



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. (CST), JUNE 16, 2009
TOSHA CONFERENCE ROOM - 1ST FLOOR
220 FRENCH LANDING DRIVE
NASHVILLE, TENNESSEE**

- I. CALL TO ORDER - (7) - Chairman Lunn called the meeting to order at 9:06 a.m.
- II. INTRODUCTIONS AND ANNOUNCEMENTS - (10) - Board members present: Eddie Lunn; Dr. Domenic Canonico; Dr. Glen Johnson; Eugene Robinson; and Brian Morelock. Department of Labor & Workforce Development employees in attendance: Arthur Franklin; Gary W. Cookston; Sydné Ewell; Audrey Eslie Rogers; Sam Chapman; Deborah Rhone; Neil Jackson; and Carlene Bennett. Guests present: Dave Baughman; Kevin Morris; Keith Brazzell; Mike Bilderbeck; and Blake Neville.

(24) - Assistant Administrator Cookston announced that in the event of a natural disaster or emergency, building security personnel would direct attendees to a safe place inside the building or ask them to evacuate to the parking lot toward the Rosa Parks side of the building. He also announced that the annual fall conference would not be held due to the poor economy.
- III. CONFLICT OF INTEREST REPORTS - (40) - Conflict of interest statements were completed by Board members. Chairman Lunn asked Board members to verbally disclose conflict of interest with agenda items prior to discussion.
- IV. ADOPTION OF THE AGENDA - (55) - Brian Morelock made a motion to adopt the agenda. Dr. Glen Johnson seconded the motion. The vote was taken and carried.
- V. APPROVAL OF THE MINUTES OF THE MARCH 11, 2009 MEETING AND THE MINUTES OF THE APRIL 15, 2009 SPECIAL CALLED MEETING - (65)

Brian Morelock made a motion to approve the March 11, 2009 and the April 15, 2009 minutes as written. Dr. Canonico seconded the motion. The vote was taken and carried.

VI. INTERIM CHIEF'S REPORT - (90) -Interim Chief Rogers' report covered the period from January to March of 2009.

- 2,746 state inspections / 7,366 inspections by insurance agencies.
- 1,421 delinquents for state inspectors / 478 delinquents for insurance agencies.
- 119 violations found / 48 uncorrected code violations.
- 4 quality control reviews performed.
- 5 boiler variance inspections performed.
- Two (2) individuals sat for the National Board Commission examination on June 3rd and 4th, Mr. Kyle Douglas and Mr. John Platt both passed.

VII. OLD BUSINESS - (118) - NONE

VIII. NEW BUSINESS

Item 09-07 - (120) - Review a request and documentation from Riviana Foods, 2372 South Prospect, Memphis, Tennessee for a variance to Boiler Attendant Rule, Paragraph 0800-03-03-.04(22). Chairman Lunn verbally expressed a conflict of interest with this agenda item. Mike Bilderbeck presented this item to the Board. Riviana Foods is a newly constructed facility that cooks, processes and packages rice and rice products. The facility will operate three high-pressure boilers twenty-four (24) hours per day, seven (7) days per week in a boiler plant located across the street from the processing plant. Two (2) boilers will operate at any given time with a third boiler on standby. An employee of the boiler plant will be responsible for overseeing the operations of the boiler plant and the water treatment plant. Eugene Robinson asked Mr. Bilderbeck to clarify the difference between the duties of the boiler attendant and boiler operator. He asked that the last paragraph of page two (2) of the manual be clarified and the organizational chart in Appendix E-1 be revised to show both positions. Mr. Bilderbeck pointed out that at the top of page five (5), number one (1), clarifies that the boiler operator and the boiler attendant are one and the same. Brian Morelock said the remote operator is classified as a plant operator but the plant operator is not shown anywhere on the organizational chart, he asked that it be added. He also requested more detail, scale, plus the location of and distance between the boiler room and the remote monitoring station on the site plan in Figure 1. Mr. Morelock noted that on Appendix A, (Interim) Chief Rogers would require National Board numbers, Tennessee numbers and serial numbers. He said the emergency procedures listed on page six (6) should be identical to the emergency procedures listed on page four (4) for the remote monitoring personnel and on page five (5) for the boiler attendant so that all employees might be trained in the same procedure. He also requested there be a short description in the body of the text concerning the physical location of the manuals. Dr. Canonico asked Mr.

Bilerbeck to clarify page two (2), number five (5) which seems to indicate that if the boiler went down in the "hold" mode, it could be restarted automatically with no alarm transmitted and no one physically checking on it. Dr. Canonico stated that if the boiler went down, someone should check to see why. Mr. Bilderbeck said that would be deleted from the manual. Dr. Canonico asked about the reference in the manual to the "Riviana Campus". Mr. Bilerbeck said Riviana is the owner and the campus includes the new processing plant, a boiler house, a water treatment plant, an existing processing plant and silo for storing rice which would all be identified and labeled on the revised site plan. Dr. Canonico felt the request for variance was premature since throughout the manual many items were labeled "pending". Chairman Lunn agreed that typically the Board dealt with existing boiler facilities that had a change in procedure. He said obviously the best time for a new facility to seek approval is when the manual could be submitted complete. Hypothetically speaking though, if the variance was approved, the inspection couldn't occur until everything is in place. Anytime a variance is approved it is always contingent upon the inspector's approval. Brian Morelock said a motion could be made for contingent approval since all deficiencies of the manual will be recorded in the minutes and must be corrected before inspection. Dr. Johnson said that there should be a way to allow companies to make plans and invest in the state in a safe way. Although all the blanks aren't filled in necessarily, there have been many precedents where the Board has approved things contingent on inspection and approval of the Chief. (Interim) Chief Rogers clarified that the variance is for the microprocessor part of the boiler, the variance does not in any way cover the installation of the boilers. The initial inspection should be performed before and separate from variance inspection. Neil Jackson pointed out that the boilers must be in operation before the variance inspection can be performed so for a period of time, the company will have to operate under the twenty (20) minute rule. A motion was made by Brian Morelock to approve the variance request contingent upon (Interim) Chief Rogers's inspection for the variance after the completion of the initial installation inspection of the boilers. This contingent approval would be for the review of the variance to correct the deficiencies that have been identified. Eugene Robinson seconded the motion. The vote was taken and carried with Dr. Canonico and Chairman Lunn abstaining.

