FOR THE CASE OF
DOL 3rd Q Board of Boilers Meeting

TRANSCRIPT OF
3RD Quarter Meeting
September 21, 2016

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STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
BOARD OF BOILER RULES

QUARTERLY MEETING OF THE
STATE OF TENNESSEE
BOARD OF BOILER RULES
September 21, 2016

** ** ** **

CHAIRMAN MORELOCK: Good morning, everyone. Welcome to the Tennessee Board of
Boiler Rules meeting. I'm going to call this
meeting to order. There are agendas in the back
if you don't already have one. You can certainly
go get one of those and follow along.
And I certainly want you to
participate in this board meeting. It is a public
meeting, so we'll have people come forward to
present items, but you're welcome to raise your
hand and speak to items as we discuss them as
well.

As far as introductions and
announcements go, I've got several, so just bear
with me. First off, I wanted to thank the
Department of Labor and Workforce Development,
specifically the Workplace Regulations and
Compliance in the boiler unit for this fall
conference. It's been eight years since we've had
one and it's just a very nice thing to be able to
gather together and have a little more time to sit
and talk to each other and learn about what we do
and how we contribute to pressure equipment safety
here in the state of Tennessee. So thank you all
1. for taking time out of your busy schedules to attend.
2. It's nice to see a full room today and it's good to see all of our inspectors here as well. And so again, welcome. And thank you for the reception last night and thank you for breakfast this morning. And we look forward to the rest of the activities during the fall conference this week.
3. I always want to introduce two new board members, Mr. Michael Pischke. He was appointed by Governor Haslam here recently, and he will be representing owner/users of boilers -- or equipment manufacturers of boilers. I'm sorry. And Dr. Keith Hargrove, he's also been appointed by Governor Haslam, and he will represent a mechanical engineer representing academia. And we'll have a round of introductions for everybody here in a minute, so I'll let those guys tell you a little bit more about themselves.
4. And on the note of Dr. Canonico, I wanted you all to know, as well, Dr. Canonico has gotten to where his doctor will not let him travel anymore. He's resigning from his code activities with the ASME and national board as well.
5. And the boiler unit, the Workplace Regulation and Compliance and the Tennessee Board, we are going to honor Dr. Canonico. So and so we want to welcome Mike.
6. And Dr. Keith Hargrove, he's also been appointed by Governor Haslam, and he will represent a mechanical engineer representing academia. And we'll have a round of introductions for everybody here in a minute, so I'll let those guys tell you a little bit more about themselves.
7. And on the note of Dr. Canonico, I wanted you all to know, as well, Dr. Canonico has gotten to where his doctor will not let him travel anymore. He's resigning from his code activities with the ASME and national board as well.
8. Next month, in October, we're going to go to the assisted living facility where he is currently living and we're going to honor him for his many years of service to this board. So we're looking forward to that as well.
9. A safety note, I'll go over that real quick as an introduction. In the event of an emergency or natural disaster, security personnel will take attendees to a safe place in the building or direct them to exit the building on the Rosa Parks side, which is that side of the building. So just bear that in mind.
10. Also, in your full conference, you did get a layout of the building, so that will help you kind of know where you're at. When we break, after this meeting, for lunch, there is a cafeteria right next door. And, of course, there's other eateries nearby as well, so we just want to make you aware of that so you'll have time to go to have some lunch and come back for afternoon sessions.
11. And I would also ask that you silence your cell phones during the meeting so that when somebody is making a presentation or a discussion, that won't be an interruption to them. You can certainly leave them on vibrate if you've got some critical messages that you need to attend to. That's fine.
12. Are there any other announcements? (No verbal response.)
13. CHAIRMAN MORELOCK: All right. Very good. Our next item on the agenda is adoption of the agenda. Like I said, we have the agenda before you, so do I a have a motion to accept the agenda?
14. MR. PISCHKE: So moved.
15. MR. ROBINSON: Second.
16. CHAIRMAN MORELOCK: Any discussion, additions, changes to the agenda? (No verbal response.)
17. CHAIRMAN MORELOCK: All right hearing none, I'll call the question. All in favor say, "Aye."
18. (Affirmative response.)
19. CHAIRMAN MORELOCK: All opposed?
1. CHAIRMAN MORELOCK: Brian Morelock.
2. I'm chairman of the Tennessee Board, and I represent unfired pressure vessel users and owners. And I'm with Eastman Chemical Company.
3. MR. ROBINSON: Eugene Robinson, Tennessee board member.
4. MR. BAUGHMAN: I'm Dave Baughman. I'm a board member representing owner/users of boilers with Allied Boiler and Supply in Murfreesboro.
5. MS. RHONE: Deborah Rhone, boiler office supervisor.
7. MR. BAILEY: Dan Bailey, legal counsel to the board.
8. MR. GOLDEN: James Golden, StoneCrest Medical Center.
9. MR. ENG: Richard Eng, Wacker Chemical Corp.
10. MR. CLIFTON: Gerald Clifton, Dixon County Schools.
11. THE REPORTER: If they can speak up. I can't hear.
12. CHAIRMAN MORELOCK: Please speak up so she can hear your name and record that.
13. MR. HILLMAN: Randall Hillman, Eastman Chemical Company, area inspector.
15. MR. SANDERS: Jeremiah Sanders, Eastman Chemical Company, area vessel inspector.
16. MR. GLADSON: Jeff Gladson, Eastman Chemical Company.
17. MR. ESTEPP: Jeff Estepp of Eastman Chemical Company, area pressure vessel inspector.
18. MS. SNYDER: Mary Snyder, Eastman Chemical Company.
20. MR. WAYBRIGHT: Jeff Waybright, FM Global.
22. MR. PETERS: Danny Peters, Tennessee State boiler inspector, Knoxville office.
23. MR. PERSINGER: Jason Persinger, Nalco Chemical.

2. MR. SNEED: Brandon Sneed, utilities project engineer at Domtar Paper.
3. MR. NEVILLE: James Neville, president, Neville Engineering.
4. MR. WOODFIN: Randall Woodfin, CNA Insurance, inspector.
5. MR. LASHLEY: Micah Lashley, Hartford Steam Boiler.
6. MR. HARTFORD: Christopher Hartford, Hartford Steam Boiler.
7. MR. REINHART: Kevin Reinhart, Nationwide Insurance.
10. MR. DAVIDSON: Bob Davidson, state boiler inspector.
11. MR. PERRY: Steve Perry, state boiler inspector.
12. MR. HOLT: Tim Holt, state boiler inspector.
13. MR. SITES: Sam Sites, state boiler inspector.
15. MR. RAINEY: Randy Rainey with Buckman Laboratories, utilities craftsman.
16. MR. MILLER: Jeff Miller, Nucor Steel Memphis, environmental.
17. MR. WORD: Dallas Word, State of Tennessee boiler inspector in Memphis.
18. MR. DICKERSON: Richard Dickerson, state boiler inspector.
19. MR. KELLEY: Randall Kelley, state boiler inspector.
20. MR. SMITH: Jesse Smith, state boiler inspector in the Tri-Cities area.
21. MR. SCHWONKE: Ron Schwonke, Zurich Insurance, southeast regional manager.
22. MR. MERZ: Stephen Merz, Zurich Insurance, boiler inspector.
23. MR. RITTER: Larry Ritter, Travelers Insurance.
24. MR. McINTYRE: Don McIntyre, field workplace regulations and compliance consultant.
25. MR. McINTYRE: Don McIntyre, field food service supervisor with the Hartford Steam
1. **CHAIRMAN MORELOCK**: Okay. We'll move on to Item V, which is Old Business. We have one old business item. It's Item 15-20, and that is the reorganize of Tennessee Rule 0800-03-03. And just to let you know, the board -- the workplace regulation and compliance and the boiler unit -- we worked for a couple of years to try to make the rules a little more user friendly, a little more informative, and we've been successful in that.

   The Secretary of State for Tennessee approved our revision in June of 2016, and it takes effect now. It's in effect in September. The revised Rule 0800-03-03 is on the website, so I would encourage you to go and look. And I think there's actually copies available here this week, if you want to see that.

   And Chief Chapman and Deputy Inspector Jesse Smith will be giving you a more detailed presentation of Rule 0800-3-3 at 1:30, so that way you'll have to come back after lunch. So come back and see and hear all the changes. We're very thankful for all the efforts that went into that to hopefully make it something better for the State of Tennessee to use when it comes to pressure equipment, so...

   **16-12, MC Ionic Solutions U.S.** They are requesting to designate nine pressure vessels as Tennessee Specials. This equipment will be installed at their facility located in Memphis, Tennessee.

   So before we begin discussion of this item, are there any conflicts of interest with this item?

   **CHAIRMAN MORELOCK**: Okay. Moving none, we'll proceed.

   Do we have a representative from MC Ionic Solutions here today?

   **MR. WOOTEN**: I'm with the insurance company representing them.

   **THE REPORTER**: I'm sorry, what's your name?

   **CHAIRMAN MORELOCK**: Introduce yourself. Thank you.

   **MR. WOODFIN**: Randall Woodfin with CNA Insurance.

   **CHAIRMAN MORELOCK**: Okay. We will hold this item for the December agenda, then.

   **MR. WOODFIN**: And they wanted me to let them know that they're exploring the solution. So they would like to delay their application for a Special until the next meeting because they think they will have this problem solved by then.

   **CHAIRMAN MORELOCK**: Okay. We will hold this item for the December agenda, then.

   **MR. WOODFIN**: And they wanted me to also express appreciation to Sam and Deborah for the help of guiding them through this process.

   **CHAIRMAN MORELOCK**: Okay. And while we're discussing this, as part of the minutes, the package that they provided, these vessels were built and stamped to ASME code. They just need to be stamped, National Board stamped, and Sam has provided NB264 to them that actually has provisions now in Section 6.0 to allow registration with the National Board even after the vessel has been fabricated and possibly even registration with the National Board even after issuing a certificate of compliance. And Sam has provided NB264 to them that actually just need to be stamped, National Board stamped, giving us a total of 1,098.

   For the state inspector, 651; for the insurance inspectors, 447; total delinquent from the state inspector, 651; for the insurance inspectors, 447; giving us a total of 1,098.

   The number of code violations was 14 found; 8 was corrected.

   There was one boiler variance done for this report. Thank you.

   **CHAIRMAN MORELOCK**: Any questions or comments about the chief's report?

   **MR. CHAPMAN**: Thanks, Brian.

   I'm going to start off with the or comments about the chief's report?

