



**RULE MAKING ORDER**

**(RCW 34.05.360)**

**CR-103 (710/97)**

Agency: **State Building Code Council**

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of Adoption: **November 17, 2000**

(2) Purpose:

To make changes to the Washington State Amendments to the 1997 Uniform Fire Code (WAC 51-44 and WAC 51-45).

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 51-44-103.2.1.1, 105.8, 207, 216, 219, 1007.2.12.10, 1007.3.3.3.4, 1102.3.1, 1102.4.1, 1109.8.3, 2501.9.3, 2501.9.6.2, 5201.1, 7901.2.2, 7904.5.4.2

Suspended:

(4) Statutory authority for adoption: RCW 19.27.031, 19.27.074

Other authority:

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**

Adopted under notice filed as WSR 00-16-132 on Aug 2, 2000 (date).

Describe any changes other than editing from proposed to adopted version: The proposed amendments to the following sections were **not** adopted: WAC 51-44-2501.17, 6106, 6307.1, 6309, 8001.3.2, 8102, and WAC 51-45-10100 (Standard 10-1)

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**EXPEDITED REPEAL ONLY**

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes  No
- If Yes, explain:

(6) Effective date of rule:

**Permanent Rules or Expedited Rule Making**

- 31 days after filing
- Other (specify): **July 1, 2001\***

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**Emergency Rules**

- Immediately
- Later (specify)

NAME (TYPE OR PRINT)

**Jim Lewis**

SIGNATURE

*Jim Lewis for Jim Lewis*

TITLE

**Council Vice Chair**

DATE

**Jan 3, 2001**

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JAN 3 2001

TIME 11:36 (AM/PM)

WSR 01-02-096

**NOTE: If any category is left blank, it will be calculated as zero.**

**No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>Federal rules or standards:</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>Recently enacted state statutes:</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>

**The number of sections adopted at the request of a nongovernment entity:**

<b>New</b>	<b>Amended</b>	<b>15</b>	<b>Repealed</b>
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**The number of sections adopted on the agency's own initiative:**

<b>New</b>	<b>Amended</b>	<b>Repealed</b>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

<b>New</b>	<b>Amended</b>	<b>Repealed</b>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>Pilot rule making:</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>Other alternative rule making:</b>	<b>New</b>	<b>Amended</b>	<b>15</b>
			<b>Repealed</b>

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

**WAC 51-44-0103 Section 103--Inspection and enforcement.**

**103.2.1.1 General.** The chief is authorized to administer and enforce this code. (~~(Exception: Medical Gas Systems, Section 7404.2.3)~~) Under the chief's direction, the fire department is authorized to enforce all ordinances of the jurisdiction pertaining to:

1. The prevention of fires,
2. The suppression or extinguishment of dangerous or hazardous fires,
3. The storage, use and handling of hazardous materials,
4. The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment,
5. The maintenance and regulation of fire escapes,
6. The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction,
7. The maintenance of means of egress, and
8. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

For authority related to control and investigation of emergency scenes, see Section 104.

NEW SECTION

**WAC 51-44-0105 Section 105.8--Permit required.**

**105.8 f.3 Flammable or combustible liquids.** See Article 79.

1. To use or operate, repair or modify a pipeline for the transportation of flammable or combustible liquids.

2. To store, handle or use Class I liquids in excess of 5 gallons (18.9 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

- 2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant

or mobile heating plant, unless such storage, in the opinion of the chief, would cause an unsafe condition.

2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class III-A liquids in excess of 25 gallons (94.6 L) in a building or in excess of 60 gallons (227.1 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5. To install, construct, alter or operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

6. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.

7. To change the type of contents stored in a flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

8. To fuel motor vehicles directly from a tank vehicle, or to operate a site where motor vehicles are fueled directly from tank vehicles.

