

**Liquefied Petroleum Gas Board
Minutes
October 14, 2021**

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on October 14, 2021 at 10:00 a.m. at 173 Medical Center Drive in Prattville, AL. This location has been used for the last five 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 Sexton, Consumer Advocate Elizabeth Barnett, Public Service Commission Designee Wallace Jones, Director of Public Safety James Helms (via Microsoft Teams), and Board Attorney Matt Bledsoe.

Members Absent: Ken Coker

With a quorum present, the Chairman called the meeting to order and Administrator Mark Nelson gave the invocation.

The Chairman called for a motion to adopt the agenda.

- 1) Mr. Parden moved to adopt the agenda. Seconded by Mr. Ferguson, there were 5 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, and Jones voted aye. Colonel Helms abstained).

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 a motion to approve the minutes of the July 8, 2021 meeting.

- 2) Mr. Ferguson moved to approve the minutes of the July 8, 2021 meeting. Seconded by Ms. Barnett, there were 5 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, and Jones voted aye. Colonel Helms abstained).

Old Business

The Administrator advised the board on the election for the board member representing the southwest quadrant of the state. Election results have been sent to Governor Ivey for her selection between candidates Eddie Hillman with Amerigas/Theodore, AL and Larry Parden with Parden Gas/Grove Hill, AL.

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-.06 Storage and Handling of LP-Gas Codes* as well as *Alabama Administrative Code 530-X-2-.12 Class A Permit Applications – Specific Requirements*.

- 3) Mr. Parden moved to recess from the regular meeting to begin the public hearing. Seconded by Mr. Jones, there were 5 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, and Jones voted aye. Colonel Helms abstained).

The Chairman declared the board in a public hearing related to the proposed amendments to both *Alabama Administrative Code 530-X-2-.06 Storage and Handling of LP-Gas Codes* as well as *Alabama Administrative Code 530-X-2-.12 Class A Permit Applications – Specific Requirements*. The Administrator reviewed the proposed amendments for the board and conveyed that no oral or written 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.

Ms. Barnett moved to end the public hearing and reconvene the regular quarterly board meeting. Seconded by Mr. Ferguson, there were 5 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, and Jones voted aye. Colonel Helms abstained).

The public hearing ended, and the regular board meeting was reconvened.

Note: Board Member Ken Sexton arrived at the meeting at this time.

New Business

The Chairman called for a motion to adopt the proposed amendment of *Alabama Administrative Code 530-X-2-.06 Storage and Handling of LP-Gas Codes* as petitioned.

4) Ms. Barnett moved to adopt the proposed amendment of *Alabama Administrative Code 530-X-2-.06 Storage and Handling of LP-Gas Codes* as petitioned. Seconded by Mr. Jones, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

The Chairman called for a motion to adopt the proposed amendment of *Alabama Administrative Code 530-X-2-.12 Class A Permit Applications – Specific Requirements* as petitioned.

5) Mr. Jones moved to adopt the proposed amendment of *Alabama Administrative Code 530-X-2-.12 Class A Permit Applications – Specific Requirements* as petitioned. Seconded by Mr. Ferguson, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

A Class B permit application was presented to the Board.

- Gunvor USA LLC, Houston TX

6) Mr. Jones moved to approve the Class B permit application. Seconded by Mr. Sexton, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

Two Class B-1 permit applications were present to the Board.

- Greendale Holdings Ltd., Inc. dba Rogers Propane Gas LLC, Tuscumbia, AL
- Holston Gases, Inc., Franklin, GA

7) Ms. Barnett moved to approve the two Class B-1 permit applications. Seconded by Mr. Ferguson, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

Four Class C permit applications were presented to the Board.

- Conditioned Air Solutions LLC, Huntsville, AL
- Ohana, Inc., dba Thomas HVAC Company LLC, Meridianville, AL
- RV Retailer Alabama LLC dba Marlin Ingram, Montgomery, AL
- Southern Plumbing Services LLC, Huntsville, AL

8) Mr. Jones moved to approve the four Class C permit applications. Seconded by Mr. Sexton, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

Seven Class F permit applications were presented to the Board.

