

State of Oregon
Final

Agenda
Item
I.D.

Oregon State Plumbing Board

Meeting minutes

December 19, 2008

Members present: Ken Carlson, Chairman
Jonathan Gray, Vice-chair *teleconference*
Rick Bosch
Skai Dancey
Jack Vilendre

Members absent: Michael Perry

Staff present: Terry Swisher, chief plumbing inspector and board secretary
Chris Huntington, manager of policy and technical services
Andrea Simmons, green building services and legislative affairs manager
Homer Humelbaugh, assistant chief plumbing inspector
Gabrielle Schiffer, green building services coordinator
Brent Griffith, enforcement officer
Matthew Barber, policy analyst
Dana Fischer, para-technical support specialist
Debi Barnes-Woods, division boards coordinator

Guests present: GF Scheuermann, Local Union #290
Chuck Lott, JL Industries
Don Huber, SureSeal
Rod George, Ron George Design & Consulting Services

I. Board business

A. Call to order

Chairman Ken Carlson called the Oregon State Plumbing Board meeting to order at 9:30 a.m. The meeting was held at the Building Codes Division, Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Michael Perry was absent excused. Vice-chair Jonathan Gray was connected by teleconference.

C. Approval of agenda and order of business

Chairman Carlson **RULED** the agenda and order of business approved.

D. Approval of the October 17, 2008 regular board meeting minutes

Chairman Carlson **RULED** the October 17, 2008 minutes approved.

E. Date of the next scheduled meeting
February 20, 2009

II. Public comment - None

III. Reports

A. Building Codes Division report

Manager of Policy and Technical Services Chris Huntington [reported](#) that the division is in the final stages for most of the current rulemaking activities in preparation for the upcoming legislative session. He noted that engineering exemption for design of fire protection systems, consistent forms and fee methodology, board penalty matrix rules, and the local code amendment request rule are some of the final completed projects for 2008.

Green Building Service & Legislative Affairs Manager Andrea Simmons spoke relating to the comprehensive legislative climate change package put together by the governor's office that will make key investments in greenhouse gas reduction, energy efficiency and conservation, renewable energy, and sustainable transportation.

The governor's proposal includes a concept for energy performance certificates for new buildings. Manager Simmons described the certificates, comparing them to energy star certificates found on energy efficient appliances. The label on commercial and residential buildings would contain information on overall energy performance.

The division is also taking the lead for energy efficiency in buildings. The goal is for new buildings to have net zero energy consumption by the year 2030. Legislation has been introduced to require that, between now and the year 2012, commercial structures be 30 percent more energy efficient than current standards. This would be the first step in creating a schedule between the years 2012 and 2030 to meet the goal of zero emissions in commercial, as well as residential buildings. The goal would be achieved by providing both a standard code and a "reach" code for each code cycle. The reach code would consist of optional requirements exceeding the energy standards in the building code that builders could meet for financial incentives. These same reach requirements could then be adopted as standard requirements in the next code cycle.

Manager Simmons noted that the division would be accepting code change proposals related to energy efficiency or reducing energy consumption of commercial buildings and would begin holding meetings of a commercial energy efficiency work group starting in February to begin a public process for code adoption for commercial structures with an effective date of April 1, 2010.

A statewide solar code will be adopted for solar installations.

B. Enforcement cases

Brent Griffiths, enforcement officer, noted that Heath Lawson, enforcement officer, has left the division for a position as an Administrative Law Judge with the Office of Administrative Hearings. Tom Nicolai, on a job rotation filling that position, has been hired as a permanent employee. Robert Salinas, enforcement and licensing assistant manager is now working with the Department of Human Services.

The division conducted a multi-agency enforcement sweep with other state agencies visiting 49 sites in October, which resulted in 4 open investigations.

Final order:

1. **Augustine Lehecka**, made plumbing installations without a contractors license, journeyman plumbers license and without a permit. Although Mr. Lehecka requested a hearing, he walked out before the hearing was completed. The division did testify and the ALJ found in favor of the division assessing a civil penalty in the amount of \$3000.

Motion by Chairman Carlson to adopt the final order with no changes assessing a civil penalty in the amount of \$3000 for Augustine Lehecka.

Motion carried unanimously

2. **Isaiah 61 Construction, Inc.**, was originally charged with completing work without a plumbing contractors license, allowing an unlicensed individual to perform plumbing installations, and performing work without a permit. A hearing was requested and evidence was presented that the company did hire a sub-contractor but the job fell through. The Administrative Law Judge assessed a \$2000 civil penalty for allowing an unlicensed individual to perform work without a license and for not having a permit.

Motion by Jack Vilendre to adopt the final order for Isaiah 61 Construction, Inc., with no changes assessing a civil penalty in the amount of \$2000.

Motion carried unanimously

3. **Professional Home Services and Light Construction Inc.**, was assessed a civil penalty for completing work without a plumbing contractors license, and for not having a permit. A hearing was requested and the ALJ found in favor of the division assessing a civil penalty in the amount of \$2000 for Professional Home Services and Light Construction Inc.

Motion by Jack Vilendre to adopt the final order for Professional Home Services and Light Construction Inc., with no changes assessing a civil penalty in the amount of \$2000.

Motion carried unanimously

4. **Jason Rich, license denial after hearing:** Assistant Chief Plumbing Inspector Homer Humelbaugh explained that Mr. Rich was enrolled in Local 290's 5-year apprenticeship program. Because the State of Oregon requirements are to complete a 4-year approved program, Mr. Rich decided to drop out of Local 290's apprenticeship program without the completion certificate. A hearing was requested and the ALJ found in favor of the division for denying Jason Rich to sit for the exam without a certificate of completion from a registered 4-year plumbing apprenticeship program, or a referral letter from either the registered training committee or an Oregon State Plumbing Board approved training program.

