

**Plumbing Board
Meeting Minutes
Tuesday, July 20, 2010
Minnesota Room – Department of Labor & Industry
443 Lafayette Road North, St Paul 55155
DLI.CCLDBOARDS@State.MN.US**

Members Present:

Karl Abrahamson
Rebecca L. Ames
Lawrence G. Justin
James Kittelson
Allen J. Lamm
Jim Lungstrom
(DLI Commissioner's designee)
Michael McGowan
John A. Parizek
Paul Sullwold
Ronald Thompson
(MDH Commissioner's designee)

Members Absent:

Steve Christenson
Jim Gander
Kenneth Kammerer
Rick Palmateer

Staff Present:

Tom Joachim
Mary Miller
Jim Peterson
John Schultz
Cathy Tran
Kevin Wilkins
Sandy Arndt

Visitors Present:

Gary Thaden
Dave Stark
Tom Hamel
Charles Olson
Luther Westman
Matthew Marciniak
Phil Rainer
John Gunderson
Jeff Keogh

I. Call To Order

The meeting was called to order by Chair Parizek at 9:37 a.m. and role was taken.

II. Approval of Meeting Agenda

Parizek added an item to the agenda under: VI. Special Business, E) Separation of Rules. Justin made a motion, seconded by Abrahamson, to approve the meeting agenda with changes. The vote was unanimous and the motion carried.

III. Approval of Previous Meeting Minutes

A motion was made by Sullwold and seconded by Kittelson to accept the April 20, 2010 Meeting Minutes. The vote was unanimous and the motion passed.

IV. Regular Business

A. Approval of Expense Reports

- i. Chair stated that he had reviewed the Expense Reports and Per Diems and found them in order and declared them approved.

V. Committee Reports

A. Executive Committee

- i. Parizek reported the Executive Committee reviewed and referred two Requests for Action:
 - PB0053*-PEX Pipe Fitting Insulation and Standards;
 - PB0055*-Hanger Spacing, to the Product & Code Review Committee.
- ii. The Committee received updates from the new Sub Committees that were formed.
- iii. The Executive Committee also had a lengthy discussion on Rule Making, which will be discussed later today.

B. Product & Code Review Committee

- i. Justin reported the Product & Code Review Committee met on June 15, 2010 and reviewed five RFA files:
 - PB0041*-EasyFlex Stainless Steel Pipe-a request for more information letter has been sent to the presenters, with the intent to present at the next PCRC meeting;
 - PB0042*-Aerosol Spray Weld for PVC Pipe-Chair has not authorized a letter to the presenter which would outline what the Committee discussed at the meeting and it would also ask for the presenter to report back to the next PCRC meeting;
 - PB0044*-Siphonic Roof Drains-Chair has not authorized a letter to the presenter which would outline what the Committee discussed at the meeting and it would also ask for the presenter to report back to the next PCRC meeting;
 - PB0046*-Insulation Standards-Chair moved this file to the Plumbing Board for it's review and a recommendation of how it should be handled for its process of addressing standards into code were we can begin
 - PB0048*-Ban on Water Powered Sump Pumps-Chair needs to authorize a letter to send to the General Counsel on whether the Board has the authority to prohibit the use of these.
- ii. The next meeting is set for September 21, 2010.

C. Code Interpretation Committee

- i. Gander is the Chair, was unable to make today's meeting so Parizek updated the Board. There is one RFI pending and the Committee is waiting to hear from the Chair to see if all the information was submitted and when the next meeting will be set.

D. Medical Gas Committee

- i. Sullwold said the Committee has not met, but will within the next month.

E. Continuing Education Committee

- i. Abrahamson also stated the Committee has not met, but will within the next month.

F. Licensing and Registration Committee

- i. Parizek reported for Gander, the Committee has not met.

G. Water Conditioning Committee

- i. Abrahamson stated the Committee has not met.

H. Construction Codes Committee

- i. Kammerer has been unavailable. But Assistant Commission Joachim will provide a Legislative update which was discussed at the meeting later today.

I. Code Comparison Committee

- i. Peterson stated the Committee has not met, but will be meeting soon.

J. DLI Reports

- i. 2010 Legislative Action-Assistant Commissioner Joachim provided the Board an Legislative update (**Exhibits A-I**)

VI. Special Business

A. Legislative Authority to Expedite Rule Making for Non-water urinals.
File *PB0034* (**Exhibits J**) (Falcon/Sloan) Chapter 347 Article 3, Section 73

B. Legislative Authority using Good Cause Exemption for Rule Change to 4715.0320, subpart 1. Chapter 183, Section 23.

Miller combined A and B in her discussion.

Miller summarized where the Board is with current rulemaking. It has started regular rulemaking for waterless urinals and for "Other than..." rules (rule amendments passed in concept by the Board at or before the April 20, 2010 Board meeting). It has also generally decided that it wants to move to an every-three-year Department schedule for Code rulemaking.

She reported that now the legislature has authorized the Plumbing Board to do rapid rulemaking for two different things (as shown on the handout **Exhibit K**). First, for the waterless urinals (Article 3, Sec. 73 of Chapter 347, Session Laws of Minnesota 2010) under Minn. Stat. §14.389. Secondly, for the jurisdictional changes to Minn. Rule 4715.0320, subp. 1, to conform with the jurisdictional changes to Minn. Stat. §326B.43 and §326B.52 made by the Legislature (Sec. 23 of Chapter 183 of Session Laws of Minnesota 2010) under Minn. Stat. §14.388, subd. 1, clause (3). The two rapid rulemaking authorities are different and their detailed requirements might take longer together than either separately. However, they are similar in that neither requires a Statement of Need and Reasonableness and neither requires a hearing. Trying to combine them would be possible.

The legislature has also authorized the Board to do rulemaking in other areas such as medical gas, continuing education, water conditioning, licensing and registration, and other areas (Chapter 183 **Exhibit L**). These provisions are each different and specific.

Miller advised the Board needs to decide:

1. Whether to use the rapid rulemaking authorities.
2. If using one or both rapid processes, whether/how to group rulemaking to meet all requirements and do the most efficient/effective job of promulgating rule amendments.
3. To do Notices required where the legislature has required rulemaking, and where it has granted new rulemaking authority, and
4. Issue a Resolution Authorizing Notices according to what they decide.

- A motion was made by Abrahamson, seconded by Sullwold, to expedite Waterless Urinals and jurisdictional language in 4715.0320, subpart 1, together, and separately combine the "Other Than" rule amendments with other amendments forthcoming. The vote was unanimous, and the motion passed.

- A Motion was made by Justin, seconded by Abrahamson authorizing the Chair of the Plumbing Board to sign and give:
 1. Notice of Intent to Adopt Rule Amendments for the rapid rulemakings authorized by 2010 Legislation, and

2. Request for Comment for regular rulemaking amendments to Plumbing rules including those already underway, changes pursuant to 2010 Legislation, and other reasonable amendments.

Furthermore, the Chair is authorized and directed to do anything else needed to complete these notices. The vote was unanimous, and the motion passed.

C. Current Rule Making

Tran brought to the Boards attention a draft (**Exhibit M**) of all the amendments to the Plumbing Code to which the Board has already reviewed and approved, which she believes needs clarification.

- A Motion was made Lamm, seconded by McGowan to accept proposed language from the department, based on the July 16, 2010 draft, Other Than Non-Water Urinal – Plumbing Code revisions approved by the Plumbing Board on or before April 20, 2010. The vote was unanimous, and the motion passed.

