

AT THE PUMP & DOWN THE AISLE

PROVIDING LIFE'S ESSENTIALS TO WEST VIRGINIA-
FUEL, FOOD & CONVENIENCE



September 2014

Number 641



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From the President ...



It's hard to believe it is September and Fall is right around the corner! We are certainly excited because September is **We Card Awareness Month!** It's a great time of year for us to review our policies, train our employees and make sure we are doing all that we can do to keep age restricted products out of the hands of minors.

The national retailer violation rate with youth access to tobacco laws is 9.1% - significantly below the target 20% rate. West Virginia's rate is 13.4%, which is a little above the national average. So, there is still work to be done. Trained retail employees are confident and prepared to identify and deny underage attempts to purchase tobacco, e-cigarettes and other age-restricted products.

In an effort to bring focus to We Card Awareness Month, we are working with Governor Earl Ray Tombin, who will do a proclamation declaring this to be We Card Awareness Month in West Virginia. We are also coordinating an event in Beckley with Little General Stores, which will have statewide coverage. This press event will be held on September 24th at the Raleigh County Armory.

Our **Make-A-Wish Star Campaign** came to an end on August 31st. We are gathering these totals now and the result will be announced at our **Children's Charity Fundraiser Banquet**, which will be held on the evening of September 24th at Glade Springs. We are so appreciative our members who have stepped up to sponsor the golf outing, which will be held the following day. Please turn to page 14 for a list of sponsors who have signed up so far. If you have not signed up to sponsor this event, we encourage you to do so. All proceeds will go to support to wonderful charities - Children's Home Society of West Virginia and the Make-A-Wish Foundation.

Our **UST Re-Certification Training** will be held October 14 - 16 at the Charleston Civic Center. Information was emailed to members this week and mailed to all A & B licensees. You may download the registration form on our Web site at www.omegawv.com.

Jan

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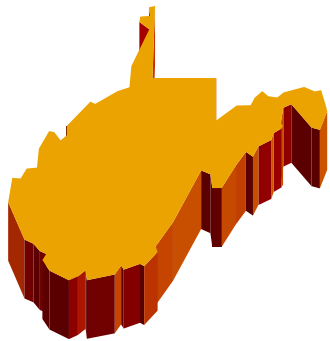
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West Virginia News

WV DEP Releases Interpretive Rule for Aboveground Storage Tank Act

A great deal has changed over the last several months regarding SB 373 and the above ground storage tank (AST) portion of the bill. We feel that together we have made great progress for our industries.

Governor Tomblin and his staff, Secretary Huffman and his staff, and the many interested parties have tried to come up with a plan that not only protects the environment, but also is practical for businesses.

All parties are worried about a Special Session and the issues and problems that may surround it. Governor Tomblin challenged Secretary Huffman to find a solution outside that arena.

OMEGA has been working closely with Secretary Huffman and staff. When DEP met with the Legislature yesterday they stated that they hoped to release on September 9th which they did.

Secretary Huffman has stated that they feel only 3 – 5% of the tanks in WV are in the Zone of Critical Concern. He also has stated that they feel that there are between 50,000 and 80,000 tanks in the State. They certainly don't want to spend all of their time on the tanks that are not in the Zone of Critical Concern.

Attached is DEP's interpretive rule, detailing how the agency interprets the aboveground storage tank program requirements of Senate Bill 373 – specifically related to the tank certification and spill prevention response plan requirements, which has been filed with the West Virginia Secretary of State's Office. A copy of the rule is attached for you.

The rule will be out for public comment for 30 days and a public hearing will be held on Oct. 9th at 6:30 p.m. at the DEP's headquarters in the Kanawha City area of Charleston.

We feel this rule has many positive parts, which we had asked for on behalf of our members.

First, tanks will fall under three categories. Many of our tanks will fall under Level 2, which is outside the Zone of Critical Concern and has the potential of lesser risk of harm to public health or the environment than other tanks. For the Level 2 tanks, the initial inspection of each tank can be performed by the owner or operator. A checklist has been provided in Appendix B in this rule.

