

**Liquefied Petroleum Gas Board**  
**Minutes**  
**April 11, 2019**

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on April 11, 2019 at 10:01 a.m. at 770 S. McDonough Street, Montgomery, AL.

Members Present: Chairman Benny Gay, Vice-Chairman Bill Montgomery, Dickie Ferguson, Larry Parden, Public Service Commission Designee Wallace Jones, State Fire Marshal Designee Mark Drinkard, and Board Attorney Matt Bledsoe.

Member(s) Absent: Consumer Advocate Elizabeth Barnett and Public Safety Designee Lt. Ronni Fetty.

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

The Chairman called for a motion to adopt the agenda.

- (1) Mr. Montgomery 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.*

**Minutes of the Last Meeting**

The Chairman called for approval of the minutes of the January 10, 2019 meeting.

- (2) Mr. Montgomery moved to approve the minutes of the January 10, 2019 meeting. Seconded by Mr. Parden, the ayes were unanimous.

**Old Business**

The Administrator advised the board that Governor Ivey had officially appointed Mr. Ferguson to a full term representing the northwest territory of the state and expiring February 25, 2025.

**New Business**

Two Class B permit applications were presented to the Board.

1. Gemini Motor Transport LP, Oklahoma City, Ok
2. Plains Midstream Canada ULC, Houston, TX

- (3) Mr. Ferguson moved to approve the two Class B permit applications. Seconded by Mr. Montgomery, the ayes were unanimous. *Board member Jones temporarily left the meeting prior to the vote on the Class B permit applications, but he returned prior to consideration of Class B-1 permit applications.*

Three Class B-1 permit applications were presented to the Board.

1. Ferrellgas, Killen, AL
2. Ferrellgas, Union Springs, AL
3. ThompsonGas LL, Bonifay, FL

(4) Mr. Montgomery moved to approve the three Class B-1 permit applications. Seconded by Mr. Jones, the ayes were unanimous.

Six Class C permit applications were presented to the Board.

1. CT Services, Inc., Arley, AL
2. D.A.C. LLC, Mobile, AL
3. Daugherty Auto Sales LLC, Cullman, AL
4. ES Plumbing, Wilsonville, AL
5. Gasman Plumbing & Installations, Hayneville, AL
6. Professor Plumb LLC, Columbiana, AL

(5) Mr. Montgomery moved to approve the six Class C permit applications. Seconded by Mr. Jones, the ayes were unanimous.

A Class C-1 permit application was presented to the Board.

1. Fleet Service & Repair Center, Inc., Sulligent, AL

(6) Mr. Parden moved to approve the Class C-1 permit application. Seconded by Mr. Ferguson, the ayes were unanimous.

A Class C-2 permit application was presented to the Board.

1. Fleet Service & Repair Center, Inc., Sulligent, AL

(7) Mr. Montgomery moved to approve the Class C-2 permit application. Seconded by Mr. Jones, the ayes were unanimous.

Eleven Class F permit applications were presented to the Board.

1. ARK Huntsville SS LLC, Huntsville, AL
2. Daugherty Auto Sales LLC, Cullman, AL
3. Dixie RV Superstores of Calera LLC, Calera, AL
4. Heritage Acres RV Park LLC, Tuscumbia, AL
5. Morgan Farmers Cooperative, Inc., Decatur, AL
6. Slapout Hardware LLC, Wetumpka, AL
7. Tractor Supply Company #798, Jasper, AL
8. Tractor Supply Company #1507, Demopolis, AL
9. Tractor Supply Company #2218, Russellville, AL
10. Tractor Supply Company #2255, Mobile, AL
11. Tractor Supply Company #1533, Theodore, AL

(8) Mr. Parden moved to approve the eleven Class F permit applications. Seconded by Mr. Jones, the ayes were unanimous.

### **Code Violations Settlement Agreements**

Settlement Agreement 2019-01 for code violations was presented for approval by the Administrator on behalf of the recusing board member, Scott Pilgreen. Designee Mark Drinkard recused himself as he was representing Board Member Scott Pilgreen.

- (9) Mr. Parden moved to accept Settlement Agreement 2019-01. Seconded by Mr. Montgomery, there were four ayes (Ferguson, Jones, Montgomery, and Parden voted aye; Mr. Drinkard abstained).

Settlement Agreement 2019-03 for code violations was presented for approval. The settlement agreement was based on a pre-approved settlement amounts approved by the board.

- (10) Mr. Montgomery moved to accept Settlement Agreement 2019-03. Seconded by Mr. Ferguson, the ayes were unanimous.

### **Municipal & County LP-Gas Code Adoptions – Declaratory Ruling**

The Administrator gave an overview of the 2015 International Fuel Gas Code adopted by the City of Huntsville. He stated that relevant portions of the code agree with board adopted NFPA 54 (2012 edition) §8.1.4.1 through §8.1.4.3 except for modifications made by the City of Huntsville. These particular sections of code are a source of controversy between the City of Huntsville Inspections Department and two Class A permit holders of the Alabama LP-Gas Board. The Administrator explained to the board that a State of Alabama Attorney General Opinion #91-00397 supports prohibition of a municipal or county entity adopting codes contrary to those adopted by and under the jurisdiction of the Alabama LP-Gas Board.

