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To: Rules Coordinator
Subject: Texas Propane Gas Association Comments- Proposed rules with regard to Propane

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On behalf of the Texas Propane Gas Association,

Thank you for the opportunity to comment on proposed rule changes pertaining to the Propane industry in Texas. On behalf of all members I have drafted comments on the rules shown below. These comments were addressed by the TPGA Technical & Standards (T & S) committee. The committee is comprised of industry experts both on the delivery side and equipment distribution side. Combined, the T&S committee is a highly educated voice who has the safety of the public first and foremost. The recommendations of the committee were ratified by the TPGA board of Directors and finally sent out to all members of TPGA for comment. We look forward to discussing these comments with you.

Founded in 1944, the Texas Propane Gas Association (TPGA) is a non-profit, state trade association representing the propane gas industry in Texas. TPGA provides a clearinghouse for issues that affect the propane industry and generate a consensus to represent propane marketers before other businesses, governmental and regulatory bodies.

1. 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.

2. 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 significantly more in-depth from those of a cylinder delivery driver. The cylinder delivery driver is **not** engaged in a 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 requirements of the two are substantially different. The cylinder delivery driver is however a professional position regulated by the USDOT CDL Hazardous Materials rules. Texas Propane Gas Association recommends striking “or container delivery unit” and not requiring these drivers to take an exam.

3. 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 and copper tubing is not required to have cathodic protection.

4. 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.

5. 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. In cases of than new construction this is not realistic and poses greater danger than performing a comprehensive leak check that then includes appliance fittings. This change will provide a greater degree of safety for the consumer.

6. LP Gas Safety Rule §9.140 System Protection Requirements

Comment: NFPA 58 2017 states that the cylinder cage is sufficient protection. Current updated NFPA 58 removed additional protection requirement for vehicle protection if cylinders are in a locked in ventilated cage.

This section was adopted after extensive 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 "in lieu of"

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.

7. LP Gas Safety Rule §9.308 Installation of Piping

Comment: (c) Propane companies are not licensed electricians. Railroad Commission LPG activities doesn't qualify, train or license LPG certified individuals to inspect or ensure proper bonding of electrical work as prescribed by 7.12.2. The Railroad Commission of Texas does not have jurisdiction of electrical activities, electrical falls under the jurisdiction of the Texas Department of Licensing & Regulation (TDLR). Under Texas Occupations Code, Chapter 1305 Texas Electrical Safety and Licensing Act, 1305.003 gives the exemptions for this statute. According to the TDLR, there is no exemption that allows the "bonding" of the gas system to be done or overseen by someone other than a licensed Texas Electrical Contractor (TECL). Remove this requirement

8. **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. The concern is as written the rule would not allow brooder houses to hang heaters from trusses thus forcing the pipes to lay on the ground that is not suitable to piping due to the caustic chicken waste.

9. **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 exception

Figure 16 §9.403 table states it is adopting additional requirements to NFPA 58 sections 4.3.2. and 4.3.2.2 with LP Gas Safety Rule 9.105 regarding Temporary Installations.

Comment: There is not a LP Gas Safety rule §9.105 proposed on temporary installations. Please remove exception.

10. **NFPA 58 Section 6.10.2.3 Pressure Regulators**

Comment: RRC adopted the two-stage regulator requirement existing installation with single stage regulators were grandfathered. 20 years later, Texas Propane Gas Association recommends removing this grandfathering 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. This will provide additional safety to the propane customer.

11. **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 regarding 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. Texas Propane Gas Association strongly recommends not adopting this section.

12. **NFPA 58 sections 6.22.9.3 & 6.22.9.4 Cylinders used in buildings & 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. Regardless of what size containers the RRC oversees, not having this rule exposes the public to exceptional safety issues

13. NFPA 58 sections 9.6.2.2 Transportation of Containers

Comment: Adopt this section. The U.S. DOT regulations address this issue while (in commerce) only. Private transportation of containers not in commerce are not covered by DOT jurisdictional service. To ensure the public's protection, TPGA recommends adoption of this section.

14. NFPA 58 section Chapter 15 Operations & Maintenance 15.1

TPGA opposes the Railroad Commission's adoption of chapter 15 which would require an Operation & Maintenance (O & M) manual. An O & M manual should be a business decision and not the Commission's. The additional requirement is extensive and does not serve as a tool for additional safety.

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