

PRARA NEWS

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ADVERTISING RATES

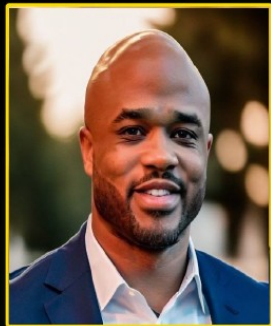
Full page	\$900
1/2 page	\$600
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1/8 page	\$330
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PRESIDENT'S PAGE

BY: KEVIN FORSYTHE

Where do we go from here?

It's all about the laws of supply and demand — people drive more in the summer. They go on vacations, take local trips to the lake, and just want to be out more. More gas is demanded, and if supplies tighten, the price goes up. And all that petroleum doesn't magically appear at the pumps. Whether imported — sometimes by long ocean voyages — or pumped domestically, crude oil has to be refined, then shipped by pipeline, train, and most assuredly trucked to your local gas station. Lots of choke points in such a long and complex supply chain along with lots of risk.

The worldwide oil markets are interconnected, and current oil prices are being affected by drone attacks on Russian refineries, according to sources.

Some oil has to be shipped from the volatile Middle East, already being swept in the winds of war. It's all risky business, with all that transport and international turmoil.

The Trump Administration achieved what for decades was thought to be impossible — energy independence.

Which, of course, Joe Biden, almost literally from the first day of his administration, banished by restricting different aspects of energy production.

What was that all about? Was it to get back at the Trump accomplishments? Whose side is Joe Biden on? Certainly not that of the American consumer. Just ask Californians, who are paying up to \$7.29 a gallon in some areas. Biden will have to tap into the strategic petroleum reserve to keep gas prices from going out of control this summer. Anti-automobile urban Democrats like those high prices, but there are the realities of this as an election year. And don't look now, but the SPR is at the lowest it's been since 1983. In October of that year, the SPR was at 367 million barrels. In January of this year it was 358 million, half of its authorized capacity. And Biden isn't replenishing it. The U.S. Department of Energy has cited high oil prices as reasons for not buying oil for the SPR. Yet Biden will have to tap into it in order to meet summer demand. Given volatile oil supplies in the 1970s, the SPR was created to ensure adequate U.S. oil supplies. The Biden administration has used it as sort of a price-balancing piggy bank to check inflation — the administration grabbed 180 million barrels out of the SPR in 2022 as a result of Russia attacking Ukraine. With the SPR at half capacity it begs the question of how to meet industrial and consumer demand and literally fuel U.S. military capability if there is increased U.S. involvement in conflicts in Ukraine and Israel and, for that matter, Taiwan. So is the administration concerned about long-term strategic energy issues? Or are they focused on their own re-election prospects by tapping the SPR?

Meanwhile, high temperatures in Texas may cause power problems, which will reduce oil refining capability in that state. Less refining, less gas. Gas prices are up 17 percent this year, in route to possibly \$4 per gallon. Keep a close eye on Israel, the Middle East, and supply issues this driving season.

Happy Motoring!



**The Bureau of Workers' Compensation Health & Safety Division
will be offering the following safety webinars in May 2024:**

	Wednesday, May 1
9:30am	Child Labor Laws
1:30pm	Walkthrough Surveys
	Thursday, May 2
9:30am	Caught In/Between
11:00am	West Nile Virus
1:30pm	Excavation & Trenching
	Friday, May 3
11:00am	Dealing with Difficult Co-Workers
3:00pm	Dealing with Angry People
	Monday, May 6
9:00am	Recognizing Employees
3:00pm	Stress & Worker Safety
	Tuesday, May 7
9:30am	Workplace Safety Committee Certification Renewal
11:00am	Active Shooter Awareness
1:30pm	OSHA - Intro
	Wednesday, May 8
9:30am	Groundskeeping Safety
1:30pm	Fire Extinguisher Use
	Thursday, May 9
9:30am	Fall Protection
11:00am	Effective Safety Communication
1:30pm	OSHA Top Ten
	Friday, May 10
11:00am	Mold Awareness
3:00pm	Grilling Safety
	Monday, May 13
9:30am	Dog & Dog Bites
3:00pm	Substance Abuse Awareness - Employee
	Tuesday, May 14
9:30am	OVR - Ensuring Your Facilities & Services are ADA Accessible
11:00am	Electrical Extension Cord Safety
1:30pm	Bloodborne Pathogens

