



# July 2021 Bulletin

**Pass Me Along to Share with other Stations!**

## **ASSOCIATION CONTEST**

### **CONGRATULATIONS TO THE JUNE 2021 CONTEST WINNER POWER BRAKE SERVICE OF BROOKLYN, NY.**

Please read through this bulletin for your chance to win!!! Call the office with the correct answer to the trivia question and you will be entered in the monthly drawing for a chance to receive a free month's dues; a value of \$45.00.

## **ATTORNEY'S CORNER**

We have not touched upon this in quite a long time. There are significant changes since after the Covid "lock down" has ended there are quite a number of service stations changing hands. Due to the inherent environmental and regulatory risks associated with gasoline, it is vitally important to have a robust environmental due diligence process when purchasing a retail gasoline station.

### **Questions that you and/or attorney should be asking in any buy-sell:**

- **Why is it my environmental risk even if I, as a Seller, did not cause any contamination?**

The short answer is that any entity (person as well) in the chain of title may be held as a PRP (Potentially Responsible Party). There are certain exceptions.

The 2002 Brownfields Amendments to CERCLA (the "Small Business Liability Relief and Brownfields Revitalization Act") created a new landowner liability protection from CERCLA. The Brownfields Amendments added specific criteria for conducting All Appropriate Inquiry (AAI) which later became known as the AAI rule. The AAI Rule provides an escape from liability called the "innocent landowner defense," but this defense can only be used to escape liability if "appropriate due diligence" was conducted prior to the acquisition of the property.

- **What are the types of environmental risks associated with gas stations?**

#### *Subsurface Contamination*

Subsurface contamination may result from current or past releases of gasoline or petroleum products from storage tank systems, hydraulic lifts, car washes, service bays, etc. They may also include releases from historic operations at the property that are unrelated to the current facility. Environmental issues may exist from former operations at adjacent properties.

These types of spills may have caused soil, groundwater, and soil vapor contamination. The liabilities associated with petroleum products pose hazards in the form of impacted water supplies, contaminated surface water bodies, and explosive or toxic vapors. Building occupants, construction or maintenance workers, and surrounding homes or businesses may be impacted. Migration of contaminants to offsite properties and sensitive receptors can generate third party liabilities. These liabilities can far exceed the value of the purchased property.

#### *Regulatory Compliance*

Regulatory compliance issues, such as compliance with tank regulations, permits, and Notices of Violation (NOVs), may require substantial capital expenditures for equipment upgrades necessary to meet current regulatory standards. Upgrade requirements may include tanks, spill containment devices, tank monitoring equipment, testing, registration, and operator training.

#### *Business Legacy*

Business legacy issues are related to properties formerly associated with a business entity. Depending upon the legal setting, these risks may include broader liabilities carried by the business that may not be site-specific (e.g., environmental issues associated with previously owned properties, disposition of hazardous and non-hazardous waste, waste disposal facilities, third-party legal action, etc.)

- **How can I protect myself from environmental risks?** Environmental risks from subsurface contamination can be mitigated by focused environmental due diligence evaluations. Industry standards exist for evaluating the potential for a subsurface environmental condition to exist through non-intrusive means (ASTM E1527), and for confirming if a suspected condition exists using intrusive investigation techniques (ASTM E1903). These investigations have been termed Phase I and Phase II Environmental Site Assessments (ESAs), respectively.

Risks from regulatory compliance issues can be mitigated by a thorough evaluation of tank system components and records. Regulatory and industry standards dictate acceptable tank system component technology, as well as ongoing testing, maintenance, and record keeping requirements. Testing and maintenance records may provide an indication of the seller's tank management practices and indicate if leaks have occurred historically. (Phase I).

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Business legacy risks are less a focus of environmental due diligence and more for the legal due diligence team. The legal team should structure the asset acquisition to minimize environmental risks in relation to purchase costs, assumed liabilities and insurance options.

In short, do your homework.

