



Board of Building Standards

CODE COMMITTEE MEETING AGENDA

DATE: AUGUST 01, 2019
TIME: 1:00 PM
LOCATION: TRAINING RM 1, 6606 TUSSING RD, REYNOLDSBURG, OHIO 43068

Call to Order

Recommendations of the Residential Construction Advisory Committee

Approval of Minutes

[MIN-1](#) May 16, 2019 Meeting Minutes

Petitions

[P-1](#) Petition #19-02 (OMC 908 Cooling Towers, Evaporative Collers and Fluid Coolers)
[P-2](#) Petition 19-03 (RCO Section 403.1.4.1)
[P-3](#) Petition # 19-04 (OBC 106.1.1(2))

Old Business

OB-1 Energy Code / OBC Chapter 13
OB-2 Amendments Groups 98 & 99

Adjourn

New Business

[NB-1](#) HB 166 Regulatory Restriction Requirement

Item Attachment Documents:

MIN-1 May 16, 2019 Meeting Minutes

OHIO BOARD OF BUILDING STANDARDS
CODE COMMITTEE
MINUTES
May 16, 2019

The Code Committee met on May 16, 2019, with the following members present: Mr. Denk, Mr. Samuelson, Mr. Barney, Mr. Collins, Mr. Johnson, Mr. Miller, Mr. Pavlis, Mr. Schultz, and Mr. Stanbery.

The Committee's report is included in the May 17, 2019, Board Meeting Packet at **Tab CR-1** for the Board's consideration.

CALL TO ORDER The May 16, 2019 meeting was called to order by Mr. Denk at 1:09 P.M.

APPROVAL OF THE MINUTES OF THE MARCH 7, 2019, MEETING

Mr. Stanbery moved and Mr. Collins seconded to approve the minutes of the March 7, 2019, Code Committee meeting. The motion passed unanimously.

PETITIONS

Petition #19-02 - Petitioner: Carl Schultz (OMC 908 Cooling Towers, Evaporative Coolers and Fluid Coolers).

Mr. Schultz discussed the petition and its intent to address the reoccurrence of Legionnaire's Disease caused by the cooling tower discharge vapor plumes by changes to OMC Section 908.3 location requirements. After committee discussion Mr. Pavlis moved and Mr. Collins seconded to table the petition to allow for further committee research of the topic. The motion passed with Mr. Schultz abstaining.

OLD BUSINESS

OB-1 2018 ICC Building, Plumbing, and Mechanical Code review of recommended proposed amendments.

Staff reviewed the changes to the 2018 IBC, IPC, and IMC the committee selected to recommend for adoption in Ohio in the next rule package. Mr. Miller moved and Mr. Collins seconded to recommend the changes to OBC Chapters 1, 10, 13, 15, 29, and 35 ; OMC Chapters 5 and 11; OPC Chapters 4, 7, 8, 9, and 10. The motion passed unanimously.

OB-2 Energy Requirements for R-3 Multi-Family.

Staff reviewed the changes to language in OBC Section 1301.1 for Group R-3 multifamily buildings. After committee discussion, Mr. Pavlis moved and Mr. Collins seconded to recommend including these changes to the OBC as a part of its next rule package.

NEW BUSINESS

No items for consideration.

RECOMMENDATIONS OF THE RESIDENTIAL CONSTRUCTION ADVISORY COMMITTEE

No items for consideration.

OTHER

No items for consideration.

ADJOURN

Mr. Johnson moved and Mr. Miller seconded to adjourn at 3:44 P.M. The motion passed unanimously.

Item Attachment Documents:

P-1 Petition #19-02 (OMC 908 Cooling Towers, Evaporative Collers and Fluid Coolers)

APPLICATION

FOR
RULE CHANGE



BOARD OF BUILDING STANDARDS

6606 Tussing Road, P.O. Box 4009
 Reynoldsburg, Ohio 43068-9009
 (614) 644-2613
 bbs@ohio.gov
 www.com.state.oh.us/dico/bbs/default.aspx

Pursuant to section 3781.12 of the Revised Code and rules adopted by the Board of Building Standards, application is herewith submitted to adopt, amend, or annul a rule adopted by the Board pursuant to section 3718.10 of the Revised Code.

