

**Final minutes  
State of Oregon**

**Agenda  
Item  
I.D.**

**Board of Boiler Rules**

**Regular meeting minutes  
December 2, 2008**

- Members present:** Mike Bradley, Vice-chairman  
Anthony Barsotti  
Robert Cowling  
Bruce Fellows  
Jon Hooker  
Thomas Perritt  
Edward Pitzrick  
Mark Stenberg
- Members absent:** Dennis Coplin, Chairman  
Vincent Leedy
- Staff present:** Chris Huntington, policy and technical services manager  
Celina Patterson, manager of statewide services  
Liz Browder, field inspection manager  
Jon Hills, enforcement and licensing manager  
Matthew Barber, policy analyst  
David Bassett, special projects coordinator  
Shauna Parker, rules coordinator  
Debi Barnes-Woods, division boards coordinator
- Guests present:** Curt Lundine, Curt Lundine Consulting  
Gary Penkava, HSBIS  
Ken Eshleman, HSBIS  
Russ Burtlett, Travelers Insurance  
David Bacon, FM Global  
Rodger Vignery, A&V Code Consulting, Inc.  
Dale McLouth, past Board of Boiler Rules Chairman  
Steve Ramsing, NW Compressor  
Tim Baker, FM Global  
Martin Powers, CNA Insurance
- I. Board business**
- A. Call to order**  
Vice-chair Mike Bradley called the Board of Boiler Rules meeting to order at 9:30 a.m. The meeting was held at the Building Codes Division, Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.
- B. Roll call**  
Chairman Dennis Coplin and Vincent Leedy were both absent excused.
- C. Approval of amended agenda and order of business**  
Vice-chair Bradley **RULED** the Agenda approved.

- D. Approval of the regular board meeting minutes of September 9, 2008**  
Vice-chair Bradley **RULED** the regular meeting minutes of September 9, 2008 approved.
- E. Date of the next regularly scheduled meeting**  
March 3, 2009
- F. Review of 2009 board meeting dates**

## **II. Public comment**

Steve Ramsey, owner of Northwest Compressor, improperly installed a vessel without a permit. Mr. Ramsey admitted to the violation and said the company corrected the issue and was willing to pay the civil penalty. When receiving a call from a division enforcement officer concerning the overdue payment of penalty, Mr. Ramsey said that he was put off by how he was treated. Although the enforcement officer offered to reduce the \$1000 civil penalty to \$250 as a first time violator, Mr. Ramsey said he felt he was not being treated properly or dealt with reasonably. He stated that this may create an atmosphere of individuals trying to work around the system.

Vice-chair Bradley noted that it is important to keep in communication with the Chief Boiler Inspector [Mike Graham](#) when issues like this come up.

Curt Lundine, Curt Lundine Consulting, recently taught an approved continuing education class in Clackmas County. While taking his students to an on-site boiler room, Mr. Lundine discovered that the boiler did not meet CSD-1. The boiler was a Section 4 Gas-Fired Heating Boiler that had been recently inspected upon installation by a Deputy Inspector. Mr. Lundine noted that the inspection form indicated that the boiler met CSD-1 requirements. Mr. Lundine said that the boiler was inspected by a special inspector with no comments made to the violations. He added that "the level of service from the boiler program at the division has been steadily declining." Mr. Lundine noted that several positions are vacant in the boiler program, which are not being filled because Mr. Lundine said, "no one wants to work for the State of Oregon." He said that necessary changes need to occur to hire boiler inspectors.

Board member Tom Perritt agreed with Mr. Lundine. Mr. Perritt said that only one boiler inspector has been hired at the division in eight years. He said he has been told that other vacant positions need to be filled at the division.

Mr. Lundine said, "The division previously would find individuals and train them, get them their commissions, and make inspectors out of them." Mr. Lundine asked specifically why that was not happening now.

## **III. Reports**

### **A.B. Building Codes Division report**

Manager of Policy and Technical Services [Chris Huntington](#) discussed what was contained in the pamphlet of information, "[BCD Update](#)." He referred to the document, "Summary of Rulemaking and other projects." He noted that the boiler and pressure vessel inspection frequency rules, boiler alternate methods and data report rules, boiler international standards, and board penalty matrix rules would

all become effective January 1, 2009.

Manager Huntington discussed green buildings. He noted that buildings are responsible for approximately 48 percent of the annual energy consumption and greenhouse gas emissions in the United States. The Governor has proposed a bold initiative to improve the energy efficiency in buildings. The goal is for new buildings to have net zero energy consumption by the year 2030. Legislation has been introduced to require that, between now and the year 2012, commercial structures be 30 percent more energy efficient than current standards. This would be the first step in creating a schedule between the years 2012 and 2030 to meet the goal of zero emissions in commercial, as well as residential buildings.

Manager Huntington noted that the division would be sending out an E-mail asking for individuals that are interested in participating in an energy efficiency group.

Note: Because of legislative session, it is important to follow [public officials contact guidelines](#).

Manager Huntington briefly discussed the legislative concept the division is putting forward that is currently in legislative counsel. He noted that this bill would resolve some fiscal issues related to the boiler program by raising over-all permit fees by 30-percent, establishing a flat rate for boiler installation fees, and it would lead into a two-year billing cycle tying the inspection cycle to the operating permit cycle.

#### **C. Enforcement cases**

Enforcement and Licensing Manager [Jon Hills](#) addressed the issue discussed under public comment by Mr. Ramsey. Manager Hills noted that Mr. Ramsey's concerns would be discussed with the enforcement staff.

