

FUEL MONITOR

WINTER 2013

ARIZONA PETROLEUM MARKETERS ASSOCIATION

**DIRECTORY EDITION
& 2014 CALENDAR**

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APMA'S PURPOSES

APMA's primary purpose is to protect and advance its members' legislative and regulatory interests in Arizona and Washington, D.C. APMA's secondary purpose is to provide members with business and social functions. These include an annual conference, workshops, seminars and industry speakers. APMA holds two golf tournaments – one benefitting the APMA Scholarship Foundation and the other in conjunction with the annual conference. In addition, APMA holds monthly membership meetings as well as various association committee meetings. APMA is a member of the Petroleum Marketers Association of America.

APMA'S OBJECTIVES

- Encourage members to be actively engaged in association activities and legislative grassroots efforts
- Provide resources for education, training and the exchange of ideas
- Encourage members to maintain high business ethics and a positive image for the industry
- Advise and educate membership to enable them to run their businesses effectively and profitably

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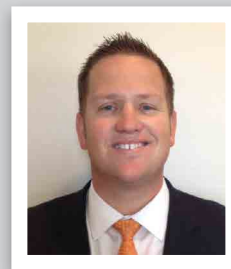
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 Bennett Oil



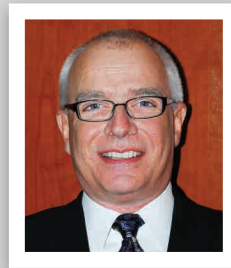
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Lenora Nelson
President

Well another year has come and gone! What a great time we had at the 2013 APMA Annual Conference in Sedona. Jason Davis along with the Conference Committee did an enormous amount of work and planning which resulted in a top notch event. The conference was certainly packed with great information

Letter from the President

pertinent to the petroleum industry. I am continually impressed with the quality and caliber of speakers that address our association. I always come away from APMA events with a better understanding of current issues and practices that improve our business. APMA brings our members timely and useful information.

Although APMA's primary purpose is to protect and advance its members' legislative and regulatory interests, I would have to say that the building of relationships and friendships takes a close second place! This year at the conference we especially had fun with several networking activities. I would have never imagined the croquet skills of many of our members had I not seen it with my own eyes! Thanks to all those who attended and those who missed out... make sure you save the date to join us at Enchantment Resort on October 5-7, 2014.

As you set goals for the New Year, I challenge you to find a way to be actively engaged in APMA's association activities and legislative efforts. WE need you! You know the saying "many hands make light work". I also wish to give thanks to the sponsors who go above and beyond to financially support APMA events and programs. THANK YOU for your generous support that sustains a great association along with an amazing scholarship program.

Last but undeniably not least, I must thank Amanda for all her hard work. We are so fortunate to have her skills and talents that advance the overall strength of APMA. Best wishes to all of you for a great 2014.

Sincerely,
Lenora Nelson
President

Safety Updates

SCF Arizona is Changing to CopperPoint Mutual

SCF Arizona has a new name! They are now CopperPoint Mutual Insurance Company and they have been awarded an A- "Excellent" rating from A.M. Best, the global full-service credit rating agency dedicated to serving the insurance industry. While the name is changing, CopperPoint remains the financially strong and service-oriented partner its customers and business partners have come to count on.

Rate Change

The Arizona Department of Insurance has approved the National Council on Compensation Insurance's (NCCI) recommendation to the Arizona Department of Insurance for an overall average rate hike of 3.2%, beginning Jan. 1.

The change in rates varies depending on the specific classification code. Each classification belongs to one of five industry groups. The average changes proposed for each of these groups are:

- Manufacturing: +1.4%
- Office & Clerical: +3.8%
- Goods & Services: +4.1%
- Contracting: +3.9%
- Miscellaneous: +0.9%
- Overall average rate hike 3.2%

Subrogation

CopperPoint is committed to helping keep insurance premiums as low as possible. That is why it takes seriously its responsibility to subrogate – recover funds from a third party – when necessary.

