NEW YORK STATE DEPARTMENT OF STATE
DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION
TECHNICAL SUBCOMMITTEE - GREEN CONSTRUCTION CODE

MINUTES of meeting of September 5, 2012

Minutes of initial meeting of the technical subcommittee reviewing the 2012 International Green Construction Code for adoption by New York State, commencing at 10:00 a.m. on Tuesday, September 5, 2012 at the Albany office of NYSERDA, 17 Columbia Circle, Albany, NY, via videoconferencing at the NYSERDA NYC office (10th Floor, Suite 1006 485 Seventh Avenue - New York, NY: 212-971-5342), and via teleconferencing.

Present:
Subcommittee members:
Mike Burnetter, Chair GCC Technical Subcommittee
John Barrows (by teleconferencing
Jim Burton
Tina Carton
Olivia Cellini
Joseph Hill
Marilyn Kaplan
Laurie Kerr (NYC location)
Miriam McGiver
Erin Tobin
Adrian Tuluca (NYC location)
Paul Vacca (by teleconferencing)
Hilary Beber (NYC location)

Special Guests:
Joe Berman, Environmental Certification Specialist, Price Chopper;
Steve Rocklin, T-Y-Linn International

Acronyms: Following is a list of Acronyms used during the meeting, and which may be in these minutes.

CC	Codes Council of NYS (which votes to implement NYS building codes)
DCEA	Division of Code Enforcement and Administration
Energy codes	Energy Conservation Construction Codes of NYS
FEMA	Federal Emergency Management Agency
GCC	draft Green Construction Code of New York State
ICC	International Code Council
IgCC	International Green Construction Code
LEED	Leadership in Energy and Environmental Design
NYSERDA	New York State Energy Research and Development Authority
SEQR	New York State Environmental Quality Review
Uniform Codes	New York State Fire Prevention and Building Codes

Minutes: Michael Burnetter opened the meeting just after 10 am due to some technical difficulties with the conference call lines. Members listed were present either at the NYSERDA boardrooms in Albany, in NYC or by teleconference link. Mike asked the members present to introduce themselves, as there were several new people at this meeting.

Michael reviewed the minutes of the meeting of August 2, 2012. He also started a discussion of whether a GCC would be a voluntary or mandatory code. NYS Codes and the proposed IGCC model code are mandatory in nature. The list of provisions in Chapter 3 could be viewed as 'pre-approved MRLS" requirements that a local jurisdiction could enact as a select local law. It also depends how or if the code council wants to implement this. We talked about consistency and the flexibility of MRLS provisions. Parts of the GCC fall under the legal language that

implements the energy code, through mainly energy conservation, while parts fall under the mandate of the uniform codes – health and safety.

Local jurisdictions can implement MRLS for energy code provisions where the CC must determine if the local MRLS code is more restrictive (it cannot be less than the ECCCNYS). Those municipal energy provisions are regulated under New York State Energy Law Article 11-109 rules which states :

> § 11-109. Municipal regulations. 1. Nothing in this article shall be construed as abrogating or impairing the power of any municipality or the secretary of state to enforce the provisions of any local building regulations or the state uniform fire prevention and building code, provided that such local building regulations are not inconsistent with the code. Nor shall anything in this article be construed as abrogating or impairing the power of any municipality to promulgate a local energy conservation construction code more stringent than the code, including but not limited to requirements for mandatory energy efficiency testing and ratings.
>
> 2. Any municipality which adopts a local energy conservation construction code in accordance with this section shall file a copy of such code and any amendments or revisions thereof with the state fire prevention and building code council within thirty days after promulgation or adoption of such local code or any amendments or revisions thereof. If the municipality files such copy within such thirty day time period, the municipality may enforce such local code, amendment or revision until and unless the state fire prevention and building code council shall determine that such local code, amendment or revision is not more restrictive than the code. <u>If the municipality fails to file such copy within such thirty day time period, the municipality may not enforce such local code, amendment or revision until and unless the state fire prevention and building code council shall determine that such local code, amendment or revision is more restrictive than the code.</u>

State-wide mandatory energy requirements need to meet the 10-year payback criteria in the energy law, but a local MRLS does not. (The office of council just gave us a new read on this item as the 10-year language was changed in the NYS Energy Law with meaningful changes that will be explained at the next meeting).

