# STATE OF TN BOARD OF BOILER RULES

# TRANSCRIPT OF PROCEEDINGS

## June 15, 2022

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**STATE OF TENNESSEE**

**BOARD OF Boiler Rules**

**June 15, 2022**

**220 French Landing Drive,**
**Nashville TN 37228 - Pearl Room**
**9:00 a.m.**

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**TRANSCRIPT OF PROCEEDINGS**

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# A P P E A R A N C E S

**Board**

**Chairman: Brian Morelick**

**Jeffrey Henry**

**Dave Baughman**

**Also Present:**

**Chris O'Guin**

**Mike Ryan**

**Tom Herrod**

**Dewayne Scott**

**Michele Irion**

**Dan Bailey**

**Marty Toth**

**AUDIENCE**

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P R O C E E D I N G S

(WHEREUPON, with a quorum of the Board of Boiler Rules, the following proceedings were had:)

THE CHAIRMAN: Good morning everybody. I want to welcome you to the June 15, 2022 Tennessee Board of Boilers Rules. I hope you picked up an agenda at the back table. And so this is what we will work off today.

Just a note, we have a very full agenda today as you can evidence by the number of participants that we have to present items, and we are going to be very efficient with your time. So bear with us as we get through this, and make sure that we hear what we need to hear and say what we need to say, and thank you for coming and presenting today.

So with that, I'm calling the meeting to order. Again, we are going to look at the adoption of the agenda that you have before you. I do have one addition to this agenda, and that is to add under approval of the March 16, 2022, meeting minutes. We are going to add a chief update after that item before we get into old business. Are

there any other corrections or additions to the agenda? All right. Hearing none, do I have a motion to be able to adopt this agenda.

MR. HENRY: So moved.

THE CHAIRMAN: Thank you. I've got a motion. Is there a --

MR. BAUGHMAN: Second.

THE CHAIRMAN: Second. Any other discussions? All in favor say, Aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed? So we now have an agenda. So what I want to do before I get into approval is I want to take a minute to let everybody introduce themselves, and we will start that with our court reporter.

THE COURT REPORTER: I am April Howard, the court reporter.

MR. HENRY: Jeff Henry, board member.

MR. MORELOCK: Brian Morelock, board chair.

MR. BAUGHMAN: Dave Baughman, board member.

MR. NORTON: Lindsey Norton, facilities and project manager, Cleveland, Tennessee.

JAMES NEVILLE: James Neville, president

of Neville Engineering.

MARTY TOTH: ESC Consulting and the Boisco Training Group.

DWAYNE SCOTT: Dwayne Scott, Deputy commissioner.

DAN BAILEY: Dan Bailey, legal counsel.

TOM HERROD: Tom Herrod, assistant commissioner.

CHRIS O'GUIN: Chris O'Guin, chief inspector.

MICHAEL RYAN: Mike Ryan, assistant chief.

MICHELE IRION: Michele Irion, board secretary.

PHILIP HICKERSON: State of Tennessee, Boiler inspector.

ROBERT SHELTON: Robert Shelton, Plant superintendent for Stratas Foods.

JOSH KIRTS: Plant engineer, Stratas Food.

TEDDY KOWALSKI: Teddy Kowalski, Pepsi maintenance supervisor.

HUGH GARRISON: Hugh Garrison, Pepsi HS manager.

JOHANA (phonetic) JONES: Johana Jones.

CALLON SCHMID: Callon Schmid, Butler Snow.

DARREN ISBELL: Darren Isbell, facilities maintenance manager, Hankook.

ERIC LONJAK: Erick Lonjak maintenance engineer, Hankook.

CRAIG DAVENPORT: Craig Davenport, director of quality for Intertek Testing services.

BRANDEN MATUB: Branden Matub, inspector.

KELLY WISDOM: Kelly Wisdom, Babynov, utility fulfiller.

ROBYN VERNER: Robyn Verner, Babynov, technical engineering manager.

TIA XIXIS: Tia Xixis, Tennessee Department of Labor and Workforce Development.

THE CHAIRMAN: Thank you for those introductions. Quick safety item is if due to weather or anything would come up that we would need to exit the building, we will have security to come to take us either to a safe place in the building or take us out on the Rosa Parks side of the building. And so with today's weather, I hope we don't have to exercise any of that, but just to let you know if there was an emergency that we would need to do

that. So that's my safety moment.

Okay. Moving on, the next item we have on our agenda is approval of the March 16, 2022, meeting minutes. Do I have a motion to approve these?

MR. HENRY: So moved.

THE CHAIRMAN: Got a motion.

MR. BAUGHMAN: Yes, we'll second. But I do have two items to address on it.

THE CHAIRMAN: Okay.

MR. BAUGHMAN: Just very small technical changes. On page 32, line 7 in that line it says, for E-stops, and it was spelled out as F-O-U-R and it just should be F-O-R, for E-stops.

And on page 50 line 15, it's talking about some vertical boilers and the word variable was used instead of vertical. So variable should be change to vertical, and that's all.

THE CHAIRMAN: Any other comments, corrections?

Hearing none. Do I have a motion to approve these amended March 16, 2022, minutes?

MR. HENRY: So moved.

THE CHAIRMAN: Okay. I got a motion.

MR. BAUGHMAN: Second.

THE CHAIRMAN: Second. Any other comments or question. All in favor say, aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed; abstentions not voting. The March 16th minutes are approved.

MR. BAILEY: Mr. Chairman, we've had a new person come into the room.

THE CHAIRMAN: Have them introduce themselves?

MR. BAILEY: Yes. Matthew?

MATTHEW GROVE: Yeah.

MR. BAILEY: Introduce yourself.

MATTHEW GROVE: Matthew with the Department of Labor, legislative liaison.

THE CHAIRMAN: Thank you. That takes us to the item that we just added to the agenda for the chief's update. So Chief O'Guin, I will turn it over to you.

MR. O'GUIN: Thank you Chairmen. We have two new commission inspector. One of those is Mark Reynolds in the Knoxville area. The other is Mark Westerhill (phonetic). He will be covering east of Nashville. They just passed through town week before last. So that's wonderful news. We got -- one of our Shelby County inspector,

Michael McGee, he decided to retire. Yesterday was his last official day on the job, and Michael Ryan has took a position with another company. Congratulate him and thank him for the work he's done for the Department. That's all I have for today.

THE CHAIRMAN: Thank you for that report. That will take us on to old business. We do not have any old business. So let's go down to the new business and our first item is item 22-02 Babynov USA requesting consideration for approval of a variance to boiler attendant requirement. So if you will come forward to the podium and you can present your item. And while you are getting set up to do that, are there any conflicts from the board members on this particular items?

MR. HENRY: No.

THE CHAIRMAN: Okay, no conflicts.

MR. TOTH: Good morning, Mr. Chairman and members of the board and Mr. Chief Inspector. It's great to see you all again. I was unable to attend the last board meeting. My name is Marty Toth with ECS Consulting and Boisco Training Group. And with me today I have Ms. Robyn Verner. She is the technical engineering manager at Babynov

in Red Boiling Springs. Also I'm honored to have Mr. Kelly Wisdom with us. He is the utilities technician and one of their soon-to-be certified boiler attendants. So I thought it would be wise to bring Kelly with us.

Before we get started, I would like to highlight a couple of revision within your manuals that you will receive that we found during the last review. If you would turn to page 12 in your manual. You will see there's an error that would be appendix A, page 12. You'll see an error under boiler number one. The safety relief valve reads 125 pounds. Is there something missing --

MR. BAUGHMAN: Mr. Toth, you mentioned page 12.

MR. TOTH: I'm sorry page 14. My mistake. At the bottom you will see under boiler number one, there it reads 125 PSIG, however that is a typo and should be 150 PSIG. I imagine that would have caught Mr. Baughman's attention during review, so. And if we back up one page to page 13, which is your site plan. I inadvertently omitted the distances on that site plan. I will be happy to provide all of those distances in a revision to you. Just for a note, the furthest distance is just under

1,050 feet which is, as you can tell from the actual site plan itself, is located in the break room. Everything else is closer, too. As you can see this is very in depth. I don't believe the board has saw a variance of this magnitude with the number of station. That just really goes towards the effort that Babynov has made to ensure the safe operations of the boilers and I applaud them for that.

The last revision was on page 39, under the glossary of terms. You'll see under the shift again to ensure safety and communication between the shifts, Babynov has chosen to add an additional 15 minute overlap between the two shifts, so they will go to 6:30 versus 6:15. Thank you. And that's all the editorials that we have for that.

So if I may introduce the boilers that we have at Babynov. We have two Flextube Watertube boilers, manufactured by Bryan Steam LLC. They are high pressure boilers with an operating set pressure of 72 PSIG.

They also operate a Bryan Steam LLC tray type DR that supplied all feed water to those boilers. All three of these vessels are registered and inspected through the rules and regulations of the State of Tennessee.

Babynov will have remote attendants at various locations throughout the plant. As you can see, we have those locations located on your site plan, and I will briefly go through those for you. Again, that site plan is on page 13 of the manual. You will notice that the remote panel are indicated by the red icon. You will see a remote panel in the maintenance shop, one located in the filling room, in the center of the plant; one located in the cook room adjacent to the filler room; and one also located in the break room near the plant offices.

Something unique to Babynov is their need to have additional E-stop stations. Those E-stop stations are in addition to the local E-stops that we have at the boiler room. These are -- will be referred to as remote E-stop stations.

As you can see the packaging room is quite a large space with individual packing equipment in them. So upon discussion with Babynov, the decision has been made to place E-stop stations in between all of the packing equipment for additional safety. The idea is Babynov will be operating 24/7 based upon production needs. They will have both remote attendants -- certified remote attendants and also certified boiler attendants on site 24/7 while

boilers are in operation as well as the variances in effect. That is my opening remarks. We are here to answer questions that you may have.

THE CHAIRMAN: Do you have a motion to discuss?

MR. HENRY: So moved.

THE CHAIRMAN: We've got a motion.

MR. BAUGHMAN: Second.

THE CHAIRMAN: What comments does the board have in regards to this variance, please?

I just have a question, this is a brand new facility.

MR. TOTH: No, it is not. It was previously operated as a bottling factory.

THE CHAIRMAN: Okay. All right. So the boiler were built in 2003. So was that part of the previous manufacturing?

MR. TOTH: Yes, it was. I actually was part of the department during that time, and chief inspector, and was fortunate to be invited up there when they were building that facility, and actually saw those boilers ahead of time. So it was interesting going back all these years later to see how the plant has changed and the structure of the plant. So it's quite interesting. It reminded me

of how time flies by so fast.

THE CHAIRMAN: Thank you, Mr. Toth.

What other questions does the board have?

MR. HENRY: Mr. Toth, thank you for your description, first of all. And just a question with regards to the remote E-stop buttons. There will be attendants remote -- at the remote facilities constantly; is that correct?

MR. TOTH: That's correct. At least one of the station -- that's why they have so many of them. At least one of the stations will have a certified remote attendant within that location while the variance is in effect. If for some reason it is not, then we go back to the 20-minute rule and monitor the boiler in such fashion.

MR. HENRY: That being the case, it certainly makes sense.

MR. TOTH: If we are in a position where we maintain a boiler operation, but production may not be packaging per se. We maybe utilizing maintenance personnel to perform maintenance on the packaging equipment. If we are not producing in other areas, we at least have the ability to activate the E-stop in those particular areas.

MR. HENRY: Okay, thank you.

THE CHAIRMAN: Other questions from the board?

MR. BAUGHMAN: Dave Baughman, board members. At those E-stop stations, do they shut both boilers off?

MR. TOTH: No, they will not, Mr. Baughman. At those station unlike the E-stop at the boiler, those stations will have individual E-stops for each boiler and marked accordingly.

MR. BAUGHMAN: And how will we know which boiler is in -- since these are remote E-stop buttons, how do we know which boiler is in alarm --

MR. TOTH: That's a great question. We will have indicating lights showing as you can see in the -- the strobing light at the E-stop itself would indicate which boiler is in alarm.

MR. BAUGHMAN: So on this E-stop, you've got a light that's tied into the alarm of the boiler that is going off in the alarm status --

MR. TOTH: Right. No difference than the situation that we have with our alarm panels. As you can see under section 2 of the illustration of the alarm panels, there is a light that will show which E-stop or which boiler is in alarm. We will

have a light indicating which boiler is in alarm --

MR. BAUGHMAN: So instead of a remote E-stop button, it's more like an individual remote panel in each one since it's enunciating (phonetic) just like the remote panel; is that correct?

MR. TOTH: It is. It's just an ability to save on cost of building out a box itself, but it still serves the same purpose. So don't be alarm by saying that we are cutting down on cost. We are not limiting any safety in that. All we are doing in that case there is indicating that we do have a boiler in alarm, which boiler is in alarm, and we are going to activate that E-stop. The panels go above and beyond in that we indicate which boiler is on and which boiler is off. We also give an opportunity for silencing of that alarm for communication purposes. We don't do that in the production area. We are providing the E-stop itself. We're providing an audible alarm and providing an indicating light that will strobe if and when there's an alarm on a specific boiler.

MR. BAUGHMAN: With no silencing switch?

MR. TOTH: With no silencing switch.

MR. BAUGHMAN: Very good.

On the boilers themselves, boiler number

one and two, what burners are on those boilers?

MR. TOTH: You know that -- those particular boilers -- Kelly, what is the boiler manufacturer if you can remind me?

KELLY WISDOM: Well, it's a German -- I don't know if I can pronounce it right. Vice- -- it's a weird name. Vice- -- I don't know if I can pronounce the name of it.

MR. BAUGHMAN: It's okay.

KELLY WISDOM: But it's German, and they run pretty good.

