

Todnem, Suzanne (DLI)

From: Rawalpindiwala Shabbir <Shabbir.Rawalpindiwala@kohler.com>
Sent: Thursday, March 05, 2015 2:20 PM
To: DLIRULES (DLI)
Subject: Comments - Minnesota Plumbing Board Rulemaking Notice

Dear Ms. Todnem,

Thanks for giving me the opportunity to comment on the subject document. Following are the comments to the proposed Minnesota Plumbing Code:

1. Section 4714.0409. In the last sentence of sub-section 4091.1, reference is made to ASME and IAPMO standards. ASME standard needs to be updated to read "ASME A112.19.7-12/CSA B45.10-12, Hydromassage bathtub systems". Also delete reference to IAPMO IGC 155 because it has been discontinued by IAPMO due to the requirements of IGC have been incorporated in the harmonized ASME/CSA standards.
2. Section 4714.1401. In sub-section 49.1, delete reference to IAPMO IGC 155 for the reasons cited in Item 1.

If you have any questions, please feel free to contact me.

Thanks,
Shabbir

Suzanne Todnem
443 Lafayette Road North
St. Paul, MN 55155
Phone: (651) 284-5006
Fax: (651) 284-5725
dli.rules@state.mn.us

From: Lutz, Lyndy (DLI) [<mailto:Lyndy.Lutz@state.mn.us>]
Sent: Thursday, March 05, 2015 10:34 AM
Cc: DLIRULES (DLI); CCLD BOARDS, CCLD Boards (DLI); Lutz, Lyndy (DLI)
Subject: Minnesota Plumbing Board Rulemaking Notice

Dear Plumbing Board members, Interested Parties, and DLI Staff:

You are receiving this email because under the Minnesota Administrative Procedures Act, each Minnesota agency must make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule being proposed. The Minnesota Plumbing Board has identified you as a person or organization who may be affected by the proposed rule.

The Minnesota Plumbing Board intends to adopt rules governing the Minnesota Plumbing Code, Minnesota Rules, chapter 4714, that adopt and amend the 2012 Uniform Plumbing Code. The Dual Notice: Notice of Intent to Adopt Rules Without A Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received, will be published in the March 9, 2015, edition of the State Register. The Dual Notice provides full details about the hearing and cancellation

3/10/15

Ms. Suzanne Todnem,
Department of Labor and Industry
443 Lafayette Road North,
St. Paul, MN 55155

Dear Ms. Todnem:

In reviewing the proposed Minnesota amendments to the 2012 Uniform Plumbing Code I would like to make a comment concerning section 4714.0601 subpart 601.1.2.

“601.1.2 Hot Water Recirculation. Hot water supply systems in four story buildings or higher, and or buildings where the developed length of hot water piping from the source of hot water supply to the farthest fixture supplied exceeds 100 feet, shall be of the return circulation type. “

I realize this statement is geared toward buildings where there are multiple fixtures distributed throughout the building along the hot water distribution system. To me the statement “shall be of the return circulation type. “ infers that the hot water would be required to be returned to the heating device. This however does not take into account a remote fixture that may be separated from the majority of fixtures. The cost of running a dedicated hot water line and a recirculation to a single fixture is cost prohibitive in most cases and does not take into account alternate methods of providing hot water to such a fixture.

There are two possible designs that come to mind that would provide hot water to a fixture under this circumstance.

1. Point of use electric water heater: This would eliminate the need for a hot water line and a recirculation line. A cold water would supply the fixture with cold water and cold water to the water heater, thus providing hot water to the fixture.
2. On demand pumping systems: In certain situations the use of an on demand pumping system may be a less expensive method of delivering hot water to a remote fixture without the use of a recirculation line. A hot water supply line is provided to the fixture, but not a hot water recirculation line. The on demand pumping system technically does not recirculate water back to the heater, but instead pumps the hot water into the cold water supply line until a predetermined hot water set point is reached. Control of the pump can be specified to meet the particular installation (occupancy sensor, push button, etc.).

