



Meeting Minutes - Final

Building Review Board

Wednesday, August 21, 2019

2:00 PM

City Council Chambers

A. CALL TO ORDER:

B. ROLL CALL:

Present 8 - Stephen Brockman, Tom Castagnoli, Paul Ghassan, Chairperson Dan Jurjovec, Edward Kuhrt, Donald Russell, Cory Smith, and Joe Wanner

Absent 1 - Brian Kronewitter

C. PUBLIC FORUM:

There were no speakers for public forum.

D. RECOMMENDATIONS & REPORTS:

1. Approve the minutes of the June 19, 2019 Building Review Board meeting.

A motion was made by Kuhrt, seconded by Ghassan, to approve the minutes from the June 19, 2019 BRB meeting. The motion carried by a unanimous vote.

2. Consider a request by Richards Building Partnership, LLC for a variance from Section 901.1 of the 2018 International Building Code, as amended by the Naperville Municipal Code Section 5-1A-3, to allow the owner to defer the installation of a fire suppression system for improvements to a building at 29 S. Webster Street pending execution of a Fire Suppression Installation Agreement - BRB Case #102.

Peter Zibble, TED Operations Manager, gave a staff presentation summarizing the important elements of the case.

The applicant, Andy Hanson, explained that the owner would like to have the sprinkler system for the entire building installed in the near term. Mr. Russell inquired why the applicant was seeking a variance, and he stated that it provides the owner with more flexibility to move ahead on the new tenant space and follow up with the sprinkler at some point in the future, maybe as soon as three months. There were additional board member questions regarding the use of the building and the financial plan for moving forward.

Mr. Smith asked who would monitor the system and would the pipes be put in place now. Mike Kokocinski with the Fire Department provided details about the Fire Suppression Installation Agreement. Staff will ensure that the 10-year agreement is met and that it is recorded on the deed so that future owners would also be responsible. He elaborated that these agreements are structured

to allow owners additional time to fund these projects.

Chairman Jurjovec confirmed with staff that they support the variance and the 10-year agreement. Mr. Kokocinski confirmed that they do.

**A motion was made by Ghassan, seconded by Kuhrt, to approve the variance.
The motion carried by the following vote:**

Aye: 8 - Brockman, Castagnoli, Ghassan, Chairperson Jurjovec, Kuhrt, Russell, Smith, and Wanner

Absent: 1 - Kronewitter

3. Conduct a hearing to consider a request by the Plastic Pipe & Fittings Association to repeal the City of Naperville's local amendment to Section 890.320 of the Illinois State Plumbing Code that prohibits the use of certain plastic pipe and fittings for domestic water distribution systems and continue discussion to the September 18, 2019 BRB meeting. - BRB Case #101

Peter Zibble, TED Operations Manager, gave a staff presentation summarizing the important elements of the case. He emphasized that city staff are not scientists and would not be in a position to confirm or dispute any specific scientific facts or to defend the merits of any specific study. The decision to prohibit certain types of plastic pipe were made repeatedly over a 23-year period after careful consideration of the whole of the information that is available on the subject.

Ronald Davis, local resident, spoke to the board and indicated that he is of the opinion that the prohibition achieves no provable public health objectives and it imposes unnecessary costs on residents that seek to do renovations involving plumbing work. He indicated that Brian Cox of the IDPH told him that plastic pipe causes no significant public health risks when properly installed. He found articles that indicated that plastic pipes could be leaching chemicals into the drinking water, but found that the agencies throughout the country that approve the use of plastic pipe, namely PEX, share this concern and thus require that water in plastic pipes be tested for a list of chemicals so ensure that they do not have excessive levels of these chemicals. PEX has been in use since the 1970s and there is no evidence that there are problems. He does not believe that the local amendment serves the property interests of the residents of Naperville.

Michael Cudahy, Plastic Pipe and Fittings Association, spoke to the board. He indicated that he is heavily involved in different national regulatory groups that work to ensure public water quality. He spoke to dispute that Legionella is no more likely in plastic pipe than any other material because all pipes become lined with scale or biofilm. Mr. Cudahy referenced a recent study on Legionella in water systems by the National Academies of Sciences, Engineering and Medicine which noted that the studies on materials are inconsistent. Mr. Cudahy asked for the removal of the local amendment prohibiting plastic pipe.

Greg Pardue, a representative for Uponor, a company that manufactures PEX, addressed the board. He previously worked with Elmhurst and Northbrook to repeal their local amendments prohibiting PEX. Mr. Pardue asked for the removal of the local amendment prohibiting plastic pipe.

