

Plumbing Board
c/o Department of Labor and Industry
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NOTICE OF FINAL INTERPRETATION

On October 15, 2019, the Minnesota Plumbing Board issued a Final Interpretation, which is printed below, pursuant to Minnesota Statutes §§ 326B.435, subd. 2(a)(4), and 326B.127, subd. 5.

Any person aggrieved by this Final Interpretation may appeal it within 30 days of its issuance in accordance with Minnesota Statutes chapter 14.

Questions may be directed to Suzanne Todnem, telephone number: 651-284-5851, email: suzanne.todnem@state.mn.us.

FINAL INTERPRETATION

Inquiry:	PB0141
Subject:	Drain by gravity
Code Reference:	Minnesota Plumbing Code: 2012 Uniform Plumbing Code (UPC) section 709.1, as incorporated in the Minnesota Plumbing Code by Minnesota Rules, part 4714.0050.
Submitted by:	Daniel R. Olson Bassford Remele, P.A. 100 South Fifth Street, Suite 1500, MN 55402
Approved by:	Minnesota Plumbing Board, by Richard Jacobs, Chair
Date Received:	September 13, 2019
Issue Date:	October 15, 2019

Question: Section 709.1 of the Plumbing Code provides that “Where practicable, plumbing fixtures shall be drained to the public sewer or private sewage disposal system by gravity.” Given that the definition of “practicable” is “reasonably capable of being accomplished,” does the Plumbing Code require drainage by gravity systems?

Answer: Yes. Plumbing fixtures that can flow by gravity must flow by gravity. Section 709.1 offers an alternative on a case by case basis. Code conformance for existing buildings is described in Chapter 4714.0101, subp. 3.

Analysis: The Plumbing Board (“Board”) discussion interpreted section 709.1 to mean plumbing system capability was the primary factor in determining when fixtures must flow by gravity but also recognized that it might not be appropriate in some circumstances. For example, some

fixtures should not drain by gravity even if it is physically possible because doing so will conflict with other rules or statutes (e.g., Per the Well Code (chapter 4725), a well must be at least 50 feet away from a drain connected to a buried sewer; so if a floor drain is required within 50 feet of a well, the floor drain waste would be pumped through an air gap in order to not conflict with the Well Code. Another example of when draining by gravity might be physically possible but not practicable is if draining by gravity would compromise the structural integrity of the building (e.g., cutting through a support beam).

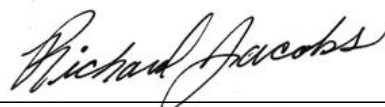
Looking at the Plumbing Code as a whole, the Board's interpretation that gravity must be used when possible is supported by other sections such as section 710. Section 710 addresses situations when the fixture is located below the next upstream manhole or main sewer level. Specifically, section 710 provides the requirements for sumps that are used on fixtures that cannot use gravity because the fixtures are below the sewer level. The use of pumps might or might not be a less expensive option because of maintenance requirements and potential breakdowns. It is important to maintain the Authority Having Jurisdiction's ability to determine whether draining by gravity is practicable on a case-by-case basis.

Whether draining by gravity is practicable should be considered in the context of the plumbing system. The Plumbing Code does not factor in business decisions or safety plans of the construction process. Considerations such as whether it is necessary to move obstructions could be a factor but is secondary to the plumbing system considerations. This determination is made by the Authority Having Jurisdiction.

The Board does not have enforcement authority of the Plumbing Code. The Board limited its interpretation to the Board's interpretive authority and did not address whether the specific plan submitted by the submitter to the Department should be approved or disapproved.

Commentary: This request for interpretation was submitted on or about September 13, 2019. The submitter granted the Board additional time to consider the request for interpretation beyond 30 days in order to avoid the need for a special meeting. The Board considered this request for interpretation at the regular meeting of the Board on October 15, 2019. All parties had an opportunity to be heard. As required by Minnesota Statutes, section 326B.127, subd. 5, the Minnesota Plumbing Board will consider this final interpretation for adoption as part of the Minnesota Plumbing Code.

Date: October 16, 2019



Richard Jacobs, Chair
Minnesota Plumbing Board