

2004

Vermont Plumbing Rules

Section 1: PURPOSE OF THE RULES

The purpose of these rules is to protect and improve the general health and welfare of the people of the State of Vermont in the fields of environmental sanitation, water treatment, domestic supply and hydronically related hot water heating, by authorizing and enforcing rules and regulations for properly designed, acceptably installed and adequately maintained plumbing, water treatment and hydronically related water heating systems and by licensing qualified plumbers and qualified heating and water treatment specialists. These rules are enacted in conformance with the Vermont statutes covering plumbers and plumbing. Those statutes are attached as Appendix A.

Section 2: SCOPE

These rules shall apply to all public buildings, whether or not connected to public water systems or public sewage systems, and to all other buildings or facilities connected to a public water or sewage system. Owner-occupied single family residences which are not on public water systems or public sewage systems are not covered by these rules.

Existing public buildings, and all other existing buildings or facilities which are on public water systems or public sewage systems must comply with these rules whenever the plumbing in those buildings or premises is changed, replaced, or altered.

Section 3: DEFINITIONS

(A) The definitions set out at 26 V.S.A. Section 2172 shall be applicable for these rules:

(1) A "public water system" or "public sewerage disposal system" shall mean any system supplying or serving 15 or more customers, each family, tenement, store or other establishment being considered a single customer.

(2) A "master plumber" shall mean any person, licensed under this chapter, that as a business, designs and/or installs plumbing systems, hires or employs a person or persons to do plumbing work, or supervises journeyman plumbers, or apprentice plumbers in completion of their work. Licensed master plumbers may perform all aspects of the trade under a specialist license without being required to obtain a specialist license.

(3) A "journeyman plumber" shall mean any person licensed under this chapter who installs plumbing and water treatment or heating specialties under the direction of a master plumber. A journeyman plumber may supervise an apprentice employed by a master plumber and under the master plumber's direction. A journeyman plumber shall not act as a master plumber. A journeyman plumber may perform all plumbing covered by a specialist license without being required to obtain a specialist license with the exception of independently filing for a work notice.

(4) An "apprentice plumber" shall mean any person, employed by a master plumber or under the direction of a master plumber or a journeyman plumber, who is engaged in learning and assisting in the installation of plumbing and water treatment or heating specialties under an apprenticeship program properly registered with the Vermont Apprenticeship Council. An apprentice plumber shall be supervised on the job by either a master or a journeyman plumber.

(5) "Plumbing" is the art of installing pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water carried wastes and drainage venting systems within or on any building or structure.

(6) "State plumbing inspector" means a master plumber or duly qualified employee of the department designated to enforce the rules and regulations pursuant to this chapter.

(7) "Municipal inspector" means a plumbing inspector authorized to conduct municipal inspections pursuant to this chapter.

(8) "Specialist" means any person licensed under this chapter who performs work in connection with water treatment and heating, or both, or performs that work as a principal business or an auxiliary to a principal business for the person's own account as designated on the person's license.

(9) "Commissioner" means the commissioner of labor and industry.

(10) "Legislative body" means the select board, the alder board, city council or board of trustees of a municipality or an incorporated village.

(11) "Work notice" means the notice required to be filed and validated under Article 3, Section 4, of this rule by a licensee prior to commencement of plumbing work.

(B) In addition, for the purposes of these rules:

- 1) "person" shall include any person or entity who performs plumbing work or is responsible for the performance of plumbing work under the jurisdiction of the Plumbers' Examining Board or the Department of Labor and Industry.
- 2) "board" shall mean the Plumbers' Examining Board created by 26 V.S.A. 2181;
- 3) "department" shall mean the Department of Labor and Industry;
- 4) "public building" shall be as defined in 21 V.S.A. Section 251a (a copy is set out in appendix B).
- 5) "investigator" shall mean the person designated by the Department to work at the direction of the Assistant Attorney General on the investigating panel as detailed in Appendix C Section (a) (3).

Section 4: SCHEDULE OF WORK NOTICE AND INSPECTION FEES

(A) Pursuant to 26 V.S.A. Section 2175(a) and 2199 the Board and Commissioner establishes the following schedule of fees to be paid to the Commissioner or a designated representative prior to the validation of a work notice.

- 1) For all plumbing work, identified as a priority for inspection and review under Article 3 Section 7(A) of these rules, the fee shall be:
 - (a) \$7.00 for each plumbing fixture described as a washing machine, dishwasher, grease trap, oil interceptor, sand interceptor, sewage ejector pump, water closet, urinal, bidet, disposal, drinking fountain, water cooler, lavatory, bathtub, shower, sink, hose bib, floor drain or similar device. The total shall not be less than \$20.00.
 - (b) \$10.00 for each plumbing fixture described as a water heater, hydronic heating unit, domestic hot water coil or water treatment device.
- 2) For all plumbing work, not identified as a priority for inspection and review under Article 3 Section 7(A) of these rules, the fee shall be:
 - (a) \$20.00 for all plumbing work
 - (b) \$10.00 for all plumbing work involving a water heater, hydronic heating unit, domestic hot water coil or water treatment device.

(B) At the discretion of the Commissioner, whenever an owner or licensed plumber requests for the owner's or licensed plumber's benefit that an inspection be made outside of the normal working hours, all fees payable by the owner under this section shall be paid in an amount twice that indicated under this section.

Section 5 : EFFECTIVE DATE

These rules shall take effect February 1, 2005.

ARTICLE 2: RULES OF THE BOARD

Section 1: PLUMBERS' EXAMINING BOARD

(A) The Plumbers' Examining Board is comprised of 5 members:

- the Commissioner of Labor and Industry or designee;
- the Commissioner of Health or designee;
- a master plumber;
- a journeyman plumber;
- a public member not associated with the plumbing or heating trades.

(B) By statute the Board is responsible for: adopting plumbing rules; licensing and disciplining plumbers; and establishing inspection and permit fees.

1) The plumbing rules the Board adopts must be minimum performance standards reasonably necessary for the protection of the public against recognized health hazards (26 V.S.A. Section 2173). The Board may adopt a nationally recognized plumbing code and amend it to suit Vermont in fulfilling its rule-making duties.

2) The Board controls the issuance, suspension and revocation of plumbers' licenses. In order to exercise its powers and carry out its responsibilities the board may:

- (a) Conduct or otherwise provide examinations, and review and approve applications for licensure;
- (b) Investigate all matters within its jurisdiction;
- (c) Conduct hearings with regard to the administration of its affairs, including disciplinary hearings with regard to licensed persons; and,
- (d) Adopt rules consistent with its statutory authority.

(C) The public may obtain information and make submissions or requests at the Board's office. The Board's office is located at the Department of Labor and Industry, National Life Insurance Company - Second floor (mailing address National Life Building, Drawer 20), Montpelier, Vermont 05620-3401

Section 2: ADOPTION OF A NATIONALLY RECOGNIZED CODE:

THE 2003 INTERNATIONAL PLUMBING CODE

(A) Under 26 V.S.A. Section 2173, the Board adopts the provisions of the 2003 International Plumbing Code (hereinafter referred to as 2003 IPC). All plumbing installations shall comply with the 2003 IPC, as amended in this section to meet the individual needs of Vermont. The deletion of certain articles and sections of the 2003 IPC has been necessary to ensure consistency with existing regulatory authority. The failure to incorporate these codes in their entirety should not be construed to minimize the value of these Codes as effective standards with current technology.

