

**Plumbing and Mechanical Systems Board Meeting
Wednesday, May 26, 2010, at 9:00 a.m.
Ola Babcock Miller Building, Room 300**

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Board Members Present: Thomas Day, Mick Gage, Jane Hagedorn, Ron Masters, Ken Sharp, Chuck Thomas, Dennis Molden, Brita Van Horne and Stuart Crine

Board Members Absent: Susan Salsman

Staff Attending: Cindy Houlson, Matt Oetker, Susan Van Horn and Mary Swinehart

Call to Order: Ron Masters called meeting to order at 9:00 a.m.

Approval of Minutes dated April 20, 2010

Motion: Jane Hagedorn made motion to approve minutes

Seconded: Tom Day seconded

Discussion: No further discussion was held.

Vote: All ayes

Motion: Carried

Election of Officers

To be in compliance with 105.3 5. "The board shall organize annually and shall select a chairperson and a secretary from its membership. A quorum shall consist of a majority of the members of the board." the following nominations were made:

Chair: Jane Hagedorn	Vice Chair: Tom Day	Secretary: Chuck Thomas
Motion: Dennis Molden	Motion: Brita Van Horne	Motion: Brita Van Horne
Seconded: Brita Van Horne	Seconded: Chuck Thomas	Seconded: Mick Gage
Vote: All ayes	Vote: All ayes	Vote: All ayes
Motion: Carried	Motion: Carried	Motion: Carried

Board Members unanimously voted for Jane Hagedorn for chair, Tom Day for vice chair and Chuck Thomas for secretary.

The meeting was then turned over to the new chair, Jane Hagedorn. Jane thanked Ron for the outstanding leadership that he has provided while serving as the first chair for the Plumbing and Mechanical Systems Board.

Committee Reports and Recommendations for Actions

Administrative Rules Committee

Ron Masters, in Sue Salsman's absence, reported this committee has been meeting and concentrating on the Practice Chapter. This committee is getting closer to completing this chapter and expects to have ready for the next board meeting.

Application and Fees Committee Jane Hagedorn, committee chair

Jane reported this committee met after the last board meeting to review several applications. We will also be meeting following this board meeting to continue the review process. We are getting very close to completing the application review process.

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CEU Committee Jane Hagedorn, committee chair

Jane reported this committee has been meeting twice a month, and will be meeting today following the Application and Fees Committee meeting.

Statistics:

186 Instructors	Approved
207 Courses	Approved
24 Instructors	Requested additional information
25 courses	Requested additional information
2	Pending applications

This committee has been working with a streamline method of the approval process that seems to be working quite well. The process involves the committee members receiving the applications for review, along with a spreadsheet. They then document their comments or approval on the spreadsheet and return. Many times the entire committee approves an application, so it is not necessary to bring those applications to a meeting for review. Only the applications that require discussion are brought before the Committee.

Chapter 29 Committee Ron Masters, committee chair

Ron reported the next Chapter 29 Committee is scheduled for June 10, 3-5 p.m. in Lucas Room 142

Plumbing Code Committee Tom Day, committee chair

Tom reported this committee met yesterday and discussed public comments received on adoption of the 2009 Plumbing Code with amendments. The committee agreed that Chapter 25 should be brought to the board for adoption without any changes.

From comments received there were two issues regarding the code and one for enforcement. Adoption of 2009 UPC with amendments will provide standards for testing that will be uniform for everyone. The intentions are, that we provide a consistent code across the state of Iowa regardless of where you are working. Standardization of the code could also provide for more competitive activity due to the same code being used throughout the state of Iowa. The second comment was regarding items in the code. The committee agreed to adopt the code with as few amendments as possible. A lot of research has gone into this code.

