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**SENATE BILL 5798**

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**State of Washington**                      **53rd Legislature**                      **1993 Regular Session**

**By** Senators Snyder, Bauer and Winsley

Read first time 02/15/93. Referred to Committee on Energy & Utilities.

1            AN ACT Relating to the building code council; amending RCW  
2 19.27.040, 19.27.042, 19.27.113, 19.27.120, 19.27.170, 19.27.180,  
3 19.27.190, 19.27.192, 19.27.470, 19.27.480, 19.27A.020, 19.27A.025,  
4 19.27A.045, 29.57.030, 35.68.076, 43.22.480, 70.92.130, 70.92.140,  
5 70.92.150, 70.94.455, 70.94.457, and 90.76.020; reenacting and amending  
6 RCW 19.27.031 and 19.27.060; and repealing RCW 19.27.035, 19.27.070,  
7 19.27.074, 19.27.078, 19.27.085, 19.27.160, 19.27.175, 19.27A.050, and  
8 70.162.030.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10            **Sec. 1.** RCW 19.27.031 and 1989 c 348 s 9 and 1989 c 266 s 1 are  
11 each reenacted and amended to read as follows:

12            Except as otherwise provided in this chapter, there shall be in  
13 effect in all counties and cities the state building code which shall  
14 consist of the following codes which are hereby adopted by reference:

15            (1) Uniform Building Code and Uniform Building Code Standards,  
16 published by the International Conference of Building Officials;

17            (2) Uniform Mechanical Code, including Chapter 22, Fuel Gas Piping,  
18 Appendix B, published by the International Conference of Building  
19 Officials;

1 (3) The Uniform Fire Code and Uniform Fire Code Standards,  
2 published by the International Conference of Building Officials and the  
3 Western Fire Chiefs Association: PROVIDED, That, notwithstanding any  
4 wording in this code, participants in religious ceremonies shall not be  
5 precluded from carrying hand-held candles;

6 (4) Except as provided in RCW 19.27.150, the Uniform Plumbing Code  
7 and Uniform Plumbing Code Standards, published by the International  
8 Association of Plumbing and Mechanical Officials: PROVIDED, That  
9 chapters 11 and 12 of such code are not adopted; and

10 (5) The rules and regulations ~~((adopted by the council))~~  
11 establishing standards for making buildings and facilities accessible  
12 to and usable by the physically handicapped or elderly persons as  
13 provided in RCW 70.92.100 through 70.92.160.

14 In case of conflict among the codes enumerated in subsections (1),  
15 (2), (3), and (4) of this section, the first named code shall govern  
16 over those following.

17 ~~((The codes enumerated in this section shall be adopted by the  
18 council as provided in RCW 19.27.074.~~

19 ~~The council may issue opinions relating to the codes at the request  
20 of a local building official.))~~

21 **Sec. 2.** RCW 19.27.040 and 1990 c 2 s 11 are each amended to read  
22 as follows:

23 The governing body of each county or city is authorized to amend  
24 the state building code as it applies within the jurisdiction of the  
25 county or city. The ~~((minimum))~~ maximum performance standards of the  
26 codes and the objectives enumerated in RCW 19.27.020 shall not be  
27 ~~((diminished))~~ increased by any county or city amendments.

28 Nothing in this chapter shall authorize any modifications of the  
29 requirements of chapter 70.92 RCW.

30 **Sec. 3.** RCW 19.27.042 and 1991 c 139 s 1 are each amended to read  
31 as follows:

32 (1) Effective January 1, 1992, the legislative authorities of  
33 cities and counties may adopt an ordinance or resolution to exempt from  
34 state building code requirements buildings whose character of use or  
35 occupancy has been changed in order to provide housing for indigent  
36 persons. The ordinance or resolution allowing the exemption shall  
37 include the following conditions:

1 (a) The exemption is limited to existing buildings located in this  
2 state;

3 (b) Any code deficiencies to be exempted pose no threat to human  
4 life, health, or safety;

5 (c) The building or buildings exempted under this section are owned  
6 or administered by a public agency or nonprofit corporation; and

7 (d) The exemption is authorized for no more than five years on any  
8 given building. An exemption for a building may be renewed if the  
9 requirements of this section are met for each renewal.

10 (2) By January 1, 1992, the ~~((state building code council))~~  
11 department of community development shall adopt by rule, guidelines for  
12 cities and counties exempting buildings under subsection (1) of this  
13 section.

14 **Sec. 4.** RCW 19.27.060 and 1989 c 266 s 2 and 1989 c 246 s 1 are  
15 each reenacted and amended to read as follows:

16 (1) The governing bodies of counties and cities may amend the codes  
17 enumerated in RCW 19.27.031 ~~((as amended and adopted by the state  
18 building code council))~~ as they apply within their respective  
19 jurisdictions, but the amendments shall not result in a code that is  
20 ~~((less))~~ more than the minimum performance standards and objectives  
21 contained in the state building code.

22 ~~((a) No amendment to a code enumerated in RCW 19.27.031 as amended  
23 and adopted by the state building code council that affects single  
24 family or multifamily residential buildings shall be effective unless  
25 the amendment is approved by the building code council under RCW  
26 19.27.074(1)(b).~~

27 ~~(b) Any county or city amendment to a code enumerated in RCW  
28 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to  
29 be effective after any action is taken under RCW 19.27.074(1)(a)  
30 without necessity of reapproval under RCW 19.27.074(1)(b) unless the  
31 amendment is declared null and void by the council at the time any  
32 action is taken under RCW 19.27.074(1)(a) because such action in any  
33 way altered the impact of the amendment.)~~

34 (2) Except as permitted or provided otherwise under this section,  
35 the state building code shall be applicable to all buildings and  
36 structures including those owned by the state or by any governmental  
37 subdivision or unit of local government.

1 (3) The governing body of each county or city may limit the  
2 application of any portion of the state building code to exclude  
3 specified classes or types of buildings or structures according to use  
4 other than single family or multifamily residential buildings:  
5 PROVIDED, That in no event shall fruits or vegetables of the tree or  
6 vine stored in buildings or warehouses constitute combustible stock for  
7 the purposes of application of the uniform fire code.

