

October 21, 2022

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WP-10-21-22

WPMAEXPO THURSDAY EDUCATIONAL SESSION PRESENTS - THERESA PAYTON



Cybercrime.”

Join us as we listen to Theresa Payton, one of the nation’s most respected authorities on cybersecurity. She is also a highly sought-after keynote speaker. Theresa is a visionary in the digital world leading the way as an inventor of new security designs and has an approved US patent in security. She captivates audiences by drawing from her experience as a veteran cybercrime fighter and entrepreneur, masterfully blending memorable anecdotes with cutting-edge insights.

Theresa Payton is the author of multiple industry-leading books on IT strategy and cybersecurity, including *Manipulated: Inside the Cyberware to Hijack Elections and Distort the Truth*, which The Guardian included on their list of the “Top 10 Books About

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



URGENT: FOLLOW UP TO EMA BULK PLANT VAPOR RECOVERY SURVEY

The EPA is proposing to require vapor balancing equipment at any bulk plant with gasoline storage tanks. Under the proposal, any bulk plant with a maximum daily design throughput capacity of 4,000 gallons or more of gasoline would require vapor recovery for loading and unloading operations. In other words, the 4,000-gallon design capacity applies to gasoline tank/tanks located at a bulk plant. Vapor recovery would be required if you are receiving gasoline into your bulk plant storage tank and when you’re loading your truck at the loading rack. This rule does not affect the requirements for vapor recovery at your customer’s tanks such as delivering gasoline to a 500-gallon skid tank on a farm.

Currently, the EPA only requires vapor recovery at bulk plants with actual daily gasoline throughput of 20,000 gallons or more. Lowering the gasoline threshold trigger from 20,000 gallons throughput to just 4,000 gallons design capacity would bring most bulk plants under federal vapor recovery requirements for the first time.

The Energy Marketers of America (EMA) is opposing this regulatory change because of the significant compliance costs it would impose on small business energy marketers. We need data measuring how many bulk plants would fall under the proposed rule if finalized. This data will allow EMA to calculate the approximate overall cost impact on energy marketers with gasoline bulk storage. This survey is designed to follow up on our prior survey to better define impact on our members in preparing for our meeting with EPA. **Please answer this survey in the link below by Friday, November 4th.**

[CLICK HERE TO TAKE THE UPDATED SURVEY](#)

REMINDER: URGE LAWMAKERS TO COSPONSOR "THE CREDIT CARD COMPETITION ACT OF 2022"

Recently, Reps. Peter Welch (D-VT) and Lance Gooden (R-TX) introduced bipartisan legislation known as “The Credit Card Competition Act of 2022” which would ensure retailer choice in payment routing by requiring at least two unaffiliated processors on credit cards, the same process that is used for debit card transactions. Swipe fees remain the second highest operating cost for convenience stores which costs the industry \$138 billion annually. The House bill, H.R. 8874, joins companion legislation already introduced in the Senate, S. 4674, by Majority Whip Dick Durbin (D-IL) and Senator Roger Marshall (R-KS).

[URGE YOUR LAWMAKERS TO COSPONSOR
"THE CREDIT CARD COMPETITION ACT!"](#)

SENATORS URGE EPA TO ESTABLISH HIGHER RFS BLENDING MANDATES FOR ETHANOL: ADOPT YEAR-ROUND E15 SALES

A bipartisan group of 13 U.S. farm state senators asked the EPA this week to set corn ethanol blending mandates above 15 billion gallons as part of an upcoming Renewable Fuel Standard (RFS) reset rule. The EPA gained the authority to establish RFS blending mandates for 2023 and beyond, after years of following statutory targets set by Congress which set a 15-billion-

gallon ceiling on corn ethanol. The EPA must now set renewable fuel blending targets based on criteria in federal air pollution law, such as the impact on air quality, climate change, wildlife habitat, food and fuel prices, and the availability of advanced fuels.

In a letter to EPA Administrator Michael Regan, the senators said the RFS reset must include “robust” blending mandates to take advantage recent USDA investments in infrastructure that would provide support for “progressively higher blending targets” in the upcoming RFS rule. The United States Department of Agriculture (USDA) in August announced \$100 million in cost-sharing grants for blending infrastructure including fuel pumps, dispensers and storage tanks for blends above E10 and B5 through the Higher Blends Infrastructure Incentive Program (HBIIIP). The lawmakers also asked the EPA to take steps to restore year-round sales of E15 and to treat biofuels on par with an expected inclusion of RINs for electric vehicles under the RFS. Likewise, the senators urged the EPA to add sustainable aviation fuel, electricity generated from biogas to existing fuel technologies and blending targets. Thus far, the EPA has struggled to approve additional RFS pathways for emerging fuels, creating a backlog of requests the agency must consider. The letter was signed by senators Charles Grassley (R-IA), John Thune (R-SD), Deb Fischer (R-NE), Mike Rounds (R-SD), Joni Ernst (R-IA) and Roger Marshall (R-KS), along with Tammy Duckworth (D-IL), Gary Peters (D-MI), Tammy Baldwin (D-WI), Amy Klobuchar (D-MN), Sherrod Brown (D-OH) and Dick Durbin (D-IL). Release of the first EPA reset volume is expected by November 16, 2022.

