

State of Oregon

OREGON STATE BOILER BOARD

Regular Meeting Minutes

December 4, 2001

- MEMBERS PRESENT:** Rodger Vignery, Chairman
Dale McLouth, Vice Chairman
Robert Cowling
John Endicott
Stephen Frantz
Michael Gibson *(arrived at 9:40 a.m.)*
Steve Nelson
Thomas Perritt
John Pyle
Russell Williams
- MEMBERS ABSENT:** Nelson White
- STAFF PRESENT:** Joe Brewer, Administrator BCD
Joan Fraser, Deputy Administrator BCD
Mark Long, Manager of Policy & Technical Services
Ray Andrus, Acting Chief Boiler Inspector & Board Secretary
Andrea Simmons, Senior Policy Advisor
Dana Roberts, Manager of Statewide Services
Louann Rahmig, Rules Coordinator
Brad Morris, Chief Compliance Officer
Mike Ewert, Mechanical/One- and Two-Family Dwelling
Code Specialist
Richard Baumann, Project Coordinator
Clay Rhodes, BCD
Jerry Klug, BCD
Debi Barnes-Woods, Division Boards Coordinator
- GUESTS PRESENT:** Ed Pitzrick, Chubb
Lynn Mills, Kineties
Jim Stewart, IDT
John Caul, State Fire Marshal's Office
Alan Vanatta, Purity Systems Inc.
Pete Schriener, Kinetics
Larry Lanz, Lanz Boilers
Tom Lindberg, International Union of Operating Engineers
(IUOE) Local 701
Ron Green, Temp Control Mech.
Tony Ciapanno, PGE/EIRON
Al Lajimodiere, City of Gresham
Bonnie Garibey, Intel
Ron Staub, IDT
Mike Garside, Intel
Ed Coghlan, LSI LOGIC

I. BOARD BUSINESS

I.A. Call to Order

Chairman Rodger Vignery 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

Nelson White was absent, (Not excused). Michael Gibson was not present during roll call, although arrived at 9:40 a.m.

I.C. Approval of Agenda and Order of Business

Addition to the Agenda new Item III.H. – Dana Roberts

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

I.D. Approval of the September 11, 2001 Minutes

Chairman Vignery **RULED** the minutes approved as submitted.

I.E. Date of the Next Regularly Scheduled Meeting

March 5, 2002

I.F. Approval of the 2002 Board Meeting Dates

Chairman Vignery **RULED** the 2002 Board Meeting Dates approved as submitted.

II. PUBLIC COMMENT - None

III. REPORTS

(Michael Gibson arrived at 9:40 a.m.)

A. Compliance Cases – Brad Morris and Roseanne Nelson Withdrawal

- 1. Precision Refrigeration Inc., case 2000-0329**
- 2. Precision Refrigeration Inc., case 2000-0392**
- 3. Precision Refrigeration Inc., case 2000-0403**

Chief Morris stated that during the investigations, it was found that Wescold completed the installations therefore was responsible for obtaining the permits. The division withdrew the charges against Precision Refrigeration Inc.

Board member Thomas Perritt said that Precision Refrigeration had previous violations without obtaining permits with the board issuing a default order. With case 2000-0329 still no permits, he asked that once an individual is default, could they default again without paying the penalty.

Chief Morris explained that the respondent was charged for these three cases as a repeat violator. The proposed penalty was increased from \$500 to \$1,000, with the respondent entering into the provisions of a consent order with the board rejecting that order. The respondent then requested a hearing.

Chairman Vignery expressed his concerns with a corporation conducting business in this manner to avoid accountability. Chairman added that Precision Refrigeration Inc., has been in business for a number of years and is well aware of the rules and laws.

Andrea Simmons, Senior Policy Advisor, suggested the board write a letter to Precision Refrigeration Inc., stating what the rules are so that in the future, there would not be questions or statements indicating that they were unaware of rule and law.

Default Orders

4. **S&J Heating and Air Conditioning, Inc.**, has been found in violation, assessed \$1,500 civil penalty and has been served an order of corrective action.
5. **Pacific Plumbing Inc.**, was assessed a \$3,000 civil penalty for making an installation without a business license or permit. There was no discussion from board members concerning this case.