8 (4) The provisions of this chapter shall not apply to any building  
9 four or more stories high with a B occupancy as defined by the uniform  
10 building code, 1982 edition, and with a city fire insurance rating of  
11 1, 2, or 3 as defined by a recognized fire rating bureau or  
12 organization.

13 (5) No provision of the uniform fire code concerning roadways shall  
14 be part of the state building code: PROVIDED, That this subsection  
15 shall not limit the authority of a county or city to adopt street,  
16 road, or access standards.

17 (6) The provisions of the state building code may be preempted by  
18 any city or county to the extent that the code provisions relating to  
19 the installation or use of sprinklers in jail cells conflict with the  
20 secure and humane operation of jails.

21 (7)((~~a~~)) Effective one year after July 23, 1989, the governing  
22 bodies of counties and cities may adopt an ordinance or resolution to  
23 exempt from permit requirements certain construction or alteration of  
24 either group R, division 3, or group M, division 1 occupancies, or  
25 both, as defined in the uniform building code, 1988 edition, for which  
26 the total cost of fair market value of the construction or alteration  
27 does not exceed fifteen hundred dollars. The permit exemption shall  
28 not otherwise exempt the construction or alteration from the  
29 substantive standards of the codes enumerated in RCW 19.27.031(~~as~~  
30 ~~amended and maintained by the state building code council under RCW~~  
31 ~~19.27.070.~~

32 (~~b~~) ~~Prior to July 23, 1989, the state building code council shall~~  
33 ~~adopt by rule, guidelines exempting from permit requirements certain~~  
34 ~~construction and alteration activities under (a) of this subsection).~~

35 **Sec. 5.** RCW 19.27.113 and 1991 c 170 s 1 are each amended to read  
36 as follows:

37 The department of community development shall be responsible for  
38 administration of rules adopted by the building code council ((shall

1 ~~adopt rules by December 1, 1991,))~~ requiring that all buildings classed  
2 as E-1 occupancies, as defined in the state building code, except  
3 portable school classrooms, constructed after July 28, 1991, be  
4 provided with an automatic fire-extinguishing system. The rules  
5 ~~((adopted by the council))~~ shall consider applicable nationally  
6 recognized fire and building code standards and local conditions.

7 ~~((By December 15, 1991, the council shall transmit to the~~  
8 ~~superintendent of public instruction, the state board of education, and~~  
9 ~~the fire protection policy board copies of the rules as adopted. The~~  
10 ~~superintendent of public instruction, the state board of education, and~~  
11 ~~the fire protection policy board shall respond to the council by~~  
12 ~~February 15, 1992, with any recommended changes to the rule. If~~  
13 ~~changes are recommended the council shall immediately consider those~~  
14 ~~changes to the rules through its rule making procedures. The rules~~  
15 ~~shall be effective on July 1, 1992.))~~

16 **Sec. 6.** RCW 19.27.120 and 1985 c 360 s 13 are each amended to read  
17 as follows:

18 ~~((1))~~ Repairs, alterations, and additions necessary for the  
19 preservation, restoration, rehabilitation, strengthening, or continued  
20 use of a building or structure may be made without conformance to all  
21 of the requirements of the codes adopted under RCW 19.27.031, when  
22 authorized by the appropriate building official ~~((under the rules~~  
23 ~~adopted under subsection (2) of this section))~~, provided:

24 ~~((a))~~ (1) The building or structure: ~~((i))~~ (a) Has been  
25 designated by official action of a legislative body as having special  
26 historical or architectural significance, or ~~((ii))~~ (b) is an  
27 unreinforced masonry building or structure on the state or the national  
28 register of historic places, or is potentially eligible for placement  
29 on such registers; and

30 ~~((b))~~ (2) The restored building or structure will be less  
31 hazardous, based on life and fire risk, than the existing building.

32 ~~((2) The state building code council shall adopt rules, where~~  
33 ~~appropriate, to provide alternative methods to those otherwise required~~  
34 ~~under this chapter for repairs, alterations, and additions necessary~~  
35 ~~for preservation, restoration, rehabilitation, strengthening, or~~  
36 ~~continued use of buildings and structures identified under subsection~~  
37 ~~(1) of this section.))~~

1       **Sec. 7.** RCW 19.27.170 and 1991 c 347 s 16 are each amended to read  
2 as follows:

3       (1) The department of community development shall be responsible  
4 for administration of rules adopted by the state building code council  
5 ~~((shall adopt rules under chapter 34.05 RCW))~~ that implement and  
6 incorporate the water conservation performance standards in subsections  
7 (4) and (5) of this section. These standards shall apply to all new  
8 construction and all remodeling involving replacement of plumbing  
9 fixtures in all residential, hotel, motel, school, industrial,  
10 commercial use, or other occupancies determined by the ~~((council))~~  
11 department to use significant quantities of water.

12       (2) The legislature recognizes that a phasing-in approach to these  
13 new standards is appropriate. Therefore, standards in subsection (4)  
14 of this section shall take effect on July 1, 1990. The standards in  
15 subsection (5) of this section shall take effect July 1, 1993.

16       (3) No individual, public or private corporation, firm, political  
17 subdivision, government agency, or other legal entity may, for purposes  
18 of use in this state, distribute, sell, offer for sale, import,  
19 install, or approve for installation any plumbing fixtures unless the  
20 fixtures meet the standards as provided for in this section.

21       (4) Standards for water use efficiency effective July 1, 1990.

22       (a) Standards for waterclosets. The guideline for maximum water  
23 use allowed in gallons per flush (gpf) for any of the following  
24 waterclosets is the following:

- 25       Tank-type toilets . . . . . 3.5 gpf.
- 26       Flushometer-valve toilets . . . . . 3.5 gpf.
- 27       Flushometer-tank toilets . . . . . 3.5 gpf.
- 28       Electromechanical hydraulic toilets . . . . . 3.5 gpf.

29       (b) Standard for urinals. The guideline for maximum water use  
30 allowed for any urinal is 3.0 gallons per flush.

31       (c) Standard for showerheads. The guideline for maximum water use  
32 allowed for any showerhead is 3.0 gallons per minute.

