

**Plumbing Board  
Meeting Minutes  
April 19, 2016 at 9:30 a.m.**

Minnesota Room – Department of Labor and Industry  
443 Lafayette Road North, St. Paul, MN 55155

**Members**

Joe Beckel  
Jeff Brown  
Grant Edwards (Vice Chair)  
John Flagg  
Henry Gretsfeld  
Larry Justin  
Jim Kittelson  
Jim Lungstrom  
Pete Moulton  
John Parizek (Chair)  
Phillip Sterner (Secretary)  
Ron Thompson

**Members Absent**

Scott Eggen  
Mike Herman

**DLI Staff & Visitors**

Wendy Legge (Chief Gen. Counsel, DLI)  
Suzanne Todnem (DLI)  
Jim Peterson (DLI)  
Cathy Tran (DLI)  
Lyndy Lutz (DLI)  
Charles Olson (DLI)  
Ethan Landy (DLI)

Brad Jensen (DLI)  
Gary Thaden (MMCA)  
Sophie Thaden (MMCA)  
Matt Marciniak (IAPMO)  
Jim Gander (Superior Mechanical)  
Dwight Engen (Minnesota LECET)  
Scott Thompson (MN Plumbing Training)  
Richard Hauffe (ICC)  
Dean Berckes (Dept. of Military Affairs)  
Gordan Granse (Hope Pipe Manufacturer)  
JoAnne Utecht (Winnick Supply)  
Rich Pawlicki (A.Y. McDonald Mfg. Co.)  
Mark Hines (HD Supply Waterworks)  
Doug Kilawowski (Mueller Co.)  
Jeff Molitor (Granite Waterworks)  
Tim Power (MN Nursing & Landscape Assoc.)  
Adam Hanson (ABC)  
Stephanie Menning (MUCA)  
Dennis Schilling (City of West St. Paul)  
Jim Merchlewitz (ADS)  
Paul Sallwold (PHCC)  
David Skallet (City of St. Louis Park)  
Ray VinZant (Midway Votech)

**I. Call to Order**

The meeting was called to order by Chair Parizek at 9:44 a.m. Roll call was taken by Secretary Sterner and a quorum was declared. Introductions and housekeeping announcements were made.

## II. Approval of Meeting agenda

A motion was made by Kittelson, seconded by Sterner, to approve the agenda with additions noted in italics below. The vote was unanimous; the motion carried.

## VI. Special Business

- A) 2015 Plumbing Code Implementation
  - 1. *RFI Patrick Lorio*
  - 2. *PE pipe water service*
  - 3. *Manholes*
  - 4. *Double-check valve assembly/DCIAV*
- B) Review of Bylaws
- C) *Revision of RFI*
- D) DLI Emergency Procedures
- E) Ongoing Litigation Updates (closed session due to attorney-client privilege)

## III. Approval of Previous Meeting Minutes

- A) Plumbing Board Minutes – January 19, 2016

A motion was made by Justin, seconded by Edwards, to approve the minutes with all changes – see **Attachment A**. The majority vote ruled with one abstention [Moulton]; the motion carried.

## IV. Regular Business

Approval of Expense Reports – Parizek approved the expenses as presented.

## V. Committee Reports

### A) Department Updates

Tran provided an update – the department has been part of a legislative charge on interagency water reuse. The Water Reuse Workgroup consists of individuals from DLI, MDH, DNR, MPCA, Met Council and Chair Parizek. Their goal is to compile recommendations of regulatory and non-regulatory approaches to water reuse, including defining water reuse, safety and sustainability. This includes all types of water – storm, rain, gray, domestic waste and sub-soil drainage. They are examining risk assessment, current regulatory structures and existing systems. MDH is creating a webpage to share this information with the public.

Tran noted that the new plumbing code updates are available on the department's website at: <http://www.dli.mn.gov/CCLD/PlumbingCode.asp>

### B) Legislative Committee

Legge said that HF 2995 (SF3947) was heard on April 11, 2016, in the Jobs Committee of the House and was laid over for possible inclusion in the omnibus Bill. The bill was passed in the Senate and was on the floor. Parizek said the Board would need to review chapter 4716 if the bill passes.

### C) Executive Committee

Parizek noted the Committee met this morning to review the Board's agenda.

**D) Construction Codes Advisory Council**

Justin said he attended the CCAC meeting on Feb. 11, 2016 for Kittelson the council's discussion included new codes, legislative code adoption, license fee reductions, e-plan review, how the department responded to a 2015 roof collapse, IRC fire sprinklers, and a presentation was shown on roof collapse failures.

**VI. Special Business**

**A) 2015 Plumbing Code Implementation**

**1. RFI Patrick Lorio – Air Gap requirements for a domestic dishwasher (Attachment B)**

Lorio's RFI explanation reads as follows: *414.3 and 807.4 state that drainage from a domestic dishwasher must drain through an approved air gap fitting installed above the flood rim of the fixture served. I believe that the air gap is part of the drainage piping system and not the drain termination. 414.3 states how the discharge piping is connected after the air gap fitting, as opposed to a commercial dishwasher that must drain with an air gap indirectly.*

Peterson told Lorio that it only required the air gap be connected into the tail piece of the drain or into a garbage disposal and was relatively silent on going indirectly to a stand pipe with an air gap.

Parizek read aloud the sections below:

- **807.4 – Domestic Dishwashing Machine.**  
*No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher air gap fitting on the discharge side of the dishwashing machine. Listed air gaps shall be installed with the flood-level (FL) marking at or above the flood level of the sink or drainboard, whichever is higher.*
- **414.3 – Drainage Connection.**  
*Domestic dishwashing machine shall discharge indirectly through an air gap fitting in accordance with section 807.4 into a waste receptor, a wye branch fitting on the tailpiece of a kitchen sink, or a dishwasher connection to a food waste grinder. Commercial dishwashing machines shall discharge indirectly through an air gap or a direct connection in accordance with Section 704.3 with floor drain protection.*

Legge asked if the department had a written interpretation and Tran said yes, online at: <http://www.dli.state.mn.us/CCLD/PlumbingCodeFAQ.asp>

Thompson said both of the sections above are amended UPC language and he asked for IAPMO's interpretation. Marciniak, representing IAPMO, replied that the dishwasher must go through an approved listed dishwasher airgap fitting and from IAPMO's standpoint there is no other option.

