



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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SUMMARY COUNCIL MEETING MINUTES

LOCATION: DES BUILDING, Presentation Room
1500 Jefferson Street
Olympia, Washington

MEETING DATE: November 20, 2015

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	Meeting was called to order at 10:00 a.m. <u>Members in Attendance:</u> Dave Kokot, Council Chair; Steve Simpson, Vice Chair; Rod Bault; Dave DeWitte; Paul Duffau (ph) ; Al French; Diane Glenn; Leanne Guier; Duane Jonlin; Mark Kulaas; Doug Orth; Dave Peden; Sandra Romero; Jim Tinner (ph); Eric Vander Mey; Stephen Thornton; Rep. Vincent Buys <u>Staff In Attendance:</u> Tim Nogler, Managing Director; Krista Braaksma; Joanne McCaughan; Peggy Bryden <u>Visitors Present:</u> Tom Young, Rick Schnarr, Gary Nordeen, Tanya Beavers, G.R. Scheuermann, Tom Kwieciak, Jan Rohila, Al Audette, Martin Norman, Jesse Sanders, Tonia, Sorrell-Neal, Jon Heller, Michael Fischer, Jeannette McKague
2. Review and Approve the Agenda of October 16, 2016	The agenda was approved with modifications; Eric Vander Mey presenting an over view of the goals for the energy code. Also Duane Jonlin presenting information on CMU walls. These items will be added to No. 5 on the agenda.
3. Public Comment on Items Not on the Agenda	None was given.
4. Review and Approve Minutes of November 13, 2015	The minutes were deferred to the next meeting.
5. Final Rulemaking: Continued Consideration of Testimony and Committee Recommendations; Final Adoption Washington State Energy Code	<p>Dave Kokot reported that no public testimony would be accepted in this meeting unless solicited by the Council members.</p> <p>The last meeting included the adoption of the 2015 IBC, IRC, IMC, IFC and UPC with state amendments to those codes.</p> <p>The Council has an opportunity to review the items.</p> <p>The rules assume an effective day of July 1, 2016. They must sit through a legislative session. The minutes will detail the actions taken at that Council meeting. Staff will be working on filing those changes. That will also apply to the actions taken today.</p> <p>Dave Kokot noted testimony was posted on the website and was reviewed by the Council members. Not all issues were acted upon, but they were taken into</p>

consideration. Council actions will be noted and if there are additional concerns they can be noted later.

The meeting today is dealing with the Energy Code. Dave Kokot wanted to remind the Council there is a statutory requirement for dealing with the adoption. He outlined the process for the Council.

New information will not be accepted today, unless it meets the criteria for the amendment.

Tim Nogler addressed the voting process. The Energy Code is slightly different from the other codes. It is in two parts, residential and commercial, addressed by different sections of the statute. RCW 19.27A requires that any item under the nonresidential energy code that does not receive two-thirds majority vote is considered a disputed amendment and requires approval by the legislature. This would require a vote of ten voting members. Residential only requires a majority of voting members, which would be eight votes.

Rep. Buys noted that it would still pass without the ten votes, but it would also require approval action by the legislature.

Dave Kokot noted that the terminology is somewhat different between the statute and the Washington State Energy Code (WSEC).

Eric Vander Mey reports on the Energy Code goals.

Al French asked about the graph and what was included in the residential portion.

Eric noted the residential was applicable to the division in the International Energy Code Council (IECC). **Al** then asked about the cost effectiveness and thought it was modified to be included as the useful life rather than a 50 year life cycle.

Eric noted that the 50 year life cycle also includes replacement costs. **Al** pointed out that the replacement costs are not always known. **Eric** stated that it uses the best judgment of costs.

Eric then reported on the MVE Committee meeting yesterday and on November 12.

The Committee reviewed comments and changes to the DOAS proposal and reviewed edits deemed editorial or noncontroversial.

Eric asked Duane Jonlin if the Council should start with Residential. Duane agreed.

Eric reported on the editorial items.

Duane Jonlin moved to approve the editorial corrections to the Residential Energy Code. **Al French** seconded the motion. **The motion carried.**

Eric stated there were two items discussed in detail by the MVE Committee.

