

FOR THE CASE OF
June Board of Boiler Rules Meeting

TRANSCRIPT OF
TN Board of Boiler Rules Meeting

June 14, 2017

Stone & George

COURT REPORTING

2020 Fieldstone Pkwy

Suite 900 - PMB 234

Franklin, TN 37069

(615) 268-1244

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1. STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
2. BOILER UNIT DIVISION
3.
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7.

8. TRANSCRIPT OF PROCEEDINGS
9. OF
10. BOARD OF BOILER RULES
11. June 14, 2017
12. BEFORE: Brian Morelock, Chairman
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23. -----
DOMINIQUE A. DUBOIS, LCR# 686
24. STONE & GEORGE COURT REPORTING
2020 Fieldstone Parkway
Suite 900 - PMB 234
25. Franklin, Tennessee 37069
(615) 221-1089

1. APPEARANCES
2.
3. Brian Morelock, Chairman
4. David Baughman, Board Member, Owner/User Representative
5.
6. Dr. S. Keith Hargrove, Board Member, Mechanical Engineer Representative
7. Michael Jay Pischke, Board Member, Boiler Manufacturer Representative
8.
9. Sam Chapman, Chief Boiler Inspector
10. Eugene Robinson, Assistant Chief Boiler Inspector
11. Dan Bailey, Esq., Legal Counsel
12. Carlene T. Bennett, Board Secretary
13. Stephanie Crossman, Department of Labor & Workforce Development
14. Deborah Rhone, Department of Labor & Workforce Development
15. Jann Dower, Department of Labor & Workforce Development
16. Kim Dantzer, Department of Labor & Workforce Development
17. Deonne Bell, Department of Labor & Workforce Development
18. Kay LaMarr, Department of Labor & Workforce Development
19. Kyle Jones, Department of Labor & Workforce Development
20. Thomas E. Spangler, Department of Labor & Workforce Development
21. James Neville, Neville Engineering
22.
23.
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1. The above-styled cause came on for
2. hearing on this the 14th day of June, 2017, before
3. the Board of Boiler Rules of Tennessee Department
4. of Labor and Workforce Development, at 220 French
5. Landing Drive, TOSHA Room, 1st Floor, Nashville,
6. Tennessee, when and where the following proceedings
7. were had, to wit:
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1. Marty Toth, Boiler Supply Company and the Boisco Training Group
2. Byron K. Wade, Zurich North America
3. Richard Eng, Wacker Chemical
4. Terry Fox, Beltline Services
5. Kendal Rice, United Record Pressing
6. James Gamble, United Record Pressing
7. Erica Thompson, Guest
8. Debra Thompson, Guest
9. Jimmy Gore, Prince Erachem
10. Michael Beckman, Prince Erachem
11. Terry Letourneau, Jones Lang LaSalle
12. Todd Greer, Jones Lang LaSalle
13. Chris Thill, Mars Petcare
14. David Maddock, MC Ionic Solutions
15. Katsuhito Yamahara, MC Ionic Solutions
16. Yuki Ujihara, MC Ionic Solutions
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1. AGENDA
2. I. Call Meeting to Order
3. II. Introductions and Announcements
4. III. Adoption of the Agenda
5. IV. Approval of the March 15, 2017 Meeting Minutes
- 6.
7. V. Chief Boiler Inspector's Report
- 8.
9. VI. Old Business
10. * None
- 11.
12. VII. New Business
13. * 17-06
14. * 17-07
15. * 17-08
16. * 17-09
- 17.
18. VIII. Open Discussion Items
19. * Status of any new recommendations for TN Board Member representing the boilermakers.
- 20.
21. * Status of the 2017 Tennessee Boiler Safety Conference
22. * Update on the Committee for Boiler Training
- 23.
24. * Update on how the National Board Commissioning Exam is given
25. IX. Rule Cases and Interpretations
- X. The next Board of Boiler Rules Meeting is scheduled for 9:00 a.m. (CT), Wednesday, September 20, 2017, at the Department of Labor & Workforce Development Office Building located at 220 French Landing Drive, Nashville, Tennessee.

1. PROCEEDINGS
2. CHAIRMAN MORELOCK: Good morning
3. everybody. We welcome you to the June 2017
4. Tennessee Board of Boiler Rules meeting. We're glad
5. you're here. We've got an agenda that we want to
6. adopt here in just a minute. And so as far as --
7. I'm going to call the meeting to order. And as far
8. as introductions and announcements, I did want to
9. share a safety item with you, that in the event of
10. an emergency or natural disaster, we do have
11. security personnel in the building that will either
12. take us to a safe place inside or outside of the
13. building. And if we are -- if we're directed
14. outside the building, it'd be on the Rosa Parks
15. side. So just keep that in mind.
16. As far as another announcement goes,
17. it would be -- I'm sure most of us have cell
18. phones and that's fine. If you would, please, for
19. the presenters and for the discussion, would you
20. put those on silent until we complete our meeting
21. this morning. And are there any other
22. announcements anybody would like to make? All
23. right.
24. We do have agendas on the back table.
25. If you don't have one, please make yourself

1. XI. Adjournment
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1. available to that. And with that, do I have a
2. motion to accept the agenda before us?
3. MR. PISHKE: So moved.
4. CHAIRMAN MORELOCK: I have a motion.
5. Do I have a second?
6. MR. HARGROVE: Second.
7. CHAIRMAN MORELOCK: I have a second.
8. Any discussion, comments? I will say that -- well,
9. no. I'll handle that in a minute.
10. So hearing none, I'll call the
11. question, all in favor say "aye."
12. MR. PISHKE: Aye.
13. MR. BAUGHMAN: Aye.
14. MR. HARGROVE: Aye.
15. CHAIRMAN MORELOCK: Opposed?
16. Abstentions? Not voting? We have an agenda.
17. Our next item is Item four, which is
18. approval of the March 15, 2017 Tennessee Board of
19. Boiler Rules minutes. We do have a correction on
20. pages 35, 36, and 38. Mr. John Hogue. We
21. corrected the spelling of his name. And we also
22. asked that the National Board, which National
23. Board of Boiler and Pressure Vessel Inspectors,
24. that that be capitalized as far as -- in the
25. minutes. So that has been taken care of.

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1. Are there any other corrections,
2. additions, changes to the March 15th minutes?
3. Okay. Good. Hearing none, do I have a motion to
4. accept these minutes?
5. MR. HARGROVE: So moved.
6. CHAIRMAN MORELOCK: I have a motion.
7. Do I have a second?
8. MR. BAUGHMAN: Second.
9. CHAIRMAN MORELOCK: I have a second.
10. All in favor, say "aye."
11. MR. HARGROVE: Aye.
12. MR. BAUGHMAN: Aye.
13. MR. PISHKE: Aye.
14. CHAIRMAN MORELOCK: Opposed?
15. Abstentions? Not voting? We do have approved
16. minutes.
17. So before we go to Item five, what I
18. would like to do now is just take a few minutes
19. and let everybody introduce themselves. We do
20. have an attendance sheet that will be passed
21. around for you to sign in for the meeting to
22. record your visit here with us today. And so I
23. will begin with our Court Reporter.
24. THE REPORTER: Dominique Dubois with
25. Stone & George Court Reporting.

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1. MS. BENNETT: Carlene Bennett, Board
2. secretary.
3. MR. ROBINSON: Eugene Robinson,
4. Assistant Chief Boiler Inspector.
5. MR. CHAPMAN: Sam Chapman, Chief
6. Inspector.
7. MR. PISHKE: Mike Pishke, Board
8. member.
9. CHAIRMAN MORELOCK: Brian Morelock,
10. Board member.
11. MR. HARGROVE: Good morning. Keith
12. Hargrove, Board member.
13. MR. BAUGHMAN: Dave Baughman, Board
14. member.
15. MR. BAILEY: Dan Bailey, legal
16. counsel.
17. MR. SPANGLER: Thomas Spangler,
18. Deputy Inspector.
19. MR. WADE: Byron Wade, Zurich
20. Inspector.
21. MR. FOX: Terry Fox, Beltline.
22. THE REPORTER: I'm sorry, what was
23. that?
24. MR. FOX: Belt -- I'm sorry.
25. THE REPORTER: No, you're -- what did

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1. you say? I'm sorry.
2. MR. FOX: Beltline.
3. THE REPORTER: Beltline.
4. MR. ENG: Richard Eng, Wacker
5. Chemical.
6. MS. RICE: Kendal Rice, United Record
7. Pressing.
8. MR. GAMINE: Jim Gamble, United
9. Record Pressing.
10. MS. RHONE: Deborah Rhone, boiler
11. office supervisor.
12. MR. THILL: Chris Thill, Mars
13. Petcare.
14. MR. GREER: Todd Greer, Jones Lang
15. LaSalle.
16. MR. LETOURNEAU: Terry Letourneau,
17. Jones Lang LaSalle.
18. MS. DOWER: Jann Dower,
19. Commissioner's Office.
20. MR. GORE: I'm Jimmy Gore with
21. Prince Erachem.
22. MR. NEVILLE: James Neville with
23. Neville Engineering.
24. MR. BECKMAN: Michael Beckman,
25. Prince Erachem.

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1. MR. TOTH: Marty Toth, Boiler Supply
2. and the Boisco Training Group.
3. MR. MADDOCK: David Maddock,
4. MC Ionic Solutions.
5. MR. YAMAHARA: Katsuhito Yamahara,
6. MC Ionic Solutions.
7. MR. UJIHARA: Yuki Ujihara,
8. MC Ionic Solutions.
9. MS. CROSSMAN: Stephanie Crossman,
10. Boiler Administrative Assistant.
11. MS. LAMARR: Kay LaMarr, Office
12. Support Staff for Boilers.
13. CHAIRMAN MORELOCK: Okay.
14. MR. JONES: Kyle Jones,
15. Communications.
16. MR. BAILEY: There's two in the back.
17. MS. BELL: Deonne Bell, Office
18. Support Staff for Boilers.
19. MS. DANTZLER: Kimberly Dantzler,
20. Office Support for the Boilers.
21. CHAIRMAN MORELOCK: All right.
22. Welcome everyone. Just another point of order to
23. keep me honest, when we begin going through our
24. items, if there is a conflict of interest, please
25. note that conflict of interest before we start the

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1. item.
2. So moving on to Item five, which is
3. Chief Boiler Inspector Report, so Mr. Chapman,
4. I'll let you present that.
5. MR. CHAPMAN: All right. Thank you.
6. General inspection -- state inspector is 2,321.
7. Insurance inspectors, 6,015, giving us a total of
8. 8,336. Number of delinquent, 871 for state
9. inspector, 411 from the insurance company, giving us
10. a total of 1,282.
11. We have 14 reported violations.
12. There are three uncorrected. We have done six
13. boiler variances, which is Skyline Medical,
14. LaFollette Medical Center, Energy Solutions, Saint
15. Thomas West, and CHI Memorial. We have done one
16. special inspection from downtown.
17. CHAIRMAN MORELOCK: Okay.
18. MR. CHAPMAN: And that is the Chief's
19. report.
20. CHAIRMAN MORELOCK: Thank you. Any
21. questions or comments about Mr. Chapman's report?
22. Okay. Very good. Thank you.
23. Going on to Item six, which is old
24. business, we have none. So moving on to Item
25. seven, which is our new business, our first item

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1. is 17-06, LaFollette Medical Center. Tennova
2. Healthcare requests a new variance for two boilers
3. located at 923 E. Central Avenue, LaFollette,
4. Tennessee. Do we have a representative from
5. Tennova Healthcare here today? Okay.
6. One of the things that we require is
7. that we have a representative here to present
8. their item and so we have nobody here on behalf of
9. them to present this item, so I would table this
10. item to the September meeting. Have the boiler
11. unit to contact Tennova to let them know that we
12. need them here to present their item. Okay.
13. Moving on to Item 17-07, MC Ionic
14. Solutions. Gentlemen, if you'll come forward. We
15. thought about not providing chairs to make your
16. presentation go faster, but Carlene said, no, we
17. can't do that. So I'm just kidding.
18. But please come forward and present
19. your item. If you'll introduce yourselves so the
20. court reporter can record that and then just
21. present your item.
22. MR. MADDOCK: David Maddock.
23. MR. YAMAHARA: Katsuhito Yamahara.
24. MR. UJIHARA: Yuki Ujihara.
25. CHAIRMAN MORELOCK: Okay.

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1. MR. MADDOCK: I guess we're asking
2. for a Tennessee Special for our previous three
3. pressure vessels. They were overlooked in the
4. application process. We were here in March and --
5. CHAIRMAN MORELOCK: Yes.
6. MR. MADDOCK: -- they were overlooked
7. in the application process. And we'd like to get a
8. special variance for these three pressure vessels.
9. They were inspected on April 20th of 2017 by
10. Randall Woodfin.
11. CHAIRMAN MORELOCK: Okay.
12. MR. MADDOCK: And then we submitted
13. the package --
14. CHAIRMAN MORELOCK: Okay.
15. MR. MADDOCK: -- for the special.
16. CHAIRMAN MORELOCK: Just a short
17. recap from our minutes, you brought nine vessels to
18. us --
19. MR. MADDOCK: Yes, sir.
20. CHAIRMAN MORELOCK: -- and initially,
21. we were hoping that you would be able to take these
22. to the National Board. And the only thing these
23. vessels lack is a National Board number. And these
24. gentlemen did make that application to the National
25. Board and the National Board denied that. So we

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1. passed the item in March for these nine vessels to
2. be Tennessee Specials.
3. What we have before us today are tag
4. numbers E-801A, 803A, 805A, which are three heat
5. exchangers that fall under the same situation.
6. These vessels have been built and stamped to ASME
7. code. They have U-1 manufacturer's data reports,
8. they have material test reports, they have
9. calculations. They have everything they need
10. except a National Board number. And so based on
11. their experience with the previous ones, you're
12. coming before us today to make these three vessels
13. also Tennessee Specials.
14. MR. MADDOCK: Yes, sir.
15. CHAIRMAN MORELOCK: Is that correct?
16. MR. MADDOCK: Yes, sir.
17. CHAIRMAN MORELOCK: Okay. All right.
18. So gentlemen, do I have a motion concerning this
19. item?
20. MR. BAILEY: Is there --
21. MR. BAUGHMAN: So moved.
22. MR. BAILEY: -- a conflict?
23. CHAIRMAN MORELOCK: Oh, thank you.
24. MR. BAUGHMAN: Sorry.
25. CHAIRMAN MORELOCK: I'm going to have

1. to tattoo it on me or something. Is there a
 2. conflict of interest? Okay. Hearing none, proceed.
 3. MR. BAUGHMAN: Yes. Motion made
 4. to --
 5. CHAIRMAN MORELOCK: Accept the --
 6. MR. BAUGHMAN: -- accept the
 7. proposal.
 8. CHAIRMAN MORELOCK: Okay. Do I have
 9. a second?
 10. MR. PISHKE: Second.
 11. CHAIRMAN MORELOCK: All right. I'm
 12. going to open the floor to discussion. What
 13. comments are there concerning these three heat
 14. exchangers?
 15. Okay. Obviously, there's no
 16. comments, but I wanted to open the floor anyway.
 17. Okay? All right. So with that said, I'm going to
 18. call the question. All in favor, say "aye."
 19. MR. PISHKE: Aye.
 20. MR. BAUGHMAN: Aye.
 21. MR. HARGROVE: Aye.
 22. CHAIRMAN MORELOCK: Opposed?
 23. MR. ROBINSON: I've got a question.
 24. CHAIRMAN MORELOCK: Okay.
 25. MR. ROBINSON: I was just skimming

1. through your proposal and on one of your equipment
 2. list documents, I guess I've got it tabbed number
 3. five. That -- is that the correct tag
 4. identification for each vessel?
 5. CHAIRMAN MORELOCK: What tab are you
 6. at, Mr. Robinson?
 7. MR. PISHKE: Number five.
 8. CHAIRMAN MORELOCK: Number five?
 9. MR. ROBINSON: E-801A, 03 -- 803A,
 10. and 05.
 11. MR. MADDOCK: So what's the -- I'm
 12. sorry. Ask the question again.
 13. MR. ROBINSON: The equipment tag
 14. number. Is that the correct sheet?
 15. MR. YAMAHARA: Oh, I'm sorry.
 16. Actually, this should be E-801A, E-803A, and E-805A
 17. as shown in the front page of this package.
 18. MR. ROBINSON: I didn't get a chance
 19. to --
 20. MR. PISHKE: No. That's a good
 21. catch.
 22. CHAIRMAN MORELOCK: Yeah. It is a
 23. good catch.
 24. MR. PISHKE: Good eye.
 25. MR. ROBINSON: On the drawings, yeah.

