



STATE OF TENNESSEE  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
BOARD OF BOILER RULES  
220 FRENCH LANDING DRIVE  
NASHVILLE, TENNESSEE 37243  
(615) 741-2123

MINUTES

QUARTERLY MEETING OF THE STATE OF TENNESSEE  
BOARD OF BOILER RULES, 9:00 A.M., DECEMBER 5, 2007  
CONFERENCE ROOM B-1, SECOND FLOOR  
220 FRENCH LANDING DRIVE  
NASHVILLE, TENNESSEE 37243

- I. **CALL TO ORDER** - (11) - Chairman Eddie Lunn called the meeting to order at 9:00 a.m.
- II. **INTRODUCTIONS AND ANNOUNCEMENTS** - (20) - Board members present: Eddie Lunn; Edwin Vance; Wayne Hiter; Dr. Domenic Canonico (arrived late); and Brian Morelock. Department staff present: Arthur Franklin; Gary Cookston; Sydné Ewell; Martin Toth; Eslie Rogers; Deborah Rhone; and Carlene Bennett. Guests present: Lisa Roberts; S. Anderson; Brian Blair; Wren Mills; Chris Soper; James Stiles; Chris Townsend; Blake Neville; Jeffrey B. Foor; Gene Ficker; Debbie Veatch; Bennie Scarborough; Blair Vanstone; Don Tanner; Greg Kelley; and Jeff Fox.
- III. **CONFLICT OF INTEREST REPORTS** - (54) – Annual conflict of interest statements and conflict interest of disclosure statements for the meetings were completed by Board members with the exception of Dr. Glen Johnson who was not in attendance. Also each Board member will verbally disclose agenda items for which they have a conflict before each agenda item.
- IV. **ADOPTION OF THE AGENDA** - (64) – Chief Toth stated that on agenda item ten (X) there are actually three (3) individuals taking the National Board Commission examination instead of four (4). Also, Item 07-31, Cargill Sweeteners North America requested the Board to review extensive documentation for a “Tennessee Special”. The manufacturer of the vessel,

a Chinese vessel, was scheduled for its A.S.M.E. quality control review at the end of November. Chief Toth received notification from Cargill that their supplier had received a recommendation for issuance. Chief Toth informed Cargill to make sure that the company also receives authorization to register with the National Board, which is required here in Tennessee. They said they were in the process of doing that so that the vessel would be A.S.M.E. constructed and National Board registered. Chief Toth stated that this item should be removed from the agenda. A motion was made by Brian Morelock to adopt the agenda with the changes noted. The motion was seconded by Ed Vance. The vote was taken and carried.

**V. APPROVAL OF THE MINUTES FOR THE MEETING OF SEPTEMBER 12, 2007 - (103)** Brian Morelock stated that during the Chief's report at the September 12, 2007 meeting it was noted that item 07-20, which was Eastman Chemical Company's reactor in Spain, that item was removed from the agenda for the December meeting. A motion was made by Ed Vance to approve the minutes. The motion was seconded by Brian Morelock. The vote was taken and carried.

**VI. CHIEF'S REPORT – (133)**

- The number of inspections reported this past quarter was eight thousand four hundred twenty (8,420). Two thousand eight hundred ninety three (2,893) of those were performed by State Inspectors.
- Delinquents that currently exist are fourteen hundred and nine (1,409) which is two percent (2%) of the overall inspection count.
- Number of violations found at those eight thousand four hundred twenty (8,420) inspections was one hundred and nine (109).
- There were five (5) quality control reviews performed last quarter and no variance inspections were performed.
- There are currently eleven (11) active Inspectors and one (1) Inspector in training that cover the ninety-five (95) counties and one (1) quality control team leader. With the resignation of Chad Bryan in the Nashville area, the Division is short one Inspector. That position will be filled in the very near future.
- The Division is in the process of renewing Tennessee Boiler Inspector Commissions. Currently there are over one hundred fifty two (152) National Board Commission Inspectors that currently possess a Tennessee Commission. All commissions issued to Special Inspectors, those that work for insurance companies or owners/users, expire on December 31<sup>st</sup> annually.

