“News Fax Blast” introduced

Knowledge is key, and OPRRA works tirelessly at disseminating up-to-the-minute news to its members and industry peers. Along with www.oprra.com, the Association has just announced its new “News Fax Blast.”

OPRRA will now be “blasting” important information to participating members’ fax numbers and e-mail addresses. With the daily changes our industry encounters, the “News Fax Blast” is the best way to alert members to key deadline dates, legislative emergencies, underground storage tank regulations and last-minute Association news.

If you need to change your fax/e-mail information or do not wish to receive the News Blasts, please contact Lisa McCormick at the OPRRA office, (888) 804-9808, or via e-mail at oprra@infinet.com

FROM THE PRESIDENT’S OFFICE...

Learn and turn? A profit, that is

By Patrick LaVecchia, President

If you’re like me, these questions run through your mind all the time: How can I be more profitable, more cost-efficient? How can I put more money into the bank at the end of every month?

After nearly four decades in this business, you’d think I’d have these questions answered. But what I’ve learned is that no matter how long you’ve been in business, you always have something to learn. As I attend conventions and meetings, talking to experts in our field and to other dealers, I am often surprised to find out how much I don’t know. And that’s OK. Not knowing is only dangerous when you stop asking questions, when you no longer try to figure out new ways to grow. Because in this business, if you’re not growing, not adding new profit centers and thinking of ways to boost your bottom line, you might as well hang it up.

Part of the reason for this knowledge gap is that our businesses require us to wear many hats. When you’re trying to do it all, it’s hard to be an expert in any one area. Another reason is the rapidly changing nature of this industry. Keeping up with automotive technology, with changes in environmental laws, with marketing and product trends, and trying to make sense of suppliers’ ever-shifting formulas for selling us product is a dizzying task. Incremental success as an independent dealer — that is, not just keeping your head above water, but constantly growing that bottom line — all comes down to teaching yourself new things.

It is for this reason that the OPRRA Board has decided to devote some of its resources and efforts to providing educational programs for dealers. Our objective, in discussing this idea, was not to provide highly conceptual educational programs that were interesting, but not really applicable to day-to-day business. Instead, we were adamant about providing for dealers and repair business owners solid, straightforward, relevant, and above all, practical ideas for making more money. Ideas that you can take back to your station and start implementing right away for an immediate return on investment. That said, here’s a run-down of educational sessions (they’ll be offered around the state, so your time away from work can be minimal) we’re working putting together for you:

The Bottom Line: Where does all your money go? You might be showing a profit, do you ever wonder why you don’t have more cash to put in the bank every month? This session will show you easy strategies to put more money in your pocket immediately.

Continued on page 3...
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Toll-free phone: 888/804-9808
Fax: 614/337-9704
Toll-free fax: 888/549-9819
E-mail: oprra@infinet.com

Visit OPRRA’s New Website:
www.oprra.com
Class action initiated against EFS National Bank

If you were or are a customer of EFS National Bank, you may be entitled to a class action settlement.

Parties who may be included in the suit include any former and current merchants who were under contract with EFS to handle credit card transactions at any time between September 1st, 1997 and May 16, 2002. (The "settlement class.")

There are a number of ways to determine if you are a member of this class. You can log on to the EFS settlement web site at www.efssettlement.com, or you can contact the group via e-mail (info@efssettlement.com) or simply call 877-242-4375.

The web site provided is a service to potential class members. The information therein is in summary form and is not intended as a complete explanation of your rights. For full and complete information, you are directed to review carefully the settlement agreement, claim form and notice of proposed class action settlement and fairness hearing.

FROM THE PRESIDENT'S OFFICE...
Learn and turn? A profit, that is

Marketing: How to market your individual business. This session shows you the most effective, economical ways to advertise, offers tips on how to better merchandise things you're already selling for increased sales, and how to create a mission statement for your business that will make you more profitable. Other topics include how to decide what services/products to offer and how to put together a simple marketing plan that can put more traffic through your door immediately.

Hiring and Training Technicians: Every repair shop owner knows the challenge of finding and keeping the right technician. This session will look at how to hire and train the right person for your individual needs, how to keep technicians happy and productive and what incentive plans really work.

More information on these sessions will be coming to you via mail and The Independent Dealer. As I mentioned earlier, these training sessions will be offered near you, so you won't have to travel far to take advantage of them. I hope you'll attend because I know the return on your time investment will be both substantial and immediate.

Political Notes: Many dealers around the state are enjoying the extra profits made possible by the addition of Ohio to the Megabucks Lottery. OPRRA was pleased to have been able to support the bill that brought this traffic-driving program to the Buckeye State.

In conjunction with our tobacco coalition, OPRRA is maintaining a firm stance in opposition of a state cigarette tax hike.

In Columbus, OPRRA is also vigorously opposing proposals for increases in the state's motor fuel tax. Though by law, the state can only use these taxes for roads and bridges, there are some in Columbus who would seek to be able to use a gas tax hike to solve the state's budget deficit. To those bureaucrats, we say, do more with less? It's a lesson repair business owners and we independent dealers learned long ago.

OPBRA welcomes new Member Services Director

OPRRA members will see a new face in the Director of Member Services position, Doug Jones. After extensive behind-the-scenes involvement with OPRRA in the past, he has come to the forefront with his new title.

Jones has been involved with companies familiar to OPRRA members such as Atlas Supply Company, Standard Oil of Ohio, Sohio, and Boron. As a Marketing Director with a safety-consulting firm in Cleveland he developed a compliance program utilized by many former NOPRA members to deal with OSHA's Hazard Communication Standard. The program was so well received by the membership it was presented to the Service Station Dealers of America Board of Directors, who endorsed it at the national level.

More recently, Jones served as Vice President of Marketing with another safety and environmental consulting firm providing services to The Ohio Petroleum Marketing Association. He brings vast experience in membership services, having developed programs for a number of state and national trade associations.

Mr. Jones also spent seven years as the Marketing Director of a large, international scientific and medical publishing company, living in England for a year while traveling throughout Western Europe to open this new market. A graduate of Roanoke College in Virginia, Jones also served in the United States Marine Corp in Vietnam.

"I'm delighted to be working with OPRRA," Jones said. "I'm really looking forward to spreading the word to other potential new members about the many varied services I have developed programs for a number of state and national trade associations.

Continued on page 5...
J. F. WALKER COMPANY, INC.
Wholesale Distributors
Complete Convenience Store Supplier

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Tax increase on cigarettes used to plug budget hole

Retailers fought successfully against larger tax

By Richard Ayish and Vaughn Flasher
Ohio Capitol Policy Consultants

Columbus — On June 5th, Governor Taft signed into law Senate Bill 61, legislation aimed at plugging a $1.9 billion hole in the state budget. The bill, which included a 31-cent per pack tax increase on cigarettes, became effective July 1, 2002.

While the tax on a pack of cigarettes in Ohio more than doubled as a result of this legislation, the impact could have been much worse for both retailers and consumers. As originally proposed, SB 261 contained a 50-cents per pack increase on cigarettes. Following a spirited debate early in the process, the Ohio Senate passed the bill, including the 50-cents increase, and sent it to the House of Representatives for their consideration.

It was there in the House that OPRRA joined ranks with other retail trade associations, anti-tax advocates, cigarette wholesalers, and business community representatives, and undertook an intensive lobbying campaign against the tax increase. While there was no chance that lawmakers would abandon cigarette tax proposal altogether, retailers and their allies successfully fought to convince the legislature to lower the overall increase by 19-cents, to 31-cents per pack. A contingent of conservative lawmakers who steadfastly opposed a full 50-cents per pack increase aided in this effort.

In addition to working to lower the amount of the tax increase, retailers also managed to successfully lobby for passage of separate legislation to increase the minimum markup on cigarettes from 6 to 8 percent.

While the state is no longer bleeding red ink, it remains to be seen whether lawmakers will be forced to return to the Statehouse later this year to deal with yet another budget shortfall. If Ohio’s economy fails to rebound soon, another cigarette tax increase, a sales tax increase, and various other tax increases on businesses could all be back on the table this fall.

To summarize the tax and minimum markup changes:

The current tax rate is 1.2 cents per cigarette, or 24 cents per pack of 20. The new rate, beginning July 1, will be 2.75 cents per cigarette, or 55 cents per pack of 20. The new tax on packs of cigarettes sold in Cuyahoga County will be 59.5 cents per pack of 20.

As a result of the tax increase, wholesalers and retailers will be required to pay a floor stock tax of 1.55 cents per cigarette based on their inventory of Ohio stamped packs as of the close of business on June 30, 2002. The tax is to be paid in three installments. One-third of the tax is due by July 31, 2002, one-third is due by August 31, 2002, and one-third is due by September 30, 2002.

OPRRA members should have already received their first Ohio floor stock tax return from the Ohio Department of Taxation, which must be paid by July 31, 2002. The second and third tax returns will be mailed in August. If a retailer pays the entire amount on their first tax return, they are not required to file the returns that are due in August and September.