Parizek said he has always considered the Building Supply from the main out in the street, or from the well, to the meter inside of a building or to the

pressure tank, and he sees this the same way – the materials are approved for cold water and his interpretation is that the building supply ends at the meter valve or building valve. Justin noted that he agreed with Parizek’s interpretation.

Peterson said domestic dishwashers must discharge through an air gap fitting and Beckel agreed.

Parizek clarified the question (interpretation): “Must a domestic dishwashing machine connect to the drainage system through an air gap fitting.”

Legge said possible language (for a motion) could be: “The Board interprets UPC section 414.3 and section 807.4 as adopted in Minnesota to require an air gap fitting whenever a domestic dishwasher is installed.” Parizek suggested modified language as follows: “The Board interprets UPC section 414.3 and section 807.4 as adopted in Minnesota to require a domestic dishwasher to discharge through a listed air gap fitting.”

**A motion was made by Flagg, seconded by Sterner; the Board interprets UPC sections 414.3 and 807.4, as incorporated into the Minnesota Plumbing Code by Minnesota Rule 4714.0050, to require a domestic dishwasher to discharge through a listed air gap fitting. Justin made the following friendly amendment: The air gap fitting must be referenced as a dishwasher air gap drainage fitting in chapter 14 of the 2012 UPC as amended by Minnesota Rules chapter 4714. The vote was unanimous [11 voting members]; the motion carried.**

**A motion was made by Flagg, seconded by Moulton, to authorize Chair Parizek to issue a final interpretation consistent with the Board’s decision [motion above]. The vote was unanimous [11 voting members]; the motion carried.**

2. PE pipe water service

Peterson said the department received numerous calls on IAPMO IS 7-2008 and the installation of polyethylene pipe for cold water service line installations.

**A) Gordon Granse, Polyethylene Technology (Attachment C)**

Granse asked for changes to the code either by amendment, exception, or a language change addressing primarily three points:

1. As it applied to HDPE poly pipe under the section Material (Building Water Supply Service), 2a): Approved materials for

water supply service lines installed **outside** of buildings:. Pipe must *not* be installed under or within any building, structure, or part thereof (see Minnesota Rules, Chapter 4714, Table 604.1, and Installation Standard 7, 8, and 15). Granse said his industry group seeks acceptance to install HDPE for water service line application, sizes ¾ to two-inch from curb stop up into the structure before transition to another material.

2. The Code, as written now, demonstrates, in their opinion, a bias against HDPE in favor of competing plastic materials.
3. The Code imposes unnecessary burden on their tradesmen, reduces efficiency, raises the cost of services and the structure, and destroys historically proven installation practices employed for many years largely issue-free. Minnesota is fortunate to have so many highly qualified, highly skilled professional installers who have been installing poly pipe for more than 50 years and perhaps 30+ years of employing poly pipe in the water service application, honing their installation skills while providing results that provide trouble-free, long life quality, and tremendous work skill efficiencies at lowest costs. He asked that this progress not be destroyed. They are in an all-win position if the code can be changed. Please modify the code by amendment, exception or language change, these proven and successful practices. He also asked that similar, but not necessarily identical, consideration be given to PVC for well applications.

**B)** Stephanie Menning, Minnesota Utility Contractors Association, addressed the board saying she represents 140 companies and thousands of workers across Minnesota focusing on installing utilities – water, sewer, cable, gas, and electric. She has been getting a lot of calls complaining about the installation of plastic pipe. She said if you are using inside pipe outside then that is pipe that was not intended to be used outside and she said who is going to pay when it fails. She is hoping the Board will re-look at the 2015 Plumbing Code and re-establish known, safe, procedures to getting water into a building. There is a lot of confusion. Some municipalities are following the new code and others are using their administrative authority and saying to do it as it's always been done because it's trusted and works. She is hoping the Board will see her as someone that is representing an entire industry.

Parizek said the standard PEX tubing is approved for interior and exterior installations and also approved for water distribution inside of a building. Parizek said the poly industry would need to make application to the listing organization in order to be approved – any individual or company can become involved in the process to develop a standard and then have their product meet that standard for a specific type of installation.

Peterson said there are things in the code that were missed. He added that polyethylene has been used successfully for many years and in the installation standard developed in 1969, and updated every 3 years, the poly manufacturers never came in to get it changed. He knows there are a lot of states that adopt the code that don't enforce the installation standards and a lot of states that have made an amendment. He feels this glitch was unintended by the Board and department to prohibit this material.

Justin asked if new information could be brought forward and noted that when the Board approved the code they were not aware of this section.

Legge said the Board can make any amendments to the Plumbing Code as long as it's needed, reasonable, and the requirements of the rulemaking procedures are met. But, at this point, in order to amend the code, if (the Board) wants to move forward with rulemaking the Board would have to publish a Request for Comments for at least 60 days before a proposed amendment could be published. This would have to go through a 30 day comment period even if there isn't a hearing and would also need to be reviewed by an ALJ, followed by a 270-day waiting period before the effective date.

Legge noted that the Board can only make a change through rulemaking or the Board could ask the legislature to make a change with an effective date determined by the legislature. The legislature could pass language trumping the code.

Edwards asked if the pipe up to the water meter or pressure tank inside a building would be considered the "building supply." If "yes" then it agrees with Table 604.1; PE is allowed for cold water building supply pipe. It does conflict with 2.6.1 installation standards but there are two or three places where it is shored up by the definition itself. He added that he believed "building supply" meant up to the meter and in Minnesota water meters are in the building.

**A motion was made by Edwards, seconded by Moulton, for the Board to make an interpretation to answer the question with a yes or no, is the pipe supplying water to a water meter or pressure tank inside a building considered the building supply. Justin added a friendly amendment to clarify that a "yes" vote meant that the definition of building supply is up to the water meter or pressure tank inside the building. The vote was "Yes" unanimously [11 voting members]; the motion carried.**

Justin departed the meeting leaving 10 voting members present.

