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Generator Mandate Leaves Station Owners in the Dark
New York State quest for backup power opens Pandora's box of concerns
Published in CSP Daily News
Traci Carneal, Freelance writer

A new, well-intentioned law in New York State, designed to ensure centrally located gas stations in downstate regions have backup power in case of a crisis, is creating a state of confusion as affected station owners face a compliance deadline of April 2014.

Industry experts say the crux of the problem is that New York State Energy Research and Development Authority (NYSERDA) officials proposed a plan without a clear understanding of the generator industry and installation logistics.

According to Jeffrey Cronen, national sales director for Kohler Co., the "devil is in the detail," whether the goal is bringing in a rental unit for backup power or actually installing a permanent generator on site. "[NYSERDA] basically moved this law through without much thought," he says. "There was talk about the proposed law, but not much information about the details. To my knowledge, they didn't consult the industry, and the way the law is written now, it may be very hard for gas station owners to comply."

The measure affects fuel locations in Nassau, Suffolk, Westchester and Rockland counties, as well as New York City, that are located within half a mile of an exit on a controlled access highway or a designated evacuation route. in place for deploying a generator within 24 to 48 hours of The law requires these sites be prewired for backup power by April 1 of next year. They also must have a written plan an emergency declaration or loss of power.

Brian Mauriello, vice president of sales & marketing for Kinsley Power Systems, a major Kohler distributor in the Northern states, concurs with Cronen that a more workable mandate would have been possible if NYSERDA had consulted with industry professionals during the drafting stage. Because it's too late to alter the language, Kinsley has teamed with other industry partners, including Kohler, to ease the process for any c-store operator struggling with generator decisions and compliance. Together, the companies are distributing educational materials and have offered to lead seminars for the members of organizations such as the New York Association of Convenience Stores (NYACS) and the Service Station Dealers of Greater N.Y.

Kinsley published a brochure earlier this year with renting vs. buying guidelines for store owners, with a recently added Emergency Generator Size Estimation Sheet, and exhibited at a trade show. "We brought a trailorized unit and switches to the NYACS show to try and explain to store owners how it all works," Mauriello says. "Some of them don't know and haven't had to know prior to this mandate, and the fact that many elements of the mandate have not been thought out further complicates the situation."

Devil in the Details

Several meetings with NYSERDA confirm officials did not completely understand the complexities of the law, according to Cronen. "They really didn't know what they were getting into—from the logistics of obtaining, storing and then getting rental generator units to stores, to the true cost of installing a permanent unit," he says.

Starting with the cost issue, a huge discrepancy exists in terms of state-provided financial assistance for a prewire vs. permanent install. The $10,000 for a prewire is sufficient, but $13,000 for a permanent install isn't even close, says Mauriello, pointing out that a new generator costs a minimum of $20,000 just for the unit.

"People don't realize the logistics and barriers to getting a permanent installation," Cronen says. "Land use, gas or fuel connection to the unit, permits—it all has to be inspected and signed off on. From a time frame perspective alone, it's highly unlikely a station that decides to purchase a generator could have it installed and up and running by the compliance deadline."

NYSERDA plans to offer a generator lease pool for stations that choose to go with the prewire option rather than a permanent unit onsite. Again, the agency has

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underestimated the logistics of this concept, according to Cronen and Mauriello.

"It's a huge undertaking to have a fleet of rental generators ready to go," Cronen says. "If you don't have every single detail worked out—how the unit gets there, how it gets off the truck, how you will get your licensed electrician to hook it up, where the fuel is coming from 24 hours later when it runs out—then a rental system is not going to work." Further, Cronen asks, where will the state get all the generators it needs to fulfill the requests of stations in a wide-spread crisis? "Even in normal times there is a shortage, much less during a crisis."

What's Next

Mauriello senses growing frustration among gas station/c-store owners about the lack of communication across the state.

"No one seems to be laying out a plan of how this process will unfold from a rental or a purchase perspective," he says. "If I'm renting, how will it work? Who will I call? If I'm choosing to install a permanent unit, can I possibly have it done by April of 2014? Put it this way: If I were both a generator person and a c-store owner, I would be losing my mind right now because I know the harsh realities of making either concept work."

Some independent retailers who have experienced a severe outage prefer not to have backup power. One of Cronen's friends who owns a station on Long Island and lived through Hurricane Sandy says he will "never open during a situation like that again … I'll take a hit and just close." Dealing with angry customers, such as people throwing coffee and gas cans and spitting at him when the fuel pumps locked up, is an experience he would prefer not to repeat.

