NEW YORK STATE ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

September 2011

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EPA Issues Final Guidance for Compatibility Of Tanks Storing Ethanol, Biodiesel Blends

Underground storage tank owners and operators can demonstrate compliance with rules for storing ethanol and biodiesel blends by using parts and equipment certified by a nationally recognized, independent testing laboratory for use with the stored fuel or equipment approved by the manufacturer, the Environmental Protection Agency said July 5 (76 Fed. Reg. 39,095).

In final guidance published in the Federal Register, EPA said storage tank owners and operators also could use components certified by some other agency-approved method to demonstrate compliance.

The guidance applies to tanks and UST system components containing gasoline with greater than 10 percent ethanol or diesel containing greater than 20 percent biodiesel.

The agency said it issued the guidance in anticipation of the introduction of higher-percentage ethanol and biodiesel blends into the market, which increases the likelihood that underground storage tank owners and operators will start storing the blends in UST systems.

Ethanol and biodiesel blends can degrade storage tank system components, which could cause leaks that contaminate groundwater, according to EPA.

EPA said various parts of underground storage tank systems are critical for demonstrating compatibility, including: tank or internal tank linings, piping, line leak detectors, spill and overfill prevention equipment, submersible turbine pump and components, sealants, fittings, gaskets, and o-rings, among others.

For new equipment, UST owners and operators may obtain certification from the equipment manufacturer to demonstrate compliance. For replacement parts, however, owners do not have to show manufacturer approval to demonstrate compliance, EPA said.

Proposed guidance was issued by EPA in November (220 DER A-12, 11/17/10).

The final guidance was published the same day Rep. F. James Sensenbrenner (R-Wis.) sent a letter to EPA saying automakers are afraid that ethanol blends of greater than 10 percent will damage the engines of newer vehicles, reduce fuel efficiency, and void warranties (see related report in this section).

Underground storage tanks are regulated under Subtitle 1 of the Solid Waste Disposal Act (40 C.F.R. Part 280). Under federal UST regulations, owners and operators are required to use materials in UST systems that are compatible with the substance stored in the system.

The guidance applies to tribal lands and states without approved state-run programs. States are primarily responsible for regulating underground storage tanks, but they must establish requirements that are at least as strict as federal UST regulations.

In October 2010 and January 2011, EPA conditionally granted partial waivers allowing gasoline-ethanol blends up to 15 percent, or E15, to be introduced for use in newer model year light duty vehicles, including cars, light duty trucks, and some sport utility vehicles (15 DER A-17, 1/24/11).

In the final guidance, EPA added to the list of components that may be affected by

biofuel blends and should show compliance with federal requirements. The agency added product shear valves and fill and riser caps, but it left out vapor recovery equipment because it does not routinely contain liquid product so would be less likely to release liquid into the environment, EPA said. EPA removed list pipe adhesives and glues, which are covered under piping.

EPA also left off dispensers, because EPA does not regulate aboveground equipment under UST regulations, though they may fall under other federal, state, or local requirements.

Other components for which owners and operators should show compliance include tank or tank lining, piping, tubes, sealants, and sensors and probes.

The guidance is not legally binding on EPA, states, or tank owners and operators.

The guidance is available at http://www.gpo.gov/fdsys/pkg/FR-2011-07-05/pdf/2011-16738.pdf.

MARKETERS WILL SEE BIG CHANGES IN CREDIT CARD OFFERS

Shell is the first major to drastically reduce its co-branded credit card rewards, but it's unlikely to be the last as banks seek to compensate for their declining fee revenue.

"Oil cards in the banking sector are very toxic right now," says one credit card expert. "Over the next few months, you'll see big oil companies reduce their rewards on co-branded cards while medium-sized firms drop their cards altogether."

Chain marketers Wawa and RaceTrac no longer have co-branded cards, Sunoco lost its Citibank MasterCard in February, and Chase will pull the plug on Marathon's MasterCard Aug. 31.

And it's not just the fuel business that has been zinged as banks seek to prop up profits - Home Depot and Target also have been forced to abandon their co-branded cards.

Banks make their money on credit cards from finance charges, late fees and interchange rates, but those revenue streams have dwindled over the last two years, as a result of regulatory reform and more cautious consumer purchasing behavior.

When banks first negotiated oil company card deals, they were willing to take lower interchange rates but the advent of reward offers have reduced their revenues by 50% to 60%, according to some estimates. On top of that, many co-brand accounts use their cards for gas purchases only and pay off the balance monthly, which means lower balances and fewer fees.

Shell's rewards revamp has shocked some of its jobbers. Effective Sept. 1, the major will replace its 5% discount on fuel with a 10-20cts/gal offer, tied to the customer's monthly spend. Cardholders will have to charge at least $500/mo in order to get a 10cts/gal rebate, with the kickback increasing to a maximum 20cts/gal on purchases of $2,500/mo, as reported (OE 06/27/11).

Shell is banking on consumers moving up their co-branded card to become the primary or secondary card in their wallet. Some customer attrition will be inevitable, execs acknowledge, but they believe that a $500/mo spend is not as high as it seems, given that the typical major oil customer charges around 70 gals/mo. For accounts

that prefer to keep their gas spend separate, Shell believes its other cards will prove palatable. Its proprietary "Drive for Five" credit card will continue to pay a 5cts/gal rebate, and its Shell Saver ACH card pays a discount of 2cts/gal.

