

## **Liquefied Petroleum Gas Board**

### **Minutes**

**April 8, 2021**

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on April 8, 2021 at 10:00 a.m. at 173 Medical Center Drive in Prattville, AL. This location has been used for the last three board meetings instead of the normal meeting location due to the need for extra space necessary for COVID-19 social distancing requirements.

Members Present: Chairman, State Fire Marshall Scott Pilgreen, Larry Parden, Ken Coker, Consumer Advocate Elizabeth Barnett, Public Service Commission Designee Wallace Jones, and Board Attorney Matt Bledsoe.

Members Absent: Vice-Chairman Dickie Ferguson, Ken Sexton, and Public Safety Designee Cpl. Jeremy Burkett.

With a quorum present, the Chairman called the meeting to order and Ken Coker gave the invocation.

The Chairman called for a motion to adopt the agenda.

(1) Mr. Jones moved to adopt the agenda. Seconded by Coker the ayes were unanimous.

*Copies of 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 from the Last Meeting**

The Chairman called for approval of the minutes of the January 14, 2021 meeting.

(2) Mrs. Barnett moved to approve the minutes of the January 14, 2021 meeting. Seconded by Mr. Jones, the ayes were unanimous.

### **Old Business**

(a) The Administrator advised the Board that Mr. Scott Pilgreen was reappointed by the Governor to represent the Alabama LP-Gas Board on the Alabama Energy & Residential Codes Board as by the Governor.

(b) The Administrator communicated to the Board that Mr. Ken Coker was appointed by the Governor to fill the vacant, unexpired term representing the Northeast territory on the Alabama Liquefied Petroleum Gas Board.

(c) The Administrator gave a brief discussion about Alabama Legislative House Bill 446 that prohibits any government entity in Alabama from restricting energy types within their district to allow multiple choices for the consumers of Alabama.

## New Business

Ten Class B-1 Permit applications were presented to the Board.

- AL-GA Propane Gas LLC, Ranburne, AL
- Bear Creek Propane Gas LLC, Phil Campbell, AL
- Central Alabama Propane Gas LLC, Jasper, AL
- Chandler Mountain Propane Gas LLC, Steele, AL
- Golden Propane Gas LLC, Cullman, AL
- Pea River Propane Gas LLC, Enterprise, AL
- Sand Mountain Propane Gas LLC, Geraldine, AL
- Southern Alabama Propane Gas LLC, Greenville, AL
- Tombigbee Propane Gas LLC, Gordo, AL
- Tri-State Propane Gas LLC, Henager, AL

(3) Mr. Parden moved to approve the ten Class B-1 permit applications. Seconded by Mrs. Barnett, the ayes were unanimous.

Ten Class C Permit applications were presented to the Board.

- Comfort A/C LLC, Gadsden, AL
- Comfort Air Quality & Efficiency by Design, Huntsville, AL
- Dixie RV Superstores of Calera LLC, Calera, AL
- Durham Service Co., Inc, Owens Cross Roads, AL
- East Alabama Custom Plumbing LLC, Auburn, AL
- M. Wright Plumbing LLC, Scottsboro, AL
- McCrary Gas, Scottsboro, AL
- St. John Electric Co., Inc., Guntersville, AL
- Tidmore, Inc. dba Current Electrical Generator Services, Lacey's Spring, AL
- Tiffin Motor Homes, Inc., Winfield, AL

(4) Mr. Coker moved to approve the ten Class C permit applications. Seconded by Mr. Jones, the ayes were unanimous.

A Class D Permit application was presented to the Board.

- RRS Energy Services LLC, Jacksonville, IL

(5) Mr. Parden moved to approve the Class D permit application. Seconded by Mr. Coker, the ayes were unanimous.

Six Class F Permit applications were presented to the Board.

- Bryan Smith Enterprises, Inc., Headland, AL
- K & D Auto & Farm LLC, Orrville, AL
- Love's Travel Stop # 814, Hamilton, AL
- Sikes Enterprises LLC, Lapine, AL
- Tractor Supply Co. # 2483, Jackson, AL
- Williams Enterprises LLC dba Little River RV Park & Campground, Ft. Payne, AL

(6) Mr. Jones moved to approve the six Class F permit applications. Seconded by Mrs. Barnett, the ayes were unanimous.