At the same time the General Assembly was increasing taxes on cigarettes, they also passed Amended Substitute Senate Bill 242, which increased the retail cigarette minimum markup from 6 to 8 percent. The new minimum markups are effective July 1, 2002, and apply to all sales after that date. For your convenience, I have attached a partial list of new minimum prices. OPRRA members who want a complete list of new minimum prices are encouraged to go to the Ohio Department of Taxation web site at www.state.oh.us/tax.

OPRRA welcomes three new associate members

Three additional companies will now bring their vast industry experience to the OPRRA family. They are:

TOM GRIFFITH
MERCHANT PAYMENT SERVICES
2838 Linden Ave.
Dayton, OH 45410
(937) 256-3244
(800) 454-3158

STEVE FOX
P & L SYSTEMS, LTD.
171 Charring Cross Dr.
Westerville, OH 43081
(614) 891-4970

BOB BARBERO
USTI
210 Bell St.
Chagrin Falls, OH 44022
(440) 247-3750

Member Services Director
Continued from page 3

we offer. We offer a unified voice in political and regulatory issues both in Columbus, and at the Federal level. There is 'strength in unity', and OPRRA solidifies our representation in the many decisions being made concerning our industry in these difficult times, while also keeping us informed about the issues we all face. I'm excited to be a part of it, and look forward to meeting our many members.'

Doug and his wife, Kristy, a high school teacher, have a blended family of five children. They currently reside in picturesque Chagrin Falls, Ohio, southeast of Cleveland.

Feel free to contact Mr. Jones via phone/ fax at 440-708-2056, or by e-mail at dj10@adelphia.net.
OPRRA golfers aim high and shoot low

By Jennifer Bracken
OPRRA Correspondent

Many present at Medina Country Club on July 25 might've thought professional golfers occupied their challenging and scenic course, only to be fooled that many friends and colleagues from OPRRA were gathered for a day of fun and prizes.

The annual event is held to help supplement two $1,000 Anthony Proccacini Memorial Scholarships given away through OPRRA each year. After going through an application process the recipients are based on the Pick 3 Ohio Lottery drawing.

Approximately 47 golfers participated in the daylong event that was sponsored by CBIZ Employee Benefit Specialist, Frank Gates, J.F. Walker and Marathon Ashland. OPRRA also had an additional 11 hole sponsors including Beck Suppliers, Englefield Oil Valvoline Environmental Services of Ohio, WRG Services, The Fedeli Group, Flynn Environmental Services, Mighty Tire & Wholesale Corp., Pepple & Waggoner, Wallingford Coffee, and Pat's Auto Service alongside six cart sponsors that contributed to a fun and successful day. OPRRA sincerely thanks all sponsors and participants for supporting this annual event.

After a box lunch the golfers filed out to the course in their golf carts to be greeted by beautiful scenery and awesome prizes. Each Par 3 had a specific hole-in-one prize in addition to a grand prize of one million dollars on Blue 8 for a hole-in-one. Although no one conquered that hole to win the grand prize others won the contest for the closest to pin, longest drive, and longest putt.

Dennis Baker, WRG Services, K.C. Flynn, Flynn Environmental Services, and Tony Licata of Licata's Sunoco clinched the OPRRA Golf Classic Title. Steve Cox and Fred Chrien of Quality Petroleum Systems and Al and Russ Garvin of Garvin's Car Care Center followed them in standings.

After the golfers enjoyed their cart rides, exhausted the keg, and were scorched from the sun they gathered to socialize within the country club. More colleagues joined the golfers at dinner.

At the conclusion of dinner the participants were exposed to more prizes and entertainment. Andy Tilton pulled his own lucky ticket in the 50/50 drawing, but in true OPRRA form, quickly donated his winnings to the scholarship fund. President Pat LaVecchia was present to inform members on the latest news.

Be sure to sign up for next year's golf outing for a chance to win the million or other prizes but most importantly for a fun time!
Lessons from a legal mess
By Glenn D. Waggoner
OPRRA General Counsel

Once upon a time there was a repair shop that did an engine rebuild. And things went sour from there. From court records in Cleveland, and with the proviso that the repair shop owner disputes some of the particulars, here is what transpired.

Customer has engine rebuilt. Engine began using lots of oil, and some months later — probably after the warranty on the work expired — customer brought the car back. Repair shop rebuilds engine a second time. Repair shop provided written one year or 12,000 miles guarantee on new rebuild, and the shop owner verbally promised to “take care of” any further problems that arose.

Again a few months pass and the car is back, this time with engine noises. This time the repair shop says enough is enough, and refused to do any more work on the engine.

Customer goes to small claims court, stumbles across a lawyer who has read Ohio’s consumer protection statutes, and refiles the case in municipal court where the dollar recovery limits are higher. The game is on.

A trial was held, and a judgment was issued. Here are the hard lessons that you don’t want to learn the way this repair shop did.

1. Tend To Your Business. The shop owner was sued personally, along with the owner’s corporation. The owner tried to avoid personal liability, claiming the corporation ran the business. But the owner owned the entire corporation, and did nothing to keep the corporation and its records up to date. The Court held the owner personally liable as well as the corporation, finding that the owner and not the corporate entity actually ran the show. So do you have a corporation? Use the corporate name in the business, and keep corporate records up to date.

2. Honor Your Warranties. The owner got tired of seeing this customer, and after rebuild number two, said so long rather than try to fix a new problem. The result was a damages award of $1,600 for breach of warranty. This is tripled under consumer laws to nearly $5,000.

3. Follow the Regulations. Everyone in the automotive repair business should have on hand a copy of O.A.R. 109:4-3-13, the Ohio Attorney General’s regulations on repairs. Come for a copy. These have not changed since 1978. They cover things like estimates and return of parts. The shop owner was hit for two violations, costing a total of $400 in statutory damages to the customer. One violation was not providing the customer a form disclosing the estimate rights. The other was not providing a list of repairs performed, a list of parts and so forth. The required information and disclosure should be on all of your forms. Be sure, now, compliance should be second nature in Ohio’s repair industry.

4. Register That Trade Name. The customer claimed damages because the repair shop had not registered its trade name with the Secretary of State. No relief was granted on this claim because there was no proof of harm to the customer. However, registering your business trade name is not complicated, provides some protection for your use of the name and may help fend off a customer legal claim.

So why does any but the most desperate lawyer take on a seemingly puny case like this? The winning lawyer in a consumer case can, by law, get attorney fees tacked on the damages judgment. Here, the court awarded the customer’s lawyer $7,500 for his efforts.

The grand total assessed against this repair shop for this troublesome engine rebuild was $12,763 in damages and attorney fees.

But, the repair shop had to hire — and pay for — its own attorney to fight the case. This story is sad enough, without speculating on how much higher the total tab was for the repair shop when the lawyer’s bill came.

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MEMBER BENEFITS UPDATE...

Exciting changes to C-store buying program announced
By Mike Zang
The J.F. Walker Co.

In the face of shrinking fuel margins and the growth of hyper-markets, we are pleased to announce the new OPRRA program that goes into affect Monday August 5, 2002. This program will provide OPRRA members with the improved bottom line pricing necessary in today’s highly competitive marketplace.

This program includes a 1% rebate on non-cigarette purchases, in addition to the excellent products and services that they have come to expect from the J. F Walker Company, including next day delivery, weekly sales representation, merchandising assistance and access to sales and profit building products, programs and promotions. Advertising materials are also available to further enhance this offering.

Each OPRRA member now also has on-line access to invoices, statements and purchase history via our website at www.ifwalkerco.com. Please see your J. F Walker Marketing Counselor for additional information.

All of us at the J. F Walker Company appreciate OPRRA’s past business, and we look forward to servicing your needs in the future. Please contact Lisa McCormick at the OPRRA office for additional information on the program.

---
The 75% Premium Dividend Credit is in effect for the July 1, 2002 – Dec. 31, 2002 payroll period, reflecting the first half of the 2002 rating year. For the payroll period beginning January 1, 2003, the BWC has determined that no dividend will be given.

These increased premium rates for companies making up the commercial sector and the end of dividends only highlight the importance of group rating more than ever. If your company used to be group rated with OPRRA but is not currently enrolled, please call me at 1-800-777-4283, ext. 408, to be re-evaluated for this valuable program. New companies, too, are always welcome to obtain a free experience projection and savings analysis.