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

**WAC 51-44-0200 Article 2--Definitions and abbreviations.**

**SECTION 206 - E.**

**ELECTRICAL CODE** is the National Electrical Code, promulgated by the National Fire Protection Association, as adopted in chapter 296-46 WAC, or the locally adopted Electrical Code.

**SECTION 207 - F.**

**FAMILY CHILD DAY CARE HOME** is a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

**SECTION 216 - 0.**

**Group E Occupancies:**

Group E Occupancies shall be:

**Division 1.** Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

**Division 2.** Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

**Division 3.** Any building or portion thereof used for day-care purposes for more than six persons.

EXCEPTION: Family child day care homes (~~as defined in chapter 51-40 WAC, Uniform Building Code,~~) shall be considered Group R, Division 3 Occupancies.

**Group LC Occupancies:**

Group LC Occupancies shall be:

Group LC Occupancies shall include buildings, structures, or portions thereof, used for the business of providing licensed care to clients in one of the following categories regulated by either the Washington Department of Health or the Department of Social and Health Services:

- 1. (~~Adult family home.~~
- 2.) Adult residential rehabilitation facility.
- (~~3.~~) 2. Alcoholism intensive inpatient treatment service.
- (~~4.~~) 3. Alcoholism detoxification service.
- (~~5.~~) 4. Alcoholism long term treatment service.
- (~~6.~~) 5. Alcoholism recovery house service.
- (~~7.~~) 6. Boarding home.
- (~~8.~~) 7. Group care facility.
- (~~9.~~) 8. Group care facility for severely and multiple handicapped children.
- (~~10.~~) 9. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I, Division 1.1 hospital.

**Group R Occupancies:**

Group R Occupancies shall be:

**Division 1.** Hotels and apartment houses. Congregate residences (each accommodating more than 10 persons).

**Division 2.** Not used.

**Division 3.** Dwellings, family child day care homes (~~as defined in chapter 51-40 WAC, Uniform Building Code~~), adult family homes, and lodging houses. Congregate residences (each accommodating 10 persons or less).

**OPEN BURNING** is the burning of a bonfire, rubbish fire or other



fire in an outdoor location where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit. ((See chapter 173-425 WAC.))

## SECTION 219 - R.

**RECREATIONAL FIRE** is the burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and with a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking or similar purposes. ((See chapter 173-425 WAC.))

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

### WAC 51-44-1007 Section 1007--Fire alarm systems.

1007.1.3 Where new construction or modification is to be in compliance with adopted chapter 51-40 WAC, Chapter 11, alarm modifications shall be designed to be compatible with the requirements of UFC Article 10.

~~((1007.2.12.10 Accessible buildings.~~

~~1007.2.12.10.1 General. Alarm systems in buildings which are required to have accessible building facilities shall include both audible and visible alarms. All devices shall be listed or approved. The alarm devices shall be located in all accessible sleeping accommodations and common use areas, including toilet rooms and bathing facilities, hallways, and lobbies.~~

EXCEPTIONS:

- ~~1. Alarm systems in Group I, Division 1.1 and 1.2 Occupancies may be modified to suit standard health care design practice.~~
- ~~2. Visible alarms are not required in Group R, Division 1 apartment buildings.~~

~~1007.2.12.10.2 Alarms.~~

~~1007.2.12.10.2.1 Audible alarms. Audible alarms shall produce a sound in accordance with UFC Standard 10-2. Audible alarms shall exceed the prevailing equivalent sound level in the room or space by at least 15 decibels, or shall exceed any maximum sound level with a duration of 30 seconds by 5 decibels, whichever is louder. Sound levels for alarm signals shall not exceed 120 decibels.~~

~~1007.2.12.10.2.2 Visible alarms. Visible alarm signal appliances shall be integrated into the building or facility alarm system. All devices shall be listed or approved. Where single-station audible alarms are provided, single-station visible alarm signals shall be provided.~~

EXCEPTION:

