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### **EPA TO PROPOSE SPCC DEADLINE EXTENSION: FINALIZES RULE PROVIDING SECONDARY CONTAINMENT EXEMPTION FOR PARKED CARGO TANKS**

PMAA has learned that the EPA intends to propose another extension of the SPCC compliance deadline in an upcoming rulemaking. The EPA will soon propose a new rulemaking to extend the current November 10, 2010 SPCC compliance deadline. The extension will likely be for a year or possibly more. The announcement came in a final SPCC rule posted on the agency's website. That rule also provides an exemption from sized secondary containment requirements for cargo tank trucks containing product that are parked overnight at bulk storage facilities or other parking areas. The exemption allows the use of drip pans and absorbents rather than berms, drainage equipment, and oil water separators installed around parking areas to contain potential spills from parked cargo tank vehicles. The exemption was supported by PMAA and offers a significant cost savings to marketers that park trucks overnight which contain more than a residue of product.

The parked truck issue came to a head in 2007 when EPA regional enforcement authorities began to fine petroleum marketers for not parking cargo tanks containing product that returned to bulk plants or parking areas at the end of the day within secondary containment areas. This was a new area of enforcement that took the industry by surprise as few had secondary containment structures and equipment around parking areas.

PMAA will provide additional information once the SPCC rule is analyzed further. Contact Mark S. Morgan, PMAA Regulatory Counsel for more information.

### **CIGARETTE TRAFFICKING BILL MARKUP POSTPONED**

On Thursday, the Senate Judiciary Committee held a markup to address several pieces of legislation including the "Prevent All Cigarette Trafficking (PACT) Act of 2009" (S. 1147). However, a vote was not held on S. 1147 after questions were raised by some Senators over authorization levels and criminal provisions. Once Senators obtain clarification on certain provisions in S. 1147, the Committee will vote on the bill, which is likely to occur on November 19, 2009.

PMAA, along with the new "Coalition to Stop Contraband Tobacco," will continue to urge lawmakers to expedite passage of the PACT Act which will level the playing field between small business retailers who legally sell tobacco products to adults, and those who use other sales methods to avoid paying taxes such as over the internet, phone or through mail. Thanks for the strong grassroots outreach that many of you have made to express your support for the bill. If you haven't already communicated with your Senators, please do so now by visiting: <http://www.capwiz.com/pmaa/home/>.

### **SWINE FLU PAID SICK LEAVE LEGISLATION**

On Tuesday, House Education and Labor Committee Chairman George Miller (D-CA) and Congresswoman Lynn Woolsey (D-CA) introduced, H.R. 3991, the "Emergency Influenza Containment Act". The legislation applies to employers with 15 or more employees. H.R. 3991 would require employers to provide up to five days of paid sick leave if they direct their employees to stay home due to symptoms of H1N1 influenza. Employers who currently offer at least five days of paid sick leave would be exempt from the legislation's requirements. The legislation would be effective 15 days after enactment.

Chairman Miller and Rep. Woolsey intend to hold a hearing on the bill after the Veterans' Day recess.

### **FINANCIAL REGULATORY REFORM MOVING FORWARD**

House Financial Services Committee Chairman Barney Frank (D-MA) and House Agriculture Committee Chairman Collin Peterson (D-MN) continued this week to hammer out the details to regulate the \$590 trillion over-the-counter (OTC) derivatives market. Frank indicated that he is coming close to an agreement with Peterson to ensure that the majority of OTC derivatives are centrally cleared which will provide the needed transparency to prevent volatile oil and agriculture commodity prices. Commercial end-users would be granted an exemption under both Committees' proposals, however, some clarification is still needed to ensure that these exemptions do not allow swaps dealers to act as a commercial company which would then be able to bypass position limits and other regulatory barriers. As Chairman Frank asked this week, "How do we prevent Goldman Sachs and JP Morgan Chase from dressing up like a coal company and falling under the exemption?"

Both House Committee leaders intend to have a final financial reform package on the House floor after Thanksgiving.

Likewise, the Senate Banking Committee plans to begin moving its financial reform package by the end of November. Banking Committee Chairman Christopher Dodd (D-CT) indicated this week that he will introduce a draft regulatory reform package next week with the panel marking up the bill after Thanksgiving. PMAA continues to urge lawmakers to impose aggregate position limits on speculators as well as mandatory clearing of OTC derivatives while leaving some exemptions for end-users to effectively manage risk.

In other news, the Social Justice groups on the Commodity Markets Oversight Coalition (CMOC) created an excellent video that can be seen here: [www.stopgamblingonhunger.com](http://www.stopgamblingonhunger.com), which will help people understand the important role that excessive speculation played in the oil and food bubbles in 2008 and the current high oil prices. We encourage you to watch the video.

