

WAC 194-50-040 ASHRAE Standard 100, 2018—Section 4—Compliance requirements.

4.1.1.1 A *building or complex of buildings* whose majority of *gross floor area* has activities in Table 7-1 shall comply with the requirements of Sections 4.2 and 4.3.

4.1.1.2

• For *Tier 1 covered buildings* the *qualified person* determining compliance shall:

1. Determine whether or not the *building* seeking compliance has an *energy use intensity target (EUI_t)* according to Section 7;

2. Establish the *energy use intensity target (EUI_t)* according to Section 7; and

3. Submit forms as specified in Normative Annex Z to the *AHJ*.

• For *Tier 2 covered buildings* the *qualified energy manager* submitting compliance documents shall:

1. Determine whether or not the *building* seeking compliance has an *energy use intensity target (EUI_t)* according to Section 7;

2. Establish the *energy use intensity target (EUI_t)* according to Section 7; and

3. Submit forms as specified in Normative Annex Y to the *AHJ*.

4.1.2 Residential building.

4.1.2.1 A *multifamily residential building or complex of multifamily residential buildings* shall comply with the requirements of Sections 4.2 and 4.3.

4.1.2.2 For *Tier 2 covered buildings* the *qualified energy manager* submitting compliance documents shall:

1. Determine whether or not the *building* seeking compliance has an *energy use intensity target (EUI_t)* according to Section 7;

2. Establish the *energy use intensity target (EUI_t)* according to Section 7; and

3. Submit forms as specified in Normative Annex Y to the *AHJ*.

4.1.3 Buildings with residential and nonresidential activities - Not adopted.

4.2.1 Operations and maintenance. The *building manager* shall comply with the operations and maintenance (*O&M*) requirements of Section 6.

• For *Tier 1 covered buildings* the *qualified person* determining compliance shall state in writing on Form A that the operating and maintenance requirements of Section 6 have been met according to the following subsections.

• For *Tier 2 covered buildings* the *qualified energy manager* submitting compliance documents shall state in writing on Form A that the operating and maintenance requirements of Section 6 have been met according to the following subsections.

4.2.1.1 For first-time applicants.

• *Tier 1 covered buildings*, for the previous year.

• *Tier 2 covered buildings*, by the compliance date.

4.2.2 Energy management plan. The *building manager* shall comply with the energy management requirements of Section 5.

• For *Tier 1 covered buildings* the *qualified person* determining compliance shall state in writing on Form A that the energy management

program described in Section 5 has been developed and is being maintained as of the date on Form A.

- For *Tier 2 covered buildings* the *qualified energy manager* submitting compliance documents shall state in writing on Form A that the energy management program described in Section 5 has been developed and is being maintained as of the date on Form A.

4.3.1 Measured EUI.

- For *Tier 1 covered buildings* the *qualified person* shall calculate the *building's* measured energy use intensity (EUI) by completing Form C according to Section 5.2.

- For *Tier 2 covered buildings* the *qualified energy manager* submitting compliance documents shall calculate the *building's* measured energy use intensity (EUI) by completing Form C according to Section 5.2.

4.3.2 Buildings with energy targets. *Covered buildings* with energy targets must meet all the criteria for developing an energy target in Section 7.2 Determining energy use intensity target (EUI_t) and provide energy use data as specified by Section 5.2 Building energy monitoring. All other *buildings* shall comply with Section 4.3.3, Buildings without energy targets. *Tier 2 covered buildings* are not required to meet the target as they are exempt from Sections 4.3.2.1 through 4.3.2.3.

4.3.2.1 Building meets the energy target (EUI_t). If the *Tier 1 covered building's* measured weather normalized energy use intensity (WNEUI) is less than or equal to its energy target (EUI_t), the *building* complies.

4.3.2.2 Tier 1 covered building does not meet the energy use intensity target (EUI_t). A *qualified energy auditor* shall complete an energy audit according to Section 8, and *EEMs* that will reduce energy use to meet the energy target shall be implemented according to Section 9. Upon completion of the implementation of all required *EEMs*, a *building* shall be granted *conditional compliance*.

Exceptions to 4.3.2.2:

1. *More recently built buildings:* For *buildings* that exceed the target developed in accordance with Section 7.2.1.1, but do not exceed the target developed in accordance with Section 7.2.1, the owner may demonstrate compliance by *recommissioning* the *building* using the existing-building commissioning process. The commissioning process consists of the following:

- a. A *certified commissioning professional* shall implement the *building* commissioning process specified by the most recent edition of the Washington state energy code. The energy code commissioning process shall be modified by the *certified commissioning professional* for *recommissioning* purposes as described in ASHRAE Guideline 0.2-2015 Commissioning Process for Existing Systems and Assemblies and ASHRAE Guideline 1.2-2019 Technical Requirements for the Commissioning Process for Existing HVAC&R Systems and Assemblies.

- b. Washington state energy code (WSEC) exceptions based on mechanical system or service water heating capacity shall not be applied when developing the scope for commissioning. For example, the 2018 WSEC, Section C408.1 General, the exceptions do not apply.

