



May 26, 2023

Visit us online at [wpma.com](http://wpma.com)

WP-05-26-23

---

### **NMPMA CONVENTION-REGISTRATION IS NOW OPEN**

Click [here](#) to see Schedule of Events for the NMPCSA Convention held August 21-23 at the Sandia Resort in Albuquerque, NM.



Choose your attendee type to register: [Attendee](#) or [Exhibitor](#)

---

### **FEDERAL GRANT OPPORTUNITIES AVAILABLE TO UST OWNERS**

The [Bipartisan Infrastructure Law](#) and the [Inflation Reduction Act](#) provided significant funding for federal grant programs. Several of these grant programs have goals related to OUST program concerns.

Click [here](#) to view the list of grant opportunities available.

These are nation wide grants from the federal government, so send in your applications early. The main grant for biofuels infrastructure has 500 million available. They haven't set their application due date yet; so they do recommend working on the application right now and then submitting as soon as the application period is announced.

---

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



### **BIPARTISAN, BICAMERAL CONGRESSIONAL LETTER URGES EPA TO WITHDRAW COSTLY SMALL GASOLINE BULK PLANT VAPOR BALANCING PROPOSED MANDATE**

**The letter emphasizes the importance of gasoline bulk plants to first responders and farmers**

On Monday, Senator Kevin Cramer (R-ND) and Congressman John Joyce (R-PA), along with 82 lawmakers, urged the Environmental Protection Agency (EPA) to withdraw a proposed rule that would mandate the installation of gasoline vapor balancing equipment at virtually every small/intermediate bulk storage plant and loading cargo tank wagon across the country. If finalized in the current form, the rule would lead to "higher fuel costs or the elimination of intermediate gasoline storage at small bulk plants, impacting supply to end users offering vital services to their local communities and potentially cutting off whole communities during an emergency," said the bipartisan group of lawmakers, which includes Democratic Representatives Angie Craig (MN), Bennie Thompson (MS) as well as Senators Chuck Grassley (R-IA), Shelley Moore Capito (R-WV) and more.

"The EPA's overzealous proposed rule could have disastrous consequences for North Dakotans. Small, family-owned gasoline bulk storage plants are a critical part of the fuel distribution system in rural areas," said Senator Cramer. "If finalized, this proposal would either force increased costs on consumers or the closure of storage facilities. It's a lose-lose for everyone involved, and the EPA should withdraw the rule."

Background: In June 2022, the EPA proposed revisions to the National Emissions Standards for Hazardous Air Pollutants [NESHAP Subpart BBBBBB (small bulk gasoline plants)] to require vapor balancing equipment both for delivering to a storage tank and loading a cargo tank at all gasoline bulk plants with a maximum design throughput of 4,000 gallons per day or more. The current threshold is 20,000 gallons per day of actual throughput. Gasoline is typically shipped to customers daily in large tank vehicles that pickup product at a large supply terminal and deliver a full truckload directly into customer storage tanks. However, some customers, including state and local governments, farmers, ranchers, commercial end-users, and first responders, require a smaller volume of gasoline than a full truckload on an even less frequent delivery schedule. Unfortunately, the EPA significantly underestimated the economic impact of the proposed rule on small business energy marketers and affect the availability of gasoline in rural areas and on the farmers, businesses, and first responders that rely on these small energy marketers for gasoline.

“Ensuring that rural gas stations have the necessary supply to meet demand is essential for our families, farmers, and emergency services providers. This issue transcends political divides and it's time for the EPA to withdraw provisions of the proposed NESHAP rule that apply to small bulk plant facilities and put our gasoline supply at risk,” said Rep. John Joyce (R-PA).

Based on gasoline bulk plant surveys and upgrade cost information collected by the Energy Marketers of America (EMA), the cost to upgrade a gasoline bulk plant to a vapor balance system for both transport unloading and tank vehicle loading will exceed \$120,000 per facility. “These compliance costs to small business energy marketers are concerning and we urge the EPA to withdraw this costly proposed rule to keep small businesses in business and to maintain critical fuel supply across the country especially during emergencies,” said EMA President Rob Underwood.

[CLICK HERE](#) to read the full text of the letter and to see who signed the letter.

