

Board of High Pressure Piping Systems
Meeting Minutes
November 6, 2008
Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, Saint Paul
DLI.CCLDBOARDS@State.MN.US

Members Present:

Jim Andrie
Bob Bastianelli
Mark Geisenhoff
Todd Green (DLI Commissioner's designee)
David Grong
Maureen Hanson
Mark Kincs
Peg Larsen
Vicki Sandberg
Larry Stevens, Jr.

Members Absent:

Therese Bozicevich
Pat Galatz
Larry Jordan

Staff Present:

Wendy Legge
Annette Trnka
John Schultz

Visitors:

Gary Thaden
Matthew Lemke
Ruben Besoner
Bob Graske
Larry Stall
Paul Batsche

I. Call To Order

The meeting was called to order by Chair Larry Stevens at 10:10 a.m.

II. Approval of Meeting Agenda

Stevens stated he would like to add under IV(a)(ii) Unlicensed Individual. Hanson moved to accept the Agenda as amended, seconded by Andrie. The vote was unanimous and the motion passed.

III. Approval of Previous Meeting Minutes

Legge stated there were two amendments she would like to suggest. On page 2, the heading of "~~Resolution to be Considered By Board of High Pressure Piping Systems on October 2, 2008~~" should be removed, as it isn't necessary. Legge also suggested that on page 3, under "ii – SONAR" in the sentence which states the SONAR needs to be "in final form" should be changed to "in closer to final form."

Sandberg moved to approve the Minutes as amended, seconded by Hanson. The vote was unanimous and the motion passed.

IV. Regular Business

A. Minnesota High Pressure Piping Code

- i. SONAR – Stevens stated that the SONAR was getting closer to completion, however, the Repealer section still needed input, particularly from the Licensing Committee, the Ammonia Committee and the Welding Committee. Each one of the sections needs to be reviewed. Legge stated that the last draft of the rules dated 9/18/08 with the 10/2/08 marked changes needs to be looked at. Every single item that is in the Repealer section needs to have explanation of why it is being repealed. Legge stated that she also wanted to point out that on page 13, justification is needed for 5230.5915. Legge stated that in the licensing section of the SONAR, it states what the rule does, rather than why it is needed. For example on page 8 subpart 1 explains the age requirements for applicants, but it also needs to be explained why that age requirement is there. Grong stated that when he received the e-mail from Legge regarding 5230.5915, he wrote a draft which Andrie has reviewed. Grong said he would supply the draft after the meeting's conclusion and will follow it up by sending it electronically.
- ii. Unlicensed individual – Legge stated that Minnesota Statutes, section 326B.93 on licensing, includes the registration requirement, which states that “all unlicensed individuals other than pipefitter apprentices must be registered under subdivision 2b.” Legge stated there is an exception for pipefitter apprentices and the rule, as written, doesn't recognize that exception. On page 3, the draft rule states “no unlicensed individual under the age of 18 shall perform high pressure piping work.” That statement doesn't include the exception for pipefitter apprentices. Legge stated that the proposal for revised language that Green and she worked out is Insert 1 to the draft rules. If this insert is acceptable to the Board, the subparts would then be re-numbered.

Bastianelli made a motion, seconded by Sandberg, to add Insert 1 as a new Subpart 1 to rule 5230.0035. The vote was unanimous and the motion passed.

Legge addressed the Board regarding the status of the rulemaking process. A draft of the SONAR, along with the form signed by the Chair will be submitted to the Governor's office within the next day. The Governor's office then takes three weeks to review the rules, which will be approximately December 1st due to the Thanksgiving Holiday. Legge stated that the goal is to get the rules published by December 22nd. The deadline under statute is (arguably) December 29th and Legge would like the Dual Notice published a week prior to that. The rules will be published if the Administrative Law Judge requires them to be published, otherwise they will be posted to the Board's website. If the notice is published on December 22nd, the end of the comment period would be January 21st. If the notice is published December 29th, the end of the comment period would be January 28th. Legge stated that

before the end of the comment period, there may be a special meeting called if any entities want to seek rule modifications before the comment period ends. For example, the Board of Electricity called a special meeting before the end of the comment period on one of their rulemakings to discuss possible rule modifications in attempt to resolve issues to avoid a hearing. The Board will need to choose a hearing date after February 9th. After discussion by the Board, the date chosen for a potential hearing was February 11, 2009. Legge stated that the Chair and the Commissioner's Designee are listed as witnesses for a hearing, should one be held. Any member of the Board or member of the public is welcome to attend the hearing and testify should they desire. Legge stated that specific Board members may be asked to attend the hearing, depending on what comments are received. For example, if the ammonia rules receive quite a few comments, someone from the Board with ammonia expertise may be asked to attend the hearing.

- B. Licensing – There was no discussion of this topic.
- C. Continuing Education – There was no discussion of this topic.

V. Special Business

- A. Sub Committee Reports
 - i. Ammonia
 - ii. Licensing
 - iii. Bio-Processing
 - iv. Welding –
 - v. Steam – Met before regularly scheduled meeting to approve 9-10-08 Minutes.
- B. Committee membership discussion.

VI. Complaints

There have been no complaints directed to the Board.

VII. Open Forum

There were no requests for Open Forum.

VIII. Board Discussion

Meeting dates for 2009 were discussed. Stevens stated that he would like to schedule quarterly meetings, unless otherwise needed. It was decided to schedule January 15 at 9:30 a.m., and April 9, July 9 and October 8, 2009 at 10:00 a.m. as meeting dates. February 11, 2009 was set as a potential hearing date.

Green stated he received an e-mail from Bruce Badger of IIAR regarding the Board's request for permission to reprint electronically and in printed form the sections of code that reference IIAR's IIAR2-2008 standard. Mr. Badger has concerns and stated that permission is granted for reference only, and their language cannot be revised. Green stated that he doesn't feel

that this weakens the code at all. Legge stated that it is important to have permission so there are no copyright violations.

X. Announcements

A. Next Regularly Scheduled Meeting

- i. January 15 – Minnesota Room, DLI. – 9:30 a.m.
- ii. April 9, 2008 – Minnesota Room, DLI – 10:00 a.m.

XI. Adjournment

A motion was made by Andrie, seconded by Bastianelli, to adjourn the meeting. All voted in favor and the motion passed. The meeting adjourned at 10:39 a.m.

Respectfully Submitted,

Bob Bastianelli

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