



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Board of Boiler Rules



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LT. GOVERNOR

DANIEL BENNETT
SECRETARY

P. O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567-3780 Fax: (978) 567-3199

www.mass.gov/dfs

PETER J. OSTROSKY
STATE FIRE MARSHAL

EDWARD S. KAWA JR
CHAIRMAN

Minutes
Board of Boiler Rules
Department of Fire Services
One State Road, Stow, MA 01775
Meeting of November 2, 2017, 10:00 A.M.

1. Meeting called to order by the Chairman, Ed Kawa, at 10:20 A.M. The Chairman explained that this meeting is being held pursuant to M.G.L. Chapter 146 Section 3, which requires that the Board shall hold public hearings annually on the first Thursday of May and November.
2. The Chairman then asked that members present identify themselves, and indicate whom they represent as Board members:

Board Members Present:

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

Board Members Not Present:

None

DFS Staff Present:

Peter Senopoulos, DFS, Board Counsel
 Paul Vigneau, DFS
 Henry Geryk, DFS
 Jeff Isabelle, DFS
 Holly Bartlett, DFS

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

Attendees Present:

Steve Sawyer, Travelers
 Chris Morris, Travelers
 Brian Moore, HSB
 Glenn Robinson, HSB

Mike Roby, FM Global
 Mike Robillard, Chubb
 Tom O'Rourke, NRG Services
 Brian Logan, SEI

3. Minutes from previous meeting: The minutes from the previous meeting held on October 12, 2017, were reviewed. ***Motion to approve the minutes made by Anthony Lucia, seconded by Charles Perry; motion passed by unanimous vote.***
4. Petitions for inspectional considerations: The following requests for extension of the inspectional requirement were entered into record:
 - a. Twin Rivers Technologies, Extension Request dated September 29, 2017, for a 90-day extension of the inspectional requirement for one unit, MA072739A. ***Motion to ratify the approval of this request made by Ray Archambault, seconded by Charles Perry; motion passed by unanimous vote.***
5. Hearing of petitions for change to the Rules pursuant to M.G.L. c. 146, s.3: The Chairman announced that the Board would now consider any proposed changes to the language of 522 CMR. No attendees offered any proposals. ***With no motions presented to the Board, the Chairman closed this hearing.***
6. Board Counsel's guidance regarding Board's regulations on continuing education: In response to request by the Board, Peter Senopoulos, Board Counsel, has written a memo re-affirming the authority of the Board to promulgate rules relative to continuing education. For the benefit of all in attendance, copies of this memo were distributed, and Peter Senopoulos read the memo aloud. He explained that he took into consideration the language of M.G.L. Chapter 146 and 522 CMR, and has concluded that the current regulations regarding continuing education are reasonably within the scope of the Board. Further, he indicated that the State Fire Marshal, as head of DFS has affirmed that the Board has authority over this subject matter due to it's expertize in this subject matter and he has approved the regulation as per M.G.L. c. 146, s. 2.
7. Establishment of Board Committee: The Chairman reminded the Board that a motion had been made to establish a committee of this board to review and make recommendations to the Board for amendments, updates to and interpretations of 522 CMR as directed by the Board. The Board did receive letters of interest in participation. The Chairman recommended to the Board that the following individual be assigned to this committee as indicated:

Anthony Lucia, Committee Chairman	Board Member
Glenn Robinson, Member	HSB
Brian Palmer, Member	FM Global
Doug Smiley, Member	Travelers
Max Greig, Member	Berkshire Power
Thomas O'Rourke, Member	NRG Inc.

Motion to approve these Committee appointments made by Leah Francis, seconded by Charles Perry; motion passed by unanimous vote.

8. Letter from Board to G. Whiting: As discussed at the last meeting on October 12, 2017, a letter has been sent to Mr. George Whiting; copies of this letter were presented to the Board for review. No further action was taken in this matter.
9. Matters not reasonably anticipated: The Chairman asked if anyone had any other matters to be discussed at this meeting; no further matters were addressed.

10. Adjournment: The date of the next regular meeting will be on Thursday, May 3, 2018. ***Motion to adjourn this meeting made by Charles Perry, seconded by Anthony Lucia; motion passed by unanimous vote, meeting adjourned at 10:35 AM.***
11. Reconvene Meeting: ***Motion made by Anthony Lucia at 10:40 AM to re-convene this meeting to take public comment, seconded by Charles Perry; motion passed by unanimous vote.*** The Chairman explained that the meeting is being re-convened to hear public comment regarding changes to 522 CMR:

Thomas O'Rourke presented comment regarding the following proposed changes:

- a. 522 CMR 1.01: Request to add the word 'repair' to the scope contained in this section.
- b. 522 CMR 2.04: Request to add language to include repairs of Boiler External Piping as defined in ASME Section I Power Boilers and ASME B31.1, Part 6, performed under the National Board Inspection Code R Stamp companies.

With no additional comment presented to the Board, ***motion was made by Charlie Perry to close the hearing, seconded by Anthony Lucia; motion passed by unanimous vote.***

The Board briefly discussed the petition presented by Tom O'Rourke. Anthony Lucia asked if this recommendation reflects M.G.L. Chapter 146, which states 'for the construction, installation and inspection of steam boilers'. The Chairman explained that since the NBIC is adopted in its entirety within the regulation, and the NBIC contains a section on repairs, the proposed change to Section 1.01 of 522 CMR would add 'repairs' to the scope of the regulation.

Following brief discussion of these recommendations, ***the Chairman recommended that the proposed changes be referred to the Committee for review, this was seconded by Charlie Perry; motion passed by unanimous vote.***

12. Adjournment: The date of the next regular meeting will be on Thursday, May 3, 2018. ***Motion to adjourn this meeting made by Charles Perry, seconded by Anthony Lucia; motion passed by unanimous vote, meeting adjourned at 10:35 AM.***

List of Documents/Exhibits Used at this Meeting

- a. Minutes from meeting on October 12, 2017
- b. Extension Request – Twin Rivers Technologies
- c. Board Counsel's Memo dtd November 2, 2017, regarding continuing education
- d. Letters of Interest for participation in Board Committee
- e. Letter sent to G. Whiting regarding use of alternative construction standards