

SD OIL & LP GAS CHRONICLE NEWS

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US Senators Urge President Trump to Maintain Point of Obligation

The senators outlined the detrimental effects of changing the point of obligation under the Renewable Fuel Standard from refiners to blenders, marketers or retailers.

March 20, 2017

WASHINGTON – In mid-March, U.S. Senators Chuck Grassley (R-IA) and Amy Klobuchar (D-MN) led 23 senators in a bipartisan letter urging President Trump to maintain the point of obligation under the Renewable Fuel Standard (RFS) and reject petitions to upend the current successful system.

“We believe such changes are unwarranted and indefensible,” the senators wrote to Trump. “We appreciate the commitment you have made to support the RFS. We strongly urge you to steer clear of administrative changes to the policy that would undermine the program and run contrary to your goals of promoting domestic energy independence and more choices at the pump. We look forward to working with you to ensure the RFS continues to provide the stability and predictability that is creating jobs and economic growth across the country.”

The senators outlined the detrimental effects of changing the point of obligation from refiners to blenders, marketers or retailers, as one prominent refiner is suggesting. Shifting the point of obligation would give refiners little incentive to produce necessary fuel blends, making it difficult for downstream entities to comply, the senators wrote.

Changing the point of obligation also would “result in a massive, costly, time-consuming shift in compliance” because small businesses, especially in rural areas, lack the resources needed to comply.

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NACS News

Update from Washington, DC

Lawmakers Lobbied from Both Sides of Swipe-Fee Issue

Interest groups are pressing their case either for or against changing the fee limited on debit card transactions.

March 29, 2017

WASHINGTON – Congressional Republicans have been champing at the bit to redo Dodd-Frank, but one part has been causing them fits: the swipe-fee reform, [Bloomberg News](#) reports. The banks want the fee limit removed for debit card transactions, while retailers want to keep the limits in place. The Durbin amendment capped the debit card transaction fee to around 24 cents. Goldman Sachs Group analysts estimated that the change cost the banks \$9 billion in revenue.

With President Donald Trump calling for the financial rules to be decimated, things have heated up on this issue. "This is like choosing between children," said Isaac Boltansky, a financial regulation analyst at

Compass Point Research & Trading. "It's brutal for everyone involved."

While Democrats and Republicans don't agree on many issues these days, both parties view the swipe-fee problem as tricky. "This issue always makes me grumpy," said Rep. Jim Himes (D-CT). "I'm being forced to choose between the competing interests of two big industries."

The battle shows no signs of letting up anytime soon. Retailers have shelled out close to \$359 million in lobbying efforts since 2010, with banks and financial firms spending around \$248 million, according to OpenSecrets.org. "This is a top priority," said Doug Kantor, a partner at the law firm Steptoe & Johnson, which represents NACS on this issue. "We're doing all of the things that you do when you want to lobby an issue hard."

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Meanwhile, on Monday, the U.S. Supreme Court refused to hear an appeal over the swipe-fee settlement, allowing the Second Circuit's ruling that the settlement didn't sufficiently protect the interests of some merchants to stand.

Amazon Delays C-Store Opening

Retailer cites technical complications with its "Just Walk Out" checkout system.

March 28, 2017

NEW YORK – The [Wall Street Journal](#) reports that Amazon is delaying the public opening of its first cashier-less convenience store, **Amazon Go**, because of technical complications.

Amazon Go was due to launch to the public by the end of the month, after launching in beta mode to employees in December, writes the news source. However, it's not clear when the store will open due to kinks in the retailer's "Just Walk Out" technology that eliminates the need for cash registers, checkouts and lines.

The store uses cameras, sensors and algorithms to watch customers and track what they pick up, notes the Journal, adding that Amazon has "run into problems tracking more than about 20 people in the store at one time, as well as the difficulty of keeping tabs on an item if it has been moved from its specific spot on the shelf." The technology functions flawlessly when there is only a small number of customers inside the store, or when their movements are slow.