Sunoco, meanwhile, has told its marketers that it will change its card offer in September to a 5cts/gal credit, replacing its current "Thank You" points offer, introduced in 2009 (OE 05/29/09). The new 5cts program will be "Sunoco's primary message at retail," supported by an ad campaign that will include radio, online banners and social media, jobbers were told.

Marathon cardholders will be told in mid-July that card-issuer Chase is ending Marathon's co-branded MasterCard program on Aug. 1, and that Marathon will contact them "in the near future" regarding its plans for a new credit card product.

Marketers need to destroy all Marathon Platinum MasterCard applications and remove all supporting signage immediately, said Craig T. Weigand, Marathon's branded advertising and credit card manager in a letter to marketers obtained by Oil Express.

Retailers should start developing plans to replace the "After Rebate" panels being used on price signs. Marathon-approved replacement panels will be made available to marketers at no cost, he said.

"We understand that this is a major change to our brand offering and will keep you updated on replacement efforts as soon as we are able to do so in the near future," Weigand wrote. "Please be assured we will continuously strive to make our holistic brand offering competitive in the marketplace."

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MORE COMPANIES ARE SHUTTING THE DOOR ON CREDIT CARDS AS A PAYMENT OPTION

Some companies are refusing to accept credit cards because of the 2 percent interchange fees associated with them, the Los Angeles Times reports.

For example, John Hancock, a financial firm, informed customers that they could no longer pay their long-term-care insurance premiums with credit cards. “The decision to discontinue this option is due to the high fees associated with this billing method,” read a letter from the company to customers. Customers were directed to pay by check or automatically via their checking accounts.

While the Federal Reserve limited fees associated with debit card payments to 21 cents per transaction, no fee caps exist for credit cards.

With the economy still recovering, companies are looking for more ways to save money and eschewing credit card payments can be one way to do so, said David Robertson, who publishes the Nilson Report. “This allows them to cut costs and improve their bottom line,” he said.

But while Robertson contends that the banks do have to front the money for credit card purchases, the banks won’t say how much it costs them to do that. Which lead John Hancock to decide that a 2 percent cut isn’t reasonable.

Perhaps one day the banks will show why they deserve 2 percent of each transaction, but for now, more merchants know that cash beats plastic any time.

EPA PROPOSAL WOULD WAIVE REQUIREMENTS FOR STAGE II GAS VAPOR RECOVERY SYSTEMS

The Environmental Protection Agency proposed July 11 waiving requirements for ozone nonattainment areas to have vapor recovery systems at gas station pumps once vehicles with onboard refueling vapor recovery systems are in widespread use.

Such a determination is significant because, once onboard systems are in widespread use, Section 202(a)(6) of the Clean Air Act allows the EPA administrator to waive requirements for states to implement Stage II systems at larger gasoline dispensing facilities in areas that are in serious, severe, and extreme nonattainment of the national ambient air quality standards for ozone.
The move would save a typical gas station $3,277 annually, and the nationwide savings could be as much as $88 million a year if these systems, known as Stage II systems, are phased out, EPA said.

Specifically, the proposed rule would set June 30, 2013, as the date that onboard refueling vapor recovery systems are deemed used widely. States would have to revise their state implementation plans to remove the Stage II requirement.

EPA said the Stage II systems and the onboard systems, which are installed on vehicles, can be redundant. Stage II systems are distinguished from Stage I systems, which are not covered by the rule and are used for vapor recovery on transport tanker trucks.

The proposed rule, which EPA Administrator Lisa Jackson signed July 8, also would allow states to revise their state implementation plans to demonstrate widespread use of the onboard systems in their areas before June 30, 2013. EPA then could waive Stage II requirements earlier.

“This proposed rulemaking accomplishes the objectives of the Obama administration's initiative to review outdated rules and update them to ensure that they are still achieving the environmental benefits that they were intended to achieve,” EPA said in a fact sheet it released with the proposed rule.

By 2013, EPA said, 71.7 percent of vehicles will have onboard systems, 79.3 percent of gasoline will be dispensed into those vehicles, and the vehicles will account for 81.6 percent of vehicle miles traveled.

EPA said onboard systems' efficiency will be 77.7 percent in 2013.

“The EPA believes that this percentage of [onboard refueling vapor recovery] coverage (more than 75 percent) is substantial enough to inherently be viewed as ‘widespread' under any ordinary understanding of that term,” EPA said in a notice it is scheduled to publish in an upcoming issue of the Federal Register.

Comments on the proposed rule by accessing http://www.regulations.gov and referencing Docket No. EPA-HQ-OAR-2010-1076. Comments are due 60 days after the proposed rule's publication in the Federal Register.

BEWARE! THE UNITED STATES AND NEW YORK STATE DEPARTMENT OF LABOR ARE WATCHING YOUR BUSINESS!

One of the major functions of an association is to warn it member of regulatory change,

lobby on your behalf, and help you navigate through the maze of regulations, federal, state and local. It's almost an impossible task because of the enormous amount of scrutiny we are subjected. Sometimes we have an opportunity to direct your attention to specific laws or regulations that are being focused on by some segment of government. Such is the case in New Jersey and Oregon.

They have been warning us about the activities of the US Department of Labor (USDOL) since last November and that they are investigating gas stations nationwide. Currently USDOL has a nationwide effort to go after gasoline stations for breaking employment/labor laws. What's more, the initial, primary focus of this investigation is New Jersey, with imminent plans to expand the effort to Oregon.

