

HAWAII ADMINISTRATIVE RULES

TITLE 12

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 8

HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION

PART 10

BOILER AND PRESSURE VESSEL

CHAPTER 220

GENERAL, ADMINISTRATIVE, AND LEGAL PROVISIONS

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Historical Note: Chapter 220 of title 12 is based upon chapter 377 of the Hawaii Occupational Safety and Health Standards, Rules and Regulations. [Eff 7/11/74; am 6/7/76; am 12/30/76; am 8/22/77; am 8/11/78; am 8/23/79; R 7/12/82]

**§12-220-1 Definitions.** As used in this part:

"Accident" means any undesired boiler or pressure vessel event that results in personal injury or property damage. This does not include events of a routine nature due to the normal operation of a boiler or pressure vessel such as tube leaks, general leakage from the pressure boundary, corrosion, erosion, or other events that are typically associated with maintenance or repair.

"AIA" means:

- (1) The department of labor and industrial relations boiler and elevator inspection branch; or
- (2) An insurance company which has been licensed or registered by the appropriate authority of the State of Hawaii to write boiler and pressure vessel insurance and provides inspection services of boilers and pressure vessels and pressure systems in this State, and whose inspectors hold a valid commission issued by the National Board, and possess a valid State of Hawaii certificate of competency. The insurance company shall be accredited by the National Board in accordance with NB-369, Accreditation of Authorized Inspection Agencies (AIA)

Performing Inservice Inspection Activities.

"Alteration" means a change in the item described on the original manufacturer's data report that affects the pressure containing capability of the pressure retaining item. Nonphysical changes such as an increase in the maximum allowable working pressure (internal or external), increase in design temperature, or a

reduction in minimum temperature of a pressure retaining item shall be considered an alteration.

"ANSI" means the American National Standards Institute.

"Appeals board" means the department of labor and industrial relations, labor and industrial relations appeals board.

"API" means the American Petroleum Institute.

"API-510" means the American Petroleum Institute Pressure Vessel Inspection Code: In-service Inspection, Rating, Repair, and Alteration.

"Application" means a written or electronic request for approval required by law to be obtained prior to the installation, operation, or repair or alteration of a pressure retaining item.

"Approved" means approved by the department.

"Appurtenance" means a device installed on and used in the normal operation of a boiler or pressure vessel.

"ASME" means the American Society of Mechanical Engineers.

"ASME B31.1" means the American Society of Mechanical Engineers Power Piping, as adopted and incorporated by reference in section 12-220-1.1.

"ASME BPVC" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, as adopted and incorporated by reference in section 12-220-1.1.

"ASME CSD-1" means the American Society of Mechanical Engineers Controls and Safety Devices for Automatically Fired Boilers, as adopted and incorporated by reference in section 12-220-1.1.

"ASME PVHO 1" means the American Society of Mechanical Engineers, Safety Standards for Pressure Vessels for Human Occupancy, as adopted and incorporated by reference in section 12-220-1.1.

"ASME PVHO 2" means the American Society of Mechanical Engineers Safety Standard for Pressure Vessels for Human Occupancy: In-Service Guidelines, as adopted and incorporated by reference in section 12-220-1.1.

"Attorney general" means the attorney general of the State of Hawaii or any of the deputy attorneys general.

"Authorized inspection agency" means the same as AIA.

"Boiler" means a closed vessel in which water or other liquid is heated, steam or vapor is generated, steam or vapor is superheated, or any combination thereof, under pressure for use external to itself, by the direct application of energy from the combustion of fuels, electricity, or solar energy. The term boiler also shall include the apparatus used to generate heat and all controls and safety devices associated with the apparatus or the closed vessel.

"Boiler external piping" or "BEP" means all piping and components connected to a power boiler as defined in ASME B31.1 and ASME BPVC Section I Power Boilers.

"Certificate of competency" means a certificate issued to a person who has passed the examination prescribed by the director.

"Chief boiler inspector" means the appointed chief boiler and pressure vessel inspector in the jurisdiction charged with the enforcement of laws pertaining to the inspection of boilers and pressure vessels. The chief boiler inspector represents the jurisdiction as the voting member of the National Board and serves as an ASME Conference Committee member.

"Commission" means the commission issued by the National Board.

"Condemned boiler or pressure vessel" means a boiler or pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector and a stamping or marking designating its condemnation has been applied by the inspector.

"Contractor" means any person, firm, or corporation installing, repairing, or servicing and responsible for the safe operation of any pressure retaining item subject to chapter 397, HRS.

"Department" or "DLIR" means the department of labor and industrial relations, State of Hawaii.

"Director" means the director of the department of labor and industrial relations or the director's agent.

"Discrepancy" means the nonconformance of an item, unit, or part to a code, standard, or rule required by part 10 of this subtitle.

"Division" means the Hawaii occupational safety and health division, department of labor and industrial relations.

"Electric boiler" means a power boiler or heating boiler in which the source of heat is electricity.

"Existing installation" means any boiler or pressure vessel constructed, installed, placed in operation, or contracted for before the effective date of these rules.

"Factor of safety" is the number by which a given permissible force, or load, value can be multiplied before the boiler or pressure vessel reaches its ultimate design strength value.

"Fired" means the application of heat from the combustion of gaseous, liquid, or solid fuels; or from electricity; which includes direct or indirect fired provided that:

- (1) "Direct" means the primary application of heat.
- (2) "Indirect" means other than the primary application of heat.

"Fuel" means any matter consumed to produce heat.

"Hawaii Revised Statutes" or "HRS" means laws enacted by the Hawaii State Legislature.

"Heat" means thermal energy in transition by radiation, conduction, convection, or any combination of these.

"Heat recovery steam generator" means a vessel or system of vessels comprising one or more heat exchanger surfaces used for the recovery of waste heat. It produces steam that can be used in a process (cogeneration) or used to drive a steam turbine (combined cycle).

"Heating boilers" means steam heating boilers, hot-water heating boilers, hot-water supply boilers, and potable water heaters.

"High-temperature water boiler" means a power boiler in which water is heated and operates at a pressure more than 160 psig or temperatures more than

250 degrees Fahrenheit, and has the ASME Code symbol stamp or ASME certification mark with the designator "S".

"Hot-water heating boiler" means a hot water boiler installed to operate at pressures not exceeding 160 psig or at a temperature not exceeding 250 degrees Fahrenheit, at or near the boiler outlet, and that has the ASME Code symbol stamp or ASME certification mark with the designator "H".

"Hot-water supply boiler" means a boiler that furnishes hot water to be used externally to itself at a pressure not exceeding 160 psig or at a temperature less than or equal to 250 degrees Fahrenheit at or near the boiler outlet, and that has the ASME Code symbol stamp or ASME certification mark with the designator "H".

"Hydrostatic test" means a liquid pressure test which is conducted using water as the test medium.

"Inspector" means a qualified boiler inspector, including the chief boiler inspector, deputy boiler inspector, special inspector, or owner-user inspector holding a valid certificate of competency issued by the department, who has satisfied the requirements established by the department and has a valid National Board commission:

- (1) "Chief boiler inspector" means the appointed chief boiler and pressure vessel inspector;
- (2) "Deputy boiler inspector" means any boiler inspector employed by the department;
- (3) "Special inspector" means any inspector who is regularly employed by an insurance company which has been licensed or registered by the appropriate authority of the State of Hawaii to write boiler and pressure vessel insurance and provide inspection services of pressure retaining items in this State; and
- (4) "Owner-user inspector" means an inspector who is regularly employed as an inspector by an owner-user inspection organization.

"Jurisdiction" means the State of Hawaii.

"Lined potable water heater" means a water heater with a corrosion resistant lining used to supply potable hot water.

"May" means permissive.

"Miniature boiler" means a power boiler or high temperature water boiler which does not exceed any one of these limits:

- (1) Sixteen inches (16) inside diameter of shell;
- (2) Twenty (20) square feet heating surface (not applicable to electric boilers);
- (3) Five (5) cubic feet gross volume exclusive of casing and insulation; and
- (4) One hundred (100) psig maximum allowable working pressure.

"National Board" or "NB" means the National Board of Boiler and Pressure Vessel Inspectors.

"National Board Inspection Code" or "NBIC" means the National Board Inspection Code as adopted and incorporated by reference in section 12-220-1.1.

"NB-263, RCI-1" means the National Board Rules for Commissioned Inspectors.

"NB-264" means the National Board Criteria for Registration.

"NB-369" means the National Board Accreditation of Authorized Inspection Agencies (AIA) Performing Inservice Inspection Activities.

"NB-371" means the National Board Accreditation of Owner-User Inspection Organizations (OUIO).

"NB-381" means the National Board Quality Program for Inspection Organizations.

"NBEP" means non-boiler external piping that refers to all piping and components connected downstream of the boiler external piping as defined in ASME B31.1.

"NBEP certificate" means a certificate issued by the department to a company that is qualified to design, fabricate, install, repair, or alter non-boiler external piping. A company that applies for a NBEP authorization without a valid ASME certificate of authorization with a "S", "A", or "PP" designator, or a valid NB "R" certificate of authorization, may be issued a certificate limited in scope of work to a MAWP



of 150 psi or less, and a pipe size to three (3) inches in diameter or less. The provisions of ASME B31.1 shall apply, including the quality control requirements in Mandatory Appendix J.

"NBIC" means the National Boiler Inspection Code, as adopted and incorporated by reference in section 12-220-1.1.

"New boiler or pressure vessel installation" means all boilers or pressure vessels constructed, installed, placed in operation, or contracted for after the effective date of these rules.

"NFPA" means the National Fire Protection Association.

"NFPA 31" means the National Fire Protection Association Standard for the Installation of Oil-Burning Equipment.

"NFPA 54, ANSI Z223.1" means the National Fire Protection Association National Fuel Gas Code.

