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**NEVADA GOVERNOR SELECTS VALERIE DRAKE FOR STATE BOARD OF AGRICULTURE**

Winnemucca Marketer and long-time association member Valerie Drake was selected by Governor Steve Sisolak to serve as the petroleum industry representative on the Board of Agriculture. As part of a family business for more than 40 years, her father Gene started working for Mobil Oil in southern California in the 1960's. The family moved to Reno in 1972 where her parents opened a bulk plant which they sold in 1977 to move to Winnemucca and purchase a local bulk plant and service station which became Sage Petroleum Products. Valerie is now the owner of Sage Petroleum Products which serves the tri-county area of northern Nevada with bulk fuels and lubricants as well as having a 24 hour Cardlock.

Congratulations Valerie!

**SUBSIDIZED COBRA ELIGIBLE TO LAID OFF EMPLOYEES THROUGH SEPTEMBER 30**

As you know, the COVID relief legislation (the American Rescue Plan Act of 2021) that was signed into law in March included language providing COBRA premium health insurance coverage for laid off employees and their beneficiaries.

COBRA provides certain employees and their beneficiaries with the right to retain coverage under an employer's group health plan for a set period following certain triggering events including when the employee is laid off. Typically, the cost of the COBRA premium is born exclusively by the individual. However, the new law provides subsidies to cover 100 percent of the premiums for eligible individuals who qualify for COBRA coverage for the period from April 1, 2021 through September 30, 2021. During this period, the qualifying individual does not have to remit COBRA premiums and instead the premium will be reimbursed directly to the employer, plan administrator or insurance company (depending on the nature of the plan) in the form of a tax credit.

Recently the Department of Labor (DOL) issued two new sets of FAQs to help employees and employers understand the new COBRA premium subsidies and COBRA in general. The DOL also issued new model notices that employers and plan administrators may use to satisfy their obligation to alert COBRA qualifying individuals of the COBRA premium subsidies. DOL COBRA information can be found by clicking [here](#).

In the event of a termination/lay off or other action (such as a reduction in hours) that would end an employee's regular coverage under the group health plan and cause them to be eligible for COBRA – employers should make sure that they and their agents consult the new materials from the DOL and comply with the new requirements related to the premium subsidies.

**EMA, IFRA AND FUEL IOWA URGE MIDWEST SENATORS FOR SMALL BUSINESS SAFEGUARDS IN POTENTIAL UPCOMING SURFACE TRANSPORTATION BILL**

This week, EMA, FUEL Iowa and the Illinois Fuel & Retail Association (IFRA) sent a letter to Midwest Senators Tammy Duckworth (D-IL) and Joni Ernst (R-IA) urging them to include small business protection should Congress enact the Alternative Energy Grant Program in a future transportation package. Last year, Congress proposed the creation of a grant program for states to deploy electric vehicle (EV) charging stations along designated alternative fuel corridors which EMA is concerned that grant funds may be consumed by large corporations before small businesses have an opportunity to apply.

The letter stated, "Should this provision be included in future legislation, we request that the program reserve at least one-third of total funding for independent fuel marketing businesses, with fewer than 500 hundred employees, located along designated alternative fuel corridors. Importantly, we ask that the program be fuel neutral to ensure that all types of energy infrastructure including underground storage tank systems be included in the program in order to safely and legally sell higher biofuel blends (E10 plus and B20 plus blends)." Click [here](#) to read the letter.

"We believe this is a win-win for the fuel marketing industry and renewable fuel interests to ensure small business fuel marketers have the funds necessary to make upgrades to underground storage tank system infrastructure in order to sell higher biofuel blends as well as sell electricity/hydrogen under the Alternative Energy Grant Program," said EMA President Rob Underwood.

Recently, EMA sent a [letter](#) to the House Transportation and Infrastructure Committee as well as a [letter](#) to the Senate Environment and Public Works Committee outlining energy marketers transportation and infrastructure priorities. EMA emphasized the importance of creating safeguards to ensure small business marketers can access vital federal funds to

advance alternative energy goals. EMA also voiced concerns over rest area commercialization and utilities using ratepayers to unfairly build out EV infrastructure. In addition, EMA voiced support for the Drive-Safe Act which would establish an apprenticeship program for the legal operation of a commercial motor vehicle in interstate commerce by CDL holders under the age of 21.