D. Requests for Action

- i. File *PB0046* List Standards in Plumbing Code (**Exhibit N**)

Presenter Alvin D. Kreutz was unavailable.

Justin informed the Board that Kreutz did present his Request to the June 15, 2010 PCRC Committee meeting and he asked the Board to change the Plumbing Code to list the installations standards.

Tran distributed to the members Statute 4715.2100 Backflow Preventers. (**Exhibit O**)

- A motion was made by Ames, seconded by Lamm, to accept staff recommendation and include ASSE standards in 4715.2100 items A-G. Recommend the Plumbing Board to wait until the report is received from the National Code Review Committee for any further action. Staff should review language and appropriate standards and report back to the Plumbing Board for final language approval. The vote was unanimous, and the motion passed.

Justin asked if Tran could send a draft to Kreutz so he is aware of what the Board is working on and to ask him if he has any comments.

E. Separation of Rules (**Exhibit P**)

Lungstrom addressed the Board with a suggestion from Attorney Legge to ask the Board to separate the administrative rules from Chapter 4715. Legge feels these rules fall under the jurisdiction of the Commissioner of Labor & Industry verses the Plumbing Board.

- Direction from the Chair for staff to meet with the Reviser and follow up at the October 2010 meeting.

F. Officer Elections

- i. Board Chairman – Lamm nominated Parizek. There were no further nominations. Justin, Abrahamson, Lamm, Sullwold, Kittelson, Ames, McGowan, Lungstrom voted yes. Parizek Abstained. Majority ruled Parizek was re-elected Chair.
- ii. Vice Chairman – Abrahamson nominated Justin. There were no further nominations. The vote was unanimous and Justin was re-elected as Vice-Chair.
- iii. Secretary – Parizek nominated Abrahamson. There were no further nominations. The vote was unanimous and Abrahamson was elected as Secretary.

Parizek thanked Justin for all of his hard work he has done and will continue to do for the Board.

Lamm thanked the Executive Board members for the extremely good job they have done.

G. Committee Appointments

- i. Product & Code Review Committee
Karl Abrahamson, *Lawrence Justin–Chair*, Allen Lamm, Jim Lungstrom and John Parizek
- ii. Code Interpretation Committee
Jim Gander–Chair, James Kittelson, Jim Lungstrom, John Parizek and Paul Sullwold
- iii. Licensing and Registration Committee
Karl Abrahamson, Rebecca Ames, *Jim Gander–Chair*, Jim Lungstrom, John Parizek and Paul Sullwold
- iv. National Code Review Committee
Rebecca Ames, Lawrence Justin, Kenneth Kammerer, *Jim Lungstrom–Chair* and John Parizek
- v. Medical Gas Committee
Karl Abrahamson, Jim Gander, Jim Lungstrom, John Parizek and *Paul Sullwold–Chair*

- vi. Continuing Education Committee
Karl Abrahamson–Chair, Rebecca Ames, James Kittelson, Jim Lungstrom and Rick Palmateer
- vii. Water Conditioning Committee
Allen Lamm, Jim Lungstrom, *Michael McGowan–Chair*, John Parizek and Paul Sullwold
- viii. Construction Codes Advisory Council
Board Appointee
- ix. Executive Committee
Karl Abrahamson, Lawrence Justin, Jim Lungstrom and *John Parizek–Chair*

Ames requested to be removed from the Licensing and Registration Committee

VII. Complaints

Parizek has heard numerous comments regarding advertisement on the Internet by unlicensed contractors. Charlie Durenberger will address the Board regarding this issue at the October meeting.

VIII. Open Forum

There were no questions brought to the Board.

IX. Board Discussion

Lamm questioned, what is the standard definition for a mechanical fitting in the Plumbing Code?

X. Announcements

A. Next Regularly Scheduled Meetings

- i. Tuesday, October 19, 2010, 9:30 a.m. – Minnesota Room, DLI
- ii. Tuesday, January 18, 2011 at 9:30 a.m. – Minnesota Room, DLI
- iii. Tuesday, April 19, 2011 at 9:30 a.m. – Minnesota Room, DLI
- iv. Tuesday, July 19, 2011 at 9:30 a.m. – Minnesota Room, DLI
- v. Tuesday, October 18, 2011 at 9:30 a.m. – Minnesota Room, DLI

XI. Adjournment

A motion was made by Abrahamson, seconded by Lamm, to adjourn the meeting. The vote was unanimous and the motion passed. The meeting adjourned at 2:18 p.m.

Respectfully Submitted,

Karl Abrahamson

Karl Abrahamson

Exhibit A

2010 Legislative Action **HF927 – DLI 2009 housekeeping bill** **Chapter 183**

- General Clean-up language.
- Prohibits unlicensed persons from offering to perform services for which a license is required (Sec. 2).
- Allows municipalities to establish an exterior work project completion deadline ordinance provided it is not less than 180 days (Sec 3).
- Establishes plumbing code as the plumbing standard throughout the state for all new plumbing in residential and commercial facilities (Sec 4).
- Requires all "state" or "contracted" plumbing inspectors to hold a Minnesota plumbers license (Sec 5).
- Adds authority to do rules for water conditioning contractors and installers to the Plumbing Board (Sec 6).
- Adds authority to do rules for continued education for industries licensed by the Board. (Sec. 6)
- Establishes rule authority to certify persons engaging in installation, maintenance, or repair of medical gas systems. (Sec 8) See also, 2010 Minn. Laws, Sec. 8.
- Establishes statewide licenses and fees for water conditioning contractors and installers (Sec 11-16).
- Clarifies that an owner or an officer may be included in a license sanction for a licensed residential contractor (Sec 18).
- Clarifies a HPP board's general rulemaking authority (Sec. 19).
- Establishes new language relating to boiler operators for:
 - Triennial audits
 - School facilities boiler engineer training
- Effective date: August 1, 2010.

Exhibit B

2010 Legislative Action **SF2944 – Continued Education, Residential Building Contractors** **Chapter 260**

- Clarifies that the standards for residential contractor continuing education must include requirements in the implementation of energy codes or energy conservation measures.
- Establishes guidelines for approval of courses.
- Clarifies which courses are not eligible for approval.
- Establishes criteria for internet continuing education courses.
- Clarifies the responsibilities of the course sponsor in the development and presentation of a continuing education course.
- Clarifies qualifications of instructors.
- General clean up related to prohibited practices by sponsors or instructors, facilities, and advertising.
- Permits the commissioner to prescribe that up to 7 of the required CE hours be instruction related to the most current adoption on new and existing SBC provisions after the most recent adoption of the RBC.
- Updates fees for:
 - Course approval \$20
 - Renewal of course approval \$20
 - Sponsor approval \$100 (no increase)
 - Sponsor renewal \$20
- Effective date: August 1, 2010.

Exhibit C

2010 Legislative Action **HF3048 – DLI 2010 housekeeping bill** **Chapter 280**

- Number of sections are:
 - Clean up (Sec. 1, 13-14, 16-17)
 - Correction of statute citations (Sec. 8, 21-23)
 - Deleting obsolete language (Sec. 9-12, 20, and 38)

- Apprenticeship (Sec. 2-7):
 - Replaces various terms for consistency with Federal Regulations
 - Clarifies the definition of apprentice, by retaining the competency approach and adding:
 - A Competency based approach; and
 - A Hybrid approach.

- Clarifies that municipal reporting is subject to enforcement actions (Sec. 15, 18-19).

- Adds "or registered unlicensed individual" to the definition of "direct supervision" (Sec. 24).