### **EPA DROPS CONTROVERSIAL ERINS PROVISION FROM PROPOSED 2023-2025 RFS STANDARD**

The EPA removed the controversial electric vehicle (EV) credit (eRIN) from the proposed RFS rule for 2023-2025 now under final review at the White House Office of Management and Budget (OMB). Under the proposed rule issued in November, the agency would allow EV automakers to generate eRINs for charging vehicles using power generated from renewable natural gas or methane generated from sources such as cattle or landfills. EMA submitted written comments to the EPA earlier this year demanding the agency to drop the proposed creation of eRINs under the RFS. EMA argued in its comments that Congress did not authorize eRINs under the Energy Independence and Security Act of 2007 (EISA) which created the RFS.

EMA pointed out that EISA contains no affirmative authorization for an eRIN regulatory mandate. Under Section 206 of EISA, Congress merely contemplated the feasibility of a credits system connected to renewable electricity for electric vehicles (EVs) as an adjunct program to the RFS. Instead, lawmakers instructed the EPA to consider alternatives for designing an eRINS pilot project and report its findings back to Congress. The agency never conducted the study or submitted a report to Congress as required under Section 206.

EPA likely dropped the eRINs proposal to avoid almost certain civil litigation that would significantly delay finalizing the 2023-2025 RFS blending mandates. Removal of the eRINs provisions in the RFS is good news for energy marketers because it removes a powerful incentive for the manufacture of EVs. Also, dropping the eRINs proposal means more blending volume is available for other renewable fuel pools under the 2023-2025 mandate, including blending for renewable diesel which EMA strongly supports. The Biden administration is still hopeful it will pass a final rule on the eRINs program before the end of the year, even if it is uncoupled from the annual RFS blending mandate.

In a letter last month, House Energy and Commerce (E&C) Committee Republicans noted that the current RFS was created by Congress “to encourage the use of certain types of domestically produced blends of gasoline for vehicles. The RFS is intended to focus on liquid transportation fuels, and not to be used as a tool to electrify transportation.” Additionally, a bipartisan group of six Western lawmakers urged the EPA to remove the eRINS proposal. Reps. David Valadao (R-CA), Jim Costa (D-CA), Cliff Bentz (R-OR), Lori Chavez-DeRemer (R-OR), Chris Stewart (R-UT) and Doug LaMalfa (R-CA) argue that e-RINs could “disrupt the growing market for renewable natural gas generated by dairies and other producers” by lessening the value of renewable gas used directly for transportation.

More recently, Sens. Chuck Grassley (R-IA) and John Cornyn (R-TX) introduced a bill that would prevent the auto manufacturers from participating in the RFS and would direct the EPA to withdraw its proposed eRIN program. EMA supports the legislation and [CLICK HERE](#) for more information.

### **INSIDE THE BELTWAY UPDATE**

Will they or won't they? That has been the question around town this week as the President and House Speaker Kevin McCarthy continue to (hopefully) negotiate a deal to increase the Federal debt limit and avert a default which many believe would have a catastrophic economic impact. In addition to the possible economic impact, the negotiations are taking their toll on Congress' ability to conduct its other work, which was made clear when the House Appropriations Committee canceled its first FY 2024 markups.

Despite the headwinds from the debt limit negotiations, the House managed to vote on S. J. Res 11, a Congressional resolution that would repeal the EPA's nitrogen oxides emissions rule for heavy trucks. The measure had already cleared the Senate, so the next stop is the President's desk, where it is expected to be vetoed. Given the margins required to override a Presidential veto are two-thirds of all members, this is likely the end of the line.

Separately, the House Transportation and Infrastructure (T&I) Committee managed to mark up 18 pieces of legislation focused on supply-chain issues. These issues include potential changes to CDL license testing, expedited environmental review of projects, and increasing the maximum weight of commercial trucks. The bills were voted out of committee, but it remains to be seen when they might be considered by the full House. In addition to the T&I markup, Reps. Rick Crawford (R-AR) and Henry Cuellar (D-TX) introduced H.R. 3408, the DRIVE Safe Integrity Act. This legislation, if enacted, would help to address the lack of qualified CDL drivers that has been plaguing the nationwide supply chain by establishing the need for a permanent

apprenticeship program for commercial drivers between the ages of 18-20. This proposal builds off the Safe Driver Apprenticeship Pilot Program that was enacted as part of the Infrastructure Investment and Jobs Act (IIJA).

