

STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
BOARD OF BOILER RULES

QUARTERLY MEETING OF THE
STATE OF TENNESSEE
BOARD OF BOILER RULES

December 11, 2024

ORIGINAL

CASSANDRA M. BEILING, LCR# 371
STONE & GEORGE COURT REPORTING
2020 Fieldstone Parkway
Suite 900 - PMB 234
Franklin, Tennessee 37069
615.268.1244

1 APPEARANCES:

2 David W. Baughman, Chairman/Board Member

3 Micah Lashley, Board Member

4 Riley Collins, Board Member

5 Richard Scott May, Board Member

6 Jeffery Henry, Board Member (not present)

7 Thomas Herrod, Assistant Commissioner
8 Tennessee Department of Labor & Workforce
Development

9 Melissa Owens, Esq., Legal Counsel
10 Tennessee Department of Labor & Workforce
Development

11 Chance Deason, Esq., Legal Counsel
12 Tennessee Department of Labor & Workforce
Development

13 Dewayne Scott, Deputy Commissioner
14 Tennessee Department of Labor & Workforce
Development

15 Jimmy Watson, Acting Chief Boiler Inspector
16 Tennessee Department of Labor & Workforce
Development

17 Mia-Lyn Wiley, Boiler Board Secretary
18 Tennessee Department of Labor & Workforce
Development

19 Alex Cass, Deputy Boiler Inspector
20 Tennessee Department of Labor

1 ADDITIONAL Appearances:

2 James Fred Allison
3 Factory Mutual

4 Lionel Dunnevant
5 Combustion & Control Solutions

6 Brian Cavin
7 McKee Foods

8 Marty Toth
9 Lori Reeves
10 ECS Consulting and Boisco Training Group

11 Scott Baum
12 Chubb Insurance

13 John Hayes
14 Combustion & Control Solutions

15 Marvin Rose

16 STONE & GEORGE COURT REPORTING
17 Cassandra M. Beiling, LCR

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24 ** Reporter's Note: All names are spelled
25 phonetically unless otherwise provided to the
Reporter by the parties.

A G E N D A

1. Call Meeting to Order
2. Introductions and Announcements
3. Adoption of the Agenda
4. Approval of the Meeting Minutes and Transcript for September 11, 2024
5. Chief Boiler Inspector's Report
6. Old Business - None
7. New Business
 - A. Variance Request
24-04 McKee Foods
 - B. Repair License Approval
Wilson Boiler Service, Inc.
8. Board Cases and Interpretations
 - *BC 24-02 Maximum of 180 Days for a Company with an Approved Variance to Notify the State of Inspection Readiness
 - *BI 24-01 Electric Power Boilers & Steam Generators rated at 49.0 KW and above to adhere to TDLWD Rule 0800-03-.08(11) Attendants for Power Boilers
 - *BI 24-02 Walkways, Runways, and Platforms Across Adjoining Boilers & Pressure Vessels
 - *BI 24-03 Mobile Rolling Platforms
9. Open Discussion
- 10: Upcoming 2025 Scheduled Quarterly Meetings
 - *March 12, 2025
 - *June 11, 2025
 - *September 10, 2025
 - *December 10, 2025
11. Adjournment

1 * * * * *

2 CHAIRMAN BAUGHMAN: We're going
3 to call the December quarterly meeting of the Boiler
4 Rules Board to order.

5 I just want to welcome everybody.
6 Thanks for being here. The weather at least is a
7 little bit better than what it was last week,
8 albeit I just got back from vacation, so it was
9 warmer where I was. But anyway, with that, I'm
10 just glad everybody is here safe this morning.

11 So we are presently waiting on a
12 board member to arrive. He's only a few minutes
13 out.

14 But we're going to go ahead and
15 start, if that's okay, with our roll call. So
16 I'll ask our board secretary, Mia-Lyn, to conduct
17 the roll call, please.

18 MS. WILEY: Good morning.
19 Mia-Lyn Wiley, Board Secretary.

20 Mr. Dave Baughman?

21 CHAIRMAN BAUGHMAN: Here.

22 MS. WILEY: Mr. Riley Collins?

23 MR. COLLINS: Here.

24 MS. WILEY: Mr. Jeff Henry?

25 (No verbal response.)

1 CHAIRMAN BAUGHMAN: He's absent.

2 MS. WILEY: He is absent today.

3 Mr. Micah Lashley?

4 (No verbal response.)

5 MS. WILEY: On his way.

6 Mr. Scott May?

7 MR. MAY: Here.

8 CHAIRMAN BAUGHMAN: Thank you
9 for that.

10 So with that, Mia, do we have a
11 quorum present?

12 MS. WILEY: Yes, sir.

13 CHAIRMAN BAUGHMAN: Very good.
14 It's recorded that we have a quorum.

15 So moving on to Number 2,
16 Announcements. There will be a public comment
17 period before every agenda item that requires a
18 vote.

19 And, Counsel, Mr. Deason, would you
20 expand upon that a moment, please?

21 MR. DEASON: Yes.

22 We've had this for a while. If you
23 wish to make a public comment on an agenda item --
24 and we only allow comments on agenda items --
25 please sign up in the back.

1 MS. OWENS: It's right here.

2 MR. DEASON: Oh, is it right
3 here?

4 Please sign up right here. Comments
5 are limited to three to five minutes. The Chair,
6 at his discretion, may expand that. We've had
7 issues in the past with people not following that
8 rule. So if people speak without being recognized
9 by the Chair, we'll ask you to leave. Thank you.

10 CHAIRMAN BAUGHMAN: Thank you
11 for that clarification, Mr. Deason.

12 We always want to give everybody
13 input and so forth. So with that, we want to make
14 sure that folks are given the opportunity to make
15 comment before an agenda item that's coming up for
16 a vote be presented.

17 So the next item after Announcements
18 is Number 3, the Adoption of the Agenda.
19 Everybody have an agenda or anybody need an
20 agenda?

21 Is there any public comments
22 regarding the agenda before we vote to adopt the
23 agenda?

24 (No verbal response.)

25 CHAIRMAN BAUGHMAN: Not seeing

1 any, I'll call for the motion to adopt the agenda.

2 MR. MAY: Scott May. I make a
3 motion to adopt the agenda.

4 CHAIRMAN BAUGHMAN: Second?

5 MR. COLLINS: Second.

6 CHAIRMAN BAUGHMAN: Second by
7 Riley Collins. With that, we will vote on the
8 motion to adopt the agenda.

9 All in favor, say "aye."

10 (Affirmative response.)

11 CHAIRMAN BAUGHMAN: Opposed?

12 (No verbal response.)

13 CHAIRMAN BAUGHMAN: We've got an
14 adoption of the agenda.

15 We'll move on to Item Number 4, which
16 is the approval of the meeting minutes and
17 transcript for the September 11th, 2024 meeting.

18 Is there any public comments in
19 regards to the meeting minutes?

20 (No verbal response.)

21 CHAIRMAN BAUGHMAN: Seeing none,
22 we'll ask for a vote or vote on the approval of the
23 minutes, the transcript for the September 11th
24 meeting.

25 Do I have a motion to approve?

1 MR. MAY: Motion to approve.

2 CHAIRMAN BAUGHMAN: Scott May.

3 MR. COLLINS: Second.

4 CHAIRMAN BAUGHMAN: Riley

5 Collins, second.

6 All in favor, say "aye."

7 (Affirmative response.)

8 CHAIRMAN BAUGHMAN: Opposed?

9 (No verbal response.)

10 CHAIRMAN BAUGHMAN: We have an
11 approval of the meeting minutes.

12 Moving along, Number 5, Chief Boiler
13 Inspector's Report.

14 I'm going to make a comment, being
15 that we've got a Chief Boiler Inspector, not an
16 Acting Chief Boiler Inspector. So I would like
17 to, for one, welcome Jimmy Watson as our Chief
18 Boiler Inspector for the State of Tennessee and
19 his compadre sitting to his right, Alexander Cass,
20 as our Assistant Chief Boiler Inspector.

21 And I'm thankful to have both of you
22 guys at the helm and being in this position. So
23 thanks for serving.

24 MR. WATSON: Thank you very
25 much. It's good to be in great company also with

1 everybody.

2 Let's start off with the first slide
3 we have here. We are just under 6,600 inspections
4 for 2025. Well -- yeah. Sorry about that. 6,597
5 inspections for the year of 2025 currently.

6 Go to the next slide. Our
7 delinquency rate has taken a great fall for the
8 better. We're at, at the time of this slide,
9 1.99 percent delinquent for the state of
10 Tennessee.

11 And here is just a visual of our
12 counties, delinquents by counties. Davidson
13 County, Maury County, those are the two highest
14 ones we're knocking down, chipping away, so
15 starting to look really good.

16 Now, the next slide is State Code
17 Violations. This is since July 1. We had 559
18 violations cited by the State issued. We cleared
19 292 of those. 267 remain open for the State. And
20 for State and insurance combined, we're at 2,035
21 open, currently.

22 On the next slide, to date we have 84
23 active variances. And since January 1, we've
24 performed 30 inspections, we passed 28 of those,
25 and two of them went back to the one-hour.

1 MR. ALLISON: Jimmy, which two?

2 MR. WATSON: Oh, I got that on
3 one of my slides.

4 MR. ALLISON: Just a curiosity.

5 MR. WATSON: Yes. It is Carlex
6 Glass and Southern Hills Medical.

7 MR. ALLISON: Okay.

8 THE REPORTER: If you're going
9 to speak, can you identify your name?

10 MS. OWENS: Yes.

11 MR. ALLISON: I'm sorry. James
12 Allison.

13 MS. OWENS: And if you're going
14 to speak, you do need to save that for actionable
15 items only and you must sign up for public comments.

16 MR. ALLISON: So point of
17 information-type requests are not authorized
18 according...

19 MS. OWENS: You will need to
20 get --

21 MR. ALLISON: Okay. All right.
22 Thank you.

23 CHAIRMAN BAUGHMAN: And I
24 appreciate that. And you can always just ask me.

25 MR. ALLISON: Yes, sir. Will

1 do. Will do.

2 Thanks, Jimmy.

3 MR. WATSON: Yes, sir.

4 All right. And this next slide is
5 our past variances since the last meeting has come
6 up.

7 Go over to the next slide and we have
8 Southern Hills Medical. We're actually going to
9 our third visit here pretty soon. Carlex Glass,
10 we'll be going back for their second visit. I
11 performed both of those variance inspections
12 myself. And Clover Bottom Developmental Center is
13 set up for around January for me to go out and
14 visit.

15 Our next slide, this is an incident
16 we had in Strawberry Plains, Tennessee. They were
17 feeding and destroying noncombustibles into the
18 boiler, they were kind of receiving from outside
19 sources, just trying to destroy for them. They
20 were feeding an aerosol, like a Pam spray, cooking
21 spray, and had a bad reaction in that chamber. It
22 blew the door off. It was a very minor accident,
23 but it's their third accident on that same boiler.

24 We got them to, if you go to the next
25 slide, completely remove that feed line. So they

1 are no longer accepting these products and trying
2 to destroy these products in the boiler.

3 I sent to your email and Mr. Riley
4 Collins' email also, just the report from Carl
5 Knight and myself, and Alex Cass was present at
6 that inspection also.

7 CHAIRMAN BAUGHMAN: Mr. Watson,
8 what were the previous two incidences that they had?
9 Were they combustion related also?

10 MR. WATSON: Exact same issues.
11 And they were previously investigated by insurance,
12 and they had to deal with them to completely get rid
13 of that feed line this coming up January. But the
14 incident happened again before they could get rid of
15 that line. But they were only introducing it when
16 it was above 25 percent fire.

17 CHAIRMAN BAUGHMAN: Interesting.
18 And it was a material like Pam?

19 MR. WATSON: Pam. They were
20 doing animal fats. Whatever they would bring them,
21 they were destroying in the boiler.

22 CHAIRMAN BAUGHMAN: So they have
23 two boilers.

24 MR. WATSON: Uh-huh.

25 CHAIRMAN BAUGHMAN: Does the

1 other boiler have this introduction of fats also?

2 MR. WATSON: Whenever that main
3 one is down, they'll kick on the other one. So it
4 was -- the other one, it actually had the door kind
5 of knocked off a little bit from the piping going
6 into it. When it blew the first one off, it kind of
7 knocked that other one off. So it was kind of like
8 a double incident, but it was caused by the main
9 boiler.

10 CHAIRMAN BAUGHMAN: So the other
11 boiler, as you're facing the two boilers, this was
12 the boiler on the right.

13 MR. WATSON: Uh-huh.

14 CHAIRMAN BAUGHMAN: Does the
15 boiler on the left have this introduction of --

16 MR. WATSON: Yes, sir.

17 CHAIRMAN BAUGHMAN: -- Pam in
18 the --

19 MR. WATSON: It did. It did.

20 CHAIRMAN BAUGHMAN: It did.
21 It's disconnected also.

22 MR. WATSON: Disconnected
23 completely. No boiler in the building is --

24 CHAIRMAN BAUGHMAN: Has it ever
25 had an incident?

1 MR. WATSON: Not directly
2 related to itself. It was caused by the first
3 boiler blowing the door off, and you see it's kind
4 of piped over and kind of damaged the front door of
5 that one also, the burner.

6 CHAIRMAN BAUGHMAN: So no other
7 incidents --

8 MR. WATSON: Not on its own, no,
9 sir.

10 CHAIRMAN BAUGHMAN: -- related
11 to that. Interesting.

12 MR. WATSON: And that would
13 actually -- unless there's any other questions about
14 this, that's the end of my Chief Report.

15 CHAIRMAN BAUGHMAN: The only
16 other question I had, Chief Watson, was going back
17 to the State, we had the State inspections, State
18 code violations, but what about insurance?

19 MR. WATSON: I wasn't able to
20 get those from JRS in time to put those on a slide.
21 I actually still don't have them from JRS. I'm
22 trying to get them for next meeting. I want both of
23 them to be listed in the future.

24 CHAIRMAN BAUGHMAN: You bet. It
25 gives us a good comparison. Seems like everything

1 is trending in the right direction. Just want to
2 make sure we've got the data.

3 MR. WATSON: That's it. Yes,
4 sir.

5 CHAIRMAN BAUGHMAN: Excellent.

6 The variance for both Carlex and
7 Southern Hills, what were the incidences for both
8 of those that caused them to -- I think we've
9 talked about -- well, we haven't talked about
10 Southern Hills before. Maybe we have.

11 MR. WATSON: We have.

12 CHAIRMAN BAUGHMAN: Okay.

13 MR. WATSON: Southern Hills,
14 they -- whenever we put the boiler in alarm, it
15 wasn't sounding. So the remote station, they were
16 unaware of any alarms going off.

17 The second visit I went back out, I
18 tested all three boilers they had on the variance
19 and most of them were sounding off. They still
20 had to repair a couple. But I also noticed a
21 FireEye changed out from where a Honeywell was
22 installed. I told them they needed to get that
23 Honeywell, same make, model, everything installed
24 back to continue for the third variance
25 inspection.