"NFPA 58" means the National Fire Protection Association Liquefied Petroleum Gas Code.

"NFPA 70" means the National Fire Protection Association National Electrical Code, as adopted and incorporated by reference in section 12-220-1.1.

"NFPA 85" means the National Fire Protection Association Boiler and Combustion Systems Hazards Code, as adopted and incorporated by reference in section 12-220-1.1.

"Non-code water heater" means a closed vessel in which water is heated by the combustion of fuels or by electricity, or by any other source, and withdrawn for use external to the system and not exceeding the following: 160 psig, volume capacity of less than 120 gallons, or a heat input of 200,000 Btu per hour. It shall include all controls and devices necessary to prevent water temperature from exceeding 210 degrees Fahrenheit.

"Nonstandard or non-code" means a pressure retaining item that does not bear the ASME BPVC symbol or ASME certification mark with the appropriate designator and National Board stamping.

"NPS" means nominal pipe size.

"Operating permit" or "certificate of inspection" means a permit issued by the department authorizing the operation of a pressure retaining item.

"Order" means a command to perform a mandatory act issued by the department.

"Owner" means any person, firm, entity, or corporation with legal title to any pressure retaining item subject to chapter 397, HRS, who may or may not be the user.

"Owner-user inspection organization" or "OUIO" means an owner or user of pressure retaining items, whose organization and inspection procedures meet the requirements of NB-371, and is acceptable to the jurisdiction.

"Permit inspection" means an inspection, the report of which is used by the department as justification for issuing, withholding, or revoking the operating permit which includes internal and external inspections.

- (1) "Internal inspection" means as complete an examination as can reasonably be made to the internal and external surfaces of a boiler or pressure vessel while it is shut down, and manhole plates or handhole covers, or other inspection opening closures, are removed as required by the inspector.
- (2) "External inspection" means an inspection made when a boiler or pressure vessel is in operation, when the controls, safety devices, and pressure containing components are examined.

"Pool heater" means a boiler in which no steam is generated, from which hot water is circulated to a swimming pool, hot tub, or spa, and returned to the boiler, and operates at a pressure not exceeding 160 psig, or a temperature not exceeding 250 degrees Fahrenheit.

"Portable boiler" means a boiler that is primarily intended to be conveyable and can be readily moved from one location to another.

"Power boiler" means a boiler in which steam or other vapor is generated at a pressure in excess of

fifteen (15) psig for use external to itself and includes fired units for vaporizing liquids other than water, but does not include fired process heaters and systems (see also high-temperature water boiler), and has the ASME Code symbol stamp or ASME certification mark with designators "S", "M", or "E".

"Pressure piping" means piping systems specified in ASME B31.1.

"Pressure retaining item" means boiler, pressure vessel, or pressure system.

"Pressure system" means a system composed of unfired pressure vessels and piping components for liquid or vapor distribution at a pressure of more than fifteen (15) psi or a temperature more than 250 degrees Fahrenheit, or both, that includes, but is not limited to, a bank of pressure vessels, including those of a size that does not require permits, and are connected with or without any intervening valves.

"Pressure vessel" means a closed vessel in which the pressure is obtained from an external source, or by the application of heat from either an indirect or direct source, other than those vessels defined as boilers in this section, which includes fired and unfired pressure vessels.

(1) "Fired pressure vessel" means a closed vessel in which fluid is heated or steam is generated for use within itself by the direct or indirect application of heat.

(2) "Unfired pressure vessel" means a closed vessel in which pressure is obtained from an external source.

"Psi" means pounds per square inch.

"Psig" means pounds per square inch gage.

"Reinstalled boiler or pressure vessel" means a boiler or pressure vessel removed from its original site and reinstalled at the same location or at a new location.

"Relief valve" means an automatic pressure relieving device, used primarily for liquid service, actuated by the static pressure upstream of the valve that opens further with the increase in pressure over the opening pressure.

"Repair" means the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition, provided there is no deviation from the original design.

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

"Safety valve" means an automatic pressure relieving device, used for gas or vapor service, actuated by the static pressure upstream of the valve, and characterized by full-opening pop action.

"School" means an institution of learning, which includes preschools, elementary schools, intermediate or middle schools, high schools, technical schools, trade schools, and colleges and universities.

"Second-hand boiler or pressure vessel" or "used boiler or pressure vessel" means a boiler or pressure vessel that has changed both location and ownership since its primary use.

"Shall" means mandatory.

"Standard pressure retaining item" means a pressure retaining item which bears both the ASME Code symbol or ASME certification mark and National Board number.

"State special" means any non-code or nonstandard pressure retaining item, including water heaters and kettles, which contain steam, hot water, or air greater than fifteen (15) psi, and are located or installed on school property.

"Steam heating boiler" means a steam boiler for operation at pressures not exceeding fifteen (15) psig, and has the ASME Code symbol stamp or ASME certification mark with designator "H".

"Thermal fluid boiler" means a fluid heater intended for heating a fluid for circulation externally to itself for energy transfer.

"Unfired" means the application of pressure or heat that is obtained from an external source.

"User" means any person, firm, entity, or corporation legally in possession and responsible for

the safe operation of any pressure retaining item subject to chapter 397, HRS.

"Vendor" means any person, firm, entity, or corporation that sells or distributes any pressure retaining item subject to chapter 397, HRS.

"Violation" means nonconformance of an item, unit, or part to codes, standards, or rules required by this subtitle.

"Welding documentation" means the welding procedure specifications, procedure qualification records, records of welder or welding operator performance qualification, welder's continuity log, and reports of welded repairs or alterations.

[Eff 12/6/82; am 12/19/83; am 12/8/86; am and comp 12/6/90; am 7/6/98; am 6/19/00; am 11/18/12; am and comp ] (Auth: HRS §397-4) (Imp: HRS §397-4)

DEC 21 2019

**§12-220-1.1 Codes incorporated and adopted by reference.** The following codes are adopted by reference and made a part of this chapter and shall apply to all pressure retaining items in this part, unless otherwise modified by rules pertaining to pressure retaining items:

- (1) ASME B31.1-2016, Power Piping Code, as published by the American Society of Mechanical Engineers;
- (2) ASME BPVC-2017, Boiler and Pressure Vessel Code, as published by the American Society of Mechanical Engineers;
- (3) ASME CSD-1-2012, Controls and Safety Devices for Automatically Fired Boilers, as published by the American Society of Mechanical Engineers;
- (4) ASME PVHO 1-2012, Safety Standards for Pressure Vessels for Human Occupancy, as published by the American Society of Mechanical Engineers;
- (5) ASME PVHO 2-2012, Safety Standard for Pressure Vessels for Human Occupancy: In-

- Service Guidelines, as published by the American Society of Mechanical Engineers;
- (6) NBIC 2017 edition, National Board Inspection Code, as published by the National Board of Boiler and Pressure Vessel Inspectors;
  - (7) NFPA 70, National Electrical Code, 2002 edition, as published by the National Fire Protection Association; and
  - (8) NFPA 85, National Fire Protection Association Boiler and Combustion Systems Hazards Code, 2015 edition, as published by the National Fire Protection Association.
- [Eff and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-2 Minimum construction standards. (a)**

All new boilers and pressure vessels, unless otherwise exempt, for operation in Hawaii, shall be designed, constructed, and marked in accordance with the ASME BPVC, including Code Cases, and registered with the National Board in accordance with NB-264. Pressure vessels for human occupancy must meet these requirements and comply with ASME PVHO 1 and 2. A copy of the manufacturer's data report shall be filed with the department.

(b) If a boiler or pressure vessel does not bear the ASME and National Board stamping, details written in the English language, and United States customary units of the proposed construction, material specifications, and calculations, approved by a licensed or registered professional engineer experienced in boiler and pressure vessel design, shall be submitted to the department by the owner or user for approval as a nonstandard, non-code or State special before construction and installation is started. [Eff 12/9/82; am; ren §12-220-2, and comp 12/6/90; am 7/6/98; am and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-2.1 Requirements for new installations.**

(a) New installations shall comply with the technical requirements contained in chapters 12-222.1 through 12-225.1 and require the submission of an application on a form prescribed by the department for an installation permit prior to the commencement of work. A complete application shall include:

- (1) Date of application, project name, and address;
- (2) Installers' name, address, and installers' type of license held along with the expiration date;
- (3) Contact person and phone number for both the owner and the installer;
- (4) National Board number for each pressure retaining item to be installed;
- (5) Copy of the ASME manufacturer's data report;
- (6) Floor plan layout with clearance dimensions; and
- (7) Piping and instrumentation diagram.

(b) Applications for new installations must be accompanied by the remittance of the appropriate installation fee for each pressure retaining item subject to this part as per the schedule in Exhibit A, titled, "Installation, Repair or Alteration Permit Fees, and Licensure, Examination, and Registration Fees", dated September 1, 2019, which is made part of this chapter and located at the end of this chapter.