The Committee moved to approve the addition of the ductless heat pump requirement. There was one abstention to the vote. The Committee feels this should be part of the rule going forward.

The second item was for the additional energy efficiency credits. The Committee

recommended moving forward with Option 1, with the modification of reducing the credits for a small house to 1.5 rather than 2.5.

Diane Glenn commented on the ductless mini splits and the costs. She questions whether it should be a requirement. She felt it would be better just on the credit list.

Diane continued stating it would be limiting, and there were areas it may work or be the best option. She does not feel it should be required across the board.

Eric noted that they would automatically get the credit from the R-406. **Duane** stated there were additional considerations. The credits are not as large as they appear.

The study from Tacoma Power, et al. showed tremendous cost effectiveness. Modeling is allowed to provide an equivalent system.

Diane asked if it could be modeled out. **Duane** agreed and stated it would work for all model homes of that design.

Duane also indicated that other manufacturers also have comparable products.

Tim Nogler asked for a clarification on the topic under discussion, ductless mini-splits. He stated it would take two motions, looking at the credits table and the heat pumps separately.

Eric stated the ductless mini-split is recommended to move forward as currently written in the proposed rule. Any motion would then need to remove it from the rules.

Rep. Buys moved to strike the requirement to ductless mini-splits from the proposed code. **Doug Orth** seconded the motion.

Steve Simpson asked what the percentage of loss of the calculated efficiency this represents. **Duane Jonlin** stated it applies to about half of the houses that do not have gas or central systems, but he doesn't know what the reduction would be.

Duane asked Dave Baylon to provide information on this.

Dave Baylon stated the total would be about 20-25% of construction and around the equivalent of 10-15% of the energy use of those buildings. So about 3-4%. Some people could still utilize it, so it may be less than that.

Doug Orth commented it has a big impact on affordable housing.

Duane Jonlin responded that this would also satisfy the additional efficiency credits for the building.

Utility costs are also a huge issue for residents of affordable housing.

Dave Peden asked what the payback was on this item. **Duane** noted he would have to look it up, but he thinks it is about 6 years. **Doug** reported the cost study was disputed.

Rep. Buys was concerned about the Council mandating specific technology; technology changes all the time. If it's a great option, it will be utilized.

There are a lot of questions on what this actually means and doesn't seem to be fully vetted.

Diane Glenn felt the logistics were not always appropriate. It can be difficult to replace the compressor. It can also be too much for small a small unit.

Duane responded to Rep. Buys, stating the long term effects do not happen on their own. There is a lot of inertia. The legislature has mandated the Council to move efficiency forward.

Rep/ Buys noted that it was applied because it is mandated, but he doesn't feel that it should be the way we move forward.

Doug Orth accepted the industry adopts things into normal practice. Currently about 6 % of housing incorporates cooling. This would mandate 100%.

Duane noted that this was one of the items addressed by the proposal.

The proposal passed 8 to 7.

Rep. Buys asked for clarification on the process. Tim noted it did not require the 2/3 vote since it was a residential issue.

Next is the Additional Energy Efficiency Credits.

Diane Glenn stated this has gone back and forth on the percentage, but we can agree we are on the path so far. The credits are the most difficult part to comply with for the builders. There are additional efficiency gains in the proposed changes. She is still concerned regarding the medium sized homes.

Diane Glenn moved to amend the credits to reflect the Committee's recommendation for the small homes, but also to change the medium homes to 3 credits rather than 3.5 credits. **Al French** seconded the motion.

Duane felt the Council should move forward with the recommendation from the MVE Committee.

Diane noted there was a lot of testimony on the issue. It is hard to attain 3.5 credits. Cost needs to be considered.

Duane commented the gas credits were increased so it provided an additional half credit for gas heated homes easily. Electrically heated homes get the ductless mini-split credit automatically.

Diane agreed with Duane's comments, but increasing this each code cycle makes it increasingly difficult.

The motion failed 2 to 11.

Steve Simpson moved the Council accept the Committee's recommendation option 1 and changing the small dwelling requirement to 1.5 credits. **Duane Jonlin** seconded the motion. **Motion carried with two opposing votes.**

That completes the disputed items in the residential side.

