

MEMBER SERVICE: IN OUR BACKYARD



IN OUR BACKYARD (IOB), a national nonprofit dedicated to combating human trafficking in America, is celebrating its 15th year of leading collaborative, victim-centered efforts in advancing anti-trafficking initiatives in the Big Game host city, Las Vegas, Nevada. Sex trafficking survivors are launching *Defying Destiny*, an inspirational film project that includes survivor interviews powered by Securus and Aventiv. “The first step to stop human trafficking is to listen to survivors, their experience, and then learn how to take action,” Cheryl Csiky, IN OUR BACKYARD Executive Director, shares her story to encourage the public to raise awareness through the true realities of trafficking.

On Saturday, February 3, at 9 am, IOB encourages local Nevada residents and businesses to join them for a Freedom Sticker and Missing Children Book distribution event at Hope Church-Las Vegas Campus, 850 E Cactus Ave, Las Vegas, NV 89183. Hundreds of attendees are expected to come out and help place Freedom Stickers displaying the human trafficking hotline inside public restroom stalls, and distribute thousands of Missing Children Books containing photos of missing and endangered children to local convenience stores.

The distribution effort is in partnership with bp America, TravelCenters of America (TA), National Association of Convenience Stores (NACS), Send Relief and The Hub. Real-time tips gathered from this event are fed to local advocates and authorities. In 2023, 16 of 36 missing children were recovered within one week due to direct efforts by National Center of Missing and Exploited Children (NCMEC) and local law enforcement. To date, more than 600,000 Freedom Stickers have been placed in C-Stores in the Big Game’s host city.

Anyone can join this event or request Freedom Stickers and distribute them in his or her own business or neighborhood via IOB’s website at www.InOurBackyard.org today!

WPMAEXPO REGISTRATION ENDS TODAY, FEBRUARY 2



WPMAEXPO

Click [here](#) to register for the WPMAEXPO at The Mirage Resort in Las Vegas, Nevada held February 20-22, 2024

The following information provided by:
EMA-Energy Marketers of America



REGULATORY ALERT!

EPCRA TIER II Reports for Retail Sites and Bulk Plants Must be Filed by March 1, 2024

Energy Marketers are reminded that March 1, 2024 is the deadline for filing EPCRA Tier II reports for all bulk plants and retail fueling facilities meeting certain compliance thresholds for the storage of petroleum products *during the previous calendar year*. Typically, Tier II reports are filed with the state or local Fire Marshall where the facility is located. The information on the EPCRA Tier II report is used by state and local governments to

prepare and respond to a potential release of hazardous chemicals from a facility. EPCRA Tier II reports are also used to notify the public of the presence of hazardous materials stored in their community.

Covered Facilities and Compliance Thresholds – Bulk plants and retail fueling sites are typically the facilities for which energy marketers must file EPCRA Tier II reports. The following facilities meeting applicable compliance thresholds *must file* EPCRA Tier II reports:

- All bulk plants storing more than 10,000 pounds of petroleum product anytime during the previous calendar year.
- Retail fueling facilities with *more than 75,000* gallons of gasoline storage capacity and/or *more than 100,000* gallons of diesel fuel storage capacity. However, retail fueling facilities that do not meet these volume storage capacities for gasoline and diesel fuel are exempt from EPCRA Tier II reporting.

Penalty for Violations - The EPA penalty for failure to comply with EPCRA Tier II reporting requirements ranges between \$25,000 to \$175,000 *per day, per violation*. EPA checks for EPCRA report filing during routine compliance audits, after a facility release or upon a notification of non-compliance by a member of the public.

[CLICK HERE TO READ THE EMA REGULATORY ALERT](#)

VISA/MasterCard Settlement Administrator Accepting Claims Forms

After the VISA/MasterCard case was filed over 18 years ago, and over 5 years since the court approved the September 18, 2018 Class Settlement Agreement, the Class Administrator of the \$5.5 billion payment card interchange fee settlement fund has mailed out claim forms to retailers/marketers who may be eligible for a share of the Settlement Fund.

- **CLAIMANTS** must have accepted VISA and/or MasterCard as payment for their sales of goods or services between January 1, 2004 and January 25, 2019. Claim Forms must be submitted by May 31, 2024.
If you received a Claim Form in the mail and want to file a claim online using the Claimant ID provided, please click the “Submit a Claim” button” at this link:
<https://www.paymentcardsettlement.com/en>.
- **BRANDED MARKETERS** should submit a claim for branded sales even though there is currently a dispute about whether they or their branded supplier is entitled to recover the settlement share for credit card sales through their branded supplier’s respective systems. As previously reported by the Energy Marketers of America (EMA), a Special Master has been appointed by the court to hear appeals from denials of eligibility, such as claim denials based on the alleged status of branded retailers as indirect payers.
- **THE CLAIMS** The actual claim amount, per \$ of sales approved, will be calculated after the Claims Administrator calculates the total amount of the Claims submitted. If you receive a claim form in the mail, fill it out and return it to the Settlement Administrator in accordance with the instructions on the form using the assigned Claim ID number. If your claim is denied, you will be able to bring it before the Special Master for review. If you did not receive a form, you can access the settlement website below and enter your Tax ID number (TIN) to find out whether the Settlement Administrator considers you eligible at <http://www.paymentcardsettlement.com/en/Login>.