   (No verbal response.)
1. what they come back with.
2. MR. WOODFIN: Thank you very much.
3. CHAIRMAN MORELOCK: Thank you.
4. Okay. Moving on to our next item
5. Item 16-13, Domtar Paper Company, LLC requests a
6. renewal variance to the operation of their
7. Number 2 Recovery Boiler Main Equipment located at
8. 100 Clinchfield Street, Kingsport, Tennessee.
9. So, gentlemen, if you will introduce
10. yourselves and present your report, please.
11. MR. NEVILLE: I'm James Neville
12. with Neville Engineering representing Domtar.
13. MR. SIDES: Steve Sides with Domtar
14. in Kingsport, Tennessee.
15. MR. SNEED: I'm Brandon Sneed with
17. MR. NEVILLE: Our request is for a
18. variance renewal for the internal inspection
19. frequency. I'll give you a background on Domtar.
20. Domtar is a Canadian corporation. It's a paper
21. company that generates 5.3 billion in revenue and
22. operates two separate business segments.
23. The primary segment is the pulp and
24. paper that generates 85 percent of Domtar's
25. revenue. The Kingsport Tennessee, plant is 1 of
26. 13 operating plants within this business segment.
27. And the annual production in paper is 423,000 tons
28. of paper and 300,000 tons of hard wound slush
29. pulp. That gives you a background of Domtar. And
30. we can go into more detail on that.
31. But in the variance renewal, we have
32. incorporated all the new reports. In Index 10 we
33. list all of the renewal revisions. So all of the
34. reports have been updated, and we can discuss
35. those, the findings on those reports.
36. CHAIRMAN MORELOCK: Okay. Let me
37. ask the question, are there any conflicts of
38. interest on this item?
39. (No verbal response.)
40. CHAIRMAN MORELOCK: Okay. Good.
41. Go ahead and proceed.
42. MR. SNEED: So our first 18-month
43. run time has been successful. We sought out a
44. variance and was given that approval by the board.
45. We went down in March of this year
46. for our 18-month run time. We did an internal
47. inspection as well as NDE inspection of the
48. boiler. There were no major findings found.
49. Essentially it looked like it did after it ran for
50. 12 months.
51. We still proceeded with the same
52. inspection scope per our inspection matrix that we
53. have used in the past and found no major findings.
54. It was essentially the same punch list that we see
55. from the boiler inspectors every year.
56. Do you guys have any questions after
57. you have reviewed the inspection reports that we
58. have provided?
59. CHAIRMAN MORELOCK: Okay. So I
60. need a motion first, and then we'll have
61. discussion and questions.
62. MR. SNEED: Okay.
63. CHAIRMAN MORELOCK: Do I have a
64. motion --
65. MR. ROBINSON: Motion made to
66. discuss.
67. CHAIRMAN MORELOCK: Okay. I have a
68. motion made to discuss.
69. MR. BAUGHMAN: Second.
70. CHAIRMAN MORELOCK: Second, okay.
71. So what questions does the board have?
72. MR. BAUGHMAN: I'll start off just
73. with a simplistic one. I think Steve Moorison was
74. the one that came originally.
75. MR. NEVILLE: That's correct, yes.
76. MR. BAUGHMAN: On the letter that
77. was sent to Sam on July 30th it says Marshall
78. White, the Assistant Superintendent Recovery,
79. would be responsible for implementing the variance
80. criteria and he will attend this particular
81. meeting. And we've got brother Steve and brother
82. Brandon, but I was interested in Marshall White
83. since he was the one that was responsible for the
84. variance criteria of --
85. MR. SIDES: Right. Well, Marshall
86. works directly for me. Marshall is the recovery
87. assistant superintendent, and I'm the utility --
88. Marshall and Steve both work for me and I'm the
89. recovery -- power and recovery superintendent
90. utilities manager. So they all reported to me.
91. Marshall wasn't able to make it today for issues
92. at the mill.
93. MR. BAUGHMAN: Okay.
94. MR. SIDES: Personally, I needed
95. him there. And plus he and I had been working on
96. this with Brandon, and I was with Steve the
97. last -- I wasn't at the meeting with Steve but,
98. you know, I went through the process with Steve
99. last time. I am presenting the case for the
100. 18 months and both of us are very familiar with

1. the inspections and maintenance and the
2. operational part.
3. MR. BAUGHMAN: Marshall will still
4. be the individual, though, that will be
5. implementing the variance criteria?
6. MR. SIDES: That is correct.
7. MR. BAUGHMAN: Okay. I just wanted
8. to make sure.
9. MR. SIDES: Yes.
10. MR. SNEED: Yes.
11. CHAIRMAN MORELOCK: Go ahead.
12. MR. ROBINSON: I've just got a
13. couple questions right off the bat. Thank you,
14. first, for attending and also joining in on our
15. fall conference.
16. The questions I have -- first of all,
17. Mr. Chairman, we have this listed as a renewal.
18. And in addition to the renewal, they're also
19. revising their manual.
20. CHAIRMAN MORELOCK: Yes.
21. MR. ROBINSON: Should the record
22. also include that this is a revision to their
23. manual as well?
24. CHAIRMAN MORELOCK: Yes.
25. MR. ROBINSON: Okay.

1. CHAIRMAN MORELOCK: And I think it
2. states that in the manual.
3. MR. SNEED: That's right.
4. CHAIRMAN MORELOCK: That's why you
5. have --
6. MR. SNEED: Section 10.
7. CHAIRMAN MORELOCK: With this
8. renewal, they're showing the changes in --
9. MR. ROBINSON: It wasn't reflected
10. in our --
11. CHAIRMAN MORELOCK: -- in Index 10.
12. MR. ROBINSON: -- agenda.
13. CHAIRMAN MORELOCK: And it can be
14. updated to state that, yes.
15. MR. ROBINSON: Okay. One of the
16. questions I had that kind of stood out, you had a
17. tech sheet, and the tech sheet, on page 1.10 for
18. the Number 2 recovery unit, you stated the relief
19. valve capacity to be in CFM's. But this is a
20. steam boiler. That was perhaps a typo.
21. CHAIRMAN MORELOCK: That's on
22. page 1.10.
23. MR. SNEED: I don't -- yes. Our
24. relief valve capacity is set in kPPH, a thousand
25. pounds per hour of steam. I can get you that

1. updated number but it is not correct on here.
2. MR. ROBINSON: Could you go ahead
3. and make that correction? It is corrected on your
4. safety valve test data sheets.
5. MR. SNEED: Okay. Yes.
6. MR. ROBINSON: And the numbers will
7. achieve approximately 600,000 BTU, approximately,
8. still out there -- pounds per hour -- forgive me.
9. I spoke wrong.
10. On the smelt bed inspection
11. criteria --
12. MR. SNEED: Yes, sir.
13. MR. ROBINSON: -- I guess years ago
14. you had an event that occurred in that particular
15. area of the boiler. And what justification did
16. you use not to open or remove or inspect?
17. MR. SIDES: Well, the resulting
18. incident that occurred prior to that -- I was not
19. there but reviewing the reports and talking with
20. the inspector on that, the actual incident began
21. from the external, from the dissolving tank to the
22. recovery boiler which, from smelt runoff, created
23. a high smelt pool that could dissolve at tank
24. level. And when that smelt reacted in that tank,
25. it also damaged that spout and the wall opening at

1. the floor interface.
2. So the damage you might say occurred
3. from the outside in. The floor inspection is
4. required every five years, and we performed that
5. floor inspection in -- you know, so that we
6. wouldn't have to do it again for five years.
7. MR. ROBINSON: So what happens if
8. those tubes -- you do have the pitting of several
9. tubes in that area. What happens if they were to
10. rupture?
11. MR. SNEED: Well, we reviewed those
12. in 2014, and, again, it's not due again until
13. 2019, so that's the reason we did not inspect it
14. in March of this year.
15. MR. ROBINSON: Well, what happens
16. if it ruptures?
17. MR. SIDES: Well, if you have a
18. pitted tube that ruptures for any reason --
19. anywhere in that boiler, especially the furnace --
20. MR. ROBINSON: Well, I'm concerned
21. with the floor. And the reason I'm asking, I just
22. want to be assured that we're not overlooking it.
23. I don't know yet.
24. MR. SIDES: Based on the PSA
25. inspection and the NDE reports for any of those
1. tubes, there weren't any tubes needing to be 
2. replaced. And neither on the '14 inspection were 
3. any of them suggested to be replaced. There's no 
4. pitting that would have, in their minds, you know, 
5. created cracking from tube -- from point to point 
6. in a pit that would cause the need to remove the 
7. tube. There was no evidence that that needed to 
8. be done and there was no evidence that there was 
9. any risk involved with leaving those tubes in 
10. place and performing the standard inspections. 
11. MR. ROBINSON: So we really don't 
12. know if the pitting has grown. 
13. MR. SIDES: We know it didn't grow 
14. in 2014. 
15. MR. ROBINSON: Right. So we don't 
16. know now. 
17. MR. SIDES: That's right. 
18. MR. ROBINSON: Okay. 
19. MR. SIDES: We won't know until we 
20. move the bed again. 
21. MR. ROBINSON: Okay. 
22. CHAIRMAN MORELOCK: And that -- 
23. MR. SIDES: With or without the 
24. extension. 
25. CHAIRMAN MORELOCK: That'll be 

1. done -- that'll be done prior to '19, right? 
2. MR. SIDES: With or without the 
3. extension, it'll be done in '19. 
4. CHAIRMAN MORELOCK: Okay. And your 
5. pit gauge readings all showed the tubes well above 
6. TMN (phonetic), correct? 
7. MR. SIDES: Yes. 
8. MR. SNEED: That's correct. 
9. MR. ROBINSON: On the scallop plate 
10. seals, tubes 45 -- this is actually on page 2.6R. 
11. The photographs, just for your record, are on 
12. 2.27R. 
13. The question I have on that is that 
14. you gave me a before and an after photograph, 
15. right, from 2014 to the present? And it's pretty 
16. obvious that the crack indication didn't grow or 
17. propagate into the tube. But as I looked at it 
18. from the 2014 drawing or photograph to the 
19. present, it didn't show to stop drilling. And 
20. that's what you had said you did. And, again, the 
21. only fear I have is that if it propagates into the 
22. tube ... 
23. CHAIRMAN MORELOCK: So can you 
24. confirm that that was drill-stopped? 
25. MR. NEVILLE: Yes.
1. MR. ROBINSON: So this is not a before and after.
2. MR. SNEED: No. I think this is the picture from 2014.
3. CHAIRMAN MORELOCK: That's the before, yeah. And that's what it says.
4. MR. SNEED: There's no after picture. Because the last line on this said, "This section was not scaffolded this outage," so there's no way they could have taken a picture of the after.
5. CHAIRMAN MORELOCK: So do you have a report showing that this was drill-stopped? Do you have a work order or something showing that was drill-stopped?
6. MR. SNEED: Not with me right now but I can personally check on that. Yeah, not with me right now.
7. CHAIRMAN MORELOCK: If you can provide that documentation, then that will -- Would that address your comment?
8. MR. ROBINSON: That would definitely give me some credibility.
9. MR. SNEED: Without having it in front of me, I can -- I would say if this was marked, this was more than likely put on the 2014 punch list.
10. CHAIRMAN MORELOCK: Yes.
11. MR. SNEED: And there was no items left off the 2014 punch list that weren't completed, so -- but I can get that.
12. CHAIRMAN MORELOCK: If you can provide that documentation, then that will --
13. Would that address your comment?
14. MR. ROBINSON: That would definitely give me some credibility.
15. MR. SNEED: Without having it in front of me, I can -- I would say if this was

1. MR. BAUGHMAN: Although the inclusions and recommendations are that they should be done, it's not going to be done.
2. MR. SNEED: It was done. We have removed it. It's not required again for five years.
3. MR. SNEED: And we did seek advice from our state inspector as well as our insurance rep to see if after 18 months we needed to remove the smelt bed, even though we had done it in 2014, and we were advised to stick to our current schedule of five years.
4. MR. BAUGHMAN: We'll address that in PSA's report at the end of 2.123R, including in the recommendations, consideration is to be given to removing the smelt bed and center crotch refractory in order to facilitate a visual inspection and NDE during the 2017 outage.
5. MR. SNEED: That would be in the same year, calendar year, six months later.
6. MR. BAUGHMAN: Because at that time, we were just talking about the tubes under the smelt bed. Is the smelt bed going to be removed during the 2017 outage?
7. MR. SNEED: Yes, sir. Okay.
8. MR. SNEED: Yes, sir. Okay.
9. MR. ROBINSON: There was one other question. There was a question on the insurance company report that indicated that there was an obstruction when the test was performed. I believe it probably was a main piping or a main discharge piping. And it was obstructed but it cleared up. Can you guys give me any idea of what the resolution was or what happened?
10. MR. SNEED: Can you say where in the report you're referring to?
11. MR. ROBINSON: 2.91R. Second paragraph, near the top.
12. MR. SNEED: This was the -- that was the emergency drain on the boiler that we had some pluggage in the drain itself, and we opened that up and we also replaced the valve in that,
MR. BAUGHMAN: And part of the reasoning behind that removal is because of those tubes that had been gouged by the chipping hammers previously. The recommendation I read was not to utilize chipping hammers this time around, but there was concern with that, and so that was part of their recommendations. Although you're saying that insurance and others have said otherwise.

CHAIRMAN MORELOCK: While you're thinking about that let me ask you this question: So your next 18-month internal is October 2017. And then if you project that out another 18 months, that would put you into April of '19, and you're going to be bumping up on your five-year smelt --

MR. SIDES: Yeah. We will be short six months in five years at that point. I guess the statement itself reads a consideration should be taken. And we took that consideration and looked at it and analyzed, looked at it with our inspector, looked at it with our insurance.

CHAIRMAN MORELOCK: So your plan is to definitely take that smelt bed out in the spring of '19.

MR. SIDES: Yes.