(B) add, amend, delete and replace as follows:

- delete and replace

- Section 101.1 Title

These regulations shall be known as the 2004 Vermont Plumbing Rules (hereinafter referred to as "this code").

- delete and replace

- Section 101.2: Scope

The design and installation of plumbing systems including sanitary and storm drainage, sanitary facilities and water supplies, storm water and sewage disposal, located within the building and the connecting pipes within 10 feet of the building, shall comply with the requirements of this code.

The design and installation of gas piping and the design and installation of fire sprinkler and standpipe systems shall be in accordance with the Vermont Fire Prevention and Building Code.

- delete and replace

- Section 103.1: Code Official

The Commissioner of the department of labor and industry or designee shall be designated as the code official for the purpose of this code.

-delete- Sections 103.2 through 104.8.

-delete- Sections 106.1 through 109.7.

-amend - Section 202 General Definitions

Plumbing. The art of installing pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water carried wasters and drainage venting systems within or on any building or structure.

-delete and replace- Section 302.2 Industrial Wastes. Waste products from manufacturing or industrial operation shall not be introduced into the public sewer system except in accordance with regulations adopted by the Vermont Agency of Natural Resources.

-amend- Section 305.4 Sleeves. Delete reference to the International Building Code and replace with the Vermont Fire Prevention and Building Code. NOTE: All further references to the International Building Code in the 2003 IPC are deleted and replaced with the Vermont Fire Prevention and Building Code.

-delete - Section 305.6.1 Sewer depth.

-amend- Section 310.1 Delete reference to the International Mechanical Code and replace with the Vermont Fire Prevention and Building Code. NOTE: All further references to the International Mechanical Code in the 2003 IPC are replaced with the Vermont Fire Prevention and Building Code.

-delete and replace- Section 313.1 General. Equipment efficiencies shall be in accordance with the Commercial Building Energy Standards, as adopted by the Vermont department of public service.

-amend- Table 403.1 The minimum water closet requirement for restaurants, banquet halls and food courts shall be 1 per 25.

-delete and replace- Section 404.1 Accessible plumbing facilities. Accessible plumbing facilities and fixtures shall be provided in accordance with ANSI-117.1

-add- Section 419.1 Approval. Waterless urinals are permitted, subject to the prior approval of the plumbers' examining board.

-amend- Section 501.2 Water heater as space heater. Where a combination potable water and space heating system requires water for space heating at temperatures higher than 140°F (60°C), a master thermostatic mixing valve complying with ASSE 1017 shall be provided to limit the water supplied to the potable hot water distribution system to a temperature of 120°F (49°C) or less. The potability of the water shall be maintained throughout the system.

-amend- Section 502.1 Installation. Add the following sentence: Water heaters shall maintain a minimum water temperature of 140°F (60°C). Delete reference to the ICC Electrical Code and replace with the National Electrical Code, NFPA 70, as adopted by the Vermont Electrical Safety Rules. Delete reference to the International Fuel Gas Code and replace with the Vermont Fire Prevention and Building Code. NOTE: All further references to the ICC Electrical Code and the International Fuel Gas Code are deleted and

replaced with the National Electrical Code, NFPA 70, as adopted by the Vermont Electrical Safety Rules, and the Vermont Fire Prevention and Building Code, respectively.

-add- Section 504.4 Relief Valve. Thermal expansion tank shall be controlled in accordance with Section 607.3

-amend- 602.2 Potable water required. Only potable water shall be supplied to plumbing fixtures that provide water for drinking, bathing or culinary purposes, or for the processing of food, medical or pharmaceutical products. Unless otherwise required by law, potable water shall be supplied to all plumbing fixtures at a maximum temperature of 120°F (49°C).

-amend- Section 603.2 Separation of water service and building sewer. Water service pipe and the building sewer shall be separated by 10 feet (3048 mm) of undisturbed or compacted earth.

-amend- Section 603.2 Exception 1. delete “minimum of 12 inches (305 mm)” and replace with “minimum of 18 inches (458 mm).

-amend- Section 603.2 Exception 3. delete “at least 5 feet (1524 mm)” and replace with “at least 10 feet (3048 mm) from the sewer pipe centerline.”

-add- Section 604.7 Inadequate water pressure. Water pressure booster systems shall be in compliance with the Vermont Public Water Supply Rules, as adopted by the Vermont agency of natural resources.

-amend- Table 605.3 Delete asbestos cement pipe and copper or copper-alloy tubing of types M and WM as approved materials.

-amend- Table 605.4 Copper and copper-alloy tubing of types M and WM are restricted to above-grade use only.

-add- Section 606.5 Water pressure booster systems. Water pressure booster systems shall be in compliance with the Vermont Public Water Supply Rules, as adopted by the Vermont agency of natural resources.

-add- Section 608.1 Protection of potable water supply. Backflow preventer applications shall conform with AWWA Manual M-14.

-delete and replace- Section 608.11 Painting of water tanks. The interior surface of a potable water tank must be NSF approved.

-delete and replace- Section 608.17 Protection of individual water supplies. Individual water supplies shall be located and constructed in accordance with the environmental protection regulations adopted by the Vermont agency of natural resources.

-amend- Section 701.2 Sewer required. Delete reference to the International Private Sewage Disposal Code and replace with the environmental protection regulations adopted by the Vermont agency of natural resources.

-delete and replace- Section 701.9 Drainage piping in food service areas. Waste piping above any working, storage or eating surfaces in food service establishments shall be suitably protected to prevent contamination from leakage.

-amend- Table 702.2 Underground drainage and vent pipe. Delete asbestos-cement pipe as an approved material.

-delete- Section 702.6 Lead bends and traps.

-amend- Section 703.1 Building sewer pipe. Delete “installed within 5 feet (1524 mm) of the water service” and replace with “installed within 10 feet (3048 mm) of the water service.”

-delete- Section 705.3 Asbestos-cement.

-delete and replace- Section 904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 6 inches, but not more than 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

-add- Section 916.4.2 Horizontal branch vents within unheated areas shall be protected against freezing.

-delete and replace- Section 917.7 Vent required. Within each plumbing system, a minimum of one continuous 3 inch stack vent or one continuous 3 inch vent stack shall extend outdoors to the open air.

Section 3: LICENSE EXAMINATIONS

To become licensed to do plumbing work in the State of Vermont an applicant must meet the requirements established in the following sections:

(A) Master Plumbers

Any person who completes an application for a master plumber's license, presents documentation of having held a valid journeyman plumber's license under this chapter for a least 12 months, or documents equivalent training and experience in or outside of this state acceptable to the board, and pays an examination fee in an amount determined by the board based on the costs associated with administering the examination, shall be entitled to an examination.

Upon successful completion of the examination and payment of a licensing fee, the applicant shall receive a master plumber's license in the form of a wallet-sized card. The license shall be carried by the master plumber at all times while performing the licensee's trade and shall be displayed upon request. Upon request of a license holder, a license certificate, suitable for framing, shall be available for a fee.