	Wednesday, May 15
9:30am	Electrical Safety
1:30pm	Asbestos Awareness
	Thursday, May 16
9:30am	Workplace Safety Committee Certification Initial
11:00am	Rabies
1:30pm	Aging Workforce
	Friday, May 17
9:00am	Sprains & Strains
11:00am	Cuts, Scrapes & Punctures
3:00pm	A Business Case for Safety
	Monday, May 20
9:00am	Hazard Identification
3:00pm	Walkthrough Surveys
	Tuesday, May 21
9:30am	ARC Flash Safety
11:00am	Aggressive Driving & Road Rage
1:30pm	Back Injuries - Prevention
	Wednesday, May 22
9:30am	Electrical Hazards - Construction
1:30pm	Workplace Safety Committee Certification Renewal
	Thursday, May 23
9:30am	Scabies, Bed Bugs, MRSA
11:00am	Ticks & Lyme Disease
1:30pm	Camping Safety
	Friday, May 24
9:30am	Boating Safety
11:00am	Slips, Trips & Falls
	Tuesday, May 28
9:30am	Right to Know - Chemical
11:00am	Lock-out Tag-out LOTO
1:30pm	Office Safety
	Wednesday, May 29
9:30am	OVR - Reasonable Accommodations & How to Scenarios

To register for any of these events just copy and paste the link into your browser and follow the links:
<https://www.dli.pa.gov/Businesses/Compensation/WC/safety/paths/calendar/Pages/default.aspx>

Remember, registration closes the day before the presentation is scheduled to begin.



U.S. Appeals Court Upholds California's Clean Air Act Waiver

The ruling allows the state to set zero-emission vehicle sales requirements.

On April 9th, the U.S. Court of Appeals for the District of Columbia issued its ruling on *Ohio vs. EPA* and upheld EPA's decision to reinstate California's preemption waiver under the Clean Air Act for its Advanced Clean Car I program. The decision will allow California to move ahead with its plan to set zero-emission vehicle sales requirements and greenhouse gas emission standards.

The Ohio Attorney General and 16 other state attorney generals, along with oil and gas, ethanol and fuel retailing interests, filed a lawsuit to challenge a Clean Air Act waiver that California is using to mandate a transition to electric vehicles. In their arguments, they expressed concerns that this waiver exceeded the statutory authority under the Clean Air Act that provides waiver authority for California pertaining to air pollution standards, not technology mandates.

In its decision, the court stated that the plaintiffs lacked standing to challenge the waiver and did not demonstrate that automobile manufacturers would change their production plans or prices if the court vacated EPA's waiver.

In response to the decision, Doug Kantor, general counsel for NACS, commented, "Policies that mandate a technology rather than push all technologies for better outcomes reduce innovation and produce worse results for the environment and the economy. We hope that subsequent consideration by the courts recognizes this truth and requires a better approach from regulators."

In 2022, the Biden administration restored California's authority to implement its own greenhouse gas emission standards and zero-emission vehicle sales mandate and allowed other states to adopt California's stricter standards in lieu of federal standards, which had been removed by the Trump administration. In 2019, the Trump administration revoked California's Clean Air Act waiver for its Advanced Clean Car program that allowed the state to set its own vehicle emission standards, which EPA granted in 2013 under the Obama administration.

Note: this article was originally published by NACS

EPA to Allow E15 Summertime Sales

The EPA announced on Friday that it was using its emergency waiver authority to allow for the sale of E15 this summer (from June 1 to September 15). This is the third year in a row that EPA has taken this action. The waiver will temporarily exempt E15 from restrictions that in effect block sales across the country during the warmest months of the year.

