**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**41 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

 **BOILER AND PRESSURE VESSEL SAFETY PROGRAM**

**Chapter 78: DUTIES AND RESPONSIBILITIES OF OWNERS OF BOILERS AND PRESSURE VESSELS**

**Summary**: This Chapter establishes general duties of owners of boilers and pressure vessels, in addition to what is required by statute.

**SECTION 1.** **Application for Inspection Certificates**

1. **Initial Inspection**. The owner of a boiler or pressure vessel must ensure that an initial inspection is conducted on a newly installed or relocated boiler or pressure vessel in accordance with the applicable provisions of Chapters 74, 75 or 76 of these rules.

2. **Annual Inspection of Boilers**. The owner of a boiler must ensure that the boiler is inspected annually and that the inspection is completed before the expiration of the current inspection certificate.

3. **Periodic Inspection of Pressure Vessels**.

1. **Pressure Vessels Generally**. The owner of a pressure vessel must ensure that the pressure vessel is inspected every three (3) years and that the inspection is completed before the expiration of the current inspection certificate.
2. **Water Heaters Located in Schoolhouses**. The owner of a water heater located in a schoolhouse must ensure that the water heater is inspected every twelve (12) months and that the inspection is completed before the expiration of the current inspection certificate. “Water heaters located in schoolhouses” mean fired storage water heaters located in schoolhouses that are not exempt pursuant to 32 M.R.S. § 15102(2)(I).

4. **Late Fees**. The owner must ensure that the boiler or pressure vessel is inspected in sufficient time to permit compliance with this Section. The director may assess a late inspection certificate fee against the owner if the inspection report is not submitted within sixty (60) days after the date the current inspection certificate expires. The director may also assess a late certificate fee if the owner fails to submit the certificate fee within sixty (60) days of notification from the director that the certificate fee is due.

5. **Rejection of Reports**. The chief inspector may reject any inspection report that is incomplete or illegible or that otherwise fails to comply with the requirements of Title 32, Chapter 131 or the Program’s rules. If the chief inspector rejects the report, the owner will be notified and provided with a statement of the reasons for rejection.

**SECTION 2. Expiration of Inspection Certificates**

1. **Date of Expiration**

A. **Boilers**. Annual inspection certificates for boilers expire on the last day of the month when the unit was last inspected and expire annually thereafter on the last day of that month, unless the owner petitions the chief inspector to change the month of inspection on a form provided by the director.

B. **Pressure Vessels**.

1. **Pressure Vessels Generally**. Triennial inspection certificates for pressure vessels expire on the last day of the month when the unit was last inspected and expire every three (3) years thereafter on the last day of the month, unless the owner petitions the chief inspector to change the month of inspection on a form provided by the director.
2. **Water Heaters Located in Schoolhouses**. Annual inspection certificates for water heaters located in schoolhouses expire on the last day of the month when the unit was last inspected and expire annually thereafter on the last day of that month, unless the owner petitions the chief inspector to change the month of inspection on a form provided by the director. “Water heaters located in schoolhouses” mean fired storage water heaters located in schoolhouses that are not exempt pursuant to 32 M.R.S. § 15102(2)(I).

2. **Suspension of Operation**. If an inspection report has not been submitted to the director within sixty (60) days of the expiration of the most recent inspection certificate, or if the owner has not paid the inspection certificate fee within sixty (60) days after receiving notification that the inspection report has been received by the director, or if repairs to a boiler or pressure vessel are not made within the time prescribed by the director or the chief inspector, the owner must suspend operation of the boiler or pressure vessel until the director issues a new inspection certificate.

**SECTION 3. Orders of Correction**

 When the chief inspector issues an order of correction to an owner stating that a boiler or pressure vessel requires repair, the owner must submit satisfactory written evidence that the repairs have been completed by the time specified. The chief inspector must not issue a new inspection certificate for a boiler or pressure vessel that requires repair.

**SECTION 4. Change of Status**

1. **Owner**. An owner must report to the Board any change in the owner’s address, e-mail address or telephone number within thirty (30) days of the change.

2. **Boiler or Pressure Vessel**. An owner must report to the director any change of status with respect to a boiler or pressure vessel within thirty (30) days of the change. As used in this subsection, “change of status” means transfer of ownership, relocation, physical removal, or placement out of service.

