

## Thank You **WPMA CONVENTION SPONSORS!**

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### SCHOLARSHIP TIME APPROACHES!

The time is fast approaching when the WPMA scholarship recipients for 2014 will be selected. March 1, 2014 is the cut-off date for applications to be postmarked and mailed to the WPMA office. Usually, there are less than 20 applicants for each WPMA state scholarship and the associate member scholarship, which makes the chances of receiving a scholarship very good. Applicants must be graduating high school seniors, and the son or daughter of a full-time employee of a WPMA member or associate member company. Applicant qualification information and the scholarship applications and are available to download at <http://www.wpma.com/pdf/scholarship/SF14-Application-091713.pdf>.

Scholarship applications are also available from the WPMA office by e-mailing [kathym@wpma.com](mailto:kathym@wpma.com) and requesting an application. As a reminder, the WPMA scholarships pay \$500 per semester for up to eight semesters to the recipients, for a total of \$4,000. Employers, please remind your employees to request or download an application right away, and give their students a chance for some extra financial help in college!

### SENATE DEMOCRATS PRESS OBAMA TO APPROVE KEYSTONE

Following the January 31 release of the State Department's latest study that again confirms previous assessments that Keystone XL is unlikely to have significant effects on greenhouse gas emissions, four Senate Democrats pressed President Obama to approve the pipeline. Furthermore, the five year investigation found that without the pipeline, the crude could still be moved by rail and barge, which have marginally higher greenhouse emissions and likelihood of accident.

Senators Mary Landrieu (D-LA) and Mark Pryor (D-AR) showed their strong support this week by joining a rally in a Senate office building along with Republicans, the Canadian ambassador, and labor leaders to call for the administration to sign off on the \$5.4 billion Canada-U.S. oil pipeline. In addition, Senators Mark Begich (D-AK) and Kay Hagan (D-NC) have also strongly urged the President to approve the pipeline.

The latest assessment is critical, but not the last step. The administration must decide whether the pipeline, which crosses international boundaries, is in the "national interest." That means EPA and the departments of Defense, Justice, Interior, Commerce, Transportation, Energy and Homeland Security have 90 days to offer their view on any issue related to the pipeline. There will also be a public comment period. Once Secretary of State John Kerry makes a decision (for which there is no timeline), the other agencies can disagree and request the decision get moved to the Oval Office where again there is no deadline for a decision.

Still, even with the many remaining steps and although Obama is forced to choose between labor-union supporters who back the project and environmentalists who oppose it, some analysts believe the latest report boosts the possibility that the pipeline wins U.S. approval as soon as this summer.

## CONGRESS UNLIKELY TO RAISE GAS TAX THIS YEAR

Although the Highway Trust Fund might be insolvent by August, lead transportation chairs Senator Barbara Boxer (D-CA) and Representative Bill Shuster (R-PA) report there are not enough votes for a gas tax increase this year.

The comments were made during a Bloomberg News event Monday. Particularly relevant is Shuster's statement that increasing the federal gas tax is not the solution to providing revenue for the Trust Fund this year since it was the first time the Chairman definitively ruled it out, saying that "economically, it's not the time."

Although Environment and Public Works Committee Chairman Boxer is open to a gas tax increase in order to prevent the bankruptcy of the Highway Trust Fund, she said that it is likely untenable in the current environment. Until this point Boxer has been pushing for a transition to a wholesale tax collected at the refinery level.

Congressional Budget Office projections that were released Monday support what Transportation Secretary Anthony Foxx has been warning, that DOT might have to delay payments from the highway account in the latter part of fiscal 2014. Since 2008, Congress has transferred \$54 billion into the Highway Trust Fund, mostly from the General Fund, to maintain solvency.

Of note, former Transportation Secretary Ray LaHood believes Congress will not pass a highway and transit reauthorization before the November midterm elections and that a gas tax increase indexed to inflation is essential but only possible post midterm elections. LaHood said future highway funding is likely to be a user fee based on the number of miles driven (VMT).

## NORA REAUTHORIZED IN FARM BILL

### **Retail SNAP Provision Also Included**

This week, the Senate passed the Farm Bill conference report, H.R. 2642, by a bipartisan vote of 68 to 32, which ends a two year debate over U.S. farm policies. Last week, the House overwhelmingly passed the report by a vote of 251 to 166. The conference report cuts the federal deficit by \$16.6 billion over ten years and includes a long sought PMAA legislative priority to reauthorize the National Oilheat Research Alliance (NORA). It was a very challenging uphill battle to have NORA included in the Farm Bill and we have a long list of thank you's to be sent to PMAA members and legislators.

