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US EPA Issues Final UST Requirements

****Doug Miller from DENR will be presenting an overview of these changes at the convention - September 22, 2015 at The Lodge in Deadwood. Tank Owners should plan on attending this important seminar.****

I. BACKGROUND

The U.S. EPA published the final UST system testing and inspection rule on July 15, 2015. The PMAA UST Task Force worked closely with the Small Business Administration (SBA), The White House Office of Management and Budget (OMB), key members of Congress as well as EPA's Office of Underground Storage Tanks to reduce compliance costs on tank owners to the greatest extent possible. The PMAA UST Task force was successful in this effort reducing annual costs of the final rule from \$6,966 per site to \$2,377 per site. Overall, total annual compliance costs on the industry as a whole were reduced from \$1.5 billion to \$530 million as a result of PMAA's efforts.

PMAA was successful in achieving three of its primary goals aimed at reducing compliance costs imposed by the rule. First, PMAA convinced the EPA to drop regularly scheduled testing of the interstitial spaces of UST secondary containment equipment. PMAA's second goal of delaying implementation of testing and inspection requirements was also successful. PMAA was able to delay these requirements for three years instead of the EPA's proposed 90 day implementation schedule. PMAA also met its third primary goal to reduce the frequency of sump inspections from 30 days to once per year. PMAA achieved many additional cost reductions as well. PMAA's effort on behalf of tank owners was unparalleled in the industry.

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PMAA News

Update from Washington, DC



Results from NCWM Annual Mtg

The National Conference on Weights and Measures (NCWM) held its annual meeting in Philadelphia, PA in July. Items on the agenda important to petroleum marketers included a 10 micron diesel filter mandate and a repeal of 85 octane. Currently, the market uses a 30 micron filter for diesel fuel. Another proposal would create an official diesel gallon equivalent (DGE) method of sale of CNG/LNG.

Once again, PMAA defeated the 10 micron filter mandate. If the item were to have been approved, it would have cost marketers approximately \$230 additional per month due to having to change diesel filters more often. This estimate didn't take into account for loss of sales due to changing filters more often. PMAA argued that diesel fuel can be contaminated from many parts of the supply chain starting with the refinery, through a pipeline, in terminal storage tanks, in barges and ships in a retail storage tank. Solving this problem requires a comprehensive examination of the entire supply chain and it was unfortunate that much of the blame has fallen on petroleum marketers -- the final step in the supply chain -- without recognizing that upstream measures beyond retailers' control contribute to diesel cleanliness issues. PMAA argued that this should be a total industry effort and should not just fall on the petroleum marketer. PMAA would support the 10 micron filter mandate so long as our upstream partners filtered (at the terminal, refining, for example) and ensured that the fuel marketers receive it clean and free of particulate. Essentially, the product needs to be treated or refined in a manner that it will not re-particulate. PMAA also provided NCWM

officials studies that show moving to a 10 micron filter will not solve the problem due to carboxylic salts getting through filters as low as 2 microns which are causing internal injection clogging issues in high-pressure common rail diesel engines.

PMAA also opposed an item to repeal 85 octane. Several states allow the use of 85 octane and repealing it would ultimately harm petroleum marketers and consumers by restricting supply which would lead to higher prices at the pump. There has been limited evidence presented regarding harm to engines or complaints from consumers regarding engine damage—or any other problems—due to 85 octane gasoline. Furthermore, there is simply not enough information to determine whether the overall environmental impact of an 87 octane standard will be positive or negative.

Finally, the NCWM voted down the proposal to create an official diesel gallon equivalent (DGE) method of sale for CNG and LNG. What does this mean? CNG will continue to be sold in gasoline gallon equivalents. Regarding LNG, since there are no standards in place, it may be sold in diesel gallon equivalents. However, since the LNG-DGE is not in the NCWM handbook, this method of sale lacks a uniform standard across states. The DGE unit is necessary to help facilitate the introduction of natural gas for trucking companies and other operators of heavy-duty vehicles to better understand the value proposition provided by natural gas. In addition, it would have allowed the taxation of CNG and LNG on a per-gallon basis instead of a mass basis.

PMAA would like to thank Bruce Garrett (MA marketer and UST Task Force member), Davis Cosey (GA marketer and UST Task Force member, Sam Bell (former PMAA Chairman), Brian Parnell (Mapco Express and TFCA member), Kat Madaras (Fuel Merchants Association of NJ), Tom Palace (KS Assn Executive) and Dawna Leitzke (SD Assn Executive) for attending the NCWM meeting. They were instrumental in defeating the 10 micron filter proposal.

