

**Liquefied Petroleum Gas Board**  
**Minutes**  
**July 8, 2021**

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

Members Present: Chairman, State Fire Marshal Scott Pilgreen, Vice-Chairman Dickie Ferguson, Larry Parden, Ken Coker, Ken Sexton, Consumer Advocate Elizabeth Barnett, Public Service Commission Designee Wallace Jones, Public Safety Designee Cpl. Jeremy Burkett, and Board Attorney Matt Bledsoe.

Members Absent: None.

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

The Chairman called for a motion to adopt the agenda.

(1) Mr. Coker moved to adopt the agenda. Seconded by Mr. Ferguson, 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 of the Last Meeting**

The Chairman called for approval of the minutes of the April 8, 2021 meeting.

(2) Mr. Coker moved to approve the minutes of the April 8, 2021 meeting. Seconded by Mr. Parden, the ayes were unanimous.

The Chairman called for approval of the minutes from June 9, 2021 work session.

(3) Mr. Coker moved to approve the minutes of the June 9, 2021 work session. Seconded by Cpl. Burkett, the ayes were unanimous.

**Old Business - Public Hearing for Proposed Changes to Regulation**

The Chairman called for a motion to recess from the regular meeting to conduct a public hearing for the purpose of considering amendment of Alabama Administrative Code 530-X-2-.10 *Time Limits for Submitting LP-gas Permit Applications*.

(4) Mr. Coker moved to recess from the regular meeting to begin the public hearing. Seconded by Ms. Barnett, the ayes were unanimous.

The Chairman declared the board in a public hearing at 10:04 a.m. related to the proposed the amendment of the of the Alabama Administrative Code 530-X-2.10 *Time Limits for Submitting LP-Gas Permit Applications*. The Administrator reviewed the proposed amendment for the board and conveyed that no comments in opposition nor support had been received from the public.

With no comments or concerns from the public, the Chairman called for a motion to end the public hearing and reconvene the regular quarterly board meeting.

Mr. Ferguson moved to end the public hearing and reconvene the regular quarterly board meeting. Seconded by Ms. Barnett, the ayes were unanimous.

The public hearing ended, and the regular board was reconvened at 10:07 a.m.

### **New Business**

The Chairman called for a motion to adopt the proposed amendment of Alabama Administrative Code 530-X-2-.10 *Time Limits for Submitting LP-Gas Permit Applications* as petitioned.

(5) Mr. Coker moved to adopt the proposed amendment of Alabama Administrative Code 530-X-2-.10 *Time Limits for Submitting LP-Gas Permit Applications* as petitioned. Seconded by Ms. Barnett, the ayes were unanimous.

In the next item of new business, the Chairman appointed board members Mr. Dickie Ferguson and Mr. Larry Parden to serve on the Research Education Advisory Committee (REAC) for the upcoming year.

A Class B permit application was presented to the Board.

1. Knight-Chemstar, Inc., Houston, TX

(6) Ms. Barnett moved to approve the Class B permit application. Seconded by Mr. Parden, the ayes were unanimous.

A Class C permit application was presented to the Board.

1. Turner Boys Lawn Care LLC, Eastaboga, AL

(7) Mr. Parden moved to approve the Class C permit application. Seconded by Mr. Sexton, the ayes were unanimous.

A Class D permit application was present to the Board.

1. Mobile Propane Services LLC, Hogansville, GA

(8) Mr. Coker moved to approve the Class D permit application. Seconded by Ms. Barnett, the ayes were unanimous.

A Class F permit application was presented to the Board.

1. Southeast Ace LLC dba Bear Creek Ace, Tuscaloosa, AL

(9) Mr. Ferguson moved to approve the Class F permit application. Seconded by Ms. Barnett, the ayes were unanimous.

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

Settlement Agreement 2021-01 for code violations was presented for approval. The settlement agreement was based on the board pre-approved settlement amounts and a recommendation by Recusing Board Member Ken Sexton.

(10) Mr. Ferguson moved to approved Settlement Agreement 2021-01. Seconded by Mr. Parden, there were seven ayes. (Barnett, Burkett, Coker, Ferguson, Jones, Parden, And Pilgreen. Mr. Sexton recused).

Settlement Agreement 2021-04 for code violations was presented for approval. The settlement agreement was based on the board pre-approved settlement amounts.

(11) Mr. Ferguson moved to approved Settlement Agreement 2021-04. Seconded by Mr. Parden, the ayes were unanimous.

Settlement Agreement 2021-07 for code violations was presented for approval. The settlement agreement was based on the board pre-approved settlement amounts.

(12) Mr. Ferguson moved to approved Settlement Agreement 2021-07. Seconded by Cpl. Burkett, the ayes were unanimous.

Settlement Agreement 2021-08 for code violations was presented for approval. The settlement agreement was based on the board pre-approved settlement amounts.

(13) Mr. Parden moved to approved to approved Settlement Agreement 2021-08. Seconded by Mr. Sexton, the ayes were unanimous.

Settlement Agreement 2021-09 for code violations was presented for approval. The settlement agreement was based on a recommendation by Recusing Board Member Ken Coker.

