

WSR 23-20-035

EMERGENCY RULES

BUILDING CODE COUNCIL

[Filed September 26, 2023, 2:49 p.m., effective October 29, 2023]

Effective Date of Rule: October 29, 2023.

Purpose: To add a new standard in WAC 51-54A-8000 and provide additional guidance on the installation of energy storage systems by adding a new amendment to WAC 51-54A-1201. An additional emergency filing is required to extend the effectiveness of the emergency rule while the state building code council (SBCC) continues work on a permanent rule filing.

Citation of Rules Affected by this Order: New WAC 51-54A-1201; and amending WAC 51-54A-8000.

Statutory Authority for Adoption: RCW 19.27.031.

Other Authority: RCW 19.27.074.

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.

Reasons for this Finding: Energy storage systems is an industry that is emerging very quickly and there are many associated life and safety hazards to the installation of these systems. The 2018 International Fire Code (IFC) does not have enough language to address these hazards. This proposal permits the authority having jurisdictions to use NFPA 855 as a referenced document, per Section 102.7. The standard will be part of the 2028 IFC as a state amendment until the newly adopted appropriate code sections in the 2021 IFC become effective.

SBCC adopted the permanent rules for these systems at SBCC meeting on September 15, 2023. The 2021 IFC was originally scheduled to go into effect July 1, 2023, but was delayed until October 29, 2023. On September 15, 2023, SBCC agreed on another delay; the new effective date for all building codes is March 15, 2024. The emergency rule was extended once to align with the October 29 effective date, and now it needs to be extended again two more times to be effective until March 15, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 15, 2023.

Tony Doan
Council Chair

OTS-3419.4

NEW SECTION

WAC 51-54A-1201 General. 1201.1 Scope. The provisions of this chapter shall apply to the installation, operation, and maintenance of energy systems used for generating or storing energy. It shall not apply to equipment associated with the generation, control, transformation, transmission, or distribution of energy installations that is under the exclusive control of an electric utility or lawfully designated agency. Energy storage systems regulated by Section 1206 shall comply with this chapter as applicable and NFPA 855.

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AMENDATORY SECTION (Amending WSR 19-02-086, filed 1/2/19, effective 7/1/19)

WAC 51-54A-8000 Referenced standards.

The following standards are added:

NFPA 96-07 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations	609.3
NFPA 720-15 Standard for the Installation of Carbon Monoxide (CO) Warning Equipment in Dwelling Units	1103.9
NFPA 130-17 Standard for Fixed Guideway Transit and Passenger Rail Systems	3901.1
<u>NFPA 855-23 Standard for the Installation of Stationary Energy Storage Systems</u>	<u>1201.1</u>

[Statutory Authority: RCW 19.27.031, 19.27.074 and chapter 19.27 RCW. WSR 19-02-086, § 51-54A-8000, filed 1/2/19, effective 7/1/19. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 16-03-055, § 51-54A-8000, filed 1/16/16, effective 7/1/16. Statutory Authority: RCW 19.27A.031, 19.27.074 and chapters 19.27 and 34.05 RCW. WSR 13-04-063, § 51-54A-8000, filed 2/1/13, effective 7/1/13.]