



GUIDELINE 40 – WASTE TRANSPORTATION, ACCEPTANCE AND SPILLAGE ISSUES FOR SOLID WASTE FACILITIES

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To ensure efficient and compliant waste transport and waste acceptance procedures for solid waste facilities, the North Dakota Department of Environmental Quality (Department) developed this guideline to increase communication and cooperation between waste generators, facility operators and commercial solid waste transporters. This guideline is intended to help prevent issues of waste spillage during delivery, inadequately prepared or loaded waste, inadequate waste characterization, unpermitted waste haulers, unsafe transport practices, and similar issues. Applicants for a solid waste facility permit or permit holders who are required to address this guideline via application review, permit condition or Department correspondence, should develop procedures as part of the facility plan of operation required under North Dakota Administrative Code (NDAC) Section 33.1-20-04.1-03. Pertinent portions of the rules for the plan of operation include:

- I. **33.1-20-04.1-03. Plan of operation.** All solid waste management facilities, except those permitted by rule, shall meet the requirements of this section.
 1. A description of waste acceptance procedures, including categories of solid waste to be accepted and waste rejection procedures as required by subsection 2 of section 33.1-20-05.1-02 or subsection 8 of section 33.1-20-06.1-02 or subsection 2 of section 33.1-20-07.1-01 or subsection 4 of section 33.1-20-10-03;
 2. A description of waste handling procedures;
 3. A description of facility inspection activities required by subsection 2, including frequency;
 4. A description of contingency actions for the following:
 - A. Fire or explosion;
 - B. Leaks;
 - C. Ground water contamination;
 - D. Other releases (for example, dust, debris, failure of run-on diversion or runoff containment systems); and
 - E. Any other issues pertinent to the facility.
 5. Safety procedures;
 6. A description of industrial waste or special waste management procedures, which include:
 - A. A procedure for notifying solid waste generators and haulers of the facility operating requirements and restrictions;
 - B. A procedure for evaluating waste characteristics, liquid content, the specific analyses that may be required for specific wastes, and the criteria used to determine when analyses are necessary, the frequency of testing, and the analytical methods to be used;
 - C. A procedure for inspecting and for identifying any special management requirements, and the rationale for accepting or rejecting a waste based on its volume and characteristics;

- D. Procedures for managing the following solid waste, as appropriate:
- a. Bulk chemical containers which contain free product or residue;
 - b. Radioactive waste;
 - c. Sludges, including ink sludges, lime sludge, wood sludge, and paper sludge;
 - d. Oil and gas exploration and production waste;
 - e. Wastes containing free liquids;
 - f. Contaminated soil waste from cleanup of spilled products or wastes; and
 - g. Any other solid waste that the owner or operator plans to handle.
- E. The owner or operator must describe any solid waste that will not be accepted at the facility.
- F. The owner or operator must amend the plan whenever operating procedures, contingency actions, waste management procedures, or wastes have changed. The owner or operator shall submit the amended plan to the department for approval or disapproval.
- G. The owner or operator shall inspect the facility to ensure compliance with this article, a permit, and approved plans. The owner or operator shall keep an inspection log including information such as the date of inspection, the name of the inspector, a notation of observations made, and the date and nature of any repairs or corrective action taken.
- H. In addition, solid waste facilities must address NDAC Section 33.1-20-04.1-09 General disposal standards, which states, in part:
- a. Construction and operation standards for solid waste management facilities regulated by this section:
 - (1) Roads must be constructed and maintained to provide access to the facility. Access roads must be cleaned and decontaminated as necessary.
 - b. Note: Other portions of the rules that may apply to these issues include:
 - (1) NDAC Section 33.1-20-01.1-04 Care and disposal of solid waste.
 - (2) NDAC Section 33.1-20-01.1-05 Collection and transportation vehicles.
 - (3) NDAC Section 33.1-20-02.1-01 Solid waste management permit required.
 - (4) NDAC Section 33.1-20-02.1-03 Permit compliance.
 - (5) NDAC Section 33.1-20-03.1-03 Permit application review and action.

The full text of NDAC Article 33.1-20 can be accessed at the Department's website at <https://ndlegis.gov/information/acdata/html/33.1-20.html>

II. Waste Acceptance and Transportation Requirements

Prior to accepting waste from industrial or special waste generator or waste source, the solid waste facility permittee (Waste Facility) must provide adequate information on the facility's approved waste acceptance and transportation requirements. The Waste Facility must also receive signed documentation from each industrial or special waste generator that they are fully aware of the waste management requirements and that they will provide this information to any companies they will use for transporting waste to the facility.

