

**MICHIGAN STATE BOARD OF MECHANICAL RULES
BUREAU OF CONSTRUCTION CODES**

2501 Woodlake Circle
Okemos, Michigan 48864

CCC-MECH-09-005

Stephen J. Gedert, RA, Neumann/Smith Architecture

Petitioner

Vs

Bureau of Construction Codes, Mechanical Division, Tennison Barry

Respondent

ORDER OF THE BOARD OF MECHANICAL RULES

Background:

Neumann/Smith was the Architecture firm in charge of the Hannah Hall Physics Laboratory renovations at Oakland University. As part of the scope of the project, flexible gas piping (Trac Pipe PS II) was installed under the concrete floors to supply gas to lab tables. Sometime in November 2008 approximately 80 feet of PS II gas piping was installed and covered with concrete in the renovated labs. This work was performed prior to the December 3, 2008 approval of the mechanical plans and the December 12, 2008 issue date of the mechanical permit.

On January 13, 2009 State Mechanical inspector Norwood Bates issued a violation to the mechanical contractor under State of Michigan mechanical permit number M367349 for installing the Trac Pipe PS II underground beneath the building which is a violation of the 2006 International Fuel Gas Code Section 404.11. Section 404.11 reads in part: **“piping installed underground beneath buildings is prohibited except where the piping is encased in a conduit of wrought iron, plastic, or steel pipe designed to withstand the superimposed loads.”**

If the inspection had been requested prior to the covering of the piping, the correction could have been easily accomplished.

Procedural Finding:

On consideration of the request dated May 19, 2009, from Stephen J. Gedert, a hearing before the Michigan Board of Mechanical Rules was held on June 8, 2009, at the Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan in accordance with the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, Section 125.1516. Present were:

Todd James	Representing	Bill James Plumbing
Eric Winduist	Representing	DeMara
Stephen J. Gedert	Representing	Neumann/Smith
Dan Englehart	Representing	Peter Basso
Joseh Sedl	Representing	Peter Basso
William James	Representing	Bill James Plumbing
Tom Zimmerman	Representing	Burke Agency

Issue:

Does the installation of the Trac Pipe PS II gas piping which is installed underground, beneath a building without being encased in a conduit, comply with the requirements of the 2006 International Fuel Gas Code section 404.11.

Findings:

Petitioner contends that since the product was in the process of a statewide product approval that they had no way of knowing that it would not be approved. They further indicated that the timing of the permit process did not allow for the contractor to get their permit and inspections before the piping was covered. In process of approval does not mean approved and the petitioner should not have assumed that the product would eventually be approved. Timing of permitting process has no bearing on this issue

Mr. Gedert, petitioner, indicated that the product installation instructions indicate that the product can be installed underground beneath a building. He further stated that he no longer will specify the product in projects going forward. Page number 46 section 4.9 of the Trac Pipe PS II manufacturer's installation instructions explicitly state: "**When piping is installed underground beneath buildings, codes require that the piping shall be encased in a conduit sealed inside of the building and vented above grade to the outside. The conduit shall be designed to withstand the superimposed loads.**"

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The respondent noted that Section 404.11 of the 2006 International Fuel Gas Code explicitly states that gas piping installed underground beneath buildings shall be encased in a conduit.

Conclusion:

Trac Pipe PS II shall be installed in accordance with Section 404.11 of the 2006 International Fuel Gas Code which explicitly states: **“Piping installed underground beneath buildings is prohibited except where the piping is encased in a conduit of wrought iron, plastic pipe, or steel pipe designed to withstand the superimposed loads.”**

Decision:

The installation of the Trac Pipe PS II is in violation of the 2006 International Fuel Gas Code Section 404.11 and cannot be approved as it is installed. The Mechanical Division made no error in the interpretation and application of the International Fuel Gas Code and a compelling argument of practical difficulty or alternative compliance was not made

THEREFORE, it is ordered that the request for relief from the requirements of 404.11 be denied. A person aggrieved by this decision may petition the Construction Code Commission to review this decision in accordance with the Stille-DeRossett-Hale Single State construction Code Act, 1972 PA 230, Section 125.1516 (2).

Tennison Barry FOR
MICHIGAN CONSTRUCTION CODE COMMISSION
Robert Jagenberg, Chairperson
Board of Mechanical Rules

ROBERT JAGENBERG
Date
6-15-09