



## LOOKING FOR THE TRUTH ABOUT CREDIT CARD COMPETITION?

**FALSE:** The Credit Card Competition Act will allow retailers to process credit card transactions based solely on what is cheapest for them, disregarding what's best for consumers.

**TRUE:** Under the CCCA, the Big Banks issuing cards continue to control which networks are enabled on their cards. Merchants may then choose the most efficient and cost-effective network from amongst those enabled by the banks.

**FALSE:** The CCCA's credit card routing mandates would erase valuable credit card rewards programs, impacting 71% of Americans who rely on these benefits for savings.

**TRUE:** The CCCA does nothing to rewards programs whatsoever. Only the Big Banks can decide themselves to take away rewards programs they fund through interchange fees, high interest rates and myriad other fees.

In 2023, the Consumer Financial Protection Bureau (CFPB) found that the vast majority of reward redemptions occurred for cardholders with credit scores above 720. The Federal Reserve has said that lower-income families are collectively transferring over \$15 billion each year to wealthier families that have credit cards with rewards programs.

**FALSE:** The CCCA could expose credit cards to data security risks because it allows the government to mandate which networks can be used to route credit cards.

**TRUE:** In addition to Visa and Mastercard, the legislation will instruct banks to select and enable one other competitive network. Every network will compete on security, reliability and efficiency in order to earn the banks' approval to be the second network enabled on their credit cards. And, the Federal Reserve will create a prohibited list of networks that pose a security threat or are owned by a foreign state, such as China UnionPay, a network not currently prohibited in the U.S. today.

**81% OF CONSUMERS SUPPORT FEDERAL LEGISLATION** that will allow for greater competition that results in lower credit card fees for small businesses.

**71% OF CONSUMERS TRUST SMALL BUSINESSES OVER BIG BANKS** when it comes to advocating for policies that benefit consumers.

**THE TRUTH MATTERS.**

GET THE FACTS [NRF.COM/TRUTHMATTERS](https://www.nrf.com/truthmatters)

**NRF** National  
Retail  
Federation



## NDPMA Executive Committee

*Chairman*

**Deanne Svaleson**

Petro Stopping Center - Fargo

*Vice – Chairman*

*EMA State Director*

**Chris Fitterer**

Fitterer Oil - New England

*Secretary*

**Joe Fouhy**

Farmers Union - Beulah

## NDPMA Board of Directors

**Matt Bjornson**

Bjornson Oil - Cavalier

**Mike Burgers**

Harms Oil - Brookings

**Andrew Fjeldahl**

Farmers Union - Berthold

**Rick Gottbreht**

Dales Cash Supply - Dunseith

**Tom Haahr**

Farmers Union - Devils Lake

**Travis Halvorson**

Farmers Union - Westhope

**Arlen Hjelmstad**

Farmers Union - Devils Lake

**Ron Keller**

CenDak Coop - New Rockford

**Paul Klosterman**

Arrowwood Prairie - Wimbledon

**Paul Mutch**

Paul's Petromax - Larimore

**Dustin Neva**

Hatton Coop

**Stephen Ronning**

Farstad Oil - Minot

**Cory Vorderbruggen**

ProPoint Coop - Bowman



Mike Rud  
NDPMA President

Valued NDPMA Member:

Hope all is well in your neck of the woods as we roll into winter. NDPMA is coming off another very good convention and tradeshow in October. As you can see from the various articles in the newsletter, things have not slowed down in the Association office.

The NDPMA board of directors have elected Chris Fitterer to serve as the latest EMA state director. NDPMA members also elected three new board of directors at its General Membership Meeting. We welcome Mike Burgers of Harms Oil, Rick Gottbreht of Dale's Cash Supply in Dunseith and Dustin Neva from the Hatton Coop.

I'm not going to rehash a lot of the pertinent industry information. It's all covered quite well in this newsletter. I will share with you a little inside baseball on several issues as well roll into 2024.

Regarding the on-going lawsuit vs. Federal Reserve Board relating to the lowering of retail debit card processing fees, the news is promising. Shortly after the U.S. Supreme Court agreed to hear the case in mid-October, the Federal Reserve immediately came with a proposal to reduce processing fees from 21-25 cents to 14 cents a transaction. This signals to NDPMA/NDRA and Corner Post Travel Center (Lund Oil, Watford City) the Fed Reserve essentially admits to dropping the ball when it comes to making timely adjustments to debit card processing fees based on technological advancements as the Durbin Amendment requires.

We had an opportunity to finally meet first hand with the lawyers representing our interests in this case (Consovoy McCarthy PLLC) in mid-November. There is no intent of settling for the Fed's latest offer. This group has put together a very compelling brief for the Supreme Court's review. We have every intent of pushing for the 3-4 cents/transaction fee we believe is warranted at this time.

The Credit Card Competition Act is still on the main burner as well. NDPMA and NDRA representatives have been to Washington, DC several times in the last few months lobbying for passage of this bill. This is a very contentious issue on Capitol Hill. Our opponents have spent over \$50 Million Dollars campaigning against this language. We need to keep pushing the grassroots efforts with the door signs we shared with you in the last month. Please get them up. Make the consumers aware.

I can tell you Senate Republicans have held several conferences on this topic. In spite of all the \$\$\$ the credit card companies and large banks are throwing at this issue, sentiment is supposedly swaying in the retailer/consumer direction. Senators are becoming very concerned about the Visa/Mastercard duopoly and its large, growing profit margins. Please help us keep the heat on them as we search for a Congressional bill we can attach the CCA language to in early 2024. This is as close as retailers have ever been to gaining meaningful credit card fee reforms. Let's finish the job.

On behalf of Mary and myself, we thank all of you for your continued support of NDPMA/EMA. We wish you all a very Merry Christmas and a Blessed New Year.