Item 09-08 - (951) - Review a request and documentation from DuPont Danisco Cellulosic Ethanol (DDCE) LLC, 200 Industrial Drive, Vonore, Tennessee for a variance to Boiler Attendant Rule, Paragraph 0800-03-03-.04(22). Chairman Lunn verbally expressed a conflict of interest with this agenda item. Blake Neville and Keith Brazzell presented this item to the Board. DuPont and Danisco have created a 50/50 joint venture to produce approximately 330,000 gallons per year of ethanol from non-food sources in a newly built facility. The collaboration between DDCE and Genera Energy, LLC is such that Genera Energy owns the site and will eventually own the operation if DDCE decides not to continue to operate. DDCE will be the sole operator of the site and in charge of all operations and all technology that happen at the site. Brian Morelock said that if DDCE

ceases operation and Genera Energy, LLC takes over; they will need to revise the manual and come back before the Board. One (1) high-pressure boiler will be operated on demand twenty-four (24) hours per day, seven days per week for process and space heating. Enunciation of alarms will be made via the plant wide network to a control room. The monitor in the control room includes an audible alarm, flashing indicator and an on screen shut down. An instruction box will appear that will direct the operator on how to respond. There were two (2) classifications of individuals, one (1) was an operations technician and the other was a lead technician. Personnel Development decided the individuals who were formerly lead technicians will now be designated as operation coordinators with more responsibilities than a lead technician. In the event of an alarm, the controller will simultaneously shut down the boiler and signal the remote station personnel via the audible and visual enunciation. Brian Morelock said that the manual will need to contain the National Board numbers and Tennessee numbers. If the lead technician title has been changed to operation coordinator, the organizational diagram in Appendix D should be updated. (Interim) Chief Rogers asked if they had applied for their permit to install the boilers. Mr. Brazzell said the boilers had been purchased but not installed. Chairman Lunn informed them that they would need an installation permit and referred them to the website to obtain the form. A motion was made by Brian Morelock to approve the variance request contingent upon (Interim) Chief Rogers's inspection for the variance after the completion of the initial installation inspection of the boiler. This contingent approval would be for the review of the variance to correct the deficiencies that have been identified. Dr. Johnson seconded the motion. The vote was taken and carried with Dr. Canonico and Chairman Lunn abstaining.

Item 09-09 - (1183) - Eemax Inc., Oxford, Connecticut representative to address Board regarding the inspection of electric tankless water heaters. Brian Morelock pointed out that (Interim) Chief Rogers office sent Mr. Aaron Siegel, Vice President Sales and Marketing for Eemax Inc. a copy of a memo dated May 23, 2006 from former Chief Toth which stated: *"With that said, from this day forward, all water heaters that are classified as either instantaneous, on-demand, or tankless that are to be installed in Tennessee shall receive a permit, inspection, and certificate of inspection prior to operating in the state."* Since the State of Tennessee Boiler Division has addressed this issue, if Eemax wants something different, they should request a Board case or interpretation through (Interim) Chief Rogers's office. Eugene Robinson pointed out that the letter from Eemax did not ask a specific question. Dr. Johnson made a motion to drop the item from the agenda. Brian Morelock seconded the motion. The vote was taken and carried.

Item 09-10 - (1373) - Discussion of potential vulnerability of industrial boilers due to lack of security access requirements for internet connected computer monitoring systems. (Interim) Chief Rogers said this was a very hot topic at the recent National Board meeting and he thinks they are preparing to address this issue. He suggests contacting the National Board to see if there is any formal

action pending or if there have been any committees formed or persons appointed to investigate and compile information. Brian Morelock said (Interim) Chief Rogers could go to the member's site on the National Board website and post a discussion question on what each jurisdiction is doing concerning security of computer controlled boiler systems to get some feedback. Dr. Canonico suggested (Interim) Chief Rogers ask the National Board if this topic will be on the agenda for their next meeting, if it not then perhaps it should be added for discussion. The Board felt that local Homeland Security should be contacted too. Chairman Lunn encouraged consultation with the National Board and to follow their lead until there is overwhelming pressure for the Board to take its own initiative to address this complex issue.

- IX.** RULE CASES & INTERPRETATIONS - (1806) - There were no rule cases and interpretations.
- X.** (1808) - THERE WERE TWO (2) APPLICANTS SITTING FOR THE NATIONAL BOARD COMMISSION EXAMINATION ON JUNE 3RD AND 4TH - Both applicants passed the examination.
- XI.** (1812) - The next Board of Boiler Rules meeting is scheduled for 9:00 a.m. (CST), September 2, 2009 at the Department of Labor & Workforce Development office located at 220 French Landing Drive, Nashville, Tennessee.
- XII.** ADJOURNMENT - (1818) - A motion was made by Dr. Canonico to adjourn. Dr. Johnson seconded the motion. The vote was taken and carried with the meeting adjourning at 10:47 a.m.