The move comes after weeks of lobbying by lawmakers from corn producing states dissatisfied with the EPA's decision to delay an RVP waiver request from 8 Midwest governors that would allow year-round E15 sales in those states. The E15 emergency waiver will temporarily exempt E15 from RVP volatility requirements that effectively block sales during the summertime driving season.

To justify the emergency waiver, the EPA cites similar conditions that provided the foundation for a series of the temporary waivers last year. At the time, the EPA said that the fuel volatility waiver for E15 was in the public interest to address fuel supply shortages caused by the war in Ukraine and the Middle East.



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PRARA 2024 Scholarship Fund

For the thirtieth year, the Petroleum Retailers & Auto Repair Association is sponsoring two \$500 College Scholarships to be awarded to a member’s son or daughter. The applicant must be the child of a current **member** of PRARA and must be graduating from high school in 2024 or are already attending a college, trade school, business school, etc. Applicant **must** be enrolled as a full time student. **Postgraduate students are not eligible.** The student must begin classes within 13 months of the award date.

To be eligible, the member must submit the name, address, and telephone number of the child, along with the name of the high school the applicant will graduate from or the name of the college, trade school, business school, etc. already attending to the Association office. **The application below must be mailed to the PRARA office by June 1.** (The postmark) ***No phone applications will be accepted.***

Every applicant will be given a list of three-digit numbers. The child, who holds the three-digit number corresponding to the Pennsylvania lottery on Monday, June 10 and Tuesday, June 11, will be the winner. Who ever won Monday’s lottery **is not eligible** to win Tuesday’s lottery. The applicant closest to the number on Tuesday’s lottery will be the winner. The winners will be based on the **7:00 pm** drawing for both nights. **Winners of previous scholarships are not eligible to participate.** The PRARA Board of Directors will vote to resolve any disputes.

The scholarship maximum is \$500 each. The check will be made out to the student **and** the school of his/her choice. Proof of registration must be provided before check is issued. The scholarship is not limited to potential college students, but to anyone wanting to further their education, whether it is college, trade school, business school, etc.

PRARA

1051 Brinton Road Suite 304
Pittsburgh, PA 15221
412-241-2380

SCHOLARSHIP FUND 2024 APPLICATION

Member’s Name: _____ Phone: _____

Business Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Applicant’s Name: _____ Phone: _____

Home Address: _____

City: _____ State: _____ Zip: _____

Did you or will you graduate this year? _____

High school graduated from: _____

Choice of college, etc. (if known): _____

**All Applications Must Be Completed In Full
And Returned To The PRARA Office By June 1, 2024**



PETROLEUM RETAILERS AND AUTO REPAIR ASSOCIATION, INC.

**Brinton Executive Center
1051 Brinton Road Suite 304
Pittsburgh, PA 15221
Phone: (412) 241-2380
Email: tammy@prara.com**

Pennsylvania Approved class A & B Operator Training Registration Form

Class Date: Wednesday, June 19, 2024
Time: Registration: 8:30 am
Class: 9:00 am to 5:00 pm
Location: PRARA Office
Price: \$250 per person (non-member)
\$200 per person (member discount)
Payments are due by June 12, 2024

****Non-refundable payments are required for reservations****

****LIMITED SEATING IS AVAILABLE****

Please register early

Name: _____

Email address: _____

Address: _____

Phone Number: _____

Number Attending: _____

Price Includes A & B Operator Training Binder, Lunch, and Certificate of Completion

Amount _____ @ _____

Make Check or Money order payable to: PRARA
1051 Brinton Road
Suite 304
Pittsburgh, PA 15221

SSDA-AT Legislative Updates

FTC Announces Rule Banning Noncompetes

On Tuesday, April 23, 2024, the Federal Trade Commission (FTC) voted 3-2 along party lines to approve its new rule on non-competes. The new rule, which will take effect in 120 days, essentially bans non-competes for all workers, finding them “an unfair method of competition – and therefore a violation of Section 5 of the FTC Act.”

Notably, a non-compete clause is broadly defined by the new rule as a “contractual term or workplace policy that prohibits a worker from, penalizes a worker for, or functions to prevent a worker from seeking or accepting work in the United States with a different person where such work would begin after the conclusion of the employment or operating a business in the United States after the conclusion of the employment.”

