

FILED

2002 MAR 29 P 3:49

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

Com. Sub. for Com. Sub. for

SENATE BILL NO. 32

(By Senator HUNTER, ET AL)

PASSED March 9, 2002

In Effect NINETY Days From Passage

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Senate Bill No. 32

(SENATORS HUNTER, ROWE, REDD, BURNETTE
AND CALDWELL, *original sponsors*)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article nine-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to air quality in schools; requiring the school building authority to promulgate rules to establish a process for independent testing, adjusting and balancing heating, ventilation and air conditioning systems; requiring training for the maintenance and operation of the heating, ventilation and air conditioning systems; requiring report of completed training and plan for continued education; and requiring report of certain indoor air quality problems.

Be it enacted by the Legislature of West Virginia:

That section three, article nine-e, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 9E. AIR QUALITY IN NEW SCHOOLS ACT.

§18-9E-3. Air quality in new schools.

1 (a) In an effort to create well-ventilated school environ-
2 ments and notwithstanding any other provision of this
3 code to the contrary, any new school building designed
4 and constructed in the state by a county board, regardless
5 of the funding source, shall be designed and constructed in
6 compliance with the current standards of the American
7 society of heating, refrigerating and air conditioning
8 engineers handbook (ASHRAE), the national fire protec-
9 tion association code (NFPA) and the code of the building
10 officials and code administrators (BOCA).

11 (b) Upon notice from the school building authority that
12 a new public school building is occupied, the division of
13 health shall perform radon testing in the school within the
14 first year after occupancy and at least every five years
15 thereafter. The county board shall provide any reasonable
16 assistance to the division of health that is necessary to
17 perform the radon testing. The radon testing shall include
18 all major student-occupied areas at or below grade level.
19 If it is determined that radon is present in amounts greater
20 than the amount determined to be acceptable by the rules
21 promulgated by the school building authority, pursuant to
22 subsection (d) of this section, any industry accepted
23 mitigation technique shall be used to reduce the radon
24 level to the level or below the level determined acceptable
25 by the school building authority.

26 (c) If the school building authority determines that it is
27 feasible to test for radon prior to the construction of a
28 school building, the school building authority may cause
29 preconstruction site testing for radon to be performed.

30 (d) The school building authority shall promulgate rules
31 pursuant to article three-a, chapter twenty-nine-a of this
32 code to ensure that any new school building designed after
33 the effective date of this article is designed and con-
34 structed in accordance with the current ASHRAE, NFPA
35 and BOCA standards. The school building authority shall
36 promulgate rules, pursuant to article three-a, chapter
37 twenty-nine-a of this code, that establish standards for
38 safe levels of radon for public school buildings. The rules
39 shall include the requirement that county boards submit
40 all new school designs to the school building authority for
41 review and approval for compliance with current educa-
42 tion standards and design efficiencies prior to preparation
43 of final bid documents.

44 (e) On or before the first day of July, two thousand two,
45 the school building authority shall promulgate rules to
46 establish a process for independent testing, adjusting and
47 balancing (TABS) heating, ventilation and air condition-
48 ing (HVAC) systems in new school buildings or renovated
49 schools when the HVAC system has been replaced prior
50 to occupancy. The process shall be consistent with
51 current ASHRAE standards and shall include, but not be
52 limited to, the following:

53 (1) Requiring HVAC designers to be professional
54 engineers registered in this state in the specific discipline
55 associated with the system being designed;

56 (2) Requiring a process to ensure that the HVAC system
57 has been installed in the prescribed manner and will
58 operate within the performance guidelines as designed;

59 (3) Requiring participation of the design engineer who
60 designed the system to verify the intent of the design;

61 (4) Requiring the TAB agent to be qualified to perform
62 the desired services and perform testing and balancing
63 procedures, or qualified to perform other school building
64 authority-approved certification according to the

