

Liquefied Petroleum Gas Board
Minutes
January 9, 2020

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on January 9, 2020 at 10:00 a.m. at 770 S. McDonough Street, Montgomery, AL.

Members Present: Chairman Benny Gay, Dickie Ferguson, Larry Parden, State Fire Marshal Scott Pilgreen, Consumer Advocate Elizabeth Barnett, Public Service Commission Designee Wallace Jones, Public Safety Designee Lt. Ronni Fetty, and Board Attorney Matt Bledsoe.

Members Absent: Vice-Chairman Bill Montgomery.

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

The Chairman called for a motion to adopt the agenda.

- (1) Mr. Ferguson 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 nominations for Chairman. Mr. Parden nominated Mr. Benny Gay for Chairman. Mr. Ferguson seconded the nomination. With no further nominations, the nominations were closed. Mr. Gay was elected by acclamation.

Chairman Gay opened the nominations for Vice-Chairman. Mr. Ferguson nominated Mr. Bill Montgomery for Vice-Chairman. Mr. Parden seconded the nomination. With no further nominations, the nominations were closed. Mr. Montgomery was elected Vice-Chairman by acclamation.

Minutes of the Last Meeting

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

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

Old Business

None

New Business

A Class B permit application for Dependable Tank Line LLC, Highland Home, AL was presented to the Board.

- (3) Ms. Barnett moved to approve the Class B permit application for Dependable Tank Line LLC. Seconded by Mr. Jones the ayes were unanimous.

A Class B-1 permit application for Ferrellgas, Andalusia, AL was presented to the Board.

- (4) Ms. Barnett moved to approve the Class B-1 permit application for Ferrellgas. Seconded by Mr. Jones, the ayes were unanimous.

Three Class C permit applications were presented to the Board.

- Alabama RV & Storage LLC, Montgomery, AL
- Master Plumber Gas Fitter, Inc., Trafford, AL
- The Cleaner Grill Company LLC, Birmingham, AL

- (5) Lt. Fetty moved to approve the three Class C permit applications. Seconded by Ms. Barnett, the ayes were unanimous.

A Class D permit application for Combustion Services LLC, McEwen, TN was presented to the Board.

- (6) Ms. Barnett moved to approve the Class D permit application for Combustion Services LLC. Seconded by Mr. Parden, the ayes were unanimous.

Five Class F permit applications were presented to the Board.

- Melanie's Wills Creek RV Park, Ft. Payne, AL
- Pipe and Landscape Supply LLC, Jasper, AL
- Southeast Ace LLC dba Pell City Ace, Pell City, AL
- Tractor Supply Company #2240, Centre, AL
- Tractor Supply Company #2442, Lanett, AL

- (7) Mr. Jones moved to approve the five Class F permit applications. Seconded by Ms. Barnett, the ayes were unanimous.

A Class F-1 permit application for Southern Gas and Supply of Birmingham LLC, Decatur, AL was presented to the Board.

- (8) Ms. Barnett moved to approve Class F-1 permit application for Southern Gas and Supply of Birmingham LLC. Seconded by Mr. Jones, the ayes were unanimous.

Code Violations Settlement Agreements

Settlement Agreement 2020-01 for code violations was presented for approval. The settlement agreement was based on board pre-approved amounts.

- (9) Ms. Barnett moved to accept Settlement Agreement 2020-01. Seconded by Mr. Pilgreen, the ayes were unanimous

Settlement Agreement 2020-02 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(10) Mr. Jones moved to accept Settlement Agreement 2020-02. Seconded by Ms. Barnett, the ayes were unanimous.

Settlement Agreement 2020-03 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(11) Mr. Pilgreen moved to accept Settlement Agreement 2020-03. Seconded by Lt. Fetty, the ayes were unanimous.

Administrator's Report

The Administrator presented the following permits for cancellation:

- Amerigas Propane/Panama City, FL, Class B-1 No. 557 cancelled at the owner's request.
- Bragg's Ace Hardware/Guntersville, AL, Class F Permit No. 348 cancelled at the owner request.
- East Energy LLC/Dublin, GA, Class B Permit No. 680 cancelled at the owner's request.
- Pandion Ridge LLC/Orange Beach, AL, Class F Permit No. 641 cancelled at the owner's request.
- Parden Propane LLC/Citronelle, AL, Class B-1 Permit No. 598 cancelled at the owner's request.
- Paradise RV Sales LLC/Warrior, AL, Class C Permit No. 934 cancelled at the owner's request.
- Paradise RV Sales LLC/Warrior, AL, Class F permit No. 385 cancelled at the owner's request.
- Sugar Sands 2019 LLC/Gulf Shores, AL, Class F Permit No. 768 cancelled at the owner's request.
- Terry Bobbitt, Inc./Rogersville, AL, Class F Permit No. 507 cancelled at the owner's request.
- The Landing/Shelby, AL, Class F Permit No. 445 cancelled at the owner's request.
- Holston Gases, Inc/Jasper, AL, Class F-1 Permit No. 293 cancelled at the owner's request.

