

MINUTES
South Carolina Liquefied Petroleum Gas Board
Board Meeting
10:00 a.m., March 19, 2015
Office of State Fire Marshal
141 Monticello Trail
Columbia, South Carolina

MEETING CALLED TO ORDER

Richard O'Sheal, Chairman, called the meeting to order at 10:10 a.m.

STATEMENT OF PUBLIC NOTICE

Mr. O'Sheal announced that public notice of this meeting was properly posted at the S. C. Liquefied Gas Board office, 141 Monticello Trail and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

INTRODUCTION OF BOARD MEMBERS AND GUESTS

- S.C. Petroleum Gas Board members present: Richard O'Sheal, John Butcher, Rob Freeman, Jerry Tindal, Anthony Segars, Larry Lucas
- S.C. Petroleum Gas Board members absent: Art Irick
- LLR Staff Members participating in this meeting included Bert Polk, SC State Fire Marshal; Ray Hoshall, Board Administrator; Ronnie Vance, Board Administrative Assistant; Susan Scoggin, Board Administrative Assistant (Pyro Board); Hardwick Stuart, Board Advice Council.
- Guests present for this meeting included Eric Taylor, Ferrellgas; Corky Clark; SC Propane Gas Association.

APPROVAL OF APRIL 1, 2014 MEETING MINUTES

Motion: To approve the minutes as submitted. Tindal/Segars/Approved.

APPROVAL OF AGENDA

Motion: To approve Agenda as distributed. Segars/Tindal/Approved.

MANAGEMENT REPORT

Bert Polk, S.C. State Fire Marshal advised that he had the opportunity to serve as SC State Fire Marshal for the period of 2000-2003 and that we enjoyed a very professional relationship with the LP Gas industry in our state and we are looking forward to continuing that relationship. We are in the early stages of 2015 I-Code adoption process. OSFM is proposing no modifications in that Code adoption relating to LP Gas, so nothing to report. The OSFM does have some regulatory revisions in for approval, they have been through the first round of regulatory review – again none of the regulation revisions have anything to do with LP Gas. Mostly it is just a

"clean up" process for us; i.e., clean up old language, and references to codes & statues that are no long applicable. Again, nothing directly affects the LP Gas industry. Chief Polk is looking forward to continuing an open & transparent process as we go through issues that come before this office. The LP Gas Industry was well represented and received here, we had an Educational Exercise on campus for firefighters from all over the state. LP Gas Industry does have an interest in fire service and safety of the citizens of SC and firefighters of SC as well. Corky Clark did provide some sponsorship. We have the framework to a good working relationship. Chairman O'Sheal made comments that he hopes the LP Gas industry continues to have a long working relationship with OSFM.

STATUS OF CURRENT & PROPOSED REGULATIONS

Chief Hoshall spoke in place of Oavid Blackwell, who was not present due to a death in his family. Each board member has a letter from Chief Blackwell providing answers to some questions you probably may want to know about. A Notice of Drafting was published in State Register in October 2014 giving public notice of the proposing changes to regulations. The purpose of the revisions was to eliminate redundant and unnecessary regulations, update existing regulations, standardize the format and make current regulations compatible with other states and federal requirements. The proposed regulations were reviewed by both the House and Senate LCI committees. The House LCI committee formally requested withdrawal of regulations on March 18, 2015. That stops the 120 day clock that goes for automatic approval, until we get official amended version back to them. This had nothing to do with LP Gas. There's a link in Chief Blackwell's letter if you want to look up the entire revision package. Basically last news we had as of yesterday was that as Chief Polk mentioned that we were proposing to make a change in our regulations that, after discussion, some of the legislators was felt like maybe OSFM didn't want to make change and we agreed. So what happens in that process in legislative review, we get letter from LCI committee which is a letter directing us to withdraw our proposed regulation revisions, make the needed changes, and then resubmit. Ouring course of that process, a totally unrelated issue came up that we realized we could quickly dispense of the controversy by effective another regulation change, (had to do with foster home and not LP Gas) but we saw it as an opportunity to not only address the request that the LCI review committee but also fix another state-wide problem. Through the process the clock on the regulations, a process called timing out, if nothing happens to the regulations, they just time out (06/02/2015), the time doesn't start or stop till we receive letter. We were able to reconstruct our regulation proposal in such a way that that the day we received the withdrawal and resubmit directive from committee we were able to hand them the resubmission. So basically we lost 1 day in the process. We're back on track, and again none of this has to do with LP Gas industry. We were just taking advantage of an opportunity to address something that was very, very late breaking and will serve OSFM but state at large in dealing with some foster home issues. So, that's where we stand right now. Chief Polk stated we were back in the queue and we are back in the cycle back in cycle. We've being very optimistic that all things will happen as we thought they would from the very beginning.