**A motion was made by Kittelson, seconded by Sterner, to ask the legislature to make an amendment to an existing bill that polyethylene and PVC piping used for water supply can be installed to the building water meter or pressure tank. The motion did not pass – vote was 2 for [Kittelson/Sterner]/8 against.**

**A motion was made by Sterner, seconded by Flagg, that the Chair is authorized to publish a request for comments to open rulemaking to consider amendments to Minnesota Plumbing Code’s definition of “building supply,” and to IAPMO IS 7-2008 and IAPMO IS 8-2006 as incorporated in the Minnesota Plumbing Code. The majority vote ruled with 9 for/1 against [Moulton]; the motion carried.**

The meeting broke at 1:05 for lunch.

**A motion was made by Flagg, seconded by Sterner, to authorize the Chair to issue an interpretation of the Minnesota Plumbing Code’s definition of “building supply” consistent with the motion by Grant Edwards. The vote was unanimous [10 voting members]; the motion carried.**

The meeting resumed at 2:10 p.m. Joe Beckel departed the meeting leaving 9 voting members present.

**3. Manholes**

Tran referred to Figure 719.6A, Installation of Manhole (**Attachment D**), and said the language required the inlet and outlet connections to the manhole by use of a flexible compression joint not less than 12” (305 mm) and not more than 36” (914 mm) from the manhole.

Peterson said that if Table 14 is going to be amended to reference concrete standards or recommend a national code change then the Board should recommend changing the concrete standards. Parizek said he would make a note to address 719.6 in future rulemaking or adoption.

**4. Double-check valve assembly/DCIAV (Ray Van Zant)**

The Board reviewed the Administrative Announcement issued Feb. 25, 2016, by the City of Minneapolis regarding the “use of a double check valve with intermediate atmospheric vent for boilers serving 1 and 2 family residential dwellings.” **(Attachment E)**

Legge noted the Plumbing Board doesn’t have the authority to change the actions of the City of Minneapolis. The Board has authority to amend the plumbing code and issue interpretations of the code. It appeared the City of Minneapolis was offering an alternate and she added that the City has jurisdiction not the Plumbing Board. The Plumbing Board does not have authority to change the actions of a city.

Legge referred to MN Statutes 326.121 State Building Code; Application and Enforcement and read aloud Subd. 2, (c): *A municipality must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the State Building Code.... A municipality may, with the approval of the state building official, adopt an ordinance that is more restrictive than the State Building Code where geological conditions warrant a more restrictive ordinance.* Legge then referred to 301.2 Alternate Materials and Methods of Construction Equivalency: *Nothing in this code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by this code. Prior to installation, technical documentation shall be submitted to the Authority Having Jurisdiction to demonstrate equivalency. Unless prohibited by this code or by law, the Authority Having Jurisdiction shall have the authority to approve or disapprove the system, method, or device for the intended purpose.*

*However, the exercise of this discretionary approval by the Authority Having Jurisdiction shall have no effect beyond the jurisdictional boundaries of the Authority Having Jurisdiction. An alternate material or method of construction so approved shall not be considered as in accordance with the requirements, intent, or both of this code for a purpose other than that granted by the Authority Having Jurisdiction where the submitted data does not prove equivalency.*

Legge said that the City has the authority unless it is something specifically prohibited by the code.

Parizek asked Mr. Van Zant to bring this matter to the attention of the City of Minneapolis and Parizek also said he would bring the Administrative Announcement to the proper department at DLI.

**B) Review of Bylaws**

Legge referred to the Bylaws of the Plumbing Board and noted proposed amendments – see **Attachment F**.

Parizek recommended dissolving two committees – Product & Code Review and Code Interpretation. He also noted that product review would be addressed at Board meetings.

**A motion was made by Flagg, seconded by Kittelson, to accept recommendations by legal counsel to dissolve the Product & Code Review Committee, dissolve the Code Interpretation Committee, and re-letter Parliamentary Authority for Committees to item C [formerly E]. The majority vote ruled with 7 for/1 against/1 abstention [Sterner]; the motion carried.**

**C) Revision of RFI – Tabled until July meeting.**

**D) DLI Emergency Procedures – Tabled until July meeting.**

**E) Ongoing Litigation Updates (closed session due to attorney-client privilege)**  
The Board meeting went into a closed session. The Board chair announced that the closed session was for the purpose of the attorney-client privileged discussions regarding the ongoing litigation. All visitors and non-board members were asked to leave the meeting and it was not recorded.

**The meeting was closed due to attorney-client privilege and then re-opened to the public and recorded.**

**VII. Complaints**

Parizek said that two complaints were recently turned over to the Enforcement unit.

**VIII. Open Forum**

Jim Gander, GHCC, addressed the Board and referred to the 2015 Minnesota Plumbing Code, page 86, section 1017.1 that outlines when an oil and flammable liquid interceptor should be used and read aloud: *Repair garages and gasoline stations with grease racks or grease pits, and factories that have oily, flammable, or both types of wastes as a result of manufacturing, storage, maintenance, repair, or testing processes, shall be provided with an oil or flammable liquid interceptor that shall be connected to necessary floor drains.* In essence, unless it is a repair garage or a factory, a flammable waste trap is not required by Minnesota's new plumbing code. He believes that storage facilities for vehicles do not require a flammable waste trap. He then read again from the code: *Where an interceptor is provided with an overflow, it shall be provided with an overflow line [not less than 2 inches (50 mm) in diameter] to an approved waste oil tank having a minimum capacity of 550 gallons (2082L) and meeting the requirements of the Authority Having Jurisdiction.* He then read *Industrial interceptors (clarifiers) shall be required by the authority having jurisdiction*

and said he believes there are issues to be worked out and referred to the old 35 cu. ft. flammable waste trap no longer in the code.

Legge said the word “industrial” is not law and added that titles in rules are not enforceable under Minnesota law.

Tran said from the department’s standpoint they are looking at vehicle wash and vehicle storage as falling under 1009.1 and read aloud: *Interceptors (clarifiers) (including grease, oil, sand interceptors [clarifiers], etc.) shall be required by the Authority Having Jurisdiction where they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand, solids, acid or alkaline substances, or other ingredients harmful to the building drainage system, the public or provide sewer, or to public or private sewage disposal.*

Tran told Gander that what he was describing would be subject to 1009.1 – there is potential for grease and flammable waste.

Gander asked if he should assume that the old 35 cu. ft. or the monolithic one is going to be okay or required. It was clear in the old code.