- KSTONE Foods, dba Howell Outdoors, Samson, AL
- Metro RV Theodore LLC dba Johnny's RV Resort, Theodore, AL
- Oak Grove Feed & Tack LLC, Sylacauga, AL
- RV Retailer Alabama LLC dba Marlin Ingram, Montgomery, AL
- Southeast Landscape Management LLC dba Slocomb Farm Supply, Slocomb, AL
- Tractor Supply # 1176, Anniston, AL
- Zeman AL RV Resort LLC dba Johnny's Lakeside RV Resort, Foley, AL

9) Mr. Parden moved to approve the seven Class F permit applications. Seconded by Mr. Ferguson, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

Two Class F-1 permit applications were presented to the Board.

- Holston Gases, Inc., Alabaster, AL
- Holston Gases, Inc., Muscle Shoals, AL

Mr. Ferguson moved to approve the two Class F-1 permit applications. Seconded by Mr. Jones, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

Code Violation Settlement Agreements

Settlement Agreement 2021-05 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 Dickie Ferguson for a repeat violation.

10) Mr. Jones moved to approve Settlement Agreement 2021-05. Seconded by Mr. Sexton, there were 4 ayes, one recusal, and one abstention. (Pilgreen, Parden, Barnett, and Sexton voted aye. Ferguson recused. Colonel Helms abstained.)

Settlement Agreement 2021-10 for code violations was presented for approval. The settlement agreement was based on the board pre-approved settlement amounts.

11) Ms. Barnett moved to approve Settlement Agreement 2021-10. Seconded by Mr. Jones, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

FY 2023 LP-Gas Board Regulatory Services Budget Request

The FY 2023 budget request for LP Gas Board Regulatory Services in the amount of \$1,857,610 was presented to the Board.

12) Mr. Jones moved to approve the FY 2023 budget request for LP Gas Board Regulatory Services in the amount of \$1,857,610. Seconded by Mr. Parden, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

FY 2023 REAC Budget Request

The FY 2023 budget request for the Research Education Advisory Committee (REAC) in the amount of \$200,000 was presented to the Board.

13) Ms. Barnett moved to approve the FY 2023 budget request for the Research Education Advisory Committee (REAC) in the amount of \$ 200,000. Seconded by Mr. Parden, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

Petition for a Declaratory Ruling

At the July 8, 2021 board meeting a *Request for a Declaratory Ruling* submitted by Mr. Brian Williams of Ferguson was presented to the board for their consideration over the next quarter. The product addressed in the request is known as PEXALPEX gas piping manufactured by Jones Stephens. After discussion and questions on the issue the board took the following action.

14) Mr. Parden moved to deny the use of PEXALPEX pipe in Alabama as requested in the *Request for a Declaratory Ruling*. Seconded by Mr. Ferguson, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

Administrator's Report

The Administrator presented the following permits for cancellation:

- Auto Parts of Orrville, Orrville, AL, Class F Permit No. 323, business sold to K & D Auto & Farm LLC.
- Briggs Equipment, Mobile, AL, Class C-1 Permit No. 391, cancelled for non-renewal of permit.
- BW Johnson Inc. dba Autauga Home Supply, Prattville, AL, Class F Permit No. 358, cancelled at owner's request.
- C. Lee Jones, Inc. dba Builders Cash & Carry, Daleville, AL, Class F Permit No. 279, cancelled at owner's request.
- Double K Hardware & Supply, Inc., Altoona, AL, Class F Permit No. 682, cancelled due to expired insurance and non-renewal of permit.
- DUBYA 4 dba The Woods RV Park & Campground, Montgomery, AL, Class F Permit No. 531, business sold to The Woods RV Resort LLC (Zeman).
- Hall & Associates LLC, Foley, AL, Class C Permit No. 1042, cancelled due to expired insurance and non-renewal of permit.
- Headland Peanut Warehouse Cooperative, Headland, AL, Class F Permit No. 286, cancelled at owner's request.
- Hensley RV Sales, Killen, AL, Class F Permit No. 330, cancelled at owner's request.
- Marion County Co-Op, Haleyville, AL, Class F Permit No. 482, cancelled at owner's request
- Marlin Ingram RV Center LLC, Montgomery, AL, Class C Permit No. 1019, business sold to RV Retailer Alabama LLC.
- Marlin Ingram RV Center LLC, Montgomery, AL, Class F Permit No. 570, business sold to RV Retailer Alabama LLC.
- Morgan Farmers' Cooperative, Decatur, AL, Class F Permit No. 747, cancelled at owner's request.