Ken Sharp commented on the two comments that referenced adoption of the language that articulates the cities authority. With our discussion internally, by removing that one sentence, the League of Cities and the City of Dubuque had the most concern over, from our perspective, the adoption of the code language does not change the authority for local cities. In response to those letters, given that the City of Dubuque copied a long list of folks, including a lot of state legislatures, after we take today's action we plan to draft a response back to those two organizations articulating where our perspective is of the issue. We will, also address in those letters some of the concerns and issues around why state-wide licensing was issued to begin with – that we have a consistent code across the state of Iowa regardless of where you are working. It should be very clear from our standpoint that our goal is that we would like to get everyone on the same page. At this point, the board has very limited authority to change what the code of Iowa states as it relates to Home Rule in Chapter 364 of the Iowa Code. Cities clearly have the authority to advance the rules as they see fit and until such time there is contention or issues over it, I don't know that the board has any say at this point

Motion: Mick Gage made a motion to file Chapter 25 as notice to adopt and file

Seconded: Chuck Thomas

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Discussion: No further discussion was held.

Vote: All ayes

Motion: Carried

Testing and Credentials Committee Chuck Thomas, committee chair

Chuck reported the following statistics as of May 21, 2010

118 candidates have applied for testing

46 candidates attempted to take a test with 19 passed, 27 failed

Is next month scheduled to start reviewing the tests?

In June we start review of the exam based upon the new plumbing and mechanical code with Prometric. Reference materials will be reviewed as well.

Reciprocity Committee Ron Master, committee chair

Ron reported a meeting is scheduled for June 30, 3-5 p.m. in Lucas Room 523

Geothermal Stakeholders Meeting Update – Ken Sharp

Ken presented a recap of what work has been done to date. The legislative session closed without addressing geothermal issues concerning the type and format of license to be issued. A meeting was held on April 30th in Altoona with all the organizations that had provided comment to us during the attempted adoption last fall of the geothermal rules. We had a lengthy meeting, starting with going around the table allowing each organization to provide their input. From that meeting we narrowed down to a few key questions.

Does this board have any role to play in regulating geothermal systems as was presented to us?

Depending upon that answer – if yes, where does that licensing structure belong in our licensing structure, is it a stand-alone license or a specialty license?

We focused on installation of loops, assuming that would be the focus of any licensing that we would issue. What would be the requirements of those loopers? In terms of our discussion, as we talked about at the meeting on the 30th, we came to an understanding, generally speaking, I know that each of the organizations have had an opportunity to go back and talk with their respective leadership. I have not had a chance to talk with those individuals to find what their responses were. The loop system would perhaps fall under a hydronics license that we currently have. As we learned more from the geothermal association and industry, their interests and desires to have that loop portion of the system covered under licensing expectations. This loop system is shallower than 20' deep. Geothermal group does not have standards in place; they do not have apprenticeship programs. The only industry wide training is Iowa Ground Source Heat Pump Association (IGSHPA) training that was mentioned in statute. Everyone at that meeting agreed those three days of training is not enough to do even the geothermal loop installation. As we began to recognize and understand that work inside the house falls under the mechanical and/or hydronics license and some of these loops belong to the hydronics license – at that point the message to the geothermal industry is that they need to be working on getting an apprenticeship program set up that addresses their training needs and concerns for those geothermal systems and then coming in to obtain a mechanical or hydronics license as appropriate under this board for that work predominately inside the home. There is question about where that work stops but I believe we are using the foundation wall or somewhere close to it as our dividing line. So when we started talking about the loop installations that are outside the foundation wall the issue became that 20' mark. Anything that is deeper than 20' is currently regulated by the Department of Natural Resources as water well and there are some standards for the fluid and some of those types of issues. The systems that are above 20' are not currently regulated. We left the meeting on the 30th with the

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understanding that we are focusing on the loopers and the loop work outside the foundation wall. Does this board have an interest in regulating that? Depending on the answer, we will have additional questions to answer after that. We know that the Department of Natural Resources (DNR) for the last several years has been attempting to work on geothermal licensing of their own nature, because they do currently regulate those wells that are installed for the loop fields that are deeper than 20'.

