

Alabama Liquefied Petroleum Gas Board
Minutes
October 13, 2016

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on October 13, 2016 at 10:05 a.m. at Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

Members Present: Chairman Benny Gay, Bill Montgomery, Larry Parden, State Fire Marshal Scott Pilgreen, Public Safety Designee Lt. Robert Dettmar, Vice-Chairman Wallace Jones, and Attorney Bettie Carmack of Attorney General's Office.

Member Absent: Consumer Advocate Elizabeth Barnett.

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

The Chairman called for a motion to adopt the agenda.

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

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

MINUTES OF THE LAST MEETING

The Chairman called for the approval of the minutes of the July 7, 2016 meeting.

- 2) Mr. Montgomery moved to approve the minutes of the July 7, 2016 meeting. Seconded by Mr. Jones, the ayes were unanimous.

PUBLIC HEARING

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-.11 Code Familiarization Review*.

- 3) Mr. Pardon moved to recess from the regular meeting to conduct a public hearing. Seconded by Mr. Jones, the ayes were unanimous.

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

The Administrator reported on written comments received and asked the Board to consider changing the minimum passing score from 80 to 70 and to add the resource *NFPA 1192 Standard on Recreation Vehicles (Current adopted edition)* to the regulation for use during written examinations. The Administrator advised that he believed the two changes would not be significant with respect to Administrative Procedures Act requirements.

Lisa Hill, Executive Director of the Alabama Propane Gas Association, addressed the Board and stated that the association agrees with lowering the passing score to 70 on written exams.

With no further requests to comment, the Chairman called for a motion to end the public hearing on the proposed amendment to the *Alabama LP-Gas Board Administrative Codes* and reconvene the regular quarterly board meeting.

- 4) Mr. Montgomery moved to end the public hearing and reconvene the regular board meeting. Seconded by Mr. Jones, the ayes were unanimous.

The public hearing ended at 10:25 a.m. and the regular meeting reconvened.

NEW BUSINESS

The Chairman called for a motion to adopt the proposed amendment of *Alabama Administrative Code 530-X-2-.11 Code Familiarization Review* as petitioned.

- 5) Mr. Parden moved to adopt amendment of *Alabama Administrative Code 530-X-2-.11 Code Familiarization Review* as petitioned. Following three successful votes to amend the petition, the ayes were unanimous. Amendments to the petition were as follows:
 - Mr. Montgomery moved to amend the petition by lowering the minimum passing score on written competency examinations from 80 to 70. Seconded by Mr. Jones, the ayes were unanimous.
 - Mr. Jones moved to amend the petition by allowing *NFPA 1192 Standard on Recreation Vehicles (Current adopted edition)* as a resource material that may be used during written examinations. Seconded by Mr. Montgomery, the ayes were unanimous.
 - Mr. Montgomery moved to establish the effective date of the proposed amendment of *Alabama Administrative Code 530-X-2-.11 Code Familiarization Review* as April 3, 2017. Seconded by Mr. Parden, the ayes were unanimous.

PERMIT APPLICATIONS

A Class A permit application for NGL Propane LLC dba Sungas, Smith Station, AL was presented.

- 6) Mr. Montgomery moved to approve the Class A permit application for NGL Propane LLC dba Sungas, Smith Station, AL. Seconded by Mr. Parden, the ayes were unanimous.

Five Class B permit applications were presented:

- Hilcorp Energy Company, Houston, TX
- Kenan Transport LLC, North Canton, OH
- Legend LLC, Petal, MS
- Red Hawk Midstream LLC, Waskom, TX
- Regal Petroleum Co., Inc., Knoxville, TN

- 7) Mr. Montgomery moved to approve the five Class B permit applications. Seconded by Lt. Dettmar, the ayes were unanimous.

Two Class B-1 permit applications were presented.

- Casey Propane Gas Co. LLC, Georgiana, AL
- NGL Propane LLC dba Gas, Inc., LaGrange, GA

- 8) Mr. Parden moved to approve the two Class B-1 permit applications. Seconded by Mr. Montgomery, the ayes were unanimous.

Two Class C permit applications were presented.

- LP Gas Industrial Equipment Co., Inc., Macon, GA
- Paul's Plumbing & Gas, Hanceville, AL

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

A Class C-1 permit application was presented.

