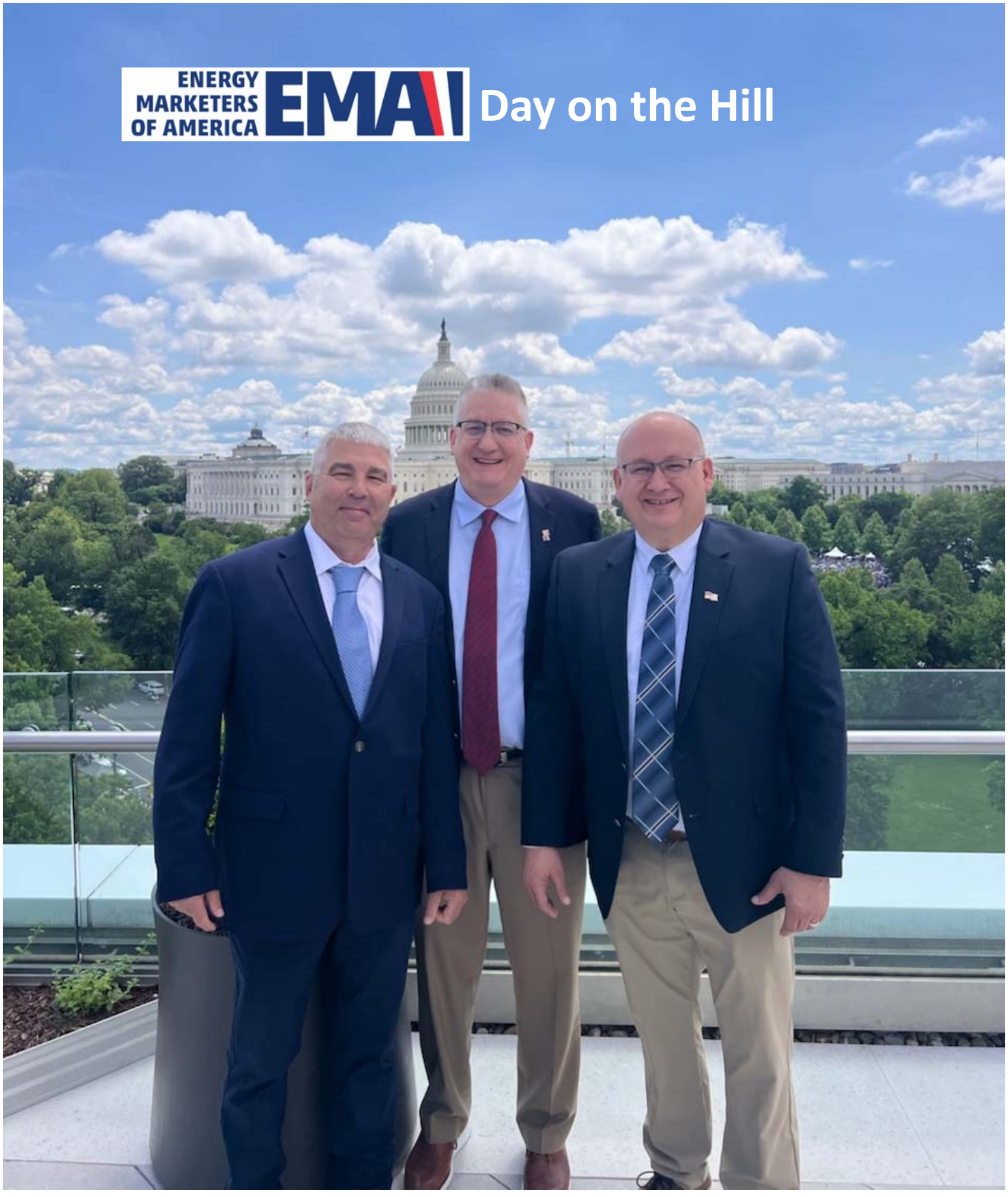
ND PETROLEUM MARKETERS ASSOCIATION

NDPMA News

Summer 2025

NDPMA



Valued NDPMA Members:

Summer is officially here. It came in with a bang across much of ND in mid-June. Our deepest sympathies and prayers to those who lost their lives and to their families and friends. Our thoughts and prayers are also with those folks who suffered severe injuries or property destruction. A big shout out to all the state's emergency personnel who worked throughout the night and into the early morning hours keeping state citizens as safe as possible. And as any disaster in ND always does, it brings out the good in many people as neighbor is helping neighbor to clean up and move on from the storms. It's why I proudly tell people I live in God's Country.

