

**Plumbing Board  
Meeting Minutes  
June 17, 2008  
Minnesota Room  
Department of Labor and Industry (DLI)  
443 Lafayette Road North, Saint Paul  
[DLI.CCLDBOARDS@State.MN.US](mailto:DLI.CCLDBOARDS@State.MN.US)**

**Members Present:**

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

**Members Absent:**

None

**Visitors:**

Bob Wolf  
Gary Thaden  
Jim Gunderson  
Roger Baldwin  
Brian Soderholm

**Staff Present:**

Jim Peterson  
Wendy Legge  
Annette Trnka  
Cathy Tran

**I. Call To Order**

The meeting was called to order by Parizek at 9:38 a.m.

- A. Announcements – will break at 10:30. If meeting goes past noon, lunch will be at 12:15.
- B. Introductions

**II. Approval of Agenda**

Chair asked if there were any objections or changes to the Agenda and hearing none, the Chair declared the Agenda approved.

**III. Approval of Previous Meeting Minutes**

- A. May 20, 2008 Special Board Meeting Minutes. On page 6 Ellingboe changed the Minutes from HF 3034 to Subd. 4, M.S. 326.37 and on page 4, Wendy Legge wanted the words “rather than after it becomes law.” Gander made a motion, seconded by Justin, that the minutes be accepted as revised. The vote was unanimous and the motion passed.

#### **IV. Regular Business**

- A. Approval of Expense Reports. The Chair stated he had reviewed the expense reports and found them in order. Expense reports and Per Diems are approved.

#### **V. Committee Reports**

- A. Executive Committee - Chair reviewed what was discussed at the Executive Committee meeting.
- B. Product and Code Review Committee – Justin reviewed the past PCRC meeting and what will be discussed at the upcoming 6/25/08 meeting.
- C. Code Interpretation Committee – Has not met.
- D. Licensing and Registration Committee – Chair of Committee Gander will set the next date to meet after the meeting today. Issues being discussed are the Board taking under consideration for responsibility of the exams, restricted and unrestricted journeyman and master licensure with possibility of recommending language change to legislature. Also continuing education will be discussed in the future.

Potential language for licensure would be: “A restricted master or restricted journeyman plumber who can demonstrate and verify that his/her principal occupation is in the practical installation of plumbing systems and their appurtenances, shall be allowed to obtain an unrestricted journeyman license by satisfying all of the following requirements: 1. Verify 3,500 hours of plumbing experience since obtaining the restricted license, of which a minimum of 1,000 hours of waste and vent, 1,000 hours of water distribution and 500 hours of fixture installation. 2. Held a restricted master or journeyman license at least 24 months past the journeyman exam and paid the appropriate fees.” This language is being considered and will be discussed at the next meeting.

Ron Thompson asked if it was enforceable to list “principal occupation” language. Legge stated that the electrical rules have “principal occupation” language, and she believes it is enforceable to put such language in rule.

- E. Green Committee – This Committee has not met since the April meeting. A meeting date will be chosen after this meeting that would allow the Licensing Committee to piggyback with the Green Committee. The two issues that will be discussed at the next Green Committee meeting will be waterless urinals and rainwater harvesting for irrigation.

#### **VI. Special Business**

- A. Legislative update – The restricted plumber license can be applied for up to September 30, 2008. Information and the application form are now on the website. Also the Building Code has been adopted as the standard statewide.

Jurisdictions are not required to enforce the building code statewide, rather that the building code serves as the standard of construction statewide.

Statutory prohibition on water free urinals has been removed. Also, the manufactured home installers can hook up manufactured homes to pre-existing water and sewer connections without a plumber's license. This was to make it clear that the company that's delivering a manufactured home to a site, the installer can do the connection without additional licensure, however, they are required to have continuing education associated with the installation.

Plumber's apprentice definition was inadvertently removed from Statute last year, and that has been added back in this year. There are some clarifications on requirements for insurance for the restricted master plumber. They are subject to the insurance requirements, the same as those of a master plumber. All of the mentioned changes are now in effect.

Parizek asked about the restricted license applications that were received after the previous cut-off date, did those people have to re-submit their application. Ellingboe stated no, that DLI received a number of applications after the December 31, 2007 cut-off date, they used the old application form and submitted their fee, and if they qualified, they didn't need to re-apply or re-submit a fee. Thompson asked Ellingboe if DLI is looking at legislative change, because typically the legislative topic packages have to be submitted by August. Ellingboe stated that DLI has not had any formal discussions on legislative recommendations.