"Some folks are thinking it's easier to take the prewire option and sign up for the rental unit, and if they don't get one, they don't get one," Mauriello says. "They are just as happy to close business until the storm passes." Owners with multiple stores are leaning toward prewiring all stores in locations the mandate covers and then purchasing a few units that can be moved from store to store.

Station owners also need to remember that if they choose to purchase and install a unit onsite, they also need to comply with local ordinances.

Citing New York as the guinea pig for a generator mandate in the New England area, Mauriello notices several towns in states such as Rhode Island, Massachusetts and New Jersey proposing their own mandates. "I think this is a trend worth keeping an eye on," he says.

House Members Ask EPA to Relax Renewable Fuel Mandate

More than 160 politicians urged the Environmental Protection Agency (EPA) to ease fuel blending requirements required by the 2007 Renewable Fuel Standard (RFS).

According to a report by the Houston Chronicle, the bipartisan group, headed by U.S. Rep. Bob Goodlatte, (R-Va.), wrote that the EPA must lower 2014 renewable fuel requirements to stabilize the market for biofuel credits and keep prices down for corn.

"The U.S. corn market has been increasingly volatile since the expansion of the Renewable Fuel Standard in 2007," the lawmakers wrote to EPA Administrator Gina McCarthy. "Ethanol now consumes more corn than animal agriculture, a fact directly attributable to the federal mandate."

A draft of 2014 proposed volume requirements, obtained by several media sources, would set the requirements for corn-based ethanol at 13 billion gallons, while lowering quotas for other categories, such as advanced biofuels. The RFS required that 13.8 gallons of ethanol be blended this year.

Although the 2014 requirement would be a slight decline in ethanol used, politicians have stated it is nowhere near enough, and the RFS was enacted at a very different time, when fuel consumption was expected to increase annually. But, government data shows U.S. fuel consumption has decreased every year since 2007, due to a poor economic climate and more fuel efficient vehicles on the road.

AAA Wants EPA to Lower 2014 RFS to Below 10% Ethanol

AAA is urging EPA to lower the amount of ethanol required to blended into gasoline next year to below 10% blends.

"It is just not possible to blend the amount of ethanol required by current law given recent declines in fuel consumption, and it is time for public policy to acknowledge this reality," said AAA President and CEO Bob Darbelnet in a press release issued this morning. "The EPA should lower ethanol targets immediately as part of the proposed 2014 RFS rule to support consumers and promote alternative fuels," he added.

In AAA's press release, it cites the recently leaked EPA draft for the 2014 renewable fuel standard (RFS2) proposal. As OPIS reported earlier this month, the leaked draft, while not an official release from EPA, noted that just 13 billion gal/yr of conventional biofuel (mostly comprised of corn-based ethanol) would be required in 2014 (down from 14.4 billion gal as originally envisioned), the advanced biofuel requirement would be set at 2.21 billion gal (down from2.75 billion gal as originally envisioned), the cellulosic biofuel target would be set at 23 million gal (well below the 1.75 billion gal as originallyenvisioned) and the biomass-based diesel target would be held steady at 1.28 billion gal.

If the leaked draft's numbers reflect what EPA will propose for the 2014 RFS, that would help ease the so-called ethanol blendwall, the point at which 10% ethanol blends are maxed, AAA noted.

"Corn-based ethanol can support the economy and reduce our reliance on fossil fuels," said Darbelnet. "It is great news to hear that the EPA is considering a RFS proposal that would support this home-grown alternative

while acknowledging the inability to achieve an outdated mandate," he added.

However, AAA has not specifically weighed in on the draft leaked proposal. "We have not come out in support of any specific numbers at this point, but we are encouraged by the rumored EPA draft," said AAA spokesman Michael Green. "Our main position is that the current statutory levels need to be reduced to a level that helps drivers. At this point we will leave those exact specifics to the EPA," he added.

EPA's proposed 2014 RFS rule has been under OMB review since Aug. 30, and many stakeholders believe the proposal will be issued in the next two weeks.

AAA has previously said it is concerned with higher ethanol blends, such as with E15, and in February urged Congress to suspend the approval of E15 until motorists are better protected and informed.