Motion by Skai Dancey to adopt the final order for Jason Rich with no changes denying Mr. Rich's journeyman plumber licensing application.

Motion carried unanimously

5. **Travis Workman, license suspended for failure to pay penalty:** No board action was required for this agenda item. Informational purposes only.

C. Summary of enforcement actions previously taken by the division for cases 1 through 8, outlined on the enforcement board report. (No board action required)

There was no board discussion for this item.

D. Program update - None

IV. Communications - None

V. Appeals – None

VI. Unfinished business - None

VII. New business

A. Review and approve technical and scientific facts relating to proposed Statewide Alternate Method Ruling No. OPSC 08-06 for residential clothes washer wastewater for exterior subsurface irrigation systems

Manager Simmons explained that this alternate method would apply to on-site disposal of residential clothes washer wastewater through an exterior subsurface irrigation system. She explained further that an on-site wastewater disposal permit

may be required by the Oregon Department of Environmental Quality. She noted that if the board does approve the technical and scientific facts of this alternate method, the Residential Structures Board would be reviewing it as well.

Chief Plumbing Inspector Terry Swisher added that the division has taken provisions from model code and other municipal codes that have dealt specifically with the clothes washer wastewater and incorporated them into the alternate method. This alternate would require a leach field, similar to a septic tank but shallower, in the soil to provide irrigation. The tank would catch the wastewater discharge from the clothes washer retaining the water for no more than a 24-hour period to prevent the water from becoming septic.

Chairman Carlson said that the local sanitarian dealing with on-site disposal of sewage for the City of Portland has concerns with the proposed alternate method conflicting with DEQ requirements. Chairman Carlson also noted that DEQ does not recognize the use of clothes washer discharge for sub-surface irrigation. And, under the current DEQ rules, all sewage is supposed to be connected to, and disposed of, into the public sewer system. In the scope of ruling included in the alternate method it states that "4. No residential clothes washer exterior wastewater subsurface irrigation system or part thereof shall discharge water outside of the building served unless approved, as required, by the Oregon Department of Environmental Quality."

Manager Simmons did note however, that DEQ is submitting legislation, which would allow DEQ to do rulemaking related to wastewater. The division would be an interested party with what DEQ proposes and not be directly involved.

Chairman Carlson suggested that the board postpone this issue for a future date until DEQ puts through its legislation.

Ron George, plumbing engineer, member of IAMPO Standards Council, agreed with the idea of the alternate method, although suggested that the Department of Environmental Quality first review soil percolation rate, soil type, and the minimum slope of the grade to recommend minimum standards.

Jon Gray commented that legislation is being introduced to define graywater and felt that it is too early for the Oregon State Plumbing Board to move forward on this issue and agreed that DEQ needs to be present at the board meeting during this discussion.

Motion by Skai Dancey to postpone further discussions or decisions related to the technical and scientific facts for the proposed Statewide Alternate Method Ruling No. OPSC 08-06 until DEQ has the opportunity to speak on the issue.

Motion carried unanimously

B. Review and approve plumbing product Standard IAPMO IGC 224-2005 for Sioux Chief Inflow Testing Device

Chief Swisher noted that the division received a request from Bill Howard to review and approve the IAPMO IGC 224-205 product standard for the Sioux Chief Inflow Testing Device. The product standard addresses a new ABS, PVC or cast iron DWV test fittings with an integral cleanout.

Bill Howard, Gordon & Associates, presented a sample of the product to board members.

Chairman Carlson noted that in most cases, when DWV fittings are used, cast iron or plastic, a gasket type installation would not be used.

Motion by Jack Vilendre to request more information concerning the gasket material before making a decision.

Motion carried unanimously

C. Review and approve plumbing product Standard ASSE 1072-2007 for Barrier Type floor Drain Trap Seal Protection device

Jack Vilendre abstained from the vote on this item due to a conflict of interest. His company manufactures floor drain trap devices, and Mr. Vilendre sat on the ASSE Product Standards Committee when this product was being developed.

Chief Swisher explained that the division received a request to approve the ASSE 1072-2007 product standard for the SureSeal trap seal protection device.

Chuck Lott, JL industries, presented [written testimony](#) in opposition to Oregon's inclusion of ASSE 1072 in the Uniform Plumbing Code. He noted that there are outlines in the code that would prohibit the use of this product. He noted that a code change embodying products subject to this standard has failed at the UPC Technical Committee, the UPC General Membership and at the UPC Standards Council Appeals Hearings. The 1072 standard itself has also been rejected at the UPC Standards Council level, Mr. Lott added.

Ron George, Ron George Design & Consulting Services, submitted [written testimony](#). Mr. George noted that the mechanical drain valve device has been promoted as an alternate to trap primers. He said that the product violates many of the basic health and safety principles in the plumbing code. The device has

movable surfaces made of a porous material that will serve as a host for bacteria and mold. When the mold and bacteria grows on these surfaces, it can grow across the sealing surfaces and cause the valve to not operate.

Don Huber, President of SureSeal, said that the product has passed a grease test and a wax test that are included in the standard. This product is intended to take the place of a trap primer.

Chairman Carlson noted that the plumbing code now requires a water seal as part of the priming process, therefore he was against the proposed standard.

Motion by Chairman Carlson to disapprove the product standard.

Motion carried

Jack Vilendre abstained

VIII. Announcements - None

IX. Adjournment

Chairman Ken Carlson adjourned the board meeting at 12:07 p.m.

Respectfully transcribed and submitted by,

Debi Barnes-Woods
Division Boards Coordinator