

Report to the Alliance for Regulatory Coordination

**Preliminary Draft Legislation Concerning DSPS Commercial Building and
Plumbing Plan Review Triggers**

LRB-5307/P2

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LRB-5307/P2, a preliminary bill draft has been developed to change state statutes concerning DSPS plan review for commercial buildings and plumbing systems. The proposal is meant to address the plan review backlogs that are occurring within the Department of Safety and Professional Services. The proposal was developed at the request of the Associated Builders and Contractors of Wisconsin, and appears to contain two aspects originating from the DSPS.

The proposal addresses four aspects of the DSPS plan review program as follows:

1. It changes the trigger for state level plan review for certain commercial buildings;
2. It changes the trigger for state level plan review for certain plumbing plans;
3. It requires 50 percent of plan examination fees for DSPS commercial building plan review to be paid at the time an appointment for examination of plans is scheduled; and
4. It prohibits the DSPS from performing plan examination services within the scope of any DSPS plan review delegation issued to a municipality, unless the project owner requests DSPS plan review, and the municipality approves that request.

Note: Items 3 and 4 appear to have originated as ideas of the DSPS.

Regarding commercial buildings, state level plan review would not be required for single story buildings containing less than 200,000 cubic feet of volume that fall entirely in the following occupancy groups:

- Business Group B;
- Factory Industrial Group F;
- Mercantile Group M;
- Storage Group S; and
- Utility and Miscellaneous Group U.

Municipalities would maintain their current authority to require local plan review, permits and inspections of any sized commercial building.

Regarding plumbing systems, state level plan review would not be required for plumbing installations, additions or alterations involving fewer than 25 plumbing fixtures within any sized building that falls entirely in the above listed occupancy groups. Municipalities would maintain their current authority to require local plan review, permits and inspections of any sized plumbing project.

Discussion

Relative to commercial building plan review, the proposal reflects some aspects of the Commercial Building Code that was in effect from July 2002, to September 1, 2011. During that time period, buildings falling into the occupancy groups listed above, and including occupancies within Assembly Group A-2, were exempted from state level plan review if they contained 25,000 to less than 50,000 cubic feet in volume; and were designed and supervised by a Wisconsin registered architect, engineer or designer. Those code provisions were built around the provisions of section 443.15, Wisconsin Statutes, which allows buildings of less than 50,000 cubic feet of volume to be designed, and construction supervised, by persons, firms, or corporations not registered under Chapter 443, Wisconsin Statutes.

However, the preliminary draft legislation quadruples the upper size limit from the former 50,000 cubic feet of volume, to 200,000 cubic feet of volume, for buildings within the occupancy groups listed above.

Relative to plumbing systems, the proposal removes, for buildings within the occupancy groups listed above, many important plumbing items from state level plan review, such as:

- cross connection control devices for high hazards;
- alternate and experimental plumbing systems;
- stormwater systems and stormwater/clearwater infiltration systems;
- water treatment systems other than POWTS;
- grease interceptors and oil interceptors;
- garage catch basins, car wash interceptors, and sanitary dump stations;
- private water mains and water supply systems in manufactured home communities and campgrounds;
- private interceptor main sewers;
- chemical waste systems, and mixed wastewater holding devices.

I believe the prohibition of state level plan review for the above listed plumbing components may have been inadvertent, with the primary focus being on the current plan review trigger for plumbing installations containing 16 or more plumbing fixtures. Unfortunately, the draft legislation does not reflect the content and format of the Wisconsin Plumbing Code Tables SPS 382.20-1 and 382.20-2.

For general plumbing installations the proposed trigger of 25 plumbing fixtures could be viewed as appropriate for commercial buildings of all occupancy groups. The current 16-plumbing fixture trigger for state level plumbing plan review applies to commercial buildings in all occupancy groups. It was set at 16 fixtures in the year 2000, after the Department of Commerce benchmarked off the number of fixtures in a typical two-family dwelling of that time. (Under the Uniform Dwelling Code, state level plumbing plan review is not required for two-family dwellings.) Where two-family dwellings contain two full bathrooms in each dwelling, something quite common today, the total plumbing fixture count is 24.

The trigger for state level review of general plumbing plans has trended up over the years as a result of increased confidence in the knowledges and skills of the plumbing trade. In 1975 the trigger was set at 6 plumbing fixtures. It was changed to 11 fixtures in 1997, and to 16 fixtures in the year 2000.

Recommendations

Relative to commercial building plan review, I recommend that the ARC express opposition to this legislative proposal because it excludes too large of buildings from state level commercial building plan review, thus exposing the public to unnecessary risks.

Furthermore, I recommend that the ARC express support for amending to the legislation that would change the plan review trigger, from 200,000 cubic feet, down to 50,000 cubic feet. Such a change would put this legislation in line with the code change that the ARC recently recommended to the DSPS. In that recommendation, the ARC encouraged the DSPS to change the Commercial Building Code to read as is did between 2002 and 2011 relative to an exemption from state level plan review for buildings containing less than 50,000 cubic feet.

Relative to plumbing systems, I recommend that the ARC express opposition to this legislative proposal because it excludes too many health-impacting plumbing components from state level plan review.

In addition, I recommend that the ARC express support for amending the legislation so that it would directly revise the Wisconsin Plumbing Code, Table SPS 382.20-1, lines 2. and 3., and Table SPS 382.20-2, line 1., by changing the number “16” within each of those lines, to “25”. By changing the code in this manner, the state level plan review trigger would go up to 25 plumbing fixtures for commercial buildings in all occupancy groups, except for installations, additions and alterations serving hospitals, nursing homes and ambulatory surgery centers (as is now the case under Table SPS 382.20-1, line 1).

Also, I recommend that the legislative proposal be amended to not address who may prepare plumbing plans because current statutes and administrative rules already require all plumbing plans to be prepared by either: a Wisconsin registered architect or professional engineer; a Wisconsin permitted plumbing designer; or the master who will be in charge of the plumbing installation.

Note: Regarding having the legislation directly revise the plumbing code, one can reference recently introduced [Assembly Bill 850](#) and [Senate Bill 764](#), as examples of how that can be done.

Relative to DSPS plan review operations, I don't see any problems with the proposal to require 50 percent of plan examination fees for DSPS commercial building plan review being paid at the time an appointment for examination of plans is scheduled; or the prohibition of the DSPS performing plan examination services within the scope of any DSPS plan review delegation issued to a municipality, unless the project owner requests DSPS plan review, and the municipality approves that request.

I recommend the ARC support this legislation if all the amendments explained above are made to it.

If the legislation passes without all of the amendments ultimately recommended by the ARC, then I would recommend that the ARC request that Governor Evers veto the bill when it comes to his desk.