



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



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CHAIRMAN

**Minutes**  
**Board of Boiler Rules**  
**Department of Fire Services**  
**One State Road, Stow, MA 01775**  
**Meeting of November 5, 2020**

Meeting called to order by the Chairman, Ed Kawa, at 10:14 A.M. The Chairman opened this meeting of the Board of Boiler Rules, explaining that it is being held in accordance with M.G.L. Chapter 146 Section 3, the Board will be hearing any petitions for changes to 522 CMR, and holding a regular meeting. This meeting is being held online via Webex, and is being recorded. He also explained that individuals joining the meeting were asked if they intended to petition the Board; none said they were. The hearing will remain open for the duration of the meeting, and participants will be asked again at the end of the meeting if anyone would like to petition the Board.

- 1) The Chairman then asked that members present identify themselves, and indicate whom they represent as Board members:

Board Members Present:

Edward Kawa, Chairman  
 Charles Perry, Boiler Manufacturers  
 Anthony Lucia, Operating Engineers  
 Leah Francis, Insurance Companies  
 Max Greig, User Group

*\*The Chairman reminded the Board that all voting will be done by a roll call vote.*

DFS Staff Present:

Glenn Rooney, DFS, Board Counsel	Bob Vasconcelos, DFS
Dan Laperle, DFS	Holly Bartlett, DFS
Allen Boston, DFS	

Attendees Present:

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

Glenn Robinson, HSB

Mike Robillard, Chubb

Chris Fialkowski, FM Global  
Doug Smiley, Travelers  
Philip Bernier, HSB  
Leon Dunham, Liberty Mutual  
Patrick Jennings

Andrew Crear, Lowell General Hospital  
Gerard Lemieux, Lemieux Heating, NBHA  
Matthew Ehrenworth, Blackstone Reg. SD  
John Fernandes, New Bedford Housing Authority  
Tony Chamoun, NRG Services

- 2) Minutes from previous meetings: The minutes from the previous hearing held on October 1, 2020, were reviewed. ***Motion to approve the minutes made by Charles Perry seconded by Anthony Lucia; motion passed by unanimous vote.***
- 3) Hearing of Petitions for Changes to 522 CMR: None
- 4) Petitions for inspectional considerations: The following requests for extension of the inspectional requirement were entered into record:
  - a) MCI Framingham, request dated September 25, 2020, for a 6-month extension of the inspectional requirement for MA054137
  - b) Exelon Corp, Mystic 7, request dated February 18, 2020, for a 2-month extension of the inspectional requirement for MA071443
  - c) Angelica Corporation, request dated February 14, 2020, for a 3-month extension of the inspectional requirement for MA116198
  - d) Nutex Industries, Inc, request dated February 5, 2020, for a 4-month extension of the inspectional requirement for MA073858
  - e) Mount Saint Mary Abbey, request dated January 30, 2020, for a 6-month extension of the inspectional requirement for MAS150697
  - f) Chelsea Soldiers Home, request dated January 7, 2020, for a 3-month extension of the inspectional requirement for MA071484
  - g) Broad Institute, request dated January 7, 2020, for a 5-month extension of the inspectional requirement for MA176961, MA176979 and MA176957
  - h) Norwood Hospital, request dated January 7, 2020, for a 6-month extension of the inspectional requirement for MA063171

***Motion to ratify the approval of these requests made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.***

- 5) 522 Committee, Review of Adopted Codes and Standards: As discussed at the last meeting, a memo has been prepared tasking the 522 Committee with conducting a review of the current editions of the standards adopted in 522 CMR §1.03. DFS staff will forward this memo to the 522 Committee. No action by the Board is needed at this time.
- 6) Request for Clarification: Glenn Robinson, Field Supervisor from HSB, had requested clarification on several questions. These were discussed at the last meeting, and DFS staff has drafted a response to the questions posed. The questions and responses will be read out loud for the record so that any edits/updates can be made.
  - a) Does CSD-1 prevail over ASME IV HG-606?
    - *In addition to the ASME Section IV, the Board has adopted CSD-1 requiring additional controls and safety devices for installation of boilers.*