1 CHAIRMAN BAUGHMAN: So they've
2 got three boilers.

3 MR. WATSON: Yes, sir.

4 CHAIRMAN BAUGHMAN: Did they
5 only change the programmer on one boiler?

6 MR. WATSON: Uh-huh.

7 CHAIRMAN BAUGHMAN: Okay. Did
8 they give any indication -- I think we asked this
9 probably at the previous meeting. But being that
10 the alarms weren't going off, that should have been
11 caught in their protocol, on their checks.

12 MR. WATSON: Yes, sir.

13 CHAIRMAN BAUGHMAN: So when was
14 that noted? To me -- and I'll just say that that
15 seems like it's a total variance from the variance
16 protocol. So how long had it been, from the time
17 that this happened, that they noticed or logged it?
18 I take it this -- I mean, the log -- it's a
19 requirement to have the logs. I'm just interested
20 to know because it's a bit bothersome.

21 MR. WATSON: The boiler that
22 they had a FireEye on is a backup boiler, so they
23 really don't run that boiler. But it's on the
24 variance, so I checked it.

25 CHAIRMAN BAUGHMAN: Okay. And

1 the other two boilers are operational?

2 MR. WATSON: Uh-huh.

3 CHAIRMAN BAUGHMAN: Okay. But
4 the alarms didn't alarm back on either of those two?

5 MR. WATSON: No, sir.

6 CHAIRMAN BAUGHMAN: Okay. So my
7 question, I guess, is how long had it been, and
8 looking at their logs, were their logs being fudged?
9 I'm trying to get back to whether they were
10 following the protocol of the variance. And if
11 anything was being fudged, then that, to me, is a
12 violation of their operation and their variance. So
13 do you know how long it had been inoperational as
14 far as their alarms go?

15 MR. WATSON: They claim to have
16 been checking them every morning, every shift when
17 they come in. I can only go by what they say. I
18 mean, if it went out where it wasn't alarming, so
19 happened the day I arrived...

20 CHAIRMAN BAUGHMAN: Yeah.

21 MR. WATSON: Yeah.

22 CHAIRMAN BAUGHMAN: Yeah, I
23 understand.

24 In looking at their log sheets, did
25 their log sheets show that they had been checking

1 them properly?

2 MR. WATSON: Yes, sir.

3 CHAIRMAN BAUGHMAN: Okay.

4 That's all we can go by, then.

5 MR. WATSON: Yes, sir.

6 CHAIRMAN BAUGHMAN: I hate to
7 read between the lines too much, but it seems to me
8 like things were out of order in that regard, but
9 that's why we've got you guys out there following up
10 on this.

11 MR. WATSON: On my third
12 variance, I'll make sure the FireEye has been
13 replaced like requested, and I'm checking all three
14 boilers to make sure every safety goes to the remote
15 station.

16 CHAIRMAN BAUGHMAN: Did the
17 other two boilers have FireEye?

18 MR. WATSON: They had
19 Honeywells.

20 CHAIRMAN BAUGHMAN: Okay. And
21 they still have Honeywell?

22 MR. WATSON: Yes, sir.

23 CHAIRMAN BAUGHMAN: But they
24 were operating properly. The other one, when it
25 was -- I guess I don't understand their thinking of

1 why, when one programmer was changed, it wouldn't
2 have been tied in to the alarms properly. But not
3 being intimate with the system, I don't know.

4 MR. WATSON: Right.

5 CHAIRMAN BAUGHMAN: It just
6 sounded a little hinky, is all I'm saying.

7 MR. WATSON: Yes, sir. I agree.

8 CHAIRMAN BAUGHMAN: That's a
9 technical term.

10 Carlex Glass.

11 MR. WATSON: Carlex Glass, they
12 didn't have their certificate at the time. And
13 their remote station, they had just hired on a new
14 staff in there and they were untrained.

15 CHAIRMAN BAUGHMAN: Okay. Good.
16 Well, they should have that taken care of for that.

17 MR. WATSON: Yes, sir.

18 CHAIRMAN BAUGHMAN: Thank you
19 very much for the good report on there.

20 Any other comments?

21 (Micah Lashley enters the room.)

22 CHAIRMAN BAUGHMAN: Micah, it's
23 good to see you.

24 Introduce Micah Lashley. Also, for
25 the record on there, that he's now here.

1 Good to see you, Brother.

2 MR. LASHLEY: Better late than
3 never.

4 CHAIRMAN BAUGHMAN: Yes, sir.

5 Any other comments for the Chief and
6 Assistant Chief?

7 (No verbal response.)

8 CHAIRMAN BAUGHMAN: All right.
9 Good report.

10 MR. WATSON: Thank you, sir.

11 CHAIRMAN BAUGHMAN: Thank you.

12 That brings us to Item Number 6, Old
13 Business. We have none.

14 So that brings us to Number 7, which
15 will be New Business.

16 Is there any comments on the new
17 business, which is Item Number 24-04, McKee Foods,
18 Collegedale, Tennessee, seeking the attendants
19 variance approval for ten boilers. Is there any
20 public comment on this prior to our review and
21 discussion?

22 (No verbal response.)

23 CHAIRMAN BAUGHMAN: Seeing none,
24 thank you.

25 So before we proceed with our

1 discussion, are there any conflicts of interest
2 within the Board?

3 (No verbal response.)

4 CHAIRMAN BAUGHMAN: Seeing none,
5 will a representative of McKee Foods please come up
6 to the public podium and present the variance
7 request.

8 If you two gentlemen would introduce
9 yourself, please.

10 MR. DUNNAVANT: I'm Lionel
11 Dunnavant with Combustion & Control Solutions.

12 MR. CAVIN: Brian Cavin with
13 McKee Foods.

14 CHAIRMAN BAUGHMAN: Thank you,
15 guys, for being here.

16 Do we need to have a motion to
17 discuss or can we just move into discussion?

18 MR. DEASON: I don't believe you
19 need to have a motion to discuss, but you obviously
20 have to have a motion to vote.

21 CHAIRMAN BAUGHMAN: To vote.
22 Okay. Great. We'll just start in on our
23 discussion.

24 Thank you, guys. Present away.

25 MR. DUNNAVANT: What we did here

1 at this facility since the campus is so large -- the
2 issue with the existing variance was that the
3 e-stops were not hardwired. We split this into two
4 facilities. Each has their own security center. So
5 Plant 2 is stand-alone. Plant 5 and P5 Energy
6 Center is stand-alone.

7 The research center, because of the
8 situation in that building, the only time that
9 small boiler is used is when they're actually in
10 there, and it will remain on the one-hour rule,
11 the small boilers, 4 1/2 horsepower, which doesn't
12 fall under the variance anyway. But in either
13 case, if they're using those boilers -- someone is
14 always in the lab anytime they're used, so they
15 will be under the one-hour rule and not under this
16 variance.

17 And everything -- upon approval,
18 we'll start pulling wire. We've got almost a mile
19 of wire to pull and everything will be hardwired.
20 The radio system will be deactivated. And each
21 center, whether Plant 2 or the Plant 5 facility,
22 will get its alarm per its plant. Everybody will
23 operate the same under the variance.

24 CHAIRMAN BAUGHMAN: Very good.
25 All right. So with that, I'll start off with

1 questions. I've got one just right off and I've got
2 to ask it while I'm thinking of it or I'll forget.
3 You said it will be hardwired.

4 MR. DUNNAVANT: Yes.

5 CHAIRMAN BAUGHMAN: And it's not
6 been hardwired yet.

7 MR. DUNNAVANT: No. It's been
8 an old radio system, which until, you know, a few
9 years ago was acceptable and that's the way it's
10 been run. When we brought it up with the addition
11 of the P5 Energy Center, which was going to be
12 hardwired, that's where everything came about that
13 the existing one could not be grandfathered because
14 there's no more radio or cellular communication
15 allowed.

16 CHAIRMAN BAUGHMAN: When is the
17 time frame to have it hardwired?

18 MR. DUNNAVANT: We haven't
19 started yet, have we?

20 MR. CAVIN: No.

21 MR. DUNNAVANT: We're kind of
22 waiting on approval because it is such a substantial
23 amount of wire to pull. And once approved, then
24 we'll get the panels in and get it hardwire tested
25 and trained and go from there, requesting

1 inspection.

2 CHAIRMAN BAUGHMAN: Got you. So
3 if it's not approved, then you'll stay status quo,
4 stay on the one-hour, so forth.

5 MR. DUNNAVANT: That is correct.

6 CHAIRMAN BAUGHMAN: My question
7 being that the DOD, the two boilers, the Reimers and
8 the Columbia, we said that the Columbia was under
9 the requirement of 4.5 horse and so forth. But in
10 those meeting minutes, we wanted verification
11 that -- we wanted information on -- I take it it's
12 got a little Power Flame J burner on it.

13 MR. DUNNAVANT: Yes. Yes.

14 CHAIRMAN BAUGHMAN: But we're
15 wanting to know what the input of that was. I take
16 it it's a vertical boiler.

17 MR. DUNNAVANT: Yes.

18 CHAIRMAN BAUGHMAN: So they make
19 a 4 and 6 and 10 horsepower, but wanted to verify
20 that that was a 4.5 horsepower. Not that we're not
21 taking anybody's word for it, but -- or disputing
22 that, but we did ask in the minutes for that
23 information to be produced, albeit it's not being
24 asked to be part of the variance. Those two boilers
25 do tie together --

1 MR. DUNNAVANT: Yes.

2 CHAIRMAN BAUGHMAN: -- in that
3 same common manifold.

4 But being that they're not on the
5 variance and they're going to the one-hour, just
6 make sure that everything adheres to that. Got
7 the log sheets that will be kept up with now, so
8 forth, accordingly. So good deal.

9 MR. DUNNAVANT: And in addition,
10 the e-stops that are currently there, even though
11 they won't be communicating with the variance
12 system, will still act as active e-stops for that
13 facility. So the e-stops will remain the same and
14 that particular part of it is hardwired.

15 CHAIRMAN BAUGHMAN: Very good.

16 MR. DUNNAVANT: There's just no
17 need to communicate with the variance system.

18 CHAIRMAN BAUGHMAN: Okay. I
19 noticed before, too, we had two separate manuals.

20 MR. DUNNAVANT: Uh-huh.

21 CHAIRMAN BAUGHMAN: Everything
22 is combined into one, but we've got two stations.

23 MR. DUNNAVANT: Right.

24 CHAIRMAN BAUGHMAN: I'm going to
25 think about that a little bit and maybe come back to

1 it.

2 MR. DUNNAVANT: The big -- if I
3 may, the reason it's done like that, it's almost a
4 mile and a half between the two stations. We can't
5 physically run a wire that far and maintain proper
6 voltage. You get into amp problems and all kind of
7 things.

8 CHAIRMAN BAUGHMAN: Sure.

9 MR. DUNNAVANT: But since each
10 campus has its own security system, it's easier to
11 wire each boiler room to its local security station
12 because it doesn't affect the other plant anyway.
13 It's so far apart.

14 CHAIRMAN BAUGHMAN: Mr. Collins.

15 MR. COLLINS: Riley Collins,
16 board member.

17 I do want to ask -- I guess it's the
18 understanding that the response and the emergency
19 duties procedures are all going to be identical
20 for each -- or for the two separate locations --

21 MR. DUNNAVANT: That's correct.

22 MR. COLLINS: -- considering
23 that it's all under one manual. So the same manual
24 is going to be located in both locations.

25 MR. DUNNAVANT: Yes.

1 MR. COLLINS: And so -- okay.

2 MR. DUNNAVANT: And the
3 personnel will be trained as well. Everybody is
4 going to receive the same training and same testing
5 and, you know, whatever we need to do.

6 MR. COLLINS: Okay. Another
7 thing I wanted to point out -- and this is just a
8 matter of, I guess, clarity throughout the manual.
9 I've noticed the remote station is referred to as
10 security station, remote station, security base, and
11 control security office. I didn't know if that was
12 something that you would want to do, is to go
13 through and clear up.

14 MR. DUNNAVANT: We can check on
15 that.

16 MR. COLLINS: Okay.

17 MR. DUNNAVANT: I thought we did
18 that, but it's very easy to miss. What would you
19 prefer it refer to?

20 MR. COLLINS: It appeared that
21 "remote station" was probably the most used --

22 MR. DUNNAVANT: Okay.

23 MR. COLLINS: -- was the most
24 prevalent. So I would prefer that, just for
25 simplicity's sake on limiting the amount of

1 corrections that you have to make.

2 MR. DUNNAVANT: Okay.

3 MR. COLLINS: Another comment I
4 wanted to make, on page 12 of the emergency
5 procedures, bullet Number 2 indicates, "Summon the
6 boiler attendant via the cell phone."

7 MR. DUNNAVANT: That's a typo.

8 MR. COLLINS: Okay. What --

9 MR. DUNNAVANT: Some of the
10 attendants have radios, some of them do use cell
11 phones, but that is not pertaining to the actual
12 operation of the variance system. That's simply to
13 get in contact with the employee who is responsible
14 for the operation of the boilers. And I think they
15 have a list of three or four different people --

16 MR. CAVIN: Right. Yeah.

17 MR. DUNNAVANT: -- at all times
18 that can be reached by either phone or -- local
19 phone or radio.

20 MR. LASHLEY: And that's on 14?

21 MR. COLLINS: Is there also a
22 typo on Number 3, where it says, "If no response
23 within one minute, call the boiler attendant's cell
24 phone," or is that the secondary action?

25 MR. DUNNAVANT: It's the

1 secondary action, and I need to come up with a
2 better word than using "cell phone" because that's
3 just confusing the issue. It's just some type of
4 communication, an attempt to communicate too.

5 MR. COLLINS: In Appendix B,
6 there are -- on page B-1, it's the information for
7 Plant 2. And on B-2, it's the information for Plant
8 P5 Energy Center?

9 MR. DUNNAVANT: Yes.

10 MR. COLLINS: It appears that
11 there should be a similar page for Plant 5.

12 MR. DUNNAVANT: There should be.
13 I thought there was. Plant 2.

14 Which one is that?

15 MR. CAVIN: That's 2.

16 MR. DUNNAVANT: That's 2.
17 Plant 5.

18 It appears it's been left out. I
19 will have that added.

20 There's an equipment description, but
21 not the full layout of the model number. If you
22 look on Appendix B-3, that's the brief
23 description, but that's not the full -- it's not
24 like the other ones.

25 MR. COLLINS: Okay. Yeah. A

1 similar page to what you have supplied for the other
2 locations would be --

3 MR. DUNNAVANT: Okay.

4 MR. COLLINS: -- preferable.

5 CHAIRMAN BAUGHMAN: Do you have
6 a B-3?

7 MR. COLLINS: Yeah.

8 MR. LASHLEY: I have a B-3 and I
9 have a B-2 that's out of place.

10 CHAIRMAN BAUGHMAN: I do not
11 have B-3 in my manual.

12 MR. DUNNAVANT: For some reason,
13 mine is before B-2.

14 MR. LASHLEY: And mine was
15 listed B-1, B-3, B-4, B-2.

16 CHAIRMAN BAUGHMAN: Yeah, a
17 little bit out of order.

18 Lionel, who put these manuals
19 together?

20 MR. DUNNAVANT: (Indicating.)
21 Not throwing anybody under the bus here or anything.

22 CHAIRMAN BAUGHMAN: Of course
23 not. That's the man code. Wouldn't want to do
24 that.

25 MR. LASHLEY: Silently point

1 backwards.

