

**Board of Boiler Rules Meeting Minutes**  
**November 13-14, 2018**  
**Department of Labor & Industries, Tacoma, WA**

**Board Members:**

Terry Chapin, Chair  
Lisa Hawkins  
Jeff Waytashek  
Isaac Osborn  
Tim Barker (Via phone)  
Tony Oda, Secretary

**Other Attendees:**

Michael Carlson, State of Washington  
Bruce Weech, State of Washington  
Jamie Brown, State of Washington  
Michael Low, State of Washington\*  
Stephan Osterbur, State of Washington\*  
Larry Leet, City of Seattle\*  
Christopher Hartford, HSB  
Timothy Griffin, HSB  
Alicia Curry, State of Washington\*  
Annette Taylor, State of Washington\*  
Beverly Clark, State of Washington\*\*  
Milton Vance, Excel Court Reporting\*\*\*

- \* Attended Study Session only
- \*\* Attended Board Meeting only
- \*\*\* Attended Public Hearing only

The Board of Boiler Rules Study Session was held on November 13, 2018, from 11:00 am to 12:57 pm. Discussion summaries are incorporated in the meeting minutes.

The Board of Boiler Rules meeting was called to order by the Chair on November 14, 2018 at 10:00 am.

**Agenda Item 1.**

The meeting agenda was reviewed and approved after the subsequent change was made:

**1. WAC 296-104-303 – Installation – What control and limit devices are required on automatically fired boilers after December 2004?**

Michael Low presented this item. He agreed to table this proposal until further research was done. The department withdrew this item, and will resubmit in the future for consideration.

After the agenda revision, Isaac motioned to approve and Lisa seconded. Motion carries, agenda approved.

**Agenda Item 2.**

The minutes from the August Boiler Board study session and meeting were reviewed. The meeting minutes were reviewed and Lisa motioned to approve, Isaac seconded. Minutes were approved as written.

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**Agenda Item 3.**

Written comments were accepted until 11am on November 13 for public hearing agenda items but the department received none. Isaac motioned to temporarily adjourn board meeting to proceed into public hearing. Jeff seconded, meeting temporarily adjourned. Public hearing called to order at 10:05 am. Isaac motioned to approve hearing agenda, Lisa seconded. Agenda was approved. Transcript provided by Milton Vance, of Excel Court Reporting. **\*\*Official meeting transcript included at end of meeting minutes\*\***

**Public Hearing: Proposed Changes & Fee Increase to Boiler Rules**

- **WAC 296-104-010** – Clarify definition and specifications of a “Water Heater”.
- **WAC 296-104-065** – Department proposed revision to align the change made by the National Board from an Authorized Inspector, “AI” Endorsement to an “AI” Commission.
- **WAC 296-104-102** – Adopted NBIC, Part 4, current edition as the standard for installation, inservice inspection, and repair of pressure relief devices.
- **WAC 296-104-251** – Added new WAC rule to adopt NBIC ,Part 1, current edition, as the standard for installation of non-nuclear boilers, unfired pressure vessels, and safety devices.
- **WAC 296-104-320** – Added specifications addressing discharge-piping requirements for water heaters.
- **WAC 296-104-502** – Adopted revision to WAC 296-104-502 as the standard for non-nuclear repairs.
- **WAC 296-104-700** – Department proposed fee increase of 4.0%. The boiler dedicated fund balance is now at the minimum working capital amount of \$537,000 (\$179,000 x 3 months) and is projected to be at \$407,000 by February of 2019. The 4.0% increase is the allowable fiscal growth factor established by the Office of Financial Management.

Isaac motioned to approve proposed changes to the boiler rules. Jeff seconded. Jeff motioned to adjourn public hearing, Isaac seconded. Public hearing adjourned. Isaac motioned to resume board meeting, Lisa seconded. Proceedings adjourned at 10:15 am, and board meeting resumed.

Lisa asked about the CR101 filing process. Alicia explained that the CR101 is introducing the department’s intent to file for rule changes, the CR102 is the proposal itself, and a CR103 has the proposed rule language and input from public hearings included. The board’s approval is not required to file a CR103 but Alicia wanted it on record that the board has again approved of the proposed changes. Isaac motioned to approve the CR103, Lisa seconded. Motion carries, CR103 approved.

