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New Mandatory Gas Piping System Inspection Once Every Five Years

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In response to the deadly gas explosions that occurred in 2014 and 2015, one caused by the improper welding of two gas pipes and another caused by an illegal tap into a neighboring building's gas line, New York City passed a series of new gas safety legislation in 2016. The new legislation is being phased in over the next several years, with Local Law 152 commencing on January 1, 2019.

Local Law 152 requires that all buildings with gas-piping, except R-3 occupancy buildings (which are mostly one- and two-family dwellings), must have its gas piping system inspected at least once every five years by a licensed master plumber (LMP). If the building has no gas piping, the building owner will need to submit certification from a registered design professional attesting to such to be exempt from this requirement. If it is a new building, the gas piping inspection is to be conducted in the tenth year after a letter of completion/certificate of occupancy is issued or the date of comple-

tion as determined by the NYC Department of Buildings (DOB), whichever is earlier. The DOB will be establishing the inspection due date for each building, and it is the building owner's responsibility to retain an LMP, or a qualified individual under the direct and continuing supervision of an LMP, to perform the inspection. The gas piping inspection must encompass all exposed gas lines from the point of entry into the building up to individual tenant spaces, including the gas meters. The LMP will need to identify any atmospheric corrosion, dangerous piping with gas piping, except R-3 occupancy deterioration, illegal connections, or non-code-compliant installations. The LMP will also need to use a portable combustible gas detector to test for any gas leaks along public spaces, hallways, corridors, mechanical rooms and boiler rooms.

The bulk of Local Law 152 is its reporting requirements with specific submission deadlines to both the DOB and the building's utility company. The submission must include the LMP's report on a DOB-approved form, an LMP certification that the inspection has been completed, and a list of any and all unsafe conditions, gas leaks, non-code-compli-

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ant installations or illegal connections. The LMP's report must be provided to the building owner no later than 30 days from the date of the gas piping inspection.

For the DOB submission, the building owner must submit the LMP's report no earlier than 60 days before the inspection due date and no later than the actual inspection due date. Local Law 152 specifically gives the DOB authority to charge filing fees for these submissions.

For the utility company submission, the building owner has 90 days after the inspection due date to electronically submit the LMP's report, so long as the DOB has set forth a rule that requires such utility company to accept the electronic submission at no cost. If the LMP's report listed certain conditions that need to be corrected, the building owner has up to 120 days after the inspection due date to have all conditions remediated. The building owner must submit to the DOB both an LMP certification that all conditions were corrected and a building owner certification of compliance with submitting the LMP report to the utility company. If remediation of one or more conditions requires additional time to complete, that may be noted on the 120-day submission. The building owner will then have a final deadline of

no later than 180 days after the inspection due date to provide the DOB with the LMP's certification of completion.

Notwithstanding any of the foregoing deadlines, if the LMP identifies any unsafe or hazardous condition the building owner, the DOB, and the utility company must be notified immediately. Then it is on the building owner to take immediate action to fix the unsafe or hazardous condition. Conditions that would qualify as unsafe or hazardous include: gas leaks, illegal connections, non-code-compliant installations, or any imminently dangerous condition as determined by the utility company or the LMP. The LMP and building owner are also required to keep a record of all submitted reports and certifications for at least eight years from the date of the inspection.

The focus of this new legislation is to ensure the safety of gas connections within the building. In line with this rationale, Local Law 152 has a built-in enforcement measure where failure to comply with its reporting requirements is classified as a major violation and may result in penalties.

Feel free to contact Anderson Kill should you need any assistance in navigating the scope and deadlines of this new gas piping system inspection requirement. ▲

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