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EPA AUTHORITY OVER LOCAL WETLANDS SIGNIFICANTLY REDUCED BY NEW RULE DEFINING WATERS OF THE U.S.

The EPA and the Department of the Army (Army) today finalized the Navigable Waters Protection Rule. The final rule limits the EPA's and Army Corp of Engineers authority under the Clean Water Act to impose land use controls involving a broad category of what were previously defined as wetlands. This is good news for petroleum marketers who have been prevented from putting property to its full commercial use due to the regulatory limitations triggered by the occasional accumulation of standing rainwater on their parcel or adjacent lots.

The previous definition of waters of the United States was so broad and lacking in clarity that it greatly expanded federal regulatory authority over local land use issues. This broad jurisdictional authority led to the imposition of significant development limitations on almost any parcel of land where rainwater collects. The final rule narrows federal authority over local land use by creating a dozen categories of land features that are not waters of the United States, including features that only contain water in direct response to rainfall; groundwater; most ditches; prior converted cropland; and waste treatment systems.

Finally, the rule provides a new definition for the term "adjacent wetlands" as wetlands that are meaningfully connected to other jurisdictional waters by directly abutting or having regular surface water communication with jurisdictional waters of the United States. These categories essentially remove the need to obtain federal permits, conduct federal environmental assessments and other burdens imposed that limit development for qualifying land.

Environmental groups will challenge the rule, which could lead to a regulatory patchwork with the Trump rule on judicial hold in some states but in effect in others. Ultimately, the reach of the Clean Water Act may only be resolved when the Supreme Court weighs in again.

USDA SEEKS INPUT ON NEW ETHANOL SALES INFRASTRUCTURE INCENTIVE PROGRAM

The U.S. Department of Agriculture has published a request for information regarding new ethanol sales infrastructure. Unfortunately, the USDA only provided for a 14-day comment period which is unusually short. PMAA has requested a 30-day extension but has yet to receive an answer. Comments are due by January 30th.

ANNUAL OSHA WORKPLACE INJURY AND ILLNESS POSTING BEGINS FEBRUARY 1ST

The 2019 posting cycle for OSHA's workplace injury and illness reporting rule begins on February 1, 2020 and runs through April 30, 2020. The OSHA injury and illness recording and posting requirements apply to most establishments (workplaces) with more than 10 employees. OSHA requires employers to record and post all work-related injuries occurring during the previous calendar year. The following list identifies establishments within the petroleum marketing industry and indicates whether the establishment must comply with the OSHA Injury and Illness recording and posting requirements.

DOD, DOE, DHS TO RESEARCH USING CARBON CAPTURED FROM AIR AND SEA WATER TO MAKE FUEL

A provision in the National Defense Authorization Act that was passed in December directs the Defense Department (DOD) to work with DOE and DHS to research ways to use carbon capture technology to make fuel out of carbon dioxide pulled directly from ocean water and the ambient air. *The Direct Air Capture and Blue Carbon Removal Technology Program* seeks to "develop and demonstrate technologies that capture carbon dioxide from seawater and the air to reuse such carbon dioxide to create products for military uses."

Now that the military is researching carbon capture technology including capturing carbon for conversion to military transportation fuel, it is likely that advances will be made rapidly. Until DOD's involvement, only a few small companies have attempted to determine how to pull carbon from the air and turn it into energy. A Brown University study found that the U.S. military emits more carbon than any company, and more than many industrialized nations, so DOD is a good start for development and commercialization of technology.

Carbon removal technology is aimed at removing existing carbon emissions out of the atmosphere and Congress wants *The Direct Air Capture and Blue Carbon Removal Technology Program* to clean the existing emissions and to make transportation fuel.

Developing technology to produce carbon dioxide from any location and combining it with hydrogen means the military can essentially make fuel anywhere. For instance, military readiness could be supported by direct-ocean-capture technology on an aircraft carrier.

HOUSE REPUBLICANS TO RELEASE CLIMATE PLAN WITHIN THE NEXT FEW MONTHS

Last week, House Republicans met to discuss crafting a comprehensive climate plan that will counter House Democrat's Green New Deal. The plan is expected to focus on cutting carbon dioxide emissions, providing funding to enhance clean-energy innovation and focusing on plastics intended to strengthen conservation efforts.