**SECTION 5. Accidents**

1. **Reporting of Accidents**

A. **Initial Report**. No later than twenty-four (24) hours after a reportable accident occurs, the owner of the boiler or pressure vessel must notify the chief inspector and, if applicable, the insurance company. The report must include: (1) the owner’s name; (2) the location of the accident; (3) a brief statement of facts surrounding the accident; and (4) the name and telephone number(s) of the person(s) to be contacted regarding the accident.

B. **Additional Information**. After making the initial report required by Section 5, Subsection 1, Paragraph A of this Chapter, the owner of a boiler or pressure vessel involved in a reportable accident must provide to the chief inspector any additional information requested by the chief inspector regarding the accident or the boiler or pressure vessel.

2. **Maintenance of Accident Site**. When a reportable accident occurs, no parts or appurtenances may be removed or their position changed unless necessary for the protection of life, limb, or property until the chief inspector has conducted their investigation.

3. **Suspension of Operation**. When a reportable accident occurs, the owner must immediately suspend operation of the boiler or pressure vessel, and the boiler or pressure vessel must remain out of operation until the chief inspector has approved resumption of operation.

4. **Examination and Determination**.

A. **Examination**. When a reportable accident occurs that results in significant injury to a person or substantial damage to equipment and/or property, the chief inspector must examine the boiler or pressure vessel and the circumstances surrounding the accident. The chief inspector may designate one or more individuals to assist in the examination.

When a reportable accident occurs that involves equipment failure of a boiler or pressure vessel and does not result in significant injury to a person or substantial damage to equipment, the chief inspector may authorize an Inspector or other individual(s) to examine the boiler or pressure vessel and to report to the chief inspector the findings from the examination.

B. **Determination**. After the chief inspector has examined, or has caused to be examined, the boiler or pressure vessel and the circumstances surrounding the reportable accident, the chief inspector must:

 (i) Approve the resumption of operation;

(ii) Direct that the owner suspend operation until required repairs have been made;

(iii) Summarily revoke the inspection certificate in accordance with 32 M.R.S. § 15119(2); or

(iv) Take other action that the chief inspector deems appropriate to ensure the safety of the public.

**SECTION 6. Unsafe Conditions**

 If an owner becomes aware of an unsafe condition involving a boiler or pressure vessel, the owner immediately must notify the chief inspector in accordance with the procedure for reporting accidents specified in Section 5 of this Chapter.

**SECTION 7. Placing a Boiler or Pressure Vessel Out of Service**

1. **Boiler**. When an owner voluntarily places a boiler out of service, is required to place a boiler out of service in accordance with Title 32, Chapter 131 or Program rules, or is told by the director or the chief inspector to place a boiler out of service, the owner must:

 A. Disconnect the fuel supply, if applicable; and

 B. Disconnect the electrical power to the unit.

The owner must ensure that the work required by Section 7, Subsection 1, Paragraphs A and B is done under the supervision of the engineer-in-charge for a power boiler, or by a technician appropriately licensed with the Maine Fuel Board for a low pressure boiler.

2. **Pressure Vessel**. When an owner voluntarily places a pressure vessel out of service, is required to place a pressure vessel out of service in accordance with Title 32, Chapter 131 or Program rules, or is told by the director or chief inspector to place a pressure vessel out of service, the owner must:

A. Disconnect the source of pressure input; and

 B. Remove the relief valve.

The owner must ensure that the work required by Section 7, Subsection 2, Paragraphs A and B is done by an individual who is familiar with the hazards associated with the particular pressure vessel.

**SECTION 8. Personnel for Power Boilers**

1. The owner of a plant operating a power boiler must designate a person to be the engineer-in-charge of the plant. The designated person must have an appropriate license for the plant based on the classes of licensure specified in 32 M.R.S. § 15109.

2. The owner of a power boiler must, at the time of installation and upon any change in the identity of the engineer-in-charge, inform the Program in writing of:

(1) The name(s) and address(s) of any person(s) designated engineer(s)-in-charge;

(2) The date when each person designated engineer-in-charge assumed that position; and

(3) The precise location and the registration number(s) of the power boiler(s) each engineer-in-charge will oversee.

**SECTION 9. Heating Boilers**

The owner must ensure that heating boilers are properly maintained by appropriately licensed individuals to ensure safe and reliable operation at all times.

**SECTION 10.** **Personnel for Pressure Vessels**

1. Regardless of the number of pressure vessels installed at a plant, the owner remains responsible for ensuring that the pressure vessels are maintained and operated in a safe condition.