We met with DNR about two weeks ago about their plans for regulating the geothermal industry. The rules that DNR had been working on were put on the back burner, as there were several other rules with a higher priority. We learned more about their interests and efforts and their willingness to talk with their committee that is working on the geothermal rules. DNR has an interest in addressing things this board would have otherwise addressed. In many cases things that would have been under this board under that geothermal license are probably more appropriately addressed by the Department of Natural Resources regulations. The question still remains on what is due with loop fields that are more shallow than 20'. We left that meeting with the understanding that DNR was going back to their committee that was working on this license from DNR and try to flush out what DNR regulations would address and if DNR would be willing to take on regulating those loop installers. If DNR chooses to move in that direction, it seems to me that there will not be a role for this board to play in issuing licenses for geothermal systems. We still have some unanswered questions. Would like to have some discussions from this board regarding the desires and interests to move forward with a geothermal license or do we need to wait and see what happens with the work that is coming out of DNR. I would like to hold another Geothermal Meeting in late to mid June to talk in more detail about what our next steps are.

At this point, it seems clear to me that DNR clearly has a role to play in this and it sounds as though they are very much interested in doing so. Then we would need to address any gaps that would exist after the DNR advances rules. What role if any would this board play in those systems.

Tom, Mick and Chuck were asked if they have anything to add based upon those meetings.

Tom – think Ken hit the nail on the head – everything was exactly what happened. Tom thanked Russ for the meeting he came to when we talked with the DNR. One of the biggest things in government that upset people quite a bit is duplication of services. Think by having that talk that we had we are both on the same page. Whatever is decided will work for everybody.

Mick asked if the geothermal group had met.

Ken asked if Jane was okay with Paula or Steve addressing the group to provide feedback based upon this conversation. This is probably the first these folks have heard about the DNR meeting we had. I have not reached out to the Geothermal Association. From my perspective, I think we need to pull that larger group together with DNR at the table at the same time to figure out where this licensing needs to fall. Whether it is more of a DNR function with the knowledge we seem to be focused on this geothermal licensing need around the loop installations. DNR is already doing that in some fashion, does it make more sense for them to expand their scope, and do they have the authority for those kinds of issues.

Paula Dierenfeld: I think from our conversations in Altoona, there is some question about who regulates what, whether it is inside or outside. I think the Geothermal Association is in agreement there should be regulations for this kind of activity. The question is who regulates which part of it? The information from the Department of Natural Resources would be helpful and informative to the Geothermal Association as they continue to have their discussions. The suggestion that we come back together again in June is a good one.

Steve Jurshak commented that the Geothermal Association would be having a meeting next week for the board. We have had a lot of contact with members on both sides of this, where it is going, it seems

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to change daily. I feel we are headed in the right direction now. I think it is going to take some time to sort it all out. Who does it is going to be the question.

Chuck Thomas: If already paying a fee to be a water well driller, we would hate to see, if 20' or shallower there would be additional permits or whatever licensing. Let's let the Department of Natural Resources, who already deals with installations in the ground, handle it.

Ken Sharp – there are two issues to sort out. What do we do with systems that are shallower than 20', the loop system and where do we stop that work of the loop system. In terms of that question we had a discussion with DNR just like we did with the well contractors and came to an agreement it should be the connection after the pressure tank. We should be able to come up with a similar type of guideline for a geothermal loop installer regulated under DNR. Then the issue is what do we do with those loops that are shallower than 20'? DNR's perspective is protecting ground water. While the number may be arbitrary 20' is in their definition, shallower than 20' is not considered ground water so it does change the scope of focus the DNR historically has addressed in regards to ground water protection.

Russ has contacted 20 individuals with a deadline of last evening to make comments on a number of proposals, saying these are the things I would like the committee to look at in the near future; one of those was the licensing issue. What do you feel about the less than 20' range to bring in a number of systems? The people that contacted me back were very open to broadening the scope of the geo rules in draft form. I don't have any doubt that we can put in some new standards. When it comes to the actually certifying as a header person that may be a bit more difficult. The header work and the loopers are doable. Right now my plan is to meet the week of June 14th to discuss these points. It could be a teleconference and we will address strategies, and try to hammer out some of the other issues. We will also talk about the certification and standards issue as it relates to horizontal drilling.

Ken: As the DNR will be meeting the week of June 14th, we will schedule a Geothermal Meeting the next week. We would like Russ to attend to speak more about the issue.

Russ: Hopefully, by that date I should be able to provide some solid statements. I will also have the opportunity to present it to our administration to make sure they will support.