Why New Jersey and Oregon? Because they are the only two states that do not allow self serve, and for the past several years, investigations have uncovered an extremely high amount of employer violations not complying with established labor laws. In fact, the compliance rate they have found in New Jersey is only around 40%.

USDOL knows our industry and is looking for employees that are being paid 'off the books' and are not being paid the proper wages (particularly overtime violations). They are planning to audit every gasoline service station in the state one by one. While they haven't made it to every station in the state yet, they have plans in place to do just that over the next year. It may take them awhile and there'll be a lot of legwork involved, but they are serious about completing their task. Presently they are choosing locations at random, staking out the facility, monitoring the hours of operation, and the number of employees that are pumping gas and working in the repair shop. They are even conducting surveillance on weekends.

After USDOL concludes their surveillance, investigators will visit the location. They will enter your premises and begin segregating and interrogating your employees. Then they will compare the results of their surveillance and the results of their interviews by matching them with your payroll records and tax returns. Their goal, in part, is to learn as much as they can from your employees to match up against your own statements and your business records. In doing so, they can figure out from all these sources and your payroll records if you are on the level or cheating the system!

Keep in mind that when they arrive, they already have a pretty accurate knowledge of how many people you employ, who they are, and when they work – so there is no fooling them.

Depending on what they find and how bad the non-compliance issues are at your location, they may go back at least three years to audit your books. They may even take the trouble to locate and interview former employees to match up previous records and tax returns.

USDOL has given our sister association in New Jersey a heads up that there will be a public relations and press campaign to let the public know of their findings. They are also indicating that the headlines they are trying to achieve will not be pretty.

Among the few examples they have shared with was the fact that the average employee is due $3,500 in back wages. A few they cited even had employees being owed upward of $10,000 in back pay. This does not include the amount of taxes that were due on these wages or any fines. USDOL

officials also implied that they would be alerting the proper worker's compensation authorities since worker's compensation premiums are based on your payroll. We remind you that violation of the New York Workers' Compensation Law could be a felony.

Please be careful. Although the current initiative is focused in other state be aware "monkey see monkey do."

AUTOMAKERS PUSH BACK ON EPA'S E-15 DECISION

Since the Environmental Protection Agency (EPA) issued a waiver for the use of 15 percent ethanol/gasoline (E-15) blends in 2001 or newer cars and light trucks earlier this year, there has been growing concern among vehicle manufacturers (and most combustion engine manufacturers) about the safety and efficiency of the product. Twelve automakers sent letters to Rep. James Sensenbrenner, R-Wis., warning that the blend may damage engines and fuel supply systems in these vehicles. Several of them have stated that the use of E-15 may void the vehicle warranties.

Sensenbrenner immediately sent a letter to EPA administrator Lisa Jackson, stating that "E-15 is a product that simply does not belong in the marketplace" and went on to say that "I am writing to urge the EPA to heed these warnings and reconsider its waiver." He asked EPA to respond by July 21, 2011.

The push for the higher blend of ethanol is partially due to the Energy Independence and Security Act that mandated the use of 36 billion gallons of ethanol or other renewable fuels in the nations fuel supply by 2022. A Final Rule issued by EPA on June 28, 2011 requires retailers to clearly label pumps dispensing fuel with ethanol content higher than 10 percent to prevent misfueling in older cars and light trucks. The unknown consequences of using E-15 blends may best be illustrated by the fact that EPA has also issued a guidance warning gasoline retailers that higher ethanol blends may degrade tank components, which could cause leaks and groundwater contamination. The gasoline retailing industry is on record opposing the E-15 blends and asking for liability waivers which EPA did not grant.

CUMMINS FINED $500,000 OVER ENGINE TEST VIOLATIONS

The California Air Resources Board (CARB) announced on July 7 that Cummins Inc., a manufacturer of heavy-duty diesel engines, paid $500,000 for failing to properly retest its engines already in use. The fine proceeds were split between California Air Pollution Control Fund established to mitigate various sources of pollution through education and the advancement and use of cleaner technology, which received $125,000 and the U.S. Environmental Protection Agency (EPA), which collected $375,000.

CARB enforcement chief James Ryden stated, "Every ounce of pollution counts. Our laws exist for good reasons. All companies have to follow the rules and perform the required tests for the sake of our collective health."

According to CARB, Cummins' violations included:

- Not testing at least four engines in selected engine families.
- Completing tests after the deadline set in a 1998 settlement agreement for a

previous air quality infraction.

- Reporting test results more than 30 days after test completion.
- Testing 10 vehicles at less than the maximum weight, as designated in the terms of a 1998 agreement.

Cummins and six other engine manufacturers had settled a lawsuit with EPA and CARB in 1998, agreeing to pay $84 million in civil fines and to implement corrective actions. The suit charged that the engine manufacturers installed computer chips that permitted the engines to pass emissions testing, but resulted in increased nitrogen oxide emissions during longer trips. The settlement required strict in-use testing requirements for diesel engines.

It determined that while Cummins satisfied the intent of the engine testing provisions, the company failed to ensure that all settlement provisions were met. The offenses were discovered by CARB and EPA during an investigation regarding Cummins' delivery of approximately 570,000 diesel engines without exhaust aftertreatment devices between 1998 and 2006, a violation of the Clean Air Act.