CHAIRMAN MORELOCK: So what you could walk away with is then the internal in '17, they need to pay pretty close attention to that area to see if there's any changes. Because see, the danger is this: What these guys are recommending to you is not just to make life difficult for you, but if this consideration leads to a failure, the failure will lead to your variance being rescinded. And so they're just wanting to protect you from that.

MR. SIDES: I understand.

CHAIRMAN MORELOCK: You know, because that's what the law says in 68-122-110(f), is that you can run with the variance but if an external inspection finds a problem, the boiler will be shut down, your variance is rescinded, and you have to do an internal on the spot. So you'll have to manage that risk.

MR. SIDES: Right. And I think by having the appropriate people look at it and analyze it --

CHAIRMAN MORELOCK: Yes.

MR. SIDES: -- and talk with the people at PSA -- we've got a working relationship with them in that they absolutely maintain the

MR. ROBINSON: The gouges, Steve ...
CHAIRMAN MORELOCK: Any other questions or comments?

DR. HARGROVE: Yes. Keith Hargrove. Just a simple question. Just for clarity, was there or was there not a change in the furnace volume for the inspection that was done back in March?

MR. SIDES: There was not a change in the furnace volume. It was the same furnace.

We just had a study performed by Hendricks Boiler Manufacturers. They studied -- did a full circulation and thermal study on the boiler and presented it as a document with the steaming capabilities of that unit, which in reality is much higher than what we are at this point. It's really capable, I think, of 642,000. But we would have had to install quite a bit of attemperation.

1. equipment and a safety opening on the drum and various pieces of equipment to drive it to the 640,000.
2. DR. HARGROVE: Yes, sir.
3. MR. SIDES: So we took an intermediate point and said, well, what can we run if we make minor modifications. And even though our safety relief capacity was adequate by the State's definition, Hendricks likes to have a larger percentage at the super heater outlet of safety relief. So we went in and installed another safety valve.
4. We already had feed water attemperation on a set of the installed attemperators so we didn't have to make any modifications to the attemperator. We got their recommendation, American Mechanics performed the safety valve installation, and we restamped the boiler at a maximum continuous rate of 545,000 with a peak rate of 580,000, which is still well within the thermal and circulation study of the existing furnace.
5. DR. HARGROVE: Okay. All right.
6. Thank you, sir.
7. CHAIRMAN MORELOCK: Any other questions or comments?
MR. BAUGHMAN: Okay.

CHAIRMAN MORELOCK: Because if you look at 3.97R, the Certificate of Shop Compliance is dated November 8th, 2002. So that was well before the end of the year and not signed until right after January, which has happened to us many times in manufacturing. I guess that would be my --

MR. PISCHKE: Rationale?

MR. BAUGHMAN: -- perception of what happened.

MR. BAUGHMAN: I agree. I just want to make sure from a paper standpoint and accountability standpoint that everything is on the same page.

CHAIRMAN MORELOCK: Yeah. I think, as Mr. Pischke points out, it's a manufacturer's responsibility to keep track of who's getting what and when.

MR. BAUGHMAN: January 9th was the beginning of --

CHAIRMAN MORELOCK: So really, the manufacturer, Kvaerner, really should have updated their data report that they sent to you. And --

MR. PISCHKE: Yeah. It should have been revised.

CHAIRMAN MORELOCK: -- from an Eastman standpoint, when shops are running, you know, at a comfortable pace, we find about 25 percent of their U-1s have got errors, and if they're running wide open, it's 50-65 percent of the U-1s have errors. So it's not an anomaly.

MR. BAUGHMAN: Okay. Good. Well, that's good information for me to know, a learning experience, too.

Moving on with the pressure vessel test -- I mean, the pressure relief valve inspection repair and testing. I noticed on the form there's a place for a QC inspector to sign or to be identified. Parts are inspected. But I don't see a QC inspector listed on any of the forms. Some of the forms -- and these are 3.113R, 3.115R, 3.117R, and on down the line. But part of what I look at on the relief valves is under assembly and testing, some have test media. Look at 3.121R, and it lists the Test Media as Steam; Test Method, Bench; gauges that were used, calibrations, test pressures, passed, so forth.

And then if you look at 3.113R, and you look at Test Method -- Test Media, it's blank; Test Method is blank; Gauge, blank; Gauge, blank; Final Test Pressure, zero; Seats, tight -- information is missing.

And I'm a little concerned because of what some of the reports found on the backside, 3.122R. Disk Holder, Gouged; Gaskets, Worn; Guide, Gouged; Spindle, Gouged. All of these things have been repaired and parts replaced, I guess, and that particular valve was tested versus 3.113R. And when you look to the back, which has very little test data on it for testing that valve and you flip it over to 3.114R, Base and Body.
1. (No verbal response.)
2. CHAIRMAN MORELOCK: I just have a couple. In reading through your report, from what I gather from the executive summaries and the summations, it says that PSA, FM Global, and the State have no findings that would prevent you from continuing your variance; is that correct?
3. MR. SIDES: That's correct.
4. CHAIRMAN MORELOCK: And then the other is from the 2016 inspection, internal inspection, there was no punch list items left incomplete. All of them are completed; is that correct?
5. MR. SNEED: From the 2016?
6. CHAIRMAN MORELOCK: Yes.
7. MR. SNEED: That is correct, yes.
8. CHAIRMAN MORELOCK: Okay. And when we initially reviewed this in 2014, there was no unleft punch list items from that, other than some comments that we made, and they're in our board minutes.
9. MR. SNEED: That's correct.
10. CHAIRMAN MORELOCK: Okay. So is there any other -- is there anything else you want to present on this manual?
11. MR. NEVILLE: I don't believe so.
12. MR. BAUGHMAN: Okay. I've still got some technical stuff.
13. CHAIRMAN MORELOCK: Okay. Well, go ahead and put it out there.
14. MR. BAUGHMAN: In the last inspection -- now, you guys have cameras that look into the furnace itself, and it made mention that some of the cameras were blocked, in the report, and were cleaned.
15. MR. SIDES: That's correct.
16. MR. BAUGHMAN: So that gets to be an issue during operation. You can't necessarily just shut down and clean the cameras.
17. MR. SIDES: Well, we have cleaners on the cameras that we had to make repairs to, and we had some lens -- we got a temporary camera in and ran the temporary camera for a period of time until the lens on the other camera could be cleaned. But it was actually an edge that needed to be replaced, and then we reinstalled the camera so we have a clear view in there, and we have a cleaner. And that camera, that port, actually can be -- it's on a cylinder. It can be extracted from the boiler, and the port can be cleaned by...
It just failed. It was an end-of-life failure.

MR. SIDES: But took the unit down I.D. fan, the way it was.

MR. BAUGHMAN: But it wasn't related to an issue with the recovery board itself. But it did trip the recovery board. And we took the boiler down in June of '15 to install that separator safety valve. Everything else was external to the recovery board itself. There weren't any items or issues that --

MR. BAUGHMAN: Well, just reading through the reports, there was -- and not being intimate with the facility, I'm reading things about acid cleaning, electrical issues, recurring electrical issues and what have you, and I'm not too familiar with your facility to know exactly where those issues were. And I'm looking at the minutes that it took for fixing that, and it just looked like there was some areas that had quite a few minutes accumulated in the operation.

MR. SIDES: Yes. Most of the acid cleaning that you'll see in there occurred in the lime/kinl recast area. They're mostly associated with the X filter, which is green liquor.

clarification process, the disk filter, which is a white liquor clarification process that are outside of the recovery unit in the same department but a different area.

Those are probably two of the most prominent issues that interrupted production on the recovery boiler. We did have the lightning strike that I discussed. And I'm looking at all this since the '14 outage. I came right at the end of the 2014 outage.

We had one cooling air fan on a breaker, for the feeder breaker, in the motor control center. It also ended up taking the unit down because it's got an interlock so that you don't do electrical heat damage to that breaker.

If that cooling air fan fails, it opens that breaker and shuts that circuit down. And it's a pretty good sized cooling fan for these units. I think, if memory serves me right, that was on the I.D. fan, the way it was.

MR. SNEED: That's correct.

MR. SIDES: But took the unit down based on that fan. But that wouldn't have been anything other than -- it wasn't a cleaning issue. It just failed. It was an end-of-life failure.
1. We had an issue with a lime/kiln
2. shale in 2015. We went back with a heavier
3. metallurgy in that particular area of the kiln and
4. a lighter brick to take the weight off of that end
5. and a weight of those bearings. So this
6. continuous improvement process has really paid off
7. for us at the mill to help that area to run
8. longer. Which when you do that, now then, for the
9. back of the process, you start to watch things and
10. see how well they run at that different rely --
11. because it's a matter of reliability. It's not a
12. matter of steaming rate on the boiler, right?
13. It's a matter of whether it runs 180 or 365 days
14. in a row or whether it runs 90 days in a row.
15. So those are the things we keep a
16. close watch on, too, which is much better for the
17. recovery when it's not cycled, on external
18. equipment.
19. I think the continuous improvement
20. process for Domtar as a whole, but specifically in
21. Kingsport, has been an exceptional improvement for
22. our mill.
23. MR. BAUGHMAN: Thank you. One
24. other thing, just as it relates to training -- and
25. we're all about training -- and just going over

1. training process, because of the age of the
2. employees in the mill, we had gotten to a point
3. where we couldn't set up, and so we made some
4. specific changes in our training. We outlined it
5. in detail. Since then, we've had one crew leader
6. that went out on disability and then later
7. deceased, and one of our control room operators,
8. the first assistant, set up in that job in
9. February of '15 permanently. He was trained and
10. set up. We set up a second one because we had age
11. of workforce and different ailments. We had
12. another employee out. So we worked to qualify a
13. second crew leader.
14. Now we're down to two control room
15. operators. So we had to implement a process of
16. training and qualifications and overtime, just to
17. be honest with you, until we got those
18. individuals.
19. So there was an incentive in both
20. directions. One was we had a good, quality
21. training process that had to be followed and
22. stopgap measures to measure the progress along the
23. way, and then the incentive that the other person
24. wanted to train them a lot because they were
25. working overtime until they got them trained. So

1. the training list, let's look at 3.63.R. And each
2. one of these training lists seem to have been the
3. same. It was almost like they were copied over
4. and nothing virtually changed. Are you at 3.63R?
5. MR. SIDES: Yes.
6. MR. BAUGHMAN: And if you want to
7. also pull up 3.9R. But on those reports it shows
8. the names of the individuals and then it shows
9. current status. And Mellons has been sick awhile.
10. Stone is off sick. Willis is transferred. I'm
11. interested to know where we're at from a training
12. standpoint. So that's good information, but I was
13. reading where first step-up training was 67.6
14. complete. Second step is 10.8 complete. And I
15. know that you guys are on top of your training,
16. but I just wanted you to fill me in.
17. MR. SIDES: I think we probably
18. have some updating to go back and do with the
19. training records, because I've been there all of
20. '15, December '14 to present. We implemented a
21. very aggressive training process in January of
22. '15.
23. MR. BAUGHMAN: Which is not
24. reflected in this.
25. MR. SIDES: Right. In that

1. that got us two more individuals trained in there,
2. Gary Darnell and Gary Thompson, to be the first
3. assistant in the control room.
4. We spent a better part of -- the
5. latter part of '15 and the better part of 2016
6. qualifying two more second assistants. So now,
7. where we were talking about single set-ups for
8. those vacancies -- they're single set-up again --
9. they're actually double set-ups from where they
10. were a year and a half ago.
11. MR. BAUGHMAN: It's headed in the
12. right direction.
13. MR. SIDES: It's headed in the
14. right direction. And then we've backfilled that
15. second assistant position. And there are some
16. others that have been out on disability,
17. back-and-forth, short term. And we've got more
18. third assistants qualified, but we've got some
19. out. So we're double step-up qualifying on the
20. next job.
21. Now, we've got some people, what we
22. call are on the fast track. Even though it's a
23. union mill, they're on the fast track because some
24. have waived -- we've got certainly very
25. knowledgeable and good talent -- let me just put
1. it that way -- good talent down below, and we're
2. fast tracking up through the process to stay
3. ahead. Because we're still in a retirement phase.
4. We've got several people working in their early
5. 60s. I'm not far from there myself. So that's
6. one of the reasons I'm at the mill, is to train
7. younger people to take our place in the next
8. generation as well. So they've got a good
9. training process.

