

EPA LOWERS OZONE STANDARD TO 70PPB

Yesterday, the EPA set the new ozone standard at 70 parts per billion (ppb), a significant reduction from the 75ppb level set in 2008. The 70 ppm standard is not as low as many feared and is considered a compromise between industry and environmental interests. The rule is important to petroleum marketers because it could lead to additional RFG or lower RVP mandates for those counties nationwide which are not in attainment with the new standard.

Depending on the severity of their ozone problem, states and counties will have from 2020 to 2037 to meet the new standard. The EPA estimates that 241 counties will be pushed into nonattainment due to the reduction in the standard. The EPA will determine the severity of the ozone problem in these counties no later than October 1, 2017. The agency considers 3 years of air monitoring data to determine if an area is in marginal, moderate, serious, severe or extreme nonattainment. RFG is mandated for serious, severe and extreme nonattainment areas.

However, the EPA says that all but 14 of the 241 counties (except those inside California which is under a statewide RFG mandate) currently in nonattainment with the new 70 parts per billion standard will come into attainment by 2025 with no further action required. The EPA credits existing air pollution regulations including the Tier II gasoline requirements and the clean diesel program for reducing the number of counties to 14 that must take additional action to come into attainment. The 14 counties that may see the mandatory introduction of RFG and lower RVP requirements are:

- Suffolk, Queens and Richmond Counties, NY;
- Larimer and Jefferson Counties, CO;
- Tarrant, Harris and Brazoria Counties, TX;
- Jefferson County, KY;
- Sheboygan County, WI;
- Allegheny County, PA;
- Harford County, MD;
- Fairfield and New Haven Counties in Connecticut;

Several of these counties are close to attainment with the new standard and may miss a serious or higher designation that would require new fuel mandates. The fate of these 14 counties will not be known until EPA releases nonattainment designations in late 2017. However, state governors may opt into the RFG program voluntarily regardless of the attainment designation the EPA sets.

PMAA opposed lowering of the ozone standard in written comments and continues to support legislation to roll back the new ozone mandate. Although the standard has been finalized, it is very likely that environmentalists will sue the agency to mandate a lower standard.

Click [here](http://www3.epa.gov/ozonepollution/maps.html) (<http://www3.epa.gov/ozonepollution/maps.html>) to see an interactive map that includes the 241 counties in nonattainment with the new standard.

PRESIDENT SIGNS BILL TO AVOID GOVERNMENT SHUTDOWN

On Wednesday, the House voted 277 to 151 to approve a stopgap spending bill that would avoid a government shutdown, shortly thereafter the Senate approved the bill by a vote of 78 to 20. President Obama signed the bill which keeps the government funded through December 11 of this year. Many Republicans wanted a bill that would defund the women's health group Planned Parenthood, but many believed it was not worth shutting down the government.

Although a government shutdown has been averted and the government will be funded temporarily through December 11, a fight looms in the near future between Republicans, who seek an increase in defense spending and President Obama and Democrats, who seek an increase in funding for a wide range of domestic programs. The possibility of another government shutdown could happen in December. Speaker Boehner has indicated that he would like to work on a long term government funding bill before he leaves office so that his replacement is not burdened with the issue when he/she assumes the new role.

HOUSE COMMITTEE APPROVES RECONCILIATION PACKAGE AIMED AT OBAMACARE

On Tuesday, the House Ways and Means Committee approved legislation that would dismantle parts of Obamacare through what is called reconciliation, meaning that it only requires 51 votes in the Senate to pass a bill.

The legislation calls for the repeal of certain provisions in Obamacare including the individual and employer mandates, the medical device tax, and the "Cadillac" tax, which is an excise tax on expensive healthcare plans provided by employers to their employees.

In a statement by House Ways and Means Committee Chairman Paul Ryan (R-WI), he states that, "This bill is a big step toward dismantling Obamacare. Through reconciliation, we have the opportunity to get a repeal bill not only through the House—but actually to the president's desk." He also said that with the help of three House committees, "this reconciliation package will give American families the relief they need from such a disastrous law."

Although Congress does have the votes necessary to repeal these Obamacare provisions, it will certainly draw a veto from President Obama, his signature law. Therefore, it would force the Senate to come up with 67 votes and 290 votes would be required in the House, a highly unlikely outcome.

Last year, the Obama Administration decided to delay employer mandate fines for employers with 50 to 99 full-time workers until January 1, 2016 if they fail to offer workers health insurance. Companies with more workers could avoid some penalties in 2015 if they show they were offering coverage to at least 70 percent of full-time workers. The move came after PMAA and other associations pressured the Obama Administration to peel back the law's insurance requirements. Some companies had trimmed workers' hours to below 30 hours a week to avoid paying a penalty if they didn't offer insurance.

PMAA strongly supported the delay but remains concerned about long term consequences of the mandate for PMAA members.

U.S. CRUDE OIL EXPORTS BILL PASSES WITHOUT RFS REPEAL AMENDMENTS

This week, the Senate Banking Committee passed a bill by a vote of 13 to 9 that would repeal the 40-year-old ban on U.S. crude oil exports. The Senate Energy Committee passed the bill by a vote of 12 to 10 in late July before the August recess. The bill will now move to the full Senate for a vote.

