

2019 DRAFTING REQUEST

Bill

For: Nancy VanderMeer (608) 266-8366 Drafter: mkunkel
 By: Jesse Secondary Drafters:
 Date: 10/23/2019 May Contact:
 Same as LRB: -5314

Submit via email: YES
 Requester's email: Rep.VanderMeer@legis.wisconsin.gov
 Carbon copy (CC) to: krista.pleviak@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exemption from boiler inspections for chemical recovery boilers; deadline for consideration of requests for boiler inspection extensions and variances

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 12/5/2019	swinder 12/6/2019			
/P1	mkunkel 12/18/2019	swinder 12/18/2019	dwalker 12/6/2019		State
/P2	mkunkel 12/20/2019	swinder 12/23/2019	lparisi 12/18/2019		State
/P3	mkunkel 1/2/2020	csicilia 1/2/2020	mbarman 12/23/2019		State
/P4	mkunkel	swinder	jmurphy		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	1/9/2020	1/9/2020	1/2/2020		
			mbarman 1/9/2020	lparisi 1/9/2020	State


FE Sent For:

at
intro

<END>



Minn. Stat. § 326B.99

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Current through 2019 c. 65 and 2019 SP1 c. 13

Subdivision 1. Inspection required.

Any insurance company insuring boilers and pressure vessels in this state shall inspect each insured boiler or pressure vessel. Within 21 days after the inspection, the insurance company shall file an inspection report with the commissioner. The inspection report shall be on the applicable national board form. The inspection report must indicate who is the properly licensed engineer in charge of the boiler or pressure vessel, including the engineer's license grade, class, and telephone number. Such report shall be made annually for boilers and biennially for pressure vessels and must be submitted in the format required by the department.

Subd. 2. Exemption.

Every boiler or pressure vessel as to which any insurance company authorized to do business in this state has issued a policy of insurance, after the inspection thereof, is exempt from inspection by the department made under sections 326B.95 to 326B.998, except the initial inspection by the department under section 326B.958, subdivision 1, paragraph (b), as long as:

- (1) the boiler or pressure vessel continues to be insured;
- (2) the boiler or pressure vessel continues to be inspected in accordance with the inspection schedule in sections 326B.958 and 326B.96; and
- (3) the person owning or operating the boiler or pressure vessel has an unexpired certificate of registration.

Subd. 3. Notice of insurance coverage.

The insurer shall notify the commissioner in writing of its policy to insure and inspect boilers and pressure vessels at a location within 30 days of the date coverage is provided.

Subd. 4. Notice of discontinued coverage.

The insurer shall notify the commissioner in writing, within 30 days of the effective date, of the discontinuation of insurance coverage of the boilers and pressure vessels at a location. This notice shall show the effective date when the discontinued policy takes effect.

Previous Section

Section 326B.988 - Exceptions

Next Section

Section 326B.992 - VIOLATIONS BY INSPECTORS



SPS 303
341

prelim-draft
by Friday

apply for 6-month extns -

docs
MICH
MINN
IND

(1) chemical recovery boiler.

regmi 24 months, it needs highest rating,
can't be more frequent than 24 months

if apply for 6 month extension

insp exempt - or extension 341.17 (6)

shall no later than 90 days
before the next insp
date

various
from insp
requirements

extension, exempt exclusion from inspect - for ~~boiler~~,
for steam boiler.

(3) (OGAS) no later than 90 days before expirat -
current app, insp period
but not otherwise apply

Kunkel, Mark

From: Kunkel, Mark
Sent: Friday, October 25, 2019 3:43 PM
To: Kunkel, Mark
Subject: FW: Draft instructions

After this issue is resolved, based on Wed.'s meeting, I should prepare a draft that does the following:

1. If a chemical recovery boiler meets the highest rating of an insurer (which needs to be resolved), then inspections can be no more frequent than once every 24 months.
2. For a chemical recovery boiler, if you apply for an 6-month extension (341.17 (6)) or an exception to an inspection (variance under 341.05), then DSPS must act on application no later than 90 days before the next regularly scheduled inspection date.
3. For any boiler, if you apply for an extension, exception, or exclusion (foregoing words are based on DSPS language) from inspection, then DSPS must act no later than 90 days before expiration of current inspection period that otherwise applies.

I think the distinction between 2 and 3 is that 2 applies to chemical recovery boilers and 3 applies to all boilers. However, isn't 2 subsumed under 3? If so, is 2 necessary? However, there are definitely 3-parts to request, as we talked about renumbering 101.17 as 101.17 (1) and created (2) and (3).

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Friday, October 25, 2019 9:54 AM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: RE: Draft instructions

Hi Mark,

Understandable. Thanks for the message. We'll get some thoughts together and get back to you as soon as we can.

Appreciate it.

Jesse

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Friday, October 25, 2019 9:46 AM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: RE: Draft instructions

Jesse:

I hoped to get this draft out today, but I need some clarification on the reference to a boiler have a top rating from an insurer. I have not found any comparable references to rating of boilers in other states.

In addition, it appears that insurers provide coverage for boilers in 3 different ways. First, an insurer might cover a boiler under an all risk policy that does not contain any specific language regarding boilers. Second, an insurer's all risk policy might provide coverage with an endorsement that refers to boilers. Third, an insurer might offer a separate policy that specifically covers boilers and other machinery. However, I haven't found any reference to rating boilers under those different approaches.

I've also learned that some states accept an inspection performed by an insurer, in lieu of one performed by a state agency, but the rating of a boiler does not appear to be relevant to those inspections.

Can you provide me with more information on this issue? For example, it would be helpful to get a cite to a comparable requirement in another state.

Thanks,

--Mark

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 4:03 PM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: RE: Draft instructions

Great. Thanks

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 4:03 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: RE: Draft instructions

Yes – thank you.

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 4:02 PM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: RE: Draft instructions

Hi Mark,

This is what you're looking for, right? ~Jesse

- Currently, chemical recovery boilers are exempt from SPS 341.18(3) which allows a 12-month extension (24 month total) between inspections. Allowing a full 24 months between inspections in cases where the facility has a top rating from the insurer would alleviate this exemption. This approach is currently taken in neighboring states.
- Requiring a longer notice period for whether an extension is granted or not will allow facilities to better plan and manage resources.

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 3:51 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: Draft instructions

Hi Jesse:

Can you email me the part of the handout at today's meeting that referred to insurance rating for boilers?

Thanks,

--Mark

Chapter SPS 341

BOILERS AND PRESSURE VESSELS

Subchapter I — Scope, Definitions and Administration

SPS 341.01	Purpose.
SPS 341.02	Scope.
SPS 341.03	Application.
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SPS 341.08	Fees.
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Subchapter II — Inspections

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Subchapter III — All Installations

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SPS 341.29	Safety controls.
SPS 341.30	Low-water cutoff, water feeder and fusible plug.
SPS 341.31	Boiler blowoff equipment.
SPS 341.32	Pressure gages for air receivers.
SPS 341.33	Protection of vessels supplied through pressure-reducing stations.
SPS 341.34	Portable boilers.
SPS 341.35	Interconnected boilers.
SPS 341.36	Identification of boilers and pressure vessels.
SPS 341.37	Maintenance.
SPS 341.38	Reporting accidents, repairs and alterations.
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Subchapter IV — New Installations

SPS 341.40	Application.
SPS 341.41	Installation registration.

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SPS 341.43	Wisconsin special vessels.
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SPS 341.45	Noncode vessels.
SPS 341.46	Power piping.
SPS 341.47	Multi-boiler installations.
SPS 341.48	Organic- or synthetic-fluid heat-transfer systems.
SPS 341.49	Solid-fuel-fired water-heating appliances.

Subchapter V — Nuclear Power Plants

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SPS 341.54	Installation registration.
SPS 341.55	Periodic inspections.
SPS 341.56	Welded repairs and alterations.
SPS 341.57	Report of incidents.

Subchapter VI — Repairs and Alterations

SPS 341.60	General requirements.
SPS 341.61	General rules for repairs and alterations.
SPS 341.62	Reports and stamping.
SPS 341.63	Riveted repairs.
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Subchapter VII — Secondhand Vessels

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SPS 341.73	Lap seam boilers.
SPS 341.74	Prohibited boilers.
SPS 341.75	Inspection and testing.
SPS 341.76	Installation.

Subchapter VIII — Pressure Vessels in Petroleum Refineries

SPS 341.80	General requirements.
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Subchapter IX — Historical Boilers

SPS 341.90	Application.
SPS 341.91	General requirements.
SPS 341.92	Testing, maintenance and out-of-state boilers.
SPS 341.93	Interruption of inspection cycle.

Note: Chapter ILHR 41 as it existed on February 29, 1988 was repealed and a new chapter ILHR 41 was created effective March 1, 1988. Chapter ILHR 41 was renumbered chapter Comm 41 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, March, 1999, No. 519. Chapter Comm 41 was renumbered chapter SPS 341 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Scope, Definitions and Administration

SPS 341.01 Purpose. Pursuant to ss. 101.02 (15), 101.17 and 101.63, the purpose of this chapter is to protect the health, safety and welfare of the public and employees by establishing minimum standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of boilers, pressure vessels, power piping and solid-fuel-fired water-heating appliances.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. Register, February, 2000, No. 530, eff. 3-1-00; CR 08-028: am. Register November 2008 No. 635, eff. 12-1-08; CR 11-047: am. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.02 Scope. (1) BOILERS AND PRESSURE VESSELS. (a) Except as provided in par. (b), this chapter applies to boilers and piping components associated with boilers, pressure vessels, power piping, and solid-fuel-fired water-heating appliances in use at places of employment, in public buildings and at one- or 2-family dwellings.

Note: The Wisconsin Commercial Building Code (WCBC), chapters SPS 361 to 366, likewise applies this chapter to the installation, alteration and repair of boilers and pressure vessels in public buildings and places of employment. The WCBC may have other requirements relating to the installation, alteration or repair of a boiler or pressure vessel, such as requirements relating to enclosures, location, safety controls,

combustion air, and venting. The *International Mechanical Code*® (IMC) as adopted by reference under the WCBC contains requirements relating to hydronic piping.

Note: Wisconsin Administrative Codes are available at <https://docs.legis.wisconsin.gov/code/prefaces/toc>. Official copies may be obtained for a nominal fee at the Department of Administration, Document Sales and Distribution, 4622 University Avenue, Madison, Wisconsin 53705-2156, telephone 800-DOC-SALES or Contact Through Relay, or at docsales@doa.state.wi.us.

(b) 1. Subchapters V, VIII and IX do not apply to one- or 2-family dwellings.

2. Only subch. VI applies to a pressure vessel in a mechanical refrigeration system.

Note: Chapter SPS 345 contains additional requirements for pressure vessels in mechanical refrigeration systems.

3. This chapter does not apply to the gas systems that are within the scope of ch. SPS 340.

Note: The gas systems addressed in chapter SPS 340 include pressurized vessels and piping for gases that are used for fueling purposes, such as for heating appliances or engines.

(2) OTHER VESSELS. The provisions of this chapter shall apply to vessels used for the storage and transportation of flammable liquids, liquefied petroleum gas, liquefied natural gas, compressed natural gas, anhydrous ammonia and refrigerants, unless these vessels are covered by other Wisconsin administrative codes or federal codes.

Note: See chapters SPS 310 and 314 for related Departmental requirements for storage and transportation of flammable, combustible and hazardous liquids. See chapter SPS 343 for related Departmental requirements for anhydrous ammonia.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. Register, February, 2000, No. 530, eff. 3-1-00; CR 08-028: r. and recr. (1) Register November 2008 No. 635, eff. 12-1-08; CR 10-011: renum. (1) (b) to be (1) (b) 1., cr. (1) (b) 2. Register August 2010 No. 656, eff. 9-1-10; CR 11-047: am. (1) (a), (b) 1., cr. (1) (b) 3. Register May 2012 No. 677, eff. 6-1-12.

(d) Maximum allowable working pressure of 100 psig.

(22) "National Board" means the National Board of Boiler and Pressure Vessel Inspectors.

(23) "NRC" means the United States nuclear regulatory commission.

(24) "Owner or user" means any person, firm or corporation legally responsible for the safe operation of a boiler or pressure vessel, power piping or a solid-fuel-fired water-heating appliance.

(25) "Place of employment" has the meaning given in s. 101.01 (11), Stats.

Note: Under s. 101.01 (11), Stats., "place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently and any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employees for the use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

(26) "Portable boiler" means an internally fired boiler primarily intended for temporary location and whose construction and usage is of a movable nature.

(27) "Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

(28) "Power piping" means any steam piping system beyond the scope of section I of the ASME code and having a maximum allowable working pressure in excess of 15 psig, any hot water piping system beyond the scope of section I of the ASME code and subject to temperatures in excess of 250°F, or any piping system using an organic or synthetic fluid as a heat-transfer media and subject to temperatures in excess of 250°F.

(29) "Pressure vessel" means a container for the containment of pressure, either internal or external. This pressure may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof.

(30) "Public building" has the meaning given in s. 101.01 (12), Stats.

Note: Under s. 101.01 (12), Stats., "public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

(31) "Relief valve" means a pressure-actuated valve which is normally held closed by a spring or other means and which is designed to automatically open enough when needed to prevent internal pressure from exceeding a predetermined level.

Note: A relief valve is used primarily for liquid service.

(32) "Repair" means work and materials necessary to restore a boiler, pressure vessel, power piping or solid-fuel-fired water-heating appliance to a safe operating condition.

(33) "Rupture disk" means a nonmechanical overpressure relief device that releases pressure when its preestablished rating is attained.

(34) "Safety relief valve" means an automatic pressure-actuated relieving device suitable for use either as a safety valve or relief valve, depending upon application.

(35) "Safety valve" means an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full-opening pop action.

Note: A safety valve is used for gas or vapor service.

(36) "Secondhand vessel" means a boiler or pressure vessel that has changed location subsequent to the original installation.

(37) "Solid-fuel-fired water-heating appliance" means atmospherically vented equipment used to heat water by burning solid fuels, for the purpose of providing space or process heat.

(38) "Uniform dwelling code" or "UDC" means chs. SPS 320 to 325.

(39) "Water heater" means a closed vessel in which water is heated by the combustion of fuels, electricity or other energy source, and withdrawn for use external to the system at pressures not exceeding 160 psig, including the apparatus by which heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210°F.

(40) "Welding" means the melting together of filler metal and base metal, or of base metal only, that results in coalescence.