1. In addition to specific Waste Facility requirements, the Department's waste management requirements include:

- A. All industrial and special waste intended for transport and disposal shall be properly characterized, treated, stabilized, and handled.
- B. All commercial waste transporters must have a valid permit unique to that company to transport solid waste issued by the Department. All waste must be transported in compliance with applicable permits, state laws and rules, and the facility requirements. If a waste transporter is subcontracting for another waste transporter, the subcontractor must have their own unique waste transport permit (see endnote).
- C. The Waste Facility must verify commercial transporters do indeed have a North Dakota Department of Environmental Quality Waste Transporter Permit and that the permit is unique to that company. This can be done by looking for the decal that every permitted transporter is required to display on their vehicle. The decal includes the Waste Hauler Permit Number (WH-####) and the expiration year.
- D. All loads brought to the facility must be carefully loaded and transported such that waste will not fall, leak, spill, or release airborne waste materials during transit. No waste containing free liquids, other than household quantities, will be accepted. Windblown dust or airborne contaminants from waste or waste impacted materials is considered waste spillage.
- E. Waste transporters are responsible for educating each individual driver under their employ and must monitor the loads to ensure all requirements are met. In the event a vehicle driver or operator notes the vehicle appears over-loaded, the waste appears likely to or is actually spilling or otherwise released, or should free liquids (including excess precipitation or snow melt on the waste) be observed from or within the load, the operator shall take appropriate actions and, if possible, without further release of waste, return the waste promptly to the waste generator for appropriate remedial measures. Covered or containerized waste loads are encouraged.
- F. Should waste spillage or release occur, the collector or transporter must immediately cleanup and return spilled waste to the vehicle or container and clean and decontaminate the area. Transporters are encouraged to train vehicle operators on appropriate measures and to equip each transport vehicle with some basic cleanup equipment (shovels, bags, brooms, absorbent, plastic sheeting, etc.).
- G. The Waste Facility must ensure adequate space for vehicle cleanup is afforded in an approved area in or close to the landfill unit. All spilled or cleanup materials must be properly handled, containerized, and disposed as soon as practicable.
- H. The outer surface areas and tires of transportation vehicles leaving the active landfill or unloading area where industrial or special waste is unloaded must be inspected by both the hauler and the facility staff to ensure the vehicle is adequately cleaned before exiting the landfill.
- I. Adequate cleaning measures must ensure no waste is clinging to the outside or on the front, back, side-rails and tires of any vehicle, trailer, side dump, container, or other equipment.
- J. No cleaning of truck or trailer surfaces may take place outside of the active landfill cell or other area approved by the Department unless appropriate provisions are provided to contain all waste materials.

- K. The Waste Facility shall provide adequate and repeated education to waste generators and haulers on proper waste handling and approved routes of access to the facility, including traffic flow, safety advisories, vehicle cleanup procedures, and similar information to ensure safe delivery of waste.
 - L. The Waste Facility shall monitor and document waste loads brought to the facility to ensure applicable requirements are met and that the vehicle or unit has been carefully loaded, moved, unloaded, and cleaned.
2. Signage at or near the scale entrance to facility must clearly and boldly indicate:
 - A. "North Dakota Solid Waste Transporter Permit Required" and
 - B. "All loads brought to this facility must be carefully loaded and transported such that waste will not fall, leak, spill or release airborne waste materials during transit. Waste containing free liquids will not be accepted for disposal."
 - C. "All waste must be cleaned from outer vehicle surfaces and tires before exiting this facility."
 3. Signage at or near the active disposal cell must also clearly state "All waste must be cleaned from outer truck surfaces and tires before exiting this facility." Additional signs may be needed to guide vehicle operators to the appropriate area for cleanup activities. Appropriate equipment and containers shall be provided to facilitate vehicle cleanup procedures.

III. Solid Waste Facility Waste Acceptance Requirements

In addition to the waste characterization and profiling information, prior to accepting any individual load of industrial or special waste, the Waste Facility shall record:

1. The Department's waste transporter permit number and the transport company name;
2. The vehicle license number;
3. The driver's name, address, phone number, email address, and any other pertinent information;
4. The company address, phone number, email address, and any other pertinent information;
5. The waste generator name, address, phone number, email address;
6. The location where waste was generated;
7. Any issues on waste characterization, liquid content, spillage, etc.; and
8. Any other pertinent information reasonably necessary to ascertain that waste has been properly transported and disposed at the facility in accordance with state law, rules, and this permit.

If a waste transporter does not have a waste transporter permit unique to their company, the transport company and the waste generator must be promptly notified of the issue of noncompliance and the transporter must obtain a permit or waste loads will no longer be accepted from that transporter.