Subrogation is the legal process of seeking to recover funds from a third party that caused the loss. The recovery is limited to the amount the workers compensation carrier or self-insured employer pays on a claim.

If the costs of medical and compensation benefits can be recovered within the first four years of the date of injury, claim expenses may be removed from the policyholder's experience rating, which is a factor used in determining premiums.

But state law puts a two-year clock on subrogating the loss. The injured worker has the exclusive right to file suit against the third party during the first year. Should he or she fail to do so, an insurer is then given one year to file suit against the third party, but it cannot act until the first year expires.

What usually happens, however, is the injured worker is recuperating and rehabilitating from the injury; it's likely nothing is done during the first year so the injured worker and attorney can determine the extent of damages. The insurer must grant permission for the injured worker to pursue the lawsuit during the second year.

This is called a "reassignment" of the claim. CopperPoint supports subrogation, because a successful outcome will mitigate the hit an injury claim may have on a company's policy. Should nothing be done after the two years have expired, neither the injured party nor the carrier can subrogate the claim, and the impact on the client's premium remains.

Common situations identified with third-party liability and subrogations include:

- Motor vehicle accidents – A crash involving one or more vehicles can be the result of bad road conditions, negligent driving or defective tires.
- Defective equipment – Power saws, electric drills, chairs, ladders, etc., can malfunction because of design or manufacturing flaws, faulty repairs or lack of safety warnings/information.
- Dog bites – Pet owners can be held responsible for not properly restraining their animals.

Other factors signaling potential third-party negligence include airplane crashes, medical malpractice, explosions, gas leaks, toxic spills and construction site negligence.

CopperPoint trains its claims representatives to recognize indications of third-party fault. They refer potential cases to the Legal Division, where the Subrogation Unit works.

Pursuing subrogation, where appropriate, is only one of the many ways CopperPoint shows its commitment to cost control.

For information on CopperPoint's Subrogation Unit, contact the Legal Division at 602.631.2161.



Tod L. Dennis
Association Coordinator
CopperPoint Mutual
Insurance Company

Message from the Executive Director

Throughout the fall and winter months, APMA has been highly involved in the Underground Storage Tank (“UST”) Legislative Study Committee (“LSC”). Committee appointees include:

- Representative Karen Fann – Co-Chair
- Senator Don Shooter – Co-Chair
- Representative Justin Olson
- Representative Chad Campbell
- Senator Chester Crandell
- Senator Carlyle Begay
- Laura Malone - Governor’s Designee
- Director Henry Darwin – ADEQ
- Curtis Cox – AG’s Designee
- John Carlson – ADOT’s Designee
- Rene Guillen – representative of cities and towns
- Susie Stevens – representative of association of refiners
- John Kennedy – representative of association of retailers
- Bill Havard – representative of insurers
- Dan Blaes – representative of environmental consultants
- Glenn Hamer – public member
- Phil Lagas – public member

Study Committee members have heard a lot about the complex issues created by releases from UST systems, imperfect leak detection technology, insurance gaps and more. Many of the legislators appointed to the Committee have taken extra time to listen to industry concerns.

SB 1080, the bill that APMA supported during the 2013 session, created the UST Study Committee. Its purposes are to make recommendations to the Governor, the Senate President and the Speaker of the House on the future of our state UST program. The bill also included a critical

provision that extended the penny per gallon tax until December 2015. The penny has historically funded Arizona’s State Assurance Fund (SAF) and UST Program. Its extension allows the LSC to make recommendations for Arizona’s UST problems before the tax lapses.

Before the LSC held its first meeting, ADEQ Director Darwin spoke at the APMA annual conference in Sedona. Director Darwin pledged his commitment to work with industry to find solutions to Arizona’s UST issues. As promised, Director Darwin has personally attended each of the LSC meetings to date.

During the first UST LSC session on October 28, 2013, Committee Members heard presentations from Director Darwin on the history of the UST Program, from former Legislator Rusty Bowers on the legislative history of the program, from APMA President Lenora Nelson on her experiences with releases and the SAF and PMMIC President and CEO Patrick Rounds on the UST insurance industry and the Iowa transition to private insurance from their state fund.

