

Alabama Liquefied Petroleum Gas Board
Minutes
July 7, 2016

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting and a public hearing on July 7, 2016, 10:00 a.m. at Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

Members Present: Chairman Benny Gay, Vice-Chairman Scott Lybarger, Bill Montgomery, Larry Parden, State Fire Marshal Ed Paulk, Public Safety Designee Sgt. Will Wright, Public Service Commission Designee Wallace Jones, Consumer Advocate Elizabeth Barnett, and Board Attorney Matt Bledsoe.

Members Absent: None

With a quorum present, the Chairman called the meeting to order and Mr. Lybarger gave the invocation.

The Chairman called for a motion to adopt the agenda.

- 1) Mr. Paulk moved to adopt the agenda as presented. Seconded by Mr. Parden, the ayes were unanimous.

Copies of board meeting packages supplied to board members are retained on file at the Alabama LP-Gas Board office and are available for inspection upon request.

MINUTES OF THE LAST MEETING

The Chairman called for the approval of the minutes of the April 14, 2016 meeting.

- 2) Mr. Parden moved to approve the minutes of the April 14, 2016 meeting. Seconded by Mr. Lybarger, the ayes were unanimous.

OLD BUSINESS

The Rules & Regulations Committee Chairman Mr. Scott Lybarger updated the Board on the proposed changes to Alabama Administrative Code 530-X-2-.11 *Code Familiarization Review*.

PUBLIC HEARING

The Chairman called for a motion to recess from the regular quarterly board meeting to conduct a public hearing for consideration of the following proposed regulation changes.

- Amendment of Alabama Administrative Code 530-X-2-.03 *Metering Device Calibration Requirements*
- Amendment of Alabama Administrative Code 530-X-2-.08 *Liquefied Petroleum Gas Piping & Appliance Codes*

- 3) Mr. Paulk moved to recess from the regular meeting for a public hearing. Seconded by Mr. Lybarger, the ayes were unanimous.

The Chairman declared the board in a public hearing related to the proposed amendment of Alabama Administrative Codes.

The Administrator presented an explanation of the proposed regulation changes. There were no official public comments related to the proposed changes presented prior to or during the public hearing.

The Chairman called for a motion to end the public hearing on the proposed amendments to Alabama LP-Gas Administrative Codes and reconvene the regular quarterly board meeting.

4) Mr. Paulk moved to end the public hearing. Seconded by Ms. Barnett, the ayes were unanimous.

NEW BUSINESS

The Chairman called for a motion to adopt the proposed amendment of Alabama Administrative Code *530-X-2-.03 Metering Device Calibration Requirements* as petitioned.

5) Mr. Paulk moved to adopt the proposed amendment of Alabama Administrative Code *530-X-2-.03 Metering Device Calibration Requirements* as petitioned. Seconded by Ms. Barnett, the ayes were unanimous.

The Chairman called for a motion to adopt the proposed amendment of Alabama Administrative Code *530-X-2-.08 Liquefied Petroleum Gas Piping & Appliance Codes* as petitioned.

6) Mr. Paulk moved to adopt the proposed amendment of Alabama Administrative Code *530-X-2-.08 Liquefied Petroleum Gas Piping & Appliance Codes* as petitioned. Seconded by Mrs. Barnett, the ayes were unanimous.

Election of Vice-Chairman

The Chairman opened nominations to elect a Vice-Chairperson to replace outgoing Vice-Chairman Scott Lybarger.

Mr. Paulk nominated Mr. Wallace Jones for Vice-Chairman. The nominations were closed.

Mr. Jones was elected as Vice-Chairman by acclamation.

Appointment of Industrial REAC Members

The Chairman appointed board members Bill Montgomery and Larry Parden to the Research Education Advisory Committee (REAC) for 2016-2017.

Petition for Adoption of Rule *530-X-2-11 Employee Competency Requirements*

7) Mr. Paulk made a motion to initiate the rule-making process for the purpose of amending rule *530-X-2-11 Employee Competency Requirements*. Seconded by Mr. Parden, the ayes were unanimous.

PERMIT APPLICATIONS

A Class A permit application for South Alabama Gas District, Moundville, AL was presented to the board for approval.