MR. BAUGHMAN: So Weiss Hop (phonetic) is a German burner, and so you've got two different size boilers. And you indicate that this boiler has both burners -- excuse me, have Honeywell RM7800; is that correct?

KELLY WISDOM: Yes.

MR. BAUGHMAN: Because what I see on one burner is the free drive that Weiss Hop uses for the variable speed fans. Weiss Hops typically does not use the Honeywell control --

MR. TOTH: They do on this one. And if you could like -- Mr. Baughman, I will be more than happy to have my computer with all the photographs and I'll be more than happy to show you that.

MR. BAUGHMAN: If you say it's got it, it's got it, but being familiar with Weiss Hop and what they use, the other problem that I have got in utilizing the RM7800 comes with your distance of just over 1,000 foot to the break room. And looking at the technical data for the communications on the MOD bus (phonetic), which you are using -- so what are you using?

MR. TOTH: It's just our hardwired connection that goes directly from -- and we use local power on the actual -- the panel itself. So we are sending that signal through to the panel that has electric. So we're not using low V, if that's your question.

MR. BAUGHMAN: So from the burner itself with the RM7800, how are you conducting the alarm circuit off of the 7800 control to the farthest point of the remote panel?

MR. TOTH: It uses the power off the actual boiler controller, the boiler panel itself, sends that through to the actual panel in the remote station utilizing the relays in the remote panel to indicate that signal.

MR. BAUGHMAN: I'm still confused on how it's picking up the alarm out of a display module.

MR. TOTH: Easy. We send it through a relay. The relay then picks up the power and sends it to the panel and then illustrates on the panel. I see where you're getting at because usually in the situation that you are going to run into is because the voltage being so low, the concern is you are going to have voltage drop over distance. That's why we utilize local power to not only -- for sending the signal from the actual burner itself and the controller, but we also use local power at the panel itself to pull those relays in.

MR. BAUGHMAN: Interesting. Thank you for that description. So in going forth also on the -- the E-stops are going through the checks of the unit itself -- I didn't see anywhere where there were checks of the E-stops in the procedures. In other words the E-stop at the remote panel, I didn't see a description of that in the manual. And you might verse me as far as where to locate that.

MR. TOTH: So are you referring to the communication checks at the time of shift change?

MR. BAUGHMAN: Actually, any checks, just looking at -- and the reason I bring that up is that we found some failures within the E-stops. And so I'm wanting to know what that procedure is for

checking the E-stops themselves.

MR. TOTH: None of my clients, correct?

MR. BAUGHMAN: All of them were --

MR. TOTH: Let's make sure the record indicates that he was joking. So just to let you know, if you look at section 3 and 4 of the manual under normal duties, you will see the proper procedure for checking -- performing communications checks at least at the beginning of every shift of a boiler attendant.

As the board is very aware, the communication checks are to help ease the mind of the boiler attendant, that the boiler will actually alarm when they are out and about doing other duties. That will be done once a shift, at the beginning of each shift. There will also be at a minimum once a day will be a test of the low R (phonetic) cost on the boilers that are in operations. That may be utilized as one of the communication checks. It does not have to be.

As for tripping the boilers per se, that is not something that is a requirement. I do advise all my clients to perform that on a regular basis to ensure that those E-stops are actually performing as necessary. But it is not something that we require

at this time for them to show that they actually trip the boilers. And in some cases, it might be something that the manufacturer would not want to do on a regular basis during the day.

MR. BAUGHMAN: Fair enough answer. So on page 115A, it says, a nonclassified {sic} boiler attendant. Can you describe to me what a nonclassified boiler attendant is.

MR. TOTH: Obviously, that should have been certified and noncertified. If that's where -- I'm trying to read that. You said that was under 5A.

MR. BAUGHMAN: Yes, sir 5A, noncertified boiler attendant shall not attempt to restart a boiler in an alarm.

MR. TOTH: You said classified, but it reads certified.

MR. BAUGHMAN: Yes, I'm sorry, you're correct, instead of what I put down at nonclassified, it should have been noncertified. And I was interested to know what noncertified boiler attendant meant.

MR. TOTH: That's a great question because the interpretation of that would -- could be that we have noncertified boiler attendants on site.

That is not the case. It should read somewhere along the lines that individuals that are not certified as a boiler attendant -- there are going to be employees at Babynov that will not be certified as a boiler attendant. We just wanted to indicate in here that you have to be a Babynov certified boiler attendant to restart the boiler. I will be happy to clarify that, if you feel that it needs to be.

MR. BAUGHMAN: I will leave that up for others to discuss. It was just a question in my own mind that I highlighted that I wasn't quite clear on.

MR. TOTH: Okay.

THE CHAIRMAN: Is that it? Any other comments? Question? Concerns? Hearing none. Do I have a motion for contingent approval of this variance based upon the revisions of the manual based upon the comments from this Tennessee board meeting today as well as a successful site visit from the boiler unit when they come and do a site visit of your boilers?

MR. BAUGHMAN: So move, motion to accept.

THE CHAIRMAN: We've got a motion for

that.

MR. HENRY: Second.

THE CHAIRMAN: Any other comments? Concerns? Question? Hearing none. All in favor say, aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed; abstentions not voting. You have a contingently approved variance, thank you.

So that will take us to item 22-03, Hankook and Company. Request consideration for approval of a variance to boiler attendant requirements. So if you will come forward and introduce yourselves and present your -- while that's going on. Does the board members have a conflict on this item? No conflict on this item.

MR. TOTH: Mr. Chairman, if you'll give me just a moment to get myself together, thank you.

THE CHAIRMAN: Sure.

MR. TOTH: Mr. Chairman and members of the board, again my name is Marty Toth. I'm with ECS Consulting and the Boisco Training Group. It is my honor to present the actual service operations manual for the variance for remote attendants for Hankook and Company out of Clarksville, Tennessee.

It's my pleasure to introduce to you Mr. Eric Lonjak and Mr. Darren Isbell. Mr. Lonjak is the maintenance engineer as you will notice in the manual. And Mr. Isbell is the maintenance manager for Hankook.

This variance is probably -- at the last variance request was very intense with a lot of bells and whistles if you will, no pun intended. This is about as vanilla as you can get. We have two high pressure boiler Cleaver-Brooks, flextube, watertube boilers with an operating pressure between 110 and 120 PSIG located very close to the guard station where we will have a remote attendant located.

Again, I failed to indicate the distance between the guard shack and the boiler room. Eric can help with that.

MR. LONJAK: It's much less than 1,000 --

MR. TOTH: As Eric indicated it much less than 1,000. It's probably around 300 feet. It's definitely within visual distance if you were to step out of the guard shack and just take a look. It's fairly close. I will make sure and have that revised -- Mr. O'Guin, for your copy of the manual

so you will have that indicated.

Again, as I eluded to, we have one remote station. That remote station is located in the guard shack at the main entrance. It is manned 24/7, and we will have boiler attendants -- certified boiler attendants and remote attendants on site while the boilers are in operation. I will definitely have boiler attendants on site while the variance is in effect. We will have a remote attendant on site. As you see in section 3 of the manual, we have that listed as the security guard with the caveat that if for some reason we feel the need to certify other individuals, they will go through that training. That training is in contract with BTG to develop the training modules for these individuals. And if that were to happen, we would list those individuals within the manual itself.

When we look at the boiler attendants, boiler attendants are going to be under the responsibility of these two individuals, where it would be the electrical maintenance technicians, multi-craft technicians, and then also another individual, the wastewater operators. All of those individuals will go through the extensive boiler attendant i.e. boiler operator training program that

is offered through boiler training group.

With that said, we are open to any questions that the board may have.

THE CHAIRMAN: Do I have a motion to discuss?

MR. HENRY: So moved.

THE CHAIRMAN: Thank you, second?

MR. BAUGHMAN: Second.

THE CHAIRMAN: What questions or comments does the board members have?

MR. BAUGHMAN: I guess this whole distance thing is a real issue. I'll get out there with a little roller and roll it off for you. So my question being that the distance is 2 to 300-foot, is the communication different in this particular system than what you presented in your previous system?

MR. TOTH: In the electrical -- no, it's exactly the same. It's the same design panel.

MR. BAUGHMAN: So we are using a relay, correct?

MR. TOTH: Yes, sir.

MR. BAUGHMAN: Have we had any failure mechanism within that relay?

MR. TOTH: We have not. I have not

experienced any in my time. And that goes back to encouraging continual testing of a system. As a client of ECS Consulting, part of that is -- when I'm in that particular area, I do a stop by. That's just something that we provide as a courtesy, and we will call up the individuals and say, Hey, let's go down and test it out. And so not only are the employees there at Hankook trained to perform those, we at ECS, we have a partnership here and we are going to make sure that they are running and continually operating. If they are not, then we put them in motion.

MR. BAUGHMAN: I understand. I'm still as a boiler man have issues with checks every four hours, and relays that can fail right after they are checked and so for. And we have relays that fail on our boilers all the time.

On the cover letter, Mr. Parks is listed as the one that is responsible for implementation of the variance criteria with authority to delegate individual tasks. Is Mr. Parks still in that position?

MR. TOTH: Yes, he is. As we say in this -- the statement of authority letter, if you look over into section 1 and beyond, you will see

that Eric here is the maintenance engineer, and it's his responsibility to then implement and caretake the manual. He does have opportunities to designate those authorities, but he does not designate the responsibility. And so he is going to -- or responsibility he just does not give way the authority in that. And so such as the training that will be done through Boisco Training Group it does list the maintenance engineer as responsible for that or their designee that training will be designated over to Boisco Training Group to perform.

MR. BAUGHMAN: I understand. I was just getting a clarification on where Mr. Parks actually was in this hierarchy equation since it lists him as being the person ultimately responsible.

THE CHAIRMAN: Any other question or comments from the board? All right. Hearing none do I have a motion for contingent approval of this variance based upon revisions to the manual and based upon comments from the Tennessee board meeting today as well as a successful site visit from the boiler unit?

MR. HENRY: I make that motion.

THE CHAIRMAN: I have a motion. Do I have a second?

MR. BAUGHMAN: Second.

THE CHAIRMAN: All right. I've got a second. Anymore questions or concern? Hearing none. All in favor say, aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed? Abstention not voting.

Gentleman, you have a contingently approved variance. Thank you.

That will take us to item 22-04, Stratas Foods, requesting consideration for approval of variance to boiler attendant requirements. While they are coming forward to get ready, is there any conflicts from the board? No conflicts from the board. You may proceed with your presentation.

MR. TOTH: Mr. Chairman, if you can give me just a moment.

THE CHAIRMAN: Sure.

MR. TOTH: Thank you.

Mr. Chairman and members of the board again Marty Toth with ECS Consulting and Boisco Training Group. It is my honor to represent Stratas Foods from Nashville, Tennessee, and the request for a variance to boiler attendants.

Before we go forward with the

introduction of the equipment, I would like to indicate a couple of revisions that were found during the prep meeting with Mr. Josh. And even before that, I would like to introduce the gentlemen that are with me. Well, I'll tell you what I'll let you introduce yourselves. I do all the talking -- go ahead, Josh.

JOSH KIRTS: Josh Kirts, Plant engineer.

ROBERT SHELTON: Robert Shelton, plant superintendent.

MR. TOTH: Thank you. And so Josh and Robert have indicated to me that under page 13 of the manual, the site plans, upon discussion, it's been decided that the actual remote panel located in the maintenance shop, as you can see towards near the boiler -- gentleman, is going to be changed from that location to a location in between cooler number two and three. And if I may, I will come up and actually point that out to you gentleman. It was just thought that that was the best location for that third panel to be located.

Again, just as with the first item that we had, this is just a great example of the effort that Stratas Foods is trying to operate above and beyond what it is called for. As you can see, we

have a 24 hour, seven-day-a-week manned guard shack. Then we also have one located in the lab as well that is manned, and then also where there will be production held, so that we will have personnel available. So we are increasing that safety factor.

Also if we can turn to page 12 of the manual. You will see the emergency procedures under section 5. There is a indication here that goes through both your -- during the day shift and the evening shift. Because we are operating or having an ability to operate those boilers during any down time. Even though the plan is to run 24/7, production is going to also carry that. If production is down, there will be the individuals there. We are going to ensure that we do have certified boiler attendants as with other locations those would be individuals that serve the role as a boiler guard, and those individual will be stationed in the guard shack. They would be required to leave that guard shack, go back to the boiler room, take the readings, come back to the guard shack, and be able to do that within the 20 minutes or less. And so just to kind of walk that through, they leave the guard shack. They have to be in boiler room within 20 minutes, which obviously from the site plan you

see it's not that far, and then once they take their readings they will return to the guard shack.

Okay. On this particular section, there was a typo that -- where it reads under three -- under for day shift under three and four, it says that they will move to step five. That should read step six, okay.

THE CHAIRMAN: Okay. And so just a general comment to that is so you'll correct it on page 12, right?

MR. TOTH: And then also under section 2.

THE CHAIRMAN: And so all of your emergency procedures that you show on page 5, 7, and 12 it needs to be the same. This is just a general comment. Because you have emergency procedure on those three pages.

MR. TOTH: Correct.

THE CHAIRMAN: Make sure they all match.

MR. TOTH: Yes, Mr. Chairman, they will. The only location that will be affected is when we show the actual example of what the placard looks like, and so of course those will be redundant, and hung with the panels so. So under section 3 when we talk about the placard, it just points to section 5

or points to the placard that does not specifically state the steps if that makes sense.

So if we could go to the actual boiler -- the actual boiler we have -- we only have one high pressure boiler at the location. It's a Cleaver-Brooks Firetube boiler that operates between 100 and 110 PSI. It's a natural gas unit. It is supplied by a Cleaver-Brooks spray type. Both of these units are registered and inspected through the Tennessee boiler unit and are up to date.