**VII. OLD BUSINESS – (183)**

**Item 07-19 – (525) – Valero Refinery, Memphis, TN asked that twelve (12) Fired Process Heaters currently in service and designated as**

**Tennessee Specials be allowed to be included in Valero's RBI program.** – Approval of this request was given at the September 12, 2007 Board of Boiler Rules meeting held in Kingsport, Tennessee and is reflected in the minutes of that meeting. This item included for the purpose of clarification.

## **VIII. NEW BUSINESS**

**Item 07-23 – (187) - Ms. Wren Mills, Valero Refinery, Memphis, TN will present an annual report of their accepted Risk Based Inspection (RBI) program to the Board.** No verbal conflict of interest was disclosed by Board members. Wren Mills and Brian Blair addressed the Board on behalf of Valero. Ms. Mills introduced Chris Sopher, Valero's new Chief Inspector, who joined Valero in October. Mr. Blair introduced Steve Anderson who was on hand to provide technical information. Significant activities at the refinery were defined as: a new, Ultra Low Sulfur Diesel (ULSD) unit placed in service last October and added to the RBI program; the "evergreen" program which is an ongoing equipment re-evaluation process; its piping program which identifies all different piping and makes an assessment of its integrity. Brian Blair walked the Board through the manual comparing the Risk Rank Matrix for 2007 against the 2006 version. He pointed out that the addition of units and the changes associated with the evergreen program make it hard to draw generalities about the movement of numbers in the matrix. However, although the total number of subcomponents in 2007 is greater than in 2006, the percentages in the matrix have stayed relatively the same. He reviewed risk ranking statistics for all equipment in 2007, with risk ranking statistics for 2006 which were available for comparison. The risk ranking of equipment was shown in two areas: 1) Likelihood of Failure, which is driven by damage, inspection, and monitoring; 2) Consequence of Failure which is any change in the process conditions, operating conditions or chemical makeup that would potentially change the consequence of failure. Brian Morelock asked if there was a reason why the risk rank matrix for 2006 showed 991 total subcomponents when the 2006 table showed 998. Brian Blair indicated that it should correlate and differed due to a clerical error. Mrt. Morelock made a motion to approve the report. The motion was seconded by Ed Vance. The vote was taken and carried with Dr. Canonico abstaining due to the fact that he joined the meeting in the middle of the discussion.

**Item 07-24 – (884) - Review a request and documentation from University of Tennessee – Coleman Building, 956 Court, Memphis, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-.04(22).** Chairman Lunn verbally expressed a conflict of interest on this agenda item. James Stiles, Assistant Director of Facilities, University of Tennessee, Memphis presented this item to the Board. Currently there

are variances in place covering ten (10) high pressure boilers on campus. The University is looking at replacing two (2) existing boilers with new boilers in March, 2008 that will utilize remote monitoring. Brian Morelock could not find in the manual where copies of the manuals would be placed. He also pointed out that they may want to consider combining organizational charts into one and making sure that the terms used throughout the manual match the blocks on the chart. Mr. Stiles stated that he had recently changed offices and his phone number changed from the number listed in the manual. Chief Toth said that in the letter to the Board regarding the variance the TCA reference should be Title 68, Chapter 122, not Chapter 20. Chief Toth also pointed out that all new installations have to have a Permission to Install. Chief Toth asked if these applications had been submitted and Mr. Stiles said it was his belief they had been but he would check to be sure. Dr. Canonico asked how far it was from the Coleman building to the remote monitoring center; Mr. Stiles said that it was about two (2) or three (3) blocks. Dr. Canonico said he was concerned about the response time. Mr. Stiles said they had "roving" engineers who actually stay right across the street from this building. Dr. Canonico made a motion to approve. Wayne Hiter seconded the motion. Chairman Lunn stated that an inspection of the system had to be in place for the approval of the Board to be effective and changes to the manual as outlined must be made. The vote was taken and carried with Chairman Lunn abstaining.