(B) Journeyman Plumbers

Any person who completes an application for a journeyman plumber's license and documents apprenticeship in plumbing which includes both instruction and practice in work processes as verified by the Vermont apprenticeship council, or equivalent training and experience in or out of this state acceptable to the board, and pays an examination fee to be determined by the board based on the costs associated with administering the examination, shall be entitled to examination.

Upon successful completion of the examination and payment of a licensing fee, the applicant shall receive a journeyman plumber's license in the form of a wallet-sized card. The license shall be carried by the journeyman at all times while performing the licensee's trade and shall be displayed upon request. Upon request of a license holder, a license certificate, suitable for framing, shall be available for a fee.

(C) Limited Licensure; Specialists

Any person who completes an application for a specialist's license and documents successful completion of instruction, training and experience in or out of the state acceptable to the board and pays an examination fee to be determined by the board based on the costs associated with administering the examination, shall be entitled to an examination.

Upon successful completion of the examination and payment of a license fee, the applicant shall receive a specialist license in the form of a wallet-sized card. The license shall be carried by the licensee at all times while performing the licensee's specialty and shall be displayed upon request. Upon request by the license holder, a specialist license suitable for framing shall be available for a fee. A specialist license shall indicate each specialty for which the licensee has been approved. A specialist license does not take the place of any other license required by law.

Specialty fields include the following:

(1) Water Heater Specialist: Installation, replacement and repair of any residential, industrial or commercial domestic hot water supply tanks.

(2) Heating System Specialist: Installation, replacement and repair of residential, industrial, or commercial hydronic space heating systems, including radiant, solar and other types of hydronic system design. Any work on steam systems shall be limited to steam systems with operating pressure not to exceed 15 PSI.

(3) Water Treatment Specialist: Installation, replacement and repair of residential, industrial or commercial potable water treatment and filtration equipment.

A person duly licensed as a specialist under this section may perform specialty work, either as an employee or as an independent contractor only in connection with the specialty field designated on the person's license. A specialist may perform a supply connection to an existing water supply for test and related system operation, but at no time shall any specialist perform any plumbing or heating work that is not specified or permitted under the specialist's license.

The intent of these rules as they apply to the installation of fixtures and plumbing related to specialist licenses is to ensure the safety of the potable water supply. It is not the intent of these rules to regulate the operation, efficiency or consumer satisfaction of water heaters, hydronic heating systems, or water treatment equipment. The Vermont Fire Prevention and Building Code, The Vermont Electrical Safety Rules and The Vermont Boiler and Pressure Vessel Rules regulate the safe operation of water heaters, hydronic heating systems, water treatment equipment and the related fuel or power source.

(D) Process for Examinations

(1) Each applicant for a license shall present to the executive office of the board on blanks furnished by the board, a written application for examination and license containing such information as the board may require, accompanied by the fee required. Examinations shall be in whole or in part in writing and shall include the theoretical and practical nature of plumbing or specialties, or both, and knowledge of state laws and department of health and environmental conservation regulations and such other regulations as the board may determine necessary to satisfactorily determine the qualifications of the applicant. Examinations shall be relevant to the instructional material taught in classes, the codes used and new developments and procedures within the trade.

(2) In order to carry out its responsibilities under this section the board may contract with a national testing organization to develop and administer a written plumbing exam. Any test fees charged by the testing organization are separate from the examination fee charged by the board and shall be paid directly to the testing organization.

(3) Any individual who fails to achieve a passing grade on a plumbing licensing examination, after having taken the examination three times, shall appear before the board for the purpose of the board recommending further education, training and/or tutoring, prior to the applicant taking the test a fourth time.

(E) Examination not required

Appropriate licenses without examination may be issued to the following applicants upon payment of the required fee:

Reciprocal licenses - To a person to whom a master plumber's license, a journeyman plumber's license, or a specialist plumber's license has been previously issued by another state or municipality therein, provided that state or municipality therein maintains a standard of requirements equivalent to those of this state and who presents satisfactory proof to the board that he or she is a bona fide master, journeyman, or specialist plumber. An applicant under this subsection shall be exempt from examination only if he or she holds a license from a foreign state or municipality and if under the laws or regulations of the foreign state or municipality issuing the license a like exemption is granted to plumbers duly licensed under the laws of this state.

Section 4: RENEWAL OF LICENSE

(A) A notice of renewal and application for renewal of license shall be sent to each licensee prior to the expiration of the license. The application for renewal of license, and the appropriate fee must be received by the department prior to the date the license expires.

(B) If a license is allowed to lapse it may be renewed within 90 days of its expiration date by the payment of \$15.00 and all unpaid fees in addition to the renewal fee.

(C) If a license is not renewed within 90 days of expiration date the inactive licensee shall make application for a new license and shall appear before the board to request reinstatement.

(D) Applicants for license renewal shall provide to the Board evidence of completion of 8 hours of continuing education or training, approved by the Board, within the previous 24 month period, at least 2 hours of which must include code review. A course or training program is valid for only one license renewal.

(E) Approval of continuing education or training;

1. Sponsors of training courses shall submit for approval the following information:

- a) Sponsoring organization or individuals;
- b) Course content;
- c) Number of hours of eligible training;
- d) Instructors should be certified as a master plumber, engineer, plumbing inspector, vocational teacher with related experience, or otherwise acceptable by the Board;
- e) Date and place of instruction;

f) Instructional materials to be used by attendees.

2. Subject matter shall deal with the adopted current plumbing codes or related information. This may include general or specific review of the code, code changes from preceding versions, common violations of the code, or other related areas that relate to the specialty plumbing installation.

3. Tests at training programs are optional.

4. Upon completion of a course, certificates shall be issued to attendees and shall include:

a) Sponsor's name

b) Course title

c) Date, place

d) Hours completed

e) Instructor's Signature

f) Attendees' full name, license number

5. In order to renew a license plumbers must submit evidence of 8 hours of approved training within the previous 24 months immediately preceding the date of renewal. A course certificate cannot be used for more than one renewal. A copy of the certificate is acceptable evidence of meeting the requirements for continuing education.

6. Representatives of the Licensing Board and the Department of Labor and Industry reserve the right to monitor all courses.

Section 5: PLUMBING LICENSE FEES

Plumbing license and 2 year renewal fees shall be as established under 26 V.S.A. Section 2193(c) as follows:

(1) Master plumber license \$100.00

(2) Journeyman plumber license 70.00

(3) Specialist license - per specialty field 40.00

(4) Master renewal fee 100.00

(5) Journeyman renewal fee 70.00

(6) Specialist renewal fee - per specialty field 40.00

(7) License certificate 10.00

Section 6: COMPLAINTS

(A) A person may file a complaint with the board by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the Plumber's licensing law or rules. In the event a complaint is filed with the Board, the Board's investigation shall not be limited to the matter set forth in the request for investigation but may extend to any act coming to the attention of the board which appears to violate the law or these rules.

Section 7: DISCIPLINARY PROCEEDINGS.

(A) In accordance with 26 V.S.A. Section 2181, the board may revoke or suspend a license, or refuse to renew a license. This shall not preclude the board from taking lesser steps, including, but not limited to formal reprimand, or required further education and training. The board may act if:

(1) The license was wrongfully or fraudulently obtained.

