

Walters, Pam (DHS)

From: timothy mills <madeleinesfusion@sbcglobal.net>
Sent: Tuesday, November 17, 2015 4:14 PM
To: Walters, Pam (DHS)
Cc: Carrie Ballinger

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Pam Walters, I have retained Carrie Ballinger RTM Consultants to take over this Variance appeal.
Tim Mills

**STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

IN RE:) **ADMINISTRATIVE CAUSE**
) **NO. DHS-1518-FPBSC-013**
Goosetown Restaurant)
)

**PETITIONER'S BRIEF TO
FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

Petitioner Timothy Mills, d/b/a Goosetown Restaurant, by way of Carrie Ballinger of RTM Consultants, respectfully submits this brief in support of the review of Notice of Non-Final Order by the Fire Prevention and Building Safety Commission with regard to Variance 15-06-50 for Goosetown Restaurant located at 956 Parret Street in Evansville, Indiana. The variance request was to not provide a Type I hood over a wood-fired pizza oven as permitted by the Manufacturer's listings and installation instructions.

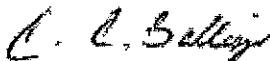
Additional facts and restatement of facts regarding the wood-fired pizza oven:

1. The oven is listed per UL 737 as well as UL 2162. Thus, it is listed as a "fireplace stove" in accordance with IMC Section 905.1 as well as a "cooking appliance" in accordance with IMC Section 917.1.
2. IMC Section 202 defines "commercial cooking appliances" as "appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system."
3. IMC Section 507.2 requires a Type I or Type II hood above all "commercial cooking appliances". The use of a direct vent system on a wood-fired pizza oven does not allow grease laden vapors or smoke to escape the oven and thus the oven is not classified as a "commercial cooking appliance" and is not required to comply with Section 507.2. This is consistent with the hood requirements in NFPA 96.
4. The listing requirements refer to NFPA 96, Chapter 14, Solid Fuel Cooking Operation. This is a nationally recognized standard that provides standards for the use of natural draft venting outside of a Type I hood.
5. Section 14.1.1 and 14.1.4 of NFPA 96 recognize that natural draft systems can be used under Chapter 14.
6. Section 14.1.5 requires a hood where the appliance allows effluent to escape from the appliance opening. The listed wood-fired pizza oven, when installed per the listing and manufacturer's installation instructions, will contain any effluent.
7. Section 14.7.2 addresses the requirement for fire-extinguishing systems for solid fuel cooking and states "where acceptable to the AHJ, solid fuel cooking appliances constructed of solid masonry or reinforced portland or refractory cement concrete and vented in accordance with NFPA 211 shall not require fixed automatic fire-extinguishing equipment."

8. Grease build-up in the oven and flue would be negligible. The operating temperature of a wood-fired pizza oven is 650-700 degrees Fahrenheit. The refractory lining of the oven is heated to above the flash point of most fats and oils before the cooking process begins, which if there were any grease build-up would burn off any grease in the oven. Flue temperatures will be high enough that grease will not condense and build up on the flue.
9. Grease laden vapors from cooking appliances under a hood, which are cooled significantly when mixed with the high quantities of exhaust air, cause the grease to condense on the walls of these systems, creating a fire hazard. Providing a Type I hood system over this pizza oven would not only NOT improve the safety, but could potentially DECREASE THE SAFETY. Wood-burning flue gases will cool more when flowing through a hood, which will increase creosote build-up. Creosote could build up where the Type I extinguishing system cannot extinguish in the exhaust duct should it ignite.
10. Using an exhaust fan to vent a fire is less reliable than a natural draft flue/vent. An exhaust fan can fail or be subject to power outages, subjecting the kitchen to uncontrolled quantities of smoke and products of combustion.

Given that the oven will meet the listing requirements and NFPA 96 standards without a Type I hood when installed with the direct vent system per Manufacturer's installation instructions, this installation will comply with the 2014 Indiana Mechanical Code. Based upon these facts, the petitioner requests the Commission approve the Non-Final Order granting the variance.

Date: November 17, 2015



Carrie Ballinger
Associate
RTM Consultants, Inc.