

THIS IS A DRAFT

State of Oregon

BOARD OF BOILER RULES

Regular Meeting Minutes March 2, 2004

MEMBERS PRESENT: Dale McLouth, Chairman
John Endicott, Vice-Chairman
Robert Cowling
Steve Nelson
Thomas Perritt
Fred Widman
Russell Williams

MEMBERS ABSENT: Dennis Coplin
William Fernelius
John Pyle

STAFF PRESENT: Andrea Simmons, Manager of Policy and Technical Services
Ray Andrus, Chief Boiler Inspector & Board Secretary
Dan McNally, Interim Statewide Services Manager
Laurie Skillman, Enforcement and Licensing Manager
Roseanne Nelson, Senior Enforcement Officer
Allen Aschim, Enforcement Officer
Richard Baumann, Policy Analyst
Heather Gravelle, Administrative Assistant
Debi Barnes-Woods, Division Boards Coordinator

GUESTS PRESENT: Tom Lindberg, A&V Code Consulting, Inc.
Rodger Vignery, A&V Code Consulting, Inc., President
Michael Jurkiewicz, Local 290
Mark Stenberg, Local 290
Tom Stevens, TSBR Inc.

I. BOARD BUSINESS

I.A. Call to Order

Chairman Dale McLouth called the Oregon Board of Boiler Rules to order at 9:30 a.m. The meeting was held at the Building Codes Division, 1535 Edgewater NW, Salem, Oregon.

I.B. Roll Call

Dennis Coplin, William Fernelius and John Pyle were absent, excused.

I.C. Approval of Agenda and Order of Business

Chairman McLouth **RULED** the agenda approved as submitted.

I.D. Approval of the Regular Board Meeting Minutes of December 2, 2003.

Chairman McLouth **RULED** the regular meeting minutes approved as mailed.

I.E. Date of the Next Regularly Scheduled Meeting

June 8, 2004.

II. PUBLIC COMMENT - None

III. REPORTS

A.1. Egregious Violator, Apollo Sheet Metal, Inc., Roseanne Nelson, Senior Enforcement Officer, briefly explained the case for Apollo Sheet Metal, Inc. The company was before the board December 2000 and June 2001. Ms. Nelson said that the recent violation was for an installation of a boiler and pressure vessel without having purchased a permit. Due to past violations, the company is entering into a stipulated order. An action plan for no further violations was included in the board packet. The division recommends approval of the stipulated order for Apollo Sheet Metal, Inc.

Tom Perritt felt that the penalties assessed were too lenient and wanted an explanation for the fee reduction. Ms. Nelson explained the compliance penalty matrix for the egregious violators and for permit violators. Ms. Nelson added that due to this violation, the division will be adding to the current violations \$2500 from the previous order totaling \$7000.

MOTION by Chairman Dale McLouth to adopt division recommendation for approval of the stipulated order with the penalties assessed.

MOTION CARRIED UNANIMOUSLY

B. Summary of compliance actions previously taken by the division for cases III.b.1 through 4. (No board action required)

These cases have been reviewed and approved by the Boiler Compliance Sub-Committee and were signed by the division.

C. Staff Report

1. BCD update

Andrea Simmons, Manager of Policy and Technical Services, introduced Laurie Skillman, Enforcement and Licensing Manager, and explained the recruitment for the Chief Boiler position is due to close.

Manager Simmons followed up on an item in the previous board minutes. A letter advising stakeholders of the qualifications required for installing Category M Piping was being reviewed and will be finalized and mailed.

2. Overdue Inspection Update

Ray Andrus, Chief Boiler Inspector, reports a drop in overdue inspections for insurance companies as well as with the state. Chief Andrus is expecting a more substantial drop in overdues once he has stepped down to Assistant Chief. *Exhibit "A"*. That position change will become effective when a new Chief is hired.

The change would allow another inspector to focus on difficult areas and areas with the most vessels. Rodger Vignery, former Board Chairman, President of A&V Code Consulting, Inc., was concerned with the Insurance overdues. Chef Andrus said that the insurance overdues will be dropping substantially due to correspondence sent to them explaining that

effective immediately, any boiler or pressure vessel overdue that exceeds 90 days or greater, is subject to an inspection by the state and the responsible party will be billed. The responsible party may re-coop that payment from the insurance company. Board members were interested in knowing the types of violations the state was finding when conducting inspections. Chief Andrus agreed to include that information in his next board report.

3. Progress report on Industrial Training Unlimited's web based continuing education program.

Due to representatives not in attendance, Chief Andrus gave a brief report. The company had some difficulty getting started with the web-base continuing education, although they are now making progress.

4. Update on division review of the UA Welder Certification Program.

Chief Andrus reported that the program is under review. He said that a full report would be on the agenda for the next scheduled board meeting.

IV. COMMUNICATIONS

The progress of the study guide for testing was discussed. Chief Andrus reported the core section for the study guide has been completed. Now, modules are being developed for each boiler class. Chairman McLouth asked that the Class 2 and the Class 3 module study guide be added to the agenda for the next scheduled meeting.

Copies of a boiler explosion in Boardman was distributed, *Exhibit "B"*. The cause of the explosion has not been determined, although the 600 horse Cleaver Brooks boiler was recently converted to an 800 horse. The explosion blew the back door off the boiler, which weights over 4.5 tons.

A discussion on safety issues for Portland Public Schools took place. Chief Andrus said that bars on doors are an alteration to the way the boiler was originally designed to operate. If bars are present, the maintenance department must be notified to have the bars removed under the direction of the Chief Boiler Inspector for the State of Oregon.

V. APPEALS - None

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS

Board approval of proposed draft rules for continuing education for public hearing. *This item was a late submission.*

Manager Simmons said that the Class 5 boiler license has a continuing education requirement due by a certain date. She explained that the proposed rule change removes specific requirements of completion of continuing education that would focus on ASME Sections I and IV, Cast Iron Sectional Boilers and ASME B31.5 Refrigeration Piping.

The 8 hours of division-approved continuing education will still remain. This would allow the 1600 individuals that have not taken a class to complete the requirement by June 1, 2004.

Rodger Vignery, President of A&V Code Consulting, Inc., and Tom Lindberg partner of the corporation, both past Board Chairman of the Board of Boiler Rules, spoke briefly in favor of the proposed rules. Mr. Vignery also mentioned that a change to approving class curriculum and instructors could be approved by the continuing education committee on an on going basis.

Tom Lindberg said that when he brought this issue of specific curriculum requirements to the division, besides the requirement for an 8 hour division-approved continuing education class, it was decided then that time restraints were to much for specific class material.

Mark Stenberg, Local 290, also spoke in favor of the proposed rules. He commented on the flexibility of a continuing education committee able to update new curriculum and approving instructors on an on going basis.

MOTION by Chairman McLouth to support the filing of temporary rules by March 5, 2004, and approve the proposed changes to the rules and allow the division to file permanent rules provided no substantive changes are proposed at hearing.

MOTION CARRIED UNANIMOUSLY

IX. ADJOURNMENT

Chairman Dale McLouth adjourned the meeting at 12:35 p.m.

Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. Overdue Inspection data, *Agenda Item III.C.2.*
- B. Boiler explosion in Boardman, *Agenda Item IV.*

TO OBTAIN COPIES OF EXHIBITS, A PUBLIC RECORD REQUEST MUST BE COMPLETED BY CLICKING ON THE LINK PROVIDED.

<http://www.cbs.state.or.us/external/bcd/pdf/2568.pdf>