

## WSR 23-14-094

## EMERGENCY RULES

## BUILDING CODE COUNCIL

[Filed June 30, 2023, 1:18 p.m., effective July 1, 2023]

Effective Date of Rule: July 1, 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 building code council (council) 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 IFC as a state amendment until the appropriate code sections are updated in future editions. The council is currently in the process of adopting the permanent rules for these systems, with public hearings tentatively set for late August/September. The 2021 IFC was originally scheduled to go into effect July 1, 2023, but was recently delayed until October 29, 2023; thus the emergency rule needs to be extended to be effective until the new code is in effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.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: June 30, 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.

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>