

ORDINANCE No. 118436

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COUNCIL BILL No. 111541

AN ORDINANCE amending the Seattle Fire Code, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinance 118018, and relating to the disposition of tanks used for the storage of combustible liquids.

Law Department

The City of Seattle--Leg

RECEIVED REPORT OF COM

OCT 19 1996

Honorable President:

Your Committee on NOLAND COUNCILMEMBER

to which was referred the within Council Bill No. _____ report that we have considered the same and respectfully re

COMPTROLLER FILE No. _____

Introduced: NOV 12 1996	By: NOLAND
Referred: NOV 12 1996	To: PUBLIC SAFETY COMMITTEE
Referred: 11/26/96	To: public safety comm passed 2-0
Reported: DEC 2 1996	Second Reading: DEC 2 1996
Third Reading: DEC 2 1996	Signed: DEC 2 1996
Presented to Mayor: DEC 3 1996	Approved: DEC 9 1996 <i>2pp</i>
Returned to City Clerk: DEC 9 1996	Published: <i>Full</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

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Full Council Vote

Committee Ch

ORDINANCE 118436

AN ORDINANCE amending the Seattle Fire Code, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinance 118018, and relating to the disposition of tanks used for the storage of combustible liquids.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.600.020 of the Seattle Municipal Code (Ordinance 118019 § 2 (part)) is hereby amended to read as follows:

22.600.020 Adoption of Uniform Fire Code.

The Uniform Fire Code, 1994 Edition, with Appendices I-C, II-A, II-B, II-C, II-D, II-E, II-F, III-A, III-C, IV-A (with amendments), IV-B, V-A, VI-A, VI-B, VI-E, VI-F and VI-G thereto, the Uniform Fire Code Standards, 1994 Edition, both published by the International Fire Code Institute, one copy of which is filed with the City Clerk (C.F. 301137), are adopted and by this reference made part of this subtitle. This Uniform Fire Code together with the City of Seattle amendments thereto, as adopted under separate ordinances and known as the Seattle Fire Code Supplement, shall constitute the Official Seattle Fire Code. In any case in which there is a conflict between the component parts of the Seattle Fire Code, the Seattle Fire Code Supplement shall be controlling over the Uniform Fire Code.

Section 2. As an addition to the amendments made by Ordinance 118018, Subsection 7902.1.7.2.4 of the 1994 Uniform Fire Code, previously adopted as part of the Seattle Fire Code by Ordinance 118019 § 2 (part), is hereby amended to read as follows:

7902.1.7.2.4 Tanks abandoned in place. Tanks abandoned in place shall be abandoned as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping,
2. The suction, inlet, gage vapor return and vapor lines shall be disconnected,
3. The tank shall be filled completely with an inert solid material approved by the chief,
EXCEPTION: Residential heating oil tanks of 1,100 gallons (4,164 L) or less, provided the fill line is permanently capped or plugged, below grade, to prevent refilling of the tank.
4. Remaining underground piping shall be capped or plugged, and

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5. A record of the tank size, location and date of abandonment shall be retained.

Section 3 The attached text, containing the amendment to the 1994 Uniform Fire Code, Subsection 7902.1.7.2.4, is a verbatim copy of the Seattle Fire Code Supplement in a form which can be reproduced and added to the bound volume of the 1994 Uniform Fire Code for easy reference. The attachment amends and supplements the easy reference version that is attached to Ordinance 118019. The attached text is provided for reference only, and in any case in which there is a conflict between the Seattle Fire Code Supplement and the attached text, the Seattle Fire Code Supplement shall be controlling.

Section 4 This ordinance shall take effect and be in force one hundred twenty (120) days from and after its approval by the Mayor.

Passed by the City Council the 2 day of December, 1996, and signed by me in open session in authentication of its passage this 2 day of December, 1996.

Jan Cross
President _____ of the City Council

Approved by me this 9 day of December, 1996.

Norman Bruce
Mayor

Filed by me this 9 day of December, 1996.

Judith E. Papp
City Clerk

(Seal)

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Section 7902.1.7.2.4 is revised to read as follows:

7902.1.7.2.4 Tanks abandoned in place. Tanks abandoned in place shall be abandoned as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping,
2. The suction, inlet, gage, vapor return and vapor lines shall be disconnected,
3. The tank shall be filled completely with an inert solid material approved by the chief,

EXCEPTION: Residential heating oil tanks of 1,100 gallons (4,164 L) or less, provided, the fill line is permanently capped or plugged, below grade, to prevent refilling of the tank.

4. Remaining underground piping shall be capped or plugged. and
5. A record of the tank size, location and date of abandonment shall be retained.

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**Your
Seattle
Fire Department**

Claude Harris, Chief
Norman B. Rice, Mayor

October 1, 1996



LETTER OF TRANSMITTAL

The Honorable Jan Drago
President
Seattle City Council

Via The Honorable Mayor Norman B. Rice

Attention: Tom Tierney, Director
Office of Management and Planning

Subject: **AN ORDINANCE** amending the Seattle Fire Code, Seattle
Municipal Code Section 22.600.020 and Ordinance 118018, adding
to amendments made by Ordinance 118018, and relating to the
disposition of tanks used for the storage of combustible liquids.

