

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Ohio Department of Commerce in accordance with Ohio Revised Code § 119.03 intends to amend five rules governing Boiler Inspection found in Ohio Administrative Code § 1301:3-5-01, 1301:3-5-02, 1301:3-5-05.1, 1301:3-5-07, 1301:3-5-10.

The following rules are being amended for the reasons set forth below:

1301:3-5-01:

This rule defines terms used in Chapter 1301:3-5 of the Ohio Administrative Code. Only one grammatical or stylistic change is proposed.

1301:3-5-02:

This rule establishes procedures applicable to inspection of a boiler, including how a boiler is to be prepared for an inspection, as well as grants authority to an inspector to require a hydrostatic test if, in the judgement of the inspector, it is advisable for such a test to be performed. Only grammatical or stylistic changes are being proposed.

1301:3-5-05.1:

In order to operate certain categories of boilers, an owner or operator of such boilers must have the boilers inspected and obtain a certificate of operation from the Division of Industrial Compliance. See R.C. 4104.10; 4104.11–4104.13; 4104.15; 4104.20. Depending upon the type of boiler at issue, including power boilers; high pressure, high temperature water boilers; low pressure boilers; and process boilers, such boilers are required to be inspected during construction and installation by section 4104.12 of the Revised Code, and at regular intervals thereafter pursuant to sections 4104.11 and 4104.13 of the Revised Code. And once inspected, a certificate of operation fee must be submitted in accordance with section 4104.18 of the Revised Code. That section, however, provides that the “superintendent of industrial compliance, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the fees required by this section and may establish fees to pay the costs of the division to fulfill its duties established by [Chapter 4104. of the Revised Code]. The fees shall bear some reasonable relationship to the cost of administering and enforcing the provisions of this chapter.” R.C. 4104.20(E). Rule 1301:3-5-05.1 of the Ohio Administrative Code was promulgated for the purpose of increasing the fees established by section 4104.18 of the Revised Code.

At present, the fee is sixty-five dollars for each year a certificate of operation is valid, meaning the fee is sixty-five dollars for boilers inspected annually, one hundred thirty dollars for boilers inspected biennially, one hundred ninety-five dollars for boilers inspected triennially, and three hundred twenty-five dollars for boilers inspected quinquennially. This amount went into effect on July 22, 2019.

In this five-year rule review, the Superintendent proposes to amend the rule to increase the amount previously set in this rule by an additional forty-five dollars for each year interval, resulting in the following amounts: one hundred ten dollars for boilers subject to annual inspection; two hundred twenty dollars for boilers subject to biennial inspection; three hundred thirty dollars for boilers subject to triennial inspection; and five hundred fifty dollars for boilers subject to quinquennial inspection. The proposed increases are necessary because the costs borne by the

Division in enforcing the requirements of Chapter 4104. of the Revised Code specifically, and in its operations generally, have increased since the time this rule was previously enacted.

1301:3-5-07

This rule establishes procedures for inspection of power boilers and process boilers, including that such inspections shall be made internally and externally, and under operating conditions, and how often such inspections must be conducted. The rule also prohibits the use of process boilers in excess of the safe working pressure stated in the certificate of operation applicable to the boiler. Finally, the rule establishes the procedure a boiler owner or user may use to request that a boiler be inspected biennially, triennially, or quinquennially, as opposed to the annual inspection interval that would otherwise be required. Only grammatical and stylistic changes are being proposed.

1301:3-5-10

This rule establishes the experience requirements applicants must demonstrate in order to obtain a license as a low-pressure boiler operator, high-pressure boiler operator, or stationary steam engineer under section 4104.19 of the Revised Code. In addition to grammatical or stylistic changes, the amount of hours of operating experience needed to qualify to obtain a license as a stationary steam engineer was reduced from one thousand hours to seven hundred hours for individuals with operating experience associated in the direct care, custody, and control of the fuel, combustion air, water level, steam pressure, system load, and supporting equipment of a steam boiler exceeding fifteen pounds per square inch when the applicant also has successfully completed a one-hundred-twenty-five hour steam boiler and steam turbine operation course approved by the superintendent.

The Department will conduct a public hearing on the proposed rules on June 20, 2025, at 1:00 p.m. at the offices of the Division of Industrial Compliance, 6606 Tussing Road, Training Room 3, Reynoldsburg, Ohio 43068-9009.

The proposed rules are available by contacting the Ohio Department of Commerce, Division of Industrial Compliance, Office of Division Counsel, 6606 Tussing Road, Reynoldsburg, OH 43068, by calling (614) 752-7124. The proposed rules are also available at the following website: www.registerofohio.state.oh.us.

At the public hearing, any person affected by the proposed actions may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule or amendments, if adopted or effectuated, will be unreasonable or unlawful.

Any person who wishes to present his or her position, arguments or contentions in writing may do so by mailing his or her written comments to the Ohio Department of Commerce, Division of Industrial Compliance, Office of Division Counsel, 6606 Tussing Road, Reynoldsburg, OH 43068. Written comments may also be submitted at the hearing. All written comments must be submitted to the Department no later than 5:00 pm. June 20, 2025. Written comments submitted after this date may be considered as time and circumstances permit.

The Ohio Department of Commerce is an equal opportunity service provider.