2 CHAIRMAN BAUGHMAN: Go ahead,
3 Riley.

4 MR. COLLINS: Maybe one of my
5 last comments. On the last page, J-1, Appendix J,
6 it shows -- as far as the locations of the manuals
7 and the manual holders, it has the Plant 2 remote
8 station, but I do not believe that the plants --
9 Plant 5 and P5 Energy Center remote station is
10 listed on this table.

11 MR. DUNNAVANT: It's actually
12 not listed. We can make that a separate -- for some
13 reason, it just says "Plant 5" and "P5 Energy
14 Center," but we can write it as Plant 2, as noted.

15 MR. COLLINS: So you're saying
16 that it should take the place of one of those
17 existing lines, 1, 2, or 3?

18 MR. DUNNAVANT: I think it needs
19 to be added because the remote station at the
20 Plant 5 facility, there will be manuals in the
21 boiler room as well as the remote center. So I
22 think we need to add that as a separate line item.

23 MR. COLLINS: Okay.

24 CHAIRMAN BAUGHMAN: So, Lionel,
25 I would love to have, even if it's just a blank

1 page, but a revisions page listed --

2 MR. DUNNAVANT: Okay.

3 CHAIRMAN BAUGHMAN: -- just so
4 it can be filled in as the need be. There was a
5 comment in our previous minutes about whether we
6 needed to have something moving forward, putting
7 that revision. But it brought up the note to me to
8 have a revisions page already in there so that
9 anything can be documented --

10 MR. DUNNAVANT: Okay.

11 CHAIRMAN BAUGHMAN: -- as things
12 are moving forward.

13 MR. DUNNAVANT: For future
14 revisions or in relationship to the existing
15 variance?

16 CHAIRMAN BAUGHMAN: No, just for
17 the future.

18 MR. DUNNAVANT: Okay.

19 CHAIRMAN BAUGHMAN: We're voting
20 on the present variance. But yeah. That way, it's
21 already in there and it's easy enough to fill out as
22 it is.

23 The previous variance that you guys
24 brought in that got tabled, under emergency
25 procedures, we do have a red tab, but the original

1 had a -- and this is what's going into the boiler
2 room, was highlighted in yellow, and you're going
3 to have this as a placard.

4 MR. DUNNAVANT: This is correct.

5 CHAIRMAN BAUGHMAN: Okay. And
6 it will be good to have it just as a --

7 MR. DUNNAVANT: In the manual?

8 CHAIRMAN BAUGHMAN: Yes, in the
9 manual also. Albeit it is red-tagged. It's got the
10 tab, but it would be good to have a highlighted page
11 also, just to make it very easy to pick out of all
12 the white pages that are in here.

13 My notes regarding that were
14 Mr. Collins had asked for any of the personnel
15 changes to be indicated as a line item in the
16 revision page. I take it there have been some
17 personnel changes, but it just makes it easy to
18 put in there --

19 MR. DUNNAVANT: Okay.

20 CHAIRMAN BAUGHMAN: -- moving
21 forward.

22 The rest of my comments were related
23 to the electric in the Columbia, so that's taken
24 off the table, so that's no fun.

25 Any other comments from --

1 MR. MAY: No comments.

2 CHAIRMAN BAUGHMAN: -- my
3 brothers on the Board?

4 MR. LASHLEY: Is the published
5 duty list, is it listed within the manual, as far as
6 the current cell phone numbers?

7 MR. DUNNAVANT: It will be.

8 MR. LASHLEY: It will be.

9 MR. DUNNAVANT: Yes. It will be
10 a list, which the maintenance supervisor will have,
11 and that will be his responsibility, to know who's
12 on call, what shift.

13 MR. LASHLEY: Okay.

14 MR. DUNNAVANT: It kind of
15 rotates because shifts change.

16 MR. LASHLEY: My only concern is
17 that it's just not readily available within the
18 emergency manual. We're rushing here, we're seeing
19 here, and now we've got to refer to another list as
20 far as who we're contacting.

21 MR. DUNNAVANT: The problem I
22 see with that is if we publish a hard list in here,
23 it may not pertain to the situation of any given
24 date, depending on the shift scheduling. That's why
25 the supervisor has a list and knows where everybody

1 is at each shift.

2 MR. LASHLEY: Okay.

3 CHAIRMAN BAUGHMAN: And that
4 list would be in the hands also of the security
5 personnel?

6 MR. DUNNAVANT: Yes.

7 CHAIRMAN BAUGHMAN: Okay.

8 Good?

9 MR. LASHLEY: We're good.

10 CHAIRMAN BAUGHMAN: Any other
11 comments, thoughts, questions, concerns?

12 (No verbal response.)

13 CHAIRMAN BAUGHMAN: I think
14 we've gone over it pretty good. You guys have
15 responded very well. I appreciate you coming back
16 and addressing these items that need to be. And I'm
17 sure McKee feels confident that this Board looks at
18 things to a pretty high degree and just doesn't
19 rubber stamp things that come through.

20 MR. DUNNAVANT: Correct.

21 CHAIRMAN BAUGHMAN: And I'm
22 thankful to these folks that look after our public
23 safety.

24 So with that, without any further
25 discussion, is there a motion to approve the

1 variance contingent upon an inspection from the
2 Chief or Assistance Chief, whoever would be the
3 ones mandated with going out there, and to the
4 changes that have been indicated during the
5 meeting to the manual? Do we have a motion to
6 approve?

7 MR. LASHLEY: So moved.

8 CHAIRMAN BAUGHMAN: Motion?

9 MR. LASHLEY: Yes, sir.

10 CHAIRMAN BAUGHMAN: Second?

11 MR. MAY: Second.

12 CHAIRMAN BAUGHMAN: Very good.

13 With that, I'll call for the vote.

14 All in favor, say "aye."

15 (Affirmative response.)

16 CHAIRMAN BAUGHMAN: Opposed?

17 (No verbal response.)

18 CHAIRMAN BAUGHMAN: Abstaining,
19 not voting?

20 (No verbal response.)

21 CHAIRMAN BAUGHMAN: You have a
22 contingently approved variance and thank you very
23 much for bringing this. Appreciate both of you
24 guys.

25 MR. DUNNAVANT: Thank you.

1 CHAIRMAN BAUGHMAN: Yes, thank
2 you.

3 Thank you, guys.

4 So our next item on the agenda is
5 Item Number B, which is repair license approval
6 for Wilson Boiler Service in McDonough, Georgia,
7 seeking approval for its repair license to engage
8 in the erection, repair, and/or alteration of
9 boilers and pressure vessels in the state of
10 Tennessee.

11 Do we have a representative from
12 Wilson?

13 MR. WILSON: Yes.

14 CHAIRMAN BAUGHMAN: Very good.

15 MR. WILSON: Good morning.

16 CHAIRMAN BAUGHMAN: I will ask
17 for -- also, before we get into this, is there any
18 public comments on this agenda item for discussion
19 before we move forward?

20 (No verbal response.)

21 CHAIRMAN BAUGHMAN: Being
22 none...

23 MR. WILSON: Good morning. I'm
24 Travis Wilson for Wilson Boiler Service.

25 CHAIRMAN BAUGHMAN: Hello,

1 Travis. Glad you're here. What relationship were
2 you to Johnny?

3 MR. WILSON: I would be his
4 grandson.

5 CHAIRMAN BAUGHMAN: Very cool.
6 Being our companies go back a ways, I've been there
7 at Allied Boiler for going on 48 years. So --

8 MR. WILSON: Really? That's
9 cool.

10 CHAIRMAN BAUGHMAN: Yeah. Known
11 the company from way back in the day.

12 MR. WILSON: We've been around.

13 CHAIRMAN BAUGHMAN: Yeah. All
14 right. So you're asking for the approval of your
15 repair license.

16 That information, does everybody have
17 the information that they need to be able to
18 discuss this?

19 (No verbal response.)

20 CHAIRMAN BAUGHMAN: It was a
21 somewhat small packet originally that was sent to us
22 in this regard, and I just want to make sure that
23 there wasn't anything lacking or additional
24 information that we need.

25 MR. LASHLEY: I think we'll be

1 good.

2 CHAIRMAN BAUGHMAN: Okay. Very
3 good.

4 So with that, any conflicts of
5 interest on the Board?

6 (No verbal response.)

7 CHAIRMAN BAUGHMAN: None? Okay.
8 So discussion, comments, questions?

9 (No verbal response.)

10 CHAIRMAN BAUGHMAN: Travis, I
11 have one just offhand. So in your business, a
12 repair company, boiler company, service company, and
13 you're looking for approval to do business with the
14 State of Tennessee or in the state of Tennessee for
15 these repairs. Those repairs would typically
16 entitle for your company what?

17 MR. WILSON: I mean, all we have
18 set up right now is a customer across the line in
19 Chattanooga wants us to do inspections. So anything
20 routine, like seal welds, fire cracks, anything of
21 that sort are the only repairs we have. We have no
22 intent, currently, to do any field erections or
23 alterations in the state. But, I mean, should the
24 need be here, that's why we're asking for it.

25 CHAIRMAN BAUGHMAN: Retubing,

1 possibly?

2 MR. WILSON: Retubing, I mean,
3 possibly. But we all know it's hard to compete.
4 We're from McDonough. There's a lot of people up in
5 north Georgia and southern Tennessee that we're
6 probably not going to be able to compete with that
7 market, just because. But we do have some customers
8 that are wanting to use us because they use us in
9 Georgia and some parts of northern Florida.

10 CHAIRMAN BAUGHMAN: Sure. That
11 makes sense.

12 So in the state of Tennessee, and
13 knowing in the industry what these jobs can
14 typically run, if they're above the \$25,000
15 threshold, a mechanical contractor's license is
16 required.

17 MR. WILSON: Uh-huh.

18 CHAIRMAN BAUGHMAN: And I didn't
19 see that or it was noted in your application that
20 Wilson Boiler did not have that for the state of
21 Tennessee.

22 MR. WILSON: We do not. No,
23 sir, we do not.

24 CHAIRMAN BAUGHMAN: So that
25 would need to be addressed at some point if, in

1 fact, the job got above 25 grand.

2 MR. WILSON: Okay.

3 CHAIRMAN BAUGHMAN: The other
4 question is does Wilson Boiler have its business
5 license for the state of Tennessee?

6 MR. WILSON: I believe so. I'm
7 not entirely sure. I can get that confirmed, but I
8 do believe so. We used to do work in the state of
9 Tennessee. It's been quite a few years since we've
10 had a license to do work here because we haven't had
11 any work lined up. We just never renewed the
12 license. But now it's -- we have some customers
13 requesting we do some things.

14 CHAIRMAN BAUGHMAN: That would
15 need to be --

16 MR. WILSON: Yes, sir.

17 CHAIRMAN BAUGHMAN: -- at least
18 gone back through and looked at --

19 MR. WILSON: Okay.

20 CHAIRMAN BAUGHMAN: -- and have
21 that for our revenue department, sales tax and so
22 forth.

23 MR. WILSON: Okay.

24 CHAIRMAN BAUGHMAN: But other
25 than that, anything, any questions on the quality

1 control manual side to bring to the table for
2 Travis?

3 MR. COLLINS: (Indicating.)

4 CHAIRMAN BAUGHMAN: Yes, sir.
5 Mr. Collins.

6 MR. COLLINS: Riley Collins,
7 board member.

8 So I noticed that in the manual, you
9 excluded any sort of requirements for Appendix 47,
10 with a statement saying that you do not intend to
11 make any repairs, alterations to boilers or
12 pressure vessels that are designed to 2019 and
13 beyond?

14 MR. WILSON: Uh-huh.

15 MR. COLLINS: Okay. And I guess
16 that also explains what you're saying about the
17 nature of the work that you're gaining the approval
18 for?

19 MR. WILSON: Exactly. Yes, sir.

20 MR. COLLINS: One thing I did
21 want to point out too is -- just a question. When
22 is the last manual review that was done for this
23 quality manual?

24 MR. WILSON: It was in 20 -- I
25 believe 2021. Our review is coming up. So maybe it

1 was 2022. Yeah. It was 2022 because our
2 certificate expires in February of 2026. So our
3 review will be this December, this coming December.

4 MR. COLLINS: Okay. Okay.

5 MR. WILSON: And then previous
6 was 2022. Yeah.

7 MR. COLLINS: I noticed in the
8 manual, there weren't -- in the welding requirement
9 section, there wasn't -- I guess there's some
10 explicit directions or bullet points that have to be
11 met in regard to Section 1, Welding. And that's
12 located on the manual review checklist. And that
13 was something that -- it would probably be caught on
14 the next review, considering the date that the last
15 review was performed. So it's not a matter of it
16 being out of compliance. It's just a matter of it
17 being -- coming up on the next one.

18 And also considering, like you said,
19 the nature of your work won't involve -- well, let
20 me ask that. I mean, is it going to involve
21 Section 1, power boiler welding?

22 MR. WILSON: Yes. Yes, it will.

23 MR. COLLINS: Okay. Okay.

24 MR. WILSON: Yes, sir.

25 CHAIRMAN BAUGHMAN: Travis, who

1 is your AI?

2 MR. WILSON: Robert Burdette
3 with ARISE.

4 CHAIRMAN BAUGHMAN: Thank you.
5 Any other questions for Travis?

6 (No verbal response.)

7 CHAIRMAN BAUGHMAN: Well, I'll
8 call for the motion to approve their license
9 application, for one, contingent upon having the
10 license to do business in the state of Tennessee.

11 MR. WILSON: Yes, sir. I will
12 definitely make sure of that.

13 MR. LASHLEY: And mechanical
14 contracts.

15 CHAIRMAN BAUGHMAN: I'm sorry?

16 MR. LASHLEY: And mechanical
17 contractor's license verification.

18 CHAIRMAN BAUGHMAN: So again, if
19 that -- if their jobs are under \$25,000, it wouldn't
20 have to have a contractor's license. So again, it's
21 not mandated, albeit most large repairs we see in
22 the field get into a dollar amount. It can exceed
23 that. But again, that is part of it.

24 MR. WILSON: Yes, sir.

25 CHAIRMAN BAUGHMAN: And I don't

1 know who oversees that, but it is a requirement.

2 MR. WILSON: Okay. And like I
3 said, the only thing that we have set up is
4 inspections. And so the only thing we might would
5 be making repairs would be routine repairs. I don't
6 think any of it would get anywhere near that \$25,000
7 threshold, but that's definitely something to think
8 of.

9 CHAIRMAN BAUGHMAN: Okay. So is
10 that worded okay for an approval, contingent upon
11 them having their licensing within the state, having
12 their business license, and if the job goes above
13 \$25,000 to have a mechanical contractor's license?

