



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

MINUTES

QUARTERLY MEETING OF THE
STATE OF TENNESSEE
BOARD OF BOILER RULES
9:00 A.M. (CT) JUNE 5, 2013
TOSHA HEARING ROOM – FIRST FLOOR
220 FRENCH LANDING DRIVE
NASHVILLE, TENNESSEE

- I. **CALL TO ORDER:** Mr. Brian Morelock called the meeting to order at 9:00 a.m. (CT).

4607 – Sydné Ewell pointed out that in the event of an emergency or natural disaster, security personnel would take attendees to a safe place in the building or direct them to exit the building on the Rosa Parks side.

- II. **INTRODUCTIONS AND ANNOUNCEMENTS:** - (4615) Board members present: Brian Morelock; Dr. Dominic Canonico; Ed Vance; Eugene Robinson and Dave Baughman. Department of Labor and Workforce Development employees in attendance: Arthur Franklin, Jr.; Sydné Ewell; Sam Chapman; Carolyn Sherrod; Deborah Rhone; and Neil Jackson. Guests present: Eddie Lunn; James Neville; Carlton Oliver; Ray Massengale, Jr.; and Stephen Spence.

(4643) – Boiler Chief, Chad Bryan recuperating from back surgery and Carlene Bennett, Board Secretary continuing on medical leave while recuperating from surgery. Both are doing well and all of our thoughts and prayers are with them.

- III. **ADOPTION OF AGENDA – (4667)** - David Baughman motioned to adopt the agenda which was properly seconded by Eugene Robinson.

(4669) - Brian Morelock asked that Item 13-03 (the Election of a new Chairman for the Board of Boiler Rules) be added to the agenda.

(01) – David Baughman asked if the Agenda Items would be taken in the order as listed. At which point Brian Morelock stated that of course Item 13-03 would have to be moved to the first item. The vote was taken to adopt the amended agenda and all members voted their approval.

(12) – Brian Morelock cautioned the Board that any Conflicts of Interest needed to be voiced prior to the discussion of the agenda item.

(15) Brian Morelock then asked that Item 13-03 be taken out of order to make it the first item: the election of Chairman for the Board of Boiler Rules.

(16) Brian Morelock proceeded to open the floor for nominations.

(17) After being recognized by the acting chair, Dr. Canonico nominated Brian Morelock for Chairman and the motion was properly seconded by Eugene Robinson. No other nominations were made.

(22) At the call for the vote, all members voted their approval with the exception of Brian Morelock who of course abstained.

(26) Arthur Franklin asked Brian if he would accept the nomination of Chairman of the Tennessee Boiler Board at which point Brian agreed.

(28) Dr. Canonico posed the question if Brian Morelock's nomination was that of a binding (permanent) chairman or a temporary chairman. Sydné pointed that Brian's acceptance was that of permanent chairman. Sydné Ewell, Arthur Franklin, the other Board members and others in attendance offered their congratulations to Chairman Morelock.

IV. APPROVAL OF DECEMBER 5, 2012 QUARTERLY MEETING MINUTES –

(46) - It was motioned by Eugene Robinson and seconded by Dr. Canonico to accept the minutes. After no discussion, the Board voted their approval of the December 5, 2012 minutes.

V. CHIEF'S REPORT – 52 – Assistant Chief Chapman's report in Chief Bryan's absence reflects data from January – March 2013.

- Ten thousand-eight (10,008) total inspections performed.
- A total of two thousand two hundred fifty-nine (2,259) total delinquents.
- Thirty-seven (37) violations found.
- Fifteen (15) uncorrected code violations.
- Four (4) quality control reviews performed.
- Three (3) boiler variance inspections performed.

VI. OLD BUSINESS - None

VII. NEW BUSINESS

13-01 – (68) - McKee Foods Corporation 10260 McKee Road, Collegedale, Tennessee is requesting a variance renewal of three (3) high-pressure boilers that operate under the requirements of Chapter 0800-03-03-.04(22). 10626 Apison Pike, Collegedale, Tennessee is requesting a variance renewal of four (4) high-pressure boilers that operate under the requirements of Chapter 0800-

03-03-.04(22). 10606 Apison Pike, Collegedale, Tennessee is requesting a variance renewal on one (1) high-pressure boiler that operates under the requirements of Chapter 0800-03-03-.04(22). (One Systems Operation Manual for all boilers). James Neville; Carlton Oliver; Ray Massengale, Jr.; and Stephen Spence presented this item to the Board.

