

CHAPTER 1323
DEPARTMENT OF LABOR AND INDUSTRY
COMMERCIAL ENERGY CODE

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1323.0001 TITLE.

This chapter is known as the Minnesota Commercial Energy Code.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13*

History: *33 SR 1473*

Published Electronically: *June 17, 2009*

1323.0005 ADMINISTRATION AND PURPOSE.

Subpart 1. **Administration.** This code shall be administered in accordance with chapter 1300.

Subp. 2. **Purpose.** The purpose of this chapter is to establish a minimum code of standards for the construction, reconstruction, alteration, and repair of buildings governing matters including design and construction standards regarding heat loss control, illumination, and climate control pursuant to Minnesota Statutes, sections 326B.101, 326B.106, and 326B.13.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13*

History: *33 SR 1473*

Published Electronically: *June 17, 2009*

1323.0010 INCORPORATION BY REFERENCE OF ASHRAE STANDARD 90.1.

Subpart 1. **General.** Sections 1 to 12, Normative Appendix A, Normative Appendix C, and Normative Appendix G of the 2019 edition of ANSI/ASHRAE/IES Standard 90.1 Energy Standard for Buildings Except Low-Rise Residential Buildings (ASHRAE 90.1) and Addendums a, c, d, g, h, k, l, q, r, w, af, cr, da, and db, as promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, 1791 Tullie Circle NE, Atlanta, GA 30329, are incorporated by reference and made part of the Minnesota State Building Code except as qualified by the applicable provisions in Minnesota Rules, chapter 1300, and as amended in this rule chapter. Portions of this publication reproduce excerpts from ASHRAE 90.1, American Society of Heating, Refrigerating and Air-Conditioning Engineers, Atlanta, GA, copyright 2019, reproduced with permission, all rights reserved. ASHRAE 90.1 is not subject to frequent change, and a copy of ASHRAE 90.1, with amendments for use in Minnesota, is available in the office of the commissioner of labor and industry.

Subp. 2. **Mandatory sections.** ASHRAE 90.1 sections 1 to 12, Normative Appendix A, Normative Appendix C, and Normative Appendix G shall be administered by any municipality that has adopted the code, except as qualified by the applicable provisions in Minnesota Rules, chapter 1300, and as amended by this rule chapter. The following addenda to ASHRAE 90.1 are incorporated by reference, as amended in this rules chapter: Addendum a, Addendum c, Addendum d, Addendum g, Addendum h, Addendum k, Addendum l, Addendum q, Addendum r, Addendum w, Addendum af, Addendum cr, Addendum da, and Addendum db.

Subp. 3. [Repealed, 47 SR 983]

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13*

History: *33 SR 1473; 39 SR 1616; 44 SR 763; 47 SR 983*

Published Electronically: *December 7, 2023*

1323.0020 REFERENCES TO OTHER CODES.

Subpart 1. **General.** References to the building code or applicable code in this code mean the Minnesota State Building Code as described in Minnesota Rules, part 1300.0050.

Subp. 2. [Repealed, 47 SR 983]

Subp. 3. [Repealed, 47 SR 983]

Subp. 4. [Repealed, 47 SR 983]

Subp. 5. [Repealed, 47 SR 983]

Subp. 6. [Repealed, 47 SR 983]

Subp. 7. [Repealed, 47 SR 983]

Subp. 8. [Repealed, 47 SR 983]

Subp. 9. [Repealed, 47 SR 983]

Subp. 10. [Repealed, 47 SR 983]

Subp. 11. [Repealed, 47 SR 983]

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *39 SR 1616; 40 SR 71; 44 SR 763; 47 SR 983*

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1323.0030 ADMINISTRATIVE PROCEDURE CRITERIA.

Procedures relating to the administration and enforcement of this code under Minnesota Statutes, section 326B.101, are contained in Minnesota Rules, chapter 1300, Minnesota Administration Code, which govern the application of this code.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *39 SR 1616*

Published Electronically: *June 8, 2015*

1323.0100 Subpart 1. [Repealed, 47 SR 983]

Subp. 2. [Repealed, 47 SR 983]

Subp. 3. [Repealed, 47 SR 983]

Subp. 4. [Repealed, 47 SR 983]

Subp. 5. [Repealed, 47 SR 983]

Subp. 6. [Repealed, 47 SR 983]

Subp. 7. [Repealed, 47 SR 983]

Subp. 8. [Repealed, 47 SR 983]

Subp. 9. [Repealed, 44 SR 763]

Subp. 10. [Repealed, 47 SR 983]

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1323.0201 [Repealed, 47 SR 983]

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1323.0202 [Repealed, 47 SR 983]

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1323.0210 SECTION 2, SCOPE.