#### **Code Violation Settlement Agreements**

Settlement Agreement 2021-02 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(7) Mrs. Barnett moved to approve Settlement Agreement 2021-02. Seconded by Mr. Coker, the ayes were unanimous.

Settlement Agreement 2021-03 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(8) Mr. Parden moved to approve Settlement Agreement 2021-03. Seconded by Mr. Coker, the ayes were unanimous.

#### **Alabama Administrative Code Proposed Rule Changes**

The Administrator presented a Petition for Adoption related to Alabama Administrative Codes *530-X-02.06 Storage & Handling of LP-Gas Codes* and *530-X-2-.12 Class A Permit Applications – Specific Requirements*. The Board took no official action and decided to have a work session before proceeding with the proposed rule changes.

The Administrator presented a Petition for Adoption related to Alabama Administrative Code *530-X-02-.10 Time limits for Submitting/Completing Applications*.

(9) Mr. Coker made a motion to initiate the rule-making process for Alabama Administrative Code *530-X-02.10 Time limits for Submitting/Completing Applications*. Seconded by Mr. Jones, the ayes were unanimous.

#### **Waiver of LPG Fee Penalties due to COVID-19 Pandemic & Texas Winter Storms**

The Administrator requested the Board to continue the ongoing waiver of LPG fee penalties due to the COVID-19 pandemic and recent Texas winter storms.

(10) Mr. Parden moved to approve the waiver for LPG fee penalties due to the COVID-19 Pandemic and the Texas winter storms. Seconded by Mr. Coker, the ayes were unanimous.

#### **Administrator's Report**

The Administrator presented the following permits for cancellation:

- Ala-Tenn Propane Gas, Inc., Athens, AL, Class A Permit No. 230, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba AL-GA Propane, Ranburne, AL, Class B-1 Permit No. 559, business sold to DCC Propane LLC.

- Ala-Tenn Propane dba Bear Creek Propane Gas, Inc., Phil Campbell, AL, Class B-1 Permit No. 434, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Central AL Propane Gas, Jasper, AL, Class B-1 Permit No. 583, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Chandler Mountain Propane Gas, Steele, AL, Class B-1 Permit No. 444, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Golden Propane Gas, Cullman, AL, Class B-1 Permit No. 426, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Pea River Propane Gas, Enterprise, AL, Class B-1 Permit No. 603, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Sand Mountain Propane, Lakeview, AL, Class B-1 Permit No. 435, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Southern Alabama Propane, Greenville, AL, Class B-1 Permit No. 572, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Tombigbee Propane Gas, Gordo, AL, Class B-1 Permit No. 448, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Tri-State Propane Gas, Inc., Henegar, AL, Class B-1 Permit No. 443, business sold to DCC Propane LLC.
- Alexander Lumber LLC, Moulton, AL, Class F Permit No. 656, cancelled at the owner's request.
- C & C General Merchandise II LLC, Lapine, AL, Class F Permit No. 555, business sold to Sikes Enterprises LLC.
- JJs Bait & Tackle, Monroeville, AL, Class F Permit No. 481, business sold to Nichols Enterprise LLC dba Nichols Bait & Tackle.
- Pramukh Krupa, Inc., Cedar Bluff, AL, Class F Permit No. 373, business no longer dispensing propane.
- Prattville Powersports LLC, Prattville, AL, Class F Permit No. 465, non-renewal of permit and insurance.
- South Alabama Gas District, Evergreen, AL, Class C Permit No. 1045, cancelled at the owner's request.

- STC, Inc., Paducah, KY, Class B Permit No. 256, business sold to DCC Propane LLC.
- The Cleaner Grill Company LLC, Birmingham, AL, Class C Permit No. 1081, business closed.
- United Propane Gas, Paducah, KY, Class B Permit No. 257, business sold to DCC Propane LLC.