- Requesting a renewal to the variance last dated 2008. There are a number of changes to the system:
 1. Plant 1 has been taken off line...there were two (2) boilers in Plant 1. James Neville referred the Board to the (Fig.1 - site plan – view of the campus). Three (3) different locations to the campus.
 2. Plant 2 is located in the center where the new remote station will be located the distance in Plant 2 from the remote station to the boiler house is approximately 330 feet.
 3. Plant 5 is 3,960 feet away and the third remote station is in 30 MRC which is 2,940 feet away. Those are the three (3) locations all covered with this one Systems Operation Manual.

They currently have a pager system that the boiler attendants are using...that's being phased out. This variance describes how they will be using cell phones instead of pagers in the future. These cell phones have the ability for them to shut down a boiler or turn off the lockout in the case that they do receive an alarm from that boiler. Currently there is no remote station. The boiler attendant is being used as the remote station. The pager that the boiler attendant is carrying they have remote panels outside of each boiler room and the attendant is responding to the alarms one off of the pager and cell phone and reporting to that remote panel and shutting off the boiler from the remote panel. They are proposing going to a central remote station that is manned 24/7 by this central security office. This is where these boilers will be monitored from in the future.

(140) - Eugene Robinson asked if the plan was to have that station installed and implemented if your variance is approved.

(143) – James Neville replied that yes upon approval of the variance, they intend to implement the remote station as the security office.

(148) – It was motioned by David Baughman and seconded by Eugene Robinson to discuss.

(156) - Eugene Robinson – Appendix G: You say that the boiler attendant is the security officer and you used the term security officer/boiler attendant (he can operate the functions of the boiler). When you go back to Appendix G you list all the items that are required for the boiler operator one would say that the security officer is not really trained to perform some of those functions. I would like for you to elaborate on that issue.

(171) – James Neville replied referring to (page 7)....part of their operation on six (6) days a week there is a boiler operator on site. When the plan is unoccupied, a security officer is monitoring those boilers. That would be the only time that a security officer would be monitoring those boilers.

(187) – David Baughman stated that the only thing confusing to him is in reading Appendix G getting down to the bottom bullet it says that the security officer serves as the boiler attendant. Then you go back to (page 5) to the remote monitoring and all the terms for the remote monitoring is boiler attendant. Then you go to (page 7) and you say that the boiler operator can also be a boiler attendant. So the use of the terms boiler attendant and boiler operator is leaving me just a little confused. I think from what you're describing is six (6) days a week you will have a boiler operator operating those boilers then on that one (1) day you will have a security officer serving as a boiler operator or just remotely or both?

(201) – James Neville – They will be doing both. There will be a security officer at the remote station and there will also be a security officer actually going to the boiler room doing the checks.

(207) – David Baughman – Would it be clearer if you just said one of those security officers will need to serve as a boiler operator on that one day? That way you would delineate pretty clearly between the boiler attendant who would be like a remote monitor and the boiler operator would be the boiler operator. You have duties for both it's just a little confusing to me.

(212) – James Neville – I guess part of the thinking is when a security officer is doing the checks on the boiler on that weekend, he will be monitoring the boiler if there are any issues with the boiler, he will just shut the boiler down and call the boiler operator in who is trained to troubleshoot the boiler and is more experienced than the security officer.

(219) – Eugene Robinson - He is equipped with a cell phone, with a lockout and etc?

(221) – Brian Morelock – So all he would do is just shut the boiler down?

(222) – James Neville – Correct

(223) – Dr. Canonico – On (G2 the boiler operator duties...that boiler operator is going to have to be very well trained. Is he that well trained?

(226) – Carlton Oliver – At McKee, when I use the term boiler operator, he is also the technician; he is the man who is trained at preventive maintenance, the repair work....he's a boiler technician. A boiler operator at McKee is the technician, the maintenance man all in one.

(233) – Dr. Canonico – That would be good to be seen in this manual somewhere. Because when I read the boiler operator duties...they are fairly extensive.

(238) - Carlton Oliver – There's no situation where our operator sees an issue and he calls the maintenance department...he is the maintenance department.