The hypermarket threat lies not in their existence, but in their general marketing strategy. Unlike traditional convenience stores or gas stations, the hypermarket location treats gasoline not as the primary category, but as an additional offering to accent the products available in their main stores. While traditional retailers have relied on gasoline to generate a lion's share of their overall margin dollars, hypermarkets, at least initially, sacrifice gasoline margins to draw customers to their locations. Chris Harris, of Retail Strategies, Inc. points out "...hypermarkets... have discovered that they can boost weekly in-store sales by two to five percent. At that rate, they don’t need to worry about making a profit from fuel sales because the increased traffic alone will cover the cost of adding fuel." In a study conducted in Dallas, TX, one of the most mature hypermart markets in the United States, nearly 40% of convenience customers surveyed would switch gasoline locations for competitive edge by offering their customers a more complete shopping experience. In 2000, 1,240 hypermarket locations sold 4.4 billion gallons of gasoline or a 3.3% share of the total U. S. market. Energy Analysts International estimates that by 2005, 5,360 hypermarket locations will account for 16.1% of the market or 22.8 billion gallons. As of 2001, the Midwest region states of Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin ranked second in the nation with 291 of the 1,596 hypermarket sites.¹

We've all heard it...Joe IROC fills up then hits your clerk with "Gas is $1.50 per gallon? The station owners are really killing us..." If only they knew the whole story. Well, next time a consumer chides you for the extravagant profits you supposedly make on gasoline sales, hand them a copy of the following facts. It might help them put things in perspective:

1. Diet Snapple 16 oz, $1.29..............................$10.32 per gallon
2. Evian Water, 9 oz, $1.49............................$21.19 per gallon
3. Whiteout 7 oz, $1.39.................................$25.42 per gallon
4. Brake Fluid 12 oz, $3.15.............................$33.60 per gallon
5. Pepto Bismol, 4 oz, $3.85..............................$123.20 per gallon
6. Vick's Nyquil 6 oz, $8.35..............................$178.13 per gallon

Higher Workers' Comp rates coming

By Dave Merz, Assistant Vice President
The Frank Gates Service Company

The Ohio Bureau of Workers' Compensation (BWC) Oversight Commission recently approved new rates to take effect July 1, 2002, as shown in the accompanying table:

<table>
<thead>
<tr>
<th>Base Rate</th>
<th>2002 – July 1</th>
<th>2001 – July 1</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>#8380: Vehicle service/repair</td>
<td>$4.93</td>
<td>$4.13</td>
<td>+ 19.4%</td>
</tr>
<tr>
<td>#8006: Self-serve gas station</td>
<td>$4.07</td>
<td>$3.13</td>
<td>+ 30.0%</td>
</tr>
<tr>
<td>#8810: Clerical office</td>
<td>$4.41</td>
<td>$3.77</td>
<td>+ 10.8%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expected Loss Rate</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>#8380: Vehicle service/repair</td>
<td>$1.44</td>
<td>$1.37</td>
<td>5.1%</td>
</tr>
<tr>
<td>#8006: Self-serve gas station</td>
<td>$1.78</td>
<td>$1.73</td>
<td>2.9%</td>
</tr>
<tr>
<td>#8810: Clerical office</td>
<td>$5</td>
<td>$5</td>
<td>No</td>
</tr>
</tbody>
</table>

| Administrative cost rate              | 19.50%       | 17.27%       | + 12.9% |
|Disabled Workers Relief I             | .001 of payroll | .001 of payroll | No  |
|Disabled Workers Relief II            | .001 of base rate | .001 of base rate | No  |
|Non-Group Discount Factor             | 9.4%         | N/A          | New Factor |

While the BWC has set new base rates to result in no overall increase in collectible premiums over the 2001 fiscal year, employers in the commercial sector – including gasoline dealers – will see a 5% overall premium increase.

The administrative cost rate, charged as a percentage of each employer’s merit (experience modified) rate, covers operating costs of the BWC and Industrial Commission.

A new development is the “Non-Group Discount Factor.” All state-funded employers that are not group rated will receive a 9.4% discount.

Group rating results have not yet been released as of this writing.

Next time a customer complains about gas prices...

By Terry Daly
J.F. Walker Company, Inc.

They are all doing it. Wal-Mart, Meijers, Kmart, Giant Eagle, Kroger and others are all building gas stations in an attempt to build sales and gain a competitive edge by offering their customers a more complete shopping experience. In 2000, 1,240 hypermarket locations sold 4.4 billion gallons of gasoline or a 3.3% share of the total U. S. market. Energy Analysts International estimates that by 2005, 5,360 hypermarket locations will account for 16.1% of the market or 22.8 billion gallons. As of 2001, the Midwest region states of Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin ranked second in the nation with 291 of the 1,596 hypermarket sites.¹

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6. Vick's Nyquil 6 oz, $8.35..............................$178.13 per gallon

Continued on page 13...
The third annual Workers' Compensation University (WCU) provides a winning mixture of cost-saving programs and workplace safety strategies.

This free educational conference, sponsored by the Ohio Bureau of Worker Compensation (BWC), is designed to help employers, health-care providers and injured workers more effectively navigate the workers' compensation system. This fall, WCU returns better than ever with extended course offerings to help you and your organization achieve a greater understanding of Ohio's workers' compensation system. As an added bonus, many of the seminars offered at WCU will be submitted for contact hour continuing education units and continuing legal education.

And the best part of the equation is – WCU is free.

WCU participants can learn about:
- New: BWC's reserving system, MIRA, and how employers' claims management impacts their reserves;
- Changes in Occupational Safety and Health Administration recordkeeping requirements;
- Workplace safety resources for self-insuring employers;
- Identifying workers' compensation fraud by injured workers, employers and health-care providers;
- BWC's online business services for employers, injured workers and health-care providers;
- Reporting procedures and services provided to injured workers;
- Tips to speed up medical bill payments;
- Employers' and providers' roles in injury management.

Don't miss this opportunity to receive the most up-to-date workers' compensation information, have one-on-one meetings with BWC and Industrial Commission of Ohio representatives, and discover the latest products and services available — all in one convenient location.

Come to WCU and find the simple workers' compensation solutions you've been seeking.

Get the credit
Many of the WCU seminars offered this year are being submitted for contact hours, continuing education units and continuing legal education. Credit for Step 6 of BWC's 10-Step Business Plan also is available.

International Association of Continuing Education & Training (IACET) General Continuing Education certificates will be available.

As confirmed by the Ohio School Board Association, certificates of attendance will be provided to participants or their local professional development committee.
In addition, programs are pending review for certification maintenance for the following credentials:
- Certified case manager
- Certified disability management specialist
- Certified rehabilitation counselor

Programs also will be submitted for review for:
- Continuing medical education;
- Nurse contact hours;
- Occupational therapy contact hours;
- Physical therapy contact hours;
- Ohio Construction Industry Examining Board (Plumbing/Heating/Cooling/Construction Trades) certified coding specialists contact hours.

Programs will be submitted to the Ohio Supreme Court for review for continuing legal education.

**Necessary components**

WCU's seminars provide the formula for workplace safety success.

**General session**

Step 6 credit will be awarded to employers who attend the general session and two of the following seminars:
- Ergonomics works: Success stories from BWC's SafetyGRANTS program
- Injury management: Employer, provider strategies
- MIRA and you: BWC's new reserving system
- Occupational Safety and Health Administration recordkeeping guidelines
- Risk management
- Strategies for small businesses: Drug-Free EZ
- Transitional WorkGRANTS: A winning solution
- Watch your back: Lifting guidelines to reduce recurring back injuries
- Workers' comp dollars and sense

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For more WCU information, please complete the form and fax it to (614) 752-9021, or mail it to Ohio Bureau of Workers Compensation, P.O. Box 15277, Columbus, OH 43215-0277

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Steve Wagner – Eastern District Manager
$0.03/gallon and 78% would switch for $0.065/gallon. The bottom line impact on is that traditional gasoline retailers must survive on 0-3 cents/gallon margins and a 20-25% drop in volume. Despite these challenges, there is encouraging news. First of all, the hypermarket threat seems to be more of a short-term problem that will correct itself in 4-5 years. While the threat is no less real, it seems that it is most serious during the second and third years of hypermart entry into a new market. It is during these years that the hypermarts seem to be most aggressive with their gasoline retail pricing as they attempt to steer consumers from existing gasoline outlets to their new locations. As a market matures or reaches saturation, hypermarkets generally turn their focus from attracting customers to growing gasoline retail profits.

The other good news is that there are strategies and means to compete with the hypermarkets during those years when they threaten traditional gasoline retailers most. Initially, the efficiency of your current operation should be made a priority; you must be able to survive in the new environment of low gasoline margins and dips in overall volume. Cutting or reducing unnecessary costs is a good starting point. Secondly, focus should shift to customer service and better understanding the needs of your existing customers. This goes beyond a good cup of coffee or a friendly smile each day, however, as consumer needs and the competition change over time. New products and new services, such as a car wash or copy/fax services must be added if they will satisfy the changing needs of your customers. Happy customers are loyal customers; consumers that get what they want consistently are more likely to reward you with their business now and in the future. Staying one step ahead of the competition also pays dividends in maintaining a strong customer base.

 Consumers also seek out and appreciate value. Promotions must become a regular part of your overall marketing strategy and must be supported by advertising if it is to be maximized to its full potential. Promotions serve a dual purpose; they provide value to your customers and generate incremental sales, profits and customer loyalty. This loyalty can also be earned by providing your customers with other incentives and rewards for patronizing your retail location. Gasoline discounts, gift certificates, rewards for cumulative purchases, such as buy 10 fountain drinks and receive the next one free, and coupons redeemable at other small businesses are all examples of loyalty-enhancing programs designed to defend your customer base against hypermarts and other competition.

