



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
BOARD OF BOILER RULES
220 FRENCH LANDING DRIVE
NASHVILLE, TENNESSEE 37243
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MINUTES

**QUARTERLY MEETING OF THE STATE OF TENNESSEE
BOARD OF BOILER RULES, 9:00 A.M., MARCH 5, 2008
TOSHA CONFERENCE ROOM – FIRST FLOOR
220 FRENCH LANDING DRIVE, NASHVILLE**

- I. **CALL TO ORDER** – (5) – Chairman Lunn called the meeting to order at 9:10 a.m.

- II. **INTRODUCTIONS AND ANNOUNCEMENTS** – (10) – Board member present: Eddie Lunn; Dr. Glen Johnson; Brian Morelock; Eugene Robinson, Dr. Domenic Canonico . Department of Labor & Workforce Development staff present: Arthur Franklin; Gary W. Cookston, Sydné Ewell; Dan Bailey; Deborah Rhone; Eslie Rogers; Carlene T. Bennett. Guests present: Tom Robinson; Roger Shaw; Mike Holzkamper; Blake Neville.

(36) – Assistant Administrator Cookston announced that Eslie Rogers had been appointed as Interim Chief Boiler Inspector, hopefully he can be persuaded to become the Chief fulltime. Sam Chapman was appointed as Interim Assistant Chief Boiler Inspector, assisting Eslie. Eslie is doing a good job; he brings a lot of knowledge to the position. He knows the codes and was a help to Martin Toth when he was Chief. Eslie has 40 years boiler experience, 28 of those with the State of Tennessee and worked as a boilermaker for Combustion Engineering in Chattanooga.

(53) – Assistant Administrator Cookston welcomed the newest Board member, Eugene Robinson. He also outlined emergency building evacuation procedures at the request of legal counsel. In the event of an emergency the procedure is to evacuate toward the Rosa Parks side of the building. If there is a tornado occupants will be directed to a stairwell.

(78) – Assistant Administrator Cookston mentioned a couple of bills in the legislature which would have a big impact on the Boiler Division. They want to take regulation off of 150 pound pressure vessels. The bill stated 150 pounds but the terminology was wrong because p.s.i. is what is regulated. That would take away approximately 75% of the business that the Boiler Division does for the State of Tennessee. The legislation came from a man in Paris, Tennessee who complained that he was tired of government interfering in his tractor supply company. When the inspectors would come by to inspect, he would become irritated that he had to pay for an inspection; through his representative this man has introduced this bill. Hopefully this bill won't go very far and will die in committee. Legislative liaison, Dart Gore, believes that the legislation will not pass but felt the Board should be aware of the situation.

(100) - Another piece of legislation that will have a slight impact on the Board is related to the energy bill passed by the Federal Government. A bill has been introduced where the board for TVA would be in control of all federal boilers in the State of Tennessee. The State of Tennessee currently does not inspect federal boilers unless there is a letter requesting an inspection. This legislation will not have a lot of impact on the Boiler Division.

- III. **CONFLICT OF INTEREST REPORTS** – (113) – Chairman Lunn read aloud the conflict of interest policy at the request of legal counsel. Written conflict of interest statements were completed by Board members. Chairman Lunn asked Board members to verbally disclose any conflict of interest with agenda items prior to discussion.
- IV. **ADOPTION OF THE AGENDA** – (139) - Dr. Canonico made a motion to adopt the agenda. The motion was seconded by Brian Morelock. The vote was taken and carried.
- V. **APPROVAL OF THE MINUTES FOR THE MEETING OF DECEMBER 5, 2007** – (148) – Brian Morelock made a motion to accept the minutes as written. Dr. Canonico seconded the motion. The vote was taken and carried.
- VI. **(INTERIM) CHIEF'S REPORT** – (157) – Interim Chief Eslie Rogers reported that the number of inspections last quarter was 8,420, this quarter was 7,156; total delinquents last quarter was 1,409, this quarter was 2,054; number of violations last quarter was 109, this quarter that number is down to 79; shop reviews stayed the same at 5 for each quarter. The Division is down two inspectors which explains the difference in the numbers. For one of these vacant positions, the

counties have been adjusted and those inspections are being taken care of. The other vacant position is in East Tennessee and the Division is working with Human Resources start the process so that interviews can be conducted for that area. The reason delinquent and inspection numbers are higher is because one inspector is trying to cover two very large areas. Installations, permits to install and high pressure vessels are his priority, everything else he is doing as he can.