- R & Y Inc. dba M & M Grocery, Opelika, AL, Class F Permit No. 315, business sold to JC, Inc. dba M & M Grocery.
- Slocomb Farm Supply, Slocomb, AL, Class F Permit No. 440, business sold to Ben Ballard.
- Snap Rocky, Inc., McCalla, AL, Class F Permit No. 718, cancelled at owner's request.
- South Wind RV Park LLC, Foley, AL, Class F Permit No. 600, business sold to Camelia RV Park.
- Southern Bama Bait & Tackle, Inc., Mobile, AL, Class F Permit No. 621, cancelled at owner's request.
- Wan Bon Gas Company, Westover, AL, Class A Permit No. 187, business sold to Greendale Holdings Ltd., Inc. dba Wan Bon Propane Gas LLC.

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

15) Mr. Jones moved to accept the Administrator's report. Seconded by Mr. Sexton, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

Date of the next board meeting is January 13, 2022.

16) Mr. Jones moved to pay the board members' expenses. Seconded by Ms. Barnett, there were 6 ayes and one abstention. (Pilgreen, Ferguson, Parden, Barnett, Sexton, and Jones voted aye. Colonel Helms abstained).

On a motion by Mr. Jones, seconded by Ms. Barnett, the meeting was adjourned at 10:40 a.m.

AGENDA
ALABAMA LP GAS BOARD
QUARTERLY BOARD MEETING
October 14, 2021

1. **Call Meeting to Order**
 - A. Invocation
 - B. Roll Call
 - C. Introduction of Guests
2. **Adopt the Agenda**
3. **Approval of Minutes from July 8, 2021 Meeting**
4. **Old Business**
Southwest Board Member Election Results
5. **Public Hearing for Proposed Changes to Regulations**
530-X-02.06 Storage & Handling of LP-Gas Codes
530-X-2-.12 Class A Permit Applications – Specific Requirements
6. **New Business**
 - A. **Amend 530-X-02.06 Storage & Handling of LP-Gas Codes**
 - B. **Amend 530-X-2-.12 Class A Permit Applications – Specific Requirements**
 - C. **Class B Permit Application (to engage in wholesale operations of LP-Gas)**
 1. Gunvor USA LLC, Houston, TX
 - D. **Class B-1 Permit Application (to engage in the operation as a branch of Class A Permit)**
 1. Greendale Holdings Ltd, Inc. dba Rogers Propane Ga LLC, Tuscumbia, AL
 2. Holston Gases, Inc./Franklin, GA
 - E. **Class C Permit Applications (to service, install, repair and adjust LP-gas appliances and piping on the downstream side of the tank outlet valve only)**
 1. Conditioned Air Solutions LLC, Huntsville, AL
 2. Ohana, Inc. dba Thomas HVAC Company LLC, Meridianville, AL
 3. RV Retailer Alabama LLC dba Marlin Ingram, Montgomery, AL
 4. Southern Plumbing Services LLC, Huntsville, AL
 - F. **Class F Permit Application (to operate and LP-gas cylinder filling station)**
 1. KSTONE Foods, dba Howell Outdoors, Samson, AL
 2. Metro RV Theodore LLC dba Johnny's RV Resort, Theodore, AL
 3. Oak Grove Feed & Tack LLC, Sylacauga, AL
 4. RV Retailer Alabama LLC dba Marlin Ingram, Montgomery, AL
 5. Southeast Landscape Management LLC dba Slocomb Farm Supply, Slocomb, AL
 6. Tractor Supply Co # 1176/Anniston, AL
 7. Zeman AL RV Resort LLC dba Johnny's Lakeside RV Resort, Foley, AL
 - G. **Class F-1 Permit Application (to fill welding or cutting gases in LP-gas cylinders or LP-gas motor fuel containers of less than 351 lbs. and transport to industrial sites)**
 1. Holston Gases, Inc./Alabaster, AL
 2. Holston Gases, Inc./Muscle Shoals, AL