For better or for worse, the retail environment is changing and will continue to change. The birth and evolution of the hypermarket is only one example. Jack Welch, the former Chairman and Chief Executive Officer of General Electric warns, "If the change outside of your business is greater than the change inside your business, then you're going out of business." The entry of the hypermarket has and will continue to result in the demise of many gasoline retailers. With proper planning, ingenuity and good customer service, many more will survive the initial period of low margins and will live to compete for many years. These same retailers may even someday evolve into fuel cell stations as the industry continues to change with the times.

1 "Squeezing Profit Out of a No-Margin Market," John Eichberger pp. 4-5.
4 Eichberger, op. cit., p. 19.
5 Ibid., p. 12.
6 Ibid., pp. 20-24.
7 Gunn and Hutter, loc. cit.

Weathering the hypermarket storm...Continued from page 9

Increase shoplifters’ risk factors

Shoplifting continues to haunt many retailers and is insidiously eating away at already thin margins. According to a National Retail Security Survey, the average loss per theft incident is about $170. That means a cost to America's retailers of about $8 billion dollars every year.

Studies found that the main reason people shoplift is because it’s quite easy and there’s a small risk of getting caught. But there are some good strategies to make things a little harder on the crooks. Plus, many theft insurance policies will give discounts when these strategies are implemented. The basic strategies include:

- Using electronic tags that cannot be removed.
- Keeping expensive items inside locked cases.
- Adding video surveillance.
- Having only one entrance and exit to your customer areas.

Research further showed that video cameras are the most effective measure to deter shoplifting. Videotape also allows a storeowner to fully investigate prior incidents, offering crucial information that can help prevent future thefts.
Robert Barbero had a reputation for being able to develop unique insurance programs and make them work. After much research and development, the USTI (Underground Storage Tank Insurance) program was offered to Ohio tank owners. Since that time, USTI has been a quick, easy and inexpensive solution to help owners comply with state regulations.

“It has been a struggle to educate tank owners,” Barbero said. “It has been a cloudy issue for years.”

There are approximately 33,000 registered tanks and 8,000 registered owners in Ohio and USTI offers a variety of coverages to make it easier to comply with regulations. Blumenthal is still an active member and legal component of USTI, offering 30-minute consultations for owners, as well as being an excellent resource for the numerous issues that arise when buying and selling properties that have underground storage tanks on them. His partner in the firm, David Waxman, specializes in environmental real estate issues. So what are the regulations that USTI specializes in?

Although a complicated set of rules, it comes down to this. Federal regulations require that tank owners must have one million dollars worth of environmental coverage. The State of Ohio has drafted their regulations to comply with the Federal regulations. Ohio then imposes a deductible of either $11,000 or $55,000. After the deductible is satisfied, the Ohio PUSTR (Petroleum Underground Storage Tank Regulations) fund pays up to $1,000,000 per release and cleanup.

Any tank owner can opt for the $55,000 deductible, but if you have six or fewer tanks, you can pay slightly more and get an $11,000 deductible. Both OPRRA and USTI recommend the lower deductible when possible. It will also make the cost of UST insurance or bonding cheaper. USTI’s program is designed to pay the deductible from dollar one or provide a surety bond guaranteeing that the tank owner will pay the deductible, thus allowing the PUSTR fund to pay the balance up to $1,000,000.

The tank owner must keep documents on site proving their ability to meet these requirements. BUSTR (Bureau of Underground Storage Tank Regulations) will immediately recognize the USTI paperwork and the tank owner will be acknowledged as having met their financial responsibilities for the deductibles.

USTI has worked with BUSTR, an organization within the State Marshal’s office in the Ohio Department of Commerce. BUSTR’s goal is to enforce the compliance of regulations to protect the surrounding health of citizens and the environment from harmful leaks. USTI assists in this cause by providing the correct products to enable tank owners to meet their responsibilities.

“Most of our new clients are owners who have been inspected by BUSTR and were unable to meet the requirements,” Barbero said. “Our goal is to help the tank owners and to market our product.”

There are many misconceptions amongst tank owners as a result of ignorance and misunderstanding, according to Barbero. One common fallacy is to claim to be self-insured. By doing this, owners avoid paying additional funds, but in the long run, they can pay much more. If BUSTR discovers that the owner is not in compliance, they can be fined up to $10,000 a day and have their business shut down. In the event of a release, they could also be denied coverage by the PUSTR fund total into which they have been paying.

Self-insurance, meant only for very large companies with underground storage tanks, is only one of the five ways out there. Sure bonds, trust funds and letters of credit are also modes of compliance, however, none are as effective as in insurance through USTI. USTI provides owners with these funds at no cost and does not ask for reimbursement like other companies. They have a “ze out of pocket” once a policy is purchased. Trust funds and letters of credit from banks require the tank owner to tie up funds or credit for years on end, and still require the payment of the deductible in the event of a loss. The funds that are being held can only be accessed by the State in case the tank owner does not pay the deductible. Why tie up your money?

“We’re an Ohio based company that is very accessible and easy to deal with,” Barbero said. “One call will allow us to help considerably with financial situations.”

Barbero has helped OPRRA board members with insurance issues in the past. While helping those people and knowing other OPRRA members it was suggested that USTI become associated with OPRRA. The services of USTI could be of great help to many OPRRA members. “We’re no the IRS, we’re here to help,” Barbero said. “It’s a quick, easy, and inexpensive way to help make sure the environment is protected and tank owners meet their financial responsibility.”

Call them at 1-800-558-8784 (USTI). You will not be disappointed. You can change your method of financial responsibility anytime, but you can only change the amount during your renewal with the State of Ohio in July.
OPRRA is asking all of its members to become a little bit greedy. We want you to keep more of your money. And we’re even going to tell you how to do it. It’s EASY! Simply get on board with the many terrific programs and benefits your Association offers. For example:

- **ATM Program** — Special OPRRA bonus and pricing
- **Beverage Supply** (for Cleveland area dealers) — Special OPRRA pricing
- **Convenience Supply Program** — Special OPRRA pricing, new customer discounts, and monthly rebates available
- **Environmental Site Assessment Program** — Special OPRRA pricing
- **Financing Program** — 100% financing for site upgrades and equipment acquisition
- **Health Insurance** — affordable health insurance
- **Legal Services** — legal advice from OPRRA attorneys
- **State Government Affairs Program** — OPRRA’s representatives work to represent our member’s behalf at the Statehouse
- **Pre-Paid Phone Card Program** — Special OPRRA pricing available
- **Safety Program** — OPRRA discount for compliance services
- **Anthony E. Procaccini, Jr. Memorial Scholarship** — Two scholarships awarded each year for $1,000 each.
- **Charles L. Binsted Memorial Scholarship Fund** — SSDA-AT awards two scholarships for $2,000 each.
- **UST Trust Fund** — Pooled trust for $11,000 UST deductible offers annual dividends at the current prime interest rates
- **Worker’s Compensation Group Rating Program** — Group discounts offered to OPRRA members
- **Car Wash Benefit** — Special OPRRA pricing available
- **Customer Financing Program** — Allows your business to offer a customer financing option at no cost to your company.

For more information or if you have any suggestions or comments on these programs, please contact the approved supplier or the OPRRA office. Sign on now for savings!
10 taboo topics on job applications

In today's sue-happy environment, use extra caution when designing your company's job application. 10 topics to avoid include:

- Age
- Birthplace
- Child care plans
- Emergency contacts
- Garnishment history
- Marital status/maiden name
- Military discharge status
- Number of children
- Pregnancy intentions
- Transportation plans

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Very competitive monthly rates
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- Final sold plan rates good for 12 months

Managed care plan available in all countries
- Point of Service plans
- Preferred Provider Organization plans

Additional plan features offered
- Strong drug card and mail order plan
- Oral contraceptives are covered

Proven, dependable performance
- Ohio's largest health insurer
- Covers more than 4 million people
- More than 21,000 small businesses insured

Financial strength and stability
- Rated "Excellent" by A.M. Best
- $1.8 billion in policyholder reserves

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Mark your calendar to attend the
2002 Frank Gates Ohio State Fund Workers' Compensation Seminars

The Frank Gates Service Company is proud to announce our 2002 Ohio State Fund workers’ compensation seminar series. As part of our commitment to outstanding client service, these seminars are provided to keep you informed of the latest in the workers' compensation industry.

This year, our seminars will discuss safety in the workplace, keys to success at your workers' compensation hearing, and a review of the "building blocks" that go into your bottom line workers' compensation premium expense.

See a complete schedule of events on page 18.

Registration

- A $30.00 fee will include continental breakfast, all topics, a take-home manual and refreshment breaks.
- We request that you register no later than 7 days prior to your seminar.
- Cancellations prior to July 29, 2002 will result in a full refund.
- Cancellations after July 29, 2002 or no-shows will not be eligible for a refund. A seminar manual will be mailed in these circumstances.
- Continuing Education credit is available for accounting, nursing and construction.
- Certificates of Attendance will be mailed after the completion of the seminars.