Subpart 1. **ASHRAE 90.1 section 2.1.** ASHRAE 90.1 section 2.1 is amended to read as follows:

2.1 This standard provides:

a. minimum energy-efficient requirements for the design and construction, and a plan for operation and maintenance of:

1. new buildings and their systems;
2. new portions of buildings and their systems;
3. new systems and equipment in existing buildings;
4. new equipment or building systems specifically identified in the standard that are part of industrial or manufacturing processes;
5. all historical buildings as defined in Minnesota Rules, part 1300.0070, subpart 12a;
6. alterations to existing buildings; and
7. existing buildings undergoing a change of occupancy; and

b. criteria for determining compliance with these requirements.

Subp. 2. **ASHRAE 90.1 section 2.2.** ASHRAE 90.1 section 2.2 is amended to read as follows:

The provisions of this standard do not apply to:

- a. IRC-1 Single-family dwellings, IRC-2 Two-family dwellings, IRC-3 Townhomes, IRC-4 Utility buildings, residential multi-family structures of three stories or fewer above grade, manufactured houses (mobile homes), and manufactured houses (modular), or
- b. buildings that use neither electricity nor fossil fuel.

Exception to section 2.2: Historical buildings that are classified as IRC-1, IRC-2, IRC-3, or IRC-4 occupancies or are residential multi-family structures of three stories or fewer above grade shall comply with this chapter or Minnesota Rules, chapter 1322.

Subp. 3. **ASHRAE 90.1 section 2.** ASHRAE 90.1 section 2 is amended by adding two subsections to read as follows:

2.5 IRC-1 Single-family dwellings, IRC-2 Two-family dwellings, IRC-3 Townhomes, IRC-4 Utility buildings, and the portions of buildings containing occupancy groups I-1, R-1, R-2, R-3,

and R-4 where the entire composite building structure is three or fewer stories above grade shall comply with Minnesota Rules, chapter 1322.

2.6 Where a building contains multiple occupancy groups and portions of the building are required to comply with Minnesota Rules, chapter 1322, those portions shall comply with Minnesota Rules, chapter 1322, and the remainder of the building shall comply with this rules chapter.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

Published Electronically: *December 7, 2023*

1323.0230 [Repealed, 39 SR 1616]

Published Electronically: *June 8, 2015*

1323.0303 [Repealed, 47 SR 983]

Published Electronically: *December 7, 2023*

1323.0310 SECTION 3.1, GENERAL.

Subpart 1. **ASHRAE 90.1 section 3.1 General.** ASHRAE 90.1 section 3.1 is amended to read as follows:

3.1 General. Certain terms, abbreviations, and acronyms are defined in this section for the purposes of this standard. When the tense or plurality of the term is different than the defined term, the definition still applies. Where terms are not defined through the methods authorized by this chapter, the Merriam-Webster Collegiate Dictionary, available at www.m-w.com, shall be considered as providing ordinarily accepted meanings. The dictionary is incorporated by reference, is subject to frequent change, and is available through the Minitex interlibrary loan system.

Subp. 2. **ASHRAE 90.1 section 3.1.1 Terms defined in other codes.** ASHRAE 90.1 section 3.1 is amended by adding a subsection to read as follows:

3.1.1 Terms defined in other codes. Where terms are not defined in this standard and are defined in the other chapters of the Minnesota State Building Code, such terms shall have the meanings ascribed to them as in those codes.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

Published Electronically: *December 7, 2023*

1323.0320 [Repealed, 39 SR 1616]

1323.0320 SECTION 3.2, DEFINITIONS.

A. ASHRAE 90.1 section 3.2 is amended by modifying the following definition to read as follows:

COMPUTER ROOM. "Computer room" means a room whose primary function is to house equipment for the processing and storage of electronic data and that has a design electronic data equipment power density of greater than 20 watts per square foot (20 watts per 0.092 m²) of conditioned floor area or a connected design electronic data equipment load of greater than 10 kW.

B. ASHRAE 90.1 section 3.2 is amended by adding the following definitions:

APPROVED. "Approved" means approval by the building official, pursuant to the Minnesota State Building Code, by reason of:

1. inspection, investigation, or testing;
2. accepted principles;
3. computer simulations;
4. research reports; or
5. testing performed by either a licensed engineer or by a locally or nationally recognized testing laboratory.