(239) – Eugene Robinson – So he's the one actually conducting filling out the log sheets, etc.?

(238) - Carlton Oliver – Yes.

(240) – Dr. Canonico – I guess where I have problems, on (page 7) I get confused because in #1 you talk about a boiler operator or a security officer. They seem like they are at an extreme as far as training is concerned.

(246) – James Neville – The security officer would just going into the boiler room on that Saturday...that's when the plant is unoccupied but the boiler still could be heating up.

(250) – Carlton Oliver and Ray Massengale explained that McKee has coating tanks that have to maintain heat seven (7) days a week. If you cut the heat off, you just throw hundreds of thousands of dollars worth of coating down the drain. So the boilers are in idle in low-fire to maintain that heat through the time period when the plant is unoccupied. So the security officer goes through and makes those four (4) hour checks and documents the water levels, the columns, the steam, the temperature and etc. At the same time this is happening (on these off days when the building is unoccupied) the boiler operator still is in contact with the boiler via phone. If there is an issue, he knows it as soon as the security officer knows it.

(263) – James Neville – The only caveat is he is not on campus necessarily on that Saturday.

(264) – Brian Morelock – So the only thing is you might just want to add a little clarification. All that Neil wants to be able to see when he comes and does his inspection is that you have written down what you're actually doing. "You're doing what you say and say what you do"!

(271) – Dr. Canonico – On (page 5) I have two questions: (1) If the remote station personnel must for any reason leave their post, it sounds like it is just one person there....is that correct?

(276) – Ray Massengale – To my understanding, there's one (1) person who stays in the security office at all times...the only time that person would leave would be to walk to the other end of the room or to go the bathroom.

(279) – Dr. Canonico – (2) Well, he has other duties around the plant does he not?

(280) – Ray Massengale – No. They have a security officer who mans the security phase and they have a roving officer who would actually go to the boiler room and make checks. There is always a security officer at the security base.

(285) – David Baughman – And Appendix G is just for all security officers...that is all of their duties? In the first part of that sentence on (page 5) there is always someone in there?

(288) – Ray Massengale – If for any reason that person has to leave, he makes a phone call to the roving security officer....there's always someone there.

(293) – Eugene Robinson - And your monitoring station is going to have full control of all boilers, comprehensives and individuals. There is going to be a tell-tale sign...you've got the audio alarms, you've got the visual alarms...that panel is going to naturally be **well identified (?)**.

(301) – Dr. Canonico – Also on (page 5) ***under Training....the very last sentence says something about maintenance superintendent shall be responsible for training all incoming personnel assigned to boiler duties.*** What does that training consist of?

(305) – Ray Massengale – This variance we're going to make sure that they understand the variance and follow the variance

(307 – Dr. Canonico – Will they just sit down and read; will you give some lectures?

(308) – Ray Massengale – The boiler technician would actually train them in the boiler room. We don't expect to have to do that because we don't expect to have that big of a turnover in our security force. But should that be the case (brand new employees/new security firm came in) there would be hands on training in the boiler room provided by the boiler technician.

(316) – David Baughman – How long has that boiler technician been there?

(317) – Ray Massengale – The newest technician has been in the position for two (2) years; the other two have been there eight (8) and twelve (12) years. Two of my plumbers are also former boiler technicians. So on site I actually have five (5) trained boiler technicians. Two of them were in the Navy; one worked with several different carpet mills and one worked with several companies over the past thirty-five (35) years as a boiler technician.

(330) – Neil Jackson – Are they training the security officers to operate the boilers?

(333) – Brian Morelock – We were trying to get a good clear delineation between the boiler attendant and the boiler operator. I'll let you gentleman speak to that....just what the security officers duties clearly are.

(336) - Eugene Robinson – You're going to update the manual to satisfy that.

(338) – James Neville – I can update the manual as far as the security officer on (page 7) as far as when that security officer is actually going to the boiler room... I did have a line in the manual ***during periods when the plant is unoccupied, the security officer in the central security office will monitor and respond to/or attend to emergency duties.*** I should define a little better that when a security officer is acting as a boiler attendant (actually going into the boiler room and checking that boiler)...just what his duties are.

(350) – Eugene Robinson – In that first paragraph on (page 7), it's unclear. It makes me think that functionality of the boiler is going to be classified or performed by someone such as an operator or security officer. That's what we don't want to see.