Note: For further explanation of definitions, see the ASME code section VIII, scope and appendix 3.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. (37), Register, February, 1990, No. 410, eff. 3-1-90; am. (29), Register, May, 1994, No. 461, eff. 6-1-94; r. (4), (17), (23), (25), r. and recr. (7), Register, October, 1996, No. 490, eff. 11-1-96; am. (intro.) and (29), Register, February, 2000, No. 530, eff. 3-1-00; CR 05-025: cr. (13m) Register October 2005 No. 598, eff. 11-1-05; CR 08-028: renum. (10) to (22), (26), and (32) to (38) to be (11) to (23), (25), (33) to (38) and (40) and am. (16), cr. (10), (26), (32) and (39) Register November 2008 No. 635, eff. 12-1-08; correction in (7), (9) made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; CR 11-047: am. (intro.), renum. (1) to be (1) (a) and am., cr. (1) (b), (4), am. (6) to (8), (10), r. (11), renum. (12) to be (11), cr. (12), renum. (13), (14) to (18) to be (40), (13) to (17) and am. (40), r. (19), renum. (20) to (24) to be (18) to (22) and am. (19), (21), (22), cr. (23), renum. (25) to (29) to be (24) to (28) and am. (24), (28), r. (30), renum. (31) to (39) to be (29) to (37) and am. (29), (31), (32), (37), cr. (38), renum. (40) to be (39) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.05 Petition for variance. The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. SPS 303. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction, and from any first class city having jurisdiction to enforce this chapter.

Note: Chapter SPS 303 requires the submittal of a petition for variance form (SBD-9890X) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter SPS 303 also requires the Department to process regular petitions within 30 business days and priority petitions within 10 business days.

Note: The Department forms required in this chapter are available for a nominal fee at telephone 800-DOC-SALE or 411 (Telecommunications Relay), or at docsales@doa.state.wi.us, or at no charge at the Department's Web site at www.dps.wi.gov through links to Division of Industry Services forms.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; r. and recr. Register, February, 2000, No. 530, eff. 3-1-00; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 11-047: am. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.06 Penalties. Penalties for violations of this chapter shall be assessed in accordance with s. 101.02 (12) and (13) (a), Stats.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the Department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the Department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the Department will constitute a separate and distinct violation of such order.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. Register, February, 2000, No. 530, eff. 3-1-00; CR 11-047: am. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.07 Appeals. (1) APPEAL OF DEPARTMENT ORDER. Pursuant to s. 101.02 (6) (e), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order.

(2) APPEAL OF LOCAL ORDER. Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with

(3) An insurance company may provide the inspection services specified in this chapter, in lieu of those services being provided by the department or an authorized agent, only if the company meets all of the following conditions:

(a) It is authorized by this state to provide boiler and machinery insurance.

(b) It is actively engaged in writing boiler and machinery insurance for the general public.

(c) It uses only certified inspectors to perform the inspections.

(4) **REPORTING CHANGES.** (a) The certified inspector's employer shall report to the department not later than 30 calendar days after inspection service is started or discontinued on a boiler or pressure vessel. The reason for discontinuing the service shall be given on the report. If the boiler or pressure vessel is installed in a first class city that provides boiler and pressure vessel inspections, the report shall also be provided to the city.

(b) The certified inspector's employer shall report to the department after a boiler or pressure vessel under a service contract becomes inactive or non-existent. Failure to make this report may result in assessment of a fee in accordance with ch. SPS 302.

(5) **COMPLIANCE RESPONSIBILITIES.** (a) 1. The certified inspector shall provide any inspection report describing any non-compliance with this chapter to the owner or user within 5 business days after completing the inspection.

2. The certified inspector shall leave a copy of the inspection report on site if a life-safety violation is indicated.

(b) The owner or user shall correct any aspects that do not comply with applicable requirements of this chapter, within any time period prescribed by the certified inspector or the department.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. (1) (intro.), (2), Register, October, 1996, No. 490, eff. 11-1-96; cr. (3), Register, February, 2000, No. 530, eff. 3-1-00; CR 05-025: renum. (3) to be (3) (a), cr. (3) (b) Register October 2005 No. 598, eff. 11-1-05; correction in (3) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 11-047: am. (1) (intro.), (a), renum. (3) to be (4) and am., cr. (3), (5) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.16 Installation inspections. (1) BOILER AND PRESSURE VESSEL INSPECTIONS. (a) 1. Except as provided in par. (b), boilers and pressure vessels shall be inspected by a certified inspector before they are placed in operation.

2. Inspections under this section shall be conducted in accordance with the NBIC.

3. Inspections under this section where equipment is installed under ASME CSD-1 shall include verification of whether all of the following are available:

a. The manufacturer's instructions that are required in ASME CSD-1 sections CG-430 and 510 (c).

b. The manufacturer's and contractor's reports that are required in ASME CSD-1 sections CG-510 (a) and (b).

c. The operator's checklist that is required in ASME CSD-1 section CM-130.

Note: See section SPS 341.41 for installation registration requirements.

(b) 1. The inspections specified in par. (a) are not required for boilers and pressure vessels exempted from periodic inspections in s. SPS 341.18 (1) (a) and (c) to (n).

2. Installation inspections for boilers and pressure vessels installed at one- and two-family dwellings shall be performed by the municipality in accordance with local ordinances or by the registered Uniform Dwelling Code (UDC) inspection agency administering and enforcing the UDC.

(c) Where the boilers or pressure vessels specified in par. (a) are installed in a first class city and inspections are made by the city, the city shall keep a record of the inspections and shall submit a copy to the department.

(d) Where the inspections specified in par. (a) are performed by a certified inspector other than a department inspector, the certified inspector shall file an inspection report with the department and shall affix the Wisconsin registration number as required in s. SPS 341.36. The inspection report shall be filed with the depart-

ment within 30 calendar days after completion of the boiler or pressure vessel installation. If the report is not filed within the 30-day period, the department shall perform the inspection.

(e) 1. Except as provided in subd. 2., reports of required installation inspections shall be sent to the department in accordance with the department's electronic data interchange transfer guidelines, within 5 business days after completing the inspection, unless additional time is authorized by the department.

Note: The Department will provide assistance at no charge regarding the use of the electronic data interchange system. The guidelines are available at the Department's Web site at www.dsps.wi.gov/sb/docs/sb-BoilerEdiGuidelines.pdf.

2. a. The department's 10663-E inspection form may be used in lieu of the electronic data interchange system where approved in advance by the department.

b. No reports to the department are required for the inspections performed under par. (b) 2.

Note: The Department forms required in this chapter are available for a nominal fee at telephone 800-DOC-SALE or 411 (Telecommunications Relay), or at doc-sales@doa.state.wi.us, or at no charge at the Department's Web site at www.dsps.wi.gov through links to Division of Industry Services forms.

(2) **POWER PIPING INSPECTIONS.** (a) Except as provided in par. (b), all power piping systems not covered by ASME code section I and required to be constructed in accordance with ASME B31.1, shall receive an installation inspection by the department or authorized agent or a certified inspector.

(b) The inspections specified in par. (a) are not required for any of the following:

1. Power piping of 2 inches nominal pipe size and smaller.

2. Power piping replacements, modifications and alterations to existing systems and for new installations, any of which do not exceed 50 feet in length.

3. Underground power piping systems that are not located in a walk-in tunnel.

(c) The installer shall notify the department or authorized agent or a certified inspector prior to the start of construction of the power piping system so that inspections may be arranged. The department or authorized agent or certified inspector shall be given a minimum of 5 business days notice to arrange for inspection.

(d) A power piping inspection shall be made after the piping material is delivered to the job site and prior to the start of construction of the power piping system. The installer or an in-state shop fabricator shall complete department form SBD-5204-E prior to the inspection, and the form shall be retained at the job site for reference during the inspection. The department or authorized agent or certified inspector shall indicate acceptance of the power piping system design and installation by signing form SBD-5204-E. Power piping systems may not be insulated or placed in service without receiving that acceptance.

Note: The Department forms required in this chapter are available for a nominal fee at telephone 800-DOC-SALE or 411 (Telecommunications Relay), or at doc-sales@doa.state.wi.us, or at no charge at the Department's Web site at www.dsps.wi.gov through links to Division of Industry Services forms.

(e) Prefabricated piping that is part of a power piping system shall be inspected at the fabrication shop by the department or authorized agent or a certified inspector or an active National Board commissioned inspector for out-of-state manufacturers. The shop fabricator shall provide a copy of the certified inspector's report or a copy of the completed department form SBD-5204-E to the installer at the job site verifying that the prefabricated piping complies with ASME B31.1. The owner or installer shall provide design calculations for the prefabricated piping if requested by an inspector.

Note: The Department forms required in this chapter are available for a nominal fee at telephone 800-DOC-SALE or 411 (Telecommunications Relay), or at doc-sales@doa.state.wi.us, or at no charge at the Department's Web site at www.dsps.wi.gov through links to Division of Industry Services forms.

Note: For inspection fees, see chapter SPS 302.

(3) **INSTALLATION INSPECTION OF SOLID-FUEL-FIRED WATER-HEATING APPLIANCES.** (a) Except as specified in par. (b), the installation of a solid-fuel-fired water-heating appliance shall be

08-028: r. and recr. (1) Register November 2008 No. 635, eff. 12-1-08; CR 11-047: am. (1) (a) to (c), (i), (k), (o) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.19 Preparation for internal inspection.

(1) **GENERAL REQUIREMENTS.** The owner or user of a boiler or a pressure vessel subject to inspection shall prepare the vessel for internal inspection after due notice from the certified inspector. To prepare a vessel for an internal inspection, all manhole plates, all wash-out plugs, and a sufficient number of handhole plates to permit a satisfactory inspection shall be removed. The shell and heads shall be thoroughly cleaned and exposed when so requested. Each steam boiler shall be thoroughly drained of water and all fire-side surfaces cleaned before an internal inspection is made.

(2) **PREPARATION PROCEDURE.** The following procedure shall be required for preparation for inspection:

(a) Before entering any part of a boiler that is connected to a common header with other boilers, the required steam or water system stop valves shall be closed, tagged and preferably padlocked, and drain valves or cocks between the 2 closed stop valves shall be opened. The feed valves shall be closed, tagged, and preferably padlocked, and drain valves or cocks located between the 2 valves shall be opened.

(b) After draining the boiler, the blowoff valves shall be closed, tagged and preferably padlocked. Blowoff lines, where practicable, shall be disconnected between pressure parts and valves. All drains and vent lines shall be opened.

(3) **RIGHT TO REFUSE ENTRY.** The certified inspector shall have the right to refuse to enter a boiler or pressure vessel if in the inspector's judgement it is unsafe to do so.

Note: Confined space rules are contained in chapter SPS 332 for public sector employees and in section 29 CFR 1910.146 of the federal Occupational Safety and Health Administration for private sector employees.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. (1), (3), Register, October, 1996, No. 490, eff. 11-1-96; CR 11-047: am. (1), (2) (a) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.23 Reporting of periodic inspections.

(1) **REPORTING PROCESSING TIME.** (a) Except as provided in par. (b) and s. SPS 341.55 (4), reports of periodic internal or external inspections of boilers and pressure vessels shall be sent to the department in accordance with the department's electronic data interchange transfer guidelines, within 5 business days after completing the inspection, unless additional time is authorized by the department.

Note: The Department will provide assistance at no charge regarding the use of the electronic data interchange system. The guidelines are available at the Department's Web site at www.dps.wi.gov/sb/docs/sb-BoilerEdiGuidelines.pdf.

(b) The department's 10663-E inspection form may be used in lieu of the electronic data interchange system where approved in advance by the department.

Note: The Department forms required in this chapter are available for a nominal fee at telephone 800-DOC-SALE or 411 (Telecommunications Relay), or at dcsales@doa.state.wi.us, or at no charge at the Department's Web site at www.dps.wi.gov through links to Division of Industry Services forms.

(2) **INSPECTION REPORT FORMS.** (a) A verification that a periodic inspection has been performed shall be posted on or near the inspected item.

(b) A group of pressure vessels of the same design and use that are interconnected or are operated so as to form a unit, machine or apparatus may be included in a single inspection report. The report shall contain the number, description and use of the vessel.

(c) The inspection report shall explain any violation or unsafe condition with references to code section numbers. Recommendations to the owner or user of the vessel, relating to code violations, shall be included in the report to the department.

(d) The inspection report shall be legible and complete.

(3) **EXTERNAL INSPECTIONS.** External inspections shall be reported only when either of the following conditions is found:

(a) An internal inspection is not possible because of the construction of the vessel. In these cases the external inspection shall

be reported to the department in the same manner as an internal inspection. The report shall be marked external, and the reason for making an external inspection instead of an internal shall be given.

(b) When violations of this chapter or unsafe conditions involving the safety of the vessel are found.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. (1), (2) (a) and (3) (b), Register, February, 2000, No. 530, eff. 3-1-00; CR 05-025: am. (1) and (2) (a), cr. (2) (a) 2. Register October 2005 No. 598, eff. 11-1-05; CR 11-047: r. and recr. (1), (2) (a), am. (3) (a) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.24 Permit to operate. (1) RESPONSIBILITY. (a)

Owner or user. 1. Except as specified in subd. 2., the owner or user of the boiler or pressure vessel shall be responsible for obtaining and maintaining a valid permit to operate.

2. An owner or user of a boiler or pressure vessel installed at a one- or 2-family dwelling is not required to apply for a permit to operate as specified in this section.

(b) **Posting.** The permit to operate shall be posted near the boiler or pressure vessel by the owner or user of the boiler or pressure vessel.

(2) **ISSUANCE.** After each installation or periodic inspection for boilers and pressure vessels found to be in compliance with this chapter, a permit to operate shall be issued by the department to the owner or user of the boiler or pressure vessel. The department shall issue the permit within 30 business days of determination of compliance.

(3) **INFORMATION.** The permit to operate shall give the maximum allowable working pressure as determined using the regulations of this chapter, the certified inspector's name and telephone number, and the expiration date.

(4) **EXPIRATION.** The permit to operate shall be valid until the next required periodic inspection or until rescinded due to code violations.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. Register, February, 2000, No. 530, eff. 3-1-00; CR 05-025: am. (1) (b) and (4) Register October 2005 No. 598, eff. 11-1-05; CR 08-028: r. and recr. (1) Register November 2008 No. 635, eff. 12-1-08; CR 11-047: am. (1) (a) 2., (2) Register May 2012 No. 677, eff. 6-1-12.