65 procedures contained in the associated air balance
66 council (AABC) national standards, the national environ-
67 mental balancing bureau (NEBB) procedural standards
68 and the environment engineering consultants (EEC)
69 standards for testing, adjusting and balancing of envi-
70 ronmental systems;

71 (5) Requiring that the independent TAB agent directly
72 represent the building owner and is under contract with
73 the building owner and paid from project funds;

74 (6) Requiring that sufficient documentation is provided
75 to the owner to facilitate control and maintenance of the
76 systems in accordance with the manufacturer's require-
77 ments;

78 (7) Requiring that sufficient training is provided by the
79 equipment manufacturer or an agent of the manufac-
80 turer to those persons who will operate and maintain the
81 systems prior to occupation of the facility, including at
82 least one full day follow-up training between six and
83 eight months after the facility has been occupied; and

84 (8) Requiring certification upon successful completion
85 of the TAB process by the independent TAB agent.

86 (f) To ensure proper maintenance and operation of new
87 and replacement HVAC equipment, the department of
88 education, using existing staff, shall provide county
89 maintenance personnel additional training on the
90 equipment and its controls at the site of the installation.
91 The training shall occur within one year after student
92 occupation of any new school facility or at any existing
93 school facility where the HVAC system has been replaced
94 or generally rehabilitated. Additionally, the department
95 of education's facility staff shall provide on-site training
96 to the county maintenance staff on the county's HVAC
97 equipment at any facility that has been determined to
98 have problematic indoor air quality as identified through
99 the complaint procedure set forth in state board policy
100 6202.

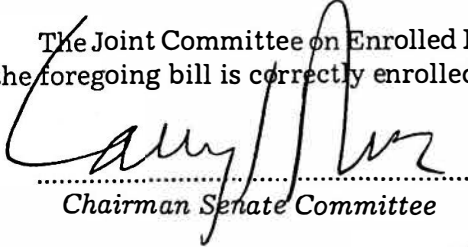
101 (g) Upon completion of the required training, the
102 department of education's facility staff shall provide the
103 county board a report summarizing the training that was
104 completed and a plan for continuing education of the
105 county's HVAC staff. If sufficient staff is not available
106 to the county to perform maintenance on HVAC systems,
107 the department of education's staff shall assist the
108 county in the development of an immediate and long
109 range maintenance plan to ensure that HVAC systems
110 are maintained and operated according to the manufac-
111 turer's recommendations.

112 (h) Beginning the first day of July, two thousand two,
113 and every three months thereafter, the department of
114 education shall forward to the school building authority
115 copies of any complaints received by the department of
116 education of indoor air quality problems which require
117 system repair or replacement and are identified through
118 the complaint procedure established in state board policy
119 6202.

120 (i) The state board shall promulgate rules, pursuant to
121 article three-b, chapter twenty-nine-a of this code, in
122 consultation with the division of health, that authorize
123 the use of any appropriate floor covering in public school
124 buildings, based on user needs and performance specifi-
125 cations.

Enr. Com. Sub. for Com. Sub. for S. B. No. 32] 6

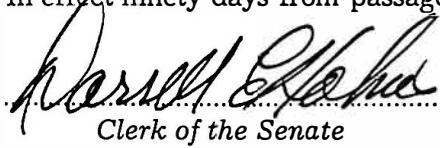
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

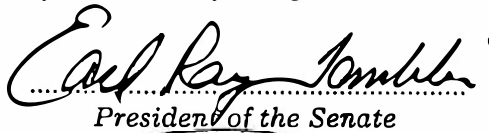

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Chairman House Committee

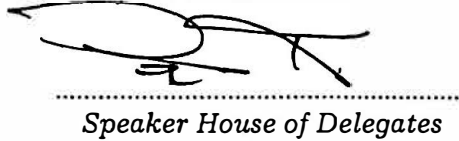
Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved..... this the 28th
Day of March....., 2002.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/02

Time 9:45 am