

P R O C E E D I N G S

PUBLIC HEARING
BOARD OF BOILER RULES
January 6, 2021
Pages 1 through 20
Via Skype teleconference

Taken Videographically Before:

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Certified Court Reporter CCR #2373

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APPEARANCES

FOR BOARD OF
BOILER (By video): MR. TERRY CHAPIN, CHAIR
MS. LISA HAWKINS, BOARD MEMBER
MR. TIM BARKER, BOARD MEMBER
MR. MIKE CARLSON, SECRETARY

FOR L&I
(By video): MS. ALICIA CURRY
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MR. JON CHOITZ - HARTFORD STEAM BOILER
MS. STEPHANIE GROSS - MARATHON ANACORTES
MR. BRIAN MALLYNN - BOILER & PROPERTY
CONSULTING
MR. KURT SCHMEUSSER - TAPANI PLUMBING

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P R O C E E D I N G S

CHAIRMAN CHAPIN: Good morning, ladies and gentlemen. I now call this hearing to order.

This is a public hearing on the Board of Boiler Rules for proposed changes to the Boiler Rules and Fees.

I am Terry Chapin, Chairman of the Board, representing Boilermakers and Operators, serving as the hearing officer.

For the record, this hearing is being held on January 6, 2021, by Skype and phone, due to the current COVID-19 outbreak and in-person-gathering restrictions in place in Washington State, beginning at - I have 10:06 A.M - pursuant to the authority given under the Open Public Meetings Act and the Administrative Procedures Act. Okay.

Would the Board Members please introduce themselves by stating your name and affiliation.

So I'll begin with you, Lisa, please.

MEMBER HAWKINS: Lisa Hawkins, Member of the Board, representing Professional Engineers.

CHAIRMAN CHAPIN: And Tim?

I think you may be on Mute, Tim. Can't hear you.

MEMBER BARKER: There's always one of us; right?

1 CHAIRMAN CHAPIN: Yeah. There's always one.

2 MEMBER BARKER: Tim Barker, Member of the
3 Board, representing insurance companies.

4 CHAIRMAN CHAPIN: Okay. Thank you.

5 I will note for the record that we are two Board
6 Members short.

7 One member, Jeff Waytashek - his term has expired -
8 what was that? Last month?

9 And Steve Pacheco was unable to attend today.

10 However, we do have three Board Members present; so
11 we do have a quorum.

12 Okay. If you have not already done so, please let
13 me know if you need to sign in. The sign-in sheet is
14 used to call forward individuals for testimony and is
15 later used to ensure hearing participants are notified
16 of the hearing results.

17 Do we have anybody who has not signed in yet, to
18 our knowledge?

19 MS. BROWN: As far as I know, I got everybody.

20 CHAIRMAN CHAPIN: Okay. Good.

21 We'll move on. If somebody should join us, please
22 feel free to pipe up and sign in.

23 The court reporter for this hearing is Lisa
24 Stefano, of Capitol Pacific Reporting.

25 Did I get that right, Lisa?

1 MS. BROWN: Lori.

2 CHAIRMAN CHAPIN: Oh, Lori.

3 I beg your pardon. Lori Stefano.

4 Transcripts of the record should be requested and
5 are available only from the court reporter.

6 Notice of this hearing was published in Washington
7 State Register 20-24-115, on December 1st, 2020, and
8 sent to interested parties.

9 Okay. The hearing is being held to consider oral
10 and written testimony presented on the proposed rules.

11 Any comments received today, as well as written
12 comments received, will be presented to the Director of
13 the Department of Labor and Industries.

14 We accepted written comments until 5:00 P.M. on
15 December 29th, 2020.

16 The tentative adoption date for these rules is
17 January 19th, 2021. And the tentative effective date is
18 February 19, 2021.

19 We'll move on to the Agenda.

20 Is there a way that you can pull up the Agenda,
21 Jamie?

22 MS. BROWN: Yeah.

23 CHAIRMAN CHAPIN: Or do the two Board members
24 have a copy of the Agenda from front of them?

25 No? Okay.

1 MS. BROWN: There you go. It's connecting; so
2 give it just a second. There you go.

3 CHAIRMAN CHAPIN: Okay. Thank you, Jamie.

4 MS. BROWN: Can you all see that?

5 CHAIRMAN CHAPIN: Yep. I can see that.

6 MS. BROWN: Great.

7 MEMBER BARKER: Yes.

8 CHAIRMAN CHAPIN: Okay. There we go. Okay.

9 Before us is the Hearing Agenda. I'll give you a
10 moment to review that.

11 And do we have a motion to approve the Agenda?

12 MEMBER HAWKINS: So moved.

13 CHAIRMAN CHAPIN: Okay. I have a motion from
14 Lisa to approve the Agenda.

15 Do I have a second?

16 MEMBER BARKER: Second.

17 CHAIRMAN CHAPIN: And I have a second.

18 Any further discussion?

19 (Clarifying interruption by
20 court reporter)

21 MEMBER BARKER: Tim Barker.

22 I'm seconding the motion.

23 CHAIRMAN CHAPIN: Any further discussion on
24 it?

25 All in favor of approving the Agenda, please

1 signify so by saying aye.