NDPMA weathered its fair share of storms during recent legislative session. Association members helped defeat two tobacco tax bills and several different attempts at 3 and 5 cent gas/diesel tax increases. **By defeating these bills, NDPMA helped stop about $200 MILLION in tax increases to retail businesses and its customer base.** **Please remember that as we enter the due paying season for NDPMA membership.** This is why the Association was formed: To protect and enhance your business interests and more importantly, your bottom line!

I say these gas tax bills were different because a large majority of the sponsors on the bills were Republicans. I was caught off guard by that one. Never expected to see that. I hope we are not entering into an era of tax and spend Republicans. It really made no sense to me or many others as to why the State Legislative body would propose $500 Million in property tax relief for primary residences and then turn around and ask many of those same taxpayers to fork out $70 Million in the next biennium for gas taxes. Robbing Peter to pay Paul was all I could come up with in this case.

When it was all said and done, the business community came out relatively unscathed from what many folks in my profession termed an anti-corporate sentiment in the halls of the Capitol. Again, we were all caught off guard.

We rolled right out of the session into trips to Washington DC for EMA's Day on the Hill. As you can see from the photos in this edition, your Association was very well represented. Obviously, credit card processing fees were the largest topic of discussion with Congressional leaders. As you see from the stories in this newsletter, although we didn't quite push the Marshall-Durbin Amendment over the finish line and into the Genius Act, we continue to draw attention to the issue and bring more large, powerful groups into our camp. I feel confident in saying we may not have won this battle, but I think we are starting to win the war. We just need to stay the course and keep the heat on in DC and across the nation.

I can tell you this, our **debit card reform** efforts are still alive and well. Recently, Corner Post out of Watford City received notice that United States District Court Judge for the District of ND Dan Traynor has scheduled an oral argument on Corner Post's motion for summary judgment. This motion is asking the Court to agree with Corner Post and find the debit card rule is unlawful and order the Federal Reserve Board to re-do the rule.

The argument is scheduled for 1:30pm on July 23 in Bismarck. It's open to the public; anyone can attend.

A huge industry win came in the form of the US Supreme Court overturning California's mandate of zero Internal Combustible Engines by 2035. You can read all about this victory for fossil fuels *on page 12.*

Please review the article dealing with cargo tank vapor tightness testing. This issue was brought to the attention of Senators Hoeven and Cramer by several Midwest marketers and NDPMA members. *See page 18.*

Don't forget to sign up for the NDPMA/NDRA PAC Golf Scramble. It will take place August 7, 2025 at the Hawktree Golf Course in Bismarck. It's always a fun, networking event. It might also be a prime time to celebrate Mary Rud's 30th Anniversary with the NDPMA/NDRA/NDPGA! You all should turn out to honor that type of dedication!

Finally, Mary and I have holes in our hearts these days. In early June, we lost our dear friend and your favorite PAC Auctioneer, Spencer Flath. My buddy died in his sleep from what the family said was likely an aneurysm or a blood clot. Spence was one of a kind. You either liked him or despised him, but you always knew where he stood. He loved the PAC auction and was already looking forward to Fargo this fall.

Rest in Peace, old friend. You are sorely missed in the Rud household.

The State of North Dakota's Emergency Operations Center (EOC) hosted a North Dakota Flood Exercise in June supported by FEMA Region 8. FEMA Region 8, **invited Sherri Stone from EMA to participate in the exercise.**

This exercise is designed to share situational awareness and industry knowledge related to supply chain continuity and infrastructure impacts, as well as establish two-way information sharing between the private sector and the FEMA Region 8 Regional Business Emergency Operations Center (RBEOC). FEMA believes Energy Marketers of America's subject matter expertise and experience in liquid fuels and industry partnerships would add the necessary value to the exercise conduct.

