



NORTH DAKOTA
DEPARTMENT *of* HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



FILE: UST General Correspondence
Chapter 33-24-08 North Dakota Underground Storage Tank Rules

June 7, 2010

Mr. John Walstad, Code Reviser
ND Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Mr. Walstad:

The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules are enclosed as required by NDCC Section 28-32-02.

Sincerely,

Scott A. Radig, P. E., Director
Division of Waste Management

SAR:GWB:lk
Enc.

UST Rules 33-24 Legis Ltr 2010607.docx

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210

**NOTICE OF INTENT TO
AMEND ADMINISTRATIVE RULES**

TAKE NOTICE that the North Dakota Department of Health will hold a public hearing to address proposed amendments to North Dakota Administrative Code Chapter 33-24-08, Technical Standards and Corrective Action Requirements For Owners and Operators of Underground Storage Tanks, at 1:30 p.m. CDT on Wednesday, July 14, 2010, in the 4th Floor Conference Room of the North Dakota Health Department, 918 E. Divide Ave., Bismarck, North Dakota 58501-1947.

The purpose of the amendments is to include training requirements for three distinct classes of operators who operate and maintain regulated underground storage tank systems. The amendments are necessary to comply with mandates contained in the federal Energy Policy Act of 2005. The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed amendments may be reviewed at the office of the North Dakota Department of Health, Division of Waste Management, 918 E. Divide Ave., 3rd Fl., Bismarck, ND 58501-1947. A copy of the proposed amendments and/or a regulatory analysis may be requested by writing the above address or calling 701.328.5166. Copies of the proposed amendments can also be viewed or downloaded from the Divisions's web site at www.ndhealth.gov/wm/PublicNotices.aspx. Written or oral data, views, or arguments on the proposed amendments sent to the above mailing address or telephone number and received by July 24, 2010, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Division at the above telephone number or address at least seven (7) days prior to the public hearing.

ABBREVIATED NOTICE OF INTENT TO
AMEND ADMINISTRATIVE RULES
RELATING TO UNDERGROUND STORAGE TANKS

TAKE NOTICE that the North Dakota Department of Health will hold a public hearing to address proposed amendments to North Dakota Administrative Code Chapter 33-24-08, Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks, at 1:30 p.m. CDT on Wednesday, July 14, 2010, in the 4th Floor Conference Room of the North Dakota Health Department, 918 E. Divide Ave., Bismarck, ND 58501-1947.

A copy of the proposed amendments may be obtained by writing to the North Dakota Department of Health, Division of Waste Management, 918 E. Divide Ave. 3rd Fl., Bismarck, ND 58501-1947 or calling 701.328.5166. The proposed amendments can also be reviewed or downloaded from the Division's web site at www.ndhealth.gov/wm/PubicNotices.aspx. Written comments on the proposed amendments may be submitted to the above mailing address until July 24, 2010. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Division at the above telephone number or address at least seven (7) days prior to the public hearing.

