

**Plumbing Board
Meeting Minutes
April 21, 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:

Karl Abrahamson
Rebecca L. Ames
Steve Christenson
Jim Gander
Kenneth Kammerer
James Kittelson
Lawrence G. Justin
Allen J. Lamm
Michael McGowan
Rick Palmateer
John A. Parizek
Jim Peterson (DLI Commissioner's designee)
Paul Sullwold
Ronald Thompson (MDH Commissioner's designee)

Members Absent:

None

Staff Present:

Cathy Tran
Wendy Legge
Annette Trnka
Jim Lungstrom
John Schultz
Chuck Olson
Brad Erickson

Visitors:

Brian Soderholm
Jeff Keogh
Doug Hall
Luther Westman
Phil Raines

I. Call To Order

The meeting was called to order by Parizek at 9:46 a.m. and announcements and introductions were made.

II. Approval of Agenda

Justin made a motion, seconded by Gander, to approve the meeting agenda as amended. The vote was unanimous and the motion carried.

III. Approval of Previous Meeting Minutes

A. January 28, 2009 Minutes

- i. The Chair asked if there were corrections or objections to the January 28, 2009 Special Meeting Minutes. Hearing none, the Chair declared the Minutes approved.

IV. Regular Business

- A. Approval of Expense Reports
 - i. Chair stated that he had reviewed the expense reports and Per Diems, found them in order and declared them approved.

V. Committee Reports

- A. Executive Committee – the Committee met prior to the Board at 8:00 a.m.
- B. Product and Code Review Committee – Justin reviewed the open RFAs being reviewed by his Committee and what will be on the agenda for the April 29, 2009 meeting.
- C. Code Interpretation Committee – Parizek stated that there has been a Request For Interpretation received. This will be assigned a file number and will be assigned to the Code Interpretation Committee. Gander is considering April 29th at 8:00 (before the PCRC meeting.)
- D. Licensing and Registration Committee – (approval of the August 19, 2008 Minutes) Parizek made a motion, seconded by Sullwold, to approve the August 19, 2008 Minutes. The vote was unanimous and the motion passed.
- E. Green Committee – (approval of the March 25, 2009 Minutes) – Justin made a motion, seconded by Peterson, to accept the March 25, 2009 Minutes. The vote was abstained by Christenson as he was not at the previous meeting. The vote was Parizek, Ames, Peterson, and Justin. The majority ruled and the motion passed. The subject of waterless urinals has been passed from the Green Committee to the Product and Code Review Committee, which expects to discuss the issue at the June 23, 2009 meeting.
- F. Water Conditioning Committee – (approval of February 27, 2009 Minutes) – Sullwold made a motion, seconded by McGowan to approve the February 27, 2009 Minutes. The vote was unanimous and the motion passed.
- G. Construction Code Advisory Council – Kammerer gave a report of the first meeting which was held on April 9, 2009. Gander was appointed as an alternate for Kammerer, although he will not be a voting Committee member.

VI. Special Business

- A. Requests for Action
 - i. File PB0031 (5-07-08) Water Closet Seat w/spray by Toto – Mr. Doug Hall, a representative of Toto gave a presentation and made himself available for questions. The Board members then viewed the sample product brought in by the Presenter.

The meeting broke at 10:48 a.m. and resumed at 11:06 a.m. and a PowerPoint presentation previously given by the Presenter at a Product and Code Review Committee meeting was displayed.

The Board members and DLI staff then discussed the product.

Justin made a motion, seconded by Kammerer, to approve the Request For Action with the following language:

Add to 4715.1420 the following:

“Subp. 4 Water Closet Personal Hygiene Devices: Water Closet personal hygiene devices shall conform to ASME 112.4.2.”

Add to 4715.2100:

H. Deck-mounted and equipment-mounted vacuum breakers and faucets with integral atmospheric or spillproof vacuum breakers shall be installed in accordance with the manufacturer’s instructions, with the critical level not less than one (1) inch (25 mm) above the flood level rim.