(2) If a licensee has violated a provision of 26 V.S.A. Chapter 39 or a rule, or order issued under that chapter.

(3) If the board finds a licensee is unqualified to hold a license.

(4) If there is gross negligence, incompetence, or misconduct by a licensee.

(B) The board may take these actions only after notice and provision to the licensee of an opportunity to appear before the board for a hearing, in accordance with 3 V.S.A. Chapter 25, the Vermont Administrative Procedure Act, and these rules issued thereunder.

(C) The board will proceed with initiating a complaint against a licensee, investigation of the complaint, action and hearings as described in Appendix C.

Section 8: FORMS

All forms which are required by the Board shall be available on request at the Board's office.

Section 9: REPEAL

All rules adopted by the Board and filed in the Office of the Secretary of State prior to the effective date of these rules are hereby repealed.

ARTICLE 3: RULES OF THE DEPARTMENT

Section 1: DEPARTMENT OF LABOR AND INDUSTRY

The Department of Labor and Industry, Fire Prevention Division, enforces the nationally recognized plumbing codes and administers the licensing procedures established under Article 2.

Section 2: POWERS OF THE COMMISSIONER OF LABOR AND INDUSTRY

The Commissioner of Labor and Industry or a designated representative may:

- (A) Enter any public building or premise for the purpose of administering or enforcing these rules.
- (B) In accordance with 21 V.S.A. Section 253, order a building or premise or any part of it closed until any unsafe condition or violation of these rules is corrected. Where appropriate, the Commissioner may order the demolition, removal, or disconnection of any plumbing systems or equipment deemed to constitute a hazard to persons or property.
- (C) Cause a written notice to be delivered to the owner of any property directing them to correct any condition where, in the opinion of the Commissioner or a plumbing inspector, that condition constitutes a violation of these rules.
- (D) Order the owner to stop work on the building or premise if the work on the plumbing systems in them are proceeding in contravention of these rules or are considered unsafe.
- (E) Direct that tests of materials, devices, or assemblies be made, or sufficient evidence or proof be submitted, at the expense of the owner, where the evidence or proof is necessary to determine whether the material, device or installation method meets the requirements of these rules.
- (F) Revoke, amend, or refuse to issue a plumbing work notice where, in the opinion of the Commissioner or a plumbing inspector, the results of tests referred to in Subsection (e) of this section are not satisfactory.
- (G) Order the removal of any plumbing systems or equipment installed in violation of these rules.
- (H) Prioritize inspections of plumbing systems based on the relative risks to persons or property arising from potential plumbing code violations.

(I) Pursuant to 26 V.S.A. 2175(d), assess an administrative penalty for each violation of this code.

(J) Order any company supplying fuel service to the premises to disconnect the fuel supply until the cited violation has been removed or corrected.

Section 3: DUTIES OF THE OWNER

The owner of the building or structure, or a designated representative shall:

(A) Not install or maintain, or cause to be installed or maintained, any plumbing system or equipment which is unsafe or is likely to be unsafe to persons or property.

(B) Observe these rules in all public buildings, or private residences on public water or sewer, which are under their control.

(C) Allow the Commissioner or a plumbing inspector to enter any public building, or private residence on public water or sewer, at any reasonable time for the purposes of administering or enforcing these rules.

(D) File a work notice and obtain a validated work notice required under Article 3, Section 4 of these rules before any plumbing work begins in a single family home connected to a public water or sewage system.

(E) Engage the services of a properly licensed plumber to file a work notice and obtain a validated work notice as required under Article 3, Section 4 of these rules before any plumbing work begins in a public building.

Section 4: WORK NOTICES

(A) A work notice shall be filed with the department for all plumbing work covered by these rules and be validated by the department, prior to the start of such work, in order to facilitate the inspection process authorized by 26 V.S.A. 2199. The term "Permit" as used in the 2003 IPC shall have the same meaning as "Work Notice".

(B) The department may refuse to validate a work notice if the license holder has other ongoing plumbing work for which a work notice has not been filed, if the department is owed fees, or if requested by the Plumbers' Examining Board pursuant to 26 V.S.A. 2181(c).

(C) A work notice is not required for plumbing work described as follows:

(1) replacement of a plumbing fixture by a similar fixture utilizing the same source of fuel and utilizing existing water supply and waste lines;

(2) maintenance or repair within an existing plumbing fixture;

(3) replacement of water supply and waste lines without relocation or installation of new plumbing fixtures.

(D) The department may accept an annual plumbing work notice where plumbing installation work is ongoing in an existing building. A plumbing work notice filed under this section shall include the name and location of the building, the licensed plumber responsible for the work and the payment of the base fee. The licensed plumber responsible for the work shall file a supplemental work notice every 3 months covering all plumbing work completed during that time frame including all fees for the work. The acceptance of an annual plumbing work notice does not modify the requirements for licensure or supervision as established under these rules.

Section 5: INSPECTION AND CERTIFICATE OF APPROVAL OF PLUMBING INSTALLATIONS

The process for inspection, review and approval of plumbing work, identified as a priority for inspection and review under Section 7(A) of this Article, shall be as follows:

(A) PLANS

Plumbing plans are not required for the plumbing work covered under these rules unless, in the opinion of the Commissioner or a designated representative, the job is of sufficient size or complexity to warrant such plans.

(B) ROUGH INSPECTIONS

A plumbing system installed under these rules shall not be covered unless it is first inspected by a plumbing inspector. The provisions of this section may be specifically waived by a designated representative.

(C) FINAL INSPECTIONS

(1) Upon completion of a new plumbing installation, the applicant shall request a final inspection by a plumbing inspector. Within 5 working days of the receipt of the application, the Commissioner, or designated representative, shall conduct an inspection, establish a reasonable date for inspection, or issue a waiver of inspection.

(2) The plumbing inspector may waive the presence of the licensee who filed the work notice for rough and final inspections.

Section 6: CONNECTING INSTALLATIONS

(A) New plumbing installations shall not be connected to a source of water supply and pressurized, nor a water meter installed on the source of water supply, unless a work notice has been validated by the department.

Section 7: PRIORITIES FOR INSPECTION, REVIEW AND INVESTIGATION

Priorities for inspection, review and investigation are established, consistent with 26 V.S.A. 2173 (b), based on the type and size of the building, the complexity of the plumbing work and consideration of health risks to persons or property resulting from potential plumbing code violations, as follows:

(A) Priority inspection and review work based on use:

- (1) Plumbing work involving commercial food preparation and food process areas.
- (2) Plumbing work involving special hazards in commercial operations such as a car wash, laundry, dry cleaning, funeral home, laboratory, or industrial hazardous waste discharge.
- (3) Plumbing work done in facilities where the occupants may be most vulnerable to risk such as a hospital, nursing home, health center, doctor or dentist's office, beauty parlor, day care or elementary or secondary school.
- 4) Plumbing work involving public swimming pools, public spas and hot tubs.
- 5) Plumbing work done in buildings containing multiple dwelling units, including hotels, motels and inns.
- 6) Plumbing work done in buildings having an occupant load of 300 or more persons.

