

WSR 21-03-067  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES

[Filed January 19, 2021, 10:09 a.m., effective February 19, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule making is to adopt amendments to the boiler rules and fees. The board of boiler rules reviews the rules on a regular basis to ensure the rules are consistent with national safety standards for boilers and unfired pressure vessels, and industry practice.

This rule making will:

- Increase fees by the fiscal growth factor of 5.91 percent for fiscal year 2021, to support operating expenses for inspections;
- Modify the civil penalties for repairs and alterations to improve public safety by:
  - Making repair organizations of boilers and pressure vessels liable for civil penalties for violations of the boiler laws and rules;
  - Making a welded repair or alteration to a boiler or pressure vessel without meeting the procedure and filing requirements a violation; and
  - Clarifying when a violation of the procedure and filing requirements for welded repairs or alterations is a second or additional offense.
- Add a new definition for "repair organization" to clarify its meaning; and
- Correct a reference in the definition of "historical boilers and unfired pressure vessels" to align with SB 6240 (chapter 259, Laws of 2018) that passed the legislature in 2018.

Citation of Rules Affected by this Order: Amending WAC 296-104-010 Administration—What are the definitions of terms used in this chapter?, 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?, and 296-104-701 What are the civil penalties?

Statutory Authority for Adoption: Chapter 70.79 RCW, Boilers and unfired pressure vessels.

Adopted under notice filed as WSR 20-24-115 on December 1, 2020.

A final cost-benefit analysis is available by contacting Alicia Curry, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@lni.wa.gov, website <https://lni.wa.gov/licensing-permits/boilers/laws-rules>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: January 19, 2021.

Terry Chapin  
Chair

## OTS-2699.1

AMENDATORY SECTION (Amending WSR 19-15-120, filed 7/23/19, effective 9/1/19)

**WAC 296-104-010 Administration—What are the definitions of terms used in this chapter? "Accident"** shall mean a failure of the boiler or unfired pressure vessel resulting in personal injury or property loss or an event which renders a boiler or unfired pressure vessel unsafe to return to operation.

**"Agriculture purposes"** shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

**"Attendant"** shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

**"Automatic operation of a boiler"** shall mean automatic unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

**"Board of boiler rules" or "board"** shall mean the board created by law and empowered under RCW 70.79.010.

**"Boiler and unfired pressure vessel installation/reinstallation permit,"** shall mean a permit approved by the chief inspector before starting installation or reinstallation of any boiler and unfired pressure vessel within the jurisdiction of Washington.

**"Boilers and/or unfired pressure vessels"** - Below are definitions for types of boilers and unfired pressure vessels used in these regulations:

- **"Boiler/unfired pressure vessel status"** shall mean:
  - \* Active - Boilers or pressure vessels that are currently in service.
  - \* Inactive - Boilers or pressure vessels still located at the facility but are physically disconnected from the energy input and system.
  - \* Out-of-service - Boilers or pressure vessels that are no longer at the facility.
  - \* Scrapped - Boilers or pressure vessels that have been condemned as defined below.