- b) Are apartments/condominiums considered a “residence” for the purpose of CSD-1 CW-120 applicability?
- *The residential exemption stated in CSD-1 CW-120 is not applicable. The Board considers a residence to be a private residence or an apartment house having fewer than five apartments. The requirement for registration and periodic inspection of boilers is not applicable to those boilers used in private residences.*
- c) 522 CMR 2.04 – If there is evidence of mechanical repairs which are not documented on a BPV-022, does this constitute a certificate blocking condition?
- *The lack of the form itself required by 522 CMR 2.04 would not constitute a certificate blocking violation. A non-certificate blocking violation would be warranted if there is evidence of a repair and it cannot be determined that the repair was documented in accordance with 522 CMR 2.04.*
- d) Does replacement of a safety valve where the replacement safety valve is properly rated, constitute a mechanical repair requiring a BPV-022 form?
- *Replacement of pressure relief valves must be documented in accordance with 522 CMR 2.04.*
- e) CSD-1 Part CG – is it incumbent on the inspector to verify compliance with CG-500? Would this constitute a certificate blocking condition?
- *CSD-1 Part GC 500 Manufacturer’s / Installing contractor’s reporting shall be part of the required maintenance records. If there is no evidence of a manufacturer’s / installing contractor’s report when performing an initial first inspection of the boiler, a certificate blocking violation is warranted.*
- f) CSD-1 Part CM – does the absence of a written maintenance record constitute a certificate blocking condition?
- *The lack of maintenance records required by CSD-1 Part CM would not constitute a certificate blocking violation. A non-certificate blocking violation would be warranted if there is no evidence of the maintenance records being maintained, with a requirement that a program and process be established to maintain the maintenance records.*
- g) CSD-1 Part CM – does DFS intend to address/clarify CM-120 as it relates to ‘qualified individual’ as defined in CG-700?
- *The Board recognizes the definition found in CSD-1, **qualified individual**: a boiler service technician who is engaged in and responsible for installation, replacement, repair, or service of the boiler, fuel-burning system controls, and safety devices and is experienced in such work.*
- h) CSD-1 Part CM – is the fulfillment of CM-130 an acceptable alternative to witnessing the testing of controls & protective devices referenced in NBIC?
- *Evidence of compliance with CSD-1 Part CM-130 shall be an acceptable method to determine compliance with NBIC Part 2 Section 2.2.10.6 Controls*

Anthony Lucia noted that there is a lot of useful information contained in this letter, and asked if this would be posted somewhere for public access. The Chairman explained that the letter would be sent to Mr. Robinson, and that it would also be posted on an Interpretations/FAQ section of the Board of

Boiler Rules page of the DFS website. ***Motion to approve this reply letter as drafted and read made by Leah Francis, seconded by Max Grieg; motion passed by unanimous roll call vote.***

- 7) The Chairman explained that since 522 was last promulgated, new editions of the standards adopted in 1.03 have been published. He asked for a motion to task the 522 Committee conduct a review of the current standards, and report to the Board recommendations. ***Motion to task the 522 Committee with this review/report made by Charlie Perry, seconded by Anthony Lucia; motion passed by unanimous roll call vote.***
  
