

# PLUMBING BOARD: NOTICE OF FINAL INTERPRETATION

On September 13, 2013, the Minnesota Plumbing Board issued a Final Interpretation, which is printed below, pursuant to Minnesota Statutes §§ 326B.435, subdivision 2(a)(4), and 326B.127, subdivision 5. The submitter agreed that this Request for Interpretation would be heard by the Board at its July 16, 2013 meeting.

Any person aggrieved by this Final Interpretation may appeal it by filing a petition for a writ of certiorari with the Minnesota Court of Appeals pursuant to Minn. Stat. § 14.63.

As required by Minnesota Statutes § 326B.127, subd. 5, the Plumbing Board will consider this Final Interpretation for adoption as part of the Code. Questions may be directed to Patricia Munkel-Olson, phone: (651) 284-5128, *email*: patricia.munkel-olson@state.mn.us. TTY users may call (651) 297-4198.

## FINAL INTERPRETATION

**Inquiry:** PB0077  
**Subject:** Basic plumbing principles and the installation of fixtures  
**Code Reference:** Minnesota Plumbing Code, Minnesota Rules Parts 4715.0200, item O, and 4715.1220, subpart 3 (2011)  
**Submitted by:** Mr. Christopher Salazar  
Penguin Toilets  
28525 Beck Road, Ste. 121  
Wixom, MI 48393  
**Approved by:** Minnesota Plumbing Board  
by John Parizek, Board Chair  
**Date Received:** May 27, 2013  
**Issue Date:** September 13, 2013  
**Background:** On July 16, 2013, the Board considered en banc information regarding the design of a Penguin Toilet, which includes an overflow prevention device in the form of a secondary drain line. This new technology created an IGC, a special testing requirement, and is in compliance with IGC 252-08 and CSA B45-02(R08). Penguin Toilets have a FULL listing with IAPMO and complies with the most current code in accordance with ASME A112.19.1-2008/CSA B 45.1-2008 and bears the cUPC® certification mark. It is accepted in Canada, 49 states, and around the world.

The submitter agreed that this Final Interpretation could be issued more than 30 days after his request for interpretation was received (PB0077).

The Board considered information presented by Mr. Salazar and Mr. Pat Stack, President of Penguin Toilets. All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to each questions contained in this Final Interpretation. The Board also

sought comment, thoughts, opinions, and questions from the persons in attendance.

As required by Minnesota Statutes § 326B.127, subd. 5, the Plumbing Board will consider this Final Interpretation for adoption as part of the Plumbing Code.

**Question One:** Is the secondary drain system of the Penguin Toilet made of durable, smooth, non-absorbent and corrosion-resistant material and is free from concealed fouling surfaces?

**Answer One:** Yes.

**Commentary:** All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question One. The Board also reviewed a cut-away of a Penguin toilet.

**Question Two:** Does the secondary drain system comply with Minn. R. part 4715.0200, item O?

**Answer Two:** Yes.

**Commentary:** All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question Two.

**Question Three:** In the secondary drain system, can any water remain in the overflow when the fixture is empty?

**Answer Three:** No, water will not remain in the overflow when the fixture is empty.

**Commentary:** All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question Three.

**Question Four:** Does the secondary drain system discharge into the drainage system on the inlet or fixture side of the trap?

**Answer Four:** Yes, the discharge of the overflow does drain into the inlet or fixture side of the trap.

**Commentary:** All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question Four.

Date: 09/13/2013

/s/John Parizek  
John Parizek, Chair  
Minnesota Plumbing Board