

State of Oregon
Final

OREGON STATE PLUMBING BOARD

Regular Meeting Minutes

June 17, 2005

MEMBERS PRESENT: Lewis Seagraves, Chairman
Robert Kimes, Vice-Chairman
Ken Carlson
Brett Cook
Kathryn Mattimore *(new member)*
Jacob Polvi
Perry Shinn

MEMBERS ABSENT: None

STAFF PRESENT: Mark Long, Administrator of Building Codes Division
Terry Swisher, Chief Plumbing Inspector, and Board Secretary
Laurie Skillman, Manager of Enforcement and Licensing
Roseanne Nelson, Assistant Manager of Enforcement
and Licensing
Rick Blackwell, Policy Analyst
Casey Hoyer, Policy Analyst
Debi Barnes-Woods, Division Boards Coordinator/Recorder

GUESTS PRESENT: Bruce Wilde, BOLI-ATD
Garth Kightlinger, Nelson Plumbing
Steve Gutz, Nelson Plumbing
Sydney Mead, Ecotrust

I. BOARD BUSINESS

I.A. Call to Order

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

I.B. Roll Call

All members were present.

I.C. Approval of Agenda and Order of Business

Agenda Item III.A., Legislative report will be heard before Agenda Item II., Public Comment.

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

I.D. Approval of the February 18, 2005 Oregon State Plumbing Board minutes, and April 8, 2005 Oregon State Plumbing Board and Residential Structures Board Executive Session meeting minutes.

Chairman Seagraves **RULED** the Oregon State Plumbing Board minutes for February 18, 2005 approved as submitted.

Chairman Seagraves **RULED** the joint meeting minutes of the Oregon State Plumbing Board and Residential Structures Board Executive Session minutes approved as submitted.

I.E. Date of the Next Regularly Scheduled Meeting

August 19, 2005 at **9:30** a.m.

Kathryn Mattimore, newest member of the Oregon State Plumbing Board, represents the Department of Human Services, currently serving as a program coordinator for the Cross/Connection Backflow Prevention Program.

(Heard out of order, Agenda amended)

III. REPORTS

(Agenda item III.B. Program update was included in III.A.)

A. Legislative report. Exhibit "A."

SB 421. This bill is a top priority bill for building trades that places division staff throughout Oregon, which would promote consistency, dispute resolution and oversight of the state building code.

HB 2181. The intent of this bill is to take all the administrative processes for licenses issued at the division out of statute and place them in rule to implement consistent processes across all programs.

HB 3097. This bill modifies the pilot program for E-permitting by allowing the pilot to continue statewide.

HB 2179. The intent of this bill is to provide fast approval for emerging technologies.

HB 3016. This bill would standardize the appeals and notification process of local fees.

HB 3092. This bill allows the department to define complex structures for the purposes of plumbing plan review.

Brett Cook asked why there were two sets of rules for complex structures. Administrator Long said that both the electrical and plumbing industries are required to know when plans would need to be submitted for electrical work and when plans would need to be submitted for plumbing work.

Last legislative session the division was given authority to establish the requirements. Individuals in the plumbing industry were unhappy with the criteria developed. This bill would allow the division to re-address the criteria for plumbing only as to when plan review is required.

HB 3273. Provides additional compliance tools when a license is revoked. It prevents an individual from reapplying for a period not to exceed a period of 5-years.

SB 328. This bill would exempt prefabricated structures intended for delivery in another state from certain construction requirements.

HB 3093. This bill suggests that the plumbing license is adequate to perform testing for backflow devices.

HB 2333. This bill would create a special overhead allocation for manufactured housing that would be different from all other crafts, which causes concern. Accounting methods should remain consistent with other program areas.

SB 381. Last legislative session a bill was presented to move the backflow program from the Health and Human Services to Building Codes Division. The bill did not pass. This legislative session, the intent of the bill is to take the inspection components for backflow out of Health and Human Services and place them with BCD.

HB 3304. This bill would allow plan reviews that are unique to be submitted by the jurisdiction to the division for review.

Certification Rule Changes. *Exhibit "B."*

In the structural/mechanical related fields (inspector regulation), the current process is to set requirements and issue state tests. The proposal is for national testing for structural/mechanical and related residential types of applications in those program areas. Then the experience and qualification requirements will be the responsibility of the local jurisdictions.

Package includes: National testing, state developed Oregon Inspector Certification test, modified continuing education requirements and increasing the standards for building officials. This change is for the structural and mechanical areas only, although it will affect the plumbing and electrical programs when dealing with residential applications. Every inspector in the state will be required to site the basis of a code correction written.

An existing certified inspector would not be affected at this time if no changes are made to the level of current certifications and they have kept in good standing. If changes are made including adding certifications, then after July 1 that inspector will go through the new process of getting a national certification, getting the Oregon Inspector Certification and then going to the building official for an experience check. This does not affect the electrical and plumbing programs except in a very narrow way.

Due to the changes between the One- and Two-Family Dwelling Code, Low-Rise Code and the International Residential Code, the division is proposing to allow the one- and two-family dwelling plumbing inspectors to work up to the National Model Code, which is a house, duplex, townhouse and rowhouse. However, it will not allow them to inspect apartments.