(356) – James Neville – I will narrow the scope down of the security officer so that it is clear that he is only monitoring the boiler when the plant is unoccupied.

(360) – Brian Morelock – If he shuts the boiler down, he will have to call a boiler operator in to tend to it per Rule 22 if you're going to keep it running.

(364) Ray Massengale – As previously mentioned, if there is an issue and boiler shuts down the attendant who is on call for the weekend will know as well because his cell phone will notify him that there is an issue.

(366) – Brian Morelock – Just make a few clarifications to make that plain.

(368) – James Neville – I will also update the Appendix G... as far as the duties there so it clarifies what duties that security officer can perform.

(377) – Eddie Lunn – There are four (4) issues in Regulations that a pressure vessel owner needs to address in these circumstances. (1) that is the definition of Rule 22...the literal interpretation of the words of Rule 22 that the boiler has to be a certain size. Their boilers are stated in there and they need that certain size so they do have to request variance and (2) they have to be looked at every twenty (20) minutes so if the boiler attendant had teleportation...if he can be in the boiler room in (19) minutes (no matter where he starts from) then they satisfy the rule; (3) the training for the attendant is someone who is qualified by the owner. That's what the Rule says, but qualified by the owner would clear up a lot of the definition issues. Is the

security person a nurse or whoever, if they are qualified by the owner then fortunately or unfortunately that's all the definition of the Rule...so the qualifications could be questioned; (4) people who do request a variance are people who are putting down in writing what they plan to do...that's a requirement to their asking to operate outside the Rules of the State of Tennessee. They have a greater risk by putting down in writing in a book that an inspector looks at than someone who doesn't appear before the Board and runs their pressure vessel and then maybe has to defend themselves later. If they're serious enough to put down in writing "this is what I'm going to do" then they are serious about safety, they are probably more serious about losing product. Because if a boiler goes down...a boiler occasion could still happen but that can happen in the (19) minutes that there's someone sitting there and hopefully it will happen in the (19) minutes that someone sitting next to the pressure vessel.

(430) – Dr. Canonico – One other question...on your map you show the Central Security Office...is it back (300) feet from (3) boilers in Plant #2. If those (3) boilers let loose, you would wipe out your security office.

(438) – Carlton Oliver – When you look at the map, the security office may be (300) feet but it is also (3) stories difference. There is an elevation difference between the security office and the boiler room. The boiler room is at the very back at the back side of the building on an outside wall...the security office is up on another level on the front side of the building so there is about (3) stories of elevation difference.

(445) – Dr. Canonico – Makes a point of the boiler explosion at a factory in Boston, MA that leveled a facility and killed several people. It looks almost too close to me to be comfortable...I wouldn't change it necessarily...I'm just alerting you to what my concerns are.

(457) – Eugene Robinson – Two questions: (1) Looking at (page 9 – paragraph 3): ***the boiler attendant shall immediately acknowledge by cell phone PIN then when he thinks it is safe...he will enter the boiler room to correct the problem.*** The pin number that he enters into his cell phone...it goes to one single boiler and shuts it down?

(466) James Neville – If that boiler has alarmed already it's been shut down by the controller....this is a secondary lockout (the PIN that he's entering).

(471) – Eugene Robinson – (2) And it just goes to that singular boiler?

(472) – James Neville – Yes, the boiler that's in alarm. The cell phone does have the capability to detect any boiler based on shutting it down.

(474) – Eugene Robinson – How does that work as far as separation? Is there a separate PIN for each boiler?

(478) – James Neville, Carlton Oliver and Ray Massengale explained that there is only one PIN but there is only one boiler that has gone into alarm and when he calls in the PLC knows which one. If that boiler calls with an alarm, a PIN number can be entered to activate a secondary shut down on that boiler. The boiler has to initiate...we can't call the boiler up and say "turn off". So we're actually communicating with a Honeywell. The Honeywell is communicating to us and we're responding back to that Honeywell.

(494) – Eugene Robinson – Is there anything in between that boiler and for the sake of discussion "the communication system" that could be snuffed out that would restrict that call from going out?

(498) – James Neville – You could have (2) different scenarios: (1) the Ethernet that goes back to the remote station and you also have the mod that's sending the cell phone text message so you would have (2) messages as a means of getting the alarm out.