WHITE HOUSE AUTHORIZES 15-MILLION BARREL RELEASE FROM STRATEGIC PETROLEUM RESERVE

President Biden announced Wednesday that he is authorizing the release of 15 million barrels from the Strategic Petroleum Reserve (SPR), a draw that completes the plan announced earlier this year to release a total of 180 million barrels. The White House has released roughly 165 million barrels of oil from the SPR this year, the largest-ever release from the reserve. The 714-million-barrel SPR capacity is currently at a 40-year low, but still contains over 400 million barrels. The upcoming release is designed to ensure there is enough oil on the market to prevent gasoline price spikes at the pump. But the administration's move is unlikely to lower gas prices due to its relatively small size compared with U.S. total daily gasoline consumption. The White House said it will prepare for future releases in order to respond quickly to supply shortages and rising prices. The administration said it plans to restock the reserves as soon as oil prices fall between \$67 and \$72 per barrel, a pledge that would give oil companies a floor so that they can take steps to boost domestic production now. U.S. crude prices are currently around \$82 per barrel. The SPR release comes on the heels of a recent OPEC announcement that it plans to cut production by 2 million barrels a day in November.

CLIMATE CHANGE LIABILITY SHOWDOWN AGAIN REACHES SUPREME COURT

The Supreme Court has asked the Biden administration to comment on a petition filed last week by Chevron, BP, and ExxonMobil, asking the Court to overturn a 4th U.S. Circuit Court of Appeals’ decision from April that handed a procedural victory to the City of Baltimore in its climate liability lawsuit against the oil companies. The procedural issue at stake is whether nearly two dozen high-stakes climate cases brought by states and local governments against the oil and gas industry should be heard in federal or state courts. State courts are considered a more plaintiff-friendly venue. The Justices last year sided with industry, ruling in *BP v. Baltimore* that appellate courts must consider a wider range of arguments in favor of federal jurisdiction. The 4th Circuit subsequently affirmed that the Baltimore case does not belong in federal court.

A related Supreme Court petition was filed earlier this month by Suncor Energy and ExxonMobil in a climate liability lawsuit brought by local Colorado governments. The Court also invited the Biden administration to weigh in on that petition. The Trump administration expressed the view that the climate change claims are removable to federal court because they are inherently federal in nature. While President Biden supported climate litigation during his election campaign, his administration until now has not revealed its opinion. The justices still must decide whether to accept or reject the Baltimore and Boulder petitions after hearing from the Biden administration.

EMA JOINS PETITION TO DELAY EPA'S PERMANENT RVP WAIVER IN SEVEN MIDWESTERN STATES

EMA this week joined the American and Petrochemical Manufacturers Association (AFPM) and ten additional state and national trade associations to [petition](#) the EPA to delay a permanent year-round waiver of the one-pound Reid Vapor Pressure (RVP) limit on E10. The waiver was requested in a [letter signed by eight Midwestern governor's](#) last April, including Nebraska, Iowa, Illinois, Kansas, Minnesota, North Dakota, South Dakota and Wisconsin. The Clean Air Act allows governors to seek such a waiver if a determination is made by a state or states that the one-pound RVP limit leads to an increase in air pollution. The EPA claims that the language of the Clean Air Act requires the agency to provide the waiver upon request and demonstration of increased air pollution attributable to the one-pound waiver limit.

EMA opposes the RVP waiver request because it would require two new boutique gasoline blendstocks (regular and premium) that would reduce the fungibility of gasoline in the seven-state region, create supply bottlenecks, limit supply generally, raise prices at the pump and lead to the year-round sale of E15 in the affected states.

The petition filed by the coalition of associations asserts that the language of the Clean Air Act does not require the EPA to issue an RVP waiver upon request. Instead, the Clean Air Act gives the EPA discretionary authority to deny an RVP waiver based on the impact a waiver would have on gasoline supply. The petition made it clear that an insufficient supply of gasoline would result from the waiver due to the loss of fungibility of gasoline from new boutique fuel requirements that would raise significant infrastructure and logistic challenges in the seven-state area. The coalition is asking for a delay given the insufficient supply of gasoline and serious harm to U.S. fuels markets and consumers that would result from a waiver as the 2023 summer driving season approaches.