# DID YOU SAY AMERICANS PAY THE HIGHEST CREDIT CARD SWIPE FEES IN THE WORLD?!

Tell Senators  
**Hoeven and Cramer**  
to Stand with ND  
Retailers and  
Consumers

PASS THE CREDIT CARD  
COMPETITION ACT NOW!





## FMCSA Finalizes Proposal to Restrict State Hours of Service Waivers Impacting Energy Marketers

On October 10, the Federal Motor Carrier Safety Administration (FMCSA) released a final rule concerning the authority of state governors to waive hours of service (HOS) regulations during a declared state of emergency. **Originally**, the proposed rule would have limited both the scope of FMCSA regulations subject to a state issued waiver and the duration of the waiver itself **from 30 days to just 5 days**. EMA pushed back in written comments and also asked Congress to get involved including a letter from Representatives Greg Pence (R-IN), Rick Crawford (R-AR) and 25 additional lawmakers. Under the **final rule** issued by FMCSA recently, presidentially declared emergencies would maintain the 30-day exemption, however, **state issued HOS exemptions are now narrowed to 14 days** and streamlined to automatically encompass just the HOS drive time limits. Medical qualifications including medical exams; CDL licensure and renewal; vehicle inspections, repair and maintenance and training are no longer included when a governor issues a state of emergency. “Overall, we are pleased that the FMCSA heard our concerns with the proposed rule and decided to finalize a 14-day HOS waiver rather than 5 days,” said EMA President Rob Underwood.

**EMA opposed the reduction of the automatic waiver from 30 days to 5 days for state declarations because it would not provide sufficient time for full recovery from a declared emergency.** In the fuel marketing industry, disaster recovery time typically takes 2 to 3 times longer than the duration of the disaster itself. When fuel supply is disrupted, the HOS waiver is essential to restore the flow of finished fuel products to downstream users. The HOS waiver increases the number of loads that can be delivered, and the distance traveled to reach far off supply during emergency declarations. In addition, when

a terminal or pipeline outage occurs, resulting in a supply disruption, normal inventories of finished fuel products take time to work their way back through the distribution chain to storage terminals. Also, a shorter 5-day state waiver period could also encourage consumer fuel hoarding and long lines at the pump, further limiting supply.

The agency cited **concerns over increased frequency** and severity of weather-related disasters nationwide with climate change as their primary reason for longer relief timelines. The new rule modifies the definition for **emergency** to clarify that emergency regulatory relief under § 390.23 generally **does not apply** to economic conditions that are caused by market forces, including shortages of raw materials or supplies, labor strikes, **driver shortages**, inflation, or fluctuations in freight shipment or brokerage rates, unless such conditions or events cause an immediate threat to human life and result in a declaration of an emergency.

**One reason FMCSA sought changes** is due to emergency declarations in recent years from state Governors who “do not warrant the emergency exemptions from the Federal regulations in § 390.23.” Examples include an emergency exemption covering all interstate shipments of goods during the month of December, to counteract supply chain issues and **help increase the supply of toys** and other items for Christmas, and an exemption for all shipments of gasoline to encourage more travel after the pandemic. “FMCSA considered the increase in the number of inappropriate emergency declarations as another reason to initiate this rulemaking, to clarify those instances when emergency exemptions are appropriate.”

## Burgum petitions FMCSA to reconsider rule restricting hours of service waivers from 30 days down to 14 days

Gov. Burgum is petitioning the federal government to reconsider a rule restricting governors’ ability to waive hours of service regulations for commercial truck drivers, repeating his concerns that the change will hurt farmers, ranchers and fuel distributors and make it harder to meet the needs of citizens during weather-related emergencies.

The Federal Motor Carrier Safety Administration finalized the rule regarding governors’ authority to waive hours of service regulations during a declared state of emergency.

Burgum opposed the proposed rule change in a Feb. 6 letter to FMCSA Administrator Robin Hucheson, saying it “would

severely impact operations in North Dakota during emergencies and have a direct impact on all citizens of our great state.” He recently reiterated those concerns in a letter to Hucheson.

“As an agricultural state, these executive orders are carefully considered and determined necessary to combat significant winter storms, drought and staff shortages in the CDL industry that last longer than the 14-day anticipated change,” Burgum stated in today’s letter. “North Dakota heavily depends on CDL drivers, and as a rural state, it is critical that we be able to move products and get resources to where they are needed most.”



# POWERFUL BRAND. HOMETOWN FEEL.

RUNNING YOUR BUSINESS YOUR WAY.  
POWERED LOCALLY.®



To learn more about the Cenex brand and  
how we support your local community,  
visit [cenex.com/businessopportunities](https://cenex.com/businessopportunities)



@cenexstores



@cenexstores



@cenexstores\_



© 2023 CHS Inc. Cenex® is a registered trademark of CHS Inc.



# ACCELERATING PAYMENT ACCEPTANCE IN A RAPIDLY CHANGING WORLD



More than 20 years of petro payment expertise

- ✔ Exclusive Member Only Pricing
- ✔ EMV upgrades
- ✔ Next Day Funding
- ✔ DTN & customized reporting
- ✔ In-house support
- ✔ Enhanced fraud protection



North Dakota  
Petroleum Marketers Association

## NDPMA's Preferred Payment Processor

### WE WILL GIVE YOU \$500 IF WE CAN'T BEAT YOUR RATES



Contact us today to accept credit and debit cards at your business.



775.552.3023



JamisonH@PCS4fuel.com



PCS4fuel.com





## Alliant Insurance Services is the nation's leading specialty broker for insurance and surety.

In the face of increasing complexity, our approach is simple: hire the best people and invest extensively in the industries and clients we serve. We operate through national platforms to all specialties. We draw upon our resources from across the country, regardless of where the resource is located.

CA License No. 0C36861 © 2023 Alliant Insurance Services, Inc. All rights reserved.