- Phoenix Energy Corp., Pell City, AL

10) Mr. Montgomery moved to approve the Class C-1 permit application. Seconded by Mr. Jones, the ayes were unanimous.

A Class D permit application was presented.

- Southern LP Gas Services LLC, Colquitt, GA

11) Mr. Montgomery moved to approve the Class D permit application. Seconded by Mr. Parden, the ayes were unanimous.

A Class E permit application was presented.

- Southeast LP Tank Inspection, Inc., Boaz, AL

12) Mr. Montgomery moved to approve the Class E permit application. Seconded by Mr. Parden, the ayes were unanimous.

Thirteen Class F permit applications were presented.

- Drake Enterprises – AL LLC, Hillsboro, AL
- Fausak's Tire Center, Inc., Daphne, AL
- Goodley Corporation dba Lakeside Landing, Cropwell, AL
- Harrison Enterprises dba Thomas F. Harrison, Jr., Mentone, AL
- Hogan's Hunting Supply & Feed LLC, Talladega, AL
- Linden Ace Hardware LLC, Linden, AL
- Mike Morton Metals LLC, Cedar Bluff, AL
- Pandion Ridge LLC, Orange Beach, AL
- Paris Ace Orange Beach, Inc., Orange Beach, AL
- Strickler Imports LLC dba RVs Unlimited, Robertsdale, AL
- Tater's, Alexander City, AL
- Torch 85 Travel Center LLC, Tuskegee, AL
- West Alabama Ag Company LLC, Carrollton, AL

13) Mr. Parden moved to approve the thirteen Class F permit applications. Seconded by Mr. Montgomery, the ayes were unanimous.

CODE VIOLATION SETTLEMENT AGREEMENTS

Settlement Agreement 2016-15 for code violations was presented by recusing board member Wallace Jones.

14) Mr. Montgomery moved to accept Settlement Agreement 2016-15. Seconded by Mr. Parden, there were four ayes (Dettmar, Montgomery, Parden, and Pilgreen voted aye; Mr. Jones abstained).

Settlement Agreement 2016-17 was presented by recusing board member Scott Pilgreen.

15) Mr. Montgomery moved to accept Settlement Agreement 2016-17. Seconded by Lt. Dettmar, there were four ayes. (Dettmar, Jones, Montgomery, and Parden voted aye. Mr. Pilgreen abstained).

FY 2018 BUDGET REQUEST

The FY 2018 budget request for LP Gas Board Regulatory Services in the amount of \$1,593,336 and Research Education Advisory Committee (REAC) in the amount of \$200,000 was presented to the Board.

- 16) Mr. Montgomery moved to approve the FY 2018 budget request for LP Gas Board Regulatory Services in the amount of \$1,593,336 and Research Education Advisory Committee (REAC) in the amount of \$200,000. Seconded by Mr. Pilgreen, the ayes were unanimous.

ADMINISTRATOR'S ANNUAL PERFORMANCE APPRAISAL

The Administrator's annual performance appraisal was presented to the Board.

- 17) Mr. Pilgreen move to approve a two-step increase (5%) for the Administrator from Step 16 to Step 18 in his current State Personnel pay range of 82 beginning November 1, 2016. Seconded by Lt. Dettmar, the ayes were unanimous.

ADMINISTRATOR'S REPORT

The Administrator presented the following permits for cancellation:

- Airgas USA, LLC, Fairfield, AL, Class F-1 Permit No. 261, business location closed.
- Buckner Plumbing & Heating Co., Trussville, AL, Class C Permit No. 275, cancelled due to expired insurance.
- Holton Transport Service, Chapel Hill, TN, Class B Permit No. 226, business closed.
- Jade LLC dba Coosa Corner, Cedar Bluff, AL, Class B Permit No. 328, cancelled at company's request.
- Reynolds Ace Hardware, Inc., Foley, AL, Class F Permit No. 611, business sold.
- Valley Air Supply, Inc., Decatur, AL, Class F-1 Permit No. 256, cancelled at company's request.
- Valley Air Supply, Inc., Jasper, AL, Class F-1 Permit No. 309, cancelled at company's request.
- Valley Air Supply, Inc., Muscle Shoals, AL, Class F-1 Permit No. 254, cancelled at company's request.
- Whitley's Hardware, Snead, AL, Class F Permit No. 278, business sold.

