

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Mechanical Code, All Provisions

DEADLINE FOR RECEIPT: TBD

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In their comment in opposition to the NC Energy Conservation Code, the NC Homebuilders Association encloses an email exchange between their director of Codes and Construction, Cliff Isaac, and staff at the Building Code Council regarding the Council's failure to incorporate a statutory exemption into the NC Energy Conservation Code.

In the final email of the exchange, Building Code Council member Kim Wooten states:

[t]here are many examples of building codes and state statutes not in agreement. The NCBCC adopts codes for the general welfare of the public per statute. The General Assembly may make laws that contradict codes and may affect the general welfare of NC citizens, but that effort is independent of the NCBCC (emphasis added).

In light of this statement, please disclose any and all provisions of the 2024 NC Mechanical Code that the Council is aware are "not in agreement" with the laws of the State of North Carolina.

I noticed various sections that contain similar, if not identical requirements as in the Fuel Gas Code for items such as dryer vents, carbon monoxide detection, saunas, and pollution control units. They looked similar, if not identical to me, but I can't be sure. Please confirm if they are identical. Also, why is it necessary to repeat these requirements here? Would a cross reference to the Fuel Gas Code not be sufficient?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: April 14, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Mechanical Code, Ch. 1

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

Generally to the Chapter, I noticed that Ch. 5 contains requirements for clothes dryer vents in the same way that the Fuel Gas Code does. They looked similar, if not identical to me, but I can't be sure. Please confirm if they are identical. Also, why is it necessary to repeat the requirements here? Would a cross reference to the Fuel Gas Code not be sufficient?

In 102.3, what happens if it cannot be determined what edition of the code a device or safeguard was installed under?

In 102.3, how does a reinspection establish whether the owner or owner's agent is responsible for the maintenance of the plumbing system? I don't have a problem with requiring an owner or his agent to be responsible for maintenance, but I don't understand how the reinspection "determine[s] compliance with this provision."

In 102.4, second paragraph, define "minor".

In 102.4, second paragraph, define "hazardous".

In 102.9, this suggests that the code official has the authority to essentially make up new requirements that he considers "necessary for the strength, stability, or proper operation of an existing or proposed plumbing system". Is there statutory authority for this?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: April 14, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Mechanical Code, Ch. 2

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In the definition of "Food-Grade Fluid", it limits the additives to anything contained in 21 CFR Parts 174-186. I checked, and noticed that other adjacent parts of the CFR appeared to discuss food additives, so I wanted to make sure those weren't omitted unintentionally. See also Section 1403.3.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: April 14, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Mechanical Code, Ch. 3

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In reviewing this Rule, the staff recommends the following changes be made:

In 301.17, should “rodentproofing” be two words?

In 304.3, the first sentence refers to “hazardous locations and public garages, private garages, repair garages, automotive motor fuel-dispensing facilities and parking garages” First, is there a reason for the conjunction between “hazardous locations” and “public garages”? Second, is there a distinction between the more specific types of garage listed and “parking garages”? I notice this language is also in 304.5.

In 304.3.1, there’s an exception in the main rule (“except that a single door is permitted...”) that should be moved to the list of exceptions below.

In 307.2.1.1, the Code states that condensate drains shall not directly connect to “any plumbing drain, waste or vent pipe” but then goes on to allow such drains to discharge into a floor sink, floor drain, trench drain, mop sink, hub drain, standpipe, utility sink, or laundry sink. Is this requiring an air gap in the condensate discharge (i.e. “shall not directly connect”) or is there some ambiguity created by “any plumbing drain” and the approved list of drains in the next sentence?

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Brian Liebman
Commission Counsel

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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Mechanical Code, Ch. 5

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In reviewing this Rule, the staff recommends the following changes be made:

In 502.4, does “the general requirements of this chapter” refer to 502.1? Or something greater than that? Please specify.

In 504.9, what is a “domestic clothes dryer”? (Please note that I probably did not ask this for the Fuel Gas Code, so if this language is there as well, please make any changes that come from this request to the Fuel Gas Code.)

In 505.1, what is “domestic cooking exhaust”? For both this and the previous request, I’m assuming that “domestic” means residential, and applies to residential dwelling units in apartments and other residential buildings not covered by the Residential Code. Is that correct?

In 505.3, is there a specific provision of the International Building Code that you require Group I-1 and I-2 occupancies to comply with?

In 510.3, what is the symbol (it looks like a box) added after the text?

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Brian Liebman
Commission Counsel

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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Mechanical Code, Ch. 6

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In reviewing this Rule, the staff recommends the following changes be made:

In 603.8.2, leak testing as required by Section C403 of the Energy Conservation Code is required for an underground duct. Where in Section C403 is leak testing required? Also, would this apply to residential buildings, or would they be covered by R403?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Mechanical Code, Ch. 7

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In reviewing this Rule, the staff recommends the following changes be made:

There appear to be two blank pages following the end of Ch. 7. Just making sure something wasn't accidentally omitted.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Mechanical Code, Ch. 9

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In reviewing this Rule, the staff recommends the following changes be made:

In 905.1, the Code requires new wood-burning residential hydronic heaters to be EPA certified. Is there a particular certification, or process that must be followed?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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Commission Counsel

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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Mechanical Code, Ch. 10

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In reviewing this Rule, the staff recommends the following changes be made:

With respect to the rules in Chapter 10 covering boilers, is the BCC empowered to regulate boilers? I thought the Department of Labor had the authority to govern boilers and pressure vessels under Chapter 95, Article 7A? Review of G.S. 143-138(b7) does seem to indicate that the BCC should include rules adopted by the Board of Boiler and Pressure Vessels Rules in an appendix, but not develop those rules themselves. I am aware of the exception in 1001.1, but I am not sure what boilers would not be covered by Ch 95. Please address.

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Commission Counsel
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AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Mechanical Code, Ch. 11

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In reviewing this Rule, the staff recommends the following changes be made:

In 1101.5, what is the symbol (it looks like a box) added after the text?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.