

**UNAPPROVED MINUTES  
UTAH STATE LPG BOARD**

March 11, 2021

**BOARD MEMBERS PRESENT**

Terry Brown  
Amanda Clark-Cross  
Les Whitney  
David Reed  
Greg Rynders

**BOARD MEMBERS EXCUSED**

Rob Voortmeyer

**STATE FIRE MARSHAL'S OFFICE STAFF**

Coy Porter, SFM  
Ted Black, Chief Deputy  
Boyd Cook  
Justin Cheever  
Keith Claybaker  
Annette Garcia  
Andrew McCormick

**STAFF EXCUSED**

Renee Spooner, Attorney General

**Item #1** The meeting was called to order at 10:00 a.m., by Vice Chair Les Whitney, presiding.

**Item #2** Approval of December 10, 2020 Board Meeting minutes was motioned by Greg Rynders and seconded by David Reed. All board members agreed.

**Item#3** The approval of June 10, 2021 virtual meeting was motioned by Greg Rynders and seconded by Terry Brown. All board members agreed.

**Item#4** The election for the Chair position Greg Rynders nominated Les Whitney and Terry Brown Seconded. The position of Vice Chair was nominated by Les Whitney as Greg Rynders and David Reed seconded. All board members agreed.

**Item#5** A report presented by Coy Porter on the 2021 Legislative session and pointed out those that could and would effect the LP Gas Board. All the details can be listened too on the virtual recording. Les Whitney ended in asking if anyone had any further questions or clarifications and no board members had any.

**Item#6** Approval of the changes for the R710-6 was motioned by Greg Rynders and seconded by Terry Brown.

**Item#7** The LPG incident in Echo Junction was presented by Justin Cheever and his report can be viewed in detail on the Zoom recording.

**Item#8** Boyd Cook reported on all the changes in the NFPA 58 2020 Edition, if details wanted it can be viewed on the Zoom recording. Greg Rynders motioned the NFPA 58 2020 to be approved as going through the 2023 legislation session and Seconded by David Reed. All LP Gas members agreed.

**Item#9** Justin Cheever informed the Board of the updated questions for testing the LP Gas technicians take online to get certified is now current with 2018 standard, due to software needing updated. If more details of his information it can be viewed on the recording via Zoom.

**Item#10** The Recognition of Ellis Willson and his great contribution to the LP Gas industry for the past 50 years, his start was in 1954 and much appreciated. Sincere condolences of his passing made by Boyd Cook and Les Whitney.

**Item#11** No Old Business.

**Item#12** No New Business.

**Item#13** The Next meeting date and time: Thursday, June 10, 2021 @ 10 a.m. The meeting will be held virtually.

Les Whitney motioned to adjourn the meeting seconded by David Reed. All Board Members agreed.

Meeting adjourned by Les Whitney.



State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

## Utah Department of Public Safety

JESS L. ANDERSON  
*Commissioner*

## Utah State Fire Marshal

COY D. PORTER  
*State Fire Marshal*

November 23, 2020

### Incident Investigation Report

#### Company involved:

Blue Flame Propane Inc.  
1227 West Lark Lane  
Santaquin, UT 84655  
Office: 801-885-3160  
Cell: 801-420-1426 (Kelly)  
LP Concern License 5-26-2021

#### Incident description:

Bobtail rollover

Location: Highway 36, Mile marker 19, Tooele County - East of Vernon.

Time of day approx. 11:30 am with dry road conditions on Friday November 20, 2020

Propane quantity on the truck 2600 gallons

#### Driver:

Johnny Wright  
Certified with the State Fire Marshal's Office. Certificate number PE105300 expires 1-27-2022

See attached reports from Kelly Wright (owner)

Johnny Wright (driver)

#### Cause of incident:

Johnny Wright took evasive action to avoid a head on collision by pulling to the right shoulder allowing an eastbound vehicle in the westbound lane room to get by.

