

Liquefied Petroleum Gas Board
Minutes
July 6, 2017

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on July 6, 2017 at 10:00 a.m. at the Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

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

Member absent: Consumer Advocate Elizabeth Barnett.

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

The agenda was amended to add "*Consent Agreement 2017-19*" under New Business-Section E Code Violations.

The Chairman called for a motion to adopt the agenda as amended.

(1) Mr. Jones moved to adopt the agenda as amended. 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.

MINUTES OF THE LAST MEETING

The Chairman called for the approval of the minutes of the April 13, 2017 meeting.

(2) Mr. Montgomery moved to approve the minutes of the April 13, 2017 meeting. Seconded by Mr. Parden, the ayes were unanimous.

OLD BUSINESS

The Administrator gave an update on pressed piping.

The Chairman called for a motion to accept press-connect fittings.

(3) Mr. Montgomery moved to accept press-connect fittings complying with ANSI LC-4 for use with metallic piping as permitted under sections 5.6.1.3 and 1.4 of NFPA 54 (2012 Edition). There was not second to the motion. Without a second, the motion failed.

NEW BUSINESS

A Class A Permit application for Parker Gas Co., Inc., dba Rapid Xchange, Clinton, NC was presented.

(4) Mr. Montgomery moved to approve the Class A Permit application for Parker Gas Co., Inc., Rapid Xchange, Clinton, NC. Seconded by Mr. Parden, the ayes were unanimous.

Two Class B Permit applications were presented.

- Marathon Petroleum Company LP, Findlay, OH
- Nova Chemicals, Inc., Moon Township, PA

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

A Class C Permit application for K & K Inc., Millbrook, AL was presented.

- (6) Mr. Montgomery moved to approve the Class C Permit application for K & K, Inc., Millbrook, AL. Seconded by Mr. Ferguson, the ayes were unanimous.

Two Class F Permit applications were presented.

- Green's Building Supply LLC, Scottsboro, AL
- Sunset Cove RV Park LLC, Lincoln, AL

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

CODE VIOLATION SETTLEMENT AGREEMENTS

Settlement Agreement 2017-09 for code violations was presented by recusing Board member Wallace Jones.

- (8) Mr. Montgomery moved to accept Settlement Agreement 2017-09. Seconded by Mr. Pilgreen, there were five ayes (Montgomery, Pilgreen, Parden, Ferguson, Wright voted aye. Jones abstained).

Settlement Agreement 2017-15 for code violations was presented for approval.

- (9) Mr. Montgomery moved to accept Settlement Agreement 2017-15. Seconded by Mr. Ferguson, the ayes were unanimous.

Settlement Agreement 2017-17 for code violations was presented for approval.

- (10) Mr. Montgomery moved to accept Settlement Agreement 2017-17. Seconded by Mr. Pilgreen, the ayes were unanimous.

Settlement Agreement 2017-18 for code violations was presented for approval.

- (11) Mr. Parden moved to accept Settlement Agreement 2017-18. Seconded by Mr. Ferguson, the ayes were unanimous.

Consent Agreement 2017-19 was presented for approval.

- (12) Mr. Montgomery moved to accept Consent Agreement 2017-19. Seconded by Mr. Pilgreen, the ayes were unanimous.

ADMINISTRATOR'S REPORT

The Administrator presented the following permits for cancellation:

- Regal Petroleum Co., Inc., Knoxville, TN, Class B Permit No. 663 cancelled effective due to non-payment of fees.
- Red Hawk Midstream, LLC, Waskom, TX Class B Permit No. 668 cancelled effective June 1, 2017. The company has closed.