- Clarifies that a plumber's apprentice is an individual who is employed under an approved apprenticeship agreement (Sec. 25).

- Establishes an "unlicensed individual" registration for unlicensed persons, except for apprentices (Sec. 26-27).

- Clarifies and/or corrects language relative to:
 - Residential contractors (Sec. 28-29)
 - Recovery fund (Sec. 30-37)
 - compensation
 - Timelines for administrative hearings
 - Requires owner to assign all rights before compensation is paid
 - Clarifies the terms "owner" or "lessee"
 - Allows commissioner to recover funds paid if under false circumstances

- Effective date: Sections 2-7, and 39 are effective April 27, 2010; Sec. 1, 8-38, and 40 are effective August 1, 2010.

Exhibit D

2010 Legislative Action **SF2844 – Elevators** **Chapter 282**

- Reinstates the inclusion of all devices in grain elevators, feed mills and all churches, in the definition of elevator.
 - Exclusion expired on July 1, 2010. See, 2009 Minn. Laws Ch. 76, sec. 1.
- Clarifies that initial operating permits and fees apply to:
 - All new installations.
- Exempts hand-powered manlifts and electric endless belt manlifts from subsequent operating permit fees and inspections.
- Establishes 3 time frames for periodic inspections as follows:
 - Special purpose personnel elevators – not more than once every 5 years.
 - Elevators located within a House of Worship that does not have attached school facilities – not more than once every 3 years.
 - All other elevators – not more than once each year.
- Effective date: August 1, 2010.

Exhibit E

2010 Legislative Action **HF2855 - Overview of Boiler Statute Updates to 326B** **Chapter 287**

Many of the boiler laws in Minnesota were written over 100 years ago and were applicable to the equipment being used during that time. The advancements in technology and construction have allowed us to look at how to reduce excessive requirements imposed on boat owners, boiler owners, and licensed operators. We have reduced the number of statutes by combining the requirements of several statutes into one. Grammatical changes were made to update, clarify or streamline existing language. Changes were also made to update references to other standards or codes. Major revisions to the boiler statutes include the following:

1. 326B.94 – Subdivision 1. Charter boats will now be regulated by the number of passengers carried and not the length of the vessel. Vessels carrying more than 6 passengers will require inspection and licensed operators, regardless of the length of the vessel. This also aligns Minnesota requirements with the U.S Coast Guard requirements for the inspection of boats that carry passengers for hire.
2. 326B.95 - A definition section was created to provide clarity to the section.
3. 326B.956 – Subdivision 1. Hobby boiler references will now be “Historical Boilers” and be inspected in accordance with the National Board Inspection Code.
Subdivision 2. Provisions added regarding reciprocity of historical boiler inspections and historical boiler operator licenses.
4. 326B.958 – This section was revised to combine the inspection requirements previously located in 326B.952, 326B.062, 326B.968 and 326B.982 which were repealed.
 - a. Subdivision 1. “Newly installed boilers” must be inspected by a department inspector; inspection fees associated with this initial inspection shall be the responsibility of the installer.
 - b. Subdivision 2. All boiler inspectors must now attach a sticker or label to the vessel with the date of inspection and the name of the insurance company performing the inspection. This eliminates the need to leave a copy of the inspection report if the vessel does not have code violations.
5. 326B.964 – NFPA 85 is now a directly referenced standard in lieu of an indirect reference to clarify its required use as an inspection standard for the fuel delivery systems on boilers over 12,500,000 btu input.
6. 326B.972 – Clarified that the Department examine and license people for the operation of only steam turbines as opposed to any other turbine type.

7. 326B.988 – (1) Added pressure vessels to the list of exceptions because the Department does not inspect boilers or pressure vessels in residences of 5 families or less.
 8. 326B.988 – (19) – (24) – Included exemptions for vessels that, over the past 20 years, have been found not to fail or require an inspection. [fiscal – cost savings of approximately \$80,000 to \$100,000/yr to private industry.]
 9. 326B.99 – Reduced the time for insurance companies to perform an inspection from 120 days to 60 days. This change was made because there will be a reduction in the number of objects to be inspected so less time is needed to complete the inspections. [see above]
10. Effective date: August 1, 2010.

Exhibit F

2010 Legislative Action
SF2759 – Property Maintenance
Chapter 308

- Modifies 326B.121, Subd. 2:
 - Adds language to clearly allow municipalities to enact and enforce an ordinance to
 - Maintain existing components or systems of buildings, unless specific retroactive provisions have been adopted as part of the State Building Code.
- The department envisions retroactive provisions to be addressed in the next update of the State Building Code.
- Effective date: August 1, 2010.

Exhibit G

2010 Legislative Action **SF3128 – Lead Certification** **Chapter 321**

- Requires municipalities to verify lead certification of the residential builder, residential remodeler, residential roofer, and manufactured home installer when issuing a permit to work on homes constructed prior to 1978.
- Municipalities may charge up to \$5 to verify the Federal lead certification.
- Requires the Department to provide a link to the United States Environmental Protection Agency Web site for verification of the certification of licensee.
- Requires a residential contractor, residential remodeler, residential roofer, or manufactured home installer to have the lead certification required by the Code of Federal Regulation, Title 40, before they perform services on a residential structure constructed prior to 1978.

Effective date: February 1, 2011

Exhibit H

2010 Legislative Action **HF3386 – Home Warranty Dispute Resolution** **Chapter 343**

- Establishes an “early neutral evaluation option” of a claim before heading to litigation.
- Department of Labor and Industry would:

- Establish application requirements and qualifications for qualified neutrals
 - Maintain a list of people who consent to serve as qualified neutrals
 - Provide list of neutrals to homeowners
- Decision of qualified neutral is non-binding and may not be used as evidence of liability.
 - Establishes fees for administrative costs:
 - \$200 fee paid by qualified neutral for the administration of the process
 - \$25 administrative fee paid each party.
 - Requires residential contractors, remodelers, roofers, and manufactured home installers to include “written” performance guidelines in contracts.
 - Establishes a “right to repair” provision to allow contractors to make repairs; requires contractor to provide a written offer to repair within 15 days of the completion of the inspection. (Written offer to repair may not be used as evidence of liability.)
 - Extends the statute of limitations while the dispute resolution process works.
 - Requires a report to the Legislature by February 1, 2014.
 - This bill has multiple effective dates.

This was a joint effort by the builders, homeowners, legislators, attorneys, and the department. The advisory task force is going to continue to meet this summer to seek progress on these and other issues.

Exhibit I

2010 Legislative Action **SF2510 – Omnibus Bill** **Chapter 347**

ICEC, Article 3, Section 1:

- Extends the expiration of an Independent Contractor Exemption Certification in effect before March 1, 2009 until March 1, 2013 (2 year extension).
- Effective retroactive from July 1, 2008.

Inflatable Amusement Equipment, Article 3, Section 2:

- Requires certain inflatable amusement equipment to:
 - Be installed in compliance with ASTM Standard F 2374.07
 - Be supervised by a trained person
 - Owner must maintain liability insurance
 - Register with DLI (\$100)
- DLI can use current enforcement tools if not complying
- Effective date: August 1, 2010

DLI Fee Restructure, Article 3, Sections 3-56 and 68-72:

- Adjusts all industry licenses to 4 categories:
 - Entry level \$10/year
 - Journeyman \$20/year
 - Master \$40/year
 - Business \$90/year
- Adjusts all notification dates, renewal deadlines, late fees, exam fees.
- Sets separate fees for:
 - Continued Ed \$10/year
 - Boards \$4/year
- Adds new plumbing contractor business licenses.
- Adds new water conditioning contractor business licenses.
- Effective date: January 1, 2012. – some parts are earlier

Well Contractor Exemption, Article 3, Section 29, Subd. 6:

- Well contractors not required to hold plumbers license for certain limited work.
- Effective date: January 1, 2012.