14 Is that worded okay, Micah?

15 MR. LASHLEY: Works for me.

16 CHAIRMAN BAUGHMAN: All right.
17 So with that, I'll call for a vote.

18 Do I have a motion to approve?

19 MR. COLLINS: Motion.

20 MR. LASHLEY: Second.

21 CHAIRMAN BAUGHMAN: Motion by
22 Mr. Collins, seconded by Mr. Lashley. I'll call for
23 the vote.

24 All in favor, say "aye."

25 (Affirmative response.)

1 CHAIRMAN BAUGHMAN: Opposed?

2 (No verbal response.)

3 CHAIRMAN BAUGHMAN: Abstaining?

4 (No verbal response.)

5 CHAIRMAN BAUGHMAN: Very good.

6 MR. WILSON: Thank you.

7 CHAIRMAN BAUGHMAN: Mr. Wilson,
8 you've got an approved license. Good to see you.

9 I think we're in good shape.

10 Everybody else good?

11 (No verbal response.)

12 CHAIRMAN BAUGHMAN: All right.

13 So moving on, we now come to the next item on the
14 agenda, which is Number 8, Board Cases and
15 Interpretations.

16 Chief Inspector Watson?

17 MR. WATSON: Yes, sir.

18 CHAIRMAN BAUGHMAN: If you
19 would, please.

20 MR. WATSON: All right. Board
21 Case 24-02, maximum of 180 days for a company with
22 an approved variance to notify the State Inspection
23 for readiness.

24 The background. Boiler attendant
25 variance requests approved by the Board of Boiler

1 Rules, contingent upon a successful State
2 inspection, previously had no maximum time limit
3 before the variance expired, aside from the
4 standard three-year cycle for the variance.

5 The lack of a defined time frame has
6 created challenges for the Boiler Unit in managing
7 pending variances, variance approvals that extend
8 beyond a reasonable period of time before an
9 acceptance inspection.

10 By instituting a 180-day maximum
11 interval, the Boiler Unit variance requests will
12 be better prepared and submitted with the
13 expectation of an inspection within a reasonable
14 time frame.

15 The recommendation. Upon receiving
16 approval for a Boiler Board -- boiler attendant
17 variance request -- I'm sorry; I'm bad at public
18 speaking -- the request company must notify the
19 State within 180 days of readiness for an
20 inspection of its boiler operation. Failure to do
21 so within a specified time will result in
22 cancellation of the variance.

23 The inquiry. What is the maximum
24 time allowable from the approval of the variance
25 until the requesting company notifies the State

1 for an inspection?

2 Recommended reply. The Board of
3 Boiler Rules requires a company with a newly
4 approved variance to notify via email the State
5 Chief Boiler Inspector of its readiness for
6 inspection within 180 days. Failure to comply
7 within the time frame will result in cancellation
8 of the approved variance.

9 CHAIRMAN BAUGHMAN: Very good.
10 I'm going to ask for public comment also, so you may
11 make room there at the podium.

12 I got it out of order a little bit.
13 Is there public comment to be had on this?

14 MR. TOTH: (Indicating.)

15 CHAIRMAN BAUGHMAN: Mr. Toth?

16 MR. TOTH: I can stand here.
17 I'm fine if it's okay with legal counsel that I
18 stand back here.

19 Marty Toth, ECS Consulting and the
20 Boisco Training Group.

21 We have discussed this many times in
22 many meetings and off meetings and things of that
23 nature, and I think this is something that's very
24 good for the variance program.

25 Myself, I have clients; I believe,

1 probably, Mr. Neville has and others that have
2 done a variance in the past; that they go through
3 the process of getting the tentative approval from
4 the Board and then sit on their variance. And
5 it -- what that does is that does cause an issue,
6 not only for the Boiler Unit and the Chief
7 Inspector, but it causes issues for us because
8 we're constantly being asked, when are they ready,
9 so on, so forth.

10 The only concern I do have is that
11 time frame. As with the variance that was brought
12 before the Board this morning with McKee Foods,
13 McKee Foods, as do a lot of other companies, want
14 to come before the Board to get that tentative
15 approval before they apply capital investment into
16 their items that they're doing.

17 I have a client that's doing the same
18 thing right now, that Lori and I actually spoke
19 with this week, that is going to wait until we get
20 the approval before they move forward or they will
21 not be ready for it.

22 There are situations that we need to
23 take into consideration, especially if it's large
24 capital investments like boilers that are being
25 purchased or control systems that are being

1 purchased that do, in some cases, get a backlog
2 and get put behind.

3 What I would recommend that the Board
4 look at it is that one-year mark, that 12-month
5 mark. Cut it off at that. That would give
6 companies like mine, Mr. Neville, and those to be
7 able to say, look, guys, you can't drag your feet
8 on this. We need to move forward with this or
9 you're going to have to bear the expense of us
10 going back before the Board.

11 I just think the six-month, though it
12 may seem like a lot of time, when you're in the
13 boiler industry as you are, Mr. Chairman, you know
14 that sometimes when you order equipment, it gets
15 on a backlog, backorder, and it's just not
16 available at the time that you need it.

17 And so I just ask the Board to take
18 that into consideration. I think this is a
19 wonderful Board Case. I think it needs to be
20 done. I just ask that you extend that out to a
21 12-month period. Thank you very much.

22 CHAIRMAN BAUGHMAN: Thanks for
23 the comment, Mr. Toth.

24 Any other comments on that?

25 Are you good, Mr. Deason?

1 MR. DEASON: Yes, sir, if I may.

2 I hear what Mr. Toth is saying, and
3 that's quite relevant to real world circumstances.
4 I believe if one of these were granted, that a
5 person could come back to the Board, or a company
6 or whoever the entity, come back to the Board
7 prior to the conditional approved variance. And I
8 don't know that we stated it in there that way.
9 But the variance could be renewed or extended an
10 additional time period.

11 I don't know how the Board wants
12 to -- you know, in considering what Mr. Toth said.
13 But I just want to put out there that you would be
14 able to take that 180-day variance inspection
15 requirement and due to circumstances suitable to
16 the Board, if it was your desire to extend it
17 further but not past the conditional 180 -- they
18 would have to come back for -- because we're
19 limiting ourselves to that 180-day period with
20 what's on the agenda today.

21 CHAIRMAN BAUGHMAN: And I
22 appreciate that. I think there's been some
23 discussion before this was even brought up into a
24 Board Case, that there are extenuating
25 circumstances. You know, we try to -- we take a

1 broad brush stroke on some of these things. But
2 setting up a time period of 180 days and then --

3 (Cell phone rings followed by an
4 off-the-record discussion.)

5 CHAIRMAN BAUGHMAN: So the
6 impetus behind it was setting up a time frame that
7 needed to be given, a firm time frame. Can that be
8 added to by having a request of additional time? I
9 believe so, in my own thinking. I think that we
10 need to go ahead and start with a time, given of the
11 180, and then be able to address anything further
12 from there. That's my own thoughts with it.

13 There's times too when people are
14 making equipment purchases and maybe coming in,
15 putting the cart before the horse a little bit and
16 applying for these instead of waiting.

17 But all that said and done, I think
18 that by putting this 180 days -- and it applies to
19 the same thing, like, again, that McKee and
20 Combustion & Control Solutions had just proposed,
21 was the hardwiring hasn't been accomplished yet.
22 The training hasn't been accomplished yet. It's
23 not ready for inspection yet.

24 What we're saying is we've approved
25 this variance contingent upon an approved

1 inspection. They've got up to 180 days to notify
2 the Boiler Unit that we're going to be ready for
3 inspection. We may be ready for inspection in
4 30 days. We may be 60 days. We may be the next
5 week. But they've got that time frame in order to
6 notify the Department that it's ready for
7 inspection.

8 So I think we've got some room,
9 wiggle room in there, albeit it does say "will
10 result in the cancellation of the approved
11 variance if there's a failure to comply."

12 We may either reword that, if it
13 needs to be or whatever we need to do to
14 understand that this is not set in stone, that we
15 do have some room to be able to apply some extra
16 time to.

17 MR. COLLINS: (Indicating.)

18 CHAIRMAN BAUGHMAN: Mr. Collins?

19 MR. COLLINS: As a matter of a
20 question or a scenario of what you had just stated,
21 as far as the time frame only applying to the
22 notification. If a company, on the 180th day,
23 notifies the State that we will be ready in
24 two years because of the boiler being on backlog,
25 are you saying that that is the way that this would

1 be interpreted?

2 MR. LASHLEY: You're coming up
3 on your three-year expiration anyway at that point.

4 CHAIRMAN BAUGHMAN: Yeah, but
5 let's back it up. That's kind of, you know, taking
6 it to an extreme. But let's say that they've gone
7 180 days, roughly half a year, and they say, we're
8 going to be another six months out before we're
9 ready for inspection. And then it comes up, that
10 time period, and they're still not ready and it
11 extends out some more time, through whatever
12 circumstance. And that's worthy of discussion.

13 I'm going to ask Mr. Toth to comment.

14 MR. TOTH: Oh, yeah. Thank you.

15 I think this is a great idea, too.
16 If you want to set it at 180 and then you allow it
17 to be extended out, the one thing I do ask is will
18 that allowance be issued by the Chief Inspector?
19 In other words, we have the situation, our
20 equipment is not coming in yet, we have a delay on
21 the installation, so on, so forth. Can we be
22 granted that three-month period? Would that be by
23 the Chief Inspector?

24 CHAIRMAN BAUGHMAN: That's a
25 great question.

1 MR. TOTH: And then also to add,
2 just -- Micah, just to say the actual expiration of
3 the variance does not start or that date is not set
4 until the inspection is made, not the tentative
5 approval by the Board.

6 So yeah, I would be afraid and I
7 think those are the exceptions versus the rule.
8 Somebody calls up with a great explanation. The
9 Chief Inspector can take that as -- you know, as
10 my esteemed National Board colleague over here
11 says, somebody calls up and says, we'll be ready
12 in six months. Well, that six months comes and
13 goes, and they have a legitimate excuse.
14 Obviously, this man sitting right here is not
15 going to buy it the next time.

16 CHAIRMAN BAUGHMAN: Thank you
17 for that.

18 My concern with anything being
19 extended out and backorders and time frames and
20 what have you, is things get changed. And if
21 anything gets changed on the hardware side, i.e.,
22 we just talked about the variance with Southern
23 Hills and a control being changed, so forth. If
24 anything like that changes within that variance
25 that's been tentatively approved, that's a

1 hardware change. And that means that that has got
2 to come back to the Board again because it didn't
3 meet the original variance.

4 So those are somewhat of my concerns
5 with some of these things being extended out. And
6 we're in this time frame in our industry of a lot
7 of changes going on, obsolescence of programmers
8 and you name it. And so things can get changed if
9 it extends out to a high degree.

10 It puts a lot of weight on the
11 inspector's shoulders, on having to go back in,
12 look at what the variance entailed, what the
13 hardware was set up for, and has that hardware
14 changed now once the equipment is in. And if it
15 has, then they've got to reapply for a variance.

16 So I think at this point, at least
17 we've got a starting point. There may be things
18 that come up that there may be a request back to
19 the Chief for an extension of time period, but I
20 think this is a good starting point for us.

21 Further discussion on that?

22 MR. MAY: How is it going to be
23 worded now? Just the 180 with the contingency on
24 the -- for the Chief to go another 180?

25 CHAIRMAN BAUGHMAN: I wouldn't

1 necessarily give another 180. But I would leave it
2 open that if any additional time be needed, that
3 that be brought to the Chief Inspector.

4 MR. MAY: Or at least going to
5 be checking in with him, 180 with the Chief.

6 CHAIRMAN BAUGHMAN: Have you got
7 advice, Micah?

8 MR. LASHLEY: I'm just trying to
9 figure out what would be a good way to word it to
10 request an extension.

11 CHAIRMAN BAUGHMAN: Maybe just
12 put it there, if an extension of time is required,
13 then contact the Chief Boiler Inspector. Short and
14 sweet.

15 MR. CASS: (Indicating.)

16 CHAIRMAN BAUGHMAN: Mr. Cass?

17 MR. CASS: I would like to see
18 some wording, possibly a one-time extension that
19 could be approved by the Chief without it coming
20 back before the Board, because I could see where
21 somebody might want to call for multiple extensions.
22 And at that point, it'd probably need to be
23 discussed and looked at broader than just an
24 approval by the Chief.

25 CHAIRMAN BAUGHMAN: Okay. Thank

1 you --

2 MR. CASS: Uh-huh.

3 CHAIRMAN BAUGHMAN: -- Assistant
4 Chief Cass.

5 MR. TOTH: (Indicating.)

6 CHAIRMAN BAUGHMAN: Mr. Toth?

7 MR. TOTH: Yes. Just one thing.
8 I like that idea. Maybe a one-time 180 and then
9 you're done.

10 What about existing -- and this is
11 where I'm going with this, is I know it's going to
12 be approved and I think it's great again. What
13 about those clients that I have or James has or
14 somebody else has that have already surpassed
15 that? What kind of period are we going to go from
16 right now, we walk away today, Lori or I get on
17 the phone with them and say, look, this is what
18 we've got to do?

19 Can we address that so I know how to
20 handle those clients, so that we don't walk away
21 from here and say, oh, by the way, you're expired.
22 I don't think that's fair either, but we need to
23 set something in place for them. Thank you.

24 CHAIRMAN BAUGHMAN: Okay.
25 You're welcome. And just quickly, you mentioned

1 Lori, who I take it is right there, but --

2 MR. TOTH: Oh, yes. I'm sorry,
3 Mr. Chair. She had to come in late. This is Lori
4 Reeves. Lori is our -- with ECS and Boisco Training
5 Group here in the Nashville area. She's accounts
6 manager. She takes care of me, I guess, up here, if
7 you would, and she's learning the industry. She's
8 very intelligent, other than the fact that she
9 decided to come work with me. Anyway, so thank you
10 very much.

11 CHAIRMAN BAUGHMAN: All right.
12 Thank you, Mr. Toth.

13 Fred?

14 MR. ALLISON: I'll offer an
15 observation, perhaps, with this particular Board
16 Case. One paragraph with one sentence would
17 probably address the whole thing. Your 180 days is
18 set by the Boiler Board.

19 Put the statement in there after the
20 fact. If an extension is needed beyond 180 days,
21 up to a year, the Chief Inspector would be
22 authorized to approve said approval, where the
23 company would have to come back after 365 days.

24 Just put the one sentence. The
25 Boiler Board authorizes the Chief Inspector to

1 grant that one-time extension from 180 days up to
2 365. And then if it needs to go beyond that, then
3 the company needs to come before the Boiler Board
4 and request again.

5 Does that simplify it? Frankly, I
6 don't know what the problem y'all are having is.
7 People are just not getting their variances? They
8 get it and they don't do it?

9 MR. WATSON: It can go out a
10 year or two years. They'll come in and the
11 equipment has changed, scaffolding has changed, no
12 one is trained.