Subchapter III — All Installations

SPS 341.27 Application. Except as specified under s. SPS 341.29 (2), this subchapter applies to all boilers and pressure vessels existing on or after June 1, 2012.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; correction made under s. 13.93 (2m) (b) 14, Stats., Register, May, 1994, No. 461; CR 08-028: am. Register November 2008 No. 635, eff. 12-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 11-047: am. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.28 Safety rules. (1) MAXIMUM ALLOWABLE WORKING PRESSURE. No boiler or pressure vessel may be operated at a pressure in excess of the maximum allowable working pressure stated on its current permit to operate.

(2) **ALTERATION TO SAFETY DEVICES.** No unauthorized person may remove or tamper with any connected safety device.

(3) **INSTALLATION LOCATION.** (a) Except as specified in par. (b), boilers and pressure vessels shall be installed in accordance with the manufacturer's installation specifications.

(b) Clearances shall be maintained around boilers, generators, heaters, tanks and related equipment and appliances to permit inspection, servicing, repair, replacement and visibility of all gages. When boilers are installed or replaced, clearance shall be provided to allow access for inspection, maintenance and repair. Passageways around all sides of boilers shall have an unobstructed width of not less than 18 inches unless otherwise approved by the department or authorized agent.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. (1), Register, February, 2000, No. 530, eff. 3-1-00; CR 08-028: r. and recr. (3) Register November 2008 No. 635, eff. 12-1-08; CR 11-047: am. (3) Register May 2012 No. 677, eff. 6-1-12.

that are supplied through pressure-reducing stations from boilers carrying a higher steam pressure. Where a pressure-reducing station is supplied from a boiler, the capacity of the safety valves on the low-pressure side of the system need not exceed the capacity of the boiler.

(2) REDUCING-STATION CAPACITY. (a) The following formula shall be used to determine the steam flow rate through the pressure-reducing station.

$$W = 1/3 \times OC \times VSPA$$

Where:

W = steam flow in pounds of steam per hour through the pressure-reducing valve

OC = orifice capacity in pounds of steam per hour per square inch from Table 341.33-1

VSPA = reducing valve size pipe area in square inches from Table 341.33-2

(b) The critical flow capacity data supplied by the reducing valve manufacturer may be used in place of the above formula to select the required safety valve capacity. The capacity calcula-

tions shall be the largest obtainable by internal trim change of the reducing valve.

(c) In using Table 341.33-1, the pressure-reducing station inlet pressure is the lowest set pressure of any safety valve on the high pressure side of the pressure-reducing station.

(3) BYPASS CAPACITY. The following formula shall be used to determine the steam flow rate through the bypass when pressure-reducing stations are arranged with a valved bypass that also acts as a potential steam source hazard in case the bypass is left open.

$$W = 1/2 \times OC \times BPA$$

Where:

W = steam flow in pounds of steam per hour through the bypass valve

OC = orifice capacity in pounds of steam per hour per square inch from Table 341.33-1

BPA = bypass pipe area in square inches from Table 341.33-2

(4) SELECTING SAFETY VALVE. The larger of the steam flow rates calculated by the formulas in subs. (2) and (3) shall be used for selecting the safety valve on the low-pressure side of the system.

TABLE 341.33-1 (continued)
ORIFICE RELIEVING CAPACITIES
(Pounds per hour per square inch)

OUTLET PRESSURE PSIG	PRESSURE-REDUCING VALVE INLET PRESSURE, PSIG												
	900	850	800	750	700	650	600	550	500	450	400	350	300
1000	—	—	—	—	—	—	—	—	—	—	—	—	—
950	—	—	—	—	—	—	—	—	—	—	—	—	—
900	—	—	—	—	—	—	—	—	—	—	—	—	—
850	23190	—	—	—	—	—	—	—	—	—	—	—	—
800	31610	22550	—	—	—	—	—	—	—	—	—	—	—
750	37110	30600	21800	—	—	—	—	—	—	—	—	—	—
700	40860	35730	29420	21020	—	—	—	—	—	—	—	—	—
650	43400	39200	34250	28260	20190	—	—	—	—	—	—	—	—
600	45010	41500	37470	32800	27090	19480	—	—	—	—	—	—	—
550	45800	42840	39850	35730	31310	25940	18620	—	—	—	—	—	—
500	45850	43330	40530	37610	33880	29760	24630	17720	—	—	—	—	—
450	45870	43330	40730	38150	35260	31980	28080	23290	16680	—	—	—	—
400	—	—	40760	38220	35680	33050	29980	26380	21870	15760	—	—	—
350	—	—	—	—	—	33120	30690	27910	24570	20460	14790	—	—
300	—	—	—	—	—	33240	—	28140	25610	22620	18860	13630	—
250	—	—	—	—	—	—	—	28150	25650	23200	21000	17100	10800
200	—	—	—	—	—	—	—	—	—	—	21350	18250	15350
175	—	—	—	—	—	—	—	—	—	—	—	18250	16000
150	—	—	—	—	—	—	—	—	—	—	—	18250	16200
125	—	—	—	—	—	—	—	—	—	—	—	18780	—
110	—	—	—	—	—	—	—	—	—	—	—	—	—
100	—	—	—	—	—	—	—	—	—	—	—	—	—
85	—	—	—	—	—	—	—	—	—	—	—	—	—
75	—	—	—	—	—	—	—	—	—	—	—	—	—
60	—	—	—	—	—	—	—	—	—	—	—	—	—
50	—	—	—	—	—	—	—	—	—	—	—	—	—
40	—	—	—	—	—	—	—	—	—	—	—	—	—
30	—	—	—	—	—	—	—	—	—	—	—	—	—
25	—	—	—	—	—	—	—	—	—	—	—	—	—
15	—	—	—	—	—	—	—	—	—	—	—	—	—
10	—	—	—	—	—	—	—	—	—	—	—	—	—
5	—	—	—	—	—	—	—	—	—	—	—	—	—

Where capacities are not shown for inlet and outlet conditions, use the highest capacity shown under the applicable inlet pressure column.

TABLE 341.33-2
INTERNAL PIPE AREA

Nominal pipe size, inches	STANDARD WEIGHT PIPE		
	Actual External Diameter, Inches	Approx. Internal Diameter, Inches	Approx. Internal Area, Square Inches
3/8	0.675	0.49	0.19
1/2	0.840	0.62	0.30
3/4	1.050	0.82	0.53
1	1.315	1.05	0.86
1-1/4	1.660	1.38	1.50
1-1/2	1.900	1.61	2.04
2	2.375	2.07	3.36
2-1/2	2.875	2.47	4.78
3	3.5	3.07	7.39
3-1/2	4.0	3.55	9.89
4	4.5	4.03	12.73
5	5.563	5.05	19.99
6	6.625	6.07	28.89
8	8.625	8.07	51.15
10	1.750	10.19	81.55
12	12.750	12.09	114.80

Note: In applying Table 341.33-2, the area of the pipe is always based upon standard weight pipe and the inlet size of the pressure-reducing valve.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. intro., (1)(intro.), (2), r. and recr. (1) (a) and (b), Register, May, 1994, No. 461, eff. 6-1-94; am. (1) (a), Register, June, 1996, No. 486, eff. 7-1-96; correction in (1) (intro.), (b), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 11-047: (intro.), (1) (intro.) to (c), (2), (3) renum. to be (1), (2) (intro.) to (b), (3), (4) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.34 Portable boilers. (1) PERMIT REQUIRED.

The owner or user of a portable boiler located in Wisconsin or brought into Wisconsin for use, shall possess a permit to operate issued by the department prior to use.

(2) BOILER REQUIREMENTS. The permit to operate shall be issued only after all of the following requirements are met:

(a) The boiler complies with s. SPS 341.42.

(b) The boiler is installed according to the applicable requirements of this chapter.

(c) An internal or external inspection of the boiler has been made that is acceptable to the department.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. Register, February, 2000, No. 530, eff. 3-1-00; correction in (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 11-047: am. (2) (c) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.35 Interconnected boilers. When boilers of different maximum allowable working pressures with minimum safety valve settings varying more than 6% are so connected that steam can flow toward the lower pressure units, the latter shall be protected by additional safety valve capacity, if necessary, on the lower pressure side of the system. The additional safety valve capacity shall be based upon the maximum amount of steam that can flow into the lower pressure system. The additional safety valves shall have at least one valve set at a pressure not to exceed the lowest allowable pressure and the other valves shall be set within a range not to exceed 3% above that pressure.

History: History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; CR 11-047: am. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.36 Identification of boilers and pressure vessels. Boilers and pressure vessels subject to periodic inspections shall be identified by a registration number supplied by the

department. The registration number shall be affixed to the vessel by a certified inspector at a location that can be easily viewed.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. (2), Register, October, 1996, No. 490, eff. 11-1-96; r. (1), Register, February, 2000, No. 530, eff. 3-1-00; CR 11-047: r. (2) (title), renum. (2) to be 341.36 and am. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.37 Maintenance. (1) CORROSION PREVENTION.

All boilers and pressure vessels shall be installed and maintained in such a manner as to prevent excessive corrosion and deterioration.

(2) SAFE CONDITIONS. The certified inspector shall note conditions during internal inspection, external inspection, or hydrostatic pressure test and shall order changes or repairs that will place the boiler or pressure vessel in a safe working condition.

Note: Sections VI and VII of the ASME boiler and pressure vessel code, Recommended Rules for Care and Operation of Heating Boilers and Recommended Rules for Care of Power Boilers, are excellent guides for boiler owners and operators.

(3) MODIFICATION OF BOILER BURNER ASSEMBLY. Any modification to or installation of a boiler burner assembly may not exceed the original stamping of the boiler rated output capacity.

Note: See section SPS 341.38 for Department reporting requirements relating to fuel conversions and to modifications for increasing heat input.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. (2), Register, October, 1996, No. 490, eff. 11-1-96; CR 08-028: cr. (3) Register November 2008 No. 635, eff. 12-1-08; CR 11-047: am. (2) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.38 Reporting accidents, repairs and alterations. (1) ACCIDENTS.

(a) If a component of a boiler or pressure vessel or power piping fails and causes an injury that needs more than first aid treatment, the owner or user shall report the facts involved to the department on form SBD-10787-E within 24 hours after the accident.

(b) After a failure under par. (a), the owner or user may not remove or disturb the boiler or pressure vessel or power piping or any of the components nor permit any such removal or disturbance prior to receiving authorization from the department or first class city, except for the purpose of saving human life or preventing further property damage.

(c) Any accidents under par. (a) that occur during the department's non-business hours shall also be reported to the state division of emergency management.

Note: The address for reporting accidents to the Department is the Division of Industry Services, Boiler Program, P.O. Box 7302, Madison, WI 53707-7302; and the fax number is 608-283-7420.

Note: The Department can be contacted at 262/548-8617 during normal business hours. The state Division of Emergency Management can be contacted at (800) 943-0003 during non-business hours.

(2) REPAIRS AND ALTERATIONS. The owner or user shall report to the department any repairs or alterations of a boiler or pressure vessel as required in subch. VI.

(3) FUEL CONVERSIONS. The owner or user shall report to the department conversions of the boiler's primary fuels to other fuels and shall use department form SBD-6314-E for this notification.

(4) HEAT INPUT. The owner or user shall report to the department any modification that increases the heat input capacity of the boiler and shall use department form SBD-6314-E for this notification.

Note: The Department forms required in this chapter are available for a nominal fee at telephone 800-DOC-SALE or 411 (Telecommunications Relay), or at doc-sales@doa.state.wi.us, or at no charge at the Department's Web site at www.dps.wi.gov through links to Division of Industry Services forms.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. (1) to (3), cr. (4), Register, February, 2000, No. 530, eff. 3-1-00; CR 08-028: r. and recr. (1), am. (3) and (4) Register November 2008 No. 635, eff. 12-1-08; CR 11-047: r. and recr. (1), am. (3), (4) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.39 Condemnation. (1) AUTHORITY. Only the department may condemn a boiler or pressure vessel. Any boiler or pressure vessel declared by a certified inspector to be unsafe and beyond repair shall be referred to the department for condemnation proceedings.

required fee. The variance may be granted under the following conditions:

Note: See section SPS 341.05 for further explanatory information.

(1) **COMPARABLE SAFETY.** (a) When the method of designing or constructing the boiler or pressure vessel is not covered by the ASME code, the department may approve the installation provided adequate proof of comparable safety of the design or construction is shown.

(b) Complete plans, calculations and specifications in duplicate shall be submitted to and approved by the department before installation.

(c) The boiler or pressure vessel shall be stamped "Wisconsin Special" if approved by the department.

(d) All other applicable requirements of the ASME code shall be met.

(2) **OWNER-BUILT.** (a) When the boiler or pressure vessel is to be built by an owner for the owner's use, the department may waive the stamping required by the ASME code.

(b) Complete plans, calculations and specifications in duplicate shall be submitted to and approved by the department before installation.

(c) The boiler or pressure vessel shall be stamped "Wisconsin Special" if approved by the department.

(d) All other applicable requirements of the ASME code shall be met.

(3) **LIMITED QUANTITY.** (a) When a small number of boilers or pressure vessels is to be built by a manufacturer, the department may waive the stamping required by the ASME code.

(b) Complete plans, calculations and specifications in duplicate shall be submitted to and approved by the department before installation.

(c) The boiler or pressure vessel shall be stamped "Wisconsin Special" if approved by the department.

(d) All other applicable requirements of the ASME code shall be met.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. (1) (a), (d), (2) (a), (d), (3) (a) and (d), Register, February, 2000, No. 530, eff. 3-1-00; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 341.44 U.S. department of transportation vessels. Pressure vessels bearing the stamping of the United States department of transportation are not permitted as permanent storage containers, except they may be used as replaceable service cylinders.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; CR 11-047: am. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.45 Noncode vessels. (1) EXEMPTED VESSELS. The following vessels are not required to be constructed and installed in accordance with the ASME code:

(a) Water heaters and hot-water storage tanks, provided water temperatures do not exceed 210°F.

Note: See chapter SPS 384 for requirements relating to water heaters and hot-water storage tanks.

(b) Vessels for containing water under pressure for domestic supply, including those having an air space for expansion.

(c) Pressure vessels used for the processing or storage of water at water temperatures not exceeding 210°F. These vessels may contain a steam or hot water coil or heat exchanger, provided the steam is at or below a pressure of 15 psig and the hot water is at or below a pressure of 160 psig and a temperature of 250°F.

(d) Pressure vessels used for water conditioning and filtration.