The Journal notes that Amazon previously said its c-store would open to the public in "early 2017," while Bloomberg reported that the technology has been crashing when the store gets too crowded, making it increasingly difficult to track where customers are in the store and what they are picking up off store shelves. Amazon expects large crowds once the store opens to the public.

Some customers who have shopped at the store during its beta testing said it feels odd to walk out without stopping to pay, writes the Journal.

Fuels Institute Publishes E85 Report

New research analyzes the retail sales price and volume of E85 over a 13-month period.

March 28, 2017

ALEXANDRIA, Va. – Supported in part by the federal Renewable Fuel Standard (RFS), the domestic biofuels market continues to expand. However, what is the potential for continued growth when regular gasoline prices continue to trend lower than usual? Is price difference alone the reason why consumers choose to purchase or not purchase E85?

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NPGA News

News from Washington, DC

Department of Transportation Halts 10-Year Cylinder Requalification Enforcement Pending Further Review

On March 17, 2017, NPGA received formal notice from the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the Department of Transportation (DOT) that the agency will not take enforcement action against the requalification of DOT-specification cylinders by volumetric testing according to a 12-year period, as previously authorized in 49 CFR 180.209(e). PHMSA will allow either a 12 or 10 year requalification period for volumetric expansion testing while the agency reviews NPGA's Petition to return the cylinder requalification period to 12 years. A copy of the Enforcement Notification is available through the [membership portal](#) of the NPGA website.

NPGA argued for PHMSA to halt enforcement of the change in the requalification period and challenged the validity of the rulemaking that reduced the requalification period to 10 years. PHMSA formally accepted NPGA's Petition for Rulemaking to return the cylinder requalification period to 12 years, in conjunction with the Enforcement Notice, and in doing so, the agency's action initiates the rulemaking process; it is not a final rule. The next step in the rulemaking process is publication of the rulemaking in the Federal Register.

As we reported previously, as part of a broader rulemaking, PHMSA changed 49 CFR 180.209(e) to reduce the initial requalification period for DOT cylinders following volumetric expansion testing from 12 years to 10 years and to increase the timeframe for requalification following a proof pressure test from 7 years to 10 years. Nowhere, in either the proposed rule or final rule, did PHMSA provide any rationale or substantiation for the changes or address them in any form.

In response, NPGA aggressively pursued this issue with PHMSA and engaged the support of members of Congress as well as prepared legal measures in order to secure a correction to this substantive, yet unjustified change to industry practice. NPGA continues to communicate with PHMSA on final correction to return to the 12 year period through the rulemaking process. NPGA will continue to keep you apprised of developments.

If you have any questions, please contact Mike Calderara at mcaldarera@npga.org or Sarah Reboli at sreboli@npga.org.

President's Budget Eliminates LIHEAP

President Donald Trump released his first budget proposal last week. This document details the White House's spending priorities for the upcoming fiscal year, and would increase defense spending by \$54 billion. This is paid for by cutting a commensurate amount from discretionary, domestic spending. It is important to note that this budget is only the President's suggestion. Ultimately, it is up to Congress to debate and pass the country's budget and spending bills.



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One major program of interest to the propane industry is that this budget proposes to eliminate is the Low Income Home Energy Assistance Program (LIHEAP). LIHEAP assists low-income families and seniors with their energy bills. In 2016, the LIHEAP program received \$3.39 billion. This reflects a reduction from its high funding level of \$5.1 billion in 2010. This reduction has already forced states to cut benefits, and the zeroing out of this program will result in its closure, shifting pressure to the states to cover this gap. Many low-income customers rely on this program to help with their propane deliveries during the winter heating season.

The budget also calls for the elimination of the EnergyStar program, the voluntary energy efficiency program that allows high efficiency products to bear a specific logo to help consumers identify these products in the marketplace.

NPGA will continue to examine the President's budget. It marks the beginning of the fiscal discussion by policymakers for the upcoming year. We will continue to work with Congress to ensure that the budget supports the needs of the propane industry and our customers.

