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**Sent:** Friday, November 15, 2019 8:50 AM  
**To:** Rules Coordinator  
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## Updated Comments on Proposed Chapter 9 LP Gas Safety Rule Changes

### LP Gas Safety Rule §9.2 Definitions:

Do not eliminate existing "Repair to container" and add a definition of "Maintenance" as used in Category A, A1, A2 or B license to affirm that the replacement of a valve or fitting on any container with the same or equal valve or fitting is not repair to that container but is maintenance and does not require a license.

**Comment:** The above follows the U.S. Department of Transportation (U.S DOT) policy that replacing a valve or fitting without welding is simple maintenance and is not classified as repair.

### LP Gas Safety Rule §9.10 (d) 1 Employee-level examinations.

(A) reads: The Bobtail Driver examination qualifies an individual to operate a bobtail or container delivery unit...

**Comment:** The rule proposal adds a new requirement for container delivery driver to take an examination. The duties of a Bobtail driver are totally different from those of a cylinder delivery driver. The cylinder delivery driver is not engaged in any hazardous activity such as transfer of product from one container to another. The cylinder delivery driver does not perform leak checks and does not light pilot lights. The job duties of the two are so different that it would be totally improper to classify these as the same. That said. The cylinder delivery driver is fully covered by the USDOT CDL Hazardous Materials qualification and does not perform any LP-Gas activities. The association recommends striking "or container delivery unit" and not requiring these drivers to take an exam.

### LP Gas Safety Rule §9.116 Container Corrosion Protection System

(a) states: In addition to referenced sections in NFPA 58, steel containers and piping systems installed underground, partially underground, or as mounded installations on or after March 1, 2014, shall include a corrosion protection system.

**Comment:** add "steel" before "piping systems" to be clear that poly piping is not required to have cathodic protection.

### LP Gas Safety Rule §9.126 Appurtenances and Equipment

### LP Gas Safety Rule §9.143 Piping & Valve Protection for Stationary Installations

**Comment:** Current RRC rule prohibits NEW engineered safety devices. The twenty-year old rules prescribe the minimum, restricts you to the minimum, and does not recognize new technologies. Expand rules to allow for engineered safety devices e.g. engineered breakaway adapter/coupler on bulkheads and electric fail-safe closed actuators on ESV's and internal valves and breakaway adapter/coupler on bulkheads.

### LP Gas Safety Rule §9.134 Connecting Container to Piping

LP-gas piping. A licensee may connect to piping installed by an unlicensed person provided the licensee has ~~performed a pressure test~~, verified that the piping is free of leaks.

**Comment:** With the Commissions proposed wording that the system be verified to be free of leaks there is no need to require a pressure test. The pressure test as defined in NFPA 54 requires the removal of all valves and appliances and be performed with air or inert gas. These are activities that the Bobtail Driver is not qualified to perform according to Commission Rule. The Leak Check proposed by the Commission is an activity routinely performed by Bobtail Drivers, is performed to the appliance and provides an equal if not greater degree of safety.

### LP Gas Safety Rule §9.140 System Protection Requirements

**Comment:** NFPA 58 2017 states that the cylinder cage is protection within itself. NFPA 58 eliminates the requirement for vehicle protection if is-cylinders are in a locked in ventilated cage. ~~The proposed rules are unclear. Clarification is needed to show that NFPA 58 section 8.4.2.1 will be accepted by the Commission without exceptions.~~

This section was adopted after engineered testing was conducted that proved a locked cylinder cage provided adequate protection.

The association urges the Railroad Commission to adopt sections 8.4.2.1, 8.4.1.1. and 8.4.2.2. of the NFPA 58 as written without additional requirements.

In addition to vertical supports and horizontal guardrails proscribed in 9.140, the Commission should also by rule adopt the allowed use of Bollard Protection.

~~For instance~~Example Bollard/Guard Post definition:

1. Constructed of steel not less than 4 inches in

- diameter and concrete filled.
2. Spaced not more than 4 feet between posts on center.
3. Set not less than 3 feet deep in a concrete footing of not less than a 15-inch-diameter.
4. Set with the top of the posts not less than 3 feet above ground.
5. Located not less than 3 feet from the protected object.