(c) No pressure retaining item shall be issued a permit to operate in the State unless it has been constructed in conformity with the ASME BPVC, registered with the National Board, and installed in conformity with this chapter except:

- (1) Those pressure retaining items exempt from chapter 397, HRS;
- (2) Those pressure retaining items outlined in section 12-220-2(b);
- (3) Pressure retaining items under federal inspection and control;
- (4) Unfired pressure vessels meeting the requirements of the United States Department

- of Transportation, and used for transporting liquids or gases under pressure;
- (5) Unfired pressure vessels with a nominal water-containing capacity of 120 gallons or less for containing liquid under pressure, including those containing air, the compression of which serves only as a cushion;
  - (6) Hot-water supply boilers, hot-water heating boilers, and potable water heaters that are directly fired with oil, gas, or electricity, except that hot-water supply boilers shall be equipped with a proper size, type, and capacity safety relief valve as set forth in section IV of the ASME BPVC, when none of the following limitations are exceeded:
    - (A) A heat input of 200,000 Btu per hour;
    - (B) A water temperature of 210 degrees Fahrenheit;
    - (C) A nominal water-containing capacity of 120 gallons; and
    - (D) An operating pressure not exceeding 160 psi;
  - (7) Unfired pressure vessels designed for a pressure not exceeding fifteen (15) psi or five (5) cubic feet in volume;
  - (8) Pressure vessels not exceeding:
    - (A) Five (5) cubic feet in volume and 250 psi design pressure;
    - (B) Three (3) cubic feet in volume and 350 psi design pressure;
    - (C) One and one-half (1.5) cubic feet in volume and 600 psi design pressure; or
    - (D) An inside diameter of six (6) inches with no limitation on pressure;
  - (9) Unfired pressure vessels containing water and filtering material for use in irrigation of land;
  - (10) Unfired pressure vessels for the storage of cold water;
  - (11) Fired or self-contained sterilizers, steam generators, jacketed kettles, or steam cookers



when one of the following limitations is not exceeded:

- (A) Heat input of three (3.0) KW; or
  - (B) A volume of one and one half (1.5) cubic feet;
- (12) Unfired pressure vessels and piping containing liquid petroleum gas and liquid natural gas (except that welded repairs and alterations shall be in accordance with section 12-220-8.1);
  - (13) Refrigeration pressure vessels and its associated piping (except that welded repairs and alterations shall be in accordance with section 12-220-8.1);
  - (14) Liquid carbon dioxide pressure vessels (except that welded repairs and alterations shall be in accordance with section 12-220-8.1);
  - (15) A hot water heater constructed of continuous coils, which is used only to produce steam vapor to clean machinery, equipment, and buildings, if:
    - (A) The tubing or pipe size does not exceed three-fourths ( $3/4$ ) of an inch in diameter and drums and headers are not attached;
    - (B) The nominal water-containing capacity does not exceed six (6) gallons;
    - (C) The water temperatures do not exceed 350 degrees Fahrenheit; and
    - (D) Steam is not generated within the coil; and
  - (16) Pressure vessels containing water heated by steam or any other indirect means when none of the following limitations are exceeded:
    - (A) A heat input of 200,000 Btu per hour; and
    - (B) A water temperature of 210 degrees Fahrenheit provided such pressure vessels shall be equipped with an ASME-NB stamped safety relief valve.

(d) The marking done in accordance with the original code of construction and section 12-220-29.1 shall not be concealed by lagging or paint and shall be exposed unless a suitable record is kept of the location of the stamping so that it may be readily uncovered at any time. [Eff and comp **DEC 21 2019** ]  
(Auth: HRS §397-4) (Imp: HRS §397-4)

Historical note: §12-220-2.1 is based substantially upon §12-220-11. [Eff 12/6/82; am 12/8/86; am and ren §12-220-11 and comp 12/6/90; am 7/6/98; am 6/19/00; am 11/18/12; R **DEC 21 2019** ]

**§12-220-3 Repealed.** [R **DEC 21 2019** ]

**§12-220-4 Restrictions on nonstandard pressure retaining items.** The installation, operation, sale, or the offering for sale of nonstandard pressure retaining items in Hawaii is prohibited without the expressed written permission of the department (refer to section 12-220-32.1). [Eff 12/6/82; am 12/8/86; am, and ren §12-220-4, and comp 12/6/90; am 7/6/98; am and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-5 Installation of used pressure retaining items.** Used or second-hand pressure retaining items, when installed in this jurisdiction, shall require the owner to provide in-service inspection reports for at least the last five years and copy of any report of repairs and alterations. These pressure retaining items shall be equipped with fittings and appurtenances that comply with the requirements for new installations. [Eff 12/6/82; am, ren §12-220-5, and comp 12/6/90; am

7/6/98; am and comp **DEC 21 2019** ] (Auth: HRS  
§§397-4, 397-6) (Imp: HRS §§397-4, 397-6)

**§12-220-6 Re-installed pressure retaining items.**

(a) If a pressure retaining item is removed from its original site and is to be re-installed at the same location, or at a new location, the contractor, user, or owner must apply to the department for a permit for installation before re-installing the pressure retaining item. The fittings and appurtenances must comply with the requirements for the installation of a new pressure retaining item.

(b) If a standard pressure retaining item is to be moved to another state for temporary use or repair, the owner of the pressure retaining item or his or her agent must apply to the department for approval to re-install the pressure retaining item within this State. [Eff 12/6/82; am, ren §12-220-6, and comp 12/6/90; am 7/6/98; am and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-7 Working pressure for existing installations.** Subject to approval by the department, any inspector may decrease the working pressure on any existing installation if the condition of the pressure retaining item warrants. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the director pursuant to section 12-220-33.1. [Eff 12/6/82; am, ren §12-220-7, and comp 12/6/90; am 7/6/98; am and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-8 Repealed.** [R **DEC 21 2019** ]

**§12-220-8.1 Repairs and alterations. (a)**

Repairs, routine repairs, and alterations to pressure retaining items shall be in accordance with the requirements of the NBIC, Part 3, and this part. Applications for authorization for routine repair, repair, or alteration shall be submitted in the prescribed form and must be accompanied by the remittance of the appropriate fee for each pressure retaining item subject to this part as per the schedule in Exhibit A, titled, "Installation, Repair or Alteration Permit Fees, and Licensure, Examination, and Registration Fees", dated September 1, 2019, which is made part of this chapter and located at the end of this chapter, and inspection fee for each pressure retaining item subject to this part as per the schedule in Exhibit B, titled, "Internal & External Inspection Fees", dated September 1, 2019, which is made a part of this chapter and located at the end of this chapter. The applicant shall submit all the required documents and remittance fees to the department prior to commencement of work. A complete application shall include the name of the applicant, address, telephone number, NB "R" certificate of authorization number and expiration date, AIA of record, and name of the commissioned repair inspector.

(b) No pressure retaining item subject to this part shall be repaired or altered in the State unless:

- (1) For routine repairs, in addition to the requirements of subsection (a), a copy of the manufacturer's data report and all partial data reports shall be submitted along with a detailed description of the proposed routine repair, drawings or pictures, material specifications, and a copy of the traveler or routine repair procedure to be used;
- (2) For repairs, in addition to the requirements of subsection (a), a copy of the manufacturer's data report and all partial data reports shall be submitted along with a detailed description of the proposed repair, drawings or pictures, design calculations (if available), material specifications, and a

copy of the traveler or repair procedure to be used; and

- (3) For alterations, in addition to the requirements of subsection (a), a copy of the manufacturer's data report and all partial data reports shall be submitted along with a detailed description of the proposed alteration, drawings or pictures, design calculations, material specifications, and a copy of the traveler or alteration procedure to be used, and when applicable, a new maximum allowable working pressure and temperature of the pressure retaining item.

(c) It shall be the responsibility of the holder of a National Board "R" certificate of authorization making the routine repair, repair, or alteration to have a valid inspection contract or agreement in force at all times with an AIA that employs qualified boiler inspectors in compliance with NB-263, RCI-1 Rules for Commissioned Inspectors, and this part.

(d) It shall be the responsibility of the holder of a NB "R" certificate of authorization making the routine repair, repair, or alteration to provide for inspection, documentation, and certification of the work. A fully executed National Board "R" form shall be submitted to the department within thirty (30) days following the completion of the routine repairs, repairs, or alterations. Drawings or pictures, design calculations, non-destructive examination records, and traveler and other pertinent documents shall be maintained by the NB "R" certificate holder for five (5) years. The inspection agency responsible for the in-service inspection of the boiler or pressure vessel shall have access to review the fully executed National Board "R" form and other pertinent documents. [Eff and comp **DEC 21 2019** ] (Auth: S397-4) (Imp: S397-4)

Historical note: §12-220-8.1 is based substantially upon §12-220-8. [Eff 12/6/82; am 12/8/86; am and ren

\$12-220-8 and comp 12/6/90; am 7/6/98; am 6/19/00; am 11/18/12; R **DEC 21 2019** ]

**\$12-220-9 Repealed.** [R **DEC 21 2019** ]

**\$12-220-9.1 Design, construction, fabrication installation, repair, or alteration of boiler external and non-boiler external piping.** (a) Application for authorization for installation of boiler external piping shall be submitted to the department prior to the commencement of work. An application shall be submitted in the form prescribed by the director and must be accompanied by the remittance of the fee for each boiler external piping subject to this part as per the schedule in Exhibit A, titled, "Installation, Repair or Alteration Permit Fees, and Licensure, Examination, and Registration Fees", dated September 1, 2019, which is made part of this chapter and located at the end of this chapter, and inspection fee for each pressure retaining item subject to this part as per the schedule in Exhibit B, titled, "Internal & External Inspection Fees", dated September 1, 2019, which is made a part of this chapter and located at the end of this chapter. A complete application shall include:

- (1) Date of application, project name, and address;
- (2) Manufacturer's and installer's name, address, and installer's type of license held along with the expiration date;
- (3) Contact person and phone number for the owner, manufacturer, and installer;
- (4) National Board number of the boiler where the piping is to be installed;
- (5) Copy of the ASME manufacturer's data report and partial data reports;
- (6) Floor plan layout with clearance dimensions; and
- (7) Piping and instrumentation diagram.