Mr. Baughman: Well, and that's
important that you pass that along. Did you
review this?

Mr. Sides: I did not review the
training document we stuck in here. I should
have. I should have reviewed it.

Mr. Baughman: Who did?

Mr. Sides: Marshall probably did,
or it probably was John Honeycutt, one of the two.

And, like I say --

Mr. Neville: Well, it's just a
monthly report, right?

Mr. Sides: Yeah. I have a printed
software report that comes out on my computer
every week on every individual in training and
what their progress is.

Mr. Baughman: James, did you
review this also?

Mr. Neville: Yes.

Mr. Baughman: Okay. Well, the
training is so important.

Mr. Sides: It is.

Mr. Baughman: And for you to bring
that to the table that, for one, it's been an
issue, I think is important information that
needed to be addressed.

Mr. Sides: Probably should have
highlighted that a lot better in the report and
given you an idea of what we're doing.

Mr. Sneed: Yes.

Mr. Baughman: Absolutely.

Mr. Sides: We've -- we're taking a
much more aggressive process in training.

Mr. Baughman: Okay. Thank you.

Chairman Morelock: Any other
comments or questions?

(No verbal response.)

Chairman Morelock: Okay. Just to
kind of recap this, this is what I've heard,
because there's a lot of information. So just to
condense that down into the bare bones here, the

1. board comments are this: On page 2.29R, we need
2. Domtar to confirm that those cracks were
3. drill-stopped; on page 2.123R, Item Number 6, the
4. smelt bed is scheduled to be removed in the 2019
5. inspection, however, during the October 2017
6. internal inspection, there will be checks made to
7. ensure that it can be safely operated until 2019;
8. the manufacturing date discrepancy, I think we've
9. resolved. Basically, the -- Kvaerner, when they
10. filled out their data report, they just -- they
11. probably -- like Mr. Pischke said, that probably
12. filled it out as one year, but it carried over
13. into the next year before they got it completed
14. and signed and out the door.

So you can note that however you want
to. Due to its age, I don't know if Kvaerner
would send you an updated data report or not, but
just duly note that.

Mr. Sides: Mr. Morelock?

Chairman Morelock: Yes, sir.

Mr. Sides: Let me ask you one
question. On the second item about the smelt
bed --

Chairman Morelock: Yes.

Mr. Sides: -- and to inspect and
ensure that can be run years further, I think, if
I didn't misunderstand, we need to provide the
conversation that that inspection had taken
place --

Chairman Morelock: Yes. Yes.

Mr. Sides: -- and that we were
okay to run to the five-year interval --

Chairman Morelock: Yes, that's
correct.

Mr. Sides: -- and to send you the
statement, right?

Chairman Morelock: Yes. That is
correct.

Mr. Sides: Okay.

Chairman Morelock: And you just
need to confirm that your five-year date is a safe
date and it's doable.

Mr. Sides: Okay.

Chairman Morelock: That's good.

That's a good clarification.

Like I said, PSA FM Global state
inspections had no findings. In general view of
your program, your RBI program is operating as you
state in your manual. Your water quality program
is running. And the only discrepancy that
1. Mr. Baughman has noted is in the area of training.
2. And so your training records need to be updated.
3. Your training program that you're currently using
4. needs to be reflected in your plans, so if Chief
5. Inspector Chapman sends a deputy inspector to your
6. facility, what you say in your manual is actually
7. what you're implementing in the field.
8. Is there any other comments that I
9. have not captured to summarize that?
10. MR. SIDES: So just for
11. clarification, we do not need to send you anything
12. back on the training. What we need to have in our
13. manual, should someone come to inspect and ask for
14. that documentation --
15. CHAIRMAN MORELOCK: Well, our
16. approval today will be contingent on the chief
17. inspector performing a site visit to make sure
18. that you've corrected these deficiencies or
19. comments -- I mean, they're not all
20. deficiencies -- but you've corrected and addressed
21. these comments, and once he is satisfied with the
22. visit, then your extension is in place.
23. MR. SIDES: Okay.
24. CHAIRMAN MORELOCK: But our vote
25. today will be contingent on that site visit.

1. MR. SIDES: Okay.
2. CHAIRMAN MORELOCK: Okay. Anything
3. else?
4. (No verbal response.)
5. CHAIRMAN MORELOCK: Okay. I need a
6. motion.
7. MR. PISCHKE: So moved.
8. CHAIRMAN MORELOCK: To ...
9. MR. PISCHKE: To accept the
10. extension based on those contingencies.
11. CHAIRMAN MORELOCK: Okay. So I
12. have a motion to accept this request for
13. extension, to renew this extension, based on our
14. comments. So do I have a second?
15. MR. HARVEY: I second it.
16. CHAIRMAN MORELOCK: Okay. I have a
17. second. Last call for questions or comments.
18. (No verbal response.)
19. CHAIRMAN MORELOCK: Okay. I'm
20. going to call the question. All in favor say,
21. "aye."
22. (Affirmative response.)
23. CHAIRMAN MORELOCK: Opposed?
24. (No verbal response.)
25. CHAIRMAN MORELOCK: Abstentions,

1. not voting?
2. (No verbal response.)
3. CHAIRMAN MORELOCK: Okay.
4. gentlemen, you have a contingent approval based on
5. a site visit. So thank you.
6. MR. NEVILLE: Thank you.
7. CHAIRMAN MORELOCK: Okay. And I'm
8. sure everybody is ready for a break.
9. (Recess observed.)
10. CHAIRMAN MORELOCK: We have
11. completed all of our new business items, so we're
12. moving on to open discussion items. And our fist
13. open discussion item is legislative change to
15. So in the course of tracking the
16. changes to Rule 300-3-3, we also have found that
17. there was some changes made to 68-122-106 which is
18. requirements for a chief inspector. And those
19. changes entailed removal of the ten years of
20. experience. It also included removal of the
21. National Board of Commission, and it also included
22. removal of the Tennessee Board participating in
23. the decision-making -- or the fact-finding process
24. for removal of a chief inspector. And when we
25. found that out, we sent -- the board sent a
1. at the jurisdictions, some still say ten. There's
2. a good number of them say five. So -- but, you
3. know -- and I'll certainly let Administrator
4. Jefferson speak to this as well because this is
5. coming from her department. But it doesn't negate
6. the fact that we need qualified people to serve in
7. that position. So with that said, I'll let you
8. speak to that further.
10. We do need qualified people for all of our
11. positions. So that's true and that's something
12. that we certainly wouldn't dispute. As we talked
13. about earlier in some other board meetings, we had
14. a very difficult time trying to fill that chief's
15. position.
16. As a result of not finding qualified
17. candidates who were willing to actually serve in
18. the position as a state employee -- because, of
19. course, we know that the private industry pays a
20. lot more than the State and government in general.
21. It was very, very difficult. We
22. interviewed a number of folks over an 18-month
23. process. We extended invitation to all of our
24. staff, our current inspectors. And unfortunately,
25. we had a really tough time. And at that point, we

1. realized that having that in the law was not a
2. prerequisite as long as it was in the HR
3. guidelines. And so what we did was take the --
4. remove the ten-year requirement from the law. And
5. as you've indicated, it is a requirement for all
6. of the inspectors to have National Board
7. certification. So that would have been redundant.
8. But as far as the ten-year requirement, that will
9. be dealt with by HR instead of the law.
10. CHAIRMAN MORELOCK: Okay.
11. MS. JEFFERSON: Because we ran into
12. a situation where we can't find someone with ten
13. years of experience, then we have to do something
14. differently. And what we did is that we took a
15. look at all the other states who have chiefs. And
16. as you indicated, a large number of those states
17. require five years. Some stats, if I remember
18. correctly, they didn't even have it in their law
19. or their rules. They just do it as they need to.
20. But it's becoming very difficult to
21. fill those positions. And not just the chief
22. position but the boiler inspector positions.
23. We're running into the same type of situation.
24. CHAIRMAN MORELOCK: Okay. So we
25. just wanted to make you aware of that. Are there

1. any questions or comments about that?
2. Go ahead.
3. MR. BAUGHMAN: Well, just offhand,
4. just from what you've said, Kim, was it's not
5. finding people with the experience. Experience
6. isn't the part of the equation that's hard to
7. find.
8. MS. JEFFERSON: It is.
9. MR. BAUGHMAN: Okay. You said you
10. had X amount of applicants, which --
11. MS. JEFFERSON: We had a number of
12. applicants. We even had applicants who didn't --
13. I mean, when it got -- when it became very, very
14. difficult, we considered folks who had -- they had
15. some experience. So most of them didn't have ten
16. years' experience listed. Most of them did not
17. have ten years of experience. And that was the
18. part that was very difficult because the law
19. required ten years. So we didn't want to run
20. afoul doing something contrary to the law. So in
21. hiring, we had to stick with that.
22. MR. BAUGHMAN: Now, the deputies
23. are required to have how many years of experience?
24. MS. JEFFERSON: Is it three? Is it
25. three years, Deborah?
that we removed the ten-year requirement from the law.

MR. BAUGHMAN: From the law.

MS. JEFFERSON: However, in the job description, the HR job description, which I don’t have in front of me, there is a requirement there.

MR. BAUGHMAN: Of years of experience.

MS. JEFFERSON: Yes. So we would have to talk with HR, our human resource department, so they can verify.

MR. BAUGHMAN: Okay. I would be interested in what that number is.

MS. JEFFERSON: Because that number -- and I know that number would not be more than what a deputy inspector would be required.

Because, you know, as part of HR’s process, they make sure those types of things don’t happen.

MR. BAUGHMAN: Okay.

MS. JEFFERSON: It would require more of a deputy than with a chief.

MR. BAUGHMAN: Okay. So what I’m understanding is there are years of experience required for the chief. We just don’t know what those years of experience are.

1. MS. JEFFERSON: Yes. I don’t want to say on the record because I don’t have that in front of me, but if I remember correctly, I think it was five. But I’m not for sure. I would want to go back and verify that.

6. MR. BAUGHMAN: Okay. Because from what I was hearing, we were -- I guess in this whole thing, my understanding and comprehension was that we don’t have any years of experience required.

11. MS. JEFFERSON: Not in the law.

12. MR. BAUGHMAN: Not in the law, but under HR we do.

14. MS. JEFFERSON: Right. For all of our job, all the state jobs, there are requirements. And so instead of doing that based on the law, we’re just going to do it the way that, you know, that we do all the other positions.

20. MR. BAUGHMAN: Okay.

21. MS. JEFFERSON: And we look to HR requirements versus the law.

22. MR. BAUGHMAN: Okay. Interesting.

24. Good. Thank you.

25. MR. ROBINSON: But when you reached out to the other jurisdictions, you sought to find a number that we could use for our locations.

1. the base pay of what it would be the chief.

2. There was also another issue of hardship of pulling somebody from a distant county over to Nashville so they would have to move.

5. There was another issue with that.

6. So there was some issues with trying to make that position and fill that position even within. You know, the door of avenue that’s created in changing this law, I think we shouldn’t have changed the years of experience for the chief inspector. But there again, you know, it’s what you want as far as a chief inspector. But we had an ample amount of qualified people within the department that could fill that position easily.

15. MS. JEFFERSON: Well, let me just say this: In regard to that, invitations were extended to everyone, all the state inspectors to apply, including you. Invitations were extended. But, of course, no one -- as I said before, no one wanted to take that position. So that put us in a really bad position.

22. We had to have that position filled because there’s certain benefits of being a part of the National Board. We’re missing out on some of those benefits. We missed out for 18 months.
CHAIRMAN MORELOCK: Okay.

MR. PETERS: And there again, you know, the benefits for that position was about what it would be for a deputy inspector in the salary. And as far as moving and the hardship, you know, you're talking about maybe ten grand moving everything over to another location. If you had a family, you would pull your family -- you know, there's just a hardship. That's always been an issue, anyway, with that position, or any position coming to Nashville.

But the situation of where we're lessening the qualifications for a chief inspector, I think we're going backwards. And it don't make sense to me. I think we need to have somebody out front that's a pointman that's got that qualification.