Tran said one option would be to leave it to the designer under 1009 or provide sizing in accordance with 1017.2 Design of Interceptors – “*...Interceptors not rated by the manufacturer shall have a depth of not less than 2 feet (610 mm) below the invert of the discharge drain. The outlet opening shall have not less than an 18 inch (457 mm) water seal and shall have a minimum capacity as follows: Where not more than three motor vehicles are services, stored, or both, interceptors shall have a minimum capacity of cubic feet (0.2 m<sup>3</sup>), and 1 cubic foot (0.03 m<sup>3</sup>) of capacity shall be added for each vehicle up to 10 vehicles. Above 10 vehicles, the Authority Having Jurisdiction shall determine the size of the interceptor required. Where vehicles are services and not stored, interceptor capacity shall be based on a net capacity of 1 cubic foot (0.03 m<sup>3</sup>) for each 100 square feet (9.29 m<sup>2</sup>) of surface to be drained into the interceptor, with a minimum of 6 cubic feet (0.2 m<sup>3</sup>).* Tran said another option would be an engineered interceptor under 1009.2.

## **IX. Board Discussion**

Parizek briefly discussed the investigation process by the Enforcement unit for individuals operating without licensing or bond requirements in place.

Parizek said that under agenda item “2015 Plumbing Code Implementation” he mentioned he has received complaints about floor drain venting and said the Board may want to open rulemaking since this section was amended to be removed.

**A motion was made by Flagg, seconded by Kittelson, that the Chair is authorized to include in the request for comments the consideration of possible amendments to 2012 UPC sections 414.3, 807.4, 905.3, and chapter 10, as incorporated into the Minnesota Plumbing Code. The vote was unanimous [8 voting members]; the motion carried.**

**X. Announcements**

Next regularly scheduled meetings in 2016 – all meetings will be held at 9:30 a.m. in the Minnesota Room. Executive Committee meetings occur at 8:00 a.m., prior to each regular meeting in the Minnesota Room.

- a. July 19, 2016
- b. October 18, 2016

**XI. Adjournment**

A motion was made by Sterner, seconded by Kittelson, to adjourn the meeting at 4:09 p.m. The majority vote ruled; the motion passed.

Respectfully submitted,

*Phil Sterner*

Phil Sterner

**Plumbing Board**  
**DRAFT Meeting Minutes**  
**January 19, 2016 at 9:30 a.m.**  
Minnesota Room – Department of Labor and Industry  
443 Lafayette Road North, St. Paul, MN 55155

**Members**

Joe Beckel  
Jeff Brown  
Grant Edwards (Vice Chair)  
Scott Eggen  
John Flagg  
Henry Gretsfeld  
Larry Justin  
Jim Kittelson  
Jim Lungstrom  
John Parizek (Chair)  
Phillip Sterner (Secretary)  
Ron Thompson

**DLI Staff & Visitors**

Wendy Legge (Chief Gen. Counsel, DLI)  
Suzanne Todnem (DLI)  
Jim Peterson (DLI)  
Cathy Tran (DLI)  
Lyndy Lutz (DLI)  
Lori Herzog (DLI)  
Charles Olson (DLI)  
Ethan Landy (DLI)  
Brad Jensen (DLI)  
Gary Thaden (MMCA)  
Matt Marciniak (IAPMO)  
David Ybarra (MPTA)  
Dean Gale (Plumbers Local 34)  
Jim Gander (Superior Mechanical)  
Chad Filek (J-Berd Mechanical)  
Dennis Schilling (City of West St. Paul)  
Dwight Engen (Minnesota LECET)  
Scott Thompson (MN Plumbing Training)  
Richard Hauffe (ICC)  
Christina Rieck Loukas (Attorney)  
Jami Sehm (City of Blaine)  
Gary Ford (Metro Testing)  
Luke Westman (PHCC)  
Dean Berckes (Dept. of Military Affairs)  
Grant Brekke (ASPE)

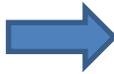
**Members Absent**

Mike Herman  
Pete Moulton



**II. Approval of Meeting agenda**

A motion was made by Gretsfeld, seconded by Kittelson, to approve the agenda with the addition of X. Announcements, Item B) Closed Session, in order for the Board to discuss pending lawsuits. The vote was unanimous; the motion carried.



**B) Executive Committee**

The meeting was called to order and immediately adjourned due to lack of a quorum.

Parizek and Tran attended a meeting regarding the Water Reuse Workgroup and how to expand in Minnesota. Parizek noted the group has become much more organized and will develop a consistent message about water reuse as well as strategies to support safe and sustainable reuse. The Workgroup has agency leadership commitment and funding from the Clean Water Fund. The legislature charged the Workgroup with preparing a comprehensive study of, and recommendations for, regulatory and non-regulatory approaches for use in the development of state policy for water reuse in MN. Parizek said he will update the Board on the Workgroup's progress and noted they have two years to develop a report for the legislature.

**D) UPC Amendment Committee**

The amendments were submitted on-time to IAPMO for possible amendments. All work for the UPC Amendment Committee was completed; therefore, Parizek dissolved the Committee.

**VI. Special Business****B) RFI PB0082 – 301.1.2, 301.2 Standards and Alternates (See Attachment B)**

The Board reviewed the Request for Interpretation from Grant Brekke regarding Table 14, ASME A112.14.3, 301. (After a lengthy discussion, the Board did not find a viable section of the code to interpret and asked the presenter if the RFI could be dismissed. Brekke agreed and Parizek noted the RFI was dismissed.)

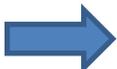
**Discussion highlights:**

The meeting broke at 11:07 a.m. and resumed at 11:24 a.m.

- Legge said the RFI specific language would need to point to the specific language in the code ~~that the Board members should and~~ propose an interpretation for the Board to consider. Then discussion on how the interpretation can affect other things.
- Legge said she has a legal concern about the portion of the RFI that specifies ASME A112.14.3. Where does this language appear in the language of the code? The code cannot be amended through interpretation, only the language that is there can be interpreted referencing ASME A112.14.3. Legge asked again, what sentence in the code Brekke is asking for an interpretation of.
- The Board did not find a viable section of the code to interpret and asked the presenter if the RFI could be dismissed. Brekke agreed and Parizek noted the RFI was dismissed. ¶

**C) Review of Forms**

a. RFA – Request for Action form is available on the department’s website at: [http://www.dli.mn.gov/PDF/pb/pb\\_request\\_for\\_action.pdf](http://www.dli.mn.gov/PDF/pb/pb_request_for_action.pdf) Parizek reviewed the RFA form and the board discussed possible revisions/additions to the form, as follows:



- Chapter 471<sup>54</sup> should read Chapter 471<sup>54</sup> where found

b. RFI – Request for Information form is available on the department’s website at: [http://www.dli.mn.gov/PDF/pb/pb\\_request\\_for\\_interpretation.pdf](http://www.dli.mn.gov/PDF/pb/pb_request_for_interpretation.pdf)



- Chapter 471<sup>54</sup> should read Chapter 471<sup>54</sup> where shown.