(B) Priority for investigations in descending order of priority:

- (1) Complaints alleging serious plumbing violations.
- (2) Plumbing work being done by non-licensed persons.
- (3) Plumbing work being done where no work notice has been filed with the Department.
- (4) Complaints alleging non-serious plumbing violators.

(C) Plumbing work not listed as a priority in subsection (A) or (B) above are required to be installed and completed in accordance with these rules and are subject to random inspection and enforcement actions by the State Plumbing Inspector.

Section 8: INVESTIGATION OF COMPLAINTS

(A) Any person may register a complaint with the Department, in writing, regarding a journeyman, specialist, or master plumber.

(B) The Department will in accordance with Appendix C:

- 1) determine the Board and/or the Department's jurisdiction,
- 2) investigate the complaint and complete a report on the facts determined,
- 3) forward to the Board any complaints where the investigation has determined or has caused to be determined,

(I) fraud or deceit has been used to obtain a license,

(ii) there has been gross negligence, incompetence, misrepresentation or misconduct by a licensee,

(iii) there has been violations of these rules, or rules of the Department of Health,

(iv) there has been a failure to comply with a written notice from the Department.

Section 9: REQUEST FOR RECONSIDERATION

A person aggrieved by an interpretation of these rules, or the result of any inspection or an order to correct code violations may request that the Commissioner reconsider such refusal or order. Prior to such request, attempts to resolve the issue shall be made at the Supervisors level and with the chief of licensing.

A request for reconsideration shall be made within 15 days after receipt of written notice of such refusal or order. The Commissioner shall review the refusal or order within 30 days of the date the request for reconsideration is received. The Commissioner shall issue an order amending, modifying or affirming the prior refusal or order as circumstances require within 30 days of the date of the review. A person aggrieved by the Commissioner's decision under this section may appeal to the superior court.

Section 10: APPROVAL, ALTERNATIVES, AND VARIANCES

The approval of materials, equipment and devices and alternatives and variances to this code, shall be in accordance with Section 105 of the 2003 International Plumbing Code.

Section 11: SEVERABILITY CLAUSE

In the event any part or provision of these rules is held to be illegal, this shall not have the effect of making void or illegal any of the other parts or provisions of these rules.

APPENDIX (A) THE VERMONT PLUMBING LAW 26 V.S.A. CHAPTER 39

§ 2171. Purpose

The purpose of this chapter is to protect and improve the general health and welfare of the people of the state of Vermont in the fields of

environmental sanitation, water treatment, domestic supply and hydronically related hot water heating, by authorizing and enforcing rules and regulations for properly designed, acceptably installed and adequately maintained plumbing, water treatment and hydronically related water heating systems and by licensing qualified plumbers and qualified heating and water treatment specialists.

§ 2172. Definitions

The following words and phrases when used in this chapter shall be construed as follows:

(1) A "public water system" or "public sewerage disposal system" shall mean any system supplying or serving 15 or more customers, each family, tenement, store or other establishment being considered a single customer.

(2) A "master plumber" shall mean any person, licensed under this chapter, that as a business, installs plumbing systems, hires or employs a person or persons to do plumbing work, or supervises journey plumbers, or apprentice plumbers in completion of their work.

(3) A "journeyman plumber" shall mean any person licensed under this chapter who installs plumbing and water treatment or heating specialties under the direction of a master plumber. A journeyman plumber may supervise an apprentice employed by a master plumber and under the master plumber's direction. A journeyman plumber shall not act as a master plumber.

(4) An "apprentice plumber" shall mean any person, employed by a master plumber or under the direction of a master plumber or a journeyman plumber, who is engaged in learning and assisting in the installation of plumbing and water treatment or heating specialties under an apprenticeship program properly registered with the Vermont apprenticeship council. An apprentice plumber shall be supervised on the job by either a master or a journeyman plumber.

(5) "Plumbing" is the art of installing pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water carried wastes and drainage venting systems within or on any building or structure.

(6) "Board" means the plumber's examining board created under this chapter.

(7) "State plumbing inspector" means a master plumber or duly qualified employee of the department designated to enforce the rules and regulations pursuant to this chapter.

(8) "Municipal inspector" means a plumbing inspector authorized to conduct municipal inspections pursuant to this chapter.

(9) "Specialist" means any person licensed under this chapter who performs work in connection with water treatment and heating, or both, or performs that work as a principal business or an auxiliary to a principal business for the person's own account as designated on the person's license.

(10) "Commissioner" means the commissioner of labor and industry.

(11) "Legislative body" means the selectboard, the alderboard, city council or board of trustees of a municipality or an incorporated village.

(12) "Work notice" means the notice required to be filed under this chapter by a licensee prior to commencement of work.

§ 2173. Rules adopted by the board

(a) The plumber's examining board may, pursuant to the provisions of 3 V.S.A. chapter 25 (Administrative Procedure Act), make and revise such plumbing rules as necessary for protection of the public health. The rules shall be in effect in every city, village and town having a public water system or public sewerage system and apply to all premises connected to the systems and all public buildings containing plumbing or water treatment and heating specialties whether or not they are connected to a public water or sewerage system. The local board of health and the commissioner of labor and industry shall each have authority to enforce these rules. The rules shall be limited to minimum performance standards reasonably necessary for the protection of the public against accepted health hazards. The board may, if it finds it practicable to do so, adopt the provisions of a nationally recognized plumbing code.

(b) The commissioner shall make rules and adopt procedures and priorities for inspections and enforcement. Installations regulated by the board shall be inspected by a state plumbing inspector. The commissioner may set priorities based on consideration of health risks to persons and property, type and size of the building and the complexity and size of the installation or job.

(c) The commissioner or any state plumbing inspector designated by the commissioner shall have the authority to enter any premises in which an

installation subject to the rules of the board is being or has been installed, replaced or repaired for the purpose of performing inspections necessary to carry out inspection responsibilities under this subchapter. If the owner or occupant of the premises refuses entry, the commissioner may apply to any superior court to issue an order enforcing the right of entry.

§ 2174. Municipal rules and regulations; municipal inspections

(a) The legislative body may establish inspection procedures and appoint trained, qualified master plumbers to conduct municipal inspections. If the board determines that the inspection procedures, training and qualifications of the municipal plumbing inspectors are sufficient, the commissioner may assign the responsibility to inspect plumbing installations within the municipality to the municipality. Municipal inspection standards shall be, at a minimum, equal to state standards. Municipal standards may exceed state standards with approval of the board. An assignment of responsibility under this subsection shall not affect the authority of the board or the commissioner under this subchapter.

(b) Inspection procedures, including the issuance of work notices, shall be the same as for state plumbing inspections. A municipal inspector shall have the authority to enter a premises to carry out inspection responsibilities in accordance with the rules and procedures established by the board. The legislative body may also establish reasonable fees for inspections which shall be in lieu of fees charged by the state.

(c) If, after inspection of the plumbing installation, a violation of the rules of the board or the inspection procedures of the municipality is found, a municipal inspector may:

(1) Issue an order directing the plumber of record or the owner of the premises in which the violation is found to correct or remove the violation.

(2) Invalidate the work permit.

(3) Pursue disciplinary procedures under section 2178 of this chapter.