2 MEMBER HAWKINS: Aye.

3 MEMBER BARKER: This is Tim Barker. Aye.

4 CHAIRMAN CHAPIN: And Lisa voted aye.

5 Terry Chapin, Board Chairman, votes aye.

6 So the Agenda is approved. Okay.

7 At this time, we're going to prepare to take
8 testimony. I want to take the time to read through
9 basically the rules that are up for public comment,
10 again, if I can find them.

11 First rule will be WAC 296-104-010, the
12 Administration: What are the definitions of terms used
13 in this chapter?

14 Let's see. Let me pull this up.

15 Definitions of terms in this chapter, as I review
16 this, were a definition for "repair organization," which
17 is proposed as an organization in possession of a valid
18 certificate of authorization, from the National Board of
19 Boiler and Pressure Vessel Inspectors, to use the "R"
20 symbol stamp for repair and/or alterations of pressure
21 retaining items within their scope of authority.

22 And I believe there was a second definition
23 regarding historical boilers and unfired pressure
24 vessels.

25 And the proposed change is "historical boilers and

1 unfired pressure vessels shall mean nonstandard boilers
2 and pressure vessels, including steam tractors, traction
3 engines, hobby steam boilers, portable steam boilers,
4 and other such boilers or pressure vessels that are
5 preserved, restored, and maintained only for
6 demonstration, viewing, or educational purposes. They
7 do not include miniature hobby boilers as described in
8 RCW 70.79.080.

9 Second rule is regarding WAC 296-104-700: What are
10 the inspection fees, examination fees, and certificate
11 fees expenses? All this information was published. So
12 I don't want to really take time to go through all the
13 fees.

14 But essentially these are increase in fees that
15 were approved by the Board for the budget of the
16 Department of Labor and Industries of the Boiler
17 Section. And they were to meet their financial goals.

18 Let's move on to the third rule, which is regarding
19 WAC 296-104-701: What are the civil penalties?

20 And this is - let me scroll down - this would be
21 a - let me phrase this properly.

22 This is just a revision to WAC 296-104-701. This
23 request is not adding any new civil penalties. This is
24 a revision - this revision is to clarify what conditions
25 the civil penalties will be applicable.

1 MS. CURRY: Terry, you can look on the CR-102
2 document too if you need to reference the specific
3 change.

4 CHAIRMAN CHAPIN: CR-102. Let's see if I
5 can - I don't believe I am pulling that up here.

6 MS. CURRY: It should say WSR, that
7 document --

8 CHAIRMAN CHAPIN: 24.115?

9 MS. CURRY: Uh-huh.

10 CHAIRMAN CHAPIN: Yeah. Okay. All right.
11 Let's work on that. Okay.

12 This will modify the civil penalties for repairs
13 and alterations to improve public safety by making
14 repair organizations of boilers and pressure vessels
15 liable for civil penalties for violations of the boiler
16 laws and rules. Making a welded repair or alteration to
17 a boiler or pressure vessel, without meeting the
18 procedure and filing requirements, a violation, and
19 clarifying when a violation of the procedure and filing
20 requirements for welding repairs or alterations is a
21 second or additional offense.

22 That basically summarizes that rule.

23 I want to do one more reference here if I can.

24 Okay. I think that covers it, unless there are any
25 additional comments, anything that I'm leaving out on

1 the three rules that are up for public comment.

2 Okay. Hearing none, at this time, I will take
3 testimony.

4 For those of you who have signed up to testify,
5 please identify yourself, spell your name, and identify
6 who you represent for the record. And please speak
7 slowly.

8 Do we have anyone who wishes to give testimony or
9 have any comments regarding these rule changes?

10 Hearing none, we will proceed.

11 One more chance: If anybody has any comment or
12 public testimony they wish to offer regarding the three
13 rule changes before us? Very good.

14 I'll call for the question.

15 All in favor of accepting the proposed changes to
16 the Boiler Rules as presented - does this require a
17 motion, Lisa? Alicia?

18 MS. CURRY: Yes. You need to vote.

19 CHAIRMAN CHAPIN: Yeah, we need to vote.

20 But do I need a motion in order for the vote to
21 proceed?

22 MS. CURRY: That, I'm not sure on.

23 CHAIRMAN CHAPIN: Yeah. Me neither.

24 Well, let's try to cover all the basics.

25 Do I have a motion to accept the proposed changes

1 to the Boiler Rules as presented?

