

**IDAHO PLUMBING BOARD
VIDEOCONFERENCE MEETING**

Thursday – March 29, 2018 – 9:30 a.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

MINUTES OF THE MARCH 29, 2018 MEETING

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but to record the significant features of those discussions.

Chairman Matt Gardner called the meeting to order at 9:30 a.m. (MDT)

Board Members Present:

Matt Gardner, Chairman
Gilbert Pond, Vice-Chairman
Rick Garrett
Shaun Urwin
Debbie Oberhofer

DBS Staff Members Present:

Chris L. Jensen, Administrator
Ron Whitney, Deputy Administrator
Spencer Holm, Deputy Attorney General
John Nielsen, Plumbing Program Manager
Larry Jeffres, Regional Manager, Region 1
Patrick J. Grace, Regional Manager, Region 2
Jeff Egan, Regional Manager, Region 3
Chuck Knapp, Regional Supervisor, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Amy Kohler, Compliance Program Specialist
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

Sign-In Form – Added to the sign-in sheet is a column for license numbers so contractors and journeymen can receive continuing education (CE) credit for attending Plumbing Board meetings.

Backflow Devices – Mike Galante, District Manager, North Kootenai Water & Sewer District, has spoken to several backflow testers confused on the changes to the backflow device rules and/or testing requirements that become effective May 1, 2018. A proposed bill by Representative Lance Clow, to delete annual testing requirements for backflow prevention devices, failed in committee; however, many believe it passed and backflow testing is no longer required.

It is also the understanding of many that based on the rule changes within the plumbing code, no longer will double checks be accepted on residential irrigations for new installations; however, existing “grandfathered” devices can still be repaired.

Mr. Galante asked the Board to produce a memo to licensed plumbers and Backflow Assembly Testing (BAT) testers, clarifying the amendments to the rule.

Chairman Gardner stated further discussion on this topic would continue under agenda item 11 *Annual Testing on Residential Sprinklers*.

City and County Concerns – There were no new issues.

◆ **Approval of the March 29, 2018 Agenda**

The Chairman stated the motion would explain an addition to the agenda.

MOTION: Gilbert Pond moved to amend the agenda, adding item seven *Negotiated Rulemaking*. DBS advertised this meeting for negotiated rulemaking in the Administrative Bulletin; however, forgot to mention negotiated rulemaking in the original agenda. Rick Garrett seconded. All in favor, motion carried.

MOTION: Gilbert Pond made a motion to accept the agenda with the addition. Shaun Urwin seconded. All in favor, motion carried.

◆ **Approval of the January 18, 2018 Minutes**

MOTION: Rick Garrett made a motion to approve the January 18, 2018 Board minutes as written. Gilbert Pond seconded. All in favor, motion carried.

◆ **Approval of the March 29, 2018 Agenda (Cont'd)**

Due to a scheduling conflict, agenda item 11 *Annual Testing on Residential Sprinklers* will be addressed immediately after item eight *Licensing Freedom Executive Order--Update*.

AMENDED MOTION: Gilbert Pond amended the previous motion to move agenda item 11 after agenda item eight. Shaun Urwin seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Mark Allen Stokes -- NOV PLB1711-0001 – Neither Mark Allen Stokes, nor a representative for Mr. Stokes, was present at the hearing. The Board voted to proceed with default in the matter of NOV PLB1711-0001.

MOTION: Gilbert Pond made a motion to enter into a Notice of Intent to Take Default on Mark Allen Stokes. Shaun Urwin seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will create a Notice of Intent to Take Default for the Chairman's signature and provide a signed copy to Mr. Stokes.

◆ **Notice of Intent to Revoke License -- Levi Spang**

In 1996, Idaho and Washington had a reciprocity agreement for journeyman plumbers. Plumbing Program Manager John Nielsen explained the history behind Levi Spang's Reciprocal Journeyman license. In February 2018, DBS inadvertently renewed Mr. Spang's license based on re-reciprocal; thus requesting the Board allow the Division to revoke Mr. Spang's license.

MOTION: Rick Garrett made a motion to revoke Levi Spang's license. Gilbert Pond seconded. All in favor, motion carried.