1. Okay. Yeah.
 2. CHAIRMAN MORELOCK: Any other
 3. comments?
 4. MR. TOTH: Mr. Chairman?
 5. CHAIRMAN MORELOCK: Yes.
 6. MR. TOTH: May I ask -- just for
 7. curiosity, what year were these vessels built?
 8. CHAIRMAN MORELOCK: These were
 9. built --
 10. MR. PISHKE: 2011.
 11. MR. BAUGHMAN: 2011.
 12. CHAIRMAN MORELOCK: Yeah, 2011.
 13. MR. ROBINSON: Yeah.
 14. CHAIRMAN MORELOCK: So the concern
 15. was, is the National Board gives you 60 days, but
 16. they have issued a document to give a little bit of
 17. relief on that but not that many years' relief. So
 18. good question.
 19. THE REPORTER: What was your name?
 20. MR. TOTH: Marty Toth. T-O-T-H.
 21. THE REPORTER: Okay.
 22. MR. ROBINSON: No more questions --
 23. CHAIRMAN MORELOCK: No more
 24. questions?
 25. MR. ROBINSON: -- Mr. Chairman.

1. CHAIRMAN MORELOCK: Okay.
 2. MR. ROBINSON: Thank you.
 3. CHAIRMAN MORELOCK: All right. Good
 4. catch on the paperwork there. So you can make that
 5. correction in your --
 6. MR. MADDOCK: Okay.
 7. CHAIRMAN MORELOCK: Okay. All right.
 8. So again, all in favor, say "aye."
 9. MR. PISHKE: Aye.
 10. MR. HARGROVE: Aye.
 11. MR. BAUGHMAN: Aye.
 12. CHAIRMAN MORELOCK: Opposed?
 13. Abstentions? Not voting? All right. Gentlemen,
 14. you have three Tennessee Specials, knowing that the
 15. ramifications of having a Tennessee Special is if
 16. you have to do a repair to these three heat
 17. exchangers, you'll have to come to the State of
 18. Tennessee to request approval for that repair. And
 19. if you do an alteration to these three heat
 20. exchangers, they will need to come before the
 21. Tennessee Board.
 22. MR. MADDOCK: Yes, sir.
 23. CHAIRMAN MORELOCK: Okay? Thank you.
 24. MR. MADDOCK: Great. Thank you for
 25. your time.

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1. CHAIRMAN MORELOCK: Okay. Our next
2. item is 17-08, Mars Petcare. Request a new variance
3. for one boiler located at 4530 Columbia Pike,
4. Thompson's Station, Tennessee.
5. So gentlemen, if you'll come forward
6. and introduce yourselves and present your request
7. for a variance.
8. MR. NEVILLE: My name is
9. James Neville with Neville Engineering.
10. MR. GREER: Todd Greer with Jones
11. Lang LaSalle.
12. MR. LETOURNEAU: Terry Letourneau
13. with Jones Lang LaSalle.
14. MR. THILL: Chris Thill, Mars
15. Petcare.
16. MR. NEVILLE: Today we're asking for
17. a variance for one pressure vessel. This is the --
18. one boiler. This is a -- we've documented this.
19. Mars Petcare is located in Thompson's Station,
20. Tennessee. They're operating one power boiler right
21. now with the 20-minute rule, and we're asking for a
22. variance to monitor that remotely.
23. On page two, we list the site plan,
24. and I'll go over where they would like to monitor
25. that from. Approximately 500 feet away from the

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1. boiler room is the Innovation Center, and they'd
2. like to monitor from the security office there in
3. the Innovation Center.
4. The individuals monitoring at the
5. remote station are classified as -- on page five
6. as the security officer. They will be monitoring
7. from that security office, and that is a hardwired
8. connection to the shutoff.
9. Those who will be attending the
10. boiler, the boiler attendants, are classified as
11. the Steam Plant Operator and the Steam Plant
12. Operator Supervisor, and their job descriptions
13. have been listed in Appendix G, as well.
14. If there are any questions from the
15. Board, we can go over these questions about how we
16. plan to monitor.
17. CHAIRMAN MORELOCK: Okay. Do I have
18. a motion for this item? Oh. Do I have a conflict
19. of interest for this item?
20. MR. BAUGHMAN: I've got a conflict.
21. CHAIRMAN MORELOCK: Okay.
22. MR. BAUGHMAN: It relates to the
23. training. We've trained some of Mars' operating
24. personnel.
25. CHAIRMAN MORELOCK: Okay. Any other

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1. conflicts? All right. So do I have a motion for
2. this item?
3. MR. PISHKE: So moved.
4. CHAIRMAN MORELOCK: Okay. Second?
5. MR. HARGROVE: Second.
6. CHAIRMAN MORELOCK: Okay. So now
7. we'll have -- open the floor for discussion. What
8. comments or questions do you have concerning this
9. variance?
10. MR. HARGROVE: Keith Hargrove. Two
11. questions.
12. MR. NEVILLE: Yes.
13. MR. HARGROVE: One, could you
14. elaborate a little bit more on personnel training
15. and qualification that's involved --
16. MR. NEVILLE: Okay.
17. MR. HARGROVE: -- for the individuals
18. reviewing the boilers?
19. MR. NEVILLE: There is a specific
20. boiler variance training that is done annually, and
21. any new employees are trained. But as far as the
22. boiler attendant training to qualify them, I can
23. let --
24. MR. HARGROVE: Okay.
25. MR. NEVILLE: If you want to go over

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1. the specific training for those individuals --
2. MR. GREER: Our specific training
3. actually is from a lot of years of past experience
4. with two of our main personnel and myself, being the
5. Chief Engineer, and my main boiler operator,
6. Kenneth Godwin, who is presently stationed there now
7. doing the 20-minute operation.
8. We have set up a training with Boiler
9. Supply to increase and enhance our awareness of
10. the boiler operation, water treatment, et cetera,
11. just on the daily operations. I've been in this
12. operating facility -- not this facility, but in
13. the business for 37 years, so I bring that
14. experience as well as Mars having this unit
15. online.
16. This is a new system. I say new.
17. It's been installed for three years. We've
18. actually, truly, been in operation about a year
19. and a half under production. So nightly, it's
20. turned off, but all day, every day when we are in
21. operation, we're -- myself and my main boiler
22. operator are there in the present in the
23. attendance of it, and we hope to enhance that
24. training through Boiler Supply.
25. MR. HARGROVE: Okay. So within that

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1. year and a half, those individuals have had any
2. formal or informal training or basically on-the-job?
3. MR. GREER: No. It's actually
4. informal training and it's from the past experiences
5. that we bring to the table, as far as past boiler
6. operations and other fields and other businesses
7. where -- like, a 10-year here or a 10-year there.
8. But I've brought in the experience necessary from
9. Lee Company and Aggreko and other -- they rent
10. boilers. So I've just brought that experience here.
11. And it's sort of a trial and error
12. with trying to run the system, so we don't run it
13. a lot, but all of the basic boiler operations are
14. just a standard operation. But to enhance and
15. bring our awareness up to speed, we brought in
16. Boiler Supply to bring that up to snuff, so we
17. stay on top of everything, moving all the
18. technology, so to speak, because it is a new
19. system.
20. CHAIRMAN MORELOCK: Mr. Toth?
21. MR. TOTH: Mr. Chair, Marty Toth with
22. Boiler Supply Company. Yes, just to elaborate on
23. what Mr. Greer is saying, we're in the process of
24. developing a customized two-day training program for
25. Mars Petcare, which is going to incorporate a day of

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1. classroom training and a day of plant training.
2. Actual operations, startup, shutdown, control and
3. safety device testing.
4. And it actually is going to be a
5. training class that is tested. The -- all the
6. attendees will have to take a final exam after the
7. training is done to receive their certificate of
8. completion throughout the class and to receive the
9. professional development honors based on that.
10. CHAIRMAN MORELOCK: Okay. Now, my
11. question to you, Mr. Greer, is, being a plant
12. engineer, you're responsible for the training?
13. MR. GREER: Yes, sir.
14. CHAIRMAN MORELOCK: And you're going
15. to keep records on that. So do you need to add a
16. little more detail to your manual as to -- because
17. the training in here just says that the personnel
18. shall be familiarized with the emergency procedures
19. through frequent actuation of alarm circuits for
20. operating the boilers. And so --
21. MR. NEVILLE: I guess there's --
22. CHAIRMAN MORELOCK: -- will the
23. Boiler Supply training -- will that be an ongoing or
24. just a one-time?
25. MR. GREER: The in-house plan that I

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1. have is pretty much going to be an annual sort --
2. CHAIRMAN MORELOCK: Okay.
3. MR. GREER: -- I say, refresher. And
4. unless we have a big change in personnel, which I
5. don't -- I mean, we're all happy there, so we're not
6. looking for other jobs. We're going to enhance that
7. on an annual basis, and if we bring someone in to
8. the fold, they'll be trained up to that snuff and
9. probably go through this boiler training before we
10. let them go with any of the boiler operations. But
11. right now, there are two main operators here with
12. the boiler at all times, and this right here would
13. be, like, the first call, if something were to
14. happen, from other personnel who --
15. CHAIRMAN MORELOCK: Well --
16. MR. GREER: -- might monitor that.
17. CHAIRMAN MORELOCK: Yeah. And not to
18. tell you how to do it, but you just may want to say
19. who -- you've got a two-day training program or
20. something, just a little more detailed than what you
21. have.
22. MR. NEVILLE: I think we would like
23. to add that to the job description.
24. CHAIRMAN MORELOCK: Okay.
25. MR. NEVILLE: We've got -- and we

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1. want to separate boiler variance training to this
2. manual --
3. CHAIRMAN MORELOCK: Okay.
4. MR. NEVILLE: -- and qualifying
5. boiler attendant --
6. CHAIRMAN MORELOCK: Okay.
7. MR. NEVILLE: -- training as two
8. different things. So I think it'd be best to put
9. that under the job description so that that
10. individual knows that there is specific training
11. to --
12. CHAIRMAN MORELOCK: Right.
13. MR. NEVILLE: -- that boiler.
14. CHAIRMAN MORELOCK: Right.
15. Because --
16. MR. NEVILLE: There is also annual
17. training to the variance that they must follow these
18. procedures.
19. CHAIRMAN MORELOCK: Right. And you
20. also talked about training on page seven for the
21. boiler attendant.
22. MR. NEVILLE: Yes.
23. CHAIRMAN MORELOCK: And it reads very
24. similar to the training for the remote. So --
25. MR. NEVILLE: Right. So --

1. CHAIRMAN MORELOCK: -- you may want
 2. to touch that up --
 3. MR. NEVILLE: Because that's variance
 4. training, not necessarily qualifications --
 5. CHAIRMAN MORELOCK: Right.
 6. MR. NEVILLE: -- to run the --
 7. CHAIRMAN MORELOCK: Okay.
 8. MR. NEVILLE: And operate the boiler.
 9. So --
 10. CHAIRMAN MORELOCK: Okay.
 11. MR. NEVILLE: -- I think --
 12. CHAIRMAN MORELOCK: Mr. Pishke?
 13. MR. PISHKE: Well, just to expand on
 14. that, I didn't really see any criteria, you know,
 15. training criteria, whether it be hours or a written
 16. test, or what criteria do they have to meet in order
 17. to be trained or qualified?
 18. MR. NEVILLE: Sure.
 19. MR. PISHKE: Some sort of a
 20. qualification.
 21. MR. NEVILLE: And we can add that to
 22. the job descriptions form.
 23. CHAIRMAN MORELOCK: Yes?
 24. MR. TOTH: Let me ask, Mike, are you
 25. saying the criteria to be qualified or the criteria

1. to successfully pass the class or the training?
 2. MR. PISHKE: Both. I mean, both
 3. basically. You know. To be qualified to perform
 4. these duties, is there a minimum number of hours
 5. on-the-job training versus -- and/or exam, whatever
 6. that is.
 7. MR. TOTH: And if I may ask you,
 8. since you brought up the question, do you feel that
 9. an individual that would be hired in that would go
 10. through and successfully pass the final exam, would
 11. that suffice or would you as the Board be looking
 12. for time of experience on the job?
 13. MR. PISHKE: I guess I can't define
 14. that --
 15. MR. TOTH: Right.
 16. MR. PISHKE: -- from here, obviously,
 17. because I don't know what the training program is
 18. or --
 19. MR. TOTH: Okay.
 20. MR. PISHKE: -- what the testing is.
 21. If it's a rigorous testing, you know, sure, but, you
 22. know --
 23. MR. TOTH: You've obviously never sat
 24. though one of my -- no, I'm just kidding.
 25. CHAIRMAN MORELOCK: Well, if I can

1. interject, Mr. Neville makes a good point. This is
 2. for the variance. I agree.
 3. MR. PISHKE: Yeah.
 4. MR. NEVILLE: That is correct.
 5. CHAIRMAN MORELOCK: And to speak to
 6. what Mr. Toth is discussing and you, Mr. Pishke, the
 7. boiler training is something that Mr. Baughman
 8. and -- is currently leading an item -- it's a
 9. discussion item right now on how we are going to
 10. develop better boiler operator training. So I think
 11. I agree with -- well, I know I agree with your
 12. point, Mr. Neville.
 13. MR. NEVILLE: Adding it to the --
 14. CHAIRMAN MORELOCK: And so --
 15. MR. NEVILLE: -- job description?
 16. CHAIRMAN MORELOCK: Yeah. So we're
 17. talking two different things here.
 18. MR. TOTH: Yes.
 19. CHAIRMAN MORELOCK: And -- but at the
 20. same time, in the interest of the public safety, we
 21. want to make sure your boiler operators are properly
 22. trained. And Mr. Baughman has another item we're
 23. going to talk about later, about what steps we're
 24. taking to get there. So good point, Mr. Neville.
 25. Thank you. Any other questions?