The board's financial position was presented by the Administrator.

(11) Mrs. Barnett moved to accept the Administrator's Report as presented. Seconded by Mr. Parden, the ayes were unanimous.

Date of the next board meeting is July 8, 2021.

Mr. Jones moved to pay the board members' expenses. Seconded by Mrs. Barnett, the ayes were unanimous.

The meeting was adjourned at 11:23 a.m.

OFFICE OF THE GOVERNOR



STATE CAPITOL  
MONTGOMERY, ALABAMA 36130

KAY IVEY  
GOVERNOR

(334) 242-7100  
FAX: (334) 242-3282

**STATE OF ALABAMA**

February 26, 2021

Mr. Scott Pilgreen  
3900 Turning Leaf Loop  
Montgomery, Alabama 36116

Dear Mr. Pilgreen:

By this letter, I hereby reappoint you to the Alabama Energy and Residential Code Board, effective immediately. You will serve as a representative of the Alabama Liquefied Petroleum Gas Board. Your term of service will expire February 14, 2025.

As one of my appointees, you will be making important decisions that directly affect the citizens of Alabama. I have made honesty and integrity a priority in my Administration, and I know that you will embody these two virtues while serving the people of Alabama. Please plan to attend all meetings within reason, be a good steward of the taxpayers' money, and work in your position to instill trust in state government. The responsibility that comes with this appointment is not to be taken lightly. I trust that you will rise to the occasion and set a standard for others to follow.

I appreciate you serving in this capacity, and I am confident you will render valuable service to the citizens of Alabama.

Sincerely,

A handwritten signature in cursive script that reads "Kay Ivey".

Kay Ivey  
Governor

KI/nl/em

cc: Director Kenneth Boswell, ADECA  
Ms. Michele Brown  
Ms. Nita Carter

OFFICE OF THE GOVERNOR

KAY IVEY  
GOVERNOR



STATE CAPITOL  
MONTGOMERY, ALABAMA 36130

(334) 242-7100  
FAX: (334) 242-3282

STATE OF ALABAMA

April 5, 2021

Mr. Ken Coker  
10340 Highway 280  
Westover, Alabama 35185

Dear Mr. Coker:

By this letter, I hereby appoint you to the Alabama Liquefied Petroleum Gas Board, effective immediately. You will serve as a representative of the Northeast Territory and will serve in the position previously held by Mr. William Montgomery. Your term of service will expire October 1, 2025.

As one of my appointees, you will be making important decisions that directly affect the citizens of Alabama. I have made honesty and integrity a priority in my Administration, and I know that you will embody these two virtues while serving the people of Alabama. Please plan to attend all meetings within reason, be a good steward of the taxpayers' money, and work in your position to instill trust in state government. The responsibility that comes with this appointment is not to be taken lightly. I trust that you will rise to the occasion and set a standard for others to follow.

I appreciate you serving in this capacity, and I am confident you will render valuable service to the citizens of Alabama.

Sincerely,

A handwritten signature in cursive script that reads "Kay Ivey".

Kay Ivey  
Governor

KI/nl/em

cc: Mr. Mark Nelson, Administrator  
Ms. Michele Brown  
Ms. Nita Carter



# ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100

TELEPHONE (334) 241-8887

FAX (334) 240-3255

P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Walker Brothers LTD  
Permit "F" # 377  
Code Violation



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## SETTLEMENT AGREEMENT 2021-02

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Walker Brothers LTD, Baileyton, 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 employee Joe Bailey filled an LP-Gas cylinder while on a trailer, without the use of scales. (Offense 1)
2. Respondent employee Joe Bailey overfilled an LP-gas cylinder and did not attempt to mitigate the hazardous condition. (Offense 2)
3. Respondent did allow employee Joe Bailey to perform unsupervised LP-gas work without completing Board competency requirements. (Offense 3)

### STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that a Respondent employee filled an LP-gas cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
2. Respondent does not contest to the finding that a respondent employee overfilled an LP-gas cylinder in violation of *NFPA 58 (2011 ed.) 7.4.2.2*.
3. Respondent does not contest to the finding that a Respondent employee was working unsupervised prior to passing the Board's Employee Competency Requirements in violation of *Alabama Administrative Code 530-X-2-.11*.

