

SENATE BILL REPORT

ESHB 2783

As Passed Senate, March 4, 2020

Title: An act relating to standardizing fire safety requirements for mobile on-demand gasoline providers.

Brief Description: Standardizing fire safety requirements for mobile on-demand gasoline providers.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Griffey, Springer and Walen).

Brief History: Passed House: 2/18/20, 95-2.

Committee Activity: Local Government: 2/27/20 [DP].

Floor Activity:

Passed Senate: 3/04/20, 47-0.

Brief Summary of Bill

- Requires the State Building Code Council to adopt standards and administrative provisions for mobile on-demand gasoline operations, including provisions related to operator licensing, vehicle licensing, and site permitting processes.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Staff: Greg Vogel (786-7413)

Background: State Building Code. The State Building Code establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The code comprises a number of model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Model codes and standards adopted in the act include the International Building Code, the International Residential Code, and the International Fire Code standards.

State Building Code Council. The State Building Code Council is responsible for adopting, amending, and maintaining the model codes and standards adopted by reference in the act. Amendments to the model codes and standards adopted by the council are codified in the Washington Administrative Code. The council reviews updated editions of each model code and standard every three years.

On-Demand Mobile Fueling. A mobile on-demand fuel provider uses mobile fueling vehicles to deliver gasoline directly to customers' vehicles.

As provided in the International Fire Code, mobile fueling operations may not be conducted without first obtaining a permit and approval from a fire code official. Mobile fueling operations may only occur at approved locations.

On-demand mobile fueling vehicles can be one of the following:

- a vehicle that has chassis-mounted tanks or containers where the aggregate cargo capacity does not exceed 1200 gallons; or
- a vehicle that carries a maximum of 60 gallons of motor fuel in metal safety cans or other approved metal containers, each not to exceed 5 gallons in capacity.

Mobile fueling vehicles and their equipment must be maintained in good repair and comply with all local, state, and federal requirements.

Mobile fueling operators must have an approved written safety and emergency response plan that establishes policies and procedures for fire safety, spill prevention and control, and personnel training.

Mobile fueling vehicles may only be operated by designated personnel who are trained on proper fueling procedures and the safety and emergency response plan.

Where required by the fire code official, a site plan must be developed for each location where mobile fueling occurs. The site plan must be in sufficient detail to indicate:

- all buildings, structures, lot lines, property lines and appurtenances on site and their use or function;
- all uses adjacent to the lot lines of the site;
- fueling locations, the locations of all storm drain openings and adjacent waterways or wetlands;
- information regarding slope, natural drainage, curbing, impounding and how a spill will be kept on the site property; and
- the scale of the site plan.

Summary of Bill: The State Building Code Council must adopt and amend rules, as necessary, for the purpose of clarifying standards and administrative provisions for mobile on-demand gasoline operations. The rules must be finalized and available for local jurisdictions by May 2021.

The council must request recommendations from the Washington State Association of Fire Marshals prior to clarifying standards and administrative provisions.

Rules adopted by the council must address the creation of:

- a mobile on-demand operator certification;
- a mobile on-demand fueling truck permit; and
- a site permit.

In adopting the rules, the council must establish minimum standard requirements consistent with the International Fire Code and consider options including, but not limited to, standardized certification and permitting processes, standardized operation and vehicular requirements, and a reciprocal acceptance of certification by different jurisdictions, including processes that do not require multiple substantially similar inspections.

The site permit must be issued by local jurisdictions that allow mobile fueling, if the local jurisdiction requires a mobile on-demand fueling site permit. Conditions for permitting will be set forth by the local jurisdiction. Local jurisdictions must issue the permit using standard conditions and may include local provisions as necessitated by zoning laws, environmental laws, fire code and public safety, and characteristics of the sites being permitted.

The site permit structure must provide at least two tiers. When local jurisdictions determine that specific sites or collections of sites do not present atypical geographic, safety, or environmental concerns, they may add these sites to their tier 1 list, provide expedited permitting review that allows permit issuance prior to site inspection, and perform the site inspection during the period of validity.

Tier 2 permits will be issued for sites that are not on the tier 1 list, and may require site inspection prior to issuance.

After receiving a site permit application, local jurisdictions must make a good faith effort to reach a permit decision expeditiously.

Nothing in these provisions, or considered or adopted by the council, may prevent a local fire marshal from having the authority to inspect any mobile on-demand fueling site, to add additional requirements for any site, or to revoke permission to operate in a particular site for a specific safety or environmental reason.

Fees may be charged to offset inspection and issuance costs.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill helps support an exciting business opportunity by providing a framework to protect the environment and establishing an expedient permitting process, done in a safe and effective manner.

Safety is Booster's highest priority, and our procedures serve as the model for the international fire code. On-demand fueling is more environmentally friendly because of the reduction in vehicles miles traveled, elimination of underground storage tanks, and the spill prevention measures in place. There are some regulatory hurdles that need to be addressed. We have worked with local fire marshals, cities, and the code council to come up with solutions. Some of these changes concern redundant inspection and permit requirements. This bill will streamline the permitting process without compromising any safety standards and still allow jurisdictions to maintain local control.

Persons Testifying: PRO: Representative Dan Griffey, Prime Sponsor; Aileen Zhong, Booster Fuels.

Persons Signed In To Testify But Not Testifying: No one.