B. Minnesota Plumbing Code – Board Action

i. Requests For Action

1. 4715.0805 push-on joints. Submitted 10/12/07 by Elkhart Products Corporation. (File PB0019) – Tran stated that at the last PCRC meeting, discussed was the adoption of the removable and non-removable fixtures with PEX and CPVC. The concern was in the manufacture of PEX and CPVC there is no labeling of the specific fitting for meeting any of the PEX or CPVC standards. The recommendation by the Committee is to deny the Request For Action to the Board, for water distribution application. Justin stated that the Board is currently in the process for approving push fit fittings for copper pipe for aboveground installation. The manufacturer for the PEX and CPVC were not present to give opinion on whether those fittings would be approved for those products. If the Board approves, reference has to be made in 4715.0420 to update that language. McGowan asked if the requester had tried to get a manufacturer regarding these fittings. Justin said that they didn't appear and there were no letters from the manufacturer. The requester is not present today. Abrahamson asked if we could request that the requester come before the Board, as he has questions for him.

Legge asked if specific notice was given to the requester that this issue was going to be discussed at this Board meeting. She stated that any items on the agenda should be specifically addressed to the presenter.

Motion made by Ellingboe, seconded by Lamm to table until presenter could be notified of specific meeting the Board will address this issue at. Gander and Abrahamson voted Nay. Parizek, Justin, Ames, Christenson, Kammerer, Kittelson, Lamm, McGowan, Palmateer and Sullwold voted Aye. The majority ruled and the motion passed.

Meeting broke at 10:29. The meeting resumed at 10:48.

2. 4715.0420, Subpart 3, VI, 6C(4): Submitted 10/11/07 by Advanced Drainage Systems, Inc. Expand allowable diameter range for corrugated Polyethylene pipe. (File PB0020) Cathy Tran states that this RFA relates to corrugated high density polyethylene storm sewer piping. Currently approved for 12 to 60 inches. This request relates to add small diameters from 4-10 inches and also requests to update the reference standards to ASTM F2306. The recommendation from the PCRC was to approve. It was asked if this would be for this rulemaking that is already in progress. Cathy stated it was for future rulemaking. Legge stated that if the Board wanted to include this language, there was still time to get it to the Revisor as the SONAR has not yet finalized. Gander made a motion, seconded by Abrahamson to approve the request. The vote was unanimous and the motion passed.

C. Minnesota Plumbing Code – Updates/Board Action

- i. SONAR – Kammerer made a motion to include 4715.0420, Subpart 3, VI, 6C(4) in the current rulemaking, seconded by Justin. The vote was unanimous and the motion passed.

Legge asked what the anticipated schedule was for completing the SONAR. Parizek stated that it would be done by the July meeting. Lamm asked what the timeline is for this to be enacted. Legge stated that the SONAR completed and reviewed, plus the amended Revisor's draft to go to the Governor's office for his approval. After approval, we draft a Dual Notice Of Intent to Adopt and submit it to the Office of Administrative Hearings for assignment of a judge and for approval of the additional notice plan, which is contained in the SONAR. The judge then approves the additional notice plan and authorizes publication of the Dual Notice. Publication of the Dual notice would be around September. If there are 25 or more requests for a hearing within thirty days of publication, it would go to hearing and would take more time. If 25 are not received, then a Notice of Adoption

could be published by the end of the year. The adopted rules won't be effective until after 6 months after publication of Notice Of Adoption, unless the Board decides that they want a later effective date. If the Board wants to have an earlier effective date than 180 days after publication, the justification has to be made that it's needed and necessary to protect public health and safety after considering the need for time for training of individuals to comply with and enforce the rule.

