

IN THE MATTER OF A PUBLIC HEARING
BEFORE THE SOUTH DAKOTA STATE PLUMBING COMMISSION
ON PROPOSED RULE CHANGES

BEFORE: The State of South Dakota Plumbing Commission: Dan Hartman, President;
Mark Rogers, Vice President; Christopher Moor, Commissioner; Todd McCaskell,
Commissioner; Michael Richards, Executive Director; Nina Ripley, Administrative
Assistant; and Richard Steen, Plumbing Inspector.

APPEARANCES: Ken Melius, SD Association of Plumbing, Heating, Cooling Contractors
Dave Baumberger, City of Rapid City Plumbing Inspector
Matt Marciniak, International Association of Plumbing & Mechanical Officials

PROCEEDINGS: The above entitled hearing commenced at 11:00 AM on the 23rd day of April,
2015 in the Governor's Inn Conference Room, 700 West Sioux Avenue, Pierre,
South Dakota.

Mark Rogers, Vice President and Hearing Officer called the hearing to order at 11:00 AM on April 23, 2015. By Hearing Officer Mark Rogers: Good morning. I am Mark Rogers, Hearing Officer for today's hearing on the rules of the State Plumbing Commission. I would like to introduce the other members of the Commission who are present today. Dan Hartman, Christopher Moore, and Todd McCaskell. Also present is Mike Richards, Executive Director; Nina Ripley, Secretary; and Inspector Richard Steen. This hearing is being held in accordance with South Dakota Codified Law SDCL 1-26, the Administrative Procedures Act. Notice of this hearing was given in the Pierre Capital Journal, Brookings Daily Register, Watertown Public Opinion and the Black Hills Pioneer. Notice of this hearing and copies of the proposed rules were mailed to all interested persons desiring copies of them. We desire to hear testimony on any of the proposed rules that were advertised. We will take oral or written testimony first from those who have signed the register. If you have not already signed the register, please do so even if you do not intend to testify. After we have taken testimony from all those who have indicated a desire to speak, we will then read previously submitted testimony. This is not an adversary hearing, and therefore, those testifying may not ask questions of other people testifying. At the close of this hearing, members of the Commission and its staff will be available for questions and answers. Written testimony will be accepted until the close of this hearing and may be given to myself or Mike Richards. Testimony previously submitted will be made a part of this hearing record. We will now accept testimony. As I call your name, will you please step up to the microphone and state your name, address and firm you are representing before giving your testimony. Please speak loud and clearly so that the recorder will receive your message. Please limit your testimony to 10 minutes. Thank you. Ken Melius, do you wish to testify?

By Ken Melius: Thank you Mr. Rogers. I am Ken Melius, Executive Vice President of the South Dakota Association of Plumbing, Heating, and Cooling Contractors. I have presented the proposed rule to my board of directors as well as the general membership of the Association and there is full and unanimous

support from this group therefore we urge the commission to go forward with the adoption of this proposal. Thank you.

By Hearing Officer Mark Rogers: Dave Baumberger, do you wish to testify?

By Dave Baumberger: Thank you Mr. Chairman. I am Dave Baumberger, Plumbing Inspector for the City of Rapid City. I am appearing here today in support of the rule that is being proposed by the Plumbing Commission. Since January when the commission implemented exclusive use of purple primer, I have witnessed too many times where plumbing fixtures, walls and tile floors have been damaged from the spillage of the purple primer. I feel that the use of un-purple primer is a reasonable alternative to purple and there is still provision for inspectors to identify that primer has been used on pipe and joints. So again, I support this rule change and urge the adoption of same. Thank you.

By Hearing Officer Mark Rogers: Matt Marciniak, do you wish to testify.

By Matt Marciniak: No.

By Hearing Officer Mark Rogers: OK, that will conclude oral testimony. We have received a few letters of written testimony which I will now read so that they will be made a part of this hearing record. The first letter comes from Gary Konechne from Platte. To Whom It May Concern: I am writing this letter to present my opinion in favor of allowing un-purple primer to be used as an alternate method of priming PVC pipe and fittings. This product is much more user-friendly than the purple primer. Purple primer is messy. It leaves stains and it just does not look good. We take pride in leaving our work area neat and clean but that is nearly impossible with the mess purple primer leaves. I believe that allowing the use of un-purple primer would benefit our professionals here in South Dakota. Thank you for your time. The next letter comes from Norm Weaver from Pierre. Dear Mike. As a follow-up to our conversation on April 9, I would encourage adopting the rule change to allow un-purple primer for priming PVC pipe and fittings. My current position at BankWest in Pierre includes inspection and review of construction projects, both commercial and residential throughout the state. A large percentage of the new homes

constructed do not have finished basements and the appearance of the purple primer in many instances stands out like a “smashed thumb”. It definitely is a factor in showing a new home to prospective buyers when they see the purple stains on the exposed plumbing. Most new homeowners do not understand the concept of priming PVC piping in the first place. The next letter comes from Don Fischer from Eureka. Dear Mike: I will be unable to attend the public hearing on April 23rd. I do not like the idea of using purple primer because no matter how careful a contractor is, there are always drools or streaks that make for a messy appearance. Actually I would like to keep the primer clear as in the past but would support the change to any non-purple primer. Thank you.

By Hearing Officer Mark Rogers: That concludes written testimony received on the rule proposals. Is there anyone else who would like to testify today. Seeing none, do any of the commission members have any comments on the rules as they are proposed. If not, I would like to turn the hearing over to Mike to ask for a motion on the rules.

By Executive Director Mike Richards: I would entertain a motion on the rules as they have been proposed and heard upon.

Commissioner Moore moved to pass the rules as proposed. Seconded by Vice President Rogers. A roll-call vote was taken with all members voting “aye”. Motion carried.

Respectfully submitted,

Michael Richards
Executive Director

APPROVED:

Daniel Hartman, Commission Chairman