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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Tally T'cal
Department of Labor & Workforce Development

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081 

DATE: October 9, 2017

RE: Filed Permanent Regulations: Department of Labor & Workforce Development
Department of Labor and Workforce Development update to regulations re: minimum plumbing standards (8 AAC 63.010(a))

Attorney General File: JU2017200330
Regulation Filed: 10/6/2017
Effective Date: 11/5/2017
Print: 224, January 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

8 AAC 63.010(a) is amended to read:

(a) The codes set out in this section are adopted in accordance with AS 18.60.075 as the minimum plumbing standards to be followed throughout the state. The Department of Labor and Workforce Development adopts the following codes by reference that are published by the International Association of Plumbing and Mechanical Officials (IAPMO):

(1) *Uniform Plumbing Code*, 2015 [2012] Edition, Sections 101.0 - 103.2 [101.0 - 101.11.5], 103.3.1 - 103.4 [103.5 - 103.5.4], 105.0 - 105.2.2 [103.5.6 - 103.5.6.4, 103.5.8.1- 103.5.8.2, 103.5.9.1 - 103.5.9.3], and 105.3 - 106.6 [103.8] of chapter 1, chapters 2 through 10, chapter 11 excluding the requirements of section 1101.5, chapters 12 through 17, and appendices A through L, with the following revisions:

(A) Section 1210.2.3 Prohibited Locations, of the Uniform

Plumbing Code is amended by adding section 1210.2.3.1 which reads:

"1210.2.3.1. Liquefied petroleum gas piping shall not serve any gas fired appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture." [REPEALED 3/6/2016]

(B) Repealed / / SECTION 507.5 OF THE UNIFORM PLUMBING CODE IS AMENDED BY ADDING A SECTION 507.5.1 WHICH READS: "507.5.1. WHEN A WATER HEATER IS INSTALLED UPON A PLATFORM, SUCH AS WITHIN A GARAGE, THE WATER HEATER RELIEF VALVE PIPING SHALL DISCHARGE TO THE FLOOR OVER THE EDGE OF THE PLATFORM."

(C) Repealed SECTION 1212.0 OF THE UNIFORM

PLUMBING CODE IS AMENDED BY ADDING SECTION 1212.2 WHICH READS: "1212.2. IN ADDITION TO THE REQUIREMENTS OF THIS CODE FOR GAS PIPING, THE FACILITIES AND PIPING FOR USE WITH LIQUEFIED PETROLEUM GAS SHALL MEET THE FOLLOWING REQUIREMENTS:

lowercase 11

(I) LIQUEFIED PETROLEUM GAS PIPING SHALL NOT SERVE ANY GAS FIRED APPLIANCE LOCATED IN A PIT OR BASEMENT WHERE HEAVIER THAN AIR GAS MIGHT COLLECT TO FORM A FLAMMABLE MIXTURE.

lowercase 11

(II) PIPE JOINT COMPOUNDS USED ON THREADED CONNECTIONS SHALL BE INSOLUBLE IN LIQUEFIED PETROLEUM GAS.

lowercase 11

(III) EVERY VALVE AND APPURTENANCE USED ON SUCH PIPING SHALL BE DESIGNED AND APPROVED FOR USE WITH LIQUEFIED PETROLEUM GAS.

lowercase 11

(IV) RELIEF VALVES SHALL DISCHARGE TO THE EXTERIOR OF THE BUILDING INTO THE AIR AND SHALL BE AT LEAST FIVE FEET HORIZONTALLY AWAY FROM ANY OPENING INTO A BUILDING THAT IS BELOW THE DISCHARGE OPENING.";

(D) ~~Repealed~~ 3 SECTION 604.11 OF THE UNIFORM

PLUMBING CODE IS AMENDED BY REPLACING EXISTING LANGUAGE TO READ:

"604.11 LEAD CONTENT. THE MAXIMUM ALLOWABLE LEAD CONTENT IN PIPES, PIPE FITTINGS, PLUMBING FITTINGS, AND FIXTURES INTENDED TO CONVEY OR DISPENSE WATER FOR HUMAN CONSUMPTION SHALL BE NOT MORE THAN A WEIGHTED AVERAGE OF 0.25 PERCENT WITH RESPECT TO THE WETTED SURFACES OF PIPES, PIPE FITTINGS, PLUMBING FITTINGS, AND FIXTURES. FOR SOLDER AND FLUX, THE LEAD CONTENT SHALL BE NOT MORE THAN 0.2 PERCENT WHERE USED IN PIPING SYSTEMS THAT CONVEY OR DISPENSE WATER FOR HUMAN CONSUMPTION. EXCEPTIONS: (1) PIPES, PIPE FITTINGS, PLUMBING FITTINGS, FIXTURES, OR BACKFLOW PREVENTERS USED FOR NONPOTABLE SERVICES SUCH AS MANUFACTURING, INDUSTRIAL PROCESSING, IRRIGATION, OUTDOOR WATERING, OR ANY OTHER USES WHERE THE WATER IS NOT USED FOR HUMAN CONSUMPTION. (2) WATER CLOSETS, BIDETS, URINALS, FILL VALVES, FLUSHOMETER VALVES, TUB FILLERS, SHOWER VALVES, SERVICE SADDLES, OR WATER DISTRIBUTION MAIN GATE VALVES THAT ARE TWO INCHES (50 MILLIMETERS) IN DIAMETER OR LARGER.";

Register 224, January 201⁸ LABOR AND WORKFORCE DEV.