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

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

Declaratory Ruling

PETITION FOR A DECLARATORY RULING – DOCKET # 2020-01 from Amerigas Propane LP of King of Prussia, Pennsylvania was presented to the board. The petition requested that new vending style cylinder exchange cabinets used by Amerigas be considered equivalent to exchange cabinets historically used in the state with the specific issue related to the subject matter of cabinet ventilation. Amerigas presented much data and responded to a variety of questions from the board. Ultimately, the board chairman suggested that board members submit any additional questions and concerns in writing to the board Administrator who would forward the information to Amerigas for a response. No formal motions were put forth regarding the submitted petition with a general consensus that the matter would be continued at the April 9, 2020 quarterly meeting.

Date of the next board meeting is April 9, 2020.

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

The meeting was adjourned at 12:27 p.m.



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100

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FAX (334) 240-3255

P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON
ADMINISTRATOR

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

ACA Plumbing & Services, LLC / Opelika, AL
Permit "C" 918
Code Violations

SETTLEMENT AGREEMENT 2020-01

ACA Plumbing & Services, LLC / Opelika, 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 allowed an employee to work unsupervised prior to obtaining an *Employee Competency Card*.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits allowing an employee to work unsupervised prior to obtaining an *Employee Competency Card* in violation of *Alabama Administrative Code 530-X-2-11*.

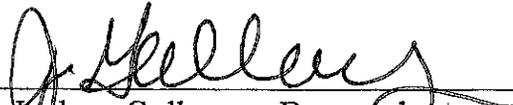
STIPULATED DISPOSITION

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

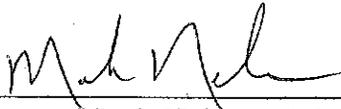
1. The Respondent agrees to remit a fine of \$ 700 to the Board within 30 days of the Board's acceptance of this agreement.
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its administrative 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 1 day of NOV, 2019



Joshua Galloway, Respondent
ACA Plumbing & Services LLC



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



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W. MARK NELSON
ADMINISTRATOR

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Amerigas Propane LP / Theodore, AL
Permit "A" # 202
Code Violations

SETTLEMENT AGREEMENT 2020-02

Amerigas Propane / Theodore, 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 filled three out-of-date propane forklift cylinders (Offense # 1-3), and one of them was filled without the use of scales (Offense #4).

STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that an employee filled three out-of-date cylinders in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.
2. Respondent does not contest to the finding that an employee filled a propane cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.

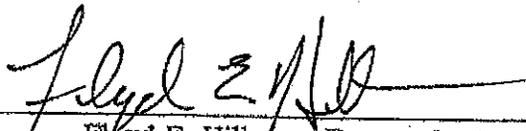
STIPULATED DISPOSITION

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

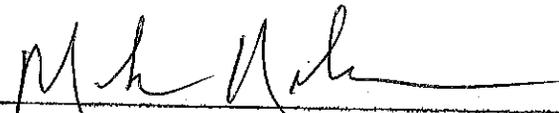
1. The Respondent agrees to remit a fine of \$ 875 (*Out-of-date cylinders \$225 for first and \$100 for each additional; Failure to use scales \$450*) to the Board within 30 days of the Board's acceptance of this agreement.

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 6th day of January, 2020



Floyd E. Hillman, Respondent
District General Manager
Amerigas Propane LP - Theodore, AL



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



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W. MARK NELSON
ADMINISTRATOR

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Ferrellgas / Loxley, AL
Permit "B-1" # 660
Code Violations

SETTLEMENT AGREEMENT 2020-03

Ferrellgas / Loxley, 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 50 out-of-date (Offense #1-50) propane forklift cylinders and failed to replace relief valves on 20 cylinders (Offense #51-70).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits filling 50 out-of-date propane cylinders in violation of *NFPA 58 (2011 edition) 5.2.2.2.*
2. Respondent admits failing to replace relief valves in 20 forklift cylinders in violation of *NFPA 58 5.7.2.14.*

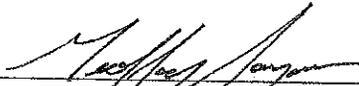
STIPULATED DISPOSITION

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 \$ 7,125 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinders \$225 for first and \$100 for each additional; Failure to change relief valves \$100 each.*)

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 13 day of December, 2019



Geoffrey Jaynes, Respondent
Ferrellgas / Loxley, AL



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board