- **"Condemned boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified for further use by legal requirements. The following procedure shall be utilized:
  - (a) The inspector will issue and follow the department's "red tag" procedure.
  - (b) The object will be immediately removed from service.
  - (c) The existing national board and state number shall be obliterated by the inspector.
  - (d) The ASME nameplate and/or stamping shall be physically removed by the owner/user and verified by the inspector.
  - (e) If required by the inspector, a portion of the pressure vessel shall be physically removed by the owner/user. This action will render the object incapable of holding pressure.
  - (f) The inspector shall document this procedure on the boiler/pressure vessel inspection report and change the object status to "scrapped."
- **"Corrosion"** shall mean the destruction or deterioration of a material, that results from a reaction with its environment.
- **"Expansion tank"** shall mean a tank used to absorb excess water pressure. Expansion tanks installed in closed water heating systems and hot water supply systems shall meet the requirements of ASME Section IV, HG-709.
- **"Historical boilers and unfired pressure vessel"** shall mean nonstandard boilers and pressure vessels including steam tractors, traction engines, hobby steam boilers, portable steam boilers, and other such boilers or pressure vessels that are preserved, restored, and maintained only for demonstration, viewing, or educational purposes. They do not include miniature hobby boilers as described in RCW (~~(70.79.070)~~) 70.79.080.
- **"Hot water heater"** shall mean a closed vessel designed to supply hot water for external use to the system.
- \* All vessels must be listed by a nationally recognized testing agency.
- \* Shall be protected with an approved temperature and pressure safety relief valve with the appropriate pressure and relieving capacity ratings.
- \* The hot water heater shall not exceed any of the following limits:
  - \* Pressure of 160 psi (1100 kpa);
  - \* Temperature of 210 degrees F (99°C).
  - \* 120 gallons in capacity.
  - \* 200,000 Btu/hr (58.6 kW).
 Additional requirements:
  - \* Hot water heaters exceeding 120 gallons (454 liters) must be ASME code stamped;
  - \* Hot water heaters exceeding 200,000 Btu/hr (58.6 kW) input must be ASME code stamped.
- **"Indirect water heater"** shall mean a closed vessel appliance used to heat water for use external to itself, which includes a heat exchanger used to transfer heat to water from an external source. The requirements and limits described above shall apply.

- **"Installer"** shall mean any entity or individual who physically or mechanically installs a boiler, pressure vessel or water heater that meets the in-service inspection requirements of this chapter. The installer is defined as a registered contractor, owner, user or designee.
- **"Low pressure boiler"** shall mean a steam boiler operating at a pressure not exceeding 15 psig or a boiler in which water is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy. Low pressure boilers open to atmosphere and vacuum boilers are excluded.
- **"Nonstandard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.
- **"Pool heaters"** shall mean a gas, oil, or electric appliance that is used to heat water contained in swimming pools, spas, and hot tubs.
  - (a) Pool heaters with energy input equivalent to 399,999 Btu/hr (117.2 kW) or less shall be manufactured and certified to ANSI Z21.56, UL1261, CSA 4.7 or equivalent manufacturing standards, as approved by the chief inspector, and are excluded from the limit and control devices requirements of WAC 296-104-300 through 296-104-303.
  - (b) Pool heaters with energy input of 400,000 Btu/hr and above shall be stamped with an ASME Section IV Code symbol, and the requirements of WAC 296-104-300 through 296-104-303 shall apply.
  - (c) Pool heaters open to the atmosphere are excluded.
- **"Power boiler"** shall mean a boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.
- **"Reinstalled boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.
- **"Rental boiler"** shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.
- **"Second hand boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.
- **"Standard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.
- **"Unfired pressure vessel"** shall mean a closed vessel under pressure excluding:
  - \* Fired process tubular heaters;
  - \* Pressure containers which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;

- \* Piping whose primary function is to transport fluids from one location to another;
- \* Those vessels defined as low pressure heating boilers or power boilers.
- **"Unfired steam boiler"** shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

**"Certificate of competency"** shall mean a certificate issued by the Washington state board of boiler rules to a person who has passed the tests as set forth in WAC 296-104-050.

**"Certificate of inspection"** shall mean a certificate issued by the chief boiler inspector to the owner/user of a boiler or unfired pressure vessel upon inspection by an inspector. The boiler or unfired pressure vessel must comply with rules, regulations, and appropriate fee payment shall be made directly to the chief boiler inspector.

**"Code, API-510"** shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

**"Code, ASME"** shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with addenda thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

**"Code, NBIC"** shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

**"Commission"** shall mean an annual commission card issued to a person in the employ of Washington state, an insurance company or a company owner/user inspection agency holding a Washington state certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

**"Department"** as used herein shall mean the department of labor and industries of the state of Washington.

**"Director"** shall mean the director of the department of labor and industries.

**"Domestic and/or residential purposes"** shall mean serving a private residence or an apartment house of less than six families.

