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**WILL EPA ENFORCE FARMER SPCC RULE?**

This week, Senators James Inhofe (R-OK) and Mark Pryor (D-AR) pressed EPA for answers on whether the agency plans to enforce SPCC rules on farmers once the current continuing resolution (CR) expires on September 23. The SPCC rule went into effect on May 10, 2013 for farmers, but the CR prohibits agency funds from enforcing the rule. The [letter](#) states: "Congress has clearly established its intent to limit the impact of the SPCC rule on the agriculture sector, and to ultimately exempt the majority of it from having to comply. With this Congressional intent in mind, we ask whether EPA would retroactively enforce this rule against the nation's agriculture producers?"

Both Congressional chambers have passed competing permanent SPCC exemptions for farmers. An amendment to the House passed farm bill would increase threshold sizes for Aboveground Storage Tank (AST) regulation at the farm level, and allow more farms to self-certify. It provides an exemption from the SPCC rule to any farmer who has less than 42,000 total gallons of oil storage capacity and no single tank larger than 10,000 gallons. The Senate farm bill doesn't include a farmer SPCC exemption, however, the Senate-passed Water Resources Development Act (WRDA) does include an SPCC exemption, but at lower levels. It's unclear whether Congress will consider the farm bill or the WRDA bill. If the House ultimately takes up the WRDA bill, the tank size exemption will be much lower than the House exemption. [Click here](http://pmaa.org/weeklyreview/SPCCSenateWRDA.pdf) (<http://pmaa.org/weeklyreview/SPCCSenateWRDA.pdf>) to review the Senate passed SPCC exemption in the WRDA bill.

**FMCSA WARNS OF FRAUDULENT U.S DOT LETTERS SEEKING COMPANY FINANCIAL INFORMATION**

The U.S. Federal Motor Carrier Safety Administration (FMCSA) is warning of a new round of fraudulent letters to petroleum marketers which is part of a reoccurring nationwide identity theft scheme. The letter targets both marketers bidding for contracts or supply quotes with U.S. government agencies as well as those who are not involved with government contracting. The letter appears on U.S Department of Transportation (U.S. DOT) letterhead and is entitled "Authorization to Release Financial Information Form". The letter generally arrives by fax and typically signed by Julie Weynel claiming to be a "Senior Procurement Officer" with the U.S. DOT. A Washington, DC address is included in the letter but little other identifying information is provided. This letter is fraudulent. The U.S. DOT never requests financial information from prospective contractors wishing to submit bid proposals or quotes for goods or services. Other versions of a similar letter have been sent out to contractors purporting to be from Equifax and other companies. These letters are also a fraudulent means to obtain financial information.

The DOT recommends that any company responding to the fraudulent letter notify their financial institution immediately. For questions about a DOT request regarding procurement, contact the Office of the Senior Procurement Executive at (202) 366-4263 or the office of procurement for any of the individual DOT operating administrations. If you would like to report a fraudulent request for information to DOT, please contact the Office of Inspector General (OIG) by calling (800) 424-9071.

[Click here](http://www.oig.dot.gov/sites/dot/files/fraud_wallaceltr_040109.pdf) ([http://www.oig.dot.gov/sites/dot/files/fraud\\_wallaceltr\\_040109.pdf](http://www.oig.dot.gov/sites/dot/files/fraud_wallaceltr_040109.pdf)) for an example of these letters being sent out to prospective U.S. government contractors. For more information on the letters from Equifax, please visit their [website](http://www.debtwise.com/cs7/Satellite?c=EFX_Page_C&childpagename=US/EFX_Page_C/SimplePage&cid=1187894212999&p=1187894212914&packedargs=locale=en_us&pagename=EFX/Wrapper) ([http://www.debtwise.com/cs7/Satellite?c=EFX\\_Page\\_C&childpagename=US/EFX\\_Page\\_C/SimplePage&cid=1187894212999&p=1187894212914&packedargs=locale=en\\_us&pagename=EFX/Wrapper](http://www.debtwise.com/cs7/Satellite?c=EFX_Page_C&childpagename=US/EFX_Page_C/SimplePage&cid=1187894212999&p=1187894212914&packedargs=locale=en_us&pagename=EFX/Wrapper)).

**SEPTEMBER WE CARD AWARENESS**

The We Card program, designed to prevent tobacco sales to minors, is holding its first "We Card Awareness Month" in September.