**Mike Aitkin**  
Vice President  
[Mike.Aitkin@alliant.com](mailto:Mike.Aitkin@alliant.com)

**Lee Tilleman**  
Vice President  
[Lee.Tilleman@alliant.com](mailto:Lee.Tilleman@alliant.com)

**Vanessa Anderson**  
Assistant Vice President  
[Vanessa.Anderson@alliant.com](mailto:Vanessa.Anderson@alliant.com)

**Kenneth MacDonald**  
Loss Control Advisor  
[Kenneth.MacDonald@alliant.com](mailto:Kenneth.MacDonald@alliant.com)



The More Rewarding Way to Manage Risk | [alliant.com](https://alliant.com)



## Status of Visa / MasterCard Swipe Fee Claims Process

As you have most likely heard, the Settlement Administrator in the Visa/MasterCard swipe fee antitrust litigation has begun mailing claim forms to millions of potential claimants to the \$5.4 billion settlement fund (the “Fund”). The Fund includes the proceeds of a settlement of the litigation, which claimed that merchants paid excessive fees to accept Visa and MasterCard transaction cards in violation of the antitrust laws.

The Settlement Administrator began mailing claim forms on December 1, 2023 and will continue sending the forms for most of December. Because of the large number of claim forms being sent, claimants may not receive a form until late December 2023 or January 2024. The Administrator urges potential claimants to be patient and wait to receive a form which will assign the claimant a Claimant ID and allow for online filing. The claims deadline is May 31, 2024.

Reports suggest that between 12 and 18 million businesses across the United States that accepted Visa and MasterCard payments between January 1, 2004 and January 25, 2019 are eligible to claim a share of the Fund. **EMA is concerned, however, that thousands of major oil company branded retailers may not be recipients of a claim form, and that they may be declared ineligible because they are deemed “indirect” payers, meaning that their major oil company supplier is recognized as the party that paid the interchange fees that formed the basis for the lawsuit.** Under this theory, branded retailers who reimbursed their suppliers for the fees would not

qualify as claimants. As previously reported by EMA, a Special Master has been appointed by the court to hear appeals from denials of eligibility, such as claim denials based on the alleged status of branded retailers as indirect payers.

If you receive a claim form in the mail, fill it out and return it to the Settlement Administrator in accordance with the instructions on the form using the assigned Claim ID number. If your claim is denied, you will be able to bring it before the Special Master for review. If you do not receive a form, you can access the settlement website below and enter your Tax ID number (TIN) to find out whether the Settlement Administrator considers you eligible.

<http://www.paymentcardsettlement.com/en/Login>.

While we have yet to see the procedures to be utilized by the Special Master, a determination of ineligibility obtained by accessing the above-referenced login information should be sufficient as a denial of your claim to warrant an appeal to the Special Master. If your claim is denied on the ground that you are an “indirect payer,” and you wish to lodge an appeal, you may want to first seek guidance from your attorney, although you are free to file your appeal without attorney assistance. The primary basis for any such appeal would be that you are, in fact, a direct payer of the interchange fees paid on each card transaction.

EMA will keep you updated on developments in the claims process as they occur and as the information becomes clearer.

## Debit Card Transaction Fees Hearing

Supreme Court has announced it will hear a case from the **North Dakota Petroleum Marketers Association**, North Dakota Retail Association, and Corner Post challenging the Federal Reserve’s (Fed) cap on debit card transaction fees. Specifically, they argue that the cap is set too high, and that the Fed violated the Durbin Amendment to the Dodd–Frank Wall Street Reform and Consumer Protection Act.

At the core of the dispute is an issue of when the statute of limitations would be triggered—whether it is (a) when the regulation was published in the federal register (the Government’s position) or (B) when injury from the rule took place (Corner Post’s position).

Previously, a District Court and Appellate Court had both ruled in favor of the Fed, noting that the time to challenge this rule has passed, but if the Supreme Court overturns those rulings, it could lead to a lower cap on debit card transactions going forward. The case will be heard in February.

## Continue to Urge Congress to Support the Credit Card Competition Act!

EMA continues to urge all jobbers and retailers to reach out to their Senators and ask them to VOTE YES on the Credit Card Competition Act. This bill would reduce swipe fees and allow retailers a choice of network to handle the transaction through competition which would save Americans and businesses around \$15 billion in swipe fees per year. Our industry's share of that comes to around \$9,000 per store per year.

In mid-November, the International Brotherhood of Teamsters and the Service Employees International Union (SEIU) endorsed the Credit Card Competition Act (CCCA), with Teamsters President Sean O'Brien noting

that passage of CCCA would "ease inflationary pressures on working people and establish greater accountability in the financial market." This is a very significant endorsement that can be instrumental in pressuring Senate Democratic Leadership (read: *Sen. Chuck Schumer*) to bring the bill to the floor for a vote, where most on either side of the legislation believe it will pass.

Go to: [www.energymarketersofamerica.org/advocacy/legislative-action-center/#/35](http://www.energymarketersofamerica.org/advocacy/legislative-action-center/#/35)

For more information and to urge Senators to Support the Credit Card Competition Act.

## Congressional Request Seeks Information on How Much Government Spends on Swipe Fees

### *Fraud Levels for Visa and Mastercard Networks Increase, Competing Networks Levels Decrease*

On November 8, a bipartisan group of Members of Congress sent a letter to Comptroller General Gene Dodaro asking how much the federal government has been spending on credit card swipe fees.

