

Plumbing Board
 c/o Department of Labor and Industry
 443 Lafayette Road North
 St. Paul, MN 55155-4344
www.dli.mn.gov
 Email: DLI.cclboards@state.mn.us

Plumbing Board Request for Action

PRINT IN INK or TYPE

NAME OF SUBMITTER		PURPOSE OF REQUEST (check all that apply): <input type="checkbox"/> New Code	
Danielle Houts		<input checked="" type="checkbox"/> Code Amendment	<input type="checkbox"/> 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: If recommendation for code change for appurtenance or method (check all that apply)			
<input type="checkbox"/> Appurtenance (e.g., water conditioning equipment)	<input type="checkbox"/> Test Method		
<input checked="" type="checkbox"/> Other (describe) To remove plumbing code from applying to the civil storm drainage design			
Does your submission contain a Trade Secret? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:			
<ul style="list-style-type: none"> • 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 <i>specific</i>. If modifying existing rule language, <u>underline new words</u> and strike through deleted words. 			
Please list all areas of the Minnesota Plumbing Code that would be affected. 1101.1 - Applicability. This chapter shall govern the materials, design, and installation of storm water drainage systems WITHIN THE INTERIOR OF THE BUILDING AND TO THE FIRST MANHOLE OR INLET STRUCTURE OUTSIDE THE BUILDING THAT HAS A RIM ELEVATION LESS THAN THE ELEVATION OF THE FINISHED FLOOR OF THE BUILDING. ALL OTHER STORM DRAINAGE SYSTEMS INSIDE THE PROPERTY LINES SHALL FOLLOW LOCAL CODE AND BEST CIVIL DESIGN PRACTICES.			
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:
Office Use Only			
RFA File No. PB0166	Date Received by DLI 3/1/2024	Dated Received by Committee 3/6/2024	Date of Forwarded to Board
Title of RFA PB0166.RFA CH 11.D Houts Lowry Engineering.3.1.2024		:By	
Committee Recommendation to the Board: <input type="checkbox"/> Accept <input type="checkbox"/> Reject <input type="checkbox"/> Abstain		Board approved as submitted: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Board approved as submitted: <input type="checkbox"/> Yes <input type="checkbox"/> No		Board approved as modified: <input type="checkbox"/> Yes <input type="checkbox"/> No	

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. Overall, we believe the intent of the storm drainage chapter of the plumbing code is to prevent the building from flooding due to a back up of a roof drain. After the first drainage structure outside of the building, as long as the rim elevation is lower than the building, the building will not flood. In the event a storm pipe onsite becomes plugged, water will back up and overflow into the parking lot and yard areas, not into the building. Applying the plumbing code to the civil site design is causing unnecessary sizing, structure, and material requirements. This results in additional cost to Owners which prevents them from new projects, and more importantly from trying to improve conditions on existing sites. Pipes that were designed for external use on sites and are industry standard are not allowed in Minnesota due to the code requiring all exterior pipes must meet building interior requirements.

If your product/method standard(s) is 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 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**, and email to DLI.cclboards@state.mn.us

Primary reason for change: (check only one)	
<input type="checkbox"/> Protect public, health, safety, welfare, or security	<input type="checkbox"/> Mandated by legislature
<input checked="" 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 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 checked="" type="checkbox"/> Decrease cost of enforcement
<input checked="" type="checkbox"/> Reduce regulation	<input type="checkbox"/> 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
Decreases the time it takes to review the project plans if the reviewers do not have to look at the site plans past the first structure outside the building. Eliminates the need for alternate materials requests for the owners, contractors, and reviewers.

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:
Decrease the cost significantly by at least 30% past the first structure due to site sizing requirements in the Civil Engineering world being much less demanding than plumbing requirements. Risk tolerance is lower in a building due to damage to structures. Risk tolerance on a site is higher due to the outside being weather resistant. If sewage or storm backs up it doesn't damage as if it were in a building. This is why the plumbing code should not be applied to sites.

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."

Significant fiscal impacts. Designing sites to plumbing code standards is at least 30% more costly and unnecessary. This is why civil standards are different than plumbing standards.

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

All classes. This impacts all new construction for residential, retail, commercial, industrial, medical, educational, government, etc. Contractors will reduce construction costs passing along to all end users.

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:

No federal standards, but 10 state standards has good rules for civil site design of sanitary sewer and most local authorities have good stormwater hydraulic standards, including MnDOT and MPCA.

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 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).

This cost is not anticipated as it is a change to proposed construction design standards that will result in saving money, not costing money. The local impact would be limited to education through communication on updates to state laws.

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 ordinances(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:

Applying plumbing code to site construction is unnecessary due to the risk of flooding a site being lower than the risk of flooding a building. Site civil design standards have been developed that sufficiently design for acceptable risk to sites. Applying the plumbing code to sites needlessly raises construction costs by at least 30%, and anyone with any knowledge of the situation would know this and agree. By allowing site design standards to govern after the first structure brings common sense back into the design of sites into the state of Minnesota.

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 DLI.CCLDBOARDS@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 (or email) two 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 Plumbing Board or designated Committee.

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

NAME	EMAIL ADDRESS	FIRM NAME	
Danielle Houts	dhouts@lowryeng.com	Lowry Engineering	
NAME, PHONE NUMBER AND E-MAIL ADDRESS OF PRESENTER TO THE COMMITTEE (if different):			
Jon Lowry, 701.793.3755, jlowry@lowryeng.com			
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PHONE	SIGNATURE (original or electronic)	DATE	
701.235.0199		03/01/2024	

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.