COMMERCIAL PARKING FACILITY. "Commercial parking facility" means a building or structure intended for containment of motor vehicles where the parking is related to or associated with commerce, defined as the activity of buying and selling goods and services, which may include the parking itself.

STANDARD. "This standard" means the Minnesota Commercial Energy Code, Minnesota Rules, chapter 1323.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

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1323.0401 [Repealed, 47 SR 983]

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1323.0402 Subpart 1. [Repealed, 47 SR 983]

Subp. 2. [Repealed, 44 SR 763]

Subp. 3. [Repealed, 44 SR 763]

Subp. 4. [Repealed, 44 SR 763]

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1323.0403 Subpart 1. [Repealed, 47 SR 983]

Subp. 2. [Repealed, 47 SR 983]

Subp. 2a. [Repealed, 47 SR 983]

Subp. 3. [Repealed, 47 SR 983]

Subp. 4. [Repealed, 47 SR 983]

Subp. 5. [Repealed, 47 SR 983]

Subp. 6. [Repealed, 47 SR 983]

Subp. 7. [Repealed, 47 SR 983]

Subp. 8. [Repealed, 47 SR 983]

Subp. 9. [Repealed, 47 SR 983]

Subp. 10. [Repealed, 47 SR 983]

Subp. 11. [Repealed, 44 SR 763]

Subp. 11a. [Repealed, 47 SR 983]

Subp. 12. [Repealed, 44 SR 763]

Subp. 12a. [Repealed, 47 SR 983]

Subp. 13. [Repealed, 47 SR 983]

Subp. 14. [Repealed, 47 SR 983]

Subp. 15. [Repealed, 47 SR 983]

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1323.0404 [Repealed, 47 SR 983]

Published Electronically: *December 7, 2023*

1323.0405 [Repealed, 44 SR 763]

Published Electronically: *April 1, 2020*

1323.0408 Subpart 1. [Repealed, 47 SR 983]

Subp. 2. [Repealed, 44 SR 763]

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1323.0411 SECTION 4.1.1, SCOPE.

ASHRAE 90.1 section 4.1.1.6 Mixed occupancy. ASHRAE 90.1 section 4.1.1 is amended by adding a new subsection to read as follows:

4.1.1.6 Mixed occupancy. Each occupancy in a building more than three stories above grade will be considered separately and meet the applicable provisions of this standard. Where a building is three stories or less in height and includes both I-1, R-1, R-2, R-3, or R-4 occupancies and other occupancies, the I-1, R-1, R-2, R-3, or R-4 occupancies shall comply with Minnesota Rules, chapter 1322, and the other occupancies shall meet the applicable provisions of this standard. For the purposes of this section, fire walls and horizontal assemblies shall not define separate buildings.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

Published Electronically: *December 7, 2023*

1323.0420 SECTION 4.2, COMPLIANCE.

Subpart 1. **ASHRAE 90.1 section 4.2.1.3 Alterations of existing buildings.** ASHRAE 90.1 section 4.2.1.3 is amended to read as follows:

4.2.1.3 Alterations of existing buildings. Alterations of an existing building, building system, or portion thereof shall conform to this standard as related to new construction without requiring the unaltered portion(s) of the existing building or building system to comply with this standard. Alterations shall not create an unsafe or hazardous condition or overload existing building systems. Alterations of existing buildings shall comply with the provisions of Sections 4.2.2 through 4.2.5 and one of the following:

- a. Section 5, "Building Envelope"; Section 6, "Heating, Ventilating, and Air Conditioning"; Section 7, "Service Water Heating"; Section 8, "Power"; Section 9, "Lighting"; and Section 10, "Other Equipment";
- b. Section 11, "Energy Cost Budget Method"; or
- c. Normative Appendix G, "Performance Rating Method" in accordance with Section 4.2.1.1.

Exception to Section 4.2.1.3: A historical building shall comply with this standard to the greatest extent possible without requiring alteration of elements or features determined to be historic by the historic authority having jurisdiction. Exempted components, elements, or systems shall be specifically identified on the construction documents by the designer as historic and exempt.

Subp. 2. **ASHRAE 90.1 section 4.2.1.4 Change of occupancy or use.** ASHRAE 90.1 section 4.2.1.4 is added to read as follows:

4.2.1.4 Change of occupancy or use. All spaces undergoing a change in occupancy shall comply with lighting requirements of section 9 as for new construction. Spaces undergoing a change in occupancy that result in an increase in demand for either fossil fuel or electrical energy shall comply with this standard.

