

Alabama Liquefied Petroleum Gas Board
Minutes
January 8th, 2015

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on January 8, 2015 at 10:00 a.m. at Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

Members Present: Chairman Wayne Caylor, Vice-Chairman Bob Reed, Benny Gay, Scott Lybarger, Consumer Advocate Elizabeth Barnett, State Fire Marshal Ed Paulk, Public Safety Designee Sgt. Will Wright, Board Attorney Matt Bledsoe.

Member Absent: Bill Montgomery.

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

The Chairman called for a motion to adopt the agenda.

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

Copies of board 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

The Chairman opened the nomination for Chairman.

Mr. Reed nominated Mr. Caylor as Chairman. Mr. Gay seconded the nomination. The nominations were closed.

Mr. Caylor was elected Chairman by acclamation.

The Chairman opened the nomination for Vice-Chairman. Mr. Paulk nominated Mr. Reed as Vice-Chairman. Mr. Gay seconded the nomination. The nominations were closed.

Mr. Reed was elected Vice-Chairman by acclamation

MINUTES OF THE LAST MEETING

The Chairman called for the approval of the minutes of the October 9th, 2014 meeting.

- 2) Mr. Lybarger moved to approve the minutes of the October 9th, 2014 meeting. Seconded by Mrs. Barnett, the ayes were unanimous.

OLD BUSINESS

Governor Bentley reappointed Benny Gay as the southeast Board representative. The appointment was effective December 15, 2014 and will expire on November 28, 2020.

RULES & REGULATIONS COMMITTEE UPDATE

Committee Chairman Scott Lybarger gave an update on potential use of the National Propane Gas Association's *CETP (Certified Employee Testing Program)* as a basis for minimum training standards of industry employees in Alabama. The committee will bring a recommendation to the board at some time in the near future.

Mr. Scott Fall of U-Haul addressed the board related to his company's employee training and testing.

PRE-APPROVED SETTLEMENT AMOUNTS FOR RECURRING CODE VIOLATIONS

The Administrator composed and presented a list of common code offenses and a table of pre-approved settlement amounts for consideration and discussion.

(Meeting was recessed at 11:40 a.m. and reconvened at 11:45 a.m.)

After a discussion the following motion was made:

- 3) Mr. Paulk moved for approval of pre-authorized settlement amounts in the attached table as edited at today's meeting to be used by the administrator for the settlement of first offenses of adopted codes listed on a document entitled "Pre-Authorized Settlement Amounts for First Offense Violations of Adopted Codes". Seconded by Mr. Reed, the ayes were unanimous.

NEW BUSINESS

The Class A Permit application for Greendale Holdings Ltd. Db a Chiles Propane Gas LLC/Pulaski, TN was presented.

- 4) Mr. Paulk moved to approve the Class A Permit application. Seconded by Mrs. Barnett, the ayes were unanimous.

Four Class C Permit applications were presented:

- Charles P. Deitz dba Mountain Top Plumbing / Ft. Payne, AL
- Falkner Plumbing Services LLC / Birmingham, AL
- Lone Rider LLC dba Bama RV / Dothan, AL
- Prattville Auto & RV Repair Center, LLC / Prattville, AL

- 5) Mr. Reed moved to approve the four Class C permit applications. Seconded by Mr. Lybarger, the ayes were unanimous.

Eleven Class F Permit applications were presented:

- Ace Hardware of Stevenson / Stevenson, AL
- AP & H dba Auto Parts of Orrville / Orrville, AL
- Brookwood Home & Auto Inc. / Brookwood, AL
- Cullman Campground / Cullman, AL
- Greensboro Farmers Co-Op / Greensboro, AL
- H T General Merchandise / Florence, AL
- Lone Rider LLC dba Bama RV / Dothan, AL

- Pelham Campgrounds dba Birmingham South Campgrounds / Pelham, AL
- Rentals of Marshall County / Albertville, AL
- Sugar Sands RV Resort / Gulf Shores, AL
- Whats Curb Market / Alexander City, AL

6) Mr. Gay moved to approve the eleven Class F Permit applications. Seconded by Mr. Paulk, the ayes were unanimous.

Seven Class F-1 Permit applications were presented.

- Airgas USA, LLC / Bessemer, AL
- Airgas USA LLC / Decatur, AL
- Airgas USA LLC / Dothan, AL
- Airgas USA LLC / Montgomery, AL
- Airgas USA LLC / Opelika, AL
- Atlas Welding Supply Co., Inc. / Birmingham, AL
- Sexton Welding Supply Co., Inc. / Huntsville, AL

7) Mr. Reed moved to approve the seven Class F-1 Permit applications. Seconded by Mr. Gay, the ayes were unanimous.

CODE VIOLATION SETTLEMENT AGREEMENTS

Settlement Agreement 2015-01 for code violations was presented by recusing board member Benny Gay.

8) Mr. Lybarger moved to accept Settlement Agreement 2015-01. Seconded by Mrs. Barnett, there were five ayes. (Lybarger, Barnett, Reed, Paulk, Wright voted aye. Mr. Gay abstained.)

Settlement Agreement 2015-02 for code violations was presented by recusing board member Scott Lybarger.

9) Mr. Reed moved to accept Settlement Agreement 2015-02. Seconded by Mr. Paulk, there were five ayes. (Barnett, Reed, Paulk, Gay, Wright voted aye. Mr. Lybarger abstained.)

ADMINISTRATOR'S REPORT

The Administrator presented the following permits (43) for cancellation:

- A+ HVAC & Gas Services / Toney, AL Class "C" Permit # 355. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.
- A-1-A Services, Inc. / Phenix City, AL Class "C" Permit # 150. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.
- Airgas USA LLC / Dothan, AL Class "A" Permit # 285. Cancelled at the request of the company. Operating under new F-1 permit.
- Airgas USA LLC / Bessemer, AL Class "B-1" Permit # 592. Cancelled at the request of the company. Operating under new F-1 permit.

- Airgas USA LLC / Decatur, AL Class "B-1" Permit # 593. Cancelled at the request of the company. Operating under new F-1 permit.
- Airgas USA LLC / Montgomery, AL Class "B-1" Permit # 594. Cancelled at the request of the company. Operating under new F-1 permit.
- Airgas USA LLC / Opelika, AL Class "B-1" Permit # 595. Cancelled at the request of the company. Operating under new F-1 permit.
- Amerigas Propane / New Brockton, AL Class "B-1" Permit # 582. Cancelled at the request of the company. Office closed.
- B & L HVAC / Huntsville, AL Class "C" Permit # 853. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.
- Blue Flame Sales & Service / Prattville, AL Class "C" Permit # 891. Insurance expired more than 6 months.
- Brand's Plumbing / Alexander City, AL Class "C" Permit # 851. Insurance expired more than 6 months.
- Buzbee Plumbing / Jasper, AL Class "C" Permit # 795. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.
- Charco, Inc. / Flomaton, AL Class "D" Permit # 218. Failed to renew permit. Insurance expired more than 6 months.
- City Gas Electric Service / Huntsville, AL Class "C" Permit # 195. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.
- Cottons Heating & Air Conditioning / Jack, AL Class "C" Permit # 222. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.
- Cross Country Heating & Air, Inc. / Chatom, AL Class "C" Permit # 897. Business closed.
- Dade LP Gas / Trenton, GA Class "A" Permit # 200. Sold to Blossman Gas and currently serviced out of Blossman Gas / Lafayette, GA Class "B-1" Permit # 194.
- Georgia LP Gas Company / Manchester, GA Class "B" Permit # 209. Company was sold and no longer operating in Alabama.
- Heritage Operating LP dba Coast Gas / Pell City, AL Class "B-1" Permit # 547. Cancelled at the request of the company. Office closed.
- Hershels Heating & Cooling, Inc. / Huntsville, AL Class "C" Permit # 221. Failed to renew permit. Insurance expired more than 6 months.
- On Site RV Repair LLC / Fremont, MI Class "C" Permit # 830. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.
- Shafers RV & Mobile Home Center / Cropwell, AL Class "C" Permit # 65. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.
- Suburban Propane, L.P. dba Columbus Butane / Columbus, MS Class "B-1" Permit # 605. Cancelled at the request of the company. Office closed.

- Suburban Propane, L.P. dba Columbus Butane / Haleyville, AL Class "B-1" Permit # 604. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Columbus Butane / Russellville, AL Class "A" Permit # 296. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Country Gas / Blountsville, AL Class "B-1" Permit # 608. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Country Gas / Jasper, AL Class "B-1" Permit # 611. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Country Gas / Moulton, AL Class "B-1" Permit # 612. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Country Gas / Sylvania, AL Class "B-1" Permit # 616. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Dowdle Gas / Aliceville, AL Class "B-1" Permit # 620. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Dowdle Gas / Baileyton, AL Class "B-1" Permit # 621. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Dowdle Gas / Blountsville, AL Class "B-1" Permit # 622. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Dowdle Gas / Carbon Hill, AL Class "B-1" Permit # 624. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Dowdle Gas / Decatur, AL Class "B-1" Permit # 625. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Dowdle Gas / Geraldine, AL Class "B-1" Permit # 630. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Dowdle Gas / Gordo, AL Class "B-1" Permit # 631. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Dowdle Gas / Pell City, AL Class "B-1" Permit # 638. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Dowdle Gas / Tuscaloosa, AL Class "B-1" Permit # 643. Cancelled at the request of the company. Office closed.
- Suburban Propane, L.P. dba Dowdle Gas / Warrior, AL Class "B-1" Permit # 645. Cancelled at the request of the company. Office closed.
- Utilities Board of the Town of Stevenson dba CDNAG / Stevenson, AL Class "A" Permit # 262. Operating under new Class "A" Permit # 303.
- Wallace Heating & Air Conditioning / Munford, AL Class "C" Permit # 803. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.

- Wilson's Heating & Cooling / Troy, AL Class "C" Permit # 122. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.
- Winston sheet Metal / Haleyville, AL Class "C" Permit # 283. Failed to meet new insurance coverage requirements. Cancelled since June 01, 2014.

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

10) Mr. Paulk moved to accept the Administrator's Report as presented. Seconded by Mrs. Barnett, the ayes were unanimous.

Date of the next board meeting is April 9th, 2015.

11) Mr. Paulk moved to pay the board members' expenses. Seconded by Mr. Gay, the ayes were unanimous.

The meeting was adjourned at 12:00 noon.

**Pre-Authorized Settlement Amounts for First Offense Violations of
Adopted Code**

Description of Offense	Pre-Authorized Amount
Failure to leave another company's tank on masonry foundation after disconnecting	\$ 325
Failure to cap/plug outlet of another company's tank after disconnecting	\$ 325
Installation of another company's tank without authorization	\$ 1000
Extracting LP-gas from another company's tank without written authorization	\$ 1000
Filling another company's tank that is clearly marked without written authorization	\$ 400
Attempting / Filling a cylinder overdue for requalification	\$ 225 1 st cylinder \$ 100 each additional cylinder
Failure to change relief valves in motor fuel cylinders due for requalification	\$ 100
Improper / Fraudulent requalification of cylinder	\$ 250
Failure to perform visual inspection / remove sleeve on cylinder prior to filling	\$ 250 1 st cylinder \$ 100 each additional cylinder
Failure to use scales to fill DOT cylinders by weight	\$ 450 1 st cylinder \$ 100 each additional cylinder
Employees working unsupervised prior to passing ALPGB Review Examination	\$ 700
Failure to remain in attendance while loading / unloading a cargo tank truck	\$ 1000
Failure to use chock blocks	\$ 250
Missing / Discharged Fire Extinguisher	\$ 500
Operating without appropriate permit	\$ 1000
Exposed wiring at cylinder filling dispenser point of transfer	\$ 500
Failure to apply a consumer warning label to a cylinder	\$ 250 1 st cylinder \$ 25 each additional cylinder
Overfilled Container (unmitigated)	\$ 500
Loading a cylinder for transportation in a manner that is in violation of code (i.e. lying down, too large for passenger vehicle space)	\$ 400
Filling cylinder without an OPD valve	\$ 200
Failure to install plastic POL plug in old style cylinder valves (40+ lb. – 100 lb. capacity)	\$ 50
Failure to obtain an installation permit prior to beginning construction on a bulk plant	\$ 500
Failure to perform a leak test after interruption of service of a gas system	\$ 1000
Untrained employee transferring LP-gas unsupervised	\$ 200
Violation of Red Tag / Written Directive	\$ 1000



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:

Blossman Gas / Foley
Permit "B-1" # 68
Code Violations

SETTLEMENT AGREEMENT 2015-01

Blossman Gas / Foley (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. Robertsdale Feed, Seed, & Supply / Robertsdale, AL (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class "B-1" permit # 68 issued to Respondent, filled five (5) out-of-date 40 lb. cylinders (Offense #1-5).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that Respondent's agent filled five (5) out-of-date 40 lb. 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 \$ 600 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinders \$120 each X 5 offenses*).

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 23rd day of October, 2014



Mike Weekley, Respondent
Manager - Blossman Gas / Foley



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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W. MARK NELSON
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BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Blossman Gas / Opelika
Permit "B-1" # 80
Code Violations

SETTLEMENT AGREEMENT 2015-02

Blossman Gas / Opelika (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. Whats Curb Market / Alexander City, AL (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class "B-1" permit # 80 issued to Respondent, filled an out-of-date 100 lb. cylinder (Offense #1) without the use of scales (Offense #2). Respondent's agent also failed to perform a visual inspection of the cylinder prior to filling (Offense #3).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that Respondent's agent filled an out-of-date 100 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.
2. Respondent admits that Respondent's agent filled a 100 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
3. Respondent admits that Respondent's agent failed 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*.

STIPULATED DISPOSITION

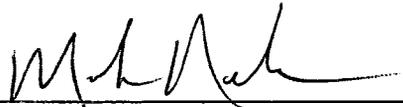
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 950 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$225; Failure to use scales \$475; 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 9 day of December, 2014



Bert Hallmark, Respondent
Manager - Blossman Gas / Opelika



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board