(14) Mr. Ferguson moved to approved Settlement Agreement 2021-09. Seconded by Cpl. Burkett, there were seven ayes. (Barnett, Burkett, Ferguson, Jones, Parden, Pilgreen, and Sexton. Mr. Coker recused).

#### **Initiating the Rule-Making Process for Alabama Administrative Code Proposed Changes**

The Administrator presented a *Petition for Adoption* related to Alabama Administrative Code 530-X-02.06 *Storage & Handling of LP-Gas Codes* and a *Petition for Adoption* related to Alabama Administrative Code 530-X-2-.12 *Class A Permit Applications – Specific Requirements*.

(15) Mr. Coker made a motion to initiate the rule-making process for Alabama Administrative Code 530-X-02.06 *Storage & Handling of LP-Gas Codes* and Alabama Administrative Code

530-X-2-.12 *Class A Permit Application – Specific Requirements*. Seconded by Mr. Ferguson, the ayes were unanimous.

### **Request for a Declaratory Ruling**

The Administrator presented the board with a request from Mr. Brian K. Williams, P.E. for a *Declaratory Ruling* related to the acceptability of Jones Stephens Pexalgas Gas Piping and Fittings System for use in the State of Alabama. All information was provided to board members, and official action on the request will not be taken until the October 14, 2021 board meeting.

### **Administrator's Report**

The Administrator presented the following permits for cancellation:

- Comfort Zone Heating & Cooling/Madison, AL, Class C Permit No. 863, cancelled for non-renewal of permit.
- Dowsey, Inc./Fairhope, AL, Class C Permit No. 92, cancelled at the owner's request.
- Hasting Heating & Cooling/Grant, AL, Class C Permit No. 828, cancelled for non-renewal of permit.
- Johnny's RV Resort/Theodore, AL Class F Permit No. 541, cancelled for non-renewal of permit (Business sold).
- Saraland Produce/Saraland, AL Class F Permit No. 618, cancelled for non-renewal of permit (Business sold).
- Woodson Barge N LLC/Gulf Shores, AL Class F Permit No. 596, cancelled at owner's request.

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

(16) Ms. Barnett moved to accept the Administrator's Report as presented. Seconded by Cpl. Burkett, the ayes were unanimous.

Date of the next board meeting is October 14, 2021.

Mr. Parden moved to pay the board members' expenses. Seconded by Mr. Ferguson, the ayes were unanimous.

The meeting was adjourned at 10:58 a.m.



## 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:

Mr. Dan's Plumbing  
Permit "C" # 791  
Code Violation

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#### **SETTLEMENT AGREEMENT 2021-01**

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Mr. Dan's Plumbing, Eastaboga, 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 did allow employees to install an LP-gas water heater unsupervised prior to completing Board competency requirements. (Offense 1)
2. Respondent employees failed to install a line pressure regulator for an appliance in a 2 lb. gas system. (Offense 2)
3. Respondent employees failed to install a shutoff valve in gas piping after making the gas system a multiple branch system. (Offense 3)

#### STIPULATED CONCLUSIONS OF LAW

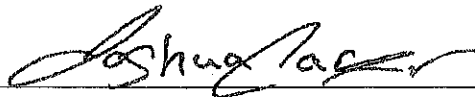
1. Respondent does not contest to the finding that Respondent employees were working unsupervised prior to completing the Board's Employee Competency Requirements in violation of *Alabama Administrative Code 530-X-2-.11(1)*.
2. Respondent does not contest to the finding that Respondent employees supplied gas to an appliance at a pressure in excess of the appliance designed operating pressure in violation of *NFPA 54 (2012 Edition) 5.8.1*.
3. Respondent does not contest to the finding that Respondent employees failed to install a required shutoff valve for a multiple branch gas system in violation of *NFPA 54 (2012 Edition) 7.9.1*.

STIPULATED DISPOSITION

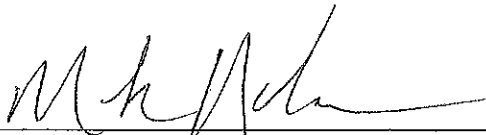
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The respondent agrees to remit a fine of \$1350 (*Employees working unsupervised prior to completing ALPGB Competency Requirements, \$700; Supplied gas to an appliance at a pressure beyond the design pressure limit, \$325; Failed to install shutoff valve in a multiple branch gas system, \$325*) 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



John D. Carter, Respondent  
Mr. Dan's Plumbing, Inc.



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

### BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

#### IN THE MATTER OF:

U-Haul Co. of Alabama Inc.  
Permit "F" # 423  
Code Violation

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### SETTLEMENT AGREEMENT 2021-04

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U-Haul Co. of Alabama Inc./ Decatur, 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 did allow employee Damien Sims to perform unsupervised LP-gas work prior to completing Board competency requirements. (Offense 1)
2. Respondent employee Damien Sims failed to remove the sleeve from a LP-Gas cylinder prior to filling (Offense 2)

#### STIPULATED CONCLUSIONS OF LAW

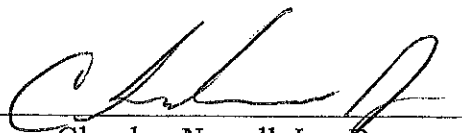
1. Respondent does not contest to the finding that a Respondent employee was working unsupervised prior to completing the Board's Employee Competency Requirements in violation of *Alabama Administrative Code 530-X-2-.11*.
2. Respondent does not contest to the finding that a Respondent employee failed to remove the sleeve from a LP-Gas cylinder prior to filling it in violation of *NFPA 58 (2011 Edition) 7.2.2.9*.