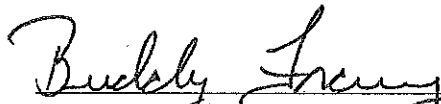


STIPULATED DISPOSITION

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 \$1650 (*Failure to use scales to fill an LP-gas cylinder by weight, \$450; Overfilling an LP-gas container, \$500; Employee working unsupervised prior to passing ALPGB Competency Requirements, \$700*) 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.
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 15<sup>th</sup> day of March, 2021



Buddy Franey, Respondent  
Walker Brothers LTD.



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100

TELEPHONE (334) 241-8887

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P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

### BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Tidmore, Inc. dba Current Electrical Generator Services  
Pending Permit "C" # 1095  
Code Violation

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### SETTLEMENT AGREEMENT 2021-03

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Tidmore, Inc. dba Current Electrical Generator Services, Laceys Spring, 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 installed two LP-gas generators at separate locations without first obtaining the required Class C Permit from the Board. (Offense 1 & 2)
2. Respondent installed two LP-gas systems after being issued a written directive from the Board to cease & desist all LP-gas activities. (Offense 3 & 4)
3. Respondent employees installed two LP-gas systems while unsupervised and without first completing Board competency requirements. (Offense 5 & 6)

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that Respondent installed two LP-gas generators at separate locations without first obtaining a Class C Permit from the Board in violation of *Code of Alabama § 9-17-105(b)(4)*.
2. Respondent does not contest to the finding that Respondent installed two LP-gas systems after being issued a directive from the Board to cease & desist all LP-gas activities in violation of *Code of Alabama § 9-17-108(a)*.
3. Respondent does not contest to the finding that Respondent employees were working unsupervised prior to completing the Board's Employee Competency Requirements in violation of *Alabama Administrative Code 530-X-2-.11*.

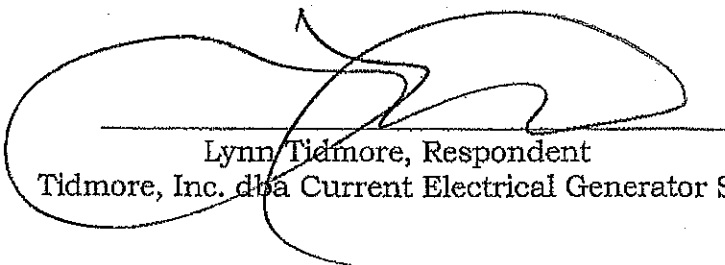
  
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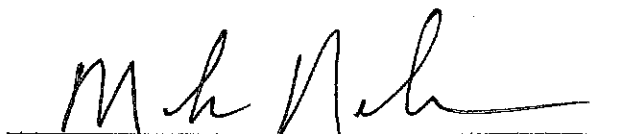
STIPULATED DISPOSITION

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 \$5400 (*Operating without a permit \$2000; Failure to comply with a written directive \$2000; Employees working unsupervised prior to completing Board Competency Requirements, \$1400*) 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.
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 1 day of April, 2021

  
\_\_\_\_\_  
Lynn Tidmore, Respondent  
Tidmore, Inc. dba Current Electrical Generator Services

  
\_\_\_\_\_  
Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board

## PETITION FOR ADOPTION OF RULE

### 1. Petitioner

Name: Mark Nelson, Administrator, Alabama LP-Gas Board  
Address: 777 S. Lawrence St., Ste. 100, Montgomery, AL 36104  
Phone: (334) 241-8887

### 2. Character of Change

I propose that the Liquefied Petroleum Gas Board:

- A.  Adopt the following new rule.
- B.  Amend Rule 530-X-2-.06 as follows.
- C.  Repeal Rule \_\_\_\_\_ in total.

