



**PERMIT FOR A SOLID WASTE MANAGEMENT FACILITY**  
NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY – DIVISION OF WASTE  
MANAGEMENT  
TELEPHONE: 701-328-5166 REV. 02/2021

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Pursuant to Chapter 23.1-08 of the North Dakota Century Code (NDCC), (Solid Waste Management and Land Protection Act), and Article 33.1-20 of the North Dakota Administrative Code (NDAC), (Solid Waste Management Rules), and in reliance on statements and representations heretofore made by the owner or owner's representative designated below, a permit is hereby issued authorizing such Permittee (Permittee) to construct and operate a solid waste management facility at the designated location under any and all conditions.

**A. Owner/Operator (Permittee):**

1. **Name:** Select Water Solutions, LLC
2. **Mailing Address:** 1233 W. Loop S., Suite 1400, Houston, TX 77027
3. **Location Address:** 13195 26<sup>th</sup> St. NW, Arnegard, ND 58835

**B. Permit Number:** 0370

**C. Solid Waste Management Units:**

1. Special and Small Volume Industrial Waste Landfill
2. Surface Impoundment

**D. Location Information:**

1. **General:** Portions of the western 1,400 feet of the S1/2 of SW1/4 of Sec 19 TWP 150N R 99W of McKenzie County
2. **Permit Area:** As described in referenced documents and facility files – approximately 91 acres.
3. **Latitude:** 47.792301°      **Longitude:** -103.405887°

**E. General Conditions:**

- E.1. The Permittee of the facility is subject to the Solid Waste Management and Land Protection Act (NDCC Chapter 23.1-08), the Solid Waste Management Rules (NDAC Article 33.1-20), all other North Dakota and federal laws, rules or regulations and orders now or hereafter effected by the North Dakota Department of Environmental Quality (hereinafter the Department), and to all conditions of this permit.
- E.2. Compliance with terms of this permit does not constitute a defense to any order issued or any action brought under NDCC Chapter 23.1-08, NDAC Article 33.1-20, NDCC Chapter 23.1-04, NDAC Article 33.1-24, Sections 3013, 7003, or 3008(a) of Resource Conservation and Recovery Act (RCRA), Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42

U.S.C. 9601 et. seq.) or any other law providing for protection of public health or the environment.

- E.3.** Issuance of this permit does not convey property rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. (NDAC Section 33.1-20-02.1-06)
- E.4.** It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (NDAC Section 33.1-20-02.1-04)
- E.5.** This permit is based on the premise that the information submitted by the Permittee is accurate and that the facility will be or has been constructed and will be operated or has been as specified in the application and all related documents. Any inaccuracies or misrepresentations found in the application may be grounds for the termination or modification of this permit. The Permittee must inform the Department of any deviation from, or changes in, the information in the application which would affect the Permittee's ability to comply with the applicable rules or permit conditions. (NDAC Section 33.1-20-02.1-07)
- E.6.** The Permittee shall at all times properly operate and maintain the facility, solid waste management units, and related appurtenances which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit. (NDAC Section 33.1-20-02.1-04)
- E.7.** The Permittee shall give notice to the Department of any planned physical alterations or additions to permitted solid waste management units. Any physical change in, or change in the method of the operation of, a treatment or disposal operation shall be considered to be construction, installation or establishment of a new operation. No construction, installation or establishment of a new operation shall be commenced unless the Permittee thereof shall file an application for, and receive, a permit from the Department. (NDAC Section 33.1-20-02.1-04 and NDAC Section 33.1-20-02.1-07)
  - a.** The Permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
  - b.** The Permittee shall provide to appropriate representatives that will be involved in routine operation of the facility a copy of the approved Plan of Operation (including waste acceptance procedures). The training and educational material shall be repeated and/or amended as necessary to ensure compliance with the waste acceptance procedures and the permit.
  - c.** Whenever the Permittee becomes aware that the Permittee failed to submit any relevant facts in the permit application or submitted incorrect information in the

permit application or in any report to the Department, the Permittee shall promptly submit such facts or information.

