

Plumbing Board Request for Action

PRINT IN INK or TYPE

NAME OF SUBMITTER	PURPOSE OF REQUEST (check all that apply): <input checked="" type="checkbox"/> New Code	
Rick Wahlen	<input 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) Recommended Definitions for Use in Chapter 2 Regarding Alternate Water Source		
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:

- 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.

Chapter 2, Section 203.0 - Alternate Water Source. As written the definition states: "Nonpotable Source of water that includes but no limited to gray water, on-site treated non-potable water, rainwater, and reclaimed (recycled) water." Chapter 2, Section 217.0 - Onsite Treated Nonpotable Water. As written the definition states: "Nonpotable water, including gray water that has been collected, treated, and intended to be used on-site and is suitable for direct beneficial use."

For Office/Committee Use Only Proposal received complete? Yes No

Date Proposer notified of gaps:	Mode of notification (e.g., e-mail)	Date returned to Proposer:	Date materials re-received:
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Office Use Only

RFA File No. PB0222	Date Received by DLI 1/6/2026	Dated Received by Committee 1/6/2026	Date of Forwarded to Board TBD
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Title of RFA

PB0222.RFA.Rick Wahlen.Chapter 2 Definitions.Rec'd

Committee Recommendation to the Board: Accept Reject Abstain

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

Review and discussion within the 2024 UPC ad hoc Chapter 15 Rulemaking Committee (Plumbing Board) including input from members of MDH, MPCA, and private/business experts has led to a greater understanding of the need for consistency between separate agency rules and standards pertaining to public health, and for the purpose of this RFA, especially with respect to reuse of gray water and storm water. The committee's efforts to prepare appropriate recommended guidance in Chapter 15 of the Minnesota Plumbing Code includes limitations on the use of these two forms of nonpotable water that ideally would benefit from a slight modification of the definition of terms to reflect these limitations:

Chapter 2, Section 203.0 - Alternate Water Source. As written the definition reads: "Nonpotable Source of water that includes but not limited to gray water, on-site treated non-potable water, rainwater, and reclaimed (recycled) water." Recommend specifically excluding "storm water" by the addition of the sentence: "Storm water is expressly prohibited as an alternate water source."

Chapter 2, Section 217.0 - Onsite Treated Nonpotable Water. As written the definition reads: "Nonpotable water, including gray water that has been collected, treated, and intended to be used on-site and is suitable for direct beneficial use." Recommend including a brief clarifying description of gray water included in the following suggested definition: "Nonpotable water that has been collected, treated, and intended to be used on-site, is suitable for direct beneficial use, including gray water managed in accordance with Minnesota Rules Chapters 7080-7083."

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 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 checked="" type="checkbox"/> Other (describe) <input type="text"/>	

Anticipated benefits: (check all that apply)

<input type="checkbox"/> Save lives/reduce injuries	<input 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 type="checkbox"/> Decrease cost of enforcement
<input type="checkbox"/> Reduce regulation	<input checked="" type="checkbox"/> Other (describe) <input type="text"/>

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

2. Does the proposed change increase or decrease the cost of compliance? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain
4. Were alternative methods considered? <input type="checkbox"/> Yes <input type="checkbox"/> 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."
6. Provide a description of the classes of persons affected by a proposed change, who will bear the cost, and who will benefit.
7. Does the proposed rule affect farming operations? (Agricultural buildings are exempt from the Minnesota Building Code under Minnesota Statutes, Section 326B.121.) <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain
Are there any existing Federal Standards? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list:
Are there any differences between the proposed change and existing federal regulations? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/> 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 to comply with the change? <input type="checkbox"/> Yes <input type="checkbox"/> 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. 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.

Submitter's Name	Submitter's Email Address	Submitter's Firm Name	
Rick Wahlen	rwahlen@edenprairie.org	Minnesota Section, American Water Works Assoc. Presenter's name, phone, and email if different	
Submitter's Mailing Street Address	City	State	Zip Code
8080 Mitchell Road	Eden Prairie	MN	55344
Submitter's Phone	Submitter's Signature (original, electronic or typed)	Date	
(952) 294-5908	Rick Bradley Wahlen	January 6, 2025	

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.