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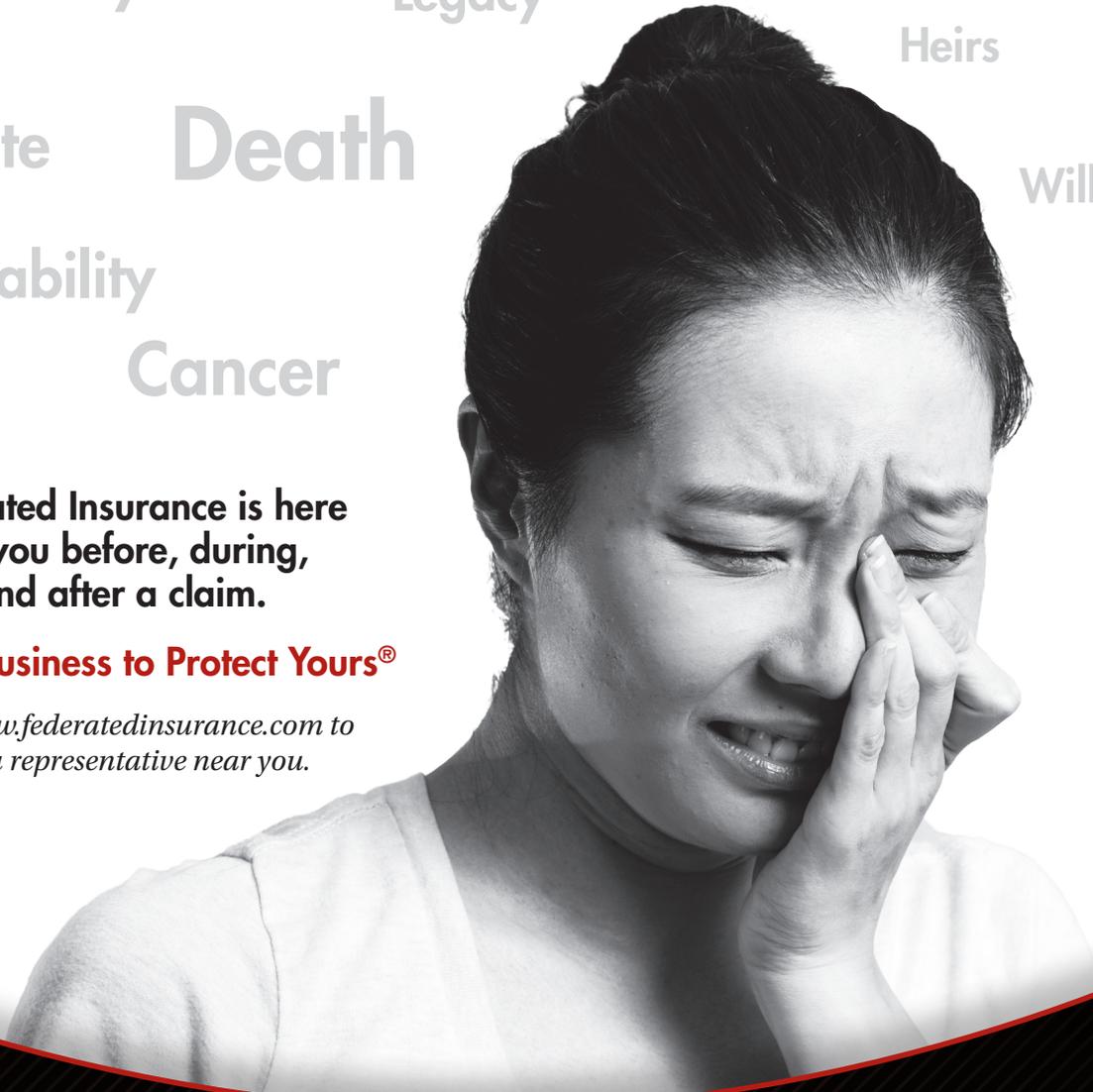
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While PMAA is pleased with the gains made, more work must be accomplished to further reduce compliance costs and burdens imposed by the final rule. First, the PMAA UST Task Force will present to the EPA a list of questions seeking clarification on a number of provisions in the final rule. The Task Force believes these clarifications will result in added annual cost savings for tank owners. Second, the PMAA UST Task force will meet with the EPA to discuss ways to further reduce costs associated with sump testing scheduled for once every three years under the final rule. PMAA believes the current test method for sumps is seriously flawed and unnecessarily expensive. Due to these ongoing efforts definitive compliance guidance is not available at this time. However, given the three year implementation schedule for most provisions under the rule there is plenty of time to get clarifications and changes needed for a compliance guideline.

