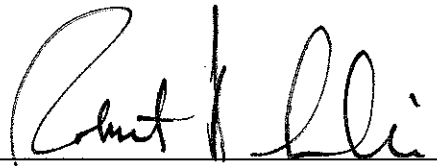


NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of Chapter 8000 and Section 8000-01 to Title 1 of the Official Compilation of the Rules of the City of New York, relating to building water conservation reports, plans and waterless urinals.

This rule was first published on April 17, 2009 and a public hearing thereon was held on May 19, 2009.

Dated: 6.21, 2009
New York, New York


Robert D. LiMandri
Commissioner

Title 1 of the Rules of the City of New York is amended by adding a new Chapter 8000 and Section 8000-01, to read as follows:

Chapter 8000
New York City Plumbing Code

§8000-01 Building water conservation reports, plans and waterless urinals.

(a) Scope. This rule sets forth the criteria for the approval of building water conservation plans in accordance with Section PC C102.1 of Appendix C of the New York City Plumbing Code ("Plumbing Code"), which permits the use of waterless urinals only as part of an approved building water conservation plan.

(b) Compliance. Waterless urinals shall comply with national reference standard ANSI/ASME A112.19.19-2006.

(c) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(1) Baseline water use. Water use calculated from the minimum number of plumbing fixtures required by the Plumbing Code and all additional fixtures as added by the design and/or as existing in the building, using the maximum flow rates permitted by Section PC 604 of the Plumbing Code and excluding the water-conserving strategies proposed in the building water conservation plan.

(i) The calculation for new buildings shall be in accordance with LEED NC Version 2.2, WE Credit 3, using Tables 2 and 5; Table 1 shall be replaced by PC Table 604.4; Tables 3 and 4 are not applicable.

(ii) The calculation for existing buildings shall be in accordance with LEED EB Version 2.0, WE Prerequisite 1, using Tables 3 and 4; Table 1 shall be replaced by PC Table 604.4; where existing fixtures are water-conserving, Table 2 shall be replaced by the flow rate listed on the fixture or published by the manufacturer.

(2) Design water use. Baseline water use, except that flow rates shall be the lesser of the manufacturer's published flow rates or the maximum flow rates permitted by Section PC 604 of the Plumbing Code, including all water-conserving strategies proposed in the building water conservation plan.

(i) The calculation for new buildings shall be in accordance with LEED NC Version 2.2, WE Credit 3, using Tables 2 and 4; Table 1 shall be replaced by PC Table 604.4; Table 3 shall be replaced by

the lesser of the manufacturers' published flow rates or the maximum flow rates permitted by PC Table 604.4; Table 5 shall not apply.

(ii) The calculation for existing buildings shall be in accordance with LEED EB Version 2.0, WE Prerequisite 1, Table 3, and WE Credit 3, Table 4. Tables 1 in each of the prerequisite and the credit shall be replaced by PC Table 604.4. Flow rates for water-conserving flush and flow fixtures shall be taken from the manufacturers' published flow rates. Other tables in WE Prerequisite 1 and WE Credit 3 shall not apply.

(3) Leadership in Energy and Environmental Design ("LEED"). A set of building standards for sustainability, published by the United States Green Building Council.

(4) LEED NC Version 2.2. LEED for New Construction and Major Renovation ("NC"), Version 2.2, dated October 2007.

(5) LEED EB Version 2.0. LEED for Existing Buildings ("EB"), Version 2.0, dated October 2006.

(6) Waterless urinals. Urinals that discharge into a sanitary drainage system, but are not fed by the potable water supply system.

(d) Building water conservation plan. Any application for new building or alteration work that includes the installation of one or more waterless urinals shall include a building water conservation plan sealed and signed by a registered design professional, and signed by the building owner. Such building water conservation plan may be submitted by either the building owner or a tenant and shall include:

(1) A building water conservation analysis, demonstrating the means by which the building or tenant space will achieve the water reduction targets set forth below.

(i) New buildings. Potable water consumption, as projected by the design water use, shall be reduced by twenty (20) percent from the baseline water use calculated for the entire building, excluding irrigation supplied from the building.

(ii) Existing buildings. For alterations in buildings erected pursuant to plans approved under the 1968 building code or prior codes, potable water consumption, as projected by the design water use, shall be reduced by twenty (20) percent from the baseline water use calculated for the area of work of the alteration.

For alterations in buildings erected pursuant to plans approved under the 2008 New York City Construction Codes, potable water consumption, as projected by the design water use, shall be reduced by twenty (20) percent from the baseline water use calculated for the entire building, excluding irrigation supplied from the building.

(iii) Water conservation measures. Water conservation measures utilized to achieve the efficiencies set forth in subparagraphs (i) and (ii) of this paragraph may include but are not limited to low-flow fixtures, waterless urinals, fixture sensors, metering controls and water recycling systems in compliance with Section PC C101 of Appendix C of the Plumbing Code.

(2) Manufacturer's specifications, installation recommendations and recommended maintenance procedures for the waterless urinals; and

(3) The building owner's or tenant's maintenance plan for the waterless urinals.

(e) Changes during design or construction. Any changes made to fixture specifications, occupant usage or other elements of the building water conservation plan or report during either design or construction shall require that a revised plan or report be submitted to the department for approval.

STATEMENT OF BASIS AND PURPOSE

The foregoing rule is adopted pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043 of the New York City Charter.

The adopted rule sets forth the criteria for the approval of building water conservation plans in accordance with Section PC C102.1 of Appendix C of the New York City Plumbing Code ("Plumbing Code"), which permits the use of waterless urinals only as part of an approved building water conservation plan.

Waterless urinals are one of a number of strategies used to reduce potable water consumption in buildings. This strategy of installing urinals that require no potable water for operation is approved or mandated by a number of states and federal agencies, complies with national industry standards and has been accepted by the New York City Department of Health and Mental Hygiene.

Since New York City anticipates nearly one million additional residents by 2030 and our water resources and delivery structures have become increasingly fragile and contested by stakeholders in the watershed, all means of reducing potable water consumption must be considered. Such means reflect initiatives of PlaNYC 2030.