~~Visible alarms are not required in Group R, Division 1 apartment buildings.~~

~~Visible alarms shall be located per nationally recognized standards. NFPA 72, 1993 edition, and ANSI 117.1, 1992, shall be~~

~~considered equivalent facilitation.~~

~~1007.2.12.10.2.3 Access to manual fire alarm systems. Manual fire alarm devices shall be mounted at least 36 inches (914.4 mm) and not more than 54 inches (1371.6 mm) above the floor where a parallel approach is provided. Where a parallel approach cannot be provided the height shall not exceed 48 inches (1219.2 mm).)~~

1007.3.3.3.4 **Visual alarms.** Where provided, alarm systems shall include both audible and visual alarms. Visual alarm devices shall be located in hotel guest rooms as required by the building code (see UBC Washington State Amendments, Section 1105.4.9); assembly areas; accessible public- and common-use areas, including toilet rooms and bathing facilities; hallways; and lobbies. (See UBC Washington State Amendments, Section 1106.15.2, for additional information about visual signals.)

#### NEW SECTION

**WAC 51-44-1102 Section 1102--Incineration, open burning and commercial barbecue pits.**

1102.3.1 **General.** Open burning shall be conducted in accordance with Section 1102.3. Open burning shall also be conducted as required by other governing agencies regulating emissions. See chapter 173-425 WAC.

EXCEPTION: Recreational fires shall be in accordance with Section 1102.4.

1102.4.1 **General.** Recreational fires shall be in accordance with Section 1102.4. See also chapter 173-425 WAC.

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

**WAC 51-44-1109 Section 1109--Control of sources of ignition.**

1109.8.3 **Religious ceremonies.** Participants in religious ceremonies shall not be precluded from carrying hand-held candles. See RCW 19.27.031(3).

**WAC 51-44-2500 Article 25--Places of assembly.**

**2501.9.3 Width with Fixed Seats.** Aisles in assembly occupancies with fixed seats shall comply with Section 2501.9.3. The clear width of aisles shall be based on the number of occupants within the portion of the seating areas served by the aisle.

The clear width of an aisle in inches shall not be less than the occupant load served by the aisle multiplied by 0.3 for aisles with slopes greater than 1 unit vertical to 8 units horizontal (12.5% slope) and not less than 0.2 for aisles with a slope of 1 unit vertical to 8 units horizontal (12.5% slope) or less. In addition, when the rise of steps in aisles exceeds 7 inches (178 mm), the aisle clear width shall be increased by 1 1/4 inches (32 mm) for each 100 occupants or fraction thereof served for each 1/4 inch (6.35 mm) of riser height above 7 inches (178 mm).

**EXCEPTION:** For buildings with smoke-protected assembly seating and for which an approved life-safety evaluation is conducted, the minimum clear width of aisles and other means of egress may be in accordance with Table 2501-B. For Table 2501-B, the number of seats specified must be within a single assembly area, and interpolation shall be permitted between the specified values shown. If Table 2501-B is used the minimum clear widths shown shall be modified in accordance with the following:

~~((1- Factor A: If risers exceed 7 inches (178 mm) in height, multiply the stair width in the tables by factor A, where:~~

$$A = 1 + \frac{(\text{riser height} - 7.0 \text{ inches})}{5}$$

~~For SI:~~

$$A = 1 + \frac{(\text{riser height} - 178 \text{ mm})}{127}$$

~~2. Factor B: Stairs not having a handrail within a 30-inch (760 mm) horizontal distance shall be 25 percent wider than otherwise calculated. Multiply by factor B, where B = 1.25.~~

~~3. Factor C: Ramps steeper than 1 unit vertical in 10 units horizontal (10% slope) where used in ascent shall be 10 percent wider than otherwise calculated. Multiply by factor C, where C = 1.10.~~

~~Where egress is possible in two directions, the width of such aisles shall be uniform throughout their length.~~