The controller again, as with the others that we've discussed today, are the RM7800 a series that we provide all of the needed information along with a photo of where that is located on the front of the boiler itself.

Training for the individuals for the remote attendants and the boiler attendants will be contracted through Boisco Training Group. We are in the process of putting that together for them, and hope to have that done pretty quickly. So if we are so honored with approval, we will be moving forward with that. And with that we are open to any questions you may have.

THE CHAIRMAN: Motion to discuss?

MR. HENRY: So moved.

THE CHAIRMAN: Thank you.

MR. BAUGHMAN: Second.

THE CHAIRMAN: All right. What questions or comments do the board members have?

MR. BAUGHMAN: Gentlemen, I will ask about the position of the guard in particular and his other duties. In other words, we're talking about he's in the guard shack. We take it that he's leaving the guard shack to make these checks on the boiler, but what other checks does he make?

ROBERT SHELTON: Personnel checks as they come in, you know, checking their background before they come in, because it is a food plant, so everybody has to come in and be certified as they come in. You know, they're preapproved before they come into the gate.

MR. BAUGHMAN: Does he have any other checks within the plant that he has to go around and -- check doors, security, or anything else within the plant?

ROBERT SHELTON: Not within the plant, sir.

MR. BAUGHMAN: Well, then outside of the plant.

ROBERT SHELTON: Making sure that the

gates and all that is secured in that surrounding area.

MR. BAUGHMAN: So how long would you say that would take?

ROBERT SHELTON: Just a couple minutes, because it's all right there at the front of the plant. It's pretty isolated at the front entrance.

MR. BAUGHMAN: Very good. If that's an emergency, and he's called out to do anything what would the procedure be?

ROBERT SHELTON: If he's called out, he's got to close all the gates right there at the entrance of the plant before he can go -- or allow anybody in or out.

MR. BAUGHMAN: Okay.

ROBERT SHELTON: Everything has to be shut down there.

MR. BAUGHMAN: And then as far as operations of the boiler, what would the procedure be?

JOSH KIRTS: It automatically should shut off, correct, I mean, as far as safety. But then they'd hit E-stop and then it would communicate to the boiler attendant, and he would do his checks also.

MR. TOTH: If you are referring to I think -- Josh, is eluding to what happens during an emergency. And I think you're referring to something outside of the boiler happening. So the procedure -- if that guard is the only individual on the premises and serving as boiler attendant or boiler guard, as well as remote attendant, their responsibility is that anything that draws them away from either the boiler or the remote station for longer than 20 minutes, we have to revert back to the current 20-minute rule.

With that said, if there's a situation that causes for an emergency, they are going to be trained to hit the E-stop at the remote station prior to leaving to address that situation. That will be in their training process, as it is with other locations that have the same type of set up.

MR. BAUGHMAN: Is that identified in your manual?

MR. TOTH: It is not identified in the manual. We will be happy to put that in the manual. And in that case there, the communication is still there within -- treated as an emergency, no different than the boiler actually -- tripping the boiler. They will be the one that trips that boiler

and then communicates to authority.

MR. BAUGHMAN: I guess, my issue is, when there is something that calls the security guard away, he does not necessarily look at his watch to know if it's falling within this 20 minute rule or he's sets an alarm or what have you. So but you get the gist, and we've discussed this on other occasions.

How far away -- since he might be on his own, how far away is the on call technician seeing he's not on site during this particular point in operation? How far away does that person live.

ROBERT SHELTON: Our maintenance man is about 25 minutes away.

MR. BAUGHMAN: Okay.

ROBERT SHELTON: I'm literally another 20 minutes away as a backup.

MR. BAUGHMAN: So that's what I was looking at was just the timeframe from where there's an emergency versus him going through the procedure and calling what that response is to come back and look at. So on page 11, 5-I, it states, boiler guards and non-certified boiler attendants shall not attempt to restart a boiler in alarm/fault. Only SFL boiler attendants are authorized to

start/restart the boiler.

Now, turn to page 28, under boiler guard, and going down near the bottom, there's a statement, is not responsible for restoring boiler operation unless authorized by SFL management. To me that's in direct conflict with what you have on page 11.

MR. TOTH: Okay. I think -- I don't want to speak for these gentleman. They can correct me, but we have spoken about this, that boiler guards will not restart the boiler. So my recommendation -- we will strike that from their job description. It's not that they are not trained to do that. It's just not necessary for them to do that. And so the belief of management is that we will bring in additional technicians to perform those duties.

MR. BAUGHMAN: And I would disagree with you in that statement of, that -- they are not competent to restore it, because part of restoring the boiler operations is identifying what caused the boiler to go into alarm before you restart the boiler. And I doubt a security guard honestly has that capability and competency of determining what caused the boiler to shut off. So I just want to

make that statement that I don't feel he's actually got the training or competency to restart the boiler. He can restart it. He can't identify what the cause was which is also part of your manual. You have to identify the cause before you restart the boiler.

MR. TOTH: Absolutely. And I definitely understand your beliefs. I believe that is on an individual basis as to what individuals are competent or not. I do know that the individuals that go through the specific boiler attendant training, it's pretty extensive, and they do have to pass an exam. That's something that you and I could chew on for a long period of time, absolutely. So I agree with what you say there partially.

MR. BAUGHMAN: Thank you.

THE CHAIRMAN: Any other questions, comments? Hearing none, do I have a motion?

MR. HENRY: I have just a quick question. On the cover letter, it says, I will ultimately be responsible for continued implementations and there's two names given there. Do the two people share responsibility or is there one individual that ultimately has that responsibility, and if so which one?

MR. TOTH: I will let these two gentlemen discuss that since these are the two gentlemen that signed the letter.

JOSH KIRTS: We just wanted to make sure two people were involved, so there was full accountability across the board. But I will be the administrator of this variance process.

MR. HENRY: Thank you.

THE CHAIRMAN: Any other questions? The only thing I will add to this is Dr. Cananaco (phonetic) famous conundrum concerning those responsibilities given to security guard. They have a weighty job to begin with. And so it's always good to readdress it. I think you have a plan that will be operable. And so you all are not the only ones struggling with how to do that so, thanks for your development of this.

I need a motion for contingent approval of this variance based upon manual revisions and based on the comments from the Tennessee board here today as well as a successful site visit from the boiler unit.

MR. BAUGHMAN: So moved.

MR. HENRY: Second.

THE CHAIRMAN: All right. Last call for

questions? Comments? Okay. None. All in favor say, aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed? Abstentions not voting. Gentleman you have a contingently approved variance.

So that will take us to 22-05 request, Cometech, requests, consideration for approval of a variance to boiler attendant requirement.

While they are coming forward, is there any conflict of interest from the board? No conflicts. Introduce yourselves to the board.

JAMES NEVILLE: Good morning. I'm James Neville with Neville Engineering.

LINSDEY NORTON: I'm Lindsey Norton. I'm a facilities project manager for Cormetech.

JAMES NEVILLE: Today we would like to request a variance for two boilers -- two Miura boilers. And the remote stations our plan is to have six remote stations in the production area. The boiler attendants will be the maintenance associates and the remote station attendants will be the production associates. So as far as the production associates, Mr. Norton can give us a little background as far as what they're producing

at the facility, and then the need for these remote stations that make up the variance; that make a selective catalytic reduction modules that reduce the NO output of fuel plans for coal -- gas plants. So ceramics is our main product in our catalyst. So we do everything from the mixing to the forming and the assembly of the modules. We even do some on site repairs.

Currently, we are staffed 24/7. Working around the clock right now, is our current workload. We have continuance maintenance coverage and continuance of operation associates at the plant, in most of the areas throughout the plant 24/7. So it's an around-the-clock operation currently.

LINDSEY NORTON: So the site plan it is kind of small on page 2. I have a larger copy of that. The numbering of those as far as the remote stations, there's one directly outside of the boiler room, and going counterclockwise is how the stations are numbered. So on -- and as far as the distance on those remote stations, they go from, you know, 15 feet to 290 feet is the longest run on that borderline stations.

Regarding the boilers in appendix A we list the boiler. These are two Miura boilers LX-150

and both are using the Honeywell RM7800L series controller, and the expended enunciator (phonetic) used to each of these remote stations.

Now, as far as the training of the maintenance associate to operate these boilers, they are currently giving on site training to operate these. And Mr. Norton can tell us any other details about the training.

LINDSEY NORTON: With this variance we do plan on hiring or outsourcing of an outside contractor to help us with a more professional means of training since we are moving forward to getting this variance. We'll do that annually as well.

Now, for our operation associates, we are going to add this process to our monthly training that we do for ROA, so once a year all employees will go through their remote attendant training on how to respond to an alarm if it goes off and what steps are needed to be taken after they have manually stopped the boiler or enunciation (phonetic).

JAMES NEVILLE: Are there any questions?

THE CHAIRMAN: Do I have a motion to discuss?

MR. HENRY: So moved.

MR. BAUGHMAN: Second.

THE CHAIRMAN: What questions or comments do the board members have?

MR. BAUGHMAN: Thank you for the expanded drawing, Mr. Neville, not that I need stronger glasses, but this works well. So at each one of these remote station locations, one of them is 15 feet right outside of the boiler room.

JAMES NEVILLE: That is correct. And the reason for that is so that production associate will be within, you know, a very short distance in line of sight for every remote stations so they can hear and see the alarm and respond.

MR. BAUGHMAN: Do we have a picture or drawing of the remote station?

JAMES NEVILLE: We do not. Those have not been installed yet so. We can add that to the variance.

MR. BAUGHMAN: So this is a future installation of the remote stations?

JAMES NEVILLE: Right.

MR. BAUGHMAN: So as a question was delivered earlier, regarding the remote stations, will the E-stop shut off both boilers?

JAMES NEVILLE: There will be an E-stop

for each boiler, so boiler one and two will have a light enunciator, you know, at each of those six stations.

MR. BAUGHMAN: Okay, very good. And looking at the drawing of the boiler room -- and I'm going to keep this drawing or if you have your reference. How many exits are there from that boiler room?

LINDSEY NORTON: There are two.

MR. BAUGHMAN: I see the one door in what I would indicate is the front where the remote panel is located. Where is the second?

LINDSEY NORTON: Directly behind on the exterior of the building.

MR. BAUGHMAN: Okay. And is that a roll-up door?

LINDSEY NORTON: There is a roll-up door and a manual door.

MR. BAUGHMAN: Very good. Are either of those locked or have any kind of a mechanism to lock them?

LINDSEY NORTON: Yes.

MR. BAUGHMAN: And how would they be unlocked?

LINDSEY NORTON: A maintenance associate

or any associate with a building key but typically a maintenance associates can unlock the door. There's not a badge access on that exterior door. There is a door maybe 40 feet down the wall that does have badge access that any associate can come through. We do currently have an E-stop located on each exit, just a standard E-stop that does disable the boilers if there were an event. That was suggested by the inspection that we had three inspections ago, I believe.

MR. BAUGHMAN: Okay. And would each one of those E-stop at the point of pedestrian egress shut off both boilers?

LINDSEY NORTON: Those in that case, they do.

MR. BAUGHMAN: Very good. So I'm familiar with the representative -- the Miura rep down out of Chattanooga, and -- in servicing those units. So these boilers you cannot actually check the water level by looking at the boiler, correct?

LINDSEY NORTON: I believe that's correct.

MR. BAUGHMAN: Okay. Although, they are section -- one high pressure steam boiler. These have a pump that puts water in one end and you get

steam out the other which is more like a steam generator than it is a fixed water line or an actual watertube or firetube boiler. So at some point, we cannot go up to that boiler and physically check the water level. We're using a set of probes that are inside the boiler and checking the conductivity and so forth. So I have issues somewhat with this design boiler in being able to know what our water levels are, being able to check the water levels and so forth, not that that pertains a whole heck of a lot to the variance, but it's still under construction of the boiler. It's kind of out of the bounds of what a typical boiler is. Do you have economizers (phonetic) on these boilers?

LINDSEY NORTON: I don't believe so.

MR. BAUGHMAN: Okay. They typically come with it.

JAMES NEVILLE: We can verify that.

LINDSEY NORTON: I believe they do, actually.

MR. BAUGHMAN: Okay, thank you. That's really it as far as getting down to the checks of the boiler, and when we get to looking at our logs and developing those sample logs, and as we're making sure that we don't, you know, cut and paste

that.

In your Appendix F boiler monitor log F1, on your log it shows water level. And being that we have no means of checking the water level, I'm somewhat in a conflict on how to apply that, how to check it, whether or not this actually even falls within the criteria of a boiler versus a steam generator and so forth. But all that said and done and getting back to the boiler monitor log, I don't see how we can monitor or log what the water level is.

JAMES NEVILLE: It's more water status, I guess, on this boiler.

MR. BAUGHMAN: Possibly. In your or under the description, Miura actually provides on Appendix B 1, this is directly out of Miura, it states on there that a water column, an external water column, can be added, but it is not a fair representation of what's in the boiler, because it's more of a generator and the high level of steaming and water bounds and so forth. So at any rate, I will not beat that anymore, but thank you.

THE CHAIRMAN: So for clarity sake as far as remote monitoring, what's in place now and what's going to be put in, in the future?

JAMES NEVILLE: As the expanded enunciator will be added to these boilers for the remote stations. So that's the component that we added to these with all remote stations.

MR. BAUGHMAN: So you are adding the Honeywell expanded enunciator?

JAMES NEVILLE: That's correct.

MR. BAUGHMAN: The problem that I have with that is it's being obsoleted and that expanded enunciator is not available anymore. It's no longer produced. So and we know this, because we are in the industry. So moving forward my next question would be knowing that information, what direction are you going to go?