(b) Application for authorization for design, fabrication, installation, repair, or alteration of non-boiler external piping shall be submitted by a holder of a valid ASME certificate of authorization with "S", "A", or "PP" designator, a NB "R" authorization, or a NBEP Hawaii certification of authorization, to the department prior to the commencement of work. An application shall be submitted on a form provided by the department and must be accompanied by the remittance of the fee for each non-boiler external piping subject to this part as per the schedule in Exhibit A, titled, "Installation, Repair or Alteration Permit Fees, and Licensure, Examination, and Registration Fees", dated September 1, 2019, which is made part of this chapter and located at the end of this chapter, and inspection fee for each pressure retaining item subject to this part as per the schedule in Exhibit B, titled, "Internal & External Inspection Fees", dated September 1, 2019, which is made a part of this chapter and located at the end of this chapter. A complete application shall include:

- (1) Date of application, project name, and address;
- (2) Manufacturer's and installer's name, address, and installer's type of license held along with the expiration date;
- (3) Contact person and phone number for the owner, manufacturer, and installer;
- (4) National Board number of the boiler where the piping is to be installed;
- (5) Copy of the ASME manufacturer's data report;
- (6) Floor plan layout with clearance dimensions; and
- (7) Piping and instrumentation diagram.

(c) Repairs and alterations of NBEP shall be in accordance with NBIC Part 3 and ASME B31.1 whenever applicable. Repair inspector involvement may be waived, and stamping is not mandatory. [Eff and comp  
DEC 21 2019] (Auth: \$397-4) (Imp: \$397-4)

**§12-220-10 Pressure relief devices.** (a) No person shall attempt to remove or do any repair or modification on any pressure relief device prescribed by these rules while the device is subject to pressure.

(b) Should any of these pressure relief devices be removed for repair during an outage of a boiler or pressure vessel, they must be re-installed and in proper working order before the object is placed in service.

(c) No person shall alter any safety or safety-relief valves or pressure relief devices in any manner to maintain a working pressure in excess of that stated on the pressure retaining item operating permit.

(d) Repair of safety valves shall be made only by an organization which holds a valid certificate of authorization for use of the National Board "VR" safety valve repair symbol stamp.

(e) Where a valve has been tested and adjusted to restore the set pressure shown on the unmodified original nameplate or stamping, or repair nameplate but not otherwise repaired, a "Test Only" nameplate shall be applied. [Eff 12/6/82; am 12/8/86; am, ren §12-220-10, and comp 12/6/90; am 7/6/98; am 6/19/00; am and comp **DEC 21 2019** ] (Auth: §397-4) (Imp: §397-4)

**§12-220-10.1 Re-stamping or replacement of nameplate of pressure retaining items.** When the stamping on a pressure retaining item becomes indistinct or the nameplate is lost, illegible, or detached, but traceability to the original pressure retaining item is still possible, the inspector shall instruct the owner or user to have the stamped data replaced, following the requirements of the original code of construction, except as modified herein. An application to re-stamp or replace nameplates shall be made to the department using the National Board Replacement of Stamped Data Form (NB-136), and must be accompanied by proof of the original stamping and other such data, as is available, and the remittance of the appropriate fee for each pressure retaining item



subject to this part as per the schedule in Exhibit A, titled, "Installation, Repair or Alteration Permit Fees, and Licensure, Examination, and Registration Fees", dated September 1, 2019, which is made part of this chapter and located at the end of this chapter, and inspection fee for each pressure retaining item subject to this part as per the schedule in Exhibit B, titled, "Internal & External Inspection Fees", dated September 1, 2019, which is made a part of this chapter and located at the end of this chapter. Additional fees may apply if the department is requested to witness the attachment of the replacement nameplate. When that traceability cannot be established, the department shall be contacted. [Eff and comp DEC 21 2019 ] (Auth: HRS §397-4) (Imp: HRS §397-4)

Historical note: §12-220-10.1 is based substantially upon §12-220-3. [Eff 12/6/88; am and ren §12-220-3 and comp 12/6/90; R DEC 21 2019 ]

**§12-220-11 Repealed.** [R DEC 21 2019 ]

**§12-220-12 Care of pressure retaining item spaces.** (a) The pressure retaining item space shall be free from accumulation of rubbish and materials that may obstruct access to the pressure retaining item, or appurtenance. The clearances identical to those required for new installations under section 12-220-2.1 shall always be maintained for all types of pressure retaining items.

(b) Users shall ensure that the following conditions always exist with regards to pressure retaining item spaces:

- (1) The storage of flammable materials or fuel-powered equipment is prohibited;

- (2) The roof over indoor installations is free from leaks and maintained in good condition;
- (3) Adequate floor drainage exists; and
- (4) All exit doors open outwards.  
[Eff 12/19/84; ren and comp 12/6/90; am 11/18/12, am and comp **DEC 21 2019** ]  
(Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-13 Conditions not treated in this part.**

For any conditions not treated in this part, the applicable provisions of the ASME BPVC, ASME B31.1, ASME CSD-1, ASME PVHO 1, ASME PVHO 2, and the NBIC, and other publications adopted herein shall apply. API-510 shall not take precedence over the safety standards of this part or any reference codes. However, variances may be granted in accordance with section 12-220-33.1.  
[Eff 12/6/82; am 12/8/86; am, ren §12-220-11, and comp 12/6/90; **DEC 21 2019** 7/6/98; 6/19/00; am 11/18/12; am and comp ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-14 Complaints.** (a) Complaints may be made to the department, and where reasonable grounds exist for the department to believe there may be a hazard, there shall be an inspection in response to the complaint.

(b) Names of all complainants and witnesses shall be held in confidence by the department, unless prior permission has been given by the complainant or witness to release his or her name, or unless it has been determined by the attorney general that disclosure is necessary for enforcement and review of this chapter.  
[Eff 7/6/98; am and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-15 Permits.** (a) An installation permit shall be issued by the department based on the approval of drawings and specifications pertaining to the installation of pressure retaining items. An application shall be submitted in the prescribed form and must be accompanied by the remittance fee for each pressure retaining item subject to this part as per the schedule in Exhibit A, titled, "Installation, Repair or Alteration Permit Fees, and Licensure, Examination, and Registration Fees", dated September 1, 2019, which is made part of this chapter, and located at the end of this chapter, and inspection fee for each boiler, pressure vessel, or pressure system subject to this part as per the schedule in Exhibit B, titled, "Internal & External Inspection Fees", dated September 1, 2019, which is made a part of this chapter and located at the end of this chapter.

The contractor shall be responsible for furnishing to the department all documentation required and referenced in the standards and codes adopted by the department for installation, construction, routine repair, repair, or alteration of any pressure retaining item, NBEP, and BEP.

(b) No person shall install, construct, reconstruct, or relocate any pressure retaining item without first obtaining an installation permit from the department.

(1) The plans and specifications for installation of pressure retaining items together with pertinent details shall be submitted to the department prior to commencement of work. Plans shall be resubmitted for any project in which the installation has not commenced within three years of the plan approval date. Copies of engineering data, tests, manufacturer's data reports, laboratory reports, and any other pertinent information deemed necessary by the department shall be submitted by the installer on any new equipment or appurtenance to be installed for the first time in the State of Hawaii; and

- (2) An installation permit as required under subsection (a) shall be issued only to a person who is licensed to engage in the business of installing or repairing pressure retaining items by the contractors license board of the department of commerce and consumer affairs, State of Hawaii. All installation permit applications shall be deemed approved if not acted upon by the department within thirty calendar days from the date of receipt of the completed application.

(c) Permits for repairs, routine repairs, or alterations shall be issued upon the approval of code routine repair, repair, or alteration application submitted by the holder of NB "R" certificate of authorization. An application shall be submitted in the prescribed form and must be accompanied by the remittance of the fee for each pressure retaining item subject to this part as per the schedule in Exhibit A, titled, "Installation, Repair or Alteration Permit Fees, and Licensure, Examination, and Registration Fees", dated September 1, 2019, which is made part of this chapter and located at the end of this chapter provided that:

- (1) NBEP repair or alteration permits shall be issued upon approval of NBEP repair or alteration application submitted by the holder of an NBEP or ASME "S", "A", "PP", or NB "R" certificate of authorization; and
- (2) The department shall issue an NBEP repair or alteration permit to a holder of an NBEP or ASME "S", "A", "PP", or NB "R" certificate of authorization in accordance with section 12-220-9.1.

(d) Permits to operate or certificates of inspection shall be issued based on the report of the acceptance inspection and each permit renewal inspection.

(e) The department shall issue a permit to operate for any pressure retaining item required by these rules and inspected by an inspector and found

to be safe and in compliance with this subtitle. The owner or user shall remit upon application an inspection fee for each pressure retaining item subject to this part as per the schedule in Exhibit B, titled, "Internal & External Inspection Fees", dated September 1, 2019, which is made a part of this chapter and located at the end of this chapter. It shall be unlawful for any person, firm, association, partnership, or corporation to operate a pressure retaining item regulated by this chapter unless a permit for the operation has been authorized by the department and the permit remains in effect provided that:

- (1) A permit to operate a pressure retaining item shall be issued to the owner or lessee only after an inspector has found that the device has met all requirements of this chapter;
- (2) A valid permit may be extended for cause by the department if so requested in writing by the owner or lessee to the chief boiler inspector. The absence of a special inspector to conduct a permit renewal inspection shall not be accepted as a valid reason for granting the permit extension;
- (3) The permit to operate shall indicate the type of equipment for which it is issued, the maximum allowable working pressure, and the National Board number. The permit to operate shall be posted in a conspicuous location nearby the unit;
- (4) The department may immediately revoke any permit to operate or certificate of inspection for any pressure retaining item, required to be inspected by this chapter, found to be in an unsafe condition, or is not properly guarded or is dangerously placed, or when a user, owner, or contractor fails to comply with department orders to correct specific defects or hazards and continues to use or operate the pressure retaining item;

- (5) The department shall reissue a permit to operate to any user, owner, or contractor who demonstrates good faith in attempting to abate all nonconforming conditions specified in department orders provided the pressure retaining item is safe to operate;
- (6) A permit to operate or certificate of inspection shall be valid only at the location for which it was issued except for boilers or pressure vessels which are indicated on the permit as being portable;
- (7) No pressure retaining item that is required to be inspected by chapter 397, HRS, or by any rule adopted pursuant to chapter 91, HRS, shall be operated except as necessary to install, repair, or test, unless a permit to operate or certificate of inspection has been authorized or issued by the department and remains valid; and
- (8) The department may, upon the application of any owner or user or any other person affected thereby, grant a reasonable period as may be necessary, but not longer than ninety days, for compliance with any order to render the pressure retaining item safe. Any person affected by an order may for cause petition the department for an extension of time to render the pressure retaining item safe.  
[Eff 12/6/82; am 12/8/86; am, ren  
§12-220-15, and comp 12/6/90; am 7/6/98;  
am 6/19/00; am 11/18/12; am and  
comp **DEC 21 2019** ] (Auth: HRS §397-4)  
(Imp: HRS §397-4)

**§12-220-16 Inspections and tests.** (a) The department shall inspect to insure compliance with chapter 397, HRS, any activity related to the erection, construction, alteration, repair, or maintenance of facilities containing pressure

retaining items. The department may authorize special inspectors in the employ of insurance companies who shall inspect boilers and pressure vessels insured by the insurance companies. All equipment required by this section to be inspected are exempt from the requirements of this chapter if under the jurisdiction of the United States government, or if serving only a private residence and not accessible to the public, except where the location could affect persons other than the owner and meet the requirements of section 12-220-2.1(c).

