

August 29, 2012

Phil Ribbs
PHR Consultants
206 Cypress Park
Santa Cruz, CA 95060

Re: IAPMO Standards Council Decision
TIA UPC-001-12

Decision Date: August 23, 2012**

2012 Uniform Plumbing Code - Sections 204.0, 206.0, 224.0, 908.2, 908.2.1, 908.2.1.1, 908.2.1.2, 908.2.1.3, 908.2.1.4, and 908.2.1.5.

Dear Mr. Ribbs:

I am transmitting to you herewith the following decision of the Standards Council.

At its teleconference meeting on August 23, 2012, the Standards Council considered your request for the issuance of proposed TIA UPC-001-12 in the 2012 edition of the *Uniform Plumbing Code*. The proposed Tentative Interim Amendment requested revisions and/or new language to Sections 204.0, 206.0, 224.0, 908.2, 908.2.1, 908.2.1.1, 908.2.1.2, 908.2.1.3, 908.2.1.4, and 908.2.1.5 as follows:

204.0

Bathroom Group. ~~A group of fixtures consisting of a~~ Any combination of fixtures, not to exceed one water closet, ~~one or two~~ lavatories, ~~and either a~~ one bathtub, ~~a or one~~ combination bath/shower, ~~or~~ and a one shower, and may include a ~~urinal or~~ bidet and an emergency floor drain.

Bathroom. A room equipped with a shower, bathtub, or combination bath/shower.

206.0

Dry Vent. A vent that does not receive the discharge of any sewage or waste.

224.0

Vent. See Plumbing Vent; Dry Vent; Wet Vent.

908.2 Horizontal Wet Venting for a Bathroom Groups.

908.2.1 Where Permitted. A bathroom group located on the same floor level shall be permitted to be vented by a horizontal wet vent where all of the conditions of Section 908.2.1.1 through Section 908.2.1.5 are met. ~~Water closets, bathtubs, showers and floor drains within one or two bathroom groups located on the same floor level and for private use shall be permitted to be vented by a wet vent. The wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent along the direction of the flow in the drain pipe to the most downstream fixture drain or trap arm connection to the horizontal branch drain. Each wet vented fixture drain or trap arm shall connect independently to the wet vented horizontal branch drain. Each individual fixture drain or trap arm shall connect horizontally to the wet vented horizontal branch drain or shall be provided with a dry vent.~~

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~~The trap to vent distance shall be in accordance with Table 1002.2. Only the fixtures within the bathroom groups shall connect to the wet vented horizontal branch drain. The water closet fixture drain or trap arm connection to the wet vent shall be downstream of the fixture drain or trap arm connections. Additional fixtures shall discharge downstream of the wet vent system and be conventionally vented.~~

908.2.1.1 Vent Connection. The dry vent connection to the wet vent shall be an individual vent ~~or common vent for the lavatory, urinal, for the bidet, shower, or bathtub.~~ One or two vented lavatory(s) shall be permitted to serve as a wet vent for a bathroom group. Only one wet-vented fixture drain or trap arm shall discharge upstream of the dry-vented fixture drain connection. All dry vent connections to the horizontal wet vent shall be in accordance with Section 905.2 and Section 905.3.

908.2.1.2 Size. The wet vent shall be sized based on the fixture unit discharge into the wet vent. The wet vent shall be not less than 2 inches (50 mm) in diameter for 4 drainage fixture units (dfu) or less, and not less than 3 inches (80 mm) in diameter for 5 dfu or more. The dry vent shall be sized in accordance with Table 702.1 and Table 703.2 based on the total fixtures units discharging into the wet vent.

908.2.1.3 Trap Arm. The length of the trap arm shall not exceed the limits in Table 1002.2. The trap size shall be in accordance with Section 1003.3. The vent pipe opening from the horizontal wet vent, except for water closets and similar fixtures, shall not be below the weir of the trap.

908.2.1.4 Water Closet. The water closet fixture drain or trap arm connection to the wet vent shall be downstream of all fixture drain or trap arm connections to the horizontal wet vent.

908.2.1.5 Additional Fixtures. Additional fixtures shall discharge downstream of the wet vent system and be conventionally vented. Only the fixtures within the bathroom group shall connect to the wet-vented horizontal branch.

The proposed TIA was balloted through the Plumbing Technical Committee in accordance with the Regulations Governing Committee Projects, Section 5, to determine if there existed the necessary three-fourths majority support on technical merit and emergency nature to establish the recommendation for issuance. Although the ballot achieved the three-fourths majority support on technical merit, it fell short of the required vote for emergency nature.

When considering an application for a TIA, the Standards Council accords great respect and deference to the IAPMO codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process only where a clear and substantial basis for doing so is demonstrated. The Council finds no basis for overturning the recommendation of the Plumbing Technical Committee that the TIA has technical merit. Therefore, it only remains for the Council to determine whether the TIA involves an issue of an emergency nature.