Earlier this year, Reps. Leonard Lance (R-NJ) and Peter Welch (D-VT) introduced NORA reauthorization legislation, H.R. 1985. NORA companion legislation was introduced in the Senate by Jeanne Shaheen (D-NH) and Susan Collins (R-ME), S. 913. Established in 2000, NORA is funded by a check-off program that allows the industry to support and fund critical initiatives for oilheat businesses, technicians, and consumers. Without Congressional reauthorization, the oilheat industry would lose its ability to work cooperatively to provide efficient technologies that benefit consumers and to stay competitive in the marketplace. The program has already provided many benefits to the industry and its consumers by reducing oilheat consumption by 30 percent over the last decade – nearly \$600 in annual savings per customer. Unfortunately, NORA expired in February 2010, but now that Congress passed the Farm Bill with NORA five year reauthorization legislative text included, the heating oil industry can move forward with funding for research, development and deployment of new ultra-efficient oilheating technologies such as biofuel-blended product.

Meanwhile, as reported last week, the conference report also contains a provision relating to convenience stores and their ability to accept SNAP benefits. It will require retailers to offer for sale on a continuous basis a variety of at least seven foods in each of the four categories (1. dairy products; 2. meat, poultry, or fish; 3. fruits or vegetables; 4. bread or cereals) (Current law requires only three items in each category.) It also requires SNAP retailers to stock at least one "perishable" food item in at least three of the four staple food categories. (Current law requires perishable items in only two of the staple food categories.) Finally, the conference report requires the use of point of sale equipment (scanning or item look up systems) that enforces item restrictions. The conference report represents a significant change from the Senate Farm Bill language which would essentially limit retailers from accepting SNAP benefits. A targeted grassroots campaign by PMAA and like-minded associations helped to water-down the Senate version's SNAP legislative text.

The President has indicated he will sign the Farm Bill.

## ANNUAL EPCRA TIER II REPORTS FOR BULK PLANTS DUE BY MARCH 1, 2014

EPA EPCRA Tier II reports must be filed for bulk plants, marinas and fleet fueling facilities that stored more than **10,000 pounds (approx 1,626 gallons)** of hazardous chemicals (petroleum fuels) at any single time during the 2013 calendar year. EPCRA reports must be filed with local or state emergency response authorities no later than **March 1, 2014**. In addition, retail facilities with a storage capacity greater than 75,000 gallons of gasoline and/or 100,000 gallons or more of diesel fuel must also file EPCRA reports. Federal regulations exempt retail fueling facilities at or below these capacity thresholds from the annual Tier II inventory reporting. Some states have set lower reporting thresholds, use unique Tier II reporting forms or require electronic reporting. Petroleum marketers should contact their state EPCRA office to verify any local variances in Tier II reporting requirements.

PAPER FORMS AND ELECTRONIC SUBMISSION SOFTWARE:

- EPCRA Tier II forms may be downloaded [by clicking here](#). **Important!** Many states now require electronic filing of Tier II reports.
- Most states have adopted the EPA Tier2 Submit portal for electronic filing. Tier2 Submit electronic filing may be downloaded at: [by clicking here](#).
- [Click here](#) to download a complete list of state EPCRA Tier II requirements and procedures.

**CAS NUMBERS:** The following CAS designations (from material safety data sheets) must also be included on EPCRA Tier II reports; **Gasoline** (CAS 8006-61-9); **Diesel Fuel** (CAS 68476-34-6); **Kerosene** (CAS 8008-20-6); **Fuel Oil** (CAS 68476-30-2); **Aviation Gasoline** (CAS Mixture); **Jet A** (CAS Mixture); **JP 8** (CAS Mixture).

**NAICS CODE:** Standard Industrial Classification (SIC) codes can no longer be used to describe facilities on EPCRA Tier II reports. Instead, North American Industrial Classification System (NAICS) codes must be used. Applicable NAICS codes for the petroleum marketing industry include: **Petroleum Bulk plants** - NAICS 424710; **Heating Oil Dealers** - NAICS 454311; **Retail Gasoline Stations with Convenience Stores** - NAICS 44711; **Retail Gasoline Stations without Convenience Stores** - NAICS 44719.