(b) All inspections and witnessing of tests for pressure-retaining items as required pursuant to this part, shall be made in conformance with the procedures set forth in the ASME BPVC, the NBIC, and this part. Where notations of discrepancies, recommendations, or requirements are made, these notations shall refer to the applicable rule of the ASME BPVC, the NBIC, and this part.

(c) Power boilers shall receive a permit following an annual permit renewal internal inspection upon approval by the chief boiler inspector. An external inspection shall be performed approximately six months after each internal inspection.

(d) Miniature electric boilers shall receive a permit renewal inspection biennially. An internal inspection may be performed by the inspector pursuant to NBIC, Part 2 requirements, when necessary.

(e) Heating boilers shall receive permit renewal inspections as follows:

- (1) Steam or vapor boilers with a heating surface of twenty (20) or less square feet shall have an external inspection every two years. An internal inspection may be conducted pursuant to NBIC, Part 2 requirements, when necessary, and where the construction of the boiler permits;
- (2) Steam or vapor boilers, with a heating surface greater than twenty (20) square feet and less than or equal to one hundred (100) square feet, shall be externally inspected

- every two years and internally inspected at least every four years;
- (3) Steam or vapor boilers with any one of the following criteria: a manway, a Btu input greater than 400,000, or a heating surface greater than one hundred (100) square feet, shall receive a permit following an annual internal inspection upon approval by the chief boiler inspector. An external inspection shall be performed approximately six months after each internal inspection;
  - (4) Hot-water heating and hot-water supply boilers shall have an external inspection every two years, and where construction of the unit permits, an internal inspection may be conducted in lieu of the external inspection pursuant to NBIC, Part 2 requirements, when necessary;
  - (5) Pool heaters shall have an external inspection every two years; and
  - (6) All non-code, nonstandard, or State special boilers and water heaters installed or operated in schools shall be externally inspected every two years and shall comply with the installation requirements of section 12-220-2.1. These objects are designated as state specials and shall be issued a permit to operate. An inspection and permit to operate fee will be assessed for the inspection of these objects.
- (f) All pressure vessels shall receive a permit renewal inspection every two years and as follows:
- (1) Unfired jacketed steam kettles with a cooking capacity of forty (40) gallons or more, or steam chambers exceeding five (5) cubic feet in volume receiving steam from an external source, shall receive a permit inspection every two years;
  - (2) All non-code, nonstandard, or state special pressure vessels installed or operated in schools shall be externally inspected every two years and shall comply with the



installation requirements of section 12-220-2.1. These objects will be designated as state specials and be issued a permit to operate upon approval by the chief boiler inspector. An inspection and permit to operate fee will be assessed for the inspection of these objects;

- (3) An internal inspection may be performed pursuant to NBIC, Part 2 requirements, when necessary; and
- (4) Pressure vessels used for the treatment of wood shall be scrubbed clean for close visual inspection every ten years.

(g) Boilers and pressure vessels that are under the supervision of an OUIO shall be inspected in accordance with the NBIC and this part. Pressure vessels may be inspected with a different permit inspection frequency but not to exceed every four years upon approval by the chief boiler inspector.

(h) Based upon documentation of actual service conditions by the owner or user of the operating equipment, the department may, at its discretion, permit variations in the inspection frequency requirement pursuant to section 12-220-33.1.

(i) Power boilers having continuous internal water treatment under the general supervision of a qualified engineer or chemist, having a minimum of five years' experience in the treatment of boiler water, at least one year of which shall have been on the boiler or boilers in that person's supervision, where the water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors, may, upon approval of the director, be given permit inspections at intervals of not more than three years, in which case external inspections shall be performed at approximately six month intervals between the internal inspections.

- (1) The owner or user of a power boiler subject to this part shall keep an accurate record of the samples of boiler water taken at regular intervals not greater than twenty-four (24) hours of operation. The owner or user shall

also keep a record of the date and actual time that boilers were out of service and the reasons therefore. All records mentioned in this section are to be made available by the owner or user to the inspector for examination upon request;

- (2) When a biennial internal inspection is desired by a power boiler owner or user subject to this section, a written application for consideration shall be made to the department. The application shall contain the following information:
  - (A) Use of the boiler;
  - (B) Boiler technical data, name of manufacturer, and all identifying numbers;
  - (C) Name and pertinent qualifications of the qualified engineer or chemist in charge of water treatment;
  - (D) The laboratory facilities used for testing and analyzing boiler water;
  - (E) The boiler water analysis standards established and achieved over the preceding twelve (12) month period;
  - (F) Method and frequency of sampling water;
  - (G) Percentage of makeup water;
  - (H) Record of boiler outages occurring since the last internal inspection; and
  - (I) The biennial inspection report by a qualified boiler inspector relating to the acceptability of the boiler; and
- (3) Upon approval of the application by the department, the expiration date of the current annual operating permit shall be extended for a period of one year. Subsequent permits shall be issued to expire annually and may be extended for not more than one year provided the boiler reports submitted to the department, at periods as shall be required, indicate that the approved standards and codes are being

maintained and if all other conditions are being met.

(j) The following shall apply to the notification of unsafe pressure retaining items:

- (1) If a special inspector, upon first inspection of a new risk, finds that a pressure retaining item, or any appurtenance thereof, is in a condition that the insurance company would refuse insurance, the company shall immediately notify the department; and
- (2) If, upon inspection, a special inspector finds a pressure retaining item to be unsafe, the special inspector shall promptly notify the owner or user, stating what repairs or other corrective measures are required to bring the object into compliance with these rules. Unless the owner or user makes repairs or adopts other corrective measures promptly, the special inspector shall immediately notify the department. Unless timely corrections have been made, no further operation of the pressure retaining item shall be permitted. If an operating permit for the object is required and is in force, it shall be suspended by the special inspector if timely corrections have not been made. When re-inspection establishes that the necessary repairs have been made or corrective actions have been taken and that the pressure retaining item is safe to operate, the department shall issue an operating permit.

(k) When defective conditions are disclosed during the inspection, or there is evidence of a leak or crack, adequate access shall be provided to permit the inspector to satisfactorily determine the safety of the pressure retaining item.

(l) Permit inspections, as required in section 12-220-15, shall be carried out prior to the expiration date of the certificate at a time mutually agreeable to the inspector and owner or user. External inspections may be performed by the

inspector during reasonable hours and without prior notification. When, because of an external inspection or determination by other objective means, it is the inspector's opinion that continued operation of the pressure retaining item constitutes a danger to personnel or property, the inspector may request an internal inspection or an appropriate pressure test, or both, to evaluate conditions. In these instances, the owner or user shall prepare the pressure retaining item for inspections or tests as the inspector requires.

(m) The following requirements shall apply to the submission of inspection reports:

- (1) Inspectors shall submit to the department an inspection report on Form NB-5 of the NBIC, or similar forms approved by the department, for each pressure retaining item subject to chapter 397, HRS. Complete data shall be submitted for each nonstandard pressure retaining item;
- (2) Subsequent inspections by qualified inspectors of both standard and nonstandard pressure retaining items shall be reported on Forms NB-6 and NB-7 of the NBIC, or similar forms approved by the department;
- (3) Inspection reports following the requirements of paragraphs (1) and (2) shall be submitted within thirty (30) days from the date of the inspection; and
- (4) Owner-user inspection organizations shall file reports pursuant to section 12-220-19.

(n) Notification by insurance companies. All insurance companies shall notify the department within thirty (30) days on all pressure retaining items for which insurance is written, canceled, or not renewed.

(o) If during a routine inspection by a special inspector, a pressure retaining item is found to have discrepancies, the length of time for temporary use of the item, and the correction of the discrepancies will be at the discretion of the special inspector, but no more than ninety (90) days. A follow up inspection

shall be made by the special inspector in a timely manner and the department notified. The nonconforming safety devices shall be immediately replaced or the operation of the pressure retaining item suspended. Follow up inspections not performed by the special inspector within the time prescribed by the department may be conducted by the department. The authorized inspection agency shall be invoiced at \$125 per hour with a minimum of two hours charged. [Eff 12/6/82; am 12/8/86; am, ren §12-220-16, and comp 12/6/90; am 7/6/98; am 6/19/00; am 11/18/12; am and comp ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-17 Investigations.** The department shall investigate, in accordance with section 12-220-27, accidents involving pressure retaining items subject to this chapter and may issue orders and recommendations with respect to the elimination and control of the cause factors. [Eff 7/6/98; am and comp ] (Auth: HRS §397-4) (Imp: HRS §§397-4, 397-6)

**§12-220-18 Inspectors.** (a) The following shall apply to inspectors:

- (1) The director shall appoint a chief boiler inspector who has had at the time of appointment not less than ten years' experience in the construction, installation, inspection, operation, maintenance or repair of pressure retaining items as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector; and
- (2) The chief boiler inspector shall enforce the requirements of this part, take action necessary for the enforcement of the laws of the State governing the use of pressure

retaining items, and keep a complete record of the type, dimensions, maximum allowable working pressure, age, condition, location, and date of last internal inspection of all pressure retaining items.