The plan is expected to focus on increasing the number of trees grown in the U.S. that is intended to reduce carbon dioxide emissions. Rep. Bruce Westerman (R-AR) is developing a bill, called the "Trillion Trees Act," that would commit the U.S. to increasing the number of trees grown to a certain goal. Additionally, the climate plan would double the amount of investments in research and development of clean-energy technology, while also providing tax breaks to companies who export clean-energy technology. The plan will also focus on cleaning up plastic pollution and recommends the U.S. Department of Energy (DOE) to find better ways to recycle. Furthermore, the GOP plan will seek to provide funding to countries that have significant plastic pollution in their rivers.

The plan is expected to face significant opposition from House Democrats because the GOP plan does not set specific emissions targets, and many Democrats believe the details outlined in the plan do not do enough to address climate issues. Republicans have said they plan to introduce their full proposal sometime this Spring.

PLEASE SUPPORT THE 2020 SCHOLARSHIP SILENT AUCTION!

In May 2020, the WPMA Scholarship Foundation will award \$32,000 in scholarships to graduating high school seniors. The Foundation receives a large portion of its working capital through income from the annual Scholarship Silent Auction held at the WPMAEXPO in February. Please support the Scholarship Foundation by donating an item with a value of \$100 or more to the 2020 Scholarship Silent Auction.

Past Silent Auction donations have included tickets to sporting events, vacation packages, decorator items, electronics, sports equipment, logo clothing, jewelry, tools, and accessories. If you would like to donate an item, please fill out the Silent Auction Donation Form available under the WPMAEXPO Sponsorship or Scholarship tabs on the WPMA website <https://www.wpma.com/pdf/scholarship/SA19Generic-DonationFrm0701w.pdf> or e-mail Kathy Michaelis at kathym@wpma.com. The value of items donated to the auction is tax-deductible.

SCHOLARSHIP DEADLINE IS APPROACHING!

The time is fast approaching when the WPMA scholarship recipients for 2020 will be selected. **MARCH 1, 2020 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.

NEW THIS YEAR! High School seniors who are currently working part-time for a WPMA member company, and have been employed for at least 90 days, may also apply for the scholarship.

Applicant qualification information and the scholarship applications are available to download at <https://www.wpma.com/pdf/scholarship/Scholarship-Application-eform18-19.pdf>. Scholarship applications are also available from the WPMA office by e-mailing kathym@wpma.com and requesting an application.

The WPMA scholarships pay \$500 per semester for up to eight semesters, for a maximum award 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!**

PLAN TO ATTEND THE 2020 WPMAEXPO

The logo for WPMAEXPO features the letters 'WPMA' in a bold, italicized, green font, followed by 'EXPO' in a white, outlined, sans-serif font.

Mark your calendars for February 18-20, 2020. Make plans now to attend the 2020 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

THANK YOU **WPMA EXPO 2020** TOP SPONSORS

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MARK YOUR CALENDARS FOR UPCOMING EVENTS

February 18-20, 2020 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

April 21, 2020 – IPM&CSA PAC Golf Tournament – Ridgecrest GC – Nampa, ID

April 21-23, 2020 - Federated Insurance Risk Management Academy

May 7-8, 2020 – Nevada NPM&CSA – Big Dogs - Las Vegas, NV

June 2-3, 2020 – Montana MPMCSA – Convention – Fairmont Hot Springs Resort – Fairmont, MT

June 22-25, 2020 – Washington (WOMA) – Convention – Suncadia Resort – Cle Elum, Washington

August 5-7, 2020 – Idaho (IPM&CSA) Convention – Coeur d' Alene Resort – Coeur d' Alene, Idaho

August 17-19, 2020 – New Mexico (NMPMA) Convention – Sandia Resort & Casino – Albuquerque, NM

September 9-10, 2020 – Utah (UPMRA) – Convention – Park City Marriott – Park City, Utah

September 15-17, 2020 - Federated Insurance Risk Management Academy

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Petro Pete: "Every strike brings me closer to the next home run. –Babe Ruth"

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If you do not wish to receive information via fax or e-mail, please contact WPMA at: (801) 263-9762, Fax: (801) 262-9413, or e-mail: janr@wpma.com. Thanks.