

# ***Council on Boiler Safety***

## ***Meeting Minutes***

April 27, 2017

### **I. Call to order**

Alex Rittberg called to order the regular meeting of the Council on Boiler Safety at 10:04am on April 27, 2017 at Cannon Building, 861 Silver Lake Blvd, Dover, DE 19904.

### **II. Attendees**

The following persons were present: Marj Crofts, Alex Rittberg, Carl Kinney, David Warburton, John Esch, Jenn Vavala, Sara Golladay, Randy Rado, Paul Frank, Tim McGrath, Mark Malatt, Stephen Goslee, Frank Patton, Ralph Smith, Charles Burton, Ray Tolson, Senator Brian Pettyjohn.

Approval of minutes from last meeting

Alex Rittberg distributed the minutes from the last meeting on February 1, 2017. The minutes were approved as read. Carl Kinney made a motion to approve the minutes and they were accepted.

### **III. Council Election**

Alex Rittberg stated that Carl Kinney has been chair person, however his term has expired. Alex stated that since we didn't have three Council members present, we wouldn't officially vote till the next meeting, or via email.

d) List of responsibilities of chair-person was distributed. The Council will discuss the list and vote on a chair person at the next meeting.

### **IV. Discussion of Revisions to Draft Rule Changes Pertaining to Preventative Maintenance, Enforcement, and Carbon Monoxide Detectors**

- a) Amend definition to term "boiler" – Alex Rittberg stated that we wanted to ensure the definition of a boiler covers the exhaust piping connected to the boiler.
- b) Alex Rittberg stated that the Definition of building requiring a carbon monoxide detector in the Boiler Room was amended clarify that it applies to churches and other facilities that provide overnight housing for more than 10 people for more than 30 days per year.

- Marj Crofts shared that the DNREC Office of the Secretary asked if there would be any incident where a private home would have criteria that would fall under these regulations
  - John Esch responded that there would be no instance unless a private home was turned into a bed and breakfast, at that time requirements would change
- c) Alex Rittberg shared that the requirement for the carbon monoxide detector would have the ability to shut down a boiler or water heater if dangerous levels of carbon monoxide were detected only applied to water heaters operated by electronic ignition.
- d) Alex Rittberg stated that the owner required monthly inspections shall be conducted at least 28 days apart
- e) Alex Rittberg clarified that the list of monthly preventative maintenance checks should be applied the minimum that an owner should do, and that the Department would not approve alternate requirements. Owners could still opt to perform additional maintenance activities if they choose to do so.
- f) Alex Rittberg stated that the owner or operator shall remedy any defective condition noted pursuant to 6.12.1 within 30 days of discovery.
- g) There was discussion concerning who and how photographs documenting the condition of the boiler at the time of inspection should be managed. Alex Rittberg stated that Jurisdiction Online can house the photos.
- o Paul Frank stated it should not be the responsibility of the inspector to maintain the photos.
  - o Alex Rittberg stated that DNREC would re-write the draft regulation and clarify that the State system will be the repository for the photos.
  - o If there is a company that does not use Jurisdiction Online, they will need to submit the photos to the state.
- h) Alex Rittberg explained that any person discovering carbon monoxide at levels at 100 ppm or higher, shall immediately call 911 and evacuate the boiler room and that it should be the responsibility of emergency response

personnel to investigate and evacuate any apartments that may potentially be affected.

- i) Alex Rittberg explained that the changes made in Section 9.3 were meant to give inspectors authority to tag out a system that presents an imminent danger to human health.
- j) Section 3 Amend 7403B: language was added at the request of local governments so they can adopt more stringent rules if they choose to do so.

- Update on Legislation: Marj Crofts stated that DNREC has not received approval from the Governor's Office to move forward. Once approval is received the next step would be to seek sponsorship once we receive the okay. Marj also mentioned that it always helps if people from industry show their support and advocate for the change.

- k) 12.2 Clarification (asked by Paul Frank)

- Do out of state repair shops need a Delaware commission?
- If done at original manufacturer we'd have to accept it (per John Esch)
- Paul Frank stated the way the regulation is currently written the physical work would have to be signed off by Delaware Licensed Inspector
- Alex Rittberg stated that the Department would put language in the regulations to the effect that an "r stamp is required but doesn't have to have a DE commission".

## **V. Review of Regulations related to Pressure Vessels used as Air Cannons**

a) Alex Rittberg explained that pressure vessels used as air cannons are regulated when they are used in a place of public assembly. Alex further explained that only the pressure vessel itself is subject to regulations and that the Department was not looking to expand its authority.

b) Alex Rittberg stated that the Punkin Chunkin Organization raises money for local community, encourage/inspires people to create devices and does a lot of public good for the State of Delaware.

c) Alex Rittberg then explained that all pressure vessels certificates are issued every four years and that pressure vessels used as air cannons that do not have ASME welds are currently required to be hydrostatic tested once every two years. Alex also clarified that the existing regulations allow the inspector, due to operating conditions such as corrosive conditions or lethal service, may require additional inspections or request the certificate be for two years instead of 4years.

e) Alex Rittberg shared concerns with pressure vessels used as air cannons.