VII. **OLD BUSINESS** - (195) – There is no old business.

VIII. **NEW BUSINESS**

Item 08-01 – (198) - Review a request and documentation from Gateway Medical Center, 651 Dunlop Lane, Clarksville, 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. Blake Neville presented this agenda item to the Board and Mike Holzkamper was also on hand to answer questions. A new 510,000 square foot acute care hospital is being built. The hospital will operate two high-pressure boilers on demand 24 hours per day, 7 days per week. The steam will be used for space heating, potable water heating, sterilizers and humidification. The site plan of the facility in Figure 1, page 2 of the manual shows the proximity of the boiler room to the remote station. The remote station is also the PBX operator station; the distance to the boiler is approximately 400 feet. A qualified boiler attendant will be on site at all times. There are multiple classifications of individuals who will be qualified to attend the boiler. In the event of an alarm the controller will automatically shut down the boiler, signal the PBX operator who shuts down the boiler manually. The PBX operator will summon the boiler operator attendant via two way radio, if that fails a pager will be attempted, if that fails a PA system announcement will be made. If all those fail then there is an emergency call list in the manual. Dr. Canonico asked about page 5, under the heading of Training, which says “personnel shall be familiarized with emergency procedures through frequent actuation”, he asked how “frequent” to which Mr. Neville responded “daily”. Dr. Canonico also had a question about page 5, under the heading of Normal Duties, “Once each day the Boiler Attendant will contact the remote station”, does this mean once per day or once per shift? Mr. Neville responded once per day to establish that communication is operational by radio or telephone. Dr. Canonico said something else that was bothering him was that the manual kept referring to “the boiler attendant”, is there just one? Mr. Neville and Mr. Holzkamper said there was one per shift. Dr. Canonico said that on page 6, under Emergency Duties, “personnel shall read and perform in sequence”, Dr. Canonico stated that he wouldn’t be comfortable in waiting until someone read emergency procedures because they should have been

trained beforehand. Mr. Neville said this is that second shutdown and in the past the Board has wanted to have a placard posted. The yellow sheet in the manual is the Emergency Procedures that will be posted. Brian Morelock said that on page 7, the Personnel Type is identified as General Maintenance Tech 1, 2 and Maintenance Tech 3 those many need to be made roman numerals to match the job descriptions in the appendices. In Appendix D-1, Organizational Diagram, the organizational chart has a lot of information on it but he could not find the Director of Facilities Management. That person is responsible for the manual and the implementation of the program. Mr. Holzkamper said he was listed under Plant Operations with Security. Mr. Morelock said that the job titles should be consistent so that when you read through the manual you can find them on the organizational chart. Mr. Morelock said lines of authority should be shown for all involved in the implementation of the manual. Eugene Robinson stated that on page 5, under Training, it is indicated that the Facilities Management Director receives indication that training has been administered but it does not point out who is responsible to administer the training. Mr. Neville said it could be another boiler attendant or supervisor or other individuals who have that training. Mr. Robinson said it would be his recommendation to identify someone responsible, that way it will be assured that the training had been performed correctly. Mr. Holzkamper said they do have a training schedule and that Boiler Supply Company will be coming down to perform the training. Mr. Robinson said it would be sufficient to put down the company name providing the training and date. Dr. Glen Johnson made a motion to approve the variance. The motion was seconded by Eugene Robinson. The vote was taken and carried with Chairman Lunn abstaining. Approval is given contingent upon the changes listed being made and onsite review and approval by the inspector.

Item 08-02 – (370) - Review a request and documentation from Morgan County Correctional Complex (MCCX), 541 Wayne Cotton Morgan Blvd, Wartburg, 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. Tom Robinson, Director of Facilities Management, Tennessee Department of Corrections and Blake Neville presented this agenda item to the Board. MCCX is a new 2,441 bed facility the outcome of this project is to close the old Brushy Mountain State facility. The institution will operate three high pressure boilers to produce high pressure steam for domestic hot water, laundry, cooking and dishwashing. The high pressure boilers are operated on demand twenty-four hours per day, seven days per week. Boiler alarms are made via hardwire circuits for each boiler to the central control room, this is a twenty-four hour, seven day a week manned position which controls security access to all parts of the