### **EMA URGES CONGRESS TO INCLUDE THE DRIVE-SAFE ACT IN INFRASTRUCTURE BILL**

This week, the Energy Marketers of America (EMA) along with more than 100 organizations sent a [letter](#) to the House Transportation and Infrastructure and Senate Commerce, Science, and Transportation and Committees requesting that the DRIVE-Safe Act (S. 659/H.R. 1745) be included in any infrastructure legislation. Though 49 states and the District of Columbia allow individuals to obtain a commercial driver's license (CDL) at the age 18, federal law currently prohibits those operators from moving goods from state to state until they are 21.

The DRIVE-Safe Act reintroduced by Rep. Trey Hollingsworth (R-IN), as well as Sens. John Tester (D-MT) and Todd Young (R-IN), would allow drivers 18 and older to operate across state lines if they meet rigorous training requirements — at least 400 hours of on-duty time with 240 hours of driving time, with an experienced driver training them. Training would also be restricted to trucks equipped with active braking systems, video monitoring systems and speed limiters set to 65 mph or slower. Although EMA drivers transporting fuel would not be covered under the DRIVE-Safe Act since drivers must be 21 to qualify for a hazardous materials endorsement (HME), EMA supports the bill because it would expand the number of CDL drivers overall, some of whom may choose to obtain an HME in the future.

### **FMCSA WARNS MOTOR CARRIERS OF FRAUDULENT VENDORS POSING AS GOVERNMENT AGENCIES**

The Federal Motor Carrier Safety Administration (FMCSA) is warning motor carriers of predatory companies posing as government agencies seeking to collect \$149 filing fees for U.S. DOT number renewal. One company sent past-due notices to motor carriers under the name "FMCSA Compliance Processing Group." The letters warn motor carriers to "contact us immediately" or risk fines of \$1,000 a day and out of service orders, "per the Federal Motor Carrier Safety Administration."

The company's letter takes advantage of a requirement for U.S. DOT number holders to update their company information every two years by filing a new MCS-150 form with the FMCSA. In its warning, FMCSA said it is aware motor carrier officials and new entrant applicants often receive "confusing or misleading solicitations" from service providers or third-party administrators via telephone, email, text and U.S. Mail. These businesses obtain publicly available company information provided when submitting applications and renewals required in to comply with FMCSA regulations. The FMCSA says it never contacts motor carriers via telemarketers or robocall solicitations, nor requests credit card numbers by telephone or charge a fee for downloadable forms that can be found for free at [fmcsa.dot.gov/mission/forms](https://www.fmcsa.dot.gov/mission/forms). FMCSA said aggressive or fraudulent marketing complaints include motor carriers being pressured to immediately enroll in drug and alcohol supervisor training, offer general agency regulatory and compliance support, Unified Carrier Registration compliance or biennial updates, FMCSA said. The agency said motor carriers should report all fraudulent requests for information to the Office of Inspector General Hotline via [oig.dot.gov/hotline](https://www.oig.dot.gov/hotline) or by calling (800) 424-9071.

### **U.S. APPEALS COURT CONSIDERS LEGALITY OF EPA'S EXTENSION OF ONE POUND RVP WAIVER TO E15 BLENDS**

The U.S. Court of Appeals for the D.C. Circuit heard a challenge to the EPA's one pound RVP Waiver for E15 brought issued in a 2019 final rulemaking. The EPA rulemaking extended the one-pound Reid Vapor Pressure (RVP) waiver to E15 blends, thus allowing its sale year-round. E15 was previously limited to the winter driving season only when evaporative emissions are low due to cold weather.

Extending E15 sales to the summer driving season has been the goal of the ethanol industry since the inception of ethanol as the primary oxygenate for gasoline blend stocks. The American Fuel and Petrochemical Manufacturers (AFPM) filed the legal challenge arguing, that the RVP language under the Clean Air Act prohibits use of the waiver for ethanol blends greater than 10 percent. Much of Tuesday's dialogue between judges and attorneys centered around how EPA should interpret statutory language. The biofuel industry argues that if the rule is overturned, both volatile emissions and greenhouse gas emissions would increase, which is inconsistent with Congressional intent and the goals of the Clean Air Act.

Countering that argument, AFPM said that no Administration is empowered to reinterpret the Clean Air Act to mean something Congress expressly rejected. Moreover, if there is any doubt over Congress's intent on this matter, a proposed 1990 Clean Air Act amendment that would have explicitly set an RVP waiver floor of 'at least' 10 percent ethanol was rejected in favor of the statute as written. A decision on the case is expected later this year.

### **SENATE COMMITTEE HOLDS HEARING ON HIGHWAY TRUST FUND SOLVENCY**

This week, the Senate Environment and Public Works Committee (EPW) held a hearing titled "Long-term Solvency of the Highway Trust Fund: Lessons Learned from the Surface Transportation System Funding Alternatives Program and Other

User-based Revenue Solutions, and How Funding Uncertainty Affects the Highway Programs.”