The new rule applies retroactively to prior agreements, other than those for senior executives earning more than \$151,164 a year in a “policy-making position.” Employers must provide notice to other workers subject to non-compete agreements that they are no longer enforceable.

Not limited to employees, the non-compete ban extends to independent contractors, externs, interns, volunteers, apprentices, and sole proprietors who provide a service to a person. It does not include non-competes entered into pursuant to a bona fide sale of a business entity or in a franchisor-franchisee relationship.

While the rule is final, expect legal challenges to follow. For example, the U.S. Chamber of Commerce, the nation's largest business lobby, told reporters it plans to sue over the rule, claiming the FTC is not authorized to make this rule, that non-competes are not categorically unfair, and the rule is arbitrary. The Chamber's thoughts were echoed by the opposing Republican FTC Commissioners, who cited concerns about the FTC's authority.

While employers' protectable interests are often a concern, it is important to note that this rule does not ban non-disclosure and confidentiality agreements.

Stay tuned for more information on the developing regulations for non-competes and the legal challenges that will follow.

Changed Overtime Rule for Salaried Employees

The U.S. Department of Labor announced on Tuesday, April 23, 2024, the release of a final rule raising the minimum annual salary threshold for overtime pay eligibility. This primarily applies to executive, administrative, and professional employees, commonly referred to as the “White Collar Overtime Exemptions.”

The Fair Labor Standards Act (“FLSA”) is a federal law that regulates when employees must be paid minimum wage and overtime. Under the FLSA, overtime pay, which is due to all employees who do not fall within a specified exemption, is one and one-half times an employee’s regular pay rate for every hour that is worked beyond 40 hours in a work week. While hourly workers are generally entitled to overtime pay, salaried workers are not if they earn above a certain pay level and supervise other workers, use professional expertise or judgment, or hire and fire workers.

Currently, salaried workers making less than \$35,568 annually qualify for overtime pay when they work more than 40 hours in a week. Starting July 1, 2024, the threshold will increase from \$35,568 to \$43,888 per year. It will then increase again to \$58,656 on January 1, 2025.

The change will be most critical for employers which are now claiming an overtime exemption for employees earning more than \$35,568 annually, but less than \$58,656 annually. Upon enactment, these employees, occupying this \$23,088 band, would lose their current status as overtime-exempt.

The new standard will likely be challenged in court by affected industry groups that have argued that excessively raising the standard exceeds the Labor Department’s authority. Unless and until there is court intervention, employers should prepare as follows:

Review salaried employee classifications to confirm compliance with new salary thresholds to remain exempt.

Review salaried employee classifications to determine whether employees should be reclassified as nonexempt.

For employees reclassified as nonexempt, ensure all hours worked are properly recorded.

For employees reclassified as nonexempt, review budgets, set hours expectations, and development policies for approval of overtime.

SSDA-AT Legislative Updates

More Pressure to Delay CTA

The American Institute of Certified Public Accountants (AICPA) – along with more than 50 of its state societies and affiliates – once again called on federal regulators to delay implementation of the Corporate Transparency Act.

The letter is a scathing indictment of the new reporting regime and centers on the widespread confusion among the small business community when it comes to understanding their compliance obligations. It reads, in part:

In numerous letters to FinCEN through the BOI rulemaking process and as recently as October of last year, we raised concerns regarding the constricted timeline for the small business community to understand the reporting requirement. We urged caution regarding the failure to provide a reasonable timeframe for small businesses to comply with BOI for both new and existing entities. We also raised concerns with the estimated burden hours and associated time-cost which has effectively become a 30-day tracking requirement.

We are still concerned that small businesses will be caught off guard with the new filing requirement and failure to file could result in steep civil and criminal penalties. The recent NSBA v. Yellen court case which found The Corporate Transparency Act (CTA) to be unconstitutional has only compounded confusion, with most entities believing they no longer have a filing requirement.