prison. Page 2, Figure 2, Site Plan shows proximity of the boiler room to the remote station in Building B, the distance is approximately 650 feet. A qualified boiler attendant will be on campus at all times and there are even more individuals who will be trained to attend the boiler appropriately. With security issues to deal with more people will be trained to attend the boiler. In the event of an alarm the controller will simultaneously shut down the boiler and signal the security officers in the central control room, they will then shut down the boiler manually. The security officers will summon the boiler attendant via the two way radio or pager and the boiler attendant will take appropriate action. Brian Morelock said Appendix G contains all of the job descriptions but it is a little bit confusing because it contains boiler attendant duties as well as the remote monitoring duties, they should put those on one page. It appears that you might have a correctional officer also be a boiler attendant and Mr. Neville replied that is correct. Mr. Morelock said that the remote attendant is also correctional officers and Mr. Neville said yes. Mr. Morelock suggested that the Appendix G be labeled as Remote Monitoring and Boiler Attendant Duties. The organizational chart is labeled Boiler Operator 1 where the job description calls them a Boiler Attendant 2. As far as the person responsible for the boiler facility being clearly identified, it is stated on page 1 as a Facilities Manager but the organizational chart shows a Facilities Manager 1 and 3, it is difficult to determine who is responsible for the variance manual and training, that needs to be clarified. Tom Robinson said it is the Facilities Manager 3 and Mr. Morelock said that page 1 might be changed to reflect that. Interim Chief Rogers asked if they had applied for permits for their boilers, to his knowledge no paperwork had been received in the Boiler office. Tom Robinson said he would check on that and be in contact with the Boiler office. Eugene Robinson felt that on page 5, clarification was need on who specifically will be responsible for administering boiler training. Dr. Canonico made a motion to approve the variance. The motion was seconded by Brian Morelock. The vote was taken and carried with Chairman Lunn abstaining. Approval is given contingent upon the changes listed being made and onsite review and approval by the inspector.

Item 08-03 – (551) - Review an application and documentation from Carrier Corporate National Service Center, Houston, TX, for a license to engage in the repair of boilers and pressure vessels in Tennessee. Eugene Robinson verbally expressed a conflict of interest with this agenda item. Dr. Johnson pointed out that Question 9 was marked “no” when asked if they were familiar with Tennessee Code. He felt It would be inappropriate to approve the application given that response. Dr. Canonico noted that on Question 4, “Does your company possess a repair license from any other state...” the

answer was “yes” but it then states that it is no longer valid; in essence they should have said “no”. Also, on Question 7, “Does your company possess a Mechanical Contractors License issued by the State of Tennessee?” the answer was “yes”, Dr. Canonico wanted to know if that information is checked. Brian Morelock pointed out that the license was attached to the application. Dr. Canonico also thought that Question 9 should have been answered in the affirmative on being familiar with Tennessee Code and Tennessee Board of Boiler Rules and Regulations, Question 11 was not marked at all. Chairman Lunn asked Interim Chief Rogers if there was any background on this Company and he replied, “no” not as far as working in the State. After talking with them on the phone it was his understanding that they have a contract with Carrier Corporation, United States wide. Wherever Carrier has a facility, they basically have a contract to go do boiler and pressure vessel repair. They apply for the license as they need them in whatever state they need them for. Dr. Johnson made a motion to disapprove the application. The motion was seconded by Brian Morelock. The vote was taken and the motion carried with Eugene Robinson abstaining.

Item 08-04 – (707) - Review an application and documentation from Winger Contracting Company, Ottumwa, Iowa, for a license to engage in the repair of boiler and pressure vessels in Tennessee. Eugene Robinson verbally expressed a conflict of interest with this agenda item. Dr. Johnson asked if the Company indicates on Question 7 that they don’t have a Mechanical Contractors License, is it written anywhere on the license that the erection, installation, repair or alteration must be limited to less than \$25,000 and if it is something that could/should be followed up on? Brian Morelock said the question is whether they possess a license, not if they are in the process of applying for one. When the company gets their license from the Boiler Division, is there a disclaimer stating the \$25,000 limit? The Boiler Inspector would see a license or renewal but would not know the size or scope of the job other than what is involved with the pressure vessel itself. Dr. Canonico noted on Question 6, “Has your company ever been denied a license from a state or jurisdiction”, if the question is answered “no” how do we know that? Similarly on Question 8, “Has your company ever been denied a contractors license or Certificate of Authorization, or had either suspended or revoked, by Tennessee, the A.S.M.E., National Board, or any other state jurisdiction?” Sydné Ewell directed the Board to T.C.A. 68-122-201 which does not give a dollar threshold as far as the Board is concerned. If the Inspector finds a job over the \$25,000 limit Ms. Ewell felt it would be beyond the scope of their duties to report that fact, although, admittedly she has not researched it. Dr. Johnson made a motion to approve the application.

The motion was seconded by Dr. Canonico. The vote was taken and carried with Eugene Robinson abstaining.

- IX. **RULE CASES & INTERPRETATIONS** - (865) - THERE ARE NO RULE CASE & INTERPRETATIONS
- X. THERE ARE FOUR (4) APPLICANTS SITTING FOR THE NATIONAL BOARD COMMISSION EXAMINATION ON MARCH 5TH AND 6TH.
- XI. THE NEXT BOILER BOARD MEETING IS SCHEDULED FOR WEDNESDAY, JUNE 11, 2008 IN NASHVILLE, TN – (874)
- XII. **ADJOURNMENT** – (884) – Brian Morelock made a motion to adjourn. The motion was seconded by Dr. Johnson. The vote was taken and carried. The meeting adjourned at 10:02 a.m.