I would propose the following language: **“601.1.2 Hot Water Recirculation.** Hot water supply systems in four story buildings or higher, and or buildings where the developed length of hot water piping from the source of hot water supply to the farthest fixture supplied exceeds 100 feet, shall be of the return circulation type **or provide an alternate method of supplying hot water to the furthest fixture or device.”**

Sincerely,

A handwritten signature in black ink that reads "Alan R. Allmon". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Alan Allmon



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Date: 3/20/14

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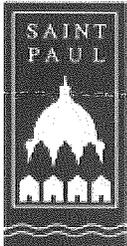
DEPT. OF LABOR & INDUSTRY
LEGAL SERVICES

To: Suzanne Todnem at
Minnesota Department of Labor and Industry
443 Lafayette Road North
Saint Paul Minnesota, 55155

Re: Proposed Permanent Rules Governing the Minnesota Plumbing Code and Adopting the 2012 Uniform Plumbing Code, with Amendments, *Minnesota Rules*, Chapter 4714, and Repeal of *Minnesota Rules*, Chapter 4715.

Members of the Minnesota Plumbing Board,

I would like to express my support of:
Proposed Permanent Rules Governing the Minnesota Plumbing Code and Adopting the 2012 Uniform Plumbing Code, with Amendments, *Minnesota Rules*, Chapter 4714, and Repeal of *Minnesota Rules*, Chapter 4715.



Rick Jacobs

Senior Plumbing Inspector

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Subject: 2015 MN Plumbing Code Comments (#1)

Change: 4714.0050: Line 1.7: replace the word “Offices” with “Officials”

Reason: International Association of Plumbing and Mechanical Offices is incorrect.

1.4	<u>4714.0050 TITLE; INCORPORATION BY REFERENCE.</u>
1.5	<u>Chapters 2 to 11, 14, and 17 of the 2012 edition of the Uniform Plumbing Code</u>
1.6	<u>(UPC) as promulgated by the International Association of Plumbing and Mechanical</u>
1.7	<u>Offices (IAPMO), Ontario, California, and UPC appendices A, B, and I, except for</u>

Submitted by:



Craig Johnson *CPD, LEED AP/BD&C*

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Subject: 2015 MN Plumbing Code Comments (#2)

Change: 4714.1110: In multiple sections, the year of ASPE Standard 45 needs to be specified.

46.24	<u>1110.2.2 Design. The drainage system shall be designed according to ASPE Standard</u>
46.25	<u>45, Siphonic Roof Drainage, and according to the manufacturer's recommendations</u>

Reason: The current 2012 Mn Plumbing Code and the proposed amendments are based on the ASPE Standard published in 2007. The 2007 version was the first publication, and there have been significant changes to the more recent 2013 ASPE Standard 45. I believe that the 2015 MN Plumbing Code should be based on the updated 2013 ASPE Standard 45. Subparts 1110.2.2, 1110.2.5, 1110.2.9, 1110.3.1, 1401 should be revised to read; "ASPE Standard 45 (2013)"

Submitted by:



Craig Johnson *CPD, LEED AP/BD&C*

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Subject: 2015 MN Plumbing Code Comments (#3)

Change: 4714.11102.9: Strike “The velocity at the transition location to gravity shall be reduced to less than three feet per second.” And replace it with “The pipe size after the transition shall be sufficient to return the system to open channel flow.”

47.22	<u>The velocity at the transition location to gravity shall be reduced to less than three</u>
47.23	<u>feet per second. The gravity portion of the building storm sewer system receiving the</u>

Reason: The requirement to reduce the velocity to 3 feet per second is not practical and in many cases is impossible. In my opinion, this velocity requirement was a mistake in the 2007 version of ASPE Standard 45 which was corrected in the 2013 version of ASPE Standard 45. The European standard upon which the original 2007 version of ASPE Standard 45 was based required the velocity to be reduced to 3 meters per second. I believe that in the translation from metric to IP, the 3 meters per second was incorrectly translated to 3 feet per second. The 10 or more pipe diameters in both standards (2007 and 2013) is considered sufficient to return the flow to open channel flow.

