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PASSING OF TOM BOYER



We are saddened to share the passing of Tom Boyer, 73, owner of Treasure Valley Coffee Company in Boise, Idaho. He passed away September 30, 2018 in a grassy Owyhee County Idaho valley with his dog, Ellie. Tom was a long-time supporter of WPMA and has exhibited at the WPMAEXPO for almost 20 years.

Tom was born in Bremerton, Washington and moved to Boise with his family as a child. Tom's life-long love affair with the Owyhee mountains began early when his father Henry took the family there for outdoor adventures; fishing, hunting and hiking.

After working 15 years for Boyd's Coffee of Portland, Oregon, Tom moved back to Boise in 1984 and started Treasure Valley Coffee with his wife, Carol and son, Greg. Tom's love of sales, service and great coffee was a winning combination for 34 years, leaving a blueprint for success that will continue to flourish in his memory.

Tom's sanctuary was the wilderness. He loved hiking, fishing, boating, water and snow skiing, off road dirt bikes, bicycling, exploring trails in his ATV, or just driving down the road and spotting a hawk. Whether flying in the back country to camp or for a fly-in breakfast, he loved being in the air. Tom flew for many work events, which was a great time saver. He enjoyed being a part of the close-knit Idaho Aviation community.

A memorial service will be held for Tom on Saturday, October 13th at 1:00 p.m. at Treasure Valley Coffee, 11875 W. President Dr. in Boise, under the direction of Cloverdale Funeral Home. In lieu of flowers, the family suggests a donation to Owyhee Posse Search and Rescue, PO Box 128 Murphy, ID 83650 or Owyhee County Historical Museum, 17085 Basey St. Murphy, ID 83650.

PRESIDENT TRUMP ORDERS EPA TO ALLOW YEAR-ROUND SALES OF E15

On Tuesday, President Trump ordered the EPA to allow year-round sales of E15. The announcement comes as President Trump visited Iowa this week where he announced the new policy before a group of corn ethanol supporters. Currently, each year, the EPA regulates Reid vapor pressure (RVP) for gasoline and gasoline-ethanol blended from June 1 until September 15. During these months, the EPA restricts the retail sale of fuels with ethanol above 10 percent.

The White House also released its E15 waiver fact sheet (see sheet at URL <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-expanding-waivers-e15-increasing-transparency-rin-market/>) which orders EPA to start the rulemaking process for allowing year-round sales of E15 and to "consider reforms to increase transparency and prevent price manipulation in the RIN market." Potential reforms to increase transparency and prevent price manipulation include: prohibiting entities other than obligated parties from purchasing separated RINs; requiring public disclosure when RIN holdings held by an individual actor exceed specified limits; limiting the length of time a non-obligated party can hold RINs; and requiring the retirement of RINs for the purpose of compliance be made in real time.

In a letter (see letter at URL https://www.pmaa.org/nfch/attachments/PMAA_ltr_E15_White_House%20Letter.pdf) to President Trump last Friday, PMAA expressed significant procedural and policy concerns with respect to changing the RFS in a way that benefits only one of the many stakeholders affected by the decision to sell E15 year-round. On the procedural front, PMAA said that section 211 (h)(4) of the Clean Air Act specifically limits the one-pound summertime RVP waiver to gasoline blends containing between 9-10% volume ethanol. Therefore, any change to expand the RVP waiver to E15 blends can only be made by Congress and not the EPA who lacks the statutory authority to do so. PMAA added that from a policy perspective the year-round sale of E15 raises serious concerns regarding E15 compatibility with motor vehicles, motorcycles, marine engines and small gasoline powered equipment. On top of that, existing UST system components especially pipe dope are not compatible with E15. For a regulatory report from PMAA counsel see URL <https://www.pmaa.org/weeklyreview/attachments/NewEPAGuidanceonUSTPipeDope.pdf>.

