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MULTI-STATE HOURS OF SERVICE WAIVER GRANTED

Yesterday, the Federal Motor Carrier Safety Administration (FMCSA) granted an immediate regional Hours of Service waiver for the following states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. The emergency declaration applies to all states and jurisdictions listed in the letter. This waiver covers all fuel deliveries in the states and jurisdictions listed because they support the "emergency" which in this case is maintaining adequate fuel supply in those areas. Short answer all fuel deliveries are covered. Important: The FMCSA waiver covers interstate shipment of fuel in and out of the states and jurisdictions listed in the waiver letter. The FMCSA waiver does not cover intrastate only shipments (deliveries that stay within the boundaries of single state). State governors must issue waivers for intrastate shipments within their boundaries. State Governors typically issue such waivers when FMCSA waivers are put into effect.

The FMCSA issued the interstate waiver at PMAA's request. PMAA will continue to work closely with the FMCSA and other federal agencies to ensure emergency preparedness and response waivers are in place in anticipation of, and in response to, Hurricane Dorian landfall.

FMCSA also announced it will not enforce the Temporary Operating Authority Registration fee for carriers requesting temporary authority to provide direct assistance to the affected areas.

THE RFS DRAMA CONTINUES

Last week, the Trump Administration announced a tentative plan that would increase renewable fuel blending quotas for 2021 to make up for a portion of the 4.2 billion gallons of renewable fuel lost over the past several years due to small refinery exemptions. However, many biofuel groups are seeking higher gallon-based commitments from the White House and want more immediate reallocation commitments to offset blending volume lost to the waivers. Specifically, the biodiesel industry is seeking a 387-million-gallon increase to the 2020 advanced biofuel quotas, as well as a 330-million-gallon increase to the 2021 biomass-based diesel quota.

Then, on Monday, a coalition of biofuel companies sent a letter to President Trump urging him to stop granting small refinery waivers because the exemptions are hurting their businesses. According to the letter, the 85 small refinery exemptions granted by the Trump Administration over the past three years caused a sharp decrease in the demand for biofuels and forced several biofuel plants to close.

Under the RFS, refiners must meet volumetric renewable fuel blending obligations set by the EPA each year. Refiners unable to meet their blending obligations may make up the difference by purchasing credits from blenders who surpassed their annual blending quotas. Small refineries with a capacity of less than 75,000 barrels per day can receive waivers if they can demonstrate that RFS blending compliance would cause them significant economic harm. In 2018, the Trump Administration issued 35 small refinery waivers for 2017 RFS compliance. The administration recently issued another 31 waivers for 2018 RFS compliance waivers. The most recent batch of waivers was quickly criticized by biofuel groups because the growing number of small-refinery waivers reduce overall annual blending obligations, reduce demand for renewable fuels and drive down RIN values. As a result, biofuel producers have closed a number of manufacturing facilities.

EPA Administrator Andrew Wheeler defended the small-refinery waivers explaining "Often times these refineries are located in the Rocky Mountains and other regions where they are the only supplier in their region. We have to issue these regulations on the refiner itself." Although many ethanol producers believe that larger refineries should blend more ethanol to make up for the gallons lost to the waivers. Wheeler said that reallocating the lost gallons to other refiners could have a rolling impact leading to waiver requests from blenders unable to take up the slack. Wheeler insists that small refinery waivers have not driven down demand for renewable fuels.

COURT UPHOLDS OBAMA-ERA OZONE STANDARD

Last week, the U.S. Court of Appeals for the D.C. Circuit unanimously upheld the Obama Administration's decision to tighten the National Ambient Air Quality Standard (NAAQS) required under the Clean Air Act from 75 parts per billion of ozone to 70 parts per billion.

The ruling rejected industry claims that the new 70 parts per billion ozone standard is unattainable. In 2015, PMAA advocated to maintain the existing 75 parts per billion ozone standard by joining other associations in sending a [letter](#) to Congress expressing our opposition to the ruling on the reduced 70 parts per billion ozone standard established by the EPA through the rulemaking process. Under the previous 75 parts per billion standard, 474 counties in the United States

were in nonattainment. It was estimated that, under the standard of 70 ppb, 958 counties would be forced into nonattainment status.

A county in nonattainment means that the air quality in the region does not meet the standards of the National Ambient Air Quality Standards (NAAQS) and could therefore be subject to less federal funding. Additionally, it causes extra hurdles for counties including infrastructure development problems and regulations on emissions of existing businesses within the region, forcing them to pay for costly emission reducing equipment to try and reach attainment status. In many cases, this would likely require reformulated gasoline and/or lower Reid vapor pressure (RVP) fuels.

PMAA SENDS LETTER TO CONGRESS ADDRESSING REGULATIONS ON PFAS

This week, PMAA joined 15 other associations as part of a coalition in sending a letter to Congress regarding provisions in S. 1790 and H.R. 2500, known as the “National Defense Authorization Act for Fiscal Year 2020,” related to regulations of per- and polyfluoroalkyl substances (PFAS). PFAS are fluorinated chemicals that have been used in many commercial and industrial applications for decades, including in fire suppressants. These bills would direct EPA to take regulatory and other actions to address PFAS under several environmental statutes.

Specifically, when reviewing the bills, the coalition called on Congress to:

- Reject provisions that circumvent existing regulatory authorities and regulate PFAS as a single class;
- Support provisions that provide regulatory agencies with the proper oversight and funding necessary to evaluate and address specific priority PFAS; and
- Adopt an extended timeline for the phase out of Aqueous Film-Forming Foam (AFFF)

PLAN TO ATTEND THE 2020 WPMAEXPO



Mark your calendars for February 18-20, 2020. Make plans now to attend the 2020 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

September 11-13, 2019 – Utah (UPMRA) – Convention – Zermatt Resort, Midway, UT

September 13, 2019 – Idaho (IPM&CSA) Teton Golf Tournament – Teton Springs Resort, Victor, ID

October 14, 2019 - Hawaii (HPMA) - Golf Tournament - Oahu Country Club, Honolulu, HI

February 18-20, 2020 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

May 7-8, 2020 – Nevada NPM&CSA – Big Dogs - Las Vegas, NV

June 22-25, 2020 – Washington (WOMA) – Convention – Suncadia Resort – Cle Elum, Washington

August 5-7, 2020 – Idaho (IPM&CSA) – Convention – Coeur d’ Alene Resort – Coeur d’ Alene, Idaho

September 9-10, 2020 – Utah (UPMRA) – Convention – Park City Marriott – Park City, Utah

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Petro Pete: “A computer once beat me at chess, but it was no match for me at kick boxing.”

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FOR SALE

2001 Kenworth T800 fuel truck and trailer with 2001 Onnen tanks. 12,800 gallons total capacity. \$79,000. Please call Guy or Justin at 208-765-2266 if interested.