EPA Delays Effective Date of RMP Rule

In response to a Petition for Reconsideration, Environmental Protection Agency (EPA) Administrator Scott Pruitt announced a delay of the effective date for controversial changes to the Risk Management Program (RMP). Set to take effect on March 21, 2017, Pruitt delayed the effective date to June 9, 2017 while EPA reviews the Petition by the American Chemistry Council. The Petition argues that the final rule included requirements for chemical accident prevention and emergency response preparedness for stationary sources that were not part of the proposal; and, therefore, the public did not have the opportunity to comment. The delay announcement and the Petition are available [here](#).

EPA will prepare a notice to solicit public comment on the issues raised in the Petition. NPGA is reviewing the Petition and intends to submit comments. NPGA opposed several of the requirements in EPA's proposal and, most recently, joined other trade associations in a letter to the Office of Information and Regulatory Affairs (OIRA) urging review of the financial costs and burdens of the new requirements.

RMP requirements apply to hazardous materials facilities that store a certain threshold of specific chemicals, including facilities with more than 10,000 pounds of propane. However, Congress exempted storage at marketer and customer facilities in most cases. EPA proposed modifications to RMP that include costly third party audits, extensive investigations on nearly disastrous incidents, complex technology alternatives to improve safety, and additional recordkeeping as well as public reporting of facilities' safety plans.

Please direct any questions to [Sarah Reboli](#).



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SD Weights & Measures Spring 2017 Testing

Central South Dakota

Central Testing will start the week of April 10 and will finish the week of May 18. This is the eighth year of Central Testing and the second year all trucks will be tested in the spring. Fall testing was dropped for two important reasons. First, Petroleum Marketer members, elevators and other drivers affected by fall activities asked the Office of Weights & Measures to move the dates around on multiple occasions. Several dates shifts were tried, but it is not easy to make all schedules work in the fall. The users of the system are important to our Office, but it was difficult to make fall testing work. The second reason for the change was a fiscal one. The Office of Weights & Measures operates on a small budget. It was simply prudent to condense the testing schedule, in order to remain fiscally responsible with the state tax dollar.

Central Testing sites are chosen based on the number of trucks in the area, drive distance for those trucks, as well as the availability and size of the local DOT site. This will be the first year the western side of the state will be included in the Central Testing schedule as well. The Office believes this too will prove beneficial for both businesses and inspectors alike.

South Dakota codified law requires all truck meters used in commerce within the state to be both accurate and correct. Meters are also required to be sealed by the State. Please remember this is true for out-of-state delivery vehicles working in South Dakota as well. The Office has sent letters to many out-of-state businesses who participate in Central Testing to maintain a level of fairness for in-state-businesses. Should you see others without the state decal (green or orange) on the tank, you know the truck has not been tested for the selling of product in the State of South Dakota.

Thank you and we look forward to seeing you at Central Testing.

Lori Jacobson
Program Director, SD Weights and Measures

Spring 2017 Testing Schedule

SITE	DATE
PIERRE AIRPORT	04/10/2017
PIERRE	04/11/2017
GETTYSBURG	04/11/2017
DUPREE	04/12/2017
MC INTOSH	04/12/2017
MOBRIDGE	04/13/2017
ABERDEEN AIRPORT	04/13/2017
ABERDEEN	04/18/2017
SISSETON	04/18/2017
WATERTOWN	04/19/2017
BROOKINGS	04/25/2017
SF AIRPORT	04/25/2017
SF	04/26/2017
YANKTON	04/27/2017
YANKTON AIRPORT	04/27/2017
MITCHELL	05/02/2017
HURON	05/03/2017
MILLER	05/04/2017
CHAMBERLAIN	05/09/2017
ARMOUR	05/10/2017
WINNER	05/11/2017
WHITE RIVER	05/11/2017
HOT SPRINGS	05/16/2017
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What Can a Risk Management Culture Save You?