Manufactured Home Modifications, Article 3, Section 57-67:

- Requires a "Notice of Compliance" for used homes.
- Adds language to allow more than 24 month old single section homes to be reinstalled without frost footings if:
 - Purchaser and seller sign consent form
 - The reinstallation is in compliance with the above frost-line installations of Minn. R. 1350
- Effective date: July 1, 2010.

Water-Free Urinals, Article 3, Section 73:

- Gives Plumbing Board the authority for limited expedited rulemaking.
- Effective date: May 14, 2010.

Revisors Instructions/Repealers/Effective Dates, Article 3, Sections 74, 75, 76:

Exhibit J

Plumbing Board
 c/o Department of Labor and Industry
 443 Lafayette Road North
 St. Paul, MN 55155-4344
 www.doli.state.mn.us

Plumbing Board Request for Action

PRINT IN INK or TYPE

NAME OF SUBMITTER Daniel Gleiberman	PURPOSE OF REQUEST (check all that apply): <input type="checkbox"/> New Code <input checked="" type="checkbox"/> Code Amendment <input type="checkbox"/> Repeal of an existing Rule
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The Minnesota Plumbing Code (MN Rules, Chapter 4715) is available at http://www.doli.state.mn.us/pe_code.html.

Specify the purpose of the proposal: (If recommendation for code change for fixture, appurtenance, material, or method, check all that apply)

Material Method of installation, joining, etc., Fixture 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 4715) is available via the World Wide Web at <http://www.revisor.leg.state.mn.us/arule/4715/>

NOTE:

- Please review the Minnesota Plumbing Code and include 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.

We are proposing to amend certain sections of the Minnesota Plumbing Code and to add Section 4750.1415 which will allow for the use of nonwater supplied urinals which meet certain conditions and which comply with ASME A112.19.19-2006.

The attached sheet entitled "PROPOSED AMENDMENTS TO THE MINNESOTA PLUMBING CODE" includes all of these amendments.

Office Use Only

RFI File No.	Date Received by DLI	Dated Received by Committee	Date of Forwarded to Board
Title of RFI	By: _____		

Committee Recommendation to the Board: Accept Reject Abstain

Board approved as submitted: Yes No Board approved as modified: Yes No

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

BD 02 (4/08)

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.

Vitreous China nonwater urinals are in use in numerous jurisdictions within the United States and in fact throughout the world. The ASME A112.19.19-2006 standard is a nationally recognized consensus standard which provides for both the material and performance testing of these safe, sanitary, hygienic plumbing fixtures. This standard is included in the 2007 International Plumbing Code and is proposed for inclusion in the 2009 Uniform Plumbing Code (UPC) {attached}.

It is our understanding that previous or predecessor Plumbing Committees/Boards may have reviewed requests for nonwater urinals, but those requests were either product specific or relying on temporary or interim product standards such as IGCs. The fact that there is now a nationally recognized consensus standard from the American Society of Mechanical Engineers (ASME) is indicative that nonwater urinals are safe, sanitary, hygienic plumbing fixtures. ASME is the recognized expert entity that promulgates product standards for water closets, lavatory sinks, water-fed urinals, and almost every common plumbing fixture. It is therefore appropriate for the Minnesota Plumbing Board to consider inclusion of this consensus standard into the State Plumbing Code as has already been done in both model codes in use throughout most of the United States.

The code amendments that we are proposing reference this national standard and also include what the Plumbing Board can view as appropriate safeguards to insure that health and safety are maintained at all times. The language proposed in Section 4715.1415 is intended to mirror almost exactly the language approved for inclusion in the 2009 Uniform Plumbing Code. Additionally, the minor specific changes to Sections 4715.0960 and 4715.1320 are identical to the current analogous code sections of the Uniform Plumbing Code published by IAPMO. The UPC does not require water to plumbing fixtures which do not rely upon trap siphonage nor does it prohibit traps with interior partitions constructed from corrosion-resisting materials. These two minor changes would merely render the Minnesota Plumbing Code as consistent with the UPC. Certain traps, such as mechanical traps and those which rely on moving parts to provide a seal, would continue to be prohibited by the code and any plumbing fixture (including a nonwater urinal) which has that form of trap would obviously still be prohibited.

Standards and Product Approvals or Listings: 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:
ASME A112.19.19-2006
Current IAPMO LISTING SHOWING CONFORMANCE TO ASME A112.19.19-2006

Test Report from IAPMO R&T for Falcon/Sloan Model Waterfree Urinals

Sample Product Specification Sheets

Independent Scientific and Technical Information on Odor, Sanitary Conditions, and Trap Seal Integrity

Please remember to attach all necessary explanations and supporting documentationPage 2 of 5

Please attach electronic scanned copies of any literature, standards and product approvals or listings. Printed or copyrighted materials should be sent to the Plumbing Board, c/o Department of Labor and Industry, 443 Lafayette Road No., St. Paul, MN 55155-4344.

Primary reason for change: (check only one)

- | | |
|---|--|
| <input type="checkbox"/> Protect public, health, safety, welfare, or security | <input type="checkbox"/> Mandated by legislature |
| <input type="checkbox"/> Lower construction costs | <input type="checkbox"/> Provide uniform application |
| <input type="checkbox"/> Encourage new methods and materials | <input type="checkbox"/> Clarify provisions |
| <input checked="" type="checkbox"/> Change made at national level | <input type="checkbox"/> Situation unique to Minnesota |
| <input type="checkbox"/> Other (describe) _____ | |

Anticipated benefits: (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Save lives/reduce injuries | <input checked="" type="checkbox"/> Provide more affordable construction |
| <input checked="" type="checkbox"/> Improve uniform application | <input type="checkbox"/> Provide building property |
| <input type="checkbox"/> Improve health of indoor environment | <input type="checkbox"/> Drinking water quality protection |
| <input checked="" type="checkbox"/> Provide more construction alternatives | <input type="checkbox"/> Decrease cost of enforcement |

These fixtures are proven to be safe, sanitary, and hygienic and they have also been shown to save on average 40,000 gallons of water per urinal per year, in addition to lower sewer and maintenance costs.

- Reduce regulation Other (describe) _____

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 _____

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:
The code amendments proposed are consistent with those that have been approved or are pending approval for the nationally adopted model plumbing codes.

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." NA

6. Provide a description of the classes of persons affected by a proposed change, who will bear the cost, and who will benefit. The costs will be reduced based on the water and sewer and maintenance costs that will be either eliminated or greatly reduced.

7. Does the proposed rule affect farming operations? (Agricultural buildings are exempt from the Minnesota Building Code under Minnesota Statutes, Section 16B.62.) Yes No If yes, explain _____

Are there any existing Federal Standards? Yes No If yes, list: _____

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

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 less than 50 full-time employees and a small city is defined as a

Please remember to attach all necessary explanations and supporting documentationPage 3 of 5

city with less 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 of comply with the change? Yes No If yes, identify by name the small business(es or small city(ies).

