

**Plumbing Board
Executive Committee
Minutes
January 20, 2009 – Minnesota Room
Department of Labor and Industry (DLI)
443 Lafayette Road No., Saint Paul, MN 55155-4344
DLI.CCLDBOARDS@State.MN.US**

Members Present:

Lawrence G. Justin
John A. Parizek
Jim Peterson (DLI Commissioner's designee)

Staff Present:

Wendy Legge
Annette Trnka
Jim Lungstrom
Cathy Tran

Members Absent:

Jim Gander

Visitors:

Brian Soderholm
Matt Marciniak
Doug Hall

I. Call To Order

The meeting was called to order by Chair Parizek at 8:20 a.m.

- A. Announcements
- B. Introductions

II. Approval of Agenda

Chair asked for corrections or amendments to the meeting Agenda. Hearing none, the Chair declared the Agenda approved.

III. Approval of Previous Meeting Minutes

- A. October 21, 2008 Minutes
 - i. The Chair asked if there were any corrections or objections to the previous meeting Minutes. Hearing none, the Chair declared the Minutes approved.

IV. Regular Business

There was no regular business to discuss.

V. Special Business

- A. Next Plumbing Board Meeting Agenda – The Agenda planned for the regular Plumbing Board meeting was discussed.
- B. Committee referrals –
 - i. Product and Code Review requests – Larry Justin reviewed the previous requests that were before the Committee. Justin stated that he had authored two letters to Saniflo and Toto, USA, stating information and/or items that the Committee requires before the request can move forward. To date, no response has been received from either company.

Justin asked if there should be a policy regarding getting information requested from Requestors a week in advance. Legge stated that according to the Open Meeting Law, the requirement is that any documents distributed to Committee members at the meeting have to be made available to members of the public on the day of the meeting. Jim Peterson stated that with the prior plumbing advisory committee if the documents weren't received until a few days before the meeting, it wouldn't be discussed at the meeting as there wasn't time to review the received materials. Peterson stated he feels that it should be established that information requested should be received a specific number of days in advance of the meeting or the request may not be discussed by the Committee.

Justin asked if it should be presented to the entire Board for discussion and consensus of opinion. Parizek stated he feels that it's important to make it known that there has to be enough advance time to review the items that are submitted before each meeting. Parizek went on to state that perhaps the request could be added to the agenda, then if the items received are too substantial, the request would have to be delayed to a future meeting. Peterson stated that another possibility would be to deny the request for lack of information until all the information has been received.

Tran stated that if information was requested there should be adequate time for the Department to review the submitted information to be able to give an opinion on the request to the Committee/Board. She went on to state that she feels that seven business days is reasonable. Doug Hall of Toto, USA stated he hadn't received a copy of the letter addressed to Chris Paulsen and asked for a copy of it. The copy was given to Mr. Hall when the Executive Committee meeting concluded.

Justin would like an e-mail sent out asking if anyone would like to participate in the PCRC meeting by teleconference giving a deadline of Thursday morning (01-22-09) by 9:00 a.m. to notify Annette Trnka that they would like to participate. It was stated that the Department of Labor and Industry's I.T. Department needs two weeks notice in order to set up teleconferences. If there are two parties or less, the teleconference can be done internally. The Open Meeting Law requires that if any Board/Committee member is allowed to participate by teleconference, the public also has to have that availability made to them and notification has to be made at least three days in advance of the meeting. If members of the public choose to participate by teleconference, they may be charged for any expense incurred by the Department as a result.

The PCRC is also still waiting for responses from Saniflo and Vista Clear.

Justin then reviewed the water conditioning issue that was discussed at the last PCRC meeting on October 29, 2008.

The new Request For Action received from Schier Products was discussed. Chair Parizek referred the RFA to the Product and Code Review Committee. Justin stated the RFA will be reviewed at the next PCRC meeting, pending copyright authorizations on the Standards and other printed materials.

