

# THIS IS A FINAL

## State of Oregon

### OREGON STATE BOILER BOARD

#### Regular Meeting Minutes June 3, 2003

- MEMBERS PRESENT:** Dale McLouth, Chairman  
John Endicott, Vice Chairman  
Dennis Coplin  
William Fernelius  
Steve Nelson  
Thomas Perritt  
John Pyle  
Fred Widman  
Russell Williams
- MEMBERS ABSENT:** Robert Cowling (*excused*)  
Nelson White  
Fred Widman (*excused*)
- STAFF PRESENT:** Mark Long, Administrator of Building Codes Division  
Andrea Simmons, Interim Manager of Policy  
and Technical Services  
Ray Andrus, Chief Boiler Inspector & Board Secretary  
Jim Hanson, Senior Policy Analyst  
Gary Basin, Assistant Manager of Statewide Services  
Clay Rhodes, Assistant Chief Boiler Inspector  
Roseanne Nelson, Interim Manager of Regulatory Services  
Allen Aschim, Chief Compliance Officer  
Louann Rahmig, Rules Coordinator/Recorder  
Richard Baumann, Policy Analyst  
Debi Barnes-Woods, Division Boards Coordinator
- GUESTS PRESENT:** Jerry Lanz, Lanz Boiler  
Rodger Vignery, TCM Corporation  
Ed Pitzrick, Chubb  
Mike Jurkiewicz, Local 290  
Tom Lindberg, Consulting  
Ted Hockaday, Local 140 and 290  
Greg Evanson, Vancouver Welding  
Bertha Kirk, Local 140 SEIU  
Mark Heffy, TIC  
Tim Pollard, Carbonic Systems  
Ken Cropper, Local 140 SEIU  
Tina Jacky, Local 140 SEIU  
Ray Fosnot, Local 140 SEIU  
Mason Young, Local 140 SEIU  
Gary Penkava, HSB-CT

## **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**

Robert Cowling and Fred Widman were absent, (excused). Nelson White was absent, (not excused).

### **I.C. Approval of Agenda and Order of Business**

Before the meeting adjournment, Chairman reserves time to speak.

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

### **I.D. Approval of the Regular Board Meeting Minutes of March 4, 2003.**

Correction to the March 4 meeting minutes was as follows:  
Page 7, last paragraph; delete TLM, insert TCM.

Chairman McLouth **RULED**, regular meeting were minutes approved as amended.

### **I.E. Date of the Next Regularly Scheduled Meeting**

September 9, 2003

## **II. PUBLIC COMMENT**

**Ted Hockaday, Local 140 and 290**, said he has been a member of the local for over 30 years and has worked at Portland public schools for 24 years before retirement. His testimony was related to the training class that was one week in duration that covered boilers and heating systems installed in schools. All maintenance and care of boilers and burners were material covered in class. Originally, the required training was for 40 hours, which was reduced to 24 hours due to budget cuts. Now the training class is 8 hours, which is not enough time to cover safety issues and maintenance.

Chairman McLouth understood Mr. Hockaday's concerns and said that a task force was appointed to investigate and review the issue.

Mr. Hockaday answered a few questions due to his experience with the school district such as; explaining the tier advancement. To become a head custodian, you first started with cleaning the fireboxes and cleaning boiler filters burner tips and punching tubes. He said it was a two-year on the job train period before an individual could become a head custodian. Due to the lack of training, when oil spills occur, the oil is being swept down the floor drains, boilers are not being maintained and with little or no preventative maintenance.

Dennis Coplin said that he had heard that a statewide movement is taking place to change all contracts.

**Ken Cooper, Local 140 SEIU**, heard the same, and tried to attend the seminar sponsored by the Oregon Rehabilitation Association only to find that it was a closed internal training class.

**Tom Lindberg, member of the Electrical and Elevator Board, former member of the Board of Boiler Rules**, said that he has taught classes to the new custodians. Mr. Lindberg said that the syllabus that was outlined for approval was too difficult for the students. Mr. Lindberg taught on basic information.

**Bertha Kirk, Local 140 SEIU**, said that when the keys were distributed to the new custodians contracted through Portland Habilitation Center, the individuals did not know where the keys belonged or how to use them.

**Rodger Vignery, TCM Corporation**, said now that the Board is aware of the problem and appointed a task force to review solutions.

It was brought to the board's attention that all the individuals who testified at the December Board meeting as well as this meeting have over 10 years experience working with boilers at the school district. Steve Nelson said that the issue is not the lack of training, it is the lack of qualified experience. Sending monies on training for individuals who do not plan to make the custodial job a career, will not solve the problem at hand.