1. MR. ROBINSON: Yes, sir.
 2. Mr. Chairman?
 3. CHAIRMAN MORELOCK: Yes.
 4. MR. ROBINSON: Sir, I've got three
 5. questions for you.
 6. MR. NEVILLE: Sir.
 7. MR. ROBINSON: Your job description
 8. for security officer, I'm looking at him as the
 9. remote attendant. It's not in there. In
 10. Appendix G.
 11. CHAIRMAN MORELOCK: Yeah. It's not.
 12. MR. NEVILLE: That is -- you are
 13. correct. That should be G-7 and it is not in there.
 14. CHAIRMAN MORELOCK: Yeah.
 15. MR. NEVILLE: We can update that.
 16. CHAIRMAN MORELOCK: Okay.
 17. MR. ROBINSON: Also to more or
 18. less -- for objective evidence of quality --
 19. MR. NEVILLE: Yes.
 20. MR. ROBINSON: -- can you add in your
 21. log sheet a low water cutoff testing? If you do it
 22. once per day --
 23. MR. NEVILLE: Yes.
 24. MR. ROBINSON: -- that will be
 25. satisfactory. Do you agree with that, Chief?

1. MR. CHAPMAN: Yes.

2. MR. ROBINSON: But a log indicating

3. that, you know, when you went there, because it

4. says --

5. MR. NEVILLE: Yes.

6. MR. ROBINSON: -- that you do a --

7. you will do a test, contact the remote station, and

8. the remote station will call you back indicating

9. that you have had a failure. In this case, it's a

10. test of the low water cutoff.

11. MR. NEVILLE: Yes.

12. MR. GREER: Yes, sir.

13. MR. ROBINSON: Put a block in there.

14. So in other words, if one of the inspectors comes in

15. there and he looks to see that objective evidence of

16. quality --

17. MR. NEVILLE: Yes.

18. MR. ROBINSON: -- he knows in his

19. heart that you guys are doing the right thing. And

20. also, on page five, under "normal duties" --

21. MR. NEVILLE: Yes.

22. MR. ROBINSON: Put a paragraph three

23. in there that you are going to log this test at both

24. stations.

25. CHAIRMAN MORELOCK: Good. Any other

1. comments?

2. MR. BAUGHMAN: Yes.

3. CHAIRMAN MORELOCK: Go ahead,

4. Mr. Baughman.

5. MR. BAUGHMAN: Under -- on page five,

6. number one, the remote station personnel --

7. MR. NEVILLE: Yes.

8. MR. BAUGHMAN: -- the remote station

9. will continuously be staffed by a security officer.

10. How many security officers?

11. MR. GREER: There's two per shift.

12. MR. BAUGHMAN: Two per shift.

13. MR. GREER: Yes. One's a rover. One

14. stays right there with the whole set of cameras,

15. which we're adding the camera to shoot right here at

16. the boiler so we have a visual on that, as well.

17. And the E-stop is right behind his head, so he has

18. to stay at that station at all times, one or the

19. other.

20. MR. BAUGHMAN: Okay. So we've got

21. two. One being a rover. One's on site at all

22. times. Turnover within that position, as a new

23. security officer comes in, what's the protocol for

24. having them train then, at that particular time, on

25. the variance?

1. MR. GREER: That's when -- well,

2. that's a basic operation. If they have a doubt,

3. that's why that E-stop is there and then they

4. respond to us directly by way of cell phone or radio

5. during the operating A shift, which will -- there'll

6. be two of us right there on site during that A

7. shift. Any other time, they just need to stop it.

8. MR. BAUGHMAN: Okay.

9. MR. GREER: So that's going to be

10. incorporated. And as we -- if this is approved, the

11. height can be definitely raised and the bar can be

12. raised for them, because they always have to be

13. there. There is -- it's a big, secure site. So

14. they're -- someone has to be looking at all those

15. cameras at all times. And one -- we've got a

16. dedicated screen just for the boiler.

17. MR. BAUGHMAN: Are there E-stops

18. located anywhere else besides the security station?

19. MR. GREER: You have one right behind

20. the security officer's station in the camera

21. section. There are three in the boiler room at all

22. the exits. There's one upstairs off of a mezzanine

23. as you leave that area, as well. So a total of

24. four, five, including the remote station at the

25. operator. They're 500 feet away.

1. MR. BAUGHMAN: Okay. Good. Going

2. under the boiler data sheet, Appendix A, page A-1,

3. just identifying the equipment --

4. MR. NEVILLE: Yeah.

5. MR. BAUGHMAN: -- it shows the mod

6. number as 1200475. That would not actually be a

7. Hurst model number. I don't know what the actual

8. model number is, but it'll be an identification.

9. That's actually a job number. So just for a

10. clarification standpoint.

11. All right. And then going down under

12. the DA, I find no information other than the

13. manufacturer being Hurst and it being a DA-1. I

14. find everything else to be determined.

15. MR. NEVILLE: Right. We've got some

16. additional information on an name plate, as well.

17. MR. BAUGHMAN: For the DA?

18. MR. NEVILLE: Correct. This is for

19. the DA.

20. MR. BAUGHMAN: Okay.

21. MR. NEVILLE: So --

22. MR. BAUGHMAN: That'd be great --

23. MR. NEVILLE: Yeah. I can --

24. MR. BAUGHMAN: -- to be able to have

25. that incorporated in there.

1. MR. NEVILLE: Okay. I will update
 2. that and all that information for the --
 3. CHAIRMAN MORELOCK: Any other
 4. comments?
 5. MR. BAUGHMAN: Is any of this control
 6. able to be remotely monitored on the control system?
 7. In other words, we've got -- the controls are a
 8. Honeywell RM7800, and what is our other control
 9. mechanism for the system? What are we utilizing?
 10. MR. GREER: The Honeywell 7800 has
 11. been tied into a Modbus communication with a Siemens
 12. sitewide system. We have a dedicated site -- we
 13. have a dedicated screen just for the boiler itself,
 14. so we know the operation from a standby to a run
 15. condition, along with the notifications that -- in
 16. all, I think there were, like, three pages of menu
 17. alarms. We have a sheet right there that will
 18. incorporate what the boiler is doing to live results
 19. on this dedicated screen for that above and beyond
 20. the HVAC and energy controls for the rest of the
 21. site.
 22. MR. BAUGHMAN: Being that it's
 23. Modbus, one thing in particular, the 7800 handles
 24. flame safeguard annunciations.
 25. MR. GREER: Yes, sir.

1. MR. BAUGHMAN: But what about low
 2. water? How is that tied in?
 3. MR. GREER: Low water is just in a
 4. series circuit with all the safeties, and whenever
 5. they have an issue with that right there, that's
 6. their indicator that -- that's going to be the
 7. indicator for the safety shutdown or for the E-stop.
 8. MR. BAUGHMAN: Okay. I'm just --
 9. MR. NEVILLE: So there shouldn't --
 10. MR. BAUGHMAN: -- wondering how that
 11. annunciates back. In other words, the Honeywell
 12. annunciates back with flame failure faults, but how
 13. is our low water alarms annunciates back?
 14. MR. GREER: If I'm not mistaken, in
 15. this control, there is a water fault. It just --
 16. like a gas fault or a water fault, so they don't
 17. know if it's high or low, but they know there's a
 18. water fault and that's an indicator for them to stop
 19. that boiler and meet it.
 20. MR. BAUGHMAN: Good. I just want to
 21. make sure that was actually wired in. You can have
 22. that fault available --
 23. MR. GREER: Yeah. There's a whole
 24. series --
 25. MR. BAUGHMAN: -- but unless it's

1. actually --
 2. MR. GREER: It's the whole rail right
 3. up there on the right-hand side of it.
 4. MR. BAUGHMAN: Okay.
 5. MR. GREER: So by the time we go
 6. through all those series, they -- we're able to pull
 7. out those two and extract a gas failure -- a flame
 8. failure, a gas failure, high or low gas pressure, or
 9. the water, as well.
 10. MR. BAUGHMAN: Great. And this is
 11. all hardwired?
 12. MR. GREER: Yes, it is.
 13. MR. BAUGHMAN: Okay. So nothing is
 14. via a web-based --
 15. MR. GREER: We've got so many --
 16. MR. BAUGHMAN: -- annunciation at
 17. all?
 18. MR. GREER: No, sir. There's so many
 19. firewalls. We can't even remote in from outside.
 20. We have to physically come to the site if something
 21. were to go on, but --
 22. MR. BAUGHMAN: Right. Okay. Good.
 23. CHAIRMAN MORELOCK: All right.
 24. MR. BAUGHMAN: That's all on my end.
 25. Thank you.

1. CHAIRMAN MORELOCK: Thank you.
 2. MR. NEVILLE: Okay.
 3. CHAIRMAN MORELOCK: Any other
 4. comments?
 5. MR. BAUGHMAN: One --
 6. CHAIRMAN MORELOCK: Go ahead.
 7. MR. BAUGHMAN: -- other -- you're
 8. with Jones Lang LaSalle?
 9. MR. GREER: Jones Lang LaSalle. JLL.
 10. Yes, sir.
 11. MR. BAUGHMAN: And how -- and that is
 12. part of Mars?
 13. MR. GREER: Actually, we -- Mars
 14. brought us in as a sitewide facility-based
 15. management company. So we're helping them and it's
 16. a big team effort.
 17. MR. BAUGHMAN: Okay. So you're not
 18. actually an employee of Mars itself. You're a --
 19. MR. GREER: Contractor of.
 20. MR. BAUGHMAN: Contractor of,
 21. although you're listed as the plant engineer.
 22. MR. GREER: Yes.
 23. MR. BAUGHMAN: Okay. Just wanted --
 24. CHAIRMAN MORELOCK: Yeah.
 25. MR. BAUGHMAN: -- clarification on

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1. that.

2. MR. HARGROVE: But the other

3. gentlemen are Mars -- official Mars employees,

4. correct?

5. MR. GREER: Oh, yeah. That's

6. correct.

7. MR. NEVILLE: Yes. Uh-huh.

8. MR. LETOURNEAU: I'm with Jones Lang

9. LaSalle.

10. MR. HARGROVE: Oh, okay.

11. CHAIRMAN MORELOCK: Okay. You might

12. just want to note that on your organizational chart

13. for clarity.

14. MR. NEVILLE: Okay. Right.

15. MR. HARGROVE: Right. Absolutely.

16. CHAIRMAN MORELOCK: Yeah.

17. MR. PISHKE: Yeah.

18. CHAIRMAN MORELOCK: Yeah. And to

19. build off that just a little bit, since we don't

20. know your process, we're just reading your manual.

21. MR. NEVILLE: Well -- yes.

22. CHAIRMAN MORELOCK: Making sure that

23. your job titles and all are consistent through the

24. manual helps somebody that hasn't walked --

25. physically walked through the facility. So on page

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1. one, for example, the last paragraph, it states

2. that, provisions of the variance and updating the

3. manual is the chief engineer's responsibility, but

4. really, it's the plant engineer.

5. MR. NEVILLE: Really, it's the plant

6. engineer.

7. CHAIRMAN MORELOCK: So you just need

8. to correct that. On page five --

9. MR. NEVILLE: Now, on the

10. organizational chart on D-1 --

11. CHAIRMAN MORELOCK: Yes.

12. MR. NEVILLE: -- we did list the JLL

13. employees in that.

14. CHAIRMAN MORELOCK: Okay.

15. MR. NEVILLE: So --

16. CHAIRMAN MORELOCK: Yeah. Just

17. make -- just clarify that.

18. MR. NEVILLE: But we can clarify

19. that, as well.

20. CHAIRMAN MORELOCK: Okay. That'll be

21. fine. On page five, again, just to be consistent

22. with terminology, the -- under "Remote Station

23. Personnel," the last sentence states, when the

24. variance is in effect, if the remote station

25. personnel must, for any reason, leave their post, a

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1. boiler operator must attend the boiler per

2. 0800-3-3-.08(11), which is the 20-minute rule. But

3. really, that's a boiler attendant, not a boiler

4. operator. So again, make sure your terminology's

5. correct, right?

6. MR. NEVILLE: That is correct.

7. CHAIRMAN MORELOCK: Because on page

8. seven, you're going to call that person a boiler

9. attendant.

10. Let's see. Also, in Appendix G, you

11. talk about a boiler attendant is a -- it's shown

12. in Appendix G as a maintenance technician.

13. MR. NEVILLE: Well, G-3 would be

14. the -- that would be the steam plant operator and

15. the steam plant operator supervisor. So --

16. CHAIRMAN MORELOCK: And I agree. So

17. why is the maintenance technician in the manual?

18. MR. NEVILLE: The maintenance

19. technician should be taken out and the security

20. officer should be put in. And that was a --

21. CHAIRMAN MORELOCK: Well, I mean,

22. there is an item below 25 that says, when scheduled

23. as a boiler attendant. But a maintenance technician

24. operates and monitors the boiler per your manual.

25. So I just want to make sure -- again --

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1. MR. NEVILLE: Right. So --

2. CHAIRMAN MORELOCK: -- us not

3. understanding your process, we want to make sure

4. everything reads consistently.

5. MR. NEVILLE: Right. That's right.

6. The maintenance technician position, that was

7. planned at one time and it was taken out.

8. CHAIRMAN MORELOCK: Okay.

9. MR. NEVILLE: So really, the

10. maintenance technician should be replaced with the

11. security officer at the remote station.

12. CHAIRMAN MORELOCK: As a remote --

13. okay.

14. MR. NEVILLE: Just at the remote

15. station.

16. CHAIRMAN MORELOCK: That's fine.

17. That's perfectly fine.

18. MR. NEVILLE: The new titles for

19. monitoring the boilers was the steam plant operator

20. and the steam plant operator supervisor.

21. CHAIRMAN MORELOCK: Okay.

22. MR. NEVILLE: Those are the only two

23. that we're listing as --

24. CHAIRMAN MORELOCK: And --

25. MR. NEVILLE: -- boiler attendants.

1. CHAIRMAN MORELOCK: So in talking
 2. about G-3, 4, and 5 --
 3. MR. NEVILLE: Yes.
 4. CHAIRMAN MORELOCK: Again, help me
 5. understand, but what is the purpose of the boilers
 6. at the hospital?
 7. MR. ROBINSON: At Mars.
 8. MR. NEVILLE: At Mars?
 9. CHAIRMAN MORELOCK: At Mars. I'm
 10. sorry.
 11. MR. NEVILLE: This is for
 12. processed -- they --
 13. CHAIRMAN MORELOCK: I'm thinking
 14. ahead.
 15. MR. NEVILLE: They batch process
 16. different animal food --
 17. CHAIRMAN MORELOCK: Okay. The
 18. reason --
 19. MR. NEVILLE: -- products.
 20. CHAIRMAN MORELOCK: -- I'm asking is
 21. when you look at this job description in G-3, 4, and
 22. 5, it says things like, a steam plant operator
 23. regulates the control of boilers, turbines,
 24. generators, auxilliary fluid cycles to generate
 25. electric power.

