

State of Oregon

Final

OREGON STATE PLUMBING BOARD

Regular Meeting Minutes

February 20, 2004

MEMBERS PRESENT: Lewis Seagraves, Chairman
Robert Kimes, Vice-Chairman
Ken Carlson
Brett Cook
Mary Leverette
Perry Shinn

MEMBERS ABSENT: None

STAFF PRESENT: Mark Long, Administrator of Building Codes Division
Andrea Simmons, Manager of Policy and Technical Services
Terry Swisher, Chief Plumbing Inspector, and Board Secretary
Laurie Skillman, Enforcement and Licensing Manager
Roseanne Nelson, Chief Compliance Officer
Allen Aschim, Chief Compliance Officer
Debi Barnes-Woods, Division Boards Coordinator/Recorder

GUESTS PRESENT: Dave Hensley, City of Corvallis
Linda Lindsten, OAPHCC
Sonny Mauldin, City of Salem
Tony Spencer, BOLI-ATP
Mike Ditty, City of Hillsboro
Jacob Polvi, Northwest Resource Consulting, LLC

I. BOARD BUSINESS

I.A. Call to Order

Chairman Lewis Seagraves called the State Plumbing Board to order at 9:00 a.m. The meeting was held at the Building Codes Division, 1535 Edgewater NW, Salem, Oregon.

I.B. Roll Call

All members were present.

I.C. Approval of Agenda and Order of Business

Chairman Seagraves **RULED** the agenda approved as mailed.

I.D. Approval of the December 19, 2003 Minutes

Chairman Seagraves **RULED** the minutes for December 19, 2003, approved as submitted.

I.E. Date of the Next Regularly Scheduled Meeting
April 16, 2004.

II. PUBLIC COMMENT - None

III. REPORTS

III.A. Compliance Cases – Roseanne Nelson and Allen Aschim

Allen Aschim, Chief Compliance Officer, explained the two compliance cases.

- 1. Trimble Commercial Contractors, Inc., Final Order**, the hearings officer found the respondent in violation of performing plumbing work without a contractor's license and without a permit after reviewing written exceptions. The division recommended adoption of hearings officer's recommendation to assess a civil penalty of \$2,000.

MOTION by Vice-Chairman Bob Kimes to adopt division recommendation on the final order from the hearings officer's findings.
MOTION CARRIED UNANIMOUSLY

- 2. Harter Plumbing, Inc., Final Order**, was an amended proposed order. The amended proposed order should show a civil penalty of \$2000 not \$3000.

A hearing was requested and the hearings officer's finding was that the \$2000 civil penalty, assessed in the Notice is "excessive," stating "the evidence does not establish a history of violation of the plumbing code by either Mr. Harter or Harter Plumbing" and is not supported by a "preponderance of the evidence." The \$2000 civil penalty was reduced to \$200. The verbatim transcripts of the hearing were reviewed by the division and are attached to the amended order. The division did establish that the respondent was a repeat violator. The division recommended approval of the amended proposed order of \$2000, finding the respondent in violation of performing plumbing work without a permit as a repeat violator.

MOTION by Vice-Chairman Kimes to adopt division recommendation to approve the amended proposed order of \$2000, finding the respondent in violation of performing plumbing work without a permit as a repeat violator.
MOTION CARRIED UNANIMOUSLY

A discussion took place regarding who is eligible to obtain a plumbing permit. Chief Aschim said that it is not unusual for contractors to encourage homeowners or builders to obtain the permits. Chief Nelson added that if a plumbing contractor is relying on another individual to obtain a permit, it is the responsibility of the contractor to ensure that the permit was actually obtained before the work begins.

III.B. Summary of Cases –Action previously taken by division for cases 1-7.

There were no questions or comments for this agenda item.

III.C.1. BCD Update

Mark Long, Administrator of Building Codes Division, reported at the December meeting that the Manager of Regulatory Services position was filled. Laurie Skillman is the new Enforcement and Licensing Manager, who has been actively on the job for approximately two months.

Administrator Long introduced Jacob Polvi, a proposed new plumbing board member waiting for Senate Confirmation by the Senate Rules and Executive Appointments Committee, tentatively scheduled for April 8, 2004.

Administrator Long distributed a document explaining ending fund balances, *Exhibit "A"*. Although in the past the ending fund balances have dropped significantly, the division has the balances stabilized and is projecting that the 03-05 ending fund balances would remain level. The following policy decisions were made between last biennium and this biennium. First, the percentage assessed to the plumbing program was charges from 15 to 18 percent to 8 percent based on the findings of the division survey. Secondly, surcharge revenue collected from local government will remain in the appropriate program, Finally, Administrator Long explained that in the past the one percent training fund was for inspector training only, now the funds are available for all program training.

Administrator Long explained the process for accepting code change proposals. A temporary rule was put in place to accept proposed code changes until April 1, 2004, instead of February 1, 2004. This change occurred due to the creation of the Residential Structures Board to accept code change proposals for the low-rise residential dwelling code. The proposed effective date of the new code will remain April 1, 2005.