- c. All deficiencies found during the commissioning process shall be resolved including corrections and retesting prior to submitting documentation for compliance or *conditional compliance*.

d. *Building owners* may omit capital expenditures identified by the commissioning process that are not cost-effective, as documented using the procedures in Normative Annex X.

2. No individual requirement need be met that would compromise the historical integrity of a *building* or part of a *building* designated by a government body for long-term preservation in its existing state, such as historical monuments. *EEMs* that can be implemented without modifying historical parts of the *building* shall be implemented as required by this standard. Documentation of historic significance must be provided to the *AHJ* by submitting Form G in accordance with Normative Annex Z.

4.3.2.3 Verification of compliance. Within 15 months after the completion of Section 4.3.2.2, the *weather normalized energy use intensity (WNEUI)* shall be recalculated by the *energy manager (EM)* from 12 consecutive months of measured energy use, and Form A shall be resubmitted to the *AHJ*. If the *building's* post-implementation measured *EUI* is less than or equal to the energy target (EUI_t), the *building* complies with the standard. If the *building's* post-implementation measured *EUI* is greater than the energy target (EUI_t), the *building* does not comply with the standard and the *conditional compliance* is suspended until either:

a. Additional *EEMs* have been implemented that reduce the subsequently measured *EUI* to below the energy target (EUI_t) and a new Form A is submitted to the *AHJ*; or

b. The *AHJ* revokes *conditional compliance*.

4.3.3 Buildings without energy targets.

Exception to 4.3.3: *Tier 2 covered buildings.*

4.3.3.2 Implement EEMs. The entire *optimized bundle* of *EEMs* identified shall be implemented. Upon completion of the implementation of the *optimized bundle* of *EEMs* and the energy management plan, including the operations and maintenance program, is in place as directed by Section Z4.5, a *building* shall be granted *conditional compliance* in accordance with Section 9.1.1.2.

Exception to 4.3.3.2: No individual requirement need be met that would compromise the historical integrity of a *building* or part of a *building* designated by a government body for long-term preservation in its existing state, such as historical monuments. Documentation of historic significance must be provided to the *AHJ* by submitting Form G in accordance with Normative Annex Z.

4.3.3.3 Verification of compliance for buildings with building energy monitoring in compliance with Section 5.2. If the *building* complies with Section 4.2, then within 15 months following the completion of implementation of the *optimized bundle of EEMs*, *building owners* with *conditional compliance* or the *qualified person* representing the *building owner* shall submit verification that measured post-implementation energy savings meet or exceed 75 percent of the energy savings projected in the energy audit report to the *AHJ*. Energy savings shall be compared at the whole-*building* consumption level in common units for electricity, fossil fuels, and other sources. If the measured post-implementation energy savings of the package of *EEMs* do not meet or exceed 75 percent of the energy savings projected in the energy audit, the *conditional compliance* is suspended until one of the following:

a. Additional cost-effective *EEMs* are implemented that reduce the subsequently measured energy savings of the package of *EEMs* so that it meets or exceeds 75 percent of the energy savings projected in the energy audit; or

b. Verification of energy savings using the methods of the *International Performance Measurement & Verification Protocol, Concepts and Options for Determining Energy and Water Savings Volume I*, options A through D. If the measurement and verification protocol identified any outstanding performance issues, they shall be corrected and the verification protocol shall be repeated to ensure optimal performance; or

c. The *AHJ* revokes conditional compliance.

4.3.3.4 Verification of compliance for buildings without building energy monitoring in compliance with Section 5.2. Verification of energy savings using the methods of the *International Performance Measurement & Verification Protocol, Concepts and Options for Determining Energy and Water Savings Volume I* options A through D. If the measurement and verification protocol identified any outstanding performance issues, they shall be corrected and the verification protocol shall be repeated to assure savings estimated in the original audit are realized.

4.4.1 Administrative requirements. *Building owners* shall demonstrate compliance with the standard by following the administrative requirements in Normative Annex Z for *Tier 1 covered buildings* or Normative Annex Y for *Tier 2 covered buildings*, including:

- **Z2/Y2** "*Building owner response to notifications.*"
- **Z3/Y3** "*Washington state reporting requirements for building owners.*"
- **Z4/Y4** "*Documentation of compliance with the standard.*"
- **Z5/Y5** "*Violations, assessment of administrative penalties, mitigation and review of penalty decisions.*"
- **Z6/Y6** "*Compliance forms.*"
- **Z7/Y7** "*Section 7 tables as modified by Washington state.*"

4.4.2 Alternative energy targets (EUI_t) - Not adopted.

[Statutory Authority: RCW 19.27A.210 and 19.27A.250. WSR 24-03-033, § 194-50-040, filed 1/8/24, effective 2/8/24. Statutory Authority: RCW 19.27A.210. WSR 20-22-059, § 194-50-040, filed 10/30/20, effective 11/30/20.]