

Liquefied Petroleum Gas Board
Minutes
January 11, 2024

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on January 12, 2024, at 10:00 a.m. at 770 S. McDonough Street, Montgomery, AL.

Members Present: Chairman State Fire Marshall Scott Pilgreen, Vice-Chairman Dickie Ferguson, Ken Sexton, Consumer Advocate Elizabeth Barnett,

Members Absent: Larry Parden, Public Service Commission Designee Debbie Williams, Public Safety Designee Sgt. Jeremy Burkett, Board Attorney Matt Bledsoe.

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

The Chairman called for a motion to adopt the agenda.

(1) Ms. Barnett 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.

Election of Officers

Chairman Pilgreen opened the nominations for Chairman.

Mr. Sexton nominated Mr. Pilgreen for Chairman. Mr. Ferguson seconded the nomination. With no further nominations, the nominations were closed. Mr. Pilgreen was then elected Chairman by acclamation.

Chairman Pilgreen opened the nomination for Vice-Chairman.

(2) Mr. Sexton nominated Mr. Ferguson as Vice-Chairman. Ms. Barnett seconded the nomination. With no further nominations, the nominations were closed.

Mr. Ferguson was elected Vice-Chairman by acclamation.

Minutes of the Last Meeting

The Chairman called for approval of the minutes of the October 05, 2023, meeting.

(3) Mr. Ferguson moved to approve the minutes of the October 05, 2023, meeting. Seconded by Mr. Sexton, the ayes were unanimous.

Old Business

The Administrator advised the Board on the Northeast Member election process. He stated the election results have been sent to Governor Ivey for her selection between candidates Daniel

Brown with Economy Gas Service, Childersburg, AL, and Rick Chapman with Coosa Valley Propane, Talladega, AL.

New Business

The Administrator informed the Board about the shortage of inspectors and the high failure rate on the practical exam of permit holders that dispense propane as a secondary business. He requested that those companies with propane as secondary businesses be required to come to Board facilities to retest. Also, he stated that the inspectors will still go to propane companies to retest if someone fails the practical examination.

(4) Mr. Ferguson moved to approve secondary propane dispensers be required to come to Board facilities to retest. Seconded by Ms. Barnett, the ayes were unanimous.

There was no Class A permit application presented to the Board.

One Class B-1 permit application was presented to the Board.

- Blossman Gas, Robertsedale, AL

(5) Ms. Ferguson moved to approve the Class B-1 permit application. Seconded by Mr. Sexton, the ayes were unanimous.

Two Class B permit applications were presented to the Board.

- Hilco Liquid Transport LLC, Waterloo, IN
- Kiros Energy Marketing, Calgary, AB

(6) Mr. Ferguson moved to approve the two Class B permit applications. Seconded by Mr. Barnett, the ayes were unanimous.

Twelve Class C permit applications were presented to the Board.

- Alabama Air Care & HVAC Service Inc. Toney, AL
- Baker Plumbing & Gas, Guntersville, AL
- Bill's Plumbing, Deatsville, AL
- East Alabama Custom Plumbing, Auburn, AL
- Ferguson Contracting, LLC, Grant, AL
- Heritage Generator LLC, Madison, AL
- Lance's Home Repair Services, LLC, Auburn, AL
- McCain Engineering Company, Inc., Pelham, AL
- Michael Joiner Plumbing Services Inc., Pell City, AL
- Morris Plumbing Co. Inc., Trinity, AL
- Pro Services LLC., McCalla, AL
- Segars Air Control, Inc., Hueytown, AL

(7) Mr. Ferguson moved to approve the twelve Class B-1 permit applications. Seconded by Mr. Barnett, the ayes were unanimous.

One Class C-2 Permit application was presented to the Board.

- J & M Garage Inc., Little Rock, AR

(8) Mr. Sexton moved to approve the Class C-2 permit application. Seconded by Ferguson, the ayes were unanimous.

There was no Class D permit application presented to the Board.

Eleven Class F permit applications were presented to the Board.

