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# The Commonwealth of Massachusetts

## Department of Public Safety

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### Minutes

#### Board of Boiler Rules

National Guard Armory, 14 Minuteman Lane, Wellesley, MA 02481

Meeting of May 3, 2012, 9:30 AM

1. Meeting called to order by the Chairman at 9:30 AM, followed by roll call.

#### Board Members Present:

Jay Johnson, Chairman  
Ray Archambault  
Thomas Healy  
Charles Perry  
Ernest Hall

#### Board Members Not Present:

None

#### Guests Present:

Brian Logan, DPS	Tom Stanton, Arise
Ted Carroll, DPS	Glen Robinson, HSB
Francis Bucchiere, DPS	Mike Robillard, Chubb
Don Stats, Travelers	Paul Barra, Liberty Mutual
Steve Sawyer, Travelers	Mike Burge, DPS
Frank Zarrella, Travelers	Pat Kane, DPS
Hector Raymond, CNA	Carrie Torrisi, DPS
John Spizuolo, CAN	Cesar Lastra, DPS
Henry Geryk, DPS	Holly Bartlett, DPS
Leah Francis, Liberty Mutual	

2. Minutes of previous meeting: The minutes from the previous meeting on May 15, 2012, were distributed. *A motion to accept these minutes into record was made by Ernest Hall, seconded by Charlie Perry, and approved by a unanimous vote.*
3. Petitions for inspectional considerations:

- a. University of Massachusetts Dartmouth – Request dated March 21, 2012, for 90 day extension of the inspection requirement for 2 units, MA #71352A and MA #71353. *Motion to approve this request by Ernest Hall, seconded by Ray Archambault; motion passed by unanimous vote.*
  - b. Mt. Tom Generating LLC – Request dated April 26, 2012, for 6 month extension of one unit, MA #034540. *Motion to approve this request by Ernest Hall, seconded by Ray Archambault; motion passed by unanimous vote.*
  - c. Victaulic – Request for code waiver dated April 24, 2012. This matter was discussed briefly by the Board members, who had considered a similar request in the past from a different petitioner; in that case, the Board did not grant variance. *Motion made by Ernest Hall to deny this request, seconded by Charlie Perry, passed by unanimous vote.*
  - d. Greater New Bedford VTHS - Request for variance dated April 30, 2012. Mr. Mark Medeiros was present at this meeting, representing the engineer in charge from GNBVTHS. Inspector Kane was also present at this meeting, and commented that he had reached out to ASHRAE for clarification regarding this specific unit, and was still waiting for a response to his request. *Motion made by Charlie Perry to postpone consideration of this request until ASHRAE determination is made, seconded by Ray Archambault; motion passed by unanimous vote.*
4. Review of CMR: The Chairman introduced this topic, explaining that changes made by the Board since the last meeting will be briefly reviewed. The Board proceeded to review the proposed changes to the regulation. The Chairman read through each item changed in the proposed draft. *(The line-by-line read through of this document has not been included in these minutes; please refer to recording.)*

Following this review, all changes/corrections discussed will be entered, and the regulations will be reviewed once again at the next meeting of the Board of Boiler Rules.

#### 5. Public Comments

- a. Frank Zarella, Travelers: Mr. Zarella asked where the details about the public hearing will be posted, and how far prior to the hearing will this information be posted: The details about the public hearing will be posted on the DPS website approximately three weeks prior, as well as published in the Globe about a month prior to. Caroline Torrisi explained that there are a series of steps that will have to occur prior to public hearing, and that it could be as long as six months from now before the public hearing will take place.
- b. Steve Sawyers, Travelers: Mr. Sawyers asked about specific logistics of the new certificate fee program, and how this information would be published. The Chairman clarified that invoices would not be issued when a certificate-blocking issue exists, and that invoices would be generated once issues have been cleared. Mr. Sawyers asked how DPS plans to accommodate the volume of extension and variance requests that will be received, and if DPS will approach enforcement of outstanding violations. The Chairman replied that there are plans for the DPS inspectors to meet with insurance inspectors to discuss these issues. Brian Logan further explained that DPS inspectors can now issue civil fines, which will provide additional enforcement power. Will the backlog of data entry at DPS be addressed, so that customers are not impacted? The Chairman said that the Department is working with the ‘non-participants’ to resolve this issue.
- c. Glenn Robinson, Hartford Steam Boiler: Mr. Robinson asked if the DPS would be able to assess fines for non-compliance of the new certificate fee program, and if the DPS inspectors would be following up with non-compliers. The Chairman responded that the Department cannot at this time issue fines for non-compliance with the new certificate program; the new fines would only apply if an entity were operating a boiler that is not in compliance with regulations. Will DPS inspectors be following up in cases of non-compliance with the new certificate program? The Chairman pointed

out that the Department does not currently have the manpower to enforce if there are too many incidents, but that the additional revenue generated by the certificate program will hopefully result in an increase in the number of district engineering inspectors on staff.

6. Adjournment – The Chairman proposed that the Board meet next on Thursday, June 7, 2012 at 9:30. Motion made by Ernest Hall, seconded by Ray Archambault, followed by a unanimous vote to adjourn this meeting at 11:15.