

**FULL NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES
RELATING TO THE PETROLEUM TANK RELEASE COMPENSATION FUND**

TAKE NOTICE that the North Dakota Department of Environmental Quality ("Department") will hold a public hearing to address proposed amendments to North Dakota Administrative Code § 33.1-12-01-04 at the following time and location:

2nd Floor Conference Room
North Dakota Department of Environmental Quality
4201 Normandy St, Bismarck, ND 58503-1324
March 20, 2024
2:00 pm CDT

The purpose of the proposed amendments is to implement statutory changes made by the 68th Legislative Session in Senate Bill No. 2075 to North Dakota Century Code Chapter 23.1-12 for the Petroleum Tank Release Compensation Fund. The proposed amendments to the rule in N.D. Admin. Code § 33.1-12-01-04 address the requirement for claim acceptance conditions for consideration by the Petroleum Tank Release Compensation Fund referenced in North Dakota Century Code § 23.1-12-18 (1)(a).

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rulemaking implements Senate Bill number 2075 enacted during the most recent legislative session, concerning the requirement for claim acceptance conditions for consideration by the Petroleum Tank Release Compensation Fund.

The proposed rule may be reviewed at the Department's office located at 4201 Normandy St, Bismarck, ND 58503-1324 or on the Department's website at <https://deg.nd.gov/PublicNotice.aspx>. A copy of the proposed rule amendments and/or regulatory analysis may be requested by writing the Petroleum Tank Release Compensation Fund at the above address, emailing degptrcf@nd.gov, or calling (701) 328-5191. Written or oral comments on the proposed rule amendments sent to the above mailing address, email address, or telephone number and received by April 3, 2024 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability or need language interpretation for limited English proficiency, please contact the Department at the above address or telephone number at least two days prior to the public hearing.

There will be real time public streaming of the public hearing through a Microsoft Teams meeting. No testimony will be accepted through the Microsoft Teams meeting. Information concerning listening access by telephone or through Microsoft Teams can be obtained by calling (701)328-5191 or can be found on the Department's website at <https://deg.nd.gov/PublicNotice.aspx>.

Dated this 8th day of January, 2024.

A handwritten signature in blue ink, appearing to read "L. David Glatt". The signature is fluid and cursive, with the first name "L." being a simple loop, "David" written in a series of connected loops, and "Glatt" ending in a large, sweeping loop.

L. David Glatt, P. E
Director
Department of Environmental Quality

Petroleum Tank Release Compensation Fund Administrative Rules Public Hearing Information:

2nd Floor Conference Room 210V
North Dakota Department of Environmental Quality
4201 Normandy St., Bismarck, ND 58503-1324
March 20, 2024
2:00 pm CDT

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 295 637 487 216

Passcode: SiTMxw

[Download Teams](#) | [Join on the web](#)

Join with a video conferencing device

teams@join.nd.gov

Video Conference ID: 111 596 937 0

[Alternate VTC instructions](#)

Or call in (audio only)

[+1 701-328-0950](tel:+17013280950),,976124588# United States, Fargo

Phone Conference ID: 976 124 588#

[Find a local number](#) | [Reset PIN](#)



33.1-12-01-04. Notification of release procedures.

Upon receiving notice of a release, the PTRCF program must:

1. Verify the tank and all other tanks owned or operated by the operator are registered with the fund.
2. Record the release information in the registration file for the location.
3. Verify the department has received proper notice of the release.
4. Send a denial letter to the owner or operator if the owner or operator has not registered all the tanks owned and operated by the owner or operator at the location of the release. A copy must be sent to the department's division assigned to the cleanup.
5. Obtain verification from the owner or operator ~~the affected tank, equipment, components, material, and dispenser are in compliance with state and federal regulations for the petroleum product stored and dispensed~~that at the time the release was discovered, the tank was in substantial compliance, as determined under subdivision a of subsection 1 of section 23.1-12-18 of the North Dakota Century Code, with all applicable rules of the United States environmental protection agency, the state fire marshal, and the department. If the previously mentioned tank, ~~equipment, components, material, and dispenser are non-compliant with state and federal regulations~~was not in substantial compliance, the PTRCF program must send a claim denial letter to the owner or operator. A copy of the claim denial letter must be sent to the department's division assigned to the cleanup.
6. Send the registered owner or operator of the site an application packet and a letter outlining the procedure for filing a claim for reimbursement of corrective action if all tanks are registered ~~and, including~~ the affected tank, piping, fitting, and dispenser are in substantial compliance with state and federal regulations all applicable rules of the United States environmental protection agency, the state fire marshal, and the department for the petroleum product stored and dispensed before the release.

History: October 1, 2022

General Authority: NDCC 23.1-12-05, 28-32-02

Law Implemented: NDCC 23.1-12-10, 23.1-12-19