JAMES NEVILLE: If that is not available to purchase, then they would upgrade those controls to what is available.

MR. BAUGHMAN: Which would be a hardware change, which would then be a technical change to the manual. It would have to be reproduced.

JAMES NEVILLE: That's correct.

MR. BAUGHMAN: Okay.

THE CHAIRMAN: So we have remote stations to build in the future, correct?

JAMES NEVILLE: Yes.

THE CHAIRMAN: And right now you're working off the 20-minute rule, correct?

JAMES NEVILLE: Yes.

THE CHAIRMAN: So what is the projected date to have the remote station up and operable?

LINDSEY NORTON: Third quarter, idealistically. We'd like to get this moving forward as fast as possible.

THE CHAIRMAN: Okay. Okay. What I'm struggling with -- I apologize, is you are putting things in we have not seen in your manual, I guess, as far as pictures, placards, you know, enunciators. So, I mean, in order to have a successful site visit obviously you don't want to do that until construction is completed. And so the board can say well, you need to have all of these components in place prior to the site visit. So I guess my question is does the board members fill like we have detailed enough in our minutes of what needs to be completed before this remote station is put into operation? Because if you don't, then we table it 'till another day, and so -- another meeting. So I really -- what is your pleasure?

JAMES NEVILLE: We can double check as far as on the availability of that hardware with the

vendor. If it requires an upgrade to a currently available thing, we will have to present that at the next meeting.

MR. BAUGHMAN: And in particular, I would be interested in looking at -- since we don't have the hardware in here i.e., the enunciator in particular, what we have is a big description on what we are going to do in an alarm situation. We don't necessarily have everything quite in place yet, the panel built, enunciation, what have you. And if you're looking at taking this to, what did we say third quarter, it might be well served to put all these things together and re-present rather than for us to vote up or down presently.

JAMES NEVILLE: Okay.

THE CHAIRMAN: So I don't want to put words in your mouth --

JAMES NEVILLE: If we could defer this to the September meeting.

THE CHAIRMAN: So if we voted this in September, would that meet your desired start date?

JAMES NEVILLE: I believe so.

THE CHAIRMAN: All right. So based on that information, do I have a motion from the board?

MR. HENRY: Before we do that, can I

make a --

THE CHAIRMAN: Absolutely.

MR. HENRY: Mr. Neville, I have a couple thing that you might want to address in the order just simple editorial. On page 8 item 3, the boiler attendant will perform a mobile phone system to verify communications with the remote station. Obviously, there's something missing there or something has to be reworded. Do you see where I'm eluding to? Page 8, item 3 at the top of the page.

JAMES NEVILLE: Okay.

MR. HENRY: I am not sure what you meant to say there, but it's...

JAMES NEVILLE: It really should be a test.

MR. HENRY: Then on page 10 I'm assuming on this second sentence personnel I assume should be in there.

JAMES NEVILLE: Yes.

MR. HENRY: And then back in the checklist, one of the question is this a remote monitoring system and it says, yes, it does, and it eludes to some kind of a statement. I didn't find anything made mentioned of that. I certainly could have missed it.

JAMES NEVILLE: We will update this.

THE CHAIRMAN: Any other comments from the board?

MR. HENRY: The only other thing I would mention in the checklist, you could make clear who is responsible for the training of the remote personnel. That is not clear.

THE CHAIRMAN: I agree with that comment. So you are planning on having training set up and contracted, right?

LINDSEY NORTON: Yes, for our maintenance personnel.

THE CHAIRMAN: All right.

JAMES NEVILLE: Our EHS management.

THE CHAIRMAN: So that may be more update to your manual how you are doing your training and how you are going to keep records. Is it annual for new and annual for your experienced and all that and you want to put all that in there. What else?

MR. HENRY: That's it.

THE CHAIRMAN: So correct me if I am wrong but what I'm hearing on this item is that you wish to table this item until the September Tennessee boiler meeting, correct.

JAMES NEVILLE: Yes.

THE CHAIRMAN: And will you provide the board with an updated manual within a 45-day window before the September meeting? Thank you.

JAMES NEVILLE: Thank you.

THE CHAIRMAN: Thank you gentlemen. All right. I'm paying attention and it's time for a break. So let's come back at 10:35. I'll give you a 10-minute break. That way no one will want to hurt me for working them to death.

(Short break.)

THE CHAIRMAN: Let's reconvene. We are now on our new business item. We are now to item 22-06 Pepsi located at 715 Thompson Lane, Nashville, Tennessee request that a vessel be classified as a Tennessee special. So gentlemen, if you'd come forward and introduce yourselves. And while you are doing that, is there any conflict of interest from the board members? Okay. No conflicts.

TEDDY KOWALSKI: Teddy Kowalski. I'm the maintenance supervisor there at Pepsi plant here in Nashville.

HUGH GARRISON: Hugh Garrison health and safety manager.

THE CHAIRMAN: Okay. So what do you have to present concerning your vessel?

TEDDY KOWALSKI: Today, Mr. Chair, we ask that this vessel that we have in conflict here we just ask that it be reclassified, I guess, as Tennessee special. It's a vessel that's been in place since 2003.

Basically -- according to -- we had it certified back in 2003. The national boiler stamp number on it -- it's always been used as a serial number. This tank was never -- basically had the national boiler stamp number on it. And it's been in place since then. We just ask that we can have it, you know, a special.

THE CHAIRMAN: Okay.

TEDDY KOWALSKI: And we have provided the information, and declaratorily (phonetic) of the tank, you know, being safe.

THE CHAIRMAN: Very good. So just to give a little bit of information, when an ASME code vessel is built and stamped with ASME code, the national boiler requires that that vessel to be registered with the national boiler and a new one sent to the national boiler within 30 to 60 days. I can't remember the exact number, but it has to be

registered with the national boiler.

So the situation here is that we have a perfectly good pressure vessel, but it just was not registered with the national boiler, and so what we are working from is simply this -- is that when you look at Rule 0800-03-03-.3 construction standards paragraph 1 of that rule says, that boilers and vessels shall be designed, constructed, inspected, stamped, and installed per ASME; and item 2, says boilers and pressure vessels shall bear the national boiler of stamping, and therein lies the concern. And so you are requesting to make this vessel the Tennessee special -- will alleviate that problem by -- the vessel will be stamped as a Tennessee special, and that will alleviate your issue right here with this vessel, because you have had it inspected, and the vessel is certainly ready to be put into service as a pressure vessel. And so if you are good with that, I'm good with that.

TEDDY KOWALSKI: Yes, we are.

THE CHAIRMAN: So I'll just open it up. Do I have a motion to discuss?

MR. HENRY: So moved.

MR. BAUGHMAN: Second.

THE CHAIRMAN: Okay. What questions

does the board members have?

MR. BAILEY: Mr. Chairman, did you ask about conflict?

MR. BAUGHMAN: Yes.

MR. BAILEY: Sorry, I missed it.

MR. BAUGHMAN: So the ASME (phonetic) manufactures daily reports says that the location of the installation was originally Texas, 2003, but you have had it since 2003.

TEDDY KOWALSKI: We actually bought it through a company Triple S out of Fort Worth, Texas. And it was shipped to the Pepsi Cola plant in 2003 and placed into production at that time. That's when we had it certified, state stamped, and everything, you know, as far as you guys coming out. And it's been going through all of these years passing, and then the conflict comes up of why wasn't it ever stamped and the seal number and all that stuff.

MR. BAUGHMAN: And my question isn't so much the integrity of the vessel as it is just all of the paperworks that shows that the original installation was Texas, but you bought it and brought it here from Texas. It shows the location being the Middle Point Landfill. It shows Middle

Point Landfill on Jefferson Pike from 2008 up until 2018. It still showed Middle Point Landfill as the installation location. It shows year built 2004 instead of 2003. There was just discrepancies on the paperwork that when you are looking at it from the outside in, not being intimate with the piece of equipment or knowing where it went, the paperwork itself was not matching up. I know some of the inspectors along the way, but, again, it's this conflict on the installation location. So it sounds like everything is status quo now. It is at the Pepsi bottling plant on Thompson Lane.

TEDDY KOWALSKI: Yes, sir. I've been in that plant since 1977 and was actually right there when it was put there. So I don't know where all of the landfill, you know, come in right there. It's still in the same place.

MR. BAUGHMAN: I understand.

MR. O'GUIN: If you look back at the first inspection that was performed, you can see the owner is Pepsi, so more than likely when they put in the user location they keyed it wrong. I don't know how they entered their reports back in that timeframe, but the owner has stayed Pepsi all the way through, and also showed in the circuit

(phonetic) room, so we know that's not a landfill. So why they didn't catch it up until 2018 I am not sure.

MR. BAUGHMAN: Well, it at least it's on the right track now, and it's not so much a design operational issue as it was more along the lines of looking at that paperwork and trying to find the trail on this end of it, doing the due diligence, so I think we are all in good shape. I love Pepsi. That's not a conflict is it?

TEDDY KOWALSKI: You don't have any over there.

THE CHAIRMAN: Mr. Toth.

MR. TOTH: Yes, Mr. Chairman, Marty Toth, ECS Consulting. These vessels are stamped section A, division 1. Just for the record, recognizing that it came out of Texas. It probably had a lot to do with Texas not enforcing the umpire (phonetic) pressure vessel state law. And so the need to have it registered with the national boiler was probably omitted from the construction due to the fact that it was in Texas.

THE CHAIRMAN: That's a good point. Any other question or comments? Hearing none, do I have a motion?

MR. BAUGHMAN: So moved.

MR. HENRY: Second.

THE CHAIRMAN: We have a motion and a second for this vessel to be a Tennessee special, yes. Last call for any questions or comments? Hearing none, all in favor say, aye.

THE BOARD: Aye.

MR. BAUGHMAN: Opposed; abstentions not voting. So you now have a Tennessee special vessel. And just for the record when you look up in the rules when you do have a Tennessee special, just be mindful that any repair to that vessel will need to go through the boiler unit for approval, and if you were to alter the vessel, you would have to put a package together of drawings and calculations of what you would alter whether it be adding or changing the vessel. That would have to come to the Tennessee Boiler for the review of that alteration and approval. Okay, thank you, gentleman.

THE CHAIRMAN: Okay. So that takes us now to item 22-07, Covenant Health request consideration for approval of a variance to boiler attendant requirement. So if you will come forward and introduce yourselves and present your item.

MR. TOTH: Thank you, Mr. Chairman and

members of the board. Again my name is Marty Toth. I'm with ECS Consulting and the Boisco Training Group.

THE CHAIRMAN: Let me interrupt you for just a second. Are there any conflicts on this item? Thank you. You may proceed.

MR. TOTH: As you can see the manual that you're presented with, this particular manual itself is a current variance at Morrisson-Hamblen part of the Covenant Health Systems, which is one of my clients. And I have worked with them for a number of years. The situation that we had is very similar to what happened with the previous location with the expanded enunciator system. We have a superior boiler that use the RM7800 series, with an expanded enunciator. We had a malfunction of the expanded enunciator. In the process for looking for replacements it was found that they are being discontinued. The chose of the client in a situation of needing to get this boiler up. The superior boiler is the main boiler that they use. That do have a second boiler there that will serve the purpose. It's a unit they try not to rely upon for 24-hour service. So they had to act quickly to get new controls in place. On their Cyclotherm unit

they also have a E111 burner management system in -- excuse me E110, burner management system in place. So they choice to go with the Nexus NX6100 series controller. As you can under Appendix B it goes into great detail. It's a better system than what they have. It does have a human machine interface, an HMI screen, so it's better controlled, better visualization, than just the standard RM7800.

With the fact that they changed out that burner control system, they are required to appear before the board to get approval. Immediately upon the situation that we had there at the location, I communicated with Chief O'Guin and expressed the concerns that we had with it. Chief O'Guin was gracious enough to say, well, let's get them up and going. It's a hospital and we want to make sure they don't have any other situations, and then let's get on the agenda. And that's what we've done here.

As you can see, we have gone through on the revision page III, you'll see in front of the book, this is pretty much an ongoing process with this client as well as all my other clients that we continue monitor their system. We go by and test their system on a regular basis, and then also go through and do a revision meaning, if they have any

changes, as you can see from that change. We had one session in November where we made some simple editorial changes, that did not affect their system, but then leading up to this meeting, you will see, we put -- "we" being me, put tomorrow's date in there. I do apologize. I will make sure that's corrected. And I will take the blame for that one of course. But we go through and see the different information illustrated not only in Appendix A, B, and then also the fall codes in Appendix C. So I will open to any questions that you have about the system.

THE CHAIRMAN: Do I have a motion to discuss.

MR. HENRY: So moved.

MR. BAUGHMAN: Second.

THE CHAIRMAN: All right. What questions, comments do the board members have?

MR. BAUGHMAN: So this being a modification revision, when does their variance come up for expiration.

MR. TOTH: They as a matter of fact that was a discussion that Chief O'Guin and I had. There was some confusion as to when the documentation has been submitted for the last inspection, and I hate

to use the phrase, fell through the cracks, but I think that's what happened when things were submitted into the State. It kind of fell through the cracks. We had the COVID situation occur. I am not -- and maybe Chief O'Guin can say when their actual certification has -- had expired. We have a few and I have been working really closely with Assistant Chief Ryan to make sure that any clients of ECS Consulting, if we have anything that came up during that period of 2019 through 2021, that are due for reinspection, we are looking those up. So it's around the time that they were due for an inspection anyway.

MR. BAUGHMAN: So has their present variance expired?

MR. TOTH: I believe it may have presently expired due to the fact that of -- it falling through the cracks in 2021; however, what we have done is gone through the point of doing those checks and making sure that they are -- everything is working through the proper system. I believe Assistant Chief Ryan is looking it up right now. The plan is either they have expired from 2018. They should not have. They should have been reinspected to 2021 and then be reinspected after

the approval of the variance -- for the variance itself.