On November 20, 2013, the UST LSC met for a second session. The committee heard from Fennemore Craig attorney John Pearce on insurance coverage gaps and denials, Jon Trejo from Trejo Oil Company on the realities of insurance coverage from an owner/operator’s perspective and release clean ups and Cochise Contractors Vice President Steve Kaler about tank installations, failures and technologies.

In its third session on December 11, 2013, the Study Committee Members discussed and shared their views on possible solutions to the UST problems presented in the

first two sessions. Committee Members Dan Blaes from Blaes Environmental and Rene Guillen from the League of Arizona Cities submitted proposals for the Committee’s consideration. Since there were ongoing negotiations between DEQ and the industry group, the Committee agreed to notice its next session after a draft of overview recommendations has been established.

So far, it has been a productive Study Committee with tough questions, honest answers and the sharing of ideas. We are making good progress, but our task is far from done. Please consider providing extra financial support for APMA’s lobbying efforts on this critical industry issue.

As we prepare for the 2014 Legislative Session, it is an election year and all signs point to a shorter and less controversy-filled session – but you never can tell. I am cautiously optimistic that APMA will be supporting legislation to create a long term solution to the UST problems outlined above. If so, I will be sending email blasts requesting your help to reach out to your Legislators and key Committee Members to ask for their votes.

Wishing you all abundant success in a safe and happy new year!
Best Regards,
Amanda T. Gray



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UST Operator Training Review

By Brian Pottebaum, Director of Training Services, PMMIC

Hopefully you were one of the underground storage tank (UST) operators that attended this valuable training

opportunity: on October 29 and 30, the Arizona Petroleum Marketers Association teamed with PMMIC Insurance and Arizona DEQ to offer a Class A and B UST Operator Training course in Prescott and Phoenix.

This course was designed to meet the EPA/Arizona-mandated UST operator training requirement. All attendees received certification as Class “A” and Class “B” operators. The attendees were also instructed on how to train and document their own Class “C” operators.

The courses were very well attended, and the reviews were resoundingly positive. The attendees were asked to complete a questionnaire after each class. The results

indicated that the course was beneficial to their business and they enjoyed the way it was presented to them. Likewise, everyone indicated that they would be interested in future refresher courses and would recommend this course to other owners and operators.



As a reminder, all attendees must maintain records (i.e. certificates) documenting that they received this training. That also means that these records must be readily available for review if requested by the regulatory agency, similar to the leak detection, cathodic protection, and financial responsibility records you are currently maintaining. PMMIC will also track certifications in its database for the Arizona DEQ.

Although there are currently no more of these courses scheduled in Arizona, we would like to hear from you if there is interest in getting more of them scheduled. We encourage you to get as many of your employees trained as possible, because it never hurts to have a backup plan. Please contact our office for more information by emailing bjpottebaum@roundsassociates.com.



Attendees mingled at the Welcome Cocktail Reception.



Doug Bowers, Matt Schuessler, Marta Garcia, Tina Kodl, Bob Beard



The Genrichs and Reeves, New West Oil, with Joe O'Donnell, Western.



The Nelsons held a croquet tourney against the red rocks.



Bill Aust ran the pitch and putt networking activity.

2013 APMA Annual Conference – Fueling Change

The Enchantment Resort, Sedona

October 6–8

Hikers lined up before hitting the trail.



Activity Award Winners Jess Miller and Warren Lueth.



The Honorable Ken Bennett pulled out his guitar!

General Session Presenters



ADEQ
Director
Henry Darwin



Bennett Cromer (Federated Insurance) and
Joanna Morrow (Arizona Benefit
Consultants)



Pat Bosworth
(Leadership
Choice)



Kitty Bosso
(Federated
Insurance)



PMAA Chair
Benny Hodges

2013 Annual Conference – Something for Everyone

By Matthew Schuessler, Franklin Fueling Systems

For those who haven't met me yet, I'm a manufacturer's representative for a company that makes products used in the construction and operation of various fueling facilities.