**X. Announcements**

B) Closed Session – The Board meeting went into a closed session. The Board chair announced that the closed session was for the purpose of the attorney-client privileged discussions regarding the ongoing litigation. All visitors and non-board members were asked to leave the meeting and it was not recorded.



The meeting was re-opened to the public and the meeting was recorded.

# Plumbing Board Request for Interpretation

Attachment B

PRINT IN INK or TYPE

NAME OF SUBMITTER	Rule(s) to be interpreted (e.g., 4715.0330)
-------------------	---

The Minnesota Plumbing Code (MN Rules, Chapter 4715) is available at [www.dli.mn.gov/CCLD/PlumbingCode.asp](http://www.dli.mn.gov/CCLD/PlumbingCode.asp)  
Has a request for interpretation been submitted to Department of Labor and Industry (DLI) staff, either as a verbal request or a written request?  Yes  No

If "No," contact DLI staff at 651-284-5187. The DLI is responsible for administration and interpretation of the Minnesota Plumbing Code, and all requests must be processed and provided a DLI interpretation before being referred to the Plumbing Board. This form is intended to be used to request an interpretation from the Plumbing Board's Code Interpretation Committee only as a resolution of dispute with DLI interpretation.

CODE/RULE to be interpreted:	NAME OF DLI employee gave interpretation:	DATE interpretation originally requested:
------------------------------	---	---

Provide a copy of the DLI interpretation with this request (a copy must be provided as reference).

Is there a local dispute with an Inspector of other official? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, state the name or type of official
---	--

State the circumstances of the initial dispute:

Explain what you believe the Code to read and why you disagree with the interpretation given to you by DLI staff.

List any other information you would like the Committee to consider:

### Information regarding submitting this form:

- Submit any supporting documentation to be considered electronically to [DLI.CCLDBOARDS@state.mn.us](mailto:DLI.CCLDBOARDS@state.mn.us). Once your Request For Interpretation form has been received, it will be assigned a file number. Please reference this file number on any correspondence and supplemental submissions.

### Information for presentation to the Committee:

- You will be notified with the date of the Committee Meeting in which your Request For Interpretation will be heard.
- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the Code, the circumstances that led to the dispute and please bring copies of any documentation.

### Information regarding Committee and/or Board function:

- The Code Interpretation Committee serves on behalf of the Plumbing Board to issue final interpretation.

### What you can do if you disagree with the Committee's determination:

- If you would like to appeal the Code Interpretation Committee's determination, please notify us within thirty (30) days and it will be forwarded to the Administrative Law Judge for final interpretation.

### Office Use Only

RFI File No.	Date Received by DLI	Dated Received by Committee	Date of Committee Meeting
Title of RFI	By:		

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

I understand that the Code Interpretation Committee has the authority to issue final interpretation on behalf of the Plumbing Board.

**Submitted by:**

NAME		FIRM NAME		
ADDRESS		CITY	STATE	ZIP CODE
PHONE	SIGNATURE (original or electronic)		DATE	

For Assistance or questions on completing this form, please call 651-284-5898 or 651-284-5889.

Mailing address:

**Plumbing Board  
c/o Department of Labor and Industry  
443 Lafayette Road North  
St. Paul, MN 55155-4344**

\*\*\* Please remember to attach all necessary explanations and supporting documentation\*\*\*

*Polyethylene  
Technology, inc.*

21670 Hamburg Avenue ◇ Lakeville, MN 55044

Tel: (952) 469-2198 ◇ Fax: (888) 270-9447

April 14<sup>th</sup>, 2016

Minnesota Plumbing Board

Attention: All Members of the Board

Dear Plumbing Board Members,

As a community of concerned professional Builders, Installers/Contractors, Wholesale Distributor's and Polyethylene Pipe manufacturers, the communication enclosed is our request for inclusion during your open forum section of your board meeting being held on April 19<sup>th</sup>, 2016 to request changes to the newly distributed 2015 Minnesota Plumbing Code.

Some specific and reasonable requests are enclosed for your perusal prior to the 19<sup>th</sup> meeting.

We hope to receive formal acknowledgement & look forward to meeting with you on April 19<sup>th</sup>.

Respectfully,



Gordon Granse

President

Polyethylene Technology, Inc.



21670 Hamburg Avenue ◊ Lakeville, MN 55044

Tel: (952) 469-2198 ◊ Fax: (888) 270-9447

### 2015 Minnesota Plumbing Code Issue

Polyethylene Technology, Inc. is a local Minnesota company who has been producing High Density Polyethylene (HDPE) since 1980 from our Lakeville Minnesota factory. Through these many years, we have produced our pipe using the highest grades of potable water approved & listed resin to the accepted & exacting standards of the industry.

Polyethylene Technology HDPE piping products for Water Service application meets the National Sanitation Foundation NSF/ANSI-Pw 61, ASTM D 2239 SDR 7 for IPS-ID, ASTM D 2737 SODR 9 for CTS-OD, ASTM D 3035 DR 17, 15.5, 13.5, 11 & 9 for IPS-OD, AWWA C 901.

In more recent years, many code jurisdictions have allowed HDPE pipe & tubing to be used for cold water service lines – early on accepting this application for HDPE pipe produced from PE 3408/3608 HDPE resin. Over the past three years, we & our industry have transitioned to producing our pipe employing the use of the PE 4710 resin, a superior resin material for many diverse applications but specifically superior for underground, potable cold water service line.

Minnesota's State Plumbing Code (effective January 23<sup>rd</sup>, 2016) in effect, states that HDPE can be used as cold water service line only up to the structure where it must transition to a competing material through the foundation or floor slab.