2. Whenever ten (10) or more pressure vessels are installed at a plant, the following requirements apply:

1. The owner must assign an individual who is responsible for ensuring that the pressure vessels are maintained and operated in a safe condition as required by these rules; and
2. Duties relating to the operation and maintenance of the pressure vessels must be performed under the direct authority of the individual assigned responsibility in accordance with Section 10, Subsection 2, Paragraph A of this Chapter.

**SECTION 11. Tests**

An Inspector may at any time require an accumulation test or other test to determine if a boiler or pressure vessel is operating properly.

**SECTION 12. Inspection Certificate**

1. Subject to the provisions of 32 M.R.S. § 15121(1) and (2), an owner may not operate a boiler or pressure vessel without a current, valid inspection certificate. The director must issue inspection certificates for boilers for a period of twelve (12) months and for pressure vessels for a period of thirty-six (36) months, with the exception of water heaters located in schoolhouses. The director must issue inspection certificates for water heaters located in schoolhouses for a period of twelve (12) months. “Water heaters located in schoolhouses” mean fired storage water heaters located in schoolhouses that are not exempt pursuant to 32 M.R.S. § 15102(2)(I).

 2. An owner may obtain an inspection certificate from the director if the following requirements have been satisfied:

A. An Inspector has inspected the boiler or pressure vessel and has submitted the report of inspection to the director;

B. The chief inspector has approved the inspection report; and

C. The director has received payment for the inspection certificate, or for the inspection if performed by the chief inspector or the deputy inspector.

3. In order to coordinate Inspectors’ availability with the operating needs of the facility, the chief inspector may authorize an extension of up to two (2) months beyond the expiration date of the inspection certificate. Except in cases of emergency, a written request to operate the boiler or pressure vessel beyond the expiration date must be submitted to the chief inspector no less than fifteen (15) days before the expiration date.

**SECTION 13. Boilers or Pressure Vessels Found to be Unsafe**

1. **Suspension of Inspection Certificate**. If an Inspector finds that a boiler or pressure vessel is unsafe to operate, the Inspector must notify the chief inspector immediately. The chief inspector must suspend the inspection certificate, and the owner must immediately suspend operation of the boiler or pressure vessel until the chief inspector approves the placing of the boiler or pressure vessel back in operation. Pursuant to 5 M.R.S. §10004(4), a suspension issued in accordance with this paragraph is effective for a period of not more than thirty (30) days.

 2. **Condemnation and Stamping**. In the event that repairs to a boiler or pressure vessel are not feasible, the chief inspector must revoke the certificate and condemn the boiler or pressure vessel. Upon condemnation, the chief inspector must stamp the boiler or pressure vessel (“XXX Me”) in accordance with 32 M.R.S. § 15112, provided that the actual stamping must be stayed during the seven (7)-day period set forth in Section 13, Subsection 3 of this Chapter and during the pendency of any appeal filed with the director. Only the chief inspector may revoke a certificate and condemn a boiler or pressure vessel. Pursuant to 5 M.R.S. § 10004(4), a revocation issued in accordance with this paragraph is effective for a period of not more than thirty (30) days.

3. **Owner’s Right to Appeal**. When the chief inspector suspends or revokes a certificate, the chief inspector must give the owner written notice of the owner’s right to appeal the suspension or revocation to the director within seven (7) calendar days of the suspension or revocation.

4. **Appeal Hearing**. Upon receipt of a timely appeal from the owner, the director will schedule an appeal hearing pursuant to 32 M.R.S. § 15104-B. The provisions of the Maine Administrative Procedure Act relating to adjudicatory proceedings govern the hearing. The chief inspector bears the burden of proof at the appeal hearing. The boiler or pressure vessel that is the subject of the appeal must remain out of service and may not be operated during the pendency of the appeal.

**SECTION 14. Portable Boilers**

 Whenever a portable boiler is installed for temporary use, an external inspection must be completed within seventy-two (72) hours, provided the portable boiler has a current, valid inspection certificate issued by the State of Maine. If the portable boiler does not have a current, valid inspection certificate, a certificate inspection is required prior to operation. The owner of the boiler shall arrange for the required inspections to be conducted.

**SECTION 15. General Responsibility**

Owners must ensure that all boilers, pressure vessels, and appurtenances are operated, inspected, and maintained in a condition sufficient to safely perform the work for which they were intended and are kept sufficiently clean to prevent fire hazards.

AUTHORITY: 32 M.R.S. §§ 15103-A, 15104-B, 15119 and 15121

EFFECTIVE DATE: January 1, 2025 – filing 2024-305