- (11) Mr. Montgomery made a motion that the board attorney, Mr. Matt Bledsoe, contact the attorney for the City of Huntsville to begin a dialogue. Seconded by Mr. Parden, the ayes were unanimous.

### **Administrator's Report**

The Administrator presented the following permits for cancellation:

- Newton Hydro & Meter Proving, Glencoe, OK, Class C-2 Permit No. 397 cancelled at the owner's request.
- Alabama Electrical Contractors, Cullman, AL, Class F Permit No. 273 cancelled at the owner's request.
- Hampton Cove Self Storage Inc., Owens Cross Road, AL, Class F Permit No. 609, business sold.
- Lock Tight Inc. dba Safe & Secure Storage, Huntsville, AL, Class F Permit No.610, business sold.
- Statesville Grocery, Selma, AL, Class F Permit No. 527 cancelled because business closed.

- United LP Tank Inspection, Port Orange, FL, Class C-2 Permit No. 204 cancelled at the owner's request.
- Fisherman's Service & Sales, Inc., Bay Minette, AL, Class F Permit No. 630 cancelled due to non-renewal of insurance.
- Modern Poultry Systems LLC, Geraldine, AL, Class F Permit No. 633 cancelled due to non-renewal of insurance.
- Mack Oil dba Slapout Bait & Tackle, Deatsville, AL, Class F Permit No. 258 cancelled due to non-renewal of insurance.
- L.Q. Johnston Repair Shop, Troy, AL, Class C Permit No. 120 cancelled due to non-renewal of insurance.
- Madison RV Center Inc., Madison, AL, Class F Permit No. 606, business sold to Campers Inn RV of Huntsville.
- Madison RV Center Inc., Madison, AL, Class C Permit No. 986, business sold to Campers Inn RV of Huntsville.
- Madison RV Center, Inc., dba Southern RV, Madison, AL, Class F Permit No. 693, business sold to Campers Inn RV of Huntsville.
- Madison RV Center, Inc., dba Southern RV, Madison, AL, Class C Permit No. 993, business sold to Campers Inn RV of Huntsville.
- Central Plumbing & Electric, Jemison, AL, Class C Permit No. 808, cancelled due to non-renewal of insurance.
- Jackson Gas & Electric Service, Inc., Dothan, AL, Class C Permit No. 798, cancelled at the owner's request.
- Heritage Properties LLC dba Heritage Acres RV Park, Tuscumbia, AL, Class F Permit No. 519, cancelled at the owner's request.
- Rodney Hawkins Enterprises, Inc., Bremen, AL, Class C Permit No. 327, cancelled due to non-renewal of insurance.
- Montgomery Industrial Gases, Inc., Brewton, AL, Class F-1 Permit No. 291, cancelled at owner's request
- Montgomery Industrial Gases, Inc., Montgomery, AL, Class F-1 Permit No. 250, cancelled at owner's request

- Montgomery Industrial Gases, Inc., Troy, AL, Class F-1 Permit No. 292, cancelled at owner's request.

The Administrator presented the board's financial position.

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

The date of the next Board Meeting is July 11, 2019.

(13) Mr. Montgomery moved to pay the Board Members' expenses. Seconded by Mr. Ferguson, the ayes were unanimous.

The meeting was adjourned at 10:49 a.m.



## 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

LORETTA VEASLEY COOK  
EXECUTIVE ASSISTANT

BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Ala-Tenn dba Pea River Propane/ Enterprise, AL  
Permit "B-1" # 603  
Code Violations

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### SETTLEMENT AGREEMENT 2019-01

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Ala-Tenn dba Pea River Propane / 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 released uncontrolled propane from at least 7 containers at a tank storage yard (Offenses 1-7).

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits releasing uncontrolled propane from at least 7 containers in violation of NFPA 58 (2011 Edition) 7.3.1

#### 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 \$ 7000 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 including *Code of Alabama 9-17-108(b)*.

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 \_\_\_\_\_, 20\_\_\_\_



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Eric Small, Respondent  
Ala-Tenn dba Pea River Propane



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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:

Ferrellgas / Bessemer, AL  
Permit "B-1" # 381  
Code Violations

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### **SETTLEMENT AGREEMENT 2019-03**

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Ferrellgas/ 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. Respondent filled 24 forklift cylinders that were overdue for requalification.

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits filling out-of-date forklift propane cylinders in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*

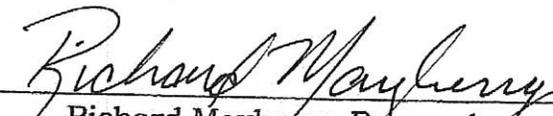
#### STIPULATED DISPOSITION

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 \$ 2,525.00 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$225 for 1<sup>st</sup> cylinder & \$100 for each additional cylinder.*)
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 27 day of MARCH, 2019

  
Richard Mayberry, Respondent  
Ferrellgas / Bessemer

  
Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board