

MINUTES
South Carolina Liquefied Petroleum Gas Board
Board Meeting
10:00 a.m., March 11, 2021
Via Video/Teleconference

Meeting Called to Order

Chairman, Richard O'Sheal, called the scheduled meeting of the South Carolina Liquefied Petroleum Gas Board to order at 10:00 a.m.

Other board members participating in the meeting included: John D. Butcher, Robert Freeman III, Art Irick, Anthony Segars, and Jerry Tindal.

Staff members participating during the meeting included: Molly Price, Administrator; Zahid Chinwalla, Program Assistant; Erin Baldwin, Office of Disciplinary Counsel; Robert Elam, Office of Disciplinary Counsel; Tracey Solet, Office of Disciplinary Counsel; Shawn Stickle, Chief Deputy State Fire Marshal; Hardwick Stuart, Office of Advice Counsel; Maurice Smith, Office of Investigations and Enforcement; Courtney Clark, Office of Disciplinary Counsel. Other members of the public included: Corky Clark, South Carolina Propane Gas Association and Eric Taylor, Palmetto Propane Fuels and Ice. Mr. Sean Cary is the Court Reporter for the meeting.

Mr. O'Sheal announced that public notice of this meeting was properly posted at the S.C. Liquefied Petroleum Gas Board office, Synergy Business Park, Kingstree Building and Board website 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.

Approval of Agenda

MOTION: Mr. Butcher made the motion to approve the agenda for the meeting. Mr. Tindal seconded the motion, which carried unanimously.

Introduction of Board Members and Others

Board members, Board staff, and members of the public introduced themselves. Ms. Price introduced the new Program Assistant, Zahid Chinwalla. Ms. Baldwin advised the Board that Robert Elam will be taking over as Disciplinary Council for the Board.

Approval of Excused Absences

MOTION: Mr. Butcher made the motion to excuse Larry Lucas from the meeting. Mr. Freeman seconded the motion, which carried unanimously.

Approval of Meeting Minutes

MOTION: Mr. Freeman made the motion to approve the minutes from the July 15, 2020, Board Meeting. Mr. Butcher seconded the motion, which carried unanimously.

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Chairman's Remarks - Richard O'Sheal

Mr. O'Sheal thank everyone for being at the board meeting. He hopes that everyone is staying safe and that we will see each other soon for an in person meeting.

Staff Reports

Administrative Report – Molly F. Price

Ms. Price reported that the 2021-2023 license renewal period had come to an end. Mrs. Price indicated that the Board currently has 239 Dealers, 438 resellers, 34 Installers, 10 transporters, 18 Cylinder Exchange Companies, 5 Utility Plants and 800 Permitted Employees.

Ms. Price gave an update on the PSI examinations and the pass/fail report that was in the Board member packet. She stated that she has received positive feedback from applicants taking the exams. Many are happy that they no longer have to drive to Columbia to take the exams.

She updated the Board members on House Bill 3003, which would potentially add a Section 40-82-356 to the Board's statutes with regards to deliver tickets.

ODC Report – Office of Disciplinary Counsel – Robert Elam

Mr. Elam indicated to the Board that there are currently 9 open cases in ODC.

OIE Report-Office of Investigations and Enforcements – Maurice Smith

Mr. Smith indicated that there were 12 cases closed in the year 2020. For the year 2021, there are 3 active cases, 2 new complaints received, and 0 cases have been closed.

IRC Report-Investigative Review Committee Report – Maurice Smith

Mr. Smith indicated that on the October 13, 2020 report, the IRC is recommending 2 cases for dismissal and 2 cases for letters of caution.

MOTION: Mr. Tindal made a motion to approve the IRC Report from October 23, 2020. Mr. Freeman seconded the motion, which carried unanimously.

Mr. Smith indicated that on the February 5, 2021 IRC Report, there is 1 case recommended for dismissal, 1 for formal complaint and 1 for a letter of caution.