The letter is signed by Representatives Lance Gooden (R-Texas), Zoe Lofgren (D-Calif.), Tom Tiffany (R-Wis.), and Jeff Van Drew (R-N.J.), as well as Senators Dick Durbin (D-Ill.), Roger Marshall (R-Kan.), and Peter Welch (D-Vt.), and states that "The amount of interchange fees paid by the federal government has far-reaching implications for taxpayers. It is estimated these fees amount to a staggering \$240,000,000 per year. That translates to a taxpayer subsidy of over \$1,000,000,000 to Visa and Mastercard over a five-year period. Taxpayers bear the burden of these hidden costs. By introducing competition to the credit card market, the Treasury Department could save and re-direct over \$1 billion toward programs that benefit the American people, including investments in infrastructure, education, healthcare, and small business support."

Fraud as a share of purchase transactions rose to 0.13 percent on "dual message" networks like those run by Visa and Mastercard in 2021 are up from 0.11 percent in 2019, according to the Federal Reserve. Meanwhile,

fraud on "single message" networks such as NYCE, Star and Shazam fell to 0.016 percent from 0.02 percent. Those numbers mean the fraud rate on Visa and Mastercard's networks is now more than eight times the rate on competing networks, up from more than five times. The data, which was released October 25, is the latest available.

An increase in fraud rates on Visa and Mastercard's networks further shows the need to pass the Credit Card Competition Act which would require banks with at least \$100 billion in assets to enable credit cards to be processed over at least two unaffiliated networks – Visa or Mastercard plus well-established, high-security competitors like NYCE, Star or Shazam. In addition to lower fees, fraud would be reduced because the Federal Reserve says the competing networks have one-eighth the fraud of Visa and Mastercard's networks. Credit card rewards would not be affected, nothing would change about which cards consumers use or how they use them, and community banks and small credit unions would be exempt

# How Do You Retain Your Top Talent?

Private bonus plans provide strong incentive for top team members to remain with your business — while also helping you stand out among other employers.



AN ASSOCIATION MEMBER BENEFIT FOR 119 YEARS  
 DIRECT, LOCAL MARKETING REPRESENTATIVES AUTO  
 PROPERTY AND CASUALTY SELF-INSURED RETENTION  
 POLICYHOLDER SURPLUS LIVE VOICE CUSTOMER SERVICE  
 MYSHIELD® TAILORED, INDUSTRY-SPECIFIC COVERAGE  
 BUSINESS SUCCESSION AND ESTATE PLANNING STABLE  
 FACE-TO-FACE RELATIONSHIPS FINANCIAL STRENGTH  
 MUTUAL COMPANY DIRECT CLAIMS REPRESENTATIVES  
 500+ EXCLUSIVE ASSOCIATION RECOMMENDATIONS  
 ESTATE PLANNING ATTORNEY NETWORK ANNUITIES

**IT'S OUR BUSINESS TO PROTECT  
 NDPMA MEMBERS**

WE'RE BETTER TOGETHER LIFE AND DISABILITY INCOME  
**PRIVATE BONUS PLANS** KEY PERSON COVERAGE  
 WORKERS COMPENSATION HIRING PRACTICES  
 FEDERATED DRIVESAFE™ TELEMATICS SOLUTION  
 RISK MANAGEMENT RESOURCE CENTER  
 EMPLOYMENT RELATED PRACTICES LIABILITY  
 EMPLOYMENT LAW ATTORNEY NETWORK  
**BONDING** EMPLOYEE SAFETY TRAINING  
**RISK MANAGEMENT ACADEMY**  
 CLIENT CONTACT CENTER  
 FIELD RISK CONSULTANTS  
 CERTIFICATE CENTER  
 SURETY SPECIALISTS  
 MANAGED CARE  
 CYBER

Scan to learn more about **PRIVATE BONUS PLANS** and other employee retention strategies.





## TSA Warns CDL Drivers to Apply Early for HME Renewals or Risk Temporary Loss of Operating Authority

Drivers seeking to renew or obtain a hazardous material endorsement (HME) must undergo a Transportation Security Administration (TSA) security threat assessment. The security threat assessment includes driver security and criminal background checks and fingerprinting. Typically, the threat assessment process takes 45 days. However, TSA is recommending that all applicants for hazardous material endorsement (HME) renewals or first-time enrollments submit their applications and fingerprints **at least 60 days prior to** their expiration date. The TSA is experiencing increased demand for HME renewals and new enrollments and the processing times for applicants are exceeding the normal 45-day turnaround period. Drivers applying for renewal outside the 60-day processing period risk temporary loss of their authority to haul hazardous materials.

### **TSA HME Application Process**

Drivers may complete the HME application online or apply in person at the nearest TSA application center. Drivers can schedule an appointment online or by calling 855-347-8371 weekdays.

<https://tsaenrollmentbyidemia.tsa.dhs.gov>

When applying at a TSA application center, drivers must be prepared to:

- Provide required documentation and fingerprints.
- Bring a current U.S. passport or a driver's license and birth certificate.
- Pay a non-refundable fee valid for five years

### **Additional Information**

Drivers requiring additional information can call the TSA HME Application Program at 855-347-8371 or HME Customer Service at 833-848 4759.

www.core-mark.com • Minnesota Division: 1035 Nathan Lane, Plymouth, MN 55441 • 1-800-742-5655



# Core-Mark®

Proud Member of  
**NDPMA**  
North Dakota  
Petroleum Marketers Association

Want fresh?  
Count on us

## Fresh Solutions Delivered

Our Mission is to be the most valued marketer of fresh, food and broad-line supply solutions to the convenience retail industry.