1. MR. NEVILLE: The -- in the -- why
 2. that is in there is because that's a JLL job
 3. description --
 4. CHAIRMAN MORELOCK: Okay.
 5. MR. NEVILLE: -- and not a Mars
 6. Petcare job description.
 7. CHAIRMAN MORELOCK: Okay.
 8. MR. NEVILLE: So since JLL is
 9. monitoring their -- those boilers --
 10. CHAIRMAN MORELOCK: Okay. Well, like
 11. I said --
 12. MR. NEVILLE: -- a JLL job
 13. description was used.
 14. CHAIRMAN MORELOCK: -- help us out to
 15. understand the linkage.
 16. MR. NEVILLE: So -- sure. Sure.
 17. CHAIRMAN MORELOCK: Okay?
 18. MR. NEVILLE: Sure.
 19. CHAIRMAN MORELOCK: Okay. So --
 20. MR. ROBINSON: Now I'm confused.
 21. MR. GREER: Well, the very duties of
 22. JLL covers a wide aspect and we were extracting --
 23. MR. ROBINSON: That --
 24. MR. GREER: -- for this particular
 25. site's specific operation --

1. MR. ROBINSON: Uh-huh.
 2. MR. GREER: -- and they just involved
 3. the development of food and wet and dry products
 4. for --
 5. CHAIRMAN MORELOCK: Right.
 6. MR. GREER: -- experimental purposes.
 7. But it's only, you know, should I say, a food
 8. production aspect.
 9. MR. PISHKE: In other words, these
 10. same folks could be used at a different facility --
 11. CHAIRMAN MORELOCK: Yeah.
 12. MR. PISHKE: -- doing these other --
 13. CHAIRMAN MORELOCK: Functions.
 14. MR. PISHKE: Performing these other
 15. functions.
 16. MR. NEVILLE: Right. Now, you know,
 17. we could customize this specifically for this site
 18. only. And that --
 19. MR. ROBINSON: For Mars.
 20. MR. NEVILLE: Right.
 21. MR. PISHKE: That would be prudent.
 22. I mean --
 23. MR. NEVILLE: So --
 24. MR. ROBINSON: -- anybody reading it
 25. would think you're a power generator.

1. CHAIRMAN MORELOCK: Well, I mean,
 2. when I read it, I'm like --
 3. MR. NEVILLE: And the -- right. So
 4. that was JLL's title for --
 5. MR. GREER: That is the steam plant
 6. operator.
 7. MR. NEVILLE: -- these individuals.
 8. Right.
 9. CHAIRMAN MORELOCK: Okay.
 10. MR. GREER: That is a steam plant
 11. operator.
 12. MR. NEVILLE: So --
 13. CHAIRMAN MORELOCK: And the title's
 14. fine.
 15. MR. GREER: So extract it, like I
 16. said, off of that --
 17. MR. ROBINSON: Well, look at it like
 18. this.
 19. MR. GREER: -- for, like, power
 20. generation.
 21. MR. ROBINSON: Look at it like this,
 22. sir. Someone's going to come in and we're going to
 23. do a check on your manual, and the reality is that
 24. when we read your manual, we're going to be looking
 25. for that contents to be at your facility (verbatim).

1. If it's there, you pass.
2. MR. GREER: Okay.
3. MR. ROBINSON: If it's not there,
4. it's going to be a question. And you may not pass.
5. MR. GREER: Okay.
6. MR. ROBINSON: That's the reality.
7. CHAIRMAN MORELOCK: Well, just
8. clarify it. I mean --
9. MR. NEVILLE: We can edit this for
10. site -- this site specific.
11. CHAIRMAN MORELOCK: Well, I mean, you
12. could put --
13. MR. NEVILLE: So -- or --
14. CHAIRMAN MORELOCK: -- a statement in
15. there, this is a generic job description. This is
16. how it applies to, you know, Mars.
17. MR. NEVILLE: Okay.
18. CHAIRMAN MORELOCK: You know. Would
19. that be satisfactory?
20. MR. ROBINSON: That's satisfactory.
21. CHAIRMAN MORELOCK: Okay.
22. MR. NEVILLE: Okay.
23. MR. ROBINSON: That way, at least --
24. MR. GREER: You're not looking for
25. something that's not there.

1. MR. ROBINSON: We're not looking for
2. something --
3. CHAIRMAN MORELOCK: Right.
4. MR. ROBINSON: -- that's not there.
5. MR. GREER: Understand.
6. MR. ROBINSON: Your manual is like
7. the bible for your operation.
8. MR. BAUGHMAN: And we are going to
9. insert the job description for security?
10. CHAIRMAN MORELOCK: Yes.
11. MR. NEVILLE: That is correct.
12. MR. ROBINSON: Yes.
13. CHAIRMAN MORELOCK: Yes.
14. MR. ROBINSON: And --
15. MR. NEVILLE: And remove the --
16. MR. ROBINSON: Make sure --
17. MR. NEVILLE: -- maintenance tech.
18. MR. ROBINSON: -- that that's
19. well-defined, Mr. Neville, as far as with the
20. monitor. Because again --
21. MR. NEVILLE: Yes.
22. MR. ROBINSON: -- we don't want any
23. confusion as to if he has --
24. MR. NEVILLE: Yes.
25. MR. ROBINSON: -- to leave his post

1. and --
2. MR. NEVILLE: Understand.
3. MR. ROBINSON: -- change positions.
4. MR. BAILEY: Mr. Chairman?
5. CHAIRMAN MORELOCK: Yes, sir.
6. MR. BAILEY: Speaking of confusion,
7. I'd just like to remind everybody that this is being
8. transcribed and she can only record one person
9. speaking at one time.
10. MR. BAUGHMAN: Thanks.
11. MR. BAILEY: There's been a couple
12. times where we had three or four voices going on.
13. So you want a clean record. So let the person
14. finish, then the next person have their say so the
15. record prepared is clear. Thank you.
16. CHAIRMAN MORELOCK: Very good.
17. MR. ROBINSON: Very well.
18. CHAIRMAN MORELOCK: Okay. Yes, sir?
19. MR. HARGROVE: Yeah. One last
20. question. On page five, Item four -- it's listed --
21. it speaks of the boiler attendant who will check
22. their radio and mobile phone systems to verify a
23. communication from the remote station. What is that
24. protocol for their mobile phone system? I'm
25. assuming their cell phone?

1. MR. GREER: Yes, sir.
2. MR. NEVILLE: That is correct.
3. MR. HARGROVE: And that is connected
4. to -- I mean, how are they notified and from what?
5. MR. GREER: That would be a simple
6. phone call or the radios --
7. MR. HARGROVE: Oh, from an
8. individual?
9. MR. NEVILLE: It's a phone call or
10. text to an individual.
11. MR. GREER: Yes. From the
12. individual.
13. MR. HARGROVE: Oh, okay. All right.
14. MR. NEVILLE: Right. From the remote
15. station to the individual.
16. MR. HARGROVE: Okay. All right.
17. MR. NEVILLE: So whoever's on duty
18. that shift to be the boiler attendant.
19. MR. HARGROVE: I was just trying to
20. clarify, was there some type of wireless
21. notification or not, but --
22. MR. NEVILLE: No, no. It's a --
23. MR. HARGROVE: -- there is not.
24. MR. NEVILLE: Right. It's just a
25. mobile --

1. MR. HARGROVE: This is a
 2. person-to-person mobile phone communication --
 3. MR. NEVILLE: Correct.
 4. MR. HARGROVE: -- protocol.
 5. MR. NEVILLE: From the remote
 6. station.
 7. MR. HARGROVE: From the remote
 8. station.
 9. MR. NEVILLE: So a radio check and
 10. then a phone check to make sure that that -- they
 11. can be conducted -- or contacted wherever they are
 12. on the campus.
 13. MR. HARGROVE: Yes, sir.
 14. MR. NEVILLE: Of Mars.
 15. MR. HARGROVE: All right. Thank you.
 16. CHAIRMAN MORELOCK: Okay. On page
 17. eight, under "normal daily duties," Item two,
 18. last -- the last part of the last sentence, it
 19. says -- where the whole sentence, if the system is
 20. not functioning properly, a boiler attendant shall
 21. attend the boiler until the problem is corrected,
 22. you may want to say, attend the boiler per Tennessee
 23. Rule 0800-03-03-.08(11) to specifically call out the
 24. 20-minute rule.
 25. On page nine -- okay. So if you look

1. at page nine -- it actually starts on page
 2. eight -- for emergency duties. And I'm assuming
 3. these emergency duties are the same duties that
 4. are on the highlighted page 10. And my question
 5. is, item six on page nine states, if the remote
 6. station personnel is unable to communicate with
 7. the boiler attendant within two minutes, they
 8. shall call the successive individuals on the
 9. Emergency Call List until somebody acknowledges
 10. the alarm.
 11. If you review that with item four on
 12. page 10, it says, if there is no response from the
 13. boiler attendant within one minute. So is it one
 14. or two? You might want to just, for consistency
 15. sake, make sure they match. And that's up to you
 16. if it's one minute or two.
 17. MR. NEVILLE: Okay.
 18. MR. HARGROVE: We recommend it's one
 19. minute.
 20. MR. NEVILLE: One minute? Okay.
 21. CHAIRMAN MORELOCK: And that's all
 22. the comments --
 23. MR. NEVILLE: We can update.
 24. CHAIRMAN MORELOCK: That's all the
 25. comments that I have. Any other comments?

1. MR. BAUGHMAN: Yes, please. Under
 2. the boiler emergency call list on page 11, it lists
 3. three individuals, steam plant operator, plant
 4. operator super, and the facility manager during A
 5. shift operations. So I take it A shift is what the
 6. steam plant operator is under. I'm just wondering
 7. the clarification of what A shift is since it's in
 8. quotations?
 9. MR. NEVILLE: I believe that --
 10. MR. BAUGHMAN: If that's first shift
 11. or second shift.
 12. MR. NEVILLE: -- the radio is the
 13. main communication on A shift.
 14. MR. BAUGHMAN: Okay.
 15. MR. NEVILLE: I believe is all we're
 16. trying to denote there.
 17. MR. BAUGHMAN: Okay.
 18. MR. NEVILLE: The cell phone would be
 19. other shifts.
 20. MR. BAUGHMAN: So a fairly small
 21. boiler emergency call list. And my concern would be
 22. if any of these personnel are on vacation, out sick,
 23. what have you, who the other personnel would be.
 24. Since this is on our placard for the emergency call
 25. list and it lists three individuals, that's a fairly

1. short call list, in my mind.
 2. So who else -- in other words,
 3. playing the devil's advocate, somebody's sick,
 4. somebody else is out on vacation, that narrows
 5. down our call list pretty far. We'll make sure
 6. that if somebody -- if the security officer pulls
 7. the placard out and goes through to call those on
 8. the emergency call list, who's he going to call?
 9. MR. GREER: My intent with the
 10. training is to bring more people on board to be
 11. qualified to serve as the role in that duty. Right
 12. now, Mars has taken responsibility and passed it to
 13. JLL for the property management, so that would be my
 14. duty, to make sure we do have everyone up to speed
 15. and on the same page as far as call-out schedule.
 16. And the more we get into the class, that's where the
 17. daily operations comes in to where this person knows
 18. what they're talking about.
 19. Primarily, it's my responsibility to
 20. make sure, you know, no one can get sick, but to
 21. make sure that we manually are there for Mars, and
 22. that's the --
 23. MR. NEVILLE: There also could be
 24. multiple steam plant operators than just the one
 25. title we list here. So there could be more than

1. one -- you know, they may not be on duty at the
2. time --
3. MR. BAUGHMAN: Sure.
4. MR. NEVILLE: -- but they can be
5. contacted in case of an emergency.
6. MR. BAUGHMAN: Well, then those
7. numbers definitely need to be identified on the call
8. list instead of just the job title. Having those
9. numbers available --
10. MR. NEVILLE: Right.
11. MR. BAUGHMAN: -- so they're not
12. looking up --
13. MR. NEVILLE: Right.
14. MR. BAUGHMAN: -- any numbers.
15. MR. NEVILLE: At the remote station,
16. it would definitely list the job title and then each
17. individual that meets that title. So, you know,
18. there would be more than just three individuals --
19. MR. BAUGHMAN: Okay.
20. CHAIRMAN MORELOCK: Okay.
21. MR. NEVILLE: -- that could be
22. listed --
23. MR. BAUGHMAN: Good. Yeah. Because
24. all I see is the --
25. MR. NEVILLE: -- at the remote

1. station. I mean, we list --
2. MR. BAUGHMAN: Yeah.
3. MR. NEVILLE: -- the titles but --
4. CHAIRMAN MORELOCK: Yeah.
5. MR. NEVILLE: -- there are multiple,
6. you know, steam plant operators.
7. MR. BAUGHMAN: Getting back to alarm.
8. What is the alarm in the station? Is it a visual
9. alarm, a red light that comes on?
10. MR. GREER: (Nonverbal response.)
11. MR. BAUGHMAN: Okay.
12. MR. GREER: It's on the whole -- on
13. the dedicated screen for the boiler, it's a large,
14. flashing red bar across the top of the screen
15. that -- I think it's a five-second pulse every --
16. but the screen is actually -- it's been told not to
17. go to sleep so you always have that notification.
18. And they're incorporating the camera
19. view -- we're going to get a smaller monitor for
20. when that's installed. We'll put it right up
21. above that, whether we mount it on the wall, but
22. our operator for JLL is actually in the same
23. operating station as security. So the desk, the
24. monitor, that's why security can just turn to the
25. side and see the screen at all times. That's how

1. we get our HVAC alarms or pump or high temperature
2. alarms in all the other areas of the site, as
3. well.
4. MR. BAUGHMAN: Go through that one
5. screen?
6. MR. GREER: Well, no. There's
7. several screens for us, as well, that we --
8. MR. NEVILLE: Several.
9. MR. BAUGHMAN: Gotcha. But they're
10. all in the security --
11. MR. GREER: There's two already for
12. the normal daily operations. Now that the boiler's
13. incorporated, we have an individual screen just for
14. the boiler.
15. MR. NEVILLE: Right. It's a
16. dedicated --
17. MR. GREER: It's a dedicated screen.
18. And when the camera comes into effect, now, security
19. has their own view of the boiler at all times.
20. MR. BAUGHMAN: Of the boiler or of
21. the screen?
22. MR. GREER: The actual boiler --
23. well, the screen's right here to your right --
24. MR. BAUGHMAN: Okay.
25. MR. GREER: -- and the boiler would