In other news, Senator Capito (R-WV) and 26 other Republicans urged EPA to withdraw its proposed tailpipe GHG emission rules designed to increase EV adoption. The lawmakers argued that the rules violate the legal precedent in West Virginia v. EPA because they constitute a “major, multi-billion-dollar, policy-driven technology transition mandate” without “clear and direct statutory authority.” The Senators also highlighted the issues with electrification including cost, lack of grid and charging infrastructure, supply chain reliance on China and road safety due to the higher weight of EVs.

Meanwhile, Representatives Grace Meng (D-NY), Abigail Spanberger (D-VA), Brian Fitzpatrick (R-PA) and Andrew Garbarino (R-NY), along with 30 original co-sponsors, introduced the “Hot Foods Act” (H.R. 3519) that would allow SNAP recipients to purchase hot, prepared foods, which are currently barred from purchase in the program.

Finally, the US Supreme Court significantly limited the reach of the Clean Water Act, in a monumental decision and a huge win for landowners and business groups who argued the agencies have been overregulating small bodies of water such as wetlands. [CLICK HERE](#) for the story.

### **SPECIAL EMA MEMBERS CODE FOR NACS SHOW 2023 REGISTRATION**

Registration is now open for the 2023 NACS Show in Atlanta, Georgia from October 3-6.

[CLICK HERE](#) to register for the NACS Show and PLEASE USE THE EMA NACS SHOW REGISTRATION CODE BELOW.

### **EMA Registration Code**

**EMANS2023**

Using this code provides EMA with \$100 for every retailer or jobber paid registration. And to assist with early registrations, this special code will extend the Early Bird rate until June 9, 2023, for anyone who uses the code as well as providing the \$100 for anyone registering at any rate after the Early Bird rate expires. EMA encourages EMA state execs to promote and share with your state association’s member companies. \*\*Please note that EMA State Execs are comped for NACS Show registration, and this link will be sent directly to them in the near future. Additionally, the NACS Show registration is separate from EMA’s Fall Meeting registration. Again, the EMA NACS Show Registration Code is: EMANS2023 and [CLICK HERE](#) for Full Instructions to register.

Questions registering? Contact NACS Show registration customer service at [nacs@maritz.com](mailto:nacs@maritz.com) or 469-513-9489, Monday-Friday, 9:00 a.m. – 5:00 p.m. EST, for assistance.

### **WEEKEND READS**

[Auto expert concedes a lack of resources will plague and delay EV push for decades](#)

[The Fuels Institute Is Now the Transportation Energy Institute](#)

[More than 150 Republicans condemn Biden’s ‘ill-considered’ EV push](#)

[bp Names New Leadership for TravelCenters of America](#)

[U.S. Merchants Say Canadian Deal Shows Credit Card Swipe Fees Could be Lowered Here](#)

[Xcel Energy plan to build 460 EV fast charging stations in Colorado angers retailers, other charging proponents](#)

[EMA Journal](#) - Click [here](#) to review the *EMA Journal* publication.

---

### **FEDERATED INSURANCE: RISK MANAGEMENT CORNER**

#### **Are Your Company Drivers Addicted to their Cell Phones?**

Everyone knows at least one person who can’t be away from their phone — even when behind the wheel. Did you know:

- 47 percent of Americans consider themselves to be addicted to their phones 1
- People check their phone an average of 344 times per day 1
- Drivers are 23 times more likely to crash when using a cell phone 2
- One out of every four car accidents is caused by texting and driving in the United States 3

Cell phone addiction is real. Are your employees among the 47 percent of Americans who can't keep their hands and minds off their phones on the road? If you can't definitively answer that question, it's time to take action.

**Take action:** Educate your employees on the danger of cell phone addiction using the statistics shared above.

**Take action:** Learn more about [Federated DriveSAFESM Telematics](#), which offers insight into employees habits behind the wheel – including phone use.

