

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~~ including the affected tank, ~~pipng, 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