



# PROPANE EXCHANGE

July 2009 \* West Virginia Propane Gas Assn.

[www.wvpropanegas.org](http://www.wvpropanegas.org) \* 703.530-9772

**Save the Dates: September 14-15, 2009**

Thanks to this issue's advertiser:

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## DATES TO REMEMBER

Sept 14-15, 2009	Annual Meeting Lakeview Resort Morgantown, WV
Sept 16, 2009	NFPA 54 & 58 Review Roach Energy Conf. Rm. Martinsburg, WV
April 10-12, 2010	NPGA Southeastern Conv Atlanta, GA

## Annual Meeting Features Customer Sales & Safety Training

The Annual Meeting is set for September 14-15, 2009 at Lakeview Resort, One Lakeview Drive, Morgantown, WV, [www.lakeviewresort.com](http://www.lakeviewresort.com).

The final membership meeting of the year will feature:

- \*\*\* In-depth discussion about the FTC's "Red Flag Rule" and how it effects your business (*see page 2 for more info*);
- \*\*\* Upselling and Building New Sales even in winter;
- \*\*\* What managers need to know about Cylinder Requalification Requirements;
- \*\*\* Golf outing on the 4 star Lakeview Course;
- \*\*\* Outdoor dinner banquet & fellowship;
- \*\*\* Annual Meeting with updates about forthcoming state propane licensing regulations.

Recognizing that finances are tight, a special overnight room rate of \$89 has been negotiated for WVPGA members (when was the last time you stayed at a resort for under \$100?).

For more details, a complete schedule and registration information check [www.wvpropanegas.org](http://www.wvpropanegas.org) after Aug 1<sup>st</sup>.

**TRAINING OPPORTUNITY COMING UP** Besides the training taking place at the Annual Meeting, a review and update of upcoming changes to **NFPA 54 & 58** will be held on **September 16, 2009 at Roach Energy, Martinsburg, WV**. While service techs are encouraged to attend, the program is designed for managers and owners so they know what to expect in the future and plan accordingly. Details & Registration info out after August 1<sup>st</sup> at [www.wvpropanegas.org](http://www.wvpropanegas.org).

## News Flash:

### Card Check Provision Dropped from Employee Free Choice Act

*In mid-July, it was reported that a half dozen senators decided to drop a central provision of the Employee Free Choice Act (EFCA) that would have made it easier to organize workers.*

*The "card check" provision, which senators decided to remove to secure a filibuster-proof 60 votes, would have required employers to recognize a union as soon as a majority of workers signed cards saying they wanted a union.*

*In the place of the provision, the revised bill would require shorter unionization campaigns and faster elections. Although details remain to be worked out, union elections would have to be held within five or 10 days after 30 percent of workers signed cards favoring having a union. Currently, the campaigns often run two months.*

*Labor unions are pushing aggressively to enact the bill. They are also urging the White House and Senate leaders to schedule a vote this month. But Senate leaders have told labor unions that the Senate is so preoccupied with health care legislation that September would be the earliest time to take up the pro-union legislation.*

*NPGA will continue to monitor the Employee Free Choice Act and oppose it as it progresses.*

RULES GO INTO EFFECT AUGUST 1, 2009



## Federal Trade Commission Issues Identity Theft Rule

The Identity Theft Rule goes into effect August 1, 2009. These rules are commonly referred to as "Red Flags" Rules.

If your business acts as a Creditor or Financial Institution, OR takes a Credit Application, you will be required to:

- \*\*\* Identify relevant red flags and incorporate them into a detection program;
- \*\*\* Detect red flags in customer information;
- \*\*\* Respond appropriately to any red flags detected;
- \*\*\* Ensure the program is updated periodically to reflect changes in risks.

So ask yourself – what does our policy need to address given the information we handle on each customer? How will we scan for identities of the customer? Will that include a credit bureau check or other method? What ID info do we normally view?

The policy must address what to do if a discrepancy is detected. The three major credit bureaus all have white papers, webinars and other materials for you to use – take advantage of those resources.

[http://www.experian.com/credit\\_solutions/fraud/](http://www.experian.com/credit_solutions/fraud/)

[http://www.equifax.com/consumer/fraud/en\\_us](http://www.equifax.com/consumer/fraud/en_us)

<http://www.transunion.com/docs/business/industrySolutions/RedFlagsGuidelines.pdf>

The Federal Trade Commission (FTC) has created a webpage and guidebook to help businesses comply with the new Red Flags Rule: <http://www.ftc.gov/redflagsrule>

**Hear firsthand what you need to do to comply as a propane business by attending the Annual Meeting on September 14-15, 2009.**

Important  
Reminders  
about  
NFPA 58  
Retroactivity



*... the provisions of the code are not applicable to existing installations unless the code specifically states that the provisions are retroactive....*

**When the provisions of NFPA 58 “LP-Gas Code” are enforced**, it should be recognized that existing installations are not required to be brought up to the current code requirements. Unfortunately, some authorities in the field may not be aware of this and could be imposing requirements on the propane industry that go above and beyond what was intended by the code.