Sherri said the exercise was a few hours spread between two days. Only 15 groups were invited which meant it was efficient with time and EMA was able to make all necessary points that concern marketers and c-store owners.

FEMA

Sherri Stone
EMA Vice President

The Scenario was that the Garrison Dam, located 70 miles north of Bismarck, ND, experienced a cyberattack, resulting in an imminent structural breach. Forecast models predicted that by the next day the city of Bismarck and surrounding areas would experience catastrophic flooding, with water levels to reach 30 feet in certain locations. An estimated 100,000 residents live within the impacted zone. 40% of gas stations were impacted per the exercise.

Key Objectives

Establish two-way information-sharing.

Maintain and share situational awareness related to supply chain continuity and infrastructure impacts.

Validate your organization's emergency operations, business continuity and supply chain plans.

NDPMA

NDPMA Executive Committee

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Vice – Chairman
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Mutch Gas - Larimore

Dustin Neva
Hatton Coop

Scott Ross
Farstad Oil - Minot

Cory Vorderbruggen
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You need drivers EMA Can Help

The Energy Marketers of America has partnered with the National Propane Gas Association (NPGA) to provide a new member benefit to help your company get drivers on the road. The ACE (Administrative Compliance Experts) Services Program guides individuals through the Entry Level Driver Training (ELDT) requirements set by the Federal Motor Carrier Safety Administration (FMCSA).

What does ACE do? Serving as the FMCSA Registered Training Provider, ACE handles:

- FMCSA paperwork and filings
- FMCS audits
- Training materials and training equipment guidance to meet FMCSA requirements

ACE will save you thousands of dollars – up to $3,000 per driver – AND help you cut through all the red tape.

To begin enrollment, go to https://www.npga.org/course-finder-questionnaire-all-options/?coupon=GWDA

When prompted, enter the **Energy Marketers of America** as your ACE Network Partner.

ENERGY MARKETERS OF AMERICA EMA

ND Retail & Petroleum Marketers PAC Fundraiser Golf Scramble

Date
Thursday, August 7, 2025

Time
Registration 10:30
Shotgun Start Noon
Dinner 5:00

Place
Hawktree Golf Club
3400 Burnt Creek Loop
Bismarck, ND

Entry Fee $200.00
Personal payment preferred

Dinner Guest Only $50

Sponsorship $300.00

This in an excellent opportunity to showcase your company to the membership and support the PAC. If you would like to donate a prize contact the association office.

Make checks payable to NDPMA

Mail NDPMA
PO Box 1956
Bismarck, ND 58502

Fax 701-223-5004

Please register by July 22

Name: _____

Company: _____

Email: _____

Address: _____

City/ST/Zip: _____

Team

Player 1 / Handicap: _____

Player 2 / Handicap: _____

Player 3 / Handicap: _____

Player 4 / Handicap: _____

$ _____ **Golf** $200 per golfer includes mulligans & dinner

$ _____ Not a golfer? Join us for **Dinner $50**

$ _____ **Sponsor** $300

Total $ _____

For more information, call the association
701-223-3370 or email mary.ndrpma@midconetwork.com

Method of Payment: Check ☐ Credit Card ☐

Credit Card # _____

Exp. Date _____ CVV2 _____ Zip code of statement _____

Signature _____

Merchants Still Pushing for Credit Card 'Swipe' Fee Reform Following Surge of Support During Stablecoin Debate

WASHINGTON, June 2025 – The Merchants Payments Coalition said that members will continue to push for passage of the Credit Card Competition Act following a significant boost in momentum gained during Senate consideration of the GENIUS Act stablecoin bill.

"The past several weeks have seen a tremendous outpouring of demand that Congress address soaring credit card swipe fees that drive up the price of nearly everything consumers buy," MPC Executive Committee member and National Association of Convenience Stores General Counsel Doug Kantor said. "Consumers, small businesses, military stores, Native American tribes and four of the nation's largest unions have said the time for swipe fee reform has come. Merchants and consumers have been seeking relief from these high fees for years and we won't give up until the card industry has to compete over swipe fees the same way small businesses have to compete every day."

