

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. _____ Department or Agency Alabama Liquefied Petroleum Gas Board
Rule No. 530-X-2-.04
Rule Title: PROCEDURES FOR LIQUEFIED PETROLEUM GAS FILLING STATIONS
_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Mark Nelson

Date November 15, 2011

(DATE FILED)
(STAMP)

07/04

ALABAMA LIQUEFIED PETROLEUM GAS BOARD

NOTICE OF INTENDED ACTION

RULE NO. & TITLE:

530-X-2-.04 "PROCEDURES FOR LIQUEFIED PETROLEUM GAS FILLING STATIONS"

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The intent of the proposed amendments to this regulation is first and foremost to stop unsafe filling practices to protect the consumers of Alabama. The proposed changes will initially mandate a 30-day stoppage of operations to allow sufficient time for retraining of personnel and serve as a punitive measure to increase focus of attention toward the importance of complying with all safety codes. A second offense of a critical violation would result in the prohibition of cylinder filling operations by the facility. Critical violations will be determined by the board inspectors, confirmed by the Chief Inspector and Administrator, and appealable to the Alabama Liquefied Petroleum Gas Board.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held January 12, 2012 at 10:00 a.m., in the 2nd floor conference room located at the Alabama Liquefied Petroleum Gas Board, 777 South Lawrence Street, Montgomery, AL 36104. Copies of the proposed rule(s) can be obtained at www.lpgb.alabama.gov.


All interested parties may present their views in writing or orally to the Administrator of the Alabama Liquefied Petroleum Gas Board, P.O. Box 1742, Montgomery, AL 36102-1742, (334-242-5649) at any time during the thirty-five (35) day period following publication of the notice or by appearing at the hearing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

January 12, 2012 at the scheduled Public Hearing

CONTACT PERSON AT AGENCY:

Mark Nelson, Administrator
777 S. Lawrence St., Suite 100
Montgomery, AL 36104
Telephone: 334-242-5649
Fax: 334-240-2255



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board

530-X-2-.04 PROCEDURES FOR LIQUEFIED PETROLEUM GAS FILLING STATIONS. No cylinder installation shall be made unless Department of Transportation cylinders are used. DOT cylinders with a water capacity of less than 250 pounds shall be charged only at bulk storage or cylinder filling plants and not from mobile units such as delivery trucks, except those vehicles specially designed and equipped for cylinder filling, and except those cylinders installed as part of a system using LP-Gas as a motor fuel or as a fuel for farm equipment such as flame cultivators. DOT cylinders of 250 water pounds capacity or larger may be charged at the installation from mobile units provided they are equipped with fixed liquid level gauging devices, quick filling valves, and vapor return valves, all of which are of an approved design, in addition to other required or acceptable valves and fittings.

- (a) All DOT cylinders of less than 250 water pound capacity shall be charged by weight only except those cylinders into which is dispensed fuel for motor fuel purposes.
- (b) All retail off-premises cylinder filling stations shall be plainly marked as follows:
 - Name of LP-Gas Station Owner
 - Board License or Permit Number
 - Emergency Telephone Number
- (c) Operators of cylinder filling stations shall be agents of LP-gas dealers and shall operate under their Alabama LP-Gas Board permit and insurance (except Class "F" Permit holders).
- (d) LP-Gas dealers holding permits in the state shall notify the Alabama Liquefied Petroleum Gas Board of the location of all cylinder filling installations they serve and/or operate and shall maintain such records in a current status. Prior to installing any equipment, LP-Gas dealers shall request a site inspection by a board inspector and provide the inspector with a completed Alabama Liquefied Petroleum Gas Board "Certification" form that is properly completed and notarized. Prior to placing any retail cylinder filling station equipment in operation, the equipment and potential filling personnel must pass an inspection and/or practical examination administered by a board inspector. Personnel failing the practical examination must wait a minimum of 30 days before applying for a subsequent examination.
- (e) It shall be the responsibility of Class "F" Permit holders or any person who acts as an agent of a Class "A" Permit holder to ensure that only trained, qualified personnel fill LP-gas cylinders or containers.
- (f) Cylinder filling stations cited for critical filling violations must remain out of service as follows:
 1. First Offense - A critical filling violation committed during normal daily operations or demonstrated during a practical examination in the presence of a board inspector shall cause condemnation of the filling station for a minimum of 30

days. During the thirty-day period, intensive training of the filling station operators must be accomplished. The training shall be such that potential operators have the ability to pass a practical examination given by a board inspector at the end of the thirty-day period. Operators failing the practical examination must wait a minimum of 30 days before applying for a subsequent examination.

2. Second Offense – The on-premise or off-premise cylinder filling entity or Class “F” permit holder yields all future rights and privileges to operate a cylinder filling station in Alabama.

Critical filling violations shall be determined by the board inspector, confirmed by the Chief Inspector and Administrator, and appealable to the Alabama Liquefied Petroleum Gas Board. Appeals to the board must be submitted in writing to the Administrator within 120 days of the date of critical violation to allow for ruling by the board at the next regularly scheduled board meeting. Appeals beyond the 120-day deadline will not be considered by the board.

Authors: Leonard Pakruda, Mark Nelson

Statutory Authority: Code of Ala. 1975, §9-17-103, as amended.

History: Filed September 13, 1982. **Amended:** Filed May 12, 2010; Effective June 16, 2010.

Amended: _____ **Effective:** _____