



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia  
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Labor TITLE-SERIES: 42-03  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: High-Pressure Steam Boiler and Forced Flow  
Steam Generator Requirements

CITE STATUTORY AUTHORITY: W. Va. Code § 21-3-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 216

Section § 64-10-2 Passed On 3/11/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

June 9, 2021

This rule shall terminate and have no further force or effect from the following date:

June 09, 2031

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Mitchell E Woodrum -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

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TITLE 42  
LEGISLATIVE RULE  
DIVISION OF LABOR

SERIES 3  
HIGH-PRESSURE STEAM BOILER AND FORCED FLOW STEAM GENERATOR REQUIREMENTS

**§42-3-1. General.**

1.1. Scope. -- This rule establishes the requirements for an application for a permit to install a high-pressure steam boiler or a forced flow steam generator, the issuance of permits to operate a high-pressure steam boiler or a forced flow steam generator, the inspection of high-pressure steam boilers and forced flow steam generators, fees for inspections of and the issuance of permits for high-pressure steam boilers and forced flow steam generators, the certification of inspectors and special inspectors, and grounds for the revocation of a permit to operate a high-pressure steam boiler or a forced flow steam generator.

1.2. Authority. -- W. Va. Code §21-3-7.

1.3. Filing Date. -- April 27, 2021

1.4. Effective Date. -- June 9, 2021

1.5. Sunset Date. This rule shall terminate and have no further force or effect upon June 9, 2031.

**§42-3-2. Application and Enforcement.**

2.1. Application. This legislative rule applies to high-pressure steam boiler and forced flow steam generator inspectors and special inspectors, to the installation, inspection, and operation of high-pressure steam boilers and forced flow steam generators, and to any person responsible for the inspection or operation of a high-pressure steam boiler or forced flow steam generator.

2.2. Enforcement. The enforcement of this legislative rule is vested in the West Virginia Division of Labor.

**§42-3-3. Definitions.**

The following definitions are in addition to the terms defined in the National Board's Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations (NB-132), Part 1, Definition of Terms," incorporated by reference in subsection 4.2. of this rule:

3.1. "Act" means W. Va. Code §21-3-7, "Regulation of operation of steam boilers."

3.2. "Appurtenance" means any control, fitting, appliance, or device attached to or working in conjunction with a high-pressure steam boiler.

3.3. "ASME" means the American Society of Mechanical Engineers, located at Two Park Avenue, New York, NY 10016-5990, and whose website is <https://www.asme.org/>.

3.4. "Certificate of Competency" means the document issued by the Commissioner to an inspector or special inspector who meets the commissioned inspector qualifications established by the National Board.

3.5. "Chief inspector" or "inspector" means the commissioned inspector employed by the Division of Labor.

3.6. "Commission Card" means the annual card issued to an inspector or special inspector by the National Board of Boiler and Pressure Vessel Inspectors.

3.7. "Commissioned inspector" means an inspector or special inspector who meets the education, experience, employment and examination requirements of the National Board, who is qualified to perform high-pressure steam boiler or forced flow steam generator inspections, and who has a current Commission Card issued by the National Board.

3.8. "Commissioner" means the Commissioner of the West Virginia Division of Labor, and his or her authorized representatives.

3.9. "Days" means calendar days unless otherwise specified.

3.10. "Division" means the West Virginia Division of Labor, and its authorized representatives.

3.11. "Forced flow steam generator" or "generator," as used in this rule, means a device that uses a once-through, forced flow design to convert incoming water to steam during a single pass through a water coil.

3.12. "Hydrostatic pressure test" means an examination of a new or repaired high-pressure steam boiler to ensure that the boiler is free from leakage conducted in accordance with the National Board Inspection Code, Part 4.3.1, "Pressure Testing."