Growth Energy CEO Tom Buis said "[t]his comes as no surprise. AAA has been espousing Big Oil's talking points for some time now and their request is nothing more than a disservice to American motorists who, if refused the choice of renewable fuels at the pump will continue to pay higher costs for gasoline that line the pockets of special interests and Big Oil executives," he added.

Similar comment came from the Renewable Fuels Association. "AAA needs to stop being the puppet of Big Oil, and put consumers first," said RFA President Bob Dinneen. The Energy Department and 40-plus studies say that more than 60% of cars on the road today can safely use E15. ... If Big Oil -- and AAA -- would stop obstructing consumer choice, American drivers could have access to a choice of higher level ethanol blends that are less expensive, yet higher in octane," he added.

--Rachel Gantz, rgantz@opisnet.com

New York City Raises Tobacco Purchasing Age To 21

Nearly every member of the New York City Council voted to approve upping the age for buying tobacco products from 18 to 21, the Associated Press reports. Mayor Michael Bloomberg had pushed for such a change earlier this year. The bill will become law in 180 days after he signs it.

Another proposal approved by the council is one that would put a $10.50 per pack minimum price on cigarettes. That bill would also increase enforcement of illegal sales of tobacco.

Cigarette makers countered that a higher tobacco buying age will only fuel the cigarette black market. “New York City already has the highest cigarette tax rate and the highest cigarette smuggling rate in the country,” said Bryan D. Hatchell , a spokesman for R.J. Reynolds Tobacco Company. “Those go hand in hand and this new law will only make the problem worse.”

Only a few localities have as high tobacco buying ages. Needham, Mass., requires buyers to be 21, while Canton, Mass., will raise the tobacco purchase age to 21 on Jan. 1. Hawaii will vote on a similar measure next month, while New Jersey is debating raising the age as well.

But cigarette manufacturers have suggested young adult smokers may just turn to black-market merchants. And some smokers say it's unfair and patronizing to tell people considered mature enough to vote and serve in the military that they're not old enough to decide whether to smoke.ensure that your license remains in good standing and will allow you to order next year’s stickers.

Marathon Executives See Excellent Fit for Hess Retail Assets; Mum on Bid

Marathon's senior executives said during the company's third-quarter earnings call on Thursday that Hess retail assets would be an excellent fit for Marathon's retail brand, Speedway, but they remained mum on potential bidding interest for Hess retail stations.

Marathon's executives commended Hess for developing a strong retail brand in the Northeast, describing Hess retail operations as "well-run."

Hess executives were responding to an analyst's question about Hess retail asset fit for Speedway.

Hess is in the process of selling its retail assets amid its ongoing exit from the downstream sector. Hess sold its terminal assets to Buckeye Partners recently. It is noted that Hess has a share at Hovensa and HETCO. Hess operates more than 1,350 gasoline and convenience stores along the U.S. East Coast.

Speedway is the fourth-largest chain of company-owned-and-operated gasoline and convenience stores in the U.S. Speedway has approximately 1,470 convenience stores in nine states. Most of the stores are operated under the Speedway brand name.

--Edgar Ang, eang@opisnet.com

Overall Number of I-9 Audits Soars

You're right if it seems that U.S. Immigration and Customs Enforcement (ICE) is turning up the heat on employers that hire illegals, including the convenience and fuel business.

ICE has stepped up the number of audits conducted for Form I-9 compliance, more than doubling audits performed over a five-year period. The I-9 is the form employers are required by federal law to complete that documents the immigration status of new hires. 7-Eleven Inc. and some of its franchisees learned of that scrutiny the hard way in a pending investigation that resulted in federal indictments of several franchisees earlier this year.

An ICE spokesman said the agency doesn't break down numbers of audits by industry but he provided stats showing steady annual increases since Fiscal Year 2009 in the number of I-9 audits conducted overall. Here are the figures, by fiscal year, that were provided to Oil Express on Oct. 28:

FY 2014 (so far) = 30
FY 2013 = 3,120
FY 2012 = 3,004
FY 2011 = 2,496

FY 2010 = 2,196
FY 2009 = 1,444

--*Vincent Taylor, vtaylor@opisnet.com*
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TPP Negotiators Hold Talks on Automobiles

U.S. and Japanese negotiators met last week in Washington for bilateral talks on autos and non-tariff measures being held in parallel to the Trans-Pacific Partnership (TPP) negotiations. The U.S. and Japan agreed to hold the parallel talks as part of an April deal that secured U.S. support for Japan's entry into TPP. The agenda included discussions on automobile safety standards, electric vehicles, high-tech advanced automobile safety systems and fuel cell technology.