State energy marketer associations joining the petition to delay the one pound RVP waiver include: the Illinois Fuel & Retail Association, the Indiana Food & Fuel Association, Michigan Petroleum Association / Michigan Association of Convenience

Stores, the Nebraska Petroleum Marketers & Convenience Store Association, the North Dakota Petroleum Council North Dakota Petroleum Marketers Association, the South Dakota Petroleum and Propane Marketers Association and the Wisconsin Petroleum Marketers & Convenience Store Association.

WEEKEND READS:

[EV Charging Still Has Speed Bumps Ahead](#)

[Here's why convenience stores aren't rushing to replace gas pumps with EV chargers](#)

[A fight for control of EV charging networks](#)

[US government seeks court injunctions against six e-cigarette manufacturers as FDA steps up enforcement](#)

[5 state-level races that could alter the energy transition](#)

[New England Risks Winter Blackouts as Gas Supplies Tighten](#)

FEDERATED INSURANCE: RISK MANAGEMENT CORNER

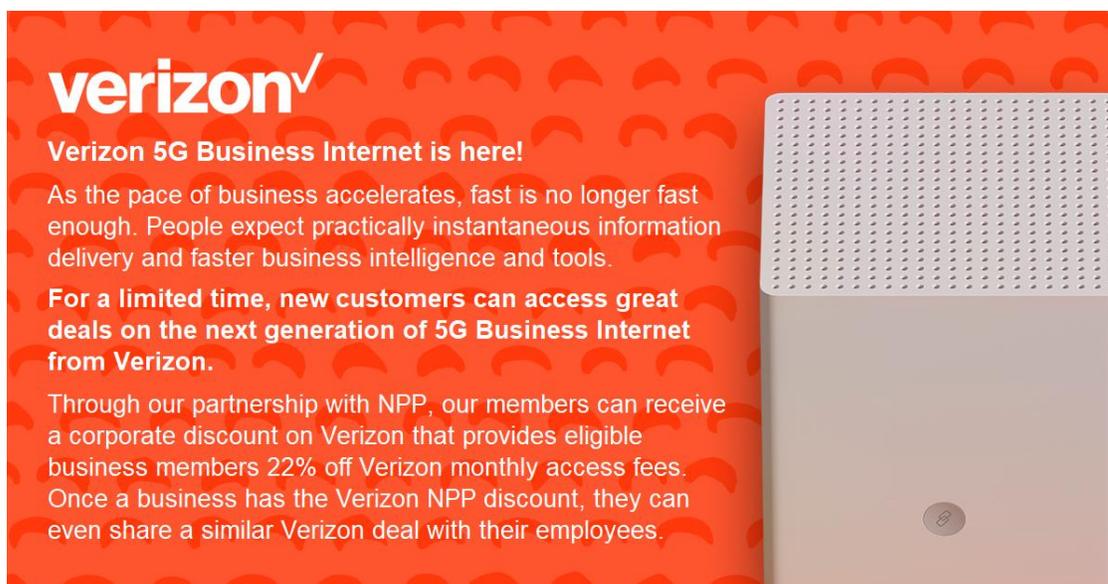
What Does A \$1 Million Electrical Cord Look Like?

Recommended partner Federated Insurance® is asking: What does \$1 million electrical cord look like? The answer is exactly like your electrical cords, except burnt. In recent years, we've seen a sharp increase in the number of devastating workplace fires among your industry peers. We don't want you to experience the same fate. Fortunately, most fires are preventable and Federated Insurance has resources to help.

We strongly encourage all members to always take action year-round to identify fire hazards and bolster fire prevention practices at their businesses:

- Download an [Electrical Cord Safety Guide](#) to learn more about the fire hazard posed by overburdened and damaged electrical cords.
- Download a sample [Fire Prevention and Safety Checklist](#) to assist you in regularly evaluating your business for potential fire threats.
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Thank you for helping prevent a deadly and devastating fire at your business. 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.



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PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

December 1, 2022 - Oregon Holiday Party - Portland Golf Club - Portland, OR

December 8, 2022 - Washington Holiday Party - Topgolf - Renton, WA

February 21-23, 2023 - WPMA Convention & EXPO - Mirage Hotel- Las Vegas, NV

April 27-28, 2023 – Nevada Big Dogs – Red Rock Hotel/Sienna Golf Course – Las Vegas, NV

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

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

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

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



Petro Pete: I don't suffer from insanity—I enjoy every minute of it.

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