2007 ASPE Standard 45 Reads

9.9.3 Flare out the discharge piping 10 or more pipe diameters prior to the ventilated manhole or sump to decrease flow velocity to less than 0.9 m/sec (3.0 ft/sec). The resulting pipe diameter should be consistent with the Manning open channel flow diameter for the roof area (water flow) and a pitch of 1%.

2013 ASPE Standard 45 Reads

9.9.3 Flare out the discharge piping 10 or more pipe diameters prior to the vented manhole or sump. The resulting pipe diameter should be sufficient to return the system to open channel flow.

Submitted by:



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March 19, 2015

Suzanne Todnem
MN. Department of Labor and Industry
443 Lafayette Road N.
St. Paul, MN 55155

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DEPT. OF LABOR & INDUSTRY
LEGAL SERVICES

Dear Suzanne Todnem:

I want to express my support for the repeal of MN Rule Chapter 4715 and the adoption of the new permanent Rule Chapter 4714. I also want to commend the MN Plumbing Board for the very deliberate and tedious work to amend and merge the Minnesota Plumbing Code and the Uniform Plumbing Code (UPC).

Extensive review of the International Plumbing Code (IPC) by the Department of Health confirmed that the IPC and the Minnesota Plumbing Code were not compatible.

The Plumbing Board in coordination with the MN. Department of Health, MN Department of Labor and Industry, MPCA, MN.DNR and with several IPC representatives in attendance compared the UPC chapter by chapter with the Minnesota Plumbing Code and have amended the UPC Minnesota Edition to incorporate Minnesota's unique plumbing code language while keeping the principles of the plumbing code intact and protecting the health and safety of Minnesotans.

I congratulate all parties that worked on this project for their professionalism and long hours and appreciate the dedication in completing this project.

I look forward to the adoption of the rule change.

Sincerely



Carl Crimmins
Retired President, MN Pipe Trades Association



MINNESOTA PIPE TRADES ASSOCIATION

Affiliate of the United Association
Composed of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry
Of the United States and Canada
State Federation of Labor – A.F.L.-C.I.O.

David Ybarra II, President
411 Main Street – Room 309
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(651) 228-0068 (FAX)

Jeffrey Daveau, Sr., Secy.-Treas.
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Duluth-Detroit Lakes
Plumbers and Pipefitters
Local #11

Minneapolis-St. Cloud
Plumbers
Local #15

Minneapolis-St. Cloud
Pipefitters
Local #539

Minneapolis-St. Paul
Sprinkler Fitters
Local #417

Minneapolis
Gas Workers
Local #340

Moorhead
Plumbers and Pipefitters
Local #300

Rochester
Plumbers and Pipefitters
Local #6

St. Paul – Mankato
Plumbers
Local #34

St. Paul – Mankato
Pipefitters
Local #455

Virginia
Plumbers and Pipefitters
Local #589

Road Sprinkler Fitters
Local #669
District 28

April 6, 2015

Suzanne Todnem
Minnesota Department of Labor and Industry
443 Lafayette Road N.
St. Paul, MN 55155

Dear Ms. Todnem:

The Minnesota Pipe Trades Association represents approximately 3000 plumbers licensed in the State of Minnesota. On behalf of the members of our Association, I am contacting you to express support of the repeal of MN Rule Chapter 4715 and adoption of the new permanent Rule Chapter 4714.

After extensive review of the International Plumbing Code (IPC), the MN Department of Health confirmed that the IPC and Minnesota Plumbing Code were not compatible.

Upon that determination, the Minnesota Plumbing Board worked diligently to amend and merge the Minnesota Plumbing Code and the Uniform Plumbing Code (UPC).