John Pyle felt that before school is back in session following summer vacation, action should be taken. Dennis Coplin agreed and suggested that the Board make a request to Portland Public School District for an outline of steps taken to rectify the issue at the September Board meeting. Chairman McLouth reminded the Board of the duties the newly appointed task force is faced with.

Chairman McLouth suggested that the Division develop a video tape showing the results of a mismanaged or improperly maintained boiler for the Portland Public School District Board members. Chairman McLouth also questioned whether safety records are kept.

End of discussion for the Portland Public School District.

**Tim Pollard, Carbonic Systems, Inc.**, distributed copies of a letter, *Exhibit "A"*, submitted to the Chief Boiler Inspector asking for a complete exemption for bulk CO<sub>2</sub> pressure vessels. Clay Rhodes, Assistant Chief Boiler Inspector, expressed his concern with the discharge piping being a plastic tube doing 400 PSI. Chief Andrus stated that anything over 1500 PSI is a regulated vessel. Due to some safety concerns, the board did not feel comfortable with making a decision about the vessels without a trawl view of the handout. Chairman McLouth informed Mr. Pollard that the Board would take the CO<sub>2</sub> vessels under advisement.

*(Break)*

### III. REPORTS

Roseanne Nelson, Interim Manager of Regulatory Services gave a brief report on boiler compliance. As of the end of May, the Division received 463 compliance cases. Out of those cases, 52 cases are boiler violations. Once the case is received at the Division, she reported it takes four to five months for the cases to be finalized.

#### A. Compliance Cases – Roseanne Nelson and Allen Aschim

1. **Repeat Violator, Total Mechanical, Inc.**, was in violation of making an installation of high pressure valves without a pressure system alteration permit. A previous violation with a consent order in March 2000 was noted. The division recommended approval of a default order. Manager Nelson added that the company refused to sign a served stipulated order. They did not agree with conditions of the order, such as the Division having the right to review the company's records. Instead, the company paid the full amount of the penalty. Chief Aschim said that the company has been notified of the next step if another violation were to occur. That step would be that the company may lose their license.

**MOTION by Chairman McLouth** to adopt Division recommendation for approval of the default order.  
**MOTION CARRIED UNANIMOUSLY**

Chief Aschim gave detailed information of the previous violations that could lead into a license revocation due to the three violations.

Chairman McLouth asked whether, since Total Mechanical has legal representation, the Division should have a lawyer discussing the matter. Manager Simmons explained the Division has legal representation, which is the Attorney General, although Manager Nelson and Chief Aschim represents the Division in this matter. Chief Aschim offered to contact the company's legal representation again to ensure that the information is conveyed to the company that they may lose their license.

Manager Simmons offered to assist the compliance staff by reviewing the case file, coming up with resolutions and reporting back to the Board.

**MOTION by Chairman McLouth** to begin proceedings to suspend the company's license pending contact from Division's with additional findings following connect with the attorney for Total Mechanical, Inc. to explain that the next step may be to revoke the company's license if another violation occurs.  
**MOTION CARRIED UNANIMOUSLY**

- B. **Summary of compliance actions previously taken by the division for cases III.b.1 through 10. (No board action required)**  
There was no discussion for this agenda item.

**C. Staff Report**

**1. Task Group Update – Gary Basin** (This discussion was combined with item 3 Owner Installation Update)

**2. Overdue Inspection Update – Gary Basin**

Mr. Basin reported that in 2001 the Board expressed their concerns with the amount of overdue inspections conveyed. Actions were taken based on Board direction. One action was to formulate a work group to address the overdues. As a result of those meetings, an on-line interactive inspection program data base was developed. Once completed, inspectors will be updating the data base as the inspection is finalized.

**3. Owner Installation Update – Gary Basin**

At the May 2, 2003, Special Teleconferencing Board meeting, the Division was directed to establish a work group to gather information pertaining to minimum maintenance standards. The Boiler Pressure/Vessel Safety Improvement work group was formed. The individuals contacted were those representing the Boiler industry, Board members, insurance inspectors, health care industry, school districts and higher education facilities. The first meeting is scheduled for Thursday, June 5, 2003, 9 a.m., in the Division's conference room "A." Boiler maintenance standards, boiler operator standards, installation alteration repair safety standards will be discussed. Addressing concerns with safety and determining current authority under Statute and the Administrative Rules will be part of the discussion.