~~When aisles converge to form a single path of exit travel, the aisle width shall not be less than the combined required width of the converging aisles.~~

~~In assembly rooms with fixed seats arranged in rows, the clear width of aisles shall not be less than set forth above and not less than the following:~~

~~Forty-eight inches (1219 mm) for stairs having seating on both sides.~~

~~Thirty-six inches (914 mm) for stairs having seating on one side.~~

~~Twenty-three inches (584 mm) between a stair handrail and seating when the aisles are subdivided by the handrail.~~



~~Forty-two inches (1067 mm) for level or ramped aisles having seating on both sides.~~

~~Thirty-six inches (914 mm) for level or ramped aisles having seating on one side.~~

~~Twenty-three inches (584 mm) between a stair handrail and seating when an aisle does not serve more than five rows on one side.)~~

1. Where risers exceed 7 inches (178 mm) in height, multiply the stairway width in the tables by factor  $A$ , where:

$$A = 1 + \frac{(\text{riser height} - 7.0 \text{ inches})}{5} \quad (4-1)$$

For SI:  $A = 1 + \frac{(\text{riser height} - 178 \text{ mm})}{127}$

Where risers do not exceed 7 inches (178 mm) in height,  $A = 1$ .

2. Stairways not having a handrail within a 30-inch (762 mm) horizontal distance shall be 25 percent wider than otherwise calculated, i.e., multiply by  $B = 1.25$ . For all other stairs,  $B = 1$ .

3. Ramps steeper than 1 unit vertical in 10 units horizontal (10% slope) where used in ascent shall have their width increased by 10 percent, i.e., multiply by  $C = 1.10$ . For ramps not steeper than 1 unit vertical in 10 units horizontal (10% slope),  $C = 1$ . Where fixed seats are arranged in rows, the clear width of aisles shall not be less than set forth above or less than the following minimum widths:

3.1 Forty-eight inches (1219 mm) for stairways having seating on both sides.

3.2 Thirty-six inches (914 mm) for stairways having seating on one side.

3.3 Twenty-three inches (584 mm) between a stairway handrail and seating where the aisles are subdivided by the handrail.

3.4 Forty-two inches (1067 mm) for level or ramped aisles having seating on both sides.

3.5 Thirty-six inches (914 mm) for level or ramped aisles having seating on one side.

3.6 Twenty-three inches (584 mm) between a stairway handrail and seating where an aisle does not serve more than five rows on one side.

Where exit access is possible in two directions, the width of such aisles shall be uniform throughout their length. Where aisles converge to form a single path of exit travel, the aisle width shall not be less than the combined required width of the converging aisles.

**2501.9.5 Ramp slope.** The slope of ramped aisles shall not be more than 1 unit vertical in 8 units horizontal (12.5 percent slope). Ramped aisles shall have a slip-resistant surface.

EXCEPTION: When provided with fixed seating, theaters may have a slope not steeper than 1 unit vertical to 5 units horizontal (20 percent slope).

**2501.9.6.2 When required.** Aisles with a slope steeper than 1 unit vertical to 8 units horizontal (12.5 percent slope) shall consist of a series of risers and treads extending across the entire width of the aisle, except as provided in subsection 2501.9.5.

The height of risers shall not be more than ((7)) 8 inches ((178)) 203 mm) or less than 4 inches (102 mm) and the tread run shall not be less than 11 inches (279 mm). The riser height shall be uniform within each flight and the tread run shall be uniform throughout the aisle. Variations in run or height between adjacent

treads or risers shall not exceed 3/16 inch (4.8 mm). A contrasting marking stripe or other approved marking shall be provided on each tread at the nosing or leading edge such that the location of each tread is readily apparent when viewed in descent. Such stripe shall be a minimum of 1 inch (25.4 mm) wide and a maximum of 2 inches (51 mm) wide.