33       (d) Standard for faucets. The guideline for maximum water use  
34 allowed in gallons per minute (gpm) for any of the following faucets  
35 and replacement aerators is the following:

- 36       Bathroom faucets . . . . . 3.0 gpm.
- 37       Lavatory faucets . . . . . 3.0 gpm.
- 38       Kitchen faucets . . . . . 3.0 gpm.
- 39       Replacement aerators . . . . . 3.0 gpm.

1 (e) Except where designed and installed for use by the physically  
2 handicapped, lavatory faucets located in restrooms intended for use by  
3 the general public must be equipped with a metering valve designed to  
4 close by spring or water pressure when left unattended (self-closing).

5 (f) No urinal or watercloset that operates on a continuous flow or  
6 continuous flush basis shall be permitted.

7 (5) Standards for water use efficiency effective July 1, 1993.

8 (a) Standards for waterclosets. The guideline for maximum water  
9 use allowed in gallons per flush (gpf) for any of the following  
10 waterclosets is the following:

- 11 Tank-type toilets . . . . . 1.6 gpf.
- 12 Flushometer-tank toilets . . . . . 1.6 gpf.
- 13 Electromechanical hydraulic toilets . . . . . 1.6 gpf.

14 (b) Standards for urinals. The guideline for maximum water use  
15 allowed for any urinal is 1.0 gallons per flush.

16 (c) Standards for showerheads. The guideline for maximum water use  
17 allowed for any showerhead is 2.5 gallons per minute.

18 (d) Standards for faucets. The guideline for maximum water use  
19 allowed in gallons per minute for any of the following faucets and  
20 replacement aerators is the following:

- 21 Bathroom faucets . . . . . 2.5 gpm.
- 22 Lavatory faucets . . . . . 2.5 gpm.
- 23 Kitchen faucets . . . . . 2.5 gpm.
- 24 Replacement aerators . . . . . 2.5 gpm.

25 (e) Except where designed and installed for use by the physically  
26 handicapped, lavatory faucets located in restrooms intended for use by  
27 the general public must be equipped with a metering valve designed to  
28 close by water pressure when unattended (self-closing).

29 (f) No urinal or watercloset that operates on a continuous flow or  
30 continuous basis shall be permitted.

31 (6) The (~~building code council~~) department shall establish  
32 methods and procedures for testing and identifying fixtures that meet  
33 the standards established in subsection (5) of this section. The  
34 (~~council~~) department shall use the testing standards designated as  
35 American national standards, written under American national standards  
36 institute procedures or other widely recognized national testing  
37 standards. The (~~council~~) department shall either review test results  
38 from independent testing laboratories that are submitted by  
39 manufacturers of plumbing fixtures or accept data submitted to and

1 evaluated by the international association of plumbing and mechanical  
2 officials. The ~~((council))~~ department shall publish and widely  
3 distribute a current list of fixtures that meet the standards  
4 established in subsection (5) of this section.

5 (7) The ~~((building code council))~~ department shall adopt rules for  
6 marking and labeling fixtures meeting the standards established in  
7 subsection (5) of this section.

8 (8) This section shall not apply to fixtures installed before July  
9 28, 1991, that are removed and relocated to another room or area of the  
10 same building after July 28, 1991, nor shall it apply to fixtures, as  
11 determined by the ~~((council))~~ department, that in order to perform a  
12 specialized function, cannot meet the standards specified in this  
13 section.

14 (9) The water conservation performance standards shall supersede  
15 all local government codes. After July 1, 1990, cities, towns, and  
16 counties shall not amend the code revisions and standards established  
17 under subsection (4) or (5) of this section.

18 **Sec. 8.** RCW 19.27.180 and 1992 c 79 s 1 are each amended to read  
19 as follows:

20 (1) Residential buildings or structures moved into or within a  
21 county or city are not required to comply with all of the requirements  
22 of the codes enumerated in chapters 19.27 ~~((and))~~ 19.27A ~~((RCW, as  
23 amended and maintained by the state building code council))~~ and  
24 ~~((chapter))~~ 19.28 RCW, if the original occupancy classification of the  
25 building or structure is not changed as a result of the move.

26 (2) This section shall not apply to residential structures or  
27 buildings that are substantially remodeled or rehabilitated, nor to any  
28 work performed on a new or existing foundation.

29 (3) For the purposes of determining whether a moved building or  
30 structure has been substantially remodeled or rebuilt, any cost  
31 relating to preparation, construction, or renovation of the foundation  
32 shall not be considered.

33 **Sec. 9.** RCW 19.27.190 and 1990 c 2 s 7 are each amended to read as  
34 follows:

35 ~~((1)(a) Not later than January 1, 1991, the state building code  
36 council, in consultation with the state energy office, shall establish  
37 interim requirements for the maintenance of indoor air quality in newly~~

1 constructed residential buildings. In establishing the interim  
2 requirements, the council shall take into consideration differences in  
3 heating fuels and heating system types. These requirements shall be in  
4 effect July 1, 1991, through June 30, 1993.

5 (b) The interim requirements for new electrically space heated  
6 residential buildings shall include ventilation standards which provide  
7 for mechanical ventilation in areas of the residence where water vapor  
8 or cooking odors are produced. The ventilation shall be exhausted to  
9 the outside of the structure. The ventilation standards shall further  
10 provide for the capacity to supply outside air to each bedroom and the  
11 main living area through dedicated supply air inlet locations in walls,  
12 or in an equivalent manner. At least one exhaust fan in the home shall  
13 be controlled by a dehumidistat or clock timer to ensure that  
14 sufficient whole house ventilation is regularly provided as needed.

15 (c)(i) For new single family residences with electric space heating  
16 systems, zero lot line homes, each unit in a duplex, and each attached  
17 housing unit in a planned unit development, the ventilation standards  
18 shall include fifty cubic feet per minute of effective installed  
19 ventilation capacity in each bathroom and one hundred cubic feet per  
20 minute of effective installed ventilation capacity in each kitchen.

21 (ii) For other new residential units with electric space heating  
22 systems the ventilation standards may be satisfied by the installation  
23 of two exhaust fans with a combined effective installed ventilation  
24 capacity of two hundred cubic feet per minute.

