

Board of Boiler Rules Meeting Minutes
May 21-22, 2019
Department of Labor & Industries, Tacoma, WA

Board Members:

Terry Chapin, Chair
Lisa Hawkins
Jeff Waytashek
Isaac Osborn
Tim Barker
Tony Oda, Secretary

Other Attendees:

Michael Carlson, State of Washington
Bruce Weech, State of Washington
Jamie Brown, State of Washington
Jennifer Chatwood, State of Washington
Michael Low, State of Washington*
Matthew Erlich, State of Washington*
Don Sage, State of Washington*
Alicia Curry, State of Washington***
Larry Leet, City of Seattle*
Steve Frazier, City of Seattle
Christopher Hartford, HSB
Scott Brodkorb, HSB
Brandon Chu, HSB*
Brian Wilhelm, PCA**
Robert Irving, PCA**
Chris Jackson, Nautilus Loss Control*
Kim Heidebrink, XL Insurance
Dean Overman, Puget Sound Refining**
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 May 21, 2019, from 11:00 am to 2:20 pm. Discussion summaries are incorporated in the meeting minutes.

The Board of Boiler Rules meeting was called to order by the Chair on May 22, 2019 at 10:06 am.

Agenda Item 1.

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

- 1. WAC 296-104-101, Inspection – What are the jurisdictional test frequencies requirements for pressure relief devices?**
- 2. WAC 296-104-307, Installation – When are platforms around boilers required?**
- 3. WAC 296-104-160, Repairs, Inspection – What happens if a boiler or unfired pressure vessel is improperly prepared for inspection?**

Board of Boiler Rules Meeting Minutes
May 21-22, 2019
Department of Labor & Industries, Tacoma, WA

The department withdrew these interpretation and revision requests, and will resubmit in the future for consideration. Also revised agenda to reflect the public hearing start time of 10:15 am instead of 10:00 am.

Isaac motioned to approve agenda with above changes. Lisa seconded, all voted aye*, motion passes.

*Tim Barker not present at this point, held up in traffic.

Agenda Item 2.

Tim Barker had a correction for the November meeting minutes, under agenda item #7. The word “not” should be inserted to reflect “Could the department entertain the possibility of insurance companies **not** getting calls back when they want to perform inspections?” Lisa motioned to approve the minutes with the addition of the word “not”. All voted aye*, motion passes.

Agenda Item 3.

Public hearing called to order at 10:11 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** – Change the definition of “Place of public assembly or assembly hall”.
- **WAC 296-104-040** – Allow authorized inspection agencies or inspectors to submit inspection reports using the state’s online boiler database (Jurisdiction Online).
- **WAC 296-104-700** – Establish a new fee of \$7 per boiler and pressure vessel for department to process inspection reports.

Scott Brodkorb with HSB testified for Hartford Steam Boiler regarding the implementation of a \$7 fee. Scott pointed out he would like to continue the relationship with the state, but also find a way around the proposed fee. He understands the administrative costs associated with the state entering reports on Hartford’s behalf, and that this has been an agenda item for 4-5 years now, and has been a point of contention for a while. However, Hartford feels that the administrative costs are the state’s responsibility. Harford supports using an electronic database but using Jurisdiction Online doesn’t benefit them, as they have their own internal database. The current method of inspectors recording their data, providing it to the department and having department employees key that in is inefficient. Hartford is willing to work with Tony, Mike, and Bruce to eliminate the redundant data and respectfully requested this item be delayed.