### 3. Text of Proposed Rule:

**530-X-2-.06 STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GAS CODES.** That the publication designated as NFPA 58, published by the National Fire Protection Association, be adopted as a part of the rules and regulations of the Alabama Liquefied Petroleum Gas Board; provided, however, that existing rules of the Board that conflict with NFPA 58 shall not be repealed by the adoption of this rule.

- (a) That any supplementary rules and regulations to said NFPA 58 adopted by the National Fire Protection Association at some future date must also be adopted by the Alabama Liquefied Petroleum Gas Board prior to enforcement in Alabama. NFPA 58 (2011-2020 Edition), in its entirety, is the current edition adopted by the Board with the following sections amended to read:

~~4.3.3 Notification of intent for transfer of LP-Gas directly from railcar to cargo tank shall be submitted to the authority having jurisdiction before any transfer. The authority having jurisdiction shall have the authority to require inspection of the site or equipment for such transfer prior to any transfer.~~

~~5.7.4.2(C) Liquid withdrawal openings in existing installations where the container is equipped with an internal valve that is not fitted for remote closure and automatic shutoff using thermal (fire) actuation shall be equipped for remote and thermal closure within 5 years following adoption of this code.~~

~~5.7.4.2(D) Liquid withdrawal openings in existing installations shall be equipped with either of the following within 5 years following adoption of this code:~~

~~5.7.4.2(G) Liquid inlet openings in existing installations where the container is equipped with an internal valve that is not fitted for remote closure and automatic shutoff using thermal (fire) actuation shall be equipped for remote and thermal closure within 5 years following adoption of this code.~~

~~5.7.4.2(H) Liquid inlet openings in existing installations shall be equipped with any of the following within 5 years following adoption of this code:~~

~~6.11.1 The requirements of 6.11.2 through 6.11.5 shall be required for internal valves in liquid service that are installed in containers of over 4000 gal. water capacity within 5 years following adoption of this code.~~

~~6.18.2.5 System piping shall be designed to prevent debris from impeding the action of valves and other components of the piping system. This requirement shall be effective for existing installations by July 01, 2015.~~

~~14.1 This chapter includes requirements related to the operations and maintenance of bulk plant, industrial plant, refrigerated, marine, and pipeline LP-Gas systems. The provisions of this chapter shall be applicable to all new and existing installations. Existing installations shall comply with these requirements by July 01, 2015.~~

**3.3.12 Cargo Tank.** A container that is used to transport LP-Gas as liquid cargo that either is mounted on a conventional truck chassis or is an integral part of a cargo transporting vehicle. Cargo tanks shall not be used as permanent stationary storage containers.

**3.3.44 Liquefied Petroleum Gas (LP-Gas).** Any material having a vapor pressure not exceeding that allowed for commercial propane that is composed predominantly of the following hydrocarbons, either by themselves (except propylene) or as mixtures: propane, propylene, butane (normal butane or isobutane), and butylenes.

**4.3.3.1** Notification of intent for transfer of LP-Gas directly from railcar to cargo tank shall be submitted to the authority having jurisdiction before the first any transfer.

**4.3.3.2** The authority having jurisdiction shall have the authority to require inspection of the site or equipment for such transfer prior to the initial any transfer.

**Authors:** Leonard Pakruda, Mark Nelson, Ken Coker, Robert Reed

**Statutory Authority:** Code of Ala. 1975, § 9-17-103, as amended.

**History:** September 13, 1982. **Amended:** May 12, 2010; Effective June 16, 2010.

**Amended:** January 10, 2013. **Effective:** February 14, 2013

**Amended:** July 25, 2013 **Effective:** August 30, 2013

**Amended:** April 10, 2014 **Effective:** May 16, 2014

**Amended:**

#### 4. Purpose of Change:

**530-X-2-.06** The purpose of amending this regulation is to adopt the most current edition of NFPA 58 with amendments by the Alabama Liquefied Petroleum Gas Board.

#### 5. Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner, Mark Nelson  
Administrator, Alabama LP-Gas Board

The Board shall consider the petition, and shall within ninety (90) days after review of the petition, either deny the petition in writing on the merits, stating its reasons for the denial, or initiate rule-making proceedings in accordance with §41-22-5, Code of Alabama, 1975.