EPA PROCESSES DERMAL ABSORPTION DATA FOR OSHA CHEMICALS OF INTEREST

According to the June 29 edition of the Federal Register, the Environmental Protection Agency (EPA) has received dermal absorption data for five specific chemicals listed as chemicals of interest to the Occupational Safety and Health Administration (OSHA). An April 2004 EPA regulation aimed at obtaining information for 34 specific chemicals forced chemical manufacturers to generate the dermal absorption data. EPA stated that the dermal absorption data could be used for hazard-related communication purposes, such as material safety data sheets, as well as to guarantee that workers were using proper gloves when handling such chemicals.

The five chemicals that EPA received dermal absorption data are:

- Vinylidene chloride (CAS #75-53-4), a chemical often used to make plastic wraps, synthetic fibers and adhesives.
- Dicyclopentadiene (CAS #77-73-6), a chemical used to manufacture insecticides, flame retardants, paints and other products.
- Methyl isoamyl ketone (CAS #110-12-3), a solvent.
- Diacetone alcohol (CAS #123-42-2), a solvent.
- Cyclohexanol (CAS #108-93-0), a chemical used to make finish removers, plastics, leather degreasers and other products.

According to Richard Denison, senior scientist, Environmental Defense Fund, OSHA initially requested information on these chemicals in 1991, and the notion that it took EPA 20 years to provide this information "vividly illustrates how cumbersome EPA's authority to require testing is under TSCA."

In 1991, OSHA suggested 658 chemicals to EPA's Interagency Testing Committee for the purpose of collecting data from a simple in vitro dermal absorption rate test to evaluate worker risk. According to Denison, after 13 years, EPA final test rules have only covered 34 of the 658 chemicals from the 1991 request.

CALIFORNIA GOVERNOR SIGNS SALES TAX BILL FOR ONLINE AND OUT-OF-STATE RETAILERS, AMAZON SAYS GOODBYE

Amazon followed through on a warning they had sent to their California associates and affiliates, canceling its contractual relationships after Governor Brown signed A.B. 28x into law. Specifically, AB 28x would require retailers to collect sales and use tax if:

- They have associates or affiliates who generate merchandise sales of $10,000 or more a year through referrals to the retailer's website by way of links or ads, and if the retailer sells more than $500,000 a year in merchandise to residents of California.
- They have a corporate group member in California that contributes to their core business.
- The California State Board of Equalization (SBOE) finds that the retailer has nexus under state and federal law.

It appears that hundreds of retailers immediately lost a significant portion of their business because the law took effect at the signing, as opposed to other states with similar laws that gave affiliates 60 to 90 days to move out of state or downsize.

The legislation will most likely face several challenges by way of the courts and possibly a state referendum. Alliances have already been formed among Internet companies and law firms have been hired to prepare for the fight. In accordance with California law, opponents have 90 days to gather 504,000 signatures to instigate a repeal referendum which probably would not appear on the ballot until the June 2012 primary. Some of this activity may be delayed until the SBOE begins to enforce the law, although some members of the board have been openly critical of the new requirements.

MASSACHUSETTS RIGHT TO REPAIR: 43,000 SUPPORTERS

When dozens of supporters of the "Right to Repair" legislation filled a State House hearing room in Massachusetts last month, the Right to Repair Coalition presented 28,000 letters of support to the committee.

It was a strong showing of support for passage of a bill that would require vehicle manufacturers to sell to independent car repairers the same repair code data they now sell or give to their franchise dealers. The support has continued since the hearing, with 15,000 more letters of support coming in, raising the total to 43,000 letters.

"This bill is all about consumer choice and convenience and this weekly increase in support will show legislators that consumers want this law to pass," says Right to Repair Coalition spokesman Art Kinsman.

More letters are expected in the coming days as support for the legislation grows.

"Consumers, our members, anyone that owns a vehicle should have the right to choose where they get their car fixed," says John Paul, the American Automobile Association's (AAA's) Car Doctor. "This freedom will lead to safer and more reliable vehicles and that has always been a priority for AAA."

The bill is now awaiting a vote in the Massachusetts House Consumer Affairs Committee. In the interim, consumers are picking up postcards at their local repair

shops and parts stores in an effort to rally behind the bill.

Several organizations support the bill, including the New England Tire and Service Association, Retailers Association of Massachusetts, The National Federation of Independent Businesses, the Automotive Recyclers Association, the Aftermarket Industry Association and more than 1,500 independent auto repairers across Massachusetts.

AUTO PARTS DEALERS MAKING HOME DELIVERIES

Move aside pizza and Chinese delivery and make room for a new kind of home delivery. People have been getting food and newspapers delivered to their home for years. You can even add dry-cleaning and wine to that list.

But here's a new one: auto parts. According to Lee Kirschke, assistant general manager at an Advance Auto Parts:

“It goes anywhere from batteries to starters to alternators to shocks, something as small as a can of fix it flat, the idea that they would have to repair a tire, versus getting a can of fix it flat, they’ve even called for that. We several times have gone to several customers homes and their facial expression when we really do show up, at the time we say were going to be there is priceless, they are just really shocked and they can actually call and order auto parts and a lot of times they’re actually underneath their vehicle working on it and we show up and say we got that starter for you and they say man that is really awesome, just the response we get is great.