(e) Pressure vessels used in processing and storing of fermented beverages at temperatures not exceeding 140°F.

(2) **VESSEL IDENTIFICATION.** The vessels listed in sub. (1) (b) to (e) shall be identified with the manufacturer's name, a serial number, the allowable working pressure, and the year fabricated.

(3) **PRESSURE RELIEF REQUIREMENTS.** (a) Except as provided in par. (b), the vessels listed in sub. (1) shall meet the pressure relief device requirements of the ASME code.

Note: Pressure relief devices are not required on each vessel of a system if the system is properly equipped with pressure relief devices. For systems containing unheated water storage tanks, a pressure relief device is needed when the pressure-inducing source is capable of imposing a pressure greater than the design pressure of the tanks.

(b) Water heaters and hot-water storage tanks shall be equipped with combination temperature and pressure relief valves in accordance with chs. SPS 381 to 387.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; r. and recr. (1) (a) and (3) (b), Register, December, 1992, No. 444, eff. 1-1-93; correction in (3) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1998, No. 507; am. (1) (intro.) and (3) (a), Register, February, 2000, No. 530, eff. 3-1-00; correction in (3) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 11-047: am. (1) (a) to (d), (3) (b) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.46 Power piping. (1) GENERAL. Power piping shall be installed in accordance with ASME B31.1. The use of slip-on flanges shall be limited in applications to no higher than Class 300 primary pressure service rating. Slip-on flanges shall be installed with double fillet welds in accordance with ASME B31.1.

(2) **BOILER EXTERNAL PIPING.** Boiler external piping within the scope of section I of the ASME code shall be installed in accordance with ASME B31.1.

(3) **APPLICATION.** This section applies to new systems as well as all replacements, modifications, and alterations to existing systems.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; r. and recr. Register, February, 1990, No. 410, eff. 3-1-90; am. (1) and (2), Register, February, 2000, No. 530, eff. 3-1-00; CR 11-047: am. (1), (2) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.47 Multi-boiler installations. When hot-water heating boilers are installed in multiples with a common header and a common return, isolation valves may be eliminated between units and the units may be considered as one boiler provided all of the following conditions are met:

(1) **OUTPUT LIMIT.** No single unit exceeds 500,000 Btu per hour output.

(2) **PRESSURE RELIEF.** Each unit has a pressure relief device as required by the ASME code, or the common header has a pressure relief device with sufficient relieving capacity for all units in the installation.

(3) **CONTROLS.** Each unit has operating controls and safety controls acceptable to the department.

(4) **LOW-WATER CUTOFF.** The fuel supply to each unit is shut off by a low-water cutoff in the event of low water in the system.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; CR 11-047: am. (intro.), (1) to (3) Register May 2012 No. 677, eff. 6-1-12.

SPS 341.48 Organic- or synthetic-fluid heat-transfer systems. Boilers and coil-type heaters that utilize organic or synthetic fluids as a heat-transfer media shall be designed, constructed and installed in accordance with the ASME code. Piping for organic or synthetic fluids used as a heat-transfer media and subject to temperatures in excess of 250°F shall be installed in accordance with ASME B31.1.

Note: See sections SPS 341.41 (1) and (2) for requirements relating to registering these installations with the Department.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; am. Register, May, 1994, No. 461, eff. 6-1-94; am. Register, February, 2000, No. 530, eff. 3-1-00; CR 05-025: am. Register October 2005 No. 598, eff. 11-1-05; CR 11-047: am. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.49 Solid-fuel-fired water-heating appliances. (1) GENERAL. This section applies to solid-fuel-fired water-heating appliances that are not constructed and installed in accordance with the ASME code.

(2) **DESIGN.** (a) A solid-fuel-fired water-heating appliance shall be constructed with self-contained weather proofing or other weather protection acceptable to the department.

Note: It is the intent of the Department to avoid conflicts with the requirements of the U.S. nuclear regulatory commission.

History: Cr. Register, February, 1988, No. 386, eff. 3-1-88; CR 11-047: am. Register May 2012 No. 677, eff. 6-1-12.

Subchapter VI — Repairs and Alterations

SPS 341.60 General requirements. Welded repairs, repair parts or alterations to any boiler or pressure vessel or their fittings, settings or appurtenances shall comply with the NBIC.

History: Cr. Register, February, 2000, No. 530, eff. 3-1-00; CR 05-025: am. Register October 2005 No. 598, eff. 11-1-05; CR 11-047: am. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.61 General rules for repairs and alterations. (1) Repairs and alterations to boilers and pressure vessels shall be performed by an organization in possession of a valid National Board repair "R" certificate of authorization for the intended scope of work.

History: Cr. Register, February, 2000, No. 530, eff. 3-1-00; CR 05-025: am. (1), r. (2) Register October 2005 No. 598, eff. 11-1-05.

SPS 341.62 Reports and stamping. (1) NATIONAL BOARD PROGRAM. (a) Anyone performing repairs or alterations under the National Board "R" stamp program shall register the repairs and alterations with the National Board on the appropriate NBIC "R" forms.

(b) 1. Stamping of or attaching a nameplate to a repaired or altered pressure-retaining item under NBIC part 3 section 5.7 shall be completed and then verified by a certified inspector before the NBIC "R" form is signed by the inspector.

2. Any stamping or attaching of a nameplate under this section shall be in accordance with the NBIC, except as provided in subd. 3.

3. If the stamping or attaching cannot be placed in accordance with the NBIC, the substitute placement shall be described on the appropriate NBIC "R" form, and the description shall be verified by the inspector.

(2) ADDITIONAL REPORTING REQUIREMENTS. (a) 1. Anyone performing routine repairs as defined in the NBIC shall register the repairs with the National Board on NBIC form R-1 and shall stamp or attach a nameplate to the repaired item.

2. Any stamping or attaching of a nameplate under this section shall be in accordance with the NBIC, and shall be completed and then verified by the certified inspector before the inspector signs the NBIC R-1 form, except as provided in subd. 3.

3. If the stamping or attaching cannot be placed in accordance with the NBIC, the substitute placement shall be described on the NBIC R-1 form, and the description shall be verified by the inspector.

(b) Anyone performing seal welding of 6 or more boiler tubes shall register the repair with the National Board on form R-1.

Note: Copies of the National Board forms are available from the National Board, at 1055 Crupper Avenue, Columbus, OH 43229-1183, or telephone 614/888-8320, or www.nationalboard.org.

History: Cr. Register, February, 2000, No. 530, eff. 3-1-00; CR 05-025: r. and rec. (2) October 2005 No. 598, eff. 11-1-05; CR 11-047: am. (title), renum. (1) to be (1) (a) and am., cr. (1) (b), renum. (2) (a) to be (2) (a) 1. and am., cr. (2) (a) 2., 3. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.63 Riveted repairs. (1) GENERAL. When riveted patches are used, they shall be designed and applied using methods acceptable to the department.

Note: Information regarding the use of riveted patches is available from the Department.

(2) MATERIALS FOR RIVETED PATCHES. Patch material shall meet the applicable requirements of the NBIC.

(3) PRESSURE TEST. The certified inspector may require a pressure test, as specified in the NBIC, after completion of a riveted repair.

History: Cr. Register, February, 2000, No. 530, eff. 3-1-00; CR 11-047: am. (2), (3) Register May 2012 No. 677, eff. 6-1-12.

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

SPS 341.64 Safety and safety relief valve repairs.

(1) DEFINITIONS. In this section:

(a) "Repair of a safety valve or safety relief valve" means the replacement, re-machining or cleaning of any critical part; lapping of seat and disc or any other operation that may affect the flow passage, capacity, function or pressure-retaining integrity; and disassembly, re-assembly and adjustments which affect the safety valve or safety relief valve function.

(b) "Repair of a safety valve or safety relief valve" does not include the initial adjustments of a new safety valve or safety relief valve on a boiler or pressure vessel if made by the manufacturer or assembler of the valve.

(2) BROKEN SEALS. Safety valves and safety relief valves on which the seals have been broken shall be subject to the requirements for repairs.

(3) AUTHORIZED REPAIRS. Repair of a safety valve or safety relief valve shall be performed by an organization in possession of one or more of the following:

(a) ASME V, HV or UV code symbol stamp.

(b) National Board VR stamp covering the work to be performed.

(4) NAMEPLATES. (a) When repair of a safety valve or safety relief valve occurs, a metal repair nameplate stamped with the information required by par. (b) shall be welded or otherwise permanently attached to the valve either above, adjacent to or below the original stamping. On small valves, a metal tag showing the repair nameplate information may be securely attached to the repaired valve.

(b) The information on the valve nameplate shall include the name of the repair organization, the symbol stamp and symbol stamp number, and the date of repair. If the set pressure has been changed, the new set pressure and capacity shall be indicated and the original nameplate or stamping shall be modified by marking out, although leaving legible, the prior set pressure and capacity. The new capacity shall be based on that for which the valve was originally certified. Only the current repair nameplate need be attached to the valve with the original or duplicate nameplate.

History: Cr. Register, February, 2000, No. 530, eff. 3-1-00; CR 11-047: am. (1) (a), (3) (intro.), (4) (a) Register May 2012 No. 677, eff. 6-1-12.

Subchapter VII — Secondhand Vessels

SPS 341.70 Application. This subchapter applies to secondhand boilers and secondhand pressure vessels.

History: Cr. Register, February, 2000, No. 530, eff. 3-1-00; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 11-047: am. Register May 2012 No. 677, eff. 6-1-12.

SPS 341.71 Existing vessels. Secondhand boilers and secondhand pressure vessels, originally installed in Wisconsin and not constructed and stamped according to some edition of the ASME code, may be reinstalled if the maximum allowable working pressure is recalculated with a factor of safety of 6.

Note: The pressure calculation formula for shells is as follows:

$$P = (T.S. \times t \times E) / (R \times F.S.)$$

where P = maximum allowable working pressure, pounds per square inch

T.S. = tensile strength of shell plate, pounds per square inch

t = minimum thickness of shell plates, inches

E = efficiency of longitudinal joint

R = inside radius of the outside course of the shell, inches

F.S. = factor of safety

Note: The pressure calculation formula for flat heads and flat surfaces is as follows:

$$P = (T.S. \times t^2) / (0.5 \times d^2 \times F.S.)$$

where P = maximum allowable working pressure, pounds per square inch

T.S. = tensile strength of shell plate, pounds per square inch

t = thickness of plate, inches

d = diameter of head or shortest unsupported span of head or maximum

pitch between stays, inches

F.S. = factor of safety

History: Cr. Register, February, 2000, No. 530, eff. 3-1-00.

Kunkel, Mark

From: Kunkel, Mark
Sent: Thursday, October 24, 2019 1:09 PM
To: Kunkel, Mark
Subject: Wisconsin boiler requirements

<https://www.nationalboard.org/PrintAllSynopsis.aspx?Jurisdiction=Select>

WISCONSIN



IMPORTANT NOTICE: Every effort has been made to make this synopsis as accurate and complete as possible. However, jurisdictional laws, regulations and rules are subject to change without notice. As a result, the information contained herein is neither guaranteed nor warranted. User is advised to consult the jurisdiction's chief inspector before reaching any decision that may have critical impact or significant financial consequences.

STATE DEPARTMENT

Terence Waldbillig, Boiler Inspector III
Boiler / Mechanical Equipment Safety
Department of Safety & Professional Services
Division of Industry Services
P.O. Box 510863
New Berlin, WI 53151

Telephone — 414.303.8575
Email — terence.waldbillig@wisconsin.gov
Fax — 508.283.7429

EMPOWERMENT

Department of Safety & Professional Services empowered to make, alter, and amend rules and regulations.
Boiler Board: Yes. (Contact above official for more information.)

DATE OF LAW PASSAGE: 1914

Date of latest amendment to law: Effective June 1, 2012.
Date rules and regulations implemented: 1914.
Date of latest rules and regulations: Effective June 1, 2012.
State statute: Pursuant to S.101.17m the Department of Safety & Professional Services, Division of Industry Services, enforces Wisconsin Administrative Code, SPS Chapter 341, *Boilers and Pressure Vessels*.

RULES FOR CONSTRUCTION AND STAMPING

Construction:

1. ASME Code (2010 Edition), Sections I, II, IV, V, VIII (Divisions 1, 2), IX, X, and code cases.
2. Code addenda and case interpretations may be accepted.
3. ASME B31.1 (2010 Edition) and B31.5 (2006 Edition).
4. ASME PVHO-1 (2007 Edition), PVHO-2 (2003 Edition).
5. National Board registration required for boilers and pressure vessels except CI "H" boilers and "UM" vessels.
6. *National Board Inspection Code* (2011 Edition). Parts 1, 2 and 3.
7. API 510 (9TH Edition, June 2006).
8. ASME CSD-1 (2009 Edition).
9. Special design or construction requires approval by the division.

Stamping:

Where appropriate, the following National Board stamps or ASME Code symbol stamps are required:

1. National Board: NR, R, VR.
2. ASME Code: all.

Boilers and pressure vessels stamped Wisconsin Special must be inspected and stamped by an inspector holding a Wisconsin commission. Boilers and pressure vessels shall be assigned a registration number which shall be affixed to the object by a certified inspector.

OBJECTS SUBJECT TO RULES FOR CONSTRUCTION AND STAMPING

All boilers and pressure vessels, except:

1. Water heaters and hot-water storage tanks, provided water temperatures do not exceed 210°F.
2. Vessels for containing water under pressure for domestic supply, including those having an air space for expansion.
3. Pressure vessels used for the processing or storage of water at water temperatures not exceeding 210°F. (These vessels may contain a steam or hot-water coil or heat exchanger, provided the steam is at or below a pressure of 15 psig and the hot water is at or below a pressure of 160 psig and a temperature of 250°F.)
4. Pressure vessels used for water conditioning and filtration.
5. Pressure vessels used in processing and storing fermented beverages at temperatures not exceeding 140°F.

Items 1 through 5 are required to meet the pressure-relief device requirements of the ASME Code listed or the applicable Wisconsin Administrative Code.

OBJECTS SUBJECT TO RULES FOR FIELD INSPECTION

Same as OBJECTS SUBJECT TO RULES FOR CONSTRUCTION AND STAMPING, except the following:

1. Boilers or pressure vessels regularly inspected by US government inspectors.
2. Heating boilers located in private residences or in apartment buildings having fewer than three family units.
3. Expansion tanks for hot-water heating boilers.
4. Boilers used exclusively for agricultural purposes.
5. Hot-water supply boilers, water heaters, and hot-water storage tanks in which the temperature does not exceed 210°F.