25 (iii) Effective installed ventilation capacity means the capability  
26 to deliver the specified ventilation rates for the actual design of the  
27 ventilation system. Natural ventilation and infiltration shall not be  
28 considered acceptable substitutes for mechanical ventilation.

29 (d) For new residential buildings that are space heated with other  
30 than electric space heating systems, the interim standards shall be  
31 designed to result in indoor air quality equivalent to that achieved  
32 with the interim ventilation standards for electric space heated homes.

33 (e) The interim requirements for all newly constructed residential  
34 buildings shall include standards for indoor air quality pollutant  
35 source control, including the following requirements: All structural  
36 panel components of the residence shall comply with appropriate  
37 standards for the emission of formaldehyde; the back drafting of  
38 combustion by products from combustion appliances shall be minimized  
39 through the use of dampers, vents, outside combustion air sources, or

1 other appropriate technologies; and, in areas of the state where  
2 monitored data indicate action is necessary to inhibit indoor radon gas  
3 concentrations from exceeding appropriate health standards, entry of  
4 radon gas into homes shall be minimized through appropriate foundation  
5 construction measures.

6 ~~(2) No later than January 1, 1993,)~~ The department of community  
7 development shall be responsible for administration of rules adopted by  
8 the state building code council, in consultation with the state energy  
9 office, ~~((shall establish final requirements))~~ for the maintenance of  
10 indoor air quality in newly constructed residences ~~((to be in effect~~  
11 ~~beginning July 1, 1993))~~. For new electrically space heated  
12 residential buildings, these requirements shall maintain indoor air  
13 quality equivalent to that provided by the mechanical ventilation and  
14 indoor air pollutant source control requirements included in the  
15 February 7, 1989, Bonneville power administration record of decision  
16 for the environmental impact statement on new energy efficient homes  
17 programs (DOE/EIS-0127F) built with electric space heating. In  
18 residential units other than single family, zero lot line, duplexes,  
19 and attached housing units in planned unit developments, ventilation  
20 requirements may be satisfied by the installation of two exhaust fans  
21 with a combined effective installed ventilation capacity of two hundred  
22 cubic feet per minute. For new residential buildings that are space  
23 heated with other than electric space heating systems, the standards  
24 shall be designed to result in indoor air quality equivalent to that  
25 achieved with the ventilation and source control standards for electric  
26 space heated homes. ~~((In establishing the final requirements, the~~  
27 ~~council shall take into consideration differences in heating fuels and~~  
28 ~~heating system types.))~~

29 **Sec. 10.** RCW 19.27.192 and 1992 c 132 s 1 are each amended to read  
30 as follows:

31 (1) Beginning July 1, 1992, at the time of final inspection of a  
32 new single-family residence or each ground floor unit in a multifamily  
33 residential building, the building inspector shall deliver to each  
34 residence and each ground floor unit a three-month etched track radon  
35 measurement device that is listed on a current federal environmental  
36 protection agency radon measurement proficiency list. Postage to the  
37 testing facility and the cost of testing and notification to the  
38 homeowner shall be included with the device. The device, the

1 instructions included with the device, and the instructions provided by  
2 the state building code council (~~((pursuant to subsection (2) of this~~  
3 ~~section))~~) shall be placed in a conspicuous location. The device shall  
4 be provided to the building inspector by the local government.

5 (2) (~~(Not later than June 15, 1992, in consultation with the~~  
6 ~~department of health and the Washington state association of building~~  
7 ~~code officials, the state building code council shall:~~

8 (a) ~~Develop instructions for use by the owner or occupant on the~~  
9 ~~proper means of installation, maintenance and removal of the radon~~  
10 ~~measurement device provided for in subsection (1) of this section and~~  
11 ~~distribute the instructions to all affected county and city building~~  
12 ~~departments; and~~

13 (b) ~~Distribute to all affected county and city building departments~~  
14 ~~the current federal environmental protection agency radon measurement~~  
15 ~~proficiency list and known sources for the devices.~~

16 (3)) The owner of a new single-family residence or of a  
17 multifamily residential building shall be responsible for returning the  
18 radon measurement device left by a building inspector pursuant to this  
19 section to the appropriate testing laboratory in accordance with the  
20 instructions left with the device by the building inspector.

21 ((4)) (3) The building inspector's approval of the final  
22 inspection on the final inspection record card shall be prima facie  
23 evidence that the building inspector left the radon measurement device  
24 and instructions as required by this section.

25 ((5)) (4) The building inspector responsible for the final  
26 inspection, the building inspector's employer, and the county or city  
27 within which a single-family residence or multifamily residential  
28 building is located shall not be liable for injuries caused by:

29 (a) The failure of the occupant or owner of the residence or  
30 building to properly install, monitor, or send a radon measurement  
31 device to the testing laboratory; or

32 (b) Radon entering into any single-family residence or multifamily  
33 residential building.

34 ((6)) (5) This section shall expire June 30, 1995.

35 **Sec. 11.** RCW 19.27.470 and 1991 c 298 s 5 are each amended to read  
36 as follows:

37 ((By July 1, 1992,)) The department of community development shall  
38 be responsible for administration of rules adopted by the state

1 building code council (~~shall adopt rules~~) to ensure that new  
2 multifamily residences have adequate and conveniently located space to  
3 store and dispose of recyclable materials and solid waste.

4 **Sec. 12.** RCW 19.27.480 and 1991 c 298 s 6 are each amended to read  
5 as follows:

6 (~~By July 1, 1992,~~) The department of community development shall  
7 be responsible for administration of rules adopted by the state  
8 building code council (~~shall adopt rules~~) to ensure that new  
9 commercial facilities have adequate and conveniently located space to  
10 store and dispose of recyclable materials and solid waste.

11 **Sec. 13.** RCW 19.27A.020 and 1990 c 2 s 3 are each amended to read  
12 as follows:

13 (1) (~~No later than January 1, 1991,~~) The department of community  
14 development shall be responsible for administration of rules adopted by  
15 the state building code council (~~shall promulgate rules to be~~) known  
16 as the Washington state energy code as part of the state building code.