Duane Jonlin moved the remainder of the Residential Energy Code be approved as proposed. **Leanne Guier** seconded the motion. **The motion carried with two opposing votes.**

Eric continued on with the commercial side and summary of the editorial and noncontroversial changes.

Eric Vander Mey moved the Council accept all of the editorial and

noncontroversial issues as posted on the website. **Steve Simpson** seconded the motion. **Motion carried with no opposing votes.**

The Council took a 10 minute break.

Eric Vander Mey spoke more about the commercial energy issues. Two other items were discussed in detail; mass walls and DOAS.

Duane Jonlin reported on the mass wall issue and presented a power point (also on the website).

Rep. Buys voiced concerns about bringing in information at this stage in of the discussion. He is asking for equal time for the masonry group to comment.

Dave Kokot concurred with Rep. Buy's concerns. Any new information will not be allowed.

Duane agreed that the industry should be allowed to rebut; however, he does not feel this material includes any new information.

Dave Kokot disallowed the power point presentation. He felt the information was not clarification, and it is rather one-sided.

Dave DeWitte did not feel this was testimony from Duane, but his response to a question from another Committee member at the meeting yesterday

Dave Kokot asked if the infrared photo was included in any of the testimony.

Duane stated it was not. The photo was added himself to illustrate heat loss through the wall.

Dave DeWitte asked how this is different from Council members providing their opinion or answers based on their experience.

Dave Kokot stated this was not provided in the documents, which it should have been posted prior to the meeting for comment.

Duane said there was one last slide with information regarding the cost difference between the two testimonies.

Dave Kokot disallowed this information.

Eric stated the response was to Dave Peden's question at the last Committee e meeting. **Dave Peden** said he found the information provided to be one-sided.

Rep. Buys moved the Council strike this provision from the proposed code. **Al French** seconded the motion. **The motion passed.**

Diane Glenn stated there was a lot of testimony on the issue, enough information and confusion that she would support the motion.

Doug acknowledged Duane was correct that the U-value is low but he feels not all not all the questions have he been answered on cost and energy use. This conversation has been discussed nationwide, for a long time, was Duane's comment.

Dave DeWitte commented that the suggestion is that "there hasn't been enough work" is not accurate.

Doug Orth suggested to Dave DeWitte that jobs do mater, and he does not agree

that the information on cost is provided.

Eric commented on the requirement to report to the DOE that the state is in compliance with 2013 ASHRAE 90.1. He also reviewed the criteria for adopting changes.

Diane Glenn asked Eric about meeting the federal standard. What is the requirement? **Eric** replied that ASHRAE 90.1 has different values for the various climate zones in the state. The recommendation value from the MVE Committee is a little more stringent than ASHRAE.

Duane also responded that the requirement recommended by the Committee is a little more stringent, to coordinate with the increased stringency for the rest of the materials.

Kokot called for the question.

The motion carried, 8 to 5.

Sandra Romero asked for clarification on and then voted nay.

Eric said he would rather have the 2/3 majority vote and asked if there was some sort of compromise.

Tim Nogler felt this would need to go to the legislature since there was actually no change proposed to the code.

Eric Vander Mey moved the Council to approve Option 1. **Duane Jonlin** seconded the motion.

Rep. Buys did not feel there was a rationale to move forward with the motion.

Dave DeWitte asked if the Option 1 values were those found in the IECC. **Eric** answered yes.

Al French felt there was still too much confusion and recommended these two proposals go back to the TAG.

Duane stated the TAG recommendation was unanimous for the two proposals.

The motion failed.

The Council next discussed the dedicated outdoor air systems. (DOAS), beginning with a letter from Senator Angel, an ex-officio member of the Council. In her letter, she opposes the DOAS proposal.

Dave DeWitte asked if the second paragraph in the letter is referencing the requirement as currently proposed.

Kokot said it doesn't state which version of the proposal, but doesn't seem to be in the one we are looking at today.

Rep. Buys seconded Sen. Angel's request to deny the DOAS proposal.

Eric asked to give the Committee report on the amended requirement prior to making a motion.

Eric noted the letter was discussed at the Committee yesterday, and it reiterates a lot of the public comment on the proposed language.