Dear President Drago:

Enclosed is a draft of an ordinance which amends that portion of the Seattle Fire Code affecting combustible liquid (heating oil) tanks.

The development of this ordinance resulted from changes in state law. Those changes directly impact homeowners who have underground heating oil tanks which have been out of service for a year or more. The heating oil tanks must be removed or abandoned in place.

The adoption of Section 6106 to the state fire code requires that tanks and piping serving oil-burning equipment which have been out of service for a year or more be removed from the ground or abandoned in place in accordance with Section 7902.1.7.2. of the 1994 edition of the Uniform Fire Code. The Uniform Fire Code Section 7902.1.7.2, when adopted by the International Fire Code Institute, was not intended to apply specifically to residential heating oil tanks. Residential heating oil tanks are generally exempt from Uniform Fire Code Article 79 requirements under Section 7901.1 of that code.

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Jan Drago
September 30, 1996
Letter
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Section 7902.1.7.2.4 sets forth specific requirements for underground tanks being abandoned in place and stipulates that the tank be filled completely with an inert solid. It is our position that Section 7902.1.7.2.4 was adopted to apply to larger commercial tanks containing flammable and combustible liquids.

Filling flammable liquid tanks with an inert solid material prevents the accumulation of potentially explosive vapors and serves to minimize the threat that tanks will be used in the future for materials they were not designed for.

This ordinance eliminates the requirement to fill a residential heating oil tank with an inert solid material and will allow homeowners to abandon those tanks in place by removing any remaining heating oil, rinsing the tank and permanently capping the fill line below grade.

We support this method of abandonment because by removing the remaining oil and rinsing the tank, the threat of future environmental contamination is minimized and under normal conditions, heating oil does not present an explosion hazard. Further, permanently capping the fill line below grade serves as comparable protection from accidental refilling or improper disposal of hazardous materials.

The method of abandonment sanctioned by this ordinance will make any future removal of the heating oil tank less of a financial burden on the homeowner, since the tank will be empty and not filled with a solid material, like concrete or polyurethane foam.

Additional details regarding residential heating oil tank issues are outlined in the enclosed Legislative Request -- Supporting Information document.

Any questions concerning the proposed ordinance may be directed to Chief Jerald A. Birney, Fire Marshal at #386-1450.

Very truly yours,



Claude Harris, Chief
Seattle Fire Department

CH:mwp

Enclosure

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LEGISLATIVE REQUEST -- SUPPORTING INFORMATION

The following information is submitted in conformance with City of Seattle Operating Procedure 100-014 and 200-001.

Title of the Project/Program

AN ORDINANCE amending the Seattle Fire Code, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinance 118018, and relating to the disposition of tanks used for the storage of combustible liquids.

Statement of Objectives

Ease the financial burden on homeowners, especially low income homeowners who must comply with state fire code requirements for the disposition of heating oil tanks.

Historical Overview

1. The adoption of amendments to Article 61 in the current state fire code requires homeowners who have heating oil tanks which have been out of service for a year or more to remove them or abandon them in place by filling the tank with an inert solid material.
2. The unanticipated expense to low or fixed income homeowners required to comply with Article 61 of the Seattle Fire Code is a hardship. A portion of the overall cost to abandon a residential heating oil tank in place is the cost of the fill material and labor required to fill the tank.
3. Residential heating oil tanks filled today with a solid inert material like sand, concrete or foam could pose an additional, significant expense to the homeowner in the future, if removal of the tank is required. Many lending institutions and underwriters now require complete removal of residential heating oil tanks prior to closing home sales transactions.
4. The threat of future environmental contamination is minimized by the removal of any remaining heating oil, rinsing the tank and permanently capping the fill line below grade. Filling the tank does not serve to eliminate the accumulation of explosive vapors since under normal conditions, heating oil does not present an explosion hazard.
5. Environmental concerns associated with oil leaking from a previously abandoned tank can be alleviated by draining lines and pumping the excess oil from the tank. Observations by tank removers indicate that there is only 5 gallons (approximately) of residual oil and sludge remaining in an abandoned tank. If the residual oil does leak (a

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national survey revealed that only 1/2 of 1 percent of tanks have leaked), slowly and locally, that oil will eventually decompose by naturally occurring soil bacteria.

6. Filling tanks with a solid material is considered to be a method of preventing accidental refilling or deliberate disposal into previously abandoned tanks. Permanently capping the fill line below grade serves as comparable protection at a significantly lower cost.
7. Since the proposed ordinance affects single family residences, it must be approved by the Washington State Building Code Council under RCW 19.27. The proposed ordinance has an effective date of 120 days from its approval by the Mayor. The purpose of the longer effective date is to allow enough time for this change to be approved as a local residential amendment by the Washington State Building Code Council. If this amendment is not approved by the State Building Code Council, then steps will be taken to repeal the ordinance prior to its effective date.

