

RECORD BREAKING TURNOUT FOR PMAA DAY ON THE HILL!

While some associations are reporting significant drops in their DC conference participation, PMAA members set an all-time record of 295 members and guests who attended our annual conference. Our "Day on the Hill" meetings went a long way toward strengthening congressional resolve to support a common sense federal Renewable Fuels Standard. Additionally, more members of Congress now understand the potential gasoline bottlenecks a new ozone standard will create. Marketers continued to ask for support for credit card interchange fee reform; opposing weakening of derivatives reform efforts; and greater education on most of our issues.

PMAA wants to give an immense THANK YOU to all of our Washington Conference 2014 Sponsors: Federated Insurance for the Welcome Reception on Wednesday; Worldpay and Phillips 66 for Thursday's Legislative Breakfast; Citgo Petroleum Corporation for the Legislative Issue Briefs Flash Drives; CME Group and RJ Reynolds Tobacco Company for Thursday's Congressional Luncheon; and the National Biodiesel Board for the Board of Directors Breakfast on Friday.

We give special credit to Bunnell-Lammons Engineering, Inc, Huguenot Fuels Corporation and the South Carolina Petroleum Marketers Association for additional contributions for the Thursday reception honoring PMAA Chairman Sam Bell.

COMDATA SETTLEMENT LINK

There were discussions last week during the PMAA Day on the Hill concerning the Comdata settlement and we wanted to get the latest information to you ASAP because the deadline for filing claims is June 5, 2014.

All of the relevant information can be found at this website: <https://truckstopantiitrustsettlement.com/>

OZONE STANDARD NEEDS ECONOMIC ANALYSIS

This week, a former head of EPA's air program said that an EPA advisory committee preparing recommendations on ozone standards must include an evaluation of the economic effects of a revised standard. Jeff Holmstead, an attorney with Bracewell & Giuliani, said this week that Section 109 of the Clean Air Act requires the advisory panel to advise EPA Administrator Gina McCarthy of any adverse "public health, welfare, social, economic or energy" effects associated with adoption of a revised national ambient air quality standard.

PMAA believes the economic consequences from a new ozone standard will be severe and must be considered. An overly stringent ozone standard will create bottlenecks and chaos in the gasoline marketplace.

NEW FMCSA CDL DRIVER MEDICAL FITNESS EXAM REQUIREMENTS NOW IN EFFECT

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) issued a press release reminding interstate truck drivers that all medical fitness exams required for CDL licensure must be performed by a qualified health professional listed on the National Registry of Certified Medical Examiners beginning May 21, 2014.

The new FMCSA program was mandated by Congress and sets baseline training and testing standards for medical professionals who perform CDL driver physicals. The new requirement means that drivers can no longer go to their family doctor for a CDL medical fitness exam unless that doctor is tested and certified by the FMCSA and listed on the National Registry. Medical examiners on the National Registry will also be required to maintain and demonstrate competence through periodic training and recertification testing and those that fail to maintain federal standards will be removed.

According to the FMCSA, approximately 22,000 medical professionals have completed the coursework and testing and are now listed on the National Registry. Another 27,000 have begun the certification process. Current medical certificates held by CDL drivers remain valid until the expiration date shown on the card. Only after the date of expiration is a driver required to use a certified medical examiner to perform their new examination. Drivers must undergo a new CDL medical fitness exam every two years under federal and state regulations. The federal rule applies only to interstate drivers. However, most states adopt FMCSA regulations for intrastate drivers as well. Intrastate only drivers should check with their state motor carrier office to determine if the new rule applies to them.

Please click on this [link](http://www.pmaa.org/weeklyreview/attachments/PMAA_RR_05_01_14_FMCSA_MED_CERT.pdf) (http://www.pmaa.org/weeklyreview/attachments/PMAA_RR_05_01_14_FMCSA_MED_CERT.pdf) to view a PMAA Regulatory Report explaining this issue. To find an FMCSA certified medical examiner, please view the [National Registry of Certified Medical Examiners](http://nationalregistry.fmcsa.dot.gov/) (<http://nationalregistry.fmcsa.dot.gov/>).

FARMER SPCC EXEMPTION APPROVED; PRESIDENT EXPECTED TO SIGN FINAL LANGUAGE

Last week the Senate followed the House and approved the Water Resources Reform and Development Act (H.R. 3080) conference report by a vote of 91-7. Because of the overwhelming support for the Act in both bodies (the House passed the report by 412-4), President Obama is expected to sign the bill in spite of the Administration's objections about language that will streamline environmental reviews.

The SPCC language will increase threshold sizes for Aboveground Storage Tank (AST) regulation at the farm level, and allow more farms to self-certify spill plans compared to current EPA SPCC Regulations.

Specifically the language will:

- Exempt all farm tanks of 1,000 gallons or less from the SPCC rule, and farms with an aggregate tank storage capacity of 2,500 gallons or less would not have to comply with EPA's SPCC rule.
- Increase the farm exemption threshold with up to 6,000 gallons aggregate of aboveground oil storage pending the completion of a study looking at a permanent exemption for farms with 2,500 to 6,000 gallons.
- Permit farms to self-certify their spill prevention plans if their aggregate aboveground oil storage is between 6,000 and 20,000 gallons with no individual tank greater than 10,000 gallons and no history of oil spills. Self-certify no single tank above 10,000.
- Require a professional engineer to certify the plan if the farm has an individual storage tank greater than 10,000 gallons, an aggregate aboveground oil storage greater than or equal to 20,000 gallons, or a reportable oil discharge history.