The idea of being able to provide that service to our customers differentiates us from our competition. We absolutely love it, it’s a service we provide that the customers are just eating up, it’s still in the trial stages, we’re still experimenting with it, but what we’ve been able to do so far, it’s just phenomenal, we really like it.”

It’s not only chain stores that are trying out home delivery; mom and pops are too. Businesses see it as a way to attract more customers and establish significant store presence in a community.

FDA COMMITTEE APPROVES REVISED MENTHOL REPORT

With noted objections from tobacco industry representatives, the Food and Drug Administration's Tobacco Products Scientific Advisory Committee (TPSAC) gave a thumbs up to revisions to its report on menthol today.

The TPSAC's Menthol Report was released in March and recommended that removing menthol cigarettes from the market would benefit public health. At today's meeting, the TPSAC members discussed revisions to the report -- which were primarily editorial in nature and do not change the March recommendation -- and approved those revisions by a 8-to-0 vote.

"This report has been developed by TPSAC over 10, now 11, meetings and reflects the work of the committee," explained John Samet, chairman of the committee. "We stand by this work, and our findings and recommendations in the report."

Today's vote, however, does not make a final determination on menthol cigarettes --

that is still up to the FDA. There is no deadline for the agency to issue a ruling. The report will now be submitted for an independent peer review. Those results are expected by the fall.

Staying on the cigarette front, the FDA is also holding two webinars on July 26 on the new required warning labels for cigarette packages and advertisements. The agency released the final nine graphic warnings in June.

The compliance training will be broken up into two sessions: a morning one for small tobacco manufacturers and an afternoon session for retailers. Participants will have the opportunity to ask questions during the webinars, the FDA said.

SENECAS VOW TO FIGHT ON

Despite Gov. Cuomo's recent crackdown, the leader of the Seneca Nation of Indians said that retailers on its territory would not allow tax collections of tobacco products, Buffalo Business First reports.

Seneca Nation President Robert Odawi Porter reaffirmed his Nation's stance while Cuomo announced that the New York State Police, State Department of Taxation and Finance, and U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives have conducted more than 350 inspections of Indian-run outlets and seized tobacco products whose value exceeded $1.2 million.

New York's collection efforts are the latest in an extended dispute between New York and Indian retailers that are working their way through federal courts in Buffalo and Manhattan.

"The law is the law and we will enforce it," Cuomo said last week.

Not so, responded Porter.

"As always, our status as a sovereign nation prevents, by federal treaty, enforcement of state taxes on our territorial commerce," Porter said. "We will never take any action to collect state taxes or allow the state to do so on our territory. That is not something that's open for discussion."

NEW YORK'S LOTTERY LOSE PLAYERS TO MULTISTATE GAMES

New York's Lotto game and its Sweet Million spinoff have suffered a dramatic drop in sales as players have been lured by the large jackpots of multistate lottery games, the Poughkeepsie Journal reports.

In the first six months of this year, sales in New York of Mega Millions and Powerball lottery game tickets jumped 21 percent and 14 percent respectively compared to the same period in 2010, according to the state Lottery Division (sales are up $60 million for the two games).

By comparison, sales for New York's Lotto and Sweet Million were down $11.5 million, or 15 percent, and $5.4 million, or 21 percent, respectively.

"I think players over time have come to realize that the winning experience isn't as rich in Lotto as it is in Mega (Millions), Powerball or any of other draw games," said Lottery Director Gordon Medenica.

Medenica added that while Lotto and Sweet Million sales are off, they still generate $175

million in sales and $80 million in profits each year.

BANDITS ON THE ROOF

Partying at the pump is enough to distract most cashiers, and it worked like a charm for a gang of tin foil bandits recently. But that's not always the case the second time around, as the scammers discovered when they hit the same station again two days later.

The victim this time was marketer Riaz Ahmad, who operates a BP station in Silver Hill, Md. Three cars pulled up to his pumps, to be joined just moments later by five or six more vehicles, sources say. The group in the cars played loud music, danced and moved around, distracting the cashier. It was not until the next morning that anyone realized there was a problem. The station's EPOS stopped accepting credit cards. When employees checked the satellite dish, they found the receiver covered with tin foil, forcing the equipment off line.

When the group came back two days later, the now-wiser cashier shut down the pumps when the music started. When one of revelers complained that the dispensers weren't working, the cashier said he had called the manager because he suspected that someone was messing with the satellite. The partiers quickly dispersed and further inspection of the station's satellite showed yet more tin foil in place. Additionally, the surveillance camera that might have revealed what was going on had been covered with plastic.

The police who responded to the station's calls did not seem too enthused about taking action.

Kirk McCauley, with the Washington, Maryland, Delaware Service Station and Automotive Repair Assn. said the dealer association has received 40 to 50 reports of tin foil bandit attacks in the past two months, he said.

Some retailers are relocating their satellite dishes from the station building roof to the canopy, which allows some cashiers to see if someone is trying to interfere with the device.

DMV RECORD RETRIEVAL

DMV record retrieval is available to association members and affiliates at a cost of $12 per record. Additionally, you may order DMV certified paper abstracts of drivers license, vehicle registration, and vehicle title records for an additional fee of $2 per abstract. To use this service, please call 518-452-4367.

STAY IN TOUCH

The Association website is
www.nysassrs.com
Our e-mail address has changed to:
state@nysassrs.com

Did Your Worker's Comp Policy Give You 35% Of Your Premium Back Last Year? Call The Association Today To Receive A Price Quote

Lawley

New York State Association of Service Stations & Repair Shops, Inc.