13 MR. ALLISON: Okay. I offer
14 that as a...

15 CHAIRMAN BAUGHMAN: Yeah, and I
16 appreciate that.

17 MR. HAYES: (Indicating.)

18 CHAIRMAN BAUGHMAN: Mr. Hayes, I
19 see you back there raising your hand. I know you're
20 not on the signed list, but I'd like to recognize
21 you as it is for your comment.

22 MR. HAYES: Thank you, sir.

23 Is there a deadline for how quickly
24 the inspection has to happen once a variance is
25 approved? Because it sounds like you're not

1 giving an extension for the notification but the
2 actual inspection itself.

3 Am I misunderstanding that?

4 CHAIRMAN BAUGHMAN: Well, what
5 we're saying is that we have approved the variance
6 and you've got 180 days to notify the Boiler Unit
7 that it's ready for inspection. You may say it's
8 going to be ready in six months. There's no time
9 period presently set for that. So right now, if
10 they go up to the 179th day, notify the Chief that
11 we're going to be ready in six months, then that's
12 great.

13 What we haven't put into place is
14 we've approved a variance and you have to have it
15 inspected within a year from the time it's been
16 approved or so forth. So we've kind of got a
17 couple of different moving parts in this element.
18 What we're doing presently is just identifying the
19 length of time you've got to notify the Unit of
20 when it's going to be ready for inspection, not so
21 much a time frame on that inspection itself. Does
22 that make sense?

23 MR. HAYES: Yes, sir.

24 CHAIRMAN BAUGHMAN: And I don't
25 know if we need to revisit that in another --

1 additional Board Case or if we address it and modify
2 this Board Case to say you've got a year from the
3 time you get approved variance contingent upon the
4 inspection, so forth and so on. I'm all for getting
5 this addressed at this particular point.

6 Ms. Owens?

7 MS. OWENS: I just want to point
8 out a couple things with the language as we have it
9 here. We're saying with an approved variance. Now,
10 I've been sitting on these for about a year and a
11 half, and it's very rare that you guys issue an
12 approved variance. You offer contingent approvals.

13 CHAIRMAN BAUGHMAN: Yes, ma'am.

14 MS. OWENS: So this does not say
15 upon a contingent approval. This says upon an
16 approved variance.

17 Additionally, it says must notify the
18 State within 180 days of its readiness for
19 inspection, meaning I am ready within that 180-day
20 period for inspection, not that I'm going to be
21 ready in another 180 days. So that is not what
22 this language says. What you're describing is
23 contradictory to this language.

24 CHAIRMAN BAUGHMAN: Very good.

25 MR. DEASON: Our interpretation

1 with that notification is come on out and inspect
2 us; not, hey, we'll be ready in 2032.

3 CHAIRMAN BAUGHMAN: Mr. Toth?

4 MR. TOTH: I agree with that.
5 The first time I read it, I agree with that. When
6 we see "approval," that's why -- and this is
7 something that we've talked about the last decade or
8 so, about using this as calling it a contingent or a
9 tentative, because it's not finalized until they go
10 out. And so I agree with that statement.

11 And I also agree with the fact that
12 you're ready for inspection by 180. It's not --
13 and then you can call and say, hey, I need an
14 extension. And that's what you're asking to put
15 in there. But at 180, I'm calling to tell you
16 I'm -- you know, if it's 179, I'm calling to tell
17 you I'm ready for inspection or I'm requesting an
18 extension.

19 CHAIRMAN BAUGHMAN: Thank you
20 for that comment, Mr. Toth. And thank you for that
21 input through counsel.

22 So at this point, it sounds like we
23 need to have some rewording within this particular
24 Board Case to make it to where it's clarified,
25 both for those companies that are seeking the

1 approvals and the inspections, but also for our
2 own Boiler Unit and Boiler Rules Board.

3 So being that, can we go ahead and
4 rewrite the wording presently, or does it need to
5 be rewrote and then resubmitted? I don't know the
6 protocol on that.

7 MR. DEASON: I think with this,
8 we probably need to resubmit this to allow for
9 public comment, because we're getting pretty
10 detailed. I mean, I know it's -- the actual agenda
11 item is fairly broad, but we're getting pretty
12 detailed in what we're doing. I think the right
13 thing to do would be to go ahead and do that.

14 CHAIRMAN BAUGHMAN: Okay. I
15 think that that's good counsel advice.

16 What I'd like to do if we have this
17 option is to go ahead and discuss the wording of
18 it presently so we don't rehash this again
19 possibly in the next meeting. If we can get down
20 to the verbiage of what it is we're looking to
21 accomplish, then we'll have something to put
22 together and be able to vote concisely on at the
23 next meeting.

24 MR. DEASON: Yes, sir. I mean,
25 we're not taking a vote on it today so it's --

1 CHAIRMAN BAUGHMAN: No.

2 MR. DEASON: -- typically -- you
3 might want to pass that to the end for discussion
4 and go ahead with the actual agenda items now --

5 CHAIRMAN BAUGHMAN: Okay.

6 MR. DEASON: -- because we're
7 talking this one off.

8 CHAIRMAN BAUGHMAN: Okay. And
9 then circle back around?

10 MR. DEASON: Yes, sir.

11 CHAIRMAN BAUGHMAN: Okay. Let's
12 do that if everybody is good with that.

13 All right. Good discussion. Thanks
14 for the input, Chief Watson, Assistant Chief Cass.
15 Thank you.

16 With that, is everybody still good or
17 does everybody need a break? I need a break. If
18 you don't mind taking just a quick five minutes
19 and we'll be back here at 10:21, if that's okay.
20 All right? Thank you.

21 (Recess observed.)

22 CHAIRMAN BAUGHMAN: Let's call
23 the meeting back to order. Thanks for that quick
24 break.

25 That will bring us onward in Board

1 Cases and Interpretations. That will bring us to
2 BI 24-01, Electric power boilers and steam
3 generators rated at 49kW and above to adhere to
4 the TDLWD Rule 0800-03-03.08(11) Attendants for
5 Power Boilers. And it's great to have that.
6 Mr. Toth will be presenting this item.

7 I'll ask for any public comment
8 before we move on with this item. As such, McKee
9 already made their presentation, so this was going
10 to apply to that electric boiler. But since it's
11 no longer on that part of it -- so at any rate...

12 Mr. Toth, if you would present,
13 please.

14 MR. TOTH: Thank you,
15 Mr. Chairman and members of the Board.

16 This interpretation was carried over
17 from a previous meeting that I was unable to
18 attend. So hopefully, we've had an opportunity to
19 peruse this over the last few months and kind of
20 look at it.

21 Again, it's pretty straightforward,
22 but there is a lot of questions out there in the
23 industry when it comes to electric boilers. You
24 have some pretty large units. We're not talking
25 about your smaller units that you would see in

1 maybe a laundry service or a tailor shop or even a
2 kitchen environment or something like that. We're
3 talking about some pretty good-sized units.

4 And I think a lot of the confusion,
5 as I mentioned, in the interpretation is how to
6 take the 5 horsepower and apply that to an
7 electrical unit. And that's where when we look at
8 the conversion of what that is, it would help the
9 inspector that is out in the field to be able to
10 say, well, this unit is classified as a power
11 boiler under the rule; this unit has an energy
12 input that is equivalent to 5 boiler horsepower or
13 greater, so therefore, by the letter of the rule
14 at this time, it needs to follow the attendant's
15 requirements of a power boiler until such time
16 that the Board deems them as not necessary to
17 apply to the attendant's variance.

18 And that's how I communicate with my
19 clients and people that give me the calls and ask
20 the questions, because maybe their inspector has
21 visited their location and mentioned that to them.
22 And so that's why I wanted to bring it to the
23 Board so that the Board can put out their answer,
24 and then it can be applied equally throughout the
25 state.

1 CHAIRMAN BAUGHMAN: Very good.
2 Concisely put.

3 So discussion on that?

4 (No verbal response.)

5 CHAIRMAN BAUGHMAN: At some
6 point we'll also have the discussion, albeit it's
7 off topic for this Board Interpretation, on other
8 fire boilers, i.e., wood-fired, because we have that
9 same discussion. They're power boilers; they just
10 have a different fuel source.

11 MR. TOTH: Absolutely.

12 CHAIRMAN BAUGHMAN: So I
13 appreciate us coming in on 24-01.

14 MR. TOTH: And as you peruse
15 that, I'll just continue to fill up the dead air
16 space here, is that the opportunities -- and we've
17 mentioned this numerous times with Board Cases and
18 Board Interpretations, the intent is to eventually
19 have the forethought of adding this into the letter
20 of the rules and regulations at a future date.

21 And that's something that I think --
22 Mr. Chairman, we've talked about this many times,
23 of looking at these current Board Interpretation
24 and Board Cases and then comparing it to the time
25 frame of the Boiler Unit when they need to open up

1 the rules and regulations for changes and things
2 like that, that something like this can be put in
3 so that it's clear when they read the rules and
4 regulations, what the requirements are without
5 having to go back to the Interpretations and Board
6 Cases.

7 CHAIRMAN BAUGHMAN: Yes, sir.
8 So what this is going to do at some point is open up
9 questions on -- this is going to put us into the
10 one-hour rule and into the variance rule
11 requirements, is how to tie in some of this
12 monitoring, because the monitoring of the electric
13 boiler is somewhat different than the monitoring of
14 a fuel-fired boiler, albeit it can still be there.
15 But the Interpretation stands on its own is saying
16 does it fall within the requirements of needing to
17 be attended either within the one-hour rule or under
18 our attendant's variance.

19 Questions from the Board?

20 MR. COLLINS: Would we have to
21 revise some of our checklist items on the variance,
22 on requesting an approval for a variance in order to
23 meet different requirements for electric boilers?

24 CHAIRMAN BAUGHMAN: Don't know
25 without reviewing the checklist item by item to see

1 if there's something that comes up. If that does
2 come up, we can discuss that. But that's worthy of
3 looking at.

4 Presently, the -- we don't have a CO
5 alarm in the boiler room for an electric boiler,
6 so that is something that changes. The fuel
7 source, how we cut off the fuel source with an
8 electric and how that's accomplished, what are we
9 enunciating back to the remote station? Those are
10 items that I think we can look on the checklist,
11 see if there's anything that needs to be discussed
12 in the future on it. But it's a possibility,
13 Mr. Collins.

14 MR. LASHLEY: Possibly just a
15 secondary electrical boiler checklist in itself.

16 MR. TOTH: And it could be,
17 Mr. Chairman, that it's just identifying the fuel
18 usage as you would on a permit application,
19 something like that, so that the -- then you could
20 also do an instructional that if we do have -- and I
21 can't think of anything right offhand that -- other
22 than the CO, which would be nonapplicable in that
23 case as to if it's electric. Maybe a side note.

24 And again, this happens in task group
25 when you look at your checklist as to maybe

1 there's some additional questions that need to be
2 answered.

3 CHAIRMAN BAUGHMAN: Sure.

4 MR. TOTH: As for things of
5 local and remote e-stops, it's all the same. The
6 code is the code. It doesn't matter if it's CSD-1
7 or if it's, you know, FB-85 when we talk, you know,
8 gas-fired units. But CSD-1, you know, when we talk
9 about having an e-stop, if you would, it just talks
10 about removing the fuel or energy.

11 CHAIRMAN BAUGHMAN: Sure.

12 MR. TOTH: Well, that's what
13 they're referring to when they say the energy, is
14 that -- because they're referring to electric
15 boilers, is when they talk about that.

16 CHAIRMAN BAUGHMAN: You bet.
17 Yeah. And I agree. And that's for another
18 discussion as it is.

19 MR. TOTH: Absolutely.

20 CHAIRMAN BAUGHMAN: And I
21 appreciate that input. But we'll circle back around
22 on this in particular at hand.

23 Is there any other discussion?

24 (No verbal response.)

25 CHAIRMAN BAUGHMAN: Micah, do

1 you have anything you can think of? I see the
2 wheels turning.

3 MR. LASHLEY: Yeah. Not right
4 off. I'm still turning more on the application
5 process for variance.

6 CHAIRMAN BAUGHMAN: Okay. But
7 the Interpretation itself is bringing these boilers
8 into the realm.

9 MR. LASHLEY: Right.

10 CHAIRMAN BAUGHMAN: And whether
11 we agree with that or not is really what this is
12 about. The rest of it, I would have the same
13 thought process, is moving technically forward but
14 trying to stay focused on this itself and whether we
15 agree to that or not.

16 So being that, I'll go ahead and call
17 for the motion to approve BI 24-01, that it does
18 fall within the requirements of power boilers
19 5 horsepower and above to be under our one-hour
20 rule and our variance attendant's requirements.

21 So I'll call for the motion to
22 approve that.

23 MS. OWENS: (Indicating.)

24 CHAIRMAN BAUGHMAN: I'm sorry.

25 Ms. Owens?

1 MS. OWENS: Did you ask for
2 public comment on that?

3 CHAIRMAN BAUGHMAN: We did.

4 MS. OWENS: Okay.

5 CHAIRMAN BAUGHMAN: Thank you
6 for, though, by all means, keeping on track with
7 that.

8 MR. ALLISON: (Indicating.)

9 CHAIRMAN BAUGHMAN: I'm sorry.
10 Mr. Allison?

11 MR. ALLISON: James Allison,
12 Factory Mutual.

13 So I can't read that from here and I
14 haven't seen it fully. Are we saying that we're
15 now going to make sure that attendants are going
16 to be getting -- they're required. I mean, as of
17 this time, if it's 5 horsepower or more, we're
18 required to have an attendant look at it once
19 every hour or every four hours, depending on the
20 variance, right?

21 CHAIRMAN BAUGHMAN: Correct.

22 MR. ALLISON: Are we trying to
23 change that?

24 CHAIRMAN BAUGHMAN: No.

25 MR. ALLISON: Or are we

1 clarifying?

2 CHAIRMAN BAUGHMAN: We're
3 clarifying.

4 MR. ALLISON: Good. That was
5 what I was hoping for.

6 CHAIRMAN BAUGHMAN: Yes, sir.

7 MR. ALLISON: That's the
8 information I needed for the field. Thank you.

9 CHAIRMAN BAUGHMAN: Was there
10 another hand?

11 MR. BAUM: (Indicating.)

12 CHAIRMAN BAUGHMAN: Yes, sir?

13 MR. BAUM: Scott Baum, Chubb
14 Insurance.

15 I just want to clarify again as we
16 talked about the other one. So is this -- it
17 seems like this may be getting approved. Is this
18 anything to be effective immediately?

19 CHAIRMAN BAUGHMAN: Yes, sir.

20 MR. BAUM: Okay. I just wanted
21 some clarification on that.

22 MR. TOTH: (Indicating.)

23 CHAIRMAN BAUGHMAN: Mr. Toth?

24 MR. TOTH: And if I can respond
25 to both of those.

1 The actual conversion rate is -- just
2 so we know, 1 BTU equates to 9.81 kilowatt. So
3 this is going to help those inspectors as they --

4 MR. ALLISON: Calculate. Yeah,
5 yeah. I understand.

6 MR. TOTH: -- they do the
7 calculations.

8 As for the other question being
9 effective, all this -- all the interpretation is
10 doing is actually solidifying the rule as written
11 now. So it actually should have always been
12 handled that way. It's just solidifying it. So
13 it's not a Board Case which could possibly change
14 the rule or deviate from it or add to it or
15 whatever. This is just an interpretation of the
16 rule.