Senators Roger Marshall, R-Kan., and Richard Durbin, D-Ill., last month introduced an amendment that would have made the CCCA part of the GENIUS Act, which would establish a regulatory framework for stablecoins. The Senate rarely allows amendments to legislation, however, and senators today approved a procedural motion to move forward with the bill, effectively cutting off consideration of amendments.

Recently, the CCCA was endorsed by the International Brotherhood of Teamsters, the Retail, Wholesale and Department Store Union, the Service Employees International Union, and the United Food & Commercial Workers International Union. Since mid-May, the bill has also been endorsed by the Coalition of Large Tribes, which represents the nation's largest Native American tribes; the American Logistics Association, which represents military commissaries and base exchanges, and the National Association of Blind Merchants. In addition, the National Federation of Independent Business and other groups sent key-vote letters to the Senate calling for approval of the Marshall-Durbin Amendment.

Those endorsements come in addition to support from almost 2,000 companies and nearly 300 trade associations as well as a broad group of consumer, labor and pro-competition organizations.

Credit and debit card swipe fees – which have risen 70% since the pandemic and reached a record $187.2 billion in 2024 – are most merchants' highest operating cost after labor. The fees are far too high to absorb, especially for small merchants, and drive up consumer prices by nearly $1,200 a year for the average family.

Visa and Mastercard – which control 80% of the market – each centrally set the swipe fees charged by banks that issue cards under their brands, and also block transactions from being processed over other networks that could do the job with lower fees and better security. The legislation would require banks with at least $100 billion in assets to enable cards they issue to be processed over at least two unaffiliated networks – Visa or Mastercard plus a competitor like NYCE, Star or Shazam.

Banks would choose which networks to enable but merchants would then choose which to use, resulting in competition over fees, security and service that is expected to save merchants and consumers $17 billion a year. Rewards would not be affected, security would be improved, consumers would still use the same cards, and community banks and all but one credit union would be exempt.

www.MerchantsPaymentsCoalition.com

North Dakota was well represented at Merchant Payment Coalition DC Fly-in Congressional meetings

Supreme Court Sides with EMA on Legal Challenge Targeting the California Car Mandate (ACC I)

In a significant victory for the energy industry, the U.S. Supreme Court (SCOTUS) **ruled 7-2 in favor of the Energy Marketers of America (EMA)**, American Fuel & Petrochemical Manufacturers, and other stakeholders challenging the Biden Administration's EPA waiver that authorized California's Advanced Clean Cars I (ACC I) rule. The decision, authored by Justice Brett Kavanaugh, grants energy marketers legal standing to contest California's stringent vehicle emissions standards, remanding the case to the D.C. Circuit Court of Appeals for further review on its merits.

Background: The Battle Over California's Emissions Standards

California's ACC I rule, enabled by an EPA waiver under the Clean Air Act, accelerates the state's transition to electric vehicles (EVs) through model year 2025. The regulation is part of California's broader push to mandate electric vehicles. However, EMA and other fuel industry groups argued that these standards unfairly constrain the liquid fuels market, raise costs for consumers, and harm small business energy marketers.

The D.C. Circuit initially dismissed the challenge, ruling that fuel producers and marketers lacked standing because automakers plan compliance years in advance, and overturning the waiver would not provide meaningful relief. The Supreme Court, however, focused solely on the standing issue, leaving the substantive merits of the EPA's waiver for lower courts to address.

SCOTUS Ruling: A Win for Standing

In the majority opinion, Justice Kavanaugh emphasized that EMA's claims are redressable, rejecting the D.C. Circuit's reasoning. The lower court had incorrectly assumed the waiver's effects were limited to model year 2025, when, in fact, its impact could extend indefinitely. "This case concerns only standing, not the merits," Kavanaugh wrote. "If invalidating the regulations would change nothing in the market, why are EPA and California enforcing and defending the regulations?"

Kavanaugh further noted that California's regulations aim to "increase the number of electric vehicles in the new automobile market beyond what consumers would otherwise demand and what automakers would otherwise manufacture and sell." By recognizing the potential harm to energy marketers, the Supreme Court revived the challenge, sending it back to the D.C. Circuit for a full review of the EPA waiver's legality.