Declares Dividend

Workers Compensation Safety Group #536
Pays dividend for the 19th consecutive year.

35%

(Applies to Policy Term 5/1/09 - 5/1/10)

Dividend checks will be mailed direct to your address by The State Insurance Fund

Recent Dividend History

35%	08-09
35%	07-08
30%	06-07
30%	05-06

Lawley – Group Manager
Workers Compensation State
Fund Safety Group #536

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INSURANCE | EMPLOYEE BENEFITS | RISK MANAGEMENT | BONDS

RSGDAofWNY

Repair Shop and Gasoline Dealers Association of Western New York

Member Legal Services Plan

Administered by
KENNEY SHELTON LIPTAK & NOWAK, LLP

Dues paying members in good standing with the Association are entitled to participate in our group legal services plan that provides the following services:

- Five billable hours of legal services for representation and defense at Department of Motor Vehicles or any other New York state Administrative Proceeding or Hearing for repair-shop related issues, and in Small Claims Court, if your business is sued. The Plan does not include representation in any court other than Small Claims or in any matter where the member is charged with a misdemeanor or felony.

- Additional legal services for covered services as listed above, and representation in business-related matters brought in any court other than Small Claims, will be provided at the law firms standard hourly rate ($200) less 25% member discounted rate ($150).

- One hour of free consultation per year for business-related transactions, including leases, supply contracts, and franchise agreements.

- Real estate (residential) purchase or sale at a flat fee rate:
  Sale $400
  Purchase $400

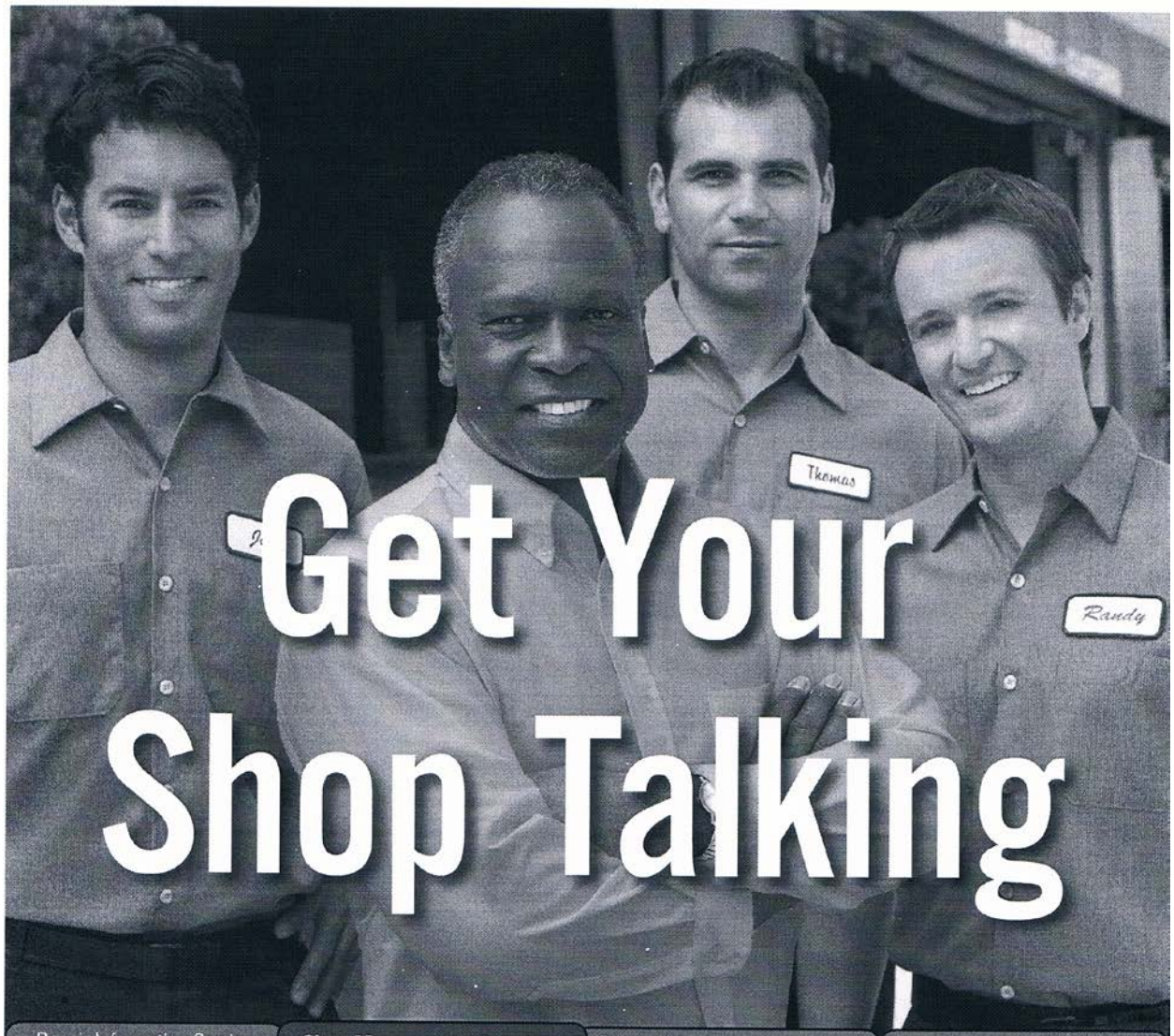
- Estate planning at a flat fee rate:
  Simple will (single) $100
  Simple will (husband and wife) $150

In order to participate in the plan, you must be a dues paying member, in good standing, and must have been a member for at least ninety days prior to the need for legal services.