17 CHAIRMAN BAUGHMAN: All right.
18 So with that, any other comments, input?

19 (No verbal response.)

20 CHAIRMAN BAUGHMAN: I will have
21 a motion or ask for a motion to approve.

22 MR. COLLINS: Motion.

23 CHAIRMAN BAUGHMAN: Second?

24 MR. MAY: Second.

25 CHAIRMAN BAUGHMAN: Very good.

1 I'll call for the vote.

2 All in favor, say "aye."

3 (Affirmative Response.)

4 CHAIRMAN BAUGHMAN: Opposed?

5 (No verbal response.)

6 CHAIRMAN BAUGHMAN: Abstaining?

7 (No verbal response.)

8 CHAIRMAN BAUGHMAN: Very good.

9 We've approved this Board Interpretation for the
10 electric boilers, moving forward, BI 24-01.

11 We'll now move to the next item,
12 BI 24-02: Walkways, runways, and platforms across
13 adjoining boilers and pressure vessels.

14 Are there any public comments to be
15 made before or during?

16 (No verbal response.)

17 CHAIRMAN BAUGHMAN: All right.

18 So 24-02 is up there. And if someone -- Mia, 24-02,
19 are we good?

20 MS. WILEY: Yes, sir.

21 CHAIRMAN BAUGHMAN: Would you be
22 so kind as to read BI 24-02?

23 MR. TOTH: I would. I would.

24 Thank you.

25 CHAIRMAN BAUGHMAN: Thank you.

1 MR. TOTH: Thank you,
2 Mr. Chairman.

3 Again, Marty Toth, ECS Consulting and
4 Boisco Training Group.

5 As we all are aware, there was a
6 Board Interpretation a number of -- a couple years
7 back that we submitted -- ECS submitted because
8 the question came up that platforms and runways
9 were not being enforced. And some of my clients
10 and those companies I work with were -- would
11 quote jobs and quote it per the code and put the
12 runways in, and then somebody else would come in
13 and quote the job without the runways, and then it
14 wouldn't be caught at inspection. And the problem
15 arose was my failure to see how that would be
16 enforced with existing installations.

17 And so there's been kind of a lot of
18 discussion that's happened in the industry with
19 enforcement of the runways and platforms. And one
20 of the issues that came about is the requirements
21 that are set forth by an inspector or an installer
22 that are saying the requirement that you have
23 adjacent boilers, side by side, that are being
24 required to have platforms that connect them
25 together. And that's not something that's in the

1 NBIC code. That's something that is mentioned in
2 our rules and regulations; however, it also allows
3 for separate means of engineering.

4 Is it convenient to have a platform
5 that runs between the two boilers? Sure, if you
6 have the headspace available, if it is at
7 construction and it's done that way. But it's not
8 really realistic. And so this is to make sure and
9 identify that it's not something that's necessary.
10 It's also something that can be done if they have
11 the headspace.

12 So I will go ahead and read the
13 inquiry if you'd like. If you need me to read the
14 background, I can do it as well.

15 CHAIRMAN BAUGHMAN: If you
16 would, just read the inquiry.

17 MR. TOTH: The inquiry. In the
18 state of Tennessee, is it required that adjacent
19 boilers and pressure vessels must have a runway or
20 walkway across, in between them, to satisfy the
21 requirement of 1.6.4 in Part 1, parenthetical,
22 installations of the National Board Inspection Code,
23 parenthetical, NBIC, and 0800-03-03-.04,
24 paragraph 11 of the State of Tennessee Board of
25 Boiler Rules, provided all applicable size and

1 construction requirements stated with the NBIC are
2 met?

3 And the submitted reply is no.

4 CHAIRMAN BAUGHMAN: Very good.
5 Is there any questions or any clarification that
6 needs -- you want to have addressed on that?

7 Mr. Allison.

8 MR. ALLISON: I do have a lot of
9 comments, but I don't think it would be beneficial
10 to even bring any of them up right at this point, so
11 I'll keep my mouth shut.

12 CHAIRMAN BAUGHMAN: So, comments
13 from the Board members?

14 MR. COLLINS: (Indicating.)

15 CHAIRMAN BAUGHMAN: Yes, sir,
16 Mr. Collins.

17 MR. COLLINS: I had a comment
18 and kind of a question on the process, I guess the
19 Board's process, on whenever an interpretation is
20 passed that is, by wording, explicitly contradictory
21 to our current rules but does not affect a change to
22 the rules. How do we address that or should it have
23 been addressed? And I'm specifically referring to
24 the Board Case that Mr. Toth had referenced earlier
25 or the Board Interpretation that he had referenced

1 earlier, and --

2 MR. TOTH: Is that 22-01?

3 MR. COLLINS: 22-01.

4 MR. TOTH: Riley, is that the
5 Board Case?

6 MR. COLLINS: Yes.

7 MR. TOTH: Okay. Or Board
8 Interpretation?

9 MR. COLLINS: Yes.

10 MR. TOTH: BI 22-01? I believe
11 that's what it is.

12 MR. COLLINS: In reference to
13 walkways, runways, and platforms, required to have
14 two means of exit.

15 MR. TOTH: Of the egress,
16 uh-huh.

17 MR. COLLINS: The rules
18 specifically state that walkways, runways, and
19 platforms shall have two means of exit. But in the
20 Interpretation, it says only those runways or
21 platforms that exceed six feet in length are
22 required to have at least two permanently installed
23 means of exit, which contradicts our rules.

24 And so -- and I guess the reason why
25 I'm asking that is, as far as our interpretation

1 goes, if this affects a rule change, how would
2 that process look?

3 MR. DEASON: I think you're
4 looking at Part 03-04, Number 11? It's the part
5 where it does -- the last part where the walkway
6 shall have at least two means of exit, it needs to
7 be remotely located from the other, correct?

8 MR. COLLINS: (Nods head.)

9 MR. DEASON: So if we have
10 contradictory information like that and it's in a
11 rule, we can change the rule, and there's a process
12 to do that. It's a bit cumbersome, but we just
13 make -- we kind of redline the document as we have
14 it. We submit it to other people, the Secretary of
15 State and the Attorney General's office, then look
16 at it and say we want to change it from this to
17 what's in the redline.

18 We send it out and we'll have a
19 public comment period on it, and then it will come
20 back. And if there's any public comment, we have
21 to incorporate that or not and explain why.

22 It takes several months to do this
23 but we -- that's basically the process to change
24 the rule. We redline it. We submit it. If it
25 doesn't get flagged by the Attorney General, the

1 Governor's office, whatever, it comes back to us.
2 We set a public hearing. If that works, we send
3 it back in to the Secretary of State's office, and
4 in a certain amount of time it becomes effective.

5 CHAIRMAN BAUGHMAN: Is this
6 something that would be applicable in that regard,
7 then, to get addressed, since it's contradictory?

8 MR. COLLINS: In reference to
9 the Board Interpretation that was previously passed,
10 B 22 --

11 MR. TOTH: It's probably
12 BI 22-01. I may be wrong on that.

13 MR. COLLINS: It appears that
14 that one would need to be --

15 MR. TOTH: Mr. Chairman, can I
16 add something that may help us here before we
17 keep --

18 CHAIRMAN BAUGHMAN: Briefly.
19 Sure.

20 MR. TOTH: Thank you.

21 Is that the rule that we're
22 referencing is 4(11) -- or .04(11). Well, .04(11)
23 when you read it, it separates the difference
24 between runways, platforms, and walkways. What
25 Mr. Collins is referring to is two means of egress

1 from a walkway. Okay? Understanding the
2 definition of what those are may be prevalent and
3 may be helpful in the future to define the
4 difference between a platform or runway and a
5 walkway.

6 So when we're talking about a
7 walkway, we're talking about an extended area.
8 The six-foot dimensional requirement for anything
9 over a six-foot dimension requires two means of
10 egress. So when we're talking a walkway, a
11 walkway is implied as something that is greater
12 than six foot in the dimension. So therefore,
13 that's where in the rule it stipulates the two
14 means of egress.

15 As you see in that rule, the first
16 sentence before that identifies platforms and
17 runways. And then in the second, it identifies
18 walkways. So that's why it separates the two of
19 those.

20 CHAIRMAN BAUGHMAN: Yes, sir.

21 MR. COLLINS: And I did want to
22 clarify, I did not mean to bring up discussion on a
23 previous item. I was only using it as an example on
24 how to handle items that would seem to affect rule
25 changes.

1 MR. TOTH: No. And that makes
2 sense. And so when we look at that Board
3 Interpretation, how it's titled, a lot of times when
4 we look at the runways, platforms, and walkways,
5 it's because when we identify that in the codes,
6 they tend to bundle those together.

7 And it can be very difficult when
8 you're looking at the NBIC, because you have to
9 separate the difference between that and when they
10 start talking about ladders and things like that,
11 because your first instinct is to bundle those all
12 together. But the individual subparagraphs
13 separates those.

14 CHAIRMAN BAUGHMAN: Yes, sir.

15 MR. COLLINS: (Indicating.)

16 CHAIRMAN BAUGHMAN: Yes,
17 Mr. Collins?

18 MR. COLLINS: And I do want to,
19 I guess, reinforce what Mr. Toth had mentioned on
20 the NBIC. It does not mention in its wording
21 anything in regard to adjacent equipment.

22 And also, this is probably an
23 important one-letter difference, but it also
24 indicates -- so in the Tennessee rule, it
25 indicates that runway or platform of standard

1 construction installed across the tops, plural, of
2 adjacent boilers and pressure vessels.

3 The NBIC states, provided between or
4 over the top of boilers, heaters, or vessels,
5 which would indicate to me that it gives, I guess,
6 multiple means in order to install platforms,
7 runways, walkways on a single piece of equipment,
8 because it references as it being only the top;
9 whereas, the rule says the tops, which would give
10 the impression that you would have to tie all
11 adjacent equipment together, which is not what the
12 NBIC states.

13 MR. TOTH: Right. And then
14 also, if we continue to read that line and we talk
15 about, you know, the tops, then you have that nice
16 little two-letter word "or" after that. And that
17 "or" then says, "or at a convenient location," to
18 make sure that we're being safe.

19 This whole paragraph starts with
20 safety. That's what it alludes to, is when
21 necessary for safety. And so that's why the
22 inspectors such as Mr. Allison, that's what
23 they're looking at, is they want to do it safe,
24 but they need guidelines as to what we can do,
25 because there's nothing that says technically that

1 that platform has to be on the top of the boiler.
2 It can be at a half level of the boiler. I mean,
3 we've seen DA's that shorten that span from an
4 eight-foot to a four-foot that allows for it.

5 CHAIRMAN BAUGHMAN: Thank you,
6 Mr. Toth.

7 Mr. Allison?

8 MR. ALLISON: Yeah. He's
9 hitting it right on the head. Can you define for
10 the field guys, whoever that might be, what the top
11 of the boiler actually means? Because I've got
12 inspectors that are saying -- coworkers who are
13 saying, oh, no, you can come up to this side and not
14 go over the top, just go over a portion of the top.

15 I've adopted the stance that if
16 you're going to do normal maintenance and
17 readings, the platform is not just for that.
18 They're for normal operating procedures for the
19 inspectors or the operators to be able to get up
20 and on.

21 Unfortunately, there's a lot of
22 people that are defining the top of boilers as --
23 I mean, how big is that? I'd like to know what
24 the Board's interpretation, I guess, with this,
25 what extent does the platform need to be? Does it

1 go this far (indicating)? Does it go this far
2 (indicating)? There's a lot of different
3 configurations and a lot -- particularly, I mean,
4 like the older ones, electrical conduit over a
5 manway.

6 CHAIRMAN BAUGHMAN: Sure.

7 MR. ALLISON: How are you going
8 to put that in it, a million dollars worth of
9 electrical --

10 CHAIRMAN BAUGHMAN: Yeah. From
11 a technical standpoint, we can talk and talk and
12 talk to the nth degree on it because there's a lot
13 of variables also in the field. One of the concerns
14 I have in the whole process is making sure that our
15 inspectors and any other personnel are covered and
16 trained in harness. Because as they're going up,
17 they need to be harnessed. And I know we've
18 addressed this way back in the day, but, you know,
19 that has to be addressed when we're talking about
20 ladders and platforms and walkways and so forth and
21 so on.

22 But getting back to the BI 24-02 in
23 particular and what it is we're looking at and
24 making the motion and vote upon what are these
25 boilers or pressure vessels -- they can be air

1 tanks --

2 MR. TOTH: That's right. They
3 can.

4 CHAIRMAN BAUGHMAN: -- for that
5 matter. Hot water storage tanks, any kind of
6 pressure vessel that is from eight foot and above
7 and tying them in, so it's pretty broad based. Are
8 we as a Board going to be in agreement that this is
9 not going to be a requirement to tie these units
10 into each other?

11 MR. DEASON: (Indicating.)

12 CHAIRMAN BAUGHMAN: Yes,
13 Mr. Deason.

14 MR. DEASON: The Board can't
15 make an interpretation that is contrary to what's in
16 the rule. That would require a rule change.

17 MR. TOTH: But it's not. I
18 agree with what you're saying, but it's not in
19 contradiction.

20 MR. DEASON: You can interpret
21 what's there. And a lot of these things, if we're
22 talking about definitions of things, if we're going
23 to define things, we'd have to change the rule for
24 that, too. You can't just kind of invent your
25 own -- you can, but it has to be in the rule.

1 MR. TOTH: Can I ask a question,
2 Mr. Chairman, to Mr. Deason?

3 CHAIRMAN BAUGHMAN: Yes, sir,
4 and then I'm going to call on another member.

5 MR. TOTH: Sir?

6 CHAIRMAN BAUGHMAN: After you
7 comment, I've got another member to speak.

8 MR. TOTH: So in this situation
9 where the rule stipulates the tops of boilers and
10 pressure vessels or a convenient -- this
11 interpretation would not contradict that. It only
12 says is it required for them to be adjacent to
13 each -- boilers that are adjacent? And it doesn't
14 read that.

15 So what we're saying is, is it a
16 requirement that boilers or pressure vessels that
17 are adjacent to each other, that are over the
18 eight foot from the operating surface, be required
19 to have platforms and runways connected? And the
20 answer is no, there's not. They can be, but
21 there's other opportunities that we can have.
22 They can be separated with their own means of
23 egress.

24 CHAIRMAN BAUGHMAN: Mr. Deason,
25 are you good with that or still giving that some

1 thought?

2 MR. DEASON: It's -- no. As
3 long as it's -- whatever is within the rules, that
4 lends itself to interpretation. If you have
5 different definitions of things like Mr. Toth
6 pointed out, that the walkways have at least two
7 means of exit, if you have certain definitions,
8 certain things defined in the rules, certain
9 measurements and whatever that don't match up, you
10 can take the literal reading of it and interpret
11 that as long as it doesn't conflict with another
12 section.