1. be up on your own individual camera when they get --
2. when they finish the wiring on it. I think the
3. camera's presently hung, but it's not wired in yet.
4. So they're doing that right now.
5. MR. BAUGHMAN: Interesting. Okay.
6. So there's no audio alarm, it's just totally visual?
7. MR. GREER: Yeah. Well, the SEMA
8. system --
9. MR. BAUGHMAN: Okay.
10. MR. GREER: -- that does have an
11. audible alarm.
12. MR. NEVILLE: It's an audible, yeah.
13. MR. GREER: It's a life -- it's a
14. fire life safety alarm that goes in. We have low,
15. medium, high, and then fire life safety is like the
16. sprinkler system or whatever.
17. MR. BAUGHMAN: Sure.
18. MR. GREER: So any of those alarms
19. are all audible alarms when it goes to fire life
20. safety. And we've had SEMA incorporate that --
21. MR. BAUGHMAN: Good.
22. MR. GREER: -- into the fire life
23. safety alarm screen.
24. MR. BAUGHMAN: You bet. Well, that's
25. why I was asking before if it was --

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1. MR. NEVILLE: Yeah.
2. MR. BAUGHMAN: -- just the visual or
3. if it's audible along the way. So that's good that
4. it is audible also. Thank you.
5. CHAIRMAN MORELOCK: Okay.
6. Mr. Pishke?
7. MR. PISHKE: I just had a followup
8. question. Page 11. As far as the communication
9. devices, almost every factory I've ever worked in
10. had -- as far as cell phone, had dead spots due to
11. the structure and equipment and things like that.
12. Is that something that's been tested and --
13. MR. GREER: We're very blessed with
14. the cell phone service. The radio -- we have our
15. own on-site repeater so that's Conversion
16. (phonetic) -- or who does the -- I believe
17. Conversion takes care of all that. We've actually
18. communicated with both means of communication, which
19. is why the radio is kind of first priority. It's
20. instant. A cell phone would be, sort of, like, the
21. second measure, as a just-in-case.
22. MR. PISHKE: Okay. Thank you.
23. CHAIRMAN MORELOCK: Dr. Hargrove?
24. MR. HARGROVE: Yeah. Mr. Chairman,
25. I'd like the other two gentlemen -- if you don't

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1. mind, could you explain your daily responsibilities
2. with JLL and as a Mars employee?
3. MR. LETOURNEAU: Sure. Sure. As a
4. facility manager, I have a team of three engineers,
5. a facility coordinator, and we are in -- we would
6. consider it a business partnership with Mars on a
7. day-to-day basis. So I oversee a group of
8. high-performing individuals.
9. MR. HARGROVE: Okay.
10. MR. THILL: Mine is the maintenance
11. manager for Mars Petcare. So I oversee the
12. equipment reliability --
13. MR. HARGROVE: Okay.
14. MR. THILL: -- on a day-to-day basis.
15. CHAIRMAN MORELOCK: Okay.
16. MR. HARGROVE: And that includes
17. boilers, all of -- that type of equipment?
18. MR. THILL: No. Nothing to do with
19. the -- with JLL. They're responsible for that.
20. MR. HARGROVE: Okay. Okay. All
21. right.
22. CHAIRMAN MORELOCK: Okay? Any other
23. questions or comments? Okay.
24. So just for clarity, we do have a
25. motion to approve your boiler attendant variance.

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1. Know that all the comments that we've made will
2. become part of the minutes, and that'll be a list
3. of things that you'll need to do to update your
4. manual based on the comments.
5. Approval by the Tennessee Board is
6. contingent upon a successful site visit from the
7. State of Tennessee, the Chief Inspector. And so
8. we will vote to approve today, but again, it will
9. be a contingent approval. Okay?
10. MR. GREER: Understood.
11. CHAIRMAN MORELOCK: All right.
12. Hearing no more questions or comments, I'm going to
13. call the question. All in favor, say "aye."
14. MR. HARGROVE: Aye.
15. MR. PISHKE: Aye.
16. CHAIRMAN MORELOCK: Opposed?
17. Abstentions? One abstention. Not voting?
18. Gentlemen, you have an approved
19. variance.
20. MR. NEVILLE: Thank you.
21. CHAIRMAN MORELOCK: Contingent.
22. MR. GREER: Thank you very much.
23. CHAIRMAN MORELOCK: Thank you. All
24. right. Our next item is 17-09. Prince Erachem
25. requests a new variance for four boilers located at

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1. 795 Foote Lane, New Johnsonville, Tennessee.
2. So gentlemen, if you'll come forward
3. and introduce yourselves and present your variance
4. request.
5. MR. BECKMAN: Michael Beckman,
6. Operations Manager with Prince Erachem.
7. MR. GORE: I'm Jimmy Gore. I'm the
8. area supervisor.
9. MR. NEVILLE: And James Neville,
10. Neville Engineering. We're here to --
11. CHAIRMAN MORELOCK: Okay. Do I have
12. a conflict? All right. Hearing none --
13. MR. HARGROVE: Good job.
14. CHAIRMAN MORELOCK: I did. Proceed.
15. MR. NEVILLE: We're here today to
16. request a variance for four power boilers. Those
17. boilers are listed in Appendix A. This plant is
18. located in New Johnsonville, Tennessee, and the
19. purpose of the plant is production of electrolytic
20. manganese dioxide that goes into batteries.
21. The -- on page two, we list the
22. boiler house and the location of the remote
23. station, which will be the filter building control
24. room, and it is approximately a 200-foot distance
25. from the boiler room to the remote station. In

1. the -- at the remote station -- will be staffed by
 2. certified chemical operators. These will be the
 3. same as the boiler attendants. So they are
 4. trained as far as to be at the remote station and
 5. to be at the -- in the boiler room. There are
 6. multiple individuals in that position, and we can
 7. go over that.

8. This facility, at one time, was --
 9. had a variance of -- for these boilers. That was
 10. when they were Erachem. Since then -- we're
 11. presenting this as a new variance, because they've
 12. added control -- some new controls to this, the
 13. new Hawk 1000 controls.

14. If you turn to the Appendix A, we can
 15. go over the controls. On the three fire-tube
 16. boilers, boilers one, two, and three, the
 17. Hawk 1000 controller is being added to those
 18. boilers. On -- boiler number four is a Hawk ICS
 19. boiler. That is a watertube boiler. And so those
 20. are the updated controls on those four boilers.

21. This -- the -- we list the DA tanks,
 22. as well, on this. And there are two. There's a
 23. north and a south, and those are shown in the --
 24. in Appendix E, which is our feedwater and power
 25. piping diagram. And that shows the location of

1. boilers one, two, three, and four.

2. CHAIRMAN MORELOCK: Okay.

3. MR. NEVILLE: If there are any
 4. questions, we --

5. CHAIRMAN MORELOCK: All right. Do I
 6. have a motion for contingent approval of this
 7. variance?

8. MR. BAUGHMAN: So moved.

9. CHAIRMAN MORELOCK: Okay. I've got a
 10. motion. Do I have a second?

11. MR. PISHKE: Second.

12. CHAIRMAN MORELOCK: I have a second.
 13. Okay. So I'll open the floor for discussion. So
 14. what comments do you have?

15. MR. BAUGHMAN: I'll start.

16. CHAIRMAN MORELOCK: Okay. Go ahead.

17. MR. BAUGHMAN: How many boilers do
 18. you operate at one time at the facility?

19. MR. BECKMAN: At any given time, if
 20. we're operating number four boiler, which is a
 21. larger boiler, we're only operating it. It can
 22. generate the pressure that we need to run our
 23. process. If we take four offline for maintenance,
 24. for any other reason, we will -- to generate the
 25. pressure that we need, we have to run the three

1. small ones at the same time. So at any given time,
 2. you either have number four running or you have one,
 3. two, and three.

4. MR. BAUGHMAN: And you said number
 5. four boiler has the new Hawk ICS?

6. MR. NEVILLE: That is correct.

7. MR. BAUGHMAN: Okay.

8. MR. NEVILLE: It has the Hawk. Yeah.

9. MR. BAUGHMAN: Because it's just
 10. listed as "New Controller," so I just want to make a
 11. note of that.

12. MR. NEVILLE: I will clarify that in
 13. the --

14. MR. BAUGHMAN: Okay.

15. CHAIRMAN MORELOCK: Yeah. That'll be
 16. good.

17. MR. BAUGHMAN: So the other three
 18. boilers have to operate and they're all 31,000 and
 19. some change pounds per hour on their capacities, the
 20. others being a 70,000. I note the DA, for those
 21. three boilers, is a 50,000-pound capacity. You ever
 22. have any issues in operating the DA?

23. MR. BECKMAN: Well, we -- the --
 24. those three boilers can operate off of this. We
 25. typically operate off of the south DA tank when

1. we're running those three, too. Correct, Jimmy?

2. MR. GORE: Yeah. We run off either
 3. one.

4. MR. BECKMAN: I have to verify that.
 5. We run off either/or. And the south DA tank is our
 6. main DA tank. We'll only run the north DA tank if
 7. we're doing maintenance or there's an issue with the
 8. south DA tank.

9. MR. BAUGHMAN: All of these four
 10. boilers are tied into a common manifold?

11. MR. BECKMAN: Uh-huh. Yes, sir.

12. MR. BAUGHMAN: What would the relief
 13. valve settings -- since the one boiler is 260
 14. pounds, number four, and the others are 150 pounds,
 15. do you know what the relief valve setting is on
 16. number four?

17. MR. BECKMAN: Oh, Lord. I'd have to
 18. look it up.

19. MR. GORE: I don't know off the top
 20. of my head.

21. MR. BECKMAN: I don't know right off
 22. the top of my head. We can get the information.

23. MR. NEVILLE: We can add that
 24. information to it.

25. MR. BECKMAN: Yeah.

1. MR. BAUGHMAN: Okay. I noticed just
 2. under "equipment" on number four, the input --
 3. maximum input rating is not listed. The output is
 4. listed for it. The output on the other three -- the
 5. input's listed but not the output.
 6. MR. NEVILLE: We can update that
 7. information.
 8. MR. BAUGHMAN: Okay. On this control
 9. system that you've got, being that one of them or
 10. all three of them are the Hawk 1000 and the other is
 11. the Hawk ICS, do any of those have the capabilities
 12. of remote setpoint changes?
 13. MR. BECKMAN: I do not -- 100 percent
 14. sure.
 15. MR. GORE: If they do, we don't use
 16. them. I'll put it that way.
 17. MR. BAUGHMAN: I understand. Well --
 18. and I just want to -- it showed on page I-4
 19. (verbatim), section one, under "General," "Hawk 1000
 20. system features," it says remote modulation by
 21. communications (ethernet), remote setpoint by
 22. communications (ethernet).
 23. MR. TOTH: They're not set up that
 24. way.
 25. MR. BAUGHMAN: Well, I understand

1. MR. TOTH: It is.
 2. MR. NEVILLE: Yes.
 3. MR. ROBINSON: On the units?
 4. MR. NEVILLE: It is at the units. In
 5. B-1, we list that on each of the controllers. Those
 6. are password protected.
 7. MR. ROBINSON: Okay. Thank you.
 8. MR. BAUGHMAN: Good question.
 9. MR. HARGROVE: Question. And who are
 10. the individuals who know the password and have
 11. access? Operations manager? Boiler attendant? Is
 12. that correct?
 13. MR. BECKMAN: This is on the burner
 14. controller.
 15. MR. NEVILLE: On the burner
 16. controller, so yeah. I mean --
 17. MR. BECKMAN: The operators would not
 18. have --
 19. MR. NEVILLE: The operators would not
 20. have --
 21. MR. BECKMAN: -- the password
 22. protections on that. That would be the maintenance
 23. manager and the company who services our boilers.
 24. MR. NEVILLE: Yeah.
 25. MR. BECKMAN: Boiler Supply.

1. that --
 2. MR. NEVILLE: Yeah. Yeah.
 3. MR. BAUGHMAN: -- but they have the
 4. capabilities to. Okay.
 5. MR. NEVILLE: That is something --
 6. yeah.
 7. MR. BAUGHMAN: And that's just
 8. something that, even though it's not set up that
 9. way, it's got the capabilities of being set up that
 10. way. And having remote setpoint change
 11. capabilities, especially via any type of web-based
 12. or Internet connection, would not be a good thing.
 13. MR. BECKMAN: All right.
 14. MR. NEVILLE: Right.
 15. MR. BECKMAN: Okay.
 16. MR. BAUGHMAN: That's all of my --
 17. CHAIRMAN MORELOCK: Okay. What other
 18. comments?
 19. MR. ROBINSON: Question.
 20. CHAIRMAN MORELOCK: Yes.
 21. MR. ROBINSON: Question on what Dave
 22. was talking about. Is your controller password
 23. protected?
 24. MR. BECKMAN: It is.
 25. CHAIRMAN MORELOCK: Yeah.

1. MR. NEVILLE: Right.
 2. MR. BECKMAN: I don't even have the
 3. password to it.
 4. MR. NEVILLE: Right. Yeah.
 5. That's --
 6. MR. HARGROVE: Okay.
 7. MR. BECKMAN: Because I don't get in
 8. and mess with the burner controllers.
 9. MR. HARGROVE: Okay.
 10. CHAIRMAN MORELOCK: Any other
 11. comments? I've -- you've got something?
 12. MR. PISHKE: Go ahead.
 13. CHAIRMAN MORELOCK: I've got just a
 14. few. On page five, it discusses that manual
 15. holders -- it also discusses who has a copy of the
 16. manual in Appendix J. And in Appendix J, it lists
 17. some folks there, the boiler room, the remote
 18. station, and then Justin Raus. But if Mr. Beckman
 19. is responsible for updating the manual, shouldn't he
 20. have a copy of it, as well?
 21. MR. BECKMAN: Which I do, but --
 22. CHAIRMAN MORELOCK: Okay.
 23. MR. BECKMAN: -- we'll have to add
 24. that.
 25. CHAIRMAN MORELOCK: You may want to

1. just --

2. MR. NEVILLE: We can add that.

3. CHAIRMAN MORELOCK: -- put that in

4. there. Also, on page five, it states that -- under

5. "normal duties," item one, it states that once each

6. day, the boiler attendant will contact the remote

7. station. But then, as you read through the rest of

8. the manual, page eight, item seven, Appendix F, all

9. those documents say that you're going to test once

10. per shift.

11. MR. NEVILLE: Yes. That really

12. should be shift.

13. CHAIRMAN MORELOCK: Okay.

14. MR. NEVILLE: I mean, we should

15. change from day to shift. But --

16. CHAIRMAN MORELOCK: Okay. Just --

17. like I said, I'm just reading through, so I'm not --

18. MR. NEVILLE: Right.

19. CHAIRMAN MORELOCK: -- walking the

20. floor with you. So I'll change that to shift.

21. A similar comment on -- that we had

22. on the other manual is on page eight, item seven.

23. Again, at the end of the shift, Boiler Attendant

24. shall report to boiler room to verify normal

25. boiler operation.

1. MR. NEVILLE: Would you like a log --

2. CHAIRMAN MORELOCK: That --

3. MR. NEVILLE: -- reference there?

4. CHAIRMAN MORELOCK: That'll tie back

5. to that.