6. Pressure vessels having:

1. An inside diameter not exceeding 6 inches, with no limit on pressure;
2. A volume less than 5 cubic feet and an operating pressure less than 250 psig;
3. A volume less than 1-1/2 cubic feet, with no limit on pressure;
4. An internal or external operating pressure of not more than 15 psig, with no limitation on size.

Pressure vessels which are used in accordance with the regulations of the US Department of Transportation.

Vessels used for storage or processing of cold water, including those with air cushions.

Air receivers having a volume less than 90 gallons (~12.033 cu ft) and a working pressure less than 200 psig as stamped on the manufacturer's nameplate.

Vessels used in processing and storing of fermented beverages at temperatures not exceeding 140° F.

Any pressure vessel used as an integral part of an electrical circuit breaker.

Installations at one or two family dwellings.

INSPECTIONS REQUIRED

1. Power boilers: One annual internal inspection. Where an internal inspection is not possible because of construction, an external inspection will be accepted. Should operating conditions require longer periods between inspections, an extension of time may be granted upon written application to the department and written concurrence of inspection agency.
2. Low-pressure steam and hot-water boilers: one external or internal inspection every 36 months.
3. Pressure vessels: one external or internal inspection every 36 months.
4. Anhydrous ammonia storage and nurse tanks: one inspection every 36 months.
5. Power piping and welded refrigeration piping: welder documentation and material inspection prior to start of fabrication.

INSURANCE AND INSPECTION REQUIREMENTS

1. Inspections made by inspectors employed by insurance companies and holding *Certificates of Competency* issued by the department are accepted in lieu of inspections made by a department inspector.
2. Inspections made by inspectors employed by owners/users and holding *Certificates of Competency* issued by the department are accepted in lieu of inspections made by a department inspector.
3. Reports of inspection must be filed with the department within 30 days after inspection on department forms (SBD-10663).
4. External inspections shall be reported only when:
 1. An internal inspection is not possible because of construction (in which case report shall be marked "External" and the reason for making an external inspection shall be given);
 2. Code violations or *unsafe conditions* are found.

The department must be notified within 30 days of new business and *discontinuance of insurance* on forms acceptable to the department.

Reporting of periodic inspections shall be sent to the department in accordance with the department's EDI—Electronic Data Interface Transfer Guidelines.

CERTIFICATE OF INSPECTION

A *Permit to Operate* is issued by the department for boilers and pressure vessels upon payment of a \$50.00 fee. Refrigeration systems also require payment of a \$50.00 fee.

STATE FEES

1. Boilers – internal inspection:

1. Miniature – 0 to 20 square feet - **\$35.00**
2. Power boilers – 21 to 250 square feet - **\$80.00**
3. Power boilers – 251 to 1,000 square feet - **\$180.00**
4. Power boilers – 1,001 to 10,000 square feet - **\$240.00**
5. Power boilers – more than 10,000 square feet - **\$630.00**
6. Heating with manhole - **\$140.00**
7. Heating without manhole - **\$130.00**
8. Heating – multiple boilers in one building - **\$60.00/boiler** or **\$320.00/four-hour period**, whichever is less

Boilers – external inspection:

1. Miniature – 0 to 20 square feet - **\$35.00**
 2. Power boilers – 21 to 250 square feet - **\$80.00**
 3. Power boilers – 251 to 1,000 square feet - **\$120.00**
 4. Power boilers – 1,001 to 10,000 square feet - **\$170.00**
 5. Power boilers – more than 10,000 square feet - **\$290.00**
 6. Heating with manhole - **\$60.00**
 7. Heating without manhole - **\$60.00**
 8. Heating – multiple boilers in one building - **\$60.00/boiler** or **\$320.00/four-hour period**, whichever is less

Pressure vessels:

1. Less than 12 cubic feet - No Fee
 2. 12 through 200 cubic feet - **\$50.00**
 3. 201 through 500 cubic feet - **\$120.00**
 4. More than 500 cubic feet - **\$140.00**
 5. Multiple pressure vessels in one building - **\$50.00/vessel** or **\$320.00/four-hour period**, whichever is less

Mechanical refrigeration systems:

1. Less than 3 tons - No Fee
 2. 3 through 25 tons - **\$60.00**
 3. 26 through 100 tons - **\$100.00**
 4. 101 through 250 tons - **\$130.00**
 5. 251 through 500 tons - **\$210.00**

6. 501 through 750 tons - **\$290.00**
7. 751 through 1,000 tons - **\$350.00**
8. More than 1,000 tons - **\$400.00**

Special and shop inspections (per hour):

1. Weekdays, plus expenses - **\$80.00**
 2. Saturdays, Sundays, and holidays, plus expenses - **\$120.00**
 3. ASME review and audit - **\$120.00**

Anhydrous ammonia storage plan review and external inspection - **\$700.00**

Anhydrous Ammonia Periodic Inspections Per Facility - **\$150.00**

Nurse tank NH₃ inspection:

1. 10 or fewer - **\$80.00**
 2. 11 to 30 - **\$120.00**
 3. 31 to 50 - **\$200.00**
 4. More than 50 - **\$250.00**

Registration:

1. The installing contractor of a new or secondhand boiler, pressure vessel, or mechanical refrigeration system shall register the installation with the department before the installation is placed into operation.
 2. Power piping: registration for any system exceeding 50 feet and over 2 inches NP size.

MISCELLANEOUS

1. Examinations for *Certificate of Competency* are held by the department on the first Wednesday in March, June, September, and December. An examination fee of \$250.00 is required. Applications must be received 20 days prior to examination date.
2. *Certificates of Competency* are renewed every four years for a fee of \$120.00.
3. *Reciprocal Certificates of Competency* are issued by the department for a fee of \$120.00 for inspectors holding *National Board Commissions*. Examinations for *Reciprocal Certificates of Competency* are held the second Tuesday of each month.
4. Welded repairs or alterations to boilers or pressure vessels shall be made in accordance with the *National Board Inspection Code* by a valid National Board "R" Stamp holder. All repairs and alterations including "routine repairs" shall be registered on the appropriate form with the National Board per SPS 341.62.
5. An operator's license is not required to operate a boiler or pressure vessel, except in some municipalities where licensing is mandated by local ordinance.
6. *Wisconsin Administrative Codes* and specific chapter SPS 341 Boiler and pressure vessel laws are available at: <https://docs.legis.wisconsin.gov/code/toc/sp3>
7. Historical boiler requirements are provided in SPS-341, Subchapter IX.

MILWAUKEE, WISCONSIN



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MUNICIPAL DEPARTMENT

Jillian Klug, Chief Boiler Inspector
Department of Neighborhood Services
841 North Broadway, 10th Floor
Milwaukee, WI 53202-3613

Telephone — 414.286.2536
Fax — 414.286.3939
Email — jklug@milwaukee.gov

EMPOWERMENT

Building Code Committee empowered to make, alter, and amend rules and regulations.

Boiler Board: No.

DATE OF LAW PASSAGE: 1911

Date of latest amendment to law: October 2000.
Date rules and regulations implemented: 1914.
Date of latest amendment to rules and regulations: June 2012
City ordinance: Milwaukee City Charter, Chapter 223. *Boilers* and Wisconsin Administrative Code, Chapter 341. *Boiler and Pressure Vessel Code*.

RULES FOR CONSTRUCTION AND STAMPING

Construction:

City of Milwaukee adopted the State of Wisconsin Administrative Code, except Section 341.08, which concerns fees.

Stamping:

Where appropriate, the following National Board stamps or ASME Code stamps are required:

1. National Board: NR, R, VR.
2. ASME Code: All.

OBJECTS SUBJECT TO RULES FOR CONSTRUCTION AND STAMPING

All boilers and unfired pressure vessels.

OBJECTS SUBJECT TO RULES FOR FIELD INSPECTION

Same as OBJECTS SUBJECT TO RULES FOR CONSTRUCTION AND STAMPING, except the following:

1. Boilers or pressure vessels which receive regular inspections by United States government inspectors.
2. Heating boilers located in private residences or apartment buildings having fewer than three living units.
3. Expansion tanks for hot-water heating boilers having an operating pressure of less than 50 psig with no limitations on size.
4. Boilers used exclusively for agricultural purposes.
5. Hot-water supply boilers, water heaters, and hot-water storage tanks.
6. Pressure vessels that do not exceed:
 1. 6 inches inside diameter with no limit on pressure;
 2. 5 cubic feet in volume and an operating pressure of 250 psi;
 3. 1-1/2 cubic feet in volume with no limit on pressure.

Pressure vessels used in accordance with regulations of the US Department of Transportation.

Pressure vessels used for storage or processing of cold water, including those with air cushions.

Pressure vessels with an internal or external operating pressure of not more than 15 psig with no limitation on size.

Air receivers having a volume of less than 90 gallons and a working pressure less than 200 psig as stamped on the manufacturer's nameplate.

Pressure vessels used in processing and storing of fermented beverages at temperatures not exceeding 140°F.

INSPECTIONS REQUIRED

1. Power boilers: One annual internal inspection. Where an internal inspection is not possible because of boiler construction, an external inspection will be acceptable. Should operating conditions require longer periods, an extension of time may be granted upon written application to the department with written concurrence of inspection agency.
2. Low-pressure steam and hot-water boilers: one external or internal inspection every 36 months.
3. Pressure vessels: one external or internal inspection every 36 months.
4. Anhydrous ammonia storage and nurse tanks: one inspection every 36 months.
5. Power piping: welder documentation and material inspection prior to start of fabrication (installed to ASME B31.1).

INSURANCE INSPECTION REQUIREMENTS

1. The department must be notified of *suspension of insurance because of dangerous conditions*.
2. The department must be notified of *new business or discontinuance of insurance*.

CERTIFICATE OF INSPECTION

Certificate of Inspection is issued by the State of Wisconsin.

MUNICIPAL FEES

There is a **\$5.00** processing fee for each permit type, and a **1.4%** surcharge added to all fees.

1. Boilers: Permit fee for installation or replacement of a boiler shall be **\$50.00** per unit not exceeding 150,000 BTU per hour of input. For each additional 50,000 BTU per hour or fraction thereof, an additional fee of **\$10.00** shall be charged.
2. Unfired pressure vessels: permit fee for installation of an unfired pressure vessel shall be **\$50.00** per vessel.
3. Power piping: permit fee for installation of power piping shall be **\$15.00** per 100 feet of piping. Minimum fee shall be **\$50.00**.
4. Repairs: permit fee for repairs of boilers and pressure vessels shall be **\$40.00**.
5. Electronic monitoring: permit fee for installation of electronic monitoring shall be computed at **\$100.00** for each boiler.
6. Periodic inspections – power boilers:
 1. 0 – 250 square feet of heating surface - **\$130.00**
 2. More than 250 square feet of heating surface - **\$200.00**

Periodic inspections – heating boilers:

1. 0 – 200,000 BTU per hour - **\$90.00**
2. More than 200,000 BTU per hour - **\$150.00**

Unfired pressure vessels:

1. 1 – 12 cubic feet volume - **\$75.00**
2. More than 12 cubic feet volume - **\$110.00**

Air conditioning and refrigeration systems - **\$75.00**


Reinspection fee of **\$75.00** shall be assessed for inspections made by department to gain compliance with rules of Chapter 223, after orders have been issued by the department.

Hydrostatic tests for boilers and unfired pressure vessels - **\$90.00**.


Quality control review fee of **\$75.00** per hour, or fraction thereof, shall be charged for review of an organization's quality control manual (minimum of two hours).

MISCELLANEOUS


1. Repairs/alterations in accordance with *National Board Inspection Code*.
2. Insurance inspectors are required to hold a commission issued by the *State Industrial Commission*.
3. Operators of boilers and pressure vessels are required to be licensed.
4. A permit is required to install or repair boilers and pressure vessels.

 SPS 341.18(3)


(3) EXEMPTED POWER BOILERS. A power boiler, excluding a chemical recovery boiler, with a rated steam output capacity of 100,000 pounds per hour or greater may be exempted from internal inspection each 12 months, but not to exceed 24 months, provided all the following conditions are met:

 SPS 341.18(3)(a)


(a) A documented boiler maintenance program is available.

 SPS 341.18(3)(b)


(b) A documented boiler water treatment program is available.

 SPS 341.18(3)(c)

(c) The certified inspector has verified in writing to the department that the maintenance and treatment programs are adequate for the boiler.

 SPS 341.18(3)(d)

(d) If the internal inspection is completed during the 12 to 24 month period, the boiler shall be subjected to an external inspection at 12 months.

 SPS 341.18 History

History: Register, February, 1988, No. 386, eff. 3-1-88; cr. (3), Register, June, 1996, No. 486, eff. 7-1-96; am. (2) and (3) (c), Register, February, 2000, No. 530, eff. 3-1-00; CR 05-025: cr. (1) (n) Register October 2005 No. 598, eff. 11-1-05; CR 08-028: r. and recr. (1) Register November 2008 No. 635, eff. 12-1-08; CR 11-047: am. (1) (a) to (c), (i), (k), (o) Register May 2012 No. 677, eff. 6-1-12.

Kunkel, Mark

From: Lunder, Erika
Sent: Thursday, October 24, 2019 9:09 AM
To: Kunkel, Mark
Subject: RE: Ratings of things that are insured

Hi Mark,

I don't know, but I'll look through my sources to see if I can find anything helpful.

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Thursday, October 24, 2019 9:04 AM
To: Lunder, Erika <Erika.Lunder@legis.wisconsin.gov>
Subject: Ratings of things that are insured

Erika:

I'm creating an exemption from an inspection requirement for certain boilers (specifically, boilers that are chemical recovery boilers). I've been instructed to make sure that the exemption applies only to a boiler that "has a top rating from the insurer."

I'm not sure how to talk about "top rating." I *think* the idea is that, when an insurer writes a policy for a boiler, it will give a better rate to a boiler that, for whatever reason, the insurer thinks poses less of a risk. However, I can't find any references to that idea in statutes or admin code and google searches turn up a bunch of irrelevant hits on ratings of insurance companies themselves, instead of ratings of things that the insurers insure.

I'm checking lexis for comparable language in neighboring states, but haven't found anything. I have to go to the state law library across the street for a different reason later this am, so I might check some insurance law treatises while I'm there.

Do you have any idea on what's going on here and how to say it?