(d) A person aggrieved by an action of a municipal inspector or municipality under subsection (c) of this section may appeal to the commissioner by filing a written application for a hearing with the commissioner within 15 days after receiving written notice of the action. A person filing an application under this subsection shall be entitled to notice and an opportunity for a hearing before the commissioner within 45 days. Within 30 days after the hearing, the commissioner shall issue an

order amending, modifying, or affirming the action by the municipal inspector or municipality.

(e) Municipal inspectors shall participate in training provided by the department of labor and industry. The department of labor and industry shall also provide continuing consultation, review and assistance to municipal inspectors.

(f) The commissioner or the board may revoke an assignment of responsibility to a municipality granted under this section if the commissioner or the board determines that the training or qualifications of the municipal inspectors or the inspection procedure adopted by the legislative body is insufficient.

§ 2175. Work notice; fees; enforcement; appeals; penalties

(a) Work in installations subject to the rules of the board shall not commence until a work notice has been received and validated by the department of labor and industry. The following schedule of work notice fees shall be paid to the commissioner or a designated representative prior to the validation of a work notice.

(1) For all plumbing work, identified as a priority for inspection and review under section 2173(b) of this title, the fee shall be:

(A) \$7.00 for each plumbing fixture described as a washing machine, dishwasher, grease trap, oil interceptor, sand interceptor, sewage ejector pump, water closet, urinal, bidet, disposal, drinking fountain, water cooler, lavatory, bathtub, shower, sink, hose bib, floor drain or similar device. The total shall not be less than \$20.00.

(B) \$10.00 for each plumbing fixture described as a water heater, hydronic heating unit, domestic hot water coil or water treatment device.

(2) For all plumbing work, not identified as a priority for inspection and review under section 2173(b) of this title, the fee shall be:

(A) \$20.00 for all plumbing work.

(B) \$10.00 for all plumbing work involving a water heater, hydronic heating unit, domestic hot water coil or water treatment device.

(3) At the discretion of the commissioner, whenever an owner or licensed plumber requests for the owner's or licensed plumber's benefit that an inspection be made outside the normal working hours, all fees payable by

the owner under this section shall be paid in an amount twice that indicated under this section.

(b) If the commissioner or designee finds a violation of the rules adopted under this chapter, the commissioner or designee may:

(1) Order the owner of the premises in which the violation is found or the owner's agent or the person performing the work to correct or remove the violation.

(2) Invalidate a work notice or issue a cease and desist order, or both.

(3) Order any public water and sewerage company or to any private party furnishing water to such installation not to connect or to disconnect water service or sewer service, or both, from all or a portion of the premises until the violation is removed or corrected.

(4) Order any company supplying fuel service to the premises to disconnect the fuel supply until the cited violation has been removed or corrected.

(5) Issue an administrative citation.

(6) Pursue any combination of options under this subsection.

(c) Any person aggrieved under this chapter may request the commissioner to reconsider the refusal or order. A request for reconsideration shall be made in writing and filed with the commissioner within 15 days after receipt of the written order or notice of refusal. Within 30 days of receipt of the request for reconsideration, the commissioner shall review the refusal or order and shall issue an order amending, modifying or affirming the original refusal or order. A person aggrieved by the commissioner's decision under this section may appeal to the superior court in the district in which the violation occurred. The court shall hear the matter de novo.

(d) The commissioner may after notice and an opportunity for hearing, assess an administrative penalty of not more than \$1,000.00 per violation against a person, licensed or unlicensed, who violates this chapter, or any order lawfully issued under this chapter. Penalties assessed shall be related to the severity of the violation.

(e) On application by the commissioner, the superior court in the county in which a violation occurs may issue an order enjoining or restraining the violation. An election by the commissioner to proceed under this

subsection shall not limit or restrict the commissioner's authority to assess an administrative penalty under subsection (d) of this section.

(f) Violation of any rule adopted under this subchapter shall be prima facie evidence of negligence in any civil action for damages which results from the violation.

§ 2176. Existing buildings

The rules adopted under sections 2173, 2174 and 2175 of this title shall not apply to existing private dwellings and public buildings except as the plumbing systems in them may be altered in the future.

§ 2181. Plumber's examining board; membership; powers

(a) A plumber's examining board, within the department of labor and industry, hereinafter called "board," shall consist of five members, one of whom shall be the commissioner of labor and industry or designee and one of whom shall represent the commissioner of health or designee. The remaining three members shall be appointed by the governor with the advice and consent of the senate. One of the appointive members shall be a master plumber, one shall be a journey plumber and one shall be a public member not associated with the plumbing or heating trades.

(b) The board shall have authority to examine and license master plumbers and journeyman plumbers and specialists and shall have the right to make reasonable rules.

(c) Upon notice to the affected person and after a hearing, the board may refuse to issue a license or may suspend or revoke a license or may take other disciplinary action against a licensee for any of the following reasons:

(1) Fraud or deceit in obtaining a license.

(2) Gross negligence, incompetency, misrepresentation or misconduct by a licensee.

(3) Violation by a licensee of the rules of the department of health, the department of labor and industry or the board.

(4) Failure to comply with a written notice issued under sections 2173, 2174 or 2175 of this title.

§ 2182. Terms of office

(a) Members of the board shall be appointed for four year terms. Two of the appointed members shall initially be appointed for terms of two years beginning July 1 of the year of appointment.

(b) A vacancy shall be filled for the unexpired term in the same manner as the initial appointment.

§ 2183. Fees; books and records

All fees for examinations, licenses, and renewals shall be forwarded to the department of labor and industry. The board shall have free and unrestricted access to all books, notes, records, transcriptions, recordings, and other related data within the care of the department of labor and industry.

§ 2184. Per diem pay and expenses

Each appointive member of the board shall be entitled to compensation and expenses as provided in 32 V.S.A. § 1010.

§ 2191. Master plumbers

Any person who completes an application for a master plumber's license, presents documentation of having held a valid journeyman plumber's license under this chapter for at least 12 months, or documents equivalent training and experience in or outside of this state acceptable to the board, and pays an examination fee in an amount determined by the board based on the costs associated with administering the examination, shall be entitled to an examination. Upon successful completion of the examination and payment of a licensing fee, the applicant shall receive a master plumber's license in the form of a wallet-sized card. The license shall be carried by the master plumber at all times while performing the licensee's trade and shall be displayed upon request. Upon request of a license holder, a license certificate, suitable for framing, shall be available for a fee.

§ 2192. Journeyman plumbers

Any person who completes an application for a journeyman plumber's license and documents apprenticeship in plumbing which includes both instruction and practice in work processes as verified by the Vermont apprenticeship council, or equivalent training and experience in or out of this state acceptable to the board, and pays an examination fee to be determined by the board based on the costs associated with administering the examination, shall be entitled to examination. Upon successful completion of the examination and payment of a licensing fee, the

applicant shall receive a journeyman plumber's license in the form of a wallet-sized card. The license shall be carried by the journeyman at all times while performing the licensee's trade and shall be displayed upon request. Upon request of a license holder, a license certificate, suitable for framing, shall be available for a fee.

