
NYS ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

6 WALKER WAY, ALBANY, NY 12205
(585) 452-1979 – nysassrs@together.net – www.nysassrs.com

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Former Executive Director Of Local Service Station Operators Association Dies At 56

Roxana S. Savino passed suddenly on February 28, 2006. She was born December 20, 1949. After graduating from Elmira Southside High School she attended SUNY Albany. She graduated from Mansfield State University, with a B.A. in Secondary Education in Social Studies. From 1972 to 1974 she operated an ARCO station in Elmira. On May 25, 1974, she and James E. Savino were married. They have one son, Francis M. Savino.

In October, 1973, Roxana was the founding secretary of the Service Station Operators Association of Southern New York, Inc. which served Elmira, Binghamton, and the rest of the State's Southern Tier Region. In December of 1974 she was hired as that Association's first fulltime Executive Director. This made her the first female director of a Service Station Association in the United States. She held that position until she retired in June 2000, and was entirely devoted to the association since then, in the capacity of Executive Director Emeritus. From 1982 to 1988 she was a partner in S&S Alignment and Radiator in Elmira. From 1988 to 1996 she and her husband owned and operated Savino Automotive and Radiator Service, first in Elmira and then in Painted Post, NY.

Roxana was Chosen as Business Woman of Year in 1978 by the Horseheads chapter of the Business and Professional Women's Club. The Elmira Star Gazette selected her as business woman of the year in the mid-eighties, noting that she had been the second most quoted person in their paper, behind the New York State Governor. The New York State Association of Service Stations and Repair Shops presented Roxana with the Presidents Award in 1991. This is the highest commendation they bestow, recognizing service to the industry above and beyond the call of duty.

Underground Tank Inspection Enforcement by the NYS Department of Environmental Conservation.

The New York State Department of Environmental Conservation started taking aggressive enforcement action on Long Island. This action is either now or will soon be taking place in other parts of the State. DEC is inspecting motor fuel outlets for violations of the tank regulations and for Stage II infractions downstate, issuing "notice of violations" when found. Violated dealers are brought to "settlement hearings" where the fines are unreasonably high.

We are outraged by DEC's actions and will do what ever is needed to stop this overly aggressive initiative. However, working through the bureaucratic maze and political structure will take time. Therefore, we are providing you with a simplified list of what DEC is inspecting. Get into compliance as fast and as best that you can. We will attempt to reduce your exposure by trying to reason with the State.

Inspection items:

1. Tank registration needs to be posted and up to date.
2. All monitoring wells must be marked "Monitoring Wells"
3. Information must be posted near each tank indicating, Tanks Registration Number, Product Stored, Volume of the- Tank and the date installed
4. If tanks are closed they need to be marked "closed" and that they were properly closed.
5. All spills must be reported. A spill is any loss of product that can contaminate the land or waters of New York. The amount could be less than five gallons.
6. Maintain and keep clean and in good condition all fill port catch basins.
7. There should be no accumulated product in the basins. . All fill ports must be properly color-coded.

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8. All tanks that have pressurized piping need to be equipped with a shear valve that is operational and properly secured.
9. Tanks must be non-corrosive and have overflow protection.
10. Leak monitoring system must be operational.
11. Line leak detection needs to be functioning.
12. If a tank is double walled the interstice monitoring needs to be working.
13. Cathodically protected tanks need to have cathodic protection tested once a year.
14. Inventory records must be maintained that will show a plus or minus reading every ten days. .
15. Tank inventory, if three quarters of one percent of the tank volume cannot be accounted for an investigation must be initiated. These records must be kept for five years and made available to DEC upon request.
16. Tanks without monitoring system must be tested every five years.

The above listing is to assist you with compliance. DEC inspectors may look for other violations. If you have any questions please call the Association Office.

Change To Inspection Sticker Expiration

The Department of Motor Vehicles has rescinded the sticker expiration change announced in December 2005. Effective immediately, inspectors should punch only the month of expiration, as was done in past years.