EXCEPTION: When the slope of aisle steps and the adjoining seating area is the same, the riser heights may be increased to a maximum of 9 inches (229 mm) and may be nonuniform but only to the extent necessitated by changes in the slope of the adjoining seating area to maintain adequate sightlines. Variations may exceed 3/16 inch (4.8 mm) between adjacent risers provided the exact location of such variations is identified with a marking stripe on each tread at the nosing or leading edge adjacent to the nonuniform riser. The marking stripe shall be distinctively different from the contrasting marking stripe.

**2501.17 Candles and other open-flame devices.** Candles and other open-flame devices shall not be used in places of assembly or in drinking or dining establishments.

EXCEPTIONS:

1. When used in conjunction with approved heating or cooking appliances in areas not accessible to the public.
2. When used in conformance with Section 1109.8.
3. When used in conformance with Section 8203.2.1.8.
4. Hand-held candles carried by participants in religious ceremonies. (See RCW 19.27.031(3).)

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

**WAC 51-44-5200 Article 52--Motor vehicle fuel-dispensing stations.**

**5201.1 Scope.** Automotive, marine and aircraft motor vehicle fuel-dispensing stations shall be in accordance with Article 52 and UFC Standard 52-1. Such operations shall include both public accessible and private operations. (~~Flammable and combustible liquids and LP gas shall also be in accordance with Articles 79 and 82.~~)

EXCEPTION:

Class II or III liquids may be transferred from tank vehicles into fuel tanks of motor vehicles when approved by the chief, and under the following conditions:

- ~~1. Only diesel fuel will be allowed and each premises shall require a separate permit issued in accordance with Section 105;~~
- ~~2. Tank vehicles shall meet the requirements of the U.S. Department of Transportation (DOT) and UFC Standard 79-4 and as approved by the chief;~~
- ~~3. The tank vehicle, while in service, shall not be left unattended. Tank vehicles with fuel in the cargo tank shall not be left unattended;~~
- ~~4. A fire extinguisher with a classification of 2A-20BC shall be readily available at the fueling site;~~
- ~~5. There shall be signs stating "NO SMOKING OR OPEN FLAME WITHIN 25 FEET (7620 mm)" readily visible at the fueling site;~~
- ~~6. There shall be adequate lighting for night time operations;~~
- ~~7. For other than marine motor vehicles, the fuel hose shall not exceed 50 feet (15 240 mm) in length;~~
- ~~8. Approved automatic closing nozzles without a latch open device shall be used;~~
- ~~9. Communication devices shall be available in accordance with Section 5201.6.3;~~
- ~~10. Tank vehicles shall have emergency shut off valves as approved by the chief;~~
- ~~11. Dispensing shall be done in accordance with Section 7903.3.3;~~

12. At least 20 feet (6096 mm) from any source of ignition;

13. The applicant shall comply with all applicable federal, state and local environmental laws and regulations as a condition of permit;

14. The private fueling area shall be located on an area graded in a manner to direct the spill away from buildings, storage and property lines:))

For provisions relating to the transfer of flammable and combustible liquids directly from tank vehicles into the fuel tanks of motor vehicles, see Section 7904.5.4.2.

The storage and use of flammable and combustible liquids and LP-gas shall also be in accordance with Articles 79 and 82.

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

**WAC 51-44-7900 Article 79--Flammable and combustible liquids.**

**SECTION 7901.2.2--DEFINITIONS - LIMITED APPLICATION.**

**AUTO START AND STOP NOZZLE** is an approved dispensing nozzle that is not capable of dispensing liquid unless the nozzle is in contact with the fuel fill opening of the motor vehicle. The nozzle must be incapable of dispensing liquid until the nozzle has entered the fuel fill opening of the motor vehicle fuel tank. The nozzle will automatically stop dispensing prior to fully extracting the nozzle from the fuel tank opening.

**MOTOR VEHICLE** includes, but is not limited to, a vehicle, machine, tractor, trailer, or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. The term "motor vehicle" also includes freight containers or cargo tanks used, or intended for use, in connection with motor vehicles. For reference, see 49 CFR Pt. 171.8 (October 1994).