Investigating and mitigating environmental and regulatory hazards can present a significant financial burden for the responsible party and asset buyers may unknowingly assume responsibility if proper due diligence is not exercised. Liability mitigation cost forecasts and cash flow scenarios can be developed using probabilistic cost models to aid in the negotiations between buyer and seller. Asset purchase agreement language can clearly define responsibility for future actions.

A focus on these due diligence areas prior to the asset transaction closing will help reduce surprises and minimize unexpected costs associated with subsurface impacts and/or tank system upgrades. By understanding the risks, and conducting research and appropriate testing, you can ensure a smooth transition and a successful transaction.

Secure a competent legal due diligence team. The Family Attorney may take this on for you but if not an environmental practitioner, it will be a disaster. Your relatives' friend who is also an attorney can lead to problems.

We here at SSDGNY are staffed with attorneys who handle these issues day in and day out. Your Membership, while providing basic legal help can secure a competent, knowledgeable legal due diligence team vital in selling or buying a PBS (Petroleum Bulk Storage site). Regulators take our calls. Municipal building inspectors take our calls. We have a number of environmental firms that we partner with that we task with doing the required ESA's and if necessary, environmental clean-up.

Feel free to contact the undersigned and SSDGNY with your questions.

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Consistent with Governor Cuomo's June 15, 2021, announcement that the State's COVID-19 restrictions for most commercial and social settings were lifted as 70 percent of adult New Yorkers have received the first dose of the COVID-19 vaccination, NYSIF will be resuming routine onsite field services on July 6, 2021.

While they encourage you to take advantage of their document upload feature at: <https://ww3.nysif.com/Home/Employer/WCpolicyholder/AboutAuditing/UploadAuditDocs> or virtual audits, their online audit scheduling system, PASS, will be available to schedule in-person audits. Their Risk Control specialists are ready to visit your business for safety services or Code Rule 59 inspections. If you need to contact NYSIF to schedule a payroll verification or a safety service, just go to: <https://www.nysif.com/SIFWCDBLSERVICES/UnderWriterLookup.aspx> and find the policy representative dedicated to working on your behalf.

With the removal of the State's minimum standard for reopening, businesses are free to choose to lift all or some restrictions, continue to adhere to the State's archived guidance, or implement other health precautions for their employees and patrons. They are eager to work with you to help your business prepare for the future.

## **REFERRALS**

If you know of a station that needs our services and is interested in becoming a member, refer them to us and upon signing you will receive a \$50.00 Amazon gift card. If you know of someone interested, please contact our Sales Representative Bill Griese at 914-227-0144.

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## TARIFF UPDATE

The International Trade Commission has ruled most of the tariffs on passenger and light truck tires imported from South Korea, Taiwan, Thailand and Vietnam will remain in place, but there is one big exception.

The five commissioners of the ITC voted on June 23 in favor of the anti-dumping tariffs for passenger and light truck tires coming from South Korea, Taiwan and Thailand. They also affirmed the countervailing tariff on imported tires from Vietnam.

But the commissioners voted to terminate the anti-dumping duty investigation related to tires from Vietnam.

Since products from Vietnam were being investigated for dumping, as well as subsidies, it means tires from Vietnam will still be subject to some tariff correction. But, the countervailing rates that the Department of Commerce levied are in the single digits, and thus much lower than the 22.30% anti-dumping rate most tiremakers would have also had to pay.

That means instead of paying up to 28.76% in tariffs on passenger and light truck tires imported from Vietnam, depending on the brand, those tires will be subject to tariffs ranging from 6.23% to 7.89%.

The anti-dumping rates imposed on tires coming from South Korea, Taiwan and Thailand remain unchanged from late May when they were set by the Department of Commerce. The highest rates will be charged on tires coming from Taiwan.

All five commissioners voted against the notion that passenger and light truck tires imported from Vietnam are being dumped in the U.S. at less-than-fair-market-value prices.

We won't know more specifics about why the commissioners voted the way they did until they release their standard follow-up report, which is due to be published by July 28.

*Source: Modern Tire Dealer*

## LEGISLATIVE CORNER

We are currently fighting a bill that has passed both the Senate and the Assembly. The bill is called "Stop Loud and Excessive Exhaust Pollution Act," or SLEEP Act. It is on its way to the Governor's desk to be signed or vetoed.