CHAIRMAN MORELOCK: Well, what we'll do is -- thank you for offering to bring the HR policy to the December meeting and we'll look at that. And like I said, you know, please let us know your comments and we'll go from there.

So I do appreciate the response from the commissioner, from the administrator, from various people in workplace regulation and compliance. They were very good to address -- we sent seven questions in. We got seven answers back. And so now we've got a baseline to work from. So we do appreciate that.

Okay. Our next discussion item is boiler operator training.

MR. BAUGHMAN: What a great discussion item. Just for one, getting back to one other thing just from open discussion, was the duties of the Board of Rules board. And one of the things that we had was a listing of those responsibilities of the Board of Rules board that we need to bring up for discussion for either this meeting or another meeting. But actually, we're listed -- and things have changed in the State from how we do examinations from inspectors. And it's no longer done -- the way the rules are set up presently, is that two board members, at least, will do the examination of the deputy or the chief or what have you, and that's no longer how things operate, I believe. And so because of that, it's still listed as duties of the board members, but that still needs to be revised at some point in time.

CHAIRMAN MORELOCK: We can submit that for December because we don't have an item ready. But it's just through the progression of testing of being driven by ASME and the National Board. You do not have to go to a jurisdiction to sit for a commission exam anymore. So we just need to bring Tennessee law up to date, and we'll prepare an item for that.

MS. JEFFERSON: Okay. And, also, Lynn Schroeder -- Lynn, if you would stand up, if you can -- she is our consultant for the Division, and she's assisting with some of the changes.

We talked about this one about two weeks ago, that we needed to bring this before --

MS. SCHROEDER: The rules that you've updated are ahead of the law, so we need to bring the law up to where you are allowing the amp stations and et cetera.

CHAIRMAN MORELOCK: Yes.

MS. SCHROEDER: We have that written and have a whole list, but I'd appreciate any input you have.

CHAIRMAN MORELOCK: Okay. We'll do that. We'll do that.

MR. BAUGHMAN: Super. Thanks for letting me bring that up.

CHAIRMAN MORELOCK: And we have submitted administrator duties of the Tennessee Board, and I think you've presented that to the commissioner. And really, I guess once you've finalized what that looks like, then we'll present that as a discussion item to the Tennessee Board.

MS. JEFFERSON: Right. I'll have that at the December meeting as well.

CHAIRMAN MORELOCK: Okay. All right. Thank you.

MR. BAUGHMAN: Thanks again for letting me bring that up.

CHAIRMAN MORELOCK: Yes.

MR. BAUGHMAN: Boiler operator training. If you don't mind, let me see a show of hands who think that training is needed for those that are operating boilers.

Interesting. I see a few "no hands."

but the need for operating these boilers -- these boilers have more potential energy than dynamite.

Their potential for causing catastrophic destruction, life, property, what have you, the potential is very high should there be any failure. And yet we have no requirements whatsoever -- whatsoever -- in the operation of
MR. McINTYRE: I have one.

CHAIRMAN MORELOCK: Any questions or comments?

MR. McINTYRE: I have one.

CHAIRMAN MORELOCK: Okay.

Introduce yourself.

CHAIRMAN MORELOCK: I'm Don McIntyre.

You have a rule right now for the attendant for 5 horsepower and above which is pretty much all high pressure boilers in the state. And you mentioned that has to be somebody qualified by the owner. Well, there is no specification of what that means currently. So, you know, as the insurance company, we're asking those questions ourselves, the three basic things that they have to know what to do, shut it off and what it's supposed to look like when it's operating normally. But you have no guidelines in that. When you're talking about training, are you talking about formal classroom training? Because you mentioned you didn't want to create any hardships. Are we talking about online courses, which would probably be, you know, less intrusive to somebody's operation to have to send somebody to a school on the other side of the state of whatever.

So your qualification comment really has no teeth. I mean, I'm sure your guys probably don't know what that means either. And the owners certainly probably don't know what that means. They probably don't know anything about their boilers, so how could the owner qualify somebody?

MR. BAUGHMAN: Good point, Don.

And I appreciate that input. And that's one of the things that we've bounced around a long time. And from a technical standpoint, I look at that because what we've got is a rule in place that sets qualifications. It puts that liability of qualifying over to the owner, actually, of the boiler. When I asked this question years ago, it was -- I asked that question, "So who does the qualifying?"

And they said, "Well, ultimately, whoever owns the boiler." Well, let's say it's a corporation. And so who owns the boiler? And so it's a very -- it's an open-ended thing that there's really no specifics to. So when it gets down to it, this law -- also you mentioned a 5 horsepower and above. Well, that's every Men's Warehouse, every dry cleaner and what have you. And this particular segment of the law hasn't necessarily been applied overall. It's been a very segregated application of this particular rule, should I say.

And so what we want to do is to take...
we’re dealing with manuals and variances with our rules and regulations. And so, you know, we've got everything condensed into vague. Historical boilers.

And that's the input that we need to put together, is that as brothers and sisters with good minds, we need to come up with what can we do within the state that can make a difference and really put some meat and potatoes in it. I think taking a test -- for me, cognitively, I learn by touching and seeing. I want to see the equipment. I need to know how to operate the equipment. I don't need to know or study something from a piece of paper. I need to really do both. I need to know both the paper side of it, but I need to cognitively know how to operate that piece of equipment by seeing it and having somebody train me on it. And so I look at it from the standpoint of operating a vehicle. You know, you take a test, a written test. But what else do you do?

You take that driver's test. And I'm thinking along those same lines, that it's going to be a twofold approach.

MR. McIntyre: I look forward to your progress.

MR. Baughman: Thanks, Don, very much.

What about others? I know you guys have got some thoughts on it. Danny?

MR. Peters: Well, we all know it's needed and it's forthcoming and it should be. But, you know, trying to set something up, you know, you've got some good qualified people out there, even as we speak, as boiler operators. And yes, there is a hardship if we do try to maybe set up something that's got teeth that we have to go to school or take a test and yet also have hands-on experience both together and combined. I don't know. You know, I look at our boiler rules and regulations, and it's got everything from the high pressure-powered boilers to the low pressure. Unfired pressure is kind of vague. Historical boilers.

We've got everything condensed into our rules and regulations. And so, you know, we're dealing with manuals and variances with major companies. And, you know, this could very easily take place, you know, by -- in the manual, make sure you've got boiler regulation books.

We've got possibly online testing. We've got state inspectors and insurance inspectors coming in and inspecting, signing off. And, you know, I learn a lot from a boiler operator. But, you know, as an inspector, you know, you learn a lot. And you learn a lot technically, too. So it's an all-together thing that we all have to come together with. But getting it started, that's going to be your job.

MR. Baughman: Here is my thoughts, Danny. What if we put together something -- when I got to looking at the incident report. The National Board puts out their incident report. So they started in 1995. And as you're going through those incident reports, two things lead those incidents each and every year. Top two categories every year for low-water cutoffs: Operator error and poor maintenance. Same categories. I don't care if you take '95s or 2007s or any year in between, even to now. Same two categories. So low-water cutoffs. That's your red flag.

What if we get to thinking about -- we've got to get something to start with and then we can build on it. All right? So the first thing -- and this is just me throwing the thoughts out. But what if we started with something like you need to be proficient on testing your low-water cutoff, so show me how you test your low-water cutoff, or train the individual to do it. And then next time you come in, perform the low-water, not the inspector performing it, the operators performing it. If you've got multiple operators, I want to see every one of you perform a positive check and low-water cutoff. I want you to know -- I tell you what. We've just had an emergency, where's your e-stop at? You need to know how to shut the boiler off with an e-stop.

You need to know where the gas valve is and make sure it's got a handle on it so that they can shut off the fuel source, whether it's gas, oil -- wood-fired and biomass is going to be kind of a different animal.

But if we just took one, two, or three things, and if we took only low-water cutoffs, that's going to make a huge difference because you guys have seen boilers that have melted or have gone down on low water and have
1. lost the tubes or what have you.
2. If we took just that one item and
3. said we've got to have proficiency or you've got
4. to be able to demonstrate proficiency, not be a
certified operator, not take a test, what have
you, but you need to show proficiency and
7. demonstrate that to an inspector -- state,
8. insurance, or otherwise -- that might be something
9. to build upon. I don't know.
10. MR. MERZ: Steve Merz.
11. MR. BAUGHMAN: Yeah, Steve.
12. MR. MERZ: Dave, I agree with you
13. about training. The state code says we're
supposed to go out and do an inspection on
high-pressure boilers, the external, non-cert
safety inspection. I have to ask -- every time I
go out and do one I ask operators, different
operators at the same plant and different
operators at different plants, "How do you do
this?" And 99 percent of the time, it's wham,
"I've done what I'm supposed to do." That's all
they're worried about. The State has that
20 minute tend rule for high-pressure boilers.
Am I not correct, Sam?
16. MR. CHAPMAN: Yes.

1. MR. MERZ: All right. The training
2. that I'm concerned about is the people that have a
3. little time clock, and once everybody in that
4. factory goes home and that boiler is still sitting
5. there perking, that has a little key. What's he
6. know about the boiler? All it's doing is showing
7. somebody walked through the boiler room.
8. You know, changes have to be made at
9. a level to where it's enforceable. You know,
they go, you know. They worry more about
maintenance than they do the boiler operators.
And you see that all the time.
14. "Where is it?"
15. "No, we've got to get this fixed
16. first." That boiler gets unattended.
17. Dry cleaners. You brought up dry
18. cleaners. Do they ever get looked at? Your
answer is as good as mine. You know where I'm
19. going with that.
21. But the training, the training on
22. site like that -- so every time I go out you're
23. training this guy, you know. This is how you do
24. it. You know, when do you the internal
25. inspection, look up in the air and dig out all the

1. mud. That's just, "You're not blowing it down,"
2. or, "How often do you?"
3. "Well, about once every week," you
4. know, things of this nature. It's got to be
5. hands-on. How do you do it correctly? But
6. there's got to be something there, why are you
7. doing this correctly?
8. MR. BAUGHMAN: I agree.
9. MR. MERZ: You know, you brought up
e-stop, and that's a question that's come up.
10. E-stop required. Is there an age of the boiler
11. limitation? How far back do you want the e-stops
12. retrofitted? Is there a date, like, when
13. Tennessee changed the rules to adopt a current
14. edition and addenda, or are we grandfathered
15. anything?
16. MR. BAUGHMAN: Well, and that's
18. kind of a different area, but you're right. As
19. far as the training goes, it's something that --
20. one of the things that we don't even mandate,
21. although the variance rule mandates it that we
22. have a log sheet. But there's no log sheet
23. mandated for the 20-minute rule, so it's a
24. he-said/she-said check it every 20 minutes. And
25. what constitutes a check? Does line of sight

1. constitute a check? The rule says the boiler has
2. to be checked no longer than 20 minutes. Check.
3. Boiler is still there, check.
4. So we need to revamp this Rule
5. Number 22 at some point in time, in my thinking.
6. Now, I may have blinders on, there again. Does
7. anybody else feel the same way? Okay, a show of
8. hands?
9. Quite a few. All right.
10. MR. SMITH: Jesse Smith, deputy
11. boiler inspector. As Dave mentioned, he's been
12. kind of toiling with this, unfortunately, would be
13. the best way to put it, for a couple of careers
14. now. And I would just like to propose that the
15. board consider appointing a committee made up of
16. whomever, the boiler chief, a representative of
17. the board, the insurance industry, possibly even
18. somebody that is a pretty good example of what a
boiler owner is in order to determine what they do
20. for their qualifications.
21. And I'm a big proponent of
22. plagiarism, which like Administrator Jefferson
23. said she had seen how other states addressed their
24. qualification requirements for a chief boiler
25. inspector. We do the same thing to try to
1. determine and, of course, the National Board can
2. provide some guidelines.
3. It's always been my assertion that
4. the State has kind of been tentative to provide a
5. guideline in case something was missed and was
6. worried about bearing some liability. But I think
7. that's just kind of putting your head in the sand
8. and not addressing the real liability that would
9. occur from accidents that would occur just due to
10. improper training. So I'm proposing that we -- I
11. don't know if it's something you guys vote on or
12. we have to reconsider but form some kind of
13. committee and --
14. MR. ROBINSON: If there are any
15. public representatives out there, I think that it
16. would be ideal to have one of those guys also.
17. MR. SMITH: Yeah. And it would be
18. something that, based on the committee's findings,
19. present to the board and have you take it under
20. advisement and make a determination --
21. CHAIRMAN MORELOCK: And so, Jesse,
22. what do you want the scope of this committee to
23. address? Rule 22?
24. MR. SMITH: Yeah.
25. CHAIRMAN MORELOCK: Operator