Exceptions to Section 4.2.1.4:

1. A historical building shall comply with this standard to the greatest extent possible without requiring alteration of elements or features determined to be historic by the historic authority having jurisdiction. Exempted components, elements, or systems shall be specifically identified by the designer as historic and exempt.
2. Change of occupancy requirements associated with a tenant space within a multi-tenant building shall not be required to modify equipment common to multiple tenants or building envelope located beyond the tenant space.

Subp. 3. **ASHRAE 90.1 section 4.2.5.1.1 Information on building permit application.** ASHRAE 90.1 section 4.2.5.1.1 is amended to read as follows:

4.2.5.1.1 Information on construction documents. The following information shall be included on the construction documents as part of the building permit application:

- a. for systems that are required to comply with Section 4.2.5.1, the construction documents shall identify verification and testing providers;
- b. verification and testing providers shall review the construction documents to verify that the relevant sensor locations, devices, and control sequences are properly specified; performance and testing criteria are included; and equipment to be tested is accessible for testing and maintenance;
- c. functional performance testing and verification processes and system performance requirements shall be incorporated into the construction documents;
- d. energy code compliance path (Prescriptive, Energy Cost Budget Method, Normative Appendix G);
- e. insulation materials and their R-values;
- f. fenestration U-factors and SHGCs;
- g. area-weighted U-factor and SHGC calculations;
- h. mechanical system design criteria;
- i. mechanical and service water heating system and equipment types, sizes, and efficiencies;
- j. economizer description; equipment and systems controls;
- k. fan motor brake horsepower for fan motors one horsepower (hp) or larger;
- l. fan motor horsepower and controls;
- m. duct sealing, duct sizing, duct and pipe insulation and location, terminal air or water design flow rates;
- n. electrical distribution diagram(s);
- o. lighting fixture schedule with wattage and control narrative;
- p. locations of daylight zones on plans and provisions for functional testing of lighting controls;
- q. air sealing details clearly delineating the air barrier location and showing continuity between roof, wall, foundation, around frames and sleeves, and at other similar openings; and
- r. additional details as required by the building official to determine whether the work proposed will conform to this standard.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

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1323.0512 SECTION 5.1.2, SPACE CONDITIONING CATEGORIES.

ASHRAE 90.1 section 5.1.2.3. The exception to ASHRAE 90.1 section 5.1.2.3 is amended to read as follows:

Exception to 5.1.2.3: A space may be designated as either a semiheated space or an unconditioned space if approved by the building official. Unconditioned and semiheated spaces shall not be approved if there are automatic fire sprinkler systems unless those systems are designed to operate in below freezing temperatures. Signs indicating the maximum Btu heating input for semiheated spaces that is permissible by this standard shall be posted near the main entry location of the semiheated space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or the owner's authorizing agent.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

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1323.0513 [Repealed, 39 SR 1616]

1323.0513 SECTION 5.1.3, ENVELOPE ALTERATIONS.

Subpart 1. **ASHRAE 90.1 section 5.1.3.** ASHRAE 90.1 section 5.1.3 is amended by modifying exception 3 to read as follows:

3. Alterations to roof, wall, or floor cavities that are insulated to full depth with insulation having a minimum nominal value of R-3.0/inch and having either integral vapor retarder qualities or a membrane vapor retarder. The membrane vapor retarder shall prevent moisture from accumulating in the cavities and allow drying to the interior and shall be installed to separate the insulation from the conditioned space in accordance with the Minnesota Building Code.

Subp. 2. **ASHRAE 90.1 section 5.1.3.** ASHRAE 90.1 section 5.1.3 is amended by modifying exception 8 to read as follows:

8. Historical buildings undergoing renovations or a change of occupancy shall not be required to comply with this rules chapter for those portions or elements of the building determined by the historical authority having jurisdiction as contributing to the historic significance of the building and upon approval of the building official. Portions or components that can be modified to comply with this rules chapter without impacting the historic significance of the building shall be modified to comply to the greatest extent possible.