**Statutory Authority §9-17-103 Code of Alabama, 1975 as amended. Adopted July 7, 1983.**

## 530-X-2-.12 CLASS A PERMIT APPLICANTS - SPECIFIC REQUIREMENTS

~~(1) Class A permit applicants must comply with all requirements of *Alabama Administrative Code 530-X-2-.10 Time Limits for Submitting LP Gas Permit Applications*.~~

~~(1) (2) New Class A permit applicants not holding another Class A permit in Alabama shall not begin any business activities until their permit is initially approved by the board and advised in writing by the Administrator. Business activities include, but are not limited to, advertising, construction, sales, or deliveries.~~

~~(3) Class A permit applicants must submit evidence of financial responsibility of at least SEVEN HUNDRED FIFTY THOUSAND (\$ 750,000) through one of the following methods:~~

~~(a) Cash or cash equivalent~~

~~(b) Irrevocable letter of credit from a bona fide lending institution~~

~~(c) A financial report prepared by a certified public accountant (CPA) in accordance with generally accepted accounting practices (GAAP) and verified in a letter from the accountant. A certified appraisal of assets demonstrating value equal to or greater than the evidence of the financial responsibility amount required.~~

~~(d) Current published and certified annual report for publically publicly traded companies.~~

**(2) After initial approval of a Class A permit application by the board, the following items must be inspected and approved within 180 days and prior to the board administrator issuing a final permit:**

**(a) A bulk storage plant for use by the permit holder with a minimum amount of qualifying storage totaling 30,000 gallons water capacity in compliance with *Code of Alabama 9-17-107*. If the container is leased, it must be for the exclusive use of the applicant and their customers and not shared as qualifying storage with another permit holder.**

**(b) All cargo tank delivery vehicles to be used in the business, if applicable.**

**(c) Any cylinder filling dispensers placed in operation by the permit holder, if applicable.**

**(d) Employee Competency requirements specific to each employee.**

**(e) Training records and written experience for each employee specific to the job tasks they will perform.**

~~(3) (4) New applicant(s) shall appear before the board at such time as their application is considered. Persons other than the person(s) whose signature appears on the application may~~

be required to appear before the board in consideration of the application. All persons required to appear shall be expected to explain and support their application and experience in any manner which members of the board deem relevant to carry out their responsibility to protect the health and safety of the public. Application, attachments, and board hearings shall attempt to resolve the question of the applicant's qualifications to enter the retail LP-gas business. Factors to be considered are as follows:

- (a) Applicant's experience and knowledge of the LP-gas industry.
- (b) Applicant's knowledge, technical ability, and adherence to safety standards adopted by the board.
- (c) Applicant's proposed facilities and equipment.
- (d) Other factors the board may deem important and relevant in qualifying persons as LP-gas dealers.

**(4) Applicant's employees must obtain endorsement credentials specific to the job tasks that each will perform unsupervised as detailed in *Alabama Administrative Code 530-X-2-.11 Employee Competency Requirements*. In addition, the owner applicant shall provide verifiable experience of active engagement in the retail, bulk distribution of liquefied petroleum gas for a period of at least five years. The owner applicant must also obtain all of the following employee competency endorsement credentials regardless of whether these specific tasks will initially be performed by the applicant:**

- (a) Bobtail Driver**
- (b) Bulk Plant Installation/Repairs**
- (c) Cylinder & Motor Fuel Dispensing**
- (d) Legal Compliance**
- (e) Service Technician (Residential & Commercial)**
- (f) Tank Install/Removal/Inspect**

**(5) Any person may testify at board hearings on pending applications. Persons desiring to testify should notify the board administrator in writing at least twenty-four (24) hours prior to the board meeting in which the application is to be heard.**

If any part of this regulation is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Author: Leonard Pakruda, Mark Nelson

Statutory Authority: Code of Ala. 1975, §9-17-105.

History: Filed September 13, 1982. Adopted January 7, 1993.