3.13. "Inspection" means the internal and external examination of a high-pressure steam boiler or forced flow steam generator while the device is not under pressure and includes an examination of the boiler's or generator's design, construction, installation, condition, appurtenances, and operation. Inspection can also include the examination of a boiler or generator after repairs or alterations have been performed.

3.14. "Inspection report" means one of the National Board's report forms, or a form that contains the same information as the appropriate National Board form, completed by an inspector or special inspector detailing the results of a high-pressure steam boiler or forced flow steam generator inspection.

3.15. "Jurisdiction," when used in the standards incorporated by reference in Section 4 of this rule, means the State of West Virginia.

3.16. "Manufacturer's Data Report" or "MDR" means the report submitted by a high-pressure steam boiler or forced flow steam generator manufacturer to the National Board that registers the

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boiler's or generator's compliance with the design and construction specifications in the ASME Boiler and Pressure Vessel Code and that includes the inspection results of the boiler or generator by an inspector or special inspector.

3.17. "National Board" or "Board" means the National Board of Boiler and Pressure Vessel Inspectors, located at 1055 Crupper Avenue, Columbus, OH 43229, and whose website address is <https://www.nationalboard.org/>.

3.18. "National Board number" means the unique number assigned to a high-pressure steam boiler or forced flow steam generator by the National Board.

3.19. "NBIC" means the National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

3.20. "Owner" or "operator" means the person, firm, or corporation legally responsible for the safe installation, operation, and maintenance of a high-pressure steam boiler or forced flow steam generator.

3.21. "Permit to install" means the document issued by the Commissioner to the owner or operator of a high-pressure steam boiler or forced flow steam generator after receipt of a complete application for a permit to install a high-pressure steam boiler or forced flow steam generator.

3.22. "Permit to operate" means the document issued by the Commissioner to the owner or operator of a high-pressure steam boiler or forced flow steam generator after receipt of an inspection report confirming that the boiler or generator complies with the NBIC, Part 2, "Inspections."

3.23. "Repair" means the work necessary to restore a high-pressure steam boiler or forced flow steam generator to a safe and satisfactory operating condition, or as further defined in the NBIC, Part 3, "Repairs and Alterations" and the ASME Boiler and Pressure Vessel Code, Section 1, "Power Boilers."

3.24. "Special inspector" means an inspector employed by or contracted with an insurance company to inspect the company's insured high-pressure steam boilers and forced flow steam generators and who is certified by the Commissioner as having met the minimum qualifications for boiler inspectors established by the National Board.

3.25. "Temporary use" means an installation of a high-pressure steam boiler or forced flow steam generator for a specified or limited amount of time and one that is not meant to become a permanent installation.

3.26. "WV Serial Number" means a unique identifying serial number assigned by the Division to a high-pressure steam boiler or forced flow steam generator, denoted as "W-----W".

#### **§42-3-4. Adoption of Standards.**

The following codes and rules are incorporated herein by reference, including periodic updates and revisions:

4.1. ASME Boiler and Pressure Vessel Code, or "BPVC," Section 1, "Power Boilers."

4.2. The National Board's Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations (NB-132), Part I, "Definition of Terms," excluding the definitions of the Act, the

Commissioner, the chief inspector, the deputy inspector, the special inspector and lined potable water heater, and all definition references to pressure vessels, nuclear components, nuclear power plants and nuclear systems, and repair or replacement of a nuclear component.

4.3. The following sections in the National Board's Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations (NB-132), Part II, "Administration:"

4.3.a. Section 1, "Minimum Construction Standards for Boilers or Other Pressure-Retaining Items," with the exception of all references to pressure vessels and nuclear components;

4.3.b. Section 2, "Frequency of Inspections of Boilers and Pressure Vessels," subsections A and G only, but substituting the reference to 3 years with 1 year;

4.3.c. Section 6, "Certificate of Competency and Identification Card," with the exception of the references to fees for the issuance of certificate and identification cards;

4.3.d. Section 7, "Conflict of Interest;"