◆ **Career-Technical Education (CTE) Memorandum of Understanding (MOU)**

Adrian San Miguel, Director, Postsecondary Education, CTE, and Wendi Secrist, Executive Director, Workforce Development Council, addressed the Plumbing MOU and Addendum. The federal apprenticeship programs go through additional scrutiny and approval by the U.S. Department of Labor and do not have to apply to be part of the related training providers. Therefore, to keep processes similar, following are three changes to Addendum 1, *Process to Add, Remove and Monitor Training Provider*:

Adding Related Training Providers – Added to item one, “Registered apprenticeship programs, approved by the US Department of Labor, shall provide proof of their status and will automatically be added to the approved list of related training providers.”

Monitored Related Training Providers – Added to item one, “Registered apprenticeship programs, approved by the US Department of Labor, will also administer these assessments to their students.”

Removal as a Related Training Provider – Added to item two, “Registered apprenticeship programs, approved by the US Department of Labor, shall only be removed from the list of approved providers if the US Department of Labor revokes their approval.”

Peggy Schnell, Apprenticeship Coordinator, Workforce Training and Community Education, North Idaho College, stated the school supports updating the curriculum for consistency across the state of Idaho.

MOTION: Rick Garrett made a motion to accept the MOU with CTE, and get the program in place so the Board can move forward. Shaun Urwin seconded. Four ayes and one abstained, motion carried.

◆ **Idaho Code § 54-2611(a) Classification of Competency**

To be consistent with the rule, provided was a proposed statute change to clarify a contractor should be qualified as a journeyman plumber.

MOTION: Debbie Oberhofer made a motion to accept the Classification of Competency changes as written. Gilbert Pond seconded. All in favor, motion carried.

◆ **Licensing Freedom Executive Order--Update**

Patrick J. Grace, Regional Manager 2, provided three draft reports; Plumbing Contractor and Plumbing Specialty Contractor Licenses (Certificate of Competency), Plumbing Journeyman and Specialty Journeyman Licenses (Certificate of Competency), and Plumbing Apprentice and Specialty Apprentice Registrations. On the main page of the Division’s website is a link to provide comments on this topic.

Teri Ottens, Treasure Valley Master Plumbers Association (TVMPA) Representative, was concerned with the possibility of eliminating CE for journeymen, as written in Section F *Recommendation for Improvement, Modification, or Elimination of Requirements*. Mr. Grace stated it was for consideration only. The TVMPA Board meets this afternoon and will take an

official position on the issue, and provide comments to the Division. Mrs. Ottens recommended not providing the topic to eliminate continuing education to the Governor.

◆ **Annual Testing on Residential Sprinklers**

Representative Lance Clow explained the background behind his involvement in House Concurrent Resolution (HCR) 37 as it pertains to plumbing code rules and testing of backflow devices; specifically, sprinkler systems not connected to pressurized irrigation systems but cross-connected with a city water system. A suggestion was to begin the negotiated rulemaking process to resolve whether every backflow device is equal in standing when it comes to certain situations.

Board Member Gilbert Pond, certified tester, clarified why municipalities require backflow testing, as well as stated some cities do not allow anyone with a pressurized irrigation system to hook-up to municipal water systems.

The Plumbing Program Manager explained the changes, effective May 1, 2018, to the Idaho State Plumbing Code (ISPC). Addressed was HCR 37, and whether the Board wants to continue with negotiated rulemaking by testing bi-annually. Licensing of backflow testers are through the Idaho Bureau of Occupational Licenses. Plumbing Program Manager Nielsen sent an e-mail to all licensed contractors informing them of a soft implementation of the revised rules. The ISPC is available for viewing, read only, on the Division's website.

The city of Meridian Water Division will hold a meeting for its testers on Tuesday, April 3, 2018, from 8:30 a.m. to 10:00 a.m. Anyone is welcome to attend.

The Chairman requested the topic *Annual Testing on Residential Sprinklers* be an informational item on the agenda for the June Board meeting. Board Member Pond suggested the Division send a letter from the Board to Backflow Assembly Testing (BAT); explaining the changes to the rule.

ACTION: The topic *Annual Testing on Residential Sprinklers* to be added to the June meeting agenda as an informational item.

ACTION: The Plumbing Program Manager will generate a letter to BAT from the Board on the latest changes to the rule.