While EMA has not secured the procedures to be utilized by the Special Master, a determination of ineligibility obtained by accessing the above-referenced login information should be sufficient as a denial of your claim to warrant an appeal to the Special Master.

Please note that the “Court Approved Claim Form” is only 1 page long. Other than claimant identification, it only contains one substantive question. It requires a claimant to fill in the blank for “Class Period (Jan.1 2004-Jan. 25, 2019) Interchange Fees Paid.” Marketers should not need any assistance in completing or filing their claims. A fund this large attracts firms who think of inventive ways to obtain some of the settlement. We have heard from several marketers who have received solicitations to assist with their claims due to the anticipated long delay until payout. Given that this case was filed in 2005, the time until payout is unknown but it will likely be lengthy. Marketers may of course choose their own path but should understand that filing their claim form is simple.

If your claim is denied on the ground that you are an “indirect payer,” and you wish to lodge an appeal, you may want to first seek guidance from your attorney, although you are free to file your appeal without attorney assistance. The primary basis for any such appeal would be that you are, in fact, a direct payer of the interchange fees paid on each card transaction.

Comments and/or Questions? Please Contact EMA General Counsel Below

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Inside the Beltway Update

This week, the House passed a bipartisan tax plan that, if enacted, would majorly benefit businesses. Specifically, if the Senate passes the Tax Relief for American Families and Workers Act of 2024, it will provide several things, including (1) an extension of 100 percent bonus depreciation (full expensing), applying retroactively to 2023; (2) an increase in the small business expensing amount allowable under Section 179; and (3) an expanded child tax credit. It's unknown at this time if the Senate will take up the measure as several GOP Senators have voiced concerns over the expanded child tax credit.

Aside from House passage of the tax bill, House and Senate Appropriators are continuing to work on funding the government for the duration of FY 2024, and members of those committees have reached agreement on top-line numbers for their 12 individual spending bills (302(b)s). While this is a significant step forward, members have not announced those numbers publicly at this time, instead preferring to work on their funding bills privately. Immigration was also a focal point this week, with Senate negotiators still working on a border security package while members of the House consider whether to impeach Department of Homeland Security Secretary Alejandro Mayorkas.

Aside from the tax bill and appropriations, Washington was generally quiet this week, however, there were a few items that will be of interest to EMA members. This includes the Senate confirming Joseph Goffman to be Assistant Administrator for the Office of Air and Radiation at the Environmental Protection Agency. Mr. Goffman was confirmed by a razor-thin 50-49 vote. While Democrats applauded the confirmation, Republicans including Senate Environment and Public Works Committee Ranking Member Shelley Moore Capito (R-WV) opposed Goffman “because of the misguided policies he has developed and shepherded over years, both during the Obama administration and during the Biden administration.” Regardless, he is now confirmed to lead the EPA’s oversight of rules pertaining to emissions-related climate and clean air provisions. Relatedly, with former Secretary of State John Kerry stepping back from his role as Presidential Envoy on Climate, the White House announced that John Podesta will be stepping into the role.

Separately, while many had voiced concerns for the past year that the Administration would, among other environmental matters, consider banning gas stoves. Well, on Monday, the Department of Energy (DOE) issued its rule and people can continue cooking, as the new rule doesn’t take those controversial steps. In fact, according to DOE, “approximately 97 percent of gas stove models and 77 percent of smooth electric stove models on the market already meet [the new] standards” and that the Administration’s actions “will together provide nearly \$1 trillion in consumer savings over 30 years.”

EMA’s Washington Conference and Day on the Hill 2024 Hotel Reservations and Registration Open February 5!

EMA’s annual Washington Conference and Day on the Hill will be held in Washington, DC from **May 15-17** at **The Mayflower Hotel**. Our industry continues to have many important legislative and regulatory issues to discuss and the Day on the Hill remains the primary focus of this conference.

The meeting will begin with an Opening Session / Issues Briefing / New Attendee Orientation and Region meetings in the afternoon of May 15. Our welcome reception, exclusively sponsored by **EMA’s Board of Directors Council Partner** Federated Insurance, will include our fun and popular PAC “live” silent auction fundraiser (bidding and virtual viewing through download of the C2Auction App on your mobile phone), concludes the day! On the morning of May 16, marketers will head to Capitol Hill with their Congressional delegations, after a buffet breakfast and issues briefing for those who were not able to attend the opening session. There will be a luncheon exclusively sponsored by **EMA’s Board of Directors Council Partner** Altria

Group Distribution Company at their Corporate Offices on the Hill. On the evening of May 16, we will feature our 2024 EMA Chair Brad Bell along with honoring our other Past Chairs in attendance. Our conference will conclude after the EMA Board of Directors meet on May 17 following a buffet breakfast and committee meetings.