6. MR. NEVILLE: Okay.

7. CHAIRMAN MORELOCK: And also, at the

8. top of the page --

9. MR. BECKMAN: If I can comment on

10. that?

11. CHAIRMAN MORELOCK: Oh, go right

12. ahead.

13. MR. BECKMAN: Actually, on

14. Appendix F, which is our boiler log sheet --

15. CHAIRMAN MORELOCK: Yes.

16. MR. BECKMAN: -- it actually -- 5:40

17. a.m./p.m. is actually the end of their shift.

18. CHAIRMAN MORELOCK: Okay.

19. MR. BECKMAN: So that's the log -- we

20. don't actually -- this log is collected by the

21. supervisor, and we don't actually have the log in

22. the boiler house. Should we have a separate log in

23. there to say, yes, I was here, or would this be

24. sufficient?

25. CHAIRMAN MORELOCK: Well, I mean, I'm

1. assuming what's in the manual is just a

2. representative sheet of what your --

3. MR. NEVILLE: Yes.

4. CHAIRMAN MORELOCK: -- log really is.

5. MR. BECKMAN: Correct.

6. CHAIRMAN MORELOCK: Your manuals

7. state how you keep it --

8. MR. BECKMAN: Okay.

9. CHAIRMAN MORELOCK: We're not going

10. to tell you how to do that. We're just --

11. MR. BECKMAN: Right. All right.

12. CHAIRMAN MORELOCK: You just need to

13. do it.

14. MR. BECKMAN: All right.

15. MR. NEVILLE: So -- right. So what

16. I'll do is I'll reference log -- or the Appendix F

17. log --

18. CHAIRMAN MORELOCK: Yeah.

19. MR. BECKMAN: Okay.

20. CHAIRMAN MORELOCK: Okay.

21. MR. NEVILLE: -- in that so that it's

22. clear.

23. CHAIRMAN MORELOCK: Okay. The -- at

24. the top of the page on page eight, it says, if the

25. system is not functioning properly, a boiler

1. attendant shall attend the boiler until the problem

2. is corrected. Again, I would reference Rule

3. 0800-03-03-.08(11), which is the 20-minute rule.

4. And I think -- the rest of my

5. questions have already been addressed by other

6. comments. So that's all I have. Anything else?

7. MR. PISHKE: I was just going to go

8. through, you know, some of the training requirements

9. again.

10. CHAIRMAN MORELOCK: Okay.

11. MR. PISHKE: Under page five, two,

12. everyone is -- all the assigned personnel will be

13. required to read and be familiar with these

14. procedures. Is that all that the training

15. encompasses? Is that it?

16. MR. BECKMAN: No. The training --

17. our -- all our SOPs are on, what, our document

18. control software, Qualtrics, so they have to go

19. through, review the SOPs, sign off on the fact, and

20. check that they've read and understand SOPs, but

21. there's also a four-to-six-week on-the-job with a

22. certified operator. And then at the end of that

23. training period, they have to pass a written test

24. prior to them operating it on their own, prior to

25. them running the circuit on their own.

1. MR. PISHKE: Okay. I would elaborate
 2. on that if -- in the manual --
 3. MR. NEVILLE: Okay.
 4. MR. PISHKE: -- because that's good
 5. stuff.
 6. MR. BECKMAN: Yeah. Okay.
 7. CHAIRMAN MORELOCK: Well, and that
 8. goes back to -- that's boiler attendant -- operator
 9. training, which is, again, a little different
 10. than --
 11. MR. BECKMAN: Yeah.
 12. CHAIRMAN MORELOCK: -- your variance.
 13. So --
 14. MR. PISHKE: Well --
 15. MR. BECKMAN: Well, we do have the
 16. variance training.
 17. CHAIRMAN MORELOCK: It's good to note
 18. it. I'm not opposed to that.
 19. MR. BECKMAN: We do have the variance
 20. training, and we have a written test that they have
 21. to take at the end of that that is also logged into
 22. Qualtrics.
 23. CHAIRMAN MORELOCK: Okay.
 24. MR. BECKMAN: And we're notified when
 25. that date comes up that they're due to -- for review

1. or those that are -- haven't done it. So --
 2. CHAIRMAN MORELOCK: Okay. Okay.
 3. MR. BECKMAN: But there is a written
 4. test for the variance training also.
 5. CHAIRMAN MORELOCK: Well --
 6. MR. PISHKE: That's specifically what
 7. I'm --
 8. CHAIRMAN MORELOCK: Yeah.
 9. MR. PISHKE: -- asking about --
 10. MR. BECKMAN: Oh, okay.
 11. CHAIRMAN MORELOCK: No, that --
 12. MR. BECKMAN: Sure. Sure.
 13. MR. PISHKE: -- is the variance.
 14. CHAIRMAN MORELOCK: That would be
 15. good to have in there.
 16. MR. NEVILLE: Right. And G-1, I
 17. believe, lists some of that training as far as the
 18. boiler attendant and remote personnel. Kind of the
 19. last sentence there --
 20. MR. BECKMAN: Yeah.
 21. MR. NEVILLE: -- about the annual --
 22. CHAIRMAN MORELOCK: Yeah.
 23. MR. NEVILLE: -- training, as well.
 24. CHAIRMAN MORELOCK: Yeah.
 25. MR. NEVILLE: So we list that in the

1. job description and -- as well as some of the other
 2. specific training. They have different specialities
 3. that -- listed, and the boiler operations is one of
 4. those.
 5. MR. PISHKE: And that's my point, is
 6. the special -- it's not general, you know, boiler
 7. operation for these special procedures.
 8. MR. NEVILLE: Yes.
 9. CHAIRMAN MORELOCK: Okay. Anything
 10. else?
 11. MR. BAUGHMAN: The only other thing I
 12. did -- is we've got two different control systems
 13. and they may not be hugely different, but you've got
 14. the 1000 on three of the boilers. You've got the
 15. ICS on the other.
 16. MR. NEVILLE: Yes.
 17. MR. BAUGHMAN: The ICS is not part of
 18. this manual, and I would just have that --
 19. CHAIRMAN MORELOCK: Uh-huh.
 20. MR. BAUGHMAN: -- data in there since
 21. they're different control systems.
 22. MR. NEVILLE: We will add that.
 23. MR. BAUGHMAN: Okay.
 24. CHAIRMAN MORELOCK: Any other
 25. comments? Okay. Hearing none, again, gentlemen,

1. this is -- our comments will be part of the minutes.
 2. You can use those to update your manual. Approval
 3. here is contingent upon a successful site inspection
 4. by the Boiler Unit and the Chief Inspector of the
 5. State of Tennessee.
 6. So with that said, I'm going to call
 7. the question. All in favor, say "aye."
 8. MR. BAUGHMAN: Aye.
 9. MR. HARGROVE: Aye.
 10. MR. PISHKE: Aye.
 11. CHAIRMAN MORELOCK: Opposed?
 12. Abstentions? Not voting? You've got an approved
 13. variance.
 14. MR. NEVILLE: Thank you.
 15. MR. BECKMAN: Thank you.
 16. CHAIRMAN MORELOCK: Thank you.
 17. Okay. That concludes our voted
 18. action and business today. So before we take a
 19. break, there's one thing I would very much like to
 20. do. And if Mr. Robinson will come forward. And
 21. don't look. I'll just come to you, then, but then
 22. I'll kid you about it.
 23. For those of you who don't know,
 24. Eugene has been a faithful Board member for many,
 25. many years, representing the insurance portion of

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1. our balance of representation on the Board. And
2. recently, Eugene left that career and has begun a
3. new career here with the State of Tennessee.
4. So we want to just take a moment to
5. recognize Eugene for his faithful, hard work and
6. service and present you with a couple things.
7. First off -- let me get the cardboard out of the
8. way. That doesn't look good in the picture, does
9. it? We want to represent you -- present you with
10. this from the State of Tennessee as a certificate
11. of appreciation for your hard work --
12. MR. HARGROVE: Here, here.
13. CHAIRMAN MORELOCK: -- and service.
14. (Applause.)
15. MR. HARGROVE: Well deserved.
16. MS. BENNETT: Yes.
17. MR. HARGROVE: Well deserved.
18. CHAIRMAN MORELOCK: And -- I have no
19. idea what this looks like. I don't want to break it
20. right out of the box, either. So here you have a
21. plaque, also, from the State. Again, these are just
22. small tokens of your tireless efforts to support --
23. (Applause.)
24. CHAIRMAN MORELOCK: We thank you for
25. your -- I'll let you all tell him what you'd like to

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1. say.
2. MR. CHAPMAN: I just want to say
3. thank you so much for all your service.
4. MR. PISHKE: Speech.
5. MR. ROBINSON: Speechless.
6. CHAIRMAN MORELOCK: All right. We
7. need a speech.
8. MR. ROBINSON: I'm speechless.
9. MR. HARGROVE: We don't believe
10. that's possible.
11. CHAIRMAN MORELOCK: All right.
12. MR. HARGROVE: All right.
13. CHAIRMAN MORELOCK: We have cake. So
14. now's a good time to take a break and just come by
15. and shake Eugene's hand for a job well done, and
16. we're looking forward to great things at the State.
17. So --
18. (Recess observed.)
19. CHAIRMAN MORELOCK: Okay. We are on
20. Item eight, which is Open Discussion Items. And the
21. only item that I really have to discuss is do we
22. have an update on the Committee for Boiler Training,
23. Mr. Baughman?
24. MR. BAUGHMAN: Yeah. Somewhat.
25. CHAIRMAN MORELOCK: Okay.

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1. MR. BAUGHMAN: What we've been doing
2. is researching out, trying not so much to reinvent
3. the wheel, because there's a lot of other states
4. that are in the U.S. that have training, so we've
5. probably been -- we've been trying to be diligent in
6. communicating with these department of labors, fire
7. marshals, boiler divisions to get an idea about how
8. their states are set up so that we can then mold and
9. adapt for what we think will be applicable to bring
10. to the table for a presentation. So this has just
11. been taking quite a bit of time for communication
12. and conversation.
13. It's kind of interesting that, as
14. we've been communicating, that there's a movement
15. towards -- and this goes across the country -- a
16. movement towards the thought process of making a
17. national standard for minimum levels of boiler
18. training. And I just thought that that was kind
19. of interesting, that that's come up in the
20. conversation, so that one state wouldn't vary
21. greatly from what the other one does.
22. But that's where we're at. Still in
23. the means of getting the information together so
24. we can continue with this process.
25. CHAIRMAN MORELOCK: Okay. Any

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1. questions about that? Concerns? Yes, sir?
2. MR. TOTH: I would just like to offer
3. my assistance, Dave, if ever you need any, in
4. regards to the training. So please feel free to
5. reach out to me if I can help.
6. MR. BAUGHMAN: Thank you.
7. CHAIRMAN MORELOCK: Okay. Good.
8. Yes, sir?
9. MR. ROBINSON: Funny you should say
10. that.
11. MR. TOTH: Okay.
12. MR. ROBINSON: Chief and I have
13. proposed a draft that we would like to submit to the
14. Board. And so this will be something for you guys
15. to critique and see if it's something that would fit
16. going forward.
17. CHAIRMAN MORELOCK: For boiler --
18. MR. ROBINSON: For boiler training.
19. CHAIRMAN MORELOCK: Okay.
20. MR. ROBINSON: Boiler operator
21. training. And it's broken down -- it's broken down
22. in the simplest form to where you could put together
23. service companies, their input, invite
24. John Q. Public to participate, as well as divisional
25. unit personnel. And if you could come to a genuine

1. consensus, maybe it would be something that we would
 2. want to present going forward possibly for the
 3. legislation to consider.
 4. CHAIRMAN MORELOCK: Okay.
 5. MR. PISHKE: But once we get the
 6. buy-in from all those particular parties -- well,
 7. what we thought about was empowering everybody else,
 8. which would make acceptance a little bit easier.
 9. MR. BAILEY: True.
 10. CHAIRMAN MORELOCK: Well, and, you
 11. know, the Board voted last September to have Dave
 12. and Jessie Smith to head up this item. And so
 13. certainly, to bring your work into it, Martin, to
 14. provide input, obviously, we'll do this as a
 15. discussion item until we get something ready. And
 16. if it goes to the point of legislation, then
 17. obviously we would provide input to you to work with
 18. Mr. Bailey in the legislative process to make that
 19. part of the law.
 20. But as for now, I guess my feelings
 21. are, proceed with you and Jessie and Martin and
 22. then you all collaborate. Once you get something
 23. ready for us to put on the agenda as a discussion
 24. item, we can review that in advance of the meeting
 25. and then we can have the discussion and then move

1. forward. Is that in agreement?
 2. MR. ROBINSON: Yes. In the next --
 3. soon -- well, as soon as I can get to the computer
 4. and get a little bit of time, the draft will go out
 5. to the participants.
 6. CHAIRMAN MORELOCK: Okay. All right.
 7. Good.
 8. MR. ROBINSON: It's already completed
 9. and sitting idle.
 10. CHAIRMAN MORELOCK: All right. Good
 11. report.
 12. I don't have anything to announce,
 13. but I do have some updates on filling our empty
 14. slots on the Board. That's in progress, which is
 15. very good news, and we hope to have something soon
 16. with names and all that. But right now, it is
 17. moving forward and I just wanted to give you an
 18. update on that.
 19. The last thing I have is -- it really
 20. ties into Item nine, but we had talked about a
 21. Board item, a Board interpretation item, that
 22. arose from the fact that when we revised Rule
 23. 0800-03-03, we got everything up to date, but in
 24. the process of doing so, that created a
 25. discrepancy between rule 0800-03-03 and

1. 68-122-109(a) as to how the State provides the
 2. Commissioning Exam.
 3. And so what I have done is I have
 4. created a request for rule interpretation simply
 5. to make that clarification so that the State has
 6. the freedom to provide the Commissioning Exam per
 7. the current methods available. Does that make
 8. sense?
 9. So with that said, I have put a
 10. request for rule interpretation together. We're
 11. not going to act on it today. I'll just briefly
 12. read this to you, we'll talk about it, and get
 13. some comments. That's what I'm seeking today.
 14. But this request for rule
 15. interpretation begins by stating, the purpose of
 16. this request is for the Board to give an
 17. interpretation on the administration of the
 18. National Board Commissioning Exam as discussed in
 19. Tennessee Code Annotated 68-122-109(a) and
 20. Tennessee Rule 0800-03-03-.06, Inspector
 21. Qualifications, paragraph (3), Examination for
 22. Certificate of Competency.
 23. Inquiry number one is, are the
 24. examination requirements for the Certificate of
 25. Competency in Tennessee Rule 0800-03-03-.06,

1. Inspector Qualifications, paragraph (3)(a) correct
 2. and current with the requirements in National
 3. Board, NB-263, RCI-1 Rules for Commissioned
 4. Inspectors, Part 2 Commission and Endorsement
 5. Examinations? The reply to that would be, yes.
 6. Inquiry two. Are the requirements in
 7. Tennessee Code Annotated 68-122-109(a),
 8. Examinations for chief, deputy, or special
 9. inspectors correct and current with the
 10. requirements in National Board 263, RCI-1, Rules
 11. for Commission Inspectors, Part two, Commission
 12. and Endorsement Examinations? Reply to that
 13. inquiry is, no. Tennessee Code Annotated
 14. 68-122-109(a) Examinations for chief, deputy, or
 15. special inspectors should be revised.
 16. And then we have provided a proposed
 17. revision to 68-122-109(a), which would match what
 18. is in Rule 0800-03-03 today.
 19. And so that's what I have before --
 20. and I will send this out to the Board members.
 21. And just for review -- so Dan, I know that --
 22. Mr. Bailey, we had talked -- I know the rulemaking
 23. process occurs in July, August, and legislative
 24. actions would occur once a year or something like
 25. that; is that correct?

