

State of Oregon
Final

OREGON STATE PLUMBING BOARD

Regular meeting minutes

February 17, 2006

Members present: Ken Carlson
Jonathan Gray
Skai Dancey *(new member)*
Jacob Polvi
Perry Shinn
Jack Vilendre *(new member)*

Members absent: Kathryn Mattimore

Staff present: Mark Long, Administrator of Building Codes Division
Andrea Simmons, Manager of Policy & Technical Services
Terry Swisher, Chief Plumbing Inspector, and Board Secretary
Roseanne Nelson, Assistant Manager of Enforcement
and Licensing
Homer Humelbaugh, Assistant Chief Plumbing Inspector
Rick Blackwell, Policy Analyst
Heath Lawson, Enforcement Officer
Phil Johnson, Enforcement Officer
Brent Griffiths, Enforcement Officer
Julie Willard, Division Boards Coordinator/Recorder
Debi Barnes-Woods, Division Boards Coordinator/Recorder

Guest present: Larry Medeavis, Port of Portland
Lewis Seagraves
Gary Duren, Code Compliance Incorporated
Michelle Martin, the Portland Metropolitan Business Owners and
Managers Association
Bill Hicks, JNJ Sales
Greg Gloe, Salem Hospital, Manager of Maintenance
Ron Easley, Port of Portland
Jerry Schmidt, Oregon Ground Water Association
Dave Hensley, City of Corvallis
Tim Weaver, Oregon Ground Water Association

I. Board business

I.A. Call to order

Pro tem Ken Carlson called the State Plumbing Board to order at 9:35 a.m. The meeting was held at the Building Codes Division, Conference Room "A," 1535 Edgewater NW, Salem, Oregon.

- I.B. Roll call**
Kathryn Mattimore was absent, excused.
- I.C. Approval of agenda and order of business**
Pro tem, Ken Carlson **RULED** the agenda approved.
- I.D. Approval of the December 16, 2005, Oregon State Plumbing Board meeting minutes.**
Pro tem, Ken Carlson **RULED** the regular minutes of December 16, 2005 approved.
- I.E. Date of the next regularly scheduled meeting**
April 21, 2006 at 9:30 a.m.
- I.F. Formal farewell to Lewis Seagraves.**
Administrator of Building Codes Division, Mark Long thanked Mr. Seagraves for his long and dedicated service on the Oregon State Plumbing Board. Mr. Seagraves was presented with a plaque and a letter of appreciation.
- I.G. Welcome to new board members Skai Dancey and Jack Vilendre.**
- I.H. Board Chair and Vice Chair election.**
MOTION by Jacob Polvi to nominate Ken Carlson as chairman of the Oregon State Plumbing Board.
- There were no other nominations for board chairman.
MOTION CARRIED UNANIMOUSLY.
- MOTION by Perry Shinn** to nominate Jonathan Gray as vice-chair of the Oregon State Plumbing Board.
- There were no other nominations for vice-chair.
MOTION CARRIED UNANIMOUSLY.
- II. Public comment - None**
- III. Reports**
- A. Administrator's report.**
Administrator of Building Codes Division, Mr. Long, distributed copies of "2005 BCD Accomplishments," *Exhibit "A,"* and discussed the following:
- E-permitting efforts** have allowed contractors to apply, pay and receive permits on-line. The pilot project is expecting to expand to other jurisdictions in the mid-valley area.

E-pay computer system allows individuals to apply for licenses in various trades and allows licensees to renew their license and change their addresses over the Internet.

Gov.docs is an electronic notification system for customers to receive automatic notification of mailings from the division.

“Cite-it write-it” is a system that requires inspectors to cite the code section when writing a correction for re-inspection.

Consistency improvements include a consistent statewide code interpretation process and a consistent licensing process across all BCD programs.

BCD budget has improved since the 2001-03 biennium, which has resulted in a \$2.5 million cost savings.

Construction Claims Task Force (CCTF) is looking at construction defects. ***Exhibit “B.”*** The task force is currently reviewing moisture penetration concerns.

The task force has developed a work plan that includes extensive testimony from homeowners, industry stakeholders, and experts from across the United States and Canada. The CCTF will focus on issues related to contractor competency and education, building code and design standards, construction methods and materials, administrative remedies and dispute resolution within the purview of the Construction Contractors Board. Then the task force will examine contractor liability insurance issues. Web site: <http://egov.oregon.gov/DCBS/CCTF/>

HB 3092, plumbing plan review for “Complex Structures” draft rules, *Exhibit “C.”* The division has worked with representatives from local governments, and contractors, to develop rules defining complex structures for the purpose of plumbing plan review. A notice has been filed for public hearing, which will be held on March 21, 9:00 a.m. BCD’s Conference Room “A.” The proposed effective date is April 1, 2006.

Requirements for inspector/supervisor or journeyman licenses. The division is reviewing the requirements in all programs for certified individuals and is seeking advice on proposed changes to the certification requirements. Proposed changes include eliminating the requirement of inspectors maintaining their trade licenses, and changing the continuing education requirements so that they are consistent with other inspectors.