The Committee heard from Joseph Kile Ph.D., Director of Microeconomic Analysis, Congressional Budget Office; Jack Basso, Chair, Mileage Based User Fee Alliance; Patricia G. Hendren Ph.D., Executive Director, The Eastern Transportation Coalition; Robert Poole, Director of Transportation Policy, Reason Foundation and Douglas Shinkle, Transportation Program Director, National Conference of State Legislatures.

Chairman Tom Carper (D-DE) spoke about the need to reach a compromise on surface transportation legislation but noted three principles that should be incorporated:

(1) investment is needed in infrastructure; (2) resiliency and climate change should be addressed in the bill; and (3) those who use infrastructure should help pay for it. Ranking Member Shelley Moore Capito (R-WV) stated that passing a bipartisan surface transportation reauthorization bill is a “top priority” for her as Ranking Member who emphasized the traditional bipartisan nature of the committee’s approach to surface transportation and laid out her priorities for the bill, including: (1) fiscally responsible long-term investment in roads and bridges; (2) flexibility for states and communities; (3) safety; (4) surface transportation system resiliency; and (5) innovation. Ranking Member Capito noted the need for a bipartisan, long-term solution for the Highway Trust Fund (HTF) shortfall and expressed concern about President Biden’s proposed tax increase.

Broadly, the hearing focused on the HTF shortfall and possible solutions. Both parties agreed that there is both a need for infrastructure investment and a predictable funding source. Similarly, both parties agreed to the concept of a user-pays system and the value of vehicle-miles-traveled (VMT) programs, although they differed on some of the specific policy elements. While most Members agreed that electric vehicles needed to pay their fair share for road usage, Sen. Sheldon Whitehouse (D-RI) expressed concern that electric vehicles would be forced to pay a higher user fee rate. Sen. Mark Kelly (D-AZ) asked about the impact of COVID-19 on fuel tax collections and whether HTF projections consider a potential shift to more telework while Sen. Cynthia Lummis (R-WY) asked about congestion pricing.

Meanwhile, Republicans are expected to introduce their own infrastructure bill to counteroffer President Biden’s proposal. The plan is expected to be in the range of \$600 to \$800 billion, more targeted in scope and funded by unspecified user fees. Republicans have also lamented Biden’s infrastructure package for spending more on EVs than roads and bridges. EMA will have more details in next week’s Weekly Review.

### **CHANGES IN HURRICANE FORECASTING AND EARLY 2021 PREDICTIONS**

The 2020 Atlantic hurricane season produced 30 named storms, the most on record, and the U.S. had 12 direct strikes, busting the previous record of nine from 1916. Forecasters had to turn to the rarely used Greek alphabet for only the second time in history to name tropical systems (it is worth noting that using the Greek alphabet caused too much confusion last year and forecasters have eliminated use of the Greek alphabet for future storms).

Due to the increase in storm intensity, the National Oceanic and Atmospheric Administration (NOAA) updated its hurricane baseline for the Atlantic hurricane season (June 1 – November 30) this year. NOAA will now use data from 1991 through 2020 (NOAA previously used the 1981 to 2010 timeframe), which represents an upward revision in the number of hurricanes for an “average” season. NOAA will release its’ forecast for hurricane season next month.

Meanwhile, Colorado State University’s Department of Atmospheric Science estimates that 2021 will have about 8 hurricanes (average is 6.4), 17 named storms (average is 12.1), 80 named storm days (average is 59.4), 35 hurricane days (average is 24.2), 4 major (Category 3-4-5) hurricanes (average is 2.7) and 9 major hurricane days (average is 6.2). The probability of U.S. major hurricane landfall is estimated to be about 130 percent of the long-period average.

Meanwhile, North Carolina State University (NCSU) researchers predict a higher than average season, and have elaborated on the discussion that the season should start May 15 as there have been early starts to the season in recent years. The move will not happen in time for the 2021 Atlantic hurricane season, however, the National Hurricane Center (NHC) will start issuing tropical weather outlooks on May 15 this year, which is when routine tropical weather outlooks also begin for the eastern Pacific basin.

Although it is only April, based on current weather data as well as long-range climate clues, AccuWeather meteorological forecasters are urging residents in traditional hurricane-prone areas to make their preparations now.