H. Code Violation Settlement Agreements

1. Settlement Agreement 2021-05; Recusing Board Member Dickie Ferguson
2. Settlement Agreement 2021-10; Board Pre-Approved Settlement Amounts

I. FY 2023 Regulatory Budget Request

J. FY 2023 REAC Budget Request

K. Consideration of Declaratory Ruling – Jones Stephens PEXALGAS Gas Piping

L. Administrator's Report

- a. Cancelled permits
- b. Financial Information

M. Date of Next Board Meeting – January 13, 2022

N. Payment of Board Members' Expenses

O. Adjourn

ADMINISTRATOR'S REPORT
October 14, 2021

A. CANCELLED PERMITS

- Auto Parts of Orrville, Orrville, AL, Class F Permit No. 323, business sold to K & D Auto & Farm LLC.
- Briggs Equipment, Mobile, AL, Class C-1 Permit No. 391, cancelled for non-renewal of permit.
- BW Johnson Inc. dba Autauga Home Supply, Prattville, AL, Class F Permit No. 358, cancelled at owner's request.
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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 (09/30)	\$ 1,529,009.94	\$ 1,544,775.59	\$ 15,765.65	1.03 %
Expenditures (09/30)	\$ 1,128,040.23	\$ 1,176,288.49	\$ 48,248.26	4.28 %

Gallons:

FY 2021 YTD (Oct. 2020 – Sept. 2021)	282,028,122 gallons
FY 2020 YTD (Oct. 2019 – Sept. 2020)	<u>231,186,712 gallons</u>

- **Increase in Gallons from FY 2020 50,841,410**
- **% Increase in Gallons from FY 2020 22 %**

Financial Position:

Available Cash (09/30/2021)	\$ 712,162.18
Encumbrances (Purchase Orders)	(\$ 73,304.77)
Accounts Payable	(\$ 128,941.00)
Cash Reserve	(\$ 200,000.00)

Unobligated Cash Balance
Transfer to REAC \$ 309,916.41

ADMINISTRATOR'S REPORT (Continued)

Revenue October 2020 – September 2021

<u>Sources of Revenue</u>	<u>Amount</u>	<u>% of Overall Revenue</u>
• Permit Renewal Fees	\$ 105,355.00	6.82 %
• LPG Fees	\$ 1,410,140.61	91.28 %
• Fines for Code Violations	\$ 20,325.00	1.32 %
• Remaining Revenue	\$ 8,954.98	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		
○ Insurance Recovery		
Total FY 2021 Revenue Collected	\$ 1,544,775.59	

Expenses October 2020 – September 2021

<u>Expenditure Group:</u>	<u>Amount</u>	<u>% of Overall Expenses</u>
• Personnel Costs	\$ 685,878.99	58.31 %
• Employee Benefits	\$ 258,358.53	21.96 %
• Travel In-State	\$ 41,088.83	3.49%
• Travel Out-of-State	\$ 1,235.00	0.11 %
• Repair & Maintenance	\$ 1,685.78	0.14 %
• Rentals & Leases	\$ 24,832.50	2.11 %
• Utilities & Communication	\$ 24,919.66	2.12 %
• Services	\$ 53,817.20	4.58 %
• Supplies	\$ 45,860.21	3.90 %
• Transportation (Operating)	\$ 26,267.76	2.23%
• Transportation (Fleet Renewal)	\$ 0.00	0.00 %
• Other Equipment Purchases	\$ 12,344.03	1.05 %
Totals	\$ 1,176,288.49	100%

C. Motion to accept the Administrator's Report



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100

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P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON
ADMINISTRATOR

September 21, 2021



Honorable Kay Ivey
Governor
State of Alabama State Capitol
600 Dexter Avenue
Montgomery, AL 36130

Honorable Governor Ivey:

We are pleased to submit the following nominees for your consideration in the appointment of a board member to the Alabama Liquefied Petroleum Gas Board as provided by Code of Alabama § 9-17-101. An election was conducted to obtain nominees to fill the expiring term of the current Southwest area board member, Mr. Larry Parden. His term expires October 01, 2021.