Beginning with your next inspection, disregard the three boxes that indicate the period of the month (1-10, 11-20, and 21-31) and punch only the box for the month the vehicle is inspected. The three types of inspection stickers that had been changed will now expire at the end of the month. The stickers that have already been issued will also expire at the end of the month.

Enforcement agencies will be notified that the stickers will expire at the end of the month. This will include all stickers that had been issued between January 1st and today that should have one of the three boxes punched. NYTEST stickers in the NYMA will continue to expire daily.

If any of your customers inquire about a replacement sticker, let them know that it is unnecessary as law enforcement will not be enforcing the mid month expirations.

Bottle Law Compliance

The association has learned that NYS Environmental Conservation Officers are running stings on convenience stores to ensure compliance with the bottle law. When they find violations they are writing summons for either failure to charge 5 cent deposit on returnables or failure to accept returnable containers.

The following questions and answers are designed to help you stay in compliance with the bottle law.

- Q. What type bottles am I required to accept as returns
- A. A dealer must:
- (i) accept, at his place of business and from any redeemer, any empty beverage containers of the type sold by the dealer regardless of whether or not the filled beverage container was originally sold by the dealer; and
 - (ii) pay to the redeemer the refund value of each such beverage container.
- Q. Is there any limit to the number of bottles I must accept?
- A. A dealer may not limit the number of empty beverage containers to be accepted for redemption at the dealer's place of business to less than 240 containers per redeemer per day. A dealer who chooses to so limit the number of empty beverage containers accepted for redemption must post a notice of such limit in a prominent place at the point at the dealer's place of business where empty beverage containers are accepted for redemption. Such notice must also state that any redeemer may make 48-hour advance arrangements to redeem an unlimited number of empty beverage containers.
- Q. Can I restrict the hours at which I accept bottle returns?
- A. A dealer may not limit the hours for acceptance of empty beverage containers for redemption to less than the hours the dealer is open for business, except that on any day that the dealer is open for business less than 24 hours, the dealer may restrict or refuse redemptions during the first and the last half hour of the hours the dealer is open for business.
- Q. What about discontinued items
- A. A dealer or distributor who discontinues the sale of a beverage in a beverage container, must redeem the deposit on that type of beverage container for a period of at least 60 days following the date of discontinuance of sale. If a dealer or distributor intends to limit the period for redeeming any such container, a conspicuous notice must be posted at the point of sale announcing the discontinuance of sale, identifying the type of beverage container being discontinued, and identifying the period of time during which redemptions will continue to be made.

WORKERS' COMPENSATION

SAFETY GROUP #536

HAS DECLARED A 25% DIVIDEND

FOR THE PERIOD MAY 2005 TO APRIL 2006

Q. Is there any reason I can refuse a return?

- A. A dealer or redemption center may refuse to accept
- (a) any broken bottle, corroded or dismembered can, or any beverage container which
 - (1) contains a free-flowing liquid;
 - (2) does not properly indicate a refund value; or
 - (3) contains a significant amount of foreign material, as defined in this section.However, a distributor must accept from any dealer or redemption center any broken bottle, corroded or dismembered can, or any beverage container which contains a significant amount of foreign material if the beverage container properly indicates a refund value and if the dealer or redemption center has accepted the beverage container and paid the refund value. A beverage container properly indicates a refund value if it is labeled as required
 - (b) A refillable bottle is broken if it is not able to hold liquid or to be resealed, is not in its original shape or is cracked. A nonrefillable bottle is broken if its bottom is broken out or if its neck is broken off.
 - (c) A can is corroded if chemical action on the can has caused the indication of refund value required by section 367.8 of this Part to become illegible or missing.
 - (d) A can is dismembered if its body is not in one piece, if it is crushed flat or if it is unable to stand on its own base. A can which is otherwise dented or partially crushed is not a dismembered can.
 - (e) A significant amount of foreign material is any material such as paper, sticks or cigarette butts which are foreign to the original contents of the container. Small amounts of dust, dirt or moisture do not constitute a significant amount of foreign material.