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**Agenda Item 4.**

**RCW 70.79.300 – Inspection certificate invalid on termination of insurance.**

Timothy Barker of FM Global, Bellevue WA, is requesting an interpretation of this RCW, regarding whether the certificate is valid if insurance is terminated.

Tim's interpretation of the RCW is that "Termination of insurance" means "Termination of insurance as a result of danger", not as a result of a normal termination due to organizations parting ways and switching insurance companies. When insurance is dropped on a client, the certificate remains valid and the new insurance company picks up the client and moves forth from there. Terry questioned what happens when an insurance company is red tagging a vessel and if it applies. Tim believes that this is what the RCW is referring to. If a vessel is going to be red tagged, the process of terminating insurance should be started ASAP.

Tony commented that this RCW hasn't been revised, altered, or changed since 1951 when it was put in place, and as a result, nobody knows what the original intent of the law was. To take the RCW word for word would indicate the permit/certificate is no longer valid. The department's position would be to go back and have an opportunity to remove/revise the RCW because the way it is currently written does not help the industry. If the department enforces this RCW as it's written it would be chaos, as there are thousands of insurance changes per month. The department will pursue the original intent of the law and either remove or revise it. Bruce and Annette requested interpretation through the Attorney General's Office for their perspective and insight. The AG can also make recommendations on language changes to support the changes discussed.

Tony e-mailed Pam Thomure after the study session to request information and intent behind this law. Pam will research this and report back at the February meeting with her report. The item is not being withdrawn, but tabled to allow time to gather more information. Jeff motioned to table the item until the AG provides their interpretation and the intent behind the law. Isaac seconded, motion carries.

**Agenda Item 5.**

**WAC 296-104-010 – Administration – What are the definitions of terms in this chapter?**

Department proposal to revise the definition of "Unfired Pressure Vessel" to clarify inspection requirements.

This was presented by Steve Osterbur. The current definition is "Closed vessel under pressure" and doesn't give a good description of what a pressure vessel is. Steve is requesting to better clarify the definition to:

1. "Designed to a MAWP of 15psi or greater".

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2. With an inside diameter of 6 inches or greater
3. Volume size of 5 cubic feet (37.4 gallons) or larger
4. Volume size of 1.5 cubic feet (11.25 gallons) or larger when located in a place of public assembly.

Excluding:

1. Fired process tubular heaters
2. Pressure containers, which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device.
3. Piping whose primary function is to transport fluids from one location to another
4. Those vessels defined as low pressure heating boilers or power boilers.

Jeff has concerns regarding the word “designed” in the proposed definition, as there are many vessels that are designed for higher pressures but never actually intended to run at that high of pressure. He would like to change the word ‘designed’ to ‘operated’. Steve pointed out that vessels not exceeding 15 pounds are exempt in the law. Lisa questioned the volume of 5 cubic feet, and asked whether it matters if that’s in a place of public assembly. Mike pointed out that there is a corresponding WAC for that. Lisa also asked if there were any other items that would normally be inspected but may now be excluded with this definition and Mike responded no. Tony reiterated that there were no changes in how the department enforces this WAC and this request is for clarification only. He remarked that this request is to take existing language and put it into one spot and that whether we agree with this WAC or not is another story. Jeff made the argument that the department is taking language, removing it from the original context/intent, and putting it in a new definition that now requires vessels to be inspected when they were not required before. Jeff also pointed out that there are math errors in the RCW/WAC that need to be addressed. Annette suggested that these be taken to the AG assigned to the program and have a longer conversation around it and if necessary, prepare for 2020 legislation to make changes.

The board requested to change the language of the proposal to “MAWP of 15 and operated at 15 psi or more/greater”. This edit was made to the request form but Mike also submitted an edit he thinks is more appropriate (MAWP and operating pressure exceeds 15 psi). Chris Hartford made the edit that it needs to read “MAWP meets or exceeds 15 psi” **or** “Equal to or greater than 15 psi”. Jeff motioned to approve modification to WAC with rewrite that includes “MAWP and operating pressure meets or exceeds 15 psi”. Isaac seconded, all voted aye, motion carries.