Subp. 3. **ASHRAE 90.1 section 5.1.3.** ASHRAE 90.1 section 5.1.3 is amended by adding exception 9 to read as follows:

9. Where insulation is provided above the roof deck, and the required R-value for a roof replacement cannot be provided because of existing structural capacity limitations or because of the thickness limitations that occur with the existing rooftop conditions, including heating, ventilation and air conditioning equipment curbs, low door or glazing heights, parapet heights, or proper roof flashing heights, the maximum insulation compatible with the available space and existing rooftop conditions shall be installed, as approved by the building official. New insulation shall have the highest R-value per inch available, and in no case shall the R-value of the roof insulation be reduced or the U-factor of the roof assembly be increased as part of the roof replacement.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

Published Electronically: *December 7, 2023*

1323.0514 CLIMATE.

ASHRAE 90.1 section 5.1.4 Climate. ASHRAE 90.1 section 5.1.4 is amended to read as follows:

5.1.4 Climate. The following counties are located in climate zone 7: Aitkin, Beltrami, Carlton, Cass, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomon, Marshall, Norman, Pennington, Pine, Polk, Red Lake, Roseau, St. Louis, and Wadena. All other counties are located in climate zone 6A.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

Published Electronically: *December 7, 2023*

1323.0543 [Repealed, 39 SR 1616]

1323.0543 SECTION 5.4.3, AIR LEAKAGE.

Subpart 1. **ASHRAE 90.1 section 5.4.3.1 Continuous air barrier.** ASHRAE 90.1 section 5.4.3.1 is amended by deleting exception 1.

Subp. 2. **ASHRAE 90.1 section 5.4.3.1.1 Whole-building air leakage.** ASHRAE 90.1 section 5.4.3.1.1 is amended by adding exception 4 to read as follows:

4. For buildings or portions of buildings enclosing Group R or Group I occupancies, the measured air leakage shall not exceed 0.30 cfm/ft² (1.5 L/s m²) of the testing unit enclosure area at a pressure differential of 0.2 inch water gauge (50 Pa). Where multiple dwelling units or sleeping units or other occupiable conditioned spaces are contained within one building thermal envelope, each unit shall be considered an individual testing unit, and the building air leakage shall be the weighted average of all testing unit results, weighted by each testing unit's enclosure area. Units shall be tested separately with an unguarded blower door test as follows:

- a. Where buildings have fewer than eight testing units, each testing unit shall be tested.

b. For buildings with eight or more testing units, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional two units shall be tested, including a mixture of testing unit types and locations.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

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1323.0550 [Repealed, 39 SR 1616]

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1323.0553 SECTION 5.5.3, OPAQUE AREAS.

Subpart 1. **ASHRAE 90.1 section 5.5.3.1 Roof insulation.** ASHRAE 90.1 section 5.5.3.1 is amended to read as follows:

5.5.3.1 Roof insulation. All roofs shall comply with the insulation values specified in Tables 5.5-0 through 5.5-8. Skylight curbs, mechanical curbs, and other roof curbs shall be insulated to the level of roofs with insulation entirely above deck or R-10, whichever is less.

Exception: Historical buildings with roof slopes two units vertical in 12 units horizontal (2:12) or less.

(Subsection 5.5.3.1.1 remains unchanged.)

Subp. 2. **ASHRAE 90.1 section 5.5.3.3 Below-grade wall insulation.** ASHRAE 90.1 section 5.5.3.3 is amended to read as follows:

5.5.3.3 Below-grade wall insulation. Below-grade walls shall have a rated R-value of insulation no less than the insulation values specified in Tables 5.5-0 through 5.5-8. Walls shall be insulated on the exterior side of the wall or integral to the wall.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

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1323.0562 [Repealed, 39 SR 1616]

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1323.0581 [Repealed, 39 SR 1616]

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1323.0611 SECTION 6.1.1, SCOPING FOR HEATING, VENTILATING, AND AIR CONDITIONING.

Subpart 1. **ASHRAE 90.1 section 6.1.1.3.6 Rooftop HVACR.** ASHRAE 90.1 section 6.1.1.3 is amended by adding a new subsection to read as follows:

6.1.1.3.6 Rooftop HVACR. Unless technically infeasible, new and replacement rooftop equipment shall be provided with new insulated curbs in accordance with Section 5.5.3.1. The replacement curbs shall be of sufficient height to permit the installation of insulation that complies with Tables 5.5-6 and 5.5-7 when roof replacement occurs.

Subp. 2. **ASHRAE 90.1 section 6.1.1.4 Heating of commercial parking facilities prohibited.** ASHRAE 90.1 section 6.1.1 is amended by adding a new subsection to read as follows:

6.1.1.4 Heating of enclosed commercial parking facilities prohibited. Heating of enclosed commercial parking facilities is prohibited in accordance with Minnesota Statutes, section 216C.20, subdivision 3.