For BBS use:	
Petition #:	19-02
Date Recv'd:	April 25, 2019

Submitter:	<u>Carl Schultz</u> <small>(Contact Name)</small>	<u>N/A</u> <small>(Organization/Company)</small>
Address:	<u>303 W. Hull Dr.</u> <small>(Include Room Number, Suite, etc.)</small>	
	<u>Delaware</u> <small>(City)</small>	<u>Ohio</u> <small>(State)</small>
		<u>43015</u> <small>(Zip)</small>
Telephone Number:	<u>(614) 745-4642</u>	Fax Number: <u>N/A</u>
Date:	<u>April 25, 2019</u>	E-mail Address: <u>carlschultz8@gmail.com</u>

Code Section: Ohio Mechanical Code Section 908 Cooling Towers, Evaporative Coolers and Fluid Coolers, 908.3 Location

General Explanation of Proposed Change (attach additional sheets if necessary):

A reoccurrence of outbreaks of Legionnaire's Disease over the past 43 years points to the need to update the Ohio Mechanical Code Section 908 Cooling Towers, Evaporative Coolers and Fluid Coolers. These changes would include language to bring the discharge vapor plumes to the level of hazardous exhaust systems from Chapter 5 Exhaust Systems.

Explanation of Cost Impact of Proposed Code Change*: Minimal cost impact as the code change deals with location of proposed equipment and not level of quality or cost of the equipment.

* Attach additional cost information as necessary to justify any statement of cost increase or cost decrease.

Information on Submittal (attach additional sheets if necessary):	
1. Sponsor:	N/A Organization sponsoring or requesting the rule change (if any)
2. Rule Title:	Ohio Mechanical Code Section 908 Cooling Towers, Evaporative Coolers and Fluid Coolers, 908.3 Location Title of rule change
3. Purpose/ Objective:	<p>There have been nearly two dozen Legionella outbreaks associated with cooling towers starting with the Legionnaire's convention in 1976 in Philadelphia. Nearly 40 years later the outbreaks in the Bronx led to state and local regulations for registering and testing of cooling towers and other wet devices capable of aerosolizing water. In between these two events, in 2002, there was an outbreak in a town in England, Barrow-in-Furness, that killed 7 people. In this incident, there were 180 confirmed cases of Legionnaire's disease and the smoking gun was actually a cooling tower located in an elevated parking deck, which was adjacent to an alleyway between shops and bus stops. In this case both the Borough Council and their Design Services Manager were convicted of offenses under the Health and Safety Act of 1974. In addition to the deaths in these outbreaks there have been hundreds and perhaps thousands who have been become ill from being in close proximity to cooling towers.</p> <p>More recently and closer to home, a church in Parma, Ohio installed a cooling tower that resulted in 10 confirmed cases of Legionnaire's disease with one death. The cooling tower and water-cooled chiller were subsequently replaced with an air-cooled chiller. The original project was part of an energy improvement project. See attachment for listing of Legionnaire's Disease outbreaks attributed to cooling towers.</p> <p>Technical justification for the proposed rule change</p>
4. Formatted Rule Language (Using Strike-out for Deleted Text and Underline for Added Text)	<p>908.3 Location. Cooling towers, evaporative condensers, and fluid coolers shall be located to prevent the discharge vapor plumes outdoors at a point where it will not cause a public nuisance and to prevent their re-introduction to <u>from entering</u> occupied spaces. Plume discharges shall not be less than <u>15 feet (4572 mm)</u> above or <u>20 50 feet (6096 15240 mm)</u> away from any ventilation inlet to a building <u>including operable windows</u>. Location on the property shall be as required for buildings in accordance with the <i>building code</i>, <u>and the discharge shall be not less than 30 feet (9144 mm) from property lines. If located within an urban environment or other populated area with complex building geometries, the building official shall have the authority to require a wind assessment/dispersion analysis be conducted to ensure the safety of occupants in the public way and in adjacent buildings.</u></p> <p>Use strike-out for deleted text and underline for added text</p>
5. Notes:	<ol style="list-style-type: none"> 1. To encourage uniformity among states using model codes, it is recommended that the submitter first submit any code change directly to ICC and participate in the national model code development process. 2. Please provide a copy of application and documentation. 3. Use a separate form for each code change proposal.