The Plumbing Board, in coordination with the MN Department of Labor and Industry, MN Department of Health, MPCA, MN Department of Natural Resources, along with a number of IPC representatives in attendance, compared the UPC chapter by chapter with the Minnesota Plumbing Code. The resulting "UPC Minnesota Edition" incorporates Minnesota's unique code language while preserving the principles of the UPC.

I wish to thank and congratulate all that have worked diligently on this effort. The commitment and dedication to the process has been significant.

I look forward to the adoption of the rule change.

Respectfully,

David Ybarra II, President
Minnesota Pipe Trades Association

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LEGAL SERVICES



Minnesota Nursery & Landscape Association

1813 Lexington Ave N • Roseville, MN 55113
651-633-4987 • Fax 651-633-4986 • www.MNLA.biz

April 6, 2015

Suzanne Todnem
443 Lafayette Road North
St. Paul, MN 55155

Dear Ms. Todnem:

This letter will serve as the official comments of the Minnesota Nursery and Landscape Association (MNLA) with respect to the Minnesota Plumbing Board's dual notice of intent to Adopt Rules Governing the Minnesota Plumbing Code. The MNLA represents more than 1,100 member businesses, with approximately \$3.5 billion in economic impact in Minnesota, including garden centers; landscape contractors and designers; nursery and greenhouse growers; irrigation contractors; and lawn, tree, and garden services.

The MNLA urges the Minnesota Plumbing Board (MPB) to cease in its intent to amend Minnesota Rules and revisit its decision of April 19th, 2011, in which it chose to consider only Minnesota amendments to the Uniform Plumbing Code (UPC), instead of conducting a side-by-side review of the suitability of both the UPC and the International Plumbing Code (IPC) as a base national code upon which to build a proposed new Minnesota Plumbing Code. The MNLA believes that the best analysis to date of options that the Minnesota Plumbing Board must consider is the *White Paper on Model Code Adoption by the Minnesota State Plumbing Board*, dated April 15, 2011, written by the Association of Minnesota Building Officials. The MNLA is confident that a fair and open comparison of UPC and IPC will result in the MPB's eventual choice of the IPC as a base national code upon which to base a new Minnesota plumbing code.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy H. Power', is written over a horizontal line.

Timothy H. Power
MNLA Government Affairs Director

Benjamin Miller, PhD, RS
Dairy and Food Inspection Division
Minnesota Department of Agriculture
625 Robert St N
Saint Paul, MN 55155
April 6, 2015

Suzanne Todnem
Minnesota Department of Labor and Industry
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Saint Paul, MN 55155
dli.rules@state.mn.us

Ms. Todnem:

Please find comments from the Minnesota Department of Agriculture regarding proposed revisions to the Minnesota Plumbing Code below. Please let me know if you have any questions regarding any of these comments.

DEFINITIONS

Part 4717.0210 Subp2 – Health Authority Means the Commissioners of the Minnesota Department of Health and Agriculture or their local delegated agents. This section should be changed to reflect that there are other sections at the departments that may be effected by changes to the code, such as food service establishments and swimming pools.

- MDA supports the addition of Commissioner of Agriculture who regulates and licenses Retail Food Stores under MN Food Code Rule 4626., and Wholesale Manufacturer and Distributor facilities (Code of Federal Regulations).

GENERAL REGULATIONS

Part 4714.0317. Section 317 of the UPC establishes (national) plumbing standards for food-handling establishments. Food establishments in Minnesota inspected by the Department of Agriculture, Department of Health or local authorities that conduct inspections of food establishments are regulated by Minnesota Rules, chapter 4626, the Minnesota Food Code. Part 4626.0960. 4-903.12 of the Food Code prohibits storage of cleaned and sanitized equipment, utensils, laundered items, or single service and single-use articles under a sewer line that is not shielded to intercept potential drips. The proposed language of Part 4714.0317.1 does not require shielding. The proposed language has also removed the requirements in the UPC for leakage protection.

- MDA recommends that the language in 0317.1 of the UPC be retained. We also recommend that a general reference be made to the MN Food Code Rule 4626 which contains a number of plumbing requirements for food establishments, including shielding, not required by the UPC or proposed Minnesota amendments.