- E.8.** The Permittee shall construct, operate, maintain and close the solid waste management units and the facility according to the criteria of law and rule, conditions of this permit, and other reasonable precautions to prevent or minimize, if applicable, any environmental impacts including, but not limited to, fugitive dust emissions, objectionable odors, air toxics and gas emissions, spills, litter, and contamination of surface water and groundwater. (NDAC Section 33.1-20-02.1-04 and NDAC Subsections 33.1-20-04.1-02(1) – (6))
- E.9.** The Permittee shall furnish to the Department, within a reasonable time, any relevant information which the Department may request to determine whether cause exists for modifying, reissuing or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit. (NDAC Section 33.1-20-02.1-07 and NDAC Section 33.1-20-04.1-04)
- E.10.** This permit may be modified, revoked and reissued, or terminated for cause as specified in NDAC Section 33.1-20-02.1-07. The filing of a request for permit modification, revocation and reissuance, termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

This permit may be renewed as specified in NDAC Section 33.1-20-02.1-08. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology, compliance with state rules and permit, as well as changes in applicable regulations.

- E.11.** This permit addresses only the environmental aspects and operational procedures of the facility. It does not supersede local zoning authority or any other requirements of any political subdivision of the state. The Permittee must obtain any and all local zoning, conditional use permits, or meet any other county, township or municipal requirements prior to commencing construction and/or operation. (NDAC Section 33.1-20-02.1-06 and SFN 19269)
- E.12.** The Permittee shall design, close, maintain and operate the facility in a manner to minimize the possibility of a fire, explosion or any unplanned sudden or nonsudden release of solid waste or solid waste constituents to air, soil, groundwater or surface water which could threaten human health or the environment. (NDAC Section 33.1-20-04.1-02)
- E.13.** Any entity that controls the permit holder (Permittee) agrees to accept responsibility for any remedial measures, closure and postclosure care or penalties incurred by the Permittee. For purposes of this permit, "control" means ownership or control, directly, indirectly, or through the actions of one or more persons of the power to vote 25% or more of any class of voting shares of a permit holder, or the direct or indirect power to control in any manner the election of a majority of the directors of a permit holder, or to direct the management or policies of a permit holder, whether by individuals, corporations, partnerships, trusts, or other entities or organization of any type. Within thirty (30) days of the issuance of this permit, if not previously provided with the

application, or within thirty (30) days of the existence of any new controlling entity, the Permittee shall submit to the Department the name of the controlling entity, a statement signed by the controlling entity in which the controlling entity agrees to accept responsibility for any remedial measures, closure, and postclosure care or penalties incurred by the Permittee and a disclosure statement from the controlling entity containing the same information as required from permit applicants under NDCC Section 23.1-08-17. (NDCC Subsection 23.1-08-09(1))

- E.14.** All personnel involved in solid waste handling and in the facility operation or monitoring must be provided a copy of this permit and shall be instructed in specific procedures to ensure compliance with the permit, the facility plans and the state rules as necessary to prevent accidents and environmental impacts. Documentation of training such as names, dates, description of instruction methods and copies of certificates awarded must be placed in the facility's operating record. (NDAC Section 33.1-20-04.1-02)
- E.15.** Except as modified by conditions of this permit or future approvals from the Department, this facility and related solid waste management units and structures shall be designed, constructed, operated and closed in accordance with previous correspondence and documents contained in Departmental files pertaining to this facility and as described in the documents listed in Attachment 1, which are hereby incorporated by reference in this permit. Future submittals approved by the Department may supersede or supplement items listed in Attachment 1. (NDAC Section 33.1-20-02.1-04)
- E.16.** All facility reports shall be submitted to the Department in a digital or electronic format as a searchable PDF format document unless otherwise requested. In some cases, the Department may request hard copies in addition to electronic format. Reports shall be sent to [solidwaste@nd.gov](mailto:solidwaste@nd.gov).

