

**INTRADEPARTMENTAL MEMORANDUM**

FILE: Central Point Landfill and Transfer LLC (0177)

TO: Charles R. Hyatt, Director *CRH*  
Division of Waste Management

THROUGH: Diana A. Trussell, Manager *DAT*  
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SUBJECT: Permit Application Review

DATE: December 22, 2023

**Introduction**

On May 3, 2023, the North Dakota Department of Environmental Quality (Department) received a permit application for a renewal for the Central Point Landfill and Transfer LLC's (Central Point) inert waste landfill facility.

Central Point currently owns and operates an inert waste landfill facility, regulated under Permit 0177 on approximately 20 acres located in Section 1, Township 115 North, Range 73 West in Rolette County, ND. Central Point is proposing to renew their permit to continue disposing of inert wastes in the landfill. The facility was first permitted in 1984 as the Casper Volk Municipal Waste Landfill (Permit SW-309) and then as the Rugby Sanitation Inert Landfill in 1996. Central Point bought the facility on January 6, 2021.

**Design**

The inert landfill and transfer station (Permit 0378) has an interior road that has cable with a lock that prohibits access when the facilities are closed. There is a sign at the entrance and the facility is open by appointment only. The sign includes a brief list of acceptable inert wastes for disposal. Central Point Landfill and Transfer LLC's transfer station building (Permit 0378) is also located on the property.

**Operation**

The Plan of Operation allows only inert wastes for disposal, including clean-burning tree cuttings and construction wood. Other inert wastes include asphalt shingles for burial; various inert construction materials and debris for burial; broken concrete /asphalt, along with white goods

(appliances) and waste metal can be received with the goal of eventual recycling of these stockpiled materials. No putrescible (decaying) municipal solid wastes (MSW) are allowed, or household/business hazardous or industrial wastes. The facility is only open when the facility's personnel bring in loads of inert wastes from regional sources, or when Circle Sanitation garbage trucks pick up MSW wastes from their customers, which are then hauled to the transfer station facility (Permit 0378), and then transported by trucks to a regional MSW landfill for disposal. Area residents can also schedule appointments with facility staff to bring in inert waste for disposal.

## **Closure**

Sequential final closure of the proposed inert landfill Phases 1-4 will include these items:

- Conduct postclosure care evaluations and investigations of the final cover and vegetation at all closed disposal units or sites in the area, including, but not limited to those described as "Old Landfill Site," "Old Fill Areas," and closed areas of the municipal solid waste and inert waste landfills in accordance with the postclosure standards and guidelines for closed solid waste facilities. At minimum, these fill areas will be evaluated as specified in the Department's Guideline 28 - Evaluating Final Vegetative Cover of Closed Landfill Areas.
- All areas must also be inspected at least twice per year, or more often if there are areas of dead vegetation, bare soil, erosion, ponding of surface water, seepage, landfill gas, or if other significant issues arise. An evaluation of Landfill drainage, erosion, cover thickness, suitable plant growth material (SPGM) thickness and quality, and any other environmental issues shall be provided.
- A summary of inspections, evaluation and repair of any closed landfill areas shall be included in the routine progress report.

Closure and long-term post-closure care of the inert landfill will be provided by Central Point for a period of 5 years following final closure construction. The Closure and Post-Closure Plan addresses the requirements for closure construction and post-closure care maintenance.

## **Compliance History**

The following items of noncompliance have been noted since 2012:

- 2014: Burning prohibited wastes including plastic goods, carpet, sheet rock, plaster, insulation, foam.
- 2018: Electronic waste in the scrap metal pile.
- 2020: No sign at the entrance of the facility.

The above items of noncompliance have been appropriately addressed by the facility's previous owner (Rugby Sanitation). The current owner (Central Point Landfill and Transfer LLC) has not had any noncompliance issues and no formal notices of violations have been issued to the facility.

**Solid Waste Management Rules (NDAC Article 33.1-20)**

**NDAC Section 33.1-20-02.1-05. Record of notice.**

A record of notice was not included with the application, and this will be addressed through Permit Condition E.18.

**NDAC Section 33.1-20-02.1-06. Property rights.**

Central Point Landfill and Transfer LLC purchased the 40-acre total landfill property from Casper Volk, President of Rugby Sanitation, Inc., the corporation identified as the Seller, on January 16, 2021.

**NDAC Section 33.1-20-03.1-01. Preapplication procedures.**

A preapplication is not required for an inert waste landfill.