(508) – Eugene Robinson – If the boiler goes into fail-safe, and the communication system doesn't work...let's talk about it...what's going to happen to the boiler?

(516) – James Neville – Two things would need to fail...(1) the network back to the HMI screen at the new remote station that would need to fail and the cell phone text message would need to fail as well. The Honeywell is controlling it at the boiler.

(523) – Eugene Robinson – To rephrase the question...if it goes into fail safe and those (2) enunciation systems fail...will the boiler lock out?

(528) – James Neville – Yes, the Honeywell will handle that first.

(530) – Eugene Robinson – The last question is on your Boiler Log...the last one for Columbia Boiler...you didn't have a block for operator testing. Was there a reason for that? Go to your Log...(page F-9). If you look at the one prior to that you'll see where it says ***system test for operator only***. All the other ones have ***operator tested*** except for the Columbia.

(544) – James Neville and Carlton Oliver offered the explanation that the omission is the result of an oversight and that the information does need to be added. McKee has adopted a BRC Standard for food quality and many of their forms are being revised.

(551) – Eugene Robinson – We just want to know what you do and therefore safety is the primary course.

(556) – Brian Morelock – If you look on (F-3) Plant 2 boiler....that should be Boiler 3 because the page before it refers to Plant 2/Boiler 2 (just a typo)...just make the correction. On Boiler # 3, you have listed as Boiler #2.

(562) – David Baughman - How many boilers are there total between Plant 2, Plant 5 and the Research Center?

(528 – James Neville – On the front of the variance you'll see the boilers listed: there are (3) at Plant 2; (4) at Plant 5; and (1) at ODMRC.

(562) – David Baughman – I'm showing on the power piping for ODMRC two boilers instead of one, am I correct?

(571) - Ray Massengale – There are (2) boilers...one is an Electric Riemers boiler.

(572) – Carlton Oliver – If one of them does not meet the requirements for the Variance it's 49 square inches of heat surface area...it's a small boiler.

(575) – David Baughman – Is it over 5hp? It's 250 KW....250 KW would be 25hp and it's a 150 psi boiler? Is that correct?

(580) – Carlton Oliver – If you're looking at the Riemers Boiler...that one is covered under the Variance.

(583) – David Baughman – The Columbia which is what's listed on the Log...if it's under the Variance, there's no Log Sheet for it and you're listed the Columbia on the Log Sheet and the Riemers is not. You said the Riemers is covered under the Variance...the Columbia is a gas fired boiler which is listed on the Log Sheet but you're saying it's not covered under the Variance. Is that correct?

(590) – Ray Massengale – That's the way it should be. The Columbia gas boiler is the smaller. The Riemers is the one that we want to include under the Variance.

(620) – David Baughman – I'm looking at the power piping (Appendix E); the Riemers is listed but the Columbia is not and the Columbia boiler you have horsepower blower, you have a JR15A-10 which is usually a little burner that goes on a 10-15hp boiler set to 5hp and above is operating about 15 psi then this needs to be included in our Variance information and it's lacking. You have Riemers listed one place and you have no Log Sheet for the Riemers. You have Columbia listed on the Log Sheet but it's not listed in the Manual.

(638) – James Neville – We can list both of the boilers if you think that would be best.

(640) – David Baughman – If they are both operating, they both need to be listed in the Manual. I have a (G-2 and then it goes to (J-1). Was there a (H) in the Manual?

(675) – Ray Massengale – There was a (H) pulled. That may be why this is different under the Columbia boiler because under the old variance our boiler techs were told there was not a variance for this. That may be why the Log Sheet looks different from the others. We do a Log Sheet on both... but that could explain why the one on the Columbia looks different because it has not been listed under our Variance and they have not treated it as the same.

(684) – Stephen Spence and Carlton Oliver stated that the requirements are a boiler having a rating of either 5hp or 50 square feet of heating surface. It may be in the paperwork for it that this one is 49 and 50 so we've never included it in our Variance. It's much smaller than a Riemer so technically it's exempt.

(697) – David Baughman – We'd like to get at least the boiler information on it. Whoever the inspector is will be looking at that but just to double check going back over the heating surface and etc.

(701) – Stephen Spence – Could I suggest that I list that boiler in there and maybe under the remarks explain that it's not a part of the variance...list it so that they can understand that it's in the same boiler room.