MR. BAUGHMAN: So that variance would be for both boiler then, and it would be a renewal instead of a modified.

MR. TOTH: Well, I'm sorry. It's not a renewal per se. The renewal manual was submitted. Does that make sense?

MR. BAUGHMAN: No.

THE CHAIRMAN: So it was submitted with no change.

MR. TOTH: Right. It was submitted for no change for reinspection. It fell through the cracks. No one in this room right now allowed that to fall through the cracks. Let me just say it that way. And it fell through the cracks, then it came about that we had to do the modification. So there's a previous submittal of a manual, and then there's this one which is a modification not just a renewal. The previous one was indicated with renewal in its checklist. This one is modification.

MR. BAUGHMAN: And did we ever receive that renewal one that you said fell through the cracks? The Board --

MR. TOTH: The board would not receive

that because it is renewal. The boiler unit received that.

MR. BAUGHMAN: Very good. So my question would be on here, are we attempting to utilize this manual then as the renewal for both boilers?

MR. TOTH: It can be if you chose to. I believe some grace was given to Morristown-Hamblen because there was no malicious intent. The intent was to submit the documentation appropriately for the renewal, and that's how we operated through that. There was some communication that was made the last time I visited Morristown-Hamblen. And, again, as I mentioned earlier, doing those courtesy visits while in that location, and the communication that came back to me -- and I'm paraphrasing here, yes, the inspector came out and ran us through a test. Great. So me assuming the inspector was the State of Tennessee came out and did that. After communication with -- communicating with Assistant Chief Ryan and -- it was not one of the state inspectors. It was probably one of their insurance inspectors.

As I mentioned numerous times in this meeting when we speak about the variance I really

applaud the boiler unit for their efforts of getting that communication out. We're seeing a lot more of the insurance inspectors paying closer attention to variance, and then also assisting by having those individuals run test on their variance to ensure -- to satisfy themselves. And I think that that's kind of what's happened here. And so when we had that discussion with Assistant Chief Ryan and myself and then Chief O'Guin was brought into the discussion I believe, that -- okay, we're going to have -- they are going to get some grace because it did fall through the crakes in that sense. The intent was to get it renewed. Now, we are going to move forward, appear before the board. Nothing had changed in the program itself. The only thing that's changed is the actual controls, and those were done on emergency basis because it was found that the existing controls were discontinued and unable to be swapped out. That's a lot of words. So hopefully I answered your question.

MR. O'GUIN: Chris O'Guin, chief inspector. Morristown-Hamblen expired in 2021, but I did give the authority to keep operating until we get this figured out. It was just an upgrade to the controls since the controls are no longer available.

THE CHAIRMAN: So my question is this, the upgraded controls was that the equivalent of the outdated control? Because what I'm getting out is this, when a variance is approved and the boiler unit makes their site visit, and then it's put into action, when it comes up for renewal -- three years later, if there's no technical change, the boiler unit they renew it and it goes on. So is this new piece of equipment enough of a change to warrant the board to approve a change in the manual or is this controller the next generation of what is obsolete. And in that case, in my opinion, that would be no different than letting the boiler unit renew it, because that's the only piece of equipment that you can put in there without there being a change to the system.

MR. TOTH: If I can address that just from my experience with the variances over the years, the simple answer would be, yes, it needs to come back before the board. The reason is microprocessor base controller itself was swapped out. The board always had the position that the equipment that affects the operation of the boiler per se such as a burner, controller, such as including something like an ICS, something of that

nature, or simply replacing the boiler itself comes back or in addition to -- comes back to the board for modification renewal, so like a swap out. In the case -- if this particular boiler had that enunciator go out and they contacted a service supplier and they were able to get their hands on a replacement, no. There is no need to contact the board, or the state. It a like for like replacement.

What this body is doing is not only approving the boiler along with the system -- procedure, but also the safety controls. And that's what the codes call the burner controller, a primary safety control. So if we are switching out the primary safety control to a different type or model, then that does come back before the board.

THE CHAIRMAN: Thank you for that.

MR. BAUGHMAN: And the issue that I have is in going through these renewals where we have a hardware change or even the manual, and if we say within the manual there's been technical revisions and that's it, that's one thing. But where we've got a hardware change, being that some of us keep every manual from every variances that's been produced, it allows us to go back and review the

previous manual, which in this case, would have been 2018.

MR. TOTH: 2018, and then another one was submitted after that. I believe it was probably the beginning of 2021 or the end of 2020.

MR. BAUGHMAN: So from my case, being a board member, what I like to do is go back and look at those manuals and make sure everything is the way it is supposed to be. And not saying things get changed, but things get changed. So I'm on board as far as the hardware, but I would like to review the previous manual instead of just saying here we go we're going to approve this and moving on three years, I still would like to look at the previous manual for my own review, just to make sure that everything is in order and that we have done our due diligence.

MR. TOTH: So in this situation here, you would have received a 2018 revision from previous, because this variance has been in effect for quite a while. So you would have received 2018 or maybe not, because it was just a renewal. But let's say it was new in 2018 and then we received a renewal in 2021, are you saying that that renewal should be submitted to the board?

MR. BAUGHMAN: If that renewal had -- other than technical revisions and not hardware revisions. So if one was just technical going through, no, we wouldn't need a review. But if it was a hardware, yes, we would.

MR. TOTH: And that is the case. So you received or you received the hardware revisions to this. Does that make since. So 2021's copy you would not have received it, because it was just a renewal. This particular one that you have in front of you now incorporates those hardware changes that is required to appear before the board.

MR. BAUGHMAN: Very good. And that makes sense. Okay.

MR. TOTH: And that's how the system is run and should be run.

MR. HENRY: Clarification. The change in the hardware was for one both boilers?

MR. TOTH: No, sir. It was just for the superior boiler which is their main operating boiler. The Cyclotherm is their backup boiler that they have. The hospital size does not require for both boilers to operate at one time, but of course, they need to maintain multiple boilers.

MR. HENRY: Sure. So what we would be

acting on is just a modification to the boiler with the change in the hardware?

MR. TOTH: Yes, sir.

MR. BAUGHMAN: But both boilers are under the variance?

MR. TOTH: Yes.

MR. BAUGHMAN: So even though the Cyclotherm is not on line, which means it can't be checked -- so it would only be checked when it comes from standby into operation and then it would go through it's check and fall under that. So there's no way for them to be checking the operation in between all these times. So the boiler is just laid up, in other words, until it's asked to be put on line or checked. I mean it's a 1982 Cyclotherm.

MR. TOTH: Absolutely. If they have an issue with boiler number 1, they would go flip the boiler to boiler number 2 into operation. It not automatically going to come up. It will take a manual start on it. At that time, procedures are in place that if they have to light off a standby boiler such as the Cyclotherm, they are then at that time -- "they" being the boiler attendant, is required to go through the communication test with the remote station.

MR. BAUGHMAN: How often are they checking the boiler on fuel being that natural gas is their primary, but I see this must be -- it's got a number two fuel/oil as a standby, and I know how difficult that can be on a Cyclotherm. I'm interested to know how often they are doing the check on number 2 fuel/oil?

MR. TOTH: That's a great question. And I ask that of my clients quite often. Most are done annually -- on an annual basis, because they are not required -- being a hospital are not forced as you would an industrial company to go on curtailment for the natural gas. Most will do at the minimum once a year. I try to encourage once a quarter, but, again, that's just a recommendation, because you and I both know and many others in this room, that it can be difficult depending on the boiler. The Cyclotherm can be switched over to fuel oil however it is number 2, not number 6, which is nice. And so it's not nearly as hard, but I would recommend that as well, but they do it once a year.

MR. BAUGHMAN: And the reason I asked too is just going back in the default code list to see what faults for number 2 fuel/oil are tied into particularly programmer since there's different

control mechanism for number 2 fuel. But all in all they can do that through a site visit. And my recommendation is that both fuel be check for their alarm circuit. And we've not addressed that in the past. There's something to discuss moving forward, but that's from a technical standpoint just for the record.

MR. TOTH: And I agree with you. It is operational mostly a good business practice to do that. I think it may go outside of the scope of what you are trying to achieve here with attendance variance only because we are wanting that communication to remote station. But I digress. I agree it's something that should be done and it is recommended.

MR. BAUGHMAN: I tell you where the concern comes from is when we're talking about E-stops and the connection of the E-stops to disrupt the fuel source and the fuel source being a different fuel source than this medium, being number 2 fuel. And if, in fact, they are just tying an E-stop into the main gas and not tying it into the fuel oil also, then that's a concern. So that's kind of where I was getting at with checking things out on both fuels and making sure the E-stops has

been tied into the proper fuel source. Thank you.

THE CHAIRMAN: Any other questions or comments. All right hearing none, do I have a motion for a contingent variance approval.

MR. HENRY: I would approve -- I would move to approve the motion for the modification as presented.

MR. BAUGHMAN: Second.

THE CHAIRMAN: Okay. All right. So we have a motion on the table for contingent approval based upon the comments that's been made during the Tennessee board meeting, and successful site visit by the boiler unit.

MR. TOTH: Just to put everybody at ease, the client has been put on notice that they will be receiving a variance inspection promptly, not that they are going to call and say we are ready. It's that the boiler unit will show up.

THE CHAIRMAN: Any other comments? Hearing none. I'm going to call the question. All in favor say, aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed? Abstentions not voting. You have a contingently approved variance.

That takes us item 22-08. This is house

bill 1904 Tennessee Code Annotated 68-122-05 to discuss and take possible action regarding new legislation on the exception of sterilizer unit -- slash, boiler from the clearance required stated in the board of boiler rules.

So everybody has got a copy of this, correct? Do I have a motion to discuss?

MR. HENRY: So moved.

MR. BAUGHMAN: Second.

THE CHAIRMAN: So what you have before you is -- there is an approved revision or addition not revision an addition to Title 68, Chapter 122, and it's been enacted by the General Assembly of the State of Tennessee. And so this act is going to amend the Tennessee Code Annotated 68-122-105, which is for exemptions, by the way, by adding the following as a new subsection. Autoclave is exempt from the clearance requirements of this part and the rules promulgated pursuant to this part related to clearance.

Item two says, this Subsection D does not prohibit the enforcement of other requirements of this part that are unrelated to clearance requirements.

And item three, the board may at its

discretion weigh or exempt the requirement of 68122110 through 68122113 for an autoclave pursuant to the exemption provided by subdivision D1.

So what we want to do here is express the boards opinion of this change. So I will go on record by stating that I do understand that this is being made law, but I also know that ASME National board inspection code require inspections of pressure equipment. And so with that said, to exempt certain items of pressure equipment to not be inspected is a conflict. And in my opinion, we will uphold the ASME Code as well as the national boiler inspection code to perform inspections that will satisfy those codes, because those codes are also written into 68122 as well as -- as well as Rule 0800-03-03-.03. And that's my statement. What other comments does the board members want to make?

MR. BAUGHMAN: Chairman, I totally agree with that statement. I don't know any other way to present it other than we're here strictly from the standpoint of safety. That's the whole purpose of what we do in this unit -- boiler rules board. DASME construction codes, the national board, inspections, are there for one purpose, and that's safety. And that's what we are upholding within our

statements here and within our jurisdiction.

MR. TOTH: Marty Toth, DCS consulting. I would just like to, as a citizen, I would like to make a comment about this. It's very concerning the road we're going down with this. It's when we start exempting specific vessels for one reason or another and then being so broad about it to call it an autoclave. Without the understanding that throughout this industry autoclaves are more than just units for sterilization in a hospital environment. You've got autoclaves used in food industries that are used for retort. You have them used in manufacturing industries for curing rubber.

So now what we have just done is we put all of these into one basket and all you have to do is see the damage that can be caused from the door flying open on one of these autoclaves to know how important it is to not only inspect these, all right, but to have the ability for inspectors to be able to inspect these.

I'm very concerned when we put money over safety -- very concerned with it. I have been involved with this department since 1993. This is the worst thing I have seen come through in all of those years, because it's a slippery slope we are

going down. And it needs to stop before somebody does something that gets someone killed. Thank you for your time.

THE CHAIRMAN: Thank you, Mr. Toth.

MR. BAILEY: Mr. Chairman.

THE CHAIRMAN: Yes, Mr. Bailey.

MR. BAILEY: Just for clarification purposes, Paragraph D4 says, for the purposes of this subsection D, quote, unquote, autoclaves means that the device -- subpart A says, sterilizing is a reusable medical or dental equipment used by individuals or entity that is likely under this title, Title 63.

So I think they tried to limit the number of autoclaves that are affected by this bill. So in my opinion, I don't think it would affect a autoclave that's in a rubber manufacturing plant. I just want to make that clarification.

THE CHAIRMAN: Thank you for that comment, Mr. Bailey. You are correct.

MR. BAUGHMAN: And, Mr. Bailey, to extend that further in B in accordance with manufactures recommendation contains a boiler. So in particular this is an autoclave for the medical or dental equipment used but also contains a boiler.

And so most of what we were talking about within the rubber and food industry is an autoclave retort separately. But this is specific within this particular wording.

MR. HENRY: Having said all that, I think that's a very important clarification. I think Mr. Toth statement is exactly on the money that we are concerned for all of the board members is that the financial consideration are being put above safety consideration. So I appreciate your comments Mr. Toth. In regards to what action the board can take the comments that you made, Mr. Chairman, do they become part of the public record now?

THE CHAIRMAN: The letter that I submitted to the boiler unit has been submitted, correct, Mr. Bailey?

MR. BAILEY: Yes.

THE CHAIRMAN: That was before the legislative actions. We sent a letter on behalf of the Tennessee board.

MR. HENRY: You talking about new rules?