EMA President Rob Underwood celebrated the SCOTUS decision, stating, "EMA applauds SCOTUS for recognizing the aggressive constraints on the liquid fuels market imposed by EPA and California and that energy marketers have standing to challenge tailpipe emissions standards being used to mandate EVs." Underwood highlighted waning consumer enthusiasm for EVs, arguing that California's regulations represent an "unlawful regulatory action to force electrification."

"We simply asked the Court to step in to preserve consumer choice and ensure that all forms of energy are treated equally," Underwood added. "This will guarantee that small business energy marketers can continue to sell American-made fuels in the future."

Broader Context: Congressional Action and Industry Impact

The SCOTUS ruling comes on the heels of significant legislative action. President Donald J. Trump recently signed Congressional Review Act (CRA) resolutions to overturn three Biden-era EPA waivers supporting California's mandates: the Advanced Clean Cars II (ACC II) rule, which sought to ban internal combustion engine vehicle sales by 2035; the Advanced Clean Trucks rule; and California's heavy-duty NOx emissions standards. EMA Chairman Jim Lipscomb and President Rob Underwood attended the White House signing ceremony last week, which represents a major victory for the auto and fuel industries, as well as for small businesses and working families.

The ACC II rule, in particular, would have mandated an increasing amount of EVs starting in 2026, culminating in a complete ban on internal combustion engine vehicles by 2035. Seventeen states had adopted portions of these regulations, threatening to disrupt national transportation markets, reduce liquid fuel availability, and increase costs for goods and transportation.

What's Next?

The case now returns to the D.C. Circuit, where the merits of the EPA's waiver will be scrutinized. While the Supreme Court did not rule on the legality of California's emissions standards, the decision ensures that energy marketers have a voice in the ongoing debate over EV mandates and their impact on the fuel industry. The outcome of the D.C. Circuit's review could have far-reaching implications for California's auto policies. It will be interesting to see what will be EPA's legal position on the merits under the new administration. For now, the SCOTUS ruling marks a critical step in challenging what many in the industry view as overreaching regulatory efforts to reshape America's transportation landscape.

President Trump Signs CRA Overturning the "California Car" Mandate

EMA Attends White House Bill Signing Ceremony

On June 12, President Donald J. Trump signed into law the Congressional Review Act (CRA) resolutions to overturn Biden-era rules granting Clean Air Act waivers to California. The Energy Marketers of America (EMA) was honored to attend the White House bill signing ceremony — marking a major victory for the auto and fuel industries, as well as for small businesses and working families across the country.

The CRA resolutions nullify three sweeping California mandates: (1) the Advanced Clean Cars II (ACC II) rule, which attempted to ban internal combustion engine vehicles by 2035; (2) the Advanced Clean Trucks rule; and (3) California's heavy-duty NOx emissions standards.

California's ACC II rule would have required vehicle manufacturers to sell an increasing share of zero-emission vehicles (ZEVs) starting in model year 2026, culminating in a full ban on internal combustion engine vehicle sales by 2035. Seventeen states had already adopted portions of these California regulations, threatening to upend national transportation markets. These policies—enabled by EPA-issued waivers—would have sharply reduced the availability of liquid fuels, raised transportation and goods costs, and disproportionately harmed small business energy marketers and working families.

"EMA applauds the bipartisan work in Congress to rein in California's regulatory overreach and protect consumer choice and fuel diversity," said EMA President Rob Underwood. "Today's bill signing makes clear: liquid fuels are essential to America's energy future. We thank President Trump for his leadership and for standing up for small businesses, energy independence, and the millions of Americans who rely on affordable transportation options."

Although the CRA now officially overturns EPA's waiver approvals, California Attorney General Rob Bonta said the State intends to pursue a legal challenge. Governor Gavin Newsom also denounced the action, claiming it undermines California's climate agenda.

EMA remains committed to advocating for a diverse and affordable energy mix—and will continue to defend the rights of consumers and small businesses against harmful one-size-fits-all mandates.