17 (2) The (~~council~~) department shall follow the legislature's  
18 standards set forth in this section (~~to promulgate rules to be known~~  
19 ~~as the Washington state energy code~~). The Washington state energy  
20 code shall be designed to require new buildings to meet a certain level  
21 of energy efficiency, but allow flexibility in building design,  
22 construction, and heating equipment efficiencies within that framework.  
23 The Washington state energy code shall be designed to allow space  
24 heating equipment efficiency to offset or substitute for building  
25 envelope thermal performance.

26 (3) The Washington state energy code shall take into account  
27 regional climatic conditions. Climate zone 1 shall include all  
28 counties not included in climate zone 2. Climate zone 2 includes:  
29 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend  
30 Oreille, Spokane, Stevens, and Whitman counties.

31 (4) The Washington state energy code for residential buildings  
32 shall require:

33 (a) New residential buildings that are space heated with electric  
34 resistance heating systems to achieve energy use equivalent to that  
35 used in typical buildings constructed with:

1 (i) Ceilings insulated to a level of R-38. The code shall contain  
2 an exception which permits single rafter or joist vaulted ceilings  
3 insulated to a level of R-30 (R value includes insulation only);

4 (ii) In zone 1, walls insulated to a level of R-19 (R value  
5 includes insulation only), or constructed with two by four members,  
6 R-13 insulation batts, R-3.2 insulated sheathing, and other normal  
7 assembly components; in zone 2 walls insulated to a level of R-24 (R  
8 value includes insulation only), or constructed with two by six  
9 members, R-22 insulation batts, R-3.2 insulated sheathing, and other  
10 normal construction assembly components; for the purpose of determining  
11 equivalent thermal performance, the wall U-value shall be 0.058 in zone  
12 1 and 0.044 in zone 2;

13 (iii) Below grade walls, insulated on the interior side, to a level  
14 of R-19 or, if insulated on the exterior side, to a level of R-10 in  
15 zone 1 and R-12 in zone 2 (R value includes insulation only);

16 (iv) Floors over unheated spaces insulated to a level of R-30 (R  
17 value includes insulation only);

18 (v) Slab on grade floors insulated to a level of R-10 at the  
19 perimeter;

20 (vi) Double glazed windows with values not more than U-0.4;

21 (vii) In zone 1 the glazing area may be up to twenty-one percent of  
22 floor area and in zone 2 the glazing area may be up to seventeen  
23 percent of floor area where consideration of the thermal resistance  
24 values for other building components and solar heat gains through the  
25 glazing result in thermal performance equivalent to that achieved with  
26 thermal resistance values for other components determined in accordance  
27 with the equivalent thermal performance criteria of (a) of this  
28 subsection and glazing area equal to fifteen percent of the floor area.  
29 Throughout the state for the purposes of determining equivalent thermal  
30 performance, the maximum glazing area shall be fifteen percent of the  
31 floor area; and

32 (viii) Exterior doors insulated to a level of R-5; or an exterior  
33 wood door with a thermal resistance value of less than R-5 and values  
34 for other components determined in accordance with the equivalent  
35 thermal performance criteria of (a) of this subsection.

36 (b) New residential buildings which are space-heated with all other  
37 forms of space heating to achieve energy use equivalent to that used in  
38 typical buildings constructed with:

1 (i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in  
2 zone 2 the code shall contain an exception which permits single rafter  
3 or joist vaulted ceilings insulated to a level of R-30 (R value  
4 includes insulation only);

5 (ii) Walls insulated to a level of R-19 (R value includes  
6 insulation only), or constructed with two by four members, R-13  
7 insulation batts, R-3.2 insulated sheathing, and other normal assembly  
8 components;

9 (iii) Below grade walls, insulated on the interior side, to a level  
10 of R-19 or, if insulated on the exterior side, to a level of R-10 in  
11 zone 1 and R-12 in zone 2 (R value includes insulation only);

12 (iv) Floors over unheated spaces insulated to a level of R-19 in  
13 zone 1 and R-30 in zone 2 (R value includes insulation only);

14 (v) Slab on grade floors insulated to a level of R-10 at the  
15 perimeter;

16 (vi) Heat pumps with a minimum heating season performance factor  
17 (HSPF) of 6.8 or with all other energy sources with a minimum annual  
18 fuel utilization efficiency (AFUE) of seventy-eight percent;

19 (vii) Double glazed windows with values not more than U-0.65 in  
20 zone 1 and U-0.60 in zone 2. The ((~~state building code council~~))  
21 department of community development, in consultation with the state  
22 energy office, shall review these U-values, and, if economically  
23 justified for consumers, shall amend the Washington state energy code  
24 to improve the U-values by December 1, 1993. The amendment shall not  
25 take effect until July 1, 1994; and

26 (viii) In zone 1, the maximum glazing area shall be twenty-one  
27 percent of the floor area. In zone 2 the maximum glazing area shall be  
28 seventeen percent of the floor area. Throughout the state for the  
29 purposes of determining equivalent thermal performance, the maximum  
30 glazing area shall be fifteen percent of the floor area.

31 (c) For log built homes with space heat other than electric  
32 resistance, the ((~~building code council~~)) department of community  
33 development shall establish equivalent thermal performance standards  
34 consistent with the standards and maximum glazing areas of (b) of this  
35 subsection.

36 (d) The ((~~state building code council~~)) department of community  
37 development may approve an energy code for pilot projects of  
38 residential construction that use innovative energy efficiency

1 technologies intended to result in savings that are greater than those  
2 realized in the levels specified in this section.

3 (5) U-values for glazing shall be determined using the area  
4 weighted average of all glazing in the building. U-values for glazing  
5 are the tested values for thermal transmittance due to conduction  
6 resulting from either the American architectural manufacturers'  
7 association (AAMA) 1503.1 test procedure or the American society for  
8 testing materials (ASTM) C236 or C976 test procedures. Testing shall  
9 be conducted under established winter horizontal heat flow test  
10 conditions using the fifteen miles per hour wind speed perpendicular to  
11 the exterior surface of the glazing as specified under AAMA 1503.1 and  
12 product sample sizes specified under AAMA 1503.1. The AAMA 1503.1  
13 testing must be conducted by an AAMA certified testing laboratory. The  
14 ASTM C236 or C976 testing U-values include any tested values resulting  
15 from a future revised AAMA 1503.1 test procedure. Sealed insulation  
16 glass, where used, shall conform to ASTM E-774-81 level A or better.  
17 The (~~state building code council~~) department of community development  
18 shall maintain a list of the tested U-values for glazing products  
19 available in the state.