As outlined in Code of Alabama 9-17-101, the Liquefied Petroleum Gas Board is composed of the following eight members: State Fire Marshal, Director of Public Safety, President of Public Service Commission, four members from the LP-gas retail Class A permit holders, and one member of the general public who is appointed by the Governor. From each of four substantially equal geographical areas of the state, designated as the southeast, the northeast, the northwest, and the southwest, the Governor shall appoint one retail permit holder member of the board. Such member shall be appointed from a list of no more than three nominees receiving the largest number of votes according to written ballots executed by representatives of retail Class A permit holders.

There were only two nominees that agreed to serve representing the southwest territory on the Alabama Liquefied Petroleum Gas Board. The two nominees listed with respect to the number of votes received on ballots cast by eligible retail permit holders in the Southwest are as follows:

1. Larry Parden, Parden LP Gas & Service, Inc. / Grove Hill, AL (7 votes)
2. Floyd (Eddie) Hillman, Amerigas Propane, LP. / Theodore, AL (1 vote)

The complete file for the selection of nominees for the Southwest board member is available in the Liquefied Petroleum Gas Board's office. Should you desire any further information, you may reach me at (334) 353-0342 or via email at mark.nelson@lpgb.alabama.gov.

Thank you in advance for your discernment and appointment decision.

Sincerely,

Mark Nelson
Administrator
MN/tn

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

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. 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

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 (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.

3.3.18 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 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

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. 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

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:

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.

3.3.18 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.

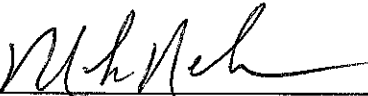
Authors: Leonard Pakruda, Mark Nelson, Ken Coker, Robert Reed
Statutory Authority: Code of Ala. 1975, § 9-17-103, as amended.
History: September 13, 1982. **Amended:** May 12, 2010; Effective June 16, 2010.
Amended: January 10, 2013. **Effective:** February 14, 2013
Amended: July 25, 2013 **Effective:** 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

July 8, 2021
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.

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-2.12 as follows.
- C. Repeal rule _____ in total.

3. Text of Proposed Rule:

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:

Purpose of Change:

The main purpose for amending this regulation is to promote growth of new Class A permit holders due to a shrinking presence in the number of retail locations within the state, consumer complaints related to service availability, and expressed concerns from legislative officials about said complaints.

4. Signature

July 8, 2021
Date

Mark Nelson
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.



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:

P. A. Tires, LLC.
Permit "F" # 289
Code Violation

SETTLEMENT AGREEMENT 2021-05

P.A. Tires, LLC. / Bessemer, 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 performed unsupervised LP-gas work prior to completing Board competency requirements. (Offense 1)
2. A respondent employee attempted to fill a LP-Gas cylinder without the use of scales. (Offense 2)
3. A respondent employee failed to inspect a LP-Gas cylinder prior to filling. (Offense 3, repeat offense)
4. A respondent employee attempted to fill a LP-Gas cylinder that was overdue for requalification. (Offense 4, repeat offense)

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 attempted to fill a 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 did not inspect a cylinder prior to filling it in violation of *NFPA 58 (2011 edition) 7.2.2.8*.

4. 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.

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 \$1850 (*Employee working unsupervised prior to meeting the ALPGB Competency Requirements, \$700; Attempting to fill a cylinder without the use of scales, \$450; Failing to inspect a cylinder prior to filling, \$350; Attempting to fill a cylinder that was overdue for requalification, \$350*) 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 08-04-21, 20__

Pablo ATRIAN
Pablo Atrian Cabvera, Respondent
P. A. Tires, LLC.