The Act expressly prohibits the sale or installation of devices to increase the sound of a muffler on a motor vehicle or motorcycle and increase fines imposed upon the offending motorist for such modifications from \$150 to \$1,000. This portion of the Act is laudable and our Association supports this section.

However, we do feel that the Act goes too far. The Act imposes a duty upon Public Inspections Stations to enforce the Act. The Act requires the Commissioner of Motor Vehicles to deny or revoke a license to operate a vehicle inspection business upon a third or subsequent willful violation of regulations regarding mufflers within an 18-month period. To us it means that if a vehicle is brought into a facility for an inspection, and it has one of the banned devices, the vehicle must be failed. The Act would also require the Commissioner to develop and amend the Motor Vehicle Inspection regulations as to how to conduct the inspection.

This is unfair to our industry, once again we will need to police this situation if it passes.

We are trying our hardest to stop this bill from being signed into law. We have already met with Senator Shelly Mayer and Senator Andrea Stewart-Cousins and the other associations in the area to discuss our frustration about this bill.

We will keep you all updated on what happens and if we need your help to call Albany.



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## Live Service Advisor Training Opportunity

### **Elite's Sept 16-18** **Masters Service Advisor Training** **Will Be Presented Live,** **and Will Sell Out Soon!**

We're thrilled to announce that Elite's next Masters Service Advisor Training Course will start with 3 days of LIVE training Sept 16-18 in San Diego!

Because this course has been proven to increase sales by an **AVERAGE of \$10,750 per month** after completion, it's been selling out months in advance!

For higher sales, happier customers and more confident advisors, reserve a seat by calling 800-204-3548 or visit <https://eliteworldwide.com/how-we-help/service-advisor-training/mastersprogram/> to learn more.

### **MAKE YOUR CAR WASH POP!**

#### **Stand out from the crowd with innovative features, services.**

"If you want to stand out from the crowd, give people a reason not to forget you." This quote by Richard Branson, famed entrepreneur and founder of Virgin Group, is still true today and many car wash operators are following this sage advice, incorporating cutting-edge technologies, products and services to create a truly unforgettable customer experience.

Whether it's uniquely scented soaps, eye-catching light displays or just good, old-fashioned customer service, car wash operators are constantly tapping into new and improved features to differentiate their facilities. These innovative ideas allow operators to stand out from the crowd, cultivate customer loyalty and boost business to all-new heights.

"It used to be all about improving the product," said Rich Kizer and Georganne Bender. "That's still true, but today customers also choose places based on the experience the business provides. A car wash is a commodity until it does something special that thrills customers."

Kizer and Bender are consumer anthropologists, keynote speakers, authors and consultants who have helped thousands of businesses in the retail, auto, service and other industries since 1990. To illustrate the importance of customer experiences, Kizer and Bender use two popular doughnut stores as an example. "Dunkin' sells tasty doughnuts, but Voodoo Doughnuts sells doughnuts with a twist," they said. "It's a creative and fun place to visit. Voodoo's branding makes it stand out, too. If you want to get married in a doughnut shop by an alien, Voodoo is the place to go. Do they have to do that? Of course not, but in comparison, Dunkin' is a commodity, Voodoo is an experience."

According to Bender and Kizer, car wash operators have countless opportunities to create fun and memorable customer experiences. "In a car wash, the experience might include an enthusiastic greeter and friendly personnel; loyalty programs that are easy to understand and even easier to redeem; or an assortment of products customers can peruse before heading to the checkout," they said. "Even the coffee served can lend to – or detract from – the customer experience."

#### **Think Outside The Circle**

If you want to improve the customer experience at your car wash, it's important to complete a circle exercise. In each of their presentations, Kizer and Bender shared a helpful business exercise they call the Customer Care Circles of Experience.

Here's how it works: Draw a small circle on a flipchart and list all of the cool things that you do for customers inside the circle. This circle should include the basics, like having a place for customers to wait while their cars are washed and someone to work the register—basically all the mandatory things you need to run a business.