20 (6) The minimum state energy code for new nonresidential buildings  
21 shall be the Washington state energy code, 1986 edition, as amended.

22 (7)(a) Except as provided in (b) of this subsection, the Washington  
23 state energy code for residential structures shall preempt the  
24 residential energy code of each city, town, and county in the state of  
25 Washington.

26 (b) The state energy code for residential structures does not  
27 preempt a city, town, or county's energy code for residential  
28 structures which exceeds the requirements of the state energy code and  
29 which was adopted by the city, town, or county prior to March 1, 1990.  
30 Such cities, towns, or counties may not subsequently amend their energy  
31 code for residential structures to exceed the requirements adopted  
32 prior to March 1, 1990.

33 (8) The (~~state building code council~~) department of community  
34 development shall consult with the state energy office as provided in  
35 RCW 34.05.310 prior to publication of proposed rules. The state energy  
36 office shall review the proposed rules for consistency with the  
37 guidelines adopted in subsection (4) of this section. The director of  
38 the state energy office shall recommend to the (~~state building code~~

1 council)) department any changes necessary to conform the proposed  
2 rules to the requirements of this section.

3 (~~(The state building code council shall conduct a study of~~  
4 ~~county and city enforcement of energy codes in the state. In~~  
5 ~~conducting the study, the council shall conduct public hearings at~~  
6 ~~designated council meetings to seek input from interested individuals~~  
7 ~~and organizations, and to the extent possible, hold these meetings in~~  
8 ~~conjunction with adopting rules under this section. The study shall~~  
9 ~~include recommendations as to how code enforcement may be improved.~~  
10 ~~The findings of the study shall be submitted in a report to the~~  
11 ~~legislature no later than January 1, 1991.~~

12 (~~10~~)) If any electric utility providing electric service to  
13 customers in the state of Washington purchases at least one percent of  
14 its firm energy load from a federal agency, pursuant to section  
15 5.(b)(1) of the Pacific Northwest electric power planning and  
16 conservation act (P.L. 96-501), and such utility is unable to obtain  
17 from that agency at least fifty percent of the funds for payments  
18 required by RCW 19.27A.035, the amendments to this section by chapter  
19 2, Laws of 1990 shall be null and void, and the 1986 state energy code  
20 shall be in effect, except that a city, town, or county may enforce a  
21 local energy code with more stringent energy requirements adopted prior  
22 to March 1, 1990. This subsection shall expire June 30, 1995.

23 **Sec. 14.** RCW 19.27A.025 and 1991 c 122 s 3 are each amended to  
24 read as follows:

25 (1) The minimum state energy code for new nonresidential buildings  
26 shall be the Washington state energy code, 1986 edition, as amended.  
27 The (~~state building code council~~) department of community development  
28 may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's  
29 requirements for new nonresidential buildings provided that:

30 (a) Such amendments increase the energy efficiency of typical newly  
31 constructed nonresidential buildings; and

32 (b) Any new measures, standards, or requirements adopted must be  
33 technically feasible, commercially available, and cost-effective to  
34 building owners and tenants.

35 (2) In considering amendments to the state energy code for  
36 nonresidential buildings, the (~~state building code council~~)  
37 department of community development shall establish and consult with a  
38 technical advisory committee including representatives of appropriate

1 state agencies, local governments, general contractors, building owners  
2 and managers, design professionals, utilities, and other interested and  
3 affected parties.

4 (3) Decisions to amend the Washington state energy code for new  
5 nonresidential buildings shall be made prior to December 15th of any  
6 year and shall not take effect before the end of the regular  
7 legislative session in the next year. Any disputed provisions within  
8 an amendment presented to the legislature shall be approved by the  
9 legislature before going into effect. A disputed provision is one  
10 which was adopted by the (~~state building code council~~) department of  
11 community development with less than a two-thirds majority vote.  
12 Substantial amendments to the code shall be adopted no more frequently  
13 than every three years.

14 **Sec. 15.** RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read  
15 as follows:

16 The (~~state building code council~~) department of community  
17 development shall maintain the state energy code for residential  
18 structures in a status which is consistent with the state's interest as  
19 set forth in section 1, chapter 2, Laws of 1990. In maintaining the  
20 Washington state energy code for residential structures, beginning in  
21 1996 the (~~council~~) department shall review the Washington state  
22 energy code every three years. After January 1, 1996, by rule adopted  
23 pursuant to chapter 34.05 RCW, the (~~council~~) department may amend any  
24 provisions of the Washington state energy code to increase the energy  
25 efficiency of newly constructed residential buildings. Decisions to  
26 amend the Washington state energy code for residential structures shall  
27 be made prior to December 1 of any year and shall not take effect  
28 before the end of the regular legislative session in the next year.

29 **Sec. 16.** RCW 29.57.030 and 1985 c 205 s 2 are each amended to read  
30 as follows:

31 The secretary of state, in consultation with (~~the state building~~  
32 ~~code advisory council and~~) local election officials, shall determine  
33 standards for accessible polling places as required by this chapter and  
34 provide county auditors with these standards by July 1, 1985. These  
35 standards shall be revised whenever there are significant amendments to  
36 the applicable rules of the (~~state building code advisory council~~)  
37 department of community development.

1       **Sec. 17.** RCW 35.68.076 and 1989 c 175 s 84 are each amended to  
2 read as follows:

3       The department of general administration shall, pursuant to chapter  
4 34.05 RCW, the Administrative Procedure Act, adopt several suggested  
5 model design, construction, or location standards to aid counties,  
6 cities, and towns in constructing curb ramps to allow reasonable access  
7 to the crosswalk for physically handicapped persons without uniquely  
8 endangering blind persons. The department of general administration  
9 shall consult with handicapped persons, blind persons, counties, and  
10 cities(~~(, and the state building code council)~~) in adopting the  
11 suggested standards.