- (3) Required inspections of pressure retaining items shall be performed by inspectors as
- (4) An application to take the State of Hawaii certificate of competency examination shall be filed at least sixty (60) days in advance and on the form provided by the department and must be accompanied by the remittance of the fee as per the schedule in Exhibit A, titled, "Installation, Repair or Alteration Permit Fees, and Licensure, Examination, and Registration Fees", dated September 1, 2019, which is made part of this chapter and located at the end of this chapter;
- (5) The certificate of competency shall be issued after the inspector has appeared before the director or the director's authorized agent, such as the chief boiler inspector;
- (6) The certificate of competency, unless suspended, revoked, or canceled, shall expire one year from the date of issue or renewal;
- (7) An insurance company employing special inspectors shall notify the department in writing when the employment of a special inspector is terminated; and
- (8) Upon approval of an applicant's request, a State of Hawaii examination for certificates of competency to inspect pressure retaining items shall be administered by the department on the first Wednesday of March, June, September, and December of each year.
  - (A) Applications for a State of Hawaii examination for a certificate of competency shall be in writing upon a form provided by the department. If

the applicant's credentials and work experience are in accordance with NB-263, RCI-1, and meet with the approval of the department, the applicant shall be given a written examination dealing with the construction, installation, operation, maintenance, or repair of pressure retaining items, and the requirements of this part. If the applicant is successful in completing the test and meets all the requirements, a certificate of competency shall be issued by the department. An applicant who fails to pass the examination shall be permitted to take another written examination after the expiration of ninety days. The fee remitted with the application shall be good for six months during which a re-examination must be taken; and

(B) Inspectors employed by the department shall pass the National Board examination and be issued a certificate of competency from the department during the probationary employment period. A commission from the National Board shall then be obtained by the department to enable the employee to become a qualified boiler inspector.

(b) Commissions to inspect shall be always carried by inspectors while engaged in the performance of inspectional duties. Certificates of competency are non-transferable.

(c) The certificate of competency and commissions issued to an inspector may be suspended by the director or chief boiler inspector for cause and may be revoked after due investigation and recommendation by the department upon ten days' notice to the inspector and to the inspector's employer. Cause for suspension or revocation shall include, but not be limited to, incompetency, untrustworthiness, wilful

falsification of any matter or statement contained in the inspector's application, or in the report of any inspections, or any other sufficient reason in the discretion of the director. Prior to revocation, the holder of the certificate of competency or commission shall be entitled to a hearing before the director or the director's authorized agent. A person whose certificate of competency has been suspended or revoked, except for untrustworthiness, shall be entitled to apply to the department for reinstatement, or in the case of revocation, for a new examination and certificate of competency ninety days (90) after the revocation.

(d) No person shall be authorized to act for the State as an inspector who is directly interested in the manufacture, sale, repair, or alteration of any equipment or any appurtenance used on any equipment which is inspected pursuant to chapter 397, HRS. [Eff 7/6/98; am 11/18/12; am and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §§397-4, 397-6)

**§12-220-19 Owner-user inspection organization.**

(a) Any person, firm, partnership, or corporation operating pressure retaining items in Hawaii may seek approval and registration as an OUIO by submitting an application with the department.

(b) The application and registration shall show the name of the OUIO and its principal address in Hawaii as well as the name and address of the person charged with the implementation of the requirements of the established inspection program. Changes in the organization's inspection program, including its organizational chart and supervisory personnel, shall be reported to the department within thirty days after any change.

(c) The applicant shall set forth in writing the program, procedures, and organizational chart in a manner prescribed by the department and shall meet the requirements of NB-381. The complete application



shall be submitted to the department for approval prior to implementation.

(d) Each OUIO shall:

- (1) Conduct inspections of pressure retaining items not exempt from chapter 397, HRS, utilizing only qualified boiler inspectors, pursuant to section 12-220-18 and as defined in section 12-220-1;
- (2) Execute and deliver to the department the inspection reports on pressure retaining items inspected that shall include appropriate requirements or recommendations based on the inspection. Reports shall be submitted as soon as possible but no later than thirty calendar days after the completion of the inspection;
- (3) Promptly notify the department of any pressure retaining item that does not meet the requirements for safety;
- (4) Maintain inspection records that shall include:
  - (A) A list of each boiler, pressure vessel, or pressure systems subject to chapter 397, HRS, complete with National Board number, serial number, and descriptions necessary for identification;
  - (B) A true record or copy of the latest report of each inspection that shall be signed by the inspector who made the inspection; and
  - (C) The approximate date of the next inspection pursuant to NBIC and the jurisdiction;
- (5) Employ inspectors who meet the requirements of NB-263, who hold a valid National Board Inservice Commission (IS), and an "R" endorsement if the scope of inspections include repair or alteration inspections, and meets the requirements of section 12-220-18; and

(6) Select and designate a technical supervisor meeting the requirements of paragraph (5), and who shall have passed the examination developed and administered by the National Board, and received an "O" endorsement from the National Board.

(e) Inspection records shall be readily available for annual review and audit by the department during business hours. [Eff 12/6/82; am 12/8/86; am, ren §12-220-19, and comp 12/6/90; am 7/6/98; am 6/29/00; am and comp **DEC 21 2019** ] (Auth: HRS §§397-4, 397-5, 397-6) (Imp: HRS §§397-4, 397-5, 397-6)

**§12-220-20 Fees.** (a) The following shall apply to fees:

- (1) The department shall charge and collect from the owner, user, lessee, contractor, or insurance company a fee, including a permit processing fee, and an inspection report fee, per the schedule in Exhibit B, titled, "Internal & External Inspection Fees", dated September 1, 2019, which is made part of this chapter and located at the end of this chapter, for each inspection made by an inspector during regular working hours. The department shall charge and collect a fee for each duplicate permit to operate;
- (2) For all other inspections and services, the fee shall be \$125 per hour but not less than \$250 per occurrence during regular working hours and \$175 per hour but not less than \$350 per occurrence when performed outside regular working hours;
- (3) Scheduled inspections delayed or canceled and too late to prevent the arrival of the inspector on the premises, shall be charged in accordance with the scheduled fee for the type of inspection. If the notice of cancellation or delay of a scheduled

- inspection is given forty-eight (48) hours beforehand, then no fee will be charged;
- (4) The charge for a rescheduled inspection or a call back inspection to allow a pressure retaining item to operate shall be at the scheduled fee for the type of inspection plus the expenses incurred, including, but not limited to, the inspector's time, mileage, and travel expenses;
  - (5) When an unscheduled inspection request is made for the benefit of an owner, user, contractor, or vendor, the sum of expenses incurred, including the hourly fee if applicable, shall be charged in addition to the inspection fee;
  - (6) Whenever the beneficiary of an inspection fails to pay the fees required under this section within sixty days (60) after notification, the pressure retaining item shall be tagged out of service and permit revoked. In addition to the fees required, the department shall charge the beneficiary a penalty equal to fifty per cent of the fee. For this section, the date of invoice shall be considered the date of notification. Upon payment of fees, the operating permit shall be reinstated and issued; and
  - (7) Departmental reports of inspections for which expenses must be added to the basic fee shall be accompanied by an itemized account of the inspections made and the expenses incurred.
- (b) Departmental installation, repair, routine repair, and alteration permit fees.
- (1) The department shall, before issuance of a permit to install, repair, routine repair, alter, construct, or relocate, charge and collect a fee for each object per the schedule in Exhibit A, titled, "Installation, Repair or Alteration Permit Fees, and Licensure, Examination, and

Registration Fees", dated September 1, 2019, which is made part of this chapter and located at the end of this chapter;

- (2) For each instance requiring an installation permit fee, the department shall provide:
  - (A) A plan review, an inspection and witnessing of the acceptance test, and one additional follow up inspection at the convenience of the department. The department shall charge for additional inspections for final acceptance and at the expense of the requesting party. Additional inspections may be at the convenience of the requesting party if all the expenses incurred are paid and fifteen days' (15) notice is given to the department;
  - (B) The processing and issuance of the temporary permit to operate; and
  - (C) The processing and issuance of the final permit; and
- (3) Failure to obtain a permit prior to commencement of work on the installation, routine repair, or alteration of a pressure retaining item will double the permit fee in addition to penalties.
  - (c) The department shall charge for boiler inspector examination and license fees, per the schedule in Exhibit A, titled, "Installation, Repair or Alteration Permit Fees, and Licensure, Examination, and Registration Fees", dated September 1, 2019, which is made part of this chapter and located at the end of this chapter.
  - (d) The department shall charge for audits of inspections conducted by OIOUs and insurance agencies [Eff 7/6/98; am 11/18/12; am and comp DEC 21 2019 ] (Auth: HRS §397-4) (Imp: HRS §397-5)

**§12-220-21 Rights and enforcement. (a)**

**Rights.**

- (1) Authorized representatives of the director may enter without delay during regular working hours and at other reasonable times, any place, establishment, or premises where pressure retaining items are located that are subject to chapter 397, HRS;
- (2) The department may question any employer, owner, operator, agent, or employee in investigation, enforcement, and inspection activities covered by this chapter; and
- (3) Any employee of the State acting within the scope of the employee's office, employment, or authority under chapter 397, HRS, shall not be liable for or made a party to any civil action arising out of administration and enforcement of chapter 397, HRS.