**"Existing installations"** shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

**"Inspection certificate"** see "certificate of inspection."

**"Inspection, external"** shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

**"Inspection, internal"** shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels less than 36" inside diameter shall constitute an internal inspection.

**"Inspector"** shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

- **"Chief inspector"** shall mean the inspector appointed under RCW 70.79.100 who serves as the secretary to the board without a vote.
- **"Deputy inspector"** shall mean an inspector appointed under RCW 70.79.120.
- **"Special inspector"** shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

**"Jacketed steam kettle"** shall mean a pressure vessel with inner and outer walls that is subject to steam pressure and is used to boil or heat liquids or to cook food. Jacketed steam kettles with a total volume greater than or equal to one and one-half cubic feet (11.25 gallons) shall be ASME code stamped.

(a) **"Unfired jacketed steam kettle"** is one where the steam within the jacket's walls is generated external to itself, such as from a boiler or other steam source.

(b) **"Direct fired jacketed steam kettle"** is a jacketed steam kettle having its own source of energy, such as gas or electricity for generating steam within the jacket's walls.

**"Nationwide engineering standard"** shall mean a nationally accepted design method, formulae and practice acceptable to the board.

**"Operating permit"** see "certificate of inspection."

**"Owner"** or **"user"** shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

**"Owner/user inspection agency"** shall mean an owner or user of boilers and/or pressure vessels that maintains an established inspection department, whose organization and inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

**"Place of public assembly"** or **"assembly hall"** shall mean a building or portion of a building used for the gathering together of fifty or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing homes, and assisted living facilities that provide housing and basic services for seven or more residents.

**"Repair organization"** shall mean an organization in possession of a valid "Certificate of Authorization" from the National Board of Boiler and Pressure Vessel Inspectors, to use the "R" symbol stamp for repair and/or alteration to pressure retaining items within their scope of authority.

**"Special design"** shall mean a design using nationally or internationally recognized engineering standards other than the codes adopted in WAC 296-104-200.

[Statutory Authority: Chapter 70.79 RCW. WSR 19-15-120, § 296-104-010, filed 7/23/19, effective 9/1/19; WSR 18-23-092, § 296-104-010, filed 11/20/18, effective 1/1/19; WSR 18-01-113, § 296-104-010, filed 12/19/17, effective 1/31/18; WSR 15-14-100, § 296-104-010, filed 6/30/15, effective 9/1/15; WSR 13-10-018, § 296-104-010, filed 4/23/13, effective 6/1/13. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and 2009 c 90. WSR 10-06-049, § 296-104-010, filed 2/24/10, effective 4/1/10. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. WSR 08-12-015, § 296-104-010, filed 5/27/08, effective 6/30/08; WSR 06-24-042, § 296-104-010, filed 11/30/06, effective 1/1/07. Statutory Authority: Chapter 70.79 RCW. WSR 04-21-069, § 296-104-010, filed 10/19/04, effective 1/1/05. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. WSR 04-01-194, § 296-104-010, filed 12/24/03, effective 1/24/04; WSR 02-23-036, § 296-104-010, filed 11/13/02, effective 12/14/02; WSR 01-24-061, § 296-104-010, filed 11/30/01, effective 12/31/01. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. WSR 00-21-024, § 296-104-010, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. WSR 99-22-026, § 296-104-010, filed 10/26/99, effective 11/26/99; WSR 98-22-024, § 296-104-010, filed 10/28/98, effective 11/28/98; WSR 96-21-081, § 296-104-010, filed 10/16/96, effective 11/16/96. Statutory Authority: RCW 70.79.040. WSR 94-21-002, § 296-104-010, filed 10/5/94, effective 11/5/94; WSR 93-12-014, § 296-104-010, filed 5/21/93, effective 6/21/93; WSR 92-11-070, § 296-104-010, filed 5/20/92, effective 6/20/92. Statutory Authority: RCW 70.79.240. WSR 88-01-064 (Order 87-25), § 296-104-010, filed 12/17/87. Statutory Authority: RCW 70.79.040 and 70.79.050. WSR 86-01-088 (Order 85-26), § 296-104-010, filed 12/19/85; Order 72-11, § 296-104-010, filed 7/7/72; Part I, filed 3/23/60.]