The Commission for years has allowed these to be used as an equivalency standard, but this has not been ~~published~~.

#### ~~LP Gas Safety Rule 9.141 (i)~~

~~Comment: Do not adopt an exception to NFPA 58 2017 Chapter 8.4.1.1. The exception referenced LP Gas Safety Rule 9.141 (i) does not exist.~~

#### ~~LP~~ published Gas Safety Rule §9.308 Installation of Piping

~~Comment: (c) Propane companies are not licensed electricians. Railroad Commission LPG activities doesn't qualify or licenses LPG certified individuals to inspect or ensure proper bonding of electrical work as prescribed by 7.12.2. It is not up to the propane industry to certify that electrical work was done properly. The Railroad Commission of Texas does not have jurisdiction of electrical activities, electrical falls under the jurisdiction of the Texas Department of Licensing & Regulation. Under Chapter 1305 Texas Electrical Safety and Licensing Act, 1305.003 gives the exemptions for this statute. There is no exemption that allows the "bonding" of the gas system to be done by someone other than a licensed Texas Electrical Contractor (TECL).~~

#### LP Gas Safety Rule §9.311 Special Exceptions for Agricultural and Industrial Structures Regarding Appliance Connectors and Piping Support.

**Comment:** Replace the removed piping support spacing for brooder house trusses found in section (e) to reflect what is current industry practice.

#### Comments on LP Gas Safety Rule §9.403/Figure 16 - Exceptions and Amendments to NFPA 58

NFPA 58 Sections 4.3.2 & 4.3.2.2 ~~Temporary Installation~~ exception

[Figure 16 §9.403 table states it is adopting additional requirements with LP Gas Safety Rule 9.105 regarding Temporary Installations.](#)

**Comment:** ~~Cannot find~~ There is not a referenced RRC Rule ~~9.105~~ LP Gas Safety rule [§9.105 proposed on temporary installations](#) ~~temporary installation~~.  
Please remove exception.

### **NFPA 58 Section 6.10.2.3 Pressure Regulators**

**Comment:** When the RRC adopted the two-stage regulator requirement they grandfathered existing installation with single stage regulator. Now 20 years later, the association recommends removing this grandfather and require single stage regulators serving installation greater than 100,000 BTU's be replaced by a two-stage regulator system [as written in NFPA](#).

### **NFPA 58 section 6.29.3.3 Fire Safety Analysis.**

**Comment:** The Railroad Commission of Texas has not adopted this requirement since 2001. The fire safety analysis is redundant in regards to requirements already practiced by the propane industry in Texas including filing the LPG Form 500, LPG Form 501, Tier II reporting, U.S. DOT hazmat security plan and RRC inspections. The association recommends not adopting this section.

### **NFPA 58 sections 6.22.9.3 & 6.22.9.4 Cylinders used in buildings & ~~8.3.1, Table 8.3.1, Table 8.3.1(a)~~ 8.3.1(b) & 8.3.2**

**Comment:** Adopt these sections. These rules are important for agencies that have adopted the LP-Gas Safety Rules and have jurisdiction to less than 4-pound lp-gas capacity containers. Additionally, they establish the maximum allowable capacity without which there is no prohibition to any size cylinders that may be installed in restaurants or by food caterers.

By removing these sections, the Commission has inadvertently removed any restriction to the size or quantity of lp-gas than can be used or stored in a commercial installation such as a restaurant, health care center, detention facility, hotel, lodging, or apartment. It is imperative that these be reinstated!

### **NFPA 58 sections 9.6.2.2 Transportation of Containers**



**Comment:** Adopt this section. The U.S. DOT regulations address this when in it's in DOT jurisdiction (in commerce) only. Private transportation of containers not in commerce are not in DOT jurisdictional service and we must have these rules to address these instances.

~~NFPA 58 section Chapter 15 Operations & Maintenance 15.1~~

~~**Comment:** This section of NFPA 58 requires Operations & Maintenance Manual for bulk storages. In the informal rule proposal, the Railroad Commission recommended not adopting this section. What has changed? Why is it adopting it now?~~

Sincerely submitted for consideration,



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11/15/2019