**NDAC Section 33.1-20-03.1-02. Permit application procedures.**

**NDAC Subsections 33.1-20-03.1-02(1) – (3)**

An application and supporting documents were submitted to the Department including one paper copy and one electronic copy.

**NDAC Subsection 33.1-20-03.1-02(4)**

A public notice was published in the Pierce County Tribune in May 2023.

**NDAC Subsection 33.1-20-03.1-02(5)**

Notification to the North Dakota Public Service Commission is not required as the facility is not proposing to dispose of coal processing wastes in a mining permit area.

**NDAC Subsection 33.1-20-03.1-02(6)**

**Applications for a solid waste management unit or facility permit must include the following information where applicable:**

**a. A completed application form, subsection 1;**

An application and supporting documents were submitted to the Department including one paper copy and one electronic copy.

**b. A description of the anticipated physical and chemical characteristics, estimated amounts, and sources of solid waste to be accepted, including the demonstration required by North Dakota Century Code section 23.1-08-14;**

The Plan of Operation states that the landfill will be open by appointment only. Daily waste quantities of inert wastes received will not exceed 10 tons per day of inert wastes for landfill disposal and the projected lifespan of the

inert landfill up to approximately 2044 is calculated on an average of three tons received per day over 365 days.

The inert waste fill started in 1997 in existing Phase 1 to the west of the old MSW landfill (SW-309) and the proposed development of Phase 2 would lie southeast of Phase 1. Proposed Phase 3 would be situated southwest of Phase 1, while Phase 4 would be a proposed 'piggybacking' site overtopping Phase 1. The total proposed design capacity (wastes, intermediate cover soils and final cover) for the facility's Phases 2 – 4 would provide about 25,450 cubic yards of additional air space capacity.

**c. The site characterization of section 33.1-20-13-01 and a demonstration that the site fulfills the location standards of section 33.1-20-04.1-01;**

There are two permanent natural water bodies that lie less than one mile away from the site boundary: Gunderson Lake, which is located about ½ mile northeast of the landfill, and the Grove Waterfowl Production Area wetland that is situated about ½ east of the landfill. In addition, an intermittent stream runs about 50 feet north of the 40-acre northern property boundary and flows northwest towards Rush Lake. The stream lies over 200 feet from Phase 1, the north end of the active area. However, based upon the fact that the landfill receives only inert wastes for disposal, and that there is no direct contact between the wastes and the lake, wetland or intermittent stream, the landfill site should not impact any of these natural waterbodies. The landfill location does not lie within a 100-year floodplain; with the nearest defined flood zone being around Rugby five miles north of the landfill.

Local groundwater flow is reported to be to the northeast, based on well installations completed by the North Dakota State Water Commission (now the North Dakota Department of Water Resources). The landfill site is not sited over any known surficial aquifers and does not lie within a designated wellhead protection area, and there are no downgradient drinking water wells within a thousand feet of the facility. The landfill topography within the active 20-acre site does not have channels or slopes greater than five percent, and contains no woody draws, or any critical habitats for plants, fish or wildlife. There are no geologic or manmade features, nor underground mines within the 40-acre property. The facility does not lie within ten thousand feet of Rugby's airport runway, and there are no underground pipelines or transmission lines within the facility boundaries.

**d. Soil survey and segregation of suitable plant growth material;**

The existing Phase 1 inert disposal area and the proposed Phases 2 – 4 lie within the Natural Resources Conservation Service (NRCS) soil survey unit "F229C." This map unit name is termed the "Heimdal-Esmond-Sisseton loams", with six to nine percent slopes. However, construction work on the undisturbed site would flatten out the grades in Phases 1 – 4 in the inert disposal area.

The permit application included a Construction Quality Assurance Plan (CQA), which stated that during phase constructions all material stockpile

areas shall be stripped of suitable plant growth material (SPGM) and segregated in a separate area and vegetated to inhibit erosion.

**e. Demonstrations of capability to fulfill the general facility standards of section 33.1-20-04.1-02;**

The facility will maintain a variety of heavy equipment for hauling and compacting suitable earthen stockpiles for daily and sequential cover purposes, including a bulldozer and skid steer. An 'on the job' training program for new employees will be required within six months, with training for all employees repeated and recorded into the Operating Record at a minimum of every six months.

**f. Facility engineering specifications adequate to demonstrate the capability to fulfill performance, design, and construction criteria provided by this article and enumerated in this subdivision;**

**1) Transfer stations and drop box facilities, section 33.1-20-04.1-06.**

The requirements of this section are not applicable as the facility is not proposing a transfer station or a drop box facility.