*Federated's knowledgeable risk consultants are also available to clients to provide personal consultation on distracted driving topics and ways to reduce cell phone use behind the wheel. Please always feel free to contact your [Federated](#) regional representative or EMA's National Account Executive [Jon Medo](#) at 800.533.0472 for any additional information or risk management questions. [Federated](#) is a Partner in EMA's Board of Directors Council.*

1. <https://www.reviews.org/mobile/cell-phone-addiction/> 2022 Cell Phone Usage Statistics: How Obsessed Are We? Accessed 2/16/23.
2. <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/FMCSA-RRR-09-042.pdf> US Department of Transportation. "Driver Distraction in Commercial Vehicle Operations." Accessed 2.20.2023
3. <https://www.edgarsnyder.com/car-accident/cause-of-accident/cell-phone/cell-phone-statistics.html> 2022 Texting and Driving Accident Statistics. Accessed 2/16/23.

---

### **PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS**

June 6-7, 2023 – MPMCSA Montana Convention – Fairmont Hot Springs – Fairmont, MT

June 19-21, 2023 – WIED Washington Convention – Suncadia Lodge, Cle Elum, WA

June 22, 2023 - UPMRA Utah Summer Golf Classic - Davis Park Golf Course - Fruit Heights, UT

July 16-18, 2023 – OFA Oregon Conference – Sunriver Resort – Sunriver, OR

August 2-4, 2023 – IPM&CSA Idaho Convention – Sun Valley Resort – Sun Valley, ID

August 21-23, 2023 - NMPMA New Mexico Convention - Sandia Resort - Albuquerque, NM

October 25-27, 2023 - UPMRA Utah Convention - Hilton Garden Inn - St. George, UT

---

## **REGISTRATION IS OPEN FOR THE FOLLOWING EVENTS**



### **MONTANA CONVENTION**

Click [here](#) to see Schedule of Events for the Montana Convention held June 6-7 at Fairmont Resort in Fairmont, MT.

Choose your attendee type to register: [Attendee](#) or [Exhibitor](#)



### **WASHINGTON CONVENTION**

Click [here](#) to see the schedule of events for the Washington Convention held June 19-21 at Suncadia Resort in Cle Elum, WA.

Choose your attendee type to register: [Attendee](#) or [Exhibitor](#)



### **UTAH GOLF**

Registration for the **UPMRA Summer Golf Classic** held June 22 at Davis Park Golf Course in Fruit Heights.

Breakfast and Range Balls - 6:30 - 7:30 am  
Shotgun Start, Scramble Format - 7:30 am  
Lunch and Prizes awarded in Clubhouse - 12:30 pm

Click [here](#) to register.



### **IDAHO CONVENTION**

Click [here](#) to to see Schedule of Events for the IPM&CSA Convention held August 2-4 at Sun Valley Resort in Sun Valley, ID.

Choose your attendee type to register: [Attendee](#) or [Exhibitor](#)

---



### **OREGON CONFERENCE**

Click [here](#) to see the schedule of events for the Oregon Conference held July 16-18 at Sunriver Resort, Sunriver, OR.

Choose this link to register: [Attendee](#)

---



### **NEW MEXICO CONVENTION**

Click [here](#) to to see Schedule of Events for the NMPCSA Convention held August 21-23 at the Sandia Resort in Albuquerque, NM.

Choose your attendee type to register: [Attendee](#) or [Exhibitor](#)

---



### **UTAH CONVENTION**

Click [here](#) to to see Schedule of Events for the UPMRA Convention held October 25-27 at the Hilton Garden Inn, St. George, UT.

Choose your attendee type to register: [Attendee](#) or [Exhibitor](#)

---

Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington  
and Associate scholarship **2023 WINNERS** ...



**\$4,000**

**SCHOLARSHIP**

**RECIPIENTS!**



**WPMA**

Look for recipients to be featured in the **WPMA News Scholarship Magazine** coming this **AUGUST** SCHOLARSHIP FOUNDATION

---

**Petro Pete:** I got a new pair of gloves today, but they're both 'lefts,' which on the one hand is great, but on the other, it's just not right.

© 2022 Western Petroleum Marketers Association - All rights reserved. No part of this work may be reproduced or copied in any form or by any means - graphic, electronic, or mechanical, including photocopying, recording, or otherwise. The information herein is also intended for the sole purpose of members of the Western Petroleum Marketers Association (WPMA). Any other use is strictly prohibited without the express written consent of the WPMA.

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: [kimw@wpma.com](mailto:kimw@wpma.com) Thanks.

---