



UST SYSTEMS CLOSED PRIOR TO DECEMBER 22, 1988

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The following information provides an explanation of the applicability of the State and Federal Underground Storage Tank (UST) Rules/Regulations to UST systems closed or abandoned prior to the effective date of the regulations, December 22, 1988.

The state of North Dakota has promulgated rules for USTs; the rules became effective December 1, 1989. The state rules are no more stringent than the Federal Regulations (40 CFR Part 280).

Both state rules and EPA regulations make certain requirements of owners and operators who permanently close an UST system. Accordingly, the EPA believes that the closure requirements should be applied to tanks closed or abandoned prior to December 22, 1988 when, in the judgment of the implementing agency, the North Dakota Department of Environmental Quality (NDDEQ), the tank(s) may pose a current or potential threat to human health and the environment.

Oftentimes, abandoned UST systems contain regulated substances and may pose a threat to human health and the environment. Likewise, abandoned tanks may have been closed in a manner that failed to adequately provide the following: (1) prevent the tank from surfacing; (2) support the structural integrity of the tank as it deteriorates over time (to avoid cave-ins); and (3) seal the tank and associated piping from future use as a tank system. For these reasons, it is the policy of this Department to recommend that an owner/operator of a tank abandoned prior to the effective date of the Federal UST Regulations (December 22, 1988) follow the closure procedures as described in both state and federal rules and regulations, namely:

1. Notify the NDDEQ in advance of the closure;
2. Empty and clean the tank(s) of all accumulated sludges; and
3. Assess the site for past contamination.

(NOTE: The tank owner/operator should also check with local and state fire officials for their requirements on underground storage tank closures.)

Regulatory Agency

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