Legionella Outbreaks Attributed to Cooling Towers				
Year	Facility	Location	Cases	Deaths
2018	St. Columbkille Parish	Parma, OH	10	1
2018	Lower Washington Heights	Manhattan, NY	27	1
2017	Disneyland	Anaheim, CA	22	2
2017	Flushing	Queens, NY	15	0
2017	Sao Francisco Xavier Hospital	Lisbon, Portugal	56	6
2016	Town Hall, CBD	Sydney, Australia	4	0
2015	Opera Hotel	South Bronx, NY	127	12
2015	Co-Op City	Bronx, NY	12	0
2015	Eastview Middle School	Bartlett, IL	1	0
2015	Morris Park	Bronx, NY	15	1
2014	Vila Franca de Xira District	Portugal	375	12
2012	Unknown	Auckland, New Zealand	11	1
2012	South West area	Edinburgh, Scotland	92	4
2012	Lower Quebec City	Quebec City, Canada	180	13
2010	South Wales Valleys	Wales, UK	22	2
2008	Community General Hospital	Syracuse, NY	13	1
2005	Seven Oaks Home for Aged	Toronto, Canada	127	21
2005	Sound Shore Medical Center	New Rochelle, NY	9	0
2002	Forum 28 Arts Center	Barrow-in-Furness, UK	180	7
2001	Hospital	Murica, Spain	800	6
2000	Melbourne Aquarium	Melbourne, Australia	125	4
1985	Stafford District Hospital	Stafford, England	175	28
1976	Legionnaire's Convention	Philadelphia, PA	221	34

These events point to a need to update the Mechanical Code to ensure that the installation of cooling towers, evaporative condensers, and fluid coolers do not present unnecessary risks to the public health.

Item Attachment Documents:

P-2 Petition 19-03 (RCO Section 403.1.4.1)



OHIO BUILDING OFFICIALS ASSOCIATION

PO BOX 1506, COLUMBUS OH 43216-1506
www.oboa.org



Founded 1961

May 16, 2019

CHAPTER MEMBERS

BOCONEO

COCOA

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ODPCA

SWOBOA

Ohio Board of Building Standards
PO Box 4009
Reynoldsburg OH 43068-9009

*Via e-mail Regina.Hanshaw@com.state.oh.us, Steven.Regoli@com.state.oh.us,
& Jay.Richards@com.state.oh.us*

SUBJECT: Application for Rule Change, 2019 Edition Residential Code of Ohio
403.1.4.1

OBOA Board of Directors April 26, 2019 authorized me to submit subject document (attached). Our point-of-contact's Charles Huber, (W) 216-529-6689, e-mail Charles.Huber@lakewoodoh.net

Sincerely,

John Cheatham
President

Atch
a/s

APPLICATION

FOR
RULE CHANGE



BOARD OF BUILDING STANDARDS

6606 Tussing Road, P.O. Box 4009

Reynoldsburg, Ohio 43068-9009

(614) 644-2613

bbs@ohio.gov

www.com.state.oh.us/dico/bbs/default.aspx

Pursuant to section 3781.12 of the Revised Code and rules adopted by the Board of Building Standards, application is herewith submitted to adopt, amend, or annul a rule adopted by the Board pursuant to section 3718.10 of the Revised Code.

For BBS use:	
Petition #:	<u>19-03</u>
Date Recv'd:	<u>May 20, 2019</u>

Submitter: John Cheatham, Ohio Building Officials' Association
(Contact Name) (Organization/Company)

Address: PO Box 1506
(Include Room Number, Suite, etc.)