Thanks,

--Mark

- [3] Expedited Repairs to Machinery
- [4] Business Interruption Damages (Loss of Business Income)

§ 51.01 Purpose and Evolution of Boiler and Machinery Insurance and Related Liabilities

[1] Insures Against Physical Damage to Identified Commercial Machinery and Related Liabilities

Boiler and machinery insurance protects the owners and operators of steam boilers and other heavy industrial machinery with a propensity for explosion or other catastrophic breakdown. It covers the cost to repair or replace the boiler or machinery after a mechanical breakdown within the terms of the policy, subject to various policy exclusions. It also covers other property damaged by the breakdown, as well as any related bodily injury. It may also provide business interruption compensation to the owner or operator for the period in which the machinery is inoperable.

More specifically, boiler and machinery insurance covers the unforeseen breakdown of machinery (the "accident") involving equipment identified with specificity in the policy (the "covered object"). The breakdown must result from a cause listed in the policy (a "named peril") and must result in direct damage to the equipment. This chapter analyzes each of these elements in detail. It also addresses the numerous exclusions that may bar or limit coverage for boiler and machinery losses.

[2] Coverage May Arise Under Boiler and Machinery Policies or Commercial Property Policies

[a] Early Commercial Property Policies Did Not Include Coverage for Boilers and Machinery

At the turn of the twentieth century, steam boilers and other heavy machinery with a propensity for explosion were considered "instrumentalities of danger" that required special inspection and care.⁴ Because these pieces of equipment posed special safety hazards, fire insurance companies did not routinely cover them under standard commercial property policies. The risks associated with these types of machinery were typically beyond the purview of the standard commercial property policy.

Specialized insurance companies, such as the Hartford Steam Boiler Inspection and Insurance Company, developed particularized insurance programs to protect the owners and operators of steam boilers and other heavy machinery from the risk of explosion or other catastrophic breakdown. This boiler explosion insurance generally covered the costs of repairing or replacing damaged boilers and machinery, plus compensated the insured for property damage or bodily injury resulting from any explosion, as well as lost business income.⁵

⁴ US—Hartford Steam Boiler Inspection and Ins. Co. v. Pabst Brewing Co., 201 F. 617, 628 (7th Cir. 2).

US—201 F. 617, 628 (7th Cir. 1912).

In addition to selling insurance products, companies like the Hartford Steam Boiler Inspection and Insurance Company sold themselves as experts on the inspection and upkeep of boilers and other heavy equipment. They advertised "competent" inspection services as a benefit acquired with boiler and machinery insurance, and touted those services "as a means for immunity from an explosion, a service superior even to providing indemnity for a loss."⁶ Indeed, the companies claimed they allocated about one-half of the insured's premiums toward routine inspections, making boiler and machinery insurance a predicate to "safe operating conditions."⁷

(b) Boiler and Machinery Insurance Policies Filled Coverage Gap

While boiler and machinery insurance has been in the marketplace for decades, in its early years it lacked uniformity in terms of the scope and type of coverage. In fact, some boiler and machinery policies had a much broader scope than others.⁸ The key policy terms, definitions, and exclusions for a given policy depended on the specific insurer issuing the policy and the type of equipment that the policyholder wanted to cover.

In the early 1960s, however, the insurance industry standardized the key elements of boiler and machinery coverage to include a consistent definition of the term "accident." While variations in policy language certainly exist, most modern boiler and machinery policies define "accident" along the lines of the standard definition:

"Accident" means a sudden and accidental breakdown of an "Object" or part of an "Object." At the time the breakdown occurs, it must manifest itself by physical damage to the "Object" that necessitates repair or replacement.⁹

As this wording shows, coverage under a boiler and machinery policy turns on satisfying the policy definitions of "Accident" and "Object." "Accident" relates to the nature of the loss at issue. "Object" means a particular piece of equipment that the policy agrees to cover. Most boiler and machinery policies include a schedule of covered "Objects," either listed by individual piece, or by category.

⁶ US—201 F. 617, 629 (7th Cir. 1912).

⁷ US—201 F. 617, 629.

⁸ See, e.g.,

USCO—Hymann & Co. v. American Motorists Ins. Co., 136 F. Supp. 830, 831–832 (D. Colo. 1955) (interpreting policy with "broad" coverage definition of "accident").

RI—Whittington Co. v. Maryland Cas. Co., 65 A.2d 710, 712 (R.I. 1949) (also analyzing policy with broad coverage terms).

⁹ ISO Form BM 09 25 11 85 (Feb. 22, 2008).

See also, e.g., USIXY—National Union Fire Ins. Co. v. Travelers Indem. Co., 210 F. Supp. 2d 479, 482 (S.D.N.Y. 2002) (citing a boiler and machinery endorsement to an all-risk policy).

[c] Some Commercial All-Risk Policies Also Provide Boiler and Machinery Coverage

[f] All-Risk Policies May Incorporate Boiler and Machinery Coverage by Endorsement or Special Coverage Part

Beginning in the mid-1970s, the insurance industry moved to combine boiler and machinery risks with traditional property risks under Comprehensive All-Risk Property Damage Policies. These policies combine standard fire and property coverage with standard boiler and machinery insurance into a single policy.

In many instances, the Comprehensive All-Risk Property Damage Policy accomplishes its goal of blending property coverage with boiler and machinery coverage by appending boiler and machinery policy wording to a standard property policy by endorsement or by special coverage part. These endorsements and separate coverage parts track the language of standard boiler and machinery policies and incorporate the same coverage requirements.

Like stand-alone boiler and machinery policies, commercial property policies with boiler and machinery endorsements or coverage parts respond to specific perils and damage to the particular "objects" that the insurer and insured contracted to protect. In *Litho Color, Inc. v. Pacific Employers Insurance Co.*,¹⁰ for example, the insured obtained boiler and machinery coverage by purchasing an endorsement for its commercial property insurance. The endorsement extended coverage for damages to "certain equipment and related loss of income," as defined by the coverage grant:

A Covered Cause of Loss is an "accident" to an "object" shown in the Declarations. An "object" must be in use or connected ready for use at the location specified for it at the time of the "accident."¹¹

The parties in *National Technical Systems, Inc. v. Hartford Fire Ins. Co.*¹² used different language to endorse boiler and machinery coverage to the insured's commercial property policy:

[The insurer] will pay for direct damage to 'Covered Property' caused by a 'Covered Cause of Loss.' A 'Covered Cause of Loss' is defined in relevant part as an 'Accident,' meaning a sudden and accidental breakdown of equipment, that manifests itself by physical damage necessitating repair or replacement of the equipment.¹³

In both instances described above, as in the many other cases in which all-risk policies include boiler and machinery coverage through language tracking traditional

¹⁰ WA—991 P.2d 638, 643 (Wash. Ct. App. 1999).

¹¹ WA—991 P.2d 638, 641 (Wash. Ct. App. 1999).

¹² CA—National Technical Systems, Inc. v. Hartford Fire Ins. Co., No. B151340, 2003 Cal. App. Unpub. LEXIS 7134 (Cal. Ct. App. July 24, 2003).

¹³ CA—National Technical Systems, Inc. v. Hartford Fire Ins. Co., No. B151340, 2003 Cal. App. Unpub. LEXIS 7134 (Cal. Ct. App. July 24, 2003).

boiler and machinery policies, the insured still must identify at the onset of the policy the specific machinery—or objects—that the policy will cover, and the loss must involve a covered object. Recovery under the policy for boiler and machinery losses also requires establishing the typical boiler and machinery elements, including that the loss involved an "accident" and arose from a "named peril."

[h] All-Risk Policies May Include Boiler and Machinery Coverage

Without Specific Language

Other Comprehensive All-Risk Property Damage Policies incorporate boiler and machinery coverage under the broad penumbra of all-risk commercial property coverage without any endorsements or additional policy language. An all-risk policy covers "risks of direct physical loss or damage to the property insured," and insures against all risks unless explicitly excluded.¹⁴ The policyholder is not required to identify specific property or "objects" that a comprehensive all-risk policy will cover. The policy is designed to cover the insured's real and personal property, including machinery and equipment, unless otherwise excluded in the policy.

All-risk policies do not contain the express requirement that the damage or breakdown must arise from an "accident" or involve a "named peril." Nonetheless, all-risk policies are subject to the fortuity requirement that underlies all insurance. The fortuity doctrine precludes insurance coverage for losses that the policyholder intended or planned, or where the policyholder knows about a loss in advance or is aware that the loss is substantially certain to occur. The fortuity requirement is a matter of public policy, recognized by decisional and statutory law¹⁵ in the states. "Broadly stated, the fortuity doctrine holds that insurance is not available for losses that the policyholder knows of, planned, intended, or is aware are substantially certain to occur." The requirement of fortuity is akin to the "accident" requirement in traditional boiler and machinery policies.

As discussed in greater detail below, assessing boiler and machinery coverage under an all-risk commercial property policy requires determining whether the loss falls within the broad grant of coverage. It also depends on establishing whether the loss was sufficiently "fortuitous" to merit coverage under the policy. Finally, it involves determining whether specific policy exclusions limit coverage.¹⁶

[3] General Policy Interpretation Principles Govern Construction of Terms of Both Boiler and Machinery and All-Risk Policies

When construing insurance coverage for a boiler and machinery loss, the same rules

¹⁴ US—*City of Burlington v. Indemn. Ins. Co. of N. Am.*, 346 F.3d 70 (2d Cir. 2003).

¹⁵ See, e.g., AR—*Ark. Code Ann. § 23-60-102* (insurance is "dependent upon the happening of a fortuitous event," with "fortuitous event" defined as "any occurrence or failure to occur that is, or is assumed by the parties to be, to a substantial extent beyond the control of either party").

¹⁶ US—*PA—Babcock & Wilcox Engineering Power, Inc. v. Zurich Am. Ins. Co.*, 368 F. Supp. 2d 387 (W.D. Pa. 2004).

§ 51.02[1][a]

of contract construction apply to Boiler and Machinery Policies and to All-Risk Commercial Property Policies. Most importantly, the actual words in the policies control their application.¹⁷ That means that for purposes of determining whether a boiler and machinery or commercial all-risk policy will cover a particular loss, a court will match the words of the policy with the facts of the particular case.

Because of the technical nature of boiler and machinery coverage cases, the parties and the court may identify policy terms that are ambiguous on their face, or as applied to the facts of a particular case. Here, as elsewhere in coverage law, courts in most jurisdictions construe ambiguities in favor of coverage for the insured.

↑ Cross References: See Section 5.02 above and NEW APPLEMAN INSURANCE LAW PRACTICE GUIDE Chapter 4.

However, some courts do not engage in automatic construction in favor of the insured; in these jurisdictions the existence of ambiguities in the policy may cause the court to look to extrinsic evidence to decide what the parties intended the boiler and machinery contract to mean. Admissible extrinsic evidence varies by jurisdiction and the facts of a particular dispute, but may include testimony reflecting the policyholder's subjective coverage expectations, the coverage that the broker understood it was procuring, the insurer's internal discussions about the wording of the policy and particular exclusions, documentation including policy binders, draft policies, and expert testimony about the construction and application of the policy.¹⁸

§ 51.02 Separate Insurance for Boilers and Machinery

[1] Boiler and Machinery Insurance Covers Specific Property Against Specific Perils

[a] Insurer Must Identify "Objects" That the Insurance Will Cover

As a specialized type of property insurance, boiler and machinery insurance focuses on the risks associated with equipment breakdowns. Coverage analysis begins, therefore, by determining whether the broken down or injured property is within the defined "objects" of the insurance policy.

As the name implies, the origins of boiler and machinery policies typically covered boilers and similar machinery, but over time these policies have covered broader and more diverse types of machinery and equipment. The most recognized types of covered machinery are still industrial machines, fired pressure vessels, and turbines. "Machinery," however, may also include unfired vessels (e.g., hot water tanks, cookers, process vessels), refrigerating and air conditioning systems, units and vessels, (Text continued on page 51-17)

¹⁷ See, e.g., *USNY—Occidental Chem. Corp. v. American Mfrs. Ins. Co.*, 820 F. Supp. 74, 76 (S.D.N.Y. 1993).

¹⁸ *USJL—Commonwealth Ins. Co. v. Stone Container Corp.*, No. 99 C 8471, 2004 U.S. Dist. LEXIS 6122 (N.D. Ill. Apr. 13, 2004).

§ 51.02[1][a]

and piping (steam, air, etc.). Less commonly understood is that the objects of boiler and machinery policies may include electrical motors, generators, transformers, and other rotating electrical equipment. Reciprocating compressors, pumps, and internal combustion engines may also be covered. As can be seen from this broad list of potential covered objects, boiler and machinery insurance has evolved more broadly into insurance covering equipment breakdowns—in fact, one of the leading providers today of this type of coverage frequently refers to its primary boiler and machinery policy as "Equipment Breakdown Protection."¹⁹ Some of the more commonly covered objects and the case law involving them are discussed further in Section 51.02[3] below.

Notwithstanding the wide variety of objects that may be covered by boiler and machinery (equipment breakdown) policies, the exact definition of the covered property, known as the "objects" of the policy, can still be the subject of much difference and debate. In fact, the definition of the "object" may be relevant not only to the insured's direct cost claim to recover repair or replacement of the injured property, but also to determining proximate cause and damages for related coverages, such as claims for loss of business or business interruption damages, or the defense and indemnification of third party claims.

Boiler and machinery policies often seek not only to define what objects are covered, but typically also define objects or property interests that are excluded from policy coverage. Depending on the specific wording of the policy, courts have held or recognized coverage where the injured property fell within the description of "object," "part of the object," or specific machinery insured. Courts likewise have rejected coverage based on the definition of the injured property when the policy language and/or evidence demonstrates that the injured property was outside the physical limits of "objects" as defined in the policy.

Boiler and machinery policy exclusions and the definition of covered objects often excludes from the standard coverage terms "pressure vessels and piping that are buried below ground and require the excavation of materials to inspect, remove, repair or replace."²⁰ The general reason for the exclusion is that property below ground or otherwise requiring excavation to repair or replace cannot be inspected and investigated as required by boiler and machinery insurers prior to underwriting. The parties' rights and obligations related to inspections are explained further in Sections 51.02[3] and 51.02[4] below. In cases where the insurance policy clearly identifies and defines specific boilers, machinery or their parts as the insured objects under the policy, the insurer should be able to recognize its obligations in accepting coverage when an accident occurs that emanates from these objects. Likewise, the insurer should have no difficulty denying liability where the injured object is expressly excluded or is not

¹⁹ The Traveler's Companies, Inc., *EnergyMax 21st*, Equipment Breakdown Protection (2007).