Since I'm a "hardware guy", my participation in APMA—and our annual conference—is primarily focused on learning: learning about the petroleum business and its state of affairs in AZ. Learning who the players are. Learning how the regulatory community polices its industry.

I am currently not an Arizona resident, though I was formerly while employed by ConocoPhillips circa 2001-2003. Today it takes a real commitment of time and money for me to travel into Arizona. For this reason, I must prioritize my meetings and venues carefully, making the most of my relatively few days and hours invested in AZ each month. That's why I make every effort to attend the APMA luncheons throughout the year, and especially await the annual conference.

I know of no other venue wherein the business leaders, decision makers, and taxpayers come together as one unified petroleum industry body. APMA isn't a group. It's the group. The oil industry of Arizona.

So it should come as no surprise to any of us that opportunities to exchange ideas, share resources, grow knowledge, and build relationships are worth seeking out. Opportunities like the annual conference.

Before we mention any topics that were put forth in 2013, let's establish that any conference involves people. People organizing, people overseeing, people conducting, and a majority of people participating thru their attendance alone. That's where it all begins. We come together as a group seeking to establish new professional and personal relationships, and to grow those we already have. This is why each year the conference begins with a social reception that includes great food and beverage offerings to start the event off in style. How about a nice glass of wine set against the backdrop of the breathtaking red rock canyons of Sedona? What's not to like about that beginning?

For each constituent category, the conference affords you an attendee-customizable track. This year, the combination of both general group sessions and various individual breakout groups

(offered ala carte) was a great approach, in my opinion. Attendees were given several options to choose from, ranging from such HR-related topics as how various personality profiles affect the leadership styles and strengths of individuals running our companies, to nuts-and-bolts updates of what is involved in lining underground storage tanks in-place. Something for everyone. That's the idea, and to my observation APMA delivered on that intention.

Not everyone gets to meet their elected leaders, such as Ken Bennett, Arizona Secretary of State. Mr. Bennett was keynote speaker for the closing dinner session on Monday, and as always,



APMA Director Troy Little, Quik Mart Stores, made an inquiry during the Health Care Reform discussion.

he delivered a lesson in civics that anyone could understand. How refreshing to have someone at his level (who just may become the next Arizona Governor!) take an otherwise complex bureaucratic structure and break it down to the people? If we had more of that in Washington, we might all believe those in office actually have matters under control. Don't discount the value of having Ken come out of his way to give a couple of hours of his time for the benefit of those attending. Said simply, you probably couldn't make that exchange happen on

your own. This illustrates yet another benefit of the conference, and APMA as a whole: the ability to pull in participation by government officials who otherwise could not justify sacrificing their time for such "non-essential" engagements.

No conference would be complete without recreation options. Golf? Tennis? How about a massage, or a hike through the canyon? A mountain bike ride? Croquet? Yes to all the above, and many more. I bet few of us are indulging in such activities (luxuries?) while in the midst of our typical business days at the office. Such outdoor activities are good for the heart. And the soul.

Of course, if you were there, you already know all of this. I'm just retelling what we all got to enjoy. But, if for some reason you missed this year's conference, you owe it to yourself to mark your calendar for next October 5-7, because, yes...we'll all be back again, in Sedona!

I can't wait.

See you there.



Apryl Erikson, Cochise Companies, and John Clark ran the 50/50 raffle game and the view wasn't bad either.



Casey Elliott and Lynn Mintz greeted golfers at their hole.



Don Kodl, IPC, and Steve Tolboe, Western States Petroleum, drove to the next shot.



Norm Ueunten, Vitol, swung away.

2013 Conference Tournament at the Sedona Golf Resort. The Winners Were:



1st Place Team: Jason Davis, Arizona Fuel Distributors; Scott Rampton and Ron Tengrove, CREE; Jeff Hill, Shell.



