

**Liquefied Petroleum Gas Board**  
**Minutes**  
**January 12, 2017**

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on January 12, 2017 at 10:00 a.m. at Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

Members Present: Chairman Benny Gay, Vice-Chairman Wallace Jones, Bill Montgomery, Larry Parden, Dickie Ferguson, State Fire Marshal Scott Pilgreen, Public Safety Designee Lt. Will Wright, Consumer Advocate Elizabeth Barnett and Board Attorney Matt Bledsoe.

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

The Chairman called for a motion to adopt the agenda.

(1) Mr. Montgomery moved to adopt the agenda. Seconded by Mr. Parden, 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 Gay opened the nomination for Chairman.

Mr. Montgomery nominated Mr. Gay as Chairman. Mr. Parden seconded the nomination. The nominations were closed.

Mr. Gay was elected Chairman by acclamation.

The Chairman opened the nomination for Vice-Chairman.

Mr. Parden nominated Mr. Montgomery as Vice-Chairman. Mrs. Barnett seconded the nomination. The nominations were closed.

Mr. Montgomery was elected Vice-Chairman by acclamation.

**MINUTES OF THE LAST MEETING**

The Chairman called for the approval of the minutes of the October 13, 2016 meeting.

(2) Mrs. Barnett moved to approve the minutes of the October 13, 2016 meeting. Seconded by Lt. Wright, the ayes were unanimous.

**OLD BUSINESS**

The Board Chairman introduced and welcomed new Northwest Board Member Dickie Ferguson and announced the reappointment of Consumer Advocate Member Elizabeth Barnett.

**NEW BUSINESS**

Administrative Code 530-X-2-.11 *Employee Competency Requirements*. The Administrator requested board approval of a memorandum detailing “grandfather” requirements for competency endorsement credentials effective April 3, 2017.

- (3) Mr. Montgomery moved to grant approval of the memorandum detailing “*grandfather*” requirements of Administrative Code 530-X-2-.11 *Employee Competency Requirements*. Seconded by Mr. Jones, the ayes were unanimous.

Two Class B Permit Applications were presented.

- Grammer Industries, Inc., Chapel Hill TN
- Pembina Midstream (U.S.A.), Inc., Calgary, Alberta Canada

- (4) Mr. Montgomery moved to approve the two Class B Permit applications. Seconded by Mrs. Barnett, the ayes were unanimous.

A Class B-1 Permit application for Amerigas Propane LP, Marianna, FL was presented.

- (5) Mrs. Barnett moved to approve the Class B-1 permit application for Amerigas Propane LP, Marianna FL. Seconded by Mr. Pilgreen, the ayes were unanimous.

Two Class C Permit applications were presented.

- Bark-Ley Plumbing Contractors, Inc., Cullman, AL
- Madison RV Center dba Southern RV Wholesale, Huntsville, AL

- (6) Mrs. Barnett moved to approve the two Class C Permit applications. Seconded by Mr. Jones, the ayes were unanimous.

Seven Class F Permit applications were presented.

- GMP Wood LLC dba JBT Power, Daphne, AL
- Lake Martin Building Supply LLC, Alexander City, AL
- Love’s Travel Stop #225, Evergreen, AL
- Love’s Travel Stop #304, Steele, AL
- Madison RV Center dba Southern RV Wholesale, Huntsville, AL
- PFJ Southeast LLC dba Birmingham #601, McCalla, AL
- Tractor Supply Company, Bessemer, AL

- (7) Mr. Parden moved to approve the seven Class F permit applications. Seconded by Mr. Montgomery, the ayes were unanimous.

### **CODE VIOLATION SETTLEMENT AGREEMENTS**

Settlement Agreement 2017-02 for code violations was presented for approval.

- (8) Mr. Montgomery moved to accept Settlement Agreement 2017-02. Seconded by Mrs. Barnett, the ayes were unanimous.

Settlement Agreement 2017-04 for code violations was presented for approval.

- (9) Mrs. Barnett moved to accept Settlement Agreement 2017-04. Seconded by Mr. Parden, the ayes were unanimous.

Settlement Agreement 2017-05 for code violations was presented for approval.

- (10) Mr. Montgomery moved to accept Settlement Agreement 2017-05. Seconded by Mrs. Barnett, the ayes were unanimous.