²⁰ *EnergyMax 21st*, Section F.8.b(10).

Kunkel, Mark

From: Kunkel, Mark
Sent: Tuesday, October 22, 2019 4:57 PM
To: Kunkel, Mark
Subject: Boiler regulations

Ch. SPS 341

BOILERS AND PRESSURE VESSELS

SPS 341.01 Purpose. Pursuant to ss. 101.02 (15), 101.17 and 101.63, the purpose of this chapter is to protect the health, safety and welfare of the public and employees by establishing minimum standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of boilers, pressure vessels, power piping and solid-fuel-fired water-heating appliances.

101.02(15)(a) The department has such supervision of every employment, place of employment and public building in this state as is necessary adequately to enforce and administer all laws and all lawful orders requiring such employment, place of employment or public building to be safe, and requiring the protection of the life, health, safety and welfare of every employee in such employment or place of employment and every frequenter of such place of employment, and the safety of the public or tenants in any such public building. This paragraph does not apply to occupational safety and health issues covered by standards established and enforced by the federal occupational safety and health administration.

101.17 Machines and boilers, safety requirement. ⁽¹⁾ No machine, mechanical device, or steam boiler shall be installed or used in this state which does not fully comply with the requirements of the laws of this state enacted for the safety of employees and frequenters in places of employment and public buildings and with the orders of the department adopted and published in conformity with this subchapter. Any person violating this section shall be subject to the forfeitures provided in s. 101.02 (12) and (13).

101.63 (intro.) Departmental duties. The department shall:

(1) (intro.) Adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof. The rules shall include separate standards, established in consultation with the uniform dwelling code council, that apply only to the construction and inspection of camping units that are set in a fixed location in a campground for which a permit is issued under s. 97.67, that contain a sleeping place, and that are used for seasonal overnight camping. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems, including plumbing, as defined in s. 145.01 (10). No set of rules may be adopted which has not taken into account the conservation of energy in construction and maintenance of dwellings and the costs of specific code provisions to home buyers in relationship to the benefits derived from the provisions. Rules promulgated under this subsection do not apply to a bed and breakfast establishment, as defined under s. 97.01 (1g), except that the rules apply to all of the following:

SPS 341.02(1) BOILERS AND PRESSURE VESSELS.

(a) Except as provided in par. (b), this chapter applies to boilers and piping components associated with boilers, pressure vessels, power piping, and solid-fuel-fired water-heating appliances in use at places of employment, in public buildings and at one- or 2-family dwellings.

SPS 341.02 Note: The Wisconsin Commercial Building Code (WCBC), chapters SPS 361 to 366, likewise applies this chapter to the installation, alteration and repair of boilers and pressure vessels in public buildings and places of employment. The WCBC may have other requirements relating to the installation, alteration or repair of a boiler or pressure vessel, such as requirements relating to

enclosures, location, safety controls, combustion air, and venting. The International Mechanical Code® (IMC) as adopted by reference under the WCBC contains requirements relating to hydronic piping.

(b)

1. Subchapters V, VIII and IX do not apply to one- or 2-family dwellings.
2. Only subch. VI applies to a pressure vessel in a mechanical refrigeration system.
3. This chapter does not apply to the gas systems that are within the scope of ch. SPS 340.

Subchapter II of ch. 341: Inspections

SPS 341.18(3) EXEMPTED POWER BOILERS. A power boiler, excluding a chemical recovery boiler, with a rated steam output capacity of 100,000 pounds per hour or greater may be exempted from internal inspection each 12 months, but not to exceed 24 months, provided all the following conditions are met:

SPS 341.04(27) "Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

SPS 341.04(5) "Boiler" means a vessel intended for use in heating water or other fluids or for generating steam or other vapors by the application of heat.

"Chemical recovery boiler" is not defined.

- (a) A documented boiler maintenance program is available.
- (b) A documented boiler water treatment program is available.
- (c) The certified inspector has verified in writing to the department that the maintenance and treatment programs are adequate for the boiler.
- (d) If the internal inspection is completed during the 12 to 24 month period, the boiler shall be subjected to an external inspection at 12 months.

SPS 341.18 History

History: Register, February, 1988, No. 386, eff. 3-1-88; cr. (3), Register, June, 1996, No. 486, eff. 7-1-96; am. (2) and (3) (c), Register, February, 2000, No. 530, eff. 3-1-00; CR 05-025: cr. (1) (n) Register October 2005 No. 598, eff. 11-1-05; CR 08-028: r. and recr. (1) Register November 2008 No. 635, eff. 12-1-08; CR 11-047: am. (1) (a) to (c), (i), (k), (o) Register May 2012 No. 677, eff. 6-1-12.

Kunkel, Mark

From: Johnson, Jesse
Sent: Friday, October 25, 2019 9:54 AM
To: Kunkel, Mark
Subject: RE: Draft instructions

Hi Mark,

Understandable. Thanks for the message. We'll get some thoughts together and get back to you as soon as we can.

Appreciate it.

Jesse

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Friday, October 25, 2019 9:46 AM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: RE: Draft instructions

Jesse:

I hoped to get this draft out today, but I need some clarification on the reference to a boiler have a top rating from an insurer. I have not found any comparable references to rating of boilers in other states.

In addition, it appears that insurers provide coverage for boilers in 3 different ways. First, an insurer might cover a boiler under an all risk policy that does not contain any specific language regarding boilers. Second, an insurer's all risk policy might provide coverage with an endorsement that refers to boilers. Third, an insurer might offer a separate policy that specifically covers boilers and other machinery. However, I haven't found any reference to rating boilers under those different approaches.

I've also learned that some states accept an inspection performed by an insurer, in lieu of one performed by a state agency, but the rating of a boiler does not appear to be relevant to those inspections.

Can you provide me with more information on this issue? For example, it would be helpful to get a cite to a comparable requirement in another state.

Thanks,

--Mark

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 4:03 PM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: RE: Draft instructions

Great. Thanks

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 4:03 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: RE: Draft instructions

Yes – thank you.

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 4:02 PM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: RE: Draft instructions

Hi Mark,

This is what you're looking for, right? ~Jesse

- Currently, chemical recovery boilers are exempt from SPS 341.18(3) which allows a 12-month extension (24 month total) between inspections. Allowing a full 24 months between inspections in cases where the facility has a top rating from the insurer would alleviate this exemption. This approach is currently taken in neighboring states.
- Requiring a longer notice period for whether an extension is granted or not will allow facilities to better plan and manage resources.

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 3:51 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: Draft instructions

Hi Jesse:

Can you email me the part of the handout at today's meeting that referred to insurance rating for boilers?

Thanks,

--Mark

Kunkel, Mark

From: Kunkel, Mark
Sent: Friday, October 25, 2019 3:43 PM
To: Kunkel, Mark
Subject: FW: Draft instructions

After this issue is resolved, based on Wed.'s meeting, I should prepare a draft that does the following:

1. If a chemical recovery boiler meets the highest rating of an insurer (which needs to be resolved), then inspections can be no more frequent than once every 24 months.
2. For a chemical recovery boiler, if you apply for an 6-month extension (341.17 (6)) or an exception to an inspection (variance under 341.05), then DSPS must act on application no later than 90 days before the next regularly scheduled inspection date.
3. For any boiler, if you apply for an extension, exception, or exclusion (foregoing words are based on DSPS language) from inspection, then DSPS must act no later than 90 days before expiration of current inspection period that otherwise applies.

I think the distinction between 2 and 3 is that 2 applies to chemical recovery boilers and 3 applies to all boilers. However, isn't 2 subsumed under 3? If so, is 2 necessary? However, there are definitely 3-parts to request, as we talked about renumbering 101.17 as 101.17 (1) and created (2) and (3).

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Friday, October 25, 2019 9:54 AM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: RE: Draft instructions

Hi Mark,

Understandable. Thanks for the message. We'll get some thoughts together and get back to you as soon as we can.

Appreciate it.

Jesse

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Sent: Friday, October 25, 2019 9:46 AM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: RE: Draft instructions

Jesse:

I hoped to get this draft out today, but I need some clarification on the reference to a boiler have a top rating from an insurer. I have not found any comparable references to rating of boilers in other states.

In addition, it appears that insurers provide coverage for boilers in 3 different ways. First, an insurer might cover a boiler under an all risk policy that does not contain any specific language regarding boilers. Second, an insurer's all risk policy might provide coverage with an endorsement that refers to boilers. Third, an insurer might offer a separate policy that specifically covers boilers and other machinery. However, I haven't found any reference to rating boilers under those different approaches.

I've also learned that some states accept an inspection performed by an insurer, in lieu of one performed by a state agency, but the rating of a boiler does not appear to be relevant to those inspections.

Can you provide me with more information on this issue? For example, it would be helpful to get a cite to a comparable requirement in another state.

Thanks,

--Mark

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 4:03 PM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: RE: Draft instructions

Great. Thanks

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 4:03 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: RE: Draft instructions

*Sunder @
mi paper .019*

Yes – thank you.

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 4:02 PM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: RE: Draft instructions

Hi Mark,

This is what you're looking for, right? ~Jesse

- Currently, chemical recovery boilers are exempt from SPS 341.18(3) which allows a 12-month extension (24 month total) between inspections. Allowing a full 24 months between inspections in cases where the facility has a top rating from the insurer would alleviate this exemption. This approach is currently taken in neighboring states.
- Requiring a longer notice period for whether an extension is granted or not will allow facilities to better plan and manage resources.

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Wednesday, October 23, 2019 3:51 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: Draft instructions

Hi Jesse:

Can you email me the part of the handout at today's meeting that referred to insurance rating for boilers?

Thanks,

--Mark

Kunkel, Mark

From: Johnson, Jesse
Sent: Thursday, December 05, 2019 10:42 AM
To: Kunkel, Mark
Subject: RE: Drafting request regarding boiler inspections

Hello again Mark,

Thanks again for the previous update and your work on this. We're having trouble getting the information requested from the insurers themselves.

To start, can we proceed with a P draft that uses the, 'If a chemical recovery boiler meets the highest rating of an insurer, then inspections can be no more frequent than once every 24 months,' language?

We may need to modify or revise after the fact but if we could please get a draft put together utilizing that language, it would be appreciated.

Jesse Johnson
Office of Representative Nancy VanderMeer
(608) 266.8366

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Monday, November 25, 2019 3:49 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: FW: Drafting request regarding boiler inspections

Hi Jesse:

I received the email below from the Mr. Suder of the Paper Council.

I took a look at the Michigan inspection requirements that he sent, but they don't address the insurance rating issue. Mr. Suder says he's still working on the issue, so he might still be able to get something to me. However, I wanted to keep you posted on the issue.

Also, note that I will be on vacation for the rest of the week, but I will be back in the office next Monday.

--Mark

From: Scott Suder <Suder@wipaper.org>
Sent: Monday, November 25, 2019 12:49 PM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: RE: Drafting request regarding boiler inspections

Good Afternoon Mark,

We are still at working on compiling answers for your questions below but with regard to your question in terms of what language is used in other states (specifically Michigan), the following link provides access to the Michigan boiler code and the Section 408.4058 on Page 17 provides their requirements for extensions beyond 12 months of operating time.

https://www.michigan.gov/documents/lara/lara_bcc_boiler_code_rules_2013_print_version_438828_7.pdf

I hope this helps. I am still working on getting you further information. Thank you for your patience on this matter.

Best Regards,

Scott Suder

President

Wisconsin Paper Council

TEL: 608.467.6025 - CELL: 608.400.3077

Website: www.wipaper.org

10 East Doty Street, Suite 445 Madison, WI 53703



Environmental Note: It's OK to print this e-mail. Paper is a biodegradable, renewable and sustainable product made from trees. Growing and harvesting trees provides family supporting jobs for thousands of Wisconsin's hard-working men and women. Sustainable forests are good for the environment, provide clean air and water, enhance wildlife habitat and also promote carbon storage.

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>

Sent: Thursday, November 14, 2019 12:27 PM

To: Scott Suder <Suder@wipaper.org>

Subject: Drafting request regarding boiler inspections

CAUTION: External Email. Please do not take further action unless you recognize the sender's email address and know that the content is safe.

Mr. Suder:

For part of this drafting request, I was told to include language similar to the following: If a chemical recovery boiler meets the highest rating of an insurer, then inspections can be no more frequent than once every 24 months.

However, in researching insurance for boilers, I could not find any references to insurance companies rating boilers and providing coverage based on those ratings. Also, I couldn't find any comparable language under the laws or regulations of another state. Therefore, I want to make sure that I am using appropriate language to accomplish your objective.

Based on my research, it looks like boilers can be insured in one of 3 ways. First, an insurer might cover a boiler under an all-risk policy that does not contain any specific language regarding boilers. Second, an insurer's all risk policy might provide coverage with an endorsement that refers to boilers. Third, an insurer might offer a separate policy that specifically covers boilers and other machinery. However, as noted above, I haven't found any reference to rating boilers under those different approaches.

Can you confirm that I will achieve your objective if I refer to "a chemical recovery boiler that meets the highest rating of an insurer"? Or can you suggest different language that will achieve your objective?

Thanks for your assistance,

--Mark



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4750/PPI
MDK:...
skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

by Fri
12-6

General Catalog

1 AN ACT ...; relating to: inspection requirements for boilers.

Analysis by the Legislative Reference Bureau

* Under current law, the Department of Safety and Professional Service^s has promulgated rules that impose inspection requirements on boilers. This bill affects those requirements as follows. First, if a chemical recovery boiler meets the highest rating of the insurer that provides coverage for the boiler, the bill provides that no periodic internal inspection of the boiler may be required that is more frequent than once every 24 months. Second, the bill imposes a deadline on DS^sPS to act on applications for exemptions or extensions with respect to periodic inspections. If the owner or user of a boiler applies for an exemption or extension at least 120 days before the expiration of the inspection period that applies to the boiler, the bill requires DS^sPS to take final action on the application at least 90 days before the expiration of that inspection period.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 101.17[✓] of the statutes is renumbered 101.17[✓] (1) and amended to
3 read:

1 101.17 (1) GENERAL PROHIBITION. No machine, mechanical device, or steam
2 boiler shall be installed or used in this state which does not fully comply with the
3 requirements of the laws of this state enacted for the safety of employees and
4 frequenters in places of employment and public buildings and with the orders of the
5 department adopted and published in conformity with this subchapter. Any person
6 violating this section subsection shall be subject to the forfeitures provided in s.
7 101.02 (12) and (13).

