

Petroleum Tank Release Compensation Fund

Tank Removal and Cleanup Guidelines

Petroleum storage tank cleanup costs

When a petroleum release occurs, you must immediately contact two entities:

- North Dakota Petroleum Tank Release Compensation Fund (PTRCF) at 701.328.5191
deqptrcf@nd.gov

- and -

- For underground and aboveground storage tanks - North Dakota Department of Environmental Quality (NDDEQ) Underground Storage Tank (UST) Program at 701.328.5166

The PTRCF and the NDDEQ must be notified thirty (30) days before beginning removal, change in service or closure in place of an underground storage tank. This allows the PTRCF and the NDDEQ to be at your site for the tank removal.

The PTRCF only reimburses for "reasonable and necessary" cleanup expenses required by the NDDEQ. In order to determine what expenses are "reasonable and necessary," the tank owner or operator is required to obtain three bids for the removal of a UST. The bids need to detail unit costs for each piece of equipment or laborer. This can be done by the tank owner or operator requesting bids according to the Excavation Expense Worksheet, [SFN 17331](#). Any additional authorized work will be reimbursed according to unit costs on the original bid.

The following expenses are not eligible for reimbursement by the PTRCF:

- The cost of replacement, repair, and maintenance of tanks and associated piping
- The cost of pumping out any product, including water, from any tanks removed
- The cost of upgrading existing affected tanks and associated piping
- The loss of income, profits or petroleum products
- Decreased property value
- Bodily injury or property damages except for those suffered by third parties
- Attorney's fees
- The cost of preparing and filing an application for reimbursement
- The cost of making repairs beyond those required for corrective action
- Cleanup costs resulting from negligence or misconduct by the owner or operator
- Costs in excess of those considered reasonable by the PTRCF
- Fines or penalties imposed by order of the federal, state or local government
- Finance charges, interest charges or late payment charges

Hiring an excavation contractor for the removal of contaminated soil

Prior to hiring an excavation contractor for removal of petroleum contaminated soil:

1. Check with the PTRCF to ensure you are eligible to receive reimbursement.

Obtain written bids from three excavation contractors. Ensure the bids have specific unit costs (backhoe, loader, trucking, etc.). Use the Excavation Expense Worksheet, [SFN 17331](#). Ensure all costs are listed.

Overseeing the excavation contractor

Take charge of the operation. Manage the contractor, do not allow the contractor to manage you. Contact the PTRCF office to seek assistance in the event you may be experiencing difficulty with the contractor during the excavation process.

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Overseeing the excavation contractor (continued)

Be aware of the tasks the excavation contractor is performing. Question the contractor on the need to perform tasks you believe may not be essential or outside the original work plan. Ensure the excavation contractor maintains a daily log of activities performed. The daily log protects you from being overcharged. This activity log also provides information for the PTRCF when evaluating 'reasonable and necessary' costs submitted by the contractor.

Ensure you understand the excavation contractor's billing invoice. Examine and evaluate the specific expense charges, know what the charges represent. Understand how the charges were determined. This process is essential for keeping cleanup costs 'reasonable and necessary'. Ensure the contractor's billing invoice matches the bid or contract the contractor submitted prior to performing work. The tank owner has the responsibility to verify that billed charges are legitimate and correct.

If petroleum contaminated soil is encountered during the removal, the NDDEQ may require that the soil be removed. The soil may be hauled to a NDDEQ approved landfill or the tank owner/operator may haul it to an offsite location to be landfarmed. The tank owner must visit with the NDDEQ's Division of Waste Management Solid Waste Program to get approval for applying the petroleum contaminated soil to a site for landfarming. The PTRCF will reimburse the tank owner the most cost-effective cost alternative related to excavated soil. NDDEQ's Division of Waste Management approves the contaminated soil disposal or treatment method. The proper handling of contaminated soil treatment and disposal can yield substantial savings for the tank owner. Approval from the NDDEQ must be given prior to hauling the soil to the site. The tank owner will only get reimbursed if the remedial work has been approved by the NDDEQ.

Environmental consultants

In the event a tank owner has a petroleum release that causes contamination, the NDDEQ may require the tank owner to complete a site assessment. The assessment must be performed by a qualified environmental consultant. The PTRCF will only reimburse consultant expenses when required by the NDDEQ.

Obtain three individual bids from environmental consulting firms. Use the Environmental Expense Worksheet, [SFN 18731](#). This worksheet must be completed and accompany each individual bid. This worksheet assists the tank owner and the PTRCF to evaluate and compare bids.

For bidding purposes, a 'site assessment' must follow the NDDEQs "Guidelines for Investigation of Contaminant Release Sites" at <https://deq.nd.gov/Publications/WM/InvestigationsOfContaminantReleaseSites.pdf> and :

- A work plan must be pre-approved by the NDDEQ explaining the procedures, type and amount of work to be performed.
- The environmental consulting firm must complete a report and submit the report to the tank owner and the NDDEQ for environmental review.
- In the event more work is required, the NDDEQ will notify the tank owner.

When the approved work has been finished, submit all receipts, a completed Excavation Expense Worksheet, [SFN 17331](#) or Environmental Expense Worksheet, [SFN 18731](#) to the PTRCF for review and reimbursement consideration. All claims must be submitted no later than one year after the work has been completed.

All reimbursement is subject to the availability of funds in the Petroleum Tank Release Compensation Fund.