**2) Waste piles, section 33.1-20-04.1-07.**

The facility plans to continue the management of a composting/yard waste stockpile. The compost stockpile is situated south of the former MSW landfill area, and just east of the planned Phases 1 – 4. The facility estimates a total of 1,000 cubic yards of finished compost as of March 2023 for eventual use in future final closure operations. Most sources of compostable yard wastes (primarily grass cuttings, leaves and small branches) are expected to be from Circle Sanitation Inc., and lesser amounts from other private waste haulers.

Landfill staff begin the process by separating the yard waste into its various components (e.g., grass, leaves, small branches), and then haul each waste to appropriate compost windrows. The staff will conduct routine inspections of the suitability of incoming yard wastes with a goal of developing windrows of approximately six feet wide by three feet high while working to maintain an optimum carbon to nitrogen (C:N) ratio of approximately 30:1, and optimum temperatures for decomposition between 120 to 140 degrees F. Vector control measures (i.e. rats, flies), will be utilized as needed. The turning of the compost piles approximately once every two weeks will help ensure optimum aerobic conditions to control odors and potential liquid leachate runoff issues.

Stormwater from rain and snowmelt will be directed away from the area by building berms graded to promote drainage away from the windrows, and then allowed to drain into overland slopes towards

the west or south grassed areas. Regular staff inspections will be conducted to prevent any stormwater run-off issues; and if needed, corrective actions will be implemented. The staff will also develop an emergency response plan with the local fire department to quickly extinguish any potential fires in the compost area.

**3) Resource recovery, section 33.1-20-04.1-08.**

The requirements of this section are not applicable as the facility is not proposing any resource recovery activities.

**4) Land treatment, section 33.1-20-04.1-09 and chapter 33.1-20-09.**

The requirements of this section are not applicable as the facility is not proposing a land treatment facility.

**5) Non-CCR surface impoundments, section 33.1-20-04.1-09 and chapter 33.1-20-08.1.**

The requirements of this section are not applicable as the facility is not proposing any surface impoundments.

**6) Any disposal, section 33.1-20-04.1-09.**

The inert landfill construction and operation standards include facility access roads and landfill equipment required by this chapter for waste and earthen cover compaction, utilizing earthen cover material that is already stockpiled on site. A closure and post-closure plan has been developed that will minimize erosion and optimize drainage of precipitation falling on the landfill.

The closure plan has called for several erosion-protective terraces within the final cover to have 4:1 slopes.

**7) Inert waste landfill, chapter 33.1-20-05.1.**

Access to the inert landfill is controlled by a lockable cable that blocks access when landfill staff are not present. Natural barriers (dense trees and shrubbery) are also present around the facility that hinder access through the township road or cross-country access. The facility will receive only inert wastes, including construction/demolition materials, waste metal, wood, bricks, masonry, cement and asphalt concrete; tree branches, bottom ash from coal fired boilers, and waste coal fines from air pollution control equipment. Other non-putrescible and non-hazardous inert wastes may also be accepted after review. Six inches of earthen material will be deposited a minimum of twice a year over the inert wastes disposed at the landfill.

The final closure criteria will consist of a two-foot final cover system, including buffer soils, that will consist of the following components:

- A minimum of six-inch buffer/intermediate cover layer;
- A minimum of 12 inches of compacted clayey earthen material;
- 12 inches of uncompacted cover soils, of which the top six inches will be topsoil (SPGM), capable of sustaining native grass vegetation. The topsoil will include certain amounts of on-site finished compost to be mixed with SPGM materials;
- Mulched and seeded with shallow-rooted, drought-tolerant grasses.

Landfill staff shall conduct annual post closure inspections for a period of five years after final closure.

**8) Municipal waste landfill, chapter 33.1-20-06.1.**

The requirements of this section are not applicable as the facility is not proposing a municipal waste landfill.

**9) Industrial waste landfill, chapters 33.1-20-07.1 or 33.1-20-10.**

The requirements of this section are not applicable as the facility is not proposing an industrial waste landfill.

**10) TENORM waste landfill, chapters 33.1-20-07.1 or 33.1-20-10 and 33.1-20-11**

The requirements of this section are not applicable as the facility is not proposing a TENORM waste landfill.

**11) Special waste landfill, chapter 33.1-20-07.1;**

The requirements of this section are not applicable as the facility is not proposing a special waste landfill.