FLOOR DRAINS

Part 4714.0418 subpart 1 section 418.4 Food Storage Areas

625 Robert St. N., St. Paul, MN 55155-2538 ☐ 651-201-6000 or 1-800-967-2474 ☐
www.mda.state.mn.us

Where drains are provided in storerooms, walk-in freezers, walk-in cooler, refrigerated equipment, or other locations where food is stored, the drains shall have indirect waste piping.

- MDA would request that above section make reference to 4714.0801 Indirect Wastes. Subpart 1 section 801.1.1. Where floor drains are prohibited in walk-in coolers AND ADD walk-in freezers unless they are specifically required by the licensing authority.
- The reason for this request is to make is very clear that floor drains are prohibited in walk in coolers AND walk in freezers unless required the licensing authority.

INDIRECT WASTES

Part 4714.801.2.3 Food Handling Fixtures. Cooking ranges, steam kettles, potato peelers, ice cream dipper wells, and similar equipment shall be indirectly connected to the drainage system by means of an air gap.

A MDH proposal to add ice machines to the list of fixtures that must be indirectly connected unless no backwater valve is installed, and to add a requirement to trap ice bins was not approved (However, see part 4714.801.2 which requires indirect piping for ice-making machines, refrigerators and similar equipment).

- MDA is OK with this section.

FOOD HANDLING FIXTURES

Part 4714.801.3 MDH proposed that a bar, soda fountain, or counter sink regulated under chapter 4626 serving a commercial food establishment be directly wasted. The proposal was not accepted. Part 4714.801.3 is deleted in its entirety.

- MDA is OK with this deletion.

INDIRECT WASTE RECEPTORS

Part 4714.0804 Indirect Waste Receptors. 804 is amended by adding the following subsection: No plumbing fixture that is used for domestic or culinary purposes shall be used to receive the discharge of an indirect waste.

- MDA is Ok with this section.

VENTS NOT REQUIRED

Part 4714.902.2 The UPC allows bar, soda fountain, and counter sink traps not to be vented where it is not possible to do so. MDH proposed that traps serving commercial food establishments must be vented as required in the food code which adopts NSF Standard 7. The Board deleted all of section 902.2.

- MDA is Ok with this deletion.

Sincerely,



Benjamin Miller, PhD, RS
Food Program and Response Manager
Minnesota Department of Agriculture
benjamin.miller@state.mn.us
651-201-6670

- The Plumbing Board did an extensive review before they decided to go with the UPC.
- The Minnesota Plumbing Board allowed extensive opportunity for input into the process for amending the UPC.
- Costs for converting to the UPC will be less for plumbing contractors since this code is more similar to Minnesota's existing code.
- Many of our surrounding states have adopted the UPC.
- Since the UPC is the national code that most closely resembles Minnesota existing code, code inspection will be smoother for all parties involved.

The Minnesota Mechanical Contractors Association supports the Plumbing Boards adoption of the 2012 Uniform Plumbing Code with Minnesota Amendments. The Plumbing Board has made the right decision in going with the Uniform Plumbing Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Thaden", written in a cursive style.

Gary Thaden
Government Affairs Director
Minnesota Mechanical Contractors Association
651/646-2121 (w), 612/840-1233
GThaden@MinnesotaMCA.org

of hearing. A PDF copy of the Dual Notice is available at: www.dli.mn.gov/PDF/docket/4714notice.pdf. Links to the proposed rules and the Statement of Need and Reasonableness are available at www.dli.mn.gov/PDF/docket/4715docket3.pdf along with other information on the status of the rulemaking proceeding.

The comment period for this rulemaking ends at 4:30 pm on April 8, 2015.