Amended: Filed February 6, 1997; Effective March 13, 1997.

Amended: Filed October 13, 2011; Effective November 17, 2011.

Amended: Filed April 13, 2018; Effective May 28, 2018

## Petition for Adoption of Rule

### 1. Petitioner

Name: Mark Nelson

Address: 777 S. Lawrence St., Suite 100, Montgomery, AL 36104

Phone: (334) 241-8887

### 2. Character of Change

**I propose that the Liquefied Petroleum Gas Board:**

- A.  Adopt the following new rule.
- B.  Amend Rule 530-X-2.10 as follows.
- C.  Repeal rule \_\_\_\_\_ in total.

### 3. Text of Proposed Rule:

#### **530-X-2-.10 Time Limits for Submitting/Completing LP-Gas Permit Applications**

- (1) Following the application of a person, firm, or corporation to engage in ~~the retail~~ any LP-gas business in the State of Alabama as detailed in the various permits of Code of Alabama, 1975, § 9-17-105(b), there shall be a lapse of time deemed necessary by the Board's administrator, but not to exceed ~~of at least~~ thirty (30) days between date of receipt by the Board administrator of the application complete in all respects and the date of consideration of the application by the Board ~~in session~~ at its next regular scheduled meeting. This time lapse will be used by the Board administrator to ascertain the completeness of the application and the accuracy of the information submitted on the application.
- (2) ~~When~~ From the time the application has been approved is mail stamped received by the Board staff, the applicant will be given a maximum of 180 days to comply with all regulations for the considered issuance of the permit; otherwise, ~~the approval of the application will become null and void.~~ Once the application is voided, the applicant must begin the application process anew including new application fees. The 180-day rule shall not begin for Class A permit applications until their initial application is approved by the Board.
- (3) ~~This rule shall not apply to a person, firm, or corporation which seeks to engage in the retail LP-gas business by acquiring the properties of an existing permit holder and continuing the business or operations of the acquired properties, who already has a permit from this board to engage in such business, and the application for a permit is for the purpose of continuing the business of operations of the acquired properties.~~

#### **Author:**

**Statutory Authority:** *Code of Alabama, 1975, § 9-17-103*

**History:** Files September 13, 1982



**Purpose of Change:**

**The main purpose for amending this regulation is to establish deadlines for completion of applications. Some applications approaching two years have yet to be completed but applicants assure us they are still interested in obtaining permits. Office staff needs the ability to move forward with managing incomplete applications.**

**4. Signature**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Petitioner, Mark Nelson  
Administrator, Alabama LP-Gas Board**

**The Board shall consider the petition, and shall within ninety (90) days after review of the petition, either deny the petition in writing on the merits, stating its reasons for the denial, or initiate rule-making proceedings in accordance with §41-22-5, Code of Alabama, 1975.**

