

CHAPTER 38. BUILDING ENERGY CONSERVATION STANDARDS

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Authority

The provisions of this Chapter 38 issued under section 401 of the Building Energy Conservation Act (35 P. S. § 7201.401), unless otherwise noted.

Source

The provisions of this Chapter 38 adopted July 2, 1982, effective July 3, 1982, 12 Pa.B. 2049, unless otherwise noted.

§ 38.1. Authority.

This chapter has been adopted by the Department under section 401 of the Building Energy Conservation Act (35 P. S. § 7201.401).

§ 38.2. Scope.

(a) This chapter applies to new buildings and to renovations of existing buildings on which actual construction or design has not commenced prior to July 1, 1982 and that provide facilities or shelter for public assembly or for educational, business, mercantile, institutional, warehouse or residential occupancy or industrial use, including, but not limited to, those portions of factory and industrial occupancy such as office space, except for the following:

- (1) Buildings and structures or portions thereof whose peak design rate of energy usage is less than one watt per square foot or 3.4 BTU/hour per square foot of floor area for all purposes.
- (2) Structures or those portions of structures used for housing equipment or machinery, or in which manufacturing or processing is done where the operation of the equipment or machinery or the manufacturing or processing procedures employed require use of or generate substantial heat producing energy or cooling within the structure. As used in this paragraph, the generation of substantial heat shall mean generation of more than 6 watts per square foot of floor area.
- (3) Buildings which are neither heated nor cooled.
- (4) Historic buildings.
- (5) Buildings owned by the Federal Government.
- (6) All units subject to the Industrialized Housing Act (35 P. S. §§ 1651.1—1651.12).
- (7) All units subject to 42 U.S.C.A. §§ 5401—5426.
- (8) Buildings which are constructed primarily of tree logs and incidentally of other materials.

(9) Buildings governed by subsection (b).

(b) All buildings arranged for the use of one- or two-family dwelling units, including not more than five lodgers or boarders per family, and all rowhouses, townhouses, and garden apartment construction not exceeding three stories in height used for residential purposes whenever each unit has its own individual and self-supporting heating, ventilating, and air-conditioning systems, shall not be subject to the provisions of this chapter but shall be governed by the Building Energy Conservation Code to be promulgated by the Department of Community Affairs.

§ 38.3. Applicability.

All buildings to which this chapter applies shall be governed by and shall comply with ANSI/ASHRAE/IES 90A-1980 and ASHRAE/IES 90B-1975 standards to the extent those standards are not inconsistent with the provisions of the Building Energy Conservation Act (35 P. S. §§ 7201.101—7201.505). ANSI/ASHRAE/IES 90A-1980 and ASHRAE/IES 90B-1975 standards are cosponsored by The American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. and the Illuminating Engineering Society of North America and may be purchased from the ASHRAE Circulation Sales Department; 345 East 47th Street; New York, New York 10017; and copies shall be available for public inspection during regular business hours in Room 1514, Labor and Industry Building, Harrisburg, Pennsylvania, and at each of the District Offices of the Bureau of Occupational and Industrial Safety.

§ 38.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Construction—The erection, fabrication or renovation of a building.

Design—Calculations and resultant drawing and specifications which are used for the construction of a building.

Historic building—Any building determined by the State Historic Preservation Officer to meet the criteria for listing on the National Register of Historic Places but only to the extent that compliance with this chapter would prevent preservation of the historic or architectural integrity of the building.

Renovation—Includes the following:

(i) The rehabilitation of an existing building which requires more than 25% of the gross floor area or volume of the entire building to be rebuilt; cosmetic work, such as painting, wall covering, wall paneling, floor covering, and suspended ceiling work, shall not be included.

(ii) Any addition to an existing building. This chapter only applies to the portion of the building being renovated and not to the entire building.

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