Peterson made a friendly amendment to add to 4715.2100(H) a requirement that the devices meet a nationally recognized standard (to be determined), which was accepted by Justin and Kammerer.

The vote was Parizek, Justin, Lamm, Ames, Christenson, McGowan, Kittelson, Palmateer, Sullwold, Kammerer and Peterson. Opposed were Gander and Abrahamson. The majority ruled and the motion carried.

Thompson stated he would like to clarify that this device does not currently meet the Plumbing Code, and the proposed language would be for future rulemaking. Tran asked if this would include public and private applications it was stated that the Code does not distinguish between public and private use.

- ii. File PB0038 (1-15-09) Wet Venting by Jeff Keogh, City of Chanhassen – Jeff Keogh presented and discussion by the Board members followed.

Gander made a motion, seconded by Kittelson, to approve the Request For Action as submitted. The vote was Parizek, Justin, Gander, Ames, Christenson, McGowan, Kittelson, Palmateer, Sullwold, Kammerer and Peterson. Opposed was Abrahamson. Lamm left the meeting at 11:20 a.m. and was not present for the vote.

- iii. File PB0036 (8-1-08) Revision of Plumbing Plan Review Application – Justin presented on behalf of Mr. Wentz. Sullwold and Gander concurred with the issue addressed by the RFA. The application is a Department of Labor and Industry application form, and not subject to review by the

Board. Jim Lungstrom of DLI responded to Mr. Wentz's concerns in a letter dated 04-14-09.

The meeting broke at 12:11 for lunch. The meeting resumed at 1:07 p.m.

- B. Minnesota Plumbing Code – Rulemaking – Legge reviewed the rulemaking process and stated approval from the Governor's office to submit the rules to the Office of Administrative Hearings was received on April 13, 2009 and the rules were submitted to Judge Cervantes on April 14th. The Judge's report is due May 14th, unless the Judge finds any defects, in which case the rules will then be reviewed by the Chief Administrative Law Judge at the Office of Administrative Hearings. The Chief Judge's report would then be due 10 days from May 14. If the rules are approved without any defects or recommended changes, then there would be no need to bring the rules back before the Board. Legge stated in that case the Board should decide when the rules will become effective. Chapter 4715, which is the Plumbing Code portion of the rules, would become effective 180 days after being filed with the Secretary of State. The licensing portion of the rules, which is Chapter 4716, would be effective five days after the publication of the Notice in the State Register.

Gander made a motion, seconded by Justin, to publish the Notice of Adoption in the State Register at the earliest possible date after the Governor's veto period has expired. The vote was unanimous and the motion passed.

- C. Department Updates/Comments – Peterson stated that the Department will start charging for plumbing inspections for jobs which the Department is the administrating authority on starting after May 31st.
- D. Board's Record Retention Schedule – Wendy Legge
- i. Website which gives information about record retention can be found at http://www.mnhs.oprg/preserve/records/docs_pdfs/PandD_may2008.pdf. Legge discussed a proposed record retention chart for discussion by the Board.

McGowan made a motion, seconded by Ames, to accept the Record Retention Schedule presented by Legge. The vote was unanimous and the motion passed.

- E. Legislative Updates
- i. SF # 74 Recycled Water – An update was given by Brian Soderholm. Thompson also gave an update.
 - ii. Clean-up Bill (House File number 0927.) Legge reviewed the Department's clean up bill. Discussion followed.
 - iii. Medical Gas – has been included in House File number 0927.
 - iv. Other

VII. Complaints

There have been no complaints submitted to the Board.

VIII. Open Forum

There were no requests for Open Forum.

IX. Board Discussion

There was no further discussion.

X. Announcements

- A. Next Regularly Scheduled Meetings:
- i. Tuesday, July 21, 2009, 9:30 a.m. – Minnesota Room, DLI
 - ii. Tuesday, October 20, 2009, 9:30 a.m. – Minnesota Room, DLI

XI. Adjournment

Abrahamson made a motion, seconded by Christenson, to adjourn the meeting. The vote was unanimous, and the motion passed. The meeting adjourned at 2:01 p.m.

Respectfully Submitted,

Jim Gander

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