CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH & GAME
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 6. FUND ADMINISTRATION
SECTION 870.17

§ 870.17. Oil Spill Prevention and Administration Fund Fees.

(a) The Administrator shall establish a barrel fee and a nontank vessel fee. Each fee shall be deposited into the Oil Spill Prevention and Administration Fund, as required by article 6 of chapter 7.4, division 1, title 2 of the Government Code (commencing with Section 8670.38).

(b) Barrel Fee

(1) The barrel fee shall not exceed six and one-half cents ($0.065) per barrel of crude oil or petroleum products, rounded to no more than four decimal places, received at a marine terminal or refinery, by any mode of delivery that passes over, across, under, or through waters of the state from within or outside the state. The owner of the crude oil or petroleum products shall pay the fee.

(2) The barrel fee is set at six and one-half cents ($0.065) per barrel.

(3)(A) The ~~State Board of Equalization (Board)~~California Department of Tax and Fee Administration shall collect the barrel fee, pursuant to part 24 of division 2 of the Revenue ~~&~~and Taxation Code (commencing with section 46001), and deposit it into the Oil Spill Prevention and Administration Fund in the State Treasury. The ~~Board's~~California Department of Tax and Fee Administration's regulations regarding collection of the barrel fee are found at chapter 4.5 of division 2 of title 18 of the California Code of Regulations (commencing with section 2231).

(B) Annually by October 1~~st~~, the Administrator will notify the ~~Board~~ California Department of Tax and Fee Administration of the fee rate for the next calendar year. After such notice if the Administrator determines that the barrel fee rate must be changed, the Administrator will notify the ~~Board~~ California Department of Tax and Fee Administration at least 90 days before the first day of the calendar quarter the adjusted rate is to be effective.

(4) The barrel fee shall only be imposed and collected upon the first delivery of each barrel of crude oil or petroleum products to a refinery or marine terminal, and not upon subsequent movement of that same barrel of crude oil or petroleum products, or upon petroleum products derived therefrom after that first delivery to a marine terminal or refinery. A marine terminal operator or a refinery operator receiving petroleum products derived from crude oil refined in the state may presume the fee has been previously collected. If there is a dispute regarding whether the fee has already been collected or paid, the burden is upon the marine terminal operator or refinery operator to establish that fact.

(5) Operators of refineries, marine terminals, and pipelines transporting crude oil or petroleum products shall register with the ~~Board~~California Department of Tax and Fee Administration, pursuant to section 46101 of the Revenue and Taxation Code.

(c) Nontank Vessel Fee

(1) The nontank vessel fee shall be an amount that is based upon the Administrator's costs to implement requirements relating to nontank vessels, pursuant to section 8670.41 of the Government Code.

(2) The nontank vessel fee is set as follows:

(A) An operator or owner of a nontank vessel that has a carrying capacity of over 6,500 barrels of ~~oil~~fuel, shall submit a nonrefundable fee of ~~$3,250~~3,750 ~~fee~~ per nontank vessel.

(B) An operator or owner of a nontank vessel that has a carrying capacity greater than 500 barrels of ~~oil~~ fuel and less than or equal to 6,500 barrels of ~~oil~~fuel, shall submit a nonrefundable fee of ~~$1,950~~2,250 ~~fee~~ per nontank vessel.

(C) An operator or owner of a nontank vessel that has a carrying capacity of 500 barrels of ~~oil~~ fuel or less shall submit a nonrefundable fee of ~~$650~~750 ~~fee~~ per nontank vessel.

(D) A nontank vessel owned and operated by the state of California or a federal agency that has a carrying capacity of over 7,500 barrels of ~~oil~~fuel, shall submit a nonrefundable fee of ~~$3,250~~3,750 ~~fee~~ per nontank vessel.

(E) A nontank vessel owned and operated by the state of California or a federal agency that has a carrying capacity greater than 500 barrels of ~~oil~~ fuel and less than or equal to 7,500 barrels of ~~oil~~fuel, shall submit a nonrefundable fee of ~~$1,950~~2,250 ~~fee~~ per nontank vessel.

(3) The nontank vessel fee shall be submitted for each vessel by the owner or operator of a nontank vessel at the same time the owner or operator submits to the Administrator a new or renewal application for a certificate of financial responsibility, pursuant to section 791.7 of chapter 2 of this subdivision.

(4) The owner or operator shall not deduct any processing fees from the amount submitted.

Note: Authority cited: Sections 8670.39, 8670.40 and 8670.41, Government Code. Reference: Sections 8670.37.58, 8670.40 and 8670.41, Government Code; Assembly Bill 815 (Chapter 108, Statutes of 2015), Section 5 uncodified.