13 CHAIRMAN BAUGHMAN: Are we
14 within that realm to be able to accomplish that?

15 MR. DEASON: I'm trying to
16 find --

17 CHAIRMAN BAUGHMAN: I don't want
18 to step above our bounds.

19 MR. DEASON: No. I know. I'm
20 trying to look for that eight-foot -- or is that
21 within the national code?

22 MR. TOTH: It's in both.

23 MR. DEASON: Okay.

24 MR. TOTH: It's in both. It's
25 the -- yeah, it's in both.

1 MR. COLLINS: Well, and not to
2 mention those two statements. And again, I don't
3 want to discuss that previous Board Case, but those
4 two statements are actually in -- they conflict with
5 each other as well, with the NBIC, what it states,
6 and actually the Board Interpretation response which
7 cites the NBIC. One is six foot; the other is eight
8 foot. But I don't want to continue discussions on
9 that.

10 MR. TOTH: Yeah. We'll have to
11 talk -- I could talk to you offline on that. I
12 don't know if that's accurate, but that's okay.

13 CHAIRMAN BAUGHMAN: Well, the
14 eight foot is from the floor up.

15 MR. TOTH: Yeah. The six foot
16 is --

17 CHAIRMAN BAUGHMAN: And the six
18 foot is the length of the walkway itself.

19 MR. TOTH: Right. The six foot,
20 yes, it's -- that's where it starts.

21 CHAIRMAN BAUGHMAN: Yes, sir.
22 You had a comment? Your name?

23 MR. ROSE: Marvin Rose.

24 CHAIRMAN BAUGHMAN: Marvin Rose?
25 Thank you.

1 MR. ROSE: And the other
2 gentleman's response about tops, to me, from being a
3 guy on the floor, all that's telling me is you've
4 got multiple equipment in a room. I mean, that does
5 not imply to me that I've got to have them all
6 connected.

7 CHAIRMAN BAUGHMAN: Yes, sir.

8 MR. ROSE: I mean, it's just...

9 CHAIRMAN BAUGHMAN: So in the
10 meantime, we're waiting to get some clarification on
11 there, some input.

12 MR. TOTH: And if it would --
13 Mr. Chairman, I can verbally read Rule .04(11) to
14 the audience so that -- because it's not up there
15 and you can't really see it anywhere else.

16 CHAIRMAN BAUGHMAN: We could,
17 but in the meantime, what I'm looking at is just --
18 I think we can hopefully shortly figure this out.

19 MR. DEASON: What I'm not
20 getting is where Marty is making that distinction.
21 I mean, I see in here like clearances and things
22 like that. Or Mr. Toth, excuse me.

23 MR. TOTH: That's okay. Just
24 don't call me Martin.

25 MR. DEASON: Three feet,

1 five feet, six feet. But I want to make sure that
2 when we look at .04(11) --

3 MR. TOTH: Oh, I see what you're
4 doing. Yes.

5 MR. DEASON: Like I'm not sure
6 we're comparing apples to apples here, and that's
7 kind of what I'm trying to --

8 MR. TOTH: Are you talking about
9 the distances?

10 MR. DEASON: Yeah.

11 MR. TOTH: The reason is --

12 MR. DEASON: The distinctions
13 that you're making.

14 MR. TOTH: Because the reason
15 is, and like most cases of the code, instead of
16 grabbing every part of a national standard like the
17 NBIC and putting that into your rules and
18 regulations, what we do is we reference back to it.

19 And so by the Board accepting the
20 ASME -- or the NBIC, what in essence happens is
21 the rules have to go above and beyond that code,
22 if that makes sense, Mr. Deason, is that if the
23 Board were to say that any boiler that is greater
24 than six foot from the operating surface has to
25 have a platform, they can do that.

1 Right now, what it does is it
2 references back to the NBIC that stipulates the
3 eight foot off the operating floor, platforms of
4 six-foot dimensions, greater than, have to have
5 multiple means of egress. All of that is listed
6 in the NBIC.

7 And what we are looking at is what
8 Mr. Collins brought up, which was a very good
9 question, is talking about exactly -- and if I
10 would, may I just go ahead and read it?

11 CHAIRMAN BAUGHMAN: Okay.

12 MR. TOTH: So .04, paragraph 11,
13 "Ladders and Runways. When necessary for safety,
14 there shall be a steel runway or platform of
15 standard construction installed across the tops of
16 adjacent boilers or pressure vessels or at some
17 other convenient level for the purpose of affording
18 safe access."

19 Then the second sentence goes on to
20 read, "All walkways shall have at least two means
21 of exit, each to be remotely located from the
22 other."

23 So the question in the BI is that if
24 we have adjacent boilers, are they required to
25 have platforms and runways connected?

1 And the reply is no.

2 CHAIRMAN BAUGHMAN: Ms. Owens.

3 MS. OWENS: Mr. Chairman, would
4 it be possible to schedule a working session for
5 this? That way, that will give legal a bit more
6 time to look into this. Additionally, if we do a
7 working session, do we need to revisit the Board
8 Case that Mr. Collins addressed as well?

9 CHAIRMAN BAUGHMAN: I think both
10 of those are applicable suggestions. One of the
11 things that comes to my mind is the definition of
12 "adjacent" also, what serves as adjacent. Is that
13 three foot, six foot, eight foot, so forth, so on?

14 Mr. Allison?

15 MR. ALLISON: So what I'm
16 looking for from the Board right now is consistency,
17 understanding, and the direction the inspectors need
18 to go -- or the constituents, whatever. We need to
19 know what the Board considers the tops of boilers.
20 We need to know the parameters, what that means.

21 CHAIRMAN BAUGHMAN: Okay.

22 MR. ALLISON: Because there is a
23 lot of -- I mean, if you guys say, this is what we
24 want, then us in the field will do that. But if you
25 don't say, this is what we want, then everybody is

1 going to have their own interpretation as to what
2 the top of a boiler is. And I'm telling you, the
3 top of a boiler not covered is what some are saying.
4 It goes up to the top, but it doesn't go over.
5 Black and white in the rules. It's clear to me.
6 But the Boiler Board needs to make the distinction
7 between we want to go this way, we want to go that
8 way. That's my mind.

9 CHAIRMAN BAUGHMAN: Okay.

10 MR. ALLISON: So the reason I
11 bring this comment up is when you guys take this
12 into consideration, the verbiage of the
13 interpretation, if it can be clear with regard to
14 what I need to tell the customers in the field about
15 your platform has to be this, this, this, and this.
16 And I can get them the parameters of railings, this,
17 that, and another. And the way I handle it now,
18 it's, you know, if you're getting on top of the
19 boiler to operate a valve, you need a platform with
20 handrails all the way around.

21 CHAIRMAN BAUGHMAN: We're just
22 taking -- you just want the gray area of
23 interpretation taken out.

24 MR. ALLISON: I want it black
25 and white, yeah.

1 CHAIRMAN BAUGHMAN: Got you.

2 MR. ALLISON: That would be much
3 more helpful.

4 CHAIRMAN BAUGHMAN: Very good.
5 And we can do that.

6 MR. ALLISON: Thank you. I'll
7 keep my mouth shut now.

8 CHAIRMAN BAUGHMAN: No. Thanks
9 for the input and thanks for that notification.

10 We all need to add input and that's
11 what this is about. Mr. Toth said it. Safety.
12 And that's why we're here. So if we can take gray
13 areas out of what we do for everybody, all the
14 better, and we definitely have some gray areas to
15 work on moving forward.

16 So let's table this. Let's bring it
17 up for a workshop discussion and leave that to the
18 powers to be to get that scheduled up for a
19 hearing in the near future. And when exactly
20 we'll bring that back up, I don't know. But for
21 right now, we're just going to have that tabled.

22 Good with that?

23 (No verbal response.)

24 CHAIRMAN BAUGHMAN: Do we need
25 to vote on that?

1 MR. TOTH: Not if you table it.

2 MS. OWENS: Not if you table it.

3 MR. DEASON: I don't think so.

4 CHAIRMAN BAUGHMAN: Okay. Good.
5 Great. Great input.

6 All right. Moving on to BI 24-03,
7 mobile rolling platforms. And again, we'll have
8 discussion on that coming in. Instead of asking
9 the public ahead of time, we'll just move as
10 quickly as we can as this presentation moves on.

11 If you would, Mr. Toth, read off
12 BI 24-03 and its inquiry and reply.

13 MR. TOTH: Thank you.

14 Just to the inquiry, is -- in the
15 state of Tennessee, is it allowed to utilize a
16 mobile, parenthetical, rolling platform to satisfy
17 the requirement of 1.6.4 in Part 1, installations,
18 of the NBIC code -- or National Board Inspection
19 Code, excuse me, parenthetical, NBIC, and
20 0800-03-03-.04, paragraph 11 of the Tennessee --
21 State of Tennessee Board of Boiler Rules, provided
22 all applicable size and construction requirements
23 stated within the NBIC are met?

24 And the reply is yes.

25 So this is an interesting subject

1 because this has come up many times. There are
2 situations where platforms installed above a
3 boiler for preexisting locations is not possible,
4 even in some situations where it is felt that it's
5 more convenient and efficient and provides the
6 same level of safety to have a rolling platform
7 very similar to what you see on the screen here,
8 and having the space available between the units
9 is better for that particular location.

10 There has been some communications
11 and questions from inspectors stating, no, it has
12 to be a permanent fixture, it has to have a
13 permanent ladder. There's nowhere in the NBIC
14 that states anything about a permanent ladder.
15 The only permanent part when they speak of ladders
16 in the NBIC is that the actual treads of the
17 ladder have to be permanently installed through
18 the rails of the ladder.

19 So, in other words, you can't take
20 the treads of the ladder or the rungs of the
21 ladder and screw them to the face of the rails
22 going up, of the side rails of the ladder. That's
23 the only place where it talks about that a ladder
24 has to be permanent in the code.

25 There are many situations where these

1 cantilever type of mobile platforms are sufficient
2 to allow for the personnel to get up to do
3 inspections on safety valves, to have access to
4 manways, and to be able to move to certain parts,
5 and then also do additional services within the
6 boiler room.

7 Ms. Reeves and I actually visited a
8 location yesterday in Old Hickory. It had very
9 large units. Yes, they had runways or they had
10 platforms. Three separate water tube boilers and
11 it had three levels of platform on, very large,
12 beautiful. Guess what? Right next to those they
13 also had a rolling platform so they would have
14 access to the front side of the steam drum. They
15 would have access to the topsides of their smaller
16 water tube units.

17 CHAIRMAN BAUGHMAN: And I
18 understand --

19 MR. TOTH: So there is a place.

20 CHAIRMAN BAUGHMAN: In the
21 essence of time, I understand a lot of the
22 applicability where a platform may or may not -- I'm
23 looking at what the impetus behind this really is.
24 Is it cost savings? Is it -- why would we have a
25 mobile platform versus having a standard? And what

1 are the pros and cons for discussion in approving
2 that, i.e., extra personnel to operate any
3 OSHA/TOSHA requirements for ladders, any liabilities,
4 so forth to be brought up for discussion?

5 MR. TOTH: I can tell you this:
6 The code has no restrictions on mobile platforms.
7 There's not one thing that you're going to find in
8 the code that says you cannot use mobile platforms.

9 In the case of -- in most cases when
10 you find it, the lack of enforcement of platforms
11 in the past cause the inconvenience of, yes, now
12 we're going to go into a hospital system and we're
13 going to have them do six figures versus -- of
14 renovations. Because to have a platform, you have
15 some conduit running at a certain height over a
16 certain part of the boiler that separates the
17 safety valves from the manway.

18 CHAIRMAN BAUGHMAN: Sure.

19 MR. TOTH: And that's -- let's
20 be honest. That's ridiculous. Okay? So if we can
21 provide the same amount of safety, okay, and be
22 physically responsible with it, let's do that.

23 CHAIRMAN BAUGHMAN: So open for
24 discussion?

25 MR. COLLINS: I did want to

1 point out there is one other place in the code where
2 it mentions permanent; there shall be at least two
3 permanently installed means of exit.

4 And I do apologize for earlier. I do
5 want to point out that Mr. Toth was correct, that
6 that only applies to six foot in length
7 collapsible platforms, where I incorrectly said
8 eight foot.

9 But, of course, the way that that is
10 interpreted is "permanently installed" means of
11 exit, because assuming that a platform that isn't
12 six foot in length does have to have a means of
13 exit that is permanent. Although for equipment
14 that is shown on these mobile platforms, that
15 would probably be interpreted as ladders or stairs
16 that are permanently fixed to that platform. The
17 whole apparatus moves and has wheels, but it does
18 have a permanent means of egress or exit from the
19 platform that's suspended in the air.

20 MR. TOTH: Uh-huh.

21 MR. COLLINS: The other thing I
22 wanted to mention was -- let's see. As far as the
23 ladder or stairway that's shown in the picture, I
24 don't know how that would be defined, if it would be
25 a ladder or a stairway or something of a combined

1 means of definition. And the main reason why I
2 point that out is that in the NBIC, it says for
3 stairways, they shall not exceed an angle of
4 45 degrees from horizontal.

5 MR. TOTH: Uh-huh.

6 MR. COLLINS: And the mobile
7 platforms, it looks like -- it appears in the
8 pictures is probably around 60 degrees.

9 MR. TOTH: And that's a very
10 good question. And that's where you've -- you go
11 back to the industry. Where do you see these
12 photos? What are these manufacturers building to?
13 Well, they're building for the industry, such as for
14 the boiler industry. And when you look on the
15 website, you'll see their pictures.

16 So it would be the responsibility of
17 this body to, say, define what is the difference
18 between a ladder and a stairway. Okay? So a
19 ladderway in this case here is we have the rails
20 to actually climb up the access point. Okay? If
21 this Board were to say, we want to require because
22 we're going to call these stairs, okay -- I
23 promise you, in the Navy, okay, this right here is
24 not stairs. This is a ladder. Okay? That's a
25 ladder. And that's where that comes from.

1 So yes, we could say they have to be
2 45 degrees. If you want to be restrictive on that
3 and put that in here and require that any mobile
4 platform have a 45-degree angle, sure, that's
5 going to limit where some of these can be used,
6 and that's your preference. That's why you guys
7 have the ability to do that. I saw that and
8 recognize because I know from my experience that
9 this is not a stairway. This is a ladder. Okay?
10 So --

11 CHAIRMAN BAUGHMAN: Okay.

12 MR. TOTH: And then we talk
13 about the egress. You brought up the egress point,
14 the permanent point of egress, because of the
15 dimensions. If I had a runway dimension that was
16 less than six foot in any dimension, I literally can
17 remove that ladder from that platform and store it
18 somewhere else, and then when I need to get on the
19 boiler, I can attach that ladder to that platform
20 and crawl up. Okay? It's only when you get over
21 that six-foot dimension that it becomes permanent.