#### State Fire Marshal's office involvement:

Friday November 20, 2020 at 6:53 pm deputy State Fire Marshal Boyd Cook was contacted by Bucky Whitehouse Emergency manager Tooele County Hazmat informing him of the incident and asked if he would call incident commander Jonathan Thatcher. Rich Maughn of Freeway Propane also had called.

Information was gathered from both Rich Maughn and Jonathan Thatcher.

After discussion of the circumstances and conditions, Boyd Cook recommended that the bobtail be transported back to Blue Flame Propane's yard west of Santaquin where they had the equipment to finish the evacuation of liquid propane

and vapor pressure. It was also recommended that the tow truck be escorted through residential areas allowing it to travel without having to stop. When the bobtail rolled it sheared a vapor shut off valve at the back end of the cargo tank leaving the excess flow intact but allowing vapor seepage (doing what it was designed to do).

At 8:11 pm another call was received from Tooele County Chief Justin Huffman, concerned that tow truck driver wanted to bring the bobtail into a yard in Tooele, he did not want it there, Boyd agreed as that was not the plan. Boyd was asked again to call the onsite commander Jonathan Thatcher. Boyd recommended the bobtail remain where it was at or towed to Blue Flames yard in Santaquin, leaving the decision up to Jonathan Thatcher. (There appeared to be pushback from the tow truck driver)

8:27 pm Boyd contacted Chief Deputy Ted Black to inform him of the incident. Ted gave instruction for a follow up call Saturday morning for an update from Blue Flame Propane as to the security of the bobtail and schedule time to meet with owner Kelly Wright.

Monday November 23, Boyd Cook, Justin Cheever and Keith Claybaker of the State Fire Marshal's office met with Kelly Wright and documented details of the incident. The incident site was also visited in order to obtain a better understanding of the road layout.

Kelly Wright was asked, what he felt went right and any lessons learned from this incident good or bad.

Response:

1. More live hands on training regarding propane evacuation from the bobtail is in order.
2. Prepare and have on hand the necessary evacuation equipment ready to use either for themselves or have ready for other companies to use when needed.

#### **Contacts:**

Tooele County Hazmat Emergency Manager Bucky Whitehouse 435-241-0220

Jonathan Thatcher Incident commander 435-849-5170

Rich Maughn 801-361-9896

Justin Huffman Tooele County Chief 801-828-0268

Ted Black Chief Deputy State Fire Marshal 801-602-7406

Boyd Cook Deputy State Fire Marshal 801-580-3443

Justin Cheever Deputy State Fire Marshal 385-831-5979

Keith Claybaker Deputy State Fire Marshal 385-296-6447

Accident report as stated by Kelly A Wright      11/23/20

On Friday November 20, 2020 at approx. 11:50 AM. I received a phone call from Toole incident management informing me I had a bobtail involved in a traffic accident at mile marker 19 outside of Vernon Ut. I immediately gathered resources and dispatched employees to the same location. I arrived at the scene at about 12:45 PM. I found highway patrol, Vernon firefighters at the scene. Looking at the wrecked tanker now laying on its right side. I noticed a small leak coming from a broken vapor valve all internal valves and safety controls functioned properly. We made every effort to contain the leak but was unsuccessful. Shortly after my 2<sup>nd</sup> bobtail arrived at the scene we proceeded to off load the propane. We were only able to offload about 800 gal leaving a estimated balance of 1800 gallons in the tanker.

At this point we informed the tow truck crane to right our bobtail if it could be done safely and without causing additional damage, once the bobtail was righted we attempted to offload the remainder of the propane. We were unsuccessful it was determined that the removal of the remainder of the propane would be safer at our plant, and that the transporting our bobtail to our facility by the wrecker could be done safely it was escorted to the plant by the highway patrol. Once at our facility we proceeded to offload the remainder of the propane all the liquid was removed by Saturday afternoon, by Monday all vapor had been removed.

I was informed that the cause of the accident was due to a vehicle traveling the opposite direction was attempting to pass another vehicle by entering my drivers lane in order to avoid a head on collision Johnny was forced to the shoulder to avoid a collision. When he attempted to return to his lane, he lost control of his vehicle causing it to roll. Johnny sustained injuries and was transported to Mountain west Medical center in Tooele where he was treated and released that evening.