AMENDATORY SECTION (Amending WSR 20-06-058, filed 3/3/20, effective 4/3/20)

**WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?** The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

The boiler and pressure vessel installation/reinstallation permit fee of (~~(\$59.00)~~) \$62.40 shall be paid by the installer, as defined in WAC 296-104-010.

Certificate of inspection fees: For objects inspected, the certificate of inspection fee per object is (~~(\$25.40)~~) \$26.90.

Hot water heaters per RCW 70.79.090, inspection fee: (~~(\$7.70)~~) \$8.10.

The department shall assess a \$7.00 fee, per object, for processing of jurisdictional inspection reports to any authorized in-service inspection agency or inspector who does not file the report directly into the department's electronic inspection report system.

Heating boilers: Internal External

Cast iron—All sizes	(( <del>\$42.90</del> ))(( <del>\$34.30</del> ))	
	<u>\$45.40</u>	<u>\$36.30</u>
All other boilers less than 500 sq. ft.	(( <del>\$42.90</del> ))(( <del>\$34.30</del> ))	
	<u>\$45.40</u>	<u>\$36.30</u>
500 sq. ft. to 2500 sq. ft.	(( <del>\$85.80</del> ))(( <del>\$42.90</del> ))	
	<u>\$90.80</u>	<u>\$45.40</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	(( <del>\$34.30</del> ))(( <del>\$16.80</del> ))	
	<u>\$36.30</u>	<u>\$17.70</u>
Power boilers:	Internal	External
Less than 100 sq. ft.	(( <del>\$42.90</del> ))(( <del>\$34.30</del> ))	
	<u>\$45.40</u>	<u>\$36.30</u>
100 sq. ft. to less than 500 sq. ft.	(( <del>\$52.00</del> ))(( <del>\$34.30</del> ))	
	<u>\$55.00</u>	<u>\$36.30</u>
500 sq. ft. to 2500 sq. ft.	(( <del>\$85.80</del> ))(( <del>\$42.90</del> ))	
	<u>\$90.80</u>	<u>\$45.40</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	(( <del>\$34.30</del> ))(( <del>\$16.80</del> ))	
	<u>\$36.30</u>	<u>\$17.70</u>
Pressure vessels:		
Square feet shall be determined by multiplying the length of the shell by its diameter.	Internal	External
Less than 15 sq. ft.	(( <del>\$34.30</del> ))(( <del>\$25.40</del> ))	
	<u>\$36.30</u>	<u>\$26.90</u>
15 sq. ft. to less than 50 sq. ft.	(( <del>\$50.90</del> ))(( <del>\$25.40</del> ))	
	<u>\$53.90</u>	<u>\$26.90</u>
50 sq. ft. to 100 sq. ft.	(( <del>\$59.40</del> ))(( <del>\$34.30</del> ))	
	<u>\$62.90</u>	<u>\$36.30</u>
For each additional 100 sq. ft. or any portion thereof	(( <del>\$59.30</del> ))(( <del>\$16.80</del> ))	
	<u>\$62.80</u>	<u>\$17.70</u>
Nonnuclear shop inspections, field construction inspections, and special inspection services:		
For each hour or part of an hour up to 8 hours	(( <del>\$52.00</del> ))	<u>\$55.00</u>
For each hour or part of an hour in excess of 8 hours	(( <del>\$77.60</del> ))	<u>\$82.10</u>
Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:		
For each hour or part of an hour up to 8 hours	(( <del>\$77.60</del> ))	<u>\$82.10</u>
For each hour or part of an hour in excess of 8 hours	(( <del>\$121.50</del> ))	<u>\$128.60</u>
Nonnuclear triennial shop survey and audit:		
When state is authorized inspection agency:		
For each hour or part of an hour up to 8 hours	(( <del>\$52.00</del> ))	<u>\$55.00</u>
For each hour or part of an hour in excess of 8 hours	(( <del>\$77.60</del> ))	<u>\$82.10</u>
When insurance company is authorized inspection agency:		
For each hour or part of an hour up to 8 hours	(( <del>\$77.60</del> ))	<u>\$82.10</u>
For each hour or part of an hour in excess of 8 hours	(( <del>\$121.50</del> ))	<u>\$128.60</u>