Chief Hoshall continued his presentations stating that in the interest in total transparency (page 2 of book) talks about no substantial changes, to show our level of transparency, the only text

being changed in LP Gas section (Subarticle 5) is the removal of an unnecessary "A" line item underneath a caption, because there was "B", therefore you cannot have an "A" heading. We did not remove text, just removed the letter A. No language disappeared. Chief Hoshall then addressed the Building Code adoption process. There are all of the applicable codes, statues, and regulations, etc. relating to BCC. What will happen next is that all of the modification proposals need to be submitted to meet the deadline of April 1st, at which point the next set of circumstances will begin. That's where the BCC on February 2nd basically selected the core study group, which will be the first group to review all proposed modifications. We don't have all dates yet, but as soon as we get dates, they will be published on BCC website. Chief Hoshall will make sure something similar will be posted on our website. Basically, the core study group will then evaluate and everyone will have a opportunity to make public comments, to be there and to hear what the modifications being presents are, at which point the core study group will develop a proposal that will go back to next BCC meeting saying we've had these comments submitted, the study group recommends adoption of 1, 2, or whatever, then the general public will have an opportunity to rebut, just like in any other meeting. They can say we proposed this and the committee didn't want to, we want the BCC to hear our position, so that will happen. At that point BCC will then vote to accept the sub study group's recommendations or recommendations as modified by the public comments. At which point, they will go forward and then of course be voted on as far as legislative action and then it will be published. Chief Hoshall asked Chief Blackwell if he could offer his best guess, if there are no issues, of getting it approved. Study group will be able to send recommendations to the full council because they have meetings scheduled on May 27th, August 26th and November 11th. Those are three possible dates that there could be a public hearing/meeting based on the modifications that have been submitted. At that point goes into same publishing cycle with the State Register, and has the 120 day time clock. So again, there will be ample opportunity for members of the public or associations to voice opinions before the 2015 code is adopted. This is something that will not occur overnight. At the end of Chief Blackwell's letter, board members have their own copy of the actual notice from the December 2014 State Register that lists the mandatory codes that are being looked at for adoption as well as the permissive codes, again remember that the mandatory codes of the BCC law are those codes that will be adopted for statewide mandatory use. The four permissive codes may be adopted by local jurisdiction.

Chief Hoshall mentioned before leaving, board members and guests need to sign in on the sign in sheet on table. Remember that board members are eligible for mileage reimbursement, if interested, fill out the mileage form.

In your binder, under Management Report, Chief Hoshall put together some statistics for LP Gas as far as our office involvement. Comparison between 2013 and 2014 licensing & permitting for various LP Gas functions that we regulate through the Board Practice Act and through subarticle 5. Second page is a total count of inspections Licensing & Permitting conducted for 2014. Our goal for 2015 is to try and get more LP Gas inspections done; at least once during the two-year licensing period. Inspection will not tie into receiving a renewal license. John Butcher asked a question regarding a new subdivision being built that will have

LP Gas, would it be considered an end user, Dealer or Installer? Chief Hoshall will look into this, not sure at this point.