**(b) Enforcement.**

- (1) Whenever an authorized representative of the director is denied the right of entry to a place to inspect any pressure retaining item subject to inspection by this chapter, the department may apply to the circuit court where the place exists for a search warrant providing on its face that the wilful interference with its lawful execution may be punished as a contempt of court;
- (2) Whenever the department finds that the construction of, or the operation of any pressure retaining item subject to inspection by this chapter is not safe, or that any practice, means, method, operation, or process employed or used is unsafe; or is not in conformance with the standards and codes adopted pursuant to chapter 91, HRS, the department shall issue an order to render the construction

or operation safe in conformance with chapter 397, HRS. The department shall deliver the order to the contractor, owner, or user in writing and may be delivered by mail, electronic mail, or in person. The department may in the order direct that, in a manner and within a time specified, additions, repairs, improvements, or changes and safety devices and safeguards be furnished, provided, and used as are reasonably required to ensure compliance with the purposes and provisions of chapter 397, HRS. The owner, user, or contractor shall obey and observe all orders issued by the department or be subject to civil penalties pursuant to section 12-220-22;

- (3) Whenever, in the opinion of the department, the condition of, or the operation of a pressure retaining item subject to inspection by chapter 397, HRS, or any practice, means, method, operation, or process employed is unsafe, or is not properly guarded, or is dangerously placed, use of the pressure retaining item may be prohibited by the department. An order to that effect shall be posted prominently on the equipment, or near the place or condition referred to in the order. The order shall be removed when a determination has been made by an authorized representative of the department that the pressure retaining item is safe and the required safeguard or safety devices are provided;
- (4) Pursuant to section 397-4(d)(4), HRS, the department may apply for a restraining order from a circuit court to effect enforcement;
- (5) Pursuant to section 397-4(d)(5), HRS, the director, or an authorized representative, shall have the same

powers possessed by the court respecting administering of oaths, compelling attendance of witnesses, producing documentary evidence, and examining witnesses or causing them to be examined, and may take depositions and certify to official acts;

- (6) Where a condition or practice involving any pressure retaining item subject to inspection by chapter 397, HRS, could reasonably be expected to cause death or serious physical harm, the department shall have the right, independent of any other enforcement powers under this chapter, to:
  - (A) Immediately take steps to obtain abatement by informing the owners, users, contractors, and all persons in harm's way of the hazard by meeting, posted notice, or otherwise;
  - (B) Take steps to immediately obtain abatement through direct control or elimination of the hazard if, after reasonable search, the user, owner, contractor, or their representative is not available;
  - (C) Take steps to obtain immediate abatement when the nature and imminence of the danger or hazard does not permit a search for the owner, user, or contractor; and
  - (D) Where appropriate, initiate necessary legal proceedings to require abatement by the owner, user, or contractor; and
- (7) The department may prosecute, defend, and maintain actions in the name of the department for the enforcement of the provisions of chapter 397, HRS, including the enforcement of any order issued by it, the appeal of an administrative or court decision, and other actions

necessary to enforce chapter 397, HRS.

[Eff 7/6/98; am and com DEC 21 2019 ]

(Auth: HRS §397-4) (Imp: HRS §§397-4,  
397-6, 397-8)

**§12-220-22 Violations and penalties. (a)**

The director may assess all civil penalties provided in this section, giving due respect to the gravity of the violation, the good faith of the owner, user, consultant, contractor, or vendor, and the history of previous violations.

(b) Violations.

- (1) Any owner, user, consultant, contractor, vendor, or person who violates chapter 397, HRS, or any safety standards, rules, and codes adopted pursuant to chapter 91, HRS; or who violates or fails to comply with any order made pursuant to chapter 397, HRS, or who defaces, displaces, destroys, damages, or removes without the authority of the department any safety device, safeguard, notice, order, or warning required by chapter 397, HRS, standards, or codes, shall be assessed a civil penalty of not more than \$10,000 for each violation; and
- (2) Each day a violation continues shall constitute a separate violation except during an abatement period.

(c) Discrepancies and penalties.

- (1) Any conditions found in nonconformance with applicable standards, rules, or codes, adopted pursuant to chapter 91, HRS, shall be regarded as discrepancies and the department shall notify the owner, user, consultant, contractor, vendor, or person by letter, or written order to correct that shall be mailed, or sent by electronic service. All discrepancies shall be satisfactorily resolved as soon as possible. When, in the opinion of the department, a



discrepancy constitutes a potentially serious or imminent hazard, it may prohibit the use of the equipment until the condition is abated. Failure to abate unsafe conditions, or failure to correct discrepancies within the time prescribed, shall be a violation subject to the civil penalties prescribed in this section; and

(2) Assessing penalties.

- (A) Consideration shall be given to the gravity of the violation. For a violation that could not or probably would not result in serious harm to life or property, the penalty may be reduced by forty per cent;
- (B) Consideration shall be given to the good faith of the owner, user, consultant, contractor, or vendor. For immediate correction or for attempts to make corrections or abate hazards that have been thwarted by conditions beyond the control of the owner, user, consultant, contractor, or vendor, the penalty may be reduced by forty per cent; and
- (C) Consideration shall be given for the history of previous violations. For few or no previous violations by the owner, user, consultant, contractor, or vendor, the penalty may be reduced by twenty per cent.

(d) Anyone who knowingly makes a false statement on any document required by chapter 397, HRS, shall upon conviction, be punished by a fine of no more than \$10,000 or by imprisonment for not more than six months, or by both. Any evidence suggesting that a false statement may have been made shall be immediately referred to the director, who shall consult with the attorney general for purposes of initiating appropriate action. [Eff 7/6/98; am 11/18/12; am and comp ] (Auth: HRS §397-4) (Imp: HRS §397-8)

**§12-220-23 Review and appeal.** (a) Any order of the director shall be final and conclusive against the owner, user, vendor, consultant, contractor, or person unless a written notice of contest of the order is filed with the director specifying what is being contested within twenty (20) days after receipt of the order.

(b) The owner, user, vendor, consultant, or contractor may petition the director for modification of the abatement requirements in an order, provided the petition is filed no later than the close of the next business day following the date on which abatement is required. Under exceptional circumstances and for good cause shown, the petition may be filed later. The director shall issue an order either affirming or modifying the abatement requirement.

(c) The director shall advise the appeals board upon receipt of notice of contest.

(d) The appeals board shall afford an opportunity for hearing on any notice of contest pursuant to section 397-9, HRS. [Eff 7/6/98; am and comp **DEC 21 2019**] (Auth: HRS §397-4)  
(Imp: HRS §397-9)

**§12-220-24 Judicial review.** Judicial review of a decision and order of the appeals board may be obtained in the manner provided for in chapter 91, HRS, by instituting proceedings in the circuit court of the circuit in which the pressure retaining item is located. [Eff 7/6/98; am and comp **DEC 21 2019**] (Auth: HRS §397-4)  
(Imp: HRS §397-10)

**§12-220-25 Trade secrets.** Information obtained by the department containing or revealing a trade secret shall be held

confidential and access shall be limited to authorized representatives of the director pursuant to chapter 397, HRS, and when relevant in any proceedings pursuant to chapter 397, HRS. [Eff 7/6/98; am and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-11)

**§12-220-26 Evidence.** No record or determination of any administrative proceedings pursuant to chapter 397, HRS, or any statement or report of any kind obtained or received in connection with the administration or enforcement of chapter 397, HRS, shall be admitted or used, whether as evidence or a discovery, in any civil action growing out of any matter mentioned in the record, determination, statement, or report other than an action for enforcement or review under chapter 397, HRS. [Eff 7/6/98; am and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-12)

**§12-220-27 Reporting of accidents.** (a) Whenever an accident, as defined by section 12-220-1, occurs to a pressure retaining item, the owner, user, or maintenance company shall promptly notify the division by submitting a detailed accident report.

(b) Whenever an accident occurs that results in the loss of life the owner, user, or maintenance company shall promptly notify the division by telephone at (808) 586-9141 or electronic mail at [dlir.hiosh.boiler@hawaii.gov](mailto:dlir.hiosh.boiler@hawaii.gov) within eight (8) hours after the event. Whenever an accident occurs involving inpatient hospitalization, the owner, user or maintenance company shall notify the division within twenty-four (24) hours. In either case, the pressure retaining item, or any of its parts, shall not be

removed or disturbed before permission has been given by the department, except for the purpose of saving human life and limited consequential damage.

(c) Additional reports, in writing or otherwise, may be required by the director. [Eff 7/6/98; am and comp DEC 21 2019 ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-28 Suspending operation; condemned pressure retaining items.** (a) If, upon inspection, a pressure retaining item is declared unfit for further operation by an inspector, the inspector shall notify the department and the permit to operate shall be suspended by the department. The pressure retaining item shall be stamped on either side of the state number with the letters XXX so that the number would read as follows: XXX-HAW-###-##-XXX. The stamping with the Xs shall designate a condemned item.

(b) Any person, firm, partnership, or corporation operating, using, or selling any unsafe pressure retaining item, and notwithstanding section 12-220-22, shall be subject to a penalty of up to \$10,000 per day of operating, use, or offering for sale any unsafe pressure retaining item. [Eff 7/6/98; am and comp DEC 21 2019 ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-29 Repealed.** [R DEC 21 2019 ]

**§12-220-29.1 Reinstallation of pressure retaining items.** Before an owner or user of a pressure retaining item located in Hawaii relocates the object outside of the jurisdiction for temporary use or repair, an application shall be

made by the owner or user to the department for permission to reinstall the pressure retaining item back in the jurisdiction pursuant to section 12-220-5. When a nonstandard pressure retaining item, as defined in section 12-220-2.1(c), is removed, it shall not be reinstalled within Hawaii. [Eff 7/6/98; §12-220-30; am, ren §12-220-29.1, and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-30 Renumbered.** [Eff **DEC 21 2019** ]

**§12-220-30.1 Application of State serial numbers.**

(a) Upon completion of the installation of a pressure retaining item, or at the time of the initial permit inspection of an existing installation, each pressure retaining item shall be stamped or marked by the inspector employed by the department with a state serial number, consisting of letters and figures to be not less than 5/16 inch in height and arranged:

For power boilers	HAW-####-YEAR
For heating boilers	HHB-####-YEAR
For pressure vessels	HPV-####-YEAR

Heating boilers assigned state serial numbers prior to January 1984 had the prefix HAW NO. 0000-YEAR. In each case, the year shall be a part of the number.