Mark Nelson
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:

Central Alabama Farmers' Co-Op/Selma
Permit "F" # 302
Code Violation



SETTLEMENT AGREEMENT 2021-10

Central Alabama Farmers' Co-Op / Selma, 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 employee filled a LP-gas cylinder while unsupervised and without having completed the LP-Gas Board Competency Requirements.

STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that the Respondent's employee filled a LP-gas cylinder while unsupervised and without having completed the LP-Gas Board Competency Requirements.

STIPULATED DISPOSITION

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

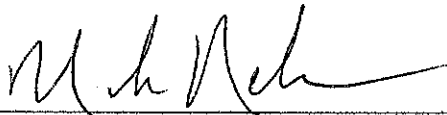
1. The respondent agrees to remit a fine of \$700 to the Board within 30 days of the Board's acceptance of this agreement.

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 21st day of September, 2021



Tim Wood, General Manager
Central Alabama Farmers' Co-Op



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board

Liquefied Petroleum Gas Board Budget Request

AGENCY BUDGET REQUEST
SUMMARY BUDGET REQUEST

CODE NO.	APPROP CLASS AND FUNCTIONS (Listed in Priority Order)	BUDGET REQUEST		BUDGET REQUEST		BUDGET REQUEST		INCREASE (DECREASE)	
		2021	2022	2021	2022	2023	AMOUNT	PERCENT	FROM PRIOR YEAR
0100	Personnel Costs	792,931	841,874	874,568			32,694	3.88%	
0200	Employee Benefits	276,269	300,214	307,038			68,240.00	2.27%	
0300	Travel In-State	60,000	60,000	60,000					
0400	Travel Out-of-State	10,000	4,000	4,000					
0500	Repairs and Maintenance	15,000	15,000	15,000					
0600	Rentals and Leases	60,000	60,000	60,000					
0700	Utilities and Communication	79,871	82,000	82,000					
0800	Professional Services	190,719	160,000	160,000					
0900	Supplies, Materials, and Operating Expenses	70,000	50,000	60,000			10,000	20.00%	
1000	Transportation Equipment Operations	80,000	80,000	70,000			(10,000)	(12.50%)	
1100	Grants and Benefits								
1200	Capital Outlay								
1300	Transportation Equipment Purchases								
1400	Other Equipment Purchases	97,000	80,000	110,000			30,000	37.50%	
1500	Debt Service	55,000	55,000	55,000					
1600	Miscellaneous	4	4	4					
FY Budget Request Totals		1,786,794	1,788,092	1,857,610			69,518	0.0389	

REAC Budget Request

AGENCY BUDGET REQUEST SUMMARY BUDGET REQUEST

Agency: Liquefied Petroleum Gas Board
Agency No.: 323 Page 1 of 1

CODE NO.	APPROP CLASS AND FUNCTIONS (Listed in Priority Order)	ACTUAL EXPENDITURES 2021	BUDGETED EXPENDITURES 2022	REQUESTED EXPENDITURES 2023	INCREASE (DECREASE)	
					AMOUNT	PERCENT
0100	Personnel Costs					
0200	Employee Benefits					
0300	Travel In-State					
0400	Travel Out-of-State					
0500	Repairs and Maintenance					
0600	Rentals and Leases					
0700	Utilities and Communication					
0800	Professional Services					
0900	Supplies, Materials, and Operating Expenses					
1000	Transportation Equipment Operations					
1100	Grants and Benefits	200,000				
1200	Capital Outlay		200,000	200,000	0	0
1300	Transportation Equipment Purchases					
1400	Other Equipment Purchases					
1500	Debt Service					
1600	Miscellaneous					
FY Budget Request Totals		200,000	200,000	200,000		

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:

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:

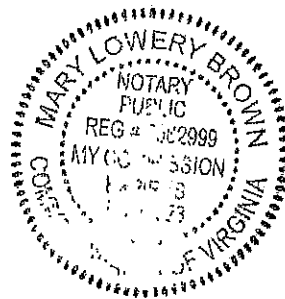
Mary Lowery Brown #7662999
Newport News, VA 23601
Exp. 1/31/2023

