



**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. (ET) SEPTEMBER 20, 2012
QUALITY INN CREEKSIDE RESORT & CONFERENCE CENTER
125 LeCONTE CREEK DRIVE
GATLINBURG, TENNESSEE 37738**

- I. CALL TO ORDER – (8) – Chairman Lunn called the meeting to order at 9:00 a.m. (ET).

- II. INTRODUCTIONS AND ANNOUNCEMENTS – (15) – Board members present: Eddie Lunn; Dr. Domenic Canonico; Brian Morelock; Ed Vance; and Eugene Robinson. Department of Labor and Workforce Development employees in attendance: Arthur Franklin; Gary W. Cookston; Sydné Ewell; Chad Bryan; Carlene T. Bennett; Deborah Rhone; Neil Jackson; Danny Peters; Randall Kelley; Thomas Spangler; Sammy Sitz; Tim Holt; Jesse Smith; Richard Dickerson; Dallas Word; Jack Oswald; Bob Davidson; Jerry Cromwell; and Sam Chapman. Guests present: Doug Bales; Marty Toth; Dave Baughman; James Neville; and Dennis Hayes.

(25) – Assistant Administrator Cookston announced that in the event of an emergency or natural disaster, hotel staff would take attendees to a safe place at their facility.

(31) – Commissioner Davis and the Boiler, Elevator and Amusement Device Division has submitted necessary recommendations for reappointment of all

Board members. The recommendations have been sent to the Governor's office. Members continue to serve until they receive notification stating differently.

III. ADOPTION OF THE AGENDA – (42) – Dr. Canonico made a motion to adopt the agenda. Eugene Robinson seconded the motion. The vote was taken and the motion carried.

IV. APPROVAL OF THE JUNE 6, 2012 QUARTERLY MEETING MINUTES – (50) – Dr. Canonico made a motion to adopt the June 6, 2012 minutes as written. The motion was seconded by Eugene Robinson. The vote was taken and the motion carried.

V. CHIEF'S REPORT – (58) – Chief Bryan's report covered data from April – June 2012.

- Eight-thousand seven-hundred and forty-four (8,744) total inspections performed.
- Two-thousand one-hundred and twenty (2,120) total delinquents.
- Nineteen (19) violations.
- Seven (7) uncorrected code violations.
- Six (6) quality control reviews performed.

VI. OLD BUSINESS – (70)

None

VII. NEW BUSINESS

12-16 – (72) - Turney Center Industrial Complex (Main), 1499 R.W. Moore Memorial Highway, Only, Tennessee is requesting a variance renewal on three (3) high-pressure boilers that operate under the requirements of Chapter 0800-03-03-.04(22). Chairman Lunn verbally expressed a conflict of interest with this agenda item. James Neville and Dennis Hayes presented this item to the Board.

- Mr. Neville said the power piping/feed water diagrams were pulled from another boiler variance and need to be updated, however, Appendix A, Boiler Data Sheet, is correct.
- Eugene Robinson: The first sentence of page one (1) should say: "*manufacturing furniture made of metal and wood.*"

The Rule reference in the second sentence of page one (1) should read: "*Chapter 0800-03-03-.04(22)*".

On page seven (7), Procedures, Normal Daily Duties, last sentence of item one (1) says: "*The tests shall include a water column test and other daily*

maintenance requirements". Board member Robinson would like to see this duty added to Appendix F.

In Appendix G there is no Boiler Operator 1 job description, which needs to be added.

Mr. Robinson asked if Mr. Neville would put a description of who will monitor and who will attend the boiler in the manual. Mr. Neville said he could but that the Boiler Operator 1 will be the only individual actually operating and monitoring the boiler. The other two (2) positions will just monitor the boiler.

- Dr. Canonico: Figure 1 shows the boiler room next door to the remote station. In the event of a serious problem the remote station could be wiped out. Mr. Neville said the remote station is located in a guard tower one-hundred and fifty (150) feet from the boiler room. He will try and change the diagram to make that clearer.

Page one (1), paragraph one (1), states that: *"The high-pressure boilers are used for heating and domestic hot water and are operated on demand seven (7) days per week."* Dr. Canonico wanted to know if the boilers operated twenty-four (24) hours per day, seven (7) days per week. Mr. Neville replied: "yes, they operate 24/7".