Board of Boiler Rules Meeting Minutes
May 21-22, 2019
Department of Labor & Industries, Tacoma, WA

Tony stated that he has nothing but respect for Hartford, and that the department has a strong working relationship with them. This WAC proposal is purely a business decision. As Tony has previously presented to the board justification for this WAC revision for the implementation of the \$7 fee, he feels he has well justified the economic impact to the department. Scott has also acknowledged the inefficiency of the current process that has been in place all this time. ****Tim Barker arrived at 10:19 am**** The department has been pursuing an agreement for the last five years for a system or process to have Hartford data input into our database. The state has spoken to Hartford and JO contacts and was told that talks were in the works, but that is as far as the feedback to the department got within the last five years. Last year, the department's management stated that this was unacceptable and the department cannot continue to subsidize private businesses. The boiler program runs on a dedicated fund, and fee increases that have been imposed on stakeholders are picking up the burden of the financial impact of the cost of doing business with Hartford. Tony specified that in the past, the program has used 2/3 of our office staff to process the workload for Hartford. Management feels it's fair that Hartford either join JO, pay the \$7 fee, or provide an equivalent system, as Hartford has an unfair business advantage because they are not paying the same fees as the other 11 Authorized Inspection Agencies. Tony feels that this becoming a rule will encourage Hartford to provide the department with a viable option, sooner rather than later. Chris Hartford was prepared to speak as citizen of Washington, but was stopped from proceeding by Scott Brodkorb. Terry called for all in favor of accepting the proposed changes to the boiler rules as presented. All voted aye, no abstentions. Public hearing adjourned at 10:25 am.

Board meeting reconvened at 10:25 am.

Agenda Item 4.

Request for a Washington State Special for an extension of internal inspection frequency, for a one-time six-month extension from the current one-year internal inspection interval for Packaging Corporation of America, 31831 West Highway 12. This request is for recovery boiler #3, National Board # 21489.

Brian Wilhelm and Robert Irving were not present during the study session – they believed that they only needed to be present at the board meeting, not during the study session. Tim Barker requested a temporary adjournment to call the customer. He was able to reach Brian Wilhelm by phone and he was able to answer the board's questions regarding PCA's request for state special. Terry questioned the inspection frequency given on the agenda. The agenda stated that PCA currently has a five-year internal inspection frequency, but it should reflect a one-year inspection frequency. PCA is requesting an additional six-month interval. The agenda was updated to reflect the correct information.

Lisa questioned the air port castings and that the PT inspection was showing a lot of indications. Brian stated that as long as that no cracks propagate into the tubes and they stay on top of repairs, this should not be a problem. Jeff remarked that he liked the report and information put together, but he's looking to see if he has material left and not at T-min on any component before the

Board of Boiler Rules Meeting Minutes
May 21-22, 2019
Department of Labor & Industries, Tacoma, WA

inspection interval is up. Brian pointed out information provided in their initial request that was able to satisfy Jeff's questions. He also stated that they are nowhere near having any T-min until about 4-5 years out. The board questioned how long their current water treatment company had been in place and whether there were plans to make changes to this process. They have used the same company, Nalco, for at least 12 years, as long as Brian has worked there. They have an on-sight representative, and have no plans to change any of their water treatment processes. Isaac asked about unplanned or unscheduled outages since their last inspection. Brian said no, nothing is due to the boiler. Lisa then asked why they're requesting the extension to their inspection frequency. PCA operates the boiler continuously, and it is a burden to the mill when it's down, and the extension would allow them to help their mill financially.

After Isaac questioned when the permit expires, it was determined that the certificate will expire in April 2020, and the boiler must be shut down before April 19, 2020. Tim and Isaac both questioned how old the smelt spouts are. Brian confirmed that they are replaced every year and were last replaced in October. Jeff asked why PCA was only requesting a one-time extension, and not a permanent 18-month inspection interval. It would seem to make more sense that they request a permanent extension, instead of coming back every year and a half to continually request a one-time extension. Brian said the boiler outages are usually 7-8 days long, but it's hard to say what they're going to need in the future. If it fits with that they're going to need down the road, they will consider requesting a permanent extension. Tim stated that FM Global requires their customers to come to the account team if they want to extend past 13 months, and they must get approval from FM Global before they can request an extension from the board. Jeff asked if FM Global was supporting this request, and Tim confirmed yes, they are in support of it. Jeff also asked if the external inspection would still be done at the normal interval, and Tim replied yes, it would adhere to the existing schedule.

