



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. (CST), MARCH 3, 2010
TOSHA HEARING ROOM - FIRST FLOOR
220 FRENCH LANDING DRIVE
NASHVILLE, TENNESSEE**

- I. CALL TO ORDER - (9) - Chairman Lunn called the meeting to order at 9:00 a.m.

- II. INTRODUCTIONS AND ANNOUNCEMENTS - (14) - Board member present: Eddie Lunn; Dr. Domenic Canonico; Eugene Robinson; and Brian Morelock. Department of Labor & Workforce Development employees in attendance: Arthur Franklin (late arrival); Gary Cookston; Sydné Ewell; Eslie Rogers; Carlene Bennett; Sam Chapman; Neil Jackson; and Deborah Rhone. Guest present: Mel Pruitt.

(26) - 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.

(32) - Assistant Administrator Cookston informed the Board that SB2697/HB2817 had been proposed in the legislature. This is an insurance bill which allows special boiler inspectors and their employers, agents, or service contractors to have the same liability for the performance of their services as deputy inspectors or state employees. As it is stated now, unless it is amended, the Department will come out in opposition to the bill. Chairman Lunn asked that Mr. Cookston keep the Board informed on the progress of this bill.

- III. CONFLICT OF INTEREST STATEMENT - (45) - Conflict of interest statements were completed by Board members. Chairman Lunn

reminded Board members to verbally disclose conflict of interest with agenda items prior to discussion.

IV. ADOPTION OF THE AGENDA - (48) - Dr. Canonico made a motion to adopt the agenda. Brian Morelock seconded the motion. The vote was taken and the motion carried.

V. APPROVAL OF THE DECEMBER 2, 2009 MEETING MINUTES - (55) - Brian Morelock made a motion to approve the minutes as written. Dr. Canonico seconded the motion. The vote was taken and the motion carried.

VI. CHIEF'S REPORT - (61) - Interim Chief Rogers report covered the period from October-December, 2009.

- Seven-thousand three-hundred forty-six (7,346) combined inspections.
- One-thousand one-hundred twenty-seven (1,127) combined delinquents.
- Ninety-nine (99) violations found / Thirty-two (32) uncorrected violations.
- Three (3) quality control reviews performed.
- Four (4) boiler variance inspections performed.

VII. OLD BUSINESS

Item 09-22 - (82) - Discussion of NFPA formal interpretation reference 4.6.3.2.5.2, F.I., No.: 85-01-1. This issue was brought to the Board because of a request for a formal interpretation concerning a control system on boiler having a common circuit board for both burner management system and boiler control system and whether or not that is allowable. The Board had in its possession a formal interpretation from the National Fire Protection Association (NFPA) on the subject and a letter from the manufacturer explaining why their system is on a common circuit board. Since the Board subscribes to NFPA 85 by adoption the concern was that there might be boilers operating with this control system that the Board had approved as part of a variance manual. Brian Morelock suggested the burden be put on the manufacturer to send a letter to NFPA. He likened this situation to the tankless water heater issue with entities coming before the Board asking for guidance and the Boards suggestion has been that they should approach the American Society of Mechanical Engineers (ASME) for a ruling. Similarly, Autoflame should approach NFPA and see if the issue can be resolved with them either through a formal letter from them saying that they do agree that it meets their code or through some sort of board case revision or whatever they need to do to resolve the issue. NFPA is like ASME in that they will not show any preferential treatment to any particular manufacturer but will

uphold their guidelines and codes. The Board requested that Interim Chief Rogers send a letter to Autoflame asking them to show the State of Tennessee how they are not in conflict with the formal interpretation of NFPA 85. Chairman Lunn suggested that Interim Chief Rogers write the letter and asked Brian Morelock to work him regarding the wording, Mr. Morelock agreed. For clarification, it was stated that this was a discussion item only, not an action item.

