297 **FAX NO.** _____ **EMAIL:** laura.shue@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE ADH Rules Plumbing Code

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No x

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes x No _____

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes x No _____

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

 - (b) The reason for adoption of the more costly rule;

 - (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

 - (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
5. If the purpose of this rule is to implement a federal rule or regulation, please state the following:
- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No _____

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

2018 ARKANSAS PLUMBING CODE DRAFT

GENERAL SUMMARY

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