- 8) Mr. Montgomery moved to approve the Class A permit application for South Alabama Gas District, Moundville, AL. Seconded by Mr. Paulk, the ayes were unanimous.

A Class B-1 permit application for Mid-South Propane, Inc., Florence, AL was presented to the Board for approval.

- 9) Mr. Montgomery moved to approve the Class B-1 permit application for Mid-South Propane, Inc., Florence, AL. Seconded by Mr. Lybarger, the ayes were unanimous.

Two Class C permit applications were presented to the board for approval.

- Madison RV Center Inc., Madison, AL
- Seth A. Bough dba Prism Plumbing Systems, Auburn, AL

- 10) Mr. Paulk moved to approve the two Class C permit applications. Seconded by Mr. Parden, the ayes were unanimous.

Eight Class F permit applications were presented to the board for approval.

- Chickasaw Corner Stop LLC, Chickasaw, AL
- Double K Hardware & Supply, Inc., Altoona, AL
- Fort Mitchell Trading Post & Hardware, Inc., Fort Mitchell, AL
- Reed Camper Sales, Huntsville, AL
- Russell Super Market, Inc., dba Piggly Wiggly # 296, Cullman, AL
- Saraland Produce, Saraland, AL
- Tractor Supply Company, Athens, AL
- Tractor Supply Co # 1629, Oneonta, AL

- 11) Mr. Paulk moved to approve the eight Class F permit applications. Seconded by Mr. Parden, the ayes were unanimous.

CODE VIOLATION SETTLEMENT AGREEMENTS

Settlement Agreement 2016-08 for code violations was presented by recusing board member Ed Paulk for approval.

- 12) Mr. Montgomery moved to accept Settlement Agreement 2016-08. Seconded by Mrs. Barnett, there were six ayes. (Lybarger, Wright, Parden, Jones, Montgomery and Barnett voted aye. Mr. Paulk abstained).

Settlement Agreement 2016-12 for code violations was presented by recusing board member Scott Lybarger for approval.

- 13) Mr. Paulk moved to accept Settlement Agreement 2016-12. Seconded by Mr. Parden, there were 6 ayes. (Barnett, Wright, Parden, Jones, Montgomery, and Paulk voted aye. Mr. Lybarger abstained.)

ADMINISTRATOR'S REPORT

The administrator presented seven permits for cancellation to the board:

- Aaron Construction, Madison, AL, Class C Permit # 942, cancelled due to expiration of insurance and non-renewal.
- Schoen Plumbing, Inc., Elberta, AL, Class C Permit # 769, cancelled due to non-renewal.
- Lone Star Trucking, LLC, Houston, TX, Class B Permit # 637, cancelled at company's request.
- Air Products & Chemicals, Allentown, PA, Class B Permit # 181, cancelled at company's request.
- Lone Rider LLC dba Bama RV, Dothan, AL, Class F Permit # 333, cancelled at company's request.
- Riles Heating & A/C, Salem, AL, Class C Permit # 68, cancelled due to non-renewal.
- Torch 85 Auto/Truck Plaza, Tuskegee, AL, Class F Permit # 401, cancelled at company's request.

The Administrator presented the board's financial position.

14) Mr. Paulk moved to accept the *Administrator's Report* as presented. Seconded by Mr. Montgomery, the ayes were unanimous.

Date of the next board meeting is October 13, 2016.

15) Mr. Paulk moved to pay the Board Members' expenses. Seconded by Mr. Montgomery, the ayes were unanimous.

On a motion by Mr. Lybarger and seconded by Mrs. Barnett. The meeting was adjourned at 11:39 a.m.



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Blossman Gas / Opelika
Permit "B-1" # 80
Code Violations

SETTLEMENT AGREEMENT 2016-08

Blossman Gas/ Opelika, AL (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the Alabama Liquefied Petroleum Gas Board (hereinafter referred to as "the Board") to the following:

STIPULATED FACTS

1. Respondent filled twelve (12) forklift cylinders to be transported in commerce without the use of scales (Offenses #1 - 12). Respondent filled seventeen (17) out-of-date forklift cylinders (Offenses 13 - 29) and failed to replace the relief valves in those out-of-date forklift cylinders (Offenses 30 - 46). Respondent failed to perform a visual inspection on seventeen (17) forklift cylinders prior to filling (Offenses 47 - 63).