- Ace Hardware of Linden, Linden, AL
- Beyonder Wheeler Lake LLC, Hillsboro, AL
- BJ's Wholesale Club Inc., Madison, AL
- Blue Creek Propane, LLC, Dadeville, AL
- Chavers RV LLC dba Bama RV Park, Opelika, AL
- Consolidated Ace of Dothan, Inc., Dothan, AL
- Consolidated Ace of Enterprise, Inc., Enterprise, AL
- Marion County Cooperative, Hamilton, AL
- RV Park Management LLC/Gulf Shores
- Sothern Gas & Supply/Montgomery, AL
- Tractor Supply Co. #1400/Greenville, AL

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

One Class E permit application was presented to the Board.

- J & M Inc., Little Rock, AR

(10) Ms. Barnett moved to approve the Class E permit application. Seconded by Sexton, the ayes were unanimous.

Code Violations Settlement Agreements

Settlement Agreement 2023-03 for code violations was presented for approval. The settlement agreement was based on the board's pre-approved settlement amounts.

(10) Ms. Barnett moved to approve Settlement Agreement 2023-03. Seconded by Mr. Ferguson, ayes were unanimous.

Settlement Agreement 2023-07 for code violations was presented for approval. The settlement agreement was based on the board's pre-approved settlement amounts.

(11) Mr. Ferguson moved to approved Settlement Agreement 2023-07. Seconded by Ms. Barnett, ayes were unanimous.

Settlement Agreement 2023-09 for code violations was presented for approval. The settlement agreement was based on the board's pre-approved settlement amounts.

(12) Mr. Ferguson moved to approved Settlement Agreement 2023-09. Seconded by Ms. Barnett, ayes were unanimous.

Settlement Agreement 2023-10 for code violations was presented for approval. The settlement agreement was based on the board's pre-approved settlement amounts.

(13) Mr. Sexton moved to approved Settlement Agreement 2023-10. Seconded by Mr. Ferguson, ayes were unanimous.

Administrator's Report

The Administrator presented the following permits for cancellation:

- Amerigas Propane L.P. dba Mid Georgia Propane, Macon, GA Class B-1 Permit No. 525, cancelled at the owner's request.
- Kenan Transport, LLC, North Canton, OH, Class B Permit No. 664, business closed.
- Quality Energy, Inc., Holland, MI, Class B Permit No. 658, business stopped performing LP-gas activities.
- Southern Plumbing Services LLC, Huntsville, AL, Class C Permit No. 1118, business closed.
- Thompson Gas LLC/Flomaton, Flomaton, AL, Class B-1 Permit No. 702, cancelled at the owner's request.
- Wheeler Lake Campground LLC, Hillsboro, AL, Class F Permit No. 857, business sold.

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

(14) Ms. Barnett moved to accept the Administrator's Report as presented. Seconded by Mr. Sexton, the ayes were unanimous.

Office Space

The Chairman called for a motion to allow the Administrator to explore new office space because the agency has outgrown its existing office space.

(15) Ms. Barnett moved to approve the administrator to explore newly available office space. Seconded by Mr. Sexton, the ayes were unanimous.

Date of the next board meeting is April 11, 2024.

(16) Ms. Barnett moved to pay the board members' expenses. Seconded by Mr. Sexton, the ayes were unanimous.

The meeting was adjourned at 10:32 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

**BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD**

IN THE MATTER OF:

Tractor Supply #1758/Clanton
Permit "F" #509
Code Violation

SETTLEMENT AGREEMENT 2023-03

Tractor Supply Company, #1758/Clanton, 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.
2. A Respondent employee attempted to fill a LP-Gas cylinder without first visually inspecting it.
3. A Respondent employee attempted to fill a LP-Gas cylinder without first removing the sleeve.

STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that a Respondent employee attempted to fill a DOT LP-Gas cylinder that was overdue for requalification in violation of *NFPA 58-5.2.2.3*.
2. Respondent does not contest to the finding that a Respondent employee attempted to fill a DOT LP-Gas cylinder without first visually inspecting it in violation of *NFPA 58-7.2.2.9*.
3. Respondent does not contest to the finding that a Respondent employee attempted to fill a DOT LP-Gas cylinder without first removing the sleeve.

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 \$725 (*Attempting to fill a cylinder that was overdue for requalification, \$225; attempting to fill a cylinder without performing a visual inspection, \$250; and attempting to fill a cylinder without first removing the sleeve, \$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 4th day of January, 2024.