Columbus OH 43216-1506
(City) (State) (Zip)

Telephone Number: 440-429-8030 **Fax Number:** _____

Date: May 16, 2019 **E-mail Address:** JCheatham@safebuilt.com

Code Section: 2019 Edition Residential Code of Ohio 403.1.4.1

General Explanation of Proposed Change (attach additional sheets if necessary):

Reinstate Exceptions 1 & 2 to Section 403.1.4.1 provided by 2018 Edition International Residential Code and 2013 Residential Code of Ohio to footing frost protection requirements. These exceptions are consistent with 2015 Edition International Building Code (IBC)/2017 Ohio Building Code Section 1809.5 Exception. 2015 IBC Commentary shows exception "... applies to low-risk structures, such as a detached garage. ..."

Explanation of Cost Impact of Proposed Code Change*: Reduces construction cost of a 20' X 20' = 400 SF residential detached garage by an estimated \$2,500.

*Attach additional cost information as necessary to justify any statement of cost increase or cost decrease.

Information on Submittal (attach additional sheets if necessary):	
1. Sponsor:	John Cheatham, Ohio Building Officials' Association. Point-of-contact's Charles Huber, Charles.Huber@lakewoodoh.net ph 216-529-6689. Organization sponsoring or requesting the rule change (if any)
2. Rule Title:	2019 Edition Residential Code of Ohio Section 403.1.4.1 Frost Protection Title of rule change
3. Purpose/ Objective:	Reinstate Exceptions 1 & 2 to Section 403.1.4.1 provided by 2018 Edition International Residential Code and 2013 Residential Code of Ohio to footing frost protection requirements. These exceptions are consistent with 2015 International Building Code (IBC)/2017 Ohio Building Code Section 1809.5 Exception. 2015 IBC Commentary shows exception "... applies to low risk structures, such as a detached garage. ..." Technical justification for the proposed rule change
4. Formatted Rule Language (Using Strike-out for Deleted Text and Underline for Added Text)	<p>Frost protection. Except where otherwise protected from frost, foundation walls piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:</p> <ol style="list-style-type: none"> 1. Extended below the frost line specified in Table 301.2.(1); 2. Constructing in accordance with Section 403.3; 3. Constructing in accordance with ASCE 32; or 4. Erected on solid rock. <p>Footings shall not bear on frozen soil unless the frozen condition is permanent that extend below the frost line.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Deleted <u>Protection of free-standing accessory structures with an area of 600 square feet (56 m2) or less, of light-frame construction, with an eave height of 10 feet (3048 mm) or less shall not be required.</u> 2. Deleted <u>Protection of free-standing accessory structures with an area of 400 square feet (37 m2) or less, of other than light-frame construction, with an eave height of 10 feet (3048 mm) or less shall not be required.</u> 3. Decks not supported by a dwelling need not be provided with footings that extend below the frost line. <p>Use strike-out for deleted text and underline for added text</p>
5. Notes:	<ol style="list-style-type: none"> 1. To encourage uniformity among states using model codes, it is recommended that the submitter first submit any code change directly to ICC and participate in the national model code development process. 2. Please provide a copy of application and documentation. 3. Use a separate form for each code change proposal.

Item Attachment Documents:

P-3 Petition # 19-04 (OBC 106.1.1(2))



CRITERIA FOR SUBMITTING RULE CHANGES TO THE BOARD OF BUILDING STANDARDS

The Ohio Board of Building Standards processes all petitions for changes to the rules of the Board of Building Standards (Building, Mechanical, Plumbing, Boiler, Elevator, or Residential Codes) pursuant to ORC Chapter 119.

When anyone desires to petition the Board of Building Standards to adopt, amend, or annul a provision of rules of the Board, they must complete an application and provide supporting information submitted to the Secretary of the Board of Building Standards.