Examination fee: A fee of ((~~\$96.10~~)) \$101.70 will be charged for each applicant sitting for an inspection examination(s).



Special inspector commission: A fee of (~~(\$51.90)~~) \$54.90 for initial work card. A fee of (~~(\$32.20)~~) \$34.10 for annual renewal.

If a special inspector changes companies: A work card fee of (~~(\$51.90)~~) \$54.90.

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Requests for Washington state specials and extensions of inspection frequency: For each vessel to be considered by the board, a fee of (~~(\$483.60)~~) \$512.10 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

[Statutory Authority: Chapter 70.79 RCW. WSR 20-06-058, § 296-104-700, filed 3/3/20, effective 4/3/20; WSR 19-15-120, § 296-104-700, filed 7/23/19, effective 9/1/19; WSR 18-23-092, § 296-104-700, filed 11/20/18, effective 1/1/19; WSR 18-01-113, § 296-104-700, filed 12/19/17, effective 1/31/18; WSR 17-13-105, § 296-104-700, filed 6/20/17, effective 7/31/17; WSR 16-18-003, § 296-104-700, filed 8/25/16, effective 10/1/16; WSR 13-10-018, § 296-104-700, filed 4/23/13, effective 6/1/13. Statutory Authority: Chapter 70.79 RCW and 2011 1st sp.s. c 50. WSR 12-09-057, § 296-104-700, filed 4/17/12, effective 6/30/12. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and 2009 c 90. WSR 10-06-049, § 296-104-700, filed 2/24/10, effective 4/1/10. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. WSR 08-12-015, § 296-104-700, filed 5/27/08, effective 6/30/08; WSR 07-11-137, § 296-104-700, filed 5/22/07, effective 6/30/07; WSR 06-12-032, § 296-104-700, filed 5/31/06, effective 7/1/06; WSR 05-12-028, § 296-104-700, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapter 70.79 RCW. WSR 04-21-069, § 296-104-700, filed 10/19/04, effective 1/1/05; WSR 04-13-044, § 296-104-700, filed 6/10/04, effective 6/30/04. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. WSR 04-01-194, § 296-104-700, filed 12/24/03, effective 1/24/04; WSR 03-12-051, § 296-104-700, filed 5/30/03, effective 6/30/03; WSR 02-23-036, § 296-104-700, filed 11/13/02, effective 12/14/02; WSR 02-12-021, § 296-104-700, filed 5/28/02, effective 6/28/02; WSR 01-24-061, § 296-104-700, filed 11/30/01, effective 12/31/01; WSR 01-12-034, § 296-104-700, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. WSR 00-21-024, § 296-104-700, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. WSR 99-08-049, § 296-104-700, filed 4/1/99, effective 5/2/99; WSR 98-09-064, § 296-104-700, filed 4/20/98, effective 5/21/98. Statutory Authority: RCW 70.79.040. WSR 93-12-014, § 296-104-700, filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 70.79.030 and 70.79.330. WSR 84-21-012 (Order 84-20), § 296-104-700, filed 10/5/84; WSR 84-11-016 (Order 84-09), § 296-104-700, filed 5/10/84; WSR 82-24-025

(Order 82-36), § 296-104-700, filed 11/23/82, effective 1/1/83; Order 77-23, § 296-104-700, filed 11/8/77; Emergency Order 77-22, § 296-104-700, filed 11/8/77.]