II. REGULATORY REQUIREMENTS OF THE FINAL RULE

Adoption of Existing EPA Operator Training, Secondary Containment and Delivery Prohibition Guidelines into Regulations – The Energy Policy Act of 2005 required states receiving LUST money from the EPA to meet certain guidelines. The EPA established those guidelines which include; UST inspections as well as operator training, secondary containment, and delivery prohibition requirements. These guidelines were adopted by states and have been requirements for marketers to follow for a number of years now. The final UST rule simply adopts the EPA guidelines as regulatory requirements. There is a procedural change that will not affect tank owners who already must comply with these requirements on the state level.

Walk Through Inspections – The final rule requires tank owners to conduct UST system walk through inspections on the following equipment: spill buckets, fill caps and check release detection equipment operability. Once per year, tank owners must check sump areas for damage, release or leaks.

Spill Prevention Equipment Tests - The final rule requires spill prevention equipment testing once every three years. The final rule does not require periodic testing of double walled spill containment equipment if the integrity of both walls is periodically monitored.

Overfill Prevention Equipment Inspections – The final rule requires testing and operation inspection of overfill protection equipment once every three years. Tank owners must inspect automatic shut-off devices, flow restrictors and alarms. The test requires a demonstration that the equipment will operate or activate properly.

Secondary Containment Testing – The final rule requires testing once every three years of all sumps that are used for secondary containment and interstitial monitoring of double walled pipes and/or other equipment including under dispenser containment. The test must show that the sump is water or vacuum pressure tight. Double walled sumps used for interstitial monitoring of piping are not required to be tested if both walls of the containment sump are periodically monitored.

Release Detection Equipment Tests – The final rule requires annual operational and maintenance tests on electronic and mechanical components of release detection equipment to ensure proper operation. Owners must: check ATG systems and other controllers, test alarm, verify system configuration, test battery back-up, inspect

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NPGA News

from Washington, DC



Retail Propane Marketers NOT Affected by Revised OSHA Interpretation of Retail Facility Exemption

On July 22, the Occupational Safety and Health Administration (OSHA) issued a revised interpretation of its 'retail facility' exemption policy as it applies to the agency's Process Safety Management (PSM) regulations. This action is in response to the President's August 1, 2013 Executive Order 13650, which required agencies to evaluate their chemical safety and security regulations.

OSHA stated that in past letters of interpretation on this subject, the agency had interpreted the retail exemption more broadly than the original intent of the exemption. In effect, OSHA had exempted from PSM those facilities that may be considered as engaging in wholesale trade as opposed to retail trade.

In response to an earlier Request for Information (RFI) issued by OSHA on this subject, and given that there is no current definition of the term 'retail facility' in the OSHA PSM regulations, NPGA had urged OSHA to simply adopt the definition that exists within EPA's Risk Management Plan (RMP) regulations to facilitate more consistent interpretations.

After further review, OSHA determined to narrow the scope of eligibility for the exemption to only those facilities that fall within the retail trade sectors for the North American Industry Classification System (NAICS) Manual, i.e. Sectors 44-45 - Retail Trade.

Therefore, even with this revised, narrowed scope, retail propane marketers are still exempt from the PSM requirements because they fall within the retail trade sector of the NAICS. Specifically, the NAICS designation for propane marketers (referred to in NAICS as LP-Gas Dealers) is 454310 - Fuel Dealers. A description of the applicable NAICS code for propane marketers can be

viewed here: <http://www.naics.com/naics-code-description/?code=454310>

OSHA has stated that they will delay enforcement of this new interpretation for six (6) months for those facilities that had previously been considered exempt, but which now must comply with the PSM regulations.

The OSHA Memorandum on this subject can be viewed here: https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=29528

Argus Propane Supply Webinar Available for NPGA Members

Argus NGL Outlook | Managing A Propane Demand Equilibrium

August 5, 2015, 10:00am, CDT

Considering the current supply situation in US propane markets, participants are reevaluating their forecasts for supply and demand balances ahead of additional export terminal expansions and petrochemical projects slated to come online during the latter half of this year. How will the markets balance with anticipations of increased demand along the US Gulf coast?

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Presented by:
Allison Tinn
Reporter, Argus NGL Americas

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probes and sensors, automatic line leak detectors, vacuum pumps and pressure gages, as well as hand held electronic sampling equipment.