The application must include the following:

- (1) The date the application is prepared;
- (2) The rule number or section that is proposed for amendment, adoption, or annulment;
- (3) The rule numbers of all other rules that will be affected by the matter proposed;
- (4) The name, address, contact information, affiliation of the applicant, and of any representative;
- (5) The provisions that are proposed for adoption, amendment, or annulment;
- (6) The reason and technical justification for the proposed change;
- (7) All text to be eliminated shall be shown deleted by means of strikethrough, e.g., ~~matter to be eliminated~~;
- (8) All proposed new text to be inserted into a rule shall be shown as underlined, e.g., proposed new matter; and
- (9) One copy of the completed application and attachments.
- (10) An estimate of the increase or decrease in cost that would occur with the adoption of the proposed code change.

When the Secretary of the Board of Building Standards receives a completed application for an adoption, amendment, or annulment of rules of the Board, the Secretary will promptly deliver or mail a copy of the application to each member of the Board.

After receiving an application for the adoption, amendment, or annulment of rules of the Board, the Board of Building Standards shall proceed under sections 3781.101 and 3781.12 of the Revised Code.

APPLICATION

FOR
RULE CHANGE



BOARD OF BUILDING STANDARDS

6606 Tussing Road, P.O. Box 4009
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 bbs@ohio.gov

www.com.state.oh.us/dico/bbs/default.aspx

Pursuant to section 3781.12 of the Revised Code and rules adopted by the Board of Building Standards, application is herewith submitted to adopt, amend, or annul a rule adopted by the Board pursuant to section 3718.10 of the Revised Code.

For BBS use:	
Petition #:	19-04
Date Recv'd:	July 19, 2019

Submitter: Amit Ghosh City of Columbus, Ohio
(Contact Name) (Organization/Company)

Address: 111 North Front St.
(Include Room Number, Suite, etc.)
Columbus Ohio 43215
(City) (State) (Zip)

Telephone Number: 614 645-5990 **Fax Number:** _____

Date: 7.19.19 **E-mail Address:** abghosh@columbus.gov

Code Section: 106.1.1(2), OBC

General Explanation of Proposed Change (attach additional sheets if necessary):

When plan approval is requested for a new building or an addition that extends very close to a property line, whether it is an exterior wall, several levels of underground garage and associated temporary shoring or some other building element, the area dedicated to safely construct and maintain the same, needs to be established.

Inserting this sentence in section 106.1.1(2) eliminates the need to add this requirement in multiple sections of the OBC (1803.5.7, 3304, 3307and 3401.2).

Explanation of Cost Impact of Proposed Code Change*: There is a cost for obtaining an easement but it removes potential disputes between abutting property owners regarding the construction and maintenance for the life of the new building or addition.

Information on Submittal (attach additional sheets if necessary):	
1. Sponsor:	Amit Ghosh, City Of Columbus, Ohio. Organization sponsoring or requesting the rule change (if any)
2. Rule Title:	Title of rule change
3. Purpose/ Objective:	To provide to the design professional, developers and others a method to comply with the requirements outlined in Sections 1803.5.7, 3304.1.1, 3307.1 and 3401.2 and as applicable to the construction and maintenance of other building elements.
4. Formatted Rule Language (Using Strike-out for Deleted Text and Underline for Added Text)	106.1.1 (2) Site plan. A site plan showing a north orientation arrow, the size and location of new construction and all existing structures on the site, all property and interior lot line locations with setback and side yard dimensions and distances from buildings to lot lines, the locations of the nearest streets, the established street grades, the locations, types and sizes of all utility lines, the location of any fences, and the elevations of all proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. <u>When an exterior wall, a deep foundation or a structure is proposed at or near a property line, the site plan shall clearly indicate an area dedicated for the construction and maintenance of the same.</u> In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for approval is for alteration or repair or when otherwise warranted.
5. Notes:	<ol style="list-style-type: none"> 1. To encourage uniformity among states using model codes, it is recommended that the submitter first submit any code change directly to ICC and participate in the national model code development process. 2. Please provide a copy of application and documentation. 3. Use a separate form for each code change proposal.