**Staff changes within the section:** Robert Salinas, enforcement and licensing assistant manager has taken a position with the Department of Human Services. Heath Lawson, enforcement officer, has taken a position with the Office of Administrative Hearings as an Administrative Law Judge. Tom Nicolai has been on a job rotation for the section and now has been hired permanently as an enforcement officer.

Manager Hills reported on the October multi-agency enforcement sweep. 49 sites were visited in Salem and the surrounding area. He noted the sweep resulted in 4-open investigations.

#### **Licensing suspension for Buzz Mechanical, Inc.:**

Manager Hills explained that the company was issued a \$1000 civil penalty in 2007. Payment is still outstanding and payment arrangements have not been made. The division has made several attempts to contact Buzz Mechanical, Inc., prior to licensing suspension.

#### **D. Summary of enforcement actions previously taken by the division for cases 1 through 5, outlined on the enforcement board report (No board action required)**

Correction to the summary report as follows: Case #2008-0106, date of violation was December 2007.

Vice-chair Mike Bradley discussed Case #2008-0070 Phi Gamma Delta Fraternity. He asked that because of the recent boiler explosion in Corvallis at another fraternity, if additional measures need to be taken to prevent a serious incident. This case was cited for not having valid operating permits. Vice-chair Bradley understood that some of these fraternities are privately owned and are not inspected by the state, although he felt it was worthy of additional steps to insure safety.

Tim Baker, FM Global, understood that the fire chief for that community is checking all operating permits for fraternity houses, he reminded listeners that just because a permit is posted, it does not mean that the boiler is not due for an inspection. It just means that the permit has been paid for.

Mark Stenberg suggested that a quick solution would be to include the inspection date on the permit at the time of purchase.

#### **C. Program update**

Manager of Statewide Services Celina Patterson addressed the boiler explosion issue that was briefly discussed under enforcement. The explosion occurred at a fraternity house at a university located in Corvallis. Chief Graham is currently at the site investigating with Hartford Insurance, RVSI Insurance, and the local officials. Chief Graham will make a report at the next scheduled board meeting.

Mark Stenberg suggested that the board, through the division, send an official letter to universities notifying them of the explosion at a fraternity house and requesting them to take extra safety precautions.

Manager Patterson also addressed the issue discussed earlier concerning the vacancies in the boiler program. There are 3 open vacancies in the program. One individual was hired recently, although at the last minute the individual had to decline the position due to personal reasons. Those vacancies are due to expire. The division plans on a different approach to getting qualified individuals to apply. Once the vacancies are re-opened and announced, an individual could qualify by either having an existing National Board Commission, or by having 5 years experience as a high-pressure boiler operator, or 5 years experience in the construction of boilers, or 5 years experience in the installation of boilers or any combination of experience listed. The individual would need to be able to pass the national board test within 6 months.

Mark Stenberg promised to have two qualified individuals submit applications by the end of the week.

#### **IV. Communications - None**

#### **V. Appeals – None**

## **VI. Unfinished business**

### **Board review of specialized piping permits program rules**

Manager Patterson reviewed what has happened in previous conversations with the board concerning this agenda item. She reminded the board that as a result of the last legislative session, insurance carriers have to conduct their own installation inspections on boilers at the sites they cover. Legislation also required insurance carriers to inspect the non-boiler external piping. Because insurance carriers do not insure non-boiler external piping, the question was raised who should be responsible for the inspection.

Manager Patterson explained that the proposed rules are an attempt to solve the issue. She reviewed the scope of the proposed rules noting that the proposal is modeled after the current minor label program with some significant changes:

- Contractors must “pre-qualify” before purchasing specialized piping permits; pre-qualification requires contractors to have an O-stamp certificate of authorization and a QC program for non-welded means of pipe attachment or a National Board-issued R-stamp certificate of authorization.
- Contractors must use appropriately licensed installers and ensure that all installations are made to the applicable code.
- At a minimum, one out of five specialized piping permit installations will be inspected, which will be chosen randomly.
- Upon completion of an installation, contractors must affix specialized piping permit tags to the front of the boiler; contractors must also enter specific information about the installation into an on-line division-approved form.
- Inspectors doing boiler installation or periodic inspections will check for specialized piping permits; if a specialized piping installation has been made without a specialized piping permit, the boiler will not pass its installation or periodic inspection.
- When a contractor’s installation fails its specialized piping permit inspection, at least one of the contractor’s other specialized piping installations will also be inspected.

Anthony Barsotti has concerns about how to insure adequate installations with the proposed program. He was specifically concerned with the concept having “fatal flaws” and requiring “legislative, statutory changes”.

Martin Powers, CNA Insurance, said in general that when something is not connected and ready for use, insurance companies are not involved in the inspection.

Ken Harsher, Hartford Steam Boiler, explained that the boiler itself comes as a package unit ready to install, not much to inspect during construction. The piping is different and needs to be inspected during construction prior to firing-up a boiler.

*(Robert Cowling left the meeting at 11:45 a.m. and was not present for the conclusion of this agenda item.)*

Vice-chair Bradley suggested that the contractor's quality control program provide the state with a completed form after each inspection of the non-boiler external piping.

**VI. New business** - None

**VIII. Announcements** - None

**IX. Adjournment**

Vice-chair Bradley adjourned the meeting at noon.

Respectfully transcribed and submitted by,

Debi Barnes-Woods  
Division Boards Coordinator