

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

SCHIER PRODUCTS COMPANY

Case #: DCA08-DEC-208

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Luke Ismert of Schier Products Company, which was received on July 18, 2008. Based on the statements in the petition and the material subsequently submitted, it is hereby ORDERED:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. The Petitioner manufactures grease interceptors conforming with all relevant reference standards identified by Section 1003.3.4, Florida Building Code, Plumbing Volume (2004 as amended 5/21/07).
3. The Petitioner has received an inquiry from a customer who proposes to utilize one of the Petitioner's products that has a liquid capacity of less than 750 gallons despite having as much or more grease retention capacity than an alternative product having a liquid capacity of 750 gallons for a proposed restaurant to be constructed in accordance with the Florida Building Code.

4. The Petitioner inquires whether the Florida Building Code, Plumbing Volume, permits the installation of the Petitioner's product in the subject restaurant?

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code by entering a declaratory statement.

2. Section 1003.3.4, Florida Building Code, Plumbing Volume (2004 as amended 5/21/07), requires that "[g]rease traps and grease interceptors shall conform to PDI G101, ASME A112.14.3 or ASME A112.14.4 and shall be installed in accordance with the manufacturer's instructions."

3. Section 1003.5, Florida Building Code, Plumbing Volume (2004 as amended 5/21/07), requires that the "minimum tank volume of grease interceptors shall be 750 gallons (2839 L), and the maximum volume shall be 1,250 gallons (4731 L).

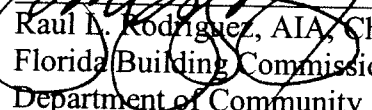
4. Section 104.11, Florida Building Code, Building Volume (2004 as amended 5/21/07), provides:

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

5. Based on the foregoing, the response to the Petitioner's question is no, the Florida Building Code, Plumbing Volume, does not permit grease interceptors with a liquid capacity of less than 750 gallons. No amendments to these requirements have been submitted or adopted since the entry of the Declaratory Statement by the Commission in case number DCA04-DEC-072. As noted in that order and as set forth above, the Florida Building Code provides discretion to the local Building Official to allow construction that he or she determines is equivalent.

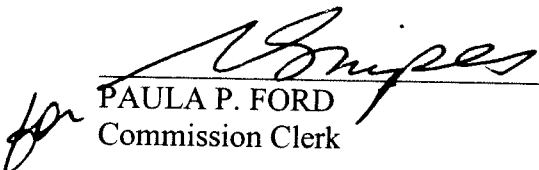
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and with the appropriate District Court of Appeal no later than thirty days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 6 of January, 2009, in Coral Gables,
Miami-Dade County, State of Florida.


Raul L. Rodriguez, AIA, Chair
Florida Building Commission
Department of Community Affairs
Sadowski Building
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to the
following by the method indicated on this 8th day of Jan, 2009.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

Luke Ismert
Scheir Products Company
2500 South 170th Street
New Berlin, Wisconsin 53151

Via Hand Delivery

Mo Madani, C.B.O. Manager
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100