**Statutory Authority §9-17-103 Code of Alabama, 1975 as amended.**

## ADMINISTRATOR'S REPORT

April 8, 2021

### A. Cancelled Permits

- Ala-Tenn Propane Gas, Inc., Athens, AL, Class A Permit No. 230, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba AL-GA Propane, Ranburne, AL, Class B-1 Permit No. 559, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Bear Creek Propane Gas, Inc., Phil Campbell, AL, Class B-1 Permit No. 434, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Central AL Propane Gas, Jasper, AL, Class B-1 Permit No. 583, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Chandler Mountain Propane Gas, Steele, AL, Class B-1 Permit No. 444, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Golden Propane Gas, Cullman, AL, Class B-1 Permit No. 426, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Pea River Propane Gas, Enterprise, AL, Class B-1 Permit No. 603, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Sand Mountain Propane, Lakeview, AL, Class B-1 Permit No. 435, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Southern Alabama Propane, Greenville, AL, Class B-1 Permit No. 572, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Tombigbee Propane Gas, Gordo, AL, Class B-1 Permit No. 448, business sold to DCC Propane LLC.
- Ala-Tenn Propane dba Tri-State Propane Gas, Inc., Henegar, AL, Class B-1 Permit No. 443, business sold to DCC Propane LLC.
- Alexander Lumber LLC, Moulton, AL, Class F Permit No. 656, cancelled at the owner's request.
- C & C General Merchandise II LLC, Lapine, AL, Class F Permit No. 555, business sold to Sikes Enterprises LLC.
- JJs Bait & Tackle, Monroeville, AL, Class F Permit No. 481, business sold to Nichols Enterprise LLC dba Nichols Bait & Tackle.
- Pramukh Krupa, Inc., Cedar Bluff, AL, Class F Permit No. 373, business no longer dispensing propane.
- Prattville Powersports LLC, Prattville, AL, Class F Permit No. 465, non-renewal of permit and insurance.
- South Alabama Gas District, Evergreen, AL, Class C Permit No. 1045, cancelled at the owner's request.
- STC, Inc., Paducah, KY, Class B Permit No. 256, business sold to DCC Propane LLC.
- The Cleaner Grill Company LLC, Birmingham, AL, Class C Permit No. 1081, business closed.
- United Propane Gas, Paducah, KY, Class B Permit No. 257, business sold to DCC Propane LLC.

**B. Board's Financial Position**

**ADMINISTRATOR'S REPORT**

**Alabama LP-Gas Board Finances:**

	<u>FY 2020</u>	<u>FY2021</u>	<u>Net Change</u>	
Revenue (03/31)	\$ 796,421.91	\$ 871,172.30	\$ 74,750.39	9.39 % Increase
Expenditures (03/31)	\$ 649,344.01	\$ 630,832.08	\$ < 18,511.93 >	2.85% Decrease

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**Gallons:**

FY 2020 YTD (Oct. 2019 – March 2020) 142,170,208 gallons

FY 2021 YTD (Oct. 2020 – March 2021) 160,812,840 gallons

- **Increase in Gallons from FY 2020** 18,642,632
- **% Increase in Gallons over FY 2020** 13.11 %

**Financial Position:**

	<u>FY 2020</u>	<u>FY 2021</u>
Available Cash (March 31)	\$ 444,427.07	\$ 591,607.18
Unobligated Cash (March 31)	\$ 387,847.99	\$ 401,547.51

**ADMINISTRATOR'S REPORT (Continued)**

**Revenue October 2020 – March 2021**

<u>Sources of Revenue</u>	<u>Amount</u>	<u>% of Overall Revenue</u>
• Permit Renewal Fees	\$ 63,255.00	7.18 %
• LPG Fees	\$ 804,064.20	91.26 %
• Fines for Code Violations	\$ 8450.00	0.96 %
• Remaining Revenue	\$ 5346.55	0.60 %
○ New Permit Applications		
○ Bulk Plant Installation Permits		
○ Misc. (copies of investigative files, etc.)		
○ Penalties (Late LPG fees, permit renewal, etc.)		
○ Surplus Sales		
○ Motor Fuel Decals		
○ Insurance Recovery		

**Total FY 2021 Revenue Collected \$ 871,172.30 (~\$10K more has not been credited yet)**

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**Expenses October 2020 – March 2021**

<u>Expenditure Group:</u>	<u>Amount</u>	<u>% of Overall Expenses</u>
• Personnel Costs	\$ 380,346.70	60.29 %
• Employee Benefits	\$ 146,504.26	23.22 %
• Travel In-State	\$ 20,420.92	3.24 %
• Repair & Maintenance	\$ 1,018.71	0.16 %
• Rentals & Leases	\$ 11,737.50	1.86 %
• Utilities & Communication	\$ 12,354.28	1.96 %
• Services	\$ 19,237.41	3.05 %
• Supplies	\$ 28,189.98	4.47 %
• Transportation (Operating)	\$ 10,204.70	1.62%
• Transportation (Fleet Renewal)	\$ 0.00	0.00 %
• Other Equipment Purchases	\$ 817.62	0.13%
<b>Totals</b>	<b>\$ 630,832.08</b>	<b>100%</b>

**C. Motion to accept the Administrator's Report**