U.S. automakers argued against Japan's inclusion into the TPP, citing a closed Japanese auto market. After Japan officially joined the negotiations, U.S. automakers have argued that the agreement must include strong and enforceable commitments against currency manipulation. The two sides aim to finish the auto talks by the conclusion of the TPP talks so that the outcome will be attached in an appendix to the final TPP deal and implemented as part of Japan's bilateral market access commitments.

HOW TO MEET OSHA TRAINING DEADLINE

Those Material Safety Data Sheets the federal government requires to disclose the presence of hazardous chemicals to your employees are being replaced.

Employers have until Dec. 1 to train employees on how to read the Occupational Safety and Health Administration's

(OSHA) new generation of labels, pictograms and Safety Data Sheets that were created to conform with the United Nations'

Globally Harmonized System (GHS) of Classification and Labeling of Chemicals.

The GHS is aimed at standardizing these warning designs across countries,replacing the hodgepodge of formats that exist now.

All workers who could potentially be exposed to hazardous products such as gasoline, motor oil, charcoal lighter fluid and cleaning solvents must be trained, even if they're just stacking cans of oil, said George Kunz, executive vice president of American Safety and Health Management Consultants Inc., based in Canton, Ohio.He's also a former assistant area director of OSHA.

Don't take the upcoming deadline lightly, Kunz said. OSHA conducts unannounced inspections, and he said OSHA officials told him they intend to strictly enforce the training deadline.

The penalty for a non-willful violation of the rule can be as high as $7,000.

If OSHA gives you time to correct a violation and you fail to fix it, you could get hit with penalties as high as $70,000. various types of hazards; new OSHA labels that are more comprehensive than the ones they will replace; and a rigidly formatted "Safety Data Sheet" that will replace the less formal Material Safety Data Sheets in use now. Kunz advises:

- Put a hazard communication program in writing. The document should explain the training program, labeling system, the SDS procedure, and who will oversee the program. You must be able to produce a written copy of your program if anyone asks for it.
- Train employees on the points laid out in the two-page OSHA Fact Sheet entitled "Dec. 1, 2013, Training Requirements for the Revised Hazard Communication Standard."
- Go to the www.osha.govwebsite, click the publications tab at the top, and read down the alphabetical list to Hazard Communication Standard to find handy links for pictograms, labels, and the Dec. 1, 2013, training.
- Print the pictograms from the OSHA website, enlarge them, laminate them and post them around the work site as a reminder to employees. It shows OSHA you tried to comply with the training rule.

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EPA Finalizes Rules that New Vehicle Refrigerant is Not a VOC

The U.S. Environmental Protection Agency (EPA) has issued a final rule that would add HFO-1234YF to the list of substances excluded from the regulatory definition of volatile organic compounds (VOC). The agency made this decision based on 1234yf's "negligible contribution to tropospheric ozone formation." Tropospheric ozone is commonly known as smog and is formed when VOCs and nitrogen oxides react in the atmosphere in the presence of sunlight. EPA and many states limit use of VOCs in products in order to minimize smog formation.

1234YF was developed as a substitute refrigerant in motor vehicles for HFC-134a due to its very low global warming potential (GWP) of four. By comparison, 134a has a GWP of 1430. Honeywell had submitted a petition to EPA in 2009 requesting that it be exempt 1234yf from the regulatory definition of VOC.

The EPA notice points out that the action to exclude 1234yf from the VOC definition may also affect whether 1234yf is considered a VOC for state regulatory purposes depending on whether a state relies on the agency's definition of VOCs. EPA further states that, "states are not obligated to exclude from control as VOCs those compounds that the EPA has found to be negligibly reactive. However, states may not take credit for controlling these compounds in their ozone control strategies."

76 NYC Stores Caught Selling Alcohol to Minors by State Liquor Authority

Governor Andrew M. Cuomo today announced that a seven-day undercover investigation into underage alcohol sales has

resulted in charges to 76 licensed groceries and liquor stores throughout New York City. The investigation by the State Liquor Authority (SLA), part of a coordinated enforcement action to prevent the sale of alcohol to minors statewide, is the largest underage sting operation ever conducted in the agency's history.

