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AAA WARNS MOTORISTS OF E15 RISKS

AAA, the nation's largest motoring and leisure travel organization, warned motorists that using E15 may damage vehicles and void warranties noting that less than five percent of vehicles on the road today are approved by auto manufacturers to use the fuel. BMW, Chrysler, Nissan, Toyota and Volkswagen have said their warranties will not cover engine problems caused by the use of E15. According to AAA, much of the country is unaware of E15 which raises the likelihood that motorists may improperly use the fuel. AAA urged the federal government and ethanol producers to stop the sale of E15 until motorists are better protected. This is a major setback to the ethanol industry given that E15 was finally given the green-light by the EPA earlier this summer.

PMAA recommends that independent petroleum marketing companies wanting to offer E15 should first obtain legal and regulatory expertise to assure compliance with the many applicable local, state and federal regulations.

APPEAL FILED AGAINST PRELIMINARY APPROVAL OF INTERCHANGE FEE SETTLEMENT

On Tuesday, plaintiffs filed an appeal against the preliminary approval of settlement over VISA and MasterCard transaction fees. The appeal is in response to the November 11 preliminary approval of settlement handed down by U.S. District Court Judge John Gleeson.

The 7.25 billion settlement was reached in July and is a poor settlement for seven million retailers and merchants. The settlement prohibits any future interchange fee litigation for those who opt-in to the settlement. Although the majority of plaintiffs oppose the settlement and an additional 1,200 have filed objections with the court, preliminary approval was granted. The appeal is based on fatal flaws within the settlement, particularly the portion of the order that enjoins retailers "from challenging in any action or proceeding any matter covered by" the settlement agreement covers.

Under the deal, merchants who opt-in to the settlement will receive payments totaling \$6.05 billion. Visa and MasterCard will also temporarily reduce interchange fees by \$1.2 billion, and eliminate a ban against surcharging customers who pay with credit cards, even though, 10 states including New York, Texas and California, prohibit surcharging. These changes are set to take effect in two months. In the meantime, it's not known if a stay will be issued to prevent notices of settlement from going to the millions of merchants who accept credit cards.

A hearing on final approval is expected to be scheduled for sometime next year.

PMAA-NATSO URGE CONGRESS TO EXTEND THE BIODIESEL BLENDER'S TAX CREDIT

This week, PMAA and NATSO sent a letter to Congressional leadership and to tax writing committees urging them to include an extension of the one-dollar-per-gallon biodiesel blender's tax credit to the tax extenders package currently being discussed among lawmakers. In August, the Senate Finance Committee passed a tax extenders package that included a two-year extension (retroactive to December 31, 2011) of the biodiesel tax credit, a two-year extension of the 30 percent tax credit for alternative fuel refueling property, and a one-year extension of the cellulosic biofuel producers tax credit. The ethanol tax credit wasn't included in the bill.

It is possible that the energy tax extenders package could be attached to a comprehensive tax and spending reform package before the end of the year. To view a copy of the PMAA-NATSO letter, go to http://pmaa.org/pdfs/PMAA_NATSOBiodieselNov2012.pdf.

SENATORS URGE EPA TO REQUIRE TIER 3 GASOLINE

This week, 13 Democratic Senators led by Sen. Kirsten Gillibrand (D-NY) urged the Obama Administration to move forward with Tier 3 gasoline regulations. The current proposal pending at the EPA would require refiners to lower sulfur in gasoline from 30 ppm to 10 ppm. Currently, California requires 10 ppm sulfur gasoline.

PMAA and other industry associations are concerned that a Tier 3 gasoline mandate would shut down refineries, raise prices at the pump and provide little to no health benefit. EPA has indicated that producing tier 3 gasoline standards would cost a penny per gallon to produce. The American Petroleum Institute (API) contends that the regulation would cost nine cents-per-gallon while actually increasing CO2 emissions by 0.5 percent.

PMAA is opposed to Tier 3 gasoline and will be participating with industry groups and consumer groups opposed to the rule.

EPA STEPS UP ENFORCEMENT OF LEAD RENOVATION REPAIR AND REPAINTING RULE

The U.S. Environmental Protection Agency (EPA) recently announced 16 enforcement actions for violations of the lead-based paint Renovation, Repair and Painting Rule (RRP). The rule applies to many construction and renovation projects including installation of HVAC systems. The rule is designed to protect children, and others, from exposure to lead dust that can cause lead poisoning by ensuring that renovators follow the RRP and other lead rules. The rule is triggered when any lead paint surface greater than six square feet is "disturbed". The RRP rule requires contractors, including heating oil dealers installing HVAC who work on pre-1978 dwellings and child-occupied facilities, to be trained and certified to use lead-safe work practices. The rule requires that common renovation and repair activities like sanding, cutting and replacing windows are done in ways that minimize dangerous lead dust.

EPA finalized the RRP rule in 2008 and the rule took effect on April 22, 2010. The enforcement actions include cases where the contractor failed to follow lead-safe work practices. Also, in several cases, contractors failed to obtain firm certification prior to performing or offering to perform renovation activities on pre-1978 homes. The RRP Rule's certification requirements ensure that firms and renovators know the RRP Rule, and how to employ lead-safe work practices. Other alleged violations include the respondent's failure to provide EPA's "Renovate Right" pamphlet to homeowners and occupants. The pamphlet is an important mechanism for helping homeowners and tenants understand the risks of lead-based paint hazards, and how best to minimize these risks to protect themselves and their families.

Click here to view the "Renovate Right" pamphlet: <http://www.epa.gov/lead/pubs/leadpdf.pdf>. The rule does not apply where an EPA certified state program for lead containment and control at worksites has been adopted. Currently 11 states have such programs and more are expected to seek certification. Additional information is at the EPA lead paint website at: <http://www.epa.gov/lead/>.

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Start planning now to attend the 2013 WPMA Convention and Convenience Store Expo. It will be held at the Mirage in Las Vegas, Nevada. Mark your calendars for February 19-21, 2013.

MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2013

February 27, 2013 – Utah (UPMRA) Day on Capitol Hill - Utah Capitol Building - Salt Lake City, Utah

May 9-10, 2013 – NPM&CSA Big Dogs' Shootout – Red Rock Hotel & Casino – Las Vegas, Nevada

June 4-6, 2013 - Montana (MPMCSA) Convention - Holiday Inn Grand - Billings, Montana

June 17-20, 2013 - Washington (WOMA) Convention - Suncadia Lodge - Cle Elum, Washington

July 31-August 2, 2013 - Idaho (IPM&CSA) Convention - Sun Valley Resort - Sun Valley, Idaho

August 27-28, 2013 – New Mexico (NMPMA) Convention – Albuquerque Marriott Pyramid North, Albuquerque, NM

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

Petro Pete: ***"Black Friday. Because only in America people trample others for sales exactly one day after being thankful for what they already have."***

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