4.3.e. Section 8, "Inspection Reports to Be Submitted by Inspectors," with the exception of subsection C and in subsection D, substitute "30 days" with 10 days;"

4.3.f. Section 9, "Notification to Chief Inspector," with the exception of references to pressure vessels and nuclear components;

4.3.g. Section 10, "Special Inspectors to Notify Chief Inspector of Unsafe Boilers," with the exception of references to pressure vessels and nuclear components;

4.3.h. Section 11, Owner-User Inspection Organizations;"

4.3.i. Section 12, "Defective Conditions Disclosed at Time of External Inspection," with the exception of references to pressure vessels and nuclear components;

4.3.j. Section 13, "Owner or User to Notify Chief Inspector of Accident," with the exception of references to pressure vessels and nuclear components;

4.3.k. Section 15, "Stamping/Restamping of Boilers, Pressure Vessels or Other Pressure-Retaining Items," with the exception of references to nuclear components;

4.3.l. Section 16, "Penalty for Operation of Unsafe Boilers, Pressure Vessels, or Nuclear Components," with the exception of references to nuclear components;

4.3.m. Section 17, "Condemned Boilers, Pressure Vessels and Nuclear Components," with the exception of references to nuclear components;

4.3.n. Section 18, "Reinstallation of Boilers, Pressure Vessels, or Nuclear Components Moved Outside the Jurisdiction," with the exception of references to pressure vessels and nuclear components;

4.3.o. Section 19, "Installation, Operation, Sale, or Offering for Sale of Nonstandard Boilers, Pressure Vessels, or Nuclear Components," with the exception of references to pressure vessels and nuclear components;

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4.3.p. Section 20, "Installation of Used or Secondhand Boilers, Pressure Vessels, or Nuclear Components," with the exception of references to pressure vessels and nuclear components;

4.3.q. Section 21, "Reinstalled Boilers, Pressure Vessels, or Nuclear Components," with the exception of references to pressure vessels and nuclear components;

4.3.r. Section 22, "Working Pressure for Existing Installations," with the exception of references to pressure vessels and nuclear components;

4.3.s. Section 23, "Repairs and Alterations to Boilers and Pressure Vessels," with the exception of references to pressure vessels;"

4.3.t. Section 24, "Repairs to Pressure Relief Valves," subsection A only, with the exception of references to pressure vessels and nuclear components;

4.3.u. Section 26, "Riveted Patches," but replacing the reference to the 1973 edition of the National Board Inspection Code with the 2019 edition;

4.3.v. Section 27, "Safety Appliances;"

4.3.w. Section 28, "Application of Serial Numbers," subsection A only, with the exception of references to pressure vessels and nuclear components; and

4.3.x. Section 29, "Variations"."

4.4. The National Boards' Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations (NB-132), Part III, "Existing Installation," all of Section 1, "Power Boilers," but replacing references to the "Board" with the "Commissioner;"

4.5. The following Parts of the NBIC:

4.5.a. Part 1, "Installation;"

4.5.b. Part 2, "Inspection;"

4.5.c. Part 3, "Repairs and Alterations;" and

4.5.d. Part 4, "Pressure Relief Devices."

#### **§42-3-5. Application for a Permit to Install a High-Pressure Steam Boiler; Issuance of a Permit to Install a High-Pressure Steam Boiler or Forced Flow Steam Generator.**

5.1. Prior to the installation of a high-pressure steam boiler or forced flow steam generator in West Virginia, the owner or operator shall submit an application for a permit to install at least 15 days before the intended date of installation and shall provide all information as the Commissioner may require on a form supplied by the Division.

5.2. If, upon review by the Commissioner, the application is complete and contains the required information, he or she shall issue a permit to install the high-pressure steam boiler or forced flow steam generator.

5.3. If, upon review by the Commissioner, the application is incomplete, the Division shall notify the applicant and specify what information is still needed before a permit to install can be issued.