- 8) Variance Request: New Bedford Housing Authority: The Chairman explained that an inspection performed at 128 Union Street on July 8, 2020. The violation noted on that date was for a secondary low-water cut off on all 22 boilers. These are low-pressure steam boilers. The Chairman acknowledged that John Fernandes, from the NBHA, is in attendance at this meeting, and asked him to address the Board regarding the variance request. Mr. Fernandes, Facilities Director, NBHA, explained that these units are inspected annually by Leon Dunham, and that they are funded by the DHCD in Boston. Replacement of these boilers is currently underway, and there is concern about spending funding to install the secondary low-water cut offs on boilers that are due to be replaced. Mr. Fernandes then asked Gerard Lemieux, a licensed plumber and pipefitter, to address the Board. Mr. Lemieux explained that installation of the secondary cutoffs is expensive, and that CSD-1 CW120 provides exception to this requirement. The Chairman explained that that exception applies to private residences, and that the Board does not consider the NBHA buildings to be exempt. The Chairman asked Mr. Fernandes if he thought the replacement project would be completed by the July 2021 deadline in the violation notice. Mr. Fernandes said he would need to see how long it would take to complete one replacement. Leon Dunham address the Board, stating that the boilers are in good condition, and maintenance has been kept up. The Chairman did confirm that there are no other violations on these boilers, other than the existing violation. Charlie Perry asked for additional information regarding the buildings; the Chairman said that Mr. Fernandes will provide the Board with an assessment regarding the replacement project. ***Motion to table this request until the next meeting made by Anthony Lucia, seconded by Leah Francis; motion passed by unanimous roll call vote.***
  
- 9) Variance Request: Blackstone-Millville Regional School District: A violation was recently issued because there is not a second means of egress IAW NBIC Part I, Section I, 1.6.3. Matthew Ehrenworth from the Blackston-Millville Regional School District addressed the Board regarding the variance request. He explained that during renovations being done last year, the deficiency of a second egress was identified. He went on to explain that installing secondary egress was not part of the scope of the renovation project, and that adding the secondary egress would be prohibitively expensive. DFS did receive correspondence from the local building official confirming that the renovation would not be increasing the BTU capacity of the boiler in that space, and that there was no requirement to add the secondary egress during this modification. Charlie Perry asked for clarification from counsel as to whether this renovation project would be considered new construction. Glenn Rooney responded that the Board could consider what the building official had stated without further consideration. ***Motion to grant this variance request as discussed made by Charlie Perry, seconded by Leah Francis; motion passed by unanimous roll call vote.***
  
- 10) 522 CMR Committee Membership: The Chairman informed the Board that one member of the 522 CMR Committee, Tom O'Rourke, will no longer be participating in the committee. Letters of interest and resumes are being sought from anyone who is interested in serving on this committee. Letter should be submitted to [Holly.bartlett@mass.gov](mailto:Holly.bartlett@mass.gov). Anthony Lucia asked if this process would hold up

the Committee's review of the standards adopted; the Chairman said that it would not, that the Committee would be moving forward with its review.

- 11) Updates from DFS Staff: The Chairman announced that this item would be included on future agendas to update the Board of any happenings with the Boiler and Pressure Vessel Safety Division. He informed the Board that the new online Payment Portal has been deployed, and that payment are now being received via the portal, and that BPV staff would be promoting this new payment option in various ways. He also explained that the next phase of the enhancement project would include a User Portal, where facilities managers would be able to view and print various reports.
- 12) Enhancements to Jurisdiction Online, Public Portal: The Chairman explained that the software we use reporting of invoicing and issuance of certificates is currently being enhanced to include an on-line portal to pay invoices on-line, and a public portal to access equipment lists of locations on record.
- 13) Matters not reasonably anticipated: The Chairman asked the Board if there were any other matters that should be addressed at this time; there were no replies.
- 14) Adjournment: The Chairman explained that the next meeting of the Board is tentatively set for Thursday, December 3. ***Motion to adjourn this meeting made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous roll call vote, meeting adjourned at 11:07 AM.***

#### List of Documents/Exhibits Used at this Meeting

- a. Minutes from meeting on October 1, 2020
- b. Extension Requests:
  - i. MCI Framingham
  - ii. Exelon Corp, Mystic 7
  - iii. Angelica Corporation
  - iv. Nutex Industries, Inc.
  - v. Mount Saint Mary Abbey
  - vi. Chelsea Soldiers Home
  - vii. Broad Institute
  - viii. Norwood Hospital
- c. Memo to 522 CMR Committee
- d. Letter – Reply to Request for Clarification of ASME Section IV and CSD-1
- e. Variance Request – New Bedford Housing Authority
- f. Variance Request – Blackstone-Millville Regional School District