Recordkeeping and reporting shall be in accordance with NDAC Section 33.1-20-04.1-04 and as described in the approved Plan of Operations.

The Permittee shall submit an annual report to the Department by March 1<sup>st</sup> of each year in accordance with NDAC Subsection 33.1-20-04.1-04(3).

The Permittee shall submit an annual groundwater report to the Department by April 1<sup>st</sup> of each year in accordance with NDAC Subsection 33.1-20-04.1-04(4).

- E.17.** The Permittee shall complete the Department's Waste Rejection Report (SFN 60120) and notify the Department within five (5) days of any wastes rejected and not accepted by the facility. (NDAC Subsection 33.1-20-04.1-02(8))
- E.18.** Within sixty (60) days of the issuance of this permit, if not already completed, the Permittee shall record a notarized affidavit with the County Recorder. The affidavit shall specify that this facility, as noted in the legal description, is permitted to accept solid wastes for disposal. This affidavit shall specify that another affidavit must be recorded upon the facility's final closure.

Upon closure, a second affidavit shall be recorded specifying any final details regarding the types of waste disposed at the facility, as well as any final details regarding the facility's location, construction, management, etc.

The Department must be provided a copy of both affidavits, certified by the County Recorder of the county in which the facility is located. The copies must be forwarded to the Department within thirty (30) days of recorded dates, or if notification has already been completed, within thirty (30) days of the permit issuance date. (NDAC Section 33.1-20-02.1-05)

**F. Special and Small Volume Industrial Waste Landfill Specific Conditions:**

**F.1.** The following wastes are prohibited from disposal at this facility:

- Regulated infectious waste;
- Used oil as a free liquid;
- Hazardous waste; and
- TENORM waste  
(NDAC Subsection 33.1-20-07.1-01(2))

**F.2.** The facility is authorized only for the disposal of industrial waste, EPA-exempt natural gas and crude oil exploration and production special waste, and other wastes as identified in the permit application, Departmentally-approved facility waste acceptance plan, elsewhere in this permit, or through Departmental correspondence. The facility may accept other types of special waste upon approval from the Department.

"Industrial waste" means solid waste, which is not a hazardous waste regulated under chapter 23.1-04, generated from the combustion or gasification of municipal waste and from industrial and manufacturing processes. The term does not include municipal waste or special waste. (NDCC Subsection 23.1-08-02(5))

The facility is limited to accepting 25,000 tons per year or 3,000 tons in any one month of industrial waste unless larger amounts in one month resulting from remediation of spills or cleanup projects are approved by the Department. (NDAC Subdivision 33.1-20-01.1-11(1)(b))

"Inert waste" means nonputrescible solid waste which will not generally contaminated water or form a contaminated leachate. Inert waste does not serve as a food for vectors. Inert waste includes: construction and demolition material such as metal, wood, bricks, masonry and cement concrete; asphalt concrete; metal; tree branches; bottom ash from coal-fired boilers that is not CCR; and waste coal fines from air pollution control equipment. (NDAC Subsection 33.1-20-01.1-03(46))

"Special waste" means solid waste that is not a hazardous waste regulated under chapter 23.1-04 and includes waste generated from energy conversion facilities; waste from crude oil and natural gas exploration and production; waste from mineral and ore mining, beneficiation, and extraction; and waste generated by surface coal mining operations. The term does not include municipal waste or industrial waste. (NDCC Subsection 23.1-08-02(16))

"Technologically enhanced naturally occurring radioactive material (TENORM)" means naturally occurring radioactive material whose radionuclide concentrations are increased by or as a result of past or present human practices. TENORM does not include background radiation or the natural radioactivity of rocks or soils. TENORM does not

include "source material" and "byproduct material" as both are defined in the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.] and relevant regulations implemented by the United States nuclear regulatory commission. (NDAC Subsection 33.1-20-01.1-03(83))

The facility is not approved for the management or disposal of TENORM equal to or greater than 5.0 picocuries per gram (pCi/g) of combined radium-226 (Ra-226) plus radium-228 (Ra-228).