**12) CCR unit, chapter 33.1-20-08;**

The requirements of this section are not applicable as the facility is not proposing a CCR unit.

**13) Municipal solid waste ash landfills, chapter 33.1-20-10;**

The requirements of this section are not applicable as the facility is not proposing a municipal solid waste ash landfill.

**14) Regulated infectious waste unit, chapter 33.1-20-12;**

The requirements of this section are not applicable as the facility is not proposing a regulated infectious waste unit.

**g. The plan of operation of section 33.1-20-04.1-03;**

According to the facility's Plan of Operation all waste entering the landfill will be inspected or screened to ensure that only inert wastes are accepted for disposal or recycling. Preliminary screening is to be performed daily at the gate or working face. The gate attendant or landfill operator must visually inspect all incoming loads for any indicators of suspicious wastes, including liquids, powders/dust, sludges, drums, chemical odors, smoke or unusual colors or markings. If any suspicious materials are observed in the load, the operator will require the hauler remain onsite during the screening, and if needed, the entire contents of the load will be discharged onto the screening pad and spread sufficiently to allow the operator to inspect the contents. If no prohibited wastes are identified in the screening, the load will be accepted by the landfill operator, who will sign an inspection form that was included in the plan. If any hazardous/prohibited wastes are discovered in the load(s), they will be rejected, hauled off-site and the Department will be notified immediately.

A Fire Prevention and Control Plan was included for the facility. The plan includes the use of fire extinguishers, earth-moving equipment, and personal protection equipment (PPE) for staff. An adequate amount of emergency soil stockpiles will be on site to contain and eliminate landfill fires. The stockpile will be in close proximity to the landfill and readily available for fire emergencies. In addition, all incoming waste will be inspected for any highly flammable or smoldering material(s) in each load, and smoking is prohibited. During times of high wind or dry conditions in the area, staff will exercise more precautions, such as compacting wastes to decrease air pockets that could conceivably catch on fire.

**h. Demonstration of the treatment technology of section 33.1-20-01.1-12;**

The requirements of this section are not applicable as the facility is not proposing to treat waste.

**i. The place where the operating record is or will be kept, section 33.1-20-04.1-04;**

The operating record is kept onsite either at the storage shed or transfer station building situated on the property.

**j. Demonstration of capability to fulfill the groundwater monitoring, sections 33.1-20-08-06 or 33.1-20-13-02;**

The requirements of this section are not applicable as the facility is an inert waste landfill and groundwater monitoring is not required.



**k. Construction quality assurance and quality control;**

The application included a section on construction quality assurance (CQA) for the landfill final cover. The CQA includes several final cover system compaction specifications:

- Material earthen fill for terraces and all closure sites with lift thicknesses less than or equal to 12 inches;
- Controlled earthen fill or perimeter access road development and required maintenance;
- Structural earthen fill for cell construction;
- Clayey soil for the lower 12 inches of final cover;
- Rooting soil for the middle 6 inches of cover;
- Topsoil (SPGM) for the upper 6 inches of final cover.

The compaction of the underlying earthen fill layers and clayey twelve inches of cover will utilize Standard Proctor Compaction between 90 – 95%. The upper 12 inches of rooting soil and SPGM will not be compacted.

**l. Demonstrations of capability to fulfill the closure standards, section 33.1-20.1-04.1-05 and otherwise provided by this article;**

The application included a Closure and Post-Closure Plan that addresses the requirements of this section. Additional information can be found in the **Closure** section of this memo.

**m. Demonstrations of capability to fulfill the postclosure standards, section 33.1-20-04.1-09 and otherwise provided by this article; and**

The application included a Closure and Post-Closure Plan that addresses the requirements of this section. The plan states that the facility will complete a five-year post closure care period upon final closure of the landfill. Additional information can be found in the **Closure** section of this memo.

**n. A disclosure statement as required by North Dakota Century Code section 23.1-08-17.**

A disclosure statement that meets the requirements of this section was submitted to the Department on May 3, 2023.

**Conclusion**

Based on the submitted application and items discussed above, Central Point Landfill and Transfer LLC has shown that the renewal meets the requirements of the North Dakota Solid Waste Management Rules. It is proposed that the Department grant Central Point Landfill and Transfer LLC a permit with the conditions listed in Permit 0177. The proposed permit length is for a period of 10 years because the facility has overall had a good compliance record and the new owner has not had any compliance issues.

CRH:DAT:KDJ  
Attachment