22 CHAIRMAN BAUGHMAN: Mr. Lashley?

23 MR. LASHLEY: No. I'm just --
24 you know, when Riley brought up that, you know, it
25 is affixed because, you know, it could be over

1 six foot, it kind of takes away from the question is
2 it a ladder or a stairway, to begin with, because it
3 would be looked at as a complete structure, in my
4 opinion.

5 CHAIRMAN BAUGHMAN: My end in
6 approving something like this is approving -- and I
7 know we say the unit would be standard construction,
8 meet certain standard code requirements and what
9 have you.

10 We obviously have two people. The
11 inspector is going to do his inspection. He's not
12 going to operate the ladder. He's not moving
13 anything around on his own, not his
14 responsibility, and the liability of doing such,
15 if he runs into any apparatus, so forth, so on.

16 So then we have to have an operator
17 that's there. So we've got to have an operating
18 personnel to be able to move this ladder in place
19 and so forth and so on. It's a union job. Get
20 one of the union personnel in, so forth and so on.

21 But there's a lot of moving parts
22 past just the upfront and obvious: Are we
23 approving the mobile platform? And I would like
24 to know what other jurisdictions have looked at in
25 this regard, pros and cons, yes, nos, what have

1 you. I just don't feel that I'm ready to make a
2 knee-jerk yeah, I'm good with it, just because I
3 don't feel like I've got all the information I
4 need. But that's my interpretation. And that may
5 be totally different than what my compadres feel
6 too.

7 MR. TOTH: See, the concern --

8 CHAIRMAN BAUGHMAN: I'm sorry.
9 Mr. Toth, just a moment.

10 MR. TOTH: Okay.

11 CHAIRMAN BAUGHMAN: Yes, sir.

12 MR. ROSE: My only concern would
13 be the manufacturer's statement about these in terms
14 of these are going to be regulated by OSHA or some
15 other government agency already and they already
16 have to have been approved for a safety level. So
17 is the Board going to interject into that safety
18 level and inspection, or are we not just going to
19 take the manufacturer's data plate of how safe these
20 things are to use?

21 CHAIRMAN BAUGHMAN: Yes, and I
22 agree. The concern that I've got is who oversees
23 that? Is that up to the customer? Is that up to
24 the boiler inspector to look to make sure that this
25 piece of equipment has its proper certifications if

1 we're utilizing it?

2 Both counsel, yes.

3 MR. DEASON: The function of the
4 boiler inspector would be to make sure that whatever
5 the -- is finally determined is required is
6 installed and there. How good it is, that's more of
7 a TOSHA thing, how safe it is. I mean, we agree on
8 what it is, how it's defined, a rose by any other
9 name, all that. Once we've agreed on that, is it
10 there. If it's there in place and installed --
11 which is also open to interpretation. I mean, we
12 could spend the rest of our lives discussing all of
13 these terms.

14 But if it is there and installed as
15 required by the rules, that's all. I mean, they
16 may see if it's rusty initially, but that is not
17 something that is within the purview of the
18 boiler -- quite frankly, we're not qualified on
19 that side of the house, to go and inspect
20 something like that.

21 CHAIRMAN BAUGHMAN: Sure. And
22 my concern is anybody -- any of the inspectors
23 getting in, getting on one of these, harnessing up,
24 and we assume that it meets the requirements and so
25 forth, and I'm just, you know, just kind of carrying

1 that out to the nth degree. But we're going to make
2 the assumption that this meets all the code
3 requirements that needs to be made.

4 Yes, sir.

5 MR. TOTH: And I know it's very
6 hard to just apply things to the rule. We love in
7 this industry to take the exception, and that one
8 thing can cause a lot of issues. But that was an
9 excellent statement there. These are all built to a
10 spec, okay, an OSHA spec.

11 There are situations where I've been,
12 you've been, anybody that's inspected a boiler,
13 worked around a boiler's been, that had certain
14 platforms that as an inspector, I would say,
15 that's not safe, you need to get something better
16 in here and that's a violation because that's not
17 safe to be on top of.

18 But we can carry that over to the
19 platforms that are being built. You know, what is
20 the extent of that? Who's doing the welding?
21 Who's doing the --

22 CHAIRMAN BAUGHMAN: Absolutely.

23 MR. TOTH: So all I ask you is
24 to step back and say, what does the rule state?

25 CHAIRMAN BAUGHMAN: I agree.

1 MR. TOTH: Does the rule allow
2 it? Yes, they do. And then let the other agencies
3 that have to deal with that stuff do their job.

4 CHAIRMAN BAUGHMAN: You bet.
5 Thank you, Mr. Toth.

6 Ms. Owens?

7 MS. OWENS: I withdraw my
8 comment.

9 CHAIRMAN BAUGHMAN: Okay.
10 Mr. Watson?

11 MR. WATSON: Yes. I only had
12 one concern. And with this being a mobile platform,
13 I've been in the shop industry a bit, and if I see
14 something like that, I would want to take it to my
15 other building. And my issue would just be like if
16 I'm getting there to do an inspection on this
17 vessel, is that still going to be in the same room?
18 Is it going to be in a different building? How fast
19 we could access this to get to our inspection.

20 CHAIRMAN BAUGHMAN: And that's a
21 valid point, versus a permanent one. I think the
22 real -- part of what I see on this is that --

23 MR. TOTH: It's a valid point of
24 failure too.

25 CHAIRMAN BAUGHMAN: Excuse me.

1 -- is that, really, money defines a
2 lot of what we're talking about and that's kind of
3 why they're looking at this. Is it going to cost
4 five figures, six figures to do a renovation
5 versus being a mobile platform? And that's really
6 kind of the impetus behind it.

7 MR. CASS: (Indicating.)

8 CHAIRMAN BAUGHMAN: Mr. Cass?

9 MR. CASS: Yes. And then the
10 question of access comes into play because, you
11 know, I think that's defined as 12 inches from a
12 standing position. And if you've got a mobile
13 platform that isn't really appropriately sized for
14 the equipment that you're inspecting, are you going
15 to have to overextend yourself to get to where you
16 need to be? I mean, you know, there are just other
17 questions as far as access with a one-size-fits-all
18 mobile platform going between vessels.

19 CHAIRMAN BAUGHMAN: Uh-huh, I
20 agree.

21 MR. TOTH: (Indicating.)

22 CHAIRMAN BAUGHMAN: Mr. Toth?

23 MR. TOTH: And that's an
24 inspection thing. It's definitely an inspection
25 thing. If you want to add it on to your permit

1 application that stipulates or states, you know,
2 what are you going to be using for a platform, and
3 they provide that information, that's great. You
4 show up to that job site to do that inspection and
5 they're not adequate, they fail. That's the biggest
6 thing, guys. We've got to have that. If they don't
7 have the access to the equipment that they're
8 supposed to have, they fail.

9 CHAIRMAN BAUGHMAN: Okay. So we
10 beat that around pretty good. What's the pleasure
11 of the Board?

12 MR. COLLINS: I don't mean to
13 open a can of worms here, but considering the
14 current wording of the code and -- or of the rule
15 indicating as far as -- that we're going to, in the
16 future, address the "adjacent" wording, is this
17 going to be contingent upon our decisions that we
18 make in the future on this rule? I know we need to
19 make a decision now as far as what the rule says,
20 but the rule is not clear in what it says.

21 CHAIRMAN BAUGHMAN: Okay. So
22 would the pleasure be to discuss further? Another
23 workshop item? Pass as is? What's the pleasure? I
24 don't know if that's the right word, "pleasure,"
25 but -- you know.

1 MR. TOTH: Again, Mr. Chairman.
2 Mr. Chairman.

3 CHAIRMAN BAUGHMAN: Yes,
4 Mr. Toth.

5 MR. TOTH: We've got so many
6 boilers out there using mobile platforms right now
7 as their means of platforms. If you want to change
8 the rule to say that you can't use mobile platforms
9 in the future, when you go in and you change that
10 definition on .04(11), Riley, do it then. Right
11 now, you can use mobile platforms because there's
12 nothing in the NBIC, there's nothing in the rules or
13 regulations that states that you can't use mobile
14 platforms.

15 CHAIRMAN BAUGHMAN: And I'll
16 clarify too that all we're doing presently with
17 these ladders, runways, and walkways, so forth is
18 giving clarification to enforcing the code that's
19 already there.

20 MR. TOTH: That's right.

21 CHAIRMAN BAUGHMAN: And that's
22 been part of the problem.

23 MR. TOTH: That's it.

24 CHAIRMAN BAUGHMAN: So we're
25 going back, and the customer's going, we can't

1 afford it. It's always been there. We just never
2 enforced it. So now we're asking, can we have a
3 mobile platform, which is -- all we're doing is
4 saying the code has been there. Whether it's been
5 enforced or not from the time of installation to now
6 and so forth is a whole different thing.

7 But moving on with the mobile
8 platform, and if there's anything that needs to be
9 discussed on how that -- how any other code
10 affects this, then, you know, I'm open to
11 suggestions.

12 MR. TOTH: But again, you're
13 making up --

14 CHAIRMAN BAUGHMAN: Mr. Toth,
15 please ask for comment.

16 MR. TOTH: Yeah. But you're
17 making up something. And you're saying that right
18 now -- and this is what really bothers me, is that
19 if we go through in this industry and think that
20 money doesn't play a part, you're naive.

21 CHAIRMAN BAUGHMAN: Thank you
22 for that comment, Mr. Toth.

23 MR. TOTH: No, no. I'm still
24 talking, sir.

25 CHAIRMAN BAUGHMAN: Okay.

1 MR. TOTH: If money plays a
2 part --

3 MS. OWENS: Sir, he --

4 MR. TOTH: -- but safety also
5 plays a role. Okay?

6 MS. OWENS: The Chairman has
7 spoken.

8 MR. TOTH: Okay.

9 MS. OWENS: He has -- he has
10 revoked your time.

11 MR. TOTH: He has said nothing.
12 He has said nothing.

13 MR. DEASON: You can only speak
14 at the pleasure of the Chairman.

15 MR. TOTH: Okay.

16 CHAIRMAN BAUGHMAN: So I hear
17 what you're saying. I understand what you're saying
18 and your passion for that. Safety trumps
19 everything. So, you know, that's kind of the bottom
20 line.

21 But carrying on back to the original
22 discussion...

23 MR. COLLINS: I just want to
24 comment. My comment about the future rule change
25 was only -- the change that we were discussing on it

1 was only to complement this. I just want to clarify
2 that. I feel like something got miscommunicated.

3 MR. TOTH: (Indicating.)

4 CHAIRMAN BAUGHMAN: Mr. Toth?

5 MR. TOTH: So what I'm saying
6 is, is what your statement was, Mr. Chairman, is
7 that the rule has always stated and the code has
8 always stated, and now we're trying to add in mobile
9 platforms because people don't want to spend money.
10 And that's not the case.

11 Mobile platforms have never been
12 something that wasn't allowed in this industry.
13 It was something that was -- it was -- you had
14 runways, platforms, and ladders. That was
15 mentioned. You have a working platform. That's
16 something that's been around in this industry
17 forever. Okay?

18 So I don't really like the thought
19 that we're saying that a client is not wanting to
20 spend the money. If they can spend \$10,000 on a
21 unit like one of these that is going to serve the
22 same purpose, provide the same level of safety,
23 provide the ability for them to tie off and
24 harness off to this, we're providing the same
25 level of safety.

1 Everybody on this committee
2 understands, sir, that I know safety is first.
3 But I also understand that if we can be safe and
4 be efficient, that trumps and that beats.

5 CHAIRMAN BAUGHMAN: And you
6 mentioned earlier about the six figures, and that's
7 why it kind of came up that that money is part of
8 the proposition.

9 MR. TOTH: Sure.

10 CHAIRMAN BAUGHMAN: And so my
11 end is, is that they haven't had a ladder to begin
12 with, possibly, and they haven't had a mobile
13 platform, possibly, to begin with, and how have
14 inspections actually been properly performed. And
15 that's part of my issue in the industry. And you've
16 seen that more times than you can count, as a lot of
17 us have.

18 So getting back to the Board
19 Interpretation of 24-03, how do we move forward?
20 What's the thought, the motion?

21 MR. COLLINS: (Indicating.)

22 CHAIRMAN BAUGHMAN: Yes,
23 Mr. Collins.

24 MR. COLLINS: Motion to approve
25 the Board Interpretation as it's currently worded.

1 CHAIRMAN BAUGHMAN: Okay.

2 MR. LASHLEY: I second that.

3 CHAIRMAN BAUGHMAN: All right.

4 So we've got a motion to approve BI 24-03 as it's
5 currently worded. We've got a motion. We've got a
6 second to that. All right. We'll call for the
7 vote.

8 All in favor, say "aye."

9 (Affirmative response.)

10 CHAIRMAN BAUGHMAN: All opposed?

11 (No verbal response.)

12 CHAIRMAN BAUGHMAN: Abstaining?

13 No votes?

14 (No verbal response.)

15 CHAIRMAN BAUGHMAN: BI 24-03.

16 Yes?

17 MR. TOTH: Thank you, Mr. Chair.

18 I apologize for being out of order.

19 CHAIRMAN BAUGHMAN: Martin,

20 that's no problem. Thank you very much.

21 That moves us on to Item 9, Open
22 Discussion. Are there any items or issues that
23 are relevant for us to be discussed?

24 (No verbal response.)

25 CHAIRMAN BAUGHMAN: Very good.

1 I love the discussions in this. Sometimes they get
2 going. We've got passionate people that are
3 involved in this industry and I'm very thankful for
4 that.

5 We've got a new member here within
6 the audience, Mr. Hayes, who is a young man that's
7 getting -- he's passionate about this industry
8 also.

9 So I love that you're here to see how
10 some of the process works. But that's what we're
11 wanting, is to have new, young people to be able
12 to mentor into this industry. So I'm thankful
13 that you're here.

14 Item 10, we've got upcoming scheduled
15 meetings for 2025. Those meetings are March 12th,
16 June 11th, September the 10th, and December the
17 10th.

18 And with that, I'd like to wish
19 everybody Happy Holidays, Merry Christmas. Be
20 safe.

21 I will call for a motion to adjourn.

22 MR. COLLINS: So moved.

23 CHAIRMAN BAUGHMAN: Second?

24 MR. LASHLEY: Second.

25 CHAIRMAN BAUGHMAN: All in

1 favor, say "aye."

2 (Affirmative response.)

3 CHAIRMAN BAUGHMAN: Adjournment.

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5 END OF THE PROCEEDINGS.
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C E R T I F I C A T E

STATE OF TENNESSEE)

COUNTY OF WILLIAMSON)

I, Cassandra M. Beiling, a Notary Public
in the State of Tennessee, do hereby certify:

That the within is a true and accurate
transcript of the proceedings taken before the
Board and the Chief Inspector or the Chief
Inspector's Designee, Tennessee Department of
Labor & Workforce Development, State of Tennessee
Board of Boiler Rules, on the 11th day of
December, 2024.

I further certify that I am not related to
any of the parties to this action, by blood or
marriage, and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 27th day of January, 2025.



Cassandra M. Beiling, LCR# 371
Notary Public State at Large
My commission expires: 3/4/2028