

GUIDELINE 13 - INFORMATION TO INCLUDE WITH DISPOSAL FACILITY PLAT

North Dakota Department of Environmental Quality
Division of Waste Management
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Section 23.1-08-21 of the North Dakota Century Code (NDCC) states:

A person operating a solid waste management facility for disposal under a permit issued under this chapter shall, upon completion of the operation at each site, file a plat of the area with the recorder of each county in which the facility is located, together with a description of the wastes placed therein.

Section 33.1-20-02.1-04 and subsection 4 of Section 33.1-20-04.1-09 of the North Dakota Administrative Code (NDAC) implement pertinent closure and notification requirements. The intent of these portions of the Act and rules is to provide management standards for closed landfills and to provide information on an instrument which is normally examined during title search that will, in perpetuity, notify any person conducting a title search that the land has been used as a disposal facility.

This notice shall include the following information and statements:

1. A legal description of the areas used as a disposal facility; and
2. A plat of the disposal area within the legal description. This plat should clearly indicate:
 - a. The disposal boundaries; and
 - b. The types and quantities of wastes buried in each area.
3. General information on the construction, (addressing waste depth, liners, leachate collection systems, gas venting systems, location of monitoring wells, and other information as appropriate), operation, and closure (including the final cap, soil cover, and revegetation).
4. If any asbestos-containing material is buried on-site, a statement must be included that the land has been used for the disposal of asbestos-containing waste material. Also, the locations and quantity of asbestos-containing waste disposed of within the disposal site must be recorded.
5. If any technologically enhanced naturally occurring radioactive material (TENORM) waste is buried on-site, the record of notice shall specify that the landfill is approved to accept TENORM waste. The final record of notice shall indicate the total quantity of TENORM waste disposed in the landfill. (Section 33.1-20-11-07 of the NDAC)
6. Closed solid waste management units may not be used for cultivated crops, tillage, heavy grazing, buildings, earthmoving or any other use that might disturb the protective vegetative and soil cover on the closed site. Exception may be made for those actions that are necessary to ensure the long-term maintenance and integrity of the final cover over the closed facility.

Section 33.1-20-02.1-04 of the NDAC requires that a certified copy of the notice (usually certified by the Register of Deeds) be provided to the Department within sixty (60) days of the recorded date.