**PROPOSED PERMANENT RULES GOVERNING THE MINNESOTA PLUMBING
CODE AND ADOPTING THE 2012 UNIFORM PLUMBING CODE, WITH
AMENDMENTS, MINNESOTA RULES, CHAPTER 4714, AND REPEAL OF
MINNESOTA RULES, CHAPTER 4715**

**MINNESOTA DEPARTMENT OF HEALTH COMMENTS
APRIL 8, 2015**

Submitted to Suzanne Todnem, Minnesota Department of Labor and Industry, 443 Lafayette
Road North, Saint Paul, Minnesota 55155 dli.rules@state.mn.us

DEFINITIONS

Part 4714.0203. Subpart 1 defines “Administrative Authority.” Subpart 2 defines “Authority Having Jurisdiction” to mean the same as “Administrative Authority.” Both definitions refer to the Department of Labor and Industry or a local government that is administering the Minnesota Plumbing Code. As noted in the Statement of Need and Reasonableness, the term “Authority Having Jurisdiction” is used throughout the Uniform Plumbing Code (UPC) over 500 times. In numerous instances, the UPC and proposed amendments give great discretion to the authority to permit, review, approve, or allow. This discretion may lead to varying interpretations of rule and inconsistencies. We would recommend modification of the definition to limit local authority to implementation of the Minnesota Plumbing Code, and require interpretations of rule, allowance of alternative products and procedures, and issuance of waivers or variances to be vested with the Plumbing Board or Department of Labor and Industry as appropriate.

Part 4714.0210, Subpart 2. We recommend that the proposed definition of “Health Authority” as the “...state health department or local public health agency...” be changed to “...Minnesota Department of Health or local public health agency...” We would also note that other governmental agencies which are not strictly health departments administer health-based requirements, such as the standards of the Minnesota Food Code, Minnesota Rules, Chapter 4626, administered by the Minnesota Department of Agriculture and delegated local governments.

GENERAL REGULATIONS

Part 4714.0317. Section 317 of the Uniform Plumbing Code (UPC) establishes national plumbing standards for food-handling establishments. Food establishments in Minnesota inspected by the Minnesota Department of Agriculture, Minnesota Department of Health, or local authorities are regulated by Minnesota Rules, Chapter 4626: the Minnesota Food Code. Chapter 5 of the Minnesota Food Code is specific to requirements for water, plumbing, and waste. Other rule parts address plumbing-related issues such as part 4626.0960. 4-903.12 which prohibits storage of cleaned and sanitized equipment, utensils, laundered items, or single service and single-use articles under a sewer line that is not shielded to intercept potential drips. The proposed language of part 4714.0317.1 does not require shielding. The proposed language has also removed requirements in the Uniform Plumbing Code for leak protection. We recommend that the full language of UPC section 317.1 be retained. We recognize that a reference to each specific Food Code citation may be impractical, but since the Food Code contains a number of

plumbing requirements for food establishments, we recommend that a reference be made to existence of the Food Code for the benefit of designers and installers.

PLUMBING FIXTURES AND FIXTURE FITTINGS

Uniform Plumbing Code Section 408.8 (4714.0408.8). This provision of the Uniform Plumbing Code (UPC) pertains to public shower floors. The UPC language, not proposed for amendment, states: “Floors of public shower rooms shall have a nonskid surface and shall be drained in such a manner that wastewater from one bather shall not pass over areas occupied by other bathers.” The purpose of the rule is to prevent bathers from being exposed to wastes from other bathers. The existing Minnesota Plumbing Code contains language in part 4715.1380, subpart 2, “Where each shower space is not provided with an individual waste outlet, the waste outlet must be located and floor pitched so that the water from one shower does not flow over the floor area serving another shower.” The UPC language pertains to occupied areas and may not assure that bathers entering or leaving a shower space are not exposed to wastes from other bathers. We recommend that the sentence quoted above from part 4715.1380, subpart 2, be added, or the UPC language be amended to include common areas.

4714.0418. The requirements for food service walk-in cooler and freezer floor drains in part 4714.0801.2.2 and in the Minnesota Food Code are different from the general requirements in this part. We recommend that rule part 4714.0801.2.2 be referenced in rule part 4714.0418 to prevent confusion and possible noncompliance.