§ 2192a. Limited licensure; specialists

(a) Any person who completes an application for a specialist's license and documents successful completion of instruction, training and experience in or out of the state acceptable to the board and pays an examination fee to be determined by the board based on the costs associated with administering the examination, shall be entitled to an examination. Upon successful completion of the examination and payment of a license fee, the applicant shall receive a specialist license in the form of a wallet-sized card. The license shall be carried by the licensee at all times while performing the licensee's specialty and shall be displayed upon request. Upon request by the license holder, a specialist license suitable for framing shall be available for a fee. A specialist license shall indicate each specialty for which the licensee has been approved. A specialist license does not take the place of any other license required by law.

(b) Specialty fields include the following:

(1) Water Heater Specialist: Installation, replacement and repair of any residential, industrial or commercial domestic hot water supply tanks.

(2) Heating System Specialist: Installation, replacement and repair of residential, industrial or commercial hydronic space heating systems, including radiant, solar and other types of hydronic system design. Any work on steam systems shall be limited to steam systems with operating pressure not to exceed 15 PSIG.

(3) Water Treatment Specialist: Installation, replacement and repair of residential, industrial or commercial potable water treatment and filtration equipment.

(c) A person duly licensed as a specialist under this section may perform specialty work, either as an employee or as an independent contractor only in connection with the specialty field designated on the person's license. A specialty business may hire or employ only people licensed in the specialty of the business.

(d) A specialist may perform a supply connection to an existing water supply for test and related system operation, but at no time shall any

specialist perform any plumbing or heating work that is not specified or permitted under the specialist's license.

(e) Specialty classes shall be provided by the department of labor and industry or others.

(f) The commissioner shall adopt rules regarding work notices, inspection procedures and priorities for each specialty.

§ 2193. Applications and examinations; fees

(a) Each applicant for license shall present to the executive office of the board on blanks furnished by the board, a written application for examination and license containing such information as the board may require, accompanied by the fee required. Notwithstanding 32 V.S.A. § 502(a), if the examination is conducted by an outside testing service, the required examination fee may be paid directly to the testing service. Examinations shall be in whole or in part in writing and shall include the theoretical and practical nature of plumbing or specialties, or both, and knowledge of state laws and department of health and environmental conservation regulations and such other regulations as the board may determine necessary to satisfactorily determine the qualifications of the applicant. Examinations shall be relevant to the instructional material taught in classes, codes used and new developments and procedures within the trade.

(b) Any applicant who fails an examination may, upon payment of the examination fee, retake the examination.

(c) License and renewal fees are as follows:

(1) Master plumber license \$ 100.00

(2) Journeyman plumber license \$ 70.00

(3) Specialist license \$ 40.00

(4) Master renewal fee \$ 100.00

(5) Journeyman renewal fee \$ 70.00

(6) Specialist renewal fee \$ 40.00

(7) License certificate \$ 10.00

(d) Master and journeyman plumbers shall be exempt from paying license or renewal fees as specialists.

§ 2194. Examinations not required; temporary licenses

Appropriate licenses without examination may be issued upon the payment of the required fee to a person to whom a master plumber's license or a journeyman plumber's license or a specialty license or equivalent has been previously issued by another state or municipality, provided that state or municipality maintained a standard of requirements equivalent to those of this state and who presents satisfactory proof to the board that the applicant is a bona fide licensee. An applicant under this subsection shall be exempt from examination only if the applicant holds a license from a foreign state or municipality and if under the laws or regulations of the foreign state or municipality issuing the license a like exemption or reciprocal agreement, or both, is granted to licensees under the laws of this state.

§ 2195. Expiration and renewal; renewal; reinstatement; continuing education

(a) All licenses expire on the last day of a month designated by the board. A license shall be valid for two years. The board shall renew a valid license issued under this chapter on receipt of an application for renewal and the required fee before the expiration date of the license.

(b) If a licensee fails to renew his or her license prior to expiration, the licensee may reinstate the license within 90 days of its expiration by paying the reinstatement fee of \$15.00 in addition to the renewal fee.

(c) If the licensee fails to renew within 90 days of the expiration of the license, the licensee shall appear before the board to request reinstatement.

(d) After July 1, 1996, applicants for license renewal shall provide to the board evidence of completion of eight hours of continued training or instruction, approved by the board, within the previous 24-month period.

§ 2197. Penalty

Any person who installs, any plumbing or specialty installation or who advertises as such, except as provided in section 2198 of this title, without first having obtained an appropriate license under this chapter or who employs a person to perform any plumbing work for which the employee is not licensed or procures any license wrongfully or by fraud, shall be fined not more than \$1,000.00 for each offense.

§ 2198. Exceptions; license not required

(a) All plumbing and specialty work performed in Vermont shall be performed by persons licensed under this chapter except that a license shall not be required for the following types of work:

(1) Any plumbing and specialty work performed by an owner or the owner's regular employees in the owner-occupied freestanding single family dwelling or in outbuildings accessory to the owner-occupied, single family dwelling.

(2) Installations of plumbing systems in laboratories for experimental purposes only.

(3) A person who regularly employs a maintenance person whose duties include the maintenance of plumbing on the property of that person.

(4) Plumbing or specialty installations performed as part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building is to be sold as a private dwelling or public building.

(5) A person who performs miscellaneous jobs of manual labor on the person's own property in the course of which plumbing repairs or alterations are made.

(6) For the construction, repair or maintenance of buildings used exclusively for agricultural purposes and animal housing located on owner-occupied farms.

(7) Work performed by employees of any public or private water company, who in the main course of their employment install, maintain or repair water supply pipes, meters or control valves.

§ 2199. Inspections

The commissioner of labor and industry or designee may inspect premises subject to the rules adopted under section 2173 of this title.

APPENDIX (B) DEFINITION OF PUBLIC BUILDING

"Public buildings" means state, county and municipal buildings, airport terminals, bus and railroad stations, school buildings, school and society halls, hotels as defined in 32 V.S.A. 9202, restaurants, apartments, churches and other houses of worship, factories, mills, office buildings and other buildings in which persons are employed, stores and other space wherein goods are offered for sale at wholesale or retail, nurseries,

convalescent homes, homes for the aged and day care facilities; provided that the term "public buildings" does not include family residences registered as day care homes under 33 VSA. Chapter 34, subchapter 3.

"Public buildings" also means tents and outdoor structures, places of amusement, barns, sheds and workshops, if normally open to the public for the purpose of offering goods for sale at wholesale or retail, public assembly or viewing, entertainment or education.

"Public buildings" shall not include a working farm or farms, as that term is defined by Section 251a of Title 21. However, for purposes of this chapter, public buildings shall not include existing housing on a working farm provided to farm employees or farm buildings which are open for public tours and for which no fee is charged for those tours.

APPENDIX (C) LICENSING DISCIPLINARY PROCEDURE

(A) INITIATING A COMPLAINT AGAINST A LICENSEE

(1) Form of complaint: Filing. A person may register a complaint against a plumber licensed by the Plumbers` Examining Board by filing a written complaint with the Department of Labor and Industry, National Life Building, Drawer 20, Montpelier, VT 05620-3401. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The board may also initiate a license review procedure on its own motion by filing a complaint with the department.