Federated Insurance® 2½-Day Risk Management Academy

It's Our Business to Protect Yours
FEDERATED INSURANCE®

Federated Insurance® is excited to formally invite business owners in the petroleum industries to attend our complimentary 2½-Day Risk Management Academy (RMA) offerings from **August 26-28, 2025**. Led by risk management professionals, this session will be held at Federated®'s Home Office in Owatonna, Minnesota.

Often, business owners may find themselves so busy in the day-to-day workings of their company that they may have less time to focus on the overall safety of their business. The RMA sessions can help owners in the petroleum industry learn how to prevent losses impacting their bottom line by developing risk management best practices, connecting with industry peers facing similar challenges and insurance professionals who are committed to helping owners, and applying what is learned to make a difference at their businesses.

Building a culture of workplace safety starts with business leaders.

www.federatedinsurance.com/services/risk-mgmt-academy

Upcoming Nationwide Roadside Inspection and Enforcement Blitz

The Commercial Vehicle Safety Alliance (CVSA) selected August 24-30, 2025 as the dates for this year's Brake Safety Week. Brake Safety Week is an annual commercial motor vehicle roadside inspection and enforcement blitz conducted by law enforcement across the United States, Mexico, and Canada. In addition to the scheduled Brake Safety Week, there will be an unannounced one-day brake safety enforcement initiative that could take place any time in 2025.

For this year's Brake Safety Week, inspectors will focus on brake systems and components, with particular emphasis on drums and rotors. This event is important to energy marketers because brake-related violations comprise the largest percentage of all out-of-service (OOS) vehicle violations cited during roadside inspections. During last year's Brake Safety Week, brake-related violations accounted for 12.8% of all vehicle OOS violations. Out of that 12.8% of violations, 63.1% were stand-alone brake violations, 10.1% were steering axle brake violations, and 56.6% were due to defective brakes criterion.

Inspectors will primarily conduct North American Standard Level IV inspections on large trucks and buses to identify brake-system violations. Level IV inspections typically include a one-time examination of a particular item. Some states will implement performance-based brake testers (PBBT) during inspections. Drivers and/or vehicles failing inspection will immediately be removed from service until violations are cured.

Energy marketers should make certain that cargo tank vehicle equipment is operating as required and that drivers are informed of the inspection and enforcement blitz so that they will have their required credentials and documents available and in order.

Governor Kelly Armstrong

The North Dakota Petroleum Marketers Association represents over 400 members. I recently met with representatives to discuss their priorities to boost the state's economy while supporting small businesses.

ND Petroleum Marketers Association

Convention & Trade Show

Delta Hotels by Marriott
1635 42nd Street SW
Fargo, ND

Tuesday, October 21

9:30 – 10:45 **Petroleum General Membership Meeting**
NDPMA Director Elections

11:00 – 1:00 **Cenex & Marathon** Brand Meetings

1:30 – 2:30 **Federated Insurance**

2:30 – 4:00 **Unlocking Generative AI for Marketing**
– Oh, the Tings You Can Do with AI! **Ernie Harker**

5:00 **Social & PAC Auction**

7:00 – 8:00 **Chairman's Reception**
Great food, drinks, socializing and networking

8:00 – 10:00 **Casino Night**

Wednesday, October 22

9:00 – 9:45 **Fearless - Kat Perkins**

10:00 - 2:00 **Trade Show**

12:30 **Trade show floor**
Kat Perkins will sing and socialize

Cargo Tank Vapor Tightness Certification Requirements

June 18, 2025

The Honorable Lee M. Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Zeldin:

We are writing to raise concerns with the Environmental Protection Agency's final rule, issued by the Biden administration, which revises annual cargo tank vapor tightness certification requirements under the National Emission Standards for Hazardous Air Pollutants (NESHAPs) regulations. We respectfully urge the EPA to collaborate with industry stakeholders to reconsider this rule and revert to the previous cargo tank testing standard to prevent undue burdens on small business fuel marketers nationwide and avoid possible supply disruptions.