## YOUR SUCCESS IS OUR BUSINESS.

www.core-mark.com • Iowa Division: 1751 Hwy. 30 East, Carroll, IA 51401 • 800-274-8692



**FAMILY OWNED • MIDWEST BASED  
60+ YEARS IN BUSINESS**

**NEW • USED • REFURBISHED**



**BOBTAILS**



**TRANSPORTS**



**STORAGE**

**CODE REPAIRS • REFURBISHING • TESTING AND INSPECTIONS  
EXPERT ADVICE • COMPETITIVE PRICING**

**Email us at [propane@arrowtank.com](mailto:propane@arrowtank.com) or call 888-892-7769  
[www.arrowbobtails.com](http://www.arrowbobtails.com)**



**Professional Installation, Service and monitoring of Alarms**

**Proudly offering solutions for:**

Fire Alarms | Security Systems | 24HR Alarm Monitoring | Access Control | Video Surveillance | Video & Audio Intercoms | Wander Management | Nurse Call | Panic Buttons | Walk-Through Metal-Detection | Vape Detection

**Commercial – Residential**

**24 Hour Service – UL Listed Monitoring Station**

**The "EYE" is your sign of protection**

**4715 19<sup>th</sup> St. SE Mandan, ND \* [www.electrowatchman.com](http://www.electrowatchman.com)**

**(701) 258-6169 (Mandan) \* (800) 371-6169 (Toll Free) \*(701) 852-3053 (Minot)**



[regi.com](http://regi.com)

# **Renewable fuels drive change and power possibility.**

## **Lower carbon fuel solutions for your fleet — starting today.**

A complete line of high-quality biofuels, Chevron Renewable Energy Group's EnDura Fuels™ is a simple way to move your fleet forward by enabling reduced carbon intensity, improving engine performance and maintaining profitability — now.

**Visit [regi.com](http://regi.com) for lower carbon fleet solutions.**

Renewable Energy Group, REG, the logo and the other trademarks and trade names referenced herein are trademarks of Chevron U.S.A. Inc.  
© 2023 Chevron U.S.A. All Rights Reserved.







YOUR ONE STOP SHOP FOR CANDY, TOBACCO,  
GROCERY, FOOD SERVICE & MORE!

**CHECK OUT OUR BRANDED CONCEPTS**



**FOOD SERVICE | GROCERY | CONVENIENCE**

WWW.HENRYSFODS.COM | 888.314.4488  
234 NORTH MCKAY AVE. | ALEXANDRIA, MN



C-Store owners and managers come to Westmor when they're frustrated with poor project management they've experienced with service providers. They usually need solutions to make their stores and fueling sites updated, secure, efficient, and customer-friendly. Oftentimes they've experienced poor service, long response times, and may not have the technology needed for operational efficiency.

**SCAN**  
TO LEARN MORE



## **INSTALLATION & SERVICE** **YOUR WAY**



- » Turn-key solution from installation to service
- » Get the right fueling, regulatory, and compliance solutions
- » Experts in cutting edge technology
- » Call, email or chat our team 24/7
- » Worry-Free, preventative maintenance plans are available!



[westmor-ind.com](http://westmor-ind.com)

## EMA Meets with White House OMB to Discuss Proposed Bulk Plant Vapor Recovery Rule

EMA met with the White House Office of Management and Budget (OMB) in November to make certain a recent EPA proposed rulemaking contains language eliminating small business energy marketers from installing expensive vapor recovery equipment at their bulk plants with gasoline storage. All major agency rulemakings, including EPA's vapor recovery proposal must go through OMB for final approval. The OMB has the authority to order changes to a proposed rulemaking before it is finalized.

Last June, the EPA proposed a new hazardous pollutant air emissions standard to control gasoline vapors at downstream gasoline bulk plants. The proposed rule would require nearly every bulk plant with gasoline storage to be equipped with vapor recovery systems on storage tanks, loading racks and cargo tank vehicles. A prohibitively expensive cost that many energy marketers would avoid by eliminating gasoline bulk storage altogether. The rule would accomplish this by reducing the current threshold trigger for compliance with vapor recovery equipment from 20,000 gallons of gasoline or more per day of **actual** gasoline throughput, to a **maximum design capacity** daily throughput of 4,000 gallons or more of gasoline. EMA opposes the change because while virtually every bulk plant can

**theoretically** pump more than 4,000 gallons of gasoline per day, actual daily gasoline throughput at downstream bulk plants is typically far less.

EMA met with the EPA earlier this year to oppose the proposed daily throughput trigger. At EMA's request a bipartisan group of 84 members of Congress sent a letter to EPA supporting EMA's position on the proposed rule. The Small Business Administration's Office of Small Business Advocacy also weighed in on EMA's behalf. As a result, EMA has had productive conversations with the EPA and recommended a new trigger of 4,000 gallons or more of actual gasoline throughput per day averaged over 365 days. This trigger would eliminate all bulk plants with gasoline throughput of 1,460,000 gallons or less per year from vapor recovery requirements. EMA told the EPA that this new trigger would be acceptable since nearly all bulk plants have gasoline throughputs of less than 1,460,000 per year, relieving small business energy marketers from expensive compliance requirements. EMA urged the OMB to make certain the alternative throughput trigger language favorable to downstream energy marketers is included in the final rulemaking. The EPA is expected to issue a final rulemaking by February 2024.

## House Passes EMA Supported Bill to Protect Motorists

On December 6, the House passed H.R. 4468, the Choice in Automobile Retail Sales (CARS) Act. This bill is sponsored by Rep. Tim Walberg (R-MI) and cosponsored by 34 others in the House, with a bipartisan companion piece in the Senate led by Sen. Mike Crapo (R-ID) with 33 cosponsors. If passed, it would prevent the EPA from implementing several of its proposed rules that impose strict environmental restrictions on greenhouse gas emissions from cars which, in effect, tips the scales away from internal combustion engine vehicles in favor of electric vehicles.

The final vote was 221-197, with 5 democrats crossing the aisle to vote for this critical bill. This is a win for the Energy Marketers of America (EMA) and other stakeholder groups who wrote Speaker Johnson and

Democratic Leader Jefferies urging passage of the CARS Act.

Rob Underwood, EMA's President, shared that "our members have no problem with EVs -- many currently offer EV charging. Our issue is with the government reducing competition in the automotive space, and we are proud to stand for the right of every American to purchase the most appropriate car for their families; not the one chosen for them by the EPA."