**4. Update on maintenance of boilers – Ray Andrus**

Chief Andrus reported on the findings following review of the Portland Public School District incidences with boilers. Chief Andrus said that on December 12, 2002, Beaumont Middle School suffered a low-water dry-fire incident. Chubb inspector, Ed Pitzrick and Deputy inspector, Mike Butters conducted a trawl internal investigation and inspection of the site. The findings were mechanical. Failure of a low water switch was detected. The failure could not have been avoided. Chief Andrus added that in January 2003, the boiler program received letters of concern regarding operation and maintenance of boilers in various locations within Portland Public School District. As a result of those letters, the Chief contacted the insurance company for a review of reported fuel oil leaks, black smoke from stacks, overfeeding the boilers with feed water, hot and cold room complaints and a lack of training of the current custodial staff in the various locations. The insurance company conducted an investigation of six schools with the findings:

- Maintenance was adequate.
- Safety controls in testing met code requirements.
- Housekeeping was adequate in four out of the six locations.
- Custodial day-to-day operation proficiency was adequate in two locations; four locations received a recommendation for further training.

Following the investigation, the insurance company met with Portland Public School representatives to review the results. Changes were made and the overall results from the insurance company was that, "The school district has setup controls to insure the contractor's obligations will be followed."

The state boiler program sent five deputy inspectors to investigate 10 schools in the Portland school district, unannounced. The inspection results were as follows:

- All boiler rooms were in satisfactory condition.
- All boiler controls were functioning as designed.
- Custodial day-to-day operation proficiency was adequate.
- Custodial checklists were completed and up-to-date.
- All custodians had received additional training.
- All custodians had contact numbers for maintenance and knew whom to contact if problems occurred.
- All custodians were able to communicate a boiler shut down if an emergency occurred.

Items that needed further attention were as follows:

- Oily rags were found in plastic buckets rather than in the proper containers in two of the 10 schools inspected.
- A leaky oil fuel pump in one of the 10 schools inspected.
- Water found around the condensation tank system in one of the 10 schools inspected.
- Permits were posted in the office and not in the boiler room in one of the 10 schools inspected.

**Mason Young, Local 140 SEIU**, asked whether the school district or the Division chose the schools that were inspected. Chief Andrus' answered was that the Division randomly solicited the schools through the computer with having no notice of the inspections.

#### **5. Legislative update**

Mark Long, Administrator of Building Codes Division, distributed copies of, *Exhibit "B,"* Proposed Legislation. The document contained bills the Division was tracking. (<http://www.oregonbcd.org/whatsnew/legis.html>)

**SB 198** is the Division's bill that has passed. It will give the compliance section another tool to revoke or suspend those licensed individuals or businesses that do not have a CCB registration.

**HB 2564** has passed. legislation. It will allow the Division to create a single contractor/owner license so businesses can apply on one application form, pay one fee, and have one renewal date.

**HB 2627** if passed, would require an electrical contractor's license to advertise as a business to perform electrical installations. The bill has passed the House and is on the Senate side, waiting for additional provisions to be added.

**SB 710** if passed, would creates assistant regional chiefs in areas located throughout the state to establish consistency and uniformity with application to code, and to assist with compliance issues.

**SB 711, SB 713, SB 714, and SB 715** have passed Legislature and are on the Governor's desk for signature. These bills will provide alternatives for rapid permit approvals for industrial sites; increase efficiency by utilizing new technologies; facilitate construction; and contribute to economic development efforts.

HB 3460 would restructure the Building Codes Structures Board and create a Residential Board consisting of nine members, a Mechanical Board consisting of nine members and sunset the Tri-County Building Industry Service Board, as well as creating a low-rise residential code broader than the One –and Two-Family Dwelling Code.

Administrator Long noted that the Division's budget has passed through the House and subcommittee. The Division was concerned with the progress of the fee bill. The bill focused on three areas, (1) the legislative-directed fees, (2) the customer-requested fees, and (3) the operation fees. Administrator Long said the Division will be moving toward a more activity-based budget structure that would identify revenue sources.

The statewide code interpretation process was discussed and how it would be implemented. Items of concern, such as interpretation questions, and getting direction when issues arise with inspectors, will be handled through the newly formed Sanctions Review Advisory Committee.

An ongoing effort of improving the current process for compliance enforcement will be a continued focus.

The Board was advised that the Division's current computer system for licensing has the capability of performing its functions for two more years. The Division will be looking into purchasing a new system, or a canned system to interact with the web by getting information to licensed individuals in a more efficient manner.

Chairman McLouth expressed his appreciation to the Board members for their on going efforts to make a difference in the state of the economy by not submitting travel expense forms and requesting per diem for each Board meeting.

**IV. COMMUNICATIONS** - None

**V. APPEALS** - None

**VI. UNFINISHED BUSINESS** - None

**VII. NEW BUSINESS** - None

**IX. ADJOURNMENT**

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

Debi Barnes-Woods  
Division Boards Coordinator/Recorder

*Exhibits:*

- A. Letter to Ray Andrus from Carbonic Systems Incorporated”, *Agenda Item II.*
- B. Proposed legislation report, *Agenda Item III.C.5.*

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COMPLETED BY CLICKING ON THE LINK PROVIDED.**

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