Appendix G, Job Descriptions, G-2, Facilities Supervisor's Minimum Qualifications and Other Requirements does not list any boiler experience or knowledge.

Appendix G, Job Descriptions, G-5, Correctional Officer, Examples of Duties and Responsibilities, Item two (2) says: *"Inspects and patrols the grounds for..."* Dr. Canonico asked who is monitoring the boiler when the Officer is patrolling. Mr. Neville said there is more than one Correctional Office in the tower, the tower is never unmanned.

- Brian Morelock: Wanted clarification on who will be responsible for implementing the variance and updating the manual. The cover letter says one thing and the first page says something different.

There is a lot of information on the organizational chart, it is not easy to find the Facilities Supervisor and the Correctional Officers for guard tower six (6). Make sure that whoever is looking at the chart can find those positions.

On page seven (7), Appendix "I" should be Appendix "H".

- Neil Jackson said on page seven (7), Personnel Type, Clarification, says: *"The Boiler Attendant is a trained qualified individual..."* He says he encounters that a lot during his inspections. When asked, the company says

the employees are trained in the manual but not in boiler operation. At the bottom of page eight (8) it says: *“Upon notification of an alarm, the Boiler Attendant shall contact the remote station to acknowledge the alarm and proceed with dispatch to the boiler room and when he thinks it is safe; he shall enter the boiler room to take appropriate action.”* Mr. Jackson expressed concern for the safety of nonqualified people working around boilers. He feels that fault messages in Appendix C should be segregated as to what shuts the boiler down and what just gives an indication.

- Dave Baughman: On page five (5), second paragraph under Training says: *“The Boiler Operator 1 shall be responsible for training all current and incoming personnel assigned to boiler operations...”* It is taken for granted that the Boiler Operator is a competent, qualified individual. If the Boiler Operator should leave employment, who will be responsible for training for future personnel? In his opinion, training should be addressed through a higher level.
- Marty Toth: Said a distinction should be made between an “operator” and an “attendant”. Rule 0800-03-03-.04(22) specifically says “attendant”. It also specifically states that the owner is responsible for qualifying them. The question that needs to be answered is; where in the manual does it specifically state the training/qualifications of the attendant?
- Brian Morelock: Said that, in his opinion, the variance did not violate Rule twenty-two (22). In response to Neil Jackson’s comments, his recommendation is that at a future meeting the checklist wording or requirements be updated to ensure it assist anyone wanting a variance. That way, variance requestors can be sure they have the tools necessary to satisfy the requirement of having competent, qualified, trained individuals. In reality, the only way to enforce that to happen is to license boiler operators.
- Neil Jackson pointed out that on the Checklist for Attendant Variance Request form question nine (9) says this is a new variance when the cover letter request a variance renewal. Mr. Neville confirmed that this is for a renewal.

Also on the Checklist for Attendant Variance Request form, question twenty (20) states: *“Does the remote monitoring system prevent unauthorized access?”* and the answer is “Yes” see *“Appendix B – Equip.”* but Appendix B does not state how the remote monitoring system prevents unauthorized access. Mr. Neville said a statement should be added stating that it is password protected.

On page three (3), Section II, Item four (4) says: *“The controller will shut down the boiler on any of the conditions listed in Appendix C.”* but that is not a true statement. Mr. Neville said he would add a column and mark the fault messages that actually shut down the boiler.

Brian Morelock made a motion to approve the variance renewal contingent upon the manual changes discussed being made and upon a satisfactory physical inspection of the boiler system by a Deputy Inspector. Eugene Robinson seconded the motion. The vote was taken and the motion carried with Chairman Lunn abstaining and Dr. Canonico voting no.

VIII. RULE CASES & INTERPRETATIONS

Board Interpretation BI 12-17 – (977) - Remote Emergency Stops – Chairman Lunn verbally expressed a conflict of interest with this agenda item. Brian Morelock made a motion to confirm the rule case BI 12-17. Ed Vance seconded the motion. This item was listed as BI 12-01 on the agenda but was assigned as BI 12-17 by the Board.

