ILTA Terminal Industry-Peer Exchange Call
July 16, 2020
4:00 PM – 5:00 PM EST
Attendees: 32

Attendees: ILTA Staff and Terminal Members

Welcome – Kathryn Clay, President
This call has no guest speaker. But we wanted to keep the momentum going and have a town hall to discuss what is going on in the industry and what ILTA is doing for you in Washington and beyond. This is also a way for share ideas with your peers.

ILTA Update: It has been an incredibly busy week, especially on Capitol Hill, where we have had a few big wins.

ILTA has introduced a monthly webinar series. Last month, we had some employee safety lawyers (OSHA) to discuss COVID liabilities.

Next week, we are offering an exclusive members-only webinar from Tyler Enslin on how to positively respond to stress in a time of crisis. He is also a keynoter at the upcoming ILTA conference. I hope you can join.

ILTA has rescheduled its conference and trade show for November 16-18. All is in the Marriott. We are essentially taking over the hotel. The 2nd and 4th floor will be trade show. The 3rd floor is conference. 160-200 vendors are planning to exhibit. We hope you will come to the conference and expo.

We are very aware of Houston’s challenges right now, and we are watching that closely. We remain hopeful that Houston will be able to bend its curve down by November. If public health officials are discouraging large events, we will obviously comply. In the meantime, we are looking to do everything safely: masks, hand washing/sanitizing/social distancing.

Legislative Affairs – Andy Wright, Vice President of Legislative Affairs

CFATS legislation:
We have been working for over a year on reauthorization of the CFATS. We were able to get a three-year extension in the Senate: we sent out a letter to the House that we would accept the three-year extension. We understand that the full House will vote on this next Monday. It should be approved by unanimous consent. We see this extension as a big win for our industry. Thank you,
board and senior executives, for helping us lobbying on this issue on Capitol Hill and with regulators. We are very pleased with the outcome.

**WRDA bill:**
The second thing is that the **WRDA bill** – funding for the Harbor Maintenance Trust Fund and the Inland Waterway Trust Fund – is moving in the House now. Both the Senate and the House – at the committee level – have passed bills. Both have near record-levels of funding. And in the IWTF, we were able to get the funding shifted from 50/50 (general treasury/trust fund) to 65/35 funding. That means a lot more projects will be done more quickly. This is a win for taxpayers and for our industry. Both are through committee. We expect votes by full Senate and full House in July. This bill needs to be reauthorized every two years. These are moving unanimously. This is amazing given the partisan nature of politics today. We are very proud of this outcome.

**COVID-19:** There are peaks in several states – 40 states seeing increases, including some very dramatically. As these numbers go up, it continues to put pressure on the economy, especially as states are forced to add restrictions.

Congress is working on the fifth iteration of the COVID bill. House passed a $3 trillion bill, providing money for states and localities, another direct payout to certain American households, more money for PPP (small business loans). This is a very partisan, mostly Democratic bill. The Senate Republicans are pushing back, saying $3 trillion is a bridge too far. Still, the White House says they want something to help. The Senate is just starting to work on this. The Senate is scheduled to be off in August, so this could be delayed until September.

Q+A:
Bob Sanders: The WRDA bill added a US steel amendment. How big a deal is that? Will it happen?
Andy Wright: I do not think that will be included in the final bill.

Kathryn Clay: Can you talk about the assurances ILTA received with CFATS?
Andy Wright: We have received assurances from DHS CISA, the regulator of the CFATS program, to address our issue related to gasoline, diesel and other flammables in a regulatory language. While CISA does not enforce this regulation in practice, it is on the books. That is dangerous because hypothetically if a new team comes in, it could enforce it. CISA doesn’t want to do a full rulemaking. We and they wanted a regulatory fix. But Congress put it off to the last minute and did not allow changes – it simply extended the existing language. But we have a commitment from CISA that it would undertake a regulatory fix if it were not in the legislation. ILTA will meet with Dave Wulf, CISA, later this month to ask for the regulatory fix.

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**Regulatory Affairs – Peter Lidiak, Vice President of Regulatory Affairs**

**TWIC Reader Rule** – extended implementation until May 2023. We have a three-part webinar series. July 29 is the first one. Registration is on our website. This is information that is invaluable to you in reducing cost of implementing the TWIC reader rule. We are partnering with ACC and AFPM on that.
EPA Tank Inspections – We have been working on this as a priority issue. As you know with storage full, it is very difficult to do out-of-service tank inspection. EPA will undertake a rule to address this issue long-term. But we need to know what they will do in the interim.

We have heard from EPA that it will lift its temporary COVID enforcement policy, in place since end-March, at the end of August. So, what happens? We have a meeting with EPA July 18. What will be the timing of the regulations? (hoping to propose in August, and get it finalized by the end of the year). What happens in the interim?

Question for group by Kathryn Clay. Why is a deferral of the requirement not appropriate? (this may be something that EPA asks)
Mike Santee: It is already approved for WW tanks. Why wouldn’t they approve it for Kb tanks?
Another member argues that taking the tank out of service increases emissions.
Mike Santee: A deferral still requires writing individual letters to each region. It is a patchwork approach, which is inherently inefficient.
Harold, Marathon: Thank you ILTA for staying on this.

NEPA revisions: White House released final plan. The changes to NEPA are intended to shorten the timeframe to get an approval. We expect legal challenges to the rule. We will continue to monitor it.

Member Roundtable – Open Forum
All members are invited to share comments or ask questions regarding their company’s challenges and successes in COVID-19 response measures – or any other issues. Comments/questions can also be submitted via chat, and ILTA staff will address these to the group.

Mike Dupuis: VA has issued an emergency standard on COVID in the workplace. Are there any other states planning a similar approach?

ILTA: Does not have any further information. Mike Santee would like to know what it is in the VA emergency standard. Mike Dupuis said it is not quite final yet. We will get it and disseminate it to the group.

Kathryn Clay: Please join us on 7/29 for the first training in the TWIC webinar series (average cost to implement these rules is estimated at $600,000 per facility) as well as the free members-only webinar on handling stress during a crisis NEXT Tuesday.

To join the discussion: https://zoom.us/j/345532838; Meeting ID: 345 532 838
Dial by your location +1 253 215 8782 US or +1 301 715 8592 US
Meeting ID: 345 532 838
If you have any questions, please contact us at membership@ilda.org.