12       **Sec. 18.** RCW 43.22.480 and 1989 c 134 s 1 are each amended to read  
13 as follows:

14       The department shall adopt and enforce rules that protect the  
15 health, safety, and property of the people of this state by assuring  
16 that all factory built housing or factory built commercial structures  
17 are structurally sound and that the plumbing, heating, electrical, and  
18 other components thereof are reasonably safe. The rules shall be  
19 reasonably consistent with recognized and accepted principles of safety  
20 and structural soundness, and in adopting the rules the department  
21 shall consider, so far as practicable, the standards and specifications  
22 contained in the uniform building, plumbing, and mechanical codes,  
23 including the barrier free code and the Washington energy code (~~as~~  
24 ~~adopted by the state building code council~~) pursuant to chapter 19.27A  
25 RCW, and the national electrical code, including the state rules as  
26 adopted pursuant to chapter 19.28 RCW and published by the national  
27 fire protection association.

28       The department shall set a schedule of fees which will cover the  
29 costs incurred by the department in the administration and enforcement  
30 of RCW 43.22.450 through 43.22.490.

31       **Sec. 19.** RCW 70.92.130 and 1975 1st ex.s. c 110 s 4 are each  
32 amended to read as follows:

33       As used in this chapter the following words and phrases shall have  
34 the following meanings unless the context clearly requires otherwise:

35       (1) "Administrative authority" means the building department of  
36 each county, city, or town of this state;

1 (2) "Substantially remodeled or substantially rehabilitated" means  
2 any alteration or restoration of a building or structure within any  
3 twelve-month period, the cost of which exceeds sixty percent of the  
4 currently appraised value of the particular building or structure(~~(+~~  
5 ~~(3) "Council" means the state building code advisory council~~)).

6 **Sec. 20.** RCW 70.92.140 and 1975 1st ex.s. c 110 s 5 are each  
7 amended to read as follows:

8 The (~~state building code advisory council~~) department of  
9 community development shall adopt minimum standards by rule and  
10 regulation for the provision of facilities in buildings and structures  
11 to accommodate the elderly, as well as physically disabled persons,  
12 which shall include but not be limited to standards for:

- 13 (1) Ramps;
- 14 (2) Doors and doorways;
- 15 (3) Stairs;
- 16 (4) Floors;
- 17 (5) Entrances;
- 18 (6) Toilet rooms and paraphernalia therein;
- 19 (7) Water fountains;
- 20 (8) Public telephones;
- 21 (9) Elevators;
- 22 (10) Switches and levers for the control of light, ventilation,  
23 windows, mirrors, etc.;
- 24 (11) Plaques identifying such facilities;
- 25 (12) Turnstiles and revolving doors;
- 26 (13) Kitchen facilities, where appropriate;
- 27 (14) Grading of approaches to entrances;
- 28 (15) Parking facilities;
- 29 (16) Seating facilities, where appropriate, in buildings where  
30 people normally assemble.

31 **Sec. 21.** RCW 70.92.150 and 1975 1st ex.s. c 110 s 6 are each  
32 amended to read as follows:

33 The (~~council~~) department of community development in adopting  
34 these minimum standards shall consider minimum standards adopted by  
35 both law and rule and regulation in other states(~~(: PROVIDED, That no~~  
36 ~~standards adopted by the council pursuant to RCW 70.92.100 through~~  
37 ~~70.92.160 shall take effect until July 1, 1976)~~). The (~~council~~)

1 department shall adopt such standards by majority vote pursuant to the  
2 provisions of chapter 34.05 RCW.

3 **Sec. 22.** RCW 70.94.455 and 1991 c 199 s 503 are each amended to  
4 read as follows:

5 After January 1, 1992, no used solid fuel burning device shall be  
6 installed in new or existing buildings unless such device is either  
7 Oregon department of environmental quality phase II or United States  
8 environmental protection agency certified or a pellet stove either  
9 certified or exempt from certification by the United States  
10 environmental protection agency.

11 (1) (~~By July 1, 1992, the state~~) The department of community  
12 development shall be responsible for administration of rules adopted by  
13 the building code council (~~shall adopt rules~~) requiring an adequate  
14 source of heat other than wood stoves in all new and substantially  
15 remodeled residential and commercial construction. This rule shall  
16 apply (a) to areas designated by a county to be an urban growth area  
17 under chapter 36.70A RCW; and (b) to areas designated by the  
18 environmental protection agency as being in nonattainment for  
19 particulate matter.

20 (2) For purposes of this section, "substantially remodeled" means  
21 any alteration or restoration of a building exceeding sixty percent of  
22 the appraised value of such building within a twelve-month period.

23 **Sec. 23.** RCW 70.94.457 and 1991 c 199 s 501 are each amended to  
24 read as follows:

25 The department of ecology shall establish by rule under chapter  
26 34.05 RCW:

27 (1) State-wide emission performance standards for new solid fuel  
28 burning devices. Notwithstanding any other provision of this chapter  
29 which allows an authority to adopt more stringent emission standards,  
30 no authority shall adopt any emission standard for new solid fuel  
31 burning devices other than the state-wide standard adopted by the  
32 department under this section.

33 (a) After January 1, 1995, no solid fuel burning device shall be  
34 offered for sale that does not meet the following particulate air  
35 contaminant emission standards under the test methodology of the United  
36 States environmental protection agency in effect on January 1, 1991, or  
37 an equivalent standard under any test methodology adopted by the United

1 States environmental protection agency subsequent to such date: (i)  
2 Two and one-half grams per hour for catalytic wood stoves; and (ii)  
3 four and one-half grams per hour for all other solid fuel burning  
4 devices. For purposes of this subsection, "equivalent" shall mean the  
5 emissions limits specified in this subsection multiplied by a  
6 statistically reliable conversion factor determined by the department  
7 that compares the difference between the emission test methodology  
8 established by the United States environmental protection agency prior  
9 to May 15, 1991, with the test methodology adopted subsequently by the  
10 agency. Subsection (a) of this subsection does not apply to  
11 fireplaces.