- Don's Heating & A/C Service, Centre, AL Class C Permit No. 248 cancelled effective December 31, 2016. Failed to remit renewal fees.
- Gardner Hardware, Linden, AL, Class F Permit No. 335 cancelled at the company's request.
- GMP Wood LLC dba JBT Power of Daphne, AL Class F Permit No. 660 cancelled effective April 2017 at the company's request.
- Curry True Value Hardware, Jasper, AL, Class F Permit No. 489 cancelled effective April 3, 2017. Company failed to meet statute requirements.
- Gamble Marketing Group LLC, Birmingham, AL, Class D Permit No. 264 cancelled effective April 5, 2017 at the company's request.
- Air-Pro, Albertville, AL, Class C Permit No 771 cancelled effective April 4, 2017. The company has been sold.
- Collins Auto Parts, Guntersville, AL, Class F Permit No. 334 cancelled effective January 27, 2017. The company has been sold.
- Y Grocery, Guntersville, AL, Class F Permit 505 cancelled effective April 2017. The company has been sold.
- Pilot Travel Center # 601, Class F Permit No. 515 cancelled at the request of the company.

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

The Administrator updated the board on new testing for industry employees that began April 3, 2017. Since the implementation of the employee competency exams, 93 examinees have attempted a total of 207 exams with a success rate of 70%.

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

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

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

The meeting was adjourned at 10:25 a.m.



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100
TELEPHONE (334) 241-8887
FAX (334) 240-3255
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MONTGOMERY, ALABAMA 36102-1742

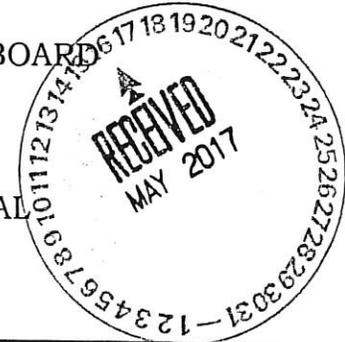
W. MARK NELSON
ADMINISTRATOR

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 2017-09 (Amended)

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 attempted to fill an out-of-date 33 lb. cylinder (Offense #1) without removing a sleeve to perform a visual inspection on the cylinder (Offense #2) and without using scales to ensure safe filling of the cylinder (Offense #3).

STIPULATED CONCLUSIONS OF LAW

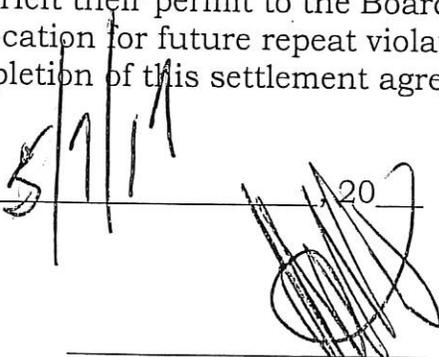
1. Respondent admits filling an out-of-date 33 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2. (Second time being cited for same offense)*
2. Respondent admits failing to remove a sleeve to perform a visual inspection on a 33 lb. cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.9. (Third time being cited for same offense)*
3. Respondent admits employee attempting to fill a 33 lb. without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a). (Third time being cited for same offense)*

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 \$ 3,000 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$1000; Failure to perform visual inspection \$1000; Failure to use scales when filling \$1000.*)
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.
6. Respondent shall forfeit their permit to the Board pending an administrative hearing for revocation for future repeat violations committed within 365 days after completion of this settlement agreement.

Signed this _____ day of 5/11/11 _____, 2011



John Woodson, Respondent
Owner
Woodson Barge-N LLC



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



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:

Coffee County Farmers Cooperative, Inc. / Enterprise
Permit "F" # 276
Code Violations



SETTLEMENT AGREEMENT 2017-15

Coffee County Farmers Cooperative, Inc. / Enterprise, 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 propane forklift cylinder (Offense #1) without first performing a visual inspection (Offense #2).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits attempting to fill an out-of-date propane forklift cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*
2. Respondent admits failing to perform a visual inspection on a propane forklift cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.9.*

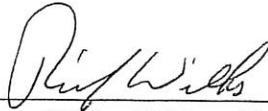
STIPULATED DISPOSITION

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 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 8 day of May, 2017



Ricky Wilks, Respondent
Manager
Coffee County Farmers Cooperative, Inc.