Exceptions:

1. Parking open to the public that is accessory to private parking where the parking open to the public is less than ten percent of the total number of spaces.
2. Vehicle showrooms for vehicle sales.

Subp. 3. **ASHRAE 90.1 section 6.1.1.5 Prohibition of once-through water use permits.** ASHRAE 90.1 section 6.1.1 is amended by adding a new subsection to read as follows:

6.1.1.5 Prohibition of once-through water use permits. Once-through water use permits are restricted in accordance with Minnesota Statutes, section 103G.271, subdivision 5.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

History: *47 SR 983*

Published Electronically: *December 7, 2023*

1323.0642 [Repealed, 39 SR 1616]

1323.0642 SECTION 6.4.2, CALCULATIONS.

Subpart 1. **6.4.2.1.1 Climatic data design conditions.** ASHRAE 90.1 section 6.4.2.1 is amended by adding a subsection to read as follows:

6.4.2.1.1 Climatic data design conditions. Climatic data design conditions for the calculation of heating and cooling loads shall be determined by using either item 1 or 2:

1. the climatic data in Table 6.4.2.1 for the city where the building is located or the nearest city listed in Table 6.4.2.1; or

2. the weather data published as a part of ASHRAE Standard 169-2013 at www.ASHRAE-meteo.info. The weather data for the city where the building is located or for the nearest available city shall be used. The data shall be used as follows:

- (a) design temperatures shall be rounded to the nearest whole number;
- (b) winter design conditions shall be the mean extreme annual temperature; and
- (c) summer conditions shall be the one percent annual cooling design conditions.

Subp. 2. **Table 6.4.2.1. Climatic data design conditions.** ASHRAE 90.1 section 6.4.2.1 is amended by adding a table to read as follows:

TABLE 6.4.2.1

CLIMATIC DATA DESIGN CONDITIONS

City	Winter Design db °F	Summer db °F/coincident wb °F
Aitkin	-28	82/72
Albert Lea	-19	86/72
Alexandria	-23	85/70
Bemidji	-30	82/67
Brainerd	-27	85/69
Cloquet	-24	82/68
Crookston	-28	84/70
Duluth	-23	81/67
Ely	-34	82/67
Eveleth	-31	82/67
Faribault	-21	88/73
Fergus Falls	-26	85/70
Grand Marais	-19	73/62
Grand Rapids	-25	82/67
Hibbing	-31	82/68
International Falls	-35	82/67
Litchfield	-20	86/72

Little Falls	-26	86/70
Mankato	-16	86/72
Minneapolis/St. Paul	-17	88/72
Montevideo	-19	88/73
Mora	-24	86/70
Morris	-23	86/72
New Ulm	-19	88/73
Owatonna	-19	86/72
Pequot Lakes	-31	85/68
Pipestone	-19	86/73
Redwood Falls	-19	88/73
Rochester	-19	85/72
Roseau	-31	84/72
St. Cloud	-24	86/71
Silver Bay	-28	82/66
Thief River Falls	-27	82/68
Tofte	-14	75/61
Virginia	-31	82/67
Warroad	-32	82/70
Wheaton	-23	86/72
Willmar	-22	86/72
Winona	-18	88/73
Worthington	-16	86/71

Db = dry bulb temperature, degrees Fahrenheit

Wb = wet bulb temperature, degrees Fahrenheit

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

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1323.0643 [Repealed, 39 SR 1616]

1323.0643 SECTION 6.4.3, CONTROLS AND DIAGNOSTICS.

Subpart 1. **ASHRAE 90.1 section 6.4.3.4.2 Ventilation system control.** ASHRAE 90.1 section 6.4.3.4.2 is amended by modifying the exception 1 to read as follows:

1. [Reserved].

Subp. 2. **ASHRAE 90.1 section 6.4.3.4.2 Ventilation system control.** ASHRAE 90.1 section 6.4.3.4.2 is amended by modifying the exception 2 to read as follows:

2. Nonmotorized dampers are acceptable in systems with a design outdoor air intake, relief, or exhaust capacity of 300 cfm or less. Nonmotorized dampers for outdoor air intakes must be protected from direct exposure to wind.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

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1323.0644 [Repealed, 39 SR 1616]

1323.0644 SECTION 6.4.4, HVAC SYSTEM CONSTRUCTION AND INSULATION.

ASHRAE 90.1 section 6.4.4.1.2. ASHRAE 90.1 section 6.4.4.1.2 is amended by deleting item 2 from the list of exceptions.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

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1323.0652 [Repealed, 39 SR 1616]

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1323.0653 [Repealed, 39 SR 1616]

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1323.0656 ENERGY RECOVERY.

