

Meeting Minutes: Plumbing Board

Date: January 18, 2022
Time: 9:30 a.m.
Minutes by: Lyndy Logan
Location: WebEx Event

Members

1. Sam Arnold
2. Richard Becker (Chair – elected at meeting)
3. Mike Dryke
4. Kent Erickson (Secretary – elected at meeting)
5. Mike Herman (Vice Chair)
6. Brad Jensen (DLI Commissioner’s Designee)
7. Natasha Lawrence
8. Justin Parizek
9. Troy Seitz
10. Rick Wahlen
David Weum (MDH Commissioner’s Designee)

Members Absent

Scott Stewart
Shane Willis

DLI Staff & Visitors

Suzanne Todnem (Gen. Counsel, DLI)
Brittany Wysokinski (Gen. Counsel, DLI)
Lyndy Logan (DLI)
Charlie Durenberger (DLI)
Mike Westemeier (DLI)
Kevin Barta (Northland Reps)
Nick Erickson (Housing First)
Al Fracassi (Northland Reps)
Douglas Hall (NCS Corp)
Neil Hutchinson (Reztark)
Rick Jacobs (Plumbers Local 34)
Mike Johnson (J-Berd Mechanical)
Larry Justin (KFI Engineers)
Tom Pahkala (UA Plumbers Local 15)
Andrew Simpson (Sagewater)
Trevor Sorensen (Prinsco, Inc.)
Scott Thompson (My Plumbing Training)

1. **Call to Order, Chair Presiding**

- A. The meeting was called to order by Acting Chair Herman at 9:30 AM. Roll call was taken by Secretary Becker and a quorum was declared with 10 of 12 voting members, and one non-voting member, present via WebEx.
- B. Announcements – Introductions (members and attendees)
 - **Rick Jacobs, resigned effective December 16, 2021**
 - **Remote meeting statement:** Thank you for joining this remote meeting via WebEx. As the board chair, I have determined today’s meeting is via the WebEx platform due to the COVID-19 pandemic. Per Minnesota Statutes, section 13D.021, of the Open Meeting Law, electronic meetings are acceptable when an in-person meeting is “not practical or prudent because of a health pandemic or an emergency declared under Chapter 12.” It is not practical or prudent to hold an in-person meeting because, consistent with MDH guidance, the usual meeting place is not open to the public due to the COVID-19 pandemic.
 - Board members and attendees present on this WebEx are able to hear all discussions.
 - All handouts discussed and WebEx instructions are posted on the Board’s website at: <https://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board>
 - All votes will be by roll call. WebEx instructions/procedures were read aloud.

2. **Approval of meeting agenda**

A motion was made by Becker, seconded by Wahlen, to approve the agenda as presented. The roll call vote was unanimous with 10 votes in favor; the motion carried.

3. **Approval of previous meeting minutes**

A motion was made by Becker, seconded by Lawrence, to approve the Oct. 19, 2021, regular meeting minutes as presented. The roll call vote was unanimous with 10 votes in favor; the motion carried.

4. **Regular Business**

Approval of expense reports – Jacobs approved.

5. **Special Business**

A. **Enforcement & Licensing update**

- Charlie Durenberger, CCLD Assistant Director, Manager of Enforcement and Licensing, gave an update on [plumbing enforcement actions](#) (page 1 – 15).

B. **Department Updates**

- Jensen said the department hasn't been notified of any issues regarding the new Plumbing Code that went into effect on Dec. 17, 2021.
- Todnem reminded everyone that legislative session begins on Jan. 31, 2022. She will notify the Board if there is any relevant legislation proposed, and if necessary, a special meeting can be scheduled.
- Todnem recognized former Chair Jacobs and Jacobs gave a brief comment.

C. **Chapter 4714 rulemaking update**

- Wysokinski said that as of Friday the Governor's office does not plan to veto any of the small changes. The Notice of Adoption should be published next week, will go into effect 5 days after the publication with an anticipated effective date of Jan 31 for the changes.

D. **Officer elections (*Turn meeting over to Commissioner's Designee*)**

a. Board Chair

Herman nominated Richard Becker for Board Chair. The roll call vote was unanimous with 10 votes; Becker was elected as Chair.

b. Board Vice Chair (if required)

Not required. Mike Herman will remain as Board Vice Chair.

c. Board Secretary (if required)

Becker nominated Kent Erickson for Board Secretary. The roll call vote was unanimous with 10 votes; Erickson was elected as Secretary.

(Turn meeting over to new Board Chair Becker)

E. **Request for Interpretation – Reztark**

- Neil Hutchinson addressed the Board and summarized his Request for Interpretation and attached [handout](#) (page 16 – 21) regarding 4714.1017.1, as it applies to underground tanks regardless of their location relative to inside or outside, tanks can be located outside, below ground, and be vented above ground. Regarding 1017, they will provide an interceptor tank prior to discharging water from the site, whether it is at the beginning, or the end of their reuse system and isn't dictated by code. Additionally, a single adequately sized unit will be provided, and it's not necessary to provide multiple units.