A residential sub-committee was suggested to be put in place by the Oregon State Plumbing Board as well as the Electrical and Elevator Board and the Residential Structures Board for the purpose of consistency. Brett Cook asked since a model code is already in place and seems to be working, why does the state want to change to a low-rise residential dwelling code. The building community wanted a document containing all code requirements that deals with conventional wood-frame residential construction of three stories or less. The intent of the legislation was to get the plumbing, electrical and mechanical codes in one document.

Mr. Shinn said that since the waterless urinal issue will be before the board April 2005, he was questioning how the board would receive the testing and permit information that was requested at the December board meeting. Administrator Long explained in order to have a clear understanding of the end result, he was gathering and reviewing all information before discussing the issue with the board and the parks department.

(Break)

III.C.2. Plumbing Code Interpretation Committee Report

Terry Swisher, Chief Plumbing Inspector, reported two new interpretations were completed by the Code Interpretation Committee. 1) Prohibited Urinals. 2) Updated interpretation for Prohibited Urinals.

Current interpretations, using the 2000 Oregon Plumbing Specialty Code, may be viewed at the BCD site location:

<http://www.cbs.state.or.us/bcd/programs/plumbing/plumbingrulings.html>

III.C.3. Code Change Committee Appointments

Chief Swisher distributed copies of the appointed committee members for the Oregon Plumbing Code Change Committee. *Exhibit "B"*.

IV. COMMUNICATIONS - None

V. APPEALS - None

VI. UNFINISHED BUSINESS

Administrative Rule for Journeyman Plumber Qualification – A task force was formed by the board to draft the rule changes and met December 19, 2003. The task force created a draft rule and requested the Board’s approval to send the revised rule to public hearing. The rule amendments clarify the qualifications for journeyman plumber licensing.

Brett Cook mentioned that a definition for a licensed journeyman plumber or a definition for an apprentice is not included in the proposed rules.

Vice-Chairman Kimes suggested that for the purpose of clarity, change “lawful general plumber” to “lawful journeyman plumber” under (2) of the proposed rules.

**MOTION by Vice-Chairman Kimes to amend proposed rule language by deleting “general” and insert “journeyman” and forward to public hearing.
MOTION CARRIED UNANIMOUSLY**

VII. NEW BUSINESS

Board approval of draft Administrative Rule for Building Codes Division plumbing permit fee consolidation for public hearing.

Brett Cook made comment to the Plumbing Permit Fee Consolidation Draft 2 proposed rules. His concerns were related to the (2) One -and Two-Family Dwelling, where it says "and up to 3 inspections". He did not understand how 3 inspections would be enough for a single family dwelling with an under floor inspection, a top out inspection, final inspection, sanitary sewer inspection and a water service inspection. In the proposed rules, 3 inspections are allowed for that fee.

Chief Swisher indicated that the fees were based on the actual numbers and the money taken in for inspections completed for these particular criteria. The division would not have a problem with making the change to allow 5 inspections if that would be more appropriate. The division intends these rules to be revenue neutral, and the inspections completed for the specific dwellings to remain the same.

Mr. Cook also brought to the board's attention that in the proposed rules, in the same location same line, there is no calculation for "number of plumbing fixtures". Chief Swisher suggested that language might be more appropriate if it were to say "square footage of the structure for new construction and number of plumbing fixtures for remodel or alteration." Chief Swisher clarified the issue by saying on new construction an individual would be charged by square footage and for remodel or alteration, for 10 fixtures or less. Mary Leverette made comment to (c) "(each 10 fixtures or part thereof)" was unclear. Chief Swisher said that it meant up to a maximum of 10 fixtures. Brett Cook said that (5)(a) was unclear. Chief Swisher suggested the language might be more appropriate if it were to say, "(a) Base fee includes up to 3 fixtures and the first 100' of each exterior building utility piping (water service, storm & sanitary sewer). In section (5) (b) should read the same.

Mr. Cook was also concerned with the number of plumbing fixtures eliminated from the rules for inspection when they have a waste connection, water connection or both. Perry Shinn suggested that a menu of fixtures be listed that requires permits. Ken Carlson suggested that the language deleted in new section (7) "includes but are not limited to the following:" should be reinserted.

Andrea Simmons, Manager of Policy and Technical Services said that for clarification the language could be changed to say, "for building code permit fees only". The board members all agreed to that change. A note would be included at the bottom of the rule to say "Note: for local permit fees, contact your local jurisdiction."

MOTION by Ken Carlson to forward the proposed rules to public hearing for rulemaking with the suggested amendments included in the discussion above.
MOTION CARRIED UNANIMOUSLY

Chairman Seagraves said that Mary Leverette has offered to research the standards for septic disposal system testing for BOD/TSS under the Oregon DEQ Wastewater Pollution Control Facilities for background information relating to the waterless urinal issue.

VIII. ANNOUNCEMENTS - None

IX. ADJOURNMENT

Chairman Lewis Seagraves adjourned the meeting at 12:30 p.m.

Debi Barnes-Woods
Division Boards Coordinator

Exhibits:

- A. Ending fund balances, *Agenda Item III.C.1.*
- B. Code Change Committee member list, *Agenda Item III.C.2.*

TO OBTAIN COPIES OF EXHIBITS, A PUBLIC RECORD REQUEST MUST BE COMPLETED BY CLICKING ON THE LINK PROVIDED.

<http://www.cbs.state.or.us/external/bcd/pdf/2568.pdf>