(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

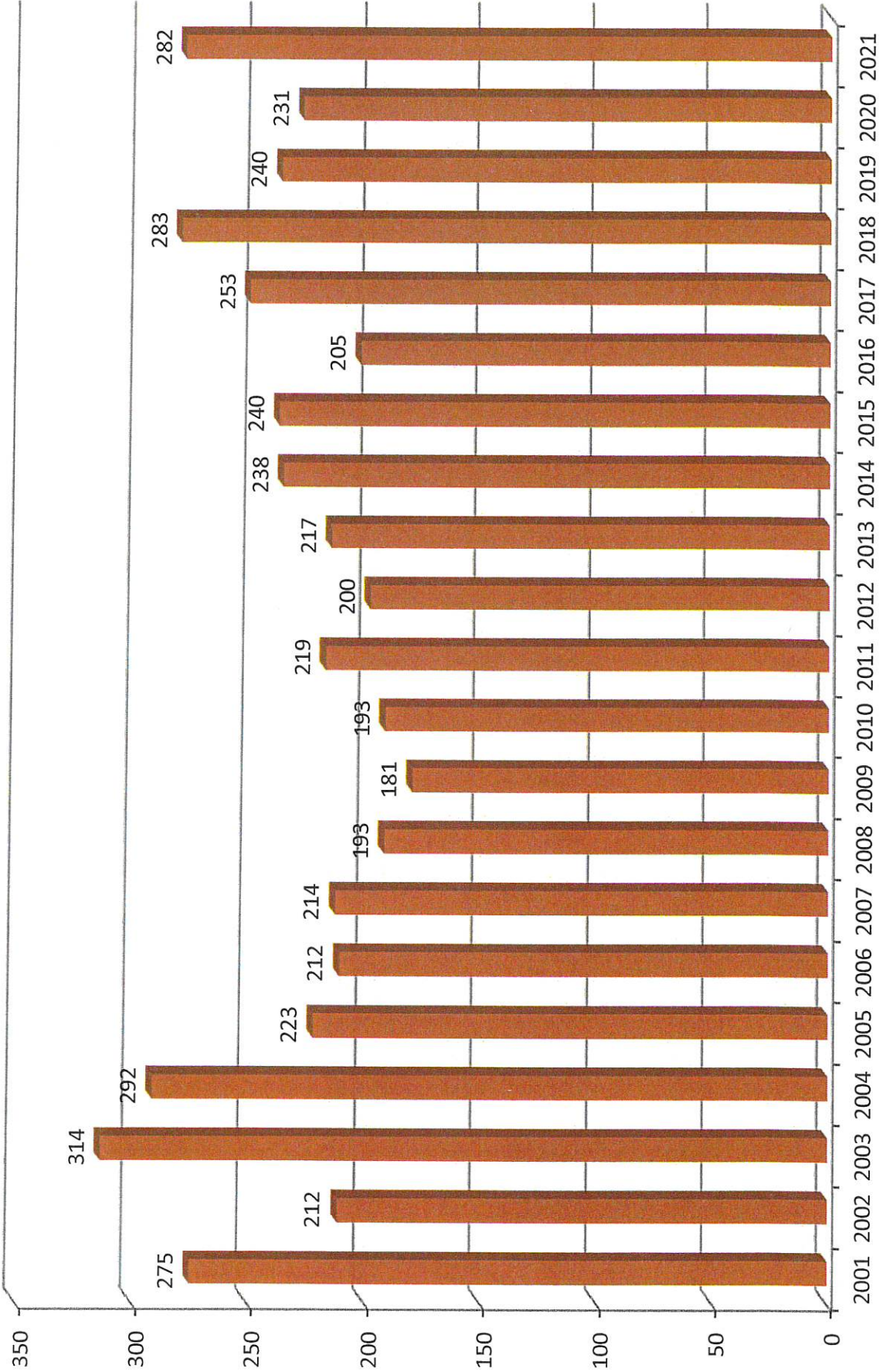
Statutory Authority: Code of Ala. 1975, §9-17-105.

History: Filed July 11, 1983.



Alabama 1rG Gallons

In Million Gallons



Average of Fines Per FY