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

The Administrator gave an update on the Northwest Board member election and the Consumer Advocate member appointment status.

- 18) Mr. Montgomery moved to accept the *Administrator's Report* as presented. Seconded by Lt. Dettmar, the ayes were unanimous.

Date of the next board meeting is January 12, 2017.

- 19) Mr. Montgomery moved to pay the board members' expenses. Seconded by Mr. Parden, the ayes were unanimous.

On a motion by Mr. Montgomery and seconded by Lt. Dettmar, the meeting was adjourned at 10:55 a.m.



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Woodson Barge-N LLC / Gulf Shores, AL
Permit "F" # 596
Code Violations



SETTLEMENT AGREEMENT 2016-15

Woodson Barge-N LLC / Gulf Shores, AL (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the Alabama Liquefied Petroleum Gas Board (hereinafter referred to as "the Board") to the following:

STIPULATED FACTS

1. Respondent filled a 20 lb. cylinder without the use of scales (Repeat Offense #1). Respondent failed to remove a sleeve to enable performing a visual inspection of cylinder prior to filling (Repeat Offense # 2).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits committing a repeat offense of filling a 20 lb. cylinder without the proper use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
2. Respondent admits committing a repeat offense by failing to remove a cylinder sleeve to enable visual inspection prior to filling in violation of *NFPA 58 (2011 Edition) 7.2.2.9*.

STIPULATED DISPOSITION

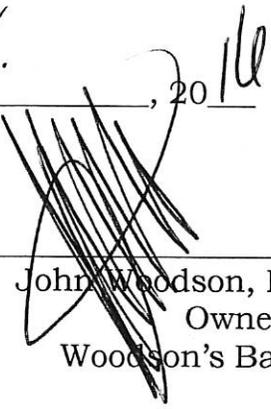
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 900 to the Board within 30 days of the Board's acceptance of this agreement. (*Failure to use*

scales \$550 - repeat offense); Failure to remove a cylinder sleeve prior to filling \$350 - repeat offense).

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 SEPT., 2010



John Woodson, Respondent
Owner
Woodson's Barge-N LLC



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



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W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Allgas, Inc. / Gardendale
Permit "A" # 158
Code Violations

SETTLEMENT AGREEMENT 2016-17

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

STIPULATED FACTS

1. Respondent filled fifty-three (53) forklift cylinders to be transported in commerce without the use of scales (Offenses #1 – 53). Respondent used an unmodified bobtail truck to fill fifty-three (53) forklift cylinders (Offenses 54 – 106). Respondent overfilled twenty (20) forklift cylinders using a standard bobtail truck and left the store to begin delivery of said cylinders without removing excess gas which led to relief valve actuation of cylinders (Offenses 107-126).

STIPULATED CONCLUSIONS OF LAW

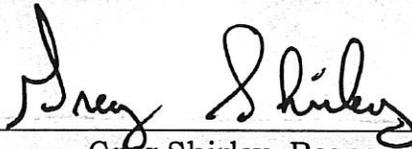
1. Respondent admits filling fifty-three (53) forklift cylinders without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
2. Respondent admits filling fifty-three (53) forklift cylinders with a mobile unit not specially designed for cylinder filling in violation of *Alabama Administrative Code 530-X-2-.04*.
3. Respondent admits overfilling twenty (20) forklift cylinders and failing to correct in violation of *NFPA 58 (2011 Edition) 7.4.2.2*.

STIPULATED DISPOSITION

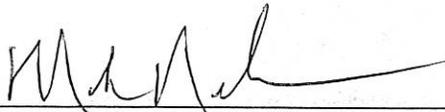
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 21,300 to the Board within 30 days of the Board's acceptance of this agreement (*Failure to use scales \$5650; Filling cylinders with a mobile unit not specially designed for cylinder filling \$ 5,650; Offering for delivery 20 overfilled forklift cylinders \$ 10,000*).
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 27th day of September, 2016



Greg Shirley, Respondent
Manager
Allgas, Inc. / Gardendale



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board