LLR Director Taylor has asked us to remind Board Members of the deadline to submit the Statement of Economic Interest. The deadline is 12:00 p.m. on the 30th. Also in the notebooks, we have included a Board Member Website link with user ID and password. This website will give Board Members access to the Board Member Orientation Manual and for updates to the manual. We have also included in the notebooks copies of the current manual. The Board Administrator and the Advice Counsel discussed several point in the manual with regard to member ethics, ex parte communications, public meetings, and chance meetings so that members would be aware of these requirements.

Chief Hoshall mentioned appointments and appointment letters expiring. Basically the practice act in discussion regarding terms of office, terms are for 2 years and until successor are appointed and qualified. This means your initial appointment is for 2 years, however, that appointment letter stands until such time as either you choose to withdraw or the governor chooses to withdraw you, at which point the new appointment will be made. Once that person is qualified (met all requirements, etc.), then that person will be appointed and their letter will state that they are replacing whomever. In working with this for the past 2 years, normally reappointment letters aren't given unless there's a change in Governor. Then when the new governor comes in they will normally appoint new members or reappoint existing members. So, no need to worry if your letter states your term has expired.

NEW BUSINESS

Mr. O'Sheal called for any new business. Mr. Corky Clark, Executive Director of the S.C. Propane Gas Association has asked to make a presentation. Presentation is for information only, there will be no action required or taken. Mr. Clark mentioned the I-Code adoption cycle for 2015. One of the things that the Association has done is gone through IFC and IFGC for 2015 and had a task force made up of Association members look over codes and tried to determine if anything needs modifications or if there were any concerns. The only 2 modifications were to the IFGC and apply to the piping and appliances inside commercial business or customers homes. We found no instances in fire code where we need to make modifications from the ones we did for last cycle (2012) that will go forward with the modifications for 2015. As far as the IFGC, there were two sections. Section 401.10, it is minor wording change, where the ICC changed the words "all piping" to just "piping", and they changed Third Party from being hyphenated to being all one word. Minor change from ICC but still has to be resubmitted. We propose the same language that was used in 2012. New language that would like to see for 2015 is same language that used 2012 modified section now states... that's what is being asked for. Also, we would like to see Section 621.4 be modified in the IFGC. Certain locations that are currently in code that are prohibited from having unvented heaters installed. Our reason for asking for a modification to this section is that we have

operated under the NFPA Code 54 for years and years in SC and we have not experienced problems that the restrictions the IFGC proposes. We are trying to bring the IFGC and NFPA 54 into harmony with each other so we can continue to install unvented heaters in assembly rooms of churches, school buildings, etc., where it is permitted under code. We have met with OSFM on both issues, and they are willing to go along with us on this. The proposed modification will be submitted to the BCC by the Association and OSFM staff to help with this. Chairman O'Sheal then asked for comments and none were received.

PUBLIC COMMENTS

None were noted at this time.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

An election was held as required by the Practice Act. The Board Administrator called for nominations from the floor. A nomination for Mr. Richard O'Sheal to serve as Chairman was made by Mr. John Butcher. No second is required. A call was made for additional nominations for Chairman, none being heard, the Board Administrator called for a voice vote. All members voted for Mr. O'Sheal for Chairman. The second position opened for nomination was for Vice Chairman. Chief Segars nominated Mr. John Butcher to serve as Vice Chairman. A call was made for additional nominations, none being heard, the Board Administrator called for a voice vote. All members voted on Mr. John Butcher to serve as Vice Chairman. Elections were closed and the meeting returned to Chairman O'Sheal.

ADJOURNMENT

Motion: To adjourn the meeting of the Liquefied Petroleum Gas Board. Approved.

Whereupon, at approximately 11:14 a.m. the meeting of the Liquefied Petroleum Gas Board was adjourned.