The codes' exclusion of using HDPE pipe running directly from Curb Stop that terminates within the structure has caused great concern within the industry, is disruptive to proven, local installation practices, raises the cost of a structure & is heavily biased in favor of competing materials. This identical, serious issue also extends to Water Well Service Line installations.

We, as a generally united industry regarding this matter, request an immediate letter to the trades that includes building officials, inspectors, installers, wholesalers, etc., stating the following –

Polyethylene (PE) pipe for use in Municipal Water Service Line application & meeting the Referenced Standards of the 2015 Minnesota Plumbing Code is approved & accepted for cold water service line installations commencing at the curb-stop & terminating at a reasonable point once within the structure.

Polyethylene (PE) pipe for use in Water Well Service Line application & meeting the Referenced Standards of the 2015 Minnesota Plumbing Code is approved & accepted for cold water service line installations commencing at the well pressure tank outlet & terminating at a reasonable point once within the structure.

Followed ASAP by a written addendum to section 301.2, clarifying the change referenced above.

Followed by an Amendment to the 2015 Code, Material (Building Water Supply Service) section for Polyethylene (PE) –

Eliminating: Reference code clause “\*Pipe must not be installed under or within any building, structure, or part thereof (Minnesota Rules, Chapter 4714, Table 604.1 and Installation Standard 7,8, and 15)”, and

Inserting: Polyethylene (PE) pipe for use in Municipal Water Service Line application & meeting the Referenced Standards of the 2015 Minnesota Plumbing Code is approved & accepted for cold water service line installations commencing at the curb-stop & terminating at a reasonable point once within the structure, and

Polyethylene (PE) pipe for use in Water Well Service Line application & meeting the Referenced Standards of the 2015 Minnesota Plumbing Code is approved & accepted for cold water service line installations commencing at the curb-stop & terminating at a reasonable point once within the structure.

Respectfully submitted by a uniting group of concerned industry trade professionals,

  
Gordon Granse

President

*happy customers*  
Producing ~~piping products~~ since 1980.

SANITARY DRAINAGE

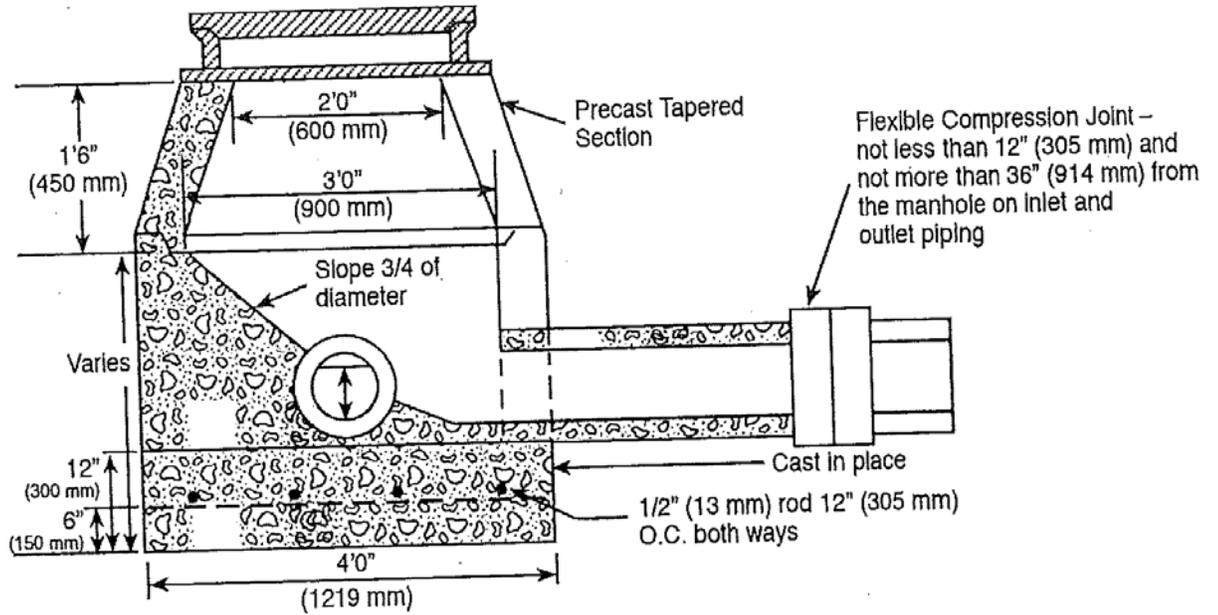


FIGURE 719.6A  
INSTALLATION OF MANHOLE

DEPARTMENT of COMMUNITY PLANNING & ECONOMIC  
DEVELOPMENT

CONSTRUCTION CODE SERVICES DIVISION

**ADMINISTRATIVE ANNOUNCEMENT**

Attachment E

**Minneapolis**  
City of Lakes

DATE ISSUED: February 25, 2016	DATE EFFECTIVE: March 1, 2016	NUMBER: AA-CCS-2016-2	PAGES: 1
-----------------------------------	----------------------------------	--------------------------	-------------

SUBJECT: <b>Use of a double check valve with intermediate atmospheric vent for boilers serving 1 and 2 family residential dwellings.</b>	APPROVED BY: Patrick Higgins
---	---------------------------------

Per 603.5.10 of the 2015 Minnesota Plumbing Code, Potable water connections to steam or hot water boilers shall be protected from backflow by a double check valve prevention assembly or reduced pressure principle backflow prevention assembly in accordance with 603.2. Where chemicals are introduced into the system a reduced pressure principle backflow prevention assembly shall be provided in accordance with Table 603.2

The City of Minneapolis has deemed that a double check valve with intermediate atmospheric vent provides equivalent backflow protection for boilers serving 1 and 2 family residential buildings, and is approved for such use provided the following conditions are met:

- Valve shall be listed to ASSE Standard 1012
- Valve must be installed per the listing
- No chemicals can be introduced into the system

## Bylaws of the Plumbing Board

### Article I. Name

- A. The official name shall be "Plumbing Board."

### Article II. Purpose

- A. The purpose of the Plumbing Board shall be as identified in Minnesota Statutes, section ~~326B.435-326.3705~~, subdivision 2. At the request of the Commissioner of Labor and Industry, the Board shall also provide information and documentation concerning any complaint referred by the Board to the commissioner, as provided in Minnesota Statutes, section ~~326B.435326.3705~~, subdivision ~~78~~.

