

COMPLAINT ALERT



Reducing Significant Non-Compliance with Underground Storage Tank Rules

Attention Underground Storage Tank Owners and Operators:

The North Dakota Department of Environmental Quality (Department) is charged with regulating underground storage tanks (UST) under North Dakota Century Code (N.D.C.C.) ch. 23.1-04. The Department's rules governing USTs are found in North Dakota Administrative Code (N.D. Admin. Code) ch. 33.1-24-08.

In 2023 the Department estimates that nearly **70 percent** of the state's UST facilities are in non-compliance with North Dakota's UST rules.

Non-compliance not only increases your chances of enforcement action and monetary penalties, but could increase your liability to adjacent landowners, and result in your facility being ineligible for financial reimbursement in the event of an environmental accident.

There are several requirements that are of immediate concern. These involve additional testing of the UST system and became **Effective April 1, 2018**, including:

- Annual testing of leak detection equipment
- 3-year testing of spill buckets, overfill devices, and piping containment sumps
- 3-year testing of Corrosion protection on metals (tank and piping)

This Compliance Alert aims to ensure that all regulated UST systems comply with North Dakota UST rules and reduce the number of USTs that are out of compliance. By working with each facility, our goal is to achieve 100% compliance by addressing the most serious violations promptly and appropriately.

- See the other side of this ALERT for potential consequences -

The consequences of violations include, but are not limited to:

- **Delivery prohibition (red tagging)** - No fuel sales will be allowed;
- **Penalty** of up to twenty-five thousand dollars per day of violation;
- An **ineligibility** to be reimbursed by the North Dakota Petroleum Tank Release Compensation Fund in case of a leak; and,
- Undetected **Release of product** to the environment.

If your facility has USTs out of compliance, we encourage you to **immediately** correct the problem. Petroleum tank contractors are very busy. If you have equipment that requires testing, you will need to book testing well before the due date. A prompt return to compliance is critical to reducing the potential for an **ENFORCEMENT ACTION!**

If you have any questions regarding this memo or your compliance status, please contact the North Dakota Underground Storage Tank Program at 701-328-5166 or send an email to ndust@nd.gov

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The full UST regulations can be found at the following links:

UST Law: <https://www.ndlegis.gov/cencode/t23-1c04.pdf#7>

UST Rules: <https://www.ndlegis.gov/information/acdata/pdf/33.1-24-08.pdf>

PTRCF: <https://ndlegis.gov/cencode/t23-1c12.pdf#nameddest=23p1-12-01>

DEQ Non-discrimination Statement

The NDDEQ will consider every request for reasonable accommodation to provide an accessible meeting facility or other accommodation for people with disabilities, language interpretation for people with limited English proficiency (LEP), and translations of written material necessary to access programs and information. To request accommodations, contact Ann Fritz, Non-discrimination Coordinator at 701-328-5162 or AFritz@nd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.