More Pain for Convenience Stores?

If the New York Legislature allows Governor Pataki to increase the cigarette excise tax by \$1 and delay enforcement of Tax Law which mandates that taxes must be collected from reservations sales, convenience stores throughout the state will face dwindling sales of tobacco and other products.

These businesses having already lost 40% or more of their cigarette sales to tax evasion, convenience stores would suffer even greater economic losses, according to an analysis by economists Orzechowski & Walker, who predict:

- Taxable sales of cigarettes would drop 24% outside New York City, and “most of these sales would be lost to low-tax states and Indian reservations.”
- The value of lost cigarette sales would be about \$356 million (115 million packs evaluated at a pre-tax price of \$3.10 per pack). Sundry product sales, or products normally bought in conjunction with tobacco products, would fall by about \$100 million.

- New York retailers and wholesalers would lose about \$82 million in gross profits.
- On average, New York convenience stores (outside NYC) would lose about \$60,000 in cigarette and sundry product sales.
- Gross profit losses would average about \$11,000 per store.
- This means each store would have to boost gross retail sales of other items by \$60,000 to make up for the damage wrought by the tax hike.
- Over 1,200 New York retailer and wholesaler jobs could be displaced due to the tax hike (based on estimated gross profit losses).

While anti-smoking zealots will dismiss the findings as biased because cigarette manufacturer Lorillard Tobacco Co. paid for the analysis, Orzechowski & Walker are nationally recognized as experts in tobacco economics, cigarette and sundry product sales.

Can Mr. Pataki leave office fast enough?

Legislative Roundup

The New York State Assembly will be addressing legislation that will require service stations to have available an alternative fuel to coincide with today's traditional gasoline and diesel fuels. The legislation is ill advised because there are no alternate fuels that can be available by the year 2010, which is the effective date of the bill. Any alternate fuel that can be considered would be more expensive than traditional fuel and the service stations cost for installation to dispense this fuel will not be cost effective. We will convey our objections to the legislature.

A bill is pending that will require businesses that do minor repairs to register with the Department of Motor Vehicles. Full repair shops must register with DMV and are subject to laws, rules and regulations. DMV also is an advocate for the motorist. Under current law minor repair shops, those that do lube oil and filter change; repair tires and change hoses and belts are not subject to any Vehicle and Traffic Law Violations. They also escape some environmental laws. The bill has been introduced but needs majority sponsors in the Senate and Assembly.

A bill that will restrict oil companies from using “Zone Pricing” has passed the Senate’s Consumer Protection Committee. It now goes for a vote in the full Senate. The Assembly counterpart has not moved but the sponsor is committed to the bill.

A bill that will mandate a study on the inspection fee is under consideration. We are trying make it part of the budget. If we are successful, we believe it will be difficult for the State to deny an increase for the safety portion of the

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STATIONS AND REPAIR SHOPS
6 Walker Way
Albany, NY 12205

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Legislative Roundup Continued

inspection. There has not been a fee increase for the safety inspection since 1985.

- The Geographic Limitation Bill has again been introduced in the Senate. The Governor has vetoed this bill twice. The Senate sponsor feels the bill is necessary to protect service station dealers and will continue to promote the bill.
- A bill has been introduced in the Senate that will prohibit the State from suspending a business's Lotto license for selling tobacco products to a minor. Currently, if a business sell tobacco products to a minor and receive three points for violations the license to sell tobacco product and the Lotto license are suspended for six months. This bill limits the exposure to the tobacco license.
- The Governor has announced that he wants to increase the tax on cigarettes by \$1.00 per pack. This will be devastating to the convenience stores. The sales of tobacco products will go to bordering states, Indian Reservations and the Internet. We will be making an all out effort to stop this initiative.
- The Mayor of New York City is making plans to increase the tax on a pack of cigarettes by \$0.50. This will increase the non-tax purchasing by City consumers. Currently most sales of cigarettes in New York City are from other states, bootleggers and the Internet. The rarest commodity in New York City is a pack of cigarettes with a New York tax stamp.