

## TERMINAL OPERATOR

A Terminal Operator is a person who by ownership or contractual agreement is charged with the responsibility and physical control over the operation of a terminal. A terminal is a fuel refinery or storage and distribution facility that is supplied by pipeline or marine vessel, from which motor fuel or special fuel may be removed at a rack, and that has been registered as a qualified terminal by the Internal Revenue Service. Terminal Operators must be licensed to do business in South Dakota. A separate license is required for each terminal location within South Dakota.

### Ethanol Blends and Methanol Blends

With the 2009 South Dakota Legislative Session, it was decided to tax all Ethyl Alcohol and Methyl Alcohol at the rate of \$.08 per gallon plus the \$.02 per gallon Tank Inspection Fee. This was done because of various levels of ethanol blends now seen in the industry.

**If a Terminal Operator releases an ethanol blend or methanol blend, the bill of lading must list the alcohol gallons and gasoline gallons separately.**

### Dyeing Tax-Exempt Fuel

Terminal Operators are responsible for dyeing special fuel before it can be sold tax-exempt from the terminal. At the Supplier's discretion dye may be added:

- In accordance with United States Environmental Protection Agency (EPA) requirements; or
- In accordance with the specifications and amounts required by the Internal Revenue Service (IRS).

### Additional Responsibilities

Terminal Operators are to ensure that carriers wanting to do business in a South Dakota terminal are licensed as a Transporter. This license will allow the carrier to load and transport fuel from the terminal.

Terminal Operators must prepare and provide a bill of lading to the driver of every vehicle removing fuel products from the terminal. The bill of lading must clearly show the destination state indicated by the Transporter or the Transporter's agent.

The Supplier and the Terminal Operator are entitled to rely on the truthfulness of the representation made by the Transporter or Transporter's agent as to the destination state the Terminal Operator prints on the bill of lading. A petroex or similar number may not be relied upon by the Terminal Operator or Supplier as a representation of a destination state.

### Recordkeeping/Acceptable Records

To ensure that the correct amount of fuel tax is collected on all fuel used on South Dakota's roads and highways, the law requires Terminal Operators to keep detailed records of all fuel transactions and deliveries, and in some cases, of fuel usage. Terminal Operators must present these records to department personnel if they are audited or have their license reviewed. Records are to be maintained for a period of at least 30 days at the delivery

location or a location approved by the Secretary. All records must be preserved for the current year and the three preceding calendar years.

### Fuel Shipping Records

Licensed Terminal Operators must maintain all bills of lading in either their original format, through film retrieval, or electronic media. The bill of lading must contain the following:

- The terminal or bulk plant name and address;
- The date the fuel was withdrawn from the terminal;
- The name and address of the Supplier, shipper, or owner of fuel within a bulk plant if withdrawn from a bulk plant bulk plant;
- The name of the Transporter or carrier;
- The destination state. A petroex or similar number does not fulfill this requirement;
- The bill of lading number;
- The number of gross gallons of each type of fuel;
- The type of fuel product transported;
- If the fuel contains ethyl alcohol or methyl alcohol, the number of gallons of ethyl alcohol, the number of gallons of methyl alcohol, the number of gallons of gasoline, or the number of gallons of any other motor fuel that are contained therein;
- The name and address of the consignee; and
- Any other information which the Secretary deems necessary for the administration and enforcement of this chapter.

### Reporting Schedule

While they do not remit fuel tax, for the purpose of determining the amount of motor fuel and special fuel tax due, Terminal Operators are required to file a monthly report providing:

- The name and address of all Suppliers
- A summarized report of all gallons pulled by each Supplier during the month
- Copies of all bills of ladings issued by the terminal or computer-generated bill of lading information which has been approved by the Department.

Terminal Operator reports must be filed on or before the last day of the month following the month in which the transactions took place. For example, a Terminal Operator would submit a report detailing all transactions conducted in September by October 31st. If the last day of the month falls on a Sunday or legal holiday, the report will be due on the next working day.



# Terminal Operator's Report Pipeline Reporting

Company Name	License Number	Reporting Period
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Mail Report to: South Dakota Department of Revenue & Regulation 445 E Capitol Ave Pierre, SD 57501-3100
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Check Here if this is an amended report Report in whole **gross** gallons only

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J
Gasoline	100% Ethyl Alcohol	AVGAS	Dyed Diesel & Kerosene	Undyed Diesel & Kerosene	Dyed Biodiesel	Clear Biodiesel	Jet Fuel	LPG	Other

<b>1</b>	Supplier Name	Supplier License Number											
	a	Gallons withdrawn by this supplier with a destination in SD	a										
	b	Gallons withdrawn by this supplier with a destination outside SD	b										
	c	Total gallons withdrawn by this supplier (add lines 1a & 1b)	c										
<b>2</b>	Supplier Name	Supplier License Number											
	a	Gallons withdrawn by this supplier with a destination in SD	a										
	b	Gallons withdrawn by this supplier with a destination outside SD	b										
	c	Total gallons withdrawn by this supplier (add lines 2a & 2b)	c										
<b>3</b>	Supplier Name	Supplier License Number											
	a	Gallons withdrawn by this supplier with a destination in SD	a										
	b	Gallons withdrawn by this supplier with a destination outside SD	b										
	c	Total gallons withdrawn by this supplier (add lines 3a & 3b)	c										
<b>4</b>	Supplier Name	Supplier License Number											
	a	Gallons withdrawn by this supplier with a destination in SD	a										
	b	Gallons withdrawn by this supplier with a destination outside SD	b										
	c	Total gallons withdrawn by this supplier (add lines 4a & 4b)	c										
<b>5</b>	Supplier Name	Supplier License Number											
	a	Gallons withdrawn by this supplier with a destination in SD	a										
	b	Gallons withdrawn by this supplier with a destination outside SD	b										
	c	Total gallons withdrawn by this supplier (add lines 5a & 5b)	c										

**Attach additional sheets if necessary**

<b>6</b>	Totals												
	a	Total gallons withdrawn by all suppliers with a destination in SD <small>(add lines 1a, 2a, 3a, etc and, if necessary, information from additional sheets)</small>	a										
	b	Total gallons withdrawn by all suppliers with a destination outside SD <small>(add lines 1b, 2b, 3b, etc and, if necessary, information from additional sheets)</small>	b										
	c	Grand total gallons withdrawn by all suppliers for this reporting period <small>(add lines 6a and 6b)</small>	c										

I declare and affirm under penalty of perjury that this report has been examined by me, and to the best of my knowledge and belief is in all true and correct			
Printed Name	Signature	Title	Date