## **ADMINISTRATOR'S REPORT**

The Administrator presented the following permits for cancellation:

- Baron A/C & Refrigeration Company, Huntsville, AL, Class C Permit No. 285, owner deceased.
- Commercial Propane Service, Lebanon, KY, Class D Permit No. 245, cancelled at the request of the permit holder.
- Gas, Inc. dba Propane Gas Services, Lagrange, GA, Class A Permit No. 49, business sold to NGL Energy Partners.
- Hart Enterprises, Theodore, AL, Class C Permit No 166, business closed.
- Meterite, Inc., Albertville, AL, Class E Permit No. 3, business sold to Southeast LP Tank Inspection, Inc.
- Park Supply Company of Scottsboro, Inc., Scottsboro, AL, Class F Permit No., 576, business closed.
- Racine's Feed, Garden & Supply, Inc., Robertsdale, AL, Class F Permit No. 575, cancelled at the request of the permit holder.
- Smith Mtn. Inc. dba Lake Martin Bldg. Supply, Alexander City, AL, Class F Permit No. 513, business sold to Lake Martin Building Supply, LLC.
- Sungas, Inc., Phenix City, AL, Class A Permit No. 44, business sold to NGL Energy Partners.

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

The Administrator advised the board of pending legislation related to motor fuel decals and taxation.

Bob Torbin of Omega Flex addressed the board to advise of pending regulatory changes by the State of Alabama Fire Marshal's office that could impact the use of certain types of corrugated stainless steel tubing (CSST) in Alabama. Mr. Torbin offered his services for any future deliberations on the subject.

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

Date of the next board meeting is April 13, 2017.

(12) Mrs. Barnett moved to pay the board members' expenses. Seconded by Mr. Montgomery, the ayes were unanimous.

The meeting was adjourned at 11:10 a.m.



# ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100  
TELEPHONE (334) 241-8887  
FAX (334) 240-3255  
P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

LORETTA VEASLEY COOK  
EXECUTIVE ASSISTANT

## MEMORANDUM

**DATE:** January 12, 2017  
**TO:** All Permit Holders  
**FROM:** Alabama Liquefied Petroleum Gas Board  
**SUBJECT:** *Alabama Administrative Code 530-X-2-.11 Employee Competency Requirements*

**Effective April 3, 2017**, new employees of Alabama LP-Gas Board permit holders must successfully complete applicable written competency examinations and/or practical evaluations administered by the board before they can perform job functions regulated by the board unsupervised. The new regulation may be viewed on the board’s website at [www.lpqb.alabama.gov](http://www.lpqb.alabama.gov) under the *News & Meetings* tab. Applications for employee competency testing may also be found on the board’s website under the *Forms* tab after the effective date of April 3, 2017.

Employees hired prior to April 3, 2017, and performing job functions unsupervised based on current requirements may continue working as “grandfathered” employees. Existing “grandfathered” employees shall apply for an *Employee Competency Card* within 12 months after the effective date of the new requirements. *Employee Competency Cards* for existing employees will specify the job functions the employee may perform unsupervised. Existing employees will be exempt from new testing requirements provided they meet current employee requirements and submit an application provided by the board. In order to obtain “grandfather” status for each job function on an *Employee Competency Card*, employees must have completed the current employee requirements for each prior to April 3, 2017:

### JOB FUNCTION

### CURRENT EMPLOYEE REQUIREMENT(S)

Bobtail Driver.....	ALPGB Class A & B-1 Code Familiarization Review
Bulk Plant Installations/Repairs.....	ALPGB Class A & B-1 Code Familiarization Review
Cargo Tank Inspection.....	Documented Training; and must be listed as a Registered Inspector under a current CT number with USDOT
Cylinder & Motor Fuel Dispensing.....	Documented Training under Class A, B-1, F, or F-1 permit
DOT Cylinder Requalification.....	Documented Training under a current USDOT RIN/VIN
Legal Compliance.....	Knowledge & Access to <i>Alabama Administrative Codes</i>
Engine Fuel Systems.....	Documented Training under Class A, B-1, or C-1 permit
Meter Calibration.....	Approved Practical Evaluation by a Board Inspector
Railcar Loading/Unloading.....	Documented Training under Class A, B, or B-1 permit
Service Technician (RVs).....	ALPGB Class A & B-1; or C Code Familiarization Review
Service Technician (Residential & Commercial).....	ALPGB Class A & B-1; or C Code Familiarization Review
Tank Install/Removal/Inspect (Non-Bulk Plant).....	ALPGB Class A & B-1 Code Familiarization Review
Transport Driver.....	Documented Training under Class A, B, or B-1 permit



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W. MARK NELSON  
ADMINISTRATOR

LORETTA VEASLEY COOK  
EXECUTIVE ASSISTANT

BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Edwards Grocery / Jacksonville, AL  
Permit "F" # 550  
Code Violations

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**SETTLEMENT AGREEMENT 2017-02**