Important dates to remember:

- ◆ October 1, 2014 – all required tanks must be registered – visit www.dep.wv.gov/tanks to register tanks.
- ◆ December 3, 2014* – SPRP plans must be submitted to DEP. This can be done via email as an attachment. Simply scan your SPRP and submit it as the plan. (See checklist on Appendix C)
- ◆ January 1, 2015 – Inspections required (Appendix B)

Please keep in mind that this is an Interpretive Rule. This Interpretive Rule allows DEP and the AST community to comply with dates established in SB 373. A Final Rule, which will be between 50 and 60 pages, will be issued prior to the 2015 Session.

If you have comments or questions regarding the rule, please feel free to contact Jan Vineyard in the Association office.

**We are working with DEP on clarification on which tanks need SPRP or SPCC plans. We know that requiring field tanks would be a huge burden. We are trying to work with DEP through that issue.*

Appointments of Commission Members to Public Water System Supply Study Commission

The Public Water System Supply Study Commission, a group established after the Legislature passed a bill protecting the state's water resources and putting regulations on aboveground storage tanks is getting filed with commission members.

Recently the following appointments were made:

- ◆ Rick Roberts, P. E., of E. L. Robinson Engineering, who will serve as a professional engineer experience in the design and construction of public water systems, by Governor Tomblin
- ◆ Ed Watson, a hydrologist at Canaan Valley Institute, who will serve as a hydrologist experienced in determining the flow characteristics of rivers and streams by Governor Tomblin
- ◆ Dr. Mike McCawley, chair of WVU School of Public Health's Department of Occupational and Environmental health Sciences, who will serve as an environmental toxicologist or other public health expert familiar with the impact of contaminants on the body by Governor Tomblin
- ◆ Pam Nixon, a retired environmental advocate for WVDEP, who will serve as the citizen representative
- ◆ Dr. Rahul Gupta of Kanawha- Charleston Health Department by President Kessler
- ◆ Delegate Nancy Guthrie by Speaker Tim Miley

Those member by statue are:

- ◆ Randy Huffman, Secretary of DEP
- ◆ Dr. Letita Tierney, Commissioner of the Bureau for Public Health
- ◆ Jimmy Gianto, Director of the Division of Homeland Security and Emergency management
- ◆ Mike Albert, chairman of the Public Service Commission

The West Virginia Municipal League and West Virginia Rural Water Association must also appoint members to the commission.

Tomblin directed Gianto to act as the commission chair and call the commission's initial meeting.

The commission will be tasked with reporting to the Legislature on findings and research as the bill's is implemented. The group is to submit reports to the Joint Committee on Government and Finance on or before Dec. 15 of each year, starting this year.

The commission will report on several subjects as outlined by the Water Resources Protection Act, including:

- ◆ The effectiveness of source water protection plans, as updated under the new law;
- ◆ Options for public water systems to pursue alternate or more stable supply sources;
- ◆ Ways to improve existing public water system infrastructure;
- ◆ The new law's ability to help public water systems identify, react and respond to identified potential sources of significant contamination; and
- ◆ The U. S. Chemical Safety Hazard and Investigation Board's recommendations in response to the 2008 Bayer CropScience incident.

The Commission's inaugural meeting will be at 10 a.m. Monday, Sept. 22 at the State Capitol.

Latest WV Poll Reveals Changing Trends in the Mountain State

Veteran West Virginia pollster Rex Repass returned to the Annual Meeting and Business Summit again this year with the latest addition of the West Virginia Poll. Poll highlights included:

- ◆ Shelley Moore Capito's lead over challenger Natalie Tennant has increased from 11 percent in May to 17 percent in late August in the race for West Virginia's soon-to-be vacant U. S. Senate seat
- ◆ When looking at West Virginia's "political brand" it is clear the state is more "steadfast conservative" than the nation and less "solid liberal" than the rest of the country.
- ◆ By a margin of 41 percent to 39 percent, those polled favored a Republican controlled West Virginia Legislature, rather than one that has been controlled by Democrats for over 80 years

Over the past 14 years, West Virginia and Arkansas are the two states that have become more Republican.