(705) – Brian Morelock - Yes. If you do put it in you have to make sure that it's clear because Neil will come down and look at that and he's going to ask to see the Manual and he's going to hold your feet to the fire.

(711) – David Baughman – Another question, we've got a PA system that's on the feed water piping....not for the Research and Development but we're operating a pressurized Pied Water System for the other boilers. Is there any monitoring of it whatsoever...since it is a pressure vessel?

(718) – Carlton Oliver - Just vehicle monitoring when they make their checks through the boiler rooms. It doesn't come out in audit; it doesn't have any type of remote monitoring.

(720) – David Baughman – Are the feed water pumps on and off or are they modulating on those boilers?

(723) – Carlton Oliver – The feed water is continuous.

(724) – David Baughman – On your remote emergency shut-off switch required by CSD-1, what is it disconnecting on the boiler when it manually pushed?

(728) – Carlton Oliver – It's in the same emergency stop as the pressure switches; it goes to the Honeywell.

(729) – David Baughman – So it's in the limit circuit? And that's for all of the boilers?

(722) – Carlton Oliver replied yes.

(736) – David Baughman – One issue I have with tying it in with the limit is where it ties in with the limit. We had a boiler that had a failure of the limit circuit and the limit circuit short circuited so there is some discussion as far as where to wire in an emergency boiler shut-off switch. Does it go into the limit circuit; does it go into the gas valve; does it go into the main power, etc. That's always something that if the answer is "yes", it's not a "one type fits all". It has to be determined for each and every particular boiler installation. In fact if it kills the main power on modulating feed water it kills the power to the boiler and feed water is also on separate if the modulating feed water valve is not a failsafe in a closed position but gets killed in an opened position, the boiler can flood. The pumps will continue to run at their continuous operation and if that valve does not have a return mechanism in it to go close, and you kill the power in an opened position, the feed water is going to fill the boiler and it will not be a good situation on that end of it. That's why I asked that question. But on all the boilers each one of them you say is tied in with the limit circuit?

(763) – Carlton Oliver replied again, yes.

(765) – David Baughman – Thanks Mr. Lunn for his earlier discussion of Rule 22....and adds that we say that the owner is the one responsible for ultimately qualifying the boiler operators. As far as the competency of their operation who is responsible in this position for that?

(775) – Ray Massengale – I am responsible for their training.

(776) – David Baughman – So ultimately it's your "John Hancock" that will go down as being the one that's (qualifying them?) I just wanted to have that on the record also.

(788) – Neil Jackson – Page (3), is that a true statement about (127) fault messages? They used the statement that under the fault the following fault messages are an example of the messages that appear in result of a non-critical problem. I don't know which one shuts the boiler down. When I go to do the inspection by what they're saying on page (3) I can pick any one of these and trip the boiler and they'll get a fault message on it?

(811) – Eugene Robinson mentions that they may want to state in the Appendix *as shown in Appendix C* and commends Neil Jackson for catching sight of the statement. Each one in the room should want to go test one of the faults to ensure that they work. The McKee reps can even measure it in their plant having the knowledge that they have it set up to shut down at 150 psi and it's 160...what's the problem?

(825) - James Neville - That list (the error messages for the Honeywell) some boilers have different settings (different alarms).

(835) - **Neil Jackson** - 127 have been listed....I don't see anything under low water so if they get a fault in low water, what are they going to see on the message intake?

(847) - **David Baughman** – You say that they are all Honeywell...what's on the electric?

(849) – **Neil Jackson** – You have relays and everything there.

(851) – **David Baughman** continues with his earlier reference of a “carte blanche” statements made that there's Honeywell on everything but I'm interested to know what enunciates off the electric boiler. At this point, from what I understand is that we don't know.

(858) – **James Neville** states that that is an answer he will have to find out.

(859) – **Neil Jackson** – Anytime they have to go all the way back to the supplier of the equipment to even understand these fault messages and are privy to what they are or what to do....that's what I find.

(868) – **James Neville** – Poses the question whether he needs to create a matrix of the actual boiler and those alarms.

(870) – **Neil Jackson** – Answers that since you're going to all eight (8) boilers on one remote monitor I would agree, yes.

