

[Plumbing Board](#)

c/o Department of Labor and Industry

443 Lafayette Road North

St. Paul, MN 55155

www.dli.mn.govEmail: DLI.cclboards@state.mn.us**Plumbing Board****Request for Action (RFA)**

Name of submitter:

Purpose of request (check all that apply):

New rule

Rule amendment

Repeal of an existing rule

The Minnesota Plumbing Code (MN Rules, Chapter 4714) is available at <https://epubs.iapmo.org/2020/MPC/>**Specify the purpose of the proposal (check all that apply):**

Appurtenance (e.g., water conditioning equipment)

Test method

Other (describe):

Does your submission contain a **Trade Secret**?

Yes

No

If “Yes”, mark “**TRADE SECRET**” prominently on each page of your submission that you believe contains trade secret information. Minnesota Statutes, section 13.37, subdivision 1(b), defines “trade secret” as follows:

“Trade secret information” means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

Note that, although “trade secret” information is generally not public, the Board and its committees may disclose “trade secret” information at a public meeting of the Board or committee if reasonably necessary for the Board or committee to conduct the business or agenda item before it (such as your request.) The record of the meeting will be public.

Describe the proposed change. The Minnesota Plumbing Code (Minnesota Rules Chapter 4714) is available here:<https://epubs.iapmo.org/2020/MPC/>

NOTE: Please review the Minnesota Plumbing Code and identify all parts of the Code that require revision to accomplish your purpose. The proposed change, including suggested rule language, should be *specific*. **If modifying existing rule language, underline new words and strike through deleted words.**

Please list all areas of the Minnesota Plumbing Code that would be affected. **Important:** If your text does not fit in the field below, please attach this information at the end of this form and insert “see attachment” in the field below.

Need and Reasons For the Change. Thoroughly explain the need and why you believe it is reasonable to make this change. During a rulemaking process, the need and reasonableness of all proposed rule changes must be justified; therefore, a detailed explanation is necessary to ensure the Board thoroughly considers all aspects of the proposal.

If your product/method standard(s) are not currently listed in a national code, your Request For Action will not be considered by the Board or its committees; however, you are welcome to present at any Board meeting during the Open Forum section of the Agenda.

The proposal must be accompanied by copies of any published standards, the results of testing, and copies of any product listings, as documentation of the health, sanitation, and safety performance of any materials, methods, fixtures, and/or appurtenances. If none are available, please explain:

Please submit the form and all supporting documents electronically. Attach scanned copies of any literature, standards, and product approvals or listings. If any of the materials you are submitting come from printed or copyrighted sources, please include written permission from the publisher allowing the materials to be distributed at meetings. Email all documents to: DLI.cclboards@state.mn.us

Primary reason for change: (check only one)

- | | |
|--|-------------------------------|
| Protect public, health, safety, welfare, or security | Mandated by the legislature |
| Lower construction costs | Provide uniform application |
| Encourage new methods and materials | Clarify provisions |
| Change made at the national level | Situation unique to Minnesota |
| Other (describe): | |

Anticipated benefits: (check all that apply)

- | | |
|--|--------------------------------------|
| Save lives/reduce injuries | Provide more affordable construction |
| Improve uniform application | Provide building property |
| Improve the health of the indoor environment | Drinking water quality protection |
| Provide more construction alternatives | Decrease cost of enforcement |
| Reduce regulation | Other (describe): |

The Following information is optional. This information can assist in evaluating a Request for Action and in rulemaking and should be provided if known.

Economic impact: (explain all answers marked "yes")

1. Does the proposed change increase or decrease the cost of enforcement? Yes No. **If yes**, explain
2. Does the proposed change increase or decrease the cost of compliance? Yes No. **If yes**, explain. Include the estimated cost increase or decrease, and who will bear the cost increase or experience the cost decrease:
3. Are there less costly or intrusive methods to achieve the proposed change? Yes No. **If yes**, explain.
4. Were alternative methods considered? Yes No. **If no**, why not? **If yes**, explain what alternative methods were considered and why they were rejected.
5. If there is a fiscal impact, try to explain any benefit that will offset the cost of the change. If there is no impact, mark "N/A."