1. MR. BAILEY: Yeah. Well, rules can
 2. be revised, really, at any time. I mean, it's just
 3. the process of -- time of year doesn't really have
 4. an effect on it too much other than, like, if it's a
 5. fee increase or there's a provision involving fee
 6. increases. But for -- to revise legislation, you
 7. know, that really needs to be put in the
 8. Commissioner's legislative package usually, like,
 9. July or August.

10. CHAIRMAN MORELOCK: Okay.

11. MR. BAILEY: I mean, it's got -- they
 12. start putting that together pretty early. And then
 13. if it is in the Commissioner's package, then that's
 14. presented to the Governor's Office and hopefully it
 15. gets in the Governor's proposals. But I know the
 16. legislative liaison, Leann Durm, has said numerous
 17. times, if you've got revised legislation that you
 18. want to -- for -- you know, to be considered, you
 19. need to get it to me, you know, by, like, July or
 20. August at the latest --

21. CHAIRMAN MORELOCK: Okay.

22. MR. BAILEY: -- is usually what she
 23. says. So I mean, if you're going to try to get this
 24. into the Commissioner's legislative package for next
 25. session, it needs to be done pretty quick, is

1. basically what I'm saying.

2. CHAIRMAN MORELOCK: Well, in fairness
 3. to the Board, I'm not giving them opportunity to
 4. review this. I don't know that it would be fair to
 5. create a voted action today for them. However, if
 6. we pass this interpretation, then that would suffice
 7. till we can get the legislative work done. Would
 8. you agree?

9. MR. BAILEY: I'm not completely in
 10. agreement with that.

11. CHAIRMAN MORELOCK: Okay.

12. MR. BAILEY: I really don't know.

13. CHAIRMAN MORELOCK: Okay.

14. MR. BAILEY: Because statute trumps a
 15. rule or a policy.

16. CHAIRMAN MORELOCK: Okay.

17. MR. BAILEY: Always. I've never
 18. known a situation where the statute didn't overrule
 19. a rule. So I don't know why this would, I guess.
 20. You know. I mean, the statute's the statute and if
 21. a rule conflicts with it, the statute wins out all
 22. the time.

23. CHAIRMAN MORELOCK: Okay.

24. MR. BAILEY: Every time I've seen.

25. MR. TOTH: Mr. Chair?

1. CHAIRMAN MORELOCK: Well, you know,
 2. to -- oh, go ahead, Mr. Toth.

3. MR. TOTH: Mr. Chairman, I kind of --
 4. if I could, from my experience, I would back up
 5. Mr. Bailey's comments with that. The purpose for
 6. Board cases and interpretations, as you may recall,
 7. was to handle rulings for rules --

8. MR. BAILEY: Right.

9. MR. TOTH: -- not to try to have an
 10. interpretation of a law or a statute. So I just
 11. want to make sure that you're aware.

12. MR. BAILEY: If --

13. CHAIRMAN MORELOCK: Well, I agree
 14. with that.

15. MR. BAILEY: If I may, I mean,
 16. basically what you're pointing out here is there's a
 17. conflict between the statute and the rule.

18. CHAIRMAN MORELOCK: Yes.

19. MR. BAILEY: And if the rule is the
 20. most current thing, that we should -- that is what
 21. we should be following. So I think it's bringing it
 22. to our attention. I don't know that there's
 23. necessarily Board action that needs to be -- I mean,
 24. to me, Board action was taken when we revised the
 25. rule to bring it up to date.

1. CHAIRMAN MORELOCK: Okay.

2. MR. BAILEY: But we -- but at the
 3. same time, we didn't ask that the statute be
 4. revised. And that's probably -- we should have, you
 5. know, at the time. But it's pointed out now that
 6. there's a conflict. So --

7. CHAIRMAN MORELOCK: Okay.

8. MR. BAILEY: -- I think Ms. Jefferson
 9. can, you know, communicate with our legislative
 10. liaison that there's this conflict here and we want
 11. this statute revised to --

12. CHAIRMAN MORELOCK: Okay.

13. MR. BAILEY: -- reflect the rule. So
 14. I don't think there's really any Board action that
 15. has to be done on that.

16. CHAIRMAN MORELOCK: Okay.

17. MR. BAILEY: I mean, that's just --
 18. it's an obvious thing and we should try to get it
 19. corrected.

20. CHAIRMAN MORELOCK: Okay. Board, you
 21. in agreement?

22. MR. BAUGHMAN: Yes.

23. CHAIRMAN MORELOCK: Yes, sir?

24. MR. TOTH: Just for my ignorance, can
 25. you give an understanding of where the conflict

1. exists --

2. CHAIRMAN MORELOCK: Yes.

3. MR. TOTH: -- again?

4. CHAIRMAN MORELOCK: Yes.

5. MR. TOTH: Thank you.

6. CHAIRMAN MORELOCK: I can do that.

7. What 68-122-109 says today --

8. MR. TOTH: And is this the revision

9. to the existing --

10. CHAIRMAN MORELOCK: No. This is what

11. it says today.

12. MR. TOTH: This is what it's always

13. been?

14. MR. HARGROVE: This is current.

15. CHAIRMAN MORELOCK: Let me -- okay.

16. Here we go. Okay. This is what it says today.

17. Examinations for chief deputy or special inspectors

18. shall be in writing and shall be held by the Board

19. or by at least two members of the Board. Period.

20. Such examination shall be confined to questions, the

21. answer to which will aid in determining the fitness

22. and competency of the applicant for the intended

23. service. Period. In case an applicant for an

24. inspector's appointment or commission fails to pass

25. the examination, the applicant may appeal to the

1. Board for another examination, which shall be given

2. by the Board within 90 days. Period. The record of

3. an applicant's examination shall be accessible to

4. the applicant and the applicant's employer.

5. MR. TOTH: Is there a paragraph (b)

6. to that that you have access to?

7. CHAIRMAN MORELOCK: Let me see if I

8. can get that for you.

9. MR. TOTH: I'm sorry, sir.

10. CHAIRMAN MORELOCK: Let's see. I've

11. got the rules in here. Do I have the law?

12. MR. BAILEY: I've got it right here.

13. MR. TOTH: Mr. Bailey does.

14. MR. HARGROVE: As in a B --

15. CHAIRMAN MORELOCK: Yeah.

16. MR. BAILEY: There is a B. It says,

17. a commission may be suspended or revoked --

18. MR. TOTH: Okay.

19. MR. BAILEY: -- after due

20. investigation. Do you want to read the whole thing?

21. MR. ROBINSON: It doesn't pertain --

22. CHAIRMAN MORELOCK: No.

23. MR. TOTH: No, that's fine.

24. CHAIRMAN MORELOCK: It doesn't

25. pertain to how the exam is given. Yes?

1. MR. BAILEY: And then --

2. MR. TOTH: Just a little bit of

3. clarification, some history on that, 68-122-109 --

4. when it speaks of the exam, there are a number of

5. jurisdictions, such as the Commonwealth of Virginia,

6. I believe the Commonwealth of Kentucky -- they

7. require an individual exam for those jurisdictions

8. for their boiler inspectors above and beyond the

9. requirements for the National Board Commission. So

10. when that statute was written, the requirements for

11. the National Board Commission were not necessarily

12. in place.

13. CHAIRMAN MORELOCK: That's correct.

14. MR. TOTH: So when you talk about

15. whatever the statute calls for is actually -- can be

16. something additional to the National Board

17. Commission and not just the National Board

18. Commission. Am I making sense?

19. CHAIRMAN MORELOCK: Well --

20. MR. TOTH: The rule that you have

21. spells out that you will take a National Board

22. Commission Exam.

23. CHAIRMAN MORELOCK: Yes.

24. MR. TOTH: Which this body has

25. authority over. So we're talking -- you could

1. possibly be talking about two different things.

2. CHAIRMAN MORELOCK: So what else

3. would this apply to?

4. MR. TOTH: That would apply to an

5. individual exam that could be given by the chief

6. inspector to speak solely about Tennessee rules and

7. regulations.

8. CHAIRMAN MORELOCK: Well, but see,

9. that's the thing. It says specifically it's given

10. by the Board, not the chief inspector.

11. MR. TOTH: Okay.

12. CHAIRMAN MORELOCK: Or by two Board

13. members, at a minimum.

14. MR. TOTH: And that'd be fine. I

15. understand what you're saying, because --

16. CHAIRMAN MORELOCK: Yeah.

17. MR. TOTH: -- the situation that you

18. have going now is the remote testing locations,

19. correct?

20. CHAIRMAN MORELOCK: Yes.

21. MR. TOTH: Okay.

22. CHAIRMAN MORELOCK: And electronic

23. exams.

24. MR. TOTH: And electronic exams. The

25. situation that you have right now is given by the

1. Board. Okay? It does mention having two board
 2. members. Okay?
 3. CHAIRMAN MORELOCK: Well, when was
 4. the last time the State of Tennessee adhered to
 5. that?
 6. MR. TOTH: Never.
 7. CHAIRMAN MORELOCK: So we need to fix
 8. it.
 9. MR. TOTH: And again, we're talking
 10. about pretty much antiquated --
 11. CHAIRMAN MORELOCK: Yes.
 12. MR. TOTH: -- statute --
 13. CHAIRMAN MORELOCK: Yes.
 14. MR. TOTH: -- that has not changed,
 15. because in other words, if it ain't broke, don't fix
 16. it type thing, where the Board could give an exam,
 17. okay, written exam, specifically about the state
 18. laws, rules, and regulations, and it would suffice.
 19. The rule will say, you have to have a National Board
 20. Commission.
 21. CHAIRMAN MORELOCK: Yes.
 22. MR. TOTH: Now, how that's handled
 23. can be governed by this body.
 24. CHAIRMAN MORELOCK: So you feel like
 25. this current statute does not apply to the National

1. Board Commissioning Exam?
 2. MR. TOTH: Yes. It wasn't intended
 3. for that when it was first drafted. It just had --
 4. over time, had taken place of the local exam in the
 5. State of Tennessee, whereas --
 6. CHAIRMAN MORELOCK: For a state
 7. commission?
 8. MR. TOTH: For a state commission.
 9. Because as you all recall, each inspector holds a
 10. National Board Commission --
 11. CHAIRMAN MORELOCK: Yes.
 12. MR. TOTH: -- but they also hold a
 13. state commission.
 14. CHAIRMAN MORELOCK: Yes.
 15. MR. TOTH: How it's been handled in
 16. the past, if you passed the National Board
 17. Commission, you were automatically granted a state
 18. commission.
 19. CHAIRMAN MORELOCK: Yes.
 20. MR. TOTH: I hope that helps --
 21. CHAIRMAN MORELOCK: I took mine in
 22. 2000 and that's exactly what happened. So --
 23. MR. TOTH: Right.
 24. CHAIRMAN MORELOCK: So what you're
 25. saying is if we ignore this and go with rule

1. 0800-03-03, there's no conflict. Is that what
 2. you're saying?
 3. MR. TOTH: I wouldn't necessarily use
 4. the word "ignore."
 5. MR. BAILEY: Are you sure you don't
 6. have a law degree?
 7. MR. TOTH: I worked with you for a
 8. long time, Mr. Bailey. I'm good. Is that I would
 9. state you could put a process in place that would
 10. satisfy the statute.
 11. CHAIRMAN MORELOCK: But that's
 12. revising the statute.
 13. MR. TOTH: Not necessarily. You
 14. could offer a state commission -- written state
 15. commission exam, however long or short, for the
 16. individuals to be able to obtain their Tennessee
 17. commission.
 18. CHAIRMAN MORELOCK: Yeah. That's a
 19. slippery slope right there.
 20. MR. TOTH: Well, the -- like I said,
 21. the Commonwealth of Virginia and Kentucky both do
 22. that.
 23. MR. CHAPMAN: And Washington.
 24. MR. TOTH: And I'm just adding a
 25. little bit of --

1. MR. CHAPMAN: Washington state.
 2. MR. TOTH: -- advice there, free.
 3. You don't have to pay for --
 4. MR. PISHKE: I can speak to Virginia.
 5. I was on their board prior to this.
 6. MR. ROBINSON: Go ahead.
 7. MR. PISHKE: I don't recall any
 8. instance where we did that.
 9. MR. TOTH: Where you offered an
 10. individual exam?
 11. MR. PISHKE: Yeah.
 12. MR. TOTH: Okay.
 13. MR. PISHKE: Now, that was only since
 14. the early 2000s, probably. But during that tenure
 15. there, I don't remember ever doing it that way. It
 16. was always through the National Board Commission.
 17. MR. TOTH: But they do a National
 18. Board Commission exam also.
 19. MR. PISHKE: Yeah.
 20. MR. TOTH: And it could have changed.
 21. I do know that when I was involved -- which have
 22. been a few moons ago -- the Commonwealth of Kentucky
 23. definitely did, because they wanted to make sure
 24. that the inspectors were familiar with their state
 25. laws.