**REMOTE EMERGENCY SHUT-OFF DEVICE** is a device capable of halting the pumping of fuel from the furthest point at which the fuel is being dispensed, but not less than 100 feet.

**SECTION 7902 - STORAGE.**

**7902.1.7.2.4 Tanks abandoned in place.** Tanks abandoned in place shall be abandoned as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping,
2. The suction, inlet, gage, vapor return and vapor lines shall be disconnected,
3. The tank shall be filled completely with an approved, inert solid material,

EXCEPTION: Residential heating oil tanks of 1,100 gallons (4,164 L) or less, provided the fill line is permanently capped or plugged, below grade, to prevent refilling of the tank.

4. Remaining underground piping shall be capped or plugged, and  
5. A record of the tank size, location and date of abandonment shall be retained.

**7902.6.8 Leaking tanks.** Leaking tanks shall be handled in accordance with WAC 173-360-325.

**7902.6.10 Tank lining.** Steel tanks are allowed to be lined only for the purpose of protecting the interior from corrosion or providing compatibility with a material to be stored. Only those liquids tested for compatibility with the lining material are allowed to be stored in lined tanks. Lining of leaking underground storage tanks shall be done in accordance with the provisions of WAC 173-360-325.

**7902.6.15.2 Cathodic protection.** Cathodic protection systems provided for corrosion protection shall be in accordance with recognized standards. See WAC 173-360-320.

**SECTION 7903 - DISPENSING, USE, MIXING AND HANDLING.**

**7903.4 Solvent Distillation Units.**

**7903.4.1 General.** Solvent distillation units used to recycle Class I, II or III-A liquids having a distillation chamber capacity of 60 gallons (227.1 L) or less shall be listed, labeled and installed in accordance with Section 7903.4 and nationally recognized standards. See Article 90, Standard u.1.17.

EXCEPTIONS:

1. Solvent distillation units installed in dry-cleaning plants in accordance with Section 3603.
2. Solvent distillation units used in continuous throughput industrial processes where the source of heat is remotely supplied using steam, hot water, oil or other heat-transfer fluids, the temperature of which is below the auto-ignition point of the solvent(s).
3. Approved research, testing and experimental processes.

Solvent-distillation units used to recycle Class I, II or III-A liquids, having a distillation chamber capacity exceeding 60 gallons (227.1 L) shall be used in locations that comply with the use and mixing requirements of Section 7903 and other applicable provisions in Article 79.

Classes I, II and III-A liquids also classified as unstable (reactive) shall not be processed in solvent-distillation units.

EXCEPTION: Appliances listed for the distillation of unstable (reactive) solvents.

**SECTION 7904 - SPECIAL OPERATIONS.**

**7904.5.4.2 Destination of liquids off loaded from tank vehicles and tank cars.**

**7904.5.4.2.1 General.** Class I, II or III liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank, except as provided in Sections 7904.5.4.2.2 through 7904.5.4.2.7.

**7904.5.4.2.2 Marine craft and special equipment.** Liquids intended



for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment (~~(under the following conditions and)~~) when approved, and when:

1. The tank vehicle's specific function is that of supplying fuel to fuel tanks and each premises shall require a separate permit issued in accordance with Section 105,

2. The operation shall be performed only where the general public has no access or where there is no unusual exposure to life and property,

3. The dispensing line shall not exceed 50 feet (15 240 mm) in length, and

4. The dispensing nozzle is approved.

**7904.5.4.2.2.1 Vehicle fueling.** When approved by the chief, dispensing of motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles is allowed in accordance with Article 52 and Sections 7904.2 and 7904.5.4.2. (~~(2-)~~)

**7904.5.4.2.7 Fueling of motor vehicles from tank vehicles.**

**7904.5.4.2.7.1 General.** The transfer of gasoline or other Class I flammable liquid into the fuel tank of a motor vehicle is prohibited except as provided for in Sections 7904.5.4.2.2 through 7904.5.4.2.6. The transfer of a Class II combustible liquid (e.g., diesel fuel) into the fuel tank of a motor vehicle shall be in accordance with Section 7904.5.4.2.7, except as provided for in Sections 7904.5.4.2.2 through 7904.5.4.2.6.