This educational gap is significant. FinCEN, the agency tasked with implementing the CTA, estimates that 32 million entities will need to file this year. But an August 2023 survey conducted by NFIB found that 90 percent of respondents were “not at all familiar” with the CTA, with that number declining only slightly to 83 percent in a survey conducted six months later. Meanwhile, FinCEN received 430,000 reports as of mid-February, or just over 1 percent of the total expected. Absent a dramatic change, millions of small businesses will be noncompliant at the end of the year. That’s no small matter as non-compliant business owners are subject to penalties of up to 2 years in prison.

What explains this massive shortfall? FinCEN’s education campaign to date includes a website landing page, a three-page small business primer and, per their own account, 55 webinars reaching just 8,800 participants. This outreach is on top of extensive efforts by the Main Street community, but it is obvious that more time is needed. Outside of the tax code, the CTA is, after all, the most sweeping data collection initiative in history.

Fortunately, federal lawmakers are coming to the realization that the CTA is not ready for prime time. Legislation that would delay the CTA’s reporting requirements by one year passed the House last year and Senator Tim Scott has introduced the companion bill in the Senate. That legislation has cleared the Republican conference and only awaits the support of Senate Banking Committee Chair Sherrod Brown (D-OH) to move through the Senate.

Meanwhile, New York Governor Kathy Hochul signed into law amendments to the recently enacted New York LLC Transparency Act, extending its effective date by two years. It’s a clear recognition that the New York effort, which largely mirrors the CTA, is not ready.

Finally, later this month, the House Small Business Committee will hold a hearing entitled, “Under the Microscope: Examining FinCEN’s Implementation of the Corporate Transparency Act.” Among the witnesses testifying that day is Carol Roth, a staunch advocate for the small business community who has spoken out against the CTA in recent months. She’s put out a call to affected businesses to share their stories, which will be included in her testimony – if you want your voice heard, this is an ideal forum.

The bottom line is that Main Street needs relief from this onerous and ill-conceived law. We’re encouraged by the recent push to delay the CTA for a year and will continue advocating for its repeal. SSDA-AT continues to support efforts to repeal and delay the CTA.

MEMBER TO MEMBER SERVICES

ACCOUNTANTS

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Murrysville, PA
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ATM

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- Branick model 7200 Spring compressor
- Snap On Evap Smoke machine with nitrogen tank model EELD 302B
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- Sentry safe
- Redlong hydraulic AC hose tool Die crimp set
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Memorial Day (originally known as **Decoration Day**) is a federal holiday in the United States for honoring and mourning the U.S. military personnel who died while serving in the United States Armed Forces. From 1868 to 1970, it was observed on May 30.¹ Since 1971, it is observed on the last Monday of May.

Many people visit cemeteries and memorials on Memorial Day to honor and mourn those who died while serving in the U.S. military. Many volunteers place American flags on the graves of military personnel in national cemeteries. Memorial Day is also considered the unofficial beginning of summer.¹

The first national observance of Memorial Day occurred on May 30, 1868. Then known as Decoration Day, the holiday was proclaimed by Commander in Chief John A. Logan of the Grand Army of the Republic to honor the Union soldiers who had died in the Civil War. This national observance was preceded by many local ones between the end of the Civil War and Logan's declaration. Many cities and people have claimed to be the first to observe it. However, the National Cemetery Administration, a division of the Department of Veterans Affairs, credits Mary Ann Williams with originating the "idea of strewing the graves of Civil War soldiers—Union and Confederate" with flowers.

Official recognition as a holiday spread among the states, beginning with New York in 1873. By 1890, every Union state had adopted it. The world wars turned it into a day of remembrance for all members of the U.S. military who fought and died in service. In 1971, Congress standardized the holiday as "Memorial Day" and changed its observance to the last Monday in May.



Calendar of Events

Cinco de Mayo	May 5
Mother 's Day	May 12
Armed Forces Day	May 18
Memorial Day	May 27
A&B Operator Training Class	June 19

Business Hours:

Monday	Closed
Tuesday	8:30-3:30
Wednesday	8:30-3:30
Thursday	8:30-3:30
Friday	Closed

Contact:

Phone: 412-241-2380

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