Midwestern Senators have been pushing for the policy change for months. However, last week, a bipartisan group of twenty Senators wrote a letter (see letter at URL https://www.pmaa.org/weeklyreview/attachments/E15_Senator_Letter_10_18.pdf) to President Trump urging him not to announce the policy change allowing year-round sales of E15 because doing so "would do nothing to address the policies impacting refinery jobs, could hurt millions of consumers whose vehicles and equipment are not compatible with higher

ethanol blended gasoline and risk worsening air quality." Furthermore, the Senators stated that the EPA doesn't have the legal authority to exempt E15 from Clean Air Act requirements and doing so would go against the long-standing EPA interpretation on E15. Oil industry groups have made the same argument and are expected to challenge the new policy in court. Although former EPA Administrator Scott Pruitt told Iowa farmers a month before his departure that he believed EPA had the authority to increase E15 sales, current acting Administrator Andrew Wheeler said in a hearing days after President Trump said he was very close to allowing year-round E15, "There are certainly people who don't believe we have that authority. There was legislation last year that would have given EPA that authority." The legislation Wheeler was referring to is a bill introduced by Sen. Deb Fischer (R-NE) that would have allowed for year-round sales of E15. The bill never advanced through committee in the Senate.

PMAA RECOMMENDS REGULATORY RELIEF CHANGES TO DRIVER HOURS OF SERVICE REQUIREMENTS:

PMAA submitted written comments this week to the Federal Motor Carrier Safety Administration (FMCSA) on regulatory relief proposals concerning driver's hours of service that would benefit petroleum marketers operating cargo tank and transport vehicles. The FMCSA issued the Notice of Proposed Rulemaking (ANPRM) as part of President Trump's regulatory rollback initiative. The FMCSA invited industry stakeholders to offer suggestions on which regulations were the best candidates to reduce compliance costs in a meaningful way. PMAA and NEFI met with the Administrator of the FMCSA, Ray Martinez earlier this year, to promote changes that would benefit petroleum marketers with fuel transport operations. PMAA made several regulatory relief suggestions directly to the Administrator that were included in the FMCSA ANPRM. The FMCSA chose to focus their first round of regulatory relief efforts on driver hours of service, with more proposals to follow soon.

The FMCSA included a request from PMAA and NEFI for changes to the 100 air-mile radius exception from recording driver hours of service. PMAA and NEFI recommended that the exception be changed in two ways; increase the number of daily on-duty hours from 12 to 14 for driver's operating under the exception; and expand the 100-mile air radius to 150 miles to capture all drivers employed by petroleum marketers, including those travelling to distant terminals. The changes would expand the class of drivers qualifying for the short haul exception, increase the number of hours drivers can be on-duty each day, and broaden the exception from using electronic recording devices to record hours of service to include all drivers. PMAA comments also included a request to allow drivers to count wait time at terminals as off-duty time. This change would significantly increase driver productivity by ensuring that daily on duty time is maximized for driving and not eaten up waiting in line at the terminal rack. PMAA will follow up with additional regulatory relief recommendations as the FMCSA process moves forward.

SENATOR INTRODUCES BILL TO REPEAL TAX CREDITS FOR ELECTRIC VEHICLES

On Monday, Sen. John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works (EPW), introduced the "Fairness for Every Driver Act" which will save billions in taxpayer funds by ending the federal electric vehicle tax credits and will strengthen the Highway Trust Fund (HTF) by ensuring that alternative fuel vehicle drivers pay into it. Specifically, the legislation would: terminate and repeal the federal electric vehicle tax credit up to \$7,500 per new electric vehicle purchased for use in America; impose a federal highway user fee on alternative fuel vehicles; require that all user fees be collected with the user's tax return; and ensure the transfer of federal highway user fees into the HTF.

"The electric vehicle tax credit largely benefits the wealthiest Americans and costs taxpayers billions of dollars," said Barrasso. "My legislation levels the playing field for all drivers across America. Gas, electric, and alternative fuel vehicles use the same roads. All should contribute to maintain them. My bill supports the Highway Trust Fund by making sure all drivers pay into the account that improves America's roads."