If you are in need of this service, you must first call the association office at (585) 423-9924 or (716) 656-1035. The association will then contact the law firm to relay your information. You will be contacted by the law firm, personally, to schedule an interview.

The law firm of Kenney Shelton Liptak and Nowak, LLP was chosen to administer the RSGDAofWNY legal plan based on their knowledge and familiarity with the needs of our industry.

To become a dues paying member of RSGDAofWNY and be eligible for legal services, call (716) 656-1035



Get Your Shop Talking

Repair Information Services | **Shop Management Solutions** | Business Performance Services | Business Information Solutions

Mitchell1® TeamWorks™

Mitchell 1 TeamWorks combines the features of Manager, Estimator and Repair to seamlessly integrate all parts of your shop. From the moment your customer walks in the door, TeamWorks allows your Service Advisor to look up customer and vehicle information, calculate time to diagnose, check TSBs and prepare an estimate. Parts advisors order and track parts from your favorite vendors. Techs pull up work requested with associated diagnostic and service information, and enter recommended service. That's the kind of shop talk you can turn into profit!

AASP NATIONAL ALLIANCE OF AUTOMOTIVE SERVICE PROVIDERS

888-724-6742
mitchell1.com

Mitchell1® Shop Management Solutions

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Keep Your Customers Coming Back

Repair Information Services | Shop Management Solutions | **Business Performance Services** | Business Intelligence Services

Mitchell1 eCRM™

Now you can turn customers into loyal, profitable repeat customers easily. Mitchell 1 CRM integrates seamlessly with your shop management system to track your customers' vehicle history and send timely scheduled service reminder postcards and e-mails automatically. You choose the postcards and customize with your logo and message – finally, a way to communicate your message to your customers that they'll be glad to receive.

- Service Reminder E-mails & Postcards
- Consumer Vehicle History Website
- Service Recommendations
- Custom Promotions
- Dedicated Marketing Support Center
- Return on Investment Reporting

AASP NATIONAL ALLIANCE OF AUTOMOTIVE SERVICE PROVIDERS

800.410.0529
mitchell1.com/eCRM

Mitchell1 Business Performance Services

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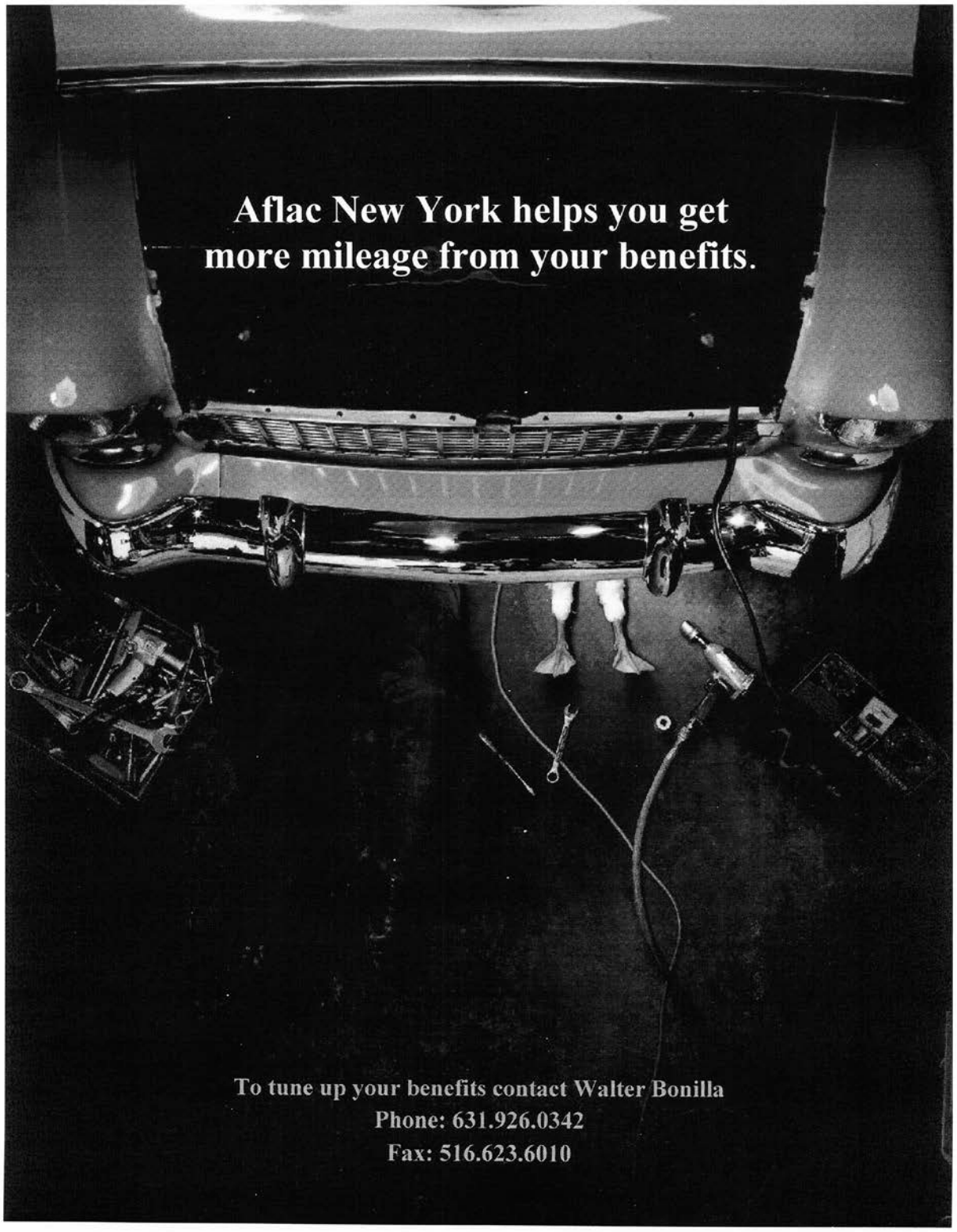
Aflac New York helps you get
more mileage from your benefits.
To tune up your benefits contact Walter Bonilla
Phone: 631.926.0342
Fax: 516.623.6010