Have you ever met a business owner who didn't want to save money? Yet, the way some companies try to cut costs can have the opposite effect. With the economy leaving little room for error, trimming unnecessary expenses is the logical first step toward keeping more profit. Unfortunately, risk management is sometimes looked upon as one of those unnecessary expenses.

It could be that some businesses don't fully recognize the benefits a risk management culture can have. Instead, owners may be discouraged by the amount of time and money needed to reach that point. Successful businesses, on the other hand, know that to avoid possible financial pitfalls, they need to reduce their exposure. They realize risk management, despite the time and financial investment it can require, can have overall economic benefits while creating a safer working environment.

Involvement is key

No company, no business owner is immune to the possibility of losses. Indeed, the act of running a business exposes owners to everyday risks, such as fire, vehicle accidents, or even fraud. Identifying risks ahead of time and then dedicating resources and effort to avoid them through aggressive risk management can help keep a business ahead of the game.

Why bother?

It may feel counterintuitive to believe that a risk management culture—the sum total of all the efforts, attitudes, and investments related to workplace safety and loss prevention—can actually improve your bottom line. But, investing in risk management can definitely have advantages:

- **First, by managing risk, your company could experience fewer insurance claims.** That may equate to lower insurance premium.
- **Second, fewer claims means you also help reduce the “after effects.”** Insurance is meant to cover the direct costs associated with a claim, such as property damage, medical bills, and legal expenses. What is often not anticipated, however, are the unexpected, “hidden” costs from a loss. For example, insurance may not cover the cost of hiring and training a replacement employee, lost productivity, negative publicity, higher premiums related to the loss...and the list goes on. These are typically out-of-pocket expenses and can quickly add up. It could take a lot of extra sales to recoup those losses.
- **Last, workers compensation claims often result in a higher work comp mod.** Not only can this have an immediate effect on your premiums, the consequences could be felt for a long time.

Business owners who take risk management seriously understand its positive effect on their operations, both from employee well-being and financial standpoints. They see immediate value in being proactive. As one company risk manager put it, “There are many business owners who believe that risk management is too expensive. I would challenge them to put a pencil to it. I think they will be surprised that safety pays.”

Attending a Federated Insurance Risk Management AcademySM seminar can be an effective way to start or grow your risk management program. Upcoming 1- and 2½ -day sessions are posted at federatedinsurance.com, or contact your local Federated representative for more information.

This article is intended to provide general information and recommendations regarding risk prevention only and should not be considered legal advice. Following these guidelines does not guarantee reduced losses or elimination of any risks. This information may be subject to regulations and restrictions in your state. Qualified counsel should be sought regarding questions specific to your circumstances and applicable state or federal laws. © 2017 Federated Mutual Insurance Company. All rights reserved.

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The program administration would become complicated and “unnecessarily result in significant uncertainty and market disruptions,” the senators wrote. Such a change is widely opposed—by fuel marketers, retailers, truck stop operators, petroleum producers and renewable fuel producers—because of the added complexity and the undermining of investments that businesses have made to comply, the senators wrote.

“The overwhelming majority of transportation fuel market participants oppose any change to the point of obligation because it would cause massive disruptions and could lead to higher prices for consumers,” the letter states.

During the recent NACS Government Relations Conference, convenience and fuel retail industry stakeholders asked their senators to support and sign this letter, and NACS appreciates the strong bipartisan support on this important issue. The senators’ letter is available [here](#).

ATM Skimming Attacks Continue Worldwide

Latest European fraud update finds that card skimming-related losses were reported in 45 countries.

March 22, 2017

EDINBURGH, Scotland – The European ATM Security Team (EAST) published its latest European Fraud Update for 2017, based on country crime updates provided by representatives of 19 countries in the Single Euro Payments Area (SEPA), and 5 non-SEPA countries, at the 41st EAST meeting held in Oslo, Norway on February 8, 2017.