Upon a full review and consideration of all of the information available to it, including testimony of Appellant, the Council finds that the TIA involves an issue of an emergency nature. Accordingly, the Council concludes that a clear and substantial basis exists to amend Sections 204.0, 206.0, 224.0, 908.2, 908.2.1, 908.2.1.1, 908.2.1.2, 908.2.1.3, 908.2.1.4, and 908.2.1.5 of the 2012 edition of the Uniform Plumbing Code – as noted above – so as to clarify the meaning, application and enforcement of the intent of the current code language regarding horizontal wet venting. The Council takes this action based, in part, on the written materials reviewed and testimony presented to it; the evidence presented causes the Council to conclude that the issuance of the TIA will reduce the potential for there to be confusion and misinterpretation of the existing language.

Thus, the Council issued TIA UPC-001-12 and directs that the above amendments be noted as a TIA in the 2012 edition of the UPC. The Council approved of a similar TIA to the 2009 edition of the UPC, as noted in the decision on TIA UPC-011-09. Please note that Council member Rex Crawford recused himself from the deliberations and voting on the issue.

Sincerely,



Gabriella Davis
Secretary, Standards Council

CC: Neil Bogatz, General Counsel
Lynne Simnick, Director of Code Development
Matt Sigler, Plumbing TC Staff Liaison
IAPMO Standards Council
Members of the Plumbing TC
Members of the Horizontal Wet Venting Task Group

****NOTE:** Participants in IAPMO's codes and standards making process are advised that limited review of this decision may be sought from the IAPMO Board of Directors. For the rules describing the available review and the method for petitioning the Board of Directors for review, please consult Section 1-7 of the *IAPMO Regulations Governing Committee Projects* and the *IAPMO Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council*. **Notice of the intent to file such a petition must be submitted to the Secretary of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter. As the Labor Day Holiday falls during this period, the deadline has been extended to September 10, 2012.** As this document is an American National Standard (ANS), any persons who have directly and materially affected interests by this decision have the right to appeal to ANSI in accordance with ANSI procedures.

IAPMO Regulations Governing Committee Projects
Section 1-7

1-7 Petitions to the Board of Directors.

1-7.1 General. The Standards Council has been delegated the responsibility for the administration of the codes and standards development process and the issuance of Documents. However, where extraordinary circumstances requiring the intervention of the Board of Directors exist, the Board of Directors may take any action necessary to fulfill its obligations to preserve the integrity of the standards development process. Anyone seeking such intervention of the Board of Directors may petition the Board of Directors concerning Standards Council action on any matters. Such petitions shall be filed and processed in accordance with the Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council.

1-7.2 Notice of Intent to File the Petition. Anyone wishing to petition the Board of Directors concerning a Standards Council action related to the issuance of a document, shall file a Notice of Intent to File a Petition within 15 days following the Standards Council action. A Standards Council action related to the issuance of a document includes any action of the Council that issues or returns a Document or that affects the text of a Document. Petitions concerning other Standards Council actions shall be filed within a reasonable period of time.

1-7.3 Effect of Filing. The filing of a Petition will not serve to stay the effective date of a Document or a Tentative Interim Amendment unless the Executive Director of the Association or the Board of Directors acts, pursuant to 4-7.2 or 5-6, to delay the effective date. Any Petition pending at the time a Document or Tentative Interim Amendment becomes effective will be treated as a Petition to withdraw the Document or Tentative Interim Amendment.

1-8 Use of Visual Aids and Demonstrations Before the Standards Council or Board of Directors. The policy for the use of visual aids and physical demonstrations to the Standards Council and Board of Directors shall be the same as that required for TCCs, TCs, and Task Groups, in accordance with 3-3.3.3(e) and 3-3.3.3(f).

Regulations Governing Petitions to the Board of Directors
from Decisions of the Standards Council

ADOPTED BY THE IAPMO BOARD OF DIRECTORS SEPTEMBER 4, 2000. Amended in January 2007.

Section 1 Scope of and Authority for these Regulations.

(a) These regulations have been issued by the Board of Directors pursuant to its authority under Article 5, 6 and 8 of the IAPMO Bylaws.

(b) These regulations set forth the procedures to be used for the filing and processing of all petitions to the Board of Directors filed pursuant to 1-7 of the Regulations Governing Committee Projects.

(c) The Board of Directors can amend these regulations from time to time and waive or supplement, in whole or in part, at any time or times at its discretion.

(d) For the purposes of these regulations, the Standards Council Secretary, or such other person as the Chair of the Board of Directors may appoint, shall act as a petitions clerk.

Section 2 Subcommittees of the Board of Directors. Unless the Board of Directors otherwise orders, the authority to consider and make recommendations on the disposition of a petition by the Board of Directors shall be delegated to a subcommittee of the Board of Directors, which shall be appointed, in accordance with 2.1 of these regulations. Subcommittees shall be appointed by the Chair of the Board of Directors.

2.1 Composition of Subcommittees. Subcommittees shall consist of three or more members of the Board of Directors. The criteria for selection and appointment of subcommittee members shall be as follows:

(a) A subcommittee member shall be a person who can decide the petition on the merits in an impartial manner.