CHAPTER 33-24-08

TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS

Section

33-24-08-01	Applicability (Technical Standards and Corrective Action)
33-24-08-02	Interim Prohibition for Deferred Underground Storage Tank Systems
33-24-08-03	Definitions (Technical Standards, Delivery Prohibition, and Corrective Action)
33-24-08-04	[Reserved]
33-24-08-05	[Reserved]
33-24-08-06	[Reserved]
33-24-08-07	[Reserved]
33-24-08-08	[Reserved]
33-24-08-09	[Reserved]
33-24-08-10	Performance Standards for New Underground Storage Tank Systems
33-24-08-11	Upgrading of Existing Underground Storage Tank Systems
33-24-08-12	Notification Requirements
33-24-08-13	[Reserved]
33-24-08-14	[Reserved]
33-24-08-15	[Reserved]
33-24-08-16	[Reserved]
33-24-08-17	[Reserved]
33-24-08-18	[Reserved]
33-24-08-19	[Reserved]
33-24-08-20	Spill and Overfill Control
33-24-08-21	Operation and Maintenance of Corrosion Protection
33-24-08-22	Compatibility
33-24-08-23	Repairs Allowed
33-24-08-24	Reporting and Recordkeeping
33-24-08-25	[Reserved]
33-24-08-26	[Reserved]
33-24-08-27	[Reserved]
33-24-08-28	[Reserved]
33-24-08-29	[Reserved]
33-24-08-30	General Release Detection Requirements for All Underground Storage Tank Systems
33-24-08-31	Release Detection Requirements for Petroleum Underground Storage Tank Systems
33-24-08-32	Release Detection Requirements for Hazardous Substance Underground Storage Tank Systems
33-24-08-33	Methods of Release Detection for Tanks
33-24-08-34	Methods of Release Detection for Piping
33-24-08-35	Release Detection Recordkeeping
33-24-08-36	Applicability (Delivery Prohibition)
33-24-08-37	Criteria for Delivery Prohibition
33-24-08-38	Mechanisms for Designating Tanks Ineligible for Delivery
33-24-08-39	Reclassifying Ineligible Tanks as Eligible for Delivery
33-24-08-40	Reporting of Suspected Releases

33-24-08-41	Investigation Due to Offsite Impacts
33-24-08-42	Release Investigation and Confirmation Steps
33-24-08-43	Reporting and Cleanup of Spills and Overfills
33-24-08-44	[Reserved] <u>Unattended Cardtrol Facilities</u>
33-24-08-45	[Reserved] <u>Operator Designations</u>
33-24-08-46	[Reserved] <u>Operator Training</u>
33-24-08-47	[Reserved] <u>Training Reciprocity</u>
33-24-08-48	[Reserved] <u>Operator Retraining</u>
33-24-08-49	[Reserved] <u>Underground Storage Tank Operator Inspections</u>
33-24-08-50	General Release Response and Corrective Action for Underground Storage Tank Systems Containing Petroleum or Hazardous Substances
33-24-08-51	Initial Response
33-24-08-52	Initial Abatement Measures and Site Check
33-24-08-53	Initial Site Characterization
33-24-08-54	Free Product Removal
33-24-08-55	Investigations for Soil and Ground Water Cleanup
33-24-08-56	Corrective Action Plan
33-24-08-57	Public Participation
33-24-08-58	[Reserved]
33-24-08-59	[Reserved]
33-24-08-60	Temporary Closure
33-24-08-61	Permanent Closure and Changes in Service
33-24-08-62	Assessing the Site at Closure or Change in Service
33-24-08-63	Applicability to Previously Closed Underground Storage Tank Systems
33-24-08-64	Closure Records
33-24-08-65	[Reserved]
33-24-08-66	[Reserved]
33-24-08-67	[Reserved]
33-24-08-68	[Reserved]
33-24-08-69	[Reserved]
33-24-08-70	[Reserved]
33-24-08-71	[Reserved]
33-24-08-72	[Reserved]
33-24-08-73	[Reserved]
33-24-08-74	[Reserved]
33-24-08-75	[Reserved]
33-24-08-76	[Reserved]
33-24-08-77	[Reserved]
33-24-08-78	[Reserved]
33-24-08-79	[Reserved]
33-24-08-80	Applicability (Financial Responsibility)
33-24-08-81	Financial Responsibility Compliance Dates
33-24-08-82	Definitions (Financial Responsibility)
33-24-08-83	Amount and Scope of Required Financial Responsibility
33-24-08-84	Allowable Mechanisms and Combinations of Mechanisms
33-24-08-85	Financial Test of Self-Insurance
33-24-08-86	Guarantee
33-24-08-87	Insurance and Risk Retention Group Coverage
33-24-08-88	Surety Bond
33-24-08-89	Letter of Credit
33-24-08-90	[Reserved]