Meanwhile, Senator Pat Toomey (R-PA) offered two amendments during the markup. One amendment, co-sponsored by Senator Diane Feinstein (D-CA), would have eliminated the corn-based ethanol mandate. Senator Toomey has been under pressure from a number of refineries in Pennsylvania who claim they are hitting the "blend wall," meaning they can no longer combine enough ethanol to meet constantly increasing targets without exceeding a 10 percent threshold acceptable for use in all cars and trucks. However, the amendment failed by a vote of 15 to 7.

A second amendment by Senator Toomey would have delayed any new U.S. oil to be exported allowed under the bill until Congress enacts a law eliminating the corn-based ethanol mandate, but it also failed to pass.

PMAA continues to aggressively oppose any E15 mandate without a pathway to demonstrate legal compatibility for UST systems and liability protection.

HOUSE SUBCOMMITTEE HOLDS HEARING ON JOINT EMPLOYER DECISION

Earlier this week, the House Committee on Education and the Workforce Subcommittee on Health, Employment, Labor and Pensions held a hearing on the National Labor Relations Board's (NLRB) recent "joint employer" decision which held that a franchisor can be a "joint employer" if it indirectly controls the wages, hours and working conditions of the franchisee's employees. Although the decision does not impact a franchising agreement, there is concern that the concepts in the case could apply to franchisor-franchisee arrangements which could force many franchisees out of business.

Prior to the NLRB's "joint employer" decision, federal labor policies held that two separate employers are "joint employers" if both employers have direct and immediate control over employees working conditions, such as hiring and firing, setting work hours, issuing direction to employees, determining compensation, and handling day to day record keeping. However, the new standard adopted in August essentially said that a franchisor can be a "joint employer" if it has "unexercised potential" and/or indirectly controls wages, hours and working conditions of the franchisee's employees.

The hearing focused on Committee on Education and the Workforce Chairman John Kline's (R-MN) bill known as the "Protecting Local Business Opportunity Act." The Act would restore the joint employer definition in the National Labor Relations Act that has protected small businesses and entrepreneurs for decades. Kline said, "The NLRB's new joint employer standard would make big businesses bigger and the middle class smaller by discouraging companies from franchising and contracting work to small businesses. My commonsense proposal would restore policies in place long before the NLRB's radical decision – the very same policies that served workers, employers, and consumers well for decades."

PMAA supports the "Protecting Local Business Opportunity Act."

FRANK TABISH 1937-2015

Frank Tabish, a longtime member of WPMA passed away after a brief, but courageous fight with brain cancer. Born in 1937, Frank was the son of Florence and Stranger Tabish.

In 1958, Frank and his brother George sold their cars to buy a service station on the corner of Broadway and Russell in Missoula. It was aptly named Tabish Bros. Mobil Service. Frank and George were known for their fast, efficient and clean service. By 1966 they had purchased Zadra Oil, who was their gas and oil distributor. Tabish Bros. Distributors thrived in the mining and woods product industry. At one time they were recognized as one of the largest lubricant distributors for Mobil Oil in the Northwest. As the 70's and 80's came and went, industry started to dwindle and the Tabish Brothers shifted their attention to the retail convenience store business. In 1991, they bought their first convenience store, as well as growing the number of C Store customers that they supplied. In 1993, Frank's son Greg graduated from college and became employed on a full time basis. In 1994, George retired, leaving Frank and Greg to run the business. During that 22 year period, Frank and Greg acquired 2 wholesale distributorships and built or acquired several businesses. They now distribute gas, diesel and lubricants to over 40 convenience stores and quick lube locations. Frank leaves his incredible wife Lani, whom he was married to for over 55 years. He also leaves his children Frank Jr., Rick and Greg as well as his grandchildren, Amanda, Erin, Kyle, Jake, Brady, Carson as well as his brother George and his many cousins.

The service for Frank Tabish will Friday, October 9th at the ST. Francis Xavier Catholic Church – 10:30 AM with reception to follow. The address is 420 West Pine St. – Missoula – 59802. Please send condolences to the family at 219 Mansion Heights – 59803.

2016 WPMAEXPO - LAS VEGAS, NEVADA

WPMAEXPO

Mark your calendars for February 16-18, 2016. Make plans now to attend the 2016 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

October 7, 2015 – Idaho (IPM&CSA) – PAC Golf Tournament – Boise Ranch Golf Course, Boise, Idaho

February 16 – 18, 2016 - WPMA Convention & Expo – Mirage Hotel, Las Vegas, Nevada

May 19-20, 2016 – Nevada (NPM&CSA) Big Dogs Shootout – Red Rock Resort & Casino – Las Vegas, Nevada

June 7-9, 2016 – Montana (MPMCSA) Convention – Fairmont Hot Springs Resort – Butte, Montana

June 20-23, 2016 - Washington (WOMA) Convention - Suncadia Resort - Cle Elum, Washington

August 3 – 5, 2016 - Idaho (IPM&CSA) Convention - Coeur d'Alene Resort - Coeur d'Alene, Idaho

August 22-24, 2016 – New Mexico (NMPMA) Convention – Sandia Resort & Casino – Albuquerque, New Mexico

September 14-16, 2016 - Utah (UPMRA) Convention - DoubleTree Hotel by Hilton - Park City, Utah

June 18-22, 2017 – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington

June 17-21, 2018 – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington

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