

Initial Letter to ND Legislative Council

January 24, 2022

Ms. Emily Thompson
Ms. Claire Ness
Legal Division Director
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Thompson and Ms. Ness:

The Notice of Intent to adopt Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in black ink that reads "Duane Sandvick". The signature is written in a cursive, flowing style.

Duane Sandvick – Program Manager
Petroleum Tank Release Compensation Fund
North Dakota Department of Environmental Quality

Attachments

**FULL NOTICE OF INTENT TO ADOPT THE ADMINISTRATIVE RULES RELATING TO
ARTICLE 33.1-12 RELATING TO PETROLEUM TANK RELEASE COMPENSATION FUND**

TAKE NOTICE that the North Dakota Department of Environmental Quality ("Department") will hold a public hearing to address a proposed new article to N.D. Admin. Code Title 33.1 on February 2, 2022 at 2:00 pm CST at the Department's office building located at 4201 Normandy Ave., Bismarck, ND. Meeting room 210V will be available to the public for this meeting.

The purpose of the proposed rule is to implement rules regarding the practices and procedures of the Petroleum Tank Release Compensation Fund, the form and procedure for applications for compensation from the Petroleum Tank Release Compensation Fund, procedures for investigation of claims, procedures for determining the amount and types of costs that are eligible for reimbursement from the Petroleum Tank Release Compensation Fund, procedures for persons to perform services for the Petroleum Tank Release Compensation Fund, procedures for appeals to the board by claimants aggrieved by an adverse decision or the Department, and any other rules as may be appropriate to administer the North Dakota Century Code Chapter (NDCC) 23.1-12 as outlined in NDCC 23.1-12-05. The proposed rule addresses the requirement for the Petroleum Tank Release Compensation Fund to establish classification of tanks with respect to degree of hazard referenced in NDCC 23.1-12-17 and establishes a annual registration fee schedule for tanks registered with the Petroleum Tank Release Compensation Fund.

The proposed rule is expected to have an impact on the regulated community in excess of \$50,000.

A copy of the proposed rules may be obtained by visiting the Department's public notice website link at deq.nd.gov/PublicNotice.aspx, writing to the Department at 4201 Normandy Avenue, PTRCF 3rd Floor, Bismarck, ND 58501-1324, sending an email to deqptrcf@nd.gov, or calling 701.328.5191. Also, written or oral comments on the proposed rules sent to the above address, email, or telephone number and received by February 16, 2022 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 Department at the above telephone number or address at least two days prior to the public hearing.

Dated this 21st day of December, 2021.

L. David Glatt, P.E., Director
North Dakota Department of Environmental Quality