Staffing Update

Investigator II starts this Friday. Dan Hostetler has been hired from within the state system. Dan is not a plumber or mechanical installer, the role of this board is to help with those issues. His first week or two will be going through orientation with various sections within our department on how we do investigations. He will then begin to look at the issues we have received.

The environmental engineering position has been approved. This position should be posted within the next two to three weeks. The position will cover state plumbing code, licensees and those kinds of issues as well as working with Mike Magnant as Mike will be retiring toward the end of this year.

Is the backflow portion of what Mike does going to stay in that area?

For the time being, at some point we will look at moving that function under this board. A division retreat is scheduled to look at organizational issues within the division. The water programs and the licensing functions that we deal with are on the table for that discussion. A large part of that is what do we do with our licensing function of backflow licensing, and does it make sense to move it under the licensing system that we already have?

Where are we with adding staff, specifically CEU?

We are at a standstill, if we need to bring on temporary staff to help during the next months, I have approval to bring on temporary staff. Our experience continues to be that support staff positions like the clerk specialist position we are not going to get approval to add that position at this time. We

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continue to monitor and request, as soon as we see an opportunity to add that position it will be pursued

What is the status of the office move?

The move has been delayed. During legislature session there was a bill introduced (we were not aware of until the session was complete) by other state agencies that were slated to move into Mercy Capital. Those other state agencies did not want to make the move so they were able to lobby and get legislation passed that said we do not have to move. That stopped the bid structure, building modifications and all sorts of problems with the Mercy Capital building. DAS put a stop on that during the legislative session when they found that bill was going to pass. The governor did veto that section so those state agencies are back on the table. DAS has worked with them to understand where they are at with the interest and willingness and ability to pay for the move. The bid has been let or will soon be with a clause in the bid that the work has to be substantially completed by November 1st. DAS is telling us that would make a move around December 1st. That is likely to translate to sometime after the first of the year. We are in dire straits for office space, moving staff to field offices, doubling up people in offices, as we add some new positions it is going to be tough for us for the next six to eight months.

Before this legislation went through, all the engineering was done designed and ready to go out for bid. So the bidding environment six months ago was probably a lot better than it is now, as a tax payer you are telling me that legislation that was put in there, that got vetoed and right back around again, now me as a tax payer is paying more for this move due to delays.

I don't know what the implications, as far as the cost of the move.

Licensing Program Statistics - Cindy Houlson

Cindy reported a total of 15,537 licensees have received 26,562 licenses.

Other Business

Ken Sharp: As part of the CEU requirements, we have started to get inquiries from licensees with concerns of how to get CEUs. Not finding they are available among the CEUs that have been approved, not being offered to the public, the ones that are have pretty high registration fees. We are less than a year out from licenses having to be renewed. We began looking at options that we as a department could do to help with those concerns. We are requesting support of the board for development of an educational system. There would be a two pronged approach; the Department of Public Health has a contract with Training Resources. They are a conference planning, conference organizing organization that can take whatever topic we are interested in and develop a conference for us. I'm having a meeting with that company next week to discuss the possibility of paying for a state wide conference or perhaps a couple of regional conferences that would be offered. .

One component would be creation of a CEU review and approval body that would be consistent with our rules and regulations. Many of our professional boards are not in the business of reviewing and approving CEUs. They look to an industry standard that is in the business of reviewing and approving CEU providers and credits for the industry. That would be something, longer term, down the road. Just another concept we have thought of adding to this phase.

Following a lengthy discussion all were in agreement that Ken should move forward with the conference planner on two conferences. The remainder of the proposal will be placed on hold for now. If we see there are some serious shortfalls in six to eight months we will come back and revisit that larger proposal.

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Ken Sharp asked for a couple of volunteers from the board to meet after meeting with the industry partners. Chuck Thomas and Jane Hagedorn volunteered.

Public Comments

Cindy Houlson reported: *We have been contacted by one of our licensees. He was contacted by students from DMACC asking about doing an internship in the HVAC field. Can someone do an internship without being licensed?*

Don't believe we have enough information. Our definition of helper is pretty broad.