STIPULATED DISPOSITION

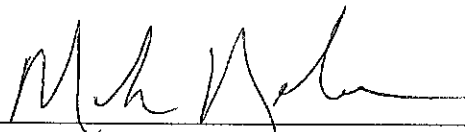
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The respondent agrees to remit a fine of \$950 (*Employee working unsupervised prior to meeting the ALPGB Competency Requirements, \$700; Failure to remove cylinder sleeve prior to filling, \$250*) 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 6 day of April, 2021



Charles Newell Jr., Respondent  
U-Haul Co. of Alabama



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board





# ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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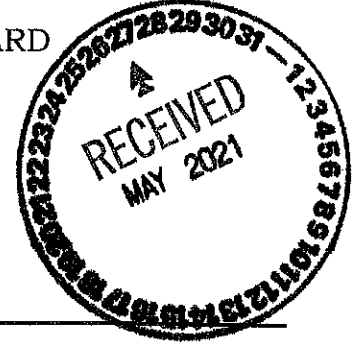
MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Thomasville Feed & Seed, Inc.  
Permit "F" # 340  
Code Violation



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## SETTLEMENT AGREEMENT 2021-07

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Thomasville Feed & Seed, Inc. / Thomasville, 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. A Respondent employee attempted to fill a LP-Gas cylinder that was overdue for requalification. (Offense 1)
2. A Respondent employee failed to inspect a LP-Gas cylinder before attempting to fill it. (Offense 2)
3. A Respondent employee attempted to fill a LP-Gas cylinder without the use of scales to fill by weight. (Offense 3)

### STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that a Respondent employee attempted to fill a LP-Gas cylinder that was overdue for requalification in violation of *NFPA 58 (2011 edition) 5.2.2.2*.
2. Respondent does not contest to the finding that a Respondent employee did not inspect a cylinder prior to filling it in violation of *NFPA 58 (2011 edition) 7.2.2.8*.
3. Respondent does not contest to the finding that a Respondent employee attempted to fill a LP-Gas cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.

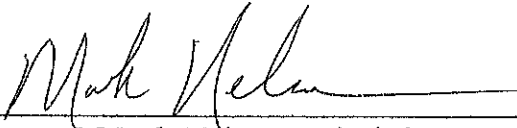
STIPULATED DISPOSITION

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 \$925 (*Attempting to fill a cylinder that was overdue for requalification, \$225; Failing to inspect a cylinder prior to filling, \$250; Attempting to fill a cylinder without the use of scales, \$450*) 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 24<sup>th</sup> day of May, 2021

  
\_\_\_\_\_  
John Wood, Respondent  
Thomasville Feed & Seed, Inc.

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



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

### BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Quality Cooperative, Inc.  
Permit "F" # 337  
Code Violation

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### SETTLEMENT AGREEMENT 2021-08

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Quality Cooperative, Inc. / Greenville, 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. A Respondent employee failed to inspect a DOT LP-Gas cylinder prior to filling it. (Offense 1)
2. A Respondent employee filled a LP-Gas cylinder without the use of scales to fill by weight. (Offense 2)
3. A Respondent employee loaded a 30lb. LP-Gas cylinder into the enclosed space of a vehicle without the relief valve in communication with the vapor space of the cylinder. (Offense 3)

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that a Respondent employee did not inspect a DOT cylinder prior to filling it in violation of *NFPA 58 (2011 edition) 7.2.2.8.*
2. Respondent does not contest to the finding that a Respondent employee filled a DOT LP-Gas cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a).*
3. Respondent does not contest to the finding that a Respondent employee loaded a 30lb. into the enclosed space of a vehicle without its relief valve in

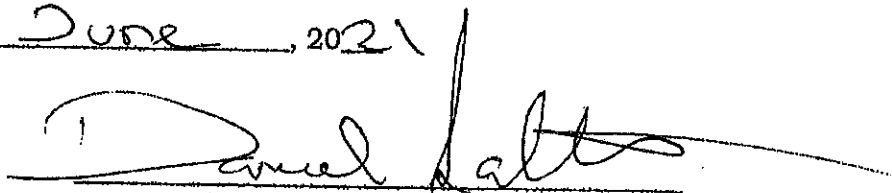
communication with the vapor space of the cylinder, in violation of NFPA 58 (2011 edition) 9.3.2.9.

