

WSR 21-03-078

PROPOSED RULES

BUILDING CODE COUNCIL

[Filed January 19, 2021, 3:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-21-055.

Title of Rule and Other Identifying Information: Chapter 51-54A WAC, Amendments to the 2018 International Fire Code, addressing on-demand mobile fueling operations.

Hearing Location(s): On April 16, 2021, at 10:00 [a.m.], at 1500 Jefferson Street S.E., Olympia, WA 98504. Due to COVID-19, this meeting might be held virtually.

Date of Intended Adoption: May 21, 2021.

Submit Written Comments to: Shannon Pitts, 1500 Jefferson Street S.E., Olympia, WA 98504, email SBCC@des.wa.gov, by April 16, 2021.

Assistance for Persons with Disabilities: Contact Shannon Pitts, phone 360-407-9255, email Shannon.pitts@des.wa.gov [Shannon.pitts@des.wa.gov], by April 12, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule is in response to ESHB 2783 and addresses on-demand mobile fueling operations.

Reasons Supporting Proposal: Required by ESHB 2783.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in these changes: WAC 51-54-5707, 5707.1 Notes what is being addressed, 5707.1.1 Addresses required approvals, 5707.1.2 Addresses permit coordination, 5702.2 Addresses mobile fueling vehicles, 5702.3 Addresses required documents, 5707.4 Addresses mobile fueling areas, 5707.5 Addresses equipment, 5707.6 Addresses operations.

Name of Proponent: Diane Glenn, Chair, state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Stoyan Bumbalov, 1500 Jefferson Street S.E., Olympia, WA 98504, 360-407-9277; Enforcement: Local jurisdictions having authority.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Exemption per RCW 34.05.328 (5)(b)(v) for statute RCW 19.27.077.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. Changes are intended to clarify permitting and operation for greater clarity and conformity between jurisdictions. This should lower operating costs.

A copy of the detailed cost calculations may be obtained by contacting Stoyan Bumbalov, 1500 Jefferson Street [S.E.], Olympia, WA 08504 [98504], phone 360-407-9277, email Stoyan.bumbalov@des.wa.gov.

January 8, 2021
Diane Glenn
Chair

OTS-2877.1

AMENDATORY SECTION (Amending WSR 16-03-064, filed 1/19/16, effective 7/1/16)

WAC 51-50-0427 Section 427—Electric vehicle charging infrastructure.

427.1 Scope. The provisions of this section shall apply to the construction of new buildings (~~(serving Group B, Group R-1 hotel and motel only, and Group R-2 occupancies)~~).

EXCEPTIONS: 1. Occupancies classified as Group R-3 or Group U.
2. Group A, Group E, or Group M occupancies, except where employee parking spaces are designated. The provisions of Section 427 shall apply only to those designated employee parking spaces.

427.2 Required electric vehicle charging infrastructure. Where parking is provided, (~~(five)~~) ten percent of parking spaces shall be provided with electric vehicle charging infrastructure in compliance with Sections 427.3, 427.4 and 427.5. When the calculation of percent served results in a fractional parking space, the applicant shall round up to the next whole number.

(EXCEPTION: Group R and Group B occupancies served by less than 20 on-site parking spaces.)

427.3 Electrical room(s). Electrical room(s) serving buildings with on-site parking (~~(areas shall be designed)~~) spaces must be sized to accommodate the potential for electrical equipment and distribution required to serve a minimum of 20 percent of the total parking spaces with 208/240 V 40-amp, circuit or equivalent electric vehicle charging infrastructure.

427.4 Electric vehicle charging infrastructure. Electric vehicle charging infrastructure shall (~~(be installed meeting one of)~~) meet the following requirements:

1. A minimum number of 208/240 V 40-amp, circuit or equivalent electric vehicle charging stations required to serve the parking spaces specified in section 427.2. The electric vehicle charging stations shall be located to serve spaces designated for parking and charging electric vehicles (~~(7-0#)~~).