(b) A subcommittee member shall not have any conflict of interest. (A conflict of interest is defined as any situation in which a decision on a petition could substantially and materially affect the member's financial or business interest.)

(c) Each subcommittee member shall, to the extent practicable, represent diverse interests within the association.

In making a decision of whether or not to serve on a subcommittee, the member may consult with the IAPMO general counsel.

Section 3 The Scope of Review. The petitioner shall generally confine the argument in the petition to matters that were presented below and shall not raise any new matters that could have but were not presented within the standards development process. A petition to the Board of Directors shall not be regarded as simply another opportunity to reargue a position that was rejected by the Standards Council. In considering a petition, the subcommittee shall give due deference to the judgment of the Standards Council and shall not intervene unless it can be demonstrated that extraordinary circumstances exist requiring the Board of Director's intervention to protect the integrity of the standards development process.

Section 4 The Record. In its consideration of the petition, the subcommittee shall have before it the entire record that was before the Standards Council, as well as all proceedings and decisions of the Standards Council on the issue. In addition, the subcommittee may consult any other records of the association that it deems pertinent to the issue, and the subcommittee may seek technical assistance from staff, the technical committee, or any other source or persons that it deems appropriate.

Section 5 Notice of Intent to File the Petition. Anyone wishing to petition the Board of Directors concerning a Standards Council action related to the issuance of a document, shall file a Notice of Intent to File a Petition within 15 days following the Standards Council action. A Standards Council action related to the issuance of a document includes any action of the Council that issues or returns a document or that affects the text of a document. Petitions concerning other Standards Council actions shall be filed within a reasonable period of time.

Section 6 Filing and Contents of the Petition.

(a) Within 15 days following the receipt of the notice of intent to file, or within such other time as the petitions clerk may allow, the petitioner shall file the petition together with 20 copies. The petition shall be no more than 10 pages in length and shall contain, in separately denominated sections, the following:

- (1) Name, affiliation, and address of the petitioner;
- (2) Statement identifying the particular Standards Council action to which the petition relates;
- (3) Argument setting forth the grounds for the petition and, in particular, addressing why there exist extraordinary circumstances requiring the intervention of the Board of Directors (see the preceding Section 3 and 1-7 of the Regulations Governing Committee Projects); and
- (4) Statement of the precise relief requested.

(b) Any part of the record related to the standards development process that is referenced or discussed in the petition should be clearly cited in the petition using available markings such as the title, author, date, and page of the record. Since the full record will be available to the subcommittee during its review, attachments and appendices shall not accompany the petition, unless express permission has been obtained from the petitions clerk.

Section 7 Consideration of the Petition.

7-1 Initial Review. The petitions clerk may, at his or her discretion, arrange for initial review of the petition by meeting, correspondence, or telephone conference. If upon such initial review of the petition and any relevant portions of the record, the subcommittee determines that the petition has no merit, it may dismiss the petition.

7-2 Full Review. If initial review is not conducted, or, if upon such review, the subcommittee determines that further review is warranted, it shall afford the opportunity for responses to be filed by interested parties. Responses, together with 20 copies, shall be filed within 15 days or within such other time as the petitions clerk may allow.

(a) Responses shall be no more than 10 pages in length and shall contain, in separately denominated sections, the following:

- (1) Name, affiliation, and address of the respondent;
- (2) Statement identifying the petition to which the response relates and stating whether the respondent supports or opposes the petition; and
- (3) Argument setting forth the grounds for opposing or supporting the petition and, in particular, addressing why there does or does not exist extraordinary circumstances requiring the intervention of the Board of Directors (see the preceding Section 3 and 1-7 of the Regulations Governing Committee Projects).

(b) Any part of the record related to the standards development process that is referenced or discussed in a response should be clearly cited in the response using available markings such as the title, author,

date, and page of the record. Since the full record will be available to the subcommittee during its review, attachments and appendices shall not accompany the response, unless express permission has been obtained from the petitions clerk.

(c) So as to avoid unnecessary repetition and duplication of effort, parties are encouraged to file joint responses where possible and appropriate.

(d) Unless a hearing has been requested and granted by the subcommittee (see Section 8), the subcommittee shall, either by meeting or telephone conference, review and render a decision on the petition based on the written submissions of the parties and the record before it.

Section 8 Requests for Hearings. If the petitioner requests a hearing on the petition and that hearing is granted, the petitioner shall be assessed a filing fee of \$2,500 to be posted following the granting of the request. This fee may be reduced or waived by the Executive Director upon application of the petitioner if good cause for reducing or waiving the fee is presented. If a hearing is granted, the Procedures for Hearings shall be followed.

Section 9 Waiver of Regulations. Any of the deadlines or requirements set forth in these regulations may be waived by the subcommittee upon application of the petitioner or any other party for good cause shown, or in the discretion of the subcommittee.

Section 10 Subcommittee Report to the Board of Directors. The subcommittee shall file with the Board of Directors a written report concerning each petition that it has determined.