The goal is to create a big push for retailers to train (or re-train) their employees, order 2014 We Card materials (calendars and kits) and raise awareness of FDA regulation and state/local law compliance. FDA is on track toward completing nearly 100,000 compliance checks nationwide for the second year. Combined with state or local inspections, it's critical for retailers to invigorate their responsible retailing efforts.

We Card has a web site for state trade associations: [www.WeCard.org/Ads](http://www.WeCard.org/Ads). This site contains turnkey information for state execs to use to communicate We Card to their retail members and ways to support the program, including: We Card Logos to place on their web sites or in weekly e-newsletters; a one-page document that summarizes the program; talking points/press release template; and a suggested text for a gubernatorial proclamation.

**SENATORS CALL FOR INVESTIGATION OF RFS OPPOSITION**

Petroleum refiners claim the national renewable fuels standard is broken and cannot be fixed. Senators Grassley (R-IA) and Klobuchar (D-MN) reported they have heard allegations that some refiners have united in an effort to block higher ethanol blends. As a result, the Senators have requested that the Justice Department and FTC investigate. Specifically,

they are asking whether alleged efforts to block introduction of renewable fuels required by the RFS violate the Sherman Act and Gasohol Competition Act of 1980.

In an [August 2 letter](http://tinyurl.com/mq5td72) (<http://tinyurl.com/mq5td72>), Grassley and Klobuchar allege that the oil industry is requiring retail stations to stock premium gasoline as part of their franchise agreements in order to block retailers from stocking higher ethanol blends like E15 and E85. The Renewable Fuels Association (RFA) asked the Justice Department, FTC, Energy Department, and Agriculture Department to launch a similar investigation back in March.

### **FED TO APPEAL DISTRICT COURT RULING ON DEBIT CARD SWIPE FEES**

This week, the Federal Reserve (Fed) announced that it intends to appeal U.S. District Court Judge Richard Leon's debit card swipe fee ruling in which he struck down the Fed's 2011 final rule on debit card interchange fees. Judge Leon also sided with retailers' arguments that the Fed's cap on the fees are unfair and don't reflect the Durbin amendment's intent to ensure that swipe fees are "reasonable and proportional" to the cost of processing a debit transaction. The Fed also asked that the current 21 cent cap on debit card interchange fees remain in place while the ruling is appealed – Leon agreed. If the Fed fails to overturn Leon's decision, the Fed must revisit their debit card swipe fee final rule which capped debit fees at 21 cents from the previous average of 44 cents per transaction. However, the Fed failed to accurately estimate the costs incurred by the issuing bank in authorizing, clearing and settling a debit transaction which is much less than 21 cents per transaction. The appeal is likely to take more than a year to resolve.

Judge Leon said that the Fed's cap on the fees "runs completely afoul of the text, design and purpose" of the Durbin amendment. He later mentioned that banks and credit card companies may need to reimburse retailers potentially billions of dollars in debit-card transaction fees he previously ruled were set too high.

### **FEDERATED INSURANCE – RISK MANAGER TRAINING SEMINAR**

Federated Insurance will be holding a Risk Manager Training Seminar for Petro/C-Store/Travel Plaza Operators September 9 – 11, 2013 in Owatona, MN.

For more information, please contact your marketing representative or Royetta Spurgeon at 1.800.533.0472 or [DRM@fedins.com](mailto:DRM@fedins.com). Enroll now at [www.federatedinsurance.com](http://www.federatedinsurance.com).

### **JOIN PMAA IN ATLANTA THIS OCTOBER**

PMAA will hold its Fall Meeting on October 11-12 at the Hyatt Regency Atlanta. Please view current information at <http://www.pmaa.org/pmaameetings/upcomingmeetings.asp>.

### **2014 WESTERN PETROLEUM MARKETERS CONVENTION & CONVENIENCE STORE EXPO LAS VEGAS, NEVADA**

Start planning now to attend the 2014 WPMA Convention and Convenience Store Expo. It will be held at the Mirage in Las Vegas, Nevada. Mark your calendars for **February 18-20, 2014**.

### **MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2013**

**August 27-29, 2013** – New Mexico (NMPMA) Convention – Albuquerque Marriott Pyramid North, Albuquerque, NM

**September 12-13, 2013** - Utah (UPMRA) Convention - Zermatt Resort - Midway, UT

**October 4, 2013** – HPMMA Golf Tournament –Mauna Lani Resort, South Course– Kohala Coast, Big Island, HI

Petro Pete: *"Progress is made by lazy men looking for an easier way to do things."*

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