VIII. NEW BUSINESS

Item 10-01 - (232) - Review a request and documentation from MARS Chocolate North America, 3500 Peerless Road, Cleveland, 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. Mel Pruitt presented this item to the Board. Previously, MARS Chocolate requested and received approval for a variance through former agenda item 09-04. After onsite inspection it was determined that the company needed to operate the plant differently from how the manual had been written. Mr. Pruitt said Neil Jackson, Boiler Inspector, had been helpful in pointing out areas that were not spelled out correctly so the company revised, streamlined, and is submitting a new variance manual. The Board made the following commentary and requested the following changes be made to the revised manual:

- Dr. Canonico asked if the Utilities Senior Technician and Utilities Technician were the same job since Appendix F-1 of the manual references both. Mr. Pruitt said the Utilities Technician is the correct title of the person who will be running the boiler. The Utilities Senior Technician is a position one level higher, in a lead position. Brian Morelock noted that a job description for the Utilities Technician should be added. The manual should clearly state that the Utilities Technician is the Boiler Attendant, as stated in the previous version of the manual.
- Dr. Canonico said in Appendix F-1, Principal Accountabilities, Section III there is no mention of a boiler operator. Mr. Morelock pointed out that pressure vessels are mentioned in Item two (2) but there is no mention of a boiler operator. Mr. Pruitt said the boiler operator job will fall under the Utilities Technician job description because that will be their primary function. He said that section of the manual would be corrected.
- Brian Morelock asked Neil Jackson, Boiler Inspector, why a new variance is being sought since the Company requested and received approval for a variance through former agenda item 09-04. Mr. Jackson said that oftentimes manuals are written which do not adequately reflect operational procedure; this is one of those cases.
- Page seven (7), Section III-Procedures-Normal Duties, Item one (1) says: "The Utilities Technician shall report to the boiler room at the beginning of the shift..." Dr. Canonico asked if both operators would

be there at the same time. Mr. Pruitt said they would because there is a thirty (30) minute shift overlap. Dr. Canonico said perhaps that is so by inference but it isn't clearly stated.

- Brian Morelock pointed out what is unique about this particular variance manual is that there are no remote monitoring person. The boiler controls will directly notify the Utilities Technician who is serving as a boiler attendant to come and address any boiler issues. The procedure to test that is to alarm the boiler to make sure that a cellphone or page is received. If the Utilities Technician doesn't respond then it rolls over to the emergency call list.
- Appendix A-1, Boiler Data Sheet, Dr. Canonico confirmed that a variance is only being sought on boiler number two (2). Mr. Pruitt said that is correct. Dr. Canonico asked when boiler number one (1) or three (3) is used, if they are operated under the twenty (20) minute rule. Mr. Pruitt replied yes. Mr. Morelock noted that it is stated in paragraph two (2) on page one (1) of the manual.
- Dr. Canonico said the boiler operator seems to be a secondary issue. He would like to see it stated in the manual who the boiler operator is and what his specific duties are. Mr. Pruitt said when the job description is placed in the manual, he will make certain the primary duties of the Utilities Technician are spelled out.
- Dr. Canonico asked why "No" is marked on Appendix H-1, number eight (8) when it asks: "Does the Manual clearly describe the training program for remote monitors?" Brian Morelock said it is because there are no remote monitors. Mr. Pruitt said he had originally marked "No" because at the time the training department was working on a training program for the Cell Phone Annunciation System and the System's Operation Manual. Training manuals will be located in the boiler control room but the training department will be responsible for administering the training.
- Dr. Canonico asked, as indicated on page ten (10), if a Boiler Operator/Utilities Technician will be on site twenty-four (24) hours per day/seven (7) days per week. Mr. Pruitt replied: "yes". He said the Company has four (4) individuals that rotate to cover those shifts and they are all Utilities Technicians. There are also four (4) Shift Maintenance Lead Technicians who rotate twenty-four (24) hours per day/seven (7) days per week which enables the Company to have someone there with a secondary cell phone. Also, the security guard at the main lobby is there twenty-four (24) hours/seven (7) days per week and they have a cell phone that is passed among them.
- Page eight (8), Emergency Duties/Call List Participant reads: "...they will read and perform the Emergency Instructions displayed on the remote station." Dr. Canonico asked why not be knowledgeable, why read it during an emergency? Mr. Pruitt said it has to do with training the Security Guard Main Lobby and the Shift Maintenance Lead Technician to the level of a Utilities Technician. Should either have to

respond to the remote station, they would push the button to shut it off and then contact the Utilities Technician. Mr. Morelock said this goes back to training the people on the Emergency Call List what to do in the event of an emergency.