"Our State is committed to preventing young New Yorkers from buying and abusing alcohol," Governor Cuomo said. "This investigation should put stores that sell alcohol to minors on notice: if you break the law, we will catch you. The State will continue to identify and hold accountable any grocery or liquor stores that endanger underage New Yorkers."

The investigation was conducted by the SLA from October 3 through October 11, 2013. The SLA's Beverage Control Investigators sent volunteer minors into 250 licensed groceries and liquor stores in all five boroughs of New York City. During the investigation, BCI personnel entered the grocery and liquor stores separately from the undercover minor to observe and verify when illegal transactions occurred. In total, the undercover minors were able to purchase alcohol at 76 out of the 250 premises visited, including 26 stores in the Bronx, 23 stores in Brooklyn, 19 stores Manhattan, 6 stores in Queens, and 2 stores on Staten Island. By penalizing these 76 stores, the SLA is leveling the playing field for the remaining honest small businesses.

State Liquor Authority Chairman Dennis Rosen said, "Preventing the sale of alcohol to minors is a priority for the State Liquor Authority. These large scale enforcement efforts will continue to be a part of our proactive measures to prevent alcohol abuse among our youth."

Licensees charged by the SLA with underage sales face civil penalties of up to $10,000 per violation, with fines starting from $2,500 to $3,000 for a first time offense. Repeat offenders also face potential suspension or revocation of their licenses.

The SLA's investigation was made possible in part with the support of the American Society for Industrial Security (ASIS) and the City University of New York (CUNY), which helped the agency recruit the volunteer minors that were coordinated and supervised by SLA personnel.

Association Note: Penalties can be reduced if the State Liquor Authority is told that the clerks were or will be trained and the business has a good record. Call the association office for more information. 516 371 6201.

Fuel NY Initiative Creating 21st Century Fuel Infrastructure Protection Strategy for NYS

Governor Andrew M. Cuomo today launched the nation's first state-based Strategic Gasoline Reserve to prevent future supply gaps during severe weather events and emergencies, as the next step in New York State's Fuel NY initiative. The reserve, which serves as the state's pilot program, is expected to hold 3 million gallons of fuel for motorists and first responders on Long Island.

"New York State is leading the nation with the creation of our first Strategic Gasoline Reserve which will prevent the days of long lines at gas stations if another storm hits," Governor Cuomo said. "The gap in gasoline supplies during Superstorm Sandy was incredibly disruptive to the daily routines of New Yorkers who needed to get to school and work as well as the operations of businesses during an already difficult time. Fuel NY will make our energy infrastructure stronger and better prepared than it ever was before."

Announced in his 2013 State of the State address, the Governor launched the Fuel NY initiative in June as a direct response to the gasoline disruptions that occurred during Superstorm Sandy. Two of the most significant gasoline challenges during Sandy were the loss of power at many gas stations – making it impossible to pump gas – and a gap in supplies to gas stations.

The Strategic Gasoline Reserve will use capacity owned by Northville Industries on Long Island. With approximately 3 million gallons of fuel, the $10 million pilot program will help to fill a future supply gap in the event of a declared emergency, such as Superstorm Sandy. As determined by the fuel emergency situation, gasoline from the reserve will be released to meet fuel needs while the industry recovers from a disruption in routine operations. While the reserve was designed as a pilot for Long Island, this reserve could be delivered to other parts of the state as needed. In all emergency scenarios, the reserve will only be used as a supplement to market deliveries, in order to maintain adequate levels of fuels during an emergency recovery. The selection of Northville was chosen through a competitive solicitation and requires formal contract approval.

"The leadership demonstrated by Governor Cuomo in establishing the Fuel NY program is a tremendous step forward for the State in strengthening and securing its energy infrastructure against future storms and emergencies," said John B. Rhodes, President and CEO, NYSERDA. "The Fuel NY program demonstrates the State's commitment and investment in ensuring critical services that New Yorkers rely upon to meet daily needs are uninterrupted during severe weather events."

"Northville Industries looks forward to working with the State in operating the first state-based Strategic Gasoline Reserve," said Gene M. Bernstein, Chairman of Northville Industries. "We applaud the Governor's comprehensive Fuel NY approach as it will help provide critical fuel supplies during future emergencies."