Need Help? Contact the Seminar Coordinator at 1 (800) 395-4119.

Check your workshop(s) of choice:

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  Northwest Center

☐ Dayton/Cincinnati .............. August 8
  Mandalay
  Banquet Center

☐ Toledo................................. August 14
  Holiday Inn
  French Quarter

☐ Cleveland............................. August 15
  Holiday Inn
  Select Strongsville

☐ Canton.................................. August 16
  Holiday Inn
  Belden Village

Are you a current Frank Gates client? Yes  No
The Frank Gates Service Company
2002 Seminar Schedule

8:00 - 8:30 a.m. Registration and Continental Breakfast
8:30 - 8:35 a.m. Welcome & Introduction
8:35 - 9:35 a.m.* Safety – Opening the Door to a Better Workplace
             Aid in designing and improving accident investigation procedures. Identify the root causes of accidents and the importance of accurately reporting information.
9:45 - 10:45 a.m.* Keys to Success at Your Workers' Compensation Hearing
                    Discuss investigation, documentation, file preparation and other keys to success at the “Hearing Table.”
10:55 - 11:55 a.m. The Bottom Line – Your Premium
                    Review the “Building Blocks” of your workers’ compensation bottom line expense. Hear the latest update on BWC programs, premium rates and discounts.
11:55 a.m. - 12:15 p.m. Questions & Answers/Adjournment
* A 10-minute break will follow this session

The Bureau of Workers’ Compensation allowed your organization to receive four (4) hours towards your safety requirements for these seminars for the July 1, 2002 Rating Year. It is necessary for your organization to support these seminars. Please note that anyone, including prospective members, is invited to attend these workshops.

We will do our best to accommodate all who are interested in attending. One person from your organization is invited to attend free of charge. If you have any questions in the meantime, please contact your Frank Gates Account Executive.

We look forward to seeing you there! For more information you may also contact Lisa McCormick at the OPRRA office.

Frank Gates
HIGHER GROUND
The MEGA Show

By Roy Littlefield
SSDA-AT Executive Vice President

It's that time of year again! We hope that you are all making plans to be with us September 26-28, 2002 at the Ocean City Convention and Mega Trade Show.

I would like to extend special thanks to SSDA-AT President Bob Howard, WMDA President and SSDA-AT Convention Committee Chairman Michael Ingle, WMDA Convention Committee Chairman Billy Hillmuth, incoming WMDA President Paul Fiore, MAPDA President Pete Horrigan, and members of the SSDA-AT, WMDA and MAPDA Convention Committees for their hard work in developing the convention program and schedule.

The 2002 Ocean City Convention and Mega Trade Show is expected to be the biggest and most diversified in association history.

Joining SSDA-AT and WMDA in Ocean City will be the Mid-Atlantic Petroleum Distributors' Association, the Mid-Atlantic Carwash Association and the soon to be merged international Tire and Rubber Association/Tire Association of North America.

For the second time, the SSDA-AT is holding its annual convention in conjunction with WMDA. SSDA-AT met with WMDA a decade ago in Richmond.

On July 1, ITRA and TANA, the nation's two largest tire dealer associations will merge. SSDA-AT has held its last four national conventions in conjunction with ITRA's annual convention and trade show. The new association has agreed to hold one of its two regional meetings in conjunction with the Ocean City event. They will hold two scrap tire symposiums, two technical seminars, and a Town Hall meeting on automotive aftermarket recycling. All attendees will be able to participate in these events.

The convention will feature C-store and automotive repair seminars, legal seminars, a legislative workshop, and profitability seminars. The Golf Tournament will be held at the Ocean City Beach Club on Thursday, September 26.

Family entertainment includes a welcome reception at "Mellow Beach," oil company hospitality suites and a theme party. There will also be an historical and antique shopping tour to Snow Hill for spouses on September 27.

Maryland Comptroller William Donald Schafer will deliver the keynote address at the September 28 Awards Ceremony. A former two-term governor of Maryland, Comptroller Schafer was instrumental in the passage and implementation of Maryland's predatory pricing bill. He also played a crucial role in carrying out the recommendations of the Governor's Task Force on Zone Pricing. "Comptroller Schafer is taking on two of the industry's greatest concerns," noted Mike Ingle, "This should be an important speech that every member should hear."

Booth sales for the 2002 Mega Trade Show are well ahead of the record 2001 show. "With the increased participation this year," noted Billy Hillmuth, "we hope to have a record show."

SSDA-AT and WMDA's main hotel will be the Princess Royale, and we will be using the Princess Bayside and the Holiday Inn.

Our trade show will be open on Friday, September 27. We will be in the beautiful new Ocean City Convention Center.

In numerous national surveys, members of trade associations assert that attending a good industry trade show is their top membership benefit. Most small business owners do not go to a convention for a vacation. They attend because they view it as an important investment in their business.

Because of the size of our trade show, you are encouraged to plan your visit. There are certain groups of exhibitors you should make the time to visit.

Visit your current supplier... even though you know their products and resources. At a trade show you may have a chance to visit the company's senior executives and technical support people. On the show floor you can discuss pricing, service, and other product developments.

Visit the competitors of your suppliers... if for no other reason than to reassure yourself that you are dealing with the right people and the right company. A trade show allows you the opportunity of comparing alternate sources without challenging or upsetting relationships.

Visit potential suppliers... those companies you may consider doing business with in the future. As your business changes, you may seek new opportunities with new suppliers. If you have plans for expansion or modernization, you should be investigating a number of areas.

Visit all other exhibitors... make unexpected discoveries on the show floor!

This has all the makings of a phenomenal convention - a large trade show in a beautiful facility, extensive oil company, jobber, and supplier involvement, a wide range of seminars and educational opportunities, and a fun-filled family program - all in Ocean City. The last ingredient to make this our best convention ever is you. Make plans to be in Ocean City September 26-28, 2002. For more information and registration, contact SSDA-AT at (301) 577-4956 or check out the SSDA-AT Web Site at www.ssda-at.org.
Tire pressure monitors to be mandatory

Following months of debate, the National Highway Traffic Safety Administration has announced that automakers must begin in November 2003 to install monitors to worn drivers if their tires are under-inflated.

Department of Transportation studies suggest that 27 percent of cars and 33 percent of sport utilities, vans, and pickup trucks on the road have at least one severely under-inflated tire.

Siding with automakers, NHTSA will phase in the requirement and will issue a final rule for cars and trucks built after November 1, 2006. Car manufacturers will be required to install the direct monitor systems in 10 percent of their vehicles the first year, 35 percent in the second year, and 65 percent in the third year.

The direct monitor system alerts drivers when pressure drops 25 percent or more below the recommended level. Sensors are located in each wheel to measure the pressure in each tire. Indirect technology works with a vehicle's antilock braking system and measures the rotational speed of each wheel. If one tire is moving faster than the other three tires, the system warns that one tire is under-inflated (but does not note which tire). The indirect system warns the driver when pressure drops 30 percent or more.

The Rubber Manufacturers Association opposed the NHTSA ruling, noting that the standards are not suitable for all cars and trucks and could give drivers a false sense of security.

Keeping workers safe outside the facility

By Howard Cherry, CECM
Environmental Services of Ohio

If you're like most employees, you're on guard against hazards from the time workers step on company property until they go home. But that can change when it rains, snows, or when ice forms on the roads. REASON: Workers have won cases against employers for injuries suffered in auto accidents, even when the accident took place on the person's drive to or from work, or while running errands.

That's because many comp courts claim any activity necessary for work can be considered work-related. Plus, according to the Department of Transportation, during winter, the risks for auto accidents and injuries are 10 times greater.

Now is a good time to give workers some tips for safer traveling — whether they drive as part of their job or just to get to work. The following are a few traveling safety tips:

- Check regularly that tires are properly inflated
- Use non-streak windshield wipers and wiper fluid that doesn't freeze
- Get brakes checked out
- Last, but not least, drive at gal speeds and leave a prop cushion when following other vehicles.

SAFETY FACTS

In safety incidents where stress was a factor, workers reported:

6% No feelings of stress or overwork
94% Feelings of stress and overwork

According to Families and Work Institute, stressed-out workers are more likely to lose focus and skip safety steps. That's why it's a good idea to alert supervisors to the warning signs of stress, such as short tempers, fatigue or carelessness.

EMPLOYEE TRAINING REMINDER

If your employees haven't been trained and/or you can't show documentation, you could be facing an OSHA fine. Call us for all your employee training needs.

Preventing back injuries

By Howard Cherry, CECM
Environmental Services of Ohio

Back injuries are the number-one on-the-job injury, ranking second only to the common cold in terms of lost time from work. Back injuries result in terrible pain, limit workers' activities at home and on the job. Some back injuries occur in an instant, while others are the product of years of cumulative damage. For these reasons, the single most important thing you can do to safeguard your back is to learn how to protect your back.

