

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2075**

Introduced by

Energy and Natural Resources Committee

(At the request of the Department of Environmental Quality)

1 A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 23.1-12-18 of  
2 the North Dakota Century Code, relating to corrective action reimbursement for petroleum  
3 releases.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subdivision a of subsection 1 of section 23.1-12-18 of the  
6 North Dakota Century Code is amended and reenacted as follows:

- 7 a. ~~At the time the release was discovered the owner or operator and the tank were~~  
8 ~~in compliance with state and federal rules and rules applicable to the tank,~~  
9 ~~including rules relating to financial responsibility, rules relating to infrastructure~~  
10 ~~compatibility, and all rules relating to health and safety which were in effect at the~~  
11 ~~time of the release, the tank was in substantial compliance with all applicable~~  
12 ~~rules of the United States environmental protection agency, the state fire marshal,~~  
13 ~~and the department. The department shall determine substantial compliance by~~  
14 ~~considering:~~  
15 (1) The purposes of this chapter;  
16 (2) The adverse effect that any violation of the rules may have had on the tank,  
17 thereby causing or contributing to the release; and  
18 (3) The extent of the remedial action required;