- ii. Other

## **VII. Complaints - None**

## **VIII. Open Forum**

Request for Open Forum made by John Gunderson. Mr. Gunderson asked how we could implement something in the Plumbing Code that could help designers be more thorough in design of parking ramps. For a high rise parking ramp 8 levels (stories) or more, the top level water needs to go to storm and the lower levels go to sanitary, and there are other interpretation that state that they all have to go to sanitary. Ellingboe stated that this is issue has come before the previous Plumbing Advisory Committee regarding the different interpretations and different definitions, such as "open." Justin stated the definition of "open garage" is in the Building Code and it's percentage of opening. Tran states that 4715.1300, subpart 6, addresses garage and parking area floor drains by stating, "Floor area drains in open parking areas, including open areas of parking ramps, must discharge to storm sewer, if available. Floor drains in parking areas which are enclosed and floor drains in areas open and enclosed which are used for maintenance or as a vehicle wash bay, must discharge to the sanitary sewer if a municipal sewer is available. Oil and flammable liquid separators must be provided, if required by part 1120." Tran stated that typically the architect should determine if it's an open or closed garage first, as far as where it should go. Tran said definitions are defined in IBC. Ellingboe said that first we should see if there was an formal interpretation from the Building Code side, which we then apply in relation to the Plumbing Code language and if not, then perhaps move to the Code Interpretation Committee. Justin said the best place to start would be to complete an RFI and have the Interpretation Committee look at this subject. Tran states that the IBC clearly defines what the definitions of open and closed are, and that would be the best resource. Gunderson states that if there's a deluge of rain, it will bypass the storm water drains and go down to the sanitary drains because of the pitch of the parking ramps. Parizek said that this issue would be referred to the Code Interpretation Committee and that Gunderson should submit an RFI.

Brian Soderholm then spoke, giving an update regarding his presentation at the Green Committee meeting regarding harvesting rainwater. They have hired a consulting firm working with surface water reclamation. A lot of the work that they are doing pertain to projects up north regarding cabins and lake water. Their intention was to

come to the Board with an RFA. He doesn't know what the best approach would be, either to work with the Board on the UPC standards or submit an RFA. Justin stated that he would prefer a submitted RFA which gives something tangible to work on. Soderholm stated that they could do that within a relatively short period of time. Parizek stated that even a general RFA to get the process started would be recommended. Justin said that even if it were an RFA to deal with the adoption of the UPC's language. Another option is to submit an RFA for his company's product. The discrepancy is that Soderholm's product is a rainwater harvesting, versus a true gray water product, which is what UPC addresses.

Wendy Legge recommended Ellingboe be appointed as the Responsible Authority over the Data Practices Act. Justin made a motion, seconded by Kittelson, to have Ellingboe be the Responsible Authority of the Data Practices Act. Ellingboe abstained. The rest of the Board voted Aye. The majority ruled and the motion passed.

Legge then brought up licensing rules under the Building Code. Chapter 4715 is defined as part of the Building Code. Chapter 4715 includes what everyone considers as the Plumbing Code, and also includes the licensing rules. In the statute authorizing the Board, the Plumbing Code is separate from the licensing rules. Legge's recommendation is that the Board consider that when any licensing rules are put forward by the Board, at the same time the Board request that the Revisor move all plumbing licensure rules to a different chapter number, so that the licensure rules would not be part of 4715, and that would therefore clearly take the licensure rules out of the Building Code.

Ellingboe stated he'd like to have the Department of Labor and Industry start an outline the advantages of retaining everything within one chapter, and outlining advantages and disadvantages of separating them into two different chapters. Chair said he'd let Ellingboe start that process.

### **IX. Board Discussion**

Consensus is to have all Board materials 3 hole punched from now on.

Gander asked if Legge could prescribe a path that the Board might consider taking to assign responsibility to the Board to find out if Medical Gas could be put into rule. Ellingboe said it should be researched whether the Board has any authority to adopt rules regarding medical gas and continuing education. Legge said that the Board has no authority over continuing education and the Board cannot adopt rules regarding continuing education. She will have to research the issue on Medical Gas. Gander asked if they could ask the Commissioner would consider including it in the Department of Labor and Industry's legislative package. Legge said that either the Board as a whole or Board members individually could ask the Commissioner, but the best way to approach it would be a recommendation by the Board to legislators themselves.

Ellingboe stated that staff will send a 75<sup>th</sup> anniversary invitation electronically to all the interested parties.

## **X. Announcements**

### **A) Next Regularly Scheduled Meetings:**

- i. July 15, 2008, 8:00 a.m. – Minnesota Room, DLI (Executive Committee. Board meeting to start at 9:30 a.m.)
- ii. August 19, 2008, 8:00 a.m. – Minnesota Room, DLI (If Board decides to meet.)

## **XI. Adjournment**

Ellingboe made a motion, seconded by Abrahamson. The vote was unanimous, and the motion passed. The meeting adjourned at 12:12 p.m.

Respectfully Submitted,

*Jim Gander*

Jim Gander