Kevin Beyer, President of Long Island Gasoline Retailers Association, said, "We would like to commend the efforts of the governor for taking a multi layered approach to storm and unforeseen emergencies. By putting in place a fuel reserve on Long Island it will help relieve stress on the supply of fuel in a time of crisis. This in turn will keep stations supplied with fuel and help alleviate anxiety to the motoring public."

ABAC's Decade-Long Battle Against the Hartford

For nearly ten years, the Auto Body Association of Connecticut (ABAC) has been engaged in a legal battle with the Hartford Fire Insurance Company (the Hartford), and though the judge and jury awarded the victory to ABAC, the fight is not yet over as the Hartford has appealed the ruling to the state's Supreme Court. Still, Tony Ferraiolo, President of ABAC, remains optimistic, noting "this is one of the biggest things happening in the industry right now, and it will rock the country if – no, when - we win next year."

ABAC filed a class-action lawsuit against the Hartford in 2003, claiming the insurer was manipulating labor rates across the state and using steering practices to direct customers to shops on their direct repair program (DRP). Besides getting a discounted rate from their network of DRPs, the insurer also had their appraisers use the same uniform labor rate in their estimates across the state, thus pressuring independent shops to lower their rates. David Slossberg, lead attorney for ABAC in this lawsuit, noted that, as a result of this conduct across the industry, profit margins for auto body shops have decreased from 6% to less than 2%, which disregards the shops' expenses related to training, equipment and environmental regulations.

General Counsel Corner

By Peter H. Gunst, Esquire

A "Readily Achievable" Strategy to Avoid ADA Liability

In the last few years, there has been a sharp increase in lawsuits filed against business owners for violations of the federal Americans with Disabilities Act (ADA). Many actions relate to violations of the Title III provisions of the ADA, applicable to public accommodations such as gas stations and c-stores.

Title III prohibits discrimination "on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations" of any place of business by anyone "who owns, leases, or operates a place of public accommodation."

Owners/lessees are required to make reasonable modifications to barriers in public areas of existing facilities that deny equal access to individ uals with disabilities.

The provisions of Title III specifically require removal of architectural barriers at existing facilities ... where removal is "readily achievable," i.e., easily accomplishable without undue difficulty or expense. Factors for consideration in determining whether barrier removal is "readily achievable" include costs of labor and materials, safety requirements, impact on facility operation and effect on business expense and resources.

Title III modifications apply to exterior areas such as parking lots, walkways, pump islands, card readers, fuel dispensers, and air and vacuum equipment. Also falling within its scope are interior bathrooms, hardware, food service and storage areas, towel and soap dispensers, shelving, and the like.

Enforcement actions may be triggered by a private individual or the Department of Justice. Private parties who sue under the Act may request that the court order ADA compliant architectural modifications, and also order payment of costs and legal fees expended in pursuing a claim. A complainant is not required to prove intentional discrimination or to have sustained a physical injury, but need only allege existence of a barrier that made the premises inaccessible to the disabled.

Meet your obligations under the ADA and avoid penalties for violations of the Act. Target potential accessibility problems and manage solutions using the following best practices and consult the helpful ADA Checklist for Facilities link at http://www.ada.gov/racheck.pdf.

Best Practices:

Conduct a thorough premises audit of ADA priority areas such as entrances and restrooms, and all areas accessi ble to vendors, customers, and guests.

Provide at least one route of travel that 1s safe for everyone, including disabled individuals. Pathways should be stable, slip- resistant, uncluttered, and at least 36" wide.

Inspect curbs and ramps for appropriate curb cuts and height and slope mcrease as recommended by ADA design guidelines. Utilize proper railings.

Inspect entrance doors for proper width, clear wall space on pull side of doors, and install signs to warn of inaccessible entrances.

Arrange furnishings, vending machines, freestanding racks to adequate access displays,

Comply with height and width requirements for seating, tables, and counter spaces.

At least one public restroom should be wheelchair accessible and hardware, stalls, and lavatories ADA compliant.

Develop a feasible barrier removal and compliance plan.

Maintain accurate records of alterations to premises and barrier removal projects.

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 driver's license, vehicle registration, and vehicle title records for an additional fee of $2 per abstract. Please call 716-656-1035.

Attention Inspection Stations

The association has received a flurry of requests for legal representation for violations of the DMV commissioner regulations known as "clean scanning." that is when a vehicle other that the one to be inspected is substitute for the OBD-II part of the test. We have no defense for these violations. DMV has the ability to trace the OBD-II inspection to the vehicle used for the inspection.