STIPULATED DISPOSITION

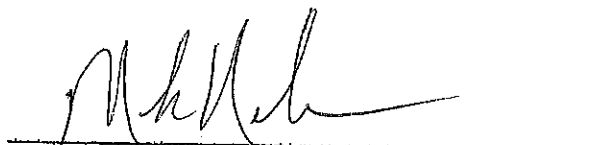
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The respondent agrees to remit a fine of \$1100 (*Failing to inspect a cylinder prior to filling it, \$250; Filling a cylinder without the use of scales, \$450; Improperly loading a cylinder for transportation, \$400*) 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 8<sup>th</sup> day of June, 2021



Daniel Salter, Respondent  
Quality Cooperative, Inc.



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



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MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

### BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Amerigas Propane LP  
Permit "B-1" # 281  
Code Violation

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### **SETTLEMENT AGREEMENT 2021-09**

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Amerigas Propane LP / Greenville, 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's bulk storage facility was left unattended with access gates unlocked and open.

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that the Respondent's bulk storage facility was left unsecured in violation of *NFPA 58 (2011 edition) 6.18.4*.

#### STIPULATED DISPOSITION

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

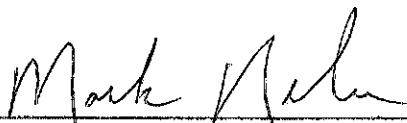
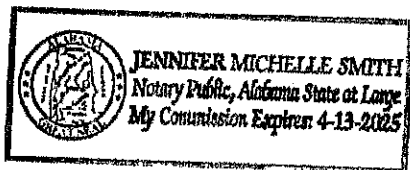
1. The respondent agrees to remit a fine of \$500 to the Board within 30 days of the Board's acceptance of this agreement.

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.

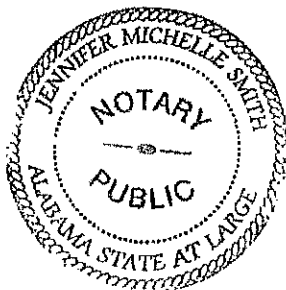
Signed this 1<sup>st</sup> day of July, 2021



Darlene Kirkland, District Manager  
Amerigas Propane LP



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



**AGENDA**  
**ALABAMA LP GAS BOARD**  
**QUARTERLY BOARD MEETING**  
**July 8, 2021**

- 1. Call Meeting to Order**
  - A. Invocation
  - B. Roll Call
  - C. Introduction of Guests
  
- 2. Adopt the Agenda**
  
- 3. Approval of Minutes from April 8, 2021**
  
- 4. Approval of Minutes from June 9, 2021 Work Session**
  
- 5. Old Business - Public Hearing for Proposed Changes to Regulation**
  - 530-X-02.10 *Time Limits for Submitting/Completing Application*
  
- 6. New Business**
  - A. Amend 530-X-02.10 *Time Limits for Submitting/Completing Application***
  
  - B. Appointment by Chairman of 2 Industrial REAC Members**
    - Dickie Ferguson
    - Larry Parden
  
  - C. Class B Permit Application (to engage in business as an LP-gas supplier)**
    1. Knight-Chemstar, Inc., Houston, TX
  
  - D. Class C Permit Application (to service, install, repair and adjust LP-gas appliances and piping on the downstream side of the tank outlet valve only)**
    1. Turner Boys Lawn Care LLC, Eastaboga, AL
  
  - E. Class D Permit Application (to install and/or repair LP-gas bulk storage systems 5000 WGC or larger)**
    1. Mobile Propane Services LLC, Hogansville, GA
  
  - F. Class F Permit Applications (to operate a retail LP-gas dispensing station)**
    1. Southeast Ace LLC dba Bear Creek Ace, Tuscaloosa, AL
  
  - G. Code Violation Settlement Agreements**
    1. Settlement Agreement 2021-01; Pre-Approved Settlement Amount
    2. Settlement Agreement 2021-04; Pre-Approved Settlement Amount
    3. Settlement Agreement 2021-07; Pre-Approved Settlement Amount
    4. Settlement Agreement 2021-08; Pre-Approved Settlement Amount
    5. Settlement Agreement 2021-09; Pre-Approved Settlement Amount

**H. Initiating the Rule Making Process for Alabama Administrative Code Proposed Changes**

1. Petition for Adoption 530-X-02.06 *Storage & Handling of LP-Gas Codes*
2. Petition for Adoption 530-X-2-.12 *Class A Permit Applications – Specific Requirements*

**I. Request for a Declaratory Ruling – Jones Stephens PEXALGAS Gas Piping**

**J. Administrator’s Report**

**K. Date of Next Board Meeting – October 14, 2021**

**L. Payment of Board Members’ Expenses**

**M. Adjourn**



APA-1  
Revised 4/2018

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Alabama Liquefied Petroleum Gas Board  
Rule No. 530-X-2-.10  
Rule Title: Time Limits for Submitting LP-Gas Permit Applications  
         New      X      Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? \_\_\_\_\_ NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? \_\_\_\_\_ YES

Is there another, less restrictive method of regulation available that could adequately protect the public? \_\_\_\_\_ NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? \_\_\_\_\_ NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? \_\_\_\_\_ N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? \_\_\_\_\_ YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? \_\_\_\_\_ NO

\*\*\*\*\*

Does the proposed rule have an economic impact? \_\_\_\_\_ NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer \_\_\_\_\_  
Date \_\_\_\_\_

(DATE FILED)  
(STAMP)

APA-2

Alabama Liquefied Petroleum Gas Board

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Liquefied Petroleum Gas Board

RULE NO. & TITLE:

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

INTENDED ACTION:

Amend

SUBSTANCE OF PROPOSED ACTION:

To establish a deadline of six months for applicants to complete permit application requirements once initiated.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

A public hearing will be held July 8, 2021 at 10:00 a.m., at the Alabama Propane Gas Association, 173 Medical Center Drive, Prattville, AL 36066.