- Todnem reminded the Board that it has statutory authority to make a final interpretation on 4714.1017 and 1017.1; however, the Board does not have authority to enforce the plumbing code and should not enforce the code in this specific situation but rather provide an interpretation of the code language that is generally applicable. The Board needs to focus only on an interpretation.
- Mike Westemeier, Plumbing Plan Review supervisor, CCLD, addressed the Board and explained the department's interpretation of 1017. The department interprets the requirement to vent to outer air means the interceptor is inside the building and needs to vent to outside of the building. Additionally, the Plumbing Code has a specific requirement when the interceptor is vented through a sidewall, which indicates the interceptor is indoors. And generally, in Minnesota, they are concerned with freezing and the ability to access the system for maintenance due to winter conditions such as snow. With regards to the location, the department said it should be the first part of the system as this is where the flammables will be introduced into the system and thus where they have it as part of the reclaim system the flammables could get pumped back into the system. This is a concern. Furthermore, their initial tank is designed with a couple of trap seals which would collect flammables so these could be trapped in the first tank as this tank is not designed as an interceptor.
- Becker reminded that the interpretation interprets the new 2020 Plumbing Code.
- Hutchinson said the two plans submitted were related to the previous code, but the new code is essentially the same.
- Becker said that Section 1017.1 says it must be vented to the outside air but he doesn't see anything specifically requiring the interceptor to be inside. but, the interceptor must be accessible for maintenance. Becoming inaccessible for maintenance during various times of the year due to weather could be a concern.
- Kent Erickson said his issue with the design is that the drains aren't discharging directly to the interceptor they are going through other tanks and then discharging to the interceptor. The drains need to flow directly to the interceptor.
- Becker read aloud from 4714.1017.1 Interceptors Required "*Repair garages and gasoline stations with grease racks or grease pits, parking garages over 1,000 square feet, vehicle wash facilities, and factories that have oily waste, flammable waste, or both 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.*" Becker said he believes this means the drains in this car wash would be a vehicle wash facility so those drains would need to discharge into a flammable waste trap.
- Herman said he agrees with Becker's interpretation. The Authority Having Jurisdiction would need to make a determination upon review of the plans and permits.
- Todnem said that number PB0154 has been assigned to this interpretation. Question(s) will be drafted and the answer(s) from the Board will be made available in a final interpretation following the meeting.

- The Board determined there were two questions raised and answered.
 - **Question 1:**
 - Does the Plumbing Code prohibit installation of interceptors on the exterior of buildings?
 - **Answer 1:**
 - No, the code does not prohibit installation on the exterior of buildings but still needs to meet all other requirements including being accessible and not subject to freezing.
 - **Question 2:**
 - Are drains that discharge to a flammable waste interceptor allowed to discharge to treatment equipment prior to discharging to the flammable waste inceptor?
 - **Answer 2:**
 - No, the Plumbing Code requires drains to discharge directly into the flammable waste interceptor prior to discharging to any other points.

A motion was made by Herman, seconded by Lawrence, to grant authority to Chair Becker to issue a final interpretation on the two questions above consistent with the discussion above. The roll call was unanimous with 10 votes for; the motion carried.

6. Committee Reports

Construction Codes Advisory Council (CCAC) – Mike Herman (rep) / Richard Becker (alt). The last CCAC meeting was held on Sept. 23, 2021. The presentation can be found at <http://www.dli.mn.gov/sites/default/files/pdf/CCAC-0921-presentation.pdf>

7. Complaints and Correspondence

Nothing to report

8. Open Forum

Kevin Barta, Northland Reps, addressed the Board regarding UPC section 609.10 Water Hammer, and summarized his [handout](#) (page 22 – 23).

- Barta recommended more specific code language and to require specific valves and/or fixtures to require water hammer control, such as solenoid valves and tub/showers.
- Erickson said when the Board reviewed all of the amendments there was a lengthy discussion, and he doesn't believe this needs to be reopened.
- Becker agreed and said the language already proposed is acceptable.
- Todnem said multiple, lengthy discussions occurred at the Board and Committee level. There was a proposal to define "quick-acting valve", but consensus was made opting for a performance-based code provision rather than a prescriptive code provision.
- Becker said it is very clear what the Board decided and doesn't believe rulemaking needs to be re-opened.
- Rick Jacobs (former chair) reiterated that there were many, lengthy discussions and there was no consensus on a definition for quick-acting.

9. Board Discussion

No discussion

10. Announcements

Next regularly scheduled meeting in 2022, 9:30 a.m., in-person or via WebEx TBD

- April 19, 2022
- July 19, 2022
- October 18, 2022

11. Adjournment

A motion was made by Erickson, seconded by Herman, to adjourn the meeting at 10:45 a.m.

The roll call vote was unanimous with 10 votes in favor of the motion; the motion passed.

Respectfully submitted,

Kent Erickson

Kent Erickson

Secretary

Green meeting practices

The State of Minnesota is committed to minimizing in-person environmental impacts by following green meeting practices. DLI is minimizing the environmental impact of its events by following green meeting practices. DLI encourages you to use electronic copies of handouts or to print them on 100% post-consumer processed chlorine-free paper, double-sided.