Now, draw a larger circle around the smaller one. This outer circle represents the extra things you do for customers, like towel-drying their cars, an unannounced sale, an attendant who says, "With your permission, I would like to run your car through again if you have time. I noticed we missed a spot," or maybe even a handwritten thank you note for choosing your car wash over the competition.

Once you've filled in the circles, it's time to step back and evaluate your offerings. "The outer circle is where great customer experiences live," Kizer and Bender said. "But once customers get used to the things in the outer circle, or competitors knock them off, these things get relegated to the inner circle. When every car wash does them, they become expected. We recommend that you do this exercise at a store meeting at least once a quarter to keep your offerings fresh."



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## Stand Out With Innovative Features

Searching for ways to improve the customer experience and make your car wash pop? Here are some ideas from operators and businesses that have taken the extra step to stand out.

### NoPileups by DRB Systems

NoPileups by DRB Systems is a state-of-the-art car wash tunnel management system incorporating video and advanced computer technology. This system helps car wash operators increase capacity, identify broken or misaligned equipment and prevent unnecessary collisions. While other tunnel management and anti-collision equipment only covers the exit, NoPileups protects cars across the entire length of the tunnel. When a collision threat is detected, it automatically stops the conveyor and records a 15 to 20 sec. video so the operator can identify the cause of an issue.

Brian Krusz, founder of Sgt. Clean's Car Wash in Ohio, said NoPileups has benefited his business in a couple different ways. Not only does the technology increase the efficiency of his five car wash facilities, but it also gives his customers peace of mind, thus improving their overall experience.

"Because we advertise to consumers that we have NoPileups, they know we are embracing technology and incorporating safety into our facilities," he said. "Also, our team members are sending the vehicles through closer and closer, knowing that NoPileups is going to be there as a fail-safe. It allows them to identify the issue in a rapid way and get the system back up and running."

According to Krusz, NoPileups has been good for both his customers and his team. "It has provided that safety aspect that offers our customers and our team reassurance and confidence," he said. "It's new and innovative, and we're embracing it at all five of our facilities."

### Pleasantly Scented Soaps

Car wash soaps have come a long way in recent years, particularly when it comes to the variety of scents available. It may seem like an insignificant detail, but the soap fragrance you choose can make or break the customer experience. Soap aroma has the power to put a smile on your customers' faces or send them running for the hills.

Plus, psychologists have discovered that sense of smell is closely linked with memory, probably more so than any of our other senses. This is your opportunity to create a pleasant memory for your customers as opposed to an olfactory nightmare. "All of our soap is scented on both the first row and the last one," said Krusz. "We hit them with lavender first, and then we use a fresh linen scent before the final rinse. It smells just like freshly washed clothes getting pulled out of the dryer, to give them that warm, fresh feeling."

## Eye-Catching Light Displays

If you want to create a memorable car wash experience for your customers, why not put on a show? Many car wash operators are tapping into innovative lighting displays to keep customers informed and entertained.

Tyler Slaughter, partner/operations director with Camel Express Car Wash in Nashville, Tenn., said, "We use strobe lasers, and they create what's called refraction. When the light shines through the soap, it dances all around. It bounces off the bubbles inside the soap, and it looks like a disco party inside your car. It's really cool." He said it's been a big hit with their customers, too.

"We use TSS lighting at all our facilities," said Krusz. "Our indication lights let the customer know that they're getting what they paid for, but then there are also flashing LED lights we utilize to make it a fun experience for the consumer, especially for kids."

## Top-Notch Customer Service

If you want to make your car wash pop, one of the most effective features you can incorporate is also the oldest: good ol' customer service. While it may not seem as exciting as groundbreaking technology, superior customer service is essential if you want to stand out from the competition.

"Customer service is always at our forefront," Krusz said. "At Sgt. Clean's Car Wash, we're all about the consumer. They come in to get a clean, dry and shiny car in the most fast and efficient way—and we're here to make that happen. We offer what we call the WOW factor, and that's exceeding the customer's expectations on their visit. All of our team members are in uniform, they're smiling, they're visible onsite and they're at the pay stations. We provide the most effective service with a smile, and that's how we stand out from our competitors. Anyone can wash your car. But the difference is in the people."