Unfortunately, EMA doesn't see Senate Majority Leader Chuck Schumer (D-NY) giving this bill a chance in the Senate, but the bill does serve as a messaging bill to the Biden Administration and Senate Democrats.



## EPA Drops Oily Wastewater Changes

The EPA said earlier December that it will not request comments on amending its Used Oil Management Standards to address used oil and wastewater mixtures as part of the Agency's upcoming Resource Conservation Recovery Act (RCRA) "Permitting Updates Proposed Rulemaking" project.

"EMA appreciates EPA listening to energy marketers and others on this issue," said EMA President Rob Underwood. "Hopefully, this is one less regulatory assault on energy marketers by the Biden Administration."

EPA's Used Oil Management Standards (40 CFR Part 279) were promulgated as part of RCRA in 1992, and properly managed and recycled used oil, including oily wastewater mixtures, currently are excluded from being classified and handled as RCRA "hazardous wastes." The Used Oil Management Standards have been largely unchanged over the past three decades, and they have increased the volumes of recycled used oils.

Several years ago, some state hazardous waste officials told EPA that regulating oily wastewater with less than 50 percent oil under the Part 279 standards created a "loophole" for parties to improperly dispose of hazardous wastes as used oil. State officials suggested that used oil and wastewater mixtures with less than 50 percent used oil be subject to the RCRA characteristic tests and that mixtures that failed one of these four tests be managed as hazardous wastes.

Last year, EPA said that it would address oily wastewater as part of an advance notice of proposed rulemaking that was anticipated to be published for comment in early 2024. EMA has been working as part of a coalition with other trade associations since that time to provide meaningful information to the Agency on the likely adverse effects from altering the Used Oil Management Standards. EPA now says that "we no longer plan to discuss used oil in the upcoming Permitting Updates Proposed Rulemaking."



## Proposed Menthol Ban postponed until March 2024

Biden Administration announced it would be postponing a ban on the sale of menthol cigarettes. Originally slated to be finalized in August and then delayed until January, publication has now been pushed to March 2024. And, according to reports, that may be delayed further, with many in the White House citing concerns that the rule will have a negative political impact on black voters at a time when President Biden's approval rating is already flagging.

Last month, EMA President Rob Underwood, along with EMA Convenience Store Committee members Jonathan Tang (Ira Philips, Inc., Gadsden, Alabama) and Brian Lohman (ASAP Energy; Weatherford, Oklahoma), met with the Biden Administration and highlighted FDA's failure to enforce its ban on flavored vapes which has led to a flood of illegal, disposable vapes manufactured in China and marketed to children.

A menthol prohibition will drive legitimate transactions out of stores and into the illicit market, hurting small businesses and funding violent crime. There is no scientific evidence to support a nationwide public health policy that would treat menthol cigarettes differently than other cigarettes.

EMA also highlighted the proposed menthol ban's impact on small businesses across the country. Banning the use of menthol in cigarettes could also have a cascading effect on companies who supply fuel to independently owned and operated small business gas stations. Retailers may be unable to pay for their next load of fuel and pay for EV charging equipment unless they raise prices on in-store items and/or fuel due to the potential major revenue loss from a menthol flavor ban.

# ORDER TODAY FOR DELIVERY TOMORROW!

# M

**MASON  
BROTHERS**

**103 YEARS STRONG**

*Delivering Excellence Since 1920*



- ABBY'S BAKERY GOODS
- SUNNYBROOK BREAD LINE
- FRESH MEAT/FRESH DAIRY
- FRESH PRODUCE
- DELI/FOOD SERVICE
- FROZEN FOODS/ICE CREAM
- CANDY & TOBACCO

**800-862-8940**

**WWW.MASONBROS.COM**



## INNOVATIVE SOLUTIONS FOR THE CONVENIENCE STORE INDUSTRY

Refrigeration • Food • Service • Cabinets/Millwork  
Store Shelving • Installation and Service

**1.800.827.1642 | scr-mn.com**

PROVIDING 24/7 SERVICE

Alexandria | Brainerd | Baxter | Duluth | Mankato | Rochester  
St. Cloud | Twin Cities | Willmar





All our products and services are under one roof.

- Class A General Contractor
- Full Petroleum Construction
- Tank Removals and Remediation
- In Shop Tanker and Pump Service
- 24/7 Onsite Petroleum Service
- Regulatory Compliance Testing
- Retail Showroom and City Desk



# **HOBBS** *Incorporated* **Petroleum Construction and Maintenance**

2389 Business Loop I94 Mandan, ND 58554 Ph:701-663-6363 Fx:701-663-9220



# Your Full Service Distributor - When You Grow, We Grow! -

Doyles Sheehan is a full service distributor that has been serving our customers for over 40 years. We pride ourselves in being pioneers in the wholesale industry through innovation and leadership; offering quality products and programs to the customers we serve. As a family owned and operated business, we realize and appreciate the importance of personal service and partnerships with our customers. At Doyles Sheehan we offer programs and products that meet and exceed the needs of our customers and we are agile enough to adapt to an ever changing business landscape.

We proudly offer to our customers: full line convenience, convenience grocery, food service, automotive and comprehensive general merchandise products and solutions. We also have many seasonal and special programs that we can provide to our customers to drive incremental sales. Doyles Sheehan operates in six Northwest states including Idaho, Montana, Washington, North Dakota, Oregon and Wyoming. We employ over 250 colleagues from all the communities we serve. We are deeply invested in the success and growth of our customers.