2 MEMBER BARKER: This is Tim Barker.

3 I will motion to approve the rules as presented.

4 CHAIRMAN CHAPIN: Very good. Thank you, Tim.
5 Do we have a second?

6 MEMBER HAWKINS: This is Lisa Hawkins.

7 I second.

8 CHAIRMAN CHAPIN: Thank you very much, Lisa.
9 Any further discussion?

10 MS. BROWN: Terry, sorry. I just had somebody
11 come in. I have a Kurt, who came into our call.

12 Can I get you to identify yourself, please?

13 MR. SCHMEUSSER: I'm Kurt.

14 MS. BROWN: Can I get your full name and who
15 you're representing?

16 MR. SCHMEUSSER: I'm just calling in to
17 listen. I'm Kurt, with Tapani Plumbing.

18 MS. BROWN: Your last name, please?

19 MR. SCHMEUSSER: S-C-H-M-E-U-S-S-E-R.

20 MS. BROWN: And what was the name of your
21 organization? Sorry. I didn't catch that.

22 MR. SCHMEUSSER: Tapani Plumbing.

23 MS. BROWN: Go ahead and spell that.

24 MR. SCHMEUSSER: T-A-P-A-N-I, and then
25 Plumbing.

1 MS. BROWN: Perfect. And can I get your phone
2 number and your email address.

3 MR. SCHMEUSSER: (360)772-2032.

4 MS. BROWN: Okay. And your email?

5 MR. SCHMEUSSER: KurtS - K-U-R-T-S -
6 @TapaniPlumbing.com.

7 MS. BROWN: Thank you very much.

8 Do you have any oral comments to give today?

9 Or are you just here to listen?

10 MR. SCHMEUSSER: Just listening.

11 MS. BROWN: Okay.

12 CHAIRMAN CHAPIN: Okay. You're just catching
13 us at the tail end of it, I'm afraid.

14 MR. SCHMEUSSER: Oh, shoot.

15 CHAIRMAN CHAPIN: Yeah. That's okay.

16 Just out of curiosity, are you familiar with the
17 rules that are the proposed rule changes that are up
18 for . . .

19 MR. SCHMEUSSER: Not really.

20 CHAIRMAN CHAPIN: Okay.

21 MR. SCHMEUSSER: I see there were some fee
22 changes. And I haven't read through it.

23 CHAIRMAN CHAPIN: Oh, okay. Well, those are
24 published. And I'm sure copies can be made available to
25 you.

1 So back on to our Agenda.

2 I do have a motion to accept the proposed changes
3 to the Boiler Rules. And I have a second.

4 Is there any further discussion? Very well.

5 All in favor of accepting proposed changes to the
6 Boiler Rules as presented, please signify so by saying
7 aye.

8 MEMBER BARKER: This is Tim Barker.

9 Aye, aye, aye, aye.

10 CHAIRMAN CHAPIN: Aye.

11 Lisa?

12 MEMBER HAWKINS: This is Lisa Hawkins.

13 I vote aye as well.

14 CHAIRMAN CHAPIN: And this is Terry Chapin.

15 I vote aye as well.

16 So we do have a majority vote. And the motion
17 carries.

18 The proposed changes to the Boiler Rules are
19 accepted.

20 And I believe that wraps it up.

21 So I will adjourn this hearing at - I have
22 10:22 A.M. Okay.

23 And thank you very much, everybody.

24 (Hearing adjourned at
25 10:22 A.M.)

25 ///

1 (Discussion held off the
record)

2

3 CHAIRMAN CHAPIN: I guess I could call for the
4 question on that to - let's see how to phrase this - to
5 approve the processing of the CR-103.

