

update

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Virginia DEQ Issues Guidance Document on State Fund Role in Event of Oil Discharge into Basements

On October 20th the Virginia DEQ published a guidance document clarifying that the state fund can be accessed for substantial leaks of oil in residences. This was based upon concerns that discharges into basements may not have been covered under Article 10 of the state Water Control Law. The guidance clarifies that by stating " a catastrophic release of oil in a basement, however represents a substantial threat of a discharge to the environment and may also result in health risks to the occupants of the structure." It also details which elements of basement cleanups are

reimbursable by the state fund. For a copy of the guidance document, [click here](#).

Three Districts, 211 Votes Have Republicans In Control of House 51-49

As of this morning, Republican delegates Tim Hugo and David Yancey lead their Democratic opponents -Hugo by 115 votes and Yancey by 13 votes. In Stafford County, Bob Thomas leads his Democratic challenger by 83 votes in a race to succeed Speaker Howell. Under Virginia law automatic recounts are held when the difference is less than half of one percent - each of the above races fits in that category.

This much is certain:

- If Delegates Yancey and Hugo and Mr. Thomas prevail, the Republican Party will control the House 51-49 with Delegate Kirk Cox as Speaker, and Republican Chairmen in each of the House's 14 committees.
- If one of the three lose, the House will be tied at 50-50. Parliamentary moves by both parties on January 10 will likely see each fighting for control. If unsuccessful, some type of power sharing may be negotiated. It remains to be seen who will be Speaker.

Since the Speaker controls who chairs committees and all committee assignments, there will be lots of uncertainty.

- If two of three Republicans lose their recounts, Democrats will be in power 51-49. The new Speaker will likely be Delegate David Toscano of Charlottesville, and new Democratic chairmen will lead all 14 House committees.

ULSD and Heating Oil Product Transfer Documents and Dispenser Label Requirements *From PMAA*

The EPA ultralow sulfur diesel standard (ULSD) concluded an 8-year phase-in period in September 2014. The final stage in the program means that only 15-ppm dyed non-road diesel fuel and 15-ppm clear highway diesel fuel may be used. Some higher sulfur distillates remain for locomotive and marine engines as well as heating oil. The final phase-in made a few changes to diesel fuel product transfer document (PTD) notice and dispenser labels requirements that marketers must follow.

The regulatory changes primarily involved elimination of PTD language and dispenser labels for 500-ppm diesel fuel. However, new language was added for ECA 1000-ppm marine fuel along with a general requirement to include the sulfur content of the fuel on all PTD language, including heating oil delivery tickets- a practice most heating oil dealers already follow. Finally, the EPA 15ppm ULSD dispenser label is no longer required, but may be used voluntarily.

The following PTD language is required unless otherwise indicated. Please note that EPA approved a number of alternative language requirements for PTDs. If you are using the alternative language you may continue to do so.

EPA ULSD Product Transfer Documents Requirements:

PTD requirements apply on each occasion any person transfers custody or title to MVNRLM diesel fuel, heating oil, or ECA marine fuel except when such fuel is dispensed into motor vehicles or non-road engines, locomotives, marine diesel engines or C3 vessels.

- Dyed Heating Oil - Beginning June 1, 2007 and Thereafter (Including Delivery Tickets to Customers):

- Required on heating oil PTDs, shipping papers, bills of lading and delivery tickets anytime a person transfers custody or title of heating oil (including transfers to residential and wholesale purchaser-consumers):
- "XXXX"* ppm sulfur (maximum) Heating Oil. Not for use in highway vehicles or engines or nonroad, locomotive, or marine engines."
- *XXXX - fill in the applicable sulfur content or sulfur range; ex 15-PPM sulfur (maximum), 500-ppm sulfur (maximum), 1000-ppm sulfur maximum etc.
- ECA Marine Fuel - Beginning June 1, 2014 and Thereafter: "1,000 ppm sulfur (maximum) ECA marine fuel. For use in Category 3 marine vessels only. Not for use in engines not installed on C3 marine vessels."
- Dyed 500-ppm Locomotive and Marine Diesel Fuel - Beginning June 1, 2010 and Thereafter: "500 ppm sulfur (maximum) Dyed Low Sulfur Locomotive and Marine diesel fuel. Not for use in highway or other non-road vehicles and engines."
- Undyed 15-ppm Sulfur Diesel Fuel - Beginning June 1, 2006 and Thereafter: "15 ppm sulfur (maximum) Undyed Ultra-Low Sulfur Diesel Fuel. For use in all diesel vehicles and engines."
- Dyed 15-ppm Sulfur Diesel Fuel - Beginning June 1, 2006 and Thereafter: "15 ppm sulfur (maximum) Dyed Ultra-Low Sulfur Diesel Fuel. For use in all nonroad diesel engines. Not for use in highway vehicles or engines except for tax-exempt use in accordance with section 4082 of the Internal Revenue Code."

EPA ULSD Dispenser Label Requirements

Since 500-ppm diesel fuel for highway and non-road vehicles is no longer allowed under the ULSD program, the EPA eliminated the use of 500-ppm dispenser labels after September 30, 2014. In addition, the 15-ppm highway diesel fuel label was eliminated as of November 1, 2014 (the 15-ppm dyed diesel fuel dispenser label was discontinued in 2012). Marketers who wish to maintain the 15-ppm diesel fuel labels may do so voluntarily.

The following dispenser labels are no longer required after the applicable date:

- 15-ppm ULSD - No Longer Required After November 1, 2014: "ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum) Required for use in all highway diesel vehicles and engines. Recommended for use in all diesel vehicles and engines."

The following dispenser labels are permanent and must be maintained:

- 500 ppm Locomotive and Marine Diesel Fuel - Beginning June 1, 2010 and Thereafter: "LOW SULFUR LOCOMOTIVE AND MARINE DIESEL FUEL (500 ppm Sulfur Maximum)

WARNING Federal law prohibits use in nonroad engines or in highway vehicles or engines."

- Heating Oil - Beginning June 1, 2007 and Thereafter:

"HEATING OIL (May exceed 500-ppm Sulfur) WARNING Federal Law Prohibits use in Highway Vehicles or Engines, or in non-road, locomotive or marine diesel engines. Its use may damage these diesel engines."

IMPORTANT! The following IRS dispenser labels are still required:

- "DYED KEROSENE, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE"
- "UNDYED UNTAXED KEROSENE, NONTAXABLE USE ONLY PENALTY FOR TAXABLE USE"
- "DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE"

IMPORTANT! It is important to remember that the sulfur content of heating oil remain unregulated under federal law. However, some states have already transitioned to 15-ppm heating oil while others plan to switch over in the next several years.

Southeast Petro-Food Expo Registration Open

March 7-8, 2018

Join us for the 37th year of the Southeast Petro-Food Marketing Expo being held March 7-8, 2018 in Myrtle Beach, SC. It is still the largest regional petroleum & convenience store show in the nation and is the only convenience/petroleum tradeshow endorsed by your Association. VPCGA's Industry Partners will again host a hospitality suite reception on Wednesday, March 7th after the show for all members. Exhibit space is still available so [click here](#) for more information on exhibiting. [Click here](#) for information about attending the show, registration and hotel reservations. Badge Registration is now open for attendees. Vendors must exhibit or sponsor to attend the show.