2nd Place Team: Brandon Hickey, Northwest Pump; Buddy Wishert, Inspectorate America. Not Pictured: Mike Clark, Sun West Container.



Long Drive: Greg McDonnell, Federated.



Closest to the Pin: Daniel Burns, REG, with teammates Andy Rodriguez and Marta Garcia.



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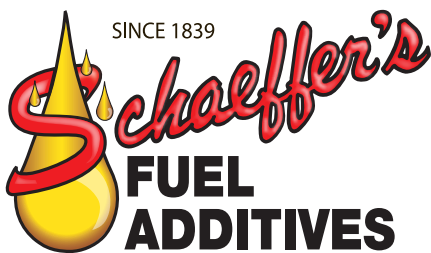


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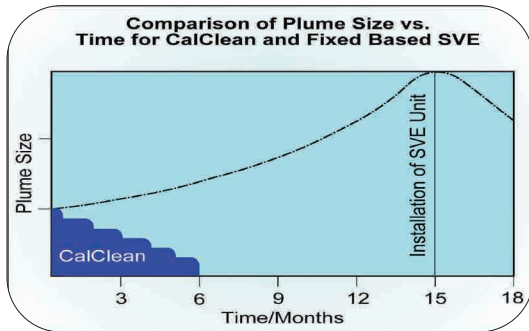


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16TH ANNUAL EVENT

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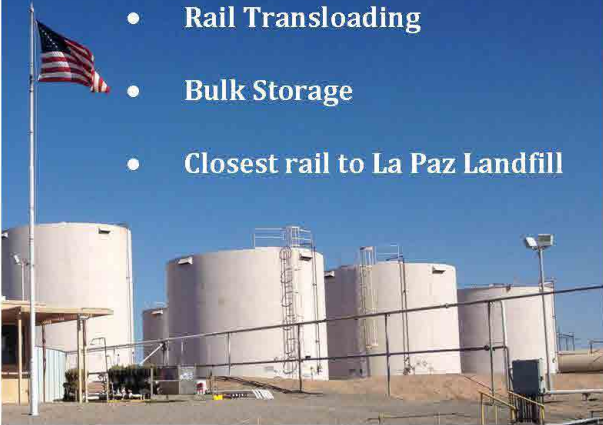
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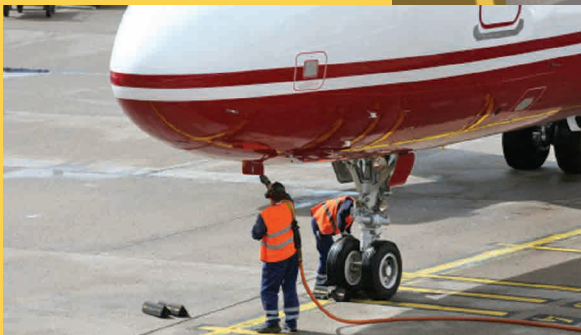
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2013 PMAA Fall Meeting Highlights

Atlanta, Georgia on October 11-12, 2013

Arizona Attendees: Warren Lueth (Senergy Petroleum) and Amanda Gray (APMA)

PMAA POSITIONS

During the Board Meeting, the PMAA Directors adopted these new positions:

RFS - PMAA requests a congressional revision or fix to the corn ethanol mandate in the RFS not to exceed a 10% ethanol blend on gallons of motor fuel consumed in the US on an annual basis.

E15 - PMAA staff will make it a high priority to educate Members of Congress and the Obama Administration about the inability of E15 to meaningfully help refiners comply with the national ethanol mandate in 2014 or 2015.

FEDERAL ISSUES

RFS/E15/Blend Wall – The Western Region brought the new RFS Position to the Board of Directors because the 13 Billion gallon blending requirement does not in any way relate to the actual gallons being sold per year. The Motor Fuels Committee heard a presentation about E15 compatibility. In states that would permit the sale of E15, retailers carry the burden to prove that their systems are compatible with the higher blend. If your competitor across the street has equipment he can prove to be E15 compatible, but you cannot show yours to be compatible, he may have a big pricing advantage. There were concerns that creating a process that would allow such a retailer to sell E15 would look like industry is trying to move to E15, when it is not. There is still no federal law dealing with E15 retailer liability.