(2) *Uniform Swimming Pool, Spa and Hot Tub Code*, **2015** [2012] edition, paragraphs **101.0 – 103.2** [101.1 - 103.2], 103.3.1, 103.4, **105.3 – 106.6**, chapters 2 through 10, and appendices A through C;

(3) *Uniform Solar Energy and Hydronics Code*, **2015** [2012] edition, paragraphs 101.0 - 103.2, 103.4, **105.2 - 105.2.2** [106.0 – 106.2], **105.3 – 106.6** [106.4], chapters 2 through 12, and appendices A through C.

(Eff. 8/5/72, Register 43; am 7/12/81, Register 79; am 11/1/2000, Register 156; am 9/25/2002, Register 163; am 12/6/2003, Register 168; am 9/27/2008, Register 187; am 2/23/2011, Register 197; am 10/23/2014, Register 212; am 3/6/2016, Register 217; am 11/5/2017, Register 224)

Authority: AS 18.60.705 AS 18.60.710

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: October 2, 2017

File No.: JU2017200330

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Labor and Workforce
Development update to regulations re:
minimum plumbing standards (8 AAC
63.010(a))

We have reviewed the attached regulations from the Department of Labor and Workforce Development against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated October 2, 2017 from the Regulations Attorney. The regulations update minimum plumbing standards for this state and include updated versions of adopted-by-reference materials.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The June 4, 2017 public notice and the August 8, 2017 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to the regulations, in accordance with AS 44.62.125 and as shown on the attached copy.

SCW

cc w/enc: (via email)

Hon. Heidi Drygas, Commissioner
Department of Labor and Workforce Development

Tally Teal, Regulations Contact
Department of Labor and Workforce Development

Deborah Kelly, Director
Division of Labor Standards & Safety
Department of Labor and Workforce Development

Thomas A. Dosik, Assistant Attorney General
Labor and State Affairs Section

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The attached four pages of regulations, dealing with minimum plumbing standards, are adopted and certified to be a correct copy of the regulation changes that the Department of Labor and Workforce Development adopts under the authority of AS 18.60.705 and AS 18.60.710 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Labor and Workforce Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: August 8, 2017

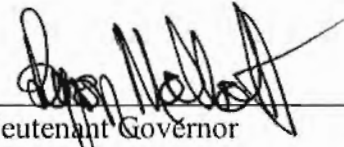


Heidi Drygas, Commissioner

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

~~10/6/2017~~ August 8, 2017, at 2:00 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: November 5, 2017

Register: 224, January 2018

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: October 2, 2017

FILE NO.: JU2017200330

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Department of Labor and
Workforce Development
regulations re: update of
minimum plumbing standards
(8 AAC 63.010(a))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES ON MINIMUM PLUMBING STANDARDS
IN THE REGULATIONS OF DEPARTMENT OF LABOR AND WORKFORCE
DEVELOPMENT

BRIEF DESCRIPTION

The Department of Labor and Workforce Development, Labor Standards and Safety Division proposes to change regulations on the minimum plumbing standards for the state.

The Department of Labor and Workforce Development proposes to adopt regulation changes in 8 AAC 63.010 of the Alaska Administrative Code, dealing with minimum plumbing standards for the state, including the following:

- (1) 8 AAC 63.010 is proposed to be changed as follows: Update from the currently adopted 2012 Uniform Plumbing Code (UPC) to the 2015 Uniform Plumbing Code, to include sectional changes reflecting changes between additions.
- (2) 8 AAC 63.010 is proposed to be changed as follows: Move a revision to UPC section 1210.2.3 from 8 AAC 63.010(a)(1)(C)(i) to replace the formerly repealed 8 AAC 63.010(a)(1)(A).
- (3) 8 AAC 63.010(a)(1)(B) is proposed to be repealed. The intended effect of this repeal is to eliminate unnecessary language. This amendment to the UPC is addressed in the 2015 edition in sections 507.5 and 608.5.
- (4) 8 AAC 63.010(a)(1)(C) is proposed to be repealed. The intended effect of this repeal is to eliminate unnecessary language. This amendment to the UPC is addressed in the 2015 edition in article 12.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to William Harlan, Department of Labor and Workforce Development, Division of Labor Standards and Safety, 1251 Muldoon Road, Suite 113, Anchorage, AK 99504. Additionally, the Department of Labor and Workforce Development, Division of Labor Standards and Safety will accept comments by facsimile at (907) 269-4932 and by electronic mail at anchorage.lss-mi@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 p.m. on July 5, 2017.