12 (b) After January 1, 1997, no fireplace, except masonry fireplaces,  
13 shall be offered for sale unless such fireplace meets the 1990 United  
14 States environmental protection agency standards for wood stoves or  
15 equivalent standard that may be established by the (~~(state building~~  
16 ~~code council)~~) department of community of development by rule. Prior  
17 to January 1, 1997, the (~~(state building code council)~~) department of  
18 community development shall establish by rule a methodology for the  
19 testing of factory-built fireplaces. The methodology shall be designed  
20 to achieve a particulate air emission standard equivalent to the 1990  
21 United States environmental protection agency standard for wood stoves.  
22 In developing the rules, the (~~(council)~~) department shall include on  
23 the technical advisory committee at least one representative from the  
24 masonry fireplace builders and at least one representative of the  
25 factory-built fireplace manufacturers.

26 (c) Prior to January 1, 1997, the (~~(state building code council)~~)  
27 department of community development shall establish by rule design  
28 standards for the construction of new masonry fireplaces in Washington  
29 state. In developing the rules, the (~~(council)~~) department shall  
30 include on the technical advisory committee at least one representative  
31 from the masonry fireplace builders and at least one representative of  
32 the factory-built fireplace manufacturers. It shall be the goal of the  
33 (~~(council)~~) department to develop design standards that generally  
34 achieve reductions in particulate air contaminant emissions  
35 commensurate with the reductions being achieved by factory-built  
36 fireplaces at the time the standard is established.

37 (d) Actions of the department and local air pollution control  
38 authorities under this section shall preempt actions of other state  
39 agencies and local governments for the purposes of controlling air

1 pollution from solid fuel burning devices, except where authorized by  
2 this act.

3 (e) Subsection (1)(a) of this section shall not apply to  
4 fireplaces.

5 (f) Notwithstanding (a) of this subsection, the department is  
6 authorized to adopt, by rule, emission standards adopted by the United  
7 States environmental protection agency for new wood stoves sold at  
8 retail. For solid fuel burning devices for which the United States  
9 environmental protection agency has not established emission standards,  
10 the department may exempt or establish, by rule, state-wide standards  
11 including emission levels and test procedures for such devices and such  
12 emission levels and test procedures shall be equivalent to emission  
13 levels per pound per hour burned for other new wood stoves and  
14 fireplaces regulated under this subsection.

15 (2) A program to:

16 (a) Determine whether a new solid fuel burning device complies with  
17 the state-wide emission performance standards established in subsection  
18 (1) of this section; and

19 (b) Approve the sale of devices that comply with the state-wide  
20 emission performance standards.

21 **Sec. 24.** RCW 90.76.020 and 1989 c 346 s 3 are each amended to read  
22 as follows:

23 (1) By July 1, 1990, the department shall adopt rules establishing  
24 requirements for all underground storage tanks that are regulated under  
25 the federal act, taking into account the various classes or categories  
26 of tanks to be regulated. The rules must be consistent with and no  
27 less stringent than the federal regulations and consist of requirements  
28 for the following:

29 (a) New underground storage tank system design, construction,  
30 installation, and notification;

31 (b) Upgrading existing underground storage tank systems;

32 (c) General operating requirements;

33 (d) Release detection;

34 (e) Release reporting;

35 (f) Out-of-service underground storage tank systems and closure;

36 and

37 (g) Financial responsibility for underground storage tanks  
38 containing regulated substances.

1 (2) By July 1, 1990, the department shall adopt rules:

2 (a) Establishing physical site criteria to be used in designating  
3 local environmentally sensitive areas;

4 (b) Establishing procedures for local government application for  
5 this designation; and

6 (c) Establishing procedures for local government adoption and  
7 department approval of rules more stringent than the state-wide  
8 standards in these designated areas.

9 (3) By July 1, 1990, the department shall establish by rule an  
10 administrative and enforcement program that is consistent with and no  
11 less stringent than the program required under the federal regulations  
12 in the areas of:

13 (a) Compliance monitoring, including procedures for recordkeeping  
14 and a program for systematic inspections;

15 (b) Enforcement;

16 (c) Public participation; and

17 (d) Information sharing.

18 (4) By July 1, 1990, the department shall establish a program that  
19 provides for the tagging of underground storage tanks. Tanks are not  
20 eligible for tagging unless the owner or operator is in compliance with  
21 the requirements of this chapter and annual state and local tank fees  
22 have been remitted. The tank tagging program shall be designed to  
23 ensure that tags will be clearly identifiable to persons delivering  
24 regulated substances to underground storage tanks.

25 (5) The department may establish programs to certify persons who  
26 conduct inspections, testing, closure, cathodic protection, interior  
27 tank lining, corrective action, or other activities required under this  
28 chapter. Certification programs shall be designed to ensure that each  
29 certification will be effective in all jurisdictions of the state.

30 ~~((6) When adopting rules under this chapter, the department shall  
31 consult with the state building code council to ensure coordination  
32 with the building and fire codes adopted under chapter 19.27 RCW.))~~

33 NEW SECTION. **Sec. 25.** The following acts or parts of acts are  
34 each repealed:

35 (1) RCW 19.27.035 and 1989 c 266 s 6;

36 (2) RCW 19.27.070 and 1989 c 246 s 2, 1987 c 505 s 7, 1985 c 360 s  
37 11, 1984 c 287 s 55, 1975-76 2nd ex.s. c 34 s 59, & 1974 ex.s. c 96 s  
38 7;

- 1 (3) RCW 19.27.074 and 1989 c 266 s 3 & 1985 c 360 s 2;
- 2 (4) RCW 19.27.078 and 1989 c 266 s 4 & 1985 c 360 s 3;
- 3 (5) RCW 19.27.085 and 1989 c 256 s 1 & 1985 c 360 s 4;
- 4 (6) RCW 19.27.160 and 1991 c 363 s 16 & 1989 c 246 s 7;
- 5 (7) RCW 19.27.175 and 1991 c 297 s 15;
- 6 (8) RCW 19.27A.050 and 1985 c 144 s 5; and
- 7 (9) RCW 70.162.030 and 1989 c 315 s 4.

--- END ---