Chris Jackson had questions regarding the erosion shields for the generating bank and the polishing along the soot blower lanes. Is there significant erosion there? Brian said they have lowered the pressure so they only blow 10-12 thousand pounds per hour and the polishing has stopped, and they are not seeing any more wastage. Brian informed the board that they go through their checklist every week to check alignment, packing, wheels turning properly on the lance, etc. He feels confident in what they do, makes sure to double check welds, and tries to be proactive in their approach for inspecting these issues. Chris also asked about the last FM Global recovery audit performed in 2015, and whether there were any outstanding issues still to be resolved. Brian does not believe so; there were no findings at the time of the audit. Lisa questioned if there are any plans to change how they operate the boiler that would affect the predictive corrosion rates and how that would be communicated with them being on an 18-month interval rather than a 12-month. The board asked if there would be any changes in the next year that would affect these corrosion rates with a longer inspection time? If it is run differently, corrosion rates could be different. Brian said they haven't been changing much, and when they do, it's very small changes that do not have an impact on the corrosion rates. Brian informed the board that they have performed a near drum inspection in the last year, and based on that inspection and other findings, they don't see a need to do an eddy current inspection on the generating bank.

Board of Boiler Rules Meeting Minutes
May 21-22, 2019
Department of Labor & Industries, Tacoma, WA

Terry called for a motion to approve a one-time six-month extension as written. Jeff motioned, Isaac seconded to approve the state special with the condition the boiler must be shut down before April 19, 2020. Jeff, Isaac, Terry, and Lisa voted aye. Tim abstained. Motion carries.

Agenda Item 5.

WAC 296-104-101, Inspection – What are the jurisdictional test frequencies requirements for pressure relief devices?

This was presented by Tony Oda. The department is proposing a revision to clarify mandatory requirements for inspection and testing frequencies of pressure relief devices.

After much discussion, it was agreed that the best course of action at this time is to pull the request from the agenda, and resubmit at a future board meeting. Item withdrawn.

Agenda Item 6.

WAC 296-104-301, Installation – What control and limit devices are required on automatically fired boilers after June 1998?

This was presented by Mike Carlson. The department is proposing a revision to condense requirements for power boilers into this WAC.

After discussion, the board felt there were several corrections and revisions to be made to this request before they felt comfortable approving or denying. Terry called for a motion to table this item to give the department time to revise. All voted aye, motion carries, item tabled.

Agenda Item 7.

WAC 296-104-302, Installation – What fuel controls are required on automatically fired boilers after December 1998?

Presented by Mike Carlson. Department is proposing a revision to condense requirements for low-pressure boilers into this WAC.

Jeff motioned to table agenda items 7 and 8 due to large modifications to the code and would like more time to consider these changes. Isaac seconded. All voted aye, motion carries.

Agenda Item 8.

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

Board of Boiler Rules Meeting Minutes
May 21-22, 2019
Department of Labor & Industries, Tacoma, WA

Presented by Mike Carlson. Department is proposing a revision to relocate requirements for fuel controls after June 1998.

Board voted to table this request.

Agenda Item 9.

WAC 296-104-307, Installation – When are platforms around boilers required?

Addition of “Unfired pressure vessels” to definition

This item was withdrawn by the department.

Agenda Item 10.

WAC 296-104-160, Inspection – What happens if a boiler or unfired pressure vessel is improperly prepared for inspection?

This item was withdrawn by the department.

Agenda Item 11.

WAC 296-104-503, Repairs – What are the requirements for nonnuclear boilers and unfired pressure vessel repairs and alterations?