6 Is that correct, Alicia?

7 MS. CURRY: Yes. Authorize the CR-103 to
8 adopt the rules.

9 CHAIRMAN CHAPIN: Okay.

10 Do I have a motion to authorize the - run that by
11 me again. I'm just really foggy.

12 MS. CURRY: This is a vote to authorize filing
13 of the CR-103 to adopt the rules.

14 CHAIRMAN CHAPIN: To adopt the rules. Okay.

15 Do I have a motion for that?

16 MEMBER HAWKINS: I move we authorize the
17 CR-103 to adopt the rules as presented in the public
18 hearing.

19 CHAIRMAN CHAPIN: Very good. Thank you, Lisa.

20 MEMBER BARKER: This is Tim Barker.

21 I second the motion.

22 CHAIRMAN CHAPIN: Okay. Very good.

23 Any further discussion?

24 All in favor of the motion to authorize the filing
25 of these rules, please signify so by saying aye.

1 MEMBER HAWKINS: This is Lisa Hawkins. Aye.

2 MEMBER BARKER: This is Tim Barker. Aye.

3 CHAIRMAN CHAPIN: And Terry Chapin. I also
4 vote aye.

5 So we have a majority vote, and the motion carries.
6 Any other business before the Board?

7 MS. CURRY: We're supposed to really keep the
8 special meetings to the Agenda, just to give you a
9 heads-up.

10 CHAIRMAN CHAPIN: Yep. Okay.

11 So it looks like we've reached the end of the
12 Agenda.

13 MR. SCHMEUSSER: Hey, I have a question.

14 CHAIRMAN CHAPIN: Okay.

15 MR. SCHMEUSSER: This is Kurt, with Tapani
16 Plumbing.

17 CHAIRMAN CHAPIN: Yes, please.

18 MR. SCHMEUSSER: It's not part of the Agenda,
19 but it's just something we've been running into is
20 clearances around expansion tanks, like domestic hot
21 water expansion tanks.

22 We've been getting called on that there's got to be
23 18-inch clearance all around the expansion tank.

24 And we got to seismically strap these to the wall.
25 So looks like a conflict there.

1 Is there a way to get that --

2 SECRETARY CARLSON: We have a variance.
3 There's a variance for that. You can get a variance
4 request, and it should be okay.

5 MR. SCHMEUSSER: And that's what we've been
6 doing on each one.

7 But is there a way to - you know, because that just
8 basically costs us an extra - how much money for the
9 variance each time.

10 SECRETARY CARLSON: A variance should not cost
11 any money. It should be part of the inspection.

12 MR. SCHMEUSSER: Got you.

13 SECRETARY CARLSON: Shouldn't cost you
14 anything much on that. It's just basically - yeah.

15 MR. SCHMEUSSER: Okay. So we have got to get
16 the variance done before they come and inspect.

17 SECRETARY CARLSON: You just talk to your
18 inspectors: "Hey, I got one that's too close." You
19 make sure, you know, your name plate is, of course,
20 exposed so you don't have to - you know, can't see it.

21 That's one of the big problems with being so close
22 to the wall.

23 MR. SCHMEUSSER: Okay.

24 So is there at some point where the variances are
25 going to be no longer? Or is that, like, for the

1 foreseeable future we'll be able to get these variances,
2 just --

3 SECRETARY CARLSON: You should be able to get
4 them anytime you put one in like that, yes.

5 MR. SCHMEUSSER: Okay.

6 SECRETARY CARLSON: Yeah. No problem.

7 MR. SCHMEUSSER: Yeah. Because they're just -
8 if eventually it's going to change, then we got to start
9 designing these rooms bigger to be able to get a
10 expansion tank out in the middle of the floor somewhere.

11 SECRETARY CARLSON: Right.

12 MR. SCHMEUSSER: You have to build seismic
13 struts floor to ceiling or something; so --

14 SECRETARY CARLSON: Right.

15 CHAIRMAN CHAPIN: Very good.

16 So that calls for a variance.

17 Is that a requirement on all the unfired pressure
18 vessels, that they be seismically secure?

19 Or is that an insurance requirement?

20 MR. SCHMEUSSER: I think it's a form of
21 Plumbing --

22 SECRETARY CARLSON: I think it's City.

23 MR. SCHMEUSSER: Yeah, City Plumbing.

24 SECRETARY CARLSON: And some can be secured
25 from the floor or some on the wall, depending what type

1 of tank you have.

2 CHAIRMAN CHAPIN: Okay. Okay. I'm just
3 curious about that.

4 Anybody else have any questions or any discussion
5 for the Board before we adjourn our Special Board
6 Meeting?

7 Hearing none, do I have a motion to adjourn the
8 Special Board Meeting?

9 MEMBER BARKER: This is Tim Barker.
10 I will motion to adjourn the meeting.

11 CHAIRMAN CHAPIN: Thank you, Tim.
12 Do I have a second?

13 MEMBER HAWKINS: This is Lisa Hawkins.
14 I second.

15 CHAIRMAN CHAPIN: Very good. Okay.
16 I have a motion and a second to adjourn the Special
17 Board Meeting for today.

18 Any further discussion? Okay.
19 All in favor, please signify so by saying aye.

20 MEMBER BARKER: This is Tim Barker.
21 I vote aye.

22 MEMBER HAWKINS: Lisa Hawkins.
23 I vote aye.

24 CHAIRMAN CHAPIN: This is Terry Chapin.
25 I also vote aye.

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Motion carries.
And the Special Board Meeting is adjourned.
(Meeting adjourned at
10:31 A.M.)


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C E R T I F I C A T E

I, LORI L. STEFANO, a certified court reporter of the state of Washington, do hereby certify that the foregoing proceedings were reported by me on January 6, 2021, and thereafter transcribed by me by means of computer-aided transcription.

I further certify that the said transcript of the proceedings as above-transcribed is a full, true, and accurate transcript of the aforementioned matter.

DATED and SIGNED this 7th day of January, 2021.



Lori L. Stefano, CCR No. 2473



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