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:

Attached

Information regarding submitting this form:

- Submissions are received and heard by the Committee on an "as received" basis. **Any missing documentation will delay the process, and your proposal will be listed as the date it was received "Complete."**
- **Submit any supporting documentation to be considered**, such as manufacturer's literature, approvals by other states, and engineering data electronically to DLICCLDBOARDS@gwsmtpl.doli.state.mn.us. Once your Request For Action form has been received, it will be assigned a file number. Please reference this file number on any correspondence and supplemental submissions.
- **For copyrighted materials that must be purchased from publishers, such as published standards, product approvals or testing data, listings by agencies (IAPMO, ASSE, ASTM, etc.,) you may send just 2 copies via U.S. Mail to: Plumbing Board, c/o Department of Labor and Industry, 443 Lafayette Road No., St. Paul, MN 55155-4344**
- **For materials that must be submitted by U.S. Mail, please include a copy of your "Request For Action" form originally submitted and reference your assigned RFA file number.**

Information for presentation to the Committee and/or Board:

- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the proposal and any documentation.

Information regarding Committee and/or Board function:

- The Product and Code Review Committee serves to advise the Plumbing Board.

I understand that any action of the Product and Code Review Committee is a recommendation to the Plumbing Board and is not to be considered final action.

NAME		FIRM NAME	
Daniel Gleiberman		Falcon Waterfree Technologies	
NAME AND PHONE NUMBER OF PRESENTER TO THE COMMITTEE (if different):			
Daniel Gleiberman and Tom Hamel-Hamel Associates 925 835 5570			
ADDRESS		CITY	STATE ZIP CODE
11835 W Olympic Blvd Suite 1020 E		Los Angeles	CA 90064
PHONE	SIGNATURE (original or electronic)		DATE
310 209 7314			July 3, 2008

For Assistance or questions on completing this form, contact Cathy Tran, Department of Labor and Industry at 651-284-5898.

Please remember to attach all necessary explanations and supporting documentationPage 4 of 5

For Office/Committee Use Only		Proposal received completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Date Proposer notified of gaps:	Mode of notification (e.g., e-mail)	Date returned to Proposer:	Date materials re-received:

Please remember to attach all necessary explanations and supporting documentationPage 5 of 5

Exhibit K

2010 Legislation – Plumbing Board Authority to do Rapid Rulemaking

I. Authority to Use Good Cause Exemption for Rule Change to Rule 4715.0320, subp. 1:

Chapter 183, Session Laws of Minnesota 2010

Sec. 23. **RULE CHANGE.**

The Plumbing Board shall amend Minnesota Rules, part 4715.0320, subpart 1, so that it conforms with Minnesota Statutes, sections 326B.43 and 326B.52, as amended by this act. The Plumbing Board may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), in adopting the amendment, and Minnesota Statutes, section 14.386, does not apply.

II. Authority to Use Expedited Rulemaking for non-water urinal

Chapter 347, Session Laws of Minnesota 2010

Article 3, Sec. 73. **WATER-FREE URINALS.**

The Plumbing Board shall have expedited rulemaking authority provided under section 14.389 for expedited rules regarding water-free urinals that meet the Minnesota Plumbing Board standards. This authority expires December 31, 2010.

EFFECTIVE DATE. This section is effective the day following final enactment.

MM

7/19/10

Exhibit L

2010 Legislation – Chapter 183
Changes to Minn. Stat. §326B.43 and §326B.52

Sec. 4. Minnesota Statutes 2008, section 326B.43, subdivision 1, is amended to read:

Subdivision 1. **Rules.** The Plumbing Board may, by rule, prescribe minimum standards which shall be uniform and which shall be effective for all new plumbing installations performed anywhere in the state, including additions, extensions, alterations, and replacements ~~connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which the installation is to be located.~~ Notwithstanding the provisions of Minnesota Rules, part 4715.3130, as they apply to review of plans and specifications, the commissioner may allow plumbing construction, alteration, or extension to proceed without approval of the plans or specifications by the commissioner.

Except for powers granted to the Plumbing Board, the commissioner of labor and industry shall administer the provisions of sections 326B.42 to 326B.49 and for such purposes may employ plumbing inspectors and other assistants.

Sec. 5. Minnesota Statutes 2008, section 326B.43, is amended by adding a subdivision to read:

Subd. 1a. **Licenses; experience.** All state plumbing inspectors and plumbing inspectors contracted by the department shall hold licenses as master or journeyman plumbers and have five years of documented practical plumbing experience under this chapter.

326B.52 WATER CONDITIONING CONTRACTOR AND INSTALLER STANDARDS.

Subdivision 1. **Rulemaking by ~~commissioner~~ Plumbing Board.** The ~~commissioner~~ Plumbing Board shall, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new water conditioning servicing and water conditioning installations performed anywhere in the state, including additions, extensions, alterations, and replacements ~~connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building or any other place of business, regardless of location or the population of the city, county or town in which located.~~

Subd. 2. **Inspectors.** Except for powers granted to the Plumbing Board, the commissioner shall administer the provisions of sections 326B.50 to 326B.59 and for such purposes may employ water conditioning inspectors and other assistants.

MM
7/19/10

Exhibit M

7-16-10 Draft

Other than Nonwater Urinal-Plumbing Code Revisions approved by Plumbing Board
On or before April 20, 2010

4715.0100 DEFINITIONS.

Subp. 56a. Gravity grease interceptor. "Gravity grease interceptor" means a grease interceptor identified by volume, retention time, and gravity separation.

Subp. 57a. Grinder Pump. A "grinder pump" is a specialized submersible pump designed for reducing sewage particulates and pumping the resulting slurry.

Subp. 60a. Hydromechanical grease interceptor. "Hydromechanical grease interceptor" means a grease interceptor that incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately.

Subp. 70a Macerating toilet system. "Macerating toilet system" means a system consisting of a toilet and a sump with a macerating pump. The system is intended to receive and break waste from a toilet, bathtub or shower and a lavatory, into pieces of fine slurry and pump to the building drainage.

4715.0420 STANDARDS FOR PLUMBING MATERIALS.

Subpart 2. **Abbreviations.** Abbreviations in this chapter refer to the following:

[For text of items A to K, see M.R.]

L. ASME, American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

Note: Strike out in its entirety, existing sections 4715.1110 and 4715.1115, and insert new entire section 4715.1105 below:

4715.1105 GREASE INTERCEPTORS.

Subpart 1. For the purposes of this part, "UPC" means the 2009 edition of the Uniform Plumbing Code as promulgated by the International Association of Plumbing and Mechanical Officials (IAPMO), 5001 East Philadelphia Street, Ontario, California 91761. Portions of this part reproduce text and tables from the UPC (with permission of IAPMO). The UPC is not subject to frequent change and a copy of the UPC is available in the office of the commissioner of labor and industry. The UPC is copyright 2009 by the IAPMO. All rights reserved.

Subp. 2. General Requirements. A grease interceptor complying with the provisions of this part shall be installed in waste lines leading from fixtures or equipment in establishments where grease may effect line stoppage as determined by the administrative authority. Only waste requiring separation may discharge to a

grease interceptor. Food waste grinders and dishwashers may discharge to a gravity grease interceptor where permitted by the manufacturer and the administrative authority.

Each establishment for which a grease interceptor is required shall have an interceptor which shall serve only that establishment unless otherwise approved by the administrative authority. Grease interceptors must be installed in approved locations and must be readily accessible for inspection and maintenance. Grease interceptors shall be located as close as practical to the fixtures served. Each grease interceptor installation must preclude siphoning and provide air relief. Each fixture discharging to a grease interceptor shall be trapped and vented in accordance with this code.