UST Regulations – PMAA remains concerned about the compliance costs for the proposed new UST regs. A bipartisan, bicameral letters went out to the EPA requesting a small business advocacy panel to reconsider the regulations. PMAA expects the new regs to be scaled back during this process and needs to create updates that industry thinks are reasonable.

Swipe Fees – NACS and others brought suit against the Federal Reserve based on the rules they adopted following the Durbin Amendment, allowing a fee of 24 cents per transaction, far more than the spirit of the law. The Judge sided with industry, which the Fed will appeal. If industry prevails, the Fed will have to develop a new rule, which will have to go through the rulemaking process. The status quo remains for now.

In the lawsuit against Visa/Master-Card/Banks, a proposed settlement was

reached but many Plaintiffs objected because it is a very bad deal. There was a fairness hearing on the proposed settlement in September that went for 3 ½ hours. It seems that the judge is vested in the settlement going forward, which may then be appealed. For those who opted out of the settlement, there will likely be a class action of opt outs who refile and start over.

The Merchant Payments Coalition has been very active this year educating freshman Representatives about swipe fees and that the Durbin Amendment only dealt with debit fees. There needs to be more transparency and competition in these sectors. Of course, banks and credit card companies continue to lobby to repeal Durbin.

SELECTED STATE UPDATES

Florida marketers want to sell conventional gas. They have found ethanol blends to be nothing but headaches. All USTs in the state are double walled but they continue to see e10 blends damage equipment. They have seen pitting and failures of the inner walls and believe that e15 will cause more damage and tank/equipment failures.

Minnesota did a test of ten stores for lottery “play at the pump.” However, there were lots of issues with costs, logistics and installation. Minnesota received a settle-

ment from some major oil companies re-funding improper reimbursements from their state tank fund. Several other states have gotten similar recoveries.

Colorado has received settlements of almost \$80M from major oil companies who double dipped from their state tank fund. Their biggest concern is the commercialization of CNG stations by municipalities.

Several states (Idaho, Nevada, Wyoming) have supported or accepted increases in their state excise tax. About ten states are currently considering other highway funding mechanisms other than excise tax alone. Virginia recently moved to a percentage wholesale tax at the rack.

The top industry issues discussed during a joint session with PMAA and NACS executives included the Renewable Fuel Standard, UST Funds, tobacco and e-cigarette regulation, credit card fees and Obamacare.

OTHER NEWS

Sam Bell from South Carolina was elected as the 2014 PMAA Chairman, with Grady Gaubert from Louisiana serving as 1st Vice Chairman and Mike Bailey from Wyoming serving as 2nd Vice Chairman.

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The HollyFrontier hot air balloon takes to the air at the Albuquerque Balloon Fiesta in October.



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Active APMA Committees

Executive Committee

Lenora Nelson, Bill Champlin, Dave Alexander, Warren Lueth, Jason Davis

Legislative Committee

Bill Champlin (Chair), Bill Bunch, Cameron Trejo, Dave Alexander, David Armstrong, Eric Savage, Jason Davis, Jess Miller, John Kennedy, Jon Trejo, Lynn Niewiadomski, Mark Ellery, Mike Mathers, Sally Voyles, Troy Little, Warren Lueth

UST Subcommittee

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Fuel Monitor Committee

Brian Wiegert (Chair), Alan Ring, Frank Thompson, Joanna Morrow

Scholarship Foundation

Dave Alexander, Bill Aust, Craig Cardon, John Clark, Lenora Nelson, Amanda Gray

Email amanda@apma4u.org if you are interested in joining any committee.

New Member Spotlight

September – December 2013 New Members

Victory Blue, LLC

David Crouch

david.crouch@vicfuel.com

Victory Blue, LLC is an associate member who manufactures and distributes diesel exhaust fluid (DEF).