- Marty Toth said in his position with Boiler Supply Company he has seen boiler installers that are not putting in emergency stops or putting them directly inside of the door of the boiler rooms even though the access to the boiler room is an internal access. He felt these installers were not following the rules of the State of Tennessee; the National Board; or CSD-1. He would like clarification of what the State of Tennessee requires. Mr. Toth said CSD-1 requires that the emergency stop be located just outside the boiler room in the case where it is an internal access (inside the building). In cases where the main access is to the outside of the building, you are allowed with jurisdictional approval to put an emergency stop directly inside of the door or to make it where the weather would not interfere and in all cases, it should be tamper resistant.
- Mr. Toth said the first question is whether there needs to be remote emergency stops and the answer is yes. Dr. Canonico said he goes beyond that when he tells where it needs to be located. Dr. Canonico prefers the question and reply to number one (1) answer the need for emergency stops and then later in the document, talk about where the location should be.
- Brian Morelock said he would like to see the applicable paragraphs from the code written into the interpretation. If CSD-1 and NBIC is causing questions in the State of Tennessee, perhaps this a jurisdiction concern that should be addressed within the NBIC and CSD-1. Mr. Toth said this is an interpretation of current rules and codes. The State of Tennessee references CSD-1 and NBIC, by referencing those, some jurisdictions pick and choose but in the State of Tennessee it's always been all or nothing. With the miscommunications out there in the real world environment they are missing what is being referenced. CSD-1 states you will have this, NBIC states you will have this, but it also states that "upon approval of the jurisdiction" so that is why this interpretation is being sought. By approving the interpretation, it

is then placed on the State of Tennessee Boiler Section website which will prevent the need for others to have to contact the jurisdiction.

- Eugene Robinson said that CSD-1 2005 has a code interpretation regarding the location of emergency stops at each point of egress to the boiler room and it says they do not have to be located at every egress.
- Marty Toth read aloud the Interpretation BI 12-17 in its entirety.
- Brian Morelock asked if question six (6) was going to be more restrictive than the current NBIC and CSD-1. Mr. Toth said that the State of Tennessee has not adopted 2005 CSD-1, it is still under 1998.
- Chief Bryan suggested that the reply to question three (3) might read: *“No; standard circuit breakers may also be used as remote emergency stops, as long as they are isolated and dedicated as such and clearly marked per CSD-1.”*

Brian Morelock made a motion to postpone agenda item 12-17 until the December meeting. This will allow for the addition of the 1998 edition of CSD-1, the appropriate NBIC paragraphs, word changes and time for further Board review. Eugene Robinson seconded the motion to postpone. The vote was taken and carried with Chairman Lunn abstaining.

Board Case BC 12-18 – (2107) - Routine Repairs in Tennessee – Extension of BC 01-15 - Chairman Lunn verbally expressed a conflict of interest with this agenda item. Dr. Canonico made a motion to confirm the rule case BC 12-18. Brian Morelock seconded the motion. This item was listed as BC 12-01 on the agenda but was assigned as BC 12-18 by the Board.

- Brian Morelock pointed out a typo in section d, item 3, there is a “Y” that should be “1/2”. He also said he did consult with the twenty-two (22) commissioned inspectors at Eastman Chemical Company concerning routine repairs per BC 12-18 and there were no objections to approval of this item.

Brian Morelock made a motion to approve BC 12-18 for routine repairs in the State of Tennessee. This is an extension of BC 01-15 which only permitted mechanical repairs for tube replacement in boilers and unfired pressure vessels. BC 12-18 is to expand that to encompass all the provisions in NBIC, Part 3, Section 3.3.2 for routine repairs. BC 12-18 supersedes BC 01-15 which will be removed from the list of Board Cases. Eugene Robinson seconded the motion contingent upon the typo in section d, item 3, being corrected. The vote was taken and carried with Chairman Lunn abstaining. Marty Toth recommended the Chief Inspector mail a copy of this Board Case to all repair companies.

IX. (2766) - THE NEXT BOARD OF BOILER RULES MEETING IS SCHEDULED FOR 9:00 A.M. (CT), WEDNESDAY, DECEMBER 5, 2012 AT THE DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT OFFICE BUILDING LOCATED AT 220 FRENCH LANDING DRIVE, NASHVILLE, TN.

X. ADJOURNMENT – (2774) – The meeting was adjourned.