Presented by Tony Oda. The department is requesting a revision for requirements from any NB “R” organization doing repairs/alterations in the state. The existing WAC addresses requirements and repairs for nonnuclear boilers. The department has had a policy for the last 12 years that every repair stamp group has to send the department a Quality Control manual before starting any work in the state. In addition, after they complete any repair/alteration in the state, they are to send a complete traveler or “R” checklist and R1 or R2 forms to the department. Have noticed a marked improvement in the quality of documentation given to the department and the percentage of compliance with these requirements. Tony feels it is time to incorporate this departmental memo into the rules to show what the program’s expectations are. There have been instances of out of state stamp holders who argue that the department’s requirements are not state law and they do not have to comply. Tony would also like to take this a step further and have the ability to assess civil penalties for noncompliance. Jeff remarked that 30 days isn’t enough time to submit documentation after the date of a repair. Tony gave examples of companies sending in R forms to the department 6-10 months after the date of repair and that the boiler program would only use the penalties as leverage to gain compliance for extreme noncompliance and repeat offenders. Jeff and Isaac again mentioned that a little more time would be preferable. Isaac suggested 45 days and Tony agreed that 45 days would be acceptable. Terry provided a grammatical correction to the first page, last sentence. Should be ‘already’ not ‘all ready’.

Board of Boiler Rules Meeting Minutes
May 21-22, 2019
Department of Labor & Industries, Tacoma, WA

Jeff motioned to approve the revision, with the following changes: Request to strike the word ‘all’, add the word jurisdiction to ‘Submit QC manual to **jurisdiction** prior to starting work’, and add the word mechanical to ‘starting **mechanical** work’. Lisa seconded to accept with the noted changes-all voted aye, motion carries.

Agenda Item 12.

WAC 296-104-701, Penalties – What are the civil penalties?

This was presented by Tony Oda. The department is requesting a revision to clarify what conditions civil penalties will be applicable.

This request is in addition to the revision to WAC 296-104-503. The department is proposing an addition of the operator or welding organization, so that the state is able to levy civil penalties in the case of violations such as illegal welds or repairs. Terry questioned whether the state already had the ability to do so, and Tony clarified that the department does not. Steve Frazier supplied a formatting change, to remove the “/” in “Performing a welded repair/or alteration”. Jeff asked whether the department covers vessels manufactured or repaired outside of the state and was informed that the program has no control of work performed outside of the state. The program would expect the inservice inspector to get the R form and supply that with their service records. Jeff also questioned whether the penalty amounts could grow or change over time. Tony informed the board that the penalty amounts are limited by the fiscal growth factor set forth by the Office of Financial Management. Jeff motioned to approve with the mentioned correction of removing the “/”. Tim seconded, all voted aye, motion carries.

Department Notes:

Isaac and Lisa’s board terms will expire August 22, 2019. Both have agreed that they wish to renew their terms and will reapply with the governor’s office. However, these positions are open to anyone who applies for professional engineers and manufacturers.

Mike Carlson presented information regarding current workload and overdue inspections in the Boiler program. Currently, there are 139 state commissioned inspectors.

Inspections in the last quarter – February 1, 2019 – April 30, 2019:

617 Internal boiler inspections
+ 4,470 External boiler inspections
+ 24,629 Pressure vessel inspections
= 29,716 Total inspections

New objects as of January 1, 2019:

Board of Boiler Rules Meeting Minutes
May 21-22, 2019
Department of Labor & Industries, Tacoma, WA

329 Boilers
+ 2,010 Pressure vessels
= 2,339 New objects

Current total objects is 116,017.

Statewide overdue rate is 3.8% with 4,462 (60 days or more overdue) without a valid certificate.

1,062 violations opened, 984 of which were closed.

1,142 total vessels with open violations: 204 boiler and 938 pressure vessels.

20 red tag violations opened.

Isaac asked if red tags are always done by state. No, they are done by any inspector who finds them. Bruce remarked that the state ends up with a lot of red tagged objects because they're uninsurable.

Isaac motioned to adjourn meeting. Tim seconded, all voted aye, motion carries. Meeting adjourned at 11:20 am.