

Propane Provisions

The foregoing provisions shall apply to Transaction(s) where the Product sold pursuant to the Agreement is Propane:

1. Odorant

(a) If the Product sold pursuant to the Agreement is to be stench, the foregoing shall apply:

Seller will stench or odorize the Product to meet or exceed minimum odorization standards in existence on the date of delivery as stated in the Department of Transportation Code of Federal Regulations, 49 CFR 173.315(b)(1). Buyer recognizes certain conditions may occur WHICH WILL RENDER PROPERLY ODORIZED PRODUCT UNDETECTABLE including, but not limited to, the following:

- ODORANT MAY FADE over a period of time or if subjected to certain metals or conditions of metal.
- ODORANT MAY BE ABSORBED OR ADSORBED by tanks, piping, soil, masonry or other building materials.
- STRATIFICATION OF ODORIZED PRODUCT may occur, thereby changing the intensity of the odorant at different levels.
- SOME INDIVIDUALS LACK A SENSE OF SMELL OR POSSESS A DIMINISHED SENSE OF SMELL.
- INDIVIDUALS WITH NORMAL SENSE OF SMELL MAY BE TEMPORARILY PREVENTED FROM DETECTING ODORANT due to certain physical conditions such as allergies, head colds or masking odors.

Seller shall have no further responsibility to ensure that Product delivered under the Agreement remains properly odorized after delivery to Buyer.

(b) If the Product sold pursuant to the Agreement is not to be stench, the foregoing shall apply:

Product sold pursuant to the Agreement are intended for further processing and no stenching or odorization is required unless Buyer notifies Seller otherwise. Buyer shall indemnify Seller for any liabilities that result from the Product not being odorized when Buyer has failed to notify Seller that odorants should be added.

(c) IF PRODUCT IS DELIVERED ODORIZED, NOTWITHSTANDING ANYTHING IN THIS AGREEMENT TO THE CONTRARY, UPON RECEIPT FROM SELLER OF DOCUMENTATION OF THE REQUIRED ODORIZATION, BUYER'S INDEMNIFICATION OBLIGATION UNDER THIS AGREEMENT SHALL INCLUDE, AMONG ANY OTHER CLAIMS, THOSE COMPRISING OR ASSERTING LACK OF OR INADEQUATE WARNING MATERIALS, IMPROPER AMOUNTS, USE OR TYPE OF ODORANT, "ODORANT FADING," LACK OF WARNING ON SUPPLEMENTAL WARNING SYSTEMS (SUCH AS GAS DETECTORS) AND IMPROPER TRAINING OR MONITORING OF BUYER'S WARNING OR TRAINING PROGRAMS RESPECTING ODORIZATION.

2. Quality

Unless otherwise specified in the Confirmation, Product shall conform to the specifications for Commercial Grade Propane Odorized consistent with either the Gas Processors Association or the American Society for Testing Materials (at Seller's option) in effect on date of delivery.