All interested parties may present their views in writing to the Administrator of the Alabama Liquefied Petroleum Gas Board, Attn: Mark Nelson, P.O. Box 1742, Montgomery, AL 36102-1742, (334) 353-0342, or via email to [mark.nelson@lpgb.alabama.gov](mailto:mark.nelson@lpgb.alabama.gov). Individuals may also present their views orally at the public hearing but a written copy is also required for the record.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

July 8, 2021 at the scheduled Public Hearing

CONTACT PERSON AT AGENCY:

Mark Nelson, Administrator  
777 S. Lawrence St., Suite 100  
Montgomery, AL 36104  
Telephone: (334) 353-0342  
Fax: (334) 240-3255  
Email: [mark.nelson@lpgb.alabama.gov](mailto:mark.nelson@lpgb.alabama.gov)

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Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board

### 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:** Leonard Pakruda, Mark Nelson

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

**History:** Filed September 13, 1982

**Amended:**



# 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:

[REDACTED]  
Permit "C" # [REDACTED]  
Code Violation

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## SETTLEMENT AGREEMENT 2021-01

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[REDACTED], 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 did allow employees to install an LP-gas water heater unsupervised prior to completing Board competency requirements. (Offense 1)
2. Respondent employees failed to install a line pressure regulator for an appliance in a 2 lb. gas system. (Offense 2)
3. Respondent employees failed to install a shutoff valve in gas piping after making the gas system a multiple branch system. (Offense 3)

### STIPULATED CONCLUSIONS OF LAW

1. 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(1)*.
2. Respondent does not contest to the finding that Respondent employees supplied gas to an appliance at a pressure in excess of the appliance designed operating pressure in violation of *NFPA 54 (2012 Edition) 5.8.1*.
3. Respondent does not contest to the finding that Respondent employees failed to install a required shutoff valve for a multiple branch gas system in violation of *NFPA 54 (2012 Edition) 7.9.1*.

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 \$1350 (*Employees working unsupervised prior to completing ALPGB Competency Requirements, \$700; Supplied gas to an appliance at a pressure beyond the design pressure limit, \$325; Failed to install shutoff valve in a multiple branch gas system, \$325*) 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
 Respondent

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



# 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:

[REDACTED]  
Permit "F" # [REDACTED]  
Code Violation

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### SETTLEMENT AGREEMENT 2021-04

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[REDACTED], 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 did allow employee [REDACTED] to perform unsupervised LP-gas work prior to completing Board competency requirements. (Offense 1)
2. Respondent employee [REDACTED] failed to remove the sleeve from a LP-Gas cylinder prior to filling (Offense 2)

#### STIPULATED CONCLUSIONS OF LAW


1. Respondent does not contest to the finding that a Respondent employee was working unsupervised prior to completing the Board's Employee Competency Requirements in violation of *Alabama Administrative Code 530-X-2-.11*.
2. Respondent does not contest to the finding that a Respondent employee failed to remove the sleeve from a LP-Gas cylinder prior to filling it in violation of *NFPA 58 (2011 Edition) 7.2.2.9*.

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 \$950 (*Employee working unsupervised prior to meeting the ALPGB Competency Requirements, \$700; Failure to remove cylinder sleeve prior to filling, \$250*) 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
, Respondent

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



# 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:

[REDACTED]  
Permit "F" # [REDACTED]  
Code Violation

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## SETTLEMENT AGREEMENT 2021-07

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[REDACTED], 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. A Respondent employee attempted to fill a LP-Gas cylinder that was overdue for requalification. (Offense 1)
2. A Respondent employee failed to inspect a LP-Gas cylinder before attempting to fill it. (Offense 2)
3. A Respondent employee attempted to fill a LP-Gas cylinder without the use of scales to fill by weight. (Offense 3)

### STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that a Respondent employee attempted to fill a LP-Gas cylinder that was overdue for requalification in violation of *NFPA 58 (2011 edition) 5.2.2.2*.
2. Respondent does not contest to the finding that a Respondent employee did not inspect a cylinder prior to filling it in violation of *NFPA 58 (2011 edition) 7.2.2.8*.
3. Respondent does not contest to the finding that a Respondent employee attempted to fill a LP-Gas cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.