**§42-3-6. Application for a Permit to Install a High-Pressure Steam Boiler or Forced Flow Steam Generator for Temporary Use; Issuance of a Permit to Install a High-Pressure Steam Boiler or Forced Flow Steam Generator for Temporary Use.**

6.1. Prior to the installation of a high-pressure steam boiler or forced flow steam generator for temporary use in West Virginia, the owner or operator shall submit an application for a permit to install at least 15 days before the intended date of installation and shall provide all information as the Commissioner may require on a form supplied by the Division.

6.2. If, upon review by the Commissioner, the application is complete and contains the required information, he or she shall issue a permit to install the high-pressure steam boiler or forced flow steam generator for temporary use.

6.3. If, upon review by the Commissioner, the application is incomplete, the Division shall notify the applicant and specify what information is still needed before a permit to install can be issued.

**§42-3-7. West Virginia Serial Numbers; Condemned Boiler Serial Number.**

7.1. After completion of a high-pressure steam boiler's or forced flow steam generator's final inspection, the Division shall assign a unique West Virginia serial number to the boiler or generator, to be placed on the boiler or generator by an inspector or special inspector in the location specified by the ASME Boiler and Pressure Vessel Code.

7.2. The high-pressure steam boiler or forced flow steam generator owner or operator shall ensure that the West Virginia serial number is visible at all times and is not covered by insulating or other material.

7.3. When an inspector or special inspector has condemned a high-pressure steam boiler or forced flow steam generator, he or she shall place a condemnation mark, denoted as "WXXXW" over the West Virginia serial number.

**§42-3-8. Inspection Reports; Issuance of an Annual Permit to Operate a High-Pressure Steam Boiler; Issuance of a Permit to Operate a Forced Flow Steam Generator.**

8.1. Unless otherwise exempt under the Act, every high-pressure steam boiler and forced flow steam generator in operation in this state shall be thoroughly inspected internally and externally while not under pressure by an inspector or special inspector, as to its design, construction, installation, condition and operation.

8.1.a. An inspector or special inspector shall use the National Board's "Report Of First Internal Inspection" form, or a substantially similar form, to document a high-pressure steam boiler's or forced flow steam generator's initial or first internal inspection.

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8.1.b. On subsequent annual internal inspections after the first or initial inspection, an inspector or special inspector shall use the National Board's "Report of Inspection" form, or a substantially similar form, to document a high-pressure steam boiler's or forced flow steam generator's internal inspection.

8.1.c. An inspector or special inspector shall promptly provide inspection reports to the Commissioner.

8.2. Upon receipt of an inspection report from an inspector or special inspector confirming the high-pressure steam boiler's or forced flow steam generator's compliance with the Act and this rule, the Division shall issue an invoice to the boiler's or generator's owner or operator.

8.3. Upon receipt of payment of the invoice, the Division shall issue a permit to operate the high-pressure steam boiler or forced flow steam generator.

8.4. A permit to operate shall specify the maximum pressure at which the high-pressure steam boiler or forced flow steam generator is allowed to operate.

8.5. A permit to operate shall include the high-pressure steam boiler's or forced flow stream generator's West Virginia serial number assigned by the Division.

8.6. A permit to operate a high-pressure steam boiler shall be valid for a period of 12 months from the date of issuance.

8.7. A permit to operate a forced flow steam generator shall be valid for a period of time equal to the inspection schedule established by the inspector or special inspector, not to exceed 24 months.

8.8. A high-pressure steam boiler or forced flow steam generator owner or operator shall post the permit to operate under glass in the engine or boiler room. In the case of portable boiler or generator, the owner or operator shall post the permit to operate in the office of the plant where it is located.

#### **§42-3-9. Application for a 60-Day Temporary Extension of a Permit to Operate a Boiler; Issuance of a Temporary Extension of a Permit to Operate.**

9.1. An application for an extension of a permit's expiration date, not to exceed 60 days, shall be in writing and may be considered by the Commissioner for good cause, such as unusual circumstances or conditions.