Subpart 1. **ASHRAE 90.1 section 6.5.6.1.1 Nontransient dwelling units.** ASHRAE 90.1 section 6.5.6.1.1 is amended by modifying exception 2 to read as follows:

2. Nontransient dwelling units with no more than 750 ft² of conditioned floor area.

Subp. 2. **ASHRAE 90.1 section 6.5.6.1.2 Spaces other than nontransient dwelling units.** ASHRAE 90.1 section 6.5.6.1.2 is amended to read as follows:

6.5.6.1.2 Spaces Other than Nontransient Dwelling Units. Each fan system serving spaces other than nontransient dwelling units shall have an energy recovery system where the design supply fan airflow rate exceeds the value listed in Table 6.5.6.1.2, based on the climate zone and percentage of outdoor air at design airflow conditions.

Exceptions:

1. Laboratory systems meeting Section 6.5.7.3.
2. Systems serving spaces that are not cooled and that are heated to less than 60°F.
3. Heating energy recovery where more than 60 percent of the outdoor air heating energy is provided from site-recovered energy or site-solar energy in Climate Zones 5 through 8.
4. Enthalpy recovery ratio requirements at cooling design condition in Climate Zones 3C, 4C, 5B, 5C, 6B, 7, and 8.
5. Where the sum of the airflow rates exhausted and relieved within 20 feet of each other is less than 75 percent of the design outdoor airflow rate, excluding exhaust air that is:
 - a. used for another energy recovery system;
 - b. not allowed by ASHRAE/ASHE Standard 170 for use in energy recovery systems with leakage potential; or
 - c. of Class 4 as defined in ASHRAE Standard 62.1.
6. Systems expected to operate less than 20 hours per week at the outdoor air percentage covered by Table 6.5.6.1.2.
7. Indoor pool dehumidifiers meeting Section 6.5.6.4.

6.5.6.1.2.1 Minimum Enthalpy Recovery Ratio. Energy recovery systems required by this section shall result in an enthalpy recovery ratio of at least 50 percent. A 50 percent enthalpy recovery ratio shall mean a change in the enthalpy of the outdoor air supply equal to 50 percent of the difference between the outdoor air and entering exhaust air enthalpies at design conditions. The energy recovery system shall provide the required enthalpy recovery ratio at both heating and cooling design conditions unless one mode is not required for the climate zone by Exception 6.5.6.1.2.2.

6.5.6.1.2.2 Provision for Air Economizer or Bypass Operation. Provision shall be made for both outdoor air and exhaust air to bypass or control the energy recovery system to enable economizer operation as required by Section 6.5.1.1. The bypass or control shall meet the following criteria:

a. For energy recovery systems where the transfer of energy cannot be stopped, bypass provision shall prevent the total airflow rate of either outdoor air or exhaust air through the energy recovery exchanger from exceeding 10 percent of the full design airflow rate.

b. The pressure drop of the outdoor air through the energy recovery exchanger shall not exceed 0.4 inch of water. The pressure drop of the exhaust air through the energy recovery exchanger shall not exceed 0.4 inch of water.

Exception to 6.5.6.1.2.2: Energy recovery systems with 80 percent or more outdoor air at full design airflow rate and not exceeding 10,000 cfm.

Subp. 3. **Table 6.5.6.1.2.** ASHRAE 90.1 Table 6.5.6.1.2-1 and Table 6.5.6.1.2-2 are deleted and replaced with the following:

Table 6.5.6.1.2

Exhaust Air Energy Recovery Requirements for Ventilation Systems

Percent (%) Outdoor Air At Full Design Airflow Rate

Climate Zone	≥10% and <20%	≥20% and <30%	≥30% and <40%	≥40% and <50%	≥50% and <60%	≥60% and <70%	≥70% and <80%	≥80%
	Design Supply Fan Airflow Rate (cfm)							
6A	NR	≥16,000	≥5,500	≥4,500	≥3,500	≥2,000	≥1,000	≥120
7	NR	≥4,000	≥2,500	≥1,000	≥140	≥120	≥100	≥80

NR= Not required.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

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1323.0680 SECTION 6.8, MINIMUM EQUIPMENT EFFICIENCY TABLES.