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 \$925 (*Attempting to fill a cylinder that was overdue for requalification, \$225; Failing to inspect a cylinder prior to filling, \$250; Attempting to fill a cylinder without the use of scales, \$450*) 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  


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

BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

[REDACTED]  
Permit "F" # [REDACTED]  
Code Violation

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**SETTLEMENT AGREEMENT 2021-08**

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[REDACTED] 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. A Respondent employee failed to inspect a DOT LP-Gas cylinder prior to filling it. (Offense 1)
2. A Respondent employee filled a LP-Gas cylinder without the use of scales to fill by weight. (Offense 2)
3. A Respondent employee loaded a 30lb. LP-Gas cylinder into the enclosed space of a vehicle without the relief valve in communication with the vapor space of the cylinder. (Offense 3)

STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that a Respondent employee did not inspect a DOT cylinder prior to filling it in violation of *NFPA 58 (2011 edition) 7.2.2.8*.
2. Respondent does not contest to the finding that a Respondent employee filled a DOT LP-Gas cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
3. Respondent does not contest to the finding that a Respondent employee loaded a 30lb. into the enclosed space of a vehicle without its relief valve in

communication with the vapor space of the cylinder, in violation of *NFPA 58 (2011 edition) 9.3.2.9.*

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 \$1100 (*Failing to inspect a cylinder prior to filling it, \$250; Filling a cylinder without the use of scales, \$450; Improperly loading a cylinder for transportation, \$400*) 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
, Respondent

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



# 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:

[REDACTED]  
Permit "B-1" # [REDACTED]  
Code Violation

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### SETTLEMENT AGREEMENT 2021-09

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[REDACTED] (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 bulk storage facility was left unattended with access gates unlocked and open.

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that the Respondent's bulk storage facility was left unsecured in violation of *NFPA 58 (2011 edition) 6.18.4*.

#### 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 \$500 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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, District Manager

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Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board

APA-1  
Revised 4/2018

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Alabama Liquefied Petroleum Gas Board  
Rule No. 530-X-2-.06  
Rule Title: Storage & Handling of Liquefied Petroleum Gas Codes  
\_\_\_\_\_ New X Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference \_\_\_\_\_

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer \_\_\_\_\_  
Date \_\_\_\_\_

(DATE FILED)  
(STAMP)

APA-2

Alabama Liquefied Petroleum Gas Board

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Liquefied Petroleum Gas Board

RULE NO. & TITLE:

530-X-2-.06 STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GAS CODES

INTENDED ACTION:

Amend

SUBSTANCE OF PROPOSED ACTION:

To adopt the 2020 edition of NPFA 58 with modifications.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

A public hearing will be held October 14, 2021 at 10:00 a.m., at 770 S. McDonough St., Montgomery, AL 36104

All interested parties may present their views in writing to the Administrator of the Alabama Liquefied Petroleum Gas Board, Attn: Mark Nelson, P.O. Box 1742, Montgomery, AL 36102-1742, (334) 353-0342, or via email to [mark.nelson@lpgb.alabama.gov](mailto:mark.nelson@lpgb.alabama.gov). Individuals may also present their views orally at the public hearing but a written copy is also required for the record.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 14, 2021 at the scheduled Public Hearing

CONTACT PERSON AT AGENCY:

Mark Nelson, Administrator  
777 S. Lawrence St., Suite 100  
Montgomery, AL 36104  
Telephone: (334) 353-0342  
Fax: (334) 240-3255  
Email: [mark.nelson@lpgb.alabama.gov](mailto:mark.nelson@lpgb.alabama.gov)

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Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board

**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 (2014 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.

**3.3.18 Cylinder.** A container designed, constructed, tested, and marked in accordance with U.S. Department of Transportation specifications, Title 49, *Code of Federal Regulations*, or in accordance with a valid DOT special permit.



**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.

**6.4.4.6** The horizontal distance between the portion of a building that overhangs out of the building wall and an ASME container of 125 gal. or more water capacity shall comply with the following:

- (1) The horizontal distance shall be measured from a point determined by projecting the outside edge of the overhanging structure vertically downward to grade or other level upon which the container is installed.
- (2) The horizontal distance specified in 6.4.4.6(1) shall be at least 50 percent of the separation distance required in Table 6.4.1.1.
- (3) The horizontal distance requirement shall apply only when the overhang extends more than 5 ft from the building.
- (4) The horizontal distance requirement shall not apply when the overhanging structure is 50 ft or more above the relief valve discharge outlet.
- (5) The horizontal distance requirement shall not apply to ASME containers of 2001 gal through 30,000 gal water capacity where the container distance from a building is in accordance with 6.30.2

**7.2.2.2** Refusal to fill a container based on rejection criteria established by code shall be deemed sufficient notification to a container owner or user that the container is not in compliance with applicable codes.

