

From: [Grimm, Brian](#)
To: [Rules Coordinator](#)
Subject: Reference SB 1668
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Please see attached for suggested changes to SB 1668.

Sincerely,

Brian Grimm
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AmeriGas Propane L.P. opposes the blanket requirement that license and registration applicants need a 24-hour emergency telephone number under §9.7. Applications for Licenses, Manufacturer Registrations, & Renewals.

The RRC currently requires a 24-hour emergency telephone number for all licensees engaging in LP-gas product activities on the license application and renewal form; however, it is adopting new unnecessary requirements for all license and registration types, e.g., phone number would need to be answered by a person who is knowledgeable of the hazards of LP-gas and who has comprehensive LP-gas emergency response and incident information, or has immediate access to a person who possesses such knowledge.

These additional emergency number requirements are required for shipping papers, bulk storage, racks, and transfer sites and do not apply to all license and registration types.

We request the RRC remove this from §9.7 as it is already outlined for those applicable in other Commission rules.

AmeriGas Propane L.P. supports the addition of electronic actuators under §9.126. Appurtenances and Equipment & §9.143. Piping & Valve Protection for Stationary LP-Gas Installations

We would like to see a specific inclusion of electronic actuators in the rules

AmeriGas Propane L.P. approves of the inclusion of engineered breakaways under §9.143. Piping and Valve Protection for Stationary LP-Gas Installations

We would like to see an engineered breakaways/coupler option contained in the rule.

AmeriGas Propane L.P. supports the determination that all cylinder cages as adequate protection under §9.140 System Protection Requirements. Through testing conducted by an independent testing agency and funded by PERC it was determined that the container acts as the primary protection from release and the cage forms a secondary barrier.

Under section (g), RRC will allow cylinder cages as sufficient protection for vertically stored cylinders but will require cylinders stored horizontally to be protected against vehicular damage. RRC does not adopt the cage as adequate protection for forklift cylinders because the NPGA Southwest Research Study did not include forklift cylinders in their testing and study. AmeriGas believes forklift cages should be included and is giving Railroad Commission a report from Bison Engineering on the low incident rates at the forklift cages. The Director of Alternative Fuel Safety was receptive to not requiring additional protection at forklift cages sites not frequented by the public.

We request RRC not to require additional crash protection at forklift cylinder storage not frequented by the public.

AmeriGas Propane L.P. opposes the elimination of CETP as continuing education for managers under §9.52 Training & Continuing Education

Under the proposed change, manager-level certifications will no longer be able to take PERC CETP for continuing education credit. The RRC is eliminating this option due to the rollout of the new 6.1 Regulatory Managers Continuing Education class that is designed to update managers on recent rule changes.

We believe this is a step backward request to keep CETP option for managers continuing education.

AmeriGas Propane L.P. opposes additional excessive requirements under §9.20 DOT Cylinder Filler Certificate Exemption & new §9.55 PERC Outside Instructor Training rule.

The new rule will allow individuals seeking initial DOT cylinder filler certification to take the PERC Dispensing Propane Safely training and exam in place of the RRC initial course and exam. The rule however, creates excessive requirements for PERC outside instructors. This would include any in-house company trainers. The proposal requires 1) a \$300 registration fee for instructors, 2) a Train the Trainer course, 3) a Train the Trainer refresher course, 4) Trainer must be employed by a company that dispenses propane, no third-party instructors, 5) No exemption for those already registered as RRC outside instructors. This program as currently administered is not a proctored program. It is administered solely through the PERC or private company learning management systems. As such each student is required to sign in to their individual learning account utilizing a unique sign in completing the curriculum, and completing and passing the end of module testing as part of the program. This curriculum development has been proven to be highly effective and reliable, date stamps completion, and is widely accepted through out the United States and Globally.

AmeriGas Propane L.P. recommends the Commission not adopt §9.55 PERC Outside Instructor Training. The legislative is very clear that if individuals follow PERC guidelines, they get credit. PERC guidelines do not require certification and re-certification of instructors, nor does it require proctoring for the Dispensing Propane Safely exam.

If the Commission is unwilling to remove the PERC outside instructor requirements AmeriGas submits either of the following as a more reasonable alternative:

- 1) RRC allow third-party instructors and not require trainers to work for a licensed company.
- 2) Request RRC exempt individuals already registered as an RRC outside instructor to be exempt from §9.55.

AmeriGas Propane L.P. opposes the current lack of a designated time-period in §9.20 for the issuance of licensure. We believe that a period of 10 business days should be added to the appropriate sections designating the expectation of issuance upon submittal of all required documents satisfying the rule. If a certificate cannot be issued within 10 days through no fault of the applicant, we strongly suggest the addition of language for the issuance of a temporary certificate or the applicant be permitted to perform tasks until such time that notice is received by the company rejecting the application.

AmeriGas Propane L.P. requests clarification in the rule to ensure that both cylinders and ASME mounted motor/mobile fuel tanks, which are covered in the PERC training already, will be allowed under this certificate. The intent was to cover the ASME mounted propane tanks primarily used for cooking and frequently seen on RV's, which is covered in the PERC training already in the bill and that will be approved for use.