(2) Verification. Upon receipt of a complaint, the department will verify the Vermont license number of the person against whom the complaint is lodged. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the attorney general. If the person is a licensee of the board, the department will docket the complaint and open an investigation file under the name and license number of the person.

(3) Investigating Panel. An investigating panel consisting of an investigator designed by the department and an assistant attorney general will be formed upon the docketing of a complaint. The assistant attorney general assigned to the case will head the panel and supervise the investigation of the complaint.

(B) INITIATING THE INVESTIGATION.

(1) Notice to the Attorney General and to the Investigator. Upon docketing the complaint, the department will send a copy of all materials contained in the newly opened file, including a copy of the complaint, to the attorney general, and notify the attorney general of the name, address and phone number of its designated investigator. The department will also send copies of the materials to the investigator, and inform the investigator of the name of the division chief in the attorney general's office responsible for the investigation.

(2) Notice to the Licensee. The department will send written notice of the initiation of an investigation to the licensee against whom the complaint has been filed. The notice shall include a copy of the complaint and a copy of the statute and these rules. The notice will inform the licensee that inquiries or materials regarding the investigation should be addressed to the investigating panel at the address of the department.

(3) Notice to the Board. The department will send written notice to the Board indicating that an investigation has been instituted regarding a licensing complaint.

(4) The inspector assigned to investigate the complaint shall inspect the work which is the subject of the complaint and interview the complainant. The inspector may also meet and interview the licensee at the direction of the assistant attorney general assigned to the matter.

(C) RECOMMENDED ACTION.

(1) At the conclusion of the investigation the assistant attorney general assigned to the matter shall make a recommendation as to whether formal proceedings should commence against the licensee.

(2) If formal disciplinary proceedings are recommended, the assistant attorney general shall submit a complaint describing the alleged violations, and the rules or statutes violated, with the recommendation.

(3) If the licensee is willing to admit to the charges the assistant attorney general may explore the possibility of a stipulated settlement. A stipulated settlement must be approved by the board.

(4) If no disciplinary action is recommended the case will be closed and the complainant and the licensee will be notified that no further action will be taken at this time. The matter may be reopened if new evidence is presented.

(D) FORMAL HEARING BY THE BOARD.

(1) Notice and Place of Hearing. Upon the filing of a notice of charges by the investigating panel, the board will commence the hearing process by serving the notice of charges and a notice of the hearing upon the licensee. Notice will be served personally or by certified mail, return receipt requested. Copies will be sent to the members of the investigating panel and the complainant. The hearing will be scheduled at least 20 days after service.

(2) Failure to Appear. If the licensee fails to appear after proper notice has been given, the board shall hold the hearing and make a decision on the charges.

(3) A quorum of the board shall be a majority of its members.

(4) Conduct of Hearing; Receipt of Evidence; Argument. The board may admit any evidence it deems of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. All persons shall testify under oath or affirmation. The licensee or his attorney may examine or cross examine witnesses, inspect documents, and explain or rebut any evidence presented to the board. The assistant attorney general, investigator, and licensee may present oral and written argument in addition to evidence, which also shall be made part of the record.

Where a licensee is not represented by counsel the board shall advise the licensee and aid in the examining and cross examining of witnesses as effectively as possible compatible with the impartial discharge of its duties as a body of impartial review.

(5) Authority of the Chair. The chair shall administer oaths to witnesses, rule on questions of evidence and upon the service of subpoenas and other notices, and do whatever is necessary and proper to conduct the hearing in a judicious, fair and expeditious manner.

(6) Disqualification of a Board Member. A member of the board shall voluntarily disqualify himself or herself and withdraw from any hearing in which the member cannot act in a fair and impartial manner, or where the member has an interest in the proceedings. Any party to a hearing may request disqualification of a board member by filing an affidavit stating with particularity the grounds for disqualification. If the board member does not disqualify himself or herself in response to the motion, the chair of the board shall decide the issue of disqualification. A hearing shall be held if requested by the moving party or if deemed necessary by the chair. All materials pertinent to a matter of disqualification shall be made part of the record.

If a board member is disqualified, thereby negating the quorum, the chair shall appoint a hearing officer to decide the matter in the same manner as if the board were presiding.

(7) Judgment of the Board. The board will issue a decision within a reasonable time following the conclusion of the hearing. The decision must be in writing and be signed by the members of the board. The decision shall set forth findings of fact, conclusions of fact and law, and the judgment. If a decision of the board is not unanimous, the decision of the majority will control. The minority may file a dissenting opinion.

The Board promptly shall mail or deliver a copy of its decision to the licensee, the investigating panel and, if appropriate, to the complainant. An order attached to the judgment will go into effect after the end of the 30 day appeal period, if no appeal is filed.

(8) Appeal From a Decision of the Board. A licensee aggrieved by a judgment of the board may appeal that judgment to the supreme court. The board may grant, or the court may order, a stay of the board's order upon application of the licensee.

(9) Transcripts. A contested case hearing shall be recorded but not transcribed unless a transcript is requested by an interested person. Transcripts will be available for cost. The board will provide an estimate of transcription cost before filling an order for transcript.

APPENDIX (D) ASBESTOS

The Vermont Department of Health regulates the removal of asbestos containing materials, as well as the training of persons who remove asbestos containing materials, in the Vermont Regulations for Asbestos Control. For additional information, contact the Vermont Department of Health, Division of Health Protection (1-800-439-8550).

APPENDIX (E) DESIGN OF GREASE TRAP – Reference 2003 IPC Section 1003

EXAMPLE

STEP 1- Determine the cubic content of the fixture by multiplying length X width X depth.

Example: A sink 48" long by 24" wide by 12" deep Cubic content $48 \times 24 \times 12 = 13,824$ cubic in.

STEP 2 - Determine the capacity in gallons, 1 gal = 231 cubic inches.

Example: Contents in gals $\frac{13,824}{231} = 59.8$ gals.

STEP 3 - Determine actual drainage load. The fixture is usually filled to about 75% of capacity with waste water, the items being washed displace about 25% of the fixture content. Actual drainage load = 75% of fixture capacity.

Example: Actual Drainage Load $.75 \times 59.8$ gals = 44.9 gals.

STEP 4 - Determine the flow rate and the drainage period. In general, good practices dictate a one minute drainage period, however where conditions permit, a 2 minute period is acceptable. Drainage period is the actual time required to completely empty the fixture.

Flow Rate = Actual Drainage Load

Drainage Period

Example: Calculate flow rate for 1 minute period.

Flow Rate 44.9 Gals = 44.9 GPM

1 Min.

For 2 minute period

Flow Rate 44.9 Gals = 22.5 GPM

2 Min.

STEP 5 - Select the interceptor which corresponds to the flow rate calculated. Note -- Select larger size when flow rate falls between two sizes listed.

As a general rule it is good practice to size the Interceptor so that it's rated capacity is never less than 40% of the fixture capacity in gallons. In the example above the actual fixture capacity is 59.8 gals., and 40% of this would be 23.9 gals. or a Fig. 8025. It is readily seen that a drainage period other than one or two minutes can be used. If conditions justify, any period between one and two minutes is satisfactory, however, we do not recommend a period longer than 2 minutes. Using the 40% rule of thumb gives a drainage period of 1 7/8 minutes.