

Hazardous Substance Possession Fee Exemptions

The Hazardous Substance Possession Fee (HSPF) is assessed annually to facilities who have substances reportable under the Community Right to Know and Protection Act. The HSPF is assessed based on the quantity and hazard ranking of the substance in highest aggregate amount. Certain hazardous substances or circumstances allow for a full or partial exemption of the HSPF.

In addition to a fee payable to the State Fire Marshal, the HSPF also includes fees for the Oregon Department of Environmental Quality's (DEQ) Toxic Use Reduction (TUR) program and the Orphan Site Fund (OS).

Click [here](#) for the current fee schedule.

Below is a list of common and uncommon exemptions from the HSPF, as well as exemptions for government agencies.

Common exemptions

- **Hazardous substance is derived from the refining of crude oil (e.g. gasoline, diesel motor fuel, crankcase motor oil, asphalt base, butane, ethane and propane)**

**Does not include derivatives of these products*

- **Hazardous substance is propane produced by a process other than the refining of crude oil and is for non-vehicular use**

**Information provided to our office by the propane industry indicates most, if not all, propane shipped to Oregon is NOT produced by the refining of crude oil. Contact your supplier for verification.*

**Exempt from the Toxic Use Reduction fee only*

- **Hazardous substance is reported voluntarily**

**The hazardous substance is not otherwise required to be reported but facility wishes to report it anyway.*

- **Hazardous substance is stored in a retail location accessible by the public**

**These substances are not required to be reported*

**This does not include any hazardous substance that requires facility assistance with obtaining the product (i.e. substances stored in a locked cabinet or dispensed by an employee)*

- **Hazardous substance was not present on the site for more than 24 consecutive hours.**

**These substances are not required to be reported*

- **Hazardous substance is a solid waste as defined in [ORS 459.005](#)**

- **Hazardous substance is a hazardous waste as defined in [ORS 466.005](#)**

Uncommon exemptions

- **Hazardous substance is natural gas not stored in liquefied form and is for non-vehicular use**

- **Finished articles that are not used in a manufacturing process**

**These substances are not required to be reported*

**Does not include lead acid batteries*

- **Hazardous substance is a gas intended for human/animal ingestion or inhalation, or added to a product that is ingested or inhaled (e.g. carbon dioxide used at a restaurant for carbonated soft drinks) when all of the following is true:**

i. The gas is present at the site where human/animal ingestion occurs;

ii. The gas is not being used in a manufacturing process;

iii. The gas is not cryogenic; and

iv. The gas is not being stored at the site in excess of 1,000 cubic feet.

- **Hazardous substance is in an over-the-road motor vehicle (e.g. delivery truck not used for static storage)**

**These substances are not required to be reported*

- **Hazardous substance is dry cell batteries, such as those used in flashlights, portable radios, cell phones, and pagers**

**These substances are not required to be reported*

- **Hazardous substance is radioactive material encased in a capsule designed to prevent leakage or escape of the radioactive material (e.g. smoke detectors and lab equipment)**

- **Hazardous substance is used for agricultural operations and is present where the agricultural operations occur**

**These substances are not required to be reported*

**Agricultural operations are growing operations including but not limited to nursery, horticultural and livestock production operations.*

**Hazardous substances used in the processing of harvested products are not exempt from the fee, even if they are at the facility or property where the growing operations occur.*

Exemptions for government agencies

- **Hazardous substance is propane used for heating by public schools (where education occurs, not support buildings or district offices)**
- **Hazardous substance is breathing air for self-contained breathing apparatus (SCBAs)**
- **Hazardous substance is specifically required by a state or federal law or rule**
- **Hazardous substance is reasonably necessary to comply with a standard imposed by a state or federal law or rule**
- **Hazardous substance is a by-product of processes employed to meet a standard imposed by a state or federal law or rule.**

If you have any questions, please contact the CR2K [Help Desk](#) or call (503) 378-6835 or (800) 454-6125.