Kelly Wright  
Blue Flame Propane

**From:** Johnny Wright <uncle.john450@gmail.com>

**Date:** November 23, 2020 at 11:32:01 AM MST

**To:** jcheever@utah.gov

**Subject: Blue flame propane's accident**

OK I was heading west on Highway 36 when a car heading east was trying to pass a car going eastbound got into my lane (west) and I decided to move over and give him room but at the same time of doing that I got caught in the rumble strips and got pulled into into the dirt and the weight shifted to the driver side as it was sinking in the dirt and tried to steer left and as you can imagine at this point the weight and momentum on the passenger side as I was steering left threw the weight to the left side and pushed me over to the lane of the cars going eastbound and so I began to turn right and that weight shifted to the left and caused the truck to tip over on the driver side and that's when I lost consciousness and I vaguely remember someone helping me out of the truck and putting me in a car and driving me away from the scene of the accident to get away from the Propane leaking out of the truck! And I woke up and regained full consciousness in the ambulance

Sent from my iPhone

## NPGA Update

### **DOT Cylinder Requalification Final Rule Takes Effect November 30**

NPGA reports that the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the Department of Transportation (DOT) has approved NPGA's petition on the requalification of DOT-specification cylinders by hydrostatic testing, also known as the volumetric expansion testing method. This action, announced by PHMSA in an October 30, 2020 final rule, returns the requalification period to 12 years.

NPGA had previously identified an oversight by PHMSA as part of the agency's development of a 2016 rule that changed 49 CFR 180.209(e), which reduced the initial requalification period for DOT-specification cylinders following volumetric expansion testing from 12 years to 10 years and increased the timeframe for requalification following a proof pressure test from 7 years to 10 years. Nowhere, in either the 2015 proposed rule or 2016 final rule, did PHMSA provide any rationale or substantiation for the changes or address them in any form. This oversight resulted in a significant, negative impact on the propane industry.

NPGA aggressively pursued resolution of this issue with PHMSA and engaged the support of members of Congress as well as prepared legal measures in order to secure a correction to this substantive, yet unjustified change. With PHMSA's acceptance and final approval of NPGA's petition, **we estimate the regulatory savings to the propane industry to be more than \$100 million per year.**

The table below depicts the previous changes in the requalification periods for volumetric expansion and proof pressure testing and reflects the final changes published by PHMSA resulting from NPGA's petition.

**The changes published in the final rule take effect on November 30, 2020, though voluntary compliance may have begun on October 30, 2020.**

	Prior to 2016	Changes in 2016 PHMSA Rule	Final Changes in 2020 PHMSA Rule
<i>Initial Period for Volumetric Expansion</i>	12 years	10 years	12 years
<i>Subsequent Period for Volumetric Expansion</i>	12 years	10 years	12 years
<i>Initial Period for Proof Pressure Testing</i>	12 years	10 years	12 years
<i>Subsequent Period for Proof Pressure Testing</i>	7 years	10 years	10 years

Also, in March 2017, PHMSA published an *Enforcement Discretion* document that stated the agency will not take enforcement action against the requalification of DOT-specification cylinders by volumetric testing according to a 12-year period, as previously authorized in 49 CFR 180.209(e), thus permitting either a 12- or 10-year requalification period for volumetric expansion testing. (A copy of the *Enforcement Discretion* document is available through the member portal

of the NPGA [website](#).) With the aforementioned changes, PHMSA announced that on November 30, 2020, PHMSA's *Enforcement Discretion* document will terminate.

To address these changes, NPGA created a Fact Sheet titled ***DOT Cylinder Requalification Periods***, which is available on the [Member Dashboard](#).

Finally, please note this regulatory action does not impact the 5-year cylinder requalification period for the external visual inspection method.

If you have any questions, please contact NPGA's [Mike Calderera](#) or [Sarah Reboli](#).