**7904.5.4.2.7.2 Permits and plans.** See also Section 105.8, Permit f.3. A permit is required:

1. To transfer fuel into a motor vehicle directly from a tank vehicle.

2. For any site where fuel is transferred into the fuel tank of a motor vehicle directly from a tank vehicle.

The following information shall be included with any application for permit to transfer fuel into a motor vehicle from a tank vehicle:

- License number of each fuel delivery vehicle.
- Proof of tank vehicle compliance with 49 CFR 178 requirements and inspections. Documentation showing inspection approval of the vehicles by a USDOT registered inspector shall be proof of compliance.

● An approved Spill Response Plan.

The following information shall be included with any application to utilize a site for the transfer of fuel into motor vehicles from tank vehicles:

- A site plan showing all property lines, buildings, facilities, hazardous materials, parking, lighting, fencing, openings into buildings, storm drains, unpaved areas, lanes of egress and the proposed location(s) of fueling.



### 7904.5.4.2.7.3 Fuel delivery vehicles.

7904.5.4.2.7.3.1 Maintenance. All required equipment, safety features and devices on the fuel delivery vehicle shall be maintained in full working order at all times.

7904.5.4.2.7.3.2 Compliance with USDOT regulations. Fuel delivery vehicles shall comply with all applicable 49 CFR 178 requirements. Documentation from a USDOT registered inspector shall be available for review by the fire department and shall be proof of compliance.

7904.5.4.2.7.3.3 Fuel dispensing hoses. The fueling hose shall not be extended beyond 50 feet.

#### EXCEPTION:

The fueling hose may be extended up to a distance of 125 feet if the operator carries an approved remote emergency shut-off device capable of stopping the flow of fuel. The demonstrated distance by which the remote emergency shut-off reliably operates shall determine the approved hose distance or as denoted by the manufacturer, whichever distance is less. The hose shall be clearly marked at the approved distance. The approved distance marking on the hose shall consist of a band, the length of which shall be a minimum of 12 inches. The marking shall be of contrasting color to the hose.

All pressure hoses and couplings shall be inspected at intervals appropriate to the service. Any hose showing materials deterioration, signs of leakage or weakness in its carcass or at the couplings shall be withdrawn from service and repaired or discarded.

7904.5.4.2.7.3.4 Hose diameter. The inside diameter of the delivery hose shall not exceed 1-1/4 inches.

7904.5.4.2.7.3.5 Spill control equipment. Fuel delivery vehicles shall be equipped with clean-up supplies in accordance with the Department of Ecology's Storm-water Management in Washington State Volume IV Source Control Best Management Practice Number S1.11. Such supplies shall be readily available for employment by the operator at all times.

7904.5.4.2.7.3.6 Nozzle. The dispensing nozzle shall be an approved listed automatic closing type hose nozzle without a latch-open device or an approved auto start and stop nozzle with a latch-open device.

7904.5.4.2.7.3.7 Emergency shut-off valve. The fuel delivery vehicle shall have an approved emergency shut-off valve on the fuel delivery vehicle.

7904.5.4.2.7.3.8 Fire extinguisher. The fuel delivery vehicle shall have a fire extinguisher with a minimum rating of 2A 20BC located in a readily accessible location.

### 7904.5.4.2.7.4 Operation requirements.

7904.5.4.2.7.4.1 Training. Fuel delivery vehicle operators shall comply with current training and certification requirements in accordance with local, state and federal regulations for handling, dispensing and transporting hazardous materials.