◆ **Code Changes**

Finding fault with the recent code changes on cleanouts for new residential homes, Sandy Watson, S & K Plumbing, explained four options to adjust/change Uniform Plumbing Code 707.9, Cleanouts. The Board heard all points and views; however, did not take a stance on this issue.

◆ **ISPC Table 501.1(1) First Hour Rating**

The current table on first hour ratings has been in code since 2009, if not before. The U.S. Department of Energy changed the testing of water heaters with a new metric system, *Uniform Energy Factor*, where the numbers are actually lower. The Division received notification of the new table from the International Association of Plumbing and Mechanical Officials through a

Tentative Interim Amendment in June 2017. The Plumbing Program Manager recommended the Board adopt the new table in chapter five of the ISPC. As part of negotiated rulemaking, the topic *ISPC Table 501.1(1) First Hour Rating* will be placed as an action item on the May Board meeting agenda.

ACTION: The topic *ISPC Table 501.1(1) First Hour Rating* to be added to the June meeting agenda as an action item.

As a follow-up to the previous discussion on cleanouts, the Deputy Attorney General suggested the topic *Code Changes* be placed as an action item on the May meeting agenda as well.

ACTION: The topic *Code Changes* to be added to the June meeting agenda as an action item.

◆ **Program Manager Report**

Legislation – The following rules passed the 2018 legislature: 1) Removal of the AWWA manual, 2) Vacuum breakers on yard hydrants no longer required, and 3) Tracer wire is not required if the electrical is ran in the same trench from the well to the house or structure.

The proposed statute change for homeowner and commercial exceptions did not pass the Senate. Therefore, maintenance plumbers can work on new construction, alterations, and extensions.

Training – DBS plumbing inspectors will attend in-house training on April 13, 2018, at the Division's Meridian office.

Technical Committee – Reappointed to the International Association of Plumbing and Mechanical Officials Technical Committee was the Plumbing Program Manager. The first in-person meeting is May 15-18, 2018, in Ontario, California. Mr. Nielsen will be unavailable to attend the Board's May 17 meeting; therefore, the meeting has moved to June 7, 2018.

◆ **Compliance Program Report**

NOV Report – For easier viewing, the following changes will appear on the June NOV Activity by Date Report: 1) Bar chart rather than a pie chart, 2) City where violation took place under violation number, and 3) add "Offender" and "Complainant".

◆ **Administrator Report**

Financial Report – Addressed was the Idaho Plumbing Board Fund, FY 2018 financial statement, as of February 28, 2018.

Budget – The budget for fiscal year 2019 passed, to include the \$41,000 spending authority for CTE to update standards for the plumbing apprenticeship programs.

House Bill 629 – The educational exemption for high school students and home buildings passed both houses unopposed.

Building Codes 547 – The bill amends the Idaho Building Code Act; clarifying local jurisdictions are limited in their authority to adopt residential building codes different from

building codes reviewed, amended, and adopted by the Idaho Building Code Board. In addition, the energy code will be removed from the International Residential Code.

Ketchum – If building higher density housing than typically allowed, there is a requirement to build low density or low-income housing or pay a penalty. Recently, a company paid a penalty fee of \$7.5 million dollars to the city of Ketchum to build a hotel.

Moratorium – Jackson, Wyoming recently passed the same rule as Ketchum, which goes into effect July 1, 2018. In addition, approved was a 180-day building moratorium. Since the moratorium, 71 commercial permits were issued in Victor, Idaho.

Idaho Falls – The legislature passed funding authority for the state of Idaho to build two large buildings in Idaho Falls. Upon completion, the Idaho National Laboratory will lease back the buildings. In the process, DBS ended up with approximately \$250,000 worth of building permits.

◆ **Old/New Business**

CE Broker – Currently, approved classes on CE Broker’s website is their own. The Division is working with the company to expand the list to include other CE providers and their courses. In addition, a list is available on the Division’s website.

The Chairman asked the Plumbing Program Manager to provide an update at the June 7, 2018 Board meeting.

ACTION: The topic *CE Broker* to be added to the June meeting agenda as an informational item.

◆ **Adjournment**

The Chairman adjourned the meeting at 1:42 p.m. (MDT)

MATT GARDNER, CHAIRMAN
IDAHO PLUMBING BOARD

CHRIS L. JENSEN, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

05/23/2018rb