(b) All pressure retaining items constructed of cast iron, or of material of a thickness that cannot be stamped in accordance with the ASME BPVC, shall have a securely attached corrosion resistant label plate containing the required manufacturer's stamping, or directly marked by other means on the pressure retaining item. The State serial number shall be stamped or marked by other means on the label plate. [Eff 7/6/98;1 §12-220-31; am, ren §12-220-30.1, and

comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-4)

**§12-220-31 Renumbered.** [Eff **DEC 21 2019** ]

**§12-220-31.1 Notification of transfer and location.** The contractor, erector, seller, vendor, or any person responsible for the transfer of ownership, shall notify the department in writing within thirty (30) calendar days giving the address, name, and phone number of the purchaser of any pressure retaining item except those exempted by section 12-220-15.

- (1) The owner or user of any existing pressure retaining item operated in the State, except those exempted by section 12-220-2.1(c), and those for which an operating permit has been issued, shall report the location thereof to the department;
- (2) An owner or user planning to install any pressure retaining item except those exempted by section 12-220-2.1(c), shall notify the department in writing or by electronic mail at [dlir.hiosh.boiler@hawaii.gov](mailto:dlir.hiosh.boiler@hawaii.gov) of the proposed location of the installation stating whether the unit is new, reinstalled, or secondhand. If it is a reinstalled or a secondhand pressure retaining item, the owner or user shall, in addition to the above information, give the Hawaii number or otherwise identify the pressure retaining item. The owner or user of a portable pressure retaining item shall not be required to report each change in location unless the change is from one island to another.
- (3) When a pressure retaining item, subject to this chapter, is removed from service, the owner shall notify the department in writing

or by electronic mail at  
dlir.hiosh.boiler@hawaii.gov. The  
notification shall state the disposition made  
or planned for the pressure retaining item.  
The notification shall occur prior to the  
relocation or removal from service of the  
pressure retaining item. [Eff 7/6/98; §12-  
220-32; am, ren §12-220-31.1, and  
comp **DEC 21 2019** ] (Auth: HRS §397-4)  
(Imp: HRS §397-4)

**§12-220-32 Renumbered.** [Eff **DEC 21 2019** ]

**§12-220-32.1 Records.** The boiler inspection  
branch shall preserve and maintain for at least six  
years (6) records of reports of its inspections,  
witnessing of tests, accident investigations,  
correspondence, prints, and memoranda for all objects  
inspected pursuant to chapter 397, HRS. [Eff 7/6/98;  
§12-220-32; am, ren §12-220-32.1, and  
comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS  
§397-4)

**§12-220-33 Renumbered.** [Eff **DEC 21 2019** ]

**§12-220-33.1 Variances.** (a) In cases of  
practical difficulties, undue hardships, or new  
developments, an owner, user, contractor, or vendor may  
apply for a variance from any safety standard under  
this part. The application must be in writing and may  
be hand delivered or mailed to the director, or sent by  
electronic mail to dlir.hiosh.boiler@hawaii.gov,  
clearly stating the standard from which a variance is  
sought, the conditions, means, practices, methods,

operations, or processes proposed together with drawings, specifications, and other supporting data. The director may issue an order for variance if what is proposed will provide a substantially equivalent level of safety to that provided by the standard.

(b) All variances granted pursuant to this chapter shall have only a future effect. The director may decline to consider an application for variance on a subject or issue for which a citation has been issued to the owner or user and a proceeding on the proposed citation, or period of abatement, is pending.

(c) Before granting the variance, the director shall post a notice on the division's homepage notifying all potentially affected parties of the director's intent to grant the variance. The notice shall provide a period of thirty (30) calendar days to object to the granting of the variance, after which time the variance shall become final if no objections are filed and no hearing is requested.

(d) Any party objecting to the granting of the variance must notify the director in writing within thirty (30) days of the online posting, stating the reasons why the variance should not be granted and the resultant specific impact on safety. The objecting party's reasons for objection may also be based on grounds other than impact on public safety, including the feasibility of compliance or lack of undue hardship to the petitioner.

(e) The hearing requested by the objecting party shall be held before the director or the director's authorized agent no later than forty-five (45) days after the thirty-day (30) period online posting of the public notice. It shall be held as follows:

- (1) The objecting party or parties and the variance applicant shall be provided notice of the date, time, and place of the hearing at least fourteen (14) calendar days before the scheduled hearing;
- (2) Each party shall be prepared to provide evidence supporting the party's case, including a brief oral statement summarizing the party's evidence;



- (3) The director shall provide a written order to all parties;
- (4) If the director determines that the evidence does not support denial of the variance request, no further notice is required; and
- (5) If the director determines that the evidence supports a denial of the variance request, the director shall post notice on the division's homepage notifying all potentially affected parties of the director's determination.

(f) Every final action granting a variance shall be published by online posting on the division's webpage. The online notice shall specify the alternative to the standard involved in the variance granted by the director.

(g) If a variance application filed pursuant to subsection (a) does not include all the relevant information required, the director may deny the application. The director's order of the denial of an application for nonconformity shall be given to the applicant within thirty (30) calendar days. A notice of denial shall include a brief statement of the grounds for the denial. A denial of an application shall be without prejudice to the filing of another application. If a variance is not acted upon within ninety (90) calendar days, it shall be deemed granted.

(h) Notice of hearing.

- (1) Upon request for a hearing pursuant to this chapter, the director shall serve notice of hearing within thirty (30) days and not more than sixty (60) days after the request for hearing;
- (2) A notice of hearing shall include:
  - (A) The time, place and nature of the hearing;
  - (B) The legal authority for the hearing;
  - (C) A specification of the issues of fact and law; and
  - (D) A designation of a hearing officer appointed by the director; and

(3) A copy of the notice of hearing shall be transmitted to the hearing officer together with the original application and any request for a hearing.

(i) The director shall issue a determination to all affected parties within thirty (30) calendar days after the conclusion of the hearing. (Eff 12/6/82; am 12/8/86; am, ren 12-220-11, and comp 12/6/90; am 7/6/98; am 6/19/00; §12-220-34; am, ren 12-220-33.1, and comp **DEC 21 2019** ] (Auth: HRS §397-4) (Imp: HRS §397-4)

§12-220-34 Renumbered. [Eff **DEC 21 2019** ]

**EXHIBIT A**  
**INSTALLATION, REPAIR, OR ALTERATION FEES, AND LICENSURE,**  
**EXAMINATION, AND REGISTRATION FEES**

**September 1, 2019**

**Installation Permits per object:**

Power boiler with:

500 square feet or less of heating surface	\$350
500 to 3,000 square feet of heating surface	\$550
3,001 square feet or more of heating surface	\$1,500
Miniature electric boiler	\$250
Heating Boiler	\$250
Pressure vessel	\$200
Sterilizers and steam kettles (Fired and electrically heated)	\$200
BEP and NBEP	\$300

**Repair and Alteration Permits**

Routine repair application	\$200
Repair application	\$300
Alteration application	\$500
NBEP repair or alteration	\$300

**License, Examination and Registration**

Certificate of competency examination	\$350
Hawaii Commission, initial or renewal	\$100
National Board Inspector Commission examination	\$500
Quality control systems review for National Board or ASME certificate of authorization <sup>1</sup>	\$2,000
Quality control systems review for NBEP Certificate of Authorization <sup>1</sup>	\$2,000
Initial applications for OUIO certification	\$1,000

<sup>1</sup> *When administered by the department*

**EXHIBIT B**  
**INTERNAL & EXTERNAL INSPECTION FEES**

**September 1, 2019**

**Power boilers<sup>1</sup>**

249 square feet or less (internal)	\$250
249 square feet or less (external)	\$200
>249 to 500 square feet (internal)	\$300
>249 to 500 square feet (external)	\$200
>500 to 2,999 square feet (internal)	\$400
>500 to 2,999 square feet (external)	\$250
>2,999 to 10,000 square feet (internal)	\$500
>2,999 to 10,000 square feet (external)	\$300
>10,000 (internal)	\$800
>10,000 (external)	\$550

**Heating boilers<sup>1</sup>**

Hot-water heating or supply, potable water heater	\$160
20 square feet or less low pressure steam	\$180
>20 to 100 square feet low pressure steam (internal)	\$250
>20 to 100 square feet low pressure steam (external)	\$180
>100 to 500 square feet low pressure steam (internal & external)	\$300
>500 square feet low pressure steam (external)	\$500

**Pressure vessels**

Permit renewal	\$90
Internal inspection	\$175

**Inspection reports**

Third-party inspection report review & processing	\$30
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**Permit to operate**

Permit to operate or certificate	\$50
State specials	\$50
Permit reprint	\$30

**Miscellaneous**

Ultrasonic testing per hour	\$130
Hydrostatic test	\$300
Jurisdiction audit fee per hour	\$125

The fee for any inspection or service not covered above shall be \$125 per hour but not less than \$250 during regular working hours and \$175 per hour but not less than \$350 when outside regular working hours by request.

<sup>1</sup> ***When numbers are specified it is of square feet of heating surface.***