### Article III. Membership

- A. The membership of the Plumbing Board shall be as identified in Minnesota Statutes, section ~~326B.435326.3705~~, subdivision 1.

### Article IV. Officers

- A. The Plumbing Board shall elect a chair, vice-chair, and secretary. All voting members of the Board are eligible to serve as officers.
- a. Chair: The chair shall:
- i. Preside at Board meetings;
  - ii. Appoint committees;
  - iii. Correspond on behalf of the Board;
  - iv. Develop meeting agenda; and
  - v. Act as the Board liaison with the Department of Labor and Industry regarding Board functions.
- b. Vice-Chair: The vice-chair shall:
- i. Assume the duties of the chair in the chair's absence; and
  - ii. Assume the duties of the secretary in the secretary's absence.
- c. Secretary: The secretary shall:
- i. ~~The secretary shall e~~Ensure that accurate notes of all Board meeting ~~proceedings~~ are taken and minutes are created and presented for Board approval at the next following meeting;
  - ii. Provide the presiding officer and membership with the exact wording of all motions;
  - iii. Record the official vote on all motions; and
  - iv. Maintain a record of all actions taken by the Board.

- B. The election of officers shall take place at the first meeting of the Plumbing Board and at each annual meeting thereafter.
  - a. The commissioner or the commissioner's designee shall preside over the election of all officers. The newly elected chair shall begin presiding over the meeting at the completion of elections.
  - b. Nominations for and election of each officer shall be independent of other officers.
  - c. Officers shall be elected in the following order: chair, vice-chair, secretary.
  - d. Nominations may be made by any voting member of the Board.
  - e. The number of nominees for each office is not limited.
  - f. Election shall be determined by majority of members voting.
    - i. Votes shall be cast by a raising of hands.
    - ii. Members shall vote for only one candidate at each ballot.
    - iii. Ballots shall be cast until one candidate receives a majority of votes cast.
  
- C. Vacancy
  - a. An election shall be held at the next regular meeting to fill a vacant office.
    - i. When an election results in creating a vacancy, an election to fill the vacancy shall be held at the same meeting until all positions are filled.
    - ii. The commissioner or the commissioner's designee shall preside over the election of vacant offices.
  
- D. Term
  - a. The term of all elected officers ends at the completion of election of officers at the annual meeting.

#### Article V. Meetings

- A. All meetings shall be held pursuant to Minnesota Statutes Chapter 13D.
- B. Location
  - a. Board meetings shall be held at the Department of Labor and Industry offices located at 443 Lafayette Road North, Saint Paul, Minnesota.
  - b. As provided in Minnesota Statutes, section ~~326B.435326.3705~~, subdivision ~~6a,7~~, meetings employing telephone or other electronic means may be conducted.
- C. Annual meeting
  - a. The annual meeting of the Board shall be the first meeting each state fiscal year.
- D. Regular meetings
  - a. Regular Board meetings shall be held on a schedule determined by the Board.
    - i. The regular Board meeting schedule shall be ~~posted-maintained~~ at 443 Lafayette Road North, Saint Paul, and on the Department of Labor and Industry website.
- E. Special meetings

- a. Special Board meetings are meetings that are not regularly scheduled.
  - i. Special Board meetings shall be called by the chair.
  - ii. Unless the meeting is an emergency meeting, at least three days before the date of the meeting, notice of the special Board meeting shall be posted at 443 Lafayette Road North, Saint Paul, and mailed, e-mailed, or delivered to each person who has requested a notice of special meetings.
  - iii. If the chair determines that circumstances require immediate consideration by the Board, the chair shall call an emergency meeting in accordance with Minnesota Statutes, section 13D.04, subdivision 3.

#### Article VI. Committees

- A. The chair may appoint a Board committee to address specific issues.
  - a. Committees shall report directly to the Board.
  - b. Unless dismissed by the appointing chair, the term of committee members ends with the election of a new chair.
  - c. Each Committee shall appoint a Secretary to record the meeting's Minutes.
- B. Executive Committee
  - a. The Executive Committee shall consist of the elected officers of the Board and the ~~Department Commissioner~~ of Labor and Industry ~~Commissioner's~~ Designee.
  - b. The duties of the Executive Committee shall be:
    - i. To advise the Board Chair on the Agenda for Board Meetings;
    - ii. To make recommendations for items brought before the Board; and
    - iii. To refer topics or subject matters to Committees.
- C. ~~Product and~~ Code Review Committee
  - a. The ~~Product and~~ Code Review Committee will consist of the Committee Chair, the ~~Department Commissioner~~ of Labor and Industry ~~Commissioner's~~ Designee and members appointed by the Plumbing Board Chair.
  - b. The duties of the ~~Product and~~ Code Review Committee shall be:
    - ~~i. To review products submitted and make recommendations back to the Board; and~~
    - ii. ~~t~~To review requests for code amendments and make recommendations back to the Board.
- D. Code Interpretation Committee<sup>[WL1]</sup>
  - a. The Code Interpretation Committee will consist of the Committee Chair, the ~~Department Commissioner~~ of Labor and Industry ~~Commissioner's~~ Designee and members appointed by the Plumbing Board Chair.
  - ~~b.~~ b. The duties of the Code Interpretation Committee shall be: To act on behalf of the Plumbing Board in responding to to review requests for interpretation of the Plumbing Code. ~~The Code Interpretation Committee shall review requests for final interpretations~~

~~of the Plumbing Code and issue final interpretations as provided in Minnesota Statutes section received by the Board under 16B.63, subdivision 5 (to be renumbered Minnesota Statutes section 326B.127, subdivision 5, and to make recommendations back to the Board.);~~

- E. Parliamentary Authority for Committees
  - a. A quorum of the committee shall consist of the majority of members of the committee qualified to vote on the matter in question.
  - b. A meeting must not be called to order unless a quorum is present.
  - c. A meeting must be declared adjourned by the committee chair or other presiding committee member at any time it is apparent that a quorum is not present.
  - d. A vote on any issue is valid even though fewer than the quorum vote.