Fiscal Overview

Current prevailing costs to fill a tank in place or remove it range from \$800.00 to \$5,000.00. Costs are substantially more, if soil contamination is involved.

The Seattle Fire Department charges \$50.00 for an administrative permit to record the fact that a residential underground fuel storage tank was either abandoned in place or removed. Since the residential underground storage tank program began in July, 1996, 408 permits have been issued. This represents \$20,400 in revenue.

Personnel Requirements

One administrative specialist is devoted to the permit issuance process for the residential underground fuel storage tank program.

Facilities and Equipment Requirements

None.

Evaluation Criteria

None.

Contact Person

Lynne Kilpatrick-Howard, Hazardous Materials Code Coordinator, 386-1373.

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City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

October 22, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Fire Department

SUBJECT: AN ORDINANCE amending the Seattle Fire Code, Seattle Municipal Code Chapter 22.600.020 and Ordinance 118019, adding to amendments made by Ordinance 118018, and relating to the disposition of tanks used for the storage of combustible liquids.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Peter Harris at 684-8368.

Sincerely,

Norman B. Rice
Mayor

by


TOM TIERNEY
Director

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Enclosure

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SEATTLE CITY ATTORNEY



*Approved for the Mayor
Norman B. Rice*

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

June D. Bond

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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City of Seattle

ORDINANCE 118436

AN ORDINANCE amending the Seattle Fire Code, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinance 118018, and relating to the disposition of tanks used for the storage of combustible liquids.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22,600.020 of the Seattle Municipal Code (Ordinance 118019 § 2 (part)) is hereby amended to read as follows:

22,600.020 ADOPTION OF UNIFORM FIRE CODE

The Uniform Fire Code, 1994 Edition, with Amendments I-C, II-A, II, II-C, II-D, II-E, II-F, III-A, III-C, IV-A (with amendments), IV-B, V-A, VI-A, VI-B, VI-E, VI-F, and VI-G thereto, the Uniform Fire Code Standards, 1994 Edition, published by the International Fire Code Institute, one copy of which is filed with the City Clerk (C. P. 301197), are adopted and by this reference are made a part of this Ordinance. The Fire Code together with the City of Seattle amendments thereto, as adopted under separate ordinances and known to the Seattle Fire Code Supplement, shall constitute the Official Seattle Fire Code, any law in which there is a conflict between the component parts of the Fire Code, the Seattle Fire Code Supplement shall be controlling over the Uniform Fire Code.

Section 2. As an addition to the amendments made by Ordinance 118018, Subsection 7902.1.7.2.4 of the 1994 Uniform Fire Code, previously adopted as part of the Seattle Fire Code by Ordinance 118019 § 2 (part), is hereby amended to read as follows:

7902.1.7.2.4 TANKS ABANDONED IN PLACE. Tanks abandoned in place shall be abandoned as follows:

- 1. Flammable and combustible liquids shall be removed from the tank and connected piping.
2. The suction, inlet, gas, vapor return and vapor lines shall be disconnected.
3. The tank shall be filled completely with an inert solid material approved by the chief.

EXCEPTION. RESIDENTIAL HEATING OIL TANKS OF 1,100 GALLONS (4,164L) OR LESS, PROVIDED THE FILL LINE IS PERMANENTLY CAPPED OR PLUGGED, BELOW GRADE, TO PREVENT REFILLING OF THE TANK.

- 4. Remaining underground piping shall be capped or plugged, and
5. A record of the tank size, location and date of abandonment shall be retained.

Section 3. The attached text, containing the amendment to the 1994 Uniform Fire Code, Subsection 7902.1.7.2.4, is a version of the Seattle Fire Code Supplement in a form which can be reproduced and added to the bound volume of the 1994 Uniform Fire Code for easy reference. The attachment amends and supplements the easy reference version that is attached to Ordinance 118019. The attached text is provided for reference only, and in any case in which there is a conflict between the Seattle Fire Code Supplement and the attached text, the Seattle Fire Code Supplement shall be controlling.

Section 4. This ordinance shall take effect and be in force one hundred twenty (120) days from and after its approval by the Mayor.

Passed by the City Council the 2nd day of December, 1996, and signed by me in open session in authentication of its passage this 2nd day of December, 1996.

JAN DRAGO, President of the City Council, Approved by me this 9th day of December, 1996.

NORMAN B. RICE, Mayor, Filed by me this 9th day of December, 1996.

(Seal) JUDITH E. PIPPIN, City Clerk, Date of official publication in the Daily Journal of Commerce, Seattle, December 19, 1996. 12/19(76259)

STATE OF WASHINGTON - KING COUNTY

City Clerk

-ss.

No. ORDINANCE IN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118436

was published on

12/19/96

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

12/20/96

Notary Public for the State of Washington, residing in Seattle

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