The Manhattan Institute estimates that ending the electric vehicle tax credit would save roughly twenty billion dollars in taxpayer funds over the next decade. The "Fairness for Every Driver Act" will require a federal highway user fee on alternative fuel vehicles that will generate billions for the HTF over the next 10 years.

MARKETERS STEP UP TO REFUEL IN THE AFTERMATH OF HURRICANE MICHAEL DHS SECRETARY WANTS TO STRENGTHEN MILITARY ROLE IN DISASTER RESPONSE

On the heels of a successful PMAA Fall Meeting in Las Vegas, petroleum marketers have stepped up to get fuel to the Hurricane Michael disaster zone, including fuel to retail stations, fuel to generator owners who have contracted it ahead of time in case of damage to the power grid, fuel to first responders and fuel to companies that send crews into the disaster area. Before, during and after a disaster, petroleum marketers are working to get fuel where it is needed, and as quickly as possible. PMAA and PMAA state association executives have been working around the clock to remove obstacles and allow for the most efficient delivery of fuel to the disaster area. There are multiple daily calls with federal and state government officials, which provides another forum to address needs. This communication is paramount to identifying barriers. PMAA and PMAA state association executives are all about removing barriers so that marketers can deliver the fuel as safely and quickly as possible. There is complete commitment of marketers, drivers and retail station owners to provide the emergency fuel, and a definite sense of pride in doing their best to get the job done. Petroleum marketers are the unsung heroes in disaster response and they should be commended for the work that they do to keep America moving and able to best deal with these emergencies.

Also, this week, the Department of Homeland Security (DHS) Secretary Kirstjen Nielsen announced that the Administration wants to strengthen disaster response partnerships between DHS and the military. "These types of disasters demand a response beyond what any one agency can handle, they simply require all hands-on deck," Nielsen said on Wednesday. PMAA plans to meet with DHS about this initiative soon.

BUSINESSES PUSHING BACK ON CALIFORNIA'S MEAL AND REST BREAK RULES

Recently, the American Trucking Associations (ATA) petitioned the Federal Motor Carrier Safety Administration (FMCSA) for an exemption from California's meal break and rest requirements, arguing that the rules are preempted by federal law. The FMCSA is requesting comments by October 29 on "what effect, if any, California's meal and rest break requirements may have on interstate commerce."

The petition (see petition at URL <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/422146/american-trucking-associations-ata-petition-letter.pdf>) by ATA argues that California rules take 80 minutes of productive time out of a driver's 10-hour-day, estimating the time it takes for the driver to park safely in addition to the required break times. Current federal rules limit drivers to 11 hours of driving time when coming off at least a 10-hour off-duty period and requires drivers to take 30-minute rest breaks after eight hours of driving.

In its petition, ATA noted that the Pipeline and Hazardous Materials Safety Administration (PHMSA) exempted drivers who transport hazardous materials from the California requirements last month, determining that "California's rigid rules, which require drivers to take breaks within tightly specified intervals rather than allowing drivers to use their judgment, impose delays that are unnecessary."

PLAN TO ATTEND THE 2019 WPMAEXPO



Mark your calendars for February 19-21, 2019. Make plans now to attend the 2019 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

October 25, 2018 – Hawaii (HPMA) Golf Tournament – Hapuna Beach GC, Kamuela, HI

February 19-21, 2019 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

May 2-3, 2019 – Nevada (NPM&CSA) – Big Dogs – Las Vegas, NV

June 4-6, 2019 – Montana (MPMCSA) Convention – Location – TBA

June 20, 2019 – Utah (UPMRA) Summer Golf Classic - South Mountain Golf Course, Draper, UT

June 17-20, 2019 – Washington (WOMA) Convention – Suncadia Resort, Cle Elum, WA

August 5-7, 2019 – Idaho (IPM&CSA) Convention – Sun Valley Resort, Sun Valley, ID

August 19-21, 2019 – New Mexico (NMPMA) Convention – Sandia Resort & Casino, Albuquerque, NM

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

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