E-15 Compatibility Requirements – The final rule adopts previously adopted EPA guidelines that require tank owners to demonstrate UST system compatibility with ethanol gasoline blends greater than E-10 or diesel fuel blends greater than B-20 by; certification and listing of equipment by a nationally recognized testing laboratory; equipment manufacturer approval; or an alternative method developed by a state UST authority. Tank owners who plan to place fuel blends greater than E-10 or B-20 in a UST system must first provide 30-day prior notice to state UST program authorities. This is purely a “housekeeping” measure by the EPA and does not change the E-15 compatibility requirements which PMAA believes is inadequate to protect tank owners from liability in the event of a release.

Under Dispenser Containment – The final rule requires the installation of double walled under dispenser containment any time the dispenser and all the equipment used to connect it to the vertical riser pipe from the UST system is replaced.

Statistical Inventory Reconciliation – The final rule adds statistical inventory reconciliation as an approved method of leak detection. The final rule also provides performance standards that SIR methods must meet.

Vent Line Flow Restrictors – The final rule requires ball float valves to be tested periodically for operability. The final bans the installation of new ball float valves. Existing ball float valves may continue in service until replaced.

Internal Tank Linings – The final rule requires tank owners to permanently close USTs that use internal tank liners as the sole method of corrosion protection when an inspection determines the lining no longer is performing to original design specifications and cannot be

repaired. Lining must be inspected within ten years after lining and every five years thereafter.

Change of Ownership Notification – The final rule requires tank owners to provide notice to state regulatory authorities anytime ownership of a tank system is changed. The final rule provides a new notification form entitled: Notification of Ownership Change for Underground Storage Tanks.

III. COMPLIANCE DATES

There are a number of compliance dates that are required under the rule.

October 13, 2015 - Provisions including, notification of tank ownership, elimination of new installation of float ball valves, under dispenser containment requirement upon installation of new dispenser and all of its underground components, statistical inventory release are effective October 13, 2015 under the federal rules.

October 13, 2018 – Provisions including, the first 30 day walk-through inspection, spill equipment test, overfill equipment inspection, secondary containment test, and release detection equipment test must be completed no later than October 18, 2018. Once the first 30 day walk-through inspection is completed, subsequent inspections must occur every 30 days thereafter. Once the first sump inspection is performed by October 13, 2018, subsequent sump inspections must occur once every year thereafter. Once the first release detection test is completed by October 13, 2018, subsequent testing must occur once every year thereafter.

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Bruce Alt
Marketing Representative

1640 Normandy Court, Suite A
Lincoln, NE 68512
phone 402-466-5800
800-541-1226
fax 402-466-8939
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balt@fausereenergy.com

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Compliance in EPA Approved State UST Programs – Currently, 38 states have EPA approved UST programs. These states have their own UST program authority and regulations and must adopt the final rule in order to receive annual funding from the EPA. Some states adopt EPA regulations automatically by reference, some by rulemaking and others by legislative approval. The EPA gives these states three years to adopt the requirements under the final rule. Therefore, the October 13, 2015 compliance date may not apply in some of these states depending how long it takes to adopt the final rule into state regulations. These states will however be required to meet the October 13, 2018 implementation deadline or risk losing program authority from the EPA.

Compliance in States Without EPA Approved Programs - In the 12 states that currently do not have program approval, the EPA UST regulations apply directly. Those states include; Alaska, Arizona, California, Florida, Illinois, Kentucky, Michigan, New Jersey, New York, Ohio, Wisconsin and Wyoming. Therefore, the October 13, 2015 compliance date applies in these states as well as the October 13, 2018 deadline for reoccurring testing and inspections.

IV. BOTTOM LINE:

PMAA will provide compliance information for the October 13, 2015 compliance deadline within the next 30-days once clarification on certain provisions is obtained from the EPA. At this time, PEI RP-1200 is the only standard recognized by the EPA to implement the requirements of the rule. Petroleum marketers must follow this standard when conducting inspections and testing. PMAA will provide notification should any new standards be developed. State program authorities may also adopt methods to implement the rule that differ from PEI RP-1200. Marketers are encouraged to work with their state programs to come up with alternative methods that are less burdensome and costly but equally protective of the environment.