MOTION: Mr. Tindal made a motion to approve the IRC Report from February 5, 2021. Mr. Freeman seconded the motion, which carried unanimously.

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New Business

Approval of Fees for Repeat Site Inspections Due to Outstanding Violations

Ms. Price briefly discussed the need for a re-inspection fee due to outstanding violations and non-compliance. She stated that board inspectors have been asked to return for site inspections and numerous times have returned to find the same violations left unaddressed. She stated that she was okay with the application fee covering the first two visits, but there needed to be a fee in place for subsequent visits due to non-compliance. She proposed that after the second visit, the third inspection would require a fee of \$100 and then if the site is still not in compliance, a \$200 fee for every subsequent inspection.

MOTION: Mr. Freeman made a motion that the first and second visit be covered with the application fee. The third visit due to noncompliance is \$100 and the any inspections beyond the third visit is \$200. Mr. Irick seconded the motion, which carried unanimously.

Approval of Form and Fee for Reseller Equipment Changes

Ms. Price briefly discussed how dealer changes have been handled in the past for reseller site equipment changes. In the past, an equipment swap for an existing reseller was treated as a new application, since a new site inspection is required. She stated that from an administrative standpoint, it does not make sense to have a new license issued for the reseller, unless the reseller is switching ownership. However, there does need to be a process in place to generate an inspection request and cover the fee for the board inspectors to come out and approve the site installation. She proposed creating a form for the request and implementing a \$100 inspection fee, which is less than the \$150 new application fee.

Mr. Stuart recommended that the Board make a motion that the State Fire Marshal implement the \$100 fee, based on the authority of the State Fire Marshal in Regulation 71-8304.3(A).

MOTION: Mr. Irick made a motion to recommend a fee to the State Fire Marshal to review and implement a \$100 fee for reseller equipment changes. Mr. Segars seconded the motion, which carried unanimously.

Approval of LP Gas Dealer/ Bulk Site Installation Guidelines and Appointment of Standing Committee

Ms. Price discussed with the Board that the reseller guidelines created in 2019 have been helpful to the dealers and many are now passing inspections on their first site inspection. Mr. Irick and Deputy Curtis Smith have been working on some guidelines that they believe would be helpful for dealers with regards to bulk sites. Ms. Price suggested to the Board that they appoint a standing committee to go over the

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guidelines that Mr. Irick and Deputy Smith have been working on, so that they can have a usable guideline to post on the LLR website for dealers and installers to review. She stated that with a standing committee the guidelines can be revised as needed.

MOTION: Mr. Segars made a motion for approval of a standing committee with the following members: Corky Clark, Eric Taylor, Steve Warren, Art Irick, members of the State Fire Marshal's Office, and members of LLR. Upon approval of the committee members, the bulk site guidelines can be posted on the website. Mr. Irick seconded the motion, which carried unanimously.

Site Plan Review Process with State Fire

Chief Stickle discussed the process for site plan reviews with regards to FSA requirements and LP Gas sites. He indicated that his position was that the drawing for the site plans must come from a licensed engineer in the State of South Carolina. Some of the board members did not agree with this position and asked to table the item to a later meeting date.

Election of Officers

MOTION: Mr. Freeman made a motion to nominate Mr. O'Sheal to continue serving as Chair for the LP Gas Board for 2021. Mr. Butcher seconded the motion. which carried unanimously.

MOTION: Mr. Freeman made a motion to nominate John Butcher to continue serving as Vice Chair of the LP Gas Board for 2021. Mr. Irick seconded the motion, which carried unanimously.

Public Comments

There were no public comments at this meeting.

Adjournment

MOTION: Mr. Segars made a motion to adjourn. Mr. Freeman seconded the motion, which carried unanimously.

The meeting adjourned at 11:22 a.m.

The next meeting of the South Carolina - Liquefied Petroleum Gas Board is scheduled for July 22, 2021, in Room 108.