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Edwards Grocery / Jacksonville, 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 attempted to fill an out-of-date 5 lb. cylinder (Offense #1) without first removing a cylinder sleeve and performing a visual inspection (Offense #2).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits attempting to fill an out-of-date 5 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*
2. Respondent admits failing to remove a cylinder sleeve and performing a visual inspection on a 5 lb. cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.9.*

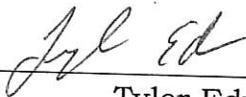
STIPULATED DISPOSITION

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

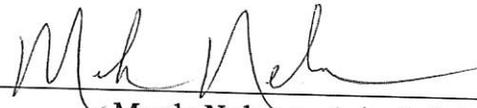
1. The Respondent agrees to remit a fine of \$ 475 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$225; Failure to remove sleeve and perform visual inspection \$250.*)

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 22 day of November, 2016



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Tyler Edwards, Respondent  
Edwards Grocery



\_\_\_\_\_  
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:

Hamrick's on Main LLC / Dothan  
Permit "F" # 277  
Code Violations



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## SETTLEMENT AGREEMENT 2017-04

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Hamrick's on Main LLC / Dothan, 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 an out-of-date 100 lb. cylinder (Offense #1) without performing a visual inspection on the cylinder (Offense #2) and without the use of scales (Offense #3). Respondent filled the 100 lb. cylinder even though it was being transported in a passenger van (Offense #4).

### STIPULATED CONCLUSIONS OF LAW

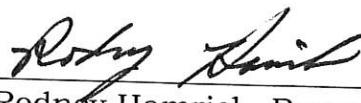
1. Respondent admits filling an out-of-date 100 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*
2. Respondent admits failing to perform a visual inspection on a 100 lb. cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.8.*
3. Respondent admits filling a 100 lb. cylinder without the use of scales in violation of Alabama Administrative Code 530-X-2-.04(a).
4. Respondent admits filling a 100 lb. cylinder transported in a passenger van in violation of *NFPA 58 (2011 Edition) 9.3.2.5(b) and Alabama Administrative Code 530-X-2-.04(c).*

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 \$ 1,325 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$225; Failure to use scales \$450; Failure to perform visual inspection \$250; Cylinder too large for passenger van \$400*).
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 7 day of December, 2016



\_\_\_\_\_  
Rodney Hamrick, Respondent  
President  
Hamrick's on Main LLC



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Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board

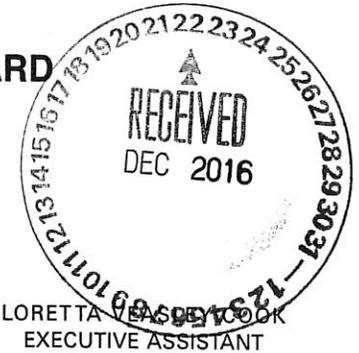


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W. MARK NELSON  
ADMINISTRATOR



LORETTA WEAVER TOOK  
EXECUTIVE ASSISTANT

BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Ferrellgas / Selma  
Permit "B-1" # 389  
Code Violations

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### SETTLEMENT AGREEMENT 2017-05

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Ferrellgas / 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 disconnected and moved a container owned by another Class A or B-1 permit holder and failed to leave the disconnected container on a firm masonry foundation.

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits disconnecting and moving a container owned by another Class A or B-1 permit holder while failing to leave the disconnected container on a firm masonry foundation in violation of *Alabama Administrative Code 530-X-2-.16(b)(2)*.

#### STIPULATED DISPOSITION

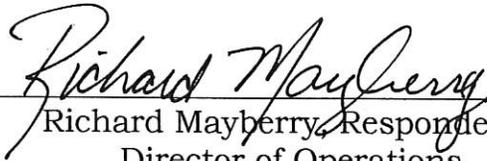
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 325 to the Board within 30 days of the Board's acceptance of this agreement.
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to

forego the pursuit of its administrative remedies available under Alabama Law.

3. The Respondent waives his rights pursuant to Ala. Code Sec. 41-22-12; and Ala. Admin. Code Sec. 530-X-1-03 including, but not limited to, the opportunity for a hearing before the Board.
4. This Settlement Agreement shall become effective upon the execution by the parties and upon approval by the Board. Upon approval by the Board, this agreement shall be made a part of the official minutes of the Board's next regularly scheduled meeting. Respondent acknowledges and understands that the official minutes of the Board will be published on the Board's website.
5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the stipulated facts, conclusions of law and impositions of discipline herein.

Signed this 19 day of December, 2016



Richard Mayberry, Respondent  
Director of Operations  
Ferrellgas / Selma



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board