(871) – **Brian Morelock** – What Neil needs to know is when he comes in to do his inspection and per your own testing if you put in the Manual that this is going to shut the boiler down then he's privy to execute any one of those to see if it actually works. He just wants to make sure that your Manual is saying what it's going to do and doing what it says. If there is a simple way of doing that...by all means do it and cautions that it is not his intent to tell them what to do ...but if each boiler is different you could have a standard set of fault messages apply to all eight (8) boilers. **Example: boiler (1) these additional or however you want to do that.**

(884) – **Eugene Robinson**- Such as your **critical components**...is that what you want to see?

(891) – **Neil Jackson** – I'm not interested in some simple little relay that didn't work...but the critical fault indications is what I'm looking for.

(892) – **James Neville** – So if I just list the **critical faults** in Appendix C....that would be adequate.

(895) – **Brian Morelock** – If it's going to be **critical** to the boiler. I won't tell you what **critical** is. Brian continues by asking if the Board, Neil Jackson,

and everyone is satisfied...are there any more comments, questions or concerns before we vote?

(902) – David Baughman - Motions that this will be contingent upon the revisions and the acceptance of those revisions?

(905) – Eugene Robinson – Seconds the motion.

(907) – Brian Morelock – We are going to vote to approve this variance contingent upon the inspection by Neil Jackson; contingent on today's discussion that these changes will be incorporated into the Manual by the time that Neil Jackson goes to perform his inspection so that when he reviews it, it will satisfy. Our approval is contingent upon his successful inspection of your variance.

(915) – Dr. Canonico – Poses the question if Neil will look for all the changes.

(916) – Brian Morelock – Replies yes and he will need a revised Manual and expresses that the Appendix change is excellent because it lets him see what has changed. Brian calls for the question and the Board votes their approval of the variance for McKee Foods.

(927) – Carlton Oliver – I assume by this that as soon as we get everything prepared on our end we notify you.

(928) – Brian Morelock – Explains that they will notify Chief Chad Bryan and the Chief will work with Neil Jackson to get you an inspection scheduled and you'll be ready to go.

VIII. 13-02 – (938) - Country Delite Farms, 1401 Church Street, Nashville, Tennessee is requesting a new variance on two (2) high-pressure boilers that operate under the requirements of Chapter 0800-03-03-.04(22)

(942) – Brian Morelock – States that the Board did not receive any variance manuals on this item. Delite is not present at this meeting; and asks Assistant Chief Sam Chatman if there has been any communication with Country Delite Foods. At which Sam replies no.

(947) – Deborah Rhone – I think the Chief may have had conversation and they were to submit the paperwork but we never received it.

(953) – Stephen Spence – Offers Delite would like to postpone and they would be sending in those manuals.

(957) – Brian Morelock – Is the proper term table or postpone until the next meeting? Dr. Canonico explains that the proper term would be to postpone.

IX. 13-04 – (963) - Discussion of Future Meetings – Newly elected Chairman Morelock reminds the Board that there was no March 2013 meeting and the Rules of Law require that the Board has four (4) meetings so a schedule needs to be determined to satisfy that requirement and make up for that meeting. We need to remember that for people to submit items to the Board, we require forty-five (45) days advance receipt of that information so it would be unfair to schedule our meetings tighter than that (45) day period.

- **Arthur Franklin** – States that after speaking with several attorneys as well as Sydné regarding the schedule of open meetings/Board meetings. If a meeting is scheduled and there are no agenda items the consensus was that there is no problem with canceling the meeting in advance. The meeting there was no March meeting was due to the fact that there was no agenda.
- **David Baughman** – I would have proposed a round table discussion in that case (had we known in time that there were no agenda)...items that need to be discussed. There are many things to be discussed. Arthur mentions that in the past we have scheduled special called meetings and points out that he just wanted to bring this information to the Board's attention and it is in reality the will of the Board.
- **Brian Morelock** – We just want to make sure that we are not violating the law. If you are advising the Board that the March meeting will be counted as a meeting that was cancelled and we're satisfying the law. Arthur replies that the statute requires that the Board meet four (4) times per year. Brian proceeds by asking Sydné whether or not the Board is permitted to cancel the March meeting.
- **Sydné Ewell** - The statute states that the Board shall elect one of its members to serve as Chair and at the call of the Chair the Board shall meet at least four (4) times each year at the State Capitol or other place designated by the Board. Dr. Canonico asks if the word is (**shall**) followed by a reply of yes from Sydné.
- **Arthur Franklin** – Restates that after speaking with several attorneys who represent various boards throughout the State. Their take was that given the economic situation if there is nothing up for discussion then it should be understood that a meeting is not necessary.
- **Dr. Canonico** – Reminds the Board that we are considering the law...if the law says that we don't have to then that's fine. Sydné adds that if the Board doesn't really know the date maybe based on what you receive then you could determine what you would like to meet about so that you would have (4) meetings so you'll meet (4) times to discuss agenda items. That's my interpretation of the law.

