



Meeting Minutes - Final

Building Review Board

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Wednesday, September 18, 2019

2:00 PM

City Council Chambers

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**A. CALL TO ORDER:**

**B. ROLL CALL:**

**Present** 6 - Stephen Brockman, Tom Castagnoli, Chairperson Dan Jurjovec, Edward Kuhrt, Cory Smith, and Joe Wanner

**Absent** 3 - Paul Ghassan, Brian Kronewitter, and Donald Russell

**C. PUBLIC FORUM:**

There were no speakers for Public Forum.

**D. RECOMMENDATIONS & REPORTS:**

1. Approve the minutes of the August 21, 2019 Building Review Board meeting.

**A motion was made by Wanner, seconded by Khurt, to approve the minutes of the August 21, 2019 meeting of the Building Review Board. The motion carried by a unanimous vote.**

**E. OLD BUSINESS:**

1. 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 (Continued from 8/21/2019)

Chairman Jurjovec continued the hearing from the August 21, 2019 meeting.

James Majerowicz, Training Director for Plumbers Local 130, presented information on why he believes copper plumbing to be quality plumbing. He indicated that copper is antimicrobial. At the Australia World Plumbing Conference, he discussed Legionella and the concerns of using other materials on an international basis. He noted that a change to plastic would not be good for builders or homeowners as copper tube has a long track record of success. Mr. Majerowicz is concerned that plastic "might" be OK. He added that with an increase in Legionella in the area, it is not prudent to expand the material choices until all issues have been worked out with certainty.

Paul Colgan, the Homebuilders Association of Greater Chicago, wants the

end-user to make the decision about the material. He acknowledges that there is a lot of information supporting both plastic and copper, but that most jurisdictions allow both. He stated that allowing one material and not another is a political decision.

Jeff Church, applicant, referenced the article he submitted to the Board and was attached to the agenda item. He feels that the information provided by the city to the IDPH requesting approval of the local amendment is insufficient and that the article he provided better shows that there is inconclusive evidence linking material to Legionella. He noted that he believes anyone living in Naperville should have the choice.

Mr. Brockman, a plumber and Board member, cited a couple of articles supporting the use of copper. He described lawsuit in California against the plastic pipe industry that resulted in PEX being disallowed in California in 2010. He referenced another article about acidity and the use of plastic pipe. Mr. Brockman recommend using copper for the chlorinated water supply in Naperville, but agreed that plastic may be better for acidic well water.

Mr. Smith asked if this request is for both residential and commercial, interior and exterior. Staff responded that the request as written is for all piping covered under the Illinois Plumbing Codes which includes the service and the interior piping for all uses. Bill Bolster, DPU-W, spoke to the process of locating underground facilities and the utility's concerns about locating and repairing services. Mr. Smith takes no issue with one material over the other. He feels that PEX is preferred for freezing. But he does not want plastic in the commercial properties or the services. He spoke with the head of CDAC at the University of Illinois and that person supports using plastic due to the ease of installation if installed properly.

Jeff Church clarified that they are requesting the use of plastic for hot and cold plumbing in the interior of the building for both commercial and residential uses.

Greg Pardue, Uponor, spoke that California uses a lot of PEX tube and fittings now. There was some discussion about the use of PEX in California. Mr. Pardue added that the primary use of PEX is multi-family residential and single family, but it is used in commercial buildings too. He indicated that he believes the designer needs to make the best decision on the material to use for a given building.

Mr. Zibble indicated that the board has the ability to make a specific motion describing how they would want the use of plastic pipe implemented in the city.

Paul McCulloch, Uponor, stated that the state code does not specify a difference between commercial and residential. He asks that the board not differentiate in their motion.

James Majerowicz discussed increased fatalities from Legionella. He has concerns about permitting plastic until we have better results from the professionals.

Ronald Davis, resident, reminded the Board that the Illinois plumbing code allows plastic. PEX has been around for 50 years. He referred to “fear, uncertainty and doubt papers” that call for long term studies, but do not produce any. He argued that the experts will never get to unanimity on this issue. Mr. Davis indicated that the best evidence is the actual use of the pipe over the past 50 years which have revealed no health issues. He also reminded the Board that the IDNR has no objection to the use of plastic pipe and asked for a well-reasoned decision.

Mr. Wanner asked Mr. Davis why he thought that there are not a lot of homeowners and contractors asking for using plastic. Mr. Davis indicated that he just wants the City to follow the state code. John Prichard, Lubrizol Chemical Company, thinks that builders are not complaining because they don't have time. He indicated that he believes material is not responsible for Legionella, but that temperature increases may be the solution.

Mr. Kuhrt made comments about electrical issues associated with grounding using metallic water services. He feels that the biggest problems are when homeowners do their own work that is not inspected by a qualified professional.

Mr. Castagnoli asked staff about their position. Mr. Zibble indicated that staff has reviewed the issue multiple times over the past twenty plus years and continue to support the local amendment to prohibit plastic pipe.

Mr. Smith was asking for confirmation on how many cases of Legionnaires are there really. Katie Sperl indicated there is a current outbreak in Batavia with 10+ cases confirmed.

Mr. Zibble confirmed that the process is to discuss at BRB and then advance the recommendation to the City Council.

Mr. Wanner acknowledged that the benefit of plastic pipe is financial. He asked the applicant if there is someone who can speak to the cost savings for different types of projects. Ronald Davis replied that copper is labor intensive so savings come from less labor. Mr. Brockman indicated that most pros are using solderless connections to reduce labor costs. John Pritchard noted that the savings are typically 25-30% savings for a single family house with greater savings for multi-family buildings. He also noted that plastic has a more stable price structure than copper which can fluctuate significantly. Paul McCulloch, estimated 15%-30% savings based on the construction type. He suggested that MCAA national labor data be referenced for better information.

James Majerowicz asked that the Board not put a price tag on public safety and health issues. Jeff Church agreed that a price should not be put on public safety and health. He noted that plastic pipe and fittings need to meet the same safety requirements as copper. He also reminded the Board that the majority of other jurisdictions allow plastic pipe and fittings, and asked rhetorically what does Naperville know that other municipalities don't?

A motion was made by Kuhrt, seconded by Brockman, to close the hearing. The motion carried by a unanimous vote.

Chairman Jurjovec asked the board if there was any additional discussion and then entertained a motion. Mr. Smith again confirmed with the applicant that the request was really for plumbing inside the building, not the service line. Mr. Smith made a motion and Chairman Jurjovec restated it. Staff added clarification that the interior plumbing would be considered that plumbing on the house side of the water meter. Mr. Smith restated the motion again and a vote was taken.

Chairman Jurjovec thanked the participants and if the City Council chooses not to repeal the amendment, suggested to staff that this matter continue to be evaluated by staff with each code update cycle.

**A motion was made by Smith, seconded by Castagnoli, to amend Naperville's local amendment to Section 890.320 of the Illinois State Plumbing Code that prohibits the use of certain plastic piping, to allow PEX and PEX-like products for that portion of the domestic water distribution system downstream of the meter for all building types. The motion failed to pass (2-4).**

**Aye:** 2 - Castagnoli, andSmith

**Nay:** 4 - Brockman,Chairperson Jurjovec,Kuhrt, andWanner

**Absent:** 3 - Ghassan,Kronewitter, andRussell

#### **F. NEW BUSINESS:**

There was no new business to discuss.

#### **G. ADJOURNMENT:**

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