2. Additional service capacity, space for future meters, panel capacity or space for additional panels, and raceways for future installation of electric vehicle charging stations. The service capacity and raceway size shall be designed to accommodate the future installation of the number of 208/240 V 40-amp, circuit or equivalent electric vehicle charging stations specified in section 427.2. The raceway shall terminate at spaces designated for parking and charging electric vehicles in the future.

Where designated electric vehicle charging locations serve exterior on-grade parking spaces that are located more than 4 feet from a building, raceways shall be extended below grade to a pull box in the vicinity of the designated future electric vehicle charging locations or stub above grade in the vicinity of the designated future electric vehicle charging locations, protected from vehicles by a curb or other device.

EXCEPTION: In lieu of surface-mounted raceway between the electrical panel and the designated electric vehicle charging locations, it is permitted to provide permanent markings indicating the pathway for future raceway, and one-inch diameter capped sleeves through each wall and floor assembly that are penetrated along that route. This pathway and the locations of capped sleeves shall also be indicated on the electrical plans. Raceway shall be installed for any portion of the pathway located below slabs, below grade, or within floor, wall or roof assemblies.

Load management infrastructure may be used to adjust the size and capacity of the required building electric service equipment and circuits on the customer facilities, as well as electric utility owned infrastructure, as allowed by applicable local and national electric codes.

427.5 Electric vehicle charging infrastructure for accessible parking spaces. When electric vehicle charging infrastructure is required, ~~((one))~~ ten percent of accessible parking space, rounded to the next whole number, shall be ~~((served by))~~ provided with electric vehicle charging infrastructure. The electric vehicle charging infrastructure may also serve adjacent parking spaces not designated as accessible parking. A maximum of ten percent rounded to the next whole number, of the accessible parking spaces are allowed to be included in the total number of electric vehicle parking spaces required under Section 427.2.

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 16-03-064, § 51-50-0427, filed 1/19/16, effective 7/1/16.]

OTS-2880.1

NEW SECTION

WAC 51-54A-5707 Section 5705—On-demand mobile fueling operations.

5707.1 General. On-demand mobile fueling operations that dispense Class I, II and III liquids into the fuel tanks of motor vehicles shall comply with Sections 5707.1 through 5707.6.6.

EXCEPTION: Fueling from an *approved* portable container in cases of an emergency or for personal use.

5707.1.1 Approval required. Mobile fueling operations shall not be conducted without first obtaining a *permit* and approval from the fire code official. Mobile fueling operations shall occur only at *approved* locations. The fire code official is authorized to *approve* individual locations or geographic areas where mobile fueling is allowed.

5707.1.2 Coordination of permits. *Permits* across multiple authorities having jurisdiction shall be coordinated in accordance with Sections 5707.1.2.1 through 5707.1.2.4.

5707.1.2.1 Acceptance of permits issued by other authorities having jurisdiction. Local authorities having jurisdiction that allow mobile on demand fueling trucks may accept conforming *permits* issued and/or inspections performed by any other local authorities having jurisdiction in Washington state. Local authorities having jurisdiction that choose to accept conforming *permits* issued by other local authorities having jurisdiction in Washington state retain the right to enforce the provisions of this section.

5707.1.2.2 Local authorities having jurisdiction not offering operator or truck certification. A conforming operator or vehicle *permit* issued by one local authority having jurisdiction shall be recognized and accepted by all local authorities having jurisdiction in Washington state, if those local authority having jurisdictions allow mobile on-

demand fueling and do not offer such operator or truck certification. Under no circumstances will an issuing local authority having jurisdiction be expected to perform permissive inspections beyond their jurisdiction.

5707.1.2.3 Commencing permit issuance. When a local authority having jurisdiction that has previously authorized mobile fueling operations but not issued their own *permits* commences *permit* issuance for mobile fueling operations or vehicles, that local authority having jurisdiction shall continue to accept *permits* previously issued by another local authority having jurisdiction in Washington state for three months or until their expiration date, whichever is sooner.

5707.1.2.4 Permit record maintenance. Issuing local authorities having jurisdiction shall maintain a publicly available list of current *permits* or other information source to enable all parties to have information about whether *permits* are in good standing.