B. Summary report of compliance actions previously taken by the division. (No Board action required) Cases previously list.

Board member John Endicott questioned case III.B.2. Interstate Mechanical, Inc., assessment of a civil penalty for making an installation without a permit. He said that in the September 7, 1999, meeting, Interstate Mechanical, Inc., was assessed \$9,000 for nine separate violations with \$5,000 stayed for three years and waived if no intervening violations occurred. His question was, will that amount now kick in since this recent violation?

Chief Morris pulled the case from the compliance report and stated that a mistake was made on the penalty. The respondent was a repeat violator and the assessed penalty should be \$2,000. An agreement was signed in error, although a notice could be issued to collect the \$5,000 that was stayed on the previous order.

III.C. Pressure Vessel Inspector Training

Acting Chief Boiler Inspector, Ray Andrus stated that the pressure vessel inspectors have been entered into the training program that was addressed at the last board meeting. Their training will be documented for permanent record as to the type of training they are receiving.

(Agenda Item III.E. heard before III.D.)

III.E. B31.5 Task Group – Rodger Vignery

Chairman Vignery briefly summarized the intent of B31.5. The refrigeration systems under 2.5 inches and seeking the authority for the mechanical department with a requirement as follows: OAR 918-440-0015(a) **Section IX, Welding and Brazing Qualifications** of the **ASME Boiler and Pressure Vessel Code**; or (b) **AWS B2.2, Standard for Brazing Procedure and Performance Qualification**. Chairman added that there has been a lot of confusion concerning the training programs and hoped to have that issue resolved during the board meeting.

John Endicott said that there were concerns that some of the independent agencies that were training for the B31.5 certification were not training up to the requirement. A method of consistent training was being recommended throughout the state.

Mark Long, Manager of Policy and Technical Services said that the findings from the division were that through the training and certification system that had been setup through another entity, not all individuals were being trained to all the different types of welding procedures that are available. Some of the follow-up procedures with the contractors have not occurred according to the full requirements of B31.5.

A proposed training concept (**Exhibit “B”**) was introduced and distributed. Once the concept is reviewed and approved by the Acting Chief Boiler Inspector, the intent is to make the concept available to all individuals who request it.

Chairman asked the board for objections on bringing the concept forward by allowing Acting Chief Boiler Inspector, Ray Andrus, Manager Mark Long and Board Member Representing Local 290, John Endicott, to review and approve the training concept for the State of Oregon. There were no objections.

III.D. B31.3 Task Group – Rodger Vignery

Chairman Rodger Vignery explained that B31.3 and B31.5 are codes that have already been adopted in the state. He said that a task force group was formed to discuss rules. Copies of a complete packet of all meeting minutes (**Exhibit “A”**) were distributed.

Manager Long summarized the discussion in the packet that was distributed. He said that there were seven task force meetings which then broke up into subcommittees. The goal of the task force and the subcommittees were to arrive with a consensus document. Manager Long asked the board's support in moving forward for rule making on B31.3.

Manager Long reviewed the "Process Piping Concept" that had been prepared and distributed in the packet. The discussion was based on the scope applied to B31.3 *Category M Fluid Service Piping*. This does not apply to maintenance or repair, although alterations would, and it does not apply to tool installs and LP gas.

Installations were discussed concerning the different jurisdictions and contractors being subjected to different standards. It was said that state or local government would not regulate non-hazardous (*Category M*) piping. No additional or new permit system would be created. Local government through the Uniform Mechanical Code and Uniform Fire Code would issue installation permits and be responsible for those elements contained within the mechanical and fire codes.

The Board of Boiler Rules would establish criteria for an inspection program for final acceptance of *Category M piping* where "third party" inspectors approved by the board would be hired by the owner to inspect and approve *Category M Fluid Service* process piping. That "special" inspector would ensure proper use of material and components and that the installation meets the requirements of the code. Permits for process piping and the related mechanical equipment issued through local government officials could not be approved until a satisfactory "special inspection" report was received by the state.