The way we have been interpreting "helper" is that individual is not working with tools. They would be doing manual labor. An intern would be under the direct supervision of someone.

Invite the licensee to the next meeting, to inform us of what it is exactly this intern would be expected to do.

Stuart Crine was on a conference call organized by Senator Joe Holcomb with a lot of solar advocates. They are trying to figure out how to make solar easier to do. They had questions about electrical licensing. It came down to a recommendation that if they could not get what they are wanting that they could come before the electrical board. I also suggested they speak to Cindy Houlson to possibly come before this board to explain what they would like to do. Basically, they would like to streamline or eliminating the need for licensing or have a special license for solar folks. The two issues are the solar rotex and solar hot water.

Cindy Houlson did get a call but was somewhat different than described by Stuart. They wanted to know what kind of license they would have to have as a solar hot water heater installer. I indicated that it did not matter what energy it was if it had anything to do with potable water it would require a plumbing license.

We are in the same place as geothermal – there are a lot of different ways you can do it. There can be heat exchangers for the solar panels; there is even domestic water that goes to the solar panel. You would have to know what type of system they are talking about.

Jerry Hintz from Local 263 (Cedar Rapids): As to the conferences, I oppose strongly. I teach an apprenticeship school and we have taken on the burden of coming up with CEUs. These CEUs are for members of the organization I belong to. Those members get it for free, but it probably cost the organization about \$500. If you are going to set up conferences for people to go to, is there any reimbursement for the CEU classes I put on in my area?

To answer Dennis' question about going public with CEU classes – the organization I belong to does not allow me to teach others that are not part of the organization.

Mike Macula from Local 125: How many inspectors do we have? We cut our license fees 30%, now take my licensing money to put on a dog and pony show so people can get their CEUs and we don't even have an inspector for the areas you are talking about.

We do not have any inspection authority. When the industry set up the state-wide licensing program, they did not set up an inspection function to go along with it.

John Oats, Local 33: Would like to support what Mike and Jerry said. During the next fiscal year we will invest over \$100,000 for continuing education for our 1200 members. We have stepped up made the investment to be able to do that. We are a closed organization and have rules we have to follow. We have always made a commitment to education. Our apprenticeship program has been ongoing for several decades. PHCC has also made a huge investment. There are programs offered to get CEUs

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and I stand in strong support of these organizations. These individuals that want to obtain these license have to make the investment to keep them. We provide education to our members and contractors and individuals that work for our contractors. I don't feel that my members should have to pay a license fee and support the training of an individual that does not pay the fees to belong to an organization.

From feedback from some members that have gone through the testing process, one general comment on the mechanical side (we have the IMC adopted) there are several different publications have to use during the test and the small cubicles they have you are able to have one manual in front of you. Feel the questions should be compartmentalized to be able to use their time more efficiently.

Stuart Crine: I understand the unions point if my dues were going to support someone else's training when people in my organization was paying extra to get that training, it would be a concern for me. I would like us to look hard at it. We had a situation we were asking the big utilities to fund energy code training, one of their objections was their customers are not state wide, so we would be taking MidAmerican customers money and training customers that use a different utility.

Jane Hagedorn commented we will put it on the CEU Committee agenda to see if we can make more knowledge of where these CEU classes are being held, that there is an avenue from them to use.

Rick Behanish from the City of Des Moines: Day job I am a mechanical inspector with the City of Des Moines. I am an approved instructor to provide CEUs from this board. I teach the mechanical code and OSHA classes. I teach through Johnstone Supply. Since the beginning of the year, I have taught over 500 people. I'm working with Johnstone Supply to put OSHA classes together and plan on putting on three OSHA classes in July. This training is not the board's responsibility. Allow the instructors to do their training. If nothing else, allow the licensees more time to obtain CEUs.

Next meeting There was a discussion about the need to meet in June. Consensus was that we would not hold a board meeting in June.

Next meeting to be held July 20, 2010 at Iowa Department of Public Safety Building (Conference Room 125) 215 East 7th Street, Des Moines, IA 50319

Adjournment

Motion: Ken Sharp made a motion to adjourn

Seconded: Ron Masters

Discussion: No further discussion was held.

Vote: All ayes