Our event will launch when invitations are sent out at 11:30am Eastern Time to state association members, their members who have attended EMA conferences in the past, and Corporate Partners. You will find all available details, including hotel reservations and meeting registration, for Washington Conference and Day on the Hill [here](#). Please make your room reservations now to attend this important and productive forum to meet with your members of Congress and network with other marketers from across the country! See you in DC in the Spring!

Continue to Urge Congress to Support the Credit Card Competition Act!

EMA continues to urge all jobbers and retailers to reach out to their Senators and ask them to **VOTE YES** on the Credit Card Competition Act. This bill would reduce swipe fees and allow retailers a choice of network to handle the transaction through competition which would save Americans and businesses around \$15 billion in swipe fees per year. Our industry's share of that comes to around \$9,000 per store per year.

[CLICK HERE TO URGE SENATORS TO SUPPORT THE CREDIT CARD COMPETITION](#)

WEEKEND READS

[GM Went All in on EVs. Dealers Say Buyers Want Hybrids](#)

[US auto safety agency upgrades probe into Tesla power steering loss](#)

[Buggy software is dogging the switch to electric cars | Axios](#)

[FMCSA Weighs Commercial Driver License Streamlining](#)

[Bluebell Asks BP to Bolster Oil and Gas, Cut Renewables Bets | Financial Post](#)

[Biden Power Plant and EV Plans Hit a New Obstacle: Vulnerable Democrats | Bloomberg](#)

[FDA Seeks \\$20K+ Fines Against Retailers Selling Unauthorized Youth-Appealing E-Cigarettes](#)

Federated Insurance

New Attacks on Noncompetes

Thursday, February 15, 2024-1:00 PM CST

30 minutes | Complimentary | Advance registration required



State legislatures and federal agencies continue to take aim at noncompete and nonsolicitation agreements with new laws ranging from total bans to severe restrictions. Protecting your customer list, sales territories,

and proprietary information is increasingly difficult. That's why it's more important than ever to understand what is and is not enforceable in each jurisdiction where you do business.

What you will learn:

- Where noncompete and non-solicitation agreements are banned or restricted
- Which specific contract terms are banned or restricted
- Where choice-of-law provisions still work
- What to start thinking about now for your business as this trend continues to grow

[Advanced registration](#) required for this 30-minute webinar.



The **WPMA NEWS** currently serves EIGHT independent petroleum and convenience store associations.

CLICK HERE FOR THE CURRENT ISSUE OF THE WPMA NEWS MAGAZINE

Interested in a previous *WPMA News* issue? Click [HERE](#).



EMA JOURNAL - The Official Publication of the Energy Marketers of America

Check out the EMA Journal anytime online by clicking [here](#).

The EMA Journal fall issue is now available.

THANK YOU **WPMA EXPO 2024** TOP SPONSORS

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PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

- February 13, 2024 - Utah UPMRA Day on Capitol Hill - 12:00 - 1:30 pm - Salt Lake City, UT
- February 20-22, 2024 - WPMAEXPO - Mirage/Hard Rock Resort - Las Vegas, NV
- April 1, 2024 - Hawaii (HEMA) Golf Tournament - 11:30 am - Oahu Country Club - Honolulu, HI
- April 25-26, 2024 - Nevada (NPM&CSA) Big Dogs - Red Rock & Siena Golf Course - Las Vegas, NV
- June 4-5, 2024 - Montana (MPMCSA) Convention - Fairmont Hot Springs Resort - Fairmont, MT
- June 17-19, 2024 - Washington Energy Convention - Suncadia Lodge - Cle Elum, WA
- July 14-16, 2024 - Oregon (OFA) Conference - Sunriver Resort - Sunriver, OR
- August 7-9, 2024 - Idaho (IPM&CSA) Convention - Coeur d'Alene Resort, Coeur d'Alene, ID

WATCH FOR REGISTRATION TO OPEN FOR THE WASHINGTON AND NEVADA EVENTS SOON

WPMAEXPO REGISTRATION ENDS FEBRUARY 2

WPMAEXPO[®]

WPMAEXPO

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Happy Groundhog Day!

Don't forget **MARCH 1st** is only **WEEKS AWAY!!!**

\$4,000

SCHOLARSHIP OPPORTUNITY!

WPMA
SCHOLARSHIP FOUNDATION

CLICK HERE
for **WPMA**
SCHOLARSHIP
Information and
to **Apply Online!**

Petro Pete: Did you hear about the statistician who drowned while crossing a river? It was three feet deep on average.

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If you do not wish to receive information via fax or e-mail, please contact:
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