If you cannot pass a vehicle for any reason, get help. That help could come from DMV. This violation almost always results in revocation..

New York State Aftermarket Catalytic Converter Regulation Changes

Read this if you install or supply aftermarket catalytic converters (AMCCs) for sale in New York State.

1. In New York State, you must install or supply AMCCs that comply with new state regulations, or you risk being fined.

2. Fines range from **$500** for the first violation, up to **$26,000** for each subsequent violation.

3. **Beginning January 1, 2014**, replacement catalytic converters must either be original equipment manufacturer (OEM) parts, or new AMCCs certified as meeting California Air Resources Board (CARB) emission standards.
    a. This applies to all model year 1993, 1994, 1996 and newer vehicles that are either "50-State" certified by U.S. Environmental Protection Agency (EPA), or CARB certified.
    b. This does not apply to 1995 and pre-1993 model-year vehicles, and EPA-certified vehicles without 50-State certification.

4. It is now illegal to sell, offer for sale, advertise or install used, recycled or salvaged catalytic converters on vehicles in New York State. (Change effective **June 1, 2013**)
    a. This applies to all vehicle types and model years.
    b. This does not apply to the sale of catalytic converters salvaged for recycling purposes.

5. New AMCCs certified as meeting EPA's basic emission standard may still be installed on:
    a. Any model-year vehicle that is EPA certified, but not CARB or EPA 50-State certified;
    b. Any pre-1993 model-year vehicle; and
    c. Any 1995 model-year vehicle.

6. Installers of new CARB certified AMCCs must:
    a. Complete a warranty card in triplicate with the original going to the customer, one copy to the installer, and one copy to the manufacturer of the converter.
    b. Retain a copy of the warranty card for a minimum of four years from the date of installation.

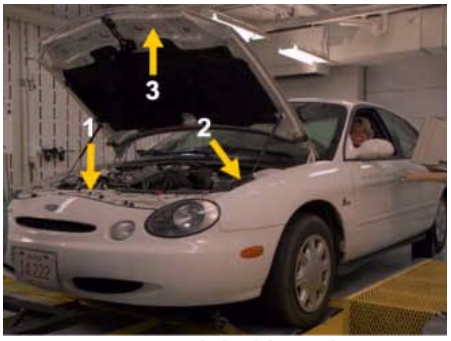
7. Distribution centers located in New York State may continue to supply new AMCCs certified as meeting EPA's basic emission standard for installation on applicable vehicles in New York State (see #5 for applicable vehicles) and for sale outside of New York State.

More about New York State AMCC Regulation Changes

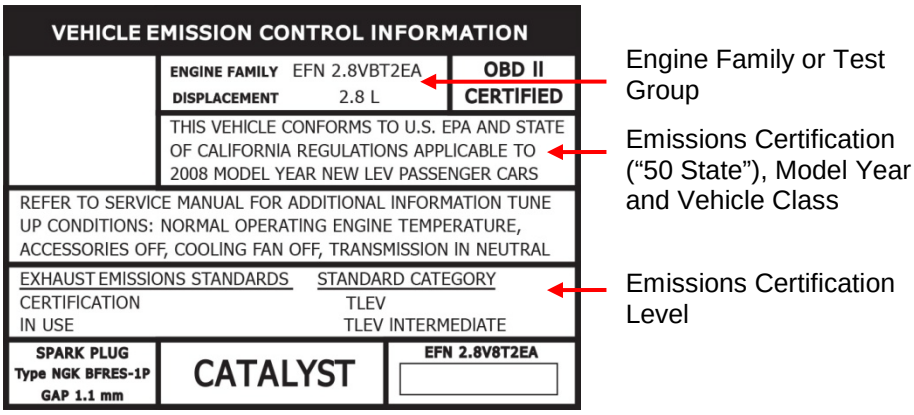
Vehicle and AMCC Emissions Certification Markings

Vehicle emissions certification information is located on the Vehicle Emissions Certification Information (VECI) label located in the vehicle's engine compartment. The engine family and emissions certification are used to determine which AMCCs may legally be installed on a particular vehicle.