## **All customers have a dedicated Sales Consultant**

- Sales team members will visit your store personally on a weekly or bi-weekly basis.
- Every sales team member has specific store information including sales results and dynamic reporting to help drive profitability in your location



## **One on one availability to review our monthly promotional book, promotional flyers and seasonal offerings**

## **Complete store evaluation and category offerings**

- Full store supply solutions
- Food Service solutions at every level
- Proprietary and exclusive brands
- First to Market
- New Trends
- Specialized program implementation and management



**visit us at: [www.doylesheehan.com](http://www.doylesheehan.com)**





# STORAGE VESSELS LPG/NH3/NGL

Stocking sizes  
and limited production  
slots available.

30K, 45K, 60K, 90K, 120K  
and Larger.

HIGHEST QUALITY • EXPERT ADVICE • COMPETITIVE PRICING • FAMILY OWNED  
[www.arrowbobtails.com](http://www.arrowbobtails.com) or call 800-333-5532



Thank you NDPMA Convention Sponsors!



**Gold Sponsors**

Dale Petroleum Company  
 Farmers Union – Devils Lake  
 Fitterer Oil – New England  
 Growmark, Inc  
 Henry’s Foods  
 HOBBS Incorporated  
 Horizon Resources – Williston  
 HTP Energy  
 Legacy Coop - Bisbee

Lund Oil  
 Newman Outdoor Advertising  
 Northdale Oil - Grand Forks  
 O’Day Tank & Steel  
 Petro Stopping Center  
 Westmor Industries

**Silver Sponsors**

Amcon  
 Arrow Tank & Engineering  
 Arrowwood Prairie - Wimbledon  
 Benz Oil – Killdeer  
 Bjornson Oil – Cavalier  
 Creative Energy - Jamestown  
 Curtis Rud Oil – New Salem  
 Dale’s Cash Supply  
 Dusterhoft Family Stores  
 Enerbase – Minot  
 Farmers Union – Berthold  
 Farmers Union – Beulah  
 Farmers Union – Westhope  
 FEI, Inc.  
 Fitterer Gas & Oil – Flasher  
 Flint Hills Resources  
 Good Oil - LaMoure  
 LPG & NH3 Supply  
 Paul’s Petromax – Larimore  
 Payment Card Services  
 Pinnacle - Stanley  
 Pro-Point Bowman  
 Tri-N Propane – Minot  
 Wayne Transports  
 Wisconsin’s Best





# CUSTOMER FIRST

AMCON Distributing Company, Team Sledd and Henry's Foods, collectively the AMCON Family of Brands, represent one of the largest wholesale distributors in the United States serving approximately 6,800 retail outlets including convenience stores, grocery stores, liquor stores, drug stores, and tobacco shops. We currently distribute over 17,000 different consumer products, including cigarettes and tobacco products, candy and other confectionery, beverages, groceries, paper products, health and beauty care products, frozen and refrigerated products, and institutional foodservice products.

DEDICATED BUSINESS CONSULTANT  
ACCRUAL PROGRAM - 100% PAID TO RETAIL  
MONTHLY PROMOTIONAL BULLETIN  
INVENTORY MANAGEMENT  
ANNUAL MERCHANDISING RESETS

BACK-END BUSINESS OFFICE SUPPORT  
SPRING TRADE SHOW EVENT  
REGIONAL TRADE SHOWS  
CUSTOM SIGNAGE PROGRAM  
INCENTIVE TRIP PROGRAM



Contact: Dave Duford  
(701) 258 - 3618  
[www.amcon.com](http://www.amcon.com)









Thank You to the vendors for displaying at the trade show! Your participation and support makes the convention a success.

Mark your calendar for next year.

October 22 & 23, 2024

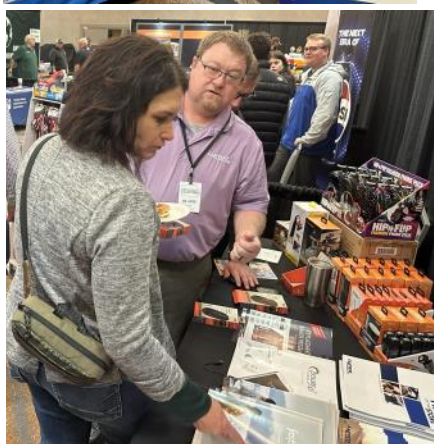
Delta Hotel - Fargo



















## CBS Survivor finalist Holly Hoffman

Faith  
Attitude  
Determination  
Confidence  
Desire  
Perseverance



## Biden Administration Seeks Court Approval for Delay in Rule Allowing Eight Midwestern States' Request to Sell E15 Year-Round

The EPA is asking a federal District Court to approve a **delay until next March** to finalize a rule granting a Clean Air Act waiver to eight midwestern states to sell E15 year-round. The states are asking for removal of the one-pound waiver requirement for RVP that would open the door for year-round sales of E15 within those states. The eight states seeking removal of the waiver include Iowa, Illinois, Minnesota, Mississippi, Nebraska, Ohio, South Dakota and Wisconsin. The EPA is seeking the delay finalizing the governor's request due to written petitions from stakeholders (including EMA) warning of gasoline supply disruption and higher prices in the eight states and surrounding states should the governor's request be granted.

The Clean Air Act (CAA) contains a provision allowing states to apply for an exclusion from the one-pound RVP waiver provided Governors notify the EPA and provide documentation showing the RVP limit for E10 will increase air pollutant emissions in that state. The Clean Air Act also states that "the Administrator shall, by regulation, apply" the 9.0 psi limitation for that area within 90 days of receiving the request. However, the CAA also provides that if EPA determines – after consultation with the Department of Energy – that

promulgation of such regulations would "result in an insufficient supply of gasoline in the State," then it may extend the effective date of the regulations for up to one year, and then may renew that extension for up to two additional periods of up to one year each. Magellan petitioned the EPA delay the elimination of the 1psi RVP waiver for E10 plus blends until at least the Spring of 2025.