#### Article VII. Parliamentary authority for the Board

- A. Quorum
  - a. A quorum of the Board shall consist of the majority of members of the Board qualified to vote on the matter in question.
  - b. A meeting must not be called to order unless a quorum is present.
  - c. A meeting must be declared adjourned by the Board chair or other presiding officer at any time it is apparent that a quorum is not present.
  - d. A vote on any issue is valid even though fewer than the quorum vote.
- B. Majority
  - a. A majority of the membership is 7 voting members of the Board, except that if there is any vacancy in the voting members of the Board, a majority of the membership is more than half of the voting member positions on the Board that are filled. This number does not depend on the number of members present at a meeting or voting on a particular matter. An affirmative majority of the voting members is the same as a majority of the membership.
  - b. A simple majority, or a voting majority, is more than half of the members voting on a particular matter.
  - c. A two-thirds majority of the membership is 9 voting members of the Board, except that if there is any vacancy in the voting members of the Board, a two-thirds majority of the membership is more than two-thirds of the voting member positions on the Board that are filled. This number does not depend on the number of members present at a meeting or voting on a particular matter. A two-thirds majority of the voting members is the same as a two-thirds majority of the membership.
  - d. A two-thirds voting majority is two-thirds or more of the members voting on a particular matter.
- C. Regular meeting order of business
  - e. Call To Order
  - f. Approval of Meeting Agenda
  - g. Approval of Previous Meeting Minutes

- h. Regular Business
    - i. Minnesota Plumbing Code
    - ii. Plumbing Licensure and Registration
  - i. Special Business
  - j. Committee Reports
  - k. Complaints
  - l. Open Forum
  - m. Board Discussion
  - n. Announcements
  - o. Adjournment
- E. Process for consideration of business agenda items and motions
- a. A business agenda item is presented by the chair or other Board member.
  - b. Any Board member, either a voting or nonvoting member, makes a motion to address the issue.
  - c. Another Board member, either a voting or nonvoting member, seconds the motion.
  - d. The issue and motion are discussed/debated.
  - e. After all members have had opportunity to speak on the issue the chair or presiding officer asks the secretary to read the motion and calls for a vote on the motion.
  - f. Other motions may be made and considered within this process as outlined in the following table.

F. RULES GOVERNING MOTIONS IN ORDER OF  
PRECEDENCE

Motion	Interrupt (Note 1)	Second	Debatable (Note 2)	Amendable (Note 3)	Vote to Pass
Adjourn	No	Yes	No	No	Voting Majority
Recess	No	Yes	Restricted	Restricted	Voting Majority
Postpone/Table (Note 4)	No	Yes	No	No	Voting Majority
Refer to Committee (Note 5)	No	Yes	Restricted	Yes	Voting Majority
Amend	No	Yes	Yes	Yes	Voting Majority
Main Motion	No	Yes	Yes	Yes	Voting Majority
Reconsider (Note 6)	Yes	Yes	Restricted	No	Voting Majority
Rescind (Note 7)	No	Yes	Yes	No	Membership Majority
Resume Consideration/ Remove from the Table	No	Yes	No	No	Voting Majority
Appeal (Note 8)	Yes	Yes	Yes	No	Voting Majority
Amend Bylaws	No	Yes	Yes	Yes	Membership Majority
Rules Amendment Except Plumbing Code Amendment	No	Yes	Yes	Yes	Membership Majority
End debate	Yes	Yes	No	No	Two-thirds Voting Majority
Plumbing Code Amendment	No	Yes	Yes	Yes	Two-Thirds Membership Majority

Notes to the table:

1. Interrupt – Can the maker of the motion interrupt another motion process?
2. Debatable – Can the motion be debated? Restricted – Debate is restricted to the motion being considered.
3. Amendable – Can the motion be amended? When restricted, an amendment must be germane to the motion to amend.
4. Postpone/Table – A motion postponed or tabled may be reconsidered within the same meeting as a result of motion to resume consideration. The motion postponed/tabled may be brought forward as a new motion at subsequent meetings without a motion to resume consideration. A motion to postpone/table ends debate of the motion to be postponed or tabled.

5. Refer to Committee – The debate on a motion to refer to a committee is restricted to the committee membership, assignment, meeting and reporting schedule.
6. Reconsider – A motion to reconsider can only be made during the same meeting the motion to be reconsidered was acted on. Debate is restricted to the motion to reconsider. Debate on the motion to be reconsidered can only occur after the motion to reconsider is passed. The use of the term “reconsider” in these bylaws is different from the use of the term “reconsider” in Minnesota Statutes, section ~~326B.435~~~~326.3705~~, subdivision 6, items (b), ~~(d), (e) and through~~ (f). Nothing in these bylaws is intended to conflict with the statutory restrictions on the Board’s ability to “reconsider” plumbing code amendments and other proposed rules and rule amendments.
7. Rescind – A motion to rescind can only be made on motions that passed at previous meetings and then only if irreversible actions have not been carried forth. A motion to rescind must pass by a majority vote of the Board membership. A motion to rescind cannot be reconsidered or rescinded.
8. Appeal – Any member may make a motion to appeal a ruling or action of the chair or presiding officer.
9. End debate – Any member may make a motion to end discussion on the matter at hand.

Other actions or limits are at the discretion of the chair or other presiding officer, but are subject to appeal.

#### Article VIII. Internal standards related to “day spent on Board business”

When authorized by the Board, members may be compensated at the rate of \$55 per diem for each day spent on Board activities in addition to being reimbursed for expenses as authorized by the commissioner’s plan adopted under Minnesota Statutes section 43A.18, subdivision 2. The Board defines a day spent on Board activities as any day members attend a regular or special Board meeting, or when specifically authorized by the Board to attend committee meetings or other meetings or activities or perform other duties on any day other than the day of a regular or special Board meeting.

In addition to the day of the Board activity and when a Board member’s primary residence is more than 250 miles from the location of the Board activity, an additional day for travel is allowed when the member incurs overnight lodging expense.

#### Article IX. Board Minutes

The Minutes for each meeting shall include the following:

1. A list of attendees.
2. The start time of the meeting.
3. Each topic description.
4. All motions made and the recorded vote.

5. Upcoming meeting dates and times

Time of adjournment.

Article X. Amendment to bylaws

A majority of the membership must vote in the affirmative to adopt an amendment to these bylaws.

ADOPTED: November 16, 2007

AMENDED: February 19, 2008

PROPOSED AMENDMENT: April 21, 2009

PROPOSED AMENDMENT, ADOPTED: August 23, 2011

PROPOSED AMENDMENT: April 19, 2016