Home Rule Board to Announce Decisions Oct. 6

Members of the state Home Rule Board heard presentations in Charleston Aug. 4, one of five regional meetings.

The presentations have been made. Now it's time for the state Home Rule Board to decide which 16 municipalities will earn a spot in the state's home rule pilot program.

Monday night wrapped up the presentations. The final regional meeting was held in Martinsburg where Charles Town, Martinsburg, Berkeley Springs/Bath and Ranson made their best case to the Home Rule Board. Board chairman Patsy Trecost told MetroNews Tuesday now it's time to decide who's in and who's out.

"We're going to evaluate each city's presentation and their application," explained Trecost.

The board will use a five-point scale to rank the municipalities.

"We wanted to be fair and balanced for everyone. We wanted everybody to have equal opportunity to shine," stressed Trecost. "We didn't care what class city you were."

The chairman admits some cities did better than others when it came to selling themselves. However, overall, Trecost said every presentation was impressive considering the time and effort that went into the application and face to face meeting with the board.

"We're looking for cities with ideas that were out of the box that could not just benefit them as a municipality but benefit the cities around them," according to Trecost. "This is a board that has traveled the state right now, five regional meetings. We've put a lot of time into this and I assure you that this will not be drawn out of a hat!"

From Lewisburg to Spencer, Weirton to Fairmont, the 22 municipalities will find out Oct. 6 who has made the cut. That announcement will take place at the Bridgeport Conference Center.

September is National Preparedness Month – A Message from Brickstreet

An emergency can happen anytime, anywhere. At BrickStreet we understand how important it is to be prepared for anything. Since September is National Preparedness Month we would like to share some important information about business preparation in a potential emergency situation.

The Centers for Disease Control and Prevention, along with sponsorship from the Federal Emergency Management Agency, have developed an extensive library with emergency preparedness tips for the workplace, as well as at home and school. This information highlights four easy steps to being prepared in any situation. They are:

- ◆ Get a kit
- ◆ Make a plan
- ◆ Be informed
- ◆ Get involved

An emergency kit contains basic items, and should be equipped to last for at least 24 hours at the workplace. Some basic items to include in this kit are:

- ◆ Several gallons of water
- ◆ Non-perishable food items
- ◆ First-aid kit
- ◆ Flashlight and batteries
- ◆ Medications

Step two, making a plan, is equally as important as creating a kit. Details to include can be as simple as where employees should go and how to be accounted for. A preparedness policy also should be written and distributed so information is thoroughly communicated to all employees. To learn more about preparing for emergencies and becoming involved in community preparedness efforts, visit www.ready.gov.

State Revenues

Early in September State Revenue Secretary Bob Kiss released that Tax collections were better in August than previous months. The state missed its revenue estimate by just \$1.3 million. Kiss said things are getting better but the state hasn't turned the corner.

He also stated that he anticipates the state government hiring freeze will remain in effect for the foreseeable future.

August was better for severance tax collections as the money brought in modestly exceeded estimates but personal income tax collections, the state's largest area of tax collection, continues to be off pace.

PSC Receives Grant to Increase Commercial Vehicle Inspections

The Public Service Commission of West Virginia has received a \$180,000 grant from the U.S. Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) to increase inspections of commercial motor vehicles. FMCSA's Increased Commercial Enforcement (I.C.E.) program is a competitive discretionary grant program that supports states' efforts to make highways safer by increased compliance and public awareness of commercial motor vehicle safety programs. I.C.E. Patrols will continue through September 2015 and will emphasize seatbelt compliance and the ban on drivers using handheld electronic devices.

"This grant from FMCSA will give officers more hours on the road, which translates to safer roadways for the citizens of West Virginia," said Commissioner Ryan Palmer. "We appreciate having this opportunity to improve conditions for everyone who travels our state roads."

