



PIPECASTER

**PLUMBING
FOUNDATION
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NYC City Council: Season of Hearings

Citizens Air Complaint Program Oversight Hearing

On September 18, 2024, following a rally hosted by the Trucking Association of New York (TANY), in which the Plumbing Foundation participated, which highlighted concerns with the Citizens Air Complaint Program, the NYC Council Committee on Environmental Protection, Resiliency and Waterfronts held a hearing on several pieces of legislation related to the program, including a bill proposing to increase idling fines. The Citizens Air Complaint Program is an anti-idling program whereby private citizens record and submit video complaints of idling vehicles to the NYC Department of Environmental Protection (DEP) in order to receive a percentage of the fines recovered by the city.

The room was packed as the hearing started with an introduction by Chairman Jim Gennaro, who explained the importance of idling laws while recognizing the flaws with the existing program, putting forth a piece of legislation that seeks to reform the program, Int. 941. The Plumbing Foundation supported the legislation with amendments, as explained in more detail below. The bill on the agenda seeking to increase idling fines, Int. 291, was also emphasized by Sponsor and Council Member Julie Menin. However, the Plumbing Foundation opposed any increase in fines until the program is reformed to ensure a fair process.



The first testimony was presented by NYC DEP Commissioner Rohit Aggarwala which was a mix of true statements like regarding the unfortunate behavior of citizens engaged in the program and how there should be a flat fee for recovery, shocking statements like the fact these tickets are not even being issued in the environmental justice communities and that the 2019 to 2024 increase in

NYC City Council: Season of Hearings, continued

complaints went from 9,000 (2019) to 80,000 (2023) to an expected 120,000 by the end of 2024, and outlandish statements like increasing fines up to even \$10,000 to incentivize companies to electrify their fleets and/or install anti-idling technology on their vehicles, which can cost, per the Commissioner, \$5,000–\$11,000 per vehicle. How a small business could make such an investment in its fleet when constantly hit with fines and red tape across the City was not thoroughly addressed. When the Commissioner was asked what the percentage of complaints submitted were deemed fraudulent, he shied away from the data and merely said it is low. There was not much hard data shared on the impact on the number of idling vehicles since the program's inception, either.

Several organizations and individuals testified on both sides of the issue, with some—but few—citizens focused on the actual health-related impact and many focused on the opposition to a flat or decreased fee and the inconvenience of having a 5-day timeframe to

submit complaints (per proposed Int. 941). None seemed to address the due process concerns from the other side.

In support of reforming the program, alongside the Plumbing Foundation, was TANY, the NY Metropolitan Trucking Association, New York State Energy Coalition, Inc., the Mechanical Contractors Association of New York, Subcontractors Trade Association, and many others who cited similar problems with the program.

As mentioned, Chairman Gennaro introduced Int. 941



to reform the Citizens Air Complaint Program, such as by changing the time threshold to 3 minutes within a 60-minute period. We recommended consideration of the state's existing threshold (5 minutes) as well as vehicle type considerations as well. Executive Director April McIver highlighted that the time threshold set forth by the city seemed arbitrary and should be taken into consideration by the Council. Int. 941 also would allow the exception of 15 minutes in a 60-minute period to provide heating or air-conditioning to passengers on board a bus depending on the temperature. Executive Director McIver raised concerns that employers are obligated under the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) to protect workers from cold stress and heat-related illnesses. This type of situation should be considered by the Council in making reforms to the program as well. The bill also proposes reforms to cure deadlines and requires complaints to be filed within 5 days of the observation, as well as prohibits submission of false or misleading complaints. These are good first steps to reforming the program but more should be done to ensure the constitutional protection of due process is met and evidence is easily and immediately available to the respondent. As our contractors know, there are serious due process concerns, as was explained to the Council by Executive Director McIver. There have been extreme inconsistencies between the time an idling incident was observed, to when the complaint was submitted, to when the summons was issued, to when the court date was scheduled. There have also been ongoing concerns with the lack of access to evidence prior to a hearing date to ensure preparedness for a proper defense. Further, to cure behavior of drivers, it is hardly impactful if summonses are not received for 6, 9, or even 12 months after the date of the alleged idling incident.

Chairman Gennaro heard testimony for approximately four hours. Both sides expressed their concerns passionately, but we are optimistic that the legal and safety concerns expressed by those stakeholders like the Plumbing Foundation will be addressed in legislation. As was expressed in the hearing by Executive Director McIver, efforts to mitigate harmful emissions are important to our environment and health, but a citizen-run complaint program should not be exempt from the requirements for due process and in lieu of the safety of our members. We will continue to keep the industry apprised of our efforts.

Hearing on Gas Inspections & Plumbing Code Enhancements

Another critically important NYC Council Hearing will be held on October 16, 2024 by the Committee on Housing & Buildings. The Committee will be hearing Int. 429 which makes necessary changes to Local Law 152 of 2016, the periodic inspection of gas piping law, reinstates the Master Plumber and Master Fire Suppression License Board which was nixed in the 2022 Code, as well as proposes practical changes to the provisions on emergency work and ordinary plumbing work, and finally proposes to give the NYC Department of Buildings (DOB) more latitude on seizing vehicles & tools associated with unlicensed work.