You may submit written questions relevant to the proposed action to William Harlan, Department of Labor and Workforce Development, Division of Labor Standards and Safety at 1251 Muldoon Road, Suite 113, Anchorage, AK 99504 or by electronic mail at anchorage.lss-mi@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Department of Labor and Workforce Development, Division of Labor Standards and Safety will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Division of Labor Standards and Safety's website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Shannon Devon at (907) 465-6002 no later than June 21, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System.

Copies of the *Uniform Plumbing Code*, 2015 Edition, adopted by reference in 8 AAC 63.010, are available for inspection at regional offices of the Mechanical Inspection Section located in Juneau, Anchorage, and Fairbanks, Alaska. The *Uniform Plumbing Code*, 2015 Edition also may be viewed through the publisher's website at <http://epubs.iapmo.org/UPC/>.

After the public comment period ends, the Department of Labor and Workforce Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 18.60.710.

Statutes being implemented, interpreted, or made specific: AS 08.60.705.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: 6/5/17



Heidi Drygas, Commissioner
Department of Labor and Workforce Development

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Labor and Workforce Development
2. General subject of regulation: Minimum Plumbing Standards
3. Citation of regulation (may be grouped): 8 AAC 63.010
4. Department of Law file number, if any: _____

5. Reason for the proposed action:

- Compliance with federal law or action (identify): _____
- Compliance with new or changed state statute
- Compliance with federal or state court decision (identify): _____
- Development of program standards
- Other (identify): Update to latest revision of Uniform Plumbing Code

6. Appropriation/Allocation: Labor Standards and Safety/Mechanical Inspection - 346

7. Estimated annual cost to comply with the proposed action to:

A private person: None
Another state agency: None
A municipality: None

8. Cost of implementation to the state agency and available funding (in thousands of dollars):


	Initial Year FY <u>2018</u>	Subsequent Years
Operating Cost	<u>\$ 0</u>	<u>\$ 0</u>
Capital Cost	<u>\$ 0</u>	<u>\$ 0</u>
1002 Federal receipts	<u>\$ 0</u>	<u>\$ 0</u>
1003 General fund match	<u>\$ 0</u>	<u>\$ 0</u>
1004 General fund	<u>\$ 0</u>	<u>\$ 0</u>
1005 General fund/ program	<u>\$ 0</u>	<u>\$ 0</u>
Other (identify)	<u>\$ 0</u>	<u>\$ 0</u>

9. The name of the contact person for the regulation:

Name: William Harlan
Title: Mechanical Inspection Manager
Address: 1252 Muldoon Road, Ste 113
Telephone: (907) 269-4925
E-mail address: william.harlan@alaska.gov

10. The origin of the proposed action:

- Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify): _____

11. Date: 6/2/2017 Prepared by: 
[signature]
Name (printed): Deborah Kelly
Title (printed): Labor Standards and Safety Director
Telephone: (907)269-4961

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Debbie Banaszak, Legislative Liaison, of the Department of Labor and Workforce Development, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 8 AAC63.010 of the Alaska Administrative Code dealing with minimum plumbing standards for the state, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

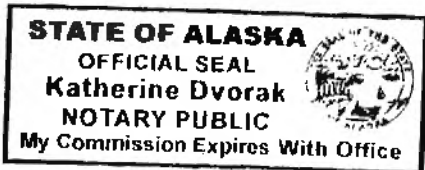
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: June 13, 2017

Debbie Banaszak

Subscribed and sworn to before me at DOLWD-Comm. Office - Juneau AK on June 13, 2017.

K. Dvorak
Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, William Harlan, Mechanical Inspection Manager for the Department of Labor and Workforce Development, being duly sworn, state the following:

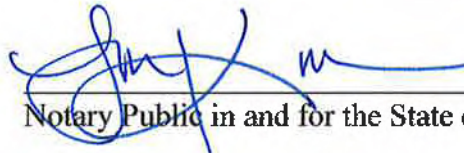
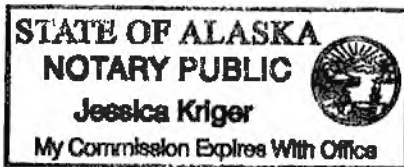
In compliance with AS 44.62.215, the Department of Labor and Workforce Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Labor and Workforce Development's regulation on standards for plumbing, electrical work, and elevators; new boiler/pressure vessels and elevator inspection fees and definitions related to certificates of fitness.

Date: 9/25/2017



William Harlan, Mechanical Inspection Manager

Subscribed and sworn to before me at Anchorage, Alaska on September 25th 2017



Notary Public in and for the State of Alaska

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\$423.32

RECEIVED

JUN 12 2017

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

June 04, 2017

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Joleesa Stepetin

Subscribed and sworn to before me this 5th day of June, 2017

Angela M Simmons

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

4/14/21

ANGELA M SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021

NOTICE OF PROPOSED CHANGES ON MINIMUM PLUMBING STANDARDS IN THE REGULATIONS OF DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

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A copy of the proposed regulation changes and material proposed for adoption by reference is available on the Alaska Online Public Notice System.

After the public comment period ends, the Department of Labor and Workforce Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

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Heidi Drygas, Commissioner
Department of Labor and Workforce Development