The FMCSA grant is targeted at roadways that are considered "high crash areas." Target areas include:

- ◆ Route 33 in Barbour, Lewis, Randolph and Upshur Counties
- ◆ U.S. 460 in Mercer County
- ◆ Route 52 in Mingo, Wayne, Logan, Cabell and McDowell Counties
- ◆ U.S. Route 19 in Braxton, Fayette, Nicholas and Raleigh Counties
- ◆ U.S. Routes 35 & 817 in Putnam and Mason Counties
- ◆ W.V. Turnpike/I-77 in Kanawha, Raleigh, Fayette and Mercer Counties
- ◆ I-77 in Wood and Jackson Counties
- ◆ I-81 in Berkeley County
- ◆ I-70 in Ohio County
- ◆ I-79 in Monongalia, Marion and Harrison Counties
- ◆ Statewide enforcement on roads affected by Marcellus Shale drilling traffic

A press conference was held today in Putnam County today in regards to this program. During this press conference, Director of Transportation Enforcement Gary Edgell said, "I.C.E. Patrols will be deployed initially to the ten high-crash roadways to ascertain issues that exist and to work hours exceeding their normal work week." Director Edgell said this effort will increase the number of inspections in the ten identified areas by 415.72 additional inspections while reducing crashes through highly visible enforcement. "Our Enforcement Officers will focus on issues that include compliance with the CMV safety regulations and specifically utilization of seat-belts and the FMCSA ban on hand-held mobile devices," Edgell said.

Election Reminder

2014 General Election Early Voting October 22 - November 1

Early Voting is open during regular business hours at each county courthouse or courthouse annex. Early Voting is also available each Saturday from 9:00am to 5:00pm.

**General Election Day
Tuesday, November 4, 2014**
Polls are open 6:30am through 7:30pm.



Federal Issues

House Republicans Unveil Bill to Fund Government until December

House Republican leaders on September 9th unveiled a temporary government funding bill that includes a short-term extension of a trade-promotion agency that has been targeted by conservative activists, eliminating a key sticking point in the effort to avoid a government shutdown.

The bill would keep the government running on this year's budget levels from the start of the new fiscal year, Oct. 1, until -mid-December, when negotiators would prefer to approve detailed spending plans for the federal agencies through 2015.

Rep. Harold Rogers (R-Ky.), chairman of the House Appropriations Committee, said the bill would keep federal agencies open through Dec. 11, would match President Obama's request for \$88 million in funds to help fight the spread of Ebola in Africa, and would provide flexibility to departments working on the U.S.-Mexico border to handle the flood of unaccompanied Central American minors arriving at the border.

The legislation also includes a measure that extends, until mid-December, a law restricting states from taxing Internet service providers.

The legislation should win approval in the House by September 11th, sending it to the Senate, where it is expected to pass next week. That would avert a repeat of last October's 17-day shutdown of the federal government, which was caused by Republicans trying to undo the health-care law.

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2015 Trade Expo & Golf Outing

The Resort at Glade Springs - Daniels, WV



Convenience Store News

Two Lawmakers Seek Stringent Menu-Labeling Regulations

Recently Representative Rosa DeLauro (D-CT) and outgoing Senator Tom Harkin (D-IA) sent a letter to the Office of Management and Budget (OMB) clarifying their view that Section 4205.

(Menu Labeling) of the 2010 healthcare law not only applies to restaurants and “similar retail food establishments” with 20 or more locations to list calorie content information for standard menu items, but it also applies to concession stands at movie theaters, bowling alleys, and amusement parks, among other venues. Currently, the proposed FDA rule would define a “covered entity” as any retailer where more than 50 percent of the store’s floor area is devoted to selling food. The caveat is that FDA proposed to include pre-packaged food that is already required to include nutritional information on its packaging which would capture most c-stores.

In April 2014, the FDA sent the menu-labeling proposed rule to OMB for final review. A final rule could be released soon because the 90-day OMB review process has passed.