**Item 07-25 – (1016) - Review a request and documentation from Erachem Comilog, Inc., 795 Foote Lane, New Johnsonville, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-04(22).** – Chairman Lunn verbally expressed a conflict of interest on this agenda item. Jeff Foor, Maintenance and Engineering Manager, Erachem Comilog and Blake Neville, Neville Engineering presented this item to the Board. A variance currently exists; however, the Company wishes to update the variance to meet current standards. The distance between the boiler house and the control room is about 200 (two-hundred) feet or less. All alarms are hardwire connected to the control room and a qualified boiler attendant and at least a couple of other job designations that qualify as attendant, will be onsite at all times to respond to alarms. In the event of an alarm it will simultaneously shut down the boiler, signal the system coordinator in the control room who will shut down the boiler system alarm manually. The boiler attendant will be summoned and called to the boiler room. Brian Morelock noted that in the "Training" section on pages five (5) and seven (7) it says "documentation log of all training shall be kept in the employees personnel file". Question number thirty-two (32) and thirty-three (33) on the checklist ask if the manual includes a listing of manual holders and monitoring personnel's training. Brian Morelock suggested that this training information may need to be in the manual itself. Brian Morelock also suggested that page ten (10) Emergency Procedures should be on a colored sheet of paper or have a tab for quick reference.

Chief Toth requested that the physical address be added to the front cover of the manual. Brian Morelock made a motion to approve. Ed Vance seconded the motion. The vote was taken and carried with Chairman Lunn abstaining.

**Item 07-26 – (1128) - Review a request and documentation from PML, Inc., 75 County Home Road, Paris, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-.04(22).** – Chairman Lunn verbally expressed a conflict of interest on this agenda item. Chris Townsend, Engineering Manager, PML Inc. and Blake Neville presented this agenda item to the Board. PML operates one (1) high pressure boiler. Currently the boiler is operated in two (2) shifts and shut down on the third (3<sup>rd</sup>) shift and weekends. The variance request is for on-demand operation twenty-four (24) hours per day, seven (7) days per week. Figure one (1), the Site Plan, shows the proximity of the boiler room to the rest of the plant. The alarm and notification procedures are such that the boiler attendant, after he performs his duties in the boiler room is free to go around the campus attending to other issues with this system. If there is an alarm, there is an audible and visual notification and alarm bells, throughout the plant. He is the individual who responds to the alarm. Just outside the boiler room there will be a remote panel where he can manually shut down the boiler before he enters the boiler room when he feels it's safe. In addition to this, simultaneously with that alarm there will be a communication with a security company off campus whose responsibility it is for monitoring security, fire, and other alarms. If the boiler attendant on site fails for any reason to respond to the alarm within two (2) minutes, the monitoring company will begin to contact other individuals on the emergency call list. It was noted on figure one (1), the Site Plan, the top left "Boiler System Alarm" should read "Boiler System". Chief Toth asked if the kill switch was located at any of the three (3) Boiler System Alarm sites, and Mr. Neville said that it was located on the outside wall of the boiler room so that the attendant could shut it down before entering. Chief Toth asked if the boiler remote attendant had any control over killing the alarm. Mr. Neville said that the remote attendant does not because he is off campus. Brian Morelock noted that the remote attendant was sixty (60) miles away in Clarksville, Tennessee. Chief Toth stated that with the technology today, that isn't an issue. His concern is that he doesn't have the ability to turn the boiler off and that there is only one (1) emergency shut down in this 144,000 square foot plant. Brian Morelock stated that his concern was that there appears to be no interaction between the remote attendant and the boiler attendant in the shutdown and safe restart of the boiler. Brian Morelock requested that the Emergency Procedures page be on colored paper or tabbed for quick reference, Appendix H should be more detailed on what the alarm company will be doing. Brian Morelock made a motion to approve contingent on the inspection of the system by the Chief's office. Wayne Hiter seconded the motion. The vote was taken and carried with Chairman Lunn abstaining.

**Item 07-27 – (1430) - Review a request and documentation from Middle TN Medical Center, 400 N. Highland Ave., Murfreesboro, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-.04(22).** – Chairman Lunn verbally expressed a conflict of interest with this agenda item and turned the Chair over to Dr. Canonico. Jeff Fox, Director of Facilities Management for Middle TN Medical Center (MTMC) and Blake Neville presented this item to the Board. MTMC is a two hundred sixteen (216) bed acute care hospital which utilizes three (3) boilers used primarily for heat, water heating, steam sterilization and humidification. Mr. Neville briefly read the procedures outlined in the manual provided. Brian Morelock requested that the Emergency Procedures be on colored paper or tabbed for quick reference in the event of an emergency. He also noted that in the “Training” section on pages five (5) and seven (7) it says “documentation log of all training shall be kept on file by the Facilities Management Director”. Question number thirty-two (32) and thirty-three (33) on the checklist ask if the manual includes a listing of manual holders and monitoring personnel’s training. Brian Morelock suggested that this training information may need to be in the manual itself. Chief Toth requested that the physical address of the facility be placed on the front cover page. Chief Toth also noted that the facility has at least one (1) boiler which has a certificate that is expired, boiler number 123277. It needs to be up to date prior to the inspection of the system. On page eleven (11) it says “see duty list for phone numbers”, Chief Toth asked where the duty list was. Mr. Neville said the duty list was something generated in the hospital for those individuals who are on duty. Ed Vance made a motion to approve. Brian Morelock seconded the motion. The vote was taken and carried with Chairman Lunn abstaining.