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South Dakota Petroleum and Propane Marketers Association
97th Annual Convention and Trade Show – The Lodge – Deadwood, SD
September 22-23, 2015

Monday, September 21, 2015

6 - 9 pm Exhibitor Setup – Pine Crest Ballroom

Tuesday, September 22, 2015

8 am – 5 pm C&TP Training - Basic Principles and Practices Training - Roosevelt
You must be preregistered to attend this training

8 am – 4 pm Exhibitor Setup – Pine Crest Ballroom

9 am to 1 pm Golf Tournament - Boulder Canyon - Deadwood

9 am to 1 pm Pistol Range – Buffalo Chip Complex – Sturgis

9 am to 1 pm 4 wheel adventure – Mad Mountain Adventure - Deadwood

1 – 3:45 pm Educational Seminars -TBD

4 - 8 pm Exhibits Open – The Lodge – Pine Crest Ballroom

4 - 8 pm Common Hospitality and Hors D'oeuvres–Pine Crest Ballroom

9 pm Texas Hold 'Em Tournament

Wednesday, September 23, 2015

7 – 8:30 am Board of Directors Meeting – Russell

8 am – 5 pm C&TP Training - Basic Principles and Practices Training - Roosevelt
You must be preregistered to attend this training

9 – 10 am General Membership Meeting–Pine Crest Ballroom

10 – 11 am Educational Seminars

12:30 - 5 pm Golf Tournament – 18 holes – Elkridge Golf Club shotgun - Sturgis

1 – 5 pm 4 wheel adventure – Mad Mountain Adventure - Deadwood

1 – 5 pm Sporting Clays – Buffalo Chip Complex – Sturgis

5 - 7 pm Common Hospitality - Roosevelt

Tentative Schedule

News from NACS

Washington DC Update

FDA Proposes Additional Nutritional Information for Packaged Foods

WASHINGTON - Following a 2014 proposal to update nutrition labeling requirements for packaged foods, the U.S. Food and Drug Administration (FDA) is taking further steps to provide consumers with increased access to nutritional information on packaged goods. This week, the FDA released a supplemental proposed rule that would require packaged foods to include the percent daily value (%DV) for “added sugars” on the Nutrition Facts label. This would not apply to food that does not currently require a Nutrition Facts label, such as convenience store food served for immediate human consumption.

In a press release announcing the new proposal, Susan Mayne, Ph.D., director of the FDA’s Center for Food Safety and Applied Nutrition, stated, “The FDA has a responsibility to give consumers the information they need to make informed dietary decisions for themselves and their families. For the past decade, consumers have been advised to reduce their intake of added sugars, and the proposed percent daily value for added sugars on the Nutrition Facts label is intended to help consumers follow that advice.”

The Nutrition Facts label for packaged goods has not been updated in over twenty years. In March 2014, the FDA issued a proposed rule to update both the content of the information contained on the Nutrition Facts label (such as including “added sugars,” updating Serving Size requirements, and revising Daily Values for certain nutrients contained on the label) and the format of the label, with key parts of the label (such as calories and serving sizes) displayed more prominently.

While the FDA has not finalized the 2014 proposal, they are now proposing to update the requirements of the Nutrition Facts label by also including a percent daily value for added sugars. Following recommendations from the 2015 Dietary

Guidelines Advisory Committee’s report, the percent daily value for added sugars is based on the recommendation that the calories from added sugars should not exceed 10 percent of total calories consumed. To help consumers better understand the percent daily value concept, the FDA is also proposing to revise the footnote language on the Nutrition Facts label. The new footnote would state, “The percent daily value (%DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.”

The supplemental proposal will be open for public comments through October 13, 2015. The FDA is not expected to finalize either proposal until early next year, at the earliest. Further, the FDA has proposed to allow manufacturers of packaged foods two years from the date the rule is finalized to come into compliance with the new Nutrition Facts label requirements.

New Report Analyzes Fuel Prices and Auto Sales

ALEXANDRIA, Va. – A newly released report by [the Fuels Institute](#) suggests that fuel prices do not appear to significantly influence the types of vehicles consumers choose to purchase.

Over the past five years, the average price per gallon of regular unleaded gasoline has fluctuated dramatically, and some media

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JOHN HEPLER
ENERGY ACCOUNT MANAGER

17005 Chutney Drive
Omaha, NE 68186

CELL: (515) 291-9531
FAX: (309) 557-7386
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.....more PMAA News

SENATE FINANCE COMMITTEE PASSES TAX EXTENDERS PACKAGE

Biodiesel Tax Credit Moved from Blenders to Producers

On Tuesday, the Senate Finance Committee approved 23 to 3 a bill that would extend fifty-two tax provisions that expired on December 31, 2014.