We support efforts to minimize the menu-labeling proposed rule’s reach. The House Appropriations Committee’s FY 2015 Agriculture Appropriations report language clarifies the intent of Congress by urging the FDA to only apply the proposed rule to retail establishments where the majority of the business is for the selling of food for immediate consumption and/or prepared and processed on-site. It also urges FDA to do a cost benefit analysis on the proposed rule’s impact on non-restaurant entities such as convenience stores. We will also continue to support the “Commonsense Nutrition Disclosure Act” (H.R. 1249 and S. 1756), which would ease some of the regulatory burdens attributable to Section 4205 by limiting the provisions in the health care law to establishments that derive 50 percent or more of their revenue from food for immediate consumption and/or prepared and processed on-site. Prepackaged food would not be considered in this equation.

We believe H.R. 1249, S. 1756 and the FY 2015 Agriculture Appropriations report language would bring a commonsense solution to a potential regulation which will unfairly burden convenience store owners.

Banks Are Profiting From Everything We Buy

From burgers to back-to-school, banks — not retailers — bring in the big bucks.

While you’re grilling hot dogs and hamburgers this summer, your bank will be barbecuing the merchants who sold you the food, according to the Merchants Payment Coalition (MPC).

In a press release earlier this week, MPC cites the example of a typical summer barbecue, on which Americans will spend about \$60. According to MPC, on an average \$60 purchase, the bank may charge retailers as much as 4%, or \$2.40, in swipe fees.

These fees represent a huge chunk of the merchant’s profits flying right out the window. Many merchants — including those in the convenience and fuel retailing industry — subsist on a profit margin of less than 2%. So the banks may be earning more than the merchant on each sale. (That’s already true, for instance, with convenience stores that sell gas.)

Because merchants compete so fiercely there’s little room to absorb these ever-increasing swipe fees. So merchants have to pass the cost on to consumers in higher prices. These predatory fees hurt retailers, a huge chunk of our economy, which means the banks’ greed not only costs more at the store but also holds down growth.

An economist who surveyed the modest reform brought by the Durbin Amendment, in which Congress asked the Federal Reserve to set reasonable swipe fees on debit-card purchases, found that the savings let merchants create 37,000 more jobs in 2012, the first full year the amendment took effect. Not to mention that the amendment saved consumers nearly \$6 billion. Both these numbers would have been much larger, said economist Robert J. Shapiro, if the Fed had done exactly what Congress intended instead of acceding to heavy bank lobbying and pulling its punches.

NACS, along with several merchant associations and companies, filed a writ of certiorari with the U.S. Supreme Court, asking the Court to hear their appeal of the D.C. Circuit Court of Appeals ruling that upheld the Federal Reserve's debit swipe fee rules.

Retailers Petition Supreme Court to Hear Swipe Fee Ruling

The legal challenge over the transaction fees that retailers are forced to charge customers when they swipe a debit card moved one step closer to the Supreme Court Aug. 18, when retail and merchant groups petitioned the nation's highest court to hear the case.

The National Association of Convenience Stores (NACS), the Food Marketing Institute (FMI), the National Restaurant Association, the National Retail Federation (NRF), Boscov's department stores and Miller Oil Co., petitioned the Supreme Court to examine a March 2014 decision that upheld the Federal Reserve's rules governing interchange fees.

The National Retail Federation (NRF) said in a statement that the debate over debit card swipe fees is "of staggering importance" and that it had no choice but to pursue this case as far as possible. "There's so much at stake here for U.S. retailers and their customers," NRF Senior Vice President and General Counsel Mallory Duncan said. "When a federal agency blatantly disregards the clear intent of legislation passed by Congress and signed into law by the president, that's a dispute that cannot be ignored."

The Durbin Amendment of the Dodd-Frank Wall Street Reform required the Federal Reserve to issue rules ensuring debit card interchange rates are reasonable and proportional to the costs incurred. Effective Oct. 1, 2011, the fees that retailers had to pay on all PIN and swiped debit card transactions changed to 24 cents.

The Federal Reserve Board set the per-transaction cap at 21 cents and also allowed for an additional charge of 0.01 cent to cover fraud as well as .05 percent of the sales amount. The new interchange fees can be charged for all debit transactions on card issuers with more than \$10 billion in assets.