Parizek asked if there were any other RFAs that had been sent to the previous Plumbing Advisory Committee that have not yet been referred to the new Plumbing Board. It was thought that all previous requests have been referred to the Board, however, DLI staff will take another look and try to contact anyone who previously submitted an RFA that stalled for lack of information. Parizek stated if there was no response to staff effort, the outdated RFA will be closed.

- ii. Code Interpretation requests – there have been no requests for interpretation to the Board.
- iii. Licensing and Registration requests – this Committee has not met since the last Board meeting.
- iv. Green / LEED requests – A letter has been sent to Falcon Waterless Urinals has been sent by Parizek. To date, a response has not been received.

C. Rulemaking update

- i. Request for Hearing – There have been 22 requests for hearing at the time of this meeting. Legge said Gary Thaden had stated there would be a minimum of 25 letters requesting a hearing submitted, however if there are no other requests for hearing, he would withdraw his requests for hearing. The deadline for requesting a hearing is January 21, 2009 at 4:30 p.m.
 - ii. Department Update and Comments – Legge stated that Tom Joachim will present during the Open Forum in which he will make a presentation regarding what the Department of Labor and Industry’s legislation will be.
- D. S. F. # 74 – Parizek stated this senate file is the first step in grey water systems. He would like to discuss this senate file at the Board meeting. Parizek also stated there are three different standards proposed regarding water quality depending on the type of use. Parizek stated that the proposed language is at the Department of Natural Resources for review right now according to the website. Parizek stated that Ron Thompson should be asked during the Board meeting if the Department of Health has been working on this issue. Tran stated that the goals of this bill are unclear to her. Parizek stated that his concern is that there will be standards set in statute for grey water systems and requests will then come to the Board for approval for these systems and right now there are no rules written to support the proposed statute.

Peterson stated from an enforcement standpoint, if it is a re-use system and doesn’t have a sign or notice of “recycled water – do not drink” would that be up to DOLI or the DNR to enforce. He also stated that if there is a hose bib that’s connected to system, then it has to have a quick coupler that differs from those on potable water systems; is that something you can screw on a hose thread or does it have to have a separate coupling device on it different from a hose thread; and wondered which authority would be responsible to enforce those things as well.

Legge stated that the bill is proposed to be in Chapter 103G, and she has not researched whose authority Chapter 103G is under; however she feels that who has the authority should be specified, whether the Board or the Department, in the legislation. Peterson stated that it could be under the DNR rules to specify water quality for re-use. Tran said it’s a very comprehensive list, however, where it refers to other purposes – it does list flushing toilets and urinals and priming drain traps – she feels those things should be considered as the Department’s authority to enforce. Justin stated that he thought it would be good to present to the entire Board to get their views on this issue. Legge suggested that perhaps the Board would like to contact the legislators regarding any ambiguity over who has authorization over this proposed statute.

- E. Complaints of Licensing and Advertising – Parizek stated that there have been numerous complaints to the Board regarding advertising postings in newspapers, Craig’s List, and the like, that don’t contain the Contractor’s license numbers. These letters were referred to the Commissioner’s designee of Charlie Durenberger with the Department of Labor and Industry. Peterson stated that if a person is performing plumbing services without a license, the State is very active in enforcing that, however, just advertising without including your license number when you are in fact licensed is not a priority on the enforcement’s agenda.

VI. Open Forum

There were no requests under Open Forum.

VII. Board Discussion

There was no further discussion.

X. Announcements

- A. Next Regularly Scheduled Meetings:
- i. Hearing – February 3, 2009, 9:30 a.m. – Minnesota Room, DLI – if required
 - ii. Tuesday, April 21, 2009, 9:30 a.m. – Minnesota Room, DLI

XI. Adjournment

Justin made a motion, seconded by Peterson, to adjourn the meeting. The vote was unanimous, and the motion passed. The meeting adjourned at 9:13 a.m.

Respectfully Submitted,

Lawrence Justin

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