STIPULATED CONCLUSIONS OF LAW

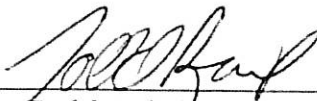
1. Respondent admits filling twelve (12) forklift cylinders without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
2. Respondent admits filling seventeen (17) out-of-date forklift cylinders in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.
3. Respondent admits filling seventeen (17) forklift cylinders overdue for replacement of relief valves in accordance with *NFPA 54 (2011 Edition) 5.7.2.14*.
4. Respondent admits failing to perform a visual inspection on seventeen (17) forklift cylinders prior to filling in violation of *NFPA 58 (2011 Edition) 7.2.2.8*.

STIPULATED DISPOSITION

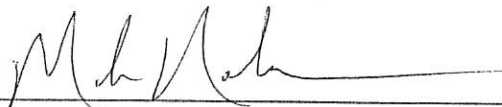
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 10,450 to the Board within 30 days of the Board's acceptance of this agreement. (*Failure to use scales \$1550; Out-of-date cylinders \$3650; Failure to replace relief valves \$3400; Failure to perform visual inspections \$1850*).
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its administrative remedies available under Alabama Law.
3. The Respondent waives his rights pursuant to Ala. Code Sec. 41-22-12; and Ala. Admin. Code Sec. 530-X-1-03 including, but not limited to, the opportunity for a hearing before the Board.
4. This Settlement Agreement shall become effective upon the execution by the parties and upon approval by the Board. Upon approval by the Board, this agreement shall be made a part of the official minutes of the Board's next regularly scheduled meeting. Respondent acknowledges and understands that the official minutes of the Board will be published on the Board's website.
5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the stipulated facts, conclusions of law and impositions of discipline herein.

Signed this 5th day of July, 2016



Todd Reinke, Respondent
Vice President- Administration
Blossman Gas / Opelika



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

United Propane Gas / Paducah, KY
Permit "B" # 257
Code Violations

SETTLEMENT AGREEMENT 2016-12

United Propane Gas / Paducah, KY (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the Alabama Liquefied Petroleum Gas Board (hereinafter referred to as "the Board") to the following:

STIPULATED FACTS

1. Respondent's transport driver failed to remain in attendance while unloading a propane transport trailer. The driver was in the sleeper of his truck during the unloading process, and this was observed by an Alabama LP-Gas Board Inspector. This was a repeat offense for this Class B permit holder.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits driver failed to remain in attendance while transferring LP-gas from a transport to a bulk plant in violation of *NFPA 58 (2011 Edition) 7.2.1.2*.

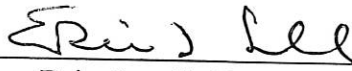
STIPULATED DISPOSITION

The Board and the Respondent agree that this action will be settled upon the following terms:

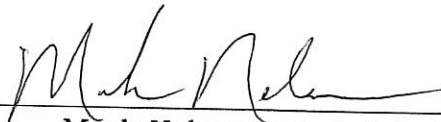
1. The Respondent agrees to remit a fine of \$ 1000 to the Board within 30 days of the Board's acceptance of this agreement.
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to

- forego the pursuit of its administrative remedies available under Alabama Law including Ala. Code Sec. 9-17-108(b).
3. The Respondent waives his rights pursuant to Ala. Code Sec. 41-22-12; and Ala. Admin. Code Sec. 530-X-1-03 including, but not limited to, the opportunity for a hearing before the Board.
 4. This Settlement Agreement shall become effective upon the execution by the parties and upon approval by the Board. Upon approval by the Board, this agreement shall be made a part of the official minutes of the Board's next regularly scheduled meeting. Respondent acknowledges and understands that the official minutes of the Board will be published on the Board's website.
 5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the stipulated facts, conclusions of law and impositions of discipline herein.

Signed this 27 day of April, 2016



Eric Small, Respondent
President
United Propane Gas



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board