Included in the package are two year extensions of the 30 percent investment tax credit for alternative fuel pumps, an extension of the 50 percent bonus depreciation to qualified property purchased and placed in service before January 1, 2017 and Section 179 expensing. The bill would also amend the Section 179 expensing limits so that, for the first time, the maximum deduction and phase will be indexed for inflation.

In addition, the bill extends through 2016 the \$0.50 per gallon alternative fuel tax credit and alternative fuel mixture tax credit. This credit can be claimed as a nonrefundable excise tax credit or a refundable income tax credit for the blending and sale of alternative fuel mixtures including compressed or liquefied natural gas, ethanol, biofuels, and liquefied hydrogen.

The bill would cost \$96 billion over 10 years. House Ways and Means Committee Chairman Paul Ryan (R-WI) plans to consider tax extenders after the August recess.

PMAA strongly supports these extensions and has worked with Congress on the renewals.

Finally, the package also included language important to PMAA, a two year renewal of the biodiesel blenders tax credit that expired December 31, 2014. However, Monday night we learned of an amendment sponsored by Senators Grassley (R-Iowa), Cantwell (D-WA), Thune (R-SD) that would move the credit from the blender to the producer. The amendment was passed by the Committee on Tuesday. PMAA is opposed to the amendment because the credit will not likely be passed on to the marketer if it is taken at the production level. Furthermore, the language would disconnect the credit from biodiesel consumption, and simply be a

subsidy for domestic production which is contrary to the original intent of the biodiesel tax credit which was to promote the use of biodiesel in the marketplace. PMAA is working closely with NATSO, NACS and SIGMA to maintain the biodiesel credit at the blender level and will be meeting with House and Senate leadership as well as the tax writing committees next week.

HOUSE SCIENCE SUBCOMMITTEES HOLD HEARING ON RFS

On July 23, the House Science Subcommittee on Energy and the Subcommittee on Oversight held a hearing on the RFS. Witnesses discussed the vast changes in technical and market conditions in today's energy sector compared to when the RFS was established in legislation enacted in 2005 and 2007. Members of the committee also outlined some of the costs and environmental impacts of the RFS mandate.

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Witnesses before the subcommittee were:

Matthew Smorch, Vice President for Strategy and Supply, CountryMark (Refinery); Dr. Jason Hill, Associate Professor of Bioproducts and Biosystems Engineering, University of Minnesota; Chuck Red, Vice President of Fuels Development for Applied Research Associates, Inc.; and Tim Reid, Director of Engine Design, Mercury Marine.

Subcommittee Chairman Randy Weber (R-Texas) stated that “The RFS shows that the federal government cannot use mandates to create a functional industry out of thin air. Production of renewable fuels has increased, but demand for fuels with higher blends of ethanol simply does not exist, even in the most favorable market conditions. While the federal government has an important role in energy research and development, including in developing efficient transportation fuel technologies, federal mandates are the wrong approach to fueling innovation.” Furthermore, “The RFS was wrong about gas consumption – demand for gasoline is falling. The RFS was wrong about the growth of the renewable fuel industry, particularly in terms of advanced biofuels and cellulosic fuels. And the RFS was

wrong about the impact incorporating renewable fuels would have on the environment.”

PMAA currently supports EPA’s regulatory adjustment to the RFS by lowering the corn-based ethanol mandate to a level achievable with E10 and reasonable growth for E85 for years 2014 and 2015. However, PMAA has concerns with the 2016 proposed RFS blending volume mandate and supports a reasonable number that’s less than 14 billion gallons in order to prevent breaching the ethanol blend wall and the resulting chaos in the retail motor fuels market. EPA’s acknowledgement that there are constraints in the motor fuels market to accommodate increasing volumes of ethanol including concerns related to retail infrastructure compatibility is justification to lower the ethanol mandate. Finally, PMAA has no concerns regarding the biodiesel proposed volumes for 2014 – 2017.

SENATORS CALL FOR HIGHER BIODIESEL MANDATE

This week a bipartisan group of 36 senators urged EPA to raise the biodiesel Renewable Fuel Standard (RFS) to at least a higher level than the industry actually produced in 2013 – 1.8 billion gallons. 1.8 billion is EPA’s proposed volume requirement for 2016.