### **SECURING PUBLIC GATHERINGS WEBSITE IS AVAILABLE**

The Cybersecurity Infrastructure Security Agency (CISA) has released the *CISA Securing Public Gatherings* website, [www.cisa.gov/securing-public-gatherings](http://www.cisa.gov/securing-public-gatherings). The site features security resources related to public gatherings and crowded places for all stakeholders.

Public gatherings and crowded places are increasingly vulnerable to terrorist attacks and other extremist actors because of their relative accessibility and large number of potential targets. Organizations of all types of sizes, businesses, critical infrastructure owners and operators, the public, schools, and houses of worship face a variety of security risks. To help organizations mitigate potential risks in today's rapidly evolving threat environment, CISA provides a compendium of resources for securing public gatherings. These resources cover unauthorized access to facilities, cybersecurity, election security, active shooters, bombings, and small unmanned aircraft systems (sUAS).

### **EMLI (PMLI) REGISTRATION IS OPEN NOW**

We are excited to announce that registration is open for the Energy Marketers Leadership Institute (EMLI)!

EMLI is new and improved and is designed to make it easier and more affordable for WPMA members to attend. The EMLI programs will be delivered online via Zoom video conference and will include breakout rooms so that the leaders who are attending can interact and learn together.

Special thanks to Lea McCullough for her leadership in working with Meridian to design and deliver the EMLI programs. For more information on how to register go to: <https://emamasters.com/energy-marketers-leadership-institute/>

### **WPMA COVID-19 - CRITICAL REFERENCES FOR MEMBERS**

Please visit our web site for up-to-date information related to your business and the COVID-19 pandemic. You will find the link on our home page at [www.wpma.com](http://www.wpma.com).

### **MEMBERS AND ASSOCIATES - YOU CAN CONTRIBUTE!**

WPMA welcomes industry-related articles for publication in the WPMA News magazine. All members and associate members of WPMA are eligible to submit items for publication. Articles will be included as space allows, and no self-promoting articles or editorials will be accepted. WPMA reserves the right to edit and make adaption of such contributions to accommodate the magazine's space and style. Please submit articles or content to Jan Roothoff, WPMA Administration/IT Director at [janr@wpma.com](mailto:janr@wpma.com), or mail to Jan Roothoff, Western Petroleum Marketers Association, PO Box 571500, Murray, UT 84157-1500. Submissions for the Winter edition of WPMA News magazine are due before November 1<sup>st</sup>. Later submissions will be considered for the Spring issue.

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

**April 20, 2021** – Idaho (IPM&CSA) Treasure Valley PAC Fund Golf Tournament – Ridgecrest GC - Nampa, ID

**May 6-7, 2021** - Nevada (NPM&CSA) Big Dogs - Red Rock Hotel & Casino - Las Vegas, NV

**June 7-9, 2021** - Montana (MPMCSA) Convention -Fairmont Hot Springs Resort - Fairmont, MT

**June 21-24, 2021** - Washington (WIED) Convention - Suncadia Resort - Cle Elum, WA

**June 24, 2021** - Utah (UPMRA) Summer Golf Classic - Bountiful Ridge GC - Bountiful, UT

**July 25-27, 2021** - Oregon (OFA) Annual Conference - Sunriver Resort - Sunriver, OR

**August 4-6, 2021** - Idaho (IPM&CSA) Convention - Sun Valley Resort - Sun Valley, ID

**August 23-25, 2021** - New Mexico (NMPMA) Convention - Sandia Resort & Casino - Albuquerque, NM

**September 15-17, 2021** - Utah (UPMRA) Convention - Sheraton Park City Hotel - Park City, UT

**February 22-24, 2022** – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

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**Petro Pete: "Does "Running Behind" count as exercise?"**

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## **Classified Ads**

### **EMPLOYMENT OPPORTUNITY**

#### **Controller / Accounting Manager, Burley, ID**

Lynch Energy is looking for a driven, strategic leader to oversee general accounting operations and processes to ensure timely financial reporting. The Controller performs a critical function for our company, reconciling account balances and bank statements, processing payroll, maintaining general ledger, and preparing month-end close procedures, and reports directly to the CFO. A successful Controller combines excellent analytical skills with a thorough knowledge of accounting principles to analyze financial reports and forecasts, collaborating closely with senior management and office staff to accomplish company objectives.

Must Have Bachelor's Degree or higher in Accounting, Finance, or other relevant field, and 5+ years of experience in a position of leadership in Accounting. Salary \$75k-\$100k, commensurate with experience.

Contact Paul Cundick, HR Director for more information ([Paul@lynchoilinc.com](mailto:Paul@lynchoilinc.com)) or apply directly at [LynchEnergyInc.com](http://LynchEnergyInc.com)