

STATEWIDE BUILDING CODE UPDATE

House Bill No. 263 concerning a Uniform Construction Code was introduced to the House of Representatives on February 2, 1999 and has been referred to the Committee on Local Government. The Honorable Ronald I. Buxton, State Representative, 103 District, has spearheaded this Bill. Representative Buxton has introduced legislation several times for a Statewide Building Code since first taking office in 1992. The House passed legislation on the Statewide Building Code in the 1997 and the 1998 sessions, but the Senate never acted on the legislation.

Many municipalities within Pennsylvania have no building codes to protect the health, safety and welfare of building occupants. Numerous municipalities have adopted various years and versions of the BOCA National Building Code (BOCA - Building Officials & Code Administrators) and the CABO One and Two Family Dwelling Code (CABO - Council of American Building Officials). Some municipalities have construction codes that are more stringent than BOCA and CABO. In some cases these codes may contain needless requirements which may needlessly limit the use of certain materials, techniques or products and increase the cost of construction.

At a legislative conference on

February 23, 1999 Representative Buxton said, "Last year the Federal Emergency Management Agency (FEMA) revised its rules stating that the agency would only share in the cost of rebuilding communities following a disaster if local governments had uniform building codes in place by January 1999, and if the

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states complied by January 2000." If Pennsylvania does not adopt a Statewide Building Code this year, federal disaster relief funds could be in jeopardy.

House Bill No. 263, provides for the adoption of the 1996 BOCA National Building Code, thirteenth edition, (updated to the latest BOCA

The Results are In

More than 120 facilities recently responded to CET's survey on water and sewer rates. The results have been sent to the respondents. Look for a discussion on these interesting findings in an upcoming issue of *etcetera*.

Those of you who wish to receive a copy of the results immediately may do so by contacting Ray Myers, P.E. at rhmyers@cet-inc.com or calling at 814-643-8260.

edition or its successor Building Code) as the Uniform Construction Code and the International Gas Code for the installation of fuel gas piping systems and gas utilization equipment. One and two family dwellings that are not more than three stories in height shall have the option of being designed and constructed either in accordance with the CABO One and Two Family Dwelling Code, latest edition or in accordance with the requirements of the Uniform Construction Code. The residential building permit applicant must select their code option at the time of plan's submission.

Under House Bill 263 municipalities must enact an ordinance adopting the Uniform Construction Code and applicable portions of the International Fuel Gas Code as their municipal building code within 90 days of the effective date. Enforcement of the ordinance can be achieved in the following ways.

1. By the designation of an employee to serve as the municipal code official to act on behalf of the municipality for administration and enforcement of this act.

2. By the retention of one or more construction code officials or third party agencies to act on behalf of the municipality for the administration and enforcement of this act.

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3. Two or more municipalities may provide for the joint administration and enforcement of this act through an intermunicipal agreement under Pa. C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

4. By entering into a contract with the proper authorities of another municipality for the administration and enforcement of this act. When such a contract has been entered into, the municipal code official shall have all the powers and authority conferred by law in the municipality which has contracted to secure such services.

5. By entering into an agreement with the department for plan reviews, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.”¹

The term “department” under number 5 above refers to the Pennsylvania Department of Labor & Industry Buildings Division.

A liberal time frame has been established for the training and certification of inspectors.

“The department shall by regulation determine the time period for current code administrators to meet the training and certification requirements of this act. This time period shall not be less than three years and not exceed seven years from the effective date of this section for individuals conducting plan review and inspections of one-family or two-family residential property or not be less than five years and not to exceed ten years for individuals conducting plan review and inspections on all other buildings and structures.”¹

Groups supporting this legislation include AIA Pennsylvania, fire safety and emergency service organizations, the Pennsylvania Fire Institute, the Paralyzed Veterans Association and the Pennsylvania Builders Association. Some Southeastern Pennsylvania local governments are presently opposing the Statewide Building Code because they feel the proposed code is not stringent enough. Some municipalities in Southeastern PA presently have regulations and ordinances that exceed the requirements of the BOCA and CABO codes. Some local governments in the rural areas of the State are also opposing the Statewide Building Codes because they oppose additional regulations.

Whether you are for or against this legislation, its passage will have major impact on code enforcement in Pennsylvania. Information on the status of this legislation may be obtained from Rep. Buxton’s office at 717-986-1673. House Bill 263 can be viewed on the website www.legis.state.pa.us, under Pennsylvania General Assembly, Session Information.

¹House Bill No. 263

Chapter 94 Preparers - Be Prepared!

There were changes to DEP’s Chapter 94 last year that affect submissions of wasteload management reports. The following summarizes the changes:

- 94.12(a) -Report must be signed by the preparer and the permittee.
- 94.12(a)(1,2) - Line graphs for past 5-year monthly hydraulic and organic

loading and next 5-year projections must be provided and compared to the hydraulic and organic loading limits from your Water Quality Management Permit.

- 94.12(a)(4) - A map and narrative describing all sewer extensions that have been constructed, received planning module approval or planning exemptions during the past year must be provided.

- 94.13(a,b) - Plants with existing or projected flows exceeding 100,000 gpd must continuously measure, indicate and record the flow. This equipment must be calibrated at least annually, and a calibration report must be included with the Chapter 94 Annual Report.

Hydraulic Design Capacity

In addition to the previously mentioned changes for wasteload management reports, the 1998 regulation also clarifies the definition of hydraulic design capacity which is used to determine hydraulic overload conditions. The Summary of Comments and Responses from the Environmental Quality Board states that the regulation was, “revised to make it clear that it applies to the maximum monthly design flow rather than the highest monthly average flow. ...[as] specified in the water quality management permit issued under Chapter 91.”

Some wastewater facilities are reporting annual average design flows; others are reporting maximum monthly design flows. The definition may even be interpreted differently among DEP regional offices. We’ll try to clarify these issues in a future issue of *etcetera*. If you have any experience that you would like to share on this topic, please contact Ray Myers at rhmyers@cet-inc.com or 814-643-8260.

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