A grease interceptor located outside the building that is a part of an individual sewage disposal system is not subject to the requirements of this chapter.

Subp. 3. **Hydromechanical Grease Interceptors.** Hydromechanical grease interceptors shall comply with ASME Standard A112.14.3. Plumbing fixtures or equipment connected to a hydromechanical grease interceptor shall discharge through an approved type of flow control installed in a readily accessible and visible location. The total flow through the flow control device shall not be greater than the rated flow of the grease interceptor. No external flow control device having adjustable or removable parts shall be installed. Except for integral flow control devices, each flow control vent shall connect to the plumbing vent system.

A vent shall be installed downstream of the grease interceptor in accordance with the requirements of this code.

Hydromechanical grease interceptors shall be sized using one of the following methods. When the flow rate of fixtures or appliances are unknown, the grease interceptor shall be sized using part A.

A. Gravity flow rates. The interceptor is sized based on the diameter of the drain discharging to the interceptor in accordance with the following table:

Hydromechanical Interceptor Sizing Using Gravity Flow Rates

<u>waste pipe diameter,</u> <u>in.</u>	<u>min. interceptor size,</u> <u>gpm</u>
<u>2</u>	<u>20</u>
<u>3</u>	<u>75</u>
<u>4</u>	<u>150</u>
<u>5</u>	<u>250</u>
<u>6</u>	<u>500</u>

B. Fixture capacity. Where fixture dimensions and flow rates of all connected fixtures and equipment are known, the interceptor may be sized as follows:

- (1) Calculate the volume of each connected fixture.
- (2) Multiply the volume of all connected fixtures by a fill factor of 0.75 to obtain the discharge volume;

<u>Drainage fixture units (1, 2, 3)</u>	<u>Interceptor volume, gallons</u>
<u>8</u>	<u>500</u>
<u>21</u>	<u>750</u>
<u>35</u>	<u>1,000</u>
<u>90</u>	<u>1,250</u>
<u>172</u>	<u>1,500</u>
<u>216</u>	<u>2,000</u>
<u>307</u>	<u>2,500</u>
<u>342</u>	<u>3,000</u>
<u>428</u>	<u>4,000</u>
<u>576</u>	<u>5,000</u>
<u>720</u>	<u>7,500</u>
<u>2112</u>	<u>10,000</u>
<u>2640</u>	<u>15,000</u>

Notes

- (1) The maximum allowable drainage fixture units plumbed to the kitchen drain lines that will be connected to the grease interceptor.
- (2) When the flow rate of directly connected fixture(s) or appliance(s) have no assigned drainage fixture unit values, the additional grease interceptor volume shall be based on the known flow rate (gpm) multiplied by 30 minutes.
- (3) Drainage fixture unit values must be determined from Minnesota Rules, part 4715.2300.

Subp. 5. Protective Treatments. Grease interceptors constructed of metal, concrete, or other materials subject to corrosion shall have protective treatment approved by the manufacturer.

Subp. 6. Interceptors located outside of buildings. A grease interceptor outside of the building must be installed to be protected from freezing. Buoyancy protection must be provided when required by the manufacturer's installation instructions. If installed in a non-paved area, the landscape must be bermed to divert runoff. Accessway(s) for exterior grease interceptors must be at least 20" square or diameter to allow adequate access to tank interior for inspection and maintenance. Access to the inlet and outlet must be provided. The grease interceptor and covers must be protected from loadings that may lead to structural collapse and must be designed to withstand any anticipated traffic loadings. Exterior grease interceptors to be abandoned shall be subject to the requirements of the Minnesota Pollution Control Agency for abandoning septic tanks.

Subp. 7. Labeling. All grease interceptors shall be provided with a clear and permanent product identification label listing the construction standard identified in subpart 3 or subpart 4 and any additional labeling requirements of that standard.

Subp. 8. Testing, Maintenance & Records. Each grease interceptor installation must pass a manometer test with one inch of water column for five minutes or a vacuum test with two inches of mercury for 60 minutes. Grease interceptors shall be inspected at least once every three months and shall be maintained in efficient operating condition by periodic removal of the accumulated grease and latent

material. Records of inspection and maintenance must be kept. The administrative authority shall set the exact frequency, duration, and availability of the inspections, cleaning, and record-keeping information.

4715.1420 WATER CLOSETS.

Subp. 4. **Water Closet Personal Hygiene Devices.** Water closet personal hygiene devices shall conform to ASME Standard A112.4.2.

4715.2100 BACKFLOW PREVENTERS.

H. Deck-mounted and equipment-mounted vacuum breakers and faucets with integral atmospheric or spill proof 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. The vacuum breaker device must comply with ASSE Standard 1001.

4715.2110 TYPES OF DEVICES REQUIRED WHERE AN AIR GAP CANNOT BE PROVIDED.¹

		RPZ	DCA IAV	DCVA	Only allowed where no back pressure is possible		
					SVB or PVB	AVB	Hose VB
A.	Boiler, other than one- or two-family residential	X					
B.	Boiler, one- or two-family residential	X	X				
C.	Car wash	X			X	X	
D.	Carbonated beverage machine (postmix) (see part 4715.2163)		X				
E.	Chemical line	X					
F.	Chemical tank	X			X	X	
G.	Chiller	X					
H.	Cooling tower	X	X		X	X	
I.	Dental units (separate assembly required for each unit) ²	X					
J.	Dishwasher, commercial				X	X	
K.	Fire sprinkler system ³	X	X	X			
L.	Flush tank (water closet, urinal, similar) (see part 4715.2150)	X			X	X	
M.	Flush valve (water closet, urinal, similar) (see part 4715.2150)	X			X	X	
N.	Food and beverage equipment or system	X	X	X	X	X	
O.	Garbage can washer	X			X	X	
P.	Glycol or other antifreeze system	X					
Q.	Lab equipment	X			X	X	
R.	Lab faucet						X
S.	Laundry machine, commercial	X	X		X	X	
T.	Lawn, garden or greenhouse sprinkler system	X			X	X	
U.	Operating, dissection, embalming or mortuary table (see part 4715.1950)	X			X	X	

					Only allowed where no back pressure is possible		
		RPZ	DCA IAV	DCVA	SVB or PVB	AVB	Hose VB
V.	Private potable water supply (where permitted by administrative authority)	X	X	X			
W.	Private nonpotable water supply (where permitted by administrative authority)	X					
X.	Process line	X	X				
Y.	Process tank	X			X	X	
Z.	RV dump station	X	X		X	X	
AA.	Sewage treatment	X			X	X	
BB.	Soap dispenser	X	X		X	X	
CC.	Swimming pool, fountain, pond, baptistry, aquarium or similar	X	X		X	X	
DD.	Threaded hose connections, including: hose bibbs, hydrants, service sinks, laundry trays					X ⁴	X
EE.	Truck fill	X			X	X	
FF.	Vacuum systems or aspirators	X			X	X	

¹For installations not listed in this part, review with the Administrative Authority.

²If a dental water treatment system is to be installed which has been cleared by the Food and Drug Administration (FDA) for marketing, a single RPZ device shall be installed upstream of the dental water treatment system and not required on each branch line. The system shall be installed and maintained in accordance with the treatment system manufacturer's instructions. Water lines of less than 1/2 inch are permitted downstream of the water treatment system when required by the manufacturer.

³Installations must comply with AWWA-M14, chapter 6 (1990) except that the following statement is deleted from section 6.3: At any time where the fire sprinkler piping is not an acceptable potable water system material, there shall be a backflow-prevention assembly isolating the fire sprinkler system from the potable water system.