The biggest mistake you can make is to jump right in and start lifting. Before you even reach for an object you should take a moment to size up the load. Test it. If the object seems too heavy or bulky, consider one of these lifting options:

- Ask a co-worker for help.
- Break the load down into smaller, more manageable parts
- Get a dolly, hand truck, or some other mechanical aid that is specially designed to make lifting easier.

Continued on page 22.
Preventing back injuries

Continued from page 20

Ultimately, only you can prevent a back injury, and the number-one way to do that is to master the art of safe lifting. Improper lifting accounts for half of all back injuries, so it's important to learn to lift the right way. Keep practicing the following steps until you can perform them automatically:

• Stand close to the load with your feet apart.
• Squat down, bending at the hips and knees.
• Arch your lower back inward, pulling your shoulders back and sticking your chest out.
• Initiate the lift from below the object rather than from above it.
• Lift with your arms and legs, not your back.
• Set the load down the same way that you picked it up - by squatting and bending at the hips and knees, keeping your lower back arched inward.

One study found that adding handles to boxes has the same effect of lightening the load carried by 10 pounds. Employees should remain persistent by evaluating and reevaluating jobs that put workers at risk for back injuries. Please call our office at (800) 798-2594 if you have any questions on back injury prevention.

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Change pay package to keep staff

Statistics show that companies suffer the highest turnover rate among their hourly employees. Part of the problem may be due to compensation plans that don't match these workers' needs in today's market. Here's some tips to retain your hourly staff:

Give small pay raises more often. A year is too long for lower-wage workers to wait. Offer every level of skill growth by giving small raises when appropriate.

Turn workers into recruiters. Pay a small amount to a worker who refers a candidate who's hired and follow up with another small reward if the new hire stays on.

Offer incentive for mentors. Try spot cash rewards, merchandise or other gifts to honor hourly employees who take a new employee under their wing. Your company will benefit from staff veterans helping to orient, train and explain work processes and policies at your firm.
Removing RBCA roadblocks

By James R. Rocco, Chairman
PUBSTRCB

Welcome the opportunity to address PPRA and its membership and I want to thank the membership for their support and continued participation in activities to help clarify issues and policies that benefit the operations of the Fund.

During the past 12 months, the board has continued to strive for a less complicated and more cost effective reimbursement and corrective action process. As I reported in last year's article, a major focus of the Board was to encourage tank owners to take advantage of the cost effective and time saving benefits of PUBSTR's new risk-based corrective action (RBCA) rule by moving sites conducting corrective action under the old PUBSTR corrective action rule to the new corrective action rule. We anticipated that with the use of the new corrective action rule, sites not only could be closed faster but also at a significant reduction in corrective action costs to owners and the Fund. This anticipated cost reduction was incorporated into our financial projections. Before discussing the steps taken to address this issue, I would like to give you some current financial statistics that drive our financial management decisions.

Through the 2001 calendar year the Board has reimbursed a total of $115.6 million. During this same period, the Board has collected $107.2 million in tank fees and has issued $65 million in revenue bonds. In the past, I have discussed the bond issuance as a means to minimize tank fee increases while making funds available during an anticipated peak reimbursement period following the completion of UST upgrades to meet the 1998 federal and state performance requirements. As you can see, we are in that peak period and have begun to use the bond revenue to reimburse the costs of corrective action.

A critical component of the bond issuance was the future reimbursement cost projections. These projections assumed that: 1) the tank fees would be sufficient to pay off the bonds and fund future reimbursements, 2) claims and reimbursements would decrease within five years after the UST upgrades were complete, 3) fewer releases would occur once the 1998 performance requirements for tanks and piping were in place, and 4) the implementation of a risk-based corrective action rule would reduce the cost of corrective action and shorten the time until a no further action determination was achieved.

The bond debt is now a substantial portion of our annual expenses and must be paid before any claim reimbursements can be made. Our annual income from tank fees and interest is approximately $13 million. This annual income is based on the number of USTs in operation during any given year and is not expected to change significantly without future increases in annual tank fees or a substantial reduction in the UST population. Annual expenses include approximately $6.0 million for retirement of the bond debt and $1.2 million for the operating expense of the Fund. This leaves approximately $5.8 million from annual tank fees and interest earnings for reimbursement.

The Board currently has in house approximately 634 claims representing a maximum liability of $26.7 million. Of this total we are estimating that approximately $20.0 million is reimbursable. Tank owners have told us through the cost estimate survey that they expect to spend approximately $28.0 million in this fiscal year that ends June 30, 2002. While we have a large number of claims in-house, this was not totally unexpected. However, we had anticipated claims submissions to begin to reduce by this time, but we continue to receive an average of 65 claims per month based on the last six months of 2001. Currently, based on the sites that have received eligibilities and our current claims experience, we are estimating that approximately $41 million of reimbursable claims have yet to be submitted.

The Board has budgeted $31 million for claims expense for the remainder of this year and the next three years combined. The chart below shows the actual annual income and expense for the prior three fiscal years, the current fiscal year, and the estimated income and expense over the next four years. As you can see, claims reimbursement will use a substantial portion of the bond revenues over the next three years.

The good news is that eligibility applications for the last six months of 2001 had decreased to an average of only three per month and PUBSTR reports that suspected release calls have also decreased dramatically. Fewer eligibility applications obviously mean fewer claim applications in the future.

So where do we go from here? Of course the best approach to control the costs of corrective action and cost effectively use the money that we have is to prevent leaks. PUBSTR reports that their compliance inspections show that owners are in compliance with the new performance requirements but that many are not in compliance with operational requirements such as release detection. This is not unique to Ohio and has been reported nationwide. I will discuss our efforts in this area later in the article.

After last year's cost estimate survey, the data indicated that very few owners were taking advantage of PUBSTR's new corrective action rule. This raised the question of why owners and their consultants were not moving to the new rule. In response, the Board and PUBSTR held a workshop last April where several tank owners were in attendance along with consultants that do a lot of business with the Board and PUBSTR. The goal of the workshop was to learn if there were roadblocks, either real or perceived, that would hinder a move to the new rule and to identify exactly what those roadblocks were and how to minimize them. The workshop led to three seminars that were held last fall to address the concerns raised at the workshop. The results of

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Removing RBCA roadblocks

Continued from page 23

In addition BUSTR created a CD-ROM that contains the TGM, spreadsheets, rules, checklists and forms. Both the TGM and the CD are available by contacting BUSTR. The TGM and the spreadsheets are also available on BUSTR's web site at https://www.com.state.oh.us/odoc/sfm/BUSTR. The TGM and the spreadsheet offer both the guidance and consistency that was identified at the April workshop.

Another concern for owners and consultants in moving to the new rule was the issue of new chemicals of concern (CCCs), especially MTBE. Under the old rule it was not a requirement to sample for MTBE but under the new rule, you must sample for MTBE. Many owners performing corrective action under the old rule have been hesitant to move to the new rule because of a fear of dealing with MTBE. However, if MTBE has been identified at your site or you don't address it as part of the current corrective action, it could be considered a new release and present significant issues for a current or former UST owner in the future.

BUSTR and the Board met several times to develop a policy concerning when the discovery of MTBE would be considered a new release and when it would be considered part of the old release. The resulting BUSTR policy is that if an owner performing corrective action under the old rule discovers MTBE and there is not a high degree of certainty that there has been a new release, then the owner can move to the new rule and there will not be a new release assigned. If BUSTR does not assign a new release, then the Fund will not require a new deductible. However, if the owner elects to stay in the old rule, BUSTR will then classify the discovery of MTBE as a new release and the Fund will require a new eligibility application and a new deductible amount will be applied. Stated simply: old release, old deductible... new release, new deductible... new release.

In those instances where a release of MTBE has been reported to BUSTR at sites with operating tanks where corrective action was completed under the old corrective action rules, a new release is likely to be assigned. Pursuant to the Board's rules, coverage from the Fund will only be granted if the discovery of chemicals of concern resulted from the original eligible release but were not reasonably discovered prior to the issuance of the NFA. However, if there is any doubt whatsoever whether it is part of an old release or a new release, apply for eligibility to protect your reimbursement rights.

An item addressed is of particular concern to the Board is preapproved remedial action plans (RAP) that are now exceeding the cost estimate and completion schedule. In many cases, little to no progress has been made to reach closure and future costs beyond the original estimates are likely. Cost estimates and schedules for RAPs require approval from the Board prior to implementation in order for an owner to receive any reimbursement. Reimbursement is only provided for eligible costs up to the approved amount. Once claims have been submitted exceeding the approved cost estimate, additional reimbursements will not be processed until pre-approval for the additional expenses are approved by the Board.