John Glasgow

John Glasgow, Respondent - Mary Lawley
Tractor Supply Company #1758/Clanton

Mary A. Lawley

R. Dewayne Whiddon

R. Dewayne Whiddon, Administrator
Alabama Liquefied Petroleum Gas Board



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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MONTGOMERY, ALABAMA 36102-1742

BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Tractor Supply #1758
Permit "F" #509
Code Violation

SETTLEMENT AGREEMENT 2023-07

Tractor Supply #1758/Clanton, 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. The Respondent violated a written directive (Red Tag), that condemned the cylinder filling equipment for failure to correct discrepancies previously cited.

STIPULATED CONCLUSIONS OF LAW

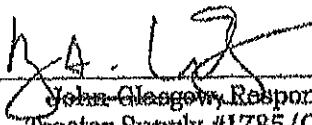
1. Respondent does not contest to the finding that the Respondent violated a written directive from the Alabama LP-Gas Board condemning the cylinder filling equipment in violation of *Code of Alabama 9-17-108, 9-17-109(d)*.

STIPULATED DISPOSITION

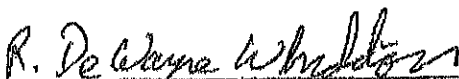
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The respondent agrees to remit a fine of \$1,000 (*Violation of condemn notice/red tag \$1,000*) 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 14 day of DECEMBER, 2023



John Glasgow, Respondent
Tractor Supply #1785/Clanton
MARY LAWLEY, VP STORE ADMINISTRATION



R. Dewayne Whiddon, Administrator
Alabama Liquefied Petroleum Gas Board



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R. DEWAYNE WHIDDON
ADMINISTRATOR

ROSE M. JOHNSON
EXECUTIVE ASSISTANT

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Amerigas Propane LP/Birmingham
Permit "B-1" #273
Code Violation

SETTLEMENT AGREEMENT 2023-09

Amerigas Propane LP/Birmingham, 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 employees filled 1,075 propane cylinders that were overdue for requalification or had no legible requalification/manufacturing dates (Offense #1-1,075).

STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that the Respondent's employees filled 1,075 propane cylinders that were overdue for requalification or had no legible requalification/manufacturing dates in violation of *NFPA 58 (2020) 5.2.2.3; 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 \$107,625 (*Filling cylinders that were overdue for requalification or had no legible*

requallficatlon/manufacturing dates) 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 1st day of December, 2023



Larry Harris, Respondent

Amerigas Propane LP/Birmingham

By: Christopher J. Wagner on behalf of Larry Harris
Director of Compliance and Regulator Affairs



R. Dewayne Whiddon, Administrator
Alabama Liquefied Petroleum Gas Board



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R. DEWAYNE WHIDDON
ADMINISTRATOR

ROSE M. JOHNSON
EXECUTIVE ASSISTANT

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Amerigas Propane LP/Birmingham
Permit "B-1" #273
Code Violation

SETTLEMENT AGREEMENT 2023-10

Amerigas Propane LP Birmingham, 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 requalified 4 cylinders unsupervised prior to meeting the ALPGB Competency Requirements (Offense #1-4).

STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that the Respondent's employee requalified 4 propane cylinders unsupervised prior to meeting the ALPGB Competency Requirements in violation of 530-X-2.11

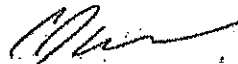
STIPULATED DISPOSITION

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

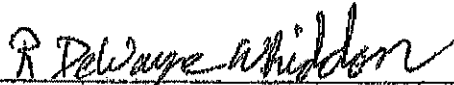
1. The respondent agrees to remit a fine of \$2,800 (Requalified 4 propane cylinders unsupervised prior to meeting the ALPGB Competency Requirements) to the Board within 30 days of the Board's acceptance of this agreement.

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 1st day of December, 2023.



Larry Harris, Respondent
Amerigas Propane LP/Birmingham
By: Christopher J. Wagner on behalf of Larry Harris
Director of Compliance and Regulator Affairs



R. Dewayne Whiddon, Administrator
Alabama Liquefied Petroleum Gas Board