

State of Oregon  
Draft

Agenda  
Item  
I.D.

State Plumbing Board

Meeting minutes

April 1, 2010

**Members present:** Jonathan Gray, Chair  
Robin Scheffer, Vice-chair  
Rick Bosch  
Skai Dancey  
Sarah Heinicke  
Michael Perry

**Members absent:** Jack Vilendre

**Staff present:** Patrick Allen, administrator  
Chris Huntington manager of policy and technical services  
Stacy Posegate, assistant attorney general  
Terry Swisher, chief plumbing inspector and board secretary  
Liz Browder, manager of enforcement services  
Brent Griffiths, lead enforcement officer  
Homer Humelbaugh, assistant chief plumbing inspector  
Ree Armitage, policy analyst  
Richard Baumann, policy analyst  
Debi Barnes-Woods, division boards coordinator

**Guests present:** Rob Trebon, Charlotte Pipe and Foundry Company  
G.F. Scheuermann, Local 290  
Tony Cracolice, BOLI/ATD  
Pam Ditty, Mike Ditty LLC

**I. Board business**

**A. Call to order**

Chairman Jonathan Gray called the 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**

Jack Vilendre was absent excused.

**C. Approval of agenda and order of business**

Chair Gray **RULED** the agenda and order of business approved.

**D. Approval of the regular board meeting minutes**

Chair Gray **RULED** the February 18, 2010 minutes approved.

**E. Date of the next scheduled meeting**

June 17, 2010.

**II. Public comment - None**

**III. Unfinished business**

**Continuation on request from “STUDOR, Inc.” at the February 18, 2010 board meeting in regards to current litigation**

This item was placed on the agenda as a place-holder. During the meeting it was found that the item was not necessary.

*At this time Chair Gray read a script to announce the start of executive session.*

**(Break to clear room for executive session)**

**IV. Executive session**

**Executive session to consult with counsel concerning legal rights and duties with regards to STUDOR, Inc. V. State of Oregon Marion County Circuit Court No. 08C11685 (ORS 192.660(2)(h))**

**(Break to allow audience to be seated)**

As the audience returned to Conference Room A, the meeting was brought back into regular session at 10:30 a.m.

*At this time, Assistant Attorney General Stacy Posegate asked the board to take public action on Studor Inc., the item discussed during executive session, with regards to the information received from Studor Inc., and the attorney. Information exempt by law from public inspection. ORS 192.660(2)(f)*

**Motion by Skai Dancy** for the board to recommend approval of the release and settlement agreement, *document excluded from public record ORS 192.660(2)(f)*, and to amend the document by removing the Residential and Manufactured Structures Board from the agreement contingent on Studor Inc., acceptance of the agreement; and to have the product standards on the board’s next meeting agenda for board approval.

**Motion carried unanimously**

**V. Reports**

**A. Building Codes Division report**

Manager of Policy and Technical Services Chris Huntington discussed legislative implementation and code activities that are noted in the BCD Update packet. He said that the 2010 Oregon Mechanical Specialty Code, the 2010 Oregon Structural Specialty Code and the 2010 Oregon Efficiency Specialty Code will have a July 1, 2010 adoption date. Code books will be made available to board members as soon as possible.

Manager Huntington noted that the 2009 Legislature directed the division to adopt codes that result in a 15 to 25-percent increase in the energy efficiency of commercial buildings over current requirements. The division worked with

various stakeholders in the development of the 2010 Oregon Energy Efficiency Specialty Code. He noted that the code is expected to go into effect July 1, 2010.

Manager Huntington noted that the division formed a committee to prepare for the adoption of the nation's first statewide solar energy code. The committee is only addressing the most common type of photovoltaic solar installations. The new code will be known as an 80-percent code, which means that the solar code is not intended to cover all types of potential solar installations. Once the committee has finished its review, the document will go to the Construction Industry Energy Board for recommendations.

Manager Huntington noted that Senate Bill 79 requires the division, with the appropriate board, to develop and periodically update an Oregon Reach Code related to energy efficiency. The bill calls for the director to review generally accepted codes and standards that achieve greater energy efficiency and to review the technical components of generally accepted construction documents. Provisions in this code will be specifically evaluated for inclusion in the statewide code in the next code change cycle.

HB 3462 has 2 major components related to inspector certification:

- Phase 1 included establishing renewal periods and fees for certifications. The rule will go into effect July 1, 2010 with the first renewal cycle beginning November 2010, then every 3 years.
- Phase II authorizes the division to create a pilot program to develop specialized inspector certifications and training. A committee is being formed. Meetings are expected to begin in April.

**B. Enforcement report**

This item was discussed under III.C., summary of enforcement.

**C. Summary of enforcement actions previously taken by the division outlined on the enforcement board report. (No board action required)**

Lead Enforcement Officer Brent Griffiths noted that the case listed on the report was before the board at its last meeting and is now being resolved by a consent order.

**VI. Communications**

**Introduction to the 2011 Oregon Plumbing Specialty Code process**

Chief Plumbing Inspector Terry Swisher noted that the time period for accepting code proposals is March 10 through April 26, 2010. He added that the division sent a letter to stakeholders and interested individuals for possible membership on the Plumbing Code Review Committee.

Committee meetings will begin in May to review code submittals. The anticipated adoption date of the 2011 Oregon Plumbing Specialty Code is April 1, 2011.

**VII. Appeals – None**

**VIII. New business**

**A. Request for plumbing product approval – ASTM F 1760-2001, PVC Non-pressure plastic pipe for use in these drainage, wastewater and vent (DWV) systems**

Robert Trebon, field technical representative, Charlotte Pipe and Foundry Company, was before the board seeking approval of ASTM F 1760 – 01 (Reapproved 2005) Standard Specification for Coextruded Poly (Vinyl Chloride) (PVC) Non-Pressure Plastic Pipe having reprocessed-recycled content in the State of Oregon.

**Motion by Michael Perry** to approve the product Standard ASTM F 1760-2001.  
**Motion carried**

**Chair Gray voted against approving the product Standard ASTM F 1760-2001 for a PVC non-pressure plastic pipe for use in drainage, wastewater and vent (DWV) systems.**

**B. Board consideration of proposed revisions to the enforcement penalty matrix and rule**

Manager Huntington noted that the Board Chair/Vice-chair group met recently to discuss making modifications to the existing penalty matrix. He noted that in some cases, first time violators are not willing to negotiate consent orders because of the amount of the fines, instead they are choosing to go to hearing. Because the Office of Administrative Services cannot change the penalty matrix, individuals are asking to plead their cases to the boards. Manager Huntington reviewed the changes explaining that the amount stayed for most violations has been reduced to provide additional flexibility for the division when trying to negotiate a settlement. Manager Huntington noted that a permit-only category was added and the amount stayed for a volunteer has been reduced to zero for first time violators. Another change was the stayed amount be set at 5 years for all violations instead of a combination of 3 and 5 years depending on the violation.

**Motion by Skai Dancy** to approve the changes to the Advisory Board Penalty Matrix and rule.  
**Motion carried unanimously.**

**VIII. Announcements - None**

**IX. Adjournment**

There being no other business Chair Gray adjourned the board meeting at 11:05a.m.

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Respectfully submitted by,

Debi Barnes-Woods  
Division Boards Coordinator