1. training? All of the above?
2. MR. SMITH: Operator training,
3. Rule 22. You'll see through some of our training
4. we're kind of addressing the issue that Steve
5. mentioned regarding the emergency boiler shut-down
6. switch to basically define jurisdictional
7. requirements from now on. It's always been kind
8. of vague. There's so many little things, that
9. everybody has a feel for what's required and
10. hopefully we'll nail that down today. But those
11. would be a starting point for the committee and if
12. there's anything that would want to be added to
13. that, I'm sure it's a good time to mention it
14. here.
15. CHAIRMAN MORELOCK: I think it
16. would be good to -- I mean, you could work outside
17. of these board meetings, obviously, and then
18. choose to report. All of you could come or send a
19. representative to the board meetings and report
20. status, and then anything that would work its way
21. up to where it would require changes to 68-122 or
22. 800-3-3 or a board interpretation or a board case,
23. we would process those as you put them together.
24. MR. SMITH: Most everybody in here
25. is an inspector so they'd probably find that codes
MR. McINTYRE: Any timeline on board cases and interpretations, yes. Getting those up, so yes. And we're still doing since then, and so the boiler unit is working on '07 and we've passed board case interpretations website right now, it has not been updated since working on that right now. When you go out to the CHAIRMAN MORELOCK: Yeah. And to maybe give you a little more information, I had an inquiry just last week about a specific board interpretation, and -- it was in 2012 -- and so I've sent that to the boiler unit to get a copy of that to send that to the inquirer so they'll have that before March.

So any -- yes, sir.

MR. LASHLEY: Micah Lashley, Hartford Steam Boiler. What's the feasibility of just adopting Shelby County's regulations for an operator statewide?

CHAIRMAN MORELOCK: Dave?

UNIDENTIFIED SPEAKER: Why are we trying to reinvent the wheel for the whole state?

MR. BAUGHMAN: Well, that's a good point. And one of the things we don't have to do is reinvent the wheel. The wheel is already rolling out there in a lot of different areas, but...

MS. RHONE: I would say by the March or June meeting we should have them updated as the ones that's been approved.

CHAIRMAN MORELOCK: Okay.

MS. RHONE: So the chief and I can work with the board members to make sure.

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Mr. Baughman: Well, that's a good point. And one of the things we don't have to do is reinvent the wheel. The wheel is already rolling out there in a lot of different areas, but...
1. requirement in the NBIC --
2. THE REPORTER: I don't know --
3. MR. HARTFORD: Christopher
5. That's already -- checking the
6. low-water cutoff is already required in the NBIC.
7. We don't have to write anything because they
8. already have to do that.
9. CHAIRMAN MORELOCK: Right.
10. MR. BAUGHMAN: Yes, but we don't
11. require it, as far as an operator's standpoint.
12. But for somebody --
13. MR. HARTFORD: No. It's required.
14. And the NBIC wording is that it is up to the user
15. of the boiler to have a -- I forget the exact
16. words. But they do check it on a regular basis.
17. They don't have a timeline written in the NBIC but
18. it says it in there.
19. MR. BAUGHMAN: So because of that,
20. how many of our users in the state of Tennessee do
21. you think are actually doing it or actually even
22. know that it's part of the NBIC code?
23. MR. HARTFORD: Well, I mean, if
24. they don't do it, they fail. Or you teach them,
25. one of the two.

1. MR. BAUGHMAN: That's right.
2. MR. HARTFORD: But, I mean, you
3. know, I'm sure there's lots of things that people
4. in this room don't know that we're supposed to do.
5. MR. BAUGHMAN: Well, that was part
6. of my point, was if we could do just -- and so
7. it's already a mandate in NBIC that it be in
8. there. So what we need to do is possibly just
9. move forward with adopting that as part of what
10. we're looking to do within the state.
11. And if we just attack the low-water
12. cutoff issue itself, what an impact that would
13. make within the operations of these boilers and
14. the losses of the boilers which affects everybody
15. monetarily.
16. CHAIRMAN MORELOCK: Well -- and I'm
17. going to get to these two gentlemen who raised
18. their hands.
19. Another point I want to make before I
20. forget it is in conjunction with that, there's
21. always been this weighing out of do you require
22. licensures, which requires fees, and renewals
23. versus certifications. And that's kind of been a
24. sticking point as far as certified boiler
25. operators as well. So just throw that in the mix

1. as well, too.
2. Yes, sir?
3. MR. CROMWELL: Jerry Cromwell,
4. inspector for the State. I would just like to
5. just point out that in Shelby County they do
6. require a steam license for boiler operators. But
7. they have a boiler operator class at Southwest
8. Tennessee Community College. And I took that
9. course back around 1999. It was a very good
10. course. It lasted six weeks.
11. MR. ROBINSON: Is it free, Jerry,
12. or does it cost? Do you have to pay for the class
13. or is it free?
14. MR. CROMWELL: Well, I'm assuming
15. it was paid for by the company.
16. CHAIRMAN MORELOCK: Okay.
17. MR. BAUGHMAN: And I talked to them
18. within that course before and talked to numerous
19. people. You can imagine what it would take,
20. because the way our codes are set up for Jim's Dry
21. Cleaner to take a six-week course for his license.
22. For one, sitting in a classroom may
23. be a part of it. But still, there has to be the
24. technical side, I think, of training on the
25. boiler. And we've got a lot of experience out in

1. the field. You guys -- the collective experience
2. we've got in this room is incredible. So we've
3. got the ability to do some training. But those
4. are the kind of ideas, Jerry, to bring to the
5. table, is, hey, talk to Southwest, talk to Shelby
6. County, talk to Texas, talk to Michigan, all these
7. different entities of -- I've been picking up the
8. phone and just calling in and talking to the chief
9. and saying, "What have we got in place and can you
10. send it to me?"
11. But that gives me so much
12. information, but it takes, also, then, you guys
13. bringing it to the table, a committee to put this
14. together, is great because, myself, I've got "X"
15. amount of time and that's why this gets spread out
16. for so long. And it's needed within the time
17. period of whatever my tenure may be, but I would
18. like to have this as something that, in our days
19. of work, that we're able to look back on within
20. the State of Tennessee and go, "We were a part of
21. that." And we got the start implemented of this
22. boiler training or operator or what have you. I
23. think it could be one of the best things that
24. we've been involved with.
25. MR. CROMWELL: It's like I say, it

Page 97
Page 98
Page 99
Page 100

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was only two nights a week for six weeks.

MR. BAUGHMAN: Got you.

MR. CROMWELL: Six hours a week.

CHAIRMAN MORELOCK: Okay. There's another hand up back there.

MR. HOLT: Tim Holt, state boiler inspector. In answer there that, yes, they have to have the 20-minute rule of -- you know every 20 minutes. But you can't violate them when they go in there because there's nothing said they have to have it posted. There's nothing mandating that they have to have it. They just have to verify that it's been checked every 20 minutes. There's no teeth to it.

So I think what Dave's saying is that we're trying to work to get to a point where there can be a mandate to where everywhere in the state you go in and they have to have those logs available and they have to be accurately filled out. Right now we can't do that.

So it's just, "Yeah, I checked it."

Okay."

CHAIRMAN MORELOCK: That's true. I mean, you're exactly right. The law gives you penalties for operating above the nameplate and

operating without a certificate of inspection. So you're exactly right.

Yes?

MR. MERZ: Steve Merz again, sir.

Being the devil's advocate on the other end, every time there is a major rules change that affects the owners/operators of boilers, how does the word get out to them, "This is going to cost you" -- you know, basically saying, "This is going to cost you. We're going to mandate that this happens." And the only way they find out is if it's a two-year cycle that they're on, they find out maybe two years later that one of the inspectors in this room -- and this isn't a hundred percent of the licensed inspectors in the state -- they go out and tell them and then they look at you like you're stupid. They say, "You're just going to cost me money."

And there's enough ways to data mine every owner/operator in the state. It's just like when the rules changed and actually got something readable that you could say, "No. Down to a hundred thousand in a commercial environment, we must register this vessel. I got told by plumbers that, "I've been in business 'X' amount of years.

My dad has been in 50 years, and you're crazy,"

you know.

CHAIRMAN MORELOCK: Yeah.

MR. MERZ: The only thing I could do is, "Here, call Martin," who was the chief. "Call Sam. Here's his number." You know, they look at you -- I, personally, if I stay in this business long, would like to see something that when a major rule change comes out that we're going to mandate and it's going to cost them money, something needs to come out from the State to everybody that owns a high-pressure boiler.

CHAIRMAN MORELOCK: Yes.

MR. MERZ: And that can be taken right out of the state database --

CHAIRMAN MORELOCK: Yes, it can.

MR. MERZ: -- you know, easily.

But it don't happen. Or if something is mandated and the rules change for plumbers -- all plumbers are licensed in this state -- a mailing goes out to them, "Hey, when you do this, you need to do this first as part of it." You know, instead of just off comes the old Tennessee tag and on goes the new one and everybody goes on about their business, you know. They think they're okay.

I mean, we're in a difficult position. I know deputy inspectors and the authorized insurance agency inspectors, we're in a difficult position trying to explain why something is going to cost them another $500.

Look at all the restaurants. And the rules change in the NBIC about liquid CO2 tanks. CHAIRMAN MORELOCK: That's true.

MR. MERZ: CO2meter.com is in Florida. One meter, one alarm, one sign, $500.

And that's almost every restaurant that serves carbonated beverages. How does the word get out to them? There's a State restaurant association.

Jurisdictional authority has to come up through here because we register them. "We," as in, you know, the State of Tennessee law.

Somebody needs to tell them that this is coming down the pike and you have "X" amount of months to do it.

CHAIRMAN MORELOCK: Well, and what you're saying is true. The way the National Board does it, the NB23, which is the NBIC, is an ANSI process and it requires public review comments.

Now, how does the word get out? They post it on their website. So if you're a
1. restaurant owner and you don't know about the  
2. National Board, you're exactly right. You're  
3. going to miss it. So it's up to hopefully people  
4. that service them. In some shape, form, or  
5. fashion, through inspection, they should know  
6. that.  
7. Yes?  
8. MR. PISCHKE: I have personal  
9. experience with the CO2 issue. The distributors  
10. are the ones that are required to enforce that.  
11. And when I got my CO2 tank for my welder  
12. exchanged, they enforced that on me with added  
13. cost of inspection. And that's how that's being  
14. implemented right now. Even though I'm not a  
15. restaurant.  
16. MR. MERZ: That's just a small  
17. picture of the public community, the public thing.  
18. But not everybody knows where to go.  
19. MR. PISCHKE: No, but they're the  
20. ones supplying the product.  
21. MR. MERZ: Yes, that's true.  
22. MR. PISCHKE: And so they are being  
23. held responsible to enforce that, the distributors  
24. of the CO2 tanks. So that's how I learned, the  
25. hard way.