THE CHAIRMAN: Yes. Stating our position.

MR. HENRY: Okay. And that was approved

by the board as a whole?

THE CHAIRMAN: Yes.

MR. HENRY: Should we just reiterate our.

THE CHAIRMAN: Yes.

MR. HENRY: As a board action?

THE CHAIRMAN: And that's basically what I've paraphrased in my comments.

MR. HENRY: So should we vote on that.

THE CHAIRMAN: I'm going to seek Mr. Bailey's wisdom here. Do we need to make this the next item or just provide comments?

MR. HENRY: Well, I think both might be appropriate. I mean, paragraph subparagraph D3 says the board may in it's discretion weigh or exhume a requirement of 68-122-110 through 113. And those statutes that are referenced there all pertain to 68-122-110 is addressing inspection of boilers. Section 111 talks about inspection certificates and maximum certificate fees. 112 is talking about operation without a certificate or excess pressure and the penalty. And then 113 talks about inspection fees. So the bill allows the board, if it so choices, to weigh these autoclaves that are defined in this statute from the requirements of

those statutes that I just talked about.

I think the board should make a statement one way or the other whether or not they intend to waive these devices from those statute or not. It could be argued that you would only have to take action if you chose to waive it and not have to take any action if you chose not to waive it. But I think it should be very clear either you are waiving these devices from those statutes or you are not.

THE CHAIRMAN: Well, that's why I made my initial statement is that the codes that we build these pressure items from require inspection.

MR. BAILEY: Right.

THE CHAIRMAN: And those codes are listed in 68-122 and the construction codes that we we're going to use to build this pressure equipment. So this action is just creating contradiction. It's not helping anything. And so, like I said, on behalf of the board, we've sent that response before it was voted where we stood. I still stand on those words that we sent forward, and so help us, you know, is that sufficient or is there something else that the board needs to do?

MR. HENRY: Well, is it the board's intent or pleasure to waive these devices from being

inspected? And from what I'm hearing, that's a no.

MR. BAILEY: So then I think it would be appropriate if the board would have a motion and second it that these autoclave devices that are defined in this new statute are not waived from the inspection requirements and fee requirements of the statute. And so that way these devices would still be inspected and if the inspector is able to do a complete inspection and pass it as being fit to run, then they pay the fee and get an inspection certificate.

THE CHAIRMAN: And you actually have examples of that today?

MR. BAILEY: Yes.

THE CHAIRMAN: You do. Okay. So based on your counsel, we need a motion from the board stating that we are not going to waive the inspection of pressure equipment even though this change in legislature is -- and I will read it. That it, you know, in D1 it says, an autoclave is exempt from the clearance requirements that this part and the rules promulgated pursuant to this part related to clearance. If we have clearance per MBIC and ASME, primarily MBIC, the inspection will happen. But if it cannot be inspected, the boiler

unit and the Tennessee board is not going to support passing it and giving it a certificate of inspection, because it's not been properly inspected. And that's -- so I guess my motion is -- my motion on behalf of the Tennessee board is that we will not exempt these autoclaves from clearance requirements and --

MR. BAILEY: If I may interject here, I think the motion would have to be that the board does not waive or exempt the autoclaves described in this statute from the requirements of TCA 68-122-110 through 68-122-113.

THE CHAIRMAN: Okay. That's my motion. So do I have a second?

MR. BAUGHMAN: Second.

THE CHAIRMAN: Anymore discussion?

MR. HENRY: I fully support the motion. I'd just like to suggest that maybe we add an introduction clause in consideration of our commitment to uphold the public safety. Make it clear that -- what the reason for our action is.

MS. XIXIS: And I want to add one clarifying point -- Tia Xixis, Department of Labor. This was not legislation from this department, and it was not signed by the governor.

MR. BAILEY: If you can would you be able to read back what the motion is. I know if was kind of convoluted. And with his introduction.

(WHEREUPON, the court reporter reads back the pending question.)

MR. HENRY: I think the motion would read something like, in consideration of our commitment to uphold the public safety, the board will not waive inspection requirements for autoclaves as described and then whatever is required after that.

THE CHAIRMAN: That sounds fine. Basically quoting the statute right, okay. Will that suffice from a legal counsel's case?

MR. BAILEY: Yes.

THE CHAIRMAN: Any other comments? Hearing none, I will call the question. All those in favor say, aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed? Abstention not noting.

MR. HENRY: Do we need to make sure the legislature understand this was a unanimous vote this time.

THE CHAIRMAN: Yes. Any other things

that we need to discuss on this item. All right. Thank you for the input. So that completes our new business. Let's go on to rule cases and interpretations and the first one is BC 22-01, and Intertek is requesting a ruling by the Tennessee Board of boiler rules to revise Tennessee Boiler Rule 0800-03.3.

So this item concerns Underwriting laboratory label.

MR. BAILEY: Mr. Chairman, I think there's somebody that might want to speak.

THE CHAIRMAN: Yes.

CRAIG DAVENPORT: I don't know if you want me to say a short few words on this or --

THE CHAIRMAN: Please do.

CRAIG DAVENPORT: May I take a seat.

THE CHAIRMAN: Introduce yourself and thank you very much.

CRAIG DAVENPORT: I'm Craig Davenport director of quality for Intertek testing services. Intertek, if you don't know, Intertek is a nationally recognized testing laboratory in the US We are also accredited by several agencies to do testing and certification of electrical products and construction materials energy efficiency

measurements on HVAC, boilers, and such. We have been in business since 1896. We started out as part of Eddison, and I guess, you know, our -- in looking at the boiler regulation the construction regulation, it specifically says underwriters laboratory certification label. And we would respectfully request the board to consider modifying that code to allow for other qualified certification agencies in addition to Underwriters Laboratory. To us that seem a bit restrictive requiring the UL mark on a boiler when there are other agencies like Intertek, CSA, FM approvals and also NSF that can do -- they're approved to do the same kind of work. That really to us is an administrative change.

The national boiler inspection code as a good general reference to those kind of qualifications, we'd prefer that the Tennessee code mirror the language of the financial -- or national boiler inspection code, if possible.

THE CHAIRMAN: Okay. Do I have a motion to discuss?

MR. HENRY: So move.

MR. BAUGHMAN: Second.

THE CHAIRMAN: What questions or comments does the board member have?

MR. BAUGHMAN: Mr. Davenport, thank you for being here and presenting this to us. So Intertek previously ELT, being a NRTL facility, how does your facility test unit and certify them as far as manufactures go in particular related to electric boilers.

MR. DAVENPORT: We have a number of laboratories in the US and Canada. Those laboratories are accredited by national accreditation bodies for that type work for those specific test standard. We have quite a few test standards. We also participate on many of the standard writing bodies. So we understand the codes and we understand the products specifications.

Normally, are laboratories are centralized around certain specialties, certain discipline. So we have a laboratory in Plano, Texas that does most of the work around these types of products. I'm not a technical expert in the field to be sure, but we have registered professional engineers and our chief engineering structure that handles the technical qualification of all of our staff working on these types of products.

MR. BAUGHMAN: So we mentioned United States and Canada. What about Mexico?

MR. DAVENPORT: We don't do work specifically in Mexico, but we would evaluate that might aminate from Mexico in our laboratories in the US.

MR. BAUGHMAN: Do you know what laboratory that would go to in particular?

MR. DAVENPORT: I think it would probably either go to the Plano laboratory or the laboratory we have in Kirkland, New York just south of Syracuse.

MR. BAUGHMAN: Okay. If we were to have an issue with Intertek labeling their equipment with the -- do they put ETL label still on there.

MR. DAVENPORT: Yes.

MR. BAUGHMAN: So it's still got an ETL label even though it's back to Intertek. What would the procedure be if you found, because these labels also says they conform to UL statute, what have you. What would the process be if we found multiple units coming out of a manufacture that had the labels on it, but were not actually conforming. What would be the process on addressing that back through ETL.

MR. DAVENPORT: Well, there's a couple methods to do that. We do have a web presence where an inspector can go to our website and issue a

complaint against a certain lines of products. But we're also available on the call. Paul Maliski (phonetic) our vice president of accreditations completed the paperwork for this meeting. He would be a prime contact. I would also be a contact. We often talk to regulators and people in the field relating to compliance of the products that we mark. Once that report comes in, we have a pretty robust process for investigation and determination if, you know, if there was an excursion from compliance we would have a full investigation team that would address that directly with the manufacture. And at the end of the day that may require recalls, retest, whatever obviously public safety.

MR. BAUGHMAN: And that's good information to know, because we are encountering that. And so I bring that to the table from we're UL listed shop personnel, and because of that if we are in noncompliant we cannot put labels on. We go through the variation, the associated fees and what have you associated with being noncompliant. But in particular with you bringing this to the table for our discussion one of the issues that I have is that we have multiple electric boilers that is produced from a manufacture utilizing the ETA label with a UL

conformity, and the only reason that we knew that this was a problem was that we -- because we only accept UL certification, we got UL involved to do field inspections, and these units are consistently failing.

And so it was brought up that this needs to be brought up and taken through ETL which being a member of the board, I can do so much investigation and so forth, but this is a good place to have this discussion because as we stand today, the only reason this noncompliance came up was because of where we stand with UL and our codes. So we have boilers that are noncompliant to ETL. We need to move forward in communicating and addressing that, but as it stands status quo today, we still have boilers that are noncompliant from this entity of electric boilers in our industry, and it makes it difficult for us to carte blanche accept ETL at this time, you know. So I just brought that up for your own discussion, conversation to let you know what issues we're are dealing with.

MR. DAVENPORT: I appreciate that. We welcome that kind of feedback. If we can get more detail on those products, we certainly can open up an investigation on our side. We'd be happy to do

that absolutely.

MR. BAUGHMAN: And I believe that's the directional process to go through being that ETL Intertek is a competent testing laboratory in order for them to be within our acceptability moving forward that we need to address what we are dealing with presently.

MR. DAVENPORT: That make perfect sense to me.

MR. BAUGHMAN: That's my comments.

THE CHAIRMAN: So what's our path forward?

MR. BAUGHMAN: Mr. Henry, do you have input on that too.

MR. HENRY: You are experienced in this so I am going to defer to you.

MR. BAUGHMAN: Some entity other than myself needs to be communicating with Mr. Davenport and I didn't write down the other --

MR. DAVENPORT: Paul Maliski but either one of us is fine.

MR. BAUGHMAN: To get this process going because as we stand today, we are going through compliance issues and I don't think this will be limited although information that we are dealing

with is Tennessee, but I think this will go across the board to others that are utilizing this electric boiler that is not being compliant. So the boiler unit will need to start this process and communication going and filing a complaint or whatever the process is back through Intertek to start seeing how to move forward.

MR. BAILEY: Mr. Chairman, you have a question.

THE CHAIRMAN: I'm sorry. Mr. Toth.

MR. TOTH: So the main issue that we are up against is obviously UL, CSA, ETL is aiming more toward those refrigeration heating that are coming from Asia, correct? That's where it's mostly coming from, from china in essence?

CRAIG DAVENPORT: Well, due to manufacture, yes. We do quite a bit in the US as well.

MR. TOTH: Well, that would be not so much the Mexico issue as the issue of the items coming in from China. And I know the issues that I have ran into in the industry in the boiler pressure vessel industry, there are some concerns in that case that really need to be looked at before we check off that box. And that's all I have to say

about that. Thank you.

MR. BAUGHMAN: Chief O'Guin, I'm going to ask for your input on how to proceed further with going through -- first of all let me back up. When we are doing -- when UL is doing their field inspections, they are only looking at fire and shock hazard. And we have issues with that in as much as there's some other wiring that UL will or that Intertek will look at the conformity to UL and address even further at the manufacturer. And this will be good for everybody. It will make for a better product and so forth.

This particular boiler used to be UL and a change made it to where they dropped UL and went with ETL. But how to follow that back up and utilize the resources of the boiling unit is what I'm looking to bounce off of you.

MR. O'GUIN: I have Paul's contact so I'll speak with Dan kind of shortly after the meeting and get legal advise and then I'll followup with Paul on how to move forward.

THE CHAIRMAN: So this is just a progress report, right? I mean, we are not going to vote or anything, are we?

MR. BAUGHMAN: No. Except that it's

requesting a ruling to revise the existing boiler rule.

THE CHAIRMAN: But you have to do all this leg room first.

MR. BAUGHMAN: So we are going to table the ruling.

THE CHAIRMAN: Yes. I would table to ruling until we get the homework done and come up with a proposal that we can vote on would be my recommendation. I mean, that's going to be the best path forward for all parties involved. I think that would be a good thing to do.

MR. BAUGHMAN: Do you agree?

CRAIG DAVENPORT: I agree. I think that sounds reasonable given the information.

THE CHAIRMAN: So you can reach out to chief O'Guin and he can reach out to the board as needed. And we can all have input as we build this and whether we get to the bottom and see what we need to do with it whether we need to make changes to it. All right. So we will leave that as a progress report.

MR. DAVENPORT: Thank you very much we appreciate the opportunity.

THE CHAIRMAN: Trying to keep my notes

caught up. I apologize. So next on our agenda is BC22-02, Power boiler external inspection frequency requirements.

So we having BC 22-02 the statement of need is the staff of the Tennessee boiler unit is requesting a ruling by the Tennessee Board of Boiler Rules for frequency of the external inspection.

Background, The Tennessee code 68-122-110(a)(1) Power boilers shall be inspected annually both internally and externally while not under pressure and shall also if possible, be inspected externally while under purchase approximately six months following the date of each internal inspection.

Inquiry, what is the external inspection frequency requirements for power boilers?

Reply, it is in the opinion of the Tennessee Board of Boiler Rules that power boilers external inspection shall be performed six months after the internal inspection has been performed.