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



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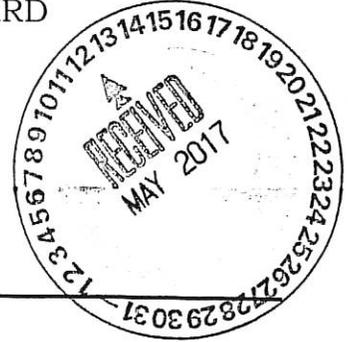
W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Oakes Oil Company / Lacey's Spring, AL
Permit "F" # 470
Code Violations



SETTLEMENT AGREEMENT 2017-17

Oakes Oil Company / Lacey's Spring, 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 propane forklift cylinder (Offense #1) without first performing a visual inspection (Offense #2).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits attempting to fill an out-of-date propane forklift cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*
2. Respondent admits failing to perform a visual inspection on a propane forklift 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 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 8 day of May, 2017



Billy H. Oakes, Respondent
Owner
Oakes Oil Company



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



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W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE DIRECTOR

BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Pilot Travel Centers LLC #603 / Dothan, AL
Permit "F" # 244
Code Violations



SETTLEMENT AGREEMENT 2017-18

Pilot Travel Centers LLC #603 / 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 a 20 lb. cylinder without removing a sleeve to visually inspect the cylinder (Offense #1), and the cylinder was filled on the ground without the use of scales (Offense #2).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits filling a 20 lb. cylinder without removing a sleeve in violation of *NFPA 58 (2011 Edition) 7.2.2.9*.
2. Respondent admits filling a 20 lb. cylinder on the ground with the use of scales in violation of *Alabama Administrative Code 530-X-2-.04*.

STIPULATED DISPOSITION

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

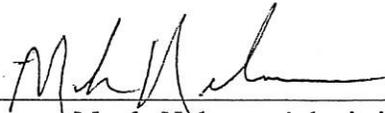
1. The Respondent agrees to remit a fine of \$ 700 to the Board within 30 days of the Board's acceptance of this agreement. (*Failure to remove sleeve and perform visual inspection \$250; Failure to use scales \$450*)

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 8th day of MAY, 2017



Kevin Crawford, Respondent
Licensing Supervisor
Pilot Travel Centers LLC



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Marathon Petroleum Company LP / Findlay, OH
Permit "B" # 676
Code Violations

CONSENT AGREEMENT 2017- 19

Marathon Petroleum Company LP / Findlay, OH (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. From May 2014 through April 2017, Respondent sold 15,566,008 gallons of propylene, a form of liquefied petroleum gas (LPG), in Alabama without a permit. Respondent failed to report any sales or remit any LP-gas fees.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits to selling LPG in Alabama without a permit in violation of the Ala. Code § 9-17-105.

2. Respondent admits it failed to report LPG sales or remit LP-gas fees to the Board in violation of Ala. Code § 9-17-106(j).

STIPULATED DISPOSITION

The Board and the Respondent agree and consent to the following terms:

1. The Respondent agrees to pay a total sum of \$81,264.45, consisting of \$56,911.00 in fees, \$5,691.10 in penalties (10%), and \$18,662.35 in interest.

2. The Board agrees to forego the pursuit of any administrative action, civil remedies or criminal charges relating to the findings of fact and conclusions of law above.

3. Respondent waives their rights pursuant to Ala. Code § 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 Consent 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 Consent Agreement, the stipulated facts, conclusions of law and impositions of discipline herein.

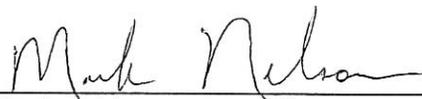
Signed this 30th day of June, 2017

Marathon Petroleum Company LP
By: MPC Investment LLC, its general partner



D. Rick Linhardt
Director, Tax





Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board

Approved by the Board this 6th day of July, 2017.