The effort was led by Senators Chuck Grassley (R-Iowa), Patty Murray (D-Wash.), Roy Blunt (R-Mo.) and Heidi Heitkamp (D-N.D.). “While the proposal is a positive step for biodiesel, we remain concerned that the proposed biodiesel volumes for 2016 and 2017 fail to adequately recognize the domestic biodiesel industry’s production capacity and its ability to increase production,” the senators wrote to EPA Administrator Gina McCarthy. “Biodiesel is the first EPA-designated advanced biofuel under the RFS to reach commercial scale production nationwide. It is exceeding the goals that Congress envisioned when it created the RFS with bipartisan support in 2005, while creating jobs, generating tax revenues, reducing pollution, and improving energy security. We urge you to support continued growth in the domestic biodiesel industry by making reasonable and sustainable increases in the biodiesel volumes for 2016 and 2017 in the final rule.”

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Proper Placarding for Split Loads of Gasoline and Diesel Fuel or Heating Oil

There have been numerous inquiries to PMAA about a recent [letter](#) from the U.S. DOT's Pipeline and Hazardous Material Safety Administration (PHMSA) explaining the marking exemption under 49 CFR 172.336(c) that allows operators of cargo tank shipments of gasoline and diesel fuel to placard the lowest flashpoint. The letter is not a new interpretation of the exemption but simply a written response to an inquiry from a local enforcement official. The letter explains that the only time an operator can placard a cargo tank vehicle to the lowest flash point is when both gasoline and petroleum distillates such as diesel fuel and heating oil are shipped simultaneously in a split load in separate compartments of the same cargo tank vehicle. The exemption does not apply to alternating straight loads of gasoline or diesel fuel shipped in separate delivery runs but in the same cargo tank vehicle. The letter reflects the plain language of PHMSA regulations as adopted in 2008 and is not subject to interpretation. PMAA sent out a notice of the change at the time it was announced back in 2008.

Confusion has arisen because PHMSA regulations at one time allowed operators to placard to the lowest flashpoint of gasoline (UN 1203) for straight loads of either gasoline or diesel fuel or heating oil (NA 1993). Thus, drivers were not required to change the UN 1203 placard at the terminal when switching loads from gasoline to diesel fuel or heating oil. The reason PHMSA allowed this exemption is because gasoline and diesel fuel emergency response procedures at the time were identical for both. However, with the advent of ethanol and biodiesel blends in motor fuels, emergency response procedures sometimes differ based on the content of the renewable fuel in the blend. As a result, in a 2008 rulemaking, PHMSA adopted the following placarding exemption and proper shipping names to address this difference:

Compliance

Placards

Placarding to the Lowest Flashpoint: Split loads of gasoline AND diesel fuel or heating oil in separate compartments of the SAME cargo tank shipment may be placarded to the lowest flash point (UN 1203).

Straight loads of gasoline and diesel fuel shipped in alternating delivery runs must be placarded with the identification number associated with the fuel being shipped: either UN 1203 for gasoline or NA 1993 or UN 1202 for diesel fuel.

Proper Haz Mat Shipping Names

Diesel Fuel

- NA1993, Diesel Fuel
- UN1202, Diesel Fuel

Fuel Oil

- NA 1993, Fuel Oil
- UN 1202, Diesel Fuel

Biodiesel blends up to B5

- NA 1993, Diesel Fuel
- UN 1202, Diesel Fuel
- UN 1202, Gas Oil

Biodiesel Blends over B5

- NA 1993, Diesel Fuel Solution
- UN 1202, Diesel Fuel Solution
- UN 1202, Gas Oil Solution

Ethanol Blends up to E10:

- UN 1203, Gasoline

Eth Blends over E-10 and up to E20

- UN 3475, Ethanol & Gasoline Mixture

E85 Ethanol Blends

- UN 3475, Ethanol & Gasoline Mixture

Alcohol up to 5% Gasoline Content

- UN 1987, Alcohols
- NA 1987, Denatured Alcohol
- UN 3475, Ethanol & Gas Mixture, 3, PG II

..... [continued from page 10](#)

outlets have suggested that when gas prices escalate, consumers shift to purchasing more fuel-efficient vehicles. Conversely, when gas prices drop, consumers shift to purchasing vehicles that are less fuel-efficient. The Fuels Institute's report, which evaluates market data and analyzes the relationship between vehicle sales and retail fuel prices, indicates that this relationship may not be as direct as some have inferred.

"We know that consumers are extremely price sensitive and shop for gasoline based on price, and that the price per gallon affects their overall feelings about the economy," said John Eichberger, executive director of the Fuels Institute. "This report set out to examine whether consumer behavior is influenced by prices at the pump when it comes to how consumers shop for a vehicle. In short, the report finds that factors other than fuel may have more of an influence on a consumer's decision to purchase a specific type of vehicle."