As you know, gasoline is typically transported daily in large tank vehicles that collect the product from supply terminals and deliver it directly to gas station underground storage tanks. The gasoline cargo tanks on these vehicles are subject to annual vapor tightness testing using EPA Method 27. Under the Agency's revised NESHAPs rule, EPA Method 27 mandates a maximum allowable pressure loss of 0.50 to 1.25 inches of water over a five-minute period, depending on the cargo tank compartment size. This pressure loss standard, set to take effect in May 2027, replaces the previous maximum allowable pressure loss of three inches of water column over the same period regardless of cargo tank compartment size.

We have been informed by industry stakeholders of significant issues at various liquid fuel terminals related to premature enforcement of these revised vapor tightness certification standards by certain terminal operators, requiring compliance with the new rule well before the 2027 deadline. This is creating confusion and imposing unexpected costs on small business fuel marketers. Stakeholders have also highlighted technical challenges, and the high costs associated with meeting the new EPA Method 27 requirements, which could disrupt fuel supplies with many cargo tank vehicles not being allowed into the terminals.

We respectfully request that the EPA work with industry stakeholders to revisit the final rule and restore the original EPA Method 27 standard of a three-inch water pressure drop over a five-minute period. Reverting to this standard would help prevent fuel supply disruptions and would ensure that first responders, motorists, farmers, ranchers, hospitals, marinas, construction companies, and other critical industries remain adequately supplied at all times.

We recognize the EPA's commitment to its mission and appreciate its consideration of the potential negative impacts of the revised rule on the nation's fuel supply. We look forward to the Agency's collaboration with stakeholders to address these concerns.

Sincerely,

Bullet points compiled by ND and MN marketers on Vapor Tightness:

- Whether the terminal is owned by a major or a common carrier doesn't make a difference. Terminals require, we comply.
- I don't see how we are contributing to vapor emissions at terminals, I also don't see how the change in the rule would benefit terminals. Vapors are recovered at terminals as we load. The terminal systems must have their VR systems set so that under the current spec for trailers, the vapors are recovered rather than vented by the trailer.
- In EPA non-containment areas the rule serves no purpose, provides no environmental protection/gain. The vapors are discharged into the air during unloading at UST and AST sites.
- The monetary burden will affect small business disproportionately
- For both 306 and 406 tankers the rule will lengthen the time and increase the cost of trailer inspections.
- In many areas of the country the capacity on the limited number of qualified inspection facilities is already taxed.
- A real potential of supply disruption exists when trailers cannot be inspected in a timely manner and thus are out of service.
- Any increase in cost for carriers will eventually be reflected in freight rates and in the end paid for by consumers.

DOT Compliance

Tuesday, August 19, 2025

1:00 - 5:00

Course Information *Certificate of completion will be provided*

Personnel responsible for managing commercial vehicles and drivers, such as Fleet Safety Managers, Driver Managers, Safety Supervisors, HR professionals and administrative support personnel, can benefit from this course. This workshop provides attendees an opportunity to learn how to use the FMCSA manual and will focus on **learning all applicable federal regulations.**

The instructor will provide a detailed overview of the Compliance, Safety & Accountability (CSA) system, and training that is critical for carrier or fleet safety management including:

- Requirements to administer a DOT drug and alcohol program
- Hours of Service (HOS) requirements
- Reasonable Suspicion Programs and training requirements
- Vehicle inspection requirements
- Identification of out of service violations on Commercial Motor Vehicles (CMV's)

Attendees will also receive in-depth training on the Federal Motor Carrier Safety Administration Regulations including:

- Commercial vehicle seatbelt and texting laws
- All DOT recordkeeping requirements
- Driver drug and alcohol use
- Explanation of the compliance review and safety audit process
- CDL disqualifiers, including non-traffic violations
- CMV crash reporting requirements
- Safety fitness standard requirements

Training Location:
ND Safety Council
1710 Canary Ave, Suite A
Bismarck

Questions call 701-223-3370

Registration Fee Member: $150 x _____ = _____

Registration Fee Non-Member: $350 x _____ = _____

Please use legal names for attendees certificates

Company _____

Address _____

Attendees _____

Email for confirmation: _____

Return by August 5

NDPMA
PO Box 1956
Bismarck, ND 58502

Fax: 701-223-5004

email: mary.ndrpma@midconetwork.com

ND Petroleum Marketers Association
ND Retail Association
PO Box 1956
Bismarck ND 58502