In July 2013, a judge for the U.S. District Court in Washington rejected the Federal Reserve's regulations governing swipe fees, ruling that the agency set the cap too high on debit-card transactions. The District Court Judge said the Federal Reserve Board disregarded Congressional intent when deciding how much banks can charge for the transactions.

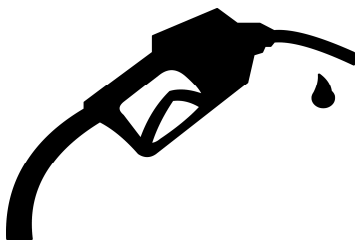
However, A U.S. Appeals Court in March 2014 reversed the lower court's decision and upheld the Federal Reserve's rules governing interchange fees.

Consumers Optimistic Following Gas Price Decline

NACS reported a sharp rebound in optimism over the economy in September -- the highest level in 14 months.

Some 47% of gasoline consumers said they were optimistic about the economy, up eight percentage points from a year ago and from August's 10-month low of 39%.

Nearly nine in 10 consumers say the price of gasoline -- which they note dropped 20cts/gal over the past two months -- has an impact on their view of the economy, NACS reported.



Oil Marketers Update

U. S. DOT Issues Final Rule Amending Requirements for Payment of Penalties for HAZMAT Regulations

The U.S. DOT has issued a final rule amending requirements for payment of civil penalties for violations of federal hazardous material regulations (HMR) and the federal motor carrier safety regulations (FMCSR). Specifically, the final rule prohibits a person who fails to pay a civil penalty, or fails to abide by a payment agreement, from transporting HAZMAT materials until payment is made.

U.S. DOT to Issue Out-Of-Service Orders For Nonpayment Of Civil Penalties:

The U.S. DOT has issued a new rule that requires a person who is delinquent in paying civil penalties relating to the violation of the HMR or the FMCSR to cease transportation operations until payment has been made. This rule affects both intra and interstate petroleum marketers who transport fuel in a commercial motor vehicle. The rule is important to petroleum marketers because for the first time it punishes late or unmet payments with out-of-service orders. Important highlights of the rule are as follows:

1. Types of Violations Subject to the New Rule

- ◆ FMCSA - Violations of the FMCSR set forth in a Notice of Claim (NOC) issued by the Federal Motor Carrier Safety Administration (FMCSA) parts 390 through 397 (49 CFR 390 -397).
- ◆ PHMSA - Violations of the HMR set forth in a Notice of Probable Violation (NOPV) issued by Pipeline and Hazardous Materials Safety Administration (PHMSA) parts 100 through 187 (49 CFR 100 – 187).
- ◆ Violations issued in the form of a ticket are not covered under the rule. Tickets are issued for violations that do not “substantially impact safety”.

2. Types of Enforcement Procedures Subject to the New Rule

- ◆ FMCSA - Federal Motor Carrier Safety Administration - FMCSA begins the process of assessing civil penalties by issuing a notice of claim (NOC). Each NOC sets forth the facts alleged; the provisions of the regulations violated; a proposed civil penalty; the time, form, and instructions for payment, contesting violation, or otherwise seek resolution of the claim. Once the NOC is fully adjudicated or a settlement reached, the FMCSA issues a final agency order. The order sets the payment terms and final penalty amount. This final rule affects only those respondents who violate the payment terms of an order.
- ◆ PHMSA – Violations that do not substantially impact safety are handled through the ticket process and are not covered under the new rule. For all other hazardous materials violations, PHMSA begins the process of assessing civil penalties by serving a notice of probable violation (NOPV) on a person alleging the violation of hazardous materials operations. The NOPV must include: citation of the provision(s) of the HMR that PHMSA believes the respondent has violated; a statement of the factual allegations; a statement of the right to present written or oral explanations, information, and arguments; a statement of the respondent's right to request a hearing; and the proposed civil penalty and payment information. Once the matter is fully adjudicated or a settlement is reached, PHMSA issues an order. Orders outline the terms and outcome of the enforcement action, including the final penalty amount due, and they describe any payment arrangements made between the agency and the respondent. This final rule affects only those respondents who violate the payment terms of an order.

