

**Kellie Martinec**

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**From:** Richard Gilbert <richardgilbert5970@yahoo.com>  
**Sent:** Friday, November 15, 2019 2:36 PM  
**To:** Rules Coordinator  
**Cc:** Jackie Mason; Lon Holloway  
**Subject:** Rules Comment for Chapter 9, LP-Gas Safety Rules  
**Attachments:** RLG Comments on Rule Change.docx

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Please see the attached Word document. If you have any questions please call me at (936) 328-4070.

Thank you,

Richard Gilbert

TO: [rulescoordinator@rrc.texas.gov](mailto:rulescoordinator@rrc.texas.gov)

From: Richard L. Gilbert

Rules for Comment: Chapter 9, LP-Gas Safety Rules Nos. 9.2, 9.10, 9.134, 9.140, 9.308, and 9.403

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E-Mail Preference: Yes, I consent to allow the RRC to release my e-mail address.

## **Comments on Proposed Rule Making**

### **Rule 9.2 Definitions (42) "Repair to Container" C**

I object to the proposed change.

The Commission proposes to delete the definition of repair to container from the LP-Gas Safety Rules. The term "repair is used in 9.6 (c) (1, 2 and 3) in defining license categories without any other definition of what the term means. I propose that the term "repair to container" is needed to clarify the intent of the Commission. Additionally, I propose that the definition be expanded to ensure that the replacement of original valves, fittings and other appurtenances found on these containers be considered maintenance and not be subject to a special license category.

### **Rule 9.10 (d) 1 (A). Employee-level examinations.**

I object to the proposed change.

The Commission proposes to add "or container delivery unit" to the required examination of a Bobtail Driver. These are two totally distinct and separate job descriptions with no common function other than driving a motor vehicle which is not regulated by the Railroad Commission of Texas. The container delivery driver is not authorized to perform any activity regulated by the Commission and it is a stretch for the Commission to justify requiring an examination for which no regulated job function is performed.

## **Rule 9.134 Connecting Piping to Container**

I support the proposed change but request modification of this proposal.

The present Rule 9.134 allows a licensee to connect a container to an installation made by an unlicensed or unknown individual provided certain activities are performed. The change proposed by the Commission is to verify that the system is “free of leaks”. This leak check as defined by NFPA 54 ensures the entire system from the tank to the appliances is leak free. This is a more definitive requirement than the existing requirement of performing a “pressure test” as defined by NFPA 54 which only includes the piping up to but not including the appliance shutoff valve, appliance connectors and appliances. I propose that the wording of 9,134 be amended to read:

*A licensee may connect to piping installed by an unknown or unlicensed person provided the licensee has performed a leak check as specified in NFPA 54 ~~pressure test~~, verified that the system is free of leaks and has been installed according to the rules in this chapter - - -.*

## **Rule 9.140 (g) System Protection Requirements – Cylinder Racks**

I object to 9.140(g) as written.

I propose to delete paragraph (g) and adopt NFPA 58 8.4.2.1 and 8.4.2.2 as written without modification or addition.

The Commission has not demonstrated the need to reject national standards as found in NFPA 58. The Commissions requirements for guard posts and guardrails are not founded on any known engineered basis and are not found as a standard for any other regulatory entity.

## **9.140 System Protection Requirements – All Other Protection Requirements**

I propose to allow the use of defined Bollard protection in lieu of any other guard rail or guard posts defined by the Commission. Where found in this and any other sections of the LP-Gas Safety Rules, Bollard protection would be defined to be:

Constructed of a minimum of 4-inch steel pipe filled with concrete.

Spaced not more than 4 feet on center between posts.

Installed in a concrete footing of at least 15 inches.

Set not less than 3 feet in the ground.

Set not less than 3 feet above ground.

Located not less than 3 feet from the protected object.

### **9.308 Installation of Piping**

I object to new paragraph (c) the requires the licensee or registrant to “ensure” the bonding requirements of corrugated stainless-steel tubing have been made. Bonding to the electrical panel is a function regulated by the Texas Dept. of Licensing and Regulation. While it is proper for the CSST installer to notify the homeowner or contractor of bonding requirements, nothing in the RRC rules or license addresses activities regulated by TDLR licensed electricians and it is improper to require these installers to “ensure” compliance of another licensee.

### **9.403 Changes or Amendments to NFPA 58**

**As refers to 6.10.2.3:** I object to this exception to NFPA 58.

This exception was found when NFPA 58 was first adopted by the RRC. The intent was to allow existing installations of single stage regulators to remain in service and require 2 stage regulation in all further installations greater than 100,000 btu’s. By now the life expectancy of single stage regulators has expired and we should go back to NFPA 58 as written.

**As refers to 9.6.2.2:** I object to this exception to NFPA 58

NFPA 58, 9.6.2.2 refers to transportation of ASME containers with more than 5% of its water capacity and reflects the same US DOT requirements as found in 49 CFR 173.315(j). However, US DOT requirements are only jurisdictional to containers transported in commerce and are exempt for private property transported by its owner. To close this loophole the Commission must adopt NFPA 58, 9.6.2.2 as written.

**As refers to 8.3.1, table 8.3.1(a), table 8.3.1(b) and 8.3.2:** I object to these exceptions

These sections establish the maximum quantity of lp-gas in cylinders allowed to be stored in various defined occupancies. They also establish the maximum capacity of cylinder allowed. Many of the cylinders noted in these table are less than the 4 pound or 1 gallon minimum authorized under the Natural Resources Code for regulation by the RRC. In the past the Commission has struck these sections as being outside their jurisdiction to regulate. Unfortunately, in doing this the Commission has inadvertently remove the prohibition for larger sized cylinder to be stored within the various occupancies and has created a dangerous omission.

Additionally, other jurisdictions that adopt and enforce RRC standards within their own jurisdictions are not limited to the 1 gallon, 4-pound restriction but have no enforcement authority without each entity requesting an exception to the RRC’s exception.

To correct these oversights the Commission must adopt these sections of NFPA 58 as written