- **Arthur Franklin** – As far as scheduling a meeting in hopes that more agenda items will be submitted...it appears that not a great deal is going on at this time and suggests scheduling another meeting after the September meeting the Board will meet again to discuss various issues that are pertinent.
- **Brian Morelock** – If we hold the September 4th meeting, then from September to December we really would not have time to satisfy the (45) days submission requirement to try to squeeze two more meetings in. Arthur replies that the Board could still meet to discuss necessary issues and that could be considered meeting and we would not be in violation of the law as to the public's right to submit agenda items. Brian states that is an option and mentions that Chief Bryan offered an option of tying the Board meeting in with the Annual Boiler Training. Arthur's intent is to have all of the training during the first week of December.
- **Arthur Franklin** – After reaching out to several colleges/universities (including Vanderbilt and Dr. Johnson) for possible candidates to apply for the vacant board position of a person who teaches at a university or college of engineering or a mechanical engineer with similar qualifications with no success, Arthur solicits the assistance of the Board. Each Administration establishes different policy and the present Administration asks for three (3) eligible candidates. Brian Morelock adds that he is working through Eastman's recruiting contacts at the colleges to try and provide some applicants.
- **Brian Morelock** – Continuing with further discussion regarding the cancellation of the March meeting suggests that if Arthur and Sydné are in agreement that the March meeting counted as a meeting cancelled as a result of no agenda items and that counts as one of the (4) meetings the Board shall have, we can continue on with our regular schedule but if not, we need to schedule an additional meeting to get the (4) in. To which Arthur replies that maybe in the future there may need to be a policy that if there are no agenda items then some discussion of (X,Y,Z) could take place because we would know in advance if there are/are not any agenda items. Sydné states her legal opinion of the law which states (**shall**) which means mandatory and since there was no March meeting, the Board needs (4) meetings according to the statute. You can meet to discuss whatever....there's no mention that there has to be variances or discussions to the Rules.
- **Brian Morelock** informs the Board that a meeting needs to be scheduled. In order to maintain the Wednesday meeting day, the suggested meeting dates were:
 - Wednesday, August 21, 2013
 - Wednesday, October 16, 2013
 - Wednesday, December 4, 2013
 - The September 4, 2013 meeting will be scratched

- **Sydné Ewell** - Suggests that the Board should meet on develop some ideas of what will be discussed at those meetings in case there are no advance requests at which point Brian replies that David Baughman is developing a list of items for general round discussion.
- **Eddie Lunn** – Asked if the (45) day allowance will be incorporated into this revised meeting schedule.
- **Eugene Robinson** - poses the question to Sydné if similar state boards has had similar postponement of meetings whereby a case for precedent can be set? To which Sydné replies that without knowledge of said information, she cannot properly answer the question. Again, she refers to the terminology of our statue which says (**shall**).
- **Eugene Robinson** – Motioned to adopt and David Baughman seconded the motion for the revised meeting dates of :
 - Wednesday, August 21, 2013
 - Wednesday, October 16, 2013
 - Wednesday, December 4, 2013

The Board voted their approval.

- X. **(RULE CASES & INTERPRETATIONS** – (1309) -There were no rule cases and interpretations.
- XI. **(1311) -THE NEXT BOARD OF BOILER FULES MEETING** is scheduled for 9:00 a.m. (CT), Wednesday, August 21, 2013 at the Department of Labor & Workforce Development office building located at 220 French Landing Drive, Nashville, TN
- XII. **ADJOURNMENT** – (1315) – Dr. Canonico made the motion to adjourn; Eugene Robinson seconded the motion and the Board voted their approval. The meeting was adjourned.