The DCEA, through a consultant, should determine the 10-year payback of proposed energy requirements before the state adopts the energy code; the 10-year payback does not affect application of the code once adopted. There was some discussion of hoe the IGCC compares to the ECCC and if the GCC would meet LEED certified levels (and also ICC 700 for residential), which the committee members will not be evaluating as those standards fall outside the scope of the committee. A committee member stated a design can meet LEED silver through other than energy conservation, and not meet the energy code. The GCC has baseline requirements as restrictive as the ECCC / Uniform Codes, and its additional requirements are more restrictive. If the GCC is adopted with a mandatory requirement that is more restrictive than, say, the Building Code, the more restrictive requirement would be in both codes as the minimum.

An MRLS that falls under the Uniform Codes needs to be approved by the CC. Parts of the GCC may not fit these mandates, so may not fall under the authority of the code council.

It was asked whether we have predetermined what falls under the mandate of the code council. That may not be a black and white issue. We can take a broad view, and some items that we leave in may be weeded out in the SEQRA / SAPA / public comments phase.

In order to adopt any part of the GCC, we need to coordinate it with other codes. The ICC has done this to some extent. We will also to this at the DCEA.

Chapter 3 provides local jurisdictions the options of requiring residential buildings to meet ICC 700 (jointly published by ICC and NHBA) rather that GCC, or no green code at all. We don't have the upcoming 2012 ICC-700 to review as it will not be published for a number of months after it is finalized later this year and as such would be part of our review to consider. It appears to contain requirements about lots, resource efficiency and other things that may not be under our mandate. Erin proposed that we vote to remove these options from chapter 3. We tabled this for consideration during lunch. The scoping of Chapter one will need to be considered as it directly relates to the question of whether residential applications fall under the scope of the GCC.

We discussed removing chapter 5 options from table 302.1, as waste removal does not fall under the CC authorization. Marilyn asked if we would tell the technical subcommittee what falls under the CC authorization and whether we can we limit the requirements that are buildable and enforceable. We talked about the start-up time and training that will be needed to make some requirements enforceable. Marilyn also asked if requirements can be phased in, by giving 2 options in the first cycle, then limit it to one option next cycle as is done in the energy code. We could have options in table 3 this cycle, for consideration as state-wide mandates next cycle.

The group discussed the potential of providing 'Green Code inserts' to the Energy code and Uniform Codes rather than a separate document.

We discussed whether we should require stormwater, sediment and erosion control for under an acre of disturbance. The NYSDEC already requires stormwater and sediment control plans for over an acre of disturbance. That is anything over about 3 small rural homes, with no road construction. Is stormwater control even under the CC mandate? It may fit better under NYSDEC, as it is now.

Mike proposed that at the next meeting we consider specific proposals to each chapter, per individual assignments that he suggested in his last email. See below under action items. As we go through this process, consider chapters 4-11 as the minimum mandatory. Keep a running tab of what is more important.

We approved the minutes of the last meeting unanimously.

We adjourned at 3 pm.

Action items:
Jim and Mike will work on rewriting chapter 1. Chapter 1 will not be discussed further in the GCC technical subcommittee, as the chapter 1 from all the codes are coordinated.
Miriam will work on chapters 4 and 7
Joseph Hill and Mike will work on chapters 6 and 8
Paul will work on chapter 9
Marilyn and Erin will work on chapters 10 and 11
Laurie and Hilary will work on integration / coordination with NYC regs.
John and Tina could make comments on the viability of the residential application in Chapters 1 and 3
All working on the above chapters should look at relevant definitions in chapter 2.
All members. Review the ICC 700 scoring worksheet at http://www.nahbgreen.org/ScoringToolSpreadsheet.aspx