3. Out of Services Orders for Failure to Pay

- ◆ Under the final rule, the agency that issued the final order outlining the terms and outcome of an enforcement action will send the respondent a Cessation of Operations Order (COO) if payment has not been received within 45 calendar days after the payment due date or a payment plan installment date as specified in the final order. The COO would notify the respondent that it must cease hazardous materials operations on the 91st calendar day after failing to make payment in accordance with the agency’s final order or payment plan arrangement, unless payment is made. A respondent will be allowed to appeal the COO within 20 days of receipt of the order according to the procedures set forth by the agency issuing the COO.

(Continued from Page 11)

4. Effective Date

- ◆ The FMCSA and PHMSA will order a COO only for violations which occur on or after September 8, 2014. All existing violations before September 8, 2014 are not subject to the final rule.

EPA Denies Sierra Club Request

A petition from the Sierra Club that sought a re-designation of 57 areas as in nonattainment with the 2008 ozone standard has been denied by the EPA. Nonattainment areas need more time to come into compliance and 22 have already done so according to EPA. Furthermore, EPA expects its recent Tier III motor vehicle standards to reduce emissions of nitrogen oxides and volatile organic compounds (precursors of ground-level ozone pollution) in much of the remaining 35 areas.

EPA is under court order to consider further tightening ozone requirements and to issue a proposed rule to either revise or retain the current ozone standard by December 1, 2014. In doing so, EPA will consider the recent EPA's Clean Air Scientific Advisory Committee recommendation that the EPA should consider lowering the current 75 ppb ozone national ambient air quality standard to 60 to 70 ppb. The report suggests a 60 to 65 ppb range would be best, stating that a standard of 70 ppb would offer only a "limited margin of safety" for human health.

EPA's potential ozone proposed rule is estimated to cost more than EPA predicts, upwards of one trillion dollars per year from 2020-2030, according to the National Association of Manufacturers. Lowering of the standard would force more counties into non-attainment, and, therefore, requiring RFG and lower RVP gasoline which would increase the cost of motor fuels.

PMAA believes the economic consequences from a new ozone standard will be severe and must be considered. Current standards are working and the value of moving towards a lower ozone standard is not backed by scientific evidence. An overly stringent ozone standard will create bottlenecks and chaos in the gasoline marketplace.

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Grocery Highlights

Food Coupons Take a Tumble

There's been a 3.9% drop in food coupons distributed during the first half of 2014.

Are food coupons on the decline? Recent data from New Marx, seems to signify this may be the case. According to their numbers there's been a 3.9% drop in food coupons distributed during the first half of 2014, with the most pronounced drop occurring in refrigerated categories. In addition to this, coupons also had a shorter shelf life with expiration dates dropping to about 8.2 weeks, down 1.3%. The thinking behind this may be to build more shopper urgency as well as higher weighted average face values (80 cents, up 6.4%) to appeal more to shoppers.

CVS Now Tobacco-free and Rebranded

Chain now called CVS Health, as it eliminates all tobacco ahead of schedule.

Recently, the CVS drugstore chain had officially stopped selling tobacco products in all of its roughly 7,700 stores nationwide, about a month ahead of schedule.

Last February, the company announced its intention to end tobacco sales by October 1, but the accelerated schedule illustrates the chain's urgency to better position itself as a true health brand. To signal that shift, the company has renamed itself CVS Health.

According to some reports, the changing health-care landscape means that more companies are going to be able to compete for more customers in the health-care space on a retail level, and CVS is trying to get ahead of that wave.

By giving up tobacco, CVS is losing about \$2 billion in annual sales, but expects to make up that difference over time with a greater emphasis on health services, from filling prescriptions at its pharmacies and providing basic health care at its walk-in clinic, to a new smoking cessation program.

CVS's primary competitors in the pharmacy and clinic spaces, Walmart and Walgreen Co., currently have no plans to stop selling tobacco products.