<table>
<thead>
<tr>
<th>Page 105</th>
<th>Page 107</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. they don't have a boiler operator.</td>
<td>1. do, because we remind people of these meetings</td>
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<td>2. MR. BAUGHMAN: Dallas, I was a part</td>
<td>2. and, you know, any kind of legislation or fee</td>
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<td>3. of that this --</td>
<td>3. changes or anything that we think might impact</td>
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<td>4. MR. ROBINSON: In Shelbyville?</td>
<td>4. you.</td>
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<td>5. MR. WORD: In Shelby County.</td>
<td>5. CHAIRMAN MORELOCK: I saw a hand</td>
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<td>6. MR. ROBINSON: I'm sorry. Oh,</td>
<td>6. back there that I ignored.</td>
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<td>7. okay.</td>
<td>7. MR. WORD: Dallas Word, State of</td>
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<td>8. Go ahead. I'm sorry.</td>
<td>8. Tennessee boiler inspector. Shelby County was</td>
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<td>9. CHAIRMAN MORELOCK: I was a part of</td>
<td>9. trying to do away with the recognizing of boiler</td>
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<td>10. that discussion with Shelby County during that</td>
<td>10. operators. They had a meeting some time ago, a</td>
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<td>11. period of time with the City Council and the</td>
<td>11. while back. They canceled it.</td>
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<td>12. meetings. And their justification for wanting to</td>
<td>12. MR. ROBINSON: They canceled the</td>
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<td>13. retract this requirement in Shelby County was that</td>
<td>13. meeting?</td>
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<td>14. the rest of Tennessee doesn't require it. Holy</td>
<td>14. MR. WORD: I'm sorry?</td>
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<td>15. cow. Wow. Okay.</td>
<td>15. MR. ROBINSON: Did you say they</td>
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<td>16. So that was their justification for</td>
<td>16. canceled the meeting?</td>
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<td>17. it. And it took some efforts from industry to get</td>
<td>17. MR. WORD: Yeah, they canceled the</td>
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<td>18. involved because City Council are great people.</td>
<td>18. meeting --</td>
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<td>20. boilers. And so as this came to light and they</td>
<td>20. MR. WORD: -- because they had a</td>
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<td>21. started to get educated on what boilers really</td>
<td>21. lot of people coming out, you know, raising a</td>
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<td>22. could do and the significance of having licensing</td>
<td>22. bunch of Cain about not wanting it to go through.</td>
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<td>23. in place or some type of training mechanism in</td>
<td>23. So they're trying to do away with it.</td>
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<td>24. place, that's when that all went a different</td>
<td>24. Now, whether it happens, I don't know. But</td>
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<td>25. direction, and it actually got taken off of the</td>
<td>25. there's places that I know of that I go to and</td>
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<th>Page 106</th>
<th>Page 108</th>
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<td>1. MS. BENNETT: And another thing that the Workplace Regulation and Compliance has started, on their website is an email opt-in, and we can do an email blast to all of the people who sign up. So I think you've even done a mailing, informing people to sign up. And the list is growing all the time.</td>
<td>1. they don't have a boiler operator.</td>
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<td>2. And we do do that in all of our units. If we have, like, a new piece of legislation or something like that, we will do an email blast to everybody.</td>
<td>2. MR. BAUGHMAN: Dallas, I was a part of that this --</td>
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<td>3. CHAIRMAN MORELOCK: Okay.</td>
<td>3. MR. ROBINSON: In Shelbyville?</td>
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<td>4. MS. BENNETT: And that might be something that could be used, too.</td>
<td>4. MR. WORD: In Shelby County.</td>
</tr>
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<td>5. MR. HARTFORD: Chris Hartford, Hartford Steam Boiler. If it's legislation to tell people, why is it an opt in? It should be a requirement, that if they have, you know --</td>
<td>5. MR. ROBINSON: I'm sorry. Oh,</td>
</tr>
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<td>6. MS. BENNETT: Well, but we don't have everyone's email address. They need to opt-in and provide us with the information of how to contact them.</td>
<td>6. okay.</td>
</tr>
<tr>
<td>7. MR. HARTFORD: Okay.</td>
<td>7. Go ahead. I'm sorry.</td>
</tr>
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| 8. MS. BENNETT: So it is on our website now. So if you're not on the list, please | 8. CHAIRMAN MORELOCK: I was a part of that discussion with Shelby County during that period of time with the City Council and the meetings. And their justification for wanting to retract this requirement in Shelby County was that the rest of Tennessee doesn't require it. Holy cow. Wow. Okay. So that was their justification for it. And it took some efforts from industry to get involved because City Council are great people. They're council members. But they don't know boilers. And so as this came to light and they started to get educated on what boilers really could do and the significance of having licensing in place or some type of training mechanism in place, that's when that all went a different direction, and it actually got taken off of the
1. table. So not that it won’t come back on the
2. table at some point, but it’s been taken off.
3. MR. WORD: Well, it looks like
4. that’s just something we should enforce, too, on
5. that. I don’t know if y’al are just talking
6. about high-pressure boilers or any boilers, but
7. I’m going to a lot of schools and just the other
8. day they got a teacher to get out of the room to
9. come show me a boiler. And she was a so-called
10. teacher, slash, boiler operator.
11. MR. BAUGHMAN: Well, part of what I
12. see in that industry, too -- and it’s no different
13. than the churches, schools, is the boiler
14. attendant is also the same person that waxes the
15. floors and takes care of the lockers. It’s
16. typically a low-paid, low-trained, if-any-trained,
17. individual.
18. When budgets get cut -- we’ve got so
19. many issues with budgets to where sometimes the
20. buses can’t even run for the whole year in some of
21. these remote, poor counties. And so maintenance
22. budgets are not high.
23. Schools are there to what? Educate
24. and train. But yet they don’t view training of
25. their own maintenance personnel as a high

1. priority. And it’s kind of an interesting thing
2. to look at. But we got to looking at the
3. industry, even, within the 20 minute rule and what
4. have you, and I went back to research how the
5. 20-minute rule even came about. Does anybody know
6. why the 20 minute rule is in place besides Chris?
7. MR. BAILEY: Sam does.
8. MR. BAUGHMAN: Sam? Okay. Very
9. few people know where it actually came from. It’s
10. a very archaic code that’s been in place for a
11. long time that’s really not even applicable to
12. today’s operation of boilers. The largest number
13. of boilers operated in the U.S. is operated by --
14. does anybody know?
15. (No verbal response.)
16. MR. BAUGHMAN: Uncle Sam. The U.S.
17. Government operates the most number of boilers in
18. the U.S. And they mandate the boilers be checked
19. every --
20. MR. CHAPMAN: Hour. Once an hour.
21. MR. BAUGHMAN: -- one hour. So
22. we’ve got a very archaic rule on our books that
23. goes back to the locomotive engine days on the
24. amount of time it takes for a steam engine to
25. steam down to a critical point, 20 minutes. So

1. yes, this needs to be revamped, and it just takes
2. a collective effort of people in the industry --
3. and we’ve got some great boiler people in here --
4. of putting this together and addressing not only
5. the 20-minute end of it but, in particular, all
6. this goes hand-in-hand with training. Not only
7. operator training. We’ve got inspectors that are
8. being trained.
9. But we’ve got no mandate for anybody
10. operating the boiler, nor is there training for
11. the people installing the boilers. So you’ve got
12. the boiler people that are putting boilers in, and
13. you’ve got things from -- there’s more deaths than
14. injuries each year attributed to carbon monoxide
15. poisoning than there are to pressure vessel
16. accidents. Part of this relates over to the
17. stack. These boilers have the wrong stack on
18. them.
19. A forced-draft boiler that creates a
20. positive pressure in the stack cannot use a Type B
21. vent which is good for static or negative
22. pressure. But yet they apply it on these
23. forced-draft boilers. So then when the boiler
24. happens to go out of tune and produces carbon
25. monoxide, these gases -- colorless, odorless,
1. And then carbon monoxide. Well, carbon monoxide is an issue of the burner. It produces the gases, but yet it's not part of the boiler. But yet it's part of our codes, because we've got CSD-1, which relates to the gas train components and so forth. CSD-1 says we should tune the burner up. Big difference between "should" and "shall." And when you think that there's more deaths and injuries each year attributed to CO, to me, that word should change to the "shall." Now, that's a difficult proposition. But there again, that's me with these blinders looking at what's going on in the industry. And when you talk to some of the National Board people and they say, "Well, the burner -- we're looking the boiler. That's the pressure vessel boundary. What ships with the boiler? The burner. It's a package boiler. It comes together. And there's so little expertise in our industry related to combustion -- We've got a lot of plumbers, pipe fitters, welders, and electricians, but when it comes to combustion, wow, there's a such a huge lack of expertise out there in the industry.

2. So we've got a lot of things to talk about and to consider. But not only boiler operators, but the people that install the boilers, I think, needs to be part of this committee process, talking, and what have you. MR. SCHWONKE: Ron Schwonke with Zurich Insurance. I agree that training is needed for the operators and the installers and the inspectors. But I think it's incumbent on all of us that when we're on site, that we are training the operators. I'm sure, as Mr. Bailey can attest to, if we have a claim or a loss, our inspection is going to be taken over with a fine-toothed comb. So that's one of the things that's going to come up in a loss investigation.

3. CHAIRMAN MORELOCK: Is there a question over here or a comment?

4. MR. BOWERS: Yeah. Harold Bowers, FM Global Insurance. In the state of Tennessee now, I guess, we adopted CSD-1 2012, correct, and NBIC 2015?


6. MR. BOWERS: Is that correct, in the state of Tennessee?

7. MR. ROBINSON: Latest. MR. BOWERS: Huh?

8. MR. ROBINSON: Latest.

9. CHAIRMAN MORELOCK: Latest edition. So '17 will be coming out next year.

10. MR. BOWERS: That would be CSD-1 2012 and --

11. MR. ROBINSON: 2012 dated --

12. MR. BOWERS: -- and NBIC 2015, correct?

13. CHAIRMAN MORELOCK: As of today, yes.

14. MR. BOWERS: And a lot of these things that used to be -- if you read NBIC 2015, in both of those -- a lot of the "shoulds" are "shall" now. So like in this documentation, the stuff that used to be "should" are "shall" now. So they actually would be in violation to state law, correct?

15. Under the rule, if we're adopting NBIC 2015 and CSD, there's some of the stuff that used to be "should" is "shall." So that would actually be a violation to withhold the permit, correct?

1. So a lot of these testings that we're talking about here that used to be in the past, but not mandatory now, will become mandatory and will be a state violation, correct? If it's in --

2. MR. ROBINSON: If that's the statement, yes, it is.

3. MR. BOWERS: If the State of Tennessee is going to go by the new -- if we're adopting the new stuff, which we're saying we're saying you're doing, then a lot of this stuff now that used to be not mandatory is now mandatory, and it will be violations.

4. MR. BAUGHMAN: Do you know of anything in particular, Harold?

5. MR. BOWERS: Some of this testing. MR. WAYBRIGHT: Jeff Waybright, FM Global. You've got a part now that's been added. And all of this is listed as "shall" now. "The owner or user of an automatic boiler system shall develop and maintain a formal system of periodic preventative maintenance and testing."

6. All these "shoulds" now have been changed to "shall." MR. BOWERS: It would be violations. It's not like the old days, you
was you that mentioned -- about a driver's
license? So would that be incumbent upon the
employee to get his driver's license, or would it
be incumbent upon the employer to make sure that
everybody is trained or equivalently trained for
the driver's license?

MR. BAUGHMAN: Good question again.
And I think that from my standpoint, take it
from -- if you're hiring people that are going to
be driving your automobiles in your business, it's
up to the employer to verify that everybody's got
their license and they've got the requirements to
be able to drive whatever vehicles are within that
business.

MR. O'TOOLE: Before they can apply
for the job. So I'm trying to think how that
would help an apprentice or somebody coming into
the industry. How does that satisfy that
requirement? Because you're regulating the
potential employee instead of --

MR. BAUGHMAN: That's great.

MR. O'TOOLE: -- you know, put a
default there. And I just thought it would be
good to have a --

MR. BAUGHMAN: Good thought. Yeah,
1. well, you mentioned Southwest Technical. There
could possibly be mechanisms in place to be able
to train. In particular, we have a training
school. And we bring people in and -- we had a
truck driver come in. In Mississippi, in
particular, there was a requirement that he pass a
particular test to be able to get a job within the
company. And he came to school, went, took the
test, passed, got the job. We had one do the same
thing for Arkansas.

11. There's mechanisms in place to
provide training for individuals out in the
industry. And there's multiple schools available
in the industry. But that might be part of it is
bringing these -- putting monies forth towards
training through whatever is available out in the
industry. And there's grants and different
training programs that are available to put people
in the workforce.

12. And -- yeah, because otherwise,
they're going to go in and not have the
requirements to meet the needs of the job.

MR. O'TOOLE: Well, yeah. And the
other thing is, is whenever people will use a
contractor -- say the owner/user uses a contractor

and then it turns out the contractor hires people
that say, just using an example, since I'm from
Knoxville that, you know, maybe they would hire a
bus driver that didn't have a driver's license or
something like that.