- Mr. Morelock asked if Emergency Procedures on page nine (9) would be a placard. Mr. Pruitt replied, "yes", it would be on the front of the remote station. He said there was some discussion with Neil Jackson how to make the determination to go into the boiler room. It was decided to put an operator interface that is "read only" near the remote station.
- Page six (6), Section II-Training, Item four (4), reads: "Training manuals for both are located in the Boiler Control Room." Eugene Robinson asked what the word "both" referred to in that statement. Mr. Pruitt said as stated earlier there is a need for everybody to be trained by the Systems Operation Manual and in the Cell Phone Annunciation System. The word "both" refers to those systems. Eugene Robinson asked that it be reworded for clarification. Mr. Morelock said item three (3) would go hand in hand with item four (4).
- Mr. Morelock summarized Page eight (8)-Emergency Duties/Utilities Technician, Items one (1) and two (2) by stating his understanding that: The Utilities Technician will check the boiler every four (4) hours while also performing other duties. If a red light condition occurs, the boiler controller will shut the boiler down and notify the Utilities Technician to come to the panel outside the boiler room to see what is going on with the boiler and take appropriate action. If a yellow light condition, the boiler continues to run but notifies the Utilities Technician, which is the boiler attendant, and he will report outside the boiler room to take appropriate action. Mr. Pruitt said that is correct.
- Eugene Robinson asked that a sample of the Boiler Control Room Log Book be added to the manual to give a "snapshot" of what form is being used for that purpose. Mr. Pruitt said currently the Company is using an International Organization for Standardization (ISO) document which contains other data in addition to boiler information. He felt it would simplify things if a boiler log sheet similar to the one submitted with the previous manual (Item 09-04) be used instead of the ISO document. The manual will contain a sample form and the appendix will spell out the location of the actual forms which will be filled out on a daily basis and kept in a three ring binder.

A motion was made by Brian Morelock to approve the variance contingent upon the requested revisions being made to the manual, upon verification of operating procedures and acceptance by Interim Chief Rogers. Eugene Robinson seconded the motion. The vote was taken and the motion carried with Chairman Lunn abstaining.

Item 10-02 - (934) - Review a request and documentation from Nutro-Mars North America, 920 Arctic Drive, Lebanon, Tennessee, for a variance to Boiler Attendant Rule, Paragraph 0800-03-03-.04(22). This item was placed on the agenda in error. Approval for this variance was granted as Item 09-12 all that was required was review and approval of the revised manual by the Interim Chief Boiler Inspector.

Item 10-03 - (1014) - Request from Noritz America Corporation for jurisdictional authority ruling on HLW stamp on primary/secondary heat exchanger for tankless gas water heaters. Dr. Canonico asked if Noritz had intention of installing such gas heaters in Tennessee. Interim Chief Rogers said yes, they want to market their product statewide. Dr. Canonico made a motion to postpone due to a lack of representation. Brian Morelock seconded the motion. The vote was taken and the motion carried.

Item 10-04 - (1144) - Discussion of the Systems Operation Manual submission process. Chairman Lunn stated that at the December 2009 meeting there was an all time record number of variance request submitted. The errors and omissions in those manuals seemed to be consistent. In the past, the Board developed guidelines, checklist and flowchart to assist with the variance submission process but the Board is still getting a diversity of submissions. The Board wishes to formalize the submission of variance request to efficiently perform the task charged to it. After a lengthy discussion the Board developed the attached Frequently Asked Questions (FAQ's) list which is added to and made part of the minutes. This list will be posted to the Tennessee Department of Labor & Workforce Development, Boiler Division website. This on-going list of questions will be revised by the Board as new ones which might be helpful are identified.

It was agreed that at the June meeting the following items will be discussed further:

- Possible revision to the Checklist for Attendant Variance Requests to include the following information:
 - * Company boiler training being completed before the initial variance inspection is performed;
 - * Question on whether a company representative should be present at the quarterly meeting of the Board of Boiler Rules when their System Operating Manual is being considered;
 - * Requiring a summary of changes page on revisions to existing manuals;
 - * Requiring an example of the boiler log in the manual;
- Need to reconcile wording of the newly created Frequently Asked Questions (FAQ's) document posted on the website which makes reference to "Deputy Inspectors" but the Boiler Attendant Variance

Rule document, Implementation Flowchart; Guidelines for Computerized Remote Monitoring states "Chief Inspector or the Chief Inspector's Designee".

- IX. RULE CASES & INTERPRETATIONS - (3541) - There were no rule cases and interpretations.
- X. (3544) - The next Board of Boiler Rules Meeting is scheduled for 9:00 a.m. (CST), Wednesday, June 2, 2010 at the Department of Labor & Workforce Development office building located at 220 French Landing Drive, Nashville, Tennessee.
- XI. ADJOURNMENT - (3552) - Dr. Canonico made a motion to adjourn. Brian Morelock seconded the motion. The vote was taken and the motion carried with the meeting adjourning at 12:01 p.m.