

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 07-069		Hearing Location: Madison	
Rule Number: Chapters Comm 5 and 82		Hearing Date: August 14, 2007	
Relating to: Administrative Forfeitures and Tracer Wire for Non Metallic Pipe			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Oral #1	David Jones Plumbing Heating Cooling Contractors Association of WI Mt. Horeb, WI	Supports the proposed rules.  Believes that improper licensed plumbers and unlicensed individuals doing plumbing places a bad image on the licensed industry, is unfair to public in terms of the work quality and protecting public health. Concerned about the non-uniformity in how tracer wire is to be installed in light of the different requirements dictated by various communities. Believes that the installation should be covered by the plumbing code which will provide uniformity.	No response necessary.
Oral #2	Jeffrey Kuhn Plumbing Heating Cooling Contractors Association of WI Brookfield, WI	Believes that the enabling legislation and rules on administrative forfeiture are a step in the right direction.  Is pleased that the proposed rules involve the role of an industry expert in the appeal process. Encourages the department to become more active in the enforcement of plumbing licensure requirements. Believes that the plumbing code is the appropriate mechanism to cover the installation of tracer wire in order to provide uniformity and flexibility. Believes that the tracer wire rules help to reduce or eliminate the number of additional potentially hazardous situations associated with non metallic water and sewer laterals.	No response necessary.
Oral #3	Patrick Zimmer Wis. Underground	Advocates global positioning systems (GPS) as primary locate choice, envisioning that many locator boxes for tracer wires may be necessary for all the	GPS is an option for locating the non-metallic piping.

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	Contractors Association and RA Smith & Associates, Inc. Hubertus, WI	various pipes. GPS provides for three dimensional locating.	
Oral #4	Robert Klumen Wis. Underground Contractors Association Hartland, WI	Asks that the rules refer to a global positioning system, GPS, rather than a global information system, GIS, indicating that a majority of this type work is accomplished utilizing this method.  Indicates that tracer wire methods provide only X and Y coordinates and not elevation. Provides WUCA's draft specification for GPS and offers their assistance relative to issue. Seeks clarification relative to the development of their specifications whether the rules apply to installations in the public right-of-way. Raises a concern about the continuing functioning of locator boxes for tracer wires over time in light of owner activities as well as those positioned in public right-of-ways.	Draft will be revised to reflect the suggestion that GPS replace GIS.  The comments on the issues related to the installation of tracer wire are noted, however tracer wire is an element of the enabling statutory language.
Oral #5	Ann Gryphan Wis. Onsite Wastewater Recycling Association Madison, WI	Indicates the some inspectors have required tracer wires to be installed on building sewers that connect to septic tanks; believes that this to be a misinterpretation as to the application of the enabling law.	The current draft does not include the requirement for tracer wire to be installed on sewers discharging to POWTS treatment tanks.
Oral #6	Steve Breitlow Plumbers Local 75 Milwaukee, WI	Support both rules relating to administrative forfeiture and tracer wire for non-metallic piping.	No comment necessary.

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		Contends that administrative forfeiture will help to better insure public health and safety.	
Oral # 7	Jeff Beiriger Plumbing Heating Cooling Contractors Association of WI Milwaukee, WI	States that PHCCA of Wisconsin relative to the matter of locating non-metallic piping is not endorsing one methodology over another. Believes that the rule is necessary to address the possibility of municipalities ignoring the requirement waiting for other guidance.  Believes that implementation of the administrative forfeiture should not be unnecessarily delayed, if rules relating to tracer wire need further development and refinement.	No response necessary.
Oral #8	Ron Spoerl Hawk Construction Slinger, WI	Believes that hydro excavation is a viable and safe method to locate utilities including vertical information.	Any equivalent method is acceptable to the department and code compliant.
Written #9	Michael House Plumbers Local 75 West Allis, WI	Registered in favor of the proposed rules.	No response necessary.
Written #10	Scott Redman Plumbers Local 75 Wauwatosa, WI	Registered in favor of the proposed rules.	No response necessary.
Written #11	Louis Pody Plumbers Local 75 Beloit, WI	Registered in favor of the proposed rules.	No response necessary.
Written #12	Tim Elverman Plumbers Local 75 Milwaukee, WI	Registered in favor of the proposed rules.	No response necessary.

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Written #13 (email)	John Link	Advocates the use of GIS as the preferred alternative for locating non-metallic underground piping citing several advantages over tracer wire including: <ul style="list-style-type: none"> <li>• More accuracy</li> <li>• Accurate depth location</li> <li>• Data retention and retrieval</li> </ul>	GPS/GIS is an acceptable option in the current draft. No revision is necessary.
Written #14 (email)	Mike Martin	Advocates the use of GIS as the preferred alternative for locating non-metallic underground piping citing several advantages over tracer wire including: <ul style="list-style-type: none"> <li>• More accuracy</li> <li>• Accurate depth location</li> <li>• Data retention and retrieval</li> </ul>	GPS/GIS is an acceptable option in the current draft.
Written #15 (email)	Brian Dubis	Advocates the use of GIS as the preferred alternative for locating non-metallic underground piping citing several advantages over tracer wire including: <ul style="list-style-type: none"> <li>• More accuracy</li> <li>• Accurate depth location</li> <li>• Data retention and retrieval</li> <li>• Durability</li> <li>• Less expensive compared installation labor and material costs</li> </ul>	GPS/GIS is an acceptable option in the current draft.
Written #16 (email)	George Glocka	Advocates the use of GIS as the preferred alternative for locating non-metallic underground piping citing several advantages over tracer wire including: <ul style="list-style-type: none"> <li>• More accuracy</li> <li>• Accurate depth location</li> <li>• Data retention and retrieval</li> </ul>	GIS/GPS is an acceptable option in the draft.
Written #17	Paul Welter	Believes that tracer wire is an unreliable method for locating sanitary sewers	Tracer wire and GPS are both acceptable methods in the

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(email)		contending that GPS is more accurate and reliable.	draft. In the future the market will determine which method is preferred.
Written #18 (email) Village of Hobart, WI	Rick Kinney	Believes and lists the disadvantages of using tracer wire as the method for locating non-metallic underground piping; asks that GIS data be considered as an alternate source for locating.	GIS/GPS is an acceptable option in the draft.