The Board's staff has begun identifying sites where RAP claims have exceeded or are likely to exceed the pre-approval amount or the estimated completion date. For these sites, the Board is issuing letters to owners indicating that they must submit revised cost estimates and completion dates for pre-approval along with a brief progress summary for achieving acceptable action levels. Further reimbursement of RAF implementation costs is being held pending a response to the letter. The owner has a number of options including a modification to the existing RAP, the selection of another remedial alternative and the submission of a new RAP, or moving to the new corrective action rule and re-evaluating the site. Keep in mind...
that any revisions to a RAP or a move to the new corrective action rule require a submission to BUSTR and to the Board.

The Board believes that many of the sites where a RAP has been implemented may benefit by moving into the new corrective action rule. While there may be additional up-front costs to meet the requirements of the new rule, the new rule provides the opportunity to achieve a no further action determination by BUSTR based on the current status of a site or with a modified RAP that can result in significant cost and timesavings. The Board has seen examples of old rule RAPs moving to the new rule, performing minimal corrective actions and receiving a no further action determination. I strongly encourage owners and their consultants to consider this option.

Another topic of discussion was interim response actions (IRAs) versus remedial action plans under the new corrective action rule. IRAs are a short term limited action designed to reduce the migration of chemicals of concern that generally involve a limited source removal; short-term actions to reduce concentrations of chemicals of concern in the source area; or actions to eliminate an exposure pathway. IRA's must be pre-approved by both BUSTR and the Board if the IRA is greater than three months in duration or more than 800 cubic yards of soil is to be removed or more than one IRA per Tier evaluation is to be conducted. The Board has seen many appropriate applications of IRAs, however, there have been a number of cases where actions are proposed under the guise of an IRA that should have been addressed in a RAP. Both BUSTR and the Board have denied the latter pre-approval. An IRA is not a substitute for a RAP and can be a less cost effective approach where longer-term remedial action is more appropriate.

In general, I believe that the workshop and seminars and the resulting documents answered many of the questions and concerns of owners, their consultants, BUSTR and the Board regarding the advantages of moving from the old rule to the new rule. In most instances, I believe that owners currently performing corrective action under the old rule will save both themselves and the Board time and costs by moving to the new rule.

While more cost effective and efficient approaches to corrective action are encouraged, an ounce of prevention is worth a pound of cure. In that regard, the Board's communication strategy has been and will continue to be the prevention of releases. Most of the articles in our "UST Pipeline" have focused on operational compliance and what owners should do to prevent leaks. In November, we began a series of operational compliance "Tips" presented by "Frank the Tank". We targeted the small owner for this series; however we offered all owners the chance to be included in the periodic "Tips". If you have not yet received Frank, contact the Board today. I think it provides a good training tool and a fun way for employers to keep your facilities in operational compliance.

Remember, release detection is not only a regulatory requirement, it is smart business and compliance with UST regulations is a prerequisite to obtaining Fund coverage and claim reimbursement. BUSTR reports that the most frequent Notice of Violations (NOV) issued by their inspectors is for failure to conduct proper leak detection for piping. These include failure to annually test the operation of the piping leak detector and failure to conduct an annual line tightness test or monthly monitoring for pressure piping. Concurrently, the most cited reason for a release on recent eligibility applications has been a leak from a flex hose both at the dispenser and the submersible sump. It is probably a good idea to alert those who are in charge of your leak detection inspections to check in this area.

I hope the information in this article is helpful. If you have any questions feel free to contact the Board. Have a great year!
The following programs and incentives have been negotiated for you as an OPRRA member. Before you consider purchasing or signing a contract for services, please check this ready reference to see if one has already been negotiated on your behalf. OPRRA continues to establish new programs throughout the year, so be sure to contact the office staff to see if any other programs are available other than those listed below. Programs listed alphabetically.

All program information sheets are available from the OPRRA office or by calling the individual companies directly. You can reach the office at (614) 337-9702 or toll-free (888) 804-9808.

Please refer to each program for names and numbers to contact the companies directly.

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<th>PROGRAM</th>
<th>COMPANY</th>
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<tr>
<td>ATM Program</td>
<td>ATM Management</td>
<td>Bud Phillips</td>
<td>800/286-1828</td>
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<td>WRG Services Inc.</td>
<td>Steve Farley</td>
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<td>Beverage Supply</td>
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<td>Kevin Burthold</td>
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<td>Mike Zang</td>
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<td>Customer Financing</td>
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<td>Marlo Slate</td>
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<td>Flynn Environmental</td>
<td>K.C. Flynn</td>
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<td>Pat Theobald</td>
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<td>Jim Irwin</td>
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<td>Maurice Helou</td>
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<td>Luke Wehrman</td>
<td>913/762-4229</td>
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<td>Environmental Services of Ohio</td>
<td>Howard Cherry</td>
<td>800/798-2594</td>
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<td>OPRRA</td>
<td>Lisa McCormick</td>
<td>888/804-9808</td>
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<td>Morgan Stanley Dean Witter</td>
<td>Joe Murray</td>
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<td>800/659-0660</td>
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<td>Workers Comp. Group Plan</td>
<td>Frank Gates Service Co.</td>
<td>Dave Merz</td>
<td>800/777-4283</td>
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Programs and incentives available as an OPRRA member only.
All participants must be in good-standing with the association to receive incentive plans.
Programs listed are those in effect at time of publication and are subject to change.
MEMBERSHIP APPLICATION

As a member of OPRRA, I/we pledge to maintain loyalty, and aggressively pursue the Association objectives; hold inviolate the confidential relationships between the individual members of my Association and myself, and the confidential information entrusted to me through the Association office. I agree toexercise and insist on second business principles in the conduct of affairs, and agree to abide by the bylaws of the Association. It is my understanding that as evidence of my membership in the Association, I will be furnished with a display emblem of the Association. The emblem shall at all times remain property of the Association and may be displayed during the entire time of my membership. I agree that its emblem will be used for no other purpose or by any other than the one described in this application. I agree, upon termination of my membership, to remove the Association’s emblem from public display. The Association reserves the right to cancel membership for just cause.

APPLICATION FOR BOARD APPROVAL

Please check which membership you are applying for. If you are signing up branch locations, please indicate how many, and attach a separate sheet to this application form, listing the location(s) information.

- Garage/Station
  - $420.00 annually
- Associate Member
  - $295.00 annually
- Branch or additional location receiving monthly information
  - $210.00 annually
- Branch or additional location NOT receiving monthly information
  - $100.00 annually

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Remit application to:
OPRRA Membership
947 E. Johnstown Road, #146
Gahanna, OH 43230
FREE OPRRA MEMBER

Classified Ads

PARTING OUT!
- Bellanger Cloth Wash, McNeil Conveyor - new. 40-foot chain. All or Part
- Snap On Scanner - updated to 1997 $1,000
- Motor-Vac Injector Cleaner - metal cabinet. American and foreign adaptors. $1,500
  Contact Jerry Gorczyca, 440-888-8087

USED GAS STATION EQUIPMENT FOR SALE
1 - 1998 EECO 1500 Series Tank Monitor with 3 Probes $2,500
1 - Transac 12 Console $300
6 - Gilbarco Highliner 2 Hose Dispensers. $200 each or all 6 for $1,000
Misc. C-Store shelving, over $2,000 value, all for $500 (will sell separately).
  Lighted price sign with numbers $250
  Single Cup Price Changer $25 • Double Bug Buckets $20 each
CONTACT: JIM OR GARY, 419-358-9340
Kirtland's Auto Repair

GAS STATION FOR RENT/LEASE
Great location in Cuyahoga Falls, Ohio. This two-bay station has room for a convenience store
if desired. Location features good customer base. Current tenants want to retire. This is a
great opportunity for the right person! Contact Steve at 330-926-1050.

HEATED BOAT/CAR STORAGE
Safe, modern, convenient. Reserve your space now! Close to Lake Erie in Vermilion, Ohio.
Contact Jim Lucas at 216-521-3017.

DOUBLE DECKER ENGLISH BUS
In good operating condition. Once used to work the streets of London, England. $18,000 and
you're in business. Contact Roger Welch at 419-749-2038, 419-238-2880.

LOOKING TO BUY USED EQUIPMENT
New Exxon station owner seeks wheel balancer, old R-12 equipment, commercial battery charger,
spring compression equipment, any tools, sanders, pneumatic equipment for tire changing, etc.
Also seeking new diagnostic equipment. Contact Dave at (304) 525-2818 or e-mail: dcarkin21356@aol.com.

ENVIRONMENTAL SITI
ASSESSMENTS
for 20% less than the
lowest price you can find!
Call Flynn Environmental at
(800) 690-9409
or K.C. at (330) 808-1400

To Place Your Free* Ad:
1. Type or clearly write a brief description of your sale items.
2. Include your phone number including area code and contact name.
3. Fax or mail your ad to:
OPRRA Classifieds
947 E. Johnstown Road, #146
Gahanna, Ohio 43230
Fax: 888/549-9819
* Ad will run a minimum of three issues unless you fax a cancellation notice to the above number.
Ohio Petroleum Retailers & Repair Association
1998 CANDIDATE FORM

If you would like to submit your name as a candidate for the OPRRA Board of Directors, please complete the form below and return to the OPRRA office. Further information will be forwarded to you regarding this important position.