### **WETLINES LEGISLATION VOTE POSTPONED**

On Thursday, U.S. House of Representatives Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) decided not to seek a vote on legislation that would require many petroleum cargo tank trucks to install wetlines purging equipment. It is likely that Chairman Oberstar will work to improve the wetlines legislation and bring it back for a vote the week of November 16.

PMAA opposed the legislation and implemented a national grassroots campaign on Tuesday targeting members of the House T&I Committee.

PMAA felt that the proposed wetlines law would unfairly harm small businesses and would prevent the U.S. Department of Transportation (DOT) from developing a thoughtful and well reasoned rule. DOT plans to begin working on a rule in May 2010. PMAA urged members of the committee to let DOT and the Obama Administration do their job.

Without the due process achieved through rulemaking, petroleum marketing companies, many of which are small businesses, would be denied the benefits of the rulemaking process. With a rigid retrofit mandate, DOT would be prevented from offering small businesses regulatory flexibility. There are 27,000 transport trailers in the U.S. and less than 100 have installed wetlines purging devices. To retrofit existing trailers, the cost will be at least \$8,000 per trailer. The costs will likely be higher because there is only one known manufacturer of purging equipment in business today. Concerns about a monopoly were raised by PMAA as well.

### **SENATE COMMITTEE PASSES CLIMATE BILL WITHOUT REPUBLICANS**

Senator Barbara Boxer (D-CA), chairwoman of the Environment and Public Works Committee (EPW), approved climate legislation, S. 1733, commonly known as the Boxer-Kerry bill on an 11-1 vote yesterday without any Republicans. The lone vote against the bill came from Senator Max Baucus, chairman of the Finance Committee, which is one of a few other committees that will take up the climate bill. Baucus said that he voted against the bill but his concerns could have been addressed if amendments would have been permitted.

The vote is one of many to come. Other committees that will take up the Boxer-Kerry bill in addition to EPW and Finance include Agriculture and Commerce. Senate Majority Leader Harry Reid (D-NV) has not indicated a deadline for the Senate committees to complete their work; however, it is expected legislation curbing carbon emissions would not come to the Senate Floor for consideration before sometime in 2010. Prior to today's markup the measure was not expected to gain the 60 votes needed to end debate in 2010, and Boxer's execution of her markup will only further alienate some Senators. Furthermore, Tuesday's Republican electoral outcomes in Virginia and New Jersey are expected to have given some Members of Congress pause as to how far they may want to take cap and trade legislation

### **WASHINGTON OIL MARKETERS ASSOCIATION ENDORSES NEW POLLUTION PROGRAM FOR UNDERGROUND STORAGE TANKS**

WOMA is proud to present to its members and others in WPMA, an association member-benefit program that will bring great rates and improved coverage for their petroleum storage tanks.

This past June 2009, WOMA endorsed a PST Pollution program for tanks located in Washington, with ability to also insure tank sites in surrounding states. The program is underwritten by a national insurer using a special policy form that was designed by leading petroleum marketers for fellow marketers and their customers.

A respected administrator that's noted for delivering friendly, efficient service to tank owners/operators, manages the program. For more information, see WOMA's website; contact Dee Dee Byrne or Bob Ferguson 800.336.1338 or [service@towomainsurance.com](mailto:service@towomainsurance.com) ; or call Lea Wilson at WOMA 360.443.6696 or [lea@waoil.org](mailto:lea@waoil.org).

## **LOWELL CARDWELL PASSES AWAY**



WPMA expresses condolences to the family of Lowell Cardwell who recently passed away. Lowell worked in the petroleum industry, and was the Founder of Cardwell Distributing. He enjoyed his time spent with the many wonderful employees and customers over the many years. He served as Utah Petroleum Marketers Association President from 1985-1986.

## **2010 WESTERN PETROLEUM MARKETERS CONVENTION & CONVENIENCE STORE EXPO LAS VEGAS, NEVADA**

Start planning now to attend the 2010 WPMA Convention and Convenience Store Expo. It will be held at the Mirage in Las Vegas, Nevada. Mark your calendars for February 16-18, 2010.

## **MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2010**

June 8-10, 2010 – MPMCSA Convention – Billings Hotel and Convention Center – Billings, Montana

June 22-24, 2010 – WOMA Convention – Suncadia Lodge – Cle Elum, Washington

August 4-6, 2010 – IPM&CSA Convention – Schweitzer Mountain Resort – Sandpoint, Idaho

August 31-September 1, 2010 – NMPMA Convention – TBA

September 22-24, 2010 – UPMRA Convention – Park City Marriott – Park City, Utah

**Petro Pete: “The economy is so bad... I ordered a burger at McDonalds and the kid behind the counter asked, "Can you afford fries with that?"**

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