Aflac™

HERE'S HOW AFLAC NEW YORK CAN HELP:

Many industries-like specialized auto repair and customization-require highly skilled talent that is not easy to find and retain. Great benefits are a top priority for these talented professionals when considering where to work. With Aflac New York, you can provide a wide range of benefits that gives them coverage in the areas they need most, and with a brand they know and want. You can attract and retain new talent by providing the kind of benefits they'd expect from a bigger company, helping your business stand out from the crowd.

THE BEST PART ABOUT AFLAC!

NO DIRECT COST TO YOUR COMPANY

Aflac New York's insurance policies are paid entirely by your employees; therefore, adding value to your employee benefits plan without incurring direct costs.

OFFERS A WIDE RANGE OF POLICIES

Aflac New York offers a wide range of policies that can help cover health events from accidents to hospitalization. You choose the ones that are best for you, your employees, and your business.

POTENTIAL TAX SAVINGS

Aflac New York's tax-advantaged plan allows employees to use pre-tax dollars to pay for certain benefit costs, through a Section 125 cafeteria Plan. This plan may also reduce your FICA taxes, helping you counterbalance the challenges you face in today's economic environment.

ATTRACTIVE TO YOUR EMPLOYEES

Aflac New York insurance complements your major medical insurance to help you create a more attractive employee benefits package. Our wide range of policies is designed to provide cash benefits to your employees if they become injured or sick. With Aflac New York policies, there are no deductibles, copayments, doctor networks, or pre-authorization requirements.

Join the 16,500 companies* that Already include Aflac New York as an essential part of their benefits package. Find out more:

Walter Bonilla **1.631.926.0342** **walter_bonilla@us.aflac.com**

American Family Life Assurance Company of New York (Aflac New York)

The NAPA Major Account Program

*** FREE MONEY GIVEAWAY***

Want to put more money in your pocket and do nothing more than you do now?

You already buy parts and supplies for your business so why not buy from NAPA and earn 2% rebate!

The Association and NAPA developed a complete, competitive supply program designed to boost your backroom profits and meet your customer needs. Here's what it includes:

BENEFITS TO ASSOCIATION RETAILER

Quality Products that meet or exceed OEM specifications
Customized Pricing -Reduced Parts Costs
Improved Inventory Turnover
Less Downtime -Higher Gross Profitability
Increased Field Contacts -700 Factory Representatives
Consistent Manufacturers Throughout Our System
Consistent Nationwide Parts Warranty
Availability -Up to 342,000 Part Numbers
Broader Inventory Coverage
Obsolescence Protection
Tailored Local Inventories
Recognized Consumer Brand
More Effective Shop Inventory -Reduced Investment and Higher Productivity
Prolink Internet based catalog, 24/7 parts availability and pricing

PROFIT PLAN

Very competitive pricing on **NAPA** Premium and Value Line products
Special quarterly stocking incentives
Quarterly product discounts to enhance competitive pricing during key selling seasons
Discount on electronically ordered parts from participating stores
Prompt payment discount terms (2% 10, Net 20)

A BRIEF LOOK AT NAPA

Since 1925, **NAPA (National Automotive Parts Association)** has helped businesses expand their parts coverage and maximize turnover and ROI. They offer an unparalleled package for people, products and programs to increase your productivity:

More than 5,800 **NAPA AUTO PARTS** Stores Nationwide

- Strategically located Distribution Centers servicing all 50 states
- Computerized inventory control linked to your station
- Highly trained Factory Reps.
- Training for you and your employees

(O V E R)

Now…what do you have to do to participate in the NAPA Program? It's easy. You just have to:

Register in **NAPA** Major Account Program with the Association
Stock a minimum of four product lines
Designate **NAPA** as first call supplier, and
Purchase a minimum of $7,500 per quarter (Average $2,500 per month)

It couldn't be easier so why not join today. **No risk**….if you don't meet the quota you just don't receive the rebate, nothing lost….but additional profit could be gained!

Name of Your Business:		
Business Address Street:		
City:	State:	Zip:
Phone:	Fax:	E-mail:
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	
Additional NAPA Dealer(s) you do business with:		
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	

FAX this form back to:
518 452-1955