

under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) North Dakota Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) North Dakota Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: North Dakota Century Code (NDCC), Chapter 23–20.3, Sections 23–20.3–06, 23–20.3–07 and 23–20.3–09.

(B) The regulatory provisions include: North Dakota Administrative Code, Chapter 33–24–08, Sections 33–24–08–56, 33–24–08–57 and 33–24–08–98.

(2) *Statement of Legal Authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of North Dakota on February 28, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of North Dakota to EPA, February 28, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of Procedures for Adequate Enforcement.* The “Demonstration of Procedures For Adequate Enforcement” submitted as part of the original application in April 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in April 1991, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VIII and the North Dakota Department of Health and Consolidated Laboratories, signed by the EPA Regional Administrator on September 10, 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank

program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

3. Appendix A to Part 282 is amended by adding in alphabetical order “North Dakota” and its listing.

#### Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

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##### North Dakota

(a) The statutory provisions include: North Dakota Century Code (NDCC), Chapter 23–20.3, Hazardous Waste Management Act:

Section 23–20.3–01 Declaration of Purpose.  
Section 23–20.3–02 Definitions.  
Section 23–20.3–03 Powers and Duties of the Department.

Section 23–20.3–04 Hazardous Waste Regulations.  
Section 23–20.3–04.1 Underground Storage Tank Regulations.

Section 23–20.3–05 Permits.  
Section 23–20.3–05.1 Fees—Deposit in Operating Fund.

Section 23–20.3–05.2 Commercial Facility Permits and Ordinances.

Section 23–20.3–08 Imminent Hazard.  
Section 23–20.3–10 Applicability.

(b) The regulatory provisions include: North Dakota Administrative Code (NDAC), Chapter 33–24–08, Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks, Amended April 1992:

Section 33–24–08–01 Applicability.  
Section 33–24–08–02 Interim Prohibition for Deferred Underground Storage Tank Systems.

Section 33–24–08–03 Definitions (Technical Standards and Corrective Action).

Section 33–24–08–10 Performance Standards for New Underground Storage Tank Systems.

Section 33–24–08–11 Upgrading of Existing Underground Storage Tank Systems.

Section 33–24–08–12 Notification Requirements.

Section 33–24–08–20 Spill and Overfill Control.

Section 33–24–08–21 Operation and Maintenance of Corrosion Protection.

Section 33–24–08–22 Compatibility.

Section 33–24–08–23 Repairs Allowed.  
Section 33–24–08–24 Reporting and

Recordkeeping.  
Section 33–24–08–30 General Release Detection Requirements for All Underground Storage Tank Systems.

Section 33–24–08–31 Release Detection Requirements for Petroleum Underground Storage Tank Systems.

Section 33–24–08–32 Release Detection Requirements for Hazardous Substance Underground Storage Tank Systems.

Section 33–24–08–33 Methods of Release Detection for Tanks.

Section 33–24–08–34 Methods of Release Detection for Piping.

Section 33–24–08–35 Release Detection Recordkeeping.

Section 33–24–08–40 Reporting of Suspected Releases.

Section 33–24–08–41 Investigation Due to Offsite Impacts.

Section 33–24–08–42 Release Investigation and Confirmation Steps.

Section 33–24–08–43 Reporting and Cleanup of Spills and Overfills.

Section 33–24–08–50 General Release Response and Corrective Action for Underground Storage Tank Systems Containing Petroleum or Hazardous Substances.

Section 33–24–08–51 Initial Response.

Section 33–24–08–52 Initial Abatement Measures and Site Check.

Section 33–24–08–53 Initial Site Characterization.

Section 33–24–08–54 Free Product Removal.

Section 33–24–08–55 Investigations for Soil and Ground Water Cleanup.

Section 33–24–08–60 Temporary Closure.

Section 33–24–08–61 Permanent Closure and Changes in Service.

Section 33–24–08–62 Assessing the Site at Closure or Change in Service.

Section 33–24–08–63 Applicability to Previously Closed Underground Storage Tank Systems.

Section 33–24–08–64 Closure Records.

Section 33–24–08–80 Applicability (financial responsibility).

Section 33–24–08–81 Financial Responsibility Compliance Dates.

Section 33–24–08–82 Definitions (financial responsibility).

Section 33–24–08–83 Amount and Scope of Required Financial Responsibility.

Section 33–24–08–84 Allowable Mechanisms and Combinations of Mechanisms.

Section 33–24–08–85 Financial Test of Self-Insurance.

Section 33–24–08–86 Guarantee.

Section 33–24–08–87 Insurance and Risk Retention Group Coverage.

Section 33–24–08–88 Surety Bond.

Section 33–24–08–89 Letter of Credit.

Section 33–24–08–92 Trust Fund.

Section 33–24–08–93 Standby Trust Fund.

Section 33–24–08–94 Substitution of Financial Assurance mechanisms by Owner or Operator.

Section 33–24–08–95 Cancellation or Nonrenewal by Provider of Financial Assurance.

Section 33–24–08–96 Reporting by Owner or Operator.

Section 33–24–08–97 Recordkeeping.

Section 33–24–08–99 Release from Requirements.

Section 33–24–08–100 Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance.

Section 33–24–08–101 Replenishment of Guarantees, Letters of Credit, or Surety Bonds.

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