- Does wall thickness support maximum allowable working pressure?
- How much internal corrosion has taken place?
- Could cyclic fatigue cause the pressure vessels to fail?
- What are the condition of the welds associated with the pressure vessels?

**f) The Council and the Owners of Pressure Vessels used as Air Cannons then proceeded to discuss their different perspectives on whether changes to the regulations should be made.**

- Doing hydrostatic testing every two years, is that proving anything? (Carl Kinney)
- R stamp is needed on any welding on these vessels. (Dave Warburton, John Esch, Paul Frank)
- Eliminated all DOT tanks from the event (Owner)
- Vessels are not made to be expanded and contracted time after time. Puts a lot of stress on the welds. (John Esch)
- Run oil through the tanks to prevent corrosion. (Owner)
- The heads on the cylinders are designed to a level of safety that should be satisfactory. (Owner)
- Valid concerns on the welds. 1.5 pressure for the hydros may be too much. (Carl Kinney)
- Well within the accepted safety guidelines of these tanks. Is going through anymore rigorous process going to change that? (Owner)

- If you are having rust or pitting inside the tank (John Esch)
- It may reduce your wall thickness and maximum allowable pressure. (Alex Rittberg)
- Alex Rittberg clarified that these potential rule changes may be applied to all pressure vessels associated with air cannons verses those that are considered grandfathered.
- Punkin Chunkin representatives stated there are 30 stakeholders that are not present. (Frank Payton)
- Alex Rittberg replied we will have more meetings to discuss these issues.
- What if owners came up with a preventative maintenance plan? (Carl Kinney)
  - Punkin Chunkin owners stated they have their own safety inspection after DNREC inspects the devices.
  - Frequency could be determined by corrosion rate (Carl Kinney)
  - Some of the welds are rough, you cannot do Radiographic Technology.
  - Paul Frank does not like the term Non-Destructive Examination (NDE). Specify Ultrasonic Technology.
  - Carl Kinney said it should specify in your inspection plan what you plan to use with NDE technologies.
- Owners views on the additional types of testing being suggested:
  - o Sounds expensive
  - o Everything is done out of pocket, trying to give back to the community
  - o We want protection, but we can't afford to do a lot of the testing that you are suggesting
  - o Worry about our protection and our families' protection. They are right there with us.

- We do a lot of safety inspections. Been doing this since 1985. We learn from accidents and move on.
  - A lot of participants would be eliminated from the event.
- Marj Crofts stated that the Department reviews our regulations frequently and sees that we have different options to consider. Marj Crofts clarified that we are asking is what we currently require sufficient, or can the regulations be better? Are they overkill? Our intention is not to shut down Punkin Chunkin
- Owners:
  - We can take photos of inside the tank, submit them
  - Your main concern is the vessel itself. We take this serious. Trying to ensure safety by looking at more aspects of the device. Since 2004, we have worked together (State and Punkin Chunk representatives), and it's been a great relationship, but we want to be able to bring in enough funds for us to continue on.
- Paul Frank: suggested that safety committee from Punkin Chunkin become certified to inspect the pressure vessels. If manufacturer can do their own Penetration Testing, why can't Punkin Chunkin organization be considered manufacturer.
- Brian Pettyjohn stated that the Punkin Chunkin Organization is all about safety. A lot of professionals there with a lot of experience. It's about an event that is safe for everyone involved. A lot of the tools the State is suggesting is expensive. They can move the event to another state. I do not want the event to leave Delaware. Would like to see this committee work with Punkin Chunkin. Do not price them out of what they enjoy doing. Pressure vessels have been fine. There have been no incidents with the pressure vessels.
- Punkin Chunkin: action item - Talk as a board and get back to DNREC on submitting a plan for review.
- Carl Kinney asked whether there could be alternatives to testing at 1.5 times for hydrostatic?

- Annually vs biannually? Carl Kinney suggested that hydrostatic testing be done 90 days prior to use and that the test pressure be consistent with the maximum allowable working pressure of the vessel unless a major alteration is performed and then 1.5 times the MAWP should be done.
- Paul Frank suggested that the Punkin Chunkin Organization submit their safety program document for the Council to Review, and the Council would then advise the Punkin Chunkin Organization, what should be changed.
- Marj Crofts and Alex Rittberg agreed with this approach Alex Rittberg stated that the Path Forward
  - o Have safety plan submitted to Alex in May allowing the Council sufficient time to review the document, and that another meeting would be scheduled in June 2017 to discuss the suggested changes.
  - o Marj Crofts suggested that once the new requirements are worked out that, DNREC and the Punkin Chunkin Organization enter into a letter agreement to ensure the new requirements apply this year's competition.

**VI. Update on Schedule for Promulgating Changes to Boiler Safety Program Rules and Regulations – No discussion**

**VII. Alex Rittberg gave an Update on Database Transition to Jurisdiction Online**

- a) Went live in November 2016
- b) Issuing code violation letters and invoices using JO
- c) Importing historic inspections for DNREC and HSB
- d) Merging locations for objects due to variations in addresses
- e) Bi-weekly calls with Praeses Inc.

**VIII. Adjournment**

Alex Rittberg adjourned the meeting at 12:00pm.

Minutes submitted by: Jennifer Vavala

Minutes approved by: [Name]