1. MR. ROBINSON: Now, what I've --
 2. excuse me. What I've been acquainted with -- just
 3. recently, I was tasked to do a help-out in
 4. Seattle, Washington, November of last year. During
 5. that period, when I arrived, I met with Tony Oda,
 6. Chief of Washington, who sat -- he and his assistant
 7. chief sat with me and had given me an examination on
 8. their regulations. Okay? Now, he still required me
 9. to have a commission.
 10. MR. TOTH: Uh-huh. National Board
 11. Commission.
 12. MR. ROBINSON: Absolutely. So the
 13. test was administered, basically, on his rules and
 14. regulations.
 15. MR. TOTH: Uh-huh.
 16. MR. ROBINSON: Now, I was also tasked
 17. to go to Maryland to help out. During that period
 18. of time, I was also supposed to meet with the Chief
 19. and take another exam, still using my commission.
 20. So I don't think -- you know, this
 21. test is outside the scope of the National Board,
 22. and at the same instance, I would -- I don't --
 23. and I speak back to the chairman -- the National
 24. Board will still recognize the creation of an NB-6
 25. report from an inspector based on being

1. commissioned by the jurisdiction.
 2. In other words, when an inspection is
 3. complete, if Chief gives a commission exam --
 4. well, jurisdictional examination -- let's call it
 5. what it is -- to anyone, they would be required to
 6. perhaps fill out an NB-6 report, which again,
 7. would now be record based on National Board
 8. standards.
 9. So I don't think that's the case. I
 10. think you would have to have a National Board
 11. Commission.
 12. MR. TOTH: Well, absolutely.
 13. MR. ROBINSON: And this --
 14. MR. TOTH: But when you --
 15. MR. ROBINSON: -- is not --
 16. MR. TOTH: Go ahead. I'm sorry.
 17. MR. ROBINSON: This doesn't -- in
 18. other words, this would be -- it would be a
 19. prerequisite for a jurisdictional requirement if it
 20. was left as it is.
 21. MR. TOTH: Okay.
 22. CHAIRMAN MORELOCK: Well --
 23. MR. ROBINSON: Which would be
 24. meaningless.
 25. CHAIRMAN MORELOCK: Well, and my

1. thoughts are, our rules and our law should reflect
 2. what is actually being done in the State of
 3. Tennessee.
 4. MR. TOTH: Uh-huh.
 5. CHAIRMAN MORELOCK: And the State of
 6. Tennessee is giving the National Board Commissioning
 7. exam. You get the National Commission, then they'll
 8. also accept that for the special inspector or
 9. inspector commission or deputy inspector or chief,
 10. as well.
 11. MR. TOTH: Absolutely. No, I agree
 12. 100 hundred percent with you.
 13. CHAIRMAN MORELOCK: Yeah.
 14. MR. TOTH: I'm just kind of --
 15. CHAIRMAN MORELOCK: And --
 16. MR. TOTH: I'm giving you some
 17. history.
 18. CHAIRMAN MORELOCK: And I appreciate
 19. that.
 20. MR. TOTH: And I'm --
 21. CHAIRMAN MORELOCK: I do.
 22. MR. TOTH: Yeah. Okay.
 23. CHAIRMAN MORELOCK: I do. Because
 24. that's -- it's good to know. I mean -- but, you
 25. know, based on -- I guess based on my experience

1. over the past 17 years, you take the National Board
 2. Commissioning Exam and then you submit the paperwork
 3. to the State of Tennessee and you get your
 4. commission card.
 5. MR. TOTH: Absolutely. Absolutely.
 6. CHAIRMAN MORELOCK: So, you know, to
 7. play both sides of that, if we were to do what you
 8. said, then we would be -- it would be an additional
 9. exam that we've not given ever.
 10. MR. TOTH: Ever. Well, ever --
 11. CHAIRMAN MORELOCK: Well --
 12. MR. TOTH: -- since we've been
 13. involved.
 14. CHAIRMAN MORELOCK: Okay. Let's just
 15. say in the past 20 years, then.
 16. MR. TOTH: 20 --
 17. CHAIRMAN MORELOCK: Yeah.
 18. MR. TOTH: It's gone by fast.
 19. CHAIRMAN MORELOCK: Okay? All right.
 20. MR. TOTH: But yes, I agree with you.
 21. I agree with you.
 22. CHAIRMAN MORELOCK: Yeah.
 23. MR. TOTH: My question would be, what
 24. do you do in the meantime until the legislation has
 25. been changed?

1. CHAIRMAN MORELOCK: I think -- well,
 2. I would have to work with Mr. Bailey and --
 3. MR. ROBINSON: Ms. Jefferson.
 4. CHAIRMAN MORELOCK: -- Ms. Jefferson
 5. to do what he just described and that -- you know,
 6. and say, we're cleaning up the legislation to
 7. continue to do what we've always done.
 8. MR. TOTH: Right.
 9. CHAIRMAN MORELOCK: So now, with that
 10. said, I mean, what is the Board's pleasure on this?
 11. It's not what I want or Mr. Toth wants.
 12. MR. TOTH: Definitely not what I
 13. want.
 14. CHAIRMAN MORELOCK: So -- but what --
 15. you know. And I mean, any commission inspector in
 16. the state of Tennessee, that would be something
 17. they've never seen before if we were --
 18. MR. TOTH: Right.
 19. CHAIRMAN MORELOCK: -- to enact that.
 20. So -- yes, sir?
 21. MR. PISHKE: I think we take
 22. Mr. Bailey's advice in proceeding --
 23. CHAIRMAN MORELOCK: And according to
 24. his explanation, we've taken our action, so it would
 25. be on the State to take action to correct the

1. discrepancy.
 2. MR. BAILEY: Now, just so I'm clear,
 3. so the proposed revision of -- that's what you would
 4. like -- that's how you'd like --
 5. CHAIRMAN MORELOCK: Yes.
 6. MR. BAILEY: -- to see it written?
 7. CHAIRMAN MORELOCK: Yeah.
 8. MR. BAILEY: Okay.
 9. CHAIRMAN MORELOCK: And that -- and
 10. so -- we discussed this at the March meeting and
 11. went over that. We can certainly -- be happy to
 12. read over it again. I think everybody's got a copy
 13. of the proposed revision, the Board members do
 14. anyway. And it's -- and for the visitors, I'll be
 15. happy to read through that, if you'd like. Yes?
 16. No? No? I'm seeing more of this (shaking head from
 17. side to side) than this (nodding head up and down).
 18. So okay. But basically, it's going to clarify
 19. what's in -- it's going to be the same words that's
 20. in Rule 0800-03-03, to be consistent. So --
 21. MR. BAUGHMAN: I agree with Mike.
 22. CHAIRMAN MORELOCK: So are there any
 23. other comments? Because I mean, this is why I'm
 24. glad we added this -- we added discussion items a
 25. few years back and this is good -- an opportunity

1. for folks to come in and just -- we need to know
 2. what your concerns are. And so this is a spot in
 3. our agenda where if you ever have a discussion item,
 4. let Sam and Eugene, Carlene know. We'll get you on
 5. the agenda, because I mean, we want feedback. We
 6. want to know what's going on and what your concerns
 7. are. So -- and a lot of these develop -- end up
 8. Board items. So it's a good process.
 9. So everybody good? Are we going to
 10. proceed with Ms. Jefferson and Mr. Bailey handling
 11. this?
 12. MR. BAUGHMAN: Yes.
 13. MR. HARGROVE: Agreed.
 14. MR. PISHKE: Agreed.
 15. CHAIRMAN MORELOCK: Okay. That's the
 16. direction we'll take. Any other comments or
 17. questions about that? Okay.
 18. MR. HARGROVE: Mr. Chairman?
 19. CHAIRMAN MORELOCK: Yes, sir?
 20. MR. HARGROVE: Did you have any
 21. comments about the safety conference?
 22. CHAIRMAN MORELOCK: Yes. In talking
 23. with the State and them looking at their budget, the
 24. Tennessee Boiler Safety Conference will be held just
 25. within the confines of the Department of Labor &

1. Workforce Development and their inspectors this
 2. year.
 3. Board members, they're working out
 4. details on what portion they would like for us to
 5. play in that. We can schedule a Board meeting
 6. during that training. But also, they're going to
 7. give me a schedule on maybe some forums they would
 8. like for us to be present, because one of the
 9. things we learned last year is it was very much
 10. appreciated for the inspectors to have access to
 11. ask us questions and discuss things, and we want
 12. to continue to do that.
 13. So that's what I have on the fall
 14. conference for this year. It will not be opened
 15. up at least this year. We'll look at 2018 to see
 16. how we can grow this. But for this year, we've
 17. been asked just to hold it just for the State of
 18. Tennessee inspectors. Okay?
 19. Okay. That's all of our discussion
 20. items. As far as rule cases and interpretations,
 21. we just discussed that.
 22. Item 10 is the next Board of Boiler
 23. Rules Meeting is scheduled for 9:00 a.m. Central
 24. Time, Wednesday, September the 20th at the
 25. Department of Labor and Workforce Development

1. Office Building right here.
2. Does anybody have anything else?
3. MR. BAILEY: Mr. Chairman, I'd like
4. for the Board to consider giving Chief Boiler
5. Inspector, Mr. Chapman, a new placard, because it
6. still says Assistant Chief Boiler Inspector.
7. MR. PISHKE: Just cross it out.
8. MR. BAILEY: I think he's way beyond
9. that now.
10. MR. CHAPMAN: We'll just kill it.
11. CHAIRMAN MORELOCK: Hey, somebody
12. give me a Sharpie. I can fix that right now.
13. MR. CHAPMAN: I haven't even paid any
14. attention to that.
15. CHAIRMAN MORELOCK: All right, y'all.
16. Thank you for coming. I really mean that, because
17. you're giving up your time and it's important.
18. Thank you for your input and your comments.
19. Everybody travel safe, and we are adjourned.
20. END OF PROCEEDINGS.
- 21.
- 22.
- 23.
- 24.
- 25.

1. CERTIFICATE
2. STATE OF TENNESSEE)
3. COUNTY OF WILLIAMSON)
- 4.
- 5.
6. I, Dominique A. Dubois LCR# 686, Notary
7. Public and Court Reporter, do hereby certify that I
8. have recorded to the best of my skill and ability
9. by machine shorthand all the proceedings in the
10. foregoing transcript, and that said transcript is a
11. true, accurate, and complete transcript to the best
12. of my ability.
13. I further certify that I am not an attorney
14. or counsel of any of the parties, nor a relative or
15. employee of any attorney or counsel connected with
16. the action, nor financially interested in the
17. action.
18. SIGNED this 24th day of July, 2017.
- 19.
- 20.
21. _____
22. Dominique A. Dubois, LCR# 686
23. Notary Public State at Large
24. My commission expires: 8/9/2018
- 25.

<p style="text-align: center;">A</p> <p>a-1 36:2 ability 110:8 110:12 able 15:21 36:24 37:6 39:6 99:16 above 2:1 37:19 58:21 95:8 absolutely 41:15 101:12 102:12 103:11 104:5 104:5 abstention 63:17 abstentions 8:16 9:15 20:13 63:17 80:12 accept 8:2 9:4 17:5 17:6 103:8 acceptance 85:8 access 71:11 94:6 108:10 accessible 94:3 according 105:23 accurate 110:11 acknowledges 54:9 acquainted 101:2 across 58:14 83:15 act 87:11 action 80:18 90:5 91:23 91:24 92:14 105:24 105:25 110:16 110:17 actions 88:24 actual 26:2 36:7 59:22 actually 18:16 24:3 24:18 25:3 26:4 36:6 36:9 38:21 39:1 40:13 40:18 54:1 58:16 58:22 61:17 74:13 74:16 74:17 74:20 74:21 95:15 103:2 actuation 26:19 adapt 83:9 add 26:15 27:23 29:21 32:20 68:23 72:23 73:2 79:22 added 65:12 65:17 106:24 106:24</p>	<p>adding 31:13 34:15 99:24 additional 36:16 95:16 104:8 additions 9:2 addressed 76:5 adhered 97:4 adjourned 109:19 adjournment 6:1 administered 101:13 administration 87:17 administrative 12:10 adopt 7:6 adoption 5:4 advance 85:24 advice 100:2 105:22 advocate 56:3 after 26:6 94:19 again 18:12 20:8 42:21 43:4 43:25 45:4 50:20 63:8 73:23 76:2 76:9 77:9 79:25 81:21 93:3 97:9 102:6 106:12 agenda 5:1 5:4 7:5 8:2 8:16 85:23 107:3 107:5 agendas 7:24 aggreko 25:9 ago 100:22 agree 31:2 31:11 31:11 32:25 43:16 90:8 91:13 103:11 104:20 104:21 106:21 agreed 107:13 107:14 agreement 86:1 90:10 92:21 ahead 34:3 40:6 45:14 66:16 72:12 74:12 91:2 100:6 102:16 aid 93:21 ain't 97:15</p>	<p>alarm 26:19 54:10 58:7 58:8 58:9 60:6 60:11 60:14 60:23 alarms 37:17 38:13 59:1 59:2 60:18 60:19 all 7:22 8:11 9:10 12:21 13:5 16:17 17:11 17:17 17:18 20:3 20:7 20:8 20:13 23:1 24:20 25:13 25:17 26:5 27:5 27:12 34:18 34:21 35:14 35:15 35:21 36:11 37:2 37:16 38:4 39:6 39:11 39:17 39:23 39:24 41:23 52:13 52:16 53:15 54:21 54:24 55:15 57:24 58:25 59:2 59:10 59:19 60:19 61:17 62:17 62:20 63:1 63:11 63:13 63:23 64:12 66:5 67:18 68:9 69:10 70:13 70:16 73:8 75:11 75:14 76:6 76:12 76:14 76:17 80:7 81:25 82:3 82:6 82:11 82:12 85:6 85:22 86:6 86:10 86:16 90:21 98:9 104:19 108:19 109:15 110:9 almost 61:9 along 37:15 61:3 already 59:11 76:5 86:8 alteration 20:19 always 35:12 58:17 90:17 93:12 100:16 105:7 america 4:2 animal 45:16 annotated 87:19 88:7 88:13 announce 86:12 announcement 7:16</p>	<p>announcements 5:3 7:8 7:22 annual 27:1 27:7 28:16 78:21 annually 23:20 annunciated 38:13 annunciates 38:11 38:12 annunciation 39:16 annunciations 37:24 another 7:16 12:22 31:22 94:1 101:19 answer 93:21 antiquated 97:10 anybody 7:22 47:24 109:2 anyone 102:5 anything 76:6 79:9 86:12 109:2 anyway 17:16 106:14 anywhere 35:18 appeal 93:25 appendix 22:13 32:10 36:2 43:10 43:12 64:17 65:14 65:24 72:16 72:16 73:8 74:14 75:16 applause 81:14 81:23 applicable 83:9 applicant 93:22 93:23 93:25 94:3 94:4 94:4 application 15:4 15:7 15:24 applies 49:16 apply 96:3 96:4 97:25 appointment 93:24 appreciate 103:18 appreciated 108:10 appreciation 81:11 approval 5:5 8:18 20:18 63:5 63:9 66:6 80:2 approve 62:25 63:8 approved 9:15 35:10 63:18 80:12</p>	<p>approximately 21:25 64:24 april 15:9 area 35:23 64:8 areas 59:2 arose 86:22 around 9:21 arrived 101:5 ask 18:12 19:6 29:24 30:7 92:3 108:11 asked 8:22 108:17 asking 15:1 21:16 21:21 45:20 60:25 78:9 asme 16:6 aspect 46:22 47:8 assigned 76:12 assistance 84:3 assistant 3:9 10:4 12:10 101:6 109:6 assuming 51:25 54:2 75:1 attend 43:1 53:21 53:22 76:1 attendance 9:20 24:23 attendant 23:22 28:5 28:21 32:9 43:3 43:9 43:11 43:23 51:21 52:18 53:20 54:7 54:13 62:25 71:11 73:6 73:23 76:1 77:8 78:18 attendants 22:10 44:25 65:3 attendees 26:6 attending 22:9 attention 91:22 109:14 attorney 110:13 110:15 audible 60:11 60:12 60:19 61:3 61:4 audio 60:6 august 88:23 89:9 89:20 authority 95:25 automatically</p>
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