6. Describe the classes of persons affected by a proposed change, who will bear the cost, and who will benefit.

7. Does the proposed rule affect farming operations? (Agricultural buildings are exempt from the Minnesota Building Code under Minnesota Statutes, Section 326B.121.) Yes No. **If yes, explain below.**

8. Are there any existing Federal Standards? Yes No. **If yes, list below.**

9. Are there any differences between the proposed change and existing federal regulations? Yes No
Not applicable Unknown. **If yes, describe each difference and explain why each difference is needed and reasonable.**

10. Minnesota Statutes, section 14.127, requires the Board to determine if the cost of complying with proposed rule changes in the first year after the changes take effect will exceed \$25,000 for any small business or small city. A small business is defined as a business (either for profit or nonprofit) with fewer than 50 full-time employees, and a small city is defined as a city with fewer than ten full-time employees. During the first year after the proposed changes go into effect, will it cost more than \$25,000 for any small business or small city to comply with the change? Yes No. **If yes, identify by name the small business(es) or small city(ies).**

11. Will this proposed plumbing code amendment require any local government to adopt or amend an ordinance or other regulation to comply with the proposed plumbing code amendment? Yes No. **If yes**, identify by name the government(s) and ordinances(s) that will need to be amended to comply with the proposed plumbing code amendment.

12. **Additional supporting documentation may also be attached to this form.** Are there any additional comments you feel the Committee/Board may need to consider? **If so**, please state them here:

Information regarding submitting this form:

1. Submissions are reviewed in the order they are received. Missing documentation will delay processing, and your proposal will not be considered “Complete” until all required materials are received.
2. Submit all supporting documentation (manufacturer literature, approvals from other states, engineering data, etc.) electronically to DLI.CCLDBOARDS@state.mn.us
3. After your Request for Action (RFA) form is received, you will be assigned a file number. Use this file number on all correspondence and supplemental materials.
4. For copyrighted materials that must be purchased from publishers (such as published standards, product approvals or testing data, or listings by agencies like IAPMO, ASSE, ASTM, etc.), submit these electronically, with written permission from the publisher to distribute them at meetings, to DLI.CCLDBOARDS@state.mn.us

Information for presentation to the Committee or Plumbing Board:

5. You will be notified of the date of the Committee or Plumbing Board meeting in which your Request For Action will be heard.
6. Limit presentations to 5 minutes or less. You are not required to provide a formal presentation or additional handouts. However, if you choose to do so, please submit them to lyndy.logan@state.mn.us at least 3 days before the meeting.
7. Be prepared to answer questions regarding the proposal and any documentation.

I understand that any action is a recommendation to the Plumbing Board and is not to be considered final action.

SUBMITTED BY

Name:

Date:

Company name/representing:

Mailing address (Street, City, State, Zip):

Email address:

Phone:

For assistance or questions on completing this form, contact Mike Westemeier, Department of Labor and Industry at michael.westemeier@state.mn.us or by phone 651-284-5898.

OFFICE USE ONLY

RFA File Number:

Date received by DLI:

Date of Committee/Board meeting:

Title of RFA:

Please remember to attach all necessary explanations and supporting documentation.

MINNESOTA SKI AREAS ASSOCIATION

PO Box 11372, Saint Paul, MN 55111

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ATTACHMENT A TO REQUEST FOR ACTION

Minnesota Rules, Chapter 4714 (Minnesota Plumbing Code), Chapter 15 — Alternate Water Sources for Nonpotable Applications

Proposed amendments to sections 1501.1.1 and 1506.1 confining Chapter 15 to applications inside the building envelope

Submitted September 24, 2026

1. Proposed Rule Language

Additions are shown underlined. Deletions are shown struck through. Text not shown is unchanged.

Section 1501.1.1 — Allowable use of alternate water

Baseline (as proposed by DLI and adopted by the ad hoc Chapter 15 committee on September 1, 2026):

1501.1.1 Allowable use of alternate water. Where expressly approved by the Authority Having Jurisdiction, alternate water sources [reclaimed (recycled) water, and on-site treated nonpotable water] may be used instead of potable water for the applications identified in this chapter. On-site treated nonpotable water for outdoor use is not allowed. Alternate water sources shall not be stormwater. In jurisdictions that do not allow alternate water sources, potable water shall be required.

MnSAA proposed amendment:

1501.1.1 Allowable use of alternate water. Where expressly approved by the Authority Having Jurisdiction, alternate water sources [reclaimed (recycled) water, and on-site treated nonpotable water] may be used instead of potable water for the indoor applications identified in this chapter. On-site treated nonpotable water for outdoor use is not allowed. Alternate water sources shall not be stormwater. In jurisdictions that do not allow alternate water sources, potable water shall be required.

Section 1506.1 — General

Baseline (as proposed by DLI and adopted by the ad hoc Chapter 15 committee on September 1, 2026):

1506.1 General. The provisions of this section shall apply to the installation, construction, alteration, and repair of on-site treated nonpotable water systems intended to supply uses such as water closets, urinals, clothes washers, trap primers for floor drains and floor sinks, above and below ground irrigation, dust suppression, decorative fountains, vehicle washing, fire suppression, and other uses approved by the Authority Having Jurisdiction and the commissioner of health.