WATER SUPPLY AND DISTRIBUTION

Part 4714.0602.4. This amendment proposes to change language in Uniform Plumbing code (UPC) section 602.4 to remove the requirement that the “.....Health Department, or other department having jurisdiction....” approve connection of a private water supply to any other source of supply. The Minnesota Department of Health regulates public and private water supplies under Minnesota statutes and rules. Minnesota Rules, part 4725.3350 contains specific requirements for interconnection of well water systems. Local governments, including community public (municipal) water suppliers, also have authorities concerning use of water sources, connection, interconnection, and back flow protection. We recommend that the language be based on the UPC wording and read “No water piping supplied by a private water supply system shall be connected to any other source of supply without approval of the Authority Having Jurisdiction, Minnesota Department of Health, or other department having jurisdiction.”

4714.603.5.4.2. Double wall heat exchangers typically use non-potable, and sometimes highly toxic heat transfer fluids and additives. It is very important to maintain the integrity of the system to protect potable water and public health. The existing Minnesota Plumbing Code, part 4715.1941, subpart 2, states that “A double-wall heat exchanger must be designed in a way that any failure of a wall must allow the discharge to the atmosphere of the heat transfer medium or the potable water contained by the wall. The discharge location must be visible to the operator or owner of the system and be located so that no hazards are created by the discharge.” We recommend that this language be added.

Part 4714.609.9. The construction, repair, or addition of new components to a potable water system creates a very real potential for the introduction of contaminants including

microorganisms. A water line break, flood, vandalism, loss of pressure, or contamination event, almost assures the introduction of contaminants. Disinfection with a chlorine solution is the standard protocol to eliminate microbiological contaminants. The Uniform Plumbing Code (UPC) specifies in detail the procedures, materials, contact time, and disinfectant chemicals required during disinfection. However, the UPC requires disinfection only when required by the administrative authority. We would recommend that instead of requiring disinfection only when required by the administrative authority, disinfection should be mandatory for all new or repaired potable water systems, or at a minimum, those which show microbiological contamination, are depressurized, or are substantially altered. We point out that disinfection is required of all new and repaired wells and water service pipe by Minnesota Rules, part 4725.2010. We would also recommend that the chlorine concentrations established in the UPC require “free” chlorine, and that analysis be done using a laboratory certified under parts 4740.2010 to 4740.2120.

Part 4714.611.0. Uniform Plumbing Code section 611.1 requires drinking water treatment units to comply with NSF 42 or NSF 53, water softeners to comply with NSF 44, ultraviolet water treatment systems to comply with NSF 58, and reverse osmosis water treatment systems to comply with NSF 62. The NSF standards provide assurance that the devices actually remove the listed contaminants or constituents. The proposed language in part 4714.611.0 removes these requirements, and does not establish alternative criteria to assure that the devices are effective. We note that part 4626.1040 5-201.11 of the Food Code specifically requires compliance with NSF standards 42, 44, 53, and 58. We acknowledge that there are limitations of requiring only NSF-complying devices, but removal of the requirement to use a complying device leaves no standard. We recommend that criteria for treatment device effectiveness be added, particularly for health-related contaminant removal.

INDIRECT WASTES

Part 4714.0801.2.2. is titled “Walk-In Coolers” and prohibits floor drains inside walk-in coolers unless they are specifically required by the licensing authority. The requirement is designed to prevent backup of sewage into floor drains that can contaminate food stored in a cooler or freezer. Floor drains are prohibited in walk-in coolers and freezers regulated under the Food Code. We recommend that the title be amended to “Walk-In Coolers and Freezers,” and the first sentence of part 4714.0801.2.2 be amended to read “Floor drains shall not be located inside walk-in coolers or freezers unless they are specifically required by the licensing authority.”

NONPOTABLE RAINWATER CATCHMENT SYSTEMS

The existing Minnesota Plumbing Code requires that potable water be supplied to all plumbing fixtures. The proposed rainwater catchment system rules allow nonpotable rainwater to be captured, stored, and supplied to certain fixtures for nonpotable use. We have two comments.