California Lawmakers Approve Statewide Ban On Plastic Bags

If approved by governor, ban would take effect in c-stores in July 2016.

Recently, the California State Senate gave final legislative approval to a measure that would phase out single-use plastic bags in supermarkets, pharmacies and convenience stores as part of an effort to rid beaches and streets of litter.

The measure, which now goes to Gov. Jerry Brown for consideration, would make California the first state government to approve such a ban, although the bags are outlawed throughout Hawaii because of local jurisdiction laws. More than 120 cities and counties throughout California have already outlawed plastic bags.

If approved, the ban would take effect in grocery stores and pharmacies on July 1, 2015, and would extend to convenience and liquor stores a year later.

Make-A-Wish Fundraiser

On August 1st, OMEGA Members kicked off a star sales campaign to raise money for Make-A-Wish. We would like to thank the retailers who are participating in this campaign: **R T Rogers Oil Company, Go-Mart, Inc., Little General Stores, Stop in Food Stores, One Stop, Par Mar Stores, Bruceton Petroleum/BFS, Team Sledd, DeFazio Oil Company, TWJ, Inc., Petersburg Oil Company, Jamieson Family Markets and Tri-State Petroleum Corporation.**

On September 25th, we will be hosting a Children's Charity Golf Outing at The Resort at Glade Springs in Daniels, WV. All money raised at this event will be distributed evenly between the Make-A-Wish Foundation and the Children's Home Society of West Virginia, who we did a flower sales campaign for in April & May where we raised \$88,827. We are thrilled to be able to work with both of these charities!

Thank you to the following companies who have signed up as sponsors of this event:

Gold

Anheuser-Busch

BP

BrickStreet Insurance

Bruceton Petroleum/BFS

Frito Lay

One Stop

R. T. Rogers Oil Company

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Little General Store, Inc.

**Marathon Petroleum
Company**

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Silver

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Go-Mart, Inc.

Liberty USA, Inc.

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Pepsi Beverages Company

Proud Eagle, Inc.

Reynolds American

Sammie Huff Contractors

Supporter

Dawson-Thompson Oil Co.

R. M. Roach & Sons

Gorman Sheatsley & Co. LC

Have you signed up to be a sponsor of the Children's Charity Golf Outing? If not, we hope you will do so. You may download registration materials on our Web site at www.omegawv.com. Also, if you do plan on attending this event, please make your room reservations at Glade Springs by calling 877.814.7316 TODAY.



Miscellaneous

UST Re-Certification Training

We will host UST Re-Certification Training on **October 14 - 16** at the Charleston Civic Center. As a reminder this seminar is for A & B Licensees and covers tank remover, installer, tester refresher and OSHA. You **MUST** attend all three days to satisfy re-certification requirements if you have both an A & B license. License A will be covered on October 14th, OSHA Refresher for ABCDE License will be on October 15th and B License will be covered on October 16th.

The fees to attend this seminar are \$235 per day or \$545 for three days for members and \$290 per day or \$590 for three days for non-members. Note that lunch is included in the registration fee.

If you are interested in attending this class, you may download a registration form from our Web site at www.omegawv.com. Click on events. Also, if you have questions, please contact the Association Office.

Member News

2014 AWMA Chairman Mark Davenport opened the AWMA Summit in Orlando on September 9th, outlining some of the association's achievements over the past year and introducing 2015 Chairman Rob Sincavich of Team Sledd, who was presented the gavel and the traditional green jacket worn by all AWMA chairmen.

"I promise to do what I can to carry forward the standards and traditions of this organization," said Sincavich in accepting his jacket.



Congratulations Rob! Your West Virginia team is proud of you!

Calendar of Events

2014 Children's Charity Golf Outing
September 25, 2014
The Resort at Glade Springs
Daniels, WV

UST Re-Certification Training
October 14 - 16, 2014
Charleston Civic Center
Charleston, WV

2015 Trade Expo & Golf Outing
May 5 - 7, 2015
The Resort at Glade Springs
Daniels, WV

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