



By  
JOHN  
KAMPS  
Guest Columnist

## Finding Solutions To the Age-Old Problem of Government

As an older citizen of the propane community, I look back on the industry with many great memories and accomplishments. Yet I continue to face, as do a large number of other marketers, many of the same challenges that I have had to tackle for decades.

I grew up in the propane business, Kamps Gas Service, which my dad started. That company eventually merged with Pacific Delta Gas, then Pargas, and finally Suburban Gas. I did most of the jobs in retail and truck transportation before going to school and graduating from Southern Technical Institute in Marietta, Ga. Later, I went to work for Suburban (Doxol) Gas in Pomona, Calif., which merged with Ferrell Gas.

Kamps Propane was started in 1969 when I was 25 years old. The company that I founded has grown into one of the largest independent operations in the West, with both retail and wholesale operations.

Of the numerous challenges marketers must deal with, jurisdiction in charge (JIC) issues is one that never goes away or gets any easier. I remember when you still could go to your local building or fire department to get permitted for propane operations. You would sit down with a person that you knew, and they would proceed to actually help you through all the requirements that would be needed to get permits. I remember when people in these oversight agencies were helpful in working through local regulations, and you could draw up your

own plot plans on graph paper to submit for permits. Maybe there still are locations in the U.S. where such helpful agencies exist today, but I'll bet they are far apart and very few of them.

Today it's a very different world to do business in than when I started, especially when it comes to dealing with bureaucracy. We have new and ever-changing rules from agencies such as Homeland Security, DOT, OSHA, EPA, CARB, NFPA, and state and local fire departments, local building codes, planning department restrictions and regulations, and it goes on and on. Controls are put in place by just about everybody with oversight, and fire marshals are enforcing an ever-growing list of regulations and standards, including the Uniform Fire Code, California Fire Code, along with NFPA 54 and 58, and anything else the fire marshal deems necessary within his jurisdiction.

The level of frustration in dealing with just these rules can escalate fairly quickly at times. I am not even talking about all the agencies that collect taxes. That's another frustrating discussion for a later date. In these times, I have to think that it is just the way our business climate is working and relax.

There is an overwhelming need for the industry to improve its relationship with these agencies. It won't be easy, and it may be time-consuming, but I believe that it is possible for marketers to have a more positive influence on fire marshals and others who make permit decisions.

As the Propane Education & Research Council's (PERC) first successful safety and training project, the "Propane Emergencies" book was a great first step in reaching out not only to emergency personnel, but to fire marshals, who play a very important decision-making role in our industry. However, I was surprised to find out after the release and mass distribution of "Propane Emergencies" that many fire officials really didn't understand or care to understand propane and propane safety. I'm not sure who got all the training books that PERC sent out, but as we all know, the majority of people in charge of enforcing the rules that we run our businesses by really didn't know much about our business.

The local fire marshal is often the first and most important contact with

these agencies. Additionally, the fire marshal often has oversight of hazmats. It is the lead agency that you and I need to work with when making changes at our plants or customer facilities. Because of their role in administration and enforcement duties, they have become very focused on codes. I am seeing more and more fire marshals who want codes interpreted for them by outside consultants, with large insurance liability policies to insulate any decision that may have to be made.

In addition, fire marshals increasingly want a fire safety analysis certified by an outside expert. This comes with a price, which doesn't just stop at the certified consultant's fee. It comes with the extra expenses that you and I have to come up with to comply with any mitigation that follows the consultant's report.

### "Public Safety" Card

There is a growing tendency by fire marshals and consultants who want plant storage tanks underground, especially in metropolitan areas. NFPA has several mitigation choices for storage tanks over 4000 gallons. There are consultants and fire marshals who view these choices not as suggestions in which one applies, but as opportunities to see how many they can enforce on one plant in order to protect public safety. Once the public safety card is thrown on the table you are in for the ride of your life. Everybody gets in on the act, including the police department, public works, planning commission, building department, all the neighbors of the facility, and anyone else who may have only the remotest interest in your project.

Typical questions that I have heard being asked by JICs:

Are you in the flight path of any airport and at what altitudes do the planes pass by? What tonnage are the planes in the flight path? What impact would they have on your facility if there is an accident?

What impact will a terrorist bomb, mortar, or weapon device have on your facility if exploded? What impact will it have on the neighboring facilities?

What effect would a BLEVE have on your facility and what is the blast area effect on neighboring buildings or inhabitants in the area?

What protection will be needed to protect the inhabitants and buildings from any such catastrophe? This includes any services that are presently available for protection such as fire detectors, water supply for fighting fires, and analyzing the fire department itself for its response and the equipment and personnel available.

How do you protect your facility from earthquakes?

Once these questions have been answered, a marketer may be faced with solutions ranging from common-sense to outlandish. Having the tanks buried starts to look pretty good to a fire marshal at this point. They may next turn their sights on the rest of the facility. Don't be surprised if they want fixed and automatic water cannons trained on the transfer operations installed. Then there are the shut-down operations, with positive and passive shut-downs of the pumping system, which could include sniffers, flame detectors for automatic shut-downs, and manual shut-downs. Automatic gates with access restricted to personnel only are also being recommended and required. All of this can be hooked into security systems that can shut down the plant as well as allow for remote monitoring of the facility via cameras. All of these recommendations and requirements can get very expensive very fast.

When it comes to public safety in a community, the fire marshal's oversight authority pretty much gives him a free hand in making decisions that not only dictate how you run your plant, but even in making the decision that prevents you from operating in the community at all...and this issue is only going to get worse. The cost of operating your business is only going to get more expensive in the future because safety really has no price limit.

The main message I have is that marketers need to identify who the JICs are in their area and get to know them... and not with just one meeting but on a frequent basis. JICs have a lot of projects on their plate and responsibilities for a wide range of businesses and activities. Sadly, your propane project will just fall through the cracks if you don't keep them informed of who you are and what you do.

In addition, remember, the fire marshals not only change jobs but also re-

tire and their young replacements may feel the need to make a name for themselves. If you don't reach out with a little public relations and try to diplomatically educate them, they may jump right to the worst-case scenario every time. The "Propane Emergencies" manual provides an opportunity to get to know and meet with JICs. Sadly, the manual seems to have gone to training departments and right onto a shelf to collect dust in some offices. In fact, many fire marshals probably have never seen the manual, which may explain how JICs come to make some of their decisions.

### **Showing Our Safe Industry**

The manual is just one step in fully realizing an opportunity to get to know and educate JICs. We need to demonstrate how safe we are as an industry—not just that we have a comprehensive set of codes, but that we have personnel training programs that are utilized and operations standards that we follow. We as an industry need to get this message to JICs, and it will probably take PERC and the National Propane Gas Association to help train you and your employees on how to best to do it. Ultimately, though, it falls back to us to make it happen in all our communities. If we don't pay the price in time spent today, the future price could just be way too expensive.

---

*John Kamps is president of Kamps Propane Inc. (Manteca, Calif.)*