- F.3.** Waste containing free liquids is not approved for transport or delivery to the facility. "Free liquid" means the liquid which separates from the solid portion of a solid waste under ambient pressure and normal, above freezing temperature. The environmental protection agency paint filter liquids test method or visual evidence must be used to determine if a waste contains free liquid. (NDAC Subsection 33.1-20-01.1-03(32))

At minimum, visual observation of the waste at both the entry to the facility and at the working face shall be used to inspect waste arriving at the facility. The EPA Paint Filter Liquids Test (Method 9095B) protocol shall be used for all waste in which visual observation is not conclusive or if there is any question on free liquids. (NDAC Subparagraph 33.1-20-04.1-03(1)(h)(4)(n))

- F.4.** Any waste sampling and analysis must be representative of the waste using approved sampling and analytical procedures. All analysis must be performed by a Departmentally certified and approved laboratory or survey procedure documenting whether the waste meets limits established by rule, permit and Department approved waste acceptance procedures. (NDAC Section 33.1-20-01.1-13 and NDAC Paragraph 33.1-20-04.1-03(1)(h)(2))

- F.5.** Prior to storage, treatment or disposal of wastes, the Permittee will obtain, at a minimum, the following information:

- a. Name and address of the generator;
- b. A generator contact person and telephone number;
- c. The source of the waste (facility's name and legal description of location);
- d. The name of the company managing the waste, if other than the generator;
- e. The name of the waste transporter, Solid Waste Transporter Permit Number and if TENORM waste is being hauled, the TENORM Waste Transporter License Number;
- f. Physical description of the waste (e.g., solid, liquid, sludge);
- g. Amount of wastes (e.g., tons, yards, drums);
- h. Description of the process through which the waste was generated (e.g., tank bottoms, drill pit mud);

- i. Appropriate analysis specific to that waste, if the waste is not uniquely associated with crude oil and natural gas exploration and production, to identify any hazardous waste characteristics; and
- j. Signed statement by the generator that, to their knowledge, this waste is not, by definition, a hazardous or radioactive waste, the waste has not been diluted to reduce TENORM levels, and that the waste, as delivered to the facility will not contain free liquids.
- k. This information shall be retained in the operating record of the facility and copies of such information shall be included as a separate attachment in the monthly report and marked as confidential as allowed by NDCC Section 44-04-18.4.

(NDCC Section 23.1-08-14 and NDAC Subdivision 33.1-20-03.1-02(6)(b))

- F.6. Waste accepted at the facility shall not be stored, stockpiled or placed anywhere on the facility other than the approved disposal area. (NDAC Subdivision 33.1-20-04.1-03(1)(b))
- F.7. All incoming waste to the facility shall be surveyed for radiation utilizing the facility's Department approved radiation surveying procedure and equipment at or near the entrance to the facility, prior to any off-loading or disposal. Radiation survey results shall be recorded and included in the monthly report.
  - a. Waste that is suspected by the waste generator to contain TENORM concentrations of less than 5.0 pCi/g of combined Ra-226 plus Ra-228 and which the surveyed results are less than the approved survey level, may be accepted for disposal in accordance with the approved plan of operation.
  - b. For waste that is suspected to contain TENORM in which the surveyed results are equal to or exceed the approved survey level, the Permittee must either reject the waste or place the waste in a Department approved portion of the disposal area while waiting for analytical results. The waste shall be covered and secured and shall not be held for longer than 45 days, otherwise the waste must be rejected.
    - 1. If the waste has concentrations less than 5.0 pCi/g of combined Ra-226 plus Ra-228, the waste may be accepted for disposal in accordance with the approved plan of operation.
    - 2. If the waste has concentrations equal to or greater than 5.0 pCi/g of combined Ra-226 plus Ra-228, the waste must be rejected.
  - c. For any waste that is not suspected to contain TENORM in which the surveyed results are equal to or exceed the approved survey level, the Permittee must do a physical inspection of the waste to determine