2015 PROPOSED RFS MANDATE TARGETED FOR SEPTEMBER

EPA plans to release the 2015 RFS proposal in September, shortly on the heels of the anticipated final 2014 RFS levels. With the release this week of the Obama Administration's Spring 2014 Regulatory Agenda, the twice yearly, highly subject-to-change report signaled a March 2015 completion of the 2015 proposal. Of course, EPA has pushed the dates back on the proposed and final rules regularly. The Congressional deadline for the 2015 proposal is November 30.

SENATE CLEARS BILL TO REVAMP EMERGENCY WAIVERS FOR HEATING FUELS

Last week, the Senate approved, by unanimous consent (UC), the "Reliable Home Heating Act" (S. 2086) which would provide state governors with greater autonomy in extending the Department of Transportation's temporary emergency declarations, including Hours of Service (HOS), up to an additional 60 days (for a total of 90 days) for propane and heating oil. The bill was sponsored by Senators John Thune (R-SD) and Amy Klobuchar (D-MN) and would also provide an early warning system in which the U.S. Energy Information Administration (EIA) would notify governors when propane or heating oil supplies fall below the most recent five year average for more than three consecutive weeks. Currently, DOT temporary emergency declarations only last for 30 days which is not enough time to bring certainty to propane and heating oil suppliers.

S. 2086 is similar to legislation which the President signed into law in March known as the "The Home Heating Emergency Assistance Through Transportation (HHEATT) Act of 2014," (H.R. 4076). The bill would extend DOT's temporary emergency declarations, including HOS, for propane and heating oil transportation through May 31, 2014.

The House Transportation Committee has not indicated when it will consider S. 2086.

HOUSE APPROPRIATIONS COMMITTEE ADDRESSES MENU LABELING

CFTC Funding Approved

On Thursday, the House Appropriations Committee approved, 31 – 18, the FY 2015 Agriculture Appropriations bill totaling \$20.9 billion. Included in the Committee's Report was language clarifying the intent of the agriculture appropriations bill regarding FDA's menu labeling proposed rule as well as CFTC funding.

Currently, the proposed menu labeling rule would define a "covered entity" as any retailer where more than 50 percent of the store's floor area is devoted to selling food. However, the FDA's definition would capture convenience stores and create an unreasonable burden because it includes pre-packaged food that is already required to include nutritional information on its packaging. In April 2014, the FDA sent the menu labeling proposed rule to the White House Office of Management and Budget (OMB) for final review.

The House Agriculture Committee's report language urges the FDA to only apply the proposed rule to retail establishments where the majority of the business is for the selling of food for immediate consumption and/or prepared and processed on-site. It also urges FDA to do a cost benefit analysis on the proposed rule's impact on non-restaurant entities such as convenience stores. PMAA supports the Committee's Report language which would bring a common sense solution to a regulation which unfairly burdens small business convenience store owners.

Meanwhile, the bill also funds the CFTC at \$218 million which is \$62 million less than the Obama Administration request. It also requires that \$52.6 million be dedicated "for the purchase of information technology" including \$2.6 million for the

Inspector General's (IG) office. PMAA supports full CFTC funding at \$280 million and plans to work with the Senate Appropriations Committee to encourage appropriators to ensure the CFTC gets the critical funding it needs to oversee the oil and refined product futures marketplace.

MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2014

June 3-5, 2014 – MPMCSA Convention – Hilton Garden Inn – Missoula, Montana

June 16-19, 2014 – WOMA Convention – Suncadia Lodge – Cle Elum, Washington

June 19, 2014 – UPMRA Summer Golf Classic – Davis Park Golf Course – Kaysville, Utah

August 6-8, 2014 – IPM&CSA Convention – Coeur d'Alene Resort – Coeur d'Alene, Idaho

August 19-20, 2014 – NMPMA Convention – Marriott Pyramid North – Albuquerque, New Mexico

August 25, 2014 – HPMGA Golf Tournament – Oahu Country Club Course – Oahu, Hawaii

September 10-12, 2014 – UPMRA Convention – Park City Marriott – Park City, Utah

2015 WPMA CONVENTION & CONVENIENCE STORE EXPO – LAS VEGAS, NEVADA

Mark your calendars for February 17-19, 2015. Make plans now to attend the 2015 WPMA Convention and Convenience Store Expo. It will be held once again at the Mirage in Las Vegas, Nevada.

NPP A NEW WPMA MEMBER SERVICE

WPMA has partnered with NPP to provide members discounts on many products and services. NPP negotiates the rates, and makes them available to WPMA members. Membership with NPP is free, and there is no obligation to purchase. Discounts through Verizon, Expedia, Fastenal, Cradlepoint, and more.

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Petro Pete: "It's nice to live in a small town, because if you don't know what you're doing, someone else does."

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FOR SALE:

Idaho Petroleum Equipment Inc. has two new Containment Solutions fiberglass fuel tanks for sale with warranty

One of each *12,000 Gallon and **6,000/6,000 Split 12,000 gallon double wall tanks
dry interstitial, 42" sump, non-water tight lid and includes deadmen straps

*12,000 Tank- \$11,972.40 ** 6,000/6,000 Split Tank - \$18,289.20

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