Card skimming at ATMs was reported by 18 countries. The usage of M3 – Card Reader Internal Skimming devices continues, which is a type of device placed at various locations inside the motorized card reader behind the shutter. Five countries reported such attacks.

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Biodiesel Infrastructure Reimbursement Grants Available



The South Dakota Soybean Research & Promotion Council (SDSRPC) is accepting applications from fuel distributors and diesel retailers for investment in biodiesel infrastructure. Eligible equipment may include:

- Blender Pumps
- Heated storage tanks
- Underground storage

Biodiesel supply is now available in Rapid City. If you have considered offering biodiesel for fuel diversification and additional profits, call or email for an application. SDSRPC and MEG Corp will handle all grant inquiries, receive official requests and evaluate each request for funds. Applications will be reviewed and awarded based on potential for increasing biodiesel availability in South Dakota. Those that are awarded grants will also receive technical support and education and promotion outreach to customers.

For More Information:

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A newly released Fuels Institute report provides an analysis of retail sales price and volume of E85 compared with unleaded sales over a 13-month period, utilizing daily sales data from 20% of retailers selling E85 in the U.S. The report, “[Retailing E85: An Analysis of Market Performance – July 2014-August 2015](#),” is a follow-up to the E85 retail performance analysis published by the Institute in 2014.

In addition to a larger study sample, gas prices in 2014 were averaging approximately \$3.50 per gallon. The overall goal of the study was to analyze E85 retail performance since that time.

The full report and executive brief are available for download.

The Fuels Institute was founded in 2013 by NACS. Through recurring financial contributions and daily operational support, NACS helps the Fuels Institute to invest in and carry out its work to foster collaboration among the various stakeholders with interests in the transportation energy market and to promote a comprehensive and objective evaluation of issues affecting that market and its customers, both today and in the future.

Health Care Repeal Legislation Collapses

GOP effort fails to garner enough votes for passage through the House of Representatives.

March 27, 2017

By Jon Taets

WASHINGTON – The House Republican bill meant to be the first move in a multi-step approach to repealing and replacing the Affordable Care Act (Obamacare) failed to win support in the House of Representatives last week. The bill, the American Health Care Act (AHCA), was pulled from the House floor before a vote was to take place to avoid its likely defeat.

The legislation was subject to much speculation and debate since the November 2016 elections, which resulted in Republicans controlling both chambers of Congress and the White House. Since its enactment seven years ago, Republicans pledged to repeal President Obama’s signature health-care law, and much of the 2016 election campaign was predicated on repealing and/or replacing the law.

Although the House failed to bring the AHCA to a vote, Senate passage also would have been problematic. Leading up to last week’s vote effort, House Republican leaders attempted to use a legislative procedure known as reconciliation to avoid filibuster in the Senate, which also restricts lawmakers to changing provisions that have a budgetary impact. This is known as the [Byrd Rule](#) and restricts senators from making policy changes to a bill unless those changes impact spending — in other words, several provisions that some conservative members want to get rid of in the AHCA could not be removed. By including some of those policy items, authors of the AHCA risked requiring the bill to reach the 60-vote threshold in the Senate for passage.

Despite these red flags, House Republican leaders and President Trump continued to move forward and attempt to gain votes from the Freedom Caucus, a group of the most conservative members in the U.S. House. Attempts were made to include language in the AHCA that would repeal a list of items that insurance companies are required



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to cover under the law, also known as the essential health benefits, as well as include repeal of both the individual mandate and the employer mandate. However, because these provisions violate the Byrd Rule, inclusion in the AHCA would have been fatal to the bill's chance of passage in the Senate.

Support for the AHCA also dwindled from members of the so-called Tuesday Group, a group of GOP moderates who said they could not support the bill, mostly because of the dramatic changes to the Medicaid system.

Late Thursday, the White House announced that it was "done negotiating" with conservative members and the AHCA stood as a "take it or leave it" proposition. Further, President Trump insisted a vote would take place on Friday. Trump also took to Twitter to pressure reluctant conservatives to vote in favor of the bill. He also went so far as to announce that if the bill failed, the White House would move on from ACA repeal and the law would be left in place. These efforts ultimately proved futile: At 3:30 pm on Friday, around the time the vote was expected, Republican leaders pulled the bill from the floor.

