

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

## Plumbing Board Request for Action

PRINT IN INK or TYPE

<b>NAME OF SUBMITTER</b>		<b>PURPOSE OF REQUEST</b> (check all that apply): <input type="checkbox"/> New Code	
Kyle Dimler		<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 <a href="https://epubs.iapmo.org/2020/MPC/">https://epubs.iapmo.org/2020/MPC/</a>			
<b>Specify the purpose of the proposal:</b> 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) Purpose is to codify historically accepted and required methods of storm drainage system discharge.			
<b>Does your submission contain a Trade Secret?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, mark <b>"TRADE SECRET"</b> 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.			
<b>Describe the proposed change.</b> The Minnesota Plumbing Code (Minnesota Rules Chapter 4714) is available here: <a href="https://epubs.iapmo.org/2020/MPC/">https://epubs.iapmo.org/2020/MPC/</a>			
<b>NOTE:</b>			
<ul style="list-style-type: none"> <li>• Please review the Minnesota Plumbing Code and include all parts of the Code that require revision to accomplish your purpose.</li> <li>• The proposed change, including suggested rule language, should be <i>specific</i>. If modifying existing rule language, <u>underline new words</u> and <del>strike through deleted words</del>.</li> </ul> Please list all areas of the Minnesota Plumbing Code that would be affected.  Section 310.5 is proposed to be amended by adding the following language at the end of the Section's current language: "A storm drainage system, which is designed to discharge in compliance with the design parameters of MN Rules Chapter 7090 {MN MPCA Storm Water Regulations} or the design parameters that govern pursuant to MN Statute 103D {MN Watershed District Statute}, shall not be considered an obstruction. {bracketed language is for contextual reference and not part of proposed amendment}"			
<b>For Office/Committee Use Only</b> 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:
<b>Office Use Only</b>			
RFA File No. PB0167	Date Received by DLI 3/6/2024	Dated Received by Committee	Date of Forwarded to Board
Title of RFA PB0167.RFA.Kyle Dimler.Section 310.5 rec'd 3.6.2024		: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 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.

This proposed code amendment is necessary in order to provide clarifying resolution through the rulemaking process to the issues that have been attempted to be addressed in part by MN Plumbing Board Final Interpretations PB0159 in February of 2023 and PB0160 in November of 2023. These partial attempts in addressing the permissible methods of storm water drainage system discharges have resulted in inordinate construction project delays and construction project cost increase throughout the State of MN. The MPCA and other storm water regulatory agencies (e.g. watershed districts) have encouraged for multiple decades, as a Best Management Practice, the discharge of storm sewer piping at the normal water level in storm water retention ponds, detention ponds, and subterranean detention/infiltration systems as a partial means of energy dispersion to minimize the scouring effect of rapidly moving water, which would otherwise result in significantly higher levels of erosion and sedimentation of surrounding lands, thereby increasing water pollution. The proposed change will provide continued compliance with MPCA and watershed district stormwater management requirements without causing any deleterious effects to plumbing systems or the environment.

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 reference: 40CFR 450.21, NPDES requirements, and the MPCA Stormwater Manual for standards addressing storm water drainage system discharge design parameters.

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](mailto: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 type="checkbox"/> Lower construction costs	<input type="checkbox"/> Provide uniform application
<input type="checkbox"/> Encourage new methods and materials	<input checked="" 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 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

The proposed change will decrease the cost of enforcement because it will eliminate the need for submittal, review, approval, and inspection of numerous proposals of alternate materials and methods of construction equivalency required for compliance based upon current code interpretation and PB0159/PB0160.

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:

The proposed change will decrease the cost of compliance by eliminating the need for alternate materials and methods submittals. In numerous cases, the cost of placing, compacting, and inspecting vast amounts of site fill required to achieve increased site elevations required to comply with current language and interpretation, could also be eliminated.

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.

Costly site elevation increases to comply with the implied requirements resulting from PB0159/PB0160.

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.

N/A

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:

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).

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:

**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](mailto: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
Kyle Dimler	kdimler@hutchinsonmn.gov	City of Hutchinson

NAME, PHONE NUMBER AND E-MAIL ADDRESS OF PRESENTER TO THE COMMITTEE (if different):

MAILING STREET ADDRESS	CITY	STATE	ZIP CODE
111 Hassan St. SE	Hutchinson	MN	55350

PHONE	SIGNATURE (original or electronic)	DATE
320-234-4220		3/6/2024

For Assistance or questions on completing this form, contact Mike Westemeier, Department of Labor and Industry at [michael.westemeier@state.mn.us](mailto:michael.westemeier@state.mn.us) or by phone 651-284-5898.