Part 4714.1702.1 allows rainwater to be used for water closets, urinals, trap primers for floor drains and floor sinks, industrial processes, water features, vehicle washing facilities, cooling tower makeup, and similar uses. While the specified uses should not generally result in direct ingestion through drinking or food, some uses present an increased risk of human exposure, particularly through inhalation. Water features such as fountains, and in particular fountains accessible to the public; cooling towers, which have been implicated in Legionella outbreaks; and the undefined “similar uses” may present an escalated exposure risk to the public. We

recommend removal of these from the list of permitted uses, or establishment of a rigorous review and approval process for these uses through a variance or other approval process.

Part 4714.1702.4 allows the use of reclaimed (recycled) water, as well as potable water, as makeup water for rainwater systems. Reclaimed (recycled) water is tertiary treated domestic wastewater (sewage) from a water/wastewater utility. UPC chapter 16 pertaining to alternate water sources for nonpotable applications, including reclaimed (recycled) water, is not proposed to be adopted at this time. The Water Reuse Interagency Workgroup, a multi-agency group, including representatives of the Plumbing Board, Department of Labor and Industry, Department of Health, Pollution Control Agency, and others has proposed to review Chapter 16 for future consideration in rulemaking. Reuse of reclaimed (recycled) water, gray water, and onsite- treated nonpotable water poses numerous and broad interdisciplinary issues. We recommend that until the issues of reclaimed (recycled) water are better defined, and rules are implemented, the use of reclaimed (recycled) water for rainwater makeup not be allowed.

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April 8, 2015

Ms. Suzanne Todnem
Minnesota Department of Labor and Industry
443 Lafayette Road North
Saint Paul, MN 55155

Dear Ms. Todnem:

This firm represents the International Code Council, and submits this written comment in opposition to the proposed rules adopting the Uniform Plumbing Code (UPC) as a model plumbing code to replace the current Minnesota State Plumbing Code.

The International Code Council is the developer of the International Plumbing Code (IPC). The International Plumbing Code is part of the family of International codes that includes the International Building Code, the International Fire Code, the International Residential Code, the International Mechanical Code, the International Fuel Gas Code, the International Electrical Code, the International Energy Code, the International Existing Building Code and the International Green Construction Code. These codes are developed and coordinated at the national level. Minnesota has adopted the International fire code, building code, mechanical code, fuel gas code, energy code, residential code and electrical code. The addition of the International Plumbing Code would benefit local enforcement and ultimately conserve resources because it is compatible with these existing codes and therefore more easily integrated into the local code administration and enforcement processes. Despite the obvious advantages of the IPC, it was not considered by the Minnesota State Plumbing Board as a model code replacement.

Instead, the promulgation of the UPC as the replacement for the current Minnesota State Plumbing Code was initiated nearly four years ago without due consideration of any other model codes. At a meeting of the Minnesota State Plumbing Board (MSPB) on April 19, 2011, the MSPB decided to move forward with proposing adoption of the UPC without appropriate consideration of the IPC as a competitor model code. Public notice was not given that the MSPB on that date would vote on adoption of the UPC without reviewing alternative codes, comparison of the IPC and UPC was not performed, and the Board provided no substantive technical or policy reasons for adopting the UPC. The April 19, 2011 meeting agenda of the plumbing board, which was distributed by e-mail on April 14, 2011, did not specify that a substantial change to the rules regulating plumbing would be considered and acted upon. This omission inhibited public participation in the formulation of rules governing plumbing, and deprived the ICC of due process and the opportunity to adequately present the IPC as a replacement model code.

Ms. Suzanne Todnem

April 8, 2015

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For these reasons, we strongly discourage and oppose adoption of the UPC, and request that the matter be returned to the MSPB in order to ensure full and fair consideration of alternative model codes. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas P. Seaton". The signature is written in a cursive, somewhat stylized font.

Douglas P. Seaton