The EPA is currently consulting with the DOE to determine if exclusion of the one-pound RVP waiver would result in a supply shortage as EMA and other stakeholders predict. The governors of Iowa and Nebraska filed suit for injunctive relief against the EPA over its failure to finalize the rule within six months before the start of the high ozone season. The high ozone season begins June 1, 2024. The governor's request for injunctive relief would require the EPA to finalize the rule by December 31, 2023. In a motion for summary judgment filed this week, the EPA asked the court to give the agency until March 28, 2024 to finalize the rule.

If the EPA is successful, it opens the door to potential additional delays in finalization of the one pound until 2026.



North Dakota merchants and consumers pay \$260.9 million in annual credit card swipe fees. They would save \$42.7 million annually under the Credit Card Competition Act.







The Voice of North Dakota's  
Petroleum Industry

# 2024 Advertising

The best way to promote your business & signal your support of ND Petroleum Marketers is to become an advertiser. Connect with key decision makers of North Dakota's petroleum industry today!

**ND PETROLEUM MARKETERS ASSOCIATION**  
**NDPMA News** June 2023

**Survive and Thrive the Future!**  
**Lead Simply MODEL. CONNECT. INVOLVE.**  
Leadership is not complex. Leadership at its core, is simple, but not always easy. A simple leadership framework consists of three words: 1. model 2. connect 3. involve  
True leadership is not just words, it's action. We must model the behavior we want to see, connect with the people you lead, and involve them as much as possible.  
During this presentation you will identify and discover what you want to see more and less of in your leadership skills to create that special team of people.  
Tuesday, October 17 & 18  
NDPMA Annual Meeting, Convention & Trade Show  
Delta Hotels by Marriott  
Fargo, ND

CBS Survivor finalist  
**Holly Hoffman**

ND Petroleum Marketers Association  
**Annual Meeting, Convention & Trade Show**  
Tuesday, October 17  
9:30 NDPMA General Membership Meeting  
Board of Director Elections  
11:00 Cakes & Marathon Brand Meeting  
1:15 Educational Seminar TBA  
3:00 Holly Hoffman Leadership  
5:00 Social & Live Auction  
7:00 Dinner Banquet  
Survivor Challenges  
Wednesday, October 18  
8:30 Educational Seminar TBA  
10:00-2:00 Trade Show

**Reserve your rooms now!**  
Delta Hotel: 701-277-8000  
1615 43rd St SW  
Standard 5124  
Suite 5129  
Fargo ND 58103  
Emergency Sales: 701-239-4305  
4305 37th Ave S  
588.95

**EMA Members Code for NACS Show 2023**  
Registration  
Register for the 2023 NACS Show in Atlanta, Georgia  
from October 3 - 4 and use the EMA NACS Show  
Registration Code: **EMANS2023**

**NDPMA ENERGY MARKETERS OF AMERICA EMAI**

**Multi-State Hours of Service Waiver Issued for Heating Fuels**  
Thursday, December 22, 2022 - The Federal Motor Carrier Safety Administration (FMCSA) issued a multistate Hours of Service waiver for Heating oil, Propane and Natural Gas for 15 days through January 6, 2023, for the following states due to Winter Storm Elliott.  
The emergency declaration applies to all states and jurisdictions listed above. This waiver covers all heating fuel deliveries in the states and jurisdictions listed because they support the "emergency," which in this case, is maintaining adequate heating fuel distribution in those areas. Click [here](#) to read the notice.  
Thank you to our Advertising Companies

Altria, FEDERATED INSURANCE, REYNOLDS, WESTMOR, ELECTRO WATERKIND, INC., Renewable Energy Group, ARCON, Arrow, Core-Mark, FARNER-BOCKEN, modern, HENRY'S

North Dakota Petroleum Marketers Association

**North Dakota Petroleum Marketers Association**

Home About Applications Testimonials News Events Admin

Provide a sustainable environment for legislative & regulatory advocacy, education, networking and member services for our industries.

**Strategic Goals**

- Represent and promote the best interests of the industries
- Improve the business climate in the state
- Lobbying on behalf of NDMA and NDPMA members
- Monitor legislative and regulatory activity on the state and national level
- Protect members against legislation that could cost businesses thousands of dollars
- Provide training and education to members

2023 Advertising Partners

FARSTAD OIL, INC., Altria, MIELKE

## Newsletter

June & December

## E-Updates

Monthly

## Website

NDPetroleum.org

## Newsletter Advertising 2 Issues

- Full Page 7 x 9 ..... \$300
- 1/2 Page 7 x 4 1/2 or 3 1/2 x 9 ..... \$200
- 1/4 Page 3 1/2 x 4 1/2 ..... \$100

**E-Update Monthly Logo** ..... \$500

**Website Logo** with link to your website

12 months ..... \$500

## Payment Options

Credit Card    Check Enclosed    Send Invoice

Card # \_\_\_\_\_

Exp \_\_\_\_\_ CVV \_\_\_\_\_

Billing Zip Code \_\_\_\_\_

*You must be a current member of NDPMA to advertise.*

Contact \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City-St-Zip \_\_\_\_\_

Email \_\_\_\_\_

Return to: NDPMA, PO Box 1956, Bismarck, ND 58502    Email: Mary.NDRPMA@midconetwork.com



ND Petroleum Marketers Association  
PO Box 1956  
Bismarck ND 58502

# The One Stop **Fuel Truck Inspection Shop**



Call Today  
**800-654-6329**



DOT Chassis  
Annual Compliance  
Inspection



Meter Calibration  
& Maintenance



Fuel Tanker  
Inspection



V, K, and IP  
Inspections

Nozzles, Hose  
& Pump Repair

## Our Locations:

<b>Fargo ND:</b> 1301 40th Street NW Fargo, ND 58102 701-282-2960	<b>Minot ND:</b> 635 31st Street SE Minot, ND 58701 701-852-3145
--	---