9.2. An application for one additional extension of a permit's expiration date shall be in writing and may be considered by the Commissioner, for a maximum temporary extension of 120 days per year, for good cause such as unusual circumstances or conditions.

9.3. The request shall include a statement from the inspector or special inspector and an authorized party of the insurance company that insured the high-pressure steam boiler or forced flow steam generator in support of the extension.

9.4. The owner or operator of the high-pressure steam boiler or forced flow steam generator shall post the temporary extension of a permit to operate under glass in the engine or boiler room where the boiler or generator is located. In the case of portable boiler or generator, the permit to operate shall be posted in the office of the plant where it is located.

**§42-3-10. Suspension or Revocation of a Permit to Operate; Condemnation of a High-Pressure Steam Boiler or Forced Flow Steam Generator.**

10.1. The Commissioner, inspector or special inspector may suspend or revoke a permit to operate when the high-pressure steam boiler or forced flow steam generator for which it was issued cannot be operated without menace to the public safety, or when the boiler or generator is not in compliance with the Act or this rule.

10.2. The suspension or revocation of a permit to operate shall continue in effect until an inspector or special inspector has determined that the high-pressure steam boiler or forced flow steam generator has been brought into compliance with the Act and this rule and until the Permit to Operate has been reinstated by the Commissioner.

10.3. The Commissioner, an inspector or special inspector shall condemn a high-pressure steam boiler or forced flow steam generator if, upon inspection, the boiler or generator is found to be in a condition in which it is unsafe to operate.

10.4. If the boiler or generator owner or operator contests the Commissioner's condemnation, he or she may, within 5 days of receipt of notification of the condemnation, file a written appeal to the Commissioner, setting forth the reasons for contesting or objecting to the condemnation.

10.5. If the high-pressure steam boiler or forced flow steam generator owner or operator timely files an appeal, the boiler or generator shall not be operated pending the Commissioner's review of the appeal.

10.6. Upon receipt of an appeal filed by a high-pressure steam boiler or forced flow steam generator owner or operator, the Commissioner may conduct the appeal hearing himself or herself or may designate or appoint a Division employee or a hearing examiner to conduct the appeal hearing.

10.7. The Commissioner shall cause a written Notice of Hearing to be served on the high-pressure steam boiler or forced flow steam generator owner or operator by email, by certified mail, return receipt requested, or by personal service, at least 10 days prior to the date of the hearing. The Notice of Hearing shall include the following:

10.7.a. The date, time and location of the hearing;

10.7.b. A short and plain statement regarding the reasons for the condemnation;

10.7.c. The right of the high-pressure steam boiler or forced flow steam generator owner or operator to be represented by an attorney at law licensed to practice in WV, at his or her own expense; and

10.7.d. The right to present evidence, and to examine and cross-examine witnesses.

10.8. The Commissioner shall cause the hearing to be recorded by electronic or other means so as to preserve the witnesses' testimony.

10.9. At the conclusion of the hearing, the Commissioner shall consider the testimony and evidence introduced at the hearing.

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10.10. The Commissioner shall notify the high-pressure steam boiler or forced flow steam generator owner or operator in writing within 15 days of the conclusion of the appeal hearing concerning his or her decision on the appeal of the condemnation, to be served by email by certified mail, return receipt requested, or by personal service, and shall notify the inspector regarding any appeal rights he or she may have concerning the Commissioner's decision.

10.11. No high-pressure steam boiler or forced flow steam generator shall be operated in this state if the boiler or generator has been condemned for further use in this or any other State by an inspector or special inspector.