The second inquiry is, are miniature power boilers required to have an external inspection? And the reply is, it is in the opinion of the Tennessee Board of Boilers Rules that miniature power boilers are required to have an

external inspection that shall be due six months after the internal has been completed.

The final inquiry, are electric power boilers required to have an external inspection? And the reply, it is in the opinion of the Tennessee Board of Boilers Rules that an electric power boiler is required to have an external inspection that shall be due six months after the internal has been completed. So...

MR. O'GUIN: Chairman, the reason that we are requesting this, the statute -- it's saying approximately -- I can't hold anybody accountable as far asking making sure these vessels are looked at twice annually. What's happening is they will come and do the internal and three days later do the external. Will since it don't say shall, it says approximate, there's really nothing I can do. So we wanted to present the board case and kind of get that more tied down so it's not 12 months in between inspections.

THE CHAIRMAN: Well, what's interesting is that you have leverage on that already with the variance for internal inspection of power boilers to extend that from annual to either 18 months or 24 months. And it clearly states in that variance that

you must do an external every six months. So you already have part of that built in to the boards internal inspection variance. So I think that's reasonable, don't you?

MR. BAUGHMAN: I agree.

THE CHAIRMAN: So motion to discuss. What comments do you have? Do I have a motion to do that?

MR. BAUGHMAN: So moved.

MR. HENRY: Second.

THE CHAIRMAN: What other questions and comments.

MR. BRANDEN MATUB: Branden Matub, is this still going to be a two month variance on that, two day grace period --

THE CHAIRMAN: Yes. Mr. Toth.

MR. TOTH: I think that one month Chief O'Guin has is something that's being on going to a long time. I think support from the board in this interpretation to give it to the discretion of the chief inspector or his designees in regard to that will allow for them to give them some tea, so if they say they want it every six months, that's when you're going to have it. If you feel it's -- you're unable to actually put it in, that it will be

six months. Again it's misinterpretations throughout the years and there are even some jurisdictions that misinterpret that. It's all about safety. It's not about convenience for the inspector. It's not about money. It's about safety. And in regards to the other boiler that are listed such as the electric miniature boiler, they have safety features in place that need to be checked while the boiler is in operation. Not to have that, is asking for trouble. Thank you.

THE CHAIRMAN: Thank you, Mr. Toth. Other comments? All right. Hearing none, do I have a motion?

MR. BAUGHMAN: Motion to accept boiler case 22-02.

THE CHAIRMAN: Second.

MR. HENRY: Second.

THE CHAIRMAN: Comment? Question? Hearing none, I'm going to call the question. All in favor say, aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed? Abstention not voting; it's approved.

So that takes us to BC 22-03, and the statement of need for 22-03, is the staff of the

Tennessee Boiler unit is requesting a ruling by the Tennessee Board of Boiler Rules to allow boiler attendants to perform checks pursuant to National Boiler recommendations every one hour instead of 20 minutes.

The background for this is that the 20-minute rule was put into place in 1949, and with advances in technology in today's boilers, these checks can be made once every hour.

The next inquiry is it required for a power boiler 5 horsepower or 50 square feet of heat-absorbing surface or greater be checked once an hour?

The reply is, it is the opinion of the Tennessee Board of Boiler Rules that the power boilers can be checked once an hour pursuant to National Boiler's recommendations.

The final inquiry is, is it required for an attendant to maintain the boiler logs of the checks?

The reply is, it is the opinion of the Tennessee Board of Boiler Rules that the attendant shall maintain boiler logs of all hourly checks.

So with that, do I have a motion to discuss?

MR. HENRY: So moved.

MR. BAUGHMAN: Second.

THE CHAIRMAN: What question, comments do you have for 22-03?

MR. BAUGHMAN: My comments are, yay. This has been a long time coming. The boiler logs make sense. We require them for the four-hour checks. It gives some amount of accountability. Logs can be fudged, but when it comes down to rubber hitting the road, you've got to have accountability. And so the logs bring somewhat of that aspect to the table. So mandating those in there advocate for the one hour -- so, yes, thank you.

THE CHAIRMAN: Other comments. Mr. Toth.

MR. TOTH: As for the logs, logs have always been spelled out in NFP85CSD1. I think this is great that you are putting something in place. I think we can go a little bit further with that as to what is going to be indicated on such logs, but for right now actually having a log that indicates that somebody has been there is good. I'm on the fence when it comes to a 20 minutes or an hour. Obviously, I have individuals that I work with in the service industry that do have concerns with

lifting the 20-minute requirement due to deaerators being sized to hold X amount of gallons of water, how quickly they can be drained and things of that nature. But I think one hour is sufficient. In the Navy we did reading once an hour. If the Navy can do it, I think we can do that in the industry. The concern that I have -- this goes back to Mr. Brown as to having a board case because when we created board cases interpretation the board case was something that was going to go in addition to the written rules. So the written rule right now is once every 20 minutes. Do we feel this would be sufficient to extend this board case to an hour or is it something that you plan on removing or changing in the current rules and regulations and sending that up through the process?

THE CHAIRMAN: What's your opinion?

MR. O'GUIN: My opinion is changing the rules -- more interpretation of the rule change.

MR. TOTH: And let me ask a question. Chief O'Guin, you and I have discussed this. Have you heard any opposition to this whatsoever on the service side?

MR. O'GUIN: I have not.

THE CHAIRMAN: Well, and correct me if I

am wrong, but if you set it at an hour if an owner/user wants to check it more frequently, you are not violating anything, correct?

MR. TOTH: That's right. If I may, the feedback that came to me came from people in the service industry that had concerns of it. I have been of the opinion that one hour can be sufficient. It used to be there was a couple of rules of thumb of why it was 20 minutes. There was funny stuff that we will not mention here, but some of the reason was that fact that that would be the time it would take a certain size boiler to actually get into a dry fire condition. And so with the advent of the automatic controls not having a boiler operator on site, those were in essence antiquated time. Now, this is going to affect all variances henceforth that are put before the board, but I guess we would change those as times permits.

THE CHAIRMAN: All right. Any other comments? All right. Hearing none, do I have a motion?

MR. BAUGHMAN: I'll make the motion to accept and pass board case 22-03.

MR. HENRY: Second.

THE CHAIRMAN: All in favor say aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed. Abstention not voting. All right, it's passed. All right. I have 12:05, and I think we will take a break for lunch unless you tell me different. No objection to that. All right. So 30 minutes. Will that work? So we'll reconvene roughly at 12:30, 12:35.

(Short break.)

THE CHAIRMAN: So we are now on item BC22-04 and clearance requirements for wall mounted tankless boilers. All right. The statement of need for this item is, the staff of the Tennessee Boiler unit is requesting a ruling by the Tennessee Board of Boiler Rules to allow tankless hot water supply boilers of wall mounted, stacked, and modular design to be exempt from the installation clearance requirements or Rule 0800-3-3-08(4)(a).

Background is with the advances in technology and design, the boiler industry has seen hot water supply boilers coming into the market that are mounted on walls. These low pressure boilers have either been labeled and/or listed by a nationally registered testing agency. In the case of those boilers 200,000 BTU per hour and greater or those boilers with combined 200,000 BTU per hour

and greater. The boiler is required to be stamped ASME and registered with the national board.

Inquiry, is it required is it required for a low pressure hot water supply boilers be designed and installed as a wall mounted unit to adhere to the minimum clearance of at least one-and-a-half feet clearance requirements set forth in rule 0800-3-3-08(4)(a) of the Tennessee Boiler Rules and regulation, except for the wall mounted side -- set forth in Rule 0800-3-3-.08 (BC06-23).

Reply: it is in the opinion of the Tennessee Board of boiler rules that the tankless wall or rack mounted low pressure hot water supply boilers that are designed accordingly may be exempt from the clearance requirements of Rule 0800-3-3-.08(4)(a).

Wall and rack mounted tankless boilers. This installation will include the phrase per manufacture recommendation for clearance.

Two, the boiler nameplate and where applicable, code stamping is in view or as stated in Rule 0800-3-3-03-(23). The following shall be legible to the unaided eye: Manufacture name or certifying agency input rating BTU/HR, maximum allowable working pressure, manufacture, serial

number or NBIC code number and year of manufacture.

Three, the boiler safety relief device shall be accessible by the inspector. The operation and testing lever shall not be obstructed by the installation or another unit or mounting surfaces or piping. The relief device shall be visible to the unaided eye and have the following information available: Size, set pressure, manufacturer, and code stamping and BTU/HR.

Four, the installer should indicate if the boiler is wall mounted on the permit application submitted for permission to install to ensure manufacturer recommendations have been utilized at minimum.

Five, Boilers that exceed 400,000 BTU/HR are required 36 inches clearance as per 0800-03-03-.08 (4)(1).

And six, the chief inspector or his designee has the discretion to require more clearance if needed for inspection purposes.

So do I have a motion to discuss.

MR. HENRY: So moved.

MR. BAUGHMAN: Second.

THE CHAIRMAN: What questions or comments do you have on this item?

MR. HENRY: Just ask a clarification if I may. I'm not sure I understand what number 1 is trying to say. If anyone can help with that, I would appreciate it. It say, accordingly maybe exempt from require clearance requirements as follows and maybe I'm reading it wrong. What is the intent of subparagraph 1?

THE CHAIRMAN: Well, you can have these individually or you can have them in a module or you can have -- it's almost like a stacked on. You can add more BTU by putting more of them together as one unit. That's the way I'm reading it.

MR. HENRY: Chef O'Guin, what do you think about that.

MR. O'GUIN: I thought we had added about the communication tables in our reply. Do any of you-all recall that?

MR. BAUGHMAN: I do not see it in mine. I remember discussing it, but it's not in this board case. One of the things that it doesn't -- while you are looking that up, I'll bring it up, because it does not relate to clearance. But it's the relief filed installations on these units themselves that's a concern in particular the safe point of discharge. So it gets into some of the same issues

that we deal with on other pieces of equipment whether it be boilers or sterilizers or whatever. It's that safe point of discharge. And so many of these just have a relief valve either open or -- so I know we are looking at being able to have them accessible by the inspector, but also having those installed properly is something that I see out in the field that's is fairly inconsistent.

MR. O'GUIN: I cannot find it for the communication. We can add it or table it to another if you think there's going to be a lot of discussion, so we can get through some of these items. So it's not a big deal to table it. I know Mr. Henry needs to leave at 1:30 and I don't want to hold up a lot of time.

THE CHAIRMAN: Is that your preference is to table it?

MR. O'GUIN: Let's table it and we'll look at it more and get a couple more plumbers involved with it.

THE CHAIRMAN: BC 22-04 will be tabled to the September 2022 Tennessee board meeting. So that will takes us to -- that will take care of rule cases. So lets look at board interpretations. And the first one is BI 22-01 walkways, runways, and

platforms. And let me get to that. Marty, do you want me to present this.

MR. TOTH: I can Mr. Chairman, or if you would like to go the way you've been doing it that will be fine. Whichever way you want to do it. I'm here to answer any questions that you may have.

THE CHAIRMAN: I'll read it and we'll discuss it. So the background -- the statement of need for this is, is ESC Consulting, LLC requests the Board of Boiler Rules provide an interpretation on the requirements for walkways, runways, and platforms above boilers installed in the State of Tennessee.

The background, though there are very specific installation requirements within Part 1 installation of the National Board Inspection Code regarding walkways, runways, and platform, provided between or over the top of boilers, heaters or vessels that are more than 8 feet above the operating floor, the enforcement of these requirements if often not enforced uniformly throughout the state or between inspectors.

So Inquiry one is, In the state of Tennessee is it required for all boilers, heaters or vessels where the top of the unit is more than 8

feet above the operating floor required to be provided with walkway, runways, and, slash, or platform.

The reply is, yes. Per the requirements in NBIC part 1 section 1.6.4, Ladders and runways.

Then inquiry two, if inquiry one is yes, are provided walkways, runways, or platforms required to have two means of exit? Reply 2, only those runways and platform that exceed 6 feet in length are required to have at least two permanently installed means of exit.

Do I have a motion to discuss?

MR. HENRY: So moved.

MR. BAUGHMAN: Second.

THE CHAIRMAN: What questions or comments do you have?

MR. BAUGHMAN: So this is a requirement laid out by MBIC. Are there variables to that to where we'd have a vessel that would not have the need -- in other words it exceeds the height requirement, but would not have the need to be on top of the vessel whether that be a storage tank and air tank, so forth. So what I'm looking at is this interpretation does not give any leeway to have any variables to it, whether that be through the chief

or come back to the board or what have you. I just notice as we look at these installation, there may -- and I cannot think of anything offhand specifically. But there maybe a time that it's not applicable even though the letter of the code state we have to have this ladder and platform because of the height requirement. So I don't know how to add that possibly in there.

MR. TOTH: Mr. Chairman, DCS consulting, I failed to put into the interpretation request. I mentioned MBIC. There's actually something in the rules and regulations pertaining to this under .04 that speaks pretty much verbatim to those requirements for boilers and pressure vessels. So if we do go that route and if it's something that you feel strongly about, I think this would be the appropriate place to add another inquiry or a statement, an answer, that does allow for the chief, at the point of installation permit, you know, to where you could revise the permit application requesting such a waiver. Because again it spells out specifically in the rules and regulations that you will have runways and platforms. So that's under installation which is .04. And so anything that deviates from that, would be by control of this

body. Does that make since? You are putting the chief in a bad position where now he's not only the enforcer of the rules but he's making the rules. And he doesn't want that. He doesn't want to be put in that position.

MR. BAUGHMAN: So being that it's already in our rules and regulations, which means it's enforceable --

MR. TOTH: Why are we doing the interpretation?