1) Radiator Support
2) Strut Tower Plate
3) Hood

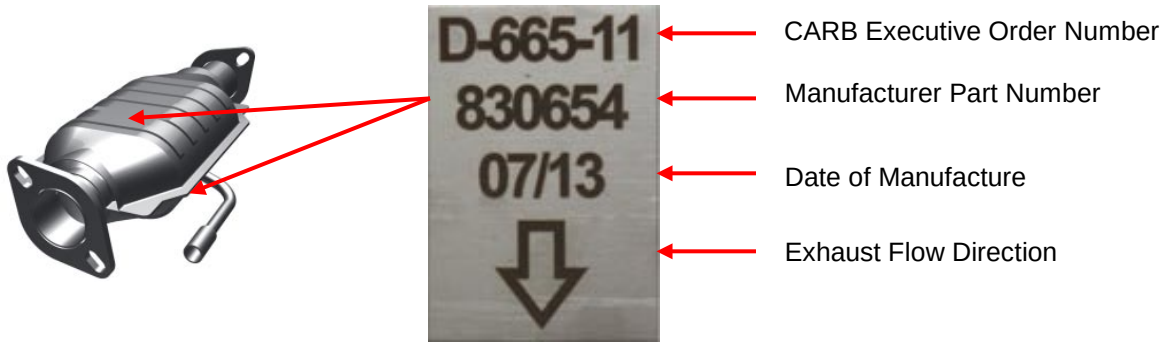


Common VECI label locations



This shows one of several VECI label formats

Beginning January 1, 2014, new aftermarket catalytic converters for CARB and EPA 50-State certified vehicles must display two certification stamps or laser etchings on opposite sides of the catalytic converter shell or heat shield, showing the CARB Executive Order approval number, part number, date of manufacture, and proper installation direction.



More information:
Regulation: 6NYCRR Section 218-7.2(c) www.dec.ny.gov/regs/4244.html
Fact Sheet: www.dec.ny.gov/chemical/87411.html
Frequently Asked Questions: www.dec.ny.gov/chemical/90781.html
Contact: Bureau of Mobile Sources, DEC Division of Air Resources, 518-402-8292
E-mail: DARWeb@gw.dec.state.ny.us

$afety Group 536

With a Financial history like this you have lots of reasons to smile.

Dividend History		Discount History	
35%	2010-2011	25%	2012
35%	2009-2010	25%	2011
35%	2008-2009	20%	2010
35%	2007-2008	20%	2009
30%	2006-2007	20%	2008
30%	2005-2006	25%	2007
25%	2004-2005	25%	2006
22.5%	2003-2004	25%	2005
17.5%	2002-2003	20%	2004
10%	2001-2002	20%	2003
15%	2000-2001	20%	2002
30%	1999-2000	20%	2001
40%	1998-1999	30%	2000

Current Group Management took over for the 04-05 policy year
2008 20 % Discount due to 18% rate decrease

Lawley

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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:	

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Communication:
New York State (NYS) is exploring the possibility of implementing a NYS Automotive Repair Shop List for use by New York State Agencies and other Authorized Users. NYS is requesting information from Automotive Repair Shops located in New York State that provide one or more of the following services: (1) diagnosis and repair of vehicle malfunctions; (2) Preventative Maintenance of vehicles; (3) auto body repair to vehicles; and also (4) glass repair services; or (5) towing services. New York State is requesting that Automotive Repair Shops complete survey questions related to general Automotive Repair Shop and pricing information. ***Your input is important.***

To complete a response please click on the following link: http://www.ogs.state.ny.us/purchase/Bidcalendarlv.asp, and you will be re-directed to the OGS Bid Calendar. Scroll down the page and click on the link 22753, titled "ANNOUNCEMENT: AUTOMOTIVE REPAIR SHOP SURVEY." Please read additional information about the survey, brief instructions on how to complete the survey and click on the Survey Monkey link to complete the survey. The purpose of this survey is to collect industry information only and does not guarantee a contract or other agreement to provide service to or on behalf of New York State.

The deadline for completion date of this survey is ***1/10/2014 at 12:00PM EST****. Questions about this survey may be directed to PS_SW_FleetMaintenan@ogs.ny.gov.*

Additionally, in order to be notified by e-mail of forthcoming communication for the establishment of the NYS Automotive Repair Shop List, please register with the Office of General Services' Bidder Notification Service (BNS) at: https://online.ogs.ny.gov/vendorregnet/VendorRegistration.aspx?strSrc=menubar. During the registration process, please select Classification "25". BNS registration questions may be directed to the New York State Procurement (NYSPro) Customer Services team at 518-474-6717 or customer.services@ogs.ny.gov.