With the future of Obamacare repeal and replace efforts in serious jeopardy, failure to pass the AHCA may endanger the success of the second big ticket item Congress has planned: A major overhaul of the U.S. tax system. The health-care bill included several tax provisions that would have reduced the tax baseline, making the job easier on those writing the overall tax reform proposal to find enough "pay-fors" to help smooth the work on that package. Without these provisions, tax writers will have a difficult time preventing the package from showing deficits beyond the standard 10-year budget window. This is another procedural issue under reconciliation that could endanger tax reform's chance of success.

Jon Taets is government relations director at NACS. He can be reached at jtaets@nacsonline.com.

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International skimming related losses were reported in 45 countries and territories outside of the SEPA and in 9 within SEPA. The top three locations where such losses were reported remain the United States, Indonesia and India.

Skimming attacks on other terminal types were reported by eight countries and four countries reported such attacks on unattended payment terminals (UPTs) at retail fueling stations. One country reported the use of an M3 – Card Reader Internal Skimming Device at a public transport ticket machine, the first time this has been seen.

One country reported a new form of crime, “Cash-in” or “Cash Deposit” fraud, where the criminals deposit fake banknotes into ATMs (where the cash deposit function is available) and then credit their cards or other accounts.

ATM malware and logical security attacks were reported by eight countries all involving the usage (or attempted usage) of black-box devices to allow the unauthorized dispensing of cash. EAST has recently published seven related ATM Fraud Alerts. To help counter such attacks, Europol published [Guidance and Recommendations regarding Logical attacks on ATMs](#).

Ram raids and ATM burglary were reported by nine countries, and nine countries reported explosive gas attacks. The use of solid explosives continues to spread and seven countries reported such attacks.

Payment fraud issues were reported by five countries, while one country reported an increase in both vishing and phishing attacks and another reported criminal abuse of the chargeback system.

NACS has many [resources available online](#) related to skimming and payments security.



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2017 Training Programs

January 3-4	Basic Principles and Practices	Pierre
February 7-9	2.2/2.4 Propane Delivery	Pierre
March 7-8	Basic Principles and Practices	Sioux Falls
April 4-6	2.2/2.4 Propane Delivery	Sioux Falls
May 2-3	Basic Principles and Practices	Rapid City
June 6-8	2.2/2.4 Propane Delivery	Rapid City
July 11-12	Basic Principles and Practices	Aberdeen
July 18-20	3.0 Basic Plant Operations	Mitchell
August 1-3	2.2/2.4 Propane Delivery	Aberdeen
August 15-17	4.1 Distribution Systems	Mitchell
August 29-30	4.2 Distribution Systems	Mitchell
September 25-26	Basic Principles and Practices	Deadwood
October 10-12	2.2/2.4 Propane Delivery	Rapid City
November 1-2	Basic Principles and Practices	Mitchell
December 5-7	2.2/2.4 Propane Delivery	Mitchell



2017 UST Owner/Operator Training

UST Owner/Operator

March 21	Yankton Kelly Inn
March 22	Sioux Falls Ramkota
March 23	Rapid City Ramkota
May 3	Rapid City Ramkota
May 4	Pierre – Location TBA
Sept 5	Sioux Falls Ramkota
Sept 6	Watertown Event Center
Sept 7	Aberdeen Ramkota
Nov 1	Rapid City Ramkota
Nov 2	Sioux Falls Ramkota

March 21 & Sept 5 classes: 1 - 5 pm.

Remaining Classes 8 am to 12 noon.

Please go to the sdp2ma.com website. Class schedule will be posted under Education and Training.

Or visit SD DENR website:

To register: <http://denr.sd.gov/des/gw/tanks/TankOperatorTraining.aspx>



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