Dave DeWitte questions how the letter is relevant to the current proposal. **Eric**

states it is not new information. The Committee had already considered the comments from the letter.

Dave Kokot asked if any of the public was involved in the Committee discussion yesterday and prior to that. **Eric** said yes, both the proponent and the authors of the minority report provided input, along with others.

Doug Orth asked what the ultimate effect of this was, in relation to a VEV system as well as the costs involved.

Eric Vander Mey moved the Council accept the Committee's recommendation for changes to the DOAS proposal. **Duane Jonlin** seconded the motion.

Dave Peden congratulated the Committee for doing all the work. However, this is a lot of information to digest and understand. He is worried it is not fully vetted.

Eric commented that all the changes made the code made it less stringent than the requirement in the proposed code. The TAG had limited time to work with this, and this proposal provides more flexibility and less stringency. He feels this is an important step in decoupling ventilation and heating and cooling.

Steve Simpson understands there are a lot of moving parts within this proposal. He likes the change, that this would not be prescriptive until 2017, so the Council has the opportunity to fix anything that does cause problems.

Eric stated there were many paths to use in association with the DOAS system.

Jim Tinner asked if heat recovery was required with a DOAS system.

Eric answered yes, for the ventilation portion of the air delivered.

Doug Orth commended Eric and Duane for their responses to public comment. He would like to recommend eliminating the 40% exception and moving the 2017 date to December 31, 2017. He would also ask if a large box retail came to the door, what system would be recommended.

Eric replied rooftop package units, with an energy recovery ventilator and cycling the package units which do not have economizers.

Doug said he has heard that this would push towards a VRF system, which increases the cost.

Eric said that technology was not mandated in this proposal.

Diane Glenn had a question about an alternate VAV system. Would it be reasonable to get there with another system, energy efficiency wise? **Eric** said yes, they believe it is a similar efficiency.

Mark Kulaas asked about the heating cooling split in western Washington. **Eric** asked if that was in reference to the proposal. **Eric** said most of his work is on the western side. With the colder winders (the east side), ERV should pay back even faster.

Mark then asked if this proposal would help achieve the legislative energy savings.

Eric said yes. This should make even more sense in eastern Washington. **Dave Peden** agreed with Eric. It is being used already and looks like it works well in

	<p>the Spokane area.</p> <p>Eric said he would not mind moving the dates; Duane said he felt nervous about it. Dave DeWitte asked yesterday if the date was enough time, and the stakeholders said it was.</p> <p>Next topic is the 40% allowable glazing.</p> <p>Eric recommended not changing the 40% glazing since that would make the rule more stringent than the published proposal.</p> <p>Rep. Buys voiced concerns about the requirements, feeling that it was still a mandate for this type of system. Eric responded to Rep. Buys’ concerns; stating only a small subset of buildings would be tested at first.</p> <p>Eric said there were no substantial issues; most received positive comments.</p> <p>Eric thanked the TAG members for all their work.</p> <p>Eric moved the balance of the Commercial Energy Code be approved as proposed. Duane seconded the motion. The motion carried.</p> <p>Eric moved to have Council staff draft a report to the legislature on meeting the statutory requirements for energy efficiency. It should include discussion of resources. Steve seconded the motion. The motion carried.</p>
<p>6. Staff Report</p>	<p>Tim Nogler reported the staff is working with the state auditor’s office to look at remittances to ensure the revenue stream is correct; it can be included in the legislative report. The Council will be relying on Committee and TAG members in preparing the technical details for this report. Duane Jonlin reported to the legislature yesterday. The discussion in legislation was to approve the Council’s process. This goes hand in hand with the funding of the Council.</p> <p>The date for the next Council meeting needs to be determined. It is usually the second Friday in January. That gives the Council a chance to look at all membership and participation in the legislative process next year. The staff will look at scheduling that meeting date.</p> <p>Tim is working with the Governor’s office on appointments. Current members may continue until a replacement is appointed.</p> <p>Jim Tinner asked if a member of the cannabis industry will be there since a TAG was proposed. Dave Kokot indicated this TAG will be discussed at the next meeting.</p>
<p>7. Other Business</p>	<p>None.</p>
<p>8. Adjourn</p>	<p>The meeting was adjourned at 1:35 p.m.</p>