#### **§42-3-11. Inspector Qualifications; Issuance of a Certificate of Competency; Annual Renewal; Revocation of a Certificate of Competency.**

11.1. No person may serve as an inspector unless he or she holds a certificate of competency issued by the Commissioner.

11.2. The inspector shall provide a copy of his or her current National Board Commission card to the Division.

11.3. An inspector shall renew his or her certificate of competency annually and provide a copy of his or her most recent National Board Commission card.

11.4. The Commissioner may revoke a certificate of competency for the following reasons:

11.4.a. the falsification of any report of any inspection;

11.4.b. the failure to renew his or her National Board Commission;

11.4.c. the revocation of his or her National Board Commission; or

11.4.d. other good cause concerning the inspector's competence or credibility.

11.5. The Commissioner shall notify the inspector in writing by email, by certified mail, return receipt requested, or by personal service concerning the effective date of the revocation of his or her certificate of competency, including the reasons for the revocation, and his or her right to appeal the revocation.

11.6. An inspector whose certificate of competency has been revoked may file a written appeal to the Commissioner within 15 days of receipt of the notice of revocation.

11.7. Upon receipt of an appeal filed by an inspector, the Commissioner may conduct the appeal hearing himself or herself or may designate or appoint a Division employee or a hearing examiner to conduct an appeal hearing.

11.8. The Commissioner shall cause a written Notice of Hearing to be served on the inspector by email, by certified mail, return receipt requested, or by personal service, at least 10 days prior to the date of the hearing. The Notice of Hearing shall include the following:

11.8.a. The date, time and location of the hearing;

11.8.b. A short and plain statement regarding the reasons for the revocation;

11.8.c. The right of the inspector to be represented by an attorney at law licensed to practice in WV, at his or her own expense; and

11.8.d. The right to present evidence, and to examine and cross-examine witnesses.

11.9. The Commissioner shall cause the hearing to be recorded by electronic or other means so as to preserve the witnesses' testimony.

11.10. At the conclusion of the hearing, the Commissioner shall consider the testimony and evidence introduced at the hearing.

11.11. The Commissioner shall notify the inspector in writing within 15 days of the conclusion of the appeal hearing concerning his or her decision on the appeal of the revocation, to be served by email by certified mail, return receipt requested, or by personal service, and shall notify the inspector regarding any appeal rights he or she may have concerning the Commissioner's decision.

**§42-3-12. Special Inspector Application for a Certificate of Competency; Issuance of a Certificate of Competency; Fees; Annual Renewal; Revocation of a Certificate of Competency.**

12.1. No person may serve as a special inspector unless he or she holds a certificate of competency issued by the Division.

12.2. A person desiring to obtain a certificate of competency from the Division shall submit a written application on a form furnished by the Division, accompanied by a \$35 fee.

12.3. The applicant shall provide all information specified on the application form, and any failure to provide the required information shall cause the application to be rejected.

12.4. The applicant shall provide a copy of his or her current National Board Commission card with the application.

12.5. A special inspector shall renew his or her application for a certificate of competency annually, accompanied by a \$35 fee and his or her most recent National Board Commission card.

12.6. A Certificate of Competency may be revoked by the Commissioner for the following reasons:

12.6.a. the falsification of any report of any inspection;

12.6.b. the failure to renew his or her National Board Commission;

12.6.c. the revocation of his or her National Board Commission; or

12.6.d. other good cause concerning the inspector's or special inspector's competence or credibility.

12.7. The Commissioner shall notify the special inspector in writing by email, by certified mail, return receipt requested, or by personal service concerning the effective date of the revocation of his or

her certificate of competency, including the reasons for the revocation, and his or her right to appeal the revocation.

12.8. A special inspector whose certificate of competency has been revoked may file a written appeal to Commissioner within 15 days of receipt of the notice of revocation.

12.9. Upon receipt of an appeal filed by a special inspector, the Commissioner may conduct the appeal hearing himself or herself or may designate or appoint a Division employee or a hearing examiner to conduct an appeal hearing.