MR. BAUGHMAN: Partly. And then what do we do retroactively too since it's already in our rules and regulation and if it hasn't been enforced are we going to go back, because nothing is technically grandfathered in.

MR. TOTH: It doesn't give that opportunity. And I can give you a small background about this. Is my company we work with installers and in some cases service companies, and they are putting forth bids for job. And they put in the bid for the job that goes by the letter of the code, however, somebody else puts it in and doesn't do it, and next thing you know it flies by it and everybody inspects it and they are good to go, and company A is wondering well, I'm trying to follow the code and

it's just getting past. And I think it's something that sat at the end of .04, nobody paid a lot of attention to it. And it's kind of slipped through the cracks. Whereas, if we have an interpretation out there, yes, we are enforcing this and it needs to be put out there.

MR. O'GUIN: And one thing, the Board of Boiler Rules does state runways are necessary for safety. There shall be a steel runway or platform of standard construction installed across the tops of boilers or pressure vessel --

MR. TOTH: Thank you. And that's a great point of why we went through the next level of this is that it helps define it further than the rules. Let's go back to what the MBIC states and then the intent is next time we open up the rules and regulation we can take these interpretation and board cases incorporate them into your rules and regulation and archive those essentially if you don't need them anymore since it's in the rules.

THE CHAIRMAN: Well, are there OSHA rules too? If somebody is going to climb something that's eight feet high that you have to have a harness, ladder, and cage and all that stuff on.

MR. TOTH: You're opening up a can of

worms. Let's stick with this.

THE CHAIRMAN: I'm fine with the regs and installation. I don't have a problem with that. Any comments or questions?

MR. HENRY: Couple minor things, the inquiry two, I would suggest to say, if the response to inquiry one is yes -- I think that's the standard formula or that.

The second on, on the six feet in length is there any concern that should you say length or width since I think...

MR. TOTH: You definitely could add that into this.

MR. HENRY: Just so nobody would circumvent the rules.

MR. TOTH: It could be that or any dimension.

MR. HENRY: So six feet in any dimension right.

MR. BAUGHMAN: That would be good. So my issue with this getting back into the background the enforcement of these requirement is often not enforced uniformly throughout the state or between inspectors, is how are we going to enforce this moving forward? And so you are talking about new

installation, but again it's a rule or regulation that do we go back retroactively and if we don't then we are not enforcing it again as we're intending to do. So I've got -- and it's a question in my mind of how I've advising customers on how we address this particular issues, because they're going to have push back to it.

So I'm for putting this forward. I just don't know how to address it to make it uniformly enforced entity, because we cannot segregate the enforcement of our rule.

MR. TOTH: If I can reply to that. That's a great point. In that if you take the same approach this body took with other interpretation in other cases in regards to locale E-stops and things of that nature and how the boiler unit is able to enforce that for those locations, you can probably put that within as a inquiry three or add it to inquiry two and establish that all location even if they have been registered. You do have the power to do that, because this is not something that was just added. This is something that has been there. They have their annual meeting. That would be part of the trainings, identification of those things and then just enforce it the way that it is.

MR. BAUGHMAN: And I still would like to have the ability to have a variance to it should that be identified in the field and be valid.

MR. TOTH: And it would have to be at the point of installation or you're saying be retroactive -- can I ask not to take up too much time on it. Can you give me an example of where you'd feel something would be 8 feet above the floor where they would not need something like that.

MR. BAUGHMAN: Not offhand. I can just foresee it -- again, we are taking a broad brush stroke, and that does not always apply. So I'm thinking of that. No, is the short answer to the question.

MR. TOTH: The things that Chief O'Guin and his staff have by way of the permit allow for certain individual waivers. We don't call them variance. We want the variance to stay at this body, and a waiver to stay at the chief's discretion. I think that that would be -- if he wants that responsibility I think that would be an appropriate situation. The concern that I have, just as a former inspector myself is that we look at things like a large storage tank that can be 10 feet off the ground and now we are going to ask an

inspector to climb up a ladder to get to it while somebody is trying to hold it so he can verify safety valves. This gets away from that, and that's the whole purpose of this. So we have to have a way for the inspectors to get up there safely without the fear of whatever they are standing on slips out from under them.

MR. BAUGHMAN: There's no question about why. Getting back to my original whether it's a waiver or what have you, because somewhere along the line, there maybe a waiver on the front end and another inspector comes in down the road and goes, well, we don't have this ladder or walkway in place. And so that was the only reason of adding anything to that.

THE CHAIRMAN: Okay. Any other comments? Do I have a motion?

MR. HENRY: I move we accept these inquires and replies with the recommended corrections indicated and move to accept those.

THE CHAIRMAN: Second?

MR. BAUGHMAN: Second.

THE CHAIRMAN: All in favor say aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed? Abstention.

Passed. Okay. That takes us to board interpretation 22-02, automatic bottom blowoff. So the statement of need is ECS Consulting, LLC, request the Board of Boilers Rules provide an interpretation on the installation and utilization of automatic bottom blowoff valves on boilers installed in Tennessee.

Background, Although, it is common practice in the industry for surface blowdown of impurities to be drained from the boiler employing continuous blowdown or automatic means, the same cannot be said for bottom blowoff. There are boilers manufacturers that provide the option of automatic bottom blowoff equipment with their boiler installation. There is a need for a clear understanding of the Board of Boiler Rules and the Tennessee Boiler unit's position on their use within the state.

Inquiry one, are automatic bottom blowoff valves allowed to be installed and utilized in Tennessee. And the reply is, no.

Inquiry two, is a qualified owner, slash, user attendant operator required to be present at the boiler while a manual bottom blowoff is being performed, and the reply is, yes.

And so with that, do I have a motion to discuss?

MR. HENRY: So moved.

MR. BAUGHMAN: Second.

THE CHAIRMAN: Okay. What comments do you have?

MR. BAUGHMAN: I'm in total agreement of this. We addressed this firsthand safety wise. We've encountered the safety issues, have discussed it with other companies that are selling boilers that they sold the automatic blowdown with the boilers, and as this discussion has moved forward, there was nothing to address it in our codes. So I'm glad this is up here and thank you for getting wrote up and presented. We're addressing totally the bottom blowdown aspect of this equation and the operation of the boiler.

THE CHAIRMAN: Very good. Any other comments?

MR. HENRY: (Shook head negatively.)

THE CHAIRMAN: Hearing none. Those in favor say, Aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed? Abstention not voting. That passes. That the takes us to item

22-03, internal inspection for low pressure heating boilers. The statement of need: The staff of the Tennessee boiler Unit is requesting a ruling by the Tennessee Board of Boilers Rules for low pressure inspection requirements.

Background, in the past, the low pressure heating boiler internals were only performed at the discretion of the inspector. Tennessee law 68-122-110(a)(2) states low pressure heating boilers shall have an internal and external biennially where construction permits.

Inquiry one, what is the frequency for the required inspection on low-pressure heating boilers?

Reply, it is the opinion of the Tennessee Board of Boiler Rules that low-pressure heating boilers be internally and externally inspected biennially. The external inspection shall be the certificate inspection with the internal following 12 months after the external. The internal shall be at least 60 days after the external.

So do I have a motion to discuss?

MR. HENRY: So moved.

MR. BAUGHMAN: Second.

THE CHAIRMAN: What question or comments do you have?

MR. TOTH: Do you mind reading the response?

THE CHAIRMAN: The reply.

MR. TOTH: Yes.

THE CHAIRMAN: It is in the opinion of the Tennessee board of Boiler rules that low pressure heating boilers be internally and externally inspected biennially. The external inspections shall be the certificate inspection with the internal following 12 months after the external. The internal shall be at least 60 days after the external.

MR. TOTH: So I love the idea of internal on heating boilers. The concern that I have is what burden is that going to put on your staff, Chief O'Guin. And the reason is, is not only labor wise but also physically, because if you are only charging -- your charging a certificate fee once every two years and you're charging an inspection fee based on that certificate inspection, are you now going to require an inspection on that -- in between year. And what authority is set in place right now for that. Again, I think it's

great that you are doing it. I just think it's more than just we are going to do internal inspections, because you are going to run into a lot of physical and labor intensity. Personally, I think that doing it every two years within the timeframe, because we know it's just heating boiler and not hot water supply boilers, that those heating boilers are going to be down in the summer and up in the winter. And so that timeframe -- and I tell all my clients and students about these low pressure boiler. And I demonstrate how important it is to do these inspection. I think if you maneuver it where it's not labor intensive on your staff, I think you are going to get a lot more out of it.

MR. O'GUIN: The purpose behind the -- well, we are finding a lot now -- we're at the point where schools they have never been opened in 20 years and they are completely blocked. So then it's heating season and they don't have any heat. And we're having to go in and try to fix this stuff. But my thought process and some more of -- do this once a year, you know, the external is your certificate. So if you put the internal due within a 60 day to 12-month window, then they can go in and do this in the summertime when they're down. And

yes, they will still be charged an inspection fee but not the certificate fee.

MR. TOTH: And Mr. Chairman.

THE CHAIRMAN: Yes.

MR. TOTH: And, again, it's -- you want to have that backing and Dan can definitely help you with that. Understanding that you have the authority to do that whenever you want. Are you also puttings hot water heating boilers and steam heating boilers in the same basket? And where I'm going with that is hot water heating boilers you should find less of scaling materials in them. Not to get too technical -- and, again, I said, you should. Steam hitting completely different animal, because you have makeup water being put into it. Are you putting -- or wanting them all to be this or are they both hot water and steam?

MR. BAUGHMAN: I will address that somewhat in that this does not differentiate steam in this inquiry. And I disagree totally on the hot water side being that we have boilers again totally plugged up through hot water systems, hot water pipes go through the ball field through the system. The system has leaks in it. The boilers aren't looked at. So we're not differentiating between

steam boiler and hot water boilers nor are we in the same inquiry. And to move forward on it, the inspection frequency can change somewhat because we've got low pressure boiler from museum, libraries, that are doing reheat that run year around. So again it's not a one-size-fits-all proposition. But we're going to be able to at least address it to where now we are mandating that these inspection be dons. Will there be flexibility, I believe so.

MR. O'GUIN: In the interpretation we are looking at the heating boiler definition which states means a steam or vapor boiler operating at pressure not exceeding 15 PSIG or a hot water boiler operating at pressure not 160 PSIG or temperature not exceeding 250 Fahrenheit. That was the definition out of 0800.

MR. TOTH: And I'm not disputing that at all. I just wanted to make sure we are clear on that. Is the intent to get this interpretation in and then go back and advise the rules to allow for annual inspections and then identify certificates and non certificate inspections?

MR. O'GUIN: The intent was to try to get more -- follow the law and try to get the rules

to match the law, is our intent. With so many of those issues being found and without writing some kind of board determination -- the inspector just keep doing -- it's very stressful. TCA trumps board of boiler rules. Board of boiler rules can write anything they want, but TCA trumps it.

MR. TOTH: The which code?

MR. O'GUIN: TCA trumps the board boiler Rule. The TCA code is what you shall follow.

MR. TOTH: No I agree with that. Again, it goes back to what Mr. Baughman said. It's hard to write those rules because it comes from National board, and that's how all those laws were written. I agree 100 percent with it. I just want to make sure that when you go down that road, you are going to be protecting yourself. And it would be a good idea to take this interpretation and eventually incorporate it into your Rule and regulations so it spells it out exactly how to run it.

THE CHAIRMAN: Any other comments.

MR. HENRY: If I may, I would suggest just a slight rewording of the reply, the last part I think. It's a little confusing as it's worded. So we would say the external inspection shall be the certificate inspection with the internal following

not less than 60 days or more than 12 months after the internal inspection.

MR. BAILEY: I agree with that. I thought the way it was worded was a little confusing.

MR. BAUGHMAN: And that last statement can be deleted all together.

MR. O'GUIN: Got it.

THE CHAIRMAN: Hearing no more discussion, do I have a motion?

MR. HENRY: I move we accept the interpretation of BI22-03 with the suggested modification.

MR. BAUGHMAN: Second.

THE CHAIRMAN: All in favor say, Aye.

THE BOARD: Aye.

THE CHAIRMAN: Opposed? Abstentions. It is passed. That takes us to the next item which is open discussion item, which is none. And our last item is announcement of the next meeting.

Unless the board decides otherwise, the next regularly scheduled meeting of the Board of Boiler Rules will be held at 9:00 a.m. on September 14th, 2022, at the State of Tennessee Department of Labor and Workforce Development

building located at 220 French Landing Drive, Nashville, Tennessee.

And with that, do I have a motion to adjourn?

MR. HENRY: So moved.

MR. BAUGHMAN: Second.

THE CHAIRMAN: Thank you all for being very concise in getting all these items through the agenda and so we are adjourned.

(Proceedings concluded at 1:23 p.m.)

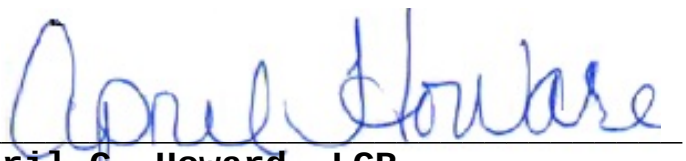
# REPORTER'S CERTIFICATE

STATE OF TENNESSEE

COUNTY OF RUTHERFORD

I, April C. Howard, Licensed Court Reporter, with offices in Smyrna, Tennessee, hereby certify that I reported the foregoing hearing of Board of Boiler Rules by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me. I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

I further certify that in order for this document to be considered a true and correct copy, it must bear my original signature, and that any unauthorized reproduction in whole or in part and/or transfer of this document is not authorized, will not be considered authentic, and will be in violation of Tennessee Code Annotated 39-14-104, Theft of Services.



April C. Howard, LCR
Elite-Brentwood Reporting Services
Associate Reporter

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