The Board asked the applicant's representatives to better explain PEX as a material. Mr. Pardue and Mr. Cudahy responded that it is a modified version of polyethylene (PE) that uses mechanical fittings with no solvents or cements. It is crosslinked PE that provides more strength than normal PE pipe. Mr. Cudahy also added that the City of Chicago currently prohibits PEX but has a program in place to test alternate materials, including PEX.

Mr. Smith asked which communities allow PEX. Mr. Pardue indicated that the Illinois state plumbing code allows it and only a limited number of municipalities have prohibited it. Mr. Brockman clarified that all communities are required to allow it per the state plumbing code unless they go through the process to get a local amendment to specifically prohibit it. Mr. Davis noted that the IDPH indicated to him that they have no legal basis on which to reject a request for local amendment as long as it is more restrictive than the state code. Mr. Brockman asked Mr. Davis if he knew the justification for the local amendment and Mr. Davis cited a thesis paper submitted by the city to the State discussing the antimicrobial properties of copper which he stated he believed was inconclusive.

Mr. Brockman and Mr. Cudahy discussed the Legionella bacteria and how it is impacted by temperature and how it impacts the public through inhalation. He also noted other considerations of using PEX such as strapping of water heaters and poor cuts that are difficult to identify during inspection. Paul Felstrup, city staff, indicated that staff's justification was that copper is a bacteriostatic material.

Mr. Wanner asked if cost is the only consideration. Mr. Davis indicated that the request is based on the belief that there is no benefit of using copper over plastic and thus plastic should be an option for property owners.

John Pritchard, Lubrizol Chemical Company, the company that invented CPC plastic pipe stated that there are 12 towns that have banned plastic since 2014 when the state began enforcing the requirement that municipalities submit their request for local amendments. He questioned why the local amendment prohibits plastic pipe for drinking water, but allows it for distilled and deionized water. He feels that if the city allows it for these purified types of water, it should be allowed for drinking water. He stated that the city allows the use of plastic for fire suppression systems, so plastic is in use in the city. He went on to say that Legionella lives in the biofilm inside pipes, so material is not so significant. He noted that temperature does have an impact on Legionella and that 140 degrees is recommended because it more quickly kills the bacteria, contact time is the issue. Mr. Russell asked if lowering temperatures will further exacerbate the problem of Legionella and Mr. Pritchard indicated that the goal is to have higher temperatures in the system, but then regulate the temperature at the point of

release.

Mr. Pritchard noted that there was an unintended consequence of water conservation because water moves more slowly allowing a greater potential for Legionella to grow. He also acknowledged that there are additional considerations when using plastic pipe (such as securing a hot water heater), but those hurdles can be addressed.

Mr. Wanner asked clarifying questions about hydronic systems and their impact on Legionella.

Paul McCulloch, Uponor Inc., stated that his company was the first manufacturer of PEX in North America. He also stated that PEX (crosslinked polyethylene) is identified as a separate material in the Illinois Plumbing Code as it is different from regular polyethylene.

Chairman Jurjovec asked for city staff presentations. Amy Ries, Deputy Director of the water utility, noted that the city has approximately 44,000 services and the city owns the portion of the service line from the main to the B-box. She noted the following concerns: plastic pipe is difficult to locate and the utility is statutorily responsible for locating city facilities for the JULIE system; the utility would have to stock additional parts to be able to repair and maintain plastic services; and the utility is concerned about the impact of hydro excavation around plastic pipe.

Paul Felstrup, speaking in his role as an electrical inspector, voiced concerns that the use of plastic pipe would create discontinuities in the plumbing system of existing homes that use the plumbing as a grounding system. He noted that the National Electric code requires twenty feet of metallic pipe in contact with damp earth as a suitable ground and the metallic water service lines in Naperville have historically provided this ground. Mr. Felstrup also clarified for the Board that the request for the repeal of the local amendment also includes the services outside the building.

Mr. Davis requested clarification on how this process will move forward. Staff recommended to the board that the hearing be closed and that the matter be continued to the September meeting where the board could deliberate and then make a recommendation to City Council.

Chairman Jurjovec agreed that there was a lot of information presented and that the board should have an opportunity to review the material and look into this matter in greater detail. He asked the Board to entertain a motion to keep the hearing open so additional testimony can be provided at the next meeting and continue the case.

A motion was made by Brockman, seconded by Ghassan, to keep the hearing open and continue the case to the September meeting. The motion carried by the following vote:

Aye: 8 - Brockman, Castagnoli, Ghassan, Chairperson Jurjovec, Kuhrt, Russell, Smith, and Wanner

Absent: 1 - Kronewitter

E. OLD BUSINESS:

There was no old business to discuss.

F. NEW BUSINESS:

There was no new business to discuss.

G. ADJOURNMENT:

A motion was made by Brockman to adjourn the meeting, seconded by Russell, approved. The motion carried by a unanimous vote.