The proposed changes to LL152 include clarifying and streamlining the process for owners to obtain certification of no gas piping or if their building has gas piping, certification it is not being supplied with gas; requiring that the inspection is conducted by an LMP or individual under the LMP that is a journeyman plumber registered with the DOB; clarifying that the scope of the inspection; replacing “imminently dangerous” with “immediately hazardous” conditions to ensure law aligns with industry training; and clarifying the provision on reporting and correction of unsafe or hazardous conditions to adopt industry training and terminology, e.g., use of “abnormal operating conditions” (AOC) and to distinguish between immediately hazardous and non-immediately hazardous AOCs.

The Plumbing Foundation plans to testify at the hearing alongside industry stakeholders in support of this legislation, in the interest of public health and safety.

Important NYC DOB Service Notices

Violations for 2023 Failure to File Annual Boiler Inspection Report and Failure to File Affirmation of Correction - The Department will issue violations in September 2024 for failure to file an annual inspection report in 2023 for high pressure and low-pressure boilers. Violations for failure to file an affirmation of correction for defects reported on high-pressure and low-pressure boiler inspection reports for 2023 will be issued in October 2024.

Visit: www.nyc.gov/assets/buildings/pdf/boilervios-sn.pdf

Extension of Expiration Date of Limited Gas Work Qualifications Issued before January 1, 2020 - All Limited Gas Work Qualifications issued before January 1, 2020, will expire on December 31, 2024, regardless of the issuance date. The Department of Buildings is extending the expiration date of Limited Gas Work Qualifications issued before January 1, 2020, to provide a full 5-year term to those who obtained the qualifications before the date they were required by Local Law 150 of 2016. The Limited Gas Work Qualifications cannot be renewed or reissued after expiration.

Visit: www.nyc.gov/assets/buildings/pdf/limited_gas_follow_up-sn.pdf

Gas Work Qualification Written Examination - Effective August 1, 2024, the Gas Work Qualification written exam will be administered as an open-book exam. The Examination Content Outline section of the Gas Work Candidate Information Bulletin will be provided in electronic format within the exam platform at the testing center. No reference materials will be permitted in the testing center.

Visit: www.nyc.gov/assets/buildings/pdf/gasworkexam-su.pdf

Stay Ahead of the Curve.

Carbon Reduction


NYC Local Law 97 Mandate

- NYC LOCAL LAW 97 ENACTED IN 2019
- EMISSIONS LIMITS BEGIN BY 2024
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- 80% REDUCTION BY 2050


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New Gas Operator Qualification Requirement for Task 87A

As we have notified the industry of, Con Ed requires OQ in Covered Task 34A (performing pressure test on a pipeline) as of May 10, 2024. Con Edison will require contractors testing gas service and gas meter piping to have Operator Qualification in CT87A (the plumbers' version of 34A) to certify these tests. The Gas Working Group, namely the Northeast Gas Association, has worked diligently to incorporate this task into Task 87 (maintenance/repairs of U.S. DOT jurisdictional gas piping), creating a new Task 87A. As a reminder, in the meantime if you have a current job requiring Task 34A, a Con Ed person will need to witness the pressure test. Please do not contact Con Ed to obtain this OQ.

For further explanation, please see the Pipecaster insert "87A Pressure Testing Component Flow Chart."

Recent NYC DOB Disciplinary Actions

The NYC Department of Buildings (DOB) recently posted two disciplinary actions against Licensed Master Plumbers from June 2024, both stipulations for which included, among other violations, actions by the LMPs that constitute cover-up plumbing operations. In both instances, the DOB arrived at addresses linked to the LMP's permit(s) to find workers that were not under the employment of said LMP permitholder. The violations ranged from 60 day suspensions to \$20,000 fines. Again, other violations were found in addition, which begs the question, why aren't cover-up plumbers subject to stricter penalties? While we absolutely applaud the DOB for taking action against these bad actors, a slap on the wrist is not going to deter what is otherwise a more wide-spread and growing illegal activity across all five boroughs. It puts homeowners and residents at risk of shoddy work when unlicensed contractors are doing work under the false pretense that an actual LMP is overseeing the work. If you know of a cover-up operation, please reach out to info@plumbingfoundation.nyc so we can continue to fight these bad actors in our industry. Also, don't be a cover-up plumber.

BOLO: Upcoming three-part virtual gas series hosted by the Plumbing Foundation



We are finalizing details for an upcoming free webinar series on several gas related topics, including new Operator Qualification requirements, utility regulation manuals, Local Law 152, as well as the utilities' plans in the wake of the city and state's energy transition goals. The webinars are tentatively scheduled for mid October to mid November. We will send an e-blast for registration—if you do not receive our e-blasts, please email info@plumbingfoundation.nyc to get on the list!