5707.2 Mobile fueling vehicle. An on-demand mobile fueling vehicle shall be utilized in on-demand fueling operations for the dispensing of Class I, II or III liquids into the fuel tanks of motor vehicles and shall comply with Sections 5707.2.1 and 5707.2.2.

5707.2.1 Mobile fueling vehicle classifications. An on-demand mobile fueling vehicle shall be classified as one of the following:

1. **Type 1** Mobile Fueling Vehicle - A tank vehicle that complies with NFPA 385 and that has chassis-mounted tanks where the aggregate capacity does not exceed 1600 gallons (6057 L).
2. **Type 2** Mobile Fueling Vehicle - A vehicle with one or more chassis-mounted tanks or chassis-mounted containers, not to exceed 110 gallons (415 L) capacity for each tank or container and having an aggregate capacity not exceeding 800 gallons (3028 L) or the weight capacity of the vehicle in accordance with DOTn.
3. **Type 3** Mobile Fueling Vehicle - A vehicle that carries a maximum aggregate capacity of 60 gallons (227 L) of motor fuel in metal safety cans *listed* in accordance with UL 30 or other *approved* metal containers, each not to exceed 5 gallons (19 L) in capacity.

5707.2.2 Mobile fueling vehicle requirements. Each mobile fueling vehicle shall comply with all local, state and federal requirements, and the following:

1. Mobile fueling vehicles with a chassis-mounted tank in excess of 110 gallons (415 L) shall also comply with the requirements of Section 5706.6 and NFPA 385.
2. The mobile fueling vehicle and its equipment shall be maintained in good repair.
3. Safety cans and *approved* metal containers shall be secured to the mobile fueling vehicle except when in use.
4. Fueling a motor vehicle from tanks or containers mounted in a trailer connected to a mobile fueling vehicle shall be prohibited.

5707.3 Required documents. Documents developed to comply with Sections 5707.3.1 through 5707.3.3 shall be updated as necessary by the owner of the mobile fueling operation and shall be maintained in compliance with Section 108.3.

5707.3.1 Safety and emergency response plan. Mobile fueling operators shall have an *approved* written safety and emergency response plan that establishes policies and procedures for fire safety, spill prevention and control, personnel training and compliance with other applicable

requirements of this code. The safety and emergency response plan shall specifically address and require that all operators assess surroundings prior to fueling to consider the presence of items listed in Section 5707.3.3.

5707.3.2 Training records. Mobile fueling vehicles shall be operated only by designated personnel who are trained on proper fueling procedures and the safety and emergency response plan. Training records of operators shall be maintained.

5707.3.3 Site plan. Where required by the fire code official, a site plan shall be developed for each location or area at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate but not be limited to the following:

1. All buildings, structures.
2. Lot lines or property lines.
3. Electric car chargers.
4. Solar photovoltaic parking lot canopies.
5. Appurtenances on-site and their use or function.
6. All uses adjacent to the lot lines of the site.
7. Fueling locations.
8. Locations of all storm drain openings and adjacent waterways or wetlands.
9. Information regarding slope, natural drainage, curbing, and impounding.
10. How a spill will be kept on the site property.
11. Scale of the site plan.

5707.3.4 Tiered sites. Where a site permitting process is required by the local jurisdiction, a site shall be designated by the fire code official to be one of the following and based on local provisions as necessitated by zoning laws, environmental laws, public safety, and other characteristics.

5707.3.4.1 Tier 1 sites. Sites that do not present atypical geographic, safety or environmental concerns shall be provided expedited permitting review and shall allow *permit* issuance prior to site inspection. The fire code official may impose additional conditions and may perform a site inspection during the period of *permit* validity.

5707.3.4.2 Tier 2 sites. Sites that require an inspection shall be approved by the fire code official prior to *permit* issuance.

5707.4 Mobile fueling areas. During fueling, the mobile fueling vehicle and point of connection of the vehicle being fueled shall not be located on public streets, public ways or inside buildings. Fueling on the roof level of parking structures or other buildings is prohibited.