7904.5.4.2.7.4.2 Notification of spills. The fuel delivery vehicle operator shall, without delay, directly notify the fire department via 911 when an unauthorized discharge becomes reportable under state, federal or local regulations or when any spill or accidental release is not contained by spill prevention measures.

7904.5.4.2.7.4.3 Location of attendant during dispensing. The attendant shall be located at the nozzle at all times when fuel is being dispensed.

7904.5.4.2.7.4.4 Signage. Signs stating NO SMOKING or OPEN FLAME WITHIN 25 FEET, or an approved equivalent, shall be visible and readable at the fueling site.

7904.5.4.2.7.4.5 Emergency communication. Each tanker shall have a mobile or portable phone or two-way radio to an attended base.

7904.5.4.2.7.4.6 Warning lights. The fuel delivery vehicle's parking brake and the hazard warning lights shall be activated during fueling operations.

7904.5.4.2.7.4.7 Spill prevention.

7904.5.4.2.7.4.7.1 Overfill and drip protection. Operators shall place a drip pan or absorbent, in good condition, under each fuel fill opening prior to and during all dispensing operations. Drip pans shall be liquid tight. The pan or absorbent shall have a capacity of at least 3 gallons. Spills retained in the drip pan or absorbent pillow need not be reported. Operators, when fueling, shall have on their persons an absorbent pad capable of capturing diesel foam overfills. Except during fueling, the nozzle shall face upwards and an absorbent pad shall be kept under the nozzle to prevent drips. Contaminated absorbent pads shall be disposed of regularly in accordance with local, state and federal requirements.

7904.5.4.2.7.4.7.2 Topping off. Fuel expansion space shall be provided in each motor vehicle tank to prevent overflow. Tanks shall not be topped off. The operator shall cease filling and remove the fill nozzle if the automatic shut-off engages.

7904.5.4.2.7.4.8 Lighting. The operator shall provide lighting that provides clear illumination at the point of fueling. General lighting of the fueling area shall be provided for nighttime fueling.

7904.5.4.2.7.4.9 Vehicle motor shutdown. The vehicle being fueled shall be shut off during fueling operations.

7904.5.4.2.7.4.10 Fuel hoses. At no time shall the fueling hose extend across a trafficable lane without fluorescent traffic cones conspicuously placed so that all vehicle traffic is blocked.

The fuel hose shall be returned to its storage location on the vehicle prior to repositioning the vehicle. At no time shall the hose be allowed to drag behind the vehicle while it is in motion.

7904.5.4.2.7.5 Site requirements.

7904.5.4.2.7.5.1 Property owner's consent. All persons and parties with an interest in the property (i.e., property owner, lessor, real estate company, property manager as well as operators of the property) must give consent in writing to allow the mobile fueling to occur on the property. Managers, lessees, renters and other persons cannot solely give permission. Each person or party

must indicate that they understand the risk of spills.

7904.5.4.2.7.5.2 Location of fueling. The fuel dispensing vehicle and the fueling operation shall be at least 15 feet from all property lines, streets, alleys, public ways, building openings and storm drains.

EXCEPTIONS:

1. The distance to storm drains can be eliminated if an approved storm drain cover or an approved equivalent that will prevent any fuel from reaching the drain is in place prior to fueling or hose being placed within 15 feet of the drain. When placement of a storm drain cover will cause the accumulation of excessive water or difficulty in safely conducting the fueling, it shall not be used and fueling shall not take place within 15 feet of a drain.
2. The distance to storm drains can be eliminated for drains that direct intake to approved oil-water separators.

7904.5.4.2.7.5.3 Sources of ignition. Fuel dispensing is prohibited within 15 feet of any source of ignition.

7904.5.4.2.7.5.4 Access. Mobile fueling operations shall not be performed during times when the public has access to the area unless restricted by remoteness of the property, fencing or other control measures.