Where licensing was concerned, it was said that during the task force meetings, Class 5 or Class 6 existing licenses should be used as a frame work and incorporate process piping into that type of license.

It was said that OR-OSHA and the Board of Boiler Rules develop an incident notification system in the event of incident or accident.

Manager Long said that there was also a recommendation from the task force that the board work with the state fire marshal's office and others to develop a matrix or streamline the definition of hazardous piping so that the requirements of ASME B31.3 and the fire code do not conflict with each other.

A clear demarcation point needs to be developed to differentiate between building piping and equipment piping.

Chairman Vignery asked if anyone in the audience that had been on the task force or any of the board members have comments on the proposed concept. He went on by asking if the framework from the concept was acceptable.

Board member Michael Gibson asked that when it came to the "third party" inspectors, how would the permits be applied? Chairman Vignery said that there were suggestions on changing the foreman's permit, although that was an area that needed discussion.

Al Lajimodiere, City of Gresham, said that there are other toxic gasses that had not been talked about in the task force meetings, and wanted reassurance that those would be looked at. He also said that he believes that local jurisdictions should play a big part in the permitting process.

Chairman Vignery stressed that the proposed concept was a draft copy, a framework to start with. What is being said today, will be taken into consideration and brought to the board for approval. He also explained that the categories in B31.3 are what has to be used.

Mike Garside, Intel, agreed with the proposed concept and understood that there would be a few areas that will need adjustments. Mr. Garside thanked the board for allowing Intel to be a part of putting the concept together and looked forward to working with the board on developing rules that would be applicable.

MOTION to direct the division to move forward on the rule making process for ASME B31.3.

MOTION CARRIED UNANIMOUSLY

Chairman Rodger Vignery asked if the pleasure of the board was to appoint a new rule advisory committee, or utilize the members from the task force.

Endicott said that the task force had spent a lot of time and effort working on the process and should be asked to formulate the rule advisory committee.

It was suggested that individuals representing the state fire marshal's office and the hi-tech industry serve on the committee as well.

There was no objection to the additions to the new rule advisory committee.

III.F. Boiler Inspector on board for Central Oregon (in paperwork training) – Ray Andrus

Acting Chief Boiler Inspector Ray Andrus, informed the board that Jerry Klug has been hired for the Central Oregon area and was present in the audience. The board welcomed Mr. Klug.

III.G. Current Status of Inspection Backlog

Dana Roberts, Manager of Statewide Services, briefed the board on the boiler inspection backlog. He stated that there has been a tremendous amount of improvement in the state's backlog inspections since reporting to the board in June. He reported an improvement from the insurance side for backlog as well.

(Added to the Agenda III.H.)

III.H. Financial Report – Dana Roberts

Manager Roberts gave a brief report on "Revenue Forecast 01/03 Biennium" (**Exhibit "C"**), copies were distributed.

Manager Roberts reported that the Building Codes Division finished with approximately \$2.7 million in the “checkbook” last biennium for all program areas.

In the second year of last biennium, \$1.4 million was received as a result of the boiler fee increase implemented January 1, 2001. The division is anticipating a \$3 million increase in the boiler program in the new biennium compared to \$2.5 million increase in the previous biennium.

A comparison of revenues and expenditures was discussed. Manager Roberts reported that as long as the revenue continues to come in, the boiler program would remain solvent.

IV. COMMUNICATIONS - None

V. APPEALS - None

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS

Board approve draft rules for hearing on hot water boilers.

MOTION by Tomas Perritt to table the approval of the draft rules for hearing on hot water boilers for board members to review.

MOTION CARRIED UNANIMOUSLY

VIII. ANNOUNCEMENTS – None

IX. ADJOURNMENT

Chairman Rodger Vignery adjourned the meeting at 11:50 a.m.

Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. Copies of all meeting minutes from B31.3 Task Group (Agenda Item III.D.)
- B. A proposed training concept (Agenda Item III.E.)
- C. “Revenue Forecast 01/03 Biennium” (Agenda Item III.H.)