When it comes to offering exceptional customer service, Krusz believes employee training is key. "We have a corporate trainer and an HR director," Krusz said. "We're constantly doing customer service training on a daily and monthly basis."

## Triple Threat

### 3 Factors That Can Make or Break the Customer Experience

When Kizer and Bender handle a consultation or store makeover, they begin at the front door and evaluate the following three factors. These three things can spell the difference between an awesome customer experience and a horrible one:

1. **Enablers:** These are the features that make customers feel welcome, like a comfortable waiting area, clean restrooms, professionally created signs that attract

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attention and good merchandising that entices them to make a purchase while waiting.

2. **Inhibitors:** These are the potholes or shopper-stoppers that disrupt the buying experience. Empty fixtures, product that's displayed too high, uncomfortable furniture and unsmiling cashiers are all good examples.
3. **Impression Points:** These begin outside of your front door and continue to happen throughout your facility. Impression points create the perceptions customers carry with them during and after a visit to your car wash. Impression points also create customer moments of truth. A typical visit to your car wash could result in upward of 25 moments of truth while they are there. "By the way, those moments of truth live online too," said Kizer and Bender. "Online they are called "zero moments of truth" because they happen before a customer ever pulls onto your property. Today, consumers know more about you than you know about them – they do the research online before choosing you. There are so many rating sites online; Yelp, Facebook and Google are just a few. Zero moments of truth require that you consistently monitor your reputation online. Do a Google search of your business name to see how you stack up. Then sign up at monitoring sites like Google Alerts, TalkWalker and Mention to get a continuous read on how you are doing reputation-wise."

## Leave A Lasting Impression

Even if your car wash offers the coolest features and the most innovative technologies, this does not automatically translate into an enjoyable customer experience. According to Kizer and Binder, there are countless other factors involved, including everything from the waiting room furniture to the cashier's facial expression.

"Just remember that the average consumer makes a value judgement about places – good or bad – in just 10 seconds or less," said Bender and Kizer. "The question is what does your car wash say to customers in that 10-second window? And what are you willing to do or change to make it stand out?"

## TRIVIA QUESTION

What is the triple threat that can make or break the customer experience? Call the office with the correct answer for a chance to win a free month's dues.

## WELCOME NEW MEMBERS

Putnam Transmissions  
Mahopac

Hudson Motors Auto Service  
Briarcliff Manor

Nanuet Auto Repair  
Nanuet

Express Auto Service  
New City

Congers Collision  
Congers

## CLASSIFIEDS

**For Sale:** Powersports Dealership for sale, Motorcycles, ATVS, UTVS, Snowmobiles, Generators/power washers. Parts & Service dept. 8500 sq. ft. building on 8 acres. Rent or buy. Kawasaki and Arctic Cat, Kymco, Generac generators. We're located on the Newburgh/Marlboro NY, RT 9w. High traffic. Check our website bigboyztoysny.com Call Tony 845-781-3082.

**For Sale:** NYS Insp. machine & license in Orange County. Asking \$20,000 or best offer. Please call Greg at 845-782-2505.

**For Sale:** On major state highway. Established Automotive business in the CATSKILLS. Body shop offers 4 plus bays, spray booth w/ complete inventory. Plus, Log home w/3 beds 2 + baths FDR, FIREPLACE. Too much to list. Owner retiring. Priced to sell \$549,000. 845 586 4882.

**For Sale:** Dutchess County. Selling NYS Inspection License and computer unit for the sum of \$35,000.00. Please contact Thomas DiPerno at T & D Auto Repair (845) 831-6120 between 8am and 3pm Mon – Fri, if no answer, please leave a message.

**For Sale:** NYS Inspection Machine & License including window tint meter. Westchester, Asking \$20,000 obo, call Ed at 914-659-0453.

**For Sale:** Auto repair shop of over 30 years closing. All equipment & tools for sale. Call Ed at 914-659-0453.

I hope you enjoyed reading this month's bulletin.  
Regards,

*Carla Obalde*

Operations Manager