

Oregon Petroleum Load Fee Program



January 2006

www.oregon.gov/DOR

In 1989, the Oregon Legislature passed a law to help protect our environment from hazardous and toxic substances. The law imposes a fee on:

- the initial withdrawal of petroleum products from a bulk terminal facility, and
- the import of petroleum products into a storage tank other than a tank connected to a bulk facility in Oregon.

The fee is assessed per load. The rate is set by the State Fire Marshal through administrative rule.

Who must pay this fee?

This fee must be paid by any person who:

- sells petroleum from a bulk terminal facility, or
- imports petroleum products in a cargo tank or barge for delivery into a storage tank other than a tank connected to a bulk facility.

The current fee is \$2.50 per load on withdrawal from a bulk terminal facility and \$2.50 per load on products imported into the state. A load is any amount larger than 100 gallons.

Facilities and importers must register

Bulk facilities and anyone who imports petroleum products into Oregon must register with the Oregon Department of Revenue.

Sellers of petroleum products are requested to register with the Department of Revenue before collecting and remitting the fee.

Registration forms are available from the Oregon Department of Revenue. Write to 955 Center St. NE, Salem, OR 97301-2555, or call 503-945-8121 in Salem for more information. Forms are also available at www.oregon.gov/DOR/BUS/forms-petroleum.shtml.

What records must be kept?

All bulk terminal facility operators and petroleum importers must keep complete and accurate records of the following:

- all petroleum products brought, or caused to be brought, into the place of business,

- all petroleum products sold, and
- names of all customers who purchased petroleum products.

To enforce the law, the Department of Revenue may examine the books, papers, records, or equipment required to be kept under Oregon Revised Statutes (ORS) 465.131.

Program definitions

Bulk facility—A terminal facility that receives a refined petroleum product primarily via pipeline, barge, or rail and from which a refined petroleum product is withdrawn and delivered into a cargo tank or barge. A bulk facility must receive some petroleum from pipeline, barge, or rail.

An intermediate storage facility to which a petroleum product is delivered primarily by means other than pipeline, barge or rail is not defined as a bulk facility.

Importer—One who causes petroleum products to be brought into the state from outside Oregon for delivery into one or more storage tanks in Oregon not connected to a bulk facility.

Seller—The owner of the petroleum product is considered to be the seller. The seller must collect the fee from the person who orders the withdrawal and must remit that fee to the Department of Revenue on a quarterly basis.

Common carrier—A service for shippers of petroleum products that does not have ownership of the product. A common carrier does not owe a load fee.

Transporter—One who withdraws a petroleum product from a bulk facility within the state and delivers the product to another location in Oregon.

Cargo tank (load)—A load is a single cargo tank that may have one or more compartments mounted on a wagon, truck, trailer, truck trailer, railcar, or wheels. The compartments may be subdivided as long as the cargo tank is attached to the same motor. On rail, a load is defined as not more than one rail car. Any assembly that holds less than 100 gallons in individual separable containers is not considered a load.

Petroleum product—Obtained from distilling and processing crude oil and capable of being used as a fuel for the propulsion of a motor vehicle or aircraft. Petroleum products include:

- Gasoline,
- Gasohol,
- Other alcohol blended fuels,
- Aviation gasoline,
- Kerosene,
- Distillate fuel oil,
- Number 1, and number 2 diesel.

The following are *not* defined as petroleum products:

- Naptha-type jet fuel,
- Kerosene-type jet fuel,
- Petroleum product destined for use in chemical manufacturing (or feedstock of that manufacturing),
- Fuel sold to vessels engaged in interstate or foreign commerce, and
- Natural gas and propane.

Reports and payments

Petroleum businesses subject to this program must file a return with the Department of Revenue and pay the fees quarterly, on or before the last day of January, April, July, and October. A return must be filed even if there is no fee collected during the reporting period.

Fees support Oregon safety

The money received by the Department of Revenue is paid to the Oregon State Treasury. All funds are then appropriated to the Oregon State Fire Marshal to carry out the state's oil, hazardous material, and hazardous substance Emergency Response Program

(ERP). The ERP involves maintenance, operation, and use of public highways, roads, streets, and roadside rest areas in Oregon as allowed by law.

Questions on how fees are spent

For information on how the fees are spent, call the State Fire Marshal's office in Salem at 503-373-1540.

For general information about the fee, visit the Department of Revenue Oregon Petroleum Load Fee Program Web site at www.oregon.gov/DOR/BUS/IC-608-600.shtml.

Penalty and interest

If a petroleum load fee business fails to file a return or pay the amount due by the due date, a penalty of 5 percent of the amount due will be charged. If the amount due is not paid within three months, an additional penalty of 20 percent will be charged.

Interest will be added to any unpaid amount, calculated from the time the fee becomes due. Interest will accrue at the rate established under Oregon law for each month or fraction of a month. ORS 305.220.

What is the applicable law?

ORS 465.104–465.131. You can see the statute at www.leg.state.or.us/ors/465.html.

Taxpayer assistance

General tax information www.oregon.gov/DOR
Salem 503-378-4988
Toll-free from Oregon prefix..... 1-800-356-4222

Asistencia en español:
Salem 503-945-8618
Gratis de prefijo de Oregon..... 1-800-356-4222

TTY (hearing or speech impaired; machine only):
Salem 503-945-8617
Toll-free from Oregon prefix..... 1-800-886-7204

Americans with Disabilities Act (ADA): Call one of the help numbers for information in alternative formats.