Subpart 1. **Table 6.8.2 Minimum duct insulation R-Value.** ASHRAE 90.1 Table 6.8.2 is deleted and replaced with the following:

TABLE 6.8.2

Minimum Required Duct and Plenum Insulation

Ducts for Other Than Dwelling Units^{a,b}	Supply Duct Requirements^{c,d}	Return Duct Requirements^{c,d}	Exhaust Duct and Relief Duct Requirements^{c,d,e,g}
Exterior of building	R-12, V and W	R-12, V and W	R-12, V and W
Attics, garages, and ventilated crawl spaces	R-12 and V	R-12 and V	R-6 and V
TD greater than 40°F	R-5 and V	None	R-5 and V
TD greater than 15°F and less than or equal to 40°F	R-3.3 and V	None	R-3.3 and V
Within concrete slab or within ground	R-3.5 and V	R-3.5 and V	None
Within conditioned spaces	None ^f	None	None
TD less than or equal to 15°F	None	None	None
Ducts for Dwelling Units^a		Requirements^{c,d}	
Exterior of building		R-12, V and W	
Attics, garages, and ventilated crawl spaces (except exhaust ducts)		R-12 and V	
Exhaust ducts in attics, garages, and ventilated crawl spaces		R-3.3 and V	
Outdoor air intakes within conditioned spaces		R-3.3 and V	
Exhaust ducts within conditioned spaces ^e		R-3.3 and V	
Within concrete slab or within ground		R-3.5 and V	
Within conditioned spaces		None	

$$^{\circ}\text{C} = [(^{\circ}\text{F}) - 32]/1.8$$

a. Ducts located within the building thermal envelope shall be located completely on the conditioned side of the air barrier.

b. TD = Design temperature difference between the air in the duct and the ambient temperature outside of the duct, unless the duct type and location are specifically identified above.

c. V = Vapor retarder required in accordance with Minnesota Rules, chapter 1346. When a vapor retarder is required, duct insulation required by this section shall be installed without respect to other building envelope insulation.

d. W = Approved weatherproof barrier.

e. Insulation is only required in the conditioned space for a distance of three feet (914 mm) from the exterior or unconditioned space.

f. If the temperature rise is greater than 3°F from the supply air connection of the air handling unit to the furthest outlet, duct insulation shall be required for the entire length or for sufficient length to limit the temperature rise to 3°F.

g. Insulation is not required on the exterior if low leak dampers are installed at roof or wall line or the exhaust is designed to be operated continuously.

Subp. 2. **ASHRAE 90.1 Table 6.8.3-1 Minimum piping insulation thickness heating and hot-water systems.** ASHRAE 90.1 Table 6.8.3-1 is amended to add footnote "f" to read as follows:

f. Insulation requirements do not apply to those sections of piping used as the radiant heat source for radiant heating systems.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

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1323.0711 SECTION 7.1.1, SERVICE WATER-HEATING SCOPE.

ASHRAE 90.1 section 7.1.1.3 Alterations to existing buildings. ASHRAE 90.1 section 7.1.1.3 is amended to read as follows:

7.1.1.3 Alterations to existing buildings. Building service water-heating equipment installed as a direct replacement for existing building service water-heating equipment shall comply with the requirements of Section 7 applicable to the equipment being replaced. New piping, replacement piping, and existing piping that is not undergoing replacement that is accessible within the work area shall comply with Section 7.4.3. Where alterations include replacement of storage water heaters, then vertical pipe risers shall comply with Section 7.4.6.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

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1323.0753 SECTION 7.5.3, BUILDINGS WITH HIGH-CAPACITY SERVICE WATER HEATING SYSTEMS.

ASHRAE 90.1 section 7.5.3. ASHRAE 90.1 section 7.5.3 is amended by modifying exception 1 to read as follows:

1. Where at least 50 percent of the annual service water-heating requirement is provided by site-solar energy or site-recovered energy. The site-solar energy or site-recovered energy used for compliance with this exception cannot be used for compliance with any other section of this standard.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

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1323.0842 SECTION 8.4.2, AUTOMATIC RECEPTACLE CONTROL.

ASHRAE 90.1 section 8.4.2 Automatic receptacle control. ASHRAE 90.1 section 8.4.2 is deleted in its entirety.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

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1323.0911 [Repealed, 39 SR 1616]

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1323.0940 SECTION 9.4, MANDATORY LIGHTING PROVISIONS.

ASHRAE 90.1 section 9.4 Mandatory provisions. ASHRAE 90.1 section 9.4 is amended by adding a section to read as follows:

9.4.4 Parking lot lighting. Parking lot lighting is regulated by the Minnesota Department of Transportation in Minnesota Rules, chapter 8885.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106*

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