5707.4.1 Separation. During fueling, the point of connection of the vehicle being fueled shall not take place within 25 feet (7620 mm) of buildings, lot lines, property lines or combustible storage. Mobile fueling vehicles shall not park within 10 feet (3048 mm) of buildings, lot lines, property lines or combustible storage.

EXCEPTIONS:

1. The fire code official shall be authorized to decrease the separation distance for dispensing from metal safety cans or other *approved* metal containers in accordance with Section 5707.2.
2. The point of fueling shall not take place within 10 feet (3048 mm) of buildings, lot lines, property lines or combustible storage when the mobile fueling vehicle has an approved vapor recovery system or is servicing vehicles with on board refueling vapor recovery.

Where dispensing operations occur within 15 feet (4572 mm) of a storm drain, an *approved* storm drain cover or an *approved* equivalent method that will prevent any fuel from reaching the drain shall be used.

5707.4.2 Sources of ignition. Smoking, open flames and other sources of ignition shall be prohibited within 25 feet (7620 mm) of fuel dispensing activities. Signs prohibiting smoking or open flames within 25 feet (7620 mm) of the vehicle or the point of fueling shall be prominently posted on the mobile fueling vehicle. The engines of vehicles being fueled shall be shut off during fueling.

5707.4.3 Electrical equipment. Mobile fueling shall not occur within 20 feet of electrical equipment located within 18 inches of the ground unless such electrical equipment is rated for Class 1, Division 2 hazardous locations in accordance with NFPA 70.

5707.5 Equipment. Mobile fueling equipment shall comply with Sections 5707.5.1 through 5707.5.5.

5707.5.1 Dispensing hoses and nozzles. Where equipped, the dispensing hose shall not exceed 50 feet (15240 mm) in length. The dispensing nozzles and hoses shall be of an *approved* and *listed* type. Where metal-to-metal contact cannot be made between the nozzle and the fuel fill opening, then a means for bonding the mobile fueling vehicle to the motor vehicle shall be provided and employed during fueling operations.

5707.5.2 Break-away device. A listed break-away device shall be provided at the nozzle.

EXCEPTION: Mobile fueling vehicles equipped with an approved brake interlock tied to the nozzle holder that prohibits movement of the mobile fueling vehicle when the nozzle is removed from its holder or tied to the delivery of fuel that prevents activation of the pumping system.

5707.5.3 Shut-off valve and fuel limit. Mobile fueling vehicles shall be equipped with a *listed* shut-off valve assembly and a fuel limit switch set to a maximum of 30 gallons (116 L).

5707.5.4 Fire extinguisher. An *approved* portable fire extinguisher complying with Section 906 with a minimum rating of 4A:80-B:C shall be provided on the mobile fueling vehicle with signage clearly indicating its location.

5707.5.5 Spill kit. Mobile fueling vehicles shall contain a minimum 5 gallon (19 L) spill kit of an *approved* type.

5707.6 Operations. Mobile fueling vehicles shall be constantly attended during fueling operations with brakes set and warning lights in operation. Mobile fueling vehicles shall not obstruct emergency vehicle access roads.

5707.6.1 Dispensing hose. Where equipped, mobile fueling vehicles shall be positioned in a manner to preclude traffic from driving over the dispensing hose. The dispensing hose shall be properly placed on an *approved* reel or in an *approved* compartment prior to moving the mobile fueling vehicle.

5707.6.2 Drip control. Operators shall place a drip pan or an absorbent pillow under the nozzle and each fuel fill opening prior to and during dispensing operations to catch drips.

5707.6.3 Safety cones. Safety cones or other visual barriers shall be employed as warning devices to highlight the vehicle fueling area. Signs prohibiting smoking or open flames within 25 feet (7620 mm) shall be prominently posted in the vehicle fueling area.

5707.6.4 Vehicle lights. The mobile fueling vehicle flasher lights shall be in operation while dispensing operations are in progress.

5707.6.5 Nighttime deliveries. Nighttime deliveries shall only be made in areas adequately lighted per WAC 296-800-21005.

5707.6.6 Spill reporting. Spills shall be reported in accordance with Section 5003.3.1.

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