The intent is to get the inspectors inspecting to the national code and then eventually move apartments, from a code stand point, into the commercial codes. This change is necessary for consistency and the division is asking for board's support.

Board members wanted to know what the difference was between a Townhome in relationship to one- and two-family and Rowhouses before they gave a recommendation. Administrator Long promised to get a definition to board members prior to July 1, 2005 for the board to make a recommendation.

(Heard out of order)

II. PUBLIC COMMENT

Sydney Mead, Ecotrust, Natural Capital Center Programs Manager, asked the board to review a request to approve waterless urinals in the Natural Capital Center, 721 NW Ninth Ave., Portland. *Exhibit "C."* In 2001, the U.S. Green Building Council awarded the Natural Capital Center a Gold-level Leadership in Energy and Environmental Design (LEED) certification. Ms. Mead said that installing waterless urinals to conserve water would be consistent with the organization's long standing tradition of conservation and embracing emerging green technologies.

Ken Carlson questioned the authority of the board in making this type of decision. Terry Swisher, Chief Plumbing Inspector, said that an interpretative ruling could come from the Administrator or from the board for this type of request, like the waterless urinals in the state parks.

Jacob Polvi said that the center seems to be on the cutting edge of technology and suggested this may be the place to test the waterless urinals for accurate testing results. He asked what concerns other board members have with allowing the center to conduct such tests.

Brett Cook said that the center is proposing to install 12" rough-in round-front toilets with dual flush technology, which do not meet the plumbing code requirements for commercial installation. Mr. Cook felt strongly about first allowing the interpretive ruling that is in place for state parks to play out before reviewing another request for the product in a public location.

Mr. Polvi added that using Ecotrust as a resource for collecting research data is an opportunity that should not be overlooked.

Ms. Mead suggested board members visit Ecotrust's web-site at www.ecotrust.org.

Chairman Seagraves suggested that the center considered a product using 1/2-gallon of water per flush that uses 50% less water than the normal flush urinals.

Mr. Carlson suggested that since this item was brought up under public comment, Ms. Mead contact Chief Swisher for the item to be included on the agenda for the August 19 board meeting.

C. Enforcement Cases.

1. **License Revocation, Four Star Development, Inc., dba Nelson Plumbing.** Per the board's request, a notice of intent to revoke the plumbing business license was issued. A hearing request was withdrawn. The division issued a default order. Due to the pattern of activity and the number of violations, the company is in line for license revocation. Ms. Nelson discussed the issue of revocation timeframe. The revocation of the plumbing business license should be consistent with other state boards. The division suggested the board make a recommendation to revoke the plumbing business license and not allow them to reapply for a period of not more than 5-years.

Ken Carlson asked that after the first two violations, how did the company get to the third and then to the fourth violation.

Garth Kightlinger, spokes person for Nelson Plumbing, said that it may have been due to the amount of work the company took on to be completed in a short period of time.

Mr. Kightlinger said since the violations, they have reduced the workload in Oregon and have since reorganized. All the fines were paid by the company.

MOTION by Vice-Chairman Robert Kimes to adopt division recommendation for approval of license revocation for Four Star Development, Inc., dba Nelson Plumbing for a period of up to but not to exceed 5 years from this date.

MOTION CARRIED UNANIMOUSLY.

2. **Repeat Violator, Colonial Northwest Inc.** The division recommended approval of the consent order with penalties assessed.

MOTION by Vice-Chair Kimes to adopt division recommendation for approval of a consent order for Colonial Northwest Inc., with penalties assessed.

MOTION CARRIED UNANIMOUSLY.

- D. Summary of enforcement cases actions previously taken by the division for III.D.1. through 8. No board action required.**
- E. Plumbing Code Interpretations update.**
Two code interpretations were brought forward to the committee; 1.) Trough urinals, and 2.) Cleanout plugs and caps.

IV. COMMUNICATIONS

New enforcement officers

- Brent Griffiths, former investigator for BCD, has accepted the position as enforcement officer.
- Heath Lawson, enforcement officer. Mr. Lawson's most current position was with the Court of Appeals.
- Roseanne Nelson has accepted the position as Assistant Manager of Enforcement and Licensing.

V. APPEALS - None

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS

Board approval of International Association of Mechanical Officials. (IAPMO) Interim Guide Criteria (IGC) 187-2003 Standards for Froet Industries roof drain.

Since Vice-Chairman Carlson had questions on the configuration of the device, as far as the overflow height and the size of the main drain body, the board recommended this agenda item be postponed until the product could be presented.

MOTION by Ken Carlson to table this agenda item until the August 19, 2005 board meeting so that Froet Industries may present its proposed product.

MOTION CARRIED UNANIMOUSLY.

VIII. ANNOUNCEMENTS – None

IX. ADJOURNMENT

Chairman Lewis Seagraves adjourned the meeting at 12:15 p.m.

Respectfully submitted by,
Debi Barnes-Woods
Division Boards Coordinator

Exhibits:

- A. Legislative report, , ***Agenda Item III.A.***
- B. Certification rule changes, ***Agenda Item III.A.***
- C. Request from Ecotrust/waterless urinals, ***Agenda Item II.***

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>