**Item 07-28 – (1527) - Review a request and documentation from PolyOne Corporation, 107 Jackson Street, Dyersburg, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-.04(22).** – Chairman Lunn verbally expressed a conflict of interest with this agenda item. Gene Ficker, Maintenance and Engineering Manager at PolyOne in Dyersburg, Tennessee and Blake Neville presented this agenda item to the Board. This facility operates two (2) high-pressure boilers twenty-four (24) hours per day, seven (7) days per week, furnishing high-pressure steam for process and building heating. Proximity of the boiler room to the remote station, which is the guard house, is approximately seven hundred fifty (750) feet. Dr. Canonico said the guard shack was designated as the remote location. He asked how many guards are on duty and what happens if they are busy. Mr. Ficker said there is one (1) guard on the premises at all times and a boiler attendant who can shut it down. During the day, the boiler attendant stays in the actual boiler room so he would hear any alarm. Also there is remote access from the guard in the guard station. Brian Morelock requested that the Emergency Procedures be on

colored paper or tabbed for quick reference in the event of an emergency. He also noted that in the "Training" section on pages five (5) and seven (7) it says "documentation log of all training shall be kept on file by the HR Training Coordinator" and the "Maintenance/Engineering Manager". Question number thirty-two (32) and thirty-three (33) on the checklist ask if the manual includes a listing of manual holders and monitoring personnel's training. Brian Morelock suggested that this training information may need to be in the manual itself. Chief Toth requested that the physical address be placed on the cover page. Dr. Canonico made a motion to approve contingent upon the Inspectors review. Ed Vance seconded the motion. The vote was taken and carried with Chairman Lunn abstaining.

**Item 07-29 – (1618) - Review a request and documentation from Clover Bottom Developmental Center, 275 Stewarts Ferry Pike, Nashville, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-.04(22).** – Chairman Lunn verbally expressed a conflict of interest with this agenda item. Blair Vanstone, Boiler House Supervisor, Clover Bottom Developmental Center (CBDC) and Blake Neville presented this agenda item to the Board. CBDC operates two (2) high-pressure boilers on demand twenty-four (24) hours per day, seven (7) days per week furnishing high-pressure steam for space heating, hot water, and humidification. In the event of an alarm, a signal is sent via hardwire connection to the telephone system operator. The operator sits at a switchboard and directs phone calls coming into the facility. This individual will have a panel for both boilers and will be able to disarm or shut down either of the boilers and then begin the notification process via the phone system, walkie-talkie, or pager to the boiler attendant who maybe anywhere on campus. Failing that, the Emergency Call list would be the next process. The operator would go through the Emergency Call list until somebody answered. Chief Toth stated that there are some certificates that are expired. Mr. Vanstone said that they were inspected on November 15<sup>th</sup> on their number one (1) boiler and their other boiler was inspected last March. Chief Toth asked Mr. Vanstone to work with Deborah Rhone to verify the status of those boilers to make sure they are up to date. Brian Morelock requested that Emergency Procedures be on colored paper or tabbed for quick reference in the event of an emergency. He also noted that in the "Training" section on pages five (5) and seven (7) it says "documentation of all training shall be kept on file by the Boiler Operator Supervisor". Question number thirty-two (32) and thirty-three (33) on the checklist ask if the manual includes a listing of manual holders and monitoring personnel's training. Brian Morelock suggested that this training information may need to be in the manual itself. Also, Appendix E, Power Piping Diagram, needs to be labeled a little more. Chief Toth requested that the physical address be put on the cover page of the manual. Ed Vance made a motion to approve contingent upon the

inspection. Brian Morelock seconded the motion. The vote was taken and carried with Chairman Lunn abstaining.