**Section 1.4 in NFPA (2008 edition) states**, in a nutshell, that the provisions of the code are not applicable to existing installations unless the code specifically states that the provisions are retroactive (1.4.2) *or* the authority having jurisdiction determines that the existing installation “presents a distinct hazard to life and property” (1.4.3). Not only that, but Section 1.4.4 also permits the AHJ to modify the retroactive requirements of the code if their application would be impractical, as long as a “reasonable degree of safety is provided.”

**The provision in Section 1.4.3 that allows** the AHJ to impose retroactive requirements in the case of a distinct hazard to life and property is not one that is commonly applied. If the marketer disagrees, he should request the AHJ to specify in writing the hazards that are present, which provides the marketer an opportunity to solicit expert opinions and develop a case to rebut the assertions of the AHJ.

**For more information** on this and other technical issues, please contact NPGA’s Bruce Swiecicki at [bswiczicki@npga.org](mailto:bswiczicki@npga.org).

## NEWS FROM PERC



# New Report Compares Underground Tank Coatings

A new report released by the Propane Education & Research Council (PERC) is designed to help propane marketers and retailers compare the performance of various coatings on underground propane tanks.

The report summarizes the results of a PERC-funded research study conducted by KTA-Tator Inc. In the study, researchers evaluated the performance of seven tank coatings when exposed to environmental conditions that can occur during normal operation. The report provides an overall performance score for each coating, as determined by KTA-Tator.

The test results for each tank coating get a one-page summary that includes ratings of the coating's mechanical durability and performance in response to environmental exposure for tank side, weld seam, and leg attachment samples. The summaries feature clear, easy-to-understand, color-coded charts.

To download a press release that includes links to the full report, the executive summaries, and the one-page summary for each tank, visit this site:

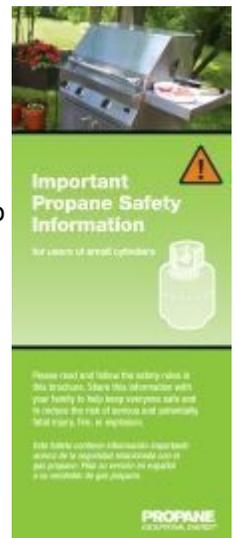
<http://www.propanecouncil.org/NewsItem.aspx?id=9128>. For details, get in touch with PERC's Greg Kerr at 202-452-8975.

## Webinar: Consumer Safety Education — Protecting Customers and Limiting Liability

Educating consumers on the safe use of propane is a priority for all propane retailers.

Consumers who understand how to recognize potential propane hazards, what to do about them, and how to avoid them in the first place can not only reduce propane incidents but also serve as an effective marketing tool. Customer safety education can also help protect marketers from liability claims.

**Join the Propane Education & Research Council (PERC) for a 45-minute webinar about consumer safety education materials July 28 at 3 p.m. Eastern Daylight Time.**



To register and for details, get in touch with PERC's Stuart Flatow at [stuart.flatow@propanecouncil.org](mailto:stuart.flatow@propanecouncil.org) or Courtney Gendron at [courtney.gendron@propanecouncil.org](mailto:courtney.gendron@propanecouncil.org)

The consumer safety education webinar will cover, among other items, the various brochures and pamphlets that marketers can use to educate their consumers and new electronic messages designed to keep your customers informed and safe.



## *PHMSA Withdraw Proposal to Increase Bobtail Tax*

The Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) announced recently that it has withdrawn its May 5, 2008 proposed rulemaking to increase the hazmat registration fee, also known as the "bobtail tax."

PHMSA had proposed to increase the fee for non-small businesses from the current \$1,000 to \$2,500 in order to properly fund the Hazardous Materials Emergency Preparedness (HMEP) grants program at the authorized \$28.3 million per year level. The fee for small businesses remained the same in PHMSA's proposal.

In withdrawing the proposal, PHMSA indicated they had recently reexamined and redefined their estimates of revenues and concluded they would be able to fund the HMEP grants program without an increase in the hazmat registration fees.

Therefore, the current fees, which are due July 1 each year, remain the same for both small businesses (\$275) and non-small businesses (\$1000).

### Contact Us

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## TANKS FOR SALE

**LP479** - 2-90,000gal Trinity Industries, 250psi, 1973, Lebanon, MO

**LP494** - 1-26,950gal Chicago Bridge & Iron, 210psi @ 650, Jones Chappell, AL

**Hall** - 17,700gal Bethlehem Steel, 250psi, Jensen Beach, FL

**LP419** - Used 17,910 Mosher Steel, Miami, FL

**LP437** - 11,800 gal ACF DOT, Miami, FL

**LP454** - Used 12,000gal Dalworth ASME Miami, FL

**LP489** - 14,000gal National Butane Co ASME storage, 250psi, Amory, MS

**LP509** - 12,000gal Trinity Industries 250psi, 1965, Dixon Mills, AL

**LP488** - 2-10,000gal Mississippi Tank Co, 250psi, 1955, Amory, MS