B. Enforcement cases.

- 1. Final order, William McKenzie Peters.** The division recommended approval of the recommendation from the Administrative Law Judge to adopt the final order.

MOTION by Perry Shinn to approve the recommendation from the Administrative Law Judge to adopt the final order for William McKenzie Peters.
MOTION CARRIED UNANIMOUSLY.

- 2. Final order McGee Plumbing, Inc.** The board requested the division to issue a notice of intent to revoke the plumbing business licenses for McGee Plumbing Inc., due to three or more violations. The division recommended approval of the final order revoking McGee Plumbing, Inc. business license for a period of 5-years.

MOTION by Jonathan Gray to adopt the final order revoking McGee Plumbing, Inc. business license for a period of 5-years.
MOTION CARRIED UNANIMOUSLY.

- C. Summary of enforcement actions previously taken by the division for cases 1 through 4 outlined on the enforcement board report. (No board action required).**

The enforcement process and the penalty matrix were reviewed for clarity.

D. Program update.

Proposed Agenda Items for April.

- Interpretation for water heater pan requirements.

Video streaming. All board meetings, rulemaking hearings, and other meetings will be streamed through the Internet. The one-way audio and video system is scheduled for testing and soon will be in production.

IV. Communications

Update on code adoption process rulemaking.

Manager of Policy and Technical Services, Andrea Simmons, briefed the board on the code adoption process. "The Life of a Code in Oregon," was distributed. *Exhibit "D."* The division is moving to a three-year code cycle with one amendment period in-between. The division will be accepting proposed code amendments for a 45-day period. After that, the committee work begins. Criteria will be a factor when receiving and reviewing Oregon amendments. The proposed rules are intended to be in effect April 1, 2006.

Manager Simmons said that the Rule Advisory Committee meeting is being held February 27, 2006, 1:30 p.m., BCD's Conference Room "A." The group is currently discussing moving all license types to a three-year renewal cycle.

Julie Willard has been hired as a boards coordinator. She was most recently the lead worker and data steward in the enforcement and licensing section.

V. Appeals - None

VI. Unfinished business

Board review and approve hearings officer's recommendation for ordinary minor plumbing repair rules.

Michelle Martin, Portland Metropolitan Business Owners and Managers, and Chair Ken Carlson, member of the committee who reviewed the proposed rules were in full support of the proposed rules.

MOTION by Jonathan Gray to approve the draft rule for permanent rule filing effective April 1, 2006.

MOTION CARRIED UNANIMOUSLY.

VII. New business

A. Board review of IAPMO Interim Guide Criteria (IGC) 203-2004 Standard or Self Sealing Waterless Waste Valves.

Bill Hicks, President of JNJ Sales, representing a self-sealing waterless waste valve manufacturer, explained the valve is a one-way valve, which will not let sewer gases back into the structure. The State of Washington gave a conditional approval to the IGC.

Gary Duren, Code Compliance Inc., said that the product is an alternate to the water seal trap. It will out-perform a conventional trap by preventing the escape of foul air under excessive operating conditions up to 10 times greater than those normally experienced in the correctly designed soil and waste system. Mr. Duren said that conventional traps allow sewer air to bubble-through the seal at relatively low positive pressures. He believes that the product is an improvement in health and safety. Mr. Duren was asking for approval of the tubular trap replacement application only.

Jack Vilendre noted that floor wax, sugar, and syrup are not included in the IGC, which may affect the membrane in terms of sealing the product.

Chief Plumbing Inspector, Terry Swisher, said that the product does not fit within the code trap requirements. He asked if the product was submitted as a code change to the model code.

Mr. Duren said that the product is not a trap; he believes that the product would fall under alternate method material in the code.

Chief Swisher indicated that the original request was to approve the standard. If the IGC is developed into a product standard, then the request to consider the revised standard could be considered at that time.

MOTION by Perry Shinn to disapprove the IAPMO IGC 203-2004.
MOTION CARRIED.

Jack Vilendre abstained due to a potential conflict of interest. Mr. Vilendre Represents JL Industries, Inc., which is a plumbing products manufacturer.

B. Oregon Ground Water Association request for assistance.

Jerry Schmidt, representing the Oregon Ground Water Association, asked the board to appoint a committee to resolve problems with administrative rules related to the limited specialty plumber classification for water treatment installers.

Chief Swisher recommended that OGWA work off-line with the plumbing industry and stakeholders (plumbing contractors) to reach a consensus. The division will recommend individuals to contact. That group could study the issue and bring recommendations to the board.

VIII. Announcements - None

IX. Adjournment

Chairman Ken Carlson adjourned the meeting at noon.

Respectfully submitted by,
Debi Barnes-Woods
Division Boards Coordinator

Exhibits:

- A. 2005 BCD Accomplishments, *Agenda Item III.A.*
- B. Construction Claims Task Force information, *Agenda Item III.A.*
- C. Plumbing plan review for complex structures draft rules, *Agenda Item III.A.*
- D. The life of a code in Oregon, *Agenda Item IV.*

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>