12.10. The Commissioner shall cause a written Notice of Hearing to be served on the special inspector by email, by certified mail, return receipt requested, or by personal service, at least 10 days prior to the date of the hearing. The Notice of Hearing shall include the following:

12.10.a. The date, time and location of the hearing;

12.10.b. A short and plain statement regarding the reasons for the revocation;

12.10.c. The right of the special inspector to be represented by an attorney at law licensed to practice in WV, at his or her own expense; and

12.10.d. The right to present evidence, and to examine and cross-examine witnesses.

12.11. The Commissioner shall cause the hearing to be recorded by electronic or other means so as to preserve the witnesses' testimony.

12.12. At the conclusion of the hearing, the Commissioner shall consider the testimony and evidence introduced at the hearing.

12.13. The Commissioner shall notify the special inspector in writing within 15 days of the conclusion of the appeal hearing concerning his or her decision on the appeal of the revocation, to be served by email by certified mail, return receipt requested, or by personal service, and shall notify the special inspector regarding any appeal rights he or she may have concerning the Commissioner's decision.

**§42-3-13. Owner or Operator Responsibilities; Insurance Company Responsibilities; Termination of Insurance Coverage.**

13.1. The owner or operator of a high-pressure steam boiler or forced flow steam generator shall prepare the boiler or generator for an internal inspection or hydrostatic pressure test when necessary.

13.2. If the owner or operator of a high-pressure steam boiler or forced flow steam generator has not properly prepared the device for internal inspection, the inspector or special inspector may decline to perform the inspection and the Division may withhold the permit to operate until the boiler or generator has been properly prepared and inspected.

13.3. The owner or operator shall promptly notify the Division when a high-pressure steam boiler or forced flow steam generator is moved from one location to another. The notification shall include the boiler's or generator's West Virginia serial number, the original location and the new location.

13.4. An insurance company shall immediately notify the Division of all insurance policy coverage changes to a high-pressure steam boiler or forced flow steam generator, to include the policy number being changed, the policy's expiration or cancellation date, the issuance of a new policy of coverage, including the new policy number and effective dates of the coverage.

13.5. If, after inspection by a special inspector, an insurance company refuses coverage, the company shall immediately notify the Division together with a list of the defects.

13.6. If an insurance company ceases or otherwise stops coverage on an insured high-pressure steam boiler or forced flow steam generator, the company shall immediately notify the Commissioner and the owner or operator of the device.

13.7. The owner or operator of a high-pressure steam boiler or forced flow steam generator shall permit inspectors and special inspectors to enter the premises, during reasonable hours, where a boiler or generator is being built, is being installed or is being operated, in order to ascertain whether the boiler or generator is being built, installed and operated in accordance with the Act and this rule.

**§42-3-14. Fees.**

14.1. The Commissioner shall not issue a permit to operate or install a high-pressure steam boiler or forced flow steam generator, or an extension of a permit to operate, until all applicable fees have been paid to the Division.

14.2. Fees for the inspection of a high-pressure steam boiler or forced flow steam generator by a Division inspector:

14.2.a. Boilers with less than 100 square feet of heating surface:	\$100.00
14.2.b. Boilers with 101 to 500 square feet of heating surface:	\$150.00
14.2.c. Boilers with more than 500 square feet of heating surface:	\$175.00
14.2.d. Forced flow steam generator:	\$175.00

14.3. Fee for processing an inspection report for an insurance company: \$35.00

14.4. Fee for issuing a permit to operate a steam boilers or generator: \$35.00

14.5. Fee for issuing a Certificate of Competency for a special inspector: \$35.00

14.6. Fee for issuing an annual permit to operate a hobby boiler: \$20.00

14.7. Fee for reviewing an application for an extension of a permit to operate a steam boiler and issuing an extension of the permit: \$70.00.

14.8. Fee for reviewing an application for a permit to install a steam boiler or an application for permit to install a steam boiler for temporary use and issuing the permit to install: \$70.00.