History: 1971 c. 185 ss. 1, 7; 1971 c. 228 ss. 19, 43; Stats. 1971 s. 101.17; 1995 a. 27.

Cross-reference: See also chs. SPS 318, 333, 334, 341, ~~343~~, and 345, Wis. adm. code.

8 **SECTION 2.** 101.17 (2) of the statutes is created to read:

9 101.17 (2) BOILER INSPECTIONS. (a) If a chemical recovery boiler meets the
10 highest rating of the insurer that provides coverage for the boiler, no periodic
11 internal inspection of the boiler may be required that is more frequent than once
12 every 24 months.

****NOTE: The above refers to "internal" inspection because DSPS's power boiler rule (which excludes chemical recovery boilers) creates an exemption from internal inspections. See s. SPS 341.18 (3), Wis. Adm. Code. Is that okay?

13 (b) If the owner or user of a boiler applies to the department for an exemption
14 from a periodic inspection requirement, or an extension of the period between
15 inspections that is required, and the application is made at least 120 days before the
16 expiration of the inspection period that applies to the boiler, the department shall
17 take final action on the application at least 90 days before the expiration of that
18 inspection period.

****NOTE: The above applies broadly to a boiler, which would include a chemical recovery boiler. Therefore, I don't think you need a separate provision that addresses chemical recovery boilers.

****NOTE: Because you want DSPS to take action on an application at least 90 days before the next inspection, I think you need to impose a deadline on the application itself. The above requires the application to be made at least 120 days before the next inspection. As a result, if an owner or user waited until the 120th day before the next inspection,

DSPS would have 30 days to take action. Is that okay or do you want to impose different deadline on the application?

****NOTE: DSPS's boiler rules allow DSPS or its authorized agents to enforce the rules. See s. SPS 341.09 (1), Wis. Adm. Code. The City of Milwaukee is an authorized agent. See s. SPS 341.04 (4) (b) Note, Wis. Adm. Code. Should the above be revised to apply to either DSPS or its authorized agents?

1

(END)



P 2

TOOAY
if
possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

for chemical
recovery boilers

Regs

chemical
recovery

1 AN ACT to renumber and amend 101.17; and to create 101.17 (2) of the
2 statutes; relating to: inspection requirements for boilers.

Under the bill
Analysis by the Legislative Reference Bureau

Under current law, the Department of Safety and Professional Services has promulgated rules that impose inspection requirements on boilers. This bill affects those requirements as follows. First, if a chemical recovery boiler meets the highest rating of the insurer that provides coverage for the boiler, the bill provides that no periodic internal inspection of the boiler may be required that is more frequent than once every 24 months. Second, the bill imposes a deadline on DSPS to act on applications for exemptions or extensions with respect to periodic inspections. If the owner or user of a boiler applies for an exemption or extension at least 120 days before the expiration of the inspection period that applies to the boiler, the bill requires DSPS to take final action on the application at least 90 days before the expiration of that inspection period.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

such
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 101.17 of the statutes is renumbered 101.17 (1) and amended to
4 read:

INS 1A

of chemical
recovery boilers

1 101.17 (1) GENERAL PROHIBITION. No machine, mechanical device, or steam
2 boiler shall be installed or used in this state which does not fully comply with the
3 requirements of the laws of this state enacted for the safety of employees and
4 frequenters in places of employment and public buildings and with the orders of the
5 department adopted and published in conformity with this subchapter. Any person
6 violating this ~~section~~ subsection shall be subject to the forfeitures provided in s.

7 101.02 (12) and (13). *CHEMICAL RECOVERY*

INS 2-12

8 **SECTION 2.** 101.17 (2) of the statutes is created to read:

9 101.17 (2) ~~BOILER INSPECTIONS.~~ (a) If a chemical recovery boiler meets the
10 highest rating of the insurer that provides coverage for the boiler, no periodic
11 internal inspection of the boiler may be required that is more frequent than once
12 every 24 months.

*****NOTE: The above refers to "internal" inspection because DSPS's power boiler rule (which excludes chemical recovery boilers) creates an exemption from internal inspections. See s. SPS 341.18 (3), Wis. Adm. Code. Is that okay?*

13 (b) If the owner or user of a *chemical recovery* boiler applies to the department for an exemption
14 from a periodic inspection requirement, or an extension of the period between
15 inspections that is required, and the application is made at least 120 days before the
16 expiration of the inspection period that applies to the boiler, the department shall
17 take final action on the application at least 90 days before the expiration of that
18 inspection period.

*****NOTE: The above applies broadly to a boiler, which would include a chemical recovery boiler. Therefore, I don't think you need a separate provision that addresses chemical recovery boilers.*

*****NOTE: Because you want DSPS to take action on an application at least 90 days before the next inspection, I think you need to impose a deadline on the application itself. The above requires the application to be made at least 120 days before the next inspection. As a result, if an owner or user waited until the 120th day before the next inspection, DSPS would have 30 days to take action. Is that okay or do you want to impose different deadline on the application?*

***NOTE: DSPS's boiler rules allow DSPS or its authorized agents to enforce the rules. See s. SPS 341.09 (1), Wis. Adm. Code. The City of Milwaukee is an authorized agent. See s. SPS 341.04 (4) (b), Wis. Adm. Code. Should the above be revised to apply to either DSPS or its authorized agents?

1

(END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4750/P2ins
MDK:...

1

INS 1A:

2

Also, if a chemical recovery boiler meets that highest rating, the boiler may not be
required to be taken out of service in order to perform an inspection. In addition,

3

4

INS 2-12:

5

and the boiler may not be required to be taken out of service in order to perform an
inspection

6

Kunkel, Mark

From: Johnson, Jesse
Sent: Friday, December 20, 2019 2:20 PM
To: Kunkel, Mark
Subject: RE: Draft review: LRB -4750/P2

That all sounds good, Mark, and will work. Thank you. And yea, let's 'keep'/include the reference to component/s reference because of what you shared.

Jesse

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Friday, December 20, 2019 2:16 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -4750/P2

Jesse:

I think the change looks okay, but I could make the end of the sentence a little less wordy as follows:

"If a chemical recovery boiler meets the highest rating of the insurer that provides coverage for the boiler, no periodic inspection, including an internal inspection, of the boiler or any of its components that requires taking the boiler out of service may be required more frequently than once every 24 months."

You might not need to refer to "component," but I think it would be okay if you did, as DSPS's rules refer to components of boilers without defining "components," so I think people understand what is meant. For example, s. SPS 341.38 (1) (a), Wis. Adm. Code says: "If a **component of a boiler** or pressure vessel or power piping fails and causes an injury that needs more than first aid treatment, the owner or user shall report the facts involved to the department on form SBD-10787-E within 24 hours after the accident."

Let me know what you think,

--Mark

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Friday, December 20, 2019 1:53 PM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -4750/P2

Hi Mark,

Here's some feedback on this P2:

- Don't want the statute to be interpreted to mean the boiler may never be taken out of service for an inspection, just to clarify that it shouldn't be taken out of service during the 24 months for some other type of inspection other than an internal inspection.
- What if, starting on line 13, it read: "... no periodic inspection, including an internal inspection, of the boiler or boiler components requiring the boiler to be taken out of service may be required that is more frequent than once every 24 months."

- Not sure if there would be questions around the definition of “boiler components” – perhaps that clarification is unnecessary.

This is the clarification information I was hoping I had yesterday – understand this runs counter to the previous request. Wanted to share this via email prior to talking about it.

Would it be possible to please incorporate this feedback into the draft and get a P3 on it?

Thanks again.

Jesse
6.8366

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Wednesday, December 18, 2019 1:33 PM
To: Rep.VanderMeer <Rep.VanderMeer@legis.wisconsin.gov>
Subject: Draft review: LRB -4750/P2

Following is the PDF version of draft LRB -4750/P2.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4750/P2
MDK:skw

3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

by MONDAY
12-23

INSERT 1A

Reyn

1 AN ACT to renumber and amend 101.17; and to create 101.17 (2) of the
2 statutes; relating to: inspection requirements for chemical recovery boilers.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Safety and Professional Services has promulgated rules that impose inspection requirements on boilers. This bill affects those requirements for chemical recovery boilers. Under the bill, if a chemical recovery boiler meets the highest rating of the insurer that provides coverage for the boiler, the bill provides that no periodic internal inspection of the boiler may be required that is more frequent than once every 24 months. Also, if a chemical recovery boiler meets that highest rating, the boiler may not be required to be taken out of service in order to perform an inspection. In addition, the bill imposes a deadline on DSPS to act on applications for exemptions or extensions with respect to periodic inspections of chemical recovery boilers. If the owner or user of such a boiler applies for an exemption or extension at least 120 days before the expiration of the inspection period that applies to the boiler, the bill requires DSPS to take final action on the application at least 90 days before the expiration of that inspection period.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4750/P3ins
MDK:...

1

INSERT 1A:

limits the frequency of periodic inspections, including internal inspection, that require taking the boiler out of service. Under the bill, periodic inspections may be required no more frequently than once every 24 months. The frequency limit applies to inspections of the boiler or any of its components.

2

INSERT 2-13A:

3

, including an internal inspection,

4

INSERT 2-13B:

5

^{of}
of any of its components that requires taking the boiler out of service

Kunkel, Mark

From: Kunkel, Mark
Sent: Thursday, January 02, 2020 1:30 PM
To: Johnson, Jesse
Subject: RE: Draft review: LRB -4750/P3

Hi Jesse:

I was out on vacation, but am back, so you'll get this later today.

--Mark

Begin forwarded message:

From: "Rep.VanderMeer" <Rep.VanderMeer@legis.wisconsin.gov>
Date: December 27, 2019 at 3:15:22 PM EST
To: "Kunkel, Mark" <Mark.Kunkel@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -4750/P3

Thanks for this, Mark. Think just one more thing – can we delete everything after the word 'months' in Section 2 on lines 15 and 16?

Believe that won't change anything else, just would like to get rid of the rest of that sentence.

Jesse

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Monday, December 23, 2019 9:53 AM
To: Rep.VanderMeer <Rep.VanderMeer@legis.wisconsin.gov>
Subject: Draft review: LRB -4750/P3

Following is the PDF version of draft LRB -4750/P3.



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stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TOOAY

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SC

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those

1 AN ACT *to renumber and amend* 101.17; and *to create* 101.17 (2) of the
2 statutes; **relating to:** inspection requirements for chemical recovery boilers.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Safety and Professional Services has promulgated rules that impose inspection requirements on boilers. This bill affects those requirements for chemical recovery boilers. If a chemical recovery boiler meets the highest rating of the insurer that provides coverage for the boiler, the bill limits the frequency of periodic inspections, including internal inspection, that require taking the boiler out of service. Under the bill, periodic inspections may be required no more frequently than once every 24 months. The frequency limit applies to inspections of the boiler or any of its components.

In addition, the bill imposes a deadline on DSPS to act on applications for exemptions or extensions with respect to periodic inspections of chemical recovery boilers. If the owner or user of such a boiler applies for an exemption or extension at least 120 days before the expiration of the inspection period that applies to the boiler, the bill requires DSPS to take final action on the application at least 90 days before the expiration of that inspection period.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.17 of the statutes is renumbered 101.17 (1) and amended to
2 read:

3 **101.17 (1) GENERAL PROHIBITION.** No machine, mechanical device, or steam
4 boiler shall be installed or used in this state which does not fully comply with the
5 requirements of the laws of this state enacted for the safety of employees and
6 frequenters in places of employment and public buildings and with the orders of the
7 department adopted and published in conformity with this subchapter. Any person
8 violating this ~~section~~ subsection shall be subject to the forfeitures provided in s.
9 101.02 (12) and (13).

10 **SECTION 2.** 101.17 (2) of the statutes is created to read:

11 **101.17 (2) CHEMICAL RECOVERY BOILER INSPECTIONS.** (a) If a chemical recovery
12 boiler meets the highest rating of the insurer that provides coverage for the boiler,
13 no periodic inspection, including an internal inspection, of the boiler or any of its
14 components that requires taking the boiler out of service may be required more
15 frequently than once every 24 months and the boiler may not be required to be taken
16 out of service in order to perform an inspection.

17 (b) If the owner or user of a chemical recovery boiler applies to the department
18 for an exemption from a periodic inspection requirement, or an extension of the
19 period between inspections that is required, and the application is made at least 120
20 days before the expiration of the inspection period that applies to the boiler, the
21 department shall take final action on the application at least 90 days before the
22 expiration of that inspection period.

23

(END)

Kunkel, Mark

From: Rep.VanderMeer
Sent: Thursday, January 09, 2020 12:19 PM
To: Kunkel, Mark
Cc: Sen.Testin
Subject: FW: Draft review: LRB -4750/P4
Attachments: 19-4750/P4.pdf

Mark,

Thank you again for your patience and flexibility in working with us on this draft. It looks good. Thanks.

Could we please get a /1 of the P4 and also have Senator Testin's office be given a /1?

Appreciate it.

Jesse Johnson
Office of Representative Nancy VanderMeer
(608) 266.8366

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Thursday, January 02, 2020 3:52 PM
To: Rep.VanderMeer <Rep.VanderMeer@legis.wisconsin.gov>
Subject: Draft review: LRB -4750/P4

Following is the PDF version of draft LRB -4750/P4.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TOOAY
- No changes

- 1 **AN ACT** *to renumber and amend* 101.17; and *to create* 101.17 (2) of the
2 statutes; **relating to:** inspection requirements for chemical recovery boilers.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Safety and Professional Services has promulgated rules that impose inspection requirements on boilers. This bill affects those requirements for chemical recovery boilers. If a chemical recovery boiler meets the highest rating of the insurer that provides coverage for the boiler, the bill limits the frequency of periodic inspections, including internal inspection, that require taking the boiler out of service. Under the bill, those periodic inspections may be required no more frequently than once every 24 months. The frequency limit applies to inspections of the boiler or any of its components.

In addition, the bill imposes a deadline on DSPS to act on applications for exemptions or extensions with respect to periodic inspections of chemical recovery boilers. If the owner or user of such a boiler applies for an exemption or extension at least 120 days before the expiration of the inspection period that applies to the boiler, the bill requires DSPS to take final action on the application at least 90 days before the expiration of that inspection period.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Parisi, Lori

From: Johnson, Jesse
Sent: Thursday, January 09, 2020 3:18 PM
To: LRB.Legal
Subject: Draft Review: LRB -4750/1

Please Jacket LRB -4750/1 for the ASSEMBLY.