**12.3.5.4 Deleted.**

APA-1  
Revised 4/2018

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Alabama Liquefied Petroleum Gas Board  
Rule No. 530-X-2-.12  
Rule Title: Class A Permit Applicants - Specific Requirements  
\_\_\_\_\_ New  Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer \_\_\_\_\_  
Date \_\_\_\_\_

(DATE FILED)  
(STAMP)

APA-2

Alabama Liquefied Petroleum Gas Board

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Liquefied Petroleum Gas Board

RULE NO. & TITLE:

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

INTENDED ACTION:

Amend

SUBSTANCE OF PROPOSED ACTION:

To remove minimum financial requirements for start-up businesses while increasing experience and safety evaluation requirements.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

A public hearing will be held October 14, 2021 at 10:00 a.m., at 770 S. McDonough St., Montgomery, AL 36104

All interested parties may present their views in writing to the Administrator of the Alabama Liquefied Petroleum Gas Board, Attn: Mark Nelson, P.O. Box 1742, Montgomery, AL 36102-1742, (334) 353-0342, or via email to [mark.nelson@lpgb.alabama.gov](mailto:mark.nelson@lpgb.alabama.gov). Individuals may also present their views orally at the public hearing but a written copy is also required for the record.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 14, 2021 at the scheduled Public Hearing

CONTACT PERSON AT AGENCY:

Mark Nelson, Administrator  
777 S. Lawrence St., Suite 100  
Montgomery, AL 36104  
Telephone: (334) 353-0342  
Fax: (334) 240-3255  
Email: [mark.nelson@lpgb.alabama.gov](mailto:mark.nelson@lpgb.alabama.gov)

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Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board

## 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) (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 and prerequisite requirements are as follows:~~

~~(a) Applicant's experience and knowledge of the LP-gas industry. The owner applicant, or designated employee representative, must have previous retail experience under a Class A permit holder or comparable out-of-state business for a period of at least five years to be verified by the administrator of the board.~~

~~(b) Applicant's knowledge, technical ability, and adherence to safety standards adopted by the board. Prior to board consideration, the owner applicant, or a designated employee representative, must demonstrate safety knowledge and experience by obtaining through board examination the following employee competency endorsement credentials regardless of whether these specific tasks will initially be performed under the permit:~~

~~(1) Bobtail Driver~~

- (2) Bulk Plant Installation/Repairs
  - (3) Cylinder & Motor Fuel Dispensing
  - (4) Legal Compliance
  - (5) Service Technician (Residential & Commercial)
  - (6) Tank Install/Removal/Inspect
- (c) Applicant's proposed facilities and equipment.
- (d) Other factors the board may deem important and relevant in qualifying persons as LP-gas dealers.
- (3) After initial approval of a Class A permit application by the board, the following items must be completed, 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) Submission to the board administrator of training records and written experience for each employee specific to the job tasks they will perform.
  - (e) 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.
- (5) (4) 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

Amended:

State of Alabama Liquefied Petroleum Gas Board

530-X-1-.03 Declaratory Rulings. The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such petitions shall be as follows:

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IN RE: THE PETITION OF Brian K Williams, PE DOCKET NO. \_\_\_\_\_ FOR A DECLARATORY RULING ON Acceptability of Jones Stephens Pexalgas Gas Piping and Fitting System for use in Alabama, based on Equivalency clause in NFPA 54 section 5.6.1.3 "Other Materials" (state rule number, statute for which interpretation sought, etc.)

PETITION FOR A DECLARATORY RULING

(a) The body petition shall be set out in numbered paragraphs as follows:

1. Petitioner's name: Brian K. Williams, P.E.
2. Petitioner's full address: 6603 Fosque Lane, Hayes, Va 23072
3. All rules or statutes that may be involved in the petition, if known: International Fuel Gas Code, NFPA-54, Uniform Plumbing Code, International Residential Code, ASTM F1281
4. Clear and concise statement of the precise factual situation involved: Jones Stephens Pexalgas Gas Piping System is a multi-layered gas piping and fitting system that utilizes press technology. It has been commonly used in Europe, Australia and South America for the past 15 years, but has not been used in the USA because it is not specifically allowed by the IFGC (or specifically prohibited). Code changes have been proposed to the IFGC and NFPA for inclusion in the next edition to specifically allow our multi-layered piping system, but this is an 18-month process and will be issued in the 2024 edition. ICC has certified this gas piping system to be in compliance with the IFGC (editions 2009-2021), the International Residential Code (editions 2009-2018), the Uniform Plumbing Code (editions 2009-2021) and ASTM F1281. We have also demonstrated by testing at the NTS laboratories in Pittsfield MA to have superior performance against lightning strikes than other materials allowed by the IFGC. Section 5.6.1.3 of the NFPA-54 states that equivalent materials may be used if 1) they are investigated and tested to determine if it is safe and suitable for the proposed service, 2) they are recommended for that service by the manufacturer, and 3) they are acceptable to the authority having jurisdiction. We consider our material to have met these requirements and are asking the Alabama LP Gas Board for your acceptance of our material as an authority having jurisdiction.
5. The exact question to which an answer is desired: We would like to get the agreement of the Alabama LP Gas Board that the Jones Stephens Pexalgas Gas Piping System has met the requirements under the equivalency clause of the NFPA and IFGC and find it acceptable for residential use with LP Gas applications in the State of Alabama.
6. The reasons for submitting the petition: Code changes have been proposed to the IFGC and NFPA for inclusion in the next edition to specifically allow our multi-layered piping system, but this is an 18-month

process and will be issued in the 2024 edition. We would like to be allowed to use the material for LP Gas applications in Alabama sooner than this.

