

**TO:** North Dakota Underground Storage Tank (UST) Contractors  
**FROM:** Reuben Panchol  
Underground Storage Tank Program Manager  
Division of Waste Management   
**SUBJECT:** UST Rules Clarification  
**DATE:** March 3, 2022

As you are aware, North Dakota adopted new rules for UST systems in 2018. There are several issues that the North Dakota UST Program would like to address with UST contractors before the summer work season begins.

- BALL FLOAT VALVES:** All overfill equipment must be tested every three years for functionality. Ball float valves can be tested and reused if they passed the test. However, they must be replaced with a different overfill device if they failed the test. In addition, you cannot install a flapper valve and a ball float valve in the same tank. You must remove the entire ball float valve assembly, not just the ball, if you are going to install a flapper valve. There is an article in L.U.S.T. Line that explains the reasoning for this [https://neiwppc.org/wp-content/uploads/2019/08/LUSTLine-86\\_July-2019.pdf](https://neiwppc.org/wp-content/uploads/2019/08/LUSTLine-86_July-2019.pdf). Many tanks had ball floats buried in the ground with no ports to access them. If you come across a site that has no flapper valve or overfill alarm, you must assume that there is a ball float valve and that ball float must either be tested or removed even if you cannot easily access it.
- OVERFILL ALARMS:** Beginning on April 1, 2018, all overfill alarms must be audible to the person (transfer operator) delivering fuel to the USTs. If the facility uses an overfill alarm as the sole method of overfill protection and the alarm cannot be heard by the transfer operator, the alarm system must be connected so that the transfer operator can hear the alarm.
- TESTING FORMS:**
  - The ND UST Program has forms for the contractors to use for testing tank systems. These forms can be found at <https://deq.nd.gov/WM/Publications.aspx>.
  - PEI also has these forms free for use at <https://www.pei.org/rp1200>. We are requesting that a form is used for each piece of equipment tested. For example, if five sump sensors were tested you cannot just indicate that five sensors were tested and passed the tests. We need to see the test results for each sensor.
- TESTING FORM DATES:** Please do not leave the test date blank on the testing forms. It is very important that we know the dates of each test.
- EMERGENCY GENERATOR TANKS:** Emergency generator tanks are no longer exempt from leak detection and the requirements on these tank systems are the same as any other regulated UST.
- INTERSTITIAL MONITORING:** All tanks and piping installed after January 1, 2009, MUST use interstitial monitoring as the primary form of leak detection and therefore must test single walled STP, transitional, and dispenser sumps every three years. Tank systems installed before January 1, 2009, are not required to use interstitial monitoring as the primary form of leak detection.

7. **NOTIFICATION REQUIREMENTS:** The owner/operator is required to notify this Department of any changes to the UST system including piping, spill buckets, overfill devices, dispenser unit, etc. They do not have to notify if making repairs.
8. **SPILL BUCKET TESTING:** All tank systems must be equipped with spill prevention equipment such as spill buckets and that spill prevention equipment must be tested every three years for tightness. Testing is required for all single walled spill prevention equipment even if that equipment is field constructed.
9. **ONLINE HELP FOR CONTRACTORS:** Contractors can view testing information about each facility in North Dakota including which equipment needs to be tested and the date of the last test at that facility. The website is <https://secure.apps.nd.gov/doh/operator/default.aspx>. You will need a username and password to log in. Contact the UST Program for the username and password. Please note that even though the UST Program does try to enter the correct equipment information about each facility, some information may not be correct or up to date. Use your best judgment when determining the required testing at these facilities and call the Department if you have any questions.

If you have any questions, you may contact the UST Program at 701-328-5166 or you may call the Department's UST staff directly to talk about a specific facility in their region. Please see region map below for individual staff contact information.

## UST PROGRAM REGION MAP

Division of Waste Management  
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