Applied Engineering

Gregory Piraino, PE

gregp@appliedengineering.ws

www.appliedengineering.ws

Applied Engineering is an associate member who specializes in fuel facility design and permitting.

CalClean, Inc.

Noel Sheno

noelsheno@calclean.com

CalClean is an associate member who completes environmental remediation.

Jackson Oil

Tony Stone

tony.stone@jacksonoilco.com

Jackson Oil is a marketing member who is a wholesale marketer, delivering Chevron, Texaco, 76 and Shell.

GeoEnviro Services, Inc.

Joseph Schaaf, P.G.

jshaaf@geoenviroservices.com

GeoEnviro is an associate member who works in environmental consulting and remediation.

Welcome to APMA!



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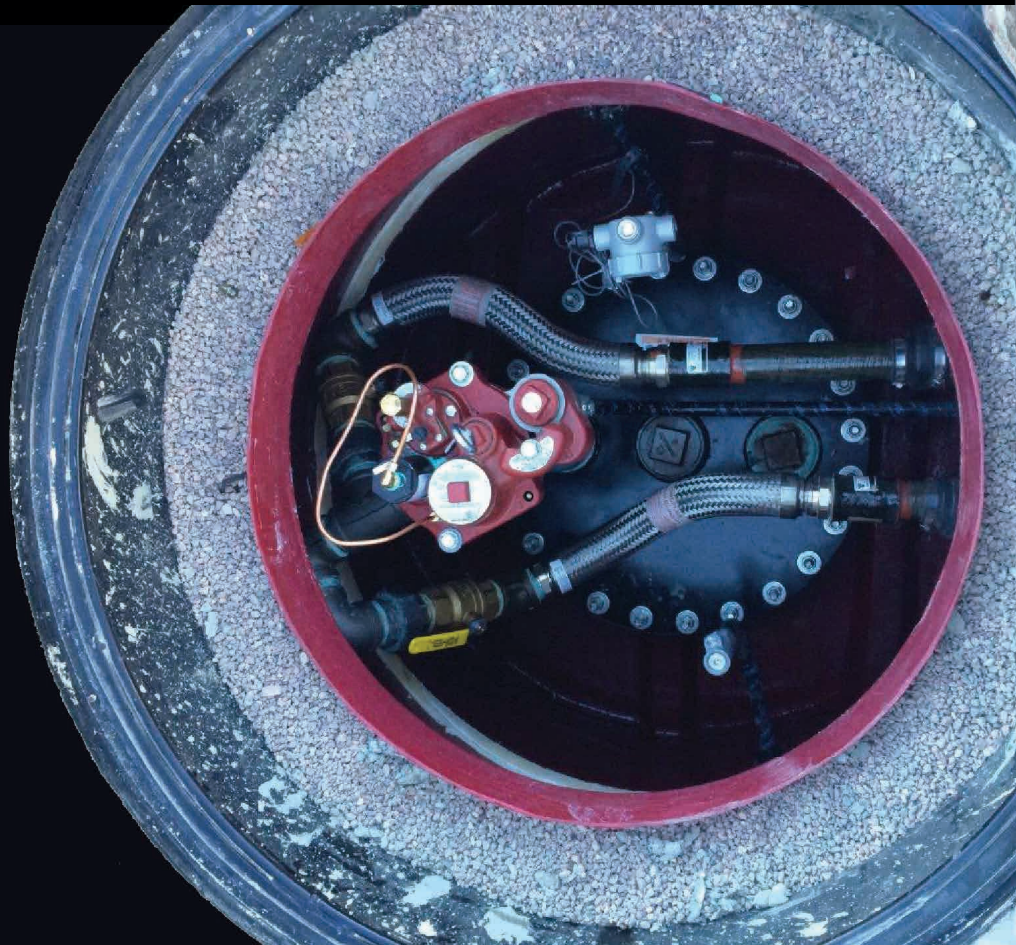
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