For any commercial transporter and/or waste generator who does not take timely measures to meet

the facility waste acceptance and waste handling criteria; who does not address the Department's waste transportation permit requirements; who has repeated incidents of waste spillage or release; who does not properly load, unload, decontaminate equipment, and cleanup spillage; who does not operate in a safe manner or who otherwise does not cooperate with the facility and state waste management and transportation requirements, the Waste Facility shall reject further loads and contact the transport company, the waste generator, and the Department regarding the incident. The Waste Facility shall complete a Waste Rejection Report form SFN 60120 and file it with the Department and the waste generator.

A Waste Rejection Report form SFN 60120 shall also be provided to the waste transporter who must also file this report with the Department.

IV. Action for Waste Spillage or Releases from Transport Vehicles

Dependent on facility location in relation to traffic flow and access from major transportation arteries, the Waste Facility shall address appropriate inspection and cleanup procedures for the facility haul roads, access roads, and other facility areas as well as adjacent county roads as appropriate. Where waste transport vehicles turn off public roads, highways, and intersections to gain access to the facility, the inspections should monitor spillage issues within at least a mile of the turnoff facility entrance on an ongoing basis at least twice per operational day or more often if necessary to ensure that any waste that may have fallen, spilled, leaked, become airborne or otherwise escaped the confines of the transportation vehicle or container is promptly cleaned. Particular attention should be provided to areas where waste transport vehicles slowdown, stop or turn to gain access to the facility. Inspection records (which may include pictures) shall be retained as part of the facility operating record.

Inspection and cleaning of access roads and public roads must follow safe and prudent procedures. The North Dakota Department of Transportation (NDDOT) has information on its website for the "Adopt a Highway" program, which includes safety procedures, personnel protection as well as appropriate agreement forms. For public roadways and highways, facility managers must work with the NDDOT and/or county or local transportation officials as appropriate to ensure activities are safe and that appropriate procedures are followed. For cleaning waste from roadways, NDDOT may require more formal information such as insurance coverage, and other prudent information. The "Adopt a Highway" program information is on the NDDOT website at www.dot.nd.gov/public/adopt.htm.

The contact information for the NDDOT "Adopt a Highway" program is typically through the NDDOT district office. See www.dot.nd.gov/travel/districtinfo.htm.

Contact for county or city road departments is typically available on the local website; however, the NDDOT information may help address common issues of concern.

Normally it is the transporter's responsibility to clean waste spillage; however, if the transporter is not available or otherwise fails to clean and decontaminate the area in a timely manner, not to exceed four hours from identification of the incident, the facility must take appropriate measures. Any waste spilled or released must be promptly cleaned up and the area decontaminated in a safe manner as soon as practicable, typically no later than facility closure or by sunset of the day of operation, whichever is earlier. The Waste Facility staff, if appropriate, may do the cleanup, or the facility shall follow the incident spill report process and contact a third-party cleanup crew to clean and decontaminate the spill. A summary of the waste spillage and cleanup incidents noted by the Waste Facility shall be included in the facility reports. Facilities need to address appropriate

measures to keep the roadways clean of regulated waste that is normally transported to the facility. Cleanup of litter and other debris not necessarily related to spillage incidents reflects well on a solid waste facility and demonstrates a good faith effort to Keep North Dakota Clean.

For waste loads arriving at the facility, if one or more loads are noted to have spilled or released waste, show evidence of waste spillage on the outside of the transport vehicle, contain free liquids, or otherwise do not meet the waste acceptance requirements, the transporter, driver, and the waste generator shall be reminded of the state and facility waste management requirements. Facility staff must also inform waste transporters, drivers, and waste generators that the waste loading and transport procedures must be properly amended to prevent further spillage. If a transporter and/or generator do not cooperate, further waste from that transporter and that generator is no longer approved for transport or disposal until compliance is achieved. For serious incidents or repeated incidents, the Department's Division of Waste Management shall be informed of the incident by phone or email and the Department's Waste Rejection Report form SFN 60120 shall be completed and submitted.

Waste transporters and/or generators who fail to comply with the requirements shall not be allowed to dispose further waste at the facility until they have clearly amended their waste handling practices to preclude further releases, have completed any additional remediation necessary, and have filed a report with the facility and the Department indicating what measures they have taken to be in full accordance with state and facility waste acceptance practices. Records of such issues shall be maintained in the facility operating records.

In the event of any spill or release of waste that has the potential to impact surface water, human health or the environment, the transporter or Waste Facility shall take appropriate remedial measures and file a Spill Report. A spill report can be filed by calling 1-833-99SPILL (1-833-997-7455) or online at <https://www.spill.nd.gov/>