MnSAA proposed amendment:

1506.1 General. The provisions of this section shall apply to the installation, construction, alteration, and repair of on-site treated nonpotable water systems intended to supply uses such as water closets, urinals, clothes washers, trap primers for floor drains and floor sinks, above and below ground irrigation, dust suppression, indoor decorative fountains, indoor vehicle washing, fire suppression, and other indoor uses approved by the Authority Having Jurisdiction and the commissioner of health.

2. Statement of Need and Reasonableness

The need: a plumbing chapter that reaches outdoor water.

Chapter 15 is written for building plumbing systems. Its subject matter is piping, fixtures, cross-connection control, and backflow prevention — the things that carry water inside a building and the safeguards that keep non-potable water out of a potable supply. As adopted, however, its scope language is broad enough to reach water uses that occur entirely outdoors and never touch a building's plumbing: irrigation, dust suppression, vehicle washing, decorative water features, and — the concern that brings the Minnesota Ski Areas Association before the Board — snowmaking.

What snowmaking actually is, and who already regulates it.

Minnesota's ski areas make snow from rivers, lakes, on-site ponds, captured runoff, and wells. Some also draw on municipal supply. The water is pumped through dedicated outdoor piping to snowmaking guns, is discharged as snow onto the ski area's own slopes, and melts back into the ground and surface water it came from. It does not enter a potable system. It does not enter a building. It is not stored for later domestic use.

These withdrawals are already permitted and regulated. The Department of Natural Resources issues water appropriation permits and sets the conditions under which the water may be taken. The Minnesota Pollution Control Agency administers stormwater and reuse authority, including Minnesota's delegated federal Clean Water Act programs. The Minnesota Department of Health protects drinking water supply. Reading Chapter 15 to cover snowmaking does not fill a gap; it adds a second permitting layer over ground three state agencies already occupy, administered by an authority with no jurisdiction over surface water or stormwater.

Why the proposed change is reasonable.

First, it is narrow. It adds one word in three places. It does not rewrite the chapter, restructure it, or move it.

Second, it weakens no protection. Cross-connection control, backflow prevention, the requirement of express approval by the Authority Having Jurisdiction, and the prohibition on stormwater as an alternate water source all remain in force exactly as adopted. Every safeguard the chapter provides for building plumbing survives this amendment intact.

Third, it makes the chapter internally consistent. Section 1501.1.1 already states that on-site treated nonpotable water for outdoor use is not allowed. A chapter that says so in its scope provision while listing outdoor uses in 1506.1 gives owners, licensed designers, and plumbing officials no reliable answer. Clarity here is worth more to everyone than the ambiguity is worth to anyone.

Fourth, nothing is deregulated. Outdoor water remains subject to DNR appropriation permitting, MPCA stormwater and reuse authority, and MDH drinking water protection. The question this request presents is not whether outdoor water should be regulated. It is which agency regulates it, and whether it should be regulated twice.

Timing, and MnSAA's preferred outcome.

MnSAA's first preference is not this amendment. It is the pause that MPCA and Department of Labor and Industry staff have already asked the Board to take: hold rulemaking on Chapter 15 as it applies to outdoor and alternate water sources until MPCA and MDH complete their stormwater reuse guidelines, and then align the plumbing code with those guidelines rather than ahead of them. That sequence costs

nothing and forecloses nothing. Adopting plumbing rules now, on a subject two other agencies are actively working through, risks producing code language the state's own water agencies will shortly contradict.

This Request for Action is submitted as the alternative if the Board elects to proceed.

3. Related Filings and Matters Before the Board

- Stakeholder coalition Joint Request for Action, September 1, 2026. MnSAA is a signatory. The Joint RFA, coordinated through the Minnesota Nursery & Landscape Association and joined by approximately 30 organizations, asks that Chapter 15 be confined to indoor non-potable use. This request contains the coalition's recommended language verbatim.
- MPCA staff requests for a pause. Both have asked that rulemaking on this subject be held pending completion of the MPCA and MDH stormwater reuse guidelines. MnSAA supports those requests.
- RFA PB0199. If adopted, PB0199 would relocate substantially the same subject matter into Chapter 16. MnSAA asks that whatever action the Board takes on this request be applied consistently there, so the scope question is not reopened under a different chapter number.
- ACEC Minnesota jurisdiction letter. ACEC Minnesota's letter to the Board raising whether Chapter 15 can reach outdoor water at all remains unanswered. It bears directly on the question presented here.
- Written testimony of September 1, 2026. Bolan Bigelow submitted written testimony to the ad hoc Chapter 15 committee on September 1, 2026, in support of the Joint Request for Action.

MnSAA requests the opportunity to present at the Board or committee meeting at which this request is heard.

Respectfully submitted,

Bolan Bigelow

Executive Director, Minnesota Ski Areas Association

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