DOB License Renewal Reminder

As per the adoption of the 2022 NYC Administrative Code, the time period to renew a license or a certificate of competence with the NYC Department of Buildings (DOB) is ONLY 1 year past one's expiration date (see section 28-401.13). Prior to this change in Code, persons had up to 5 years to renew a license with a late fee. Now if a person's credentials lapse after this 1-year period, they will still be subject to a late fee and be subject to **re-examination (could be both written and practical)**.

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535 Eighth Ave., Fl. 17, New York, NY 10018 | Phone (212) 481-9740 | Fax (212) 481-7185 | (E) info@plumbingfoundation.nyc
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CITY OF NEW YORK**

535 8th Avenue
17th Floor
New York, NY 10018

CONGESTION PRICING???

If you have been keeping up with the news all summer—since Governor Kathy Hochul’s announcement in June that New York will put an “indefinite” pause to congestion pricing—it might not be in actuality, indefinite. Recent sources say the Gov is working with



the MTA on a new pricing plan that is more fair and equitable, but that is TBD.

NYC Comptroller Brad Lander announced that on September 27, attorneys representing both sides will present their arguments before a judge in the Riders Alliance v. Hochul and City Club of New York v. Hochul cases to restore congestion pricing.

Other lawsuits continue, including a suit filed by the Trucking Association of New York (TANY) which challenges the congestion pricing law under the Commerce Clause of the U.S. Constitution. The Plumbing Foundation plans to submit an Amicus Brief in support of the lawsuit.

The Plumbing Foundation will continue to keep the industry apprised on the status of congestion pricing.

THE PLUMBING FOUNDATION’S ENVIRONMENTAL STATEMENT

Since its establishment in 1986, the Plumbing Foundation has worked diligently to ensure the plumbing industry has as little a “carbon footprint” on New York City as possible. The plumbing industry has historically utilized environmentally friendly materials such as recycled cast-iron and copper piping/fittings. The Foundation will continue in its role of protecting New York City as well as being an advocate for the environment by strengthening its water/sanitary regulations and thereby reducing wasteful water consumption in the City.



87A Pressure Testing Component Flow Chart EFFECTIVE NOVEMBER 1, 2024 (training to start immediately)

You are Qualified in CT86/87, are not due for 6+ months AND you seek to get 87A before your next requal date*

You are up for renewal soon and/or in the process of requalifying in 86/87, but already took a 4-hour optional in person training

You are up for renewal soon and/or in the process of requalifying in 86/87, but have NOT taken the 4-hour optional in person training

You are new to Operator Qualification and have yet to become qualified in 86/87

You must take the supplemental 2.5-hour in-person training for 87A. If you are nonunion, you will sign up for training through the MPC (oqregistration@nycmpc.org) and if you are Local 1, you will sign up for a Local 1 87A specific training in the GOQ database.

You must take the supplemental 2.5-hour in-person training for 87A. If you are nonunion, you will sign up for training through the MPC (email oqregistration@nycmpc.org and if you are Local 1, you will sign up for a Local 1 87A training in the GOQ database.

You must sign up through the MPC (oqregistration@nycmpc.org) to take both the 4 hour optional in-person refresher** and the 2.5 hour 87A supplemental training with MPC or Local 1.

You must take the new 87A training which is a full 10-hour in-person course (was 7 hours prior to the pressure testing component)** This is either with MPC (oqregistration@nycmpc.org) for nonunion or Local 1 training through the GOQ database.

You will then sign up for a performance evaluation (PE) for Task 87A through the Plumbing Foundation GOQ database. There will be specific days for the 87A PE supplement ONLY. The 87A PE alone is estimated to take 20-25 minutes. As always, you will be given a time slot.

You will then sign up for a performance evaluation (PE)*** for Tasks 86 & 87A through the Plumbing Foundation GOQ database. There will be specific days for BOTH PEs. The time estimated for an individual to complete the PE for both tasks is about 40-45 minutes so please plan accordingly. As always, you will be given a time slot.

BUT WAIT! I already have a PE scheduled prior to November 1st and it does not include 87A, what do I do? (1) You can cancel your scheduled date and choose a new one (do so ASAP to avoid fees), OR (2) take your PE for 86 as scheduled and schedule a second supplemental 87A only. Please be careful when choosing your options in the database.

You will then sign up for a performance evaluation (PE)*** for Tasks 86 & 87A through the Plumbing Foundation GOQ database. There will be specific days for BOTH PEs. The time estimated for an individual to complete the PE for both tasks is about 40-45 minutes so please plan accordingly. As always, you will be given a time slot.

Option A
Option B

* **IMPORTANT NOTE:** If you choose to wait until your next requal date, 87A is still required as a replacement for Task 87 and the supplemental training and a PE will be required for 87A. Note that your overall CT86/87 joint task expiration date will still always fall on the earliest expiration as seen on your OnBoard transcript.
 ** The online refresher training is still required even when you take an in-person training. As an FYI, the new pressure testing component for 87A is not modifying the prometric written exam but will require a new performance evaluation which includes a Q/A portion.
 *** For terminology purposes, the "performance evaluation" is the same as the "practical exam."

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Michael Csedrik
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Contact Kevin Ellman CFP
Tel: 201.632.2022
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