⁴A vacuum breaker installed as an integral part of a product approved to a standard does not require additional backflow prevention on the hose threads; the product must be constructed so that if the integral backflow preventer is removed, the remaining threads will not be hose thread type. An unprotected threaded hose connection must be protected against backflow by addition of a backflow preventer complying with ASSE 1052.

4715.2350 MINIMUM SIZE OF UNDERGROUND GRAVITY DRAINS DRAINAGE PIPING.

No portion of the gravity drainage system installed underground shall be less than two inches in diameter.

4715.2440 DESIGN OF SUMPS.

Subp. 2. **Discharge line.** The discharge line from such pumping equipment shall be provided with an accessible backwater valve and gate or full port ball valve, and if the gravity drainage line to which such discharge line connects is horizontal, the method of connection shall be from the top through a wye branch fitting. Except for grinder pumps and as provided in part

4715.2450. The minimum size of any pump or discharge pipe from a sump having a water closet connected thereto shall not be less than two inches. Grinder pump and its discharge line shall be at minimum of 1-1/4 inches in size. The calculated velocity in any sump discharge line shall not be less than two feet per second.

Subp. 3. **Sumps for buildings.** Building drains for building sewers receiving discharge from any pumping equipment shall be adequately sized to prevent overloading. In all buildings, other than single- and two-family dwellings, should three or more water closets discharge into the sump, duplicate pumping equipment shall be installed with controls that alternate the operation of each pump under normal conditions.

Subp. 5. ~~Single-family dwellings.~~ **Capacity.** In a single-family dwellings the minimum storage capacity from the pump suction inlet to the alarm level capacity of a sump other than a macerating toilet system shall be 18 gallons. For all facilities, the sump basin storage volume and the pump capacity shall be adequate to prevent overloading and shall meet the following requirements at minimum:

- a. The pump and sump basin shall be able to accommodate the peak flow into the sump for a duration of five minutes.
- b. The peak flow into the sump shall be approximated by calculating the peak water supply demand for the fixtures discharging to the sump as determined in part 4715.3700, and adding any flows from tanks or other equipment based on the maximum flow rates from such equipment. The maximum liquid level in the sump shall be calculated with the peak flow beginning at the highest design liquid level in the sump under normal operating conditions with one pump operating.
- c. The calculated maximum liquid level in the sump must be less than the alarm level and must be below the sump inlet.

Note for 4715.2450:

1. *Insert new section 4715.2450 below.*

2. *The hi-lited Subp. 4 of this section needs separate approval from the PB. Staff believed that it was the intention of the PB to accept this language. The languages of subp. 4 were presented from the PCRC Meeting(dated Sept 22, 2009) with recommendation to accept, see approvals at the July 21, 2009 PB meeting and subsequently presented again and approved at Oct 20, 2009 PB Meeting. Subp. 4 was inadvertently excluded from the meeting minutes of the Oct 20, 2009 PB meeting. See related RFA files,PB0009 and PB0035 and Minutes,*

PCRC, http://www.dli.mn.gov/PDF/pb/pb_pc_minutes0909.pdf

PB, http://www.dli.mn.gov/PDF/pb/pb_minutes0709.pdf

PB, http://www.dli.mn.gov/PDF/pb/pb_minutes1009.pdf

4715.2450. Macerating Toilet Systems.

Subpart. 1. **Macerating Toilet Systems.** Macerating toilet systems shall comply with ASME A112.3.4 and shall be installed in accordance with the manufacturer's recommendations.

Subp. 2. Location. A macerating toilet system may only be installed in one- or two-family dwellings when gravity flow is not possible. Not more than one bathroom group, consisting of a toilet, a lavatory, and a shower or bathtub, may discharge into a macerating toilet system. Components of macerating toilet systems shall be accessible.

Subp. 3. Discharge line. The discharge line of a macerating toilet system shall not be less than $\frac{3}{4}$ inch.

Subp. 4. Sump vent. *If the macerating toilet system's vent connection is less than 2 inches, the vent shall transition to a minimum of 2 inches immediately after the connection to the system.*

4715.2550 WET VENTING.

Subp. 4. ~~Basement and cellar~~ Water closet. A ~~basement or cellar~~ lavatory may be connected to a properly installed vent from a floor-set, ~~basement or cellar,~~ water closet, provided the vent is not less than two inches in diameter.

Exhibit N

Plumbing Board
 c/o Department of Labor and Industry
 443 Lafayette Road North
 St. Paul, MN 55155-4344
 www.dli.mn.gov

**Plumbing Board
 Request for Action**

PRINT IN INK or TYPE

NAME OF SUBMITTER ALVIN D. KREUTZ	PURPOSE OF REQUEST (check all that apply): <input checked="" type="checkbox"/> New Code <input type="checkbox"/> Code Amendment <input type="checkbox"/> Repeal of an existing Rule
---	--

The Minnesota Plumbing Code (MN Rules, Chapter 4715) is available at http://www.dli.mn.gov/pe_code.html.

Specify the purpose of the proposal: (If recommendation for code change for fixture, appurtenance, material, or method, check all that apply)

- Material Method of installation, joining, etc., Fixture Appurtenance (e.g., water conditioning equipment)
 Test Method Other (describe) Publish acceptable installation standards for Protection of Potable Water

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 4715) is available via the World Wide Web at <http://www.revisor.leg.state.mn.us/arule/4715/>

NOTE:

- Please review the Minnesota Plumbing Code and include 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.

The Minnesota Plumbing Code addresses the approved standard for materials used in plumbing installations but fails to address the standard(s) that must be met when installing plumbing equipment. (i.e. Hand-held showers) Is it the ASSE 1014 standard, an ANSI standard, an ASME standard, an NSF standard, or the CSA standard or a combination of two or three of these. This is not an isolated case, simply one specific example. Individuals working in the field as plumbing inspectors or Public Utility employees with the Water Departments do not have access to all of these different standards to determine which one(s) are acceptable. If time and access were available, the question still remains "Which Standard is Acceptable by the Minnesota Plumbing Code?"

Indications are that in the future a greater emphasis will be placed on the protection of potable water. Fielding a clear and concise set of standards for designers, installers and inspectors to follow will positively position everyone for the future.

Thank you in advance for your consideration to review and evaluate this area with the hope of receiving published guidelines in the future.

Sincerely,
 Al Kreutz
 Masterplumber
 507-475-2421
 alkreutz@msn.com

Office Use Only			
RFA File No. PB0046	Date Received by DLI 10-28-09	Dated Received by Committee	Date of Forwarded to Board
Title of RFA	By:		

Committee Recommendation to the Board: Accept Reject Abstain

Board approved as submitted: Yes No Board approved as modified: Yes No

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.
 BD 02 (6/09)

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.

This is included in the proposed change section.

Standards and Product Approvals or Listings: 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:

The State of Wisconsin has published a set of guidelines that may be used as a starting point.

Please attach electronic scanned copies of any literature, standards and product approvals or listings. Printed or copyrighted materials, ***along with written permission from the publisher to distribute the materials at meetings***, should be sent to the Plumbing Board, c/o Department of Labor and Industry, 443 Lafayette Road No., St. Paul, MN 55155-4344.