**PENALTY FOR VIOLATION:** The EPA fine for violating EPCRA Tier II reporting is \$37,500 per day, per violation. EPA checks for filing of EPCA Tier II reports during routine compliance audits or after a release has occurred.

**IMPORTANT! This year the Tier II Form requires additional data including; facility phone number, latitude and longitude coordinates of the facility and an estimate of the maximum number of people at the facility at any one time.**

**In addition, the new Tier II form asks whether the facility is subject to emergency planning under Section 302 of EPCRA (Toxic Release Inventory or TRI) or the chemical accident prevention requirements under 112r of the Clean Air Act (Risk Management Program or RMP). For small bulk plant operators the answer to these questions is almost always NO. Typically, small petroleum bulk plants operated by petroleum marketers located downstream of the terminal rack are NOT subject to TRI or RMP. While these small bulk plants must comply with Spill prevention Control and Countermeasure (SPCC) this is not the same as TRI or RMP.**

#### 2014 WPMA CONVENTION & CONVENIENCE STORE EXPO LAS VEGAS, NEVADA

Register now to attend the 2014 WPMA Convention and Convenience Store Expo. It will be held at the Mirage in Las Vegas, Nevada. Mark your calendars for February 18-20, 2014.

Register at: <http://www.wpma.com/national-convention>

#### MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2014

**May 8-9, 2014** – NPM&CSA Big Dog event – Red Rock Hotel & Casino Las Vegas, Nevada

**June 3-5, 2014** – MPMCSA Convention – Hilton Garden Inn – Missoula, Montana

**June 16-19, 2014** - WOMA Convention – Suncadia Lodge – Cle Elum, Washington

**August 6-8, 2014** – IPM&CSA Convention – Coeur d’Alene Resort – Coeur d’Alene, Idaho

**August 19-20, 2014** – NMPMA Convention – Marriott Pyramid North – Albuquerque, New Mexico

#### NPP A NEW WPMA MEMBER SERVICE

WPMA has partnered with NPP to provide members discounts on many products and services. NPP negotiates the rates, and makes them available to WPMA members. Membership with NPP is free, and there is no obligation to purchase. Discounts through Verizon, Expedia, Fastenal, Cradlepoint, and more.

Register Now: <https://associations.mynpp.com/myNPP/memberSavings.xhtml?guid=RB3WUOFG>

#### WPMA MEMBER SERVICES



**Petro Pete: “Isn’t it a bit unnerving that doctors call what they do “practice”?”**

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## Classified Ads

### Wanted:



Great opportunity for someone to join the team at Kellerstrass Enterprises in our Salt Lake City office. Looking for someone to assist the office manager in taking care of the daily operational needs. This person would need to be able to input orders into our accounting system. Answer phones with a pleasant attitude and take care of customers as they walk into the facility. Understanding of the billing process would be helpful. Knowledge of the oil and gas industry a plus.

A self-starter, energetic individual that can meet company deadlines and multi task through the day. Able to work in a warehouse environment. Knowledge of excel and ability to sit and work on a computer. Medical, Dental Insurance, 401 K when eligible and Personal Time Off benefits included.

If interested, please fax a resume or email to:  
FAX: 801-392-9589 Attention Ryan Murdock/Delinda Huffaker  
Email: [rmurdock@kellerstrassoil.com](mailto:rmurdock@kellerstrassoil.com)

### Private Investigative Services:

A licensed private investigator since 2005, I have over 24 years of investigative experience, with 15 1/2 years in law enforcement, investigating cases ranging from missing persons to homicide. I have experience investigating high profile cases, and have received several accolades and awards for my investigative work, including a nomination for "Top Cop in Nevada."

I have worked a variety of cases, including background checks, family court cases, Class Action lawsuits, locating people, asset searches, defense investigations, sexual harassment lawsuits, and hostile work environment lawsuits. I am qualified and have testified as an expert witness in child abuse and sex-related crimes investigations in federal, district, family and justice courts. I would be useful regarding corporate investigations; including but not limited to employee theft, misconduct, sexual harassment, hostile work environment, finding people, evidence identification/collection, forensic interviewing, asset investigations, and background checks.

For more information or to request my resume, please contact:

Kristine L. Mautner  
Email: [femdet@aol.com](mailto:femdet@aol.com)