To analyze whether fuel prices are influencing the types of vehicles consumers are purchasing, the report examines sales trends for vehicle segments including small cars, electric vehicles, hybrids, large cars, crossover utility vehicles and sport utility vehicles.

The analysis found that sales of crossover and sport utility vehicles do not seem to be significantly influenced by retail fuel prices, indicating that consumers consider other more influential factors during the sales process. For example, data shows that sales for SUVs have increased 51% from 2010–2014 and have been relatively stable despite fuel price volatility. Conversely, sales of alternative fuel options, like battery electric vehicles, hybrids and plug-in hybrids, which typically deliver more miles per gallon than similar gasoline vehicles, do not seem to experience a significant increase in sales when fuel prices rise.

"Consumers continue to pay attention to gas prices, but our research does not support claims that they are basing a vehicle purchasing decision solely on the price at the pump," said Eichberger. "Furthermore, the data calls into question media assertions that consumers are moving away from alternative

fuel vehicles to less fuel-efficient models in response to lower gasoline prices. There are factors at play that cannot easily be explained by examining gas prices."

Full report [available to download \(PDF\)](#).

Lawyer Emails May Affect Swipe Fees Cases

NEW YORK – As reported by the [Wall Street Journal](#) earlier this week, the recent discovery of email communications between two opposing lawyers who are also close friends is threatening to scuttle a \$6 billion class-action antitrust settlement between Visa Inc., MasterCard Inc. and millions of merchants.

The publication cites sources who say that lawyers representing the merchants, including Walmart Stores Inc., Home Depot Inc. and 7-Eleven Inc., will seek to unravel the three-year-old pact, as well as in a similar case involving a pending \$79 million settlement involving American Express.

The email communications were discovered between attorney Keila Ravelo, who represented MasterCard in the antitrust case, and Gary Friedman, who—according to the [Wall Street Journal](#), which reviewed hundreds of pages of court filings in the case—the merchants plan to contend that the communications between them involved confidential information and resulted in the merchants getting inadequate representation.

At a hearing last week, the magistrate who has been overseeing the sharing of the emails among the parties described the situation as "a serious breach," according to a transcript of the hearing. Still, writes the [Journal](#), "It isn't clear if the exchange of documents between Ravelo and Friedman will be grounds for overturning the cases."

Read more about the ongoing legal situation, [here](#).

<p>Patricia Haberling VP Customer Development</p>	
	
<p>P.O. Box 8245 Rapid City, SD 57709 phaberling@wyref.com</p>	<p>Office: 605-342-1614 800-658-4776 Cell: 605-390-0338</p>

2015 Training Programs

Please email the following address for registration forms for all classes: dawnaleitzkeicloud@me.com or go online to <http://sdp2ma.com> and find registration forms in Education and Training.

2015 Class Schedule

January 6-7	Basic	Pierre	Complete
February 3-5	Delivery	Pierre	Complete
March 3-4	Basic	Watertown	Complete
March 31- Apr 2	4.1	Mitchell	Complete
April 7-9	Delivery	Watertown	Complete
April 28-30	Plant	Aberdeen	Complete
May 5-6	Basic	Sioux Falls	Complete
June 2-4	Delivery	Sioux Falls	Complete
June 9-11	4.2	Mitchell	Complete
June 15-17	Plant	Brandon	Complete
June 30-July 2	Plant	Mitchell	Complete
July 7-8	Basic	Aberdeen	Complete
August 4-6	Delivery	Aberdeen	
September 22-23	Basic	Deadwood	
October 6-8	Delivery	Rapid City	
November 3-4	Basic	Mitchell	
December 1-3	Delivery	Mitchell	

2015 Class Schedule

March 24	Sioux Falls Ramkota	Complete	1- 5 pm
March 25	Amerinn Chamberlain	Complete	8 am to 12 noon
March 26	Rapid City Ramkota	Complete	8 am to 12 noon
May 5	Mitchell Highland CC	Complete	8 am to 12 noon
May 6	Watertown Event Center	Complete	8 am to 12 noon
September 9	Aberdeen Ramkota		8 am to 12 noon
September 10	Sioux Falls Ramkota		8 am to 12 noon
November 3	Rapid City Ramkota		8 am to 12 noon
November 4	Pierre Club House Inn & Suites		8 am to 12 noon
November 5	Sioux Falls Ramkota		8 am to 12 noon

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