The revision text as voted on is:

**WAC 296-104-010 – Administration – What are the definitions of terms in this chapter?**

Definition of an unfired pressure vessel shall mean a closed vessel under pressure:

- A MAWP and operating pressure meets or exceeds 15 PSI
- With an inside diameter of 6 inches or greater
- Volume size of 5 cubic feet(37.4 gallons) or larger

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- Volume size of 1.5 cubic feet(11.25 gallons) or larger when located in a place of public assembly

Excluding:

- Fired process tubular heaters;
- Pressure containers which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;
- Piping whose primary function is to transport fluids from one location to another;
- Those vessels defined as low pressure heating boilers or power boilers.

It is noted that the volume size on this submission form is not mathematically correct, but the department doesn't want to create a secondary conflict within the same document. Requested by the board that the department ask the AG's office for interpretation. Cannot change the WAC to conflict with the RCW. This WAC revision is purely clarification and all terminology included is in accordance with ASME and NBIC.

#### **Agenda Item 6.**

##### **Approval of Preproposal (CR101) filing to initiate rulemaking.**

The board needs to approve the initiation of the rulemaking process for CR101. Lisa motioned to initiate rule making, Jeff seconded. Open for discussion.

**1. WAC 296-104-010 – Administration – What are the definitions of terms used in this chapter?**

Proposed change for definition to include "7 or more residents". For clarification purposes and to line up definition with other state departments.

**2. WAC 296-104-040 – Administration – When should inspectors submit inspection reports and on what forms?**

Encouraging inspectors to use JO to ease workload of state.

**3. WAC 296-104-700 – What are the inspection fees – Examination fees – Certificate fees?**

Adoption of \$7.00 fee for non-JO users.

Tim Griffin asked when rulemaking for WAC 296-104-010 regarding unfired pressure vessel definition would begin. Beverly Clark indicated that rulemaking for this WAC would start in January 2019, once the previous change to this WAC has been closed. Tony provided clarification to Chris Hartford regarding the definition change to WAC 296-104-010, stating that the definition refers to how many residents the facility is 'licensed' for, not how many residents

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are currently within the facility. Jeff brought up that the version of this WAC included in the packet was missing the ‘comma’ the board had requested be included in the proposal. The board was provided with the correct copy of the WAC proposal at the board meeting. All members voted yes, motion carries to initiate rulemaking.

**Department Notes:**

The department has now received all state exam questions from board members and Jamie will be working on creating a new state exam. Approximately every 5 years the department with request that the board update the exam questions. Tony thanked the board and applauded their efforts to keep the state exam current. Jeff asked how the exams are generated. Tony explained that there are about 130 questions total, and the program that creates the exam generates a random 25 question exam, with RCW’s and WAC’s weighted. Jeff asked about the NB exam dates. These are given 4 times per year.

Jeff Barnes term expired, and Tim Barker is appointed to the vacant position. Tim will be present for the February meeting.

Mike presented the red tag information the board previously requested:

1. 38 total
2. 15 air tanks- 8 thin material, 1 hole, 1 pin hole,  
2 illegal welds, 1 crack in head, 1 cracks by leg,  
1 no PRV
3. Boilers- 3 relief stuck, 1 relief not working
4. 1 major leak, 1 hole in shell, 1 leakage
5. 1 hole in tube, 1 flame impingement
6. 1 bypassed controls
7. 1 (PRV not working, pressure gauge, hi limit)
8. 1 plugged site glass, 1 illegal weld
9. 1 economizer compromised, 1 caught on fire
10. Fire coil heaters - 1 frozen safety relief
11. 1 hot spot-burner plugged, 1 heating coil leaking
12. ELWH- 2 tank leaking, 1 relief plugged
13. 2 bypass/rewired thermostat
14. HWST- 1 hole in the top of shell-leaking
15. GWH- hole in the firebox

Mike also presented information regarding current workload and overdue inspections in the boiler program. Currently, there are:

144 State Commissioned Inspectors

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Inspections in the last quarter: **August 1- October 31, 2018**

428 Internal boiler inspections

2,144 External boiler inspections

11,967 Pressure vessel inspections

Total inspections = 14,539.

The statewide overdue rate average is 4.4%, with 5,029 (60 days or more overdue) without a valid certificate.

As of 11/2/2018, 5,378 new objects have been added this year.

Current total of objects is 115,670.

There were 535 violations opened, 243 of which were closed. Currently there are 240-boiler and 863-pressure vessel violations open, which totals 1,103, along with 14 red tag violations opened.

Meeting called to close at 10:50am.