**Item 07-30 – (1726) - Review an application and documentation from Advanced Vacuum Systems, Inc. (AVSINC), Ayer, MA, for a license to engage in the repair of boilers and pressure vessels in Tennessee.** No Board member verbally expressed a conflict of interest with this agenda item. The application was reviewed by the Board. Brian Morelock made a motion to approve. Wayne Hiter seconded the motion. The vote was taken and carried.

**Item 07-31 – (1748) - Cargill Sweeteners North America, Memphis Facility, is requesting of the Board that a “Tennessee Special” be granted for a Steam Tube Bundle Dryer built in China, not constructed to the ASME Code, or registered with the National Board.** – See Adoption of the Agenda item four (IV), where this item was removed from the agenda.

**Item 07-32 – (1755) - Adoption of the 2007 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Chief Toth will present a brief report on any changes that may be in contradiction with the Tennessee Laws, Rules, or Regulations** – No Board member verbally expressed a conflict of interest with this agenda item. Chief Toth stated that the A.S.M.E. Code as well as the NBIC comes out with new additions every third year. The new A.S.M.E. Code goes in to effect January 1, 2008. Dr. Canonico asked about the Section eight (8), Division two (2) rewrite. Chief Toth confirmed that there is an opportunity to build to either of the two (2) codes, the existing or the rewrite, until July, 2009. Chief Toth recommended to the Board that they approve the adoption of the 2007 edition of the A.S.M.E. Code and its addendas. Dr. Canonico made a motion to approve. Brian Morelock seconded the motion. The vote was taken and carried unanimously.

**Item 07-33 – (1820) - The Division is requesting the Board to approve specific fee increases to assist in offsetting expected operational costs due to pending salary increases for divisional staff. Chief Toth will report on which fees are earmarked for increase.** – No Board member verbally expressed a conflict of interest with this agenda item. Chief Toth provided a copy of the proposed rule to increase certain fees for additional operational costs. The fees to be increased were shown underlined. In September, 2006 the Board approved a five (5) dollar increase, now additional increases are sought in order to provide raises to staff. Dr. Canonico asked what happened to the additional money approved in September, 2006. Assistant Administrator Gary Cookston stated that the Boiler and Elevator Division has been involved in a computer rewrite for the past three (3) years. This rewrite was supposed

to cost approximately two hundred fifty thousand dollars (\$250,000). That has turned into a recurring expense of two hundred fifty thousand dollars (\$250,000) paid out of the Boiler and Elevator Division budget. The money was eaten up and there was no money to provide raises to the staff. Hopefully by July, 2008 that expense will be behind the Division. Administrator Arthur Franklin also noted that travel is a big expense for the Division. The Department of Finance and Administration a year ago set reimbursement at thirty-eight (38) cents per mile and now it is at forty-six (46) cents per mile and that expense comes out of the budget too. The Board asked if the Inspectors would get a raise if this is approved because it was approved once and they did not. Assistant Administrator Cookston said the paperwork had been approved by the Department and that it was in the Department of Finance and Administration for their approval. Administrator Arthur Franklin noted that the last time the Department of Labor and Workforce Development, Fiscal Division, indicated that the Boiler and Elevator Division budget could not sustain staff raises; it did not even make it to the Department of Finance and Administration. A roll call vote on the proposed rules was taken:

Ayes.....5  
 Noes.....0  
 Absent.....1

Outcome of Vote: Passed

Board Members voting aye were: Dr. Canonico, Wayne Hiter, Chairman Lunn, Brian Morelock, Ed Vance.

Board Member absent: Dr. Glen Johnson

**IX. RULE CASES & INTERPRETATIONS (2030)**

There were no rule cases and interpretations.

**X.** (2032) - There were three (3) applicants who sat for the National Board Commission Examination on December 5<sup>th</sup> and 6<sup>th</sup> .

**XI** (2035) - The next Board of Boiler Rules meeting is scheduled for 9:00 a.m. (CST), March 5, 2008 in Nashville, Tennessee.

**XII. Adjournment – (2043)** – Since it was the last meeting of 2007, Chairman Lunn thanked the Board members, Administration staff, Sydné Ewell, Carlene Bennett, and Chief Toth for their work. Dr. Canonico made a motion to adjourn. Brian Morelock seconded the motion. The vote was taken and carried. The meeting was adjourned at 11:22 a.m.