Well, there's a lot of different --

8. MR. O'TOOLE: You know, I didn't
know -- that's why I was curious about how the
regulation -- what your target, which aspect
you're looking to regulate.

12. MR. BAUGHMAN: One of the things
that comes to my mind, then, is, too, what do you
do when you've got a rental boiler that comes on
site --

16. MR. OTOOLE: There you go.

17. MR. BAUGHMAN: -- and you've got
somebody else's boiler. It comes in from either
out of state or in state or what have you, and
who's responsible for the operation of that boiler
then? If we say it's the owner, well, there
again, it's not a one-size-fits-all proposition,
and we've got to have people in the industry to
play the devil's advocates of the what ifs. We
need to bring these what ifs to the table. And so
1. about just a standardized login sheet.
2. And another one that comes to mind on
3. the joint commission, all our valves had to be
4. tagged. We changed tags and identification tags.
5. So we were in the process of doing that. There was
6. a fellow from Vanderbilt came over as our director
7. last year, Don Hayes, and he was very instrumental
8. in making sure we got all of our valves labeled
9. and tagged. So a standardized sheet on that would
10. be awesome, too.

There's one thing we do at HCA. At
12. the facility, they standardize all the compliance
13. checklists and log sheets and such. So we have
14. 189 hospitals nationwide and a joint commission
15. inspector goes, you know, to "Timbuktu" or
16. "Tubucktu" over here, he has the same form. He
can go through and know that each and every one of
18. these facilities is doing it in all the same -- in
19. conjunction, the same way. So I could see, for
20. us, you know, as a citizen of Tennessee, to have
21. that standardized so that, you know, even my
22. security personnel that's going to be working at
23. night watching my boilers -- God forbid that
24. that's what's happening, but it is, it's a
25. reality -- but at least he'll have the knowledge,

MR. BAUGHMAN: Can I address that?
7. CHAIRMAN MORELOCK: Go ahead.
8. MR. BAUGHMAN: Well, I know that
9. there's some -- let me get my -- I just kind of --
10. no, we don't have a standardized log sheet that's
11. within what we've got. Some of the insurance
12. companies have log sheets. I'm not a proponent of
13. a standardized log sheet. One guy has got a
14. high-pressure steam boiler with a DA tank, and
15. another has got a hot water supply boiler.
16. I'm a proponent of having a log sheet
tailored for a specific installation. And that's
18. very easy to do for each job. I understand the
19. availability of sending it out corporate-wide, but
20. I don't think it's necessarily the best
21. application of a log sheet.
22. From the training standpoint, I'm
23. glad that your guys went to school because there's
24. two things that you're going to get grilled on if
25. there's a catastrophic accident. You're going to

MR. BAUGHMAN: One of the things
20. that I like to see checked, for what it's worth,
21. too, is stack temperature. Stack temperature is
22. such a great indication of what's going on in the
23. boiler as heat transfer decreases and stack
24. temperature increases. So if you know that norm
25. that is supposed to be 400°F and over a period of

MR. MERZ: Steve Merz, Zurich.
23. In response to your items that you
24. talked about, the other thing on that tailored log
25. sheet, to me, with the experience that I grew up

Page 125

1. be on the stand and it's, "What kind of training
2. have your operating personnel had?"
3. "Well, John operated a boiler down at
4. the wood mill and he trained Bill," and so forth.
5. Or, "Here is the training that our operating
6. personnel have had. They went to a professional
7. training school at XYZ." You're able to show that
8. documentation. So, "What kind of training have
9. your operator personnel had? And let me see your
10. log sheets." Log sheets give you accountability
11. to the liability.
12. So you're on the right track with
13. this stuff, but there again, I'm a proponent of
14. not doing so much a standardized but companies,
15. whoever you're associated with and operating your
16. York Shipley boilers or Donnellys or what have you
17. that you've still got there, they can bring that
18. to the table and make you a log sheet specific to
19. your own installation. And I think that that's
20. most applicable.
21. CHAIRMAN MORELOCK: Yes, sir?
22. MR. MERZ: Steve Merz, Zurich.
23. In response to your items that you
24. talked about, the other thing on that tailored log
25. sheet, to me, with the experience that I grew up
I see the failure to the airflow switch. A little operation standpoint. Furnace explosions. And so many things that we see in the industry from an MR. BAUGHMAN: Well, there's so boilers starting out somewhere, like you said.

MR. HOLT: Well, that's fine, but what we're talking about is, you know, a mandated, like, 20-minutes rule. All boilers, low pressure and high pressure, would have essentially the same controls. A low-pressure steam boiler, a high pressure, you have low-water cutoffs, a secondary cutoff, you've got the controls to the relief valve.

Pressure correlates to temperature, so the boiler may have a higher stack temperature operating at a hundred PSI versus what it would operate at 20 PSI, and so you may get some variables, but you need to know what those norms are to keep them in place.

MR. HOLT: Well, that's fine, but what we're talking about is, you know, a mandated, like, 20-minutes rule. All boilers, low pressure and high pressure, would have essentially the same controls. A low-pressure steam boiler, a high pressure, you have low-water cutoffs, a secondary cutoff, you've got the controls to the relief valve.

When I was in California in Yosemite, it was checked every day. All the boilers were checked every day. The low-water cutoff was shut to make sure it shut the burner off. The secondary was checked every other day or once a week, and the relief valves were checked once a month. And those were logged in there, and there were checkmarks for those. So if they weren't checked, they weren't done. But every day the low water was checked, the secondary cutoff was checked, and the -- you know, those two, basically, were the ones done. And then the overall appearance was on there, you know, were there any leaks, this and that, whatever. And that's basic. And that would apply to all the boilers starting out somewhere, like you said.

MR. BAUGHMAN: Well, there's so many things that we see in the industry from an operation standpoint. Furnace explosions. And so I see the failure to the airflow switch. A little

MR. ROBINSON: Never.

MR. BAUGHMAN: And yet we see that happen. And we see such a small number of boilers, and when you think about the number of problems that we see in this small, finite area, and then you extrapolate that out across the country, it lets you know how enormous this problem is.

And we'll hear about it on the news. Some of you heard about the explosion in Bangladesh last week, 31 people killed, countless others injured, boiler explosion. It happens every year. And this time of year, now coming into the fall, you'll start hearing the reports coming out of New England, the northern states where they're firing up the heating boilers, getting everything up and going, and we'll hear about it on the news when people are killed or injured. It will make the news for a short period of time. The AP will run a story on it for maybe a day. Then it goes off to whatever else is going on.

But the sad thing with it is that we're going to hear about it in the news, and part of the problem is that we've got boilers that came in during the revolution, after World War II and Korea, and we've still got a lot of '50s, '60s vintage boilers out there. And they've still got the old controls on them. We haven't necessarily mandated them to update to CSD-1, and, wow, it's going to happen. And you've got low-trained, if any trained, people operating this equipment.

It's a scary proposition.

So we need to, you know, keep the feet in action on this. Keep moving forward. The momentum is there. Putting the committees together, putting the input in from each of you, if you've got comments, if you've got ideas, man, feed them in because now is the time to start putting these ideas together and put some meat behind what we're talking about.

And we're not giving this lip service. We're very serious about making some changes and making these for the betterment of the public. That's what we're all charged with.

Every one of us in here, board and you guys, we're all charged with public safety. And so many people have no idea about what boilers even are.
I mean, we put spacecraft out of our own solar system. Surely we're not still using boilers in our society, are we? Yeah, it's pretty incredible to think about that, that this has gone from 62 A.D. with Hero's engine to present day time. And the boilers started being developed and used late 1600s, early 1700s, and it's still in our industry today. Wow. Okay. So at any rate, man, what a great topic. I appreciate it.

CHAIRMAN MORELOCK: All right. Mike?

MR. PISCHKE: I just have a brief comment. I've been hearing a lot of very compelling reasons to have a comprehensive operator training program in the state. And I can't help to think that somewhere out there, there's one, two, or three jurisdictions somewhere that have a, you know, a best practice training program, operator training program that's not overly, you know, cumbersome or overly burdensome, but effective. And so, you know, I think one of the actions should be to try to find those.

CHAIRMAN MORELOCK: And Dave has been charged with doing that.

MR. BAUGHMAN: That's part of what we can add that as a voted item, yes, right here, right now. So what's your motion, Jesse?

MR. SMITH: My motion is for the boiler inspector for the State of Tennessee. Kind of going along with the theme of what we've been talking about, I don't know how a motion is presented, whether it's by public at large or asking you guys to make motions to form a committee that we could report back with whatever direction we can proceed in by December to come up with some conclusions to be passed along to the board for advisement and so be it, but I just basically wanted to express that to you and ask you guys to make a motion on it if it's appropriate. It's up to you.

CHAIRMAN MORELOCK: Yeah. I mean, the help, I think, that a committee would bring to the table is I'm one person, and I'm involved in business, other board of directors, mission work, you name it, life. And so it takes more than myself, and that's why I wanted to at least take this time to bring this thought process to you guys.

The idea of the committee, Jesse, I think, is great because then it allows us to have other people involved. So I think it will be well served.

CHAIRMAN MORELOCK: All right.

Ladies and gentlemen, I have received the two-minute warning. So with all that said, I do want to echo what Dave has said. You know, we don't get this privilege very often to have all of our inspectors here. Thank you for the comments. And just because this is one meeting, like Dave said, they don't have to stop. We really do want to know that you're working with, dealing with, struggling with, frustrated with to make our rules and law as good as we can and make it useful.

So we will be -- we added this discussion item to our agenda a couple of years ago, and it's turned out to be a really good item.
1. MS. BENNETT: If we're going to 
2. make an agenda item, because this is a discussion 
3. item, can we assign it 16-14 for the next agenda 
4. coming out? 
5. CHAIRMAN MORELOCK: Okay. So that 
6. will be Item 16-14? 
7. MS. BENNETT: Yes. 
8. CHAIRMAN MORELOCK: Okay. So do I 
9. have a motion -- or I've got a motion. Do I have 
10. a second? 
11. MR. BAILEY: Well, Mr. Chairman, I 
12. think the motion has to come from one of the board 
13. members. 
14. CHAIRMAN MORELOCK: Okay. All 
15. right. So do I have a motion from the board 
16. members? 
17. MR. PISCHKE: So moved. 
18. MR. ROBINSON: Second. 
19. CHAIRMAN MORELOCK: All right. 
20. Thank you for keeping me straight on that. 
21. Okay. Any other discussion? 
22. (No verbal response.) 
23. CHAIRMAN MORELOCK: Okay. Hearing 
24. none, all in favor say, "aye." 
25. (Affirmative response.) 

1. CHAIRMAN MORELOCK: Opposed? 
2. (No verbal response.) 
3. CHAIRMAN MORELOCK: Abstentions, 
4. not voting? 
5. (No verbal response.) 
6. CHAIRMAN MORELOCK: All right. 
7. We've got a committee formed. 
8. Okay. so the last item on the agenda 
9. is adjournment, so all in favor, you may stand up 
10. and go enjoy your lunch. 

END OF THE PROCEEDINGS.

1. CERTIFICATE
2. STATE OF TENNESSEE )
3. COUNTY OF WILLIAMSON )
4. I, Cassandra M. Beiling, a Notary Public
5. in the State of Tennessee, do hereby certify:
6. That the within is a true and accurate
7. transcript of the proceedings taken before the
8. Board and the Chief Inspector or the Chief
9. Inspector's Designee, Tennessee Department of
10. Labor & Workforce Development, Division of
11. Workplace Regulations and Compliance, Boiler Unit,
12. on the 21st day of September, 2016.
13. 
14. I further certify that I am not related to
15. any of the parties to this action, by blood or
16. marriage, and that I am in no way interested in
17. the outcome of this matter.
18. 
19. IN WITNESS WHEREOF, I have hereunto set my
20. hand this 25th day of October, 2016.
21. 
22. 
23. Cassandra M. Beiling, CCR, LCR# 371
24. Notary Public State at Large
25. My commission expires: 3/15/2020

Digitally signed 10/25/2016 at 4:32pm CDT