

PLUMBING BOARD: NOTICE OF FINAL INTERPRETATION

This Final Interpretation replaces the interpretation that was issued on September 11, 2012 and published in the State Register on September 17, 2012. On November 19, 2012, the Minnesota Plumbing Board issued a Final Interpretation, which is printed below, pursuant to Minnesota Statutes §§ 326B.435, subdivision 2(a)(4), and 326B.127, subdivision 5. Any person aggrieved by this Final Interpretation may appeal it by filing a petition for a writ of certiorari with the Minnesota Court of Appeals pursuant to Minn. Stat. § 14.63.

Questions may be directed to Patricia Munkel-Olson, phone: (651) 284-5128, *email*: patricia.munkel-olson@state.mn.us. TTY users may call (651) 297-4198.

FINAL INTERPRETATION

Inquiry: PB0068
Subject: Oil and Flammable Liquid Separator
Code Reference: Minnesota Plumbing Code, Minnesota Rules Part 4715.1120 (2009)
Submitted by: Mr. Joel Dahlgren
United Grain Systems, LLC
705 East Fourth Street
Winthrop, MN 55396
Approved by: John Parizek, Chair, Minnesota Plumbing Board
Date Received: August 17, 2012
Issue Date: November 19, 2012
Background: The Board considered en banc information describing the building that surrounds and covers two semi-truck scales in separate enclosures. The buildings house a semi-truck scale for the purpose of weighing grain. Each semi-truck scale area includes four pit drains that are piped to a 20-24 inch vertical pipe that is approximately 12 feet long and installed about 8 feet below grade. The piping also serves as the collection point for the drain tile that surrounds the pits. A sump pump may be used to drain the vertical pipe to a man-made unlined water pond. Entry and egress for each scale occurs through semi-truck sized entry doors.

The Board and Submitter agree that for the purpose of this Request for Interpretation the structure surrounding and covering the semi-truck scale is a building.

All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges to the questions presented below. The Board heard from Mr. Dahlgren, Mr. Jeff Neilson,

Department of Labor and Industry staff, and other persons present at the Board's October 16, 2012 meeting.

As required by Minnesota Statutes § 326B.127, subd. 5, the Plumbing Board will consider this Final Interpretation for adoption as part of the Code.

- Question One:** Is the structure an enclosed garage of over 1,000 square feet?
Answer One: No.
Commentary: All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question One. The Board also reviewed and considered the definition of garage, the Request for Interpretation, and handouts provided by Mssrs. Dalhgren and Neilson.
- Question Two:** Does the structure house more than four motor vehicles, repair garages, gasoline stations with grease racks, work or wash racks, and auto washes?
Answer Two: No.
Commentary: All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question Two. The Board also reviewed and considered the definition of garage, the Request for Interpretation, and handouts provided by Mssrs. Dalhgren and Neilson.
- Question Three:** Is the structure a building where oil or flammable liquid wastes are produced?
Answer Three: No.
Commentary: All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question Three. The Board reviewed and considered the Merriam-Webster online definition of "produced" and the phrase "are produced." Further discussion related to the active versus passive nature of words, and the distinction between intentional and accidental production. The Board also reviewed and considered the Request for Interpretation, and handouts provided by Mssrs. Dalhgren and Neilson.
- Question Four:** Is a flammable liquid separator required in this installation?
Answer Four: No.
Commentary: All parties were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to Question Four.

Date: November 19, 2012



John Parizek, Chair
Minnesota Plumbing Board