Item Attachment Documents:

NB-1 HB 166 Regulatory Restriction Requirement

(3) Make the principle of law or policy more readily available to persons who specifically are affected by the principle of law or policy;

(4) Enable the principle of law or policy to be better known in advance of its application;

(5) Enable greater public participation in improvement and further development of the principle of law or policy;

(6) Enable greater participation by persons specifically affected by the principle of law or policy in the improvement and further development of the principle of law or policy;

(7) Make the principle of law or policy more easily understandable; or

(8) Make the principle of law or policy more readily available to those legally charged with monitoring or reviewing the agency's operations.

If a principle of law or policy aids in the interpretation of an existing rule or statute, the agency shall consider whether the aiding effect clarifies or otherwise resolves an uncertainty in the existing rule or statute. If the principle of law or policy can be so characterized, the agency shall consider whether the principle of law or policy should be supplanted by its restatement in an interpretive rule. The agency may not presume that a principle of law or policy that aids in the interpretation of an existing rule or statute is simply a reiteration of the existing rule or statute.

(C) If the agency determines, in light of the foregoing standards, that rulemaking is indicated, the agency shall commence the rule-making process as soon as it is reasonably feasible to do so, but not later than the date that is six months after the determination was made. The principle of law or policy as it is restated in a rule does not need to be wholly congruent with the supplanted principle of law or policy. The agency lawfully may improve or develop further the supplanted principle of law or policy as it is restated in a rule.

The agency may continue to rely upon the principle of law or policy, but only while it is complying with the preceding paragraph. The agency may not rely upon the principle of law or policy in advising with regard to or in determining the rights or liabilities of a person if the agency fails to commence the rule-making process by the deadline specified in the preceding paragraph, or if, after commencing the rule-making process, the agency neglects or abandons the rule-making process before it is completed.

(D) A principle of law or policy that is relied upon directly or by clear implication from a statute applying to the agency does not need to be supplanted by rule.

Sec. 121.95. (A) As used in this section, "state agency" means an administrative department created under section 121.02 of the Revised

Code, an administrative department head appointed under section 121.03 of the Revised Code, and a state agency organized under an administrative department or administrative department head. "State agency" also includes the department of education, the state lottery commission, the Ohio casino control commission, the state racing commission, and the public utilities commission of Ohio. Rules adopted by an otherwise independent official or entity organized under a state agency shall be attributed to the agency under which the official or entity is organized for the purposes of this section.

(B) Not later than December 31, 2019, a state agency shall review its existing rules to identify rules having one or more regulatory restrictions that require or prohibit an action and prepare a base inventory of the regulatory restrictions in its existing rules. Rules that include the words "shall," "must," "require," "shall not," "may not," and "prohibit" shall be considered to contain regulatory restrictions.

(C) In the base inventory, the state agency shall indicate all of the following concerning each regulatory restriction:

(1) A description of the regulatory restriction;

(2) The rule number of the rule in which the regulatory restriction appears;

(3) The statute under which the regulatory restriction was adopted;

(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;

(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;

(6) Any other information the joint committee on agency rule review considers necessary.

(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.

(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions:

(1) An internal management rule;

(2) An emergency rule;

(3) A rule that state or federal law requires the state agency to adopt verbatim;

(4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to sections 121.71 to 121.75 of the Revised Code;

(5) A rule adopted pursuant to section 1347.15 of the Revised Code;

(6) A rule concerning instant lottery games;

(7) Any other rule that is not subject to review under Chapter 106. of the Revised Code.

(F) Beginning on the effective date of this section and ending on June 30, 2023, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.

Sec. 122.075. (A) As used in this section:

(1) "Alternative fuel" has the same meaning as in section 125.831 of the Revised Code.

(2) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents, and that meets American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.

(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code.

(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code.

(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume.

(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume.

(7) "Incremental cost" means either of the following:

(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased;

(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased.

(B) For the purpose of improving the air quality in this state, the director of development services shall establish an alternative fuel transportation program under which the director may make grants and loans to businesses,