AMENDATORY SECTION (Amending WSR 18-01-113, filed 12/19/17, effective 1/31/18)

**WAC 296-104-701 What are the civil penalties?** (1) An installer, owner, user, ~~((or))~~ operator, or repair organization of a boiler or pressure vessel that violates a provision of chapter 70.79 RCW, or of the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Operating under pressure a boiler or pressure vessel which the department has condemned, has issued a red tag or has suspended the inspection certificate:

First offense .....	\$150.00
Second offense .....	\$300.00
Each additional offense .....	\$500.00

Each day of such unlawful operation shall be deemed a separate offense.

Operating under pressure a boiler or pressure vessel without a valid inspection certificate:

First offense .....	\$50.00
Second offense .....	\$100.00
Each additional offense .....	\$200.00

Each day of such unlawful operation shall be deemed a separate offense.

Installation of a boiler or pressure vessel without meeting prior filing requirements of WAC 296-104-020:

First offense .....	\$100.00
Second offense .....	\$200.00
Each additional offense .....	\$500.00

Performing a welded repair or alteration to a boiler or unfired pressure vessel, ~~((involving welding to a pressure retaining part,))~~ without meeting the filing and procedural requirements of WAC ~~((296-104-502))~~ 296-104-503:

First offense .....	\$150.00
Second offense .....	\$300.00
Each additional offense .....	\$500.00

~~((Performing an alteration to a boiler or pressure vessel without meeting requirements of WAC 296-104-502:~~

<del>First offense .....</del>	<del>\$150.00</del>
<del>Second offense .....</del>	<del>\$300.00</del>
<del>Each additional offense .....</del>	<del>\$500.00))</del>

A violation will be a second or additional offense only if it occurs within one calendar year from the first violation.

Performing resetting, repair or restamping of safety valves, safety relief valves, or rupture discs, without meeting requirements of WAC 296-104-520:

First offense.....	\$150.00
Second offense.....	\$300.00
Each additional offense.....	\$500.00

Failure of owner to notify chief inspector in case of accident which serves to render a boiler or unfired pressure vessel inoperative, as required by WAC 296-104-025:

Each offense.....	\$100.00
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Failure to comply with a noncompliance report requirement:

Within 90 days.....	\$100.00
Within 91-180 days.....	\$250.00
Within 181-270 days.....	\$400.00
Within 271-360 days.....	\$500.00

(2) The inspection agency responsible for the in-service inspector of a boiler or unfired pressure vessel that violates a provision of chapter 296-104 WAC, or the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Failure to file a report of inspection per WAC 296-104-040:

Each offense.....	\$50.00
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Failure to apply a state serial number per WAC 296-104-140:

Each offense.....	\$50.00
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Failure to attach a "Red TAG" per WAC 296-104-110:

Each offense.....	\$50.00
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Each object (boiler or unfired pressure vessel) is considered a separate offense.

(3) The department shall by certified mail notify a person of its determination that the person has violated this section.

(4) Any person aggrieved by an order or act under the boiler and unfired pressure vessels law or under the rules and regulations may appeal to the board of boiler rules. This appeal shall be filed within twenty days after service of the notice of the penalty to the assessed party by filing a written notice of appeal with the chief boiler inspector per RCW 70.79.361.

(5) Each day that a violation occurs will be a separate offense. A violation will be a second or additional offense only if it occurs within one year from the first violation.

[Statutory Authority: Chapter 70.79 RCW. WSR 18-01-113, § 296-104-701, filed 12/19/17, effective 1/31/18. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. WSR 05-22-092, § 296-104-701, filed 11/1/05, effective 1/1/06. Statutory Authority: Chapter 70.79 RCW. WSR 04-21-069, § 296-104-701, filed 10/19/04, effective 1/1/05. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. WSR 00-21-024, § 296-104-701, filed 10/10/00, effective 11/13/00. Statutory Authority: Chapter 70.79 RCW. WSR 87-12-003 (Order 87-10), § 296-104-701, filed 5/21/87.]