OHIO PETROLEUM RETAILERS & REPAIR ASSOCIATION
17 S. High Street, Suite 200
Columbus, OH 43215

Name: _____________________________ Business Name: ______________________

Address: ________________________________________________________________

Phone: ( ) ______________________ Fax ( ) ____________

Number of years in business: _________

How many locations do you operate: _________

Why do you wish to become a member of the OPRRA Board of Directors?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Please check the following committees that interest you:

___ Government Relations
___ Scholarship
___ PAC
___ Buying Group
___ Insurance
___ Finance
___ Workers’ Comp
___ Nominating
___ Membership

Remember, We Do Better... Together
BP, Amoco dealers face uncertainty

Continued from page 3

that vision? Many don't think so. At the very least I'd like to see just one person from either oil company say they are concerned about the merger's effect on dealers, and say that they are going to try their best not to displace any dealers and run them out of their communities.

The Independent Dealer gave BP the chance to say just that. They declined.

We are waiting for the merger to be completed, said Linda McCrea, BP's director of public affairs. "As of now, we are still two separate companies. There simply is no information yet.

Tony Noto, BP's manager of midwest dealer operations, also declined to answer any questions stating that he was not permitted to comment yet on the merger or on any impact—real or potential—on dealers.

"Let's face it. Everyone at BP is worried about their jobs. The person they're least worried about right now is the dealer. If I could say anything to the oil companies, I would wish them well in their merger, but ask them simply not to destroy anyone along the way,' says Licata. He emphasizes, "We will be on front lines in trying to help dealers affected by this merger.

Pat LaVecchia, owner of Pat's Sunoco in Rocky River and OPRRA vice president, says, "It's intolerable that some dealers could lose their locations. I think the citizens of Ohio and their leaders will work with us to make sure the independent small business owners in their communities are not irrepairably damaged by the station closings. This merger is bound to give birth to -

Re-Imaging, Competition Worries

For some dealers whose contracts will be renewed with the new company, re-imaging is a concern. For small service station owners, the brand turnover expense will be tough to swallow, and many are disillusioned that they were not notified sooner. The cosmetic changes that will accompany the merger could not have come at a worse time. To meet new EPA regulations, many independent dealers have just completed extensive renovations to their UST's —downtime many dealers also used to complete expensive cosmetic upgrades. BP and Amoco dealers will most likely have to upgrade again. One dealer, who asked not to be named, said, "They knew a merger might happen, and they let me spend thousands of dollars re-designing my facility. I wish they'd have told me to hold off on that project.

Though the companies have not yet addressed the issue of re-imaging costs, Terry Mulgrew, recalling the switch from Sohio to BP says, "What past history can be used as a guide, dealers will eventually be spending their own money on this.

OPRRA president Dave Freitag, owner of Freitag's BP in Bellevue is one of those independent dealers who just completed an extensive remodeling of his location. Including interior and exterior design, new pumps and a new canopy, all extensively bearing BP green and yellow. "I spent a small fortune last year rebuilding my station. So naturally I'm concerned about who will bear the cost of a changeover from the BP name to the new name. It's going to be very, very expensive. I wish I'd have known they were considering a merger. I may not have put so much money into my remodeling.

Jerry Pastor, though, is optimistic. "Amoco paid for the signs I have now," he says. "So I think a new supplier would do the same, and I think I can get a new supplier pretty easily. I think the biggest adjustment will be credit cards.

Cleveland Mayor Mike White said of the merger, "They gave us assurances, and they've broken their word. I join with many other community leaders in feeling betrayed by (BP's) announcement."

We're all a little disheartened, said another Cleveland area independent dealer, who asked not to be identified, reflecting on the mayor's statement. "We trusted BP, and then they surprised us with this. If they could be untruthful with someone with the mayor's political clout, what's to stop them from being untruthful with a small business owner like me?"

Other dealers have been able to shrug off BP's tight-lipped stance. Lessee dealer John Procaccini, of Procaccini BP in North Olmsted and Parma says, "I suspected something like this a while back with the selling off of Atlas and the ProCare shops. I think it's positive for me. Hopefully they will be able to consolidate their management and refining to be a more efficient, stronger company, which could result in better lease agreements for dealers like me.

Bearer says, "What we are most concerned about are the small business people whose families have operated neighborhood service stations for generations. We think they should remain in business in their communities, and without being saddled with insurmountable debt they did not ask for," says Bearer. "It's hard to fathom the total ramifications of this merger. We think it will be a long time before its impact is fully realized."

Preventing workplace violence

Continued from page 22

violent incidents in the workplace. Such policies clearly indicate a zero tolerance of workplace violence and provide mechanisms by which incidents can be reported and handled. In addition, such information allows employers to assess whether prevention strategies are appropriate and effective. These policies should also include guidance on recognizing the potential for violence, methods for de-fusing or de-escalating potentially violent situations, and instruction about the use of security devices and protective equipment. Procedures of obtaining medical care and psychological support following violent incidents should also be addressed. Training and education efforts are clearly needed to accompany such policies.

Behavioral Strategies

Training employees in nonviolent response and conflict resolution has been suggested to reduce the risk that volatile situations will escalate to physical violence. Also critical is training that addresses hazards associated with specific tasks or worksites and relevant prevention strategies. Training should not be regarded as the sole prevention strategy but as a component in a comprehensive approach to reducing workplace violence.

To increase vigilance and compliance with stated violence prevention policies, training should emphasize the appropriate use and maintenance of protective equipment, adherence to administrative controls, and increased knowledge and awareness of the risk of workplace violence.
FREE MEMBER CLASSIFIED ADVERTISING

- FOR SALE: 4 - D1000 Dresser Wayne Cash Registers. $225 each. Used, work well. Bill (614) 864-0815

- 91 FORD TOW TRUCK 42K miles, dynamic self-loader, $25,000.00
- KAL-Lab Scope & Engine Analyzer, like new, $2,500 for both.
- Hunter Alignment-Turn Plates, $350.00
- Mitchell Manuals. Offer More items available! Tony. 216-442-9294

Mac-Maximizer Tool Box

AVAILABLE ITEMS
Air Compressor: Service Station Style 80 gal. dual piston. Nearly new. $600 or offer.
Construction Site Skid Tank 300 gallons, steel on skids, $75
1973 Honda Cl/CB 350 motorcycle, $300
Contact Kevin: 440-639-9911

SERVICE STATION ITEMS
FOR SALE...
• A/C 134a Mach 1090XL. Cost S4300, asking S2,900
• OTC 5 Gas New! all options. Cost $8,400, asking $6,500.

FOR SALE-BEST OFFER
4-Decade Wayne 1000 cash registers, very good working order. Call JR Bope (614) 267-2673 or Scott Bope (614) 794-2673

FOR SALE...20 year service station and real estate. Purchase includes 2325 sq. ft. facility, 10 pumps, 3 service bays, towing, c-store and beer license. For business package call: Tony Mesi 614-451-5100
also: 50 years in business, service station and real estate. Purchase price includes 4600 SF facility, 8 pumps, 3 service bays, lottery, c-store and beverage license. All 1998 requirements completed. For business package call: Tony Mesi 614-451-5100

BUY ME
1986 Chevy C30 Rollback Truck, only 96K, fully loaded, looks and works great. Holmes flatbed and towbar, colors are red and yellow. New clutch and rebuilt transmission. Asking only $14,000. Broad & James Shell (614) 231-5256

15,000 GALLON DOUBLE WALL FIBERGLASS Underground Storage Tank. 9 years old. Best offer. Call 330-452-9409.

For Sale... 3 Fiberglass tanks, 18 years old; canopy, 5 years old; 4-wheel computer alignment. Model FM-C #4000; Hydraulic air jack; 20 ton hydraulic press; Wayne Model No. EC/SY2400/0160; Gas computer systems. Contact Albert (440) 585-0498

BUSINESS FOR SALE:
Gas Station with Two Service Bays. Updated Tanks and Lines. Located in Northeast Columbus on busy street. Great Potential.
Call (614) 899-7430

To Place Your Free Ad*:
1. Type or clearly write a brief description of your sale items.
2. Include your phone number including area code and contact name.
3. Fax or mail your ad to OPRRA: CLASSIFIEDS:
P.O. Box 16818
Rocky River, OH 44116
FAX: (440) 356-3776

Novem ber/Decem ber 1998 ♦ The Independent Dealer ♦ Page 31
The Independent Dealer Magazine
17 South High St, Ste. 200
Columbus, OH 43215-3458

TIME SENSITIVE MATERIAL ENCLOSED

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17 South High St, Ste. 200
Columbus, OH 43215-3458

TIME SENSITIVE MATERIAL ENCLOSED

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Office (216) 325-8588 • 1-800-837-7191 • Fax (216) 328-6081

THE OHIO PETROLEUM RETAILERS
AND REPAIR ASSOCIATION

"We do Better, Together"