



RULE-MAKING ORDER

SR-103 (June 2004) (Implements RCW 34.05.360)

Agency: State Building Code Council

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) July 1, 2005

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

- Yes No If Yes, explain:

Purpose: To amend the Washington State Energy Code to provide an exemption for residential cooling units 54,000 Btu/h and less from having to install an economizer.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 51-11, Section 1423.
 Suspended:

Statutory authority for adoption: RCW 19.27A.022, 19.27A.025, and 19.27A.045

Other authority: RCW 19.27 and RCW 34.05

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR _____ on _____ (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
 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: See Attached

Date adopted: June 10, 2005

NAME (TYPE OR PRINT)
 John Neff

SIGNATURE

TITLE
 Council Chair

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
 STATE OF WASHINGTON
 FILED

JUN 21 2005

TIME 10:16 AM
 WSR 05-13-142 PM

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

DECLARATION OF EMERGENCY AND FINDINGS TO SUPPORT EMERGENCY RULEMAKING

The State Building Code Council (Council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The Council further finds that immediate amendment of a certain Council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The Washington State Energy Code amendment to Section 1423 contained herein as adopted by the Council under emergency rulemaking pursuant to RCW 34.05.350, will provide economic relief to residential homeowners by reinstating the same economizer threshold as the previous code. To conserve energy and provide relief from rising energy costs, the State Building Code Council amended the economizer requirements under their authority in RCW 19.27A.045. The Council lowered the threshold for cooling units installed outdoors or in a mechanical room adjacent to outdoors from 54,000 Btu/h to 20,000 Btu/h.

This change may have unanticipated consequences for residential buildings. This could ultimately result in undue expense for homeowners for equipment that may not be necessary in residential applications. The Council finds this may be an economic burden and immediate adoption of this amendment is necessary so as to preempt the new regulation coming into place July 1, 2005. The Council finds it should not impose the new standards on residential buildings. The amendment herein takes into consideration the general welfare of the public by reverting back to the previous economizer requirement for residential buildings. The Council also has taken the necessary steps to adopt a permanent rule. The permanent rule will not be effective until the end of the 2006 legislative session as per RCW 19.27.074.

AMENDATORY SECTION (Amending WSR 05-01-013, filed 12/2/04, effective 7/1/05)

WAC 51-11-1423 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on:

a. Cooling units installed outdoors or in a mechanical room adjacent to outdoors having a total cooling capacity greater than 20,000 Btu/h including those serving computer server rooms, electronic equipment, radio equipment, telephone switchgear; and

b. Other cooling units with a total cooling capacity greater than 54,000 Btu/h, including those serving computer server rooms, electronic equipment, radio equipment, and telephone switchgear.

Exception: For Group R Occupancy, economizers meeting the requirements of Section 1413 shall be installed on single package unitary fan-cooling units having a total cooling capacity greater than 54,000 Btu/h.

The total capacity of all units without economizers (i.e., those units with a total cooling capacity less than a. and b. above) shall not exceed 240,000 Btu/h per building, or 10% of its aggregate cooling (economizer) capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building.