Please remember to attach all necessary explanations and supporting documentationPage 2 of 4

Primary reason for change: (check only one)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Protect public, health, safety, welfare, or security | <input type="checkbox"/> Mandated by legislature |
| <input type="checkbox"/> Lower construction costs | <input type="checkbox"/> Provide uniform application |
| <input type="checkbox"/> Encourage new methods and materials | <input type="checkbox"/> Clarify provisions |
| <input type="checkbox"/> Change made at national level | <input type="checkbox"/> Situation unique to Minnesota |
| <input type="checkbox"/> Other (describe) _____ | |

Anticipated benefits: (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Save lives/reduce injuries | <input type="checkbox"/> Provide more affordable construction |
| <input type="checkbox"/> Improve uniform application | <input type="checkbox"/> Provide building property |
| <input type="checkbox"/> Improve health of indoor environment | <input checked="" type="checkbox"/> Drinking water quality protection |
| <input type="checkbox"/> Provide more construction alternatives | <input type="checkbox"/> Decrease cost of enforcement |
| <input type="checkbox"/> Reduce regulation | <input type="checkbox"/> Other (describe) _____ |

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

1. Does the proposed change increase or decrease the cost of enforcement? Yes No If yes, explain

Clear and concise rules eliminate time which saves money.

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.

It is not known which ones are approved or accepted in MN.

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."
N/A

6. Provide a description of the classes of persons affected by a proposed change, who will bear the cost, and who will benefit.
Designers, installers and inspectors will all benefit. The Plumbing Board has the responsibility to bear the cost.

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

- Are there any existing Federal Standards? Yes No If yes, list:

None known by me.

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.

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 less than 50 full-time employees and a small city is defined as a city with less 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).

Please remember to attach all necessary explanations and supporting documentationPage 3 of 4

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

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:

- Submissions are received and heard by the Committee on an "as received" basis. **Any missing documentation will delay the process, and your proposal will be listed as the date it was received "Complete."**
- **Submit any supporting documentation to be considered**, such as manufacturer's literature, approvals by other states, and engineering data **electronically to DLICCLDBOARDS@gwsntp.doli.state.mn.us**. Once your Request For Action form has been received, it will be assigned a file number. Please reference this file number on any correspondence and supplemental submissions.
- **For copyrighted materials that must be purchased from publishers, such as published standards, product approvals or testing data, listings by agencies (IAPMO, ASSE, ASTM, etc..) you may send just 2 copies, along with written permission from the publisher to distribute the materials at meetings**, via U.S. Mail to: **Plumbing Board, c/o Department of Labor and Industry, 443 Lafayette Road No., St. Paul, MN 55155-4344.**
- **For materials that must be submitted by U.S. Mail, please include a copy of your "Request For Action" form originally submitted and reference your assigned RFA file number.**

Information for presentation to the Committee and/or Board:

- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the proposal and any documentation.

Information regarding Committee and/or Board function:

- The Product and Code Review Committee serves to advise the Plumbing Board.

I understand that any action of the Product and Code Review Committee is a recommendation to the Plumbing Board and is not to be considered final action.

SUBMITTED BY NAME		FIRM NAME	
ALVIN D. KREUTZ			
NAME AND PHONE NUMBER OF PRESENTER TO THE COMMITTEE (if different):			
ADDRESS		CITY	STATE ZIP CODE
400 HAZELTINE PLACE		OWATONNA	MN 55060
PHONE	SIGNATURE (original or electronic)	DATE	
(507) 475-2421	ALVIN D. KREUTZ	OCTOBER 19, 2009	

For Assistance or questions on completing this form, contact Cathy Tran, Department of Labor and Industry at 651-284-5898.

For Office/Committee Use Only		Proposal received completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Date Proposer notified of gaps:	Mode of notification (e.g., e-mail)	Date returned to Proposer:	Date materials re-received:

Please remember to attach all necessary explanations and supporting documentationPage 4 of 4

Exhibit O

PB0046-List backflow standards in rule 7/20/2010

4715.2100 BACKFLOW PREVENTERS.

A. **Atmospheric vacuum breaker (AVB), listed to ASSE Standard 1001:**

- (1) must be installed at least six inches above spill line (see special requirements in part 4715.2150);
- (2) no possibility of back pressure permitted;
- (3) only permitted on discharge side of last control valve; and
- (4) no more than eight hours of continuous line pressure permitted.

B. **Pressure vacuum breaker assembly (PVB), listed to ASSE Standard 1020:**

- (1) must be installed at least 12 inches above spill line;
- (2) no possibility of back pressure permitted; and
- (3) continuous line pressure permitted.

C. **Spill-proof vacuum breaker (SVB), listed to ASSE Standard 1056:**

- (1) must be installed at least six inches above spill line;
- (2) no possibility of back pressure permitted;
- (3) continuous line pressure permitted; and
- (4) field testable.

D. **Hose connection vacuum breaker (Hose VB), listed to ASSE Standard 1052:**

- (1) required for threaded hose connections;
- (2) back pressure not permitted;
- (3) continuous line pressure not permitted; and
- (4) any new device must be field testable.

Exception: a vacuum breaker installed as an integral part of a product, approved to a standard, and installed at the factory will not be required to be field testable.

E. **Double-check valve with intermediate atmospheric vent (DCVIAV), listed to ASSE Standard 1012 or 1022:**

- (1) permitted for low hazard with small pipe sizes;
- (2) back pressure permitted; and
- (3) continuous line pressure permitted.

F. **Reduced pressure zone backflow preventer assembly (RPZ) listed to ASSE Standard 1013:**

- (1) any degree of hazard permitted;
- (2) back pressure permitted; and
- (3) continuous line pressure permitted.

G. **Double-check valve assembly (DCVA), meets ASSE Standard listed to 1015 or 1048:**

- (1) permitted only for nontoxic, low hazard installations with nuisance or aesthetic concern;
- (2) back pressure permitted; and
- (3) continuous line pressure permitted.

STAT AUTH: MS s 16B.59 to 16B.75; 326.37 to 326.45; 326B.101to 326B.194; 326B.43 to 326B.49

HIST: 15 SR 76; 19 SR 590; 23 SR 686; 28 SR 146; L 2007 c 140 art 4 s 61; art 6 s 15; art 13 s 4; L 2008 c 337 s 64

Exhibit P

Separation of Plumbing Board Rules and Department Rules

The department is requesting to separate the administrative rules from Chapter 4715. In accordance with Statutes 326B.43, subdivision 1, the Commissioner of Labor and Industry is the Authority for administering the plumbing rules.

Department Administrative Rules are:

4715.2800 INSPECTIONS.
4715.2810 NOTIFICATIONS.
4715.2830 COVERING OF WORK.
4715.2880 BUILDING SEWER.
4715.2890 CERTIFICATE OF APPROVAL.
4715.3130 PLANS AND SPECIFICATIONS.

Note: The water conditioning rules of 4715 (4715.5000 through 4715.6000) are now under the authority of the Plumbing Board. 2010 legislation passed a bill (HF 0927) that transfer the water conditioning rulemaking authority from the Commissioner of Labor and Industry to the Plumbing Board.

326B.43 PLUMBING STANDARDS; RULES; AGREEMENT WITH MUNICIPALITY; EXEMPTION.

Subdivision 1. **Rules.**

The Plumbing Board may, by rule, prescribe minimum standards which shall be uniform and which shall be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which the installation is to be located. Notwithstanding the provisions of Minnesota Rules, part 4715.3130, as they apply to review of plans and specifications, the commissioner may allow plumbing construction, alteration, or extension to proceed without approval of the plans or specifications by the commissioner.

Except for powers granted to the Plumbing Board, the commissioner of labor and industry shall administer the provisions of sections [326B.42](#) to [326B.49](#) and for such purposes may employ plumbing inspectors and other assistants.