7. Full Disclosure of the petitioner's interest: Brian Williams is the Director of Product Development at Ferguson, a US based company distributing plumbing components, gas piping systems, industrial products, and other products. It is Ferguson's intention to offer this Jones Stephens Pexalgas Gas Piping System at Ferguson locations in Alabama.

8. Statement as to whether the petitioner's case is presently under consideration by the Board or in any pending proceeding: This is the first and only application to the Alabama LP Gas Board. It is under review in other states, such as Michigan Wisconsin, Maryland, North Carolina and Georgia, and has been approved in Rhode Island, Tennessee, South Dakota, New Jersey, and Montana.

9. Subscription and verification by the petitioner before a notary public:

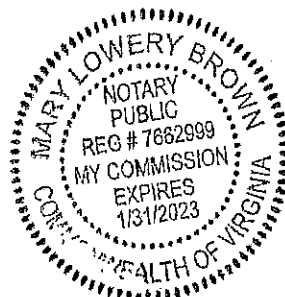
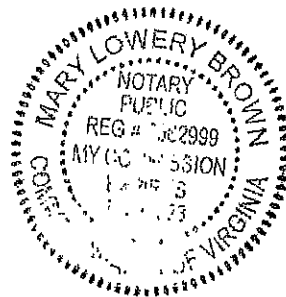
Mary Lowery Brown #7662999  
Newport News, VA 23601  
Exp. 1/31/2023

(b) Upon receipt of a petition for a declaratory ruling, the Board shall enter the date of receipt of the petition and the docket number and notify the petitioner of receipt.

Author: Brian K Miller

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

History: Filed July 11, 1983.



**ADMINISTRATOR'S REPORT**  
**July 8, 2021**

**A. Cancelled Permits**

- Comfort Zone Heating & Cooling/Madison, AL, Class C Permit No. 863 cancelled for non-renewal of permit.
- Dowsey, Inc./Fairhope, AL, Class C Permit No. 92 cancelled at the owner's request.
- Hasting Heating & Cooling/Grant, AL, Class C Permit No. 828 cancelled for non-renewal of permit.
- Johnny's RV Resort/Theodore, AL Class F Permit No. 541 cancelled for non-renewal of permit (Business sold).
- Saraland Produce/Saraland, AL Class F Permit No. 618 cancelled for non-renewal of permit (Business sold).
- Woodson Barge N LLC/Gulf Shores, AL Class F Permit No. 596 cancelled at owner's request.



**B. Board's Financial Position**

**Alabama LP-Gas Board Finances:**

	<u>FY 2021</u>	<u>FY2020</u>	<u>Net Change</u>	
Revenue YTD (June)	\$ 1,270,343.11	\$ 1,104,501.08	+\$ 165,842.03	+ 15 %
Expenditures YTD (June)	\$ 938,852.56	\$ 899,378.41	+\$ 39,474.15	+ 4.4 %

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**Gallons:**

FY 2020 YTD (Oct. 2019 – June 2020)    **197,503,572 gallons**

FY 2021 YTD (Oct. 2020 – June 2021)    **230,775,978 gallons**

- **Increase in Gallons over FY 20 YTD    33,272,406 gallons**
- **% Increase in Gallons over FY 20 YTD    16.85 %**

**Financial Position:**

	<u>FY 2020</u>	<u>FY 2021</u>
Available Cash (June)	\$ 502,471.84	\$ 675,057.51
Unobligated Cash (June)	\$ 366,729.99	\$ 440,563.12

**ADMINISTRATOR'S REPORT (Continued)**

**Revenue October 2020 – June 2021**

<u>Source of Revenue</u>	<u>Amount</u>	<u>% of Overall Revenue</u>
• Permit Renewal Fees	\$ 93,655.00	7.37 %
• LPG Fees	\$ 1,153,879.89	90.83 %
• Fines for Code Violations	\$ 15,500.00	1.22 %
• Remaining Revenue	\$ 7,308.22	0.58 %
○ 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		

**FY 2021 Revenue YTD**                      **\$ 1,270,343.11**

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**Expenses October 2020 – June 2021**

<u>Expenditure Group:</u>	<u>Amount</u>	<u>% of Overall Expenses</u>
• Personnel Costs	\$ 547,093.75	58.27 %
• Employee Benefits	\$ 210,166.09	22.39 %
• Travel In-State	\$ 32,866.33	3.50 %
• Repair & Maintenance	\$ 1,406.86	0.15 %
• Rentals & Leases	\$ 20,279.70	2.16 %
• Utilities & Communication	\$ 19,924.35	2.12 %
• Services	\$ 40,159.88	4.28 %
• Supplies	\$ 41,619.68	4.43 %
• Transportation (Operating)	\$ 21,079.69	2.25 %
• Grants & Benefits	\$ 0.00	0.00 %
• Transportation (Fleet Renewal)	\$ 0.00	0.00 %
• Other Equipment Purchases	\$ 4,256.23	0.45 %
<b>Totals</b>	<b>\$ 938,852.56</b>	