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Minutes

**Board of Boiler Rules
Department of Public Safety
50 Maple Street, Milford, MA 01757
Meeting of March 4, 2016, 11:00 AM**

1. Meeting called to order by the Chairman Ed Kawa at 10:00 AM. The Chairman asked that members present identify themselves, and whom they represent as Board members:

Board Members Present:

Edward Kawa, Chairman
Anthony Lucia, Users Group
Charles Perry, Boiler Manufacturers
Leah Francis, Insurance Companies

Board Members Not Present:

Ray Archambault, Operating Engineers

- * The Chairman asked that attendees please identify themselves, and with whom they are affiliated:

Guests Present:

Frank Zarrella, Travelers
Glenn Robinson, HSB
Steve Sawyer, Travelers
Brian Christo, Local 877
Mike Roby, FM Global
Mike Robillard, Chubb
Don Statts, Travelers
Rick Gillis, Liberty Mutual
Bob Trembley, HSB
Tom O'Rourke, NSG Services
John Lawrence, DPS
Mark Sullivan, DPS
Jeff Isabelle, DPS
Steve Lorusso, DPS

Dave Vandal, DPS
Rick Feeney, DPS
Henry Geryk, DPS
Dan Kilburn, DPS
Dave Gosselin, DPS
Brian Logan, DPS
Francis Bucchiere, DPS
Pate Kane, DPS
Allen Boston, DPS
Craig Kimball, DPS
Ben Goss, Waldron Eng.
Stephen Carley, DPS
Cesar Lastra, DPS
Holly Bartlett, DPS

2. Minutes of previous meetings: The minutes from the previous meeting on November 5, 2015, were distributed for review. *Motion to accept these minutes into record made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.*
3. Executive Session Minutes: Stephen Carley addressed the Open Meeting Law requirements for administration of executive session minutes. He explained that the Board has an obligation to review any executive session minutes that still pend being entered into record to determine if the reason for executive session status still exists. In order for the Board to review these minutes as a body, the Board would have to go back into executive session, thus creating another set of minutes that would have to be handled in the same manner. However, the Board has the option of designating a specific individual to conduct these reviews on a regular basis and bring them back to the Board to enter into record only once the reason for the executive session status no longer exists. *Motion made by Anthony Lucia to designate the Chairman, Ed Kawa, as the individual to conduct these reviews as necessary, motion seconded by Leah Francis; motion passed by unanimous vote.*
4. Remote Participation: Stephen Carley addressed the Open Meeting Law option for public bodies to allow remote participation in public meetings. He explained that a remote participant would not be considered when determining if a quorum is present, a quorum of members must be physically present. Action by the Board today would only be to vote whether this Board would allow remote participation to occur at future meetings; specific instances would be decided on an individual basis to determine if the circumstance falls within the Open Meeting Law guidelines regarding acceptable reasons for remote participation. *Motion made by Leah Francis to accept the option of remote participation, seconded by Charlie Perry; motion passed by unanimous vote.*
5. Petitions for inspectional considerations: At the last meeting, upon review of an extension request from Infinity Tapes LLC, the Board questioned whether the subject unit had since been replaced. The Chairman informed the Board that the subject unit has been replaced and inspected by the Department.

The following approved requests for extension of the inspectional requirements were considered to be entered into record:

- a. Kraft Foods, Extension Request dated December 21, 2015, for a 6-month extension of the inspectional requirement for one unit, MA #075359A. *Motion to accept this extension into record made by Leah Francis, seconded by Charlie Perry; motion passed by unanimous vote.*
- b. Chelsea Soldiers Home, Extension Request dated December 7, 2015, for a 90-day extension of the inspectional requirement for one unit, MA #071438. *Motion to accept this extension into record made by Charlie Perry, seconded by Anthony Lucia; motion passed by unanimous vote.*
- c. WestRock Company, Extension Request dated January 14, 2016, for a 30-day extension of the inspectional requirement for one unit, MA #068612. *Motion to accept this extension into record made by Anthony Lucia, seconded by Leah Francis; motion passed by unanimous vote.*
- d. Polyfoam Corporation, Extension Request dated January 15, 2016, for a 5-month extension of the inspectional requirement for two units, MA #S068615 and MA #S058850. *Motion to accept this extension into record made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.*
- e. Bristol-Myers Squibb, Extension Request dated January 9, 2016, for a 6-month extension of the inspectional requirement for one unit, MA # 140255. *Motion to accept this extension into record made by Charlie Perry, seconded by Anthony Lucia; motion passed by unanimous vote.*

- f. Wheelabrator North Andover, Extension Request dated February 1, 2016, for a 5-month extension of the inspectional requirement for one unit, MA #S064279. *Motion to accept this extension into record made by Leah Francis, seconded by Anthony Lucia; motion passed by unanimous vote.*
 - g. Millenium Power, Extension Request dated January 7, 2016, for a 60-day extension of the inspectional requirement for five units, MA #067510, MA #067511, MA #067512, MA #067513, MA #067514. *Motion to accept this extension into record made by Anthony Lucia, seconded by Leah Francis; motion passed by unanimous vote.*
 - h. Wheelabrator Saugus, Extension Request dated February 16, 2016, for a 30-day extension of the inspectional requirement for two units, MA #S022850 and MA #S022715. *Motion to accept this extension into record made by Charlie Perry, seconded by Anthony Lucia; motion passed by unanimous vote.*
6. Variance Request from Waldron/Brigham & Women's Hospital: The Chairman summarized this request as coming from Waldron Engineering requesting variance in response to three Inspection Reports issued by DPS in connection with installation of three boiler units at Brigham and Women's Hospital, 60 Fenwood Road, Boston, MA. Ben Goss from Waldron Engineering & Construction addressed the Board and explained the basis for this request. Mr. Goss explained that the three units are in the basement of a high-rise building. Due to the location of the plant, there is no short and easy routing path for the safety relief vent stacks. As such, the vent stacks have been installed directly through the roof where they exhaust to the atmosphere. Due to the length of this vent stack, a determination was made that installation of a drip pan elbow would likely experience blowback into the space. Because of this risk, a decision was made to install this vent stack utilizing a hard pipe system. DPS Inspector Dave Gosselin then presented response to this request, stating that this variance request is a result of an inspection he performed on November 25. He also explaining that this variance was not submitted prior to the design or construction phases of this plant, and as such Waldron did not perform due diligence pertaining to local regulations prior to construction, and the Department was not contacted concerning matters of local jurisdiction rules pertaining to the construction and installation of the power boilers at this facility. Inspector Gosselin provided further technical detail information regarding this matter. Mr. Goss did respond specifically to the matter of due diligence, to inform the Bureau of steps taken in order to ensure code compliance. The Chairman then asked the DPS Technical Code Coordinator, Cesar Lastra, to address the Board regarding this matter; in concluding his presentation, he recommended that the Board deny this request pending an Accumulation Test in accordance with NBIC-Part 1, 2.9.1.3(e)(1), which would provide a method of assurance that the system is working properly. The Chairman clarified that when Mr. Goss had contacted him after receiving Inspector Gosselin's work orders, he told Mr. Goss to file an appeal/variance. Following further discussion of this matter, the Chairman recommended that the matter be tabled until witnessed lifting of the valves on all three units be performed and documented, and such documentation be provided to the Board for consideration. **Motion made to table this discussion until there is further information to consider made by Anthony Lucia, seconded by Leah Francis; motion passed by unanimous vote.**
7. Refrigeration System Inspection Requirements: The Chairman presented this matter, explaining that this primarily deals with self-contained rooftop refrigeration systems. This Board has frequently received variance requests and other requests for clarification or guidance from the Board on systems installed without a safety relief valve. The Board was presented with an Interpretation Request from the DPS District Engineering Inspectors, referring to 522 CMR 9.02. Following presentation of background, the following two questions were presented:
1. If a refrigeration system has a label or other permanent data plate with the markings required by UL 1993, are the parts of the refrigeration system other than pressure vessels to

which the manufacturer refers to on the label, i.e. the low side and high side equipment such as evaporator coils and condenser coils, etc., deemed to meet the construction requirements sections of 522 CMR 9.02?

2. If a self-contained refrigerating system that is intended to be installed indoors is labeled with markings required by a recognized testing laboratory and inspection agency and the space that houses the system complies with ASHRAE 15-2015, the manufacturer's instructions, and listing of the equipment, is the system deemed to be in compliance with 522 CMR 9.03: Installation?

The Chairman explained that these interpretation questions could be considered and addressed by the Board, and posted on the DPS website for reference. Then, when the regulations come up for review, these interpretations could be considered for future incorporation into the regulation. The Board members agreed. **Motion made by Anthony Lucia to accept both interpretive questions as written, with the answers to both questions being yes, seconded by Charlie Perry; motion passed by unanimous vote.**

8. Matters not reasonably anticipated 48 hours in advance of meeting: None
9. Adjournment – The date of the next regular meeting will be on the first Thursday of May, 2016. ***Motion to adjourn this meeting made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote, meeting adjourned at 11:30AM.***

List of Documents/Exhibits Used at this Meeting

- a. Draft minutes from meeting on November 5, 2015
- b. Extension Request – Kraft Foods
- c. Extension Request – Chelsea Soldiers Home
- d. Extension Request – WestRock Company
- e. Extension Request – Polyfoam Corporation
- f. Extension Request – Bristol-Myer Squibb
- g. Extension Request – Wheelabrator North Andover
- h. Extension Request – Millenium Power
- i. Extension Request – Wheelabrator Saugus
- j. Variance Request dtd 2/29/2016 with attached documents
- k. Documents related to the Variance Request
- l. Letter to Board with attachments submitted by DPS Technical Code Coordinator
- m. Interpretation Request Questions (2)