

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. \_\_\_\_\_ Department or Agency Alabama Liquefied Petroleum Gas Board  
Rule No. 530-X-2-16  
Rule Title: LP-Gas Containers / Replacement / Removal / Repair  
X 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

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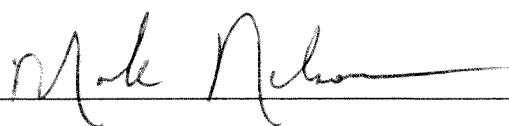
Does the proposed rule have an economic impact? NO

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 41-22-23, Code of Alabama 1975.

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**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 

Date 03/31/2011

(DATE FILED)  
(STAMP)

07/04

**ALABAMA LIQUEFIED PETROLEUM GAS BOARD**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:**

530-X-2-.16                                      LP-Gas Containers / Replacement / Removal / Repair

**INTENDED ACTION:**                      Adopt

**SUBSTANCE OF PROPOSED ACTION:** To create standards that enhance safety for consumers and industry fairness related to replacement, removal, and repair of LP-Gas containers.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** A public hearing will be held July 28, 2011 at 10:00 a.m., in the conference room located at the offices of the Alabama Liquefied Petroleum Gas Board, 777 S. Lawrence St. Suite 100, Montgomery, AL. Copies of the proposed rule(s) can be obtained at [www.lpgb.alabama.gov](http://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:**

July 28, 2011

**CONTACT PERSON AT AGENCY:**

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



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Mark Nelson, Acting Administrator  
Alabama Liquefied Petroleum Gas Board

**530-X-2.16 LP-Gas Containers / Replacement / Removal / Repair**

- (a) LP-gas containers that are leased or loaned to customers by Class A or B-1 permit holders must be removed from lessor's property within 90 days after notification from the lessor or duly authorized legal representative that the container is no longer desired. The Administrator of the Alabama LP-Gas Board may issue an exemption in writing beyond the 90-day limit for extenuating circumstances.
- (b) If a Class A or B-1 permit holder disconnects and/or replaces an LP-gas container owned by another Class A or B-1 permit holder, the following conditions apply:
  - (1) The Class A or B-1 permit holder that disconnects or moves the original tank must cap or plug either the service valve or regulator outlet on the tank being disconnected.
  - (2) The Class A or B-1 permit holder that disconnects and moves the original tank must make sure that the disconnected tank is left in an upright position, substantially level, and on a firm masonry foundation.
- (c) No person shall install, repair, pump product into, or extract product from an LP-gas container without written authorization from the owner of the tank or at the direction of an emergency response agency such as the fire or police department. A lessor cannot grant such authority. The burden of determining proper ownership of a container is on the entity desiring to install, repair, pump product into, or extract product from an LP-gas container of questionable ownership.
- (d) LP-gas containers owned by Class A or B-1 permit holders must be clearly marked with "Property of \_\_\_\_\_ Telephone Number \_\_\_\_\_" in order for allegations of illegal installation, repair, filling, or extracting of LP-gas product to be investigated by the Alabama Liquefied Petroleum Gas Board.
- (e) Any entity that repairs an LP-gas storage container must be qualified and properly permitted by the Alabama Liquefied Petroleum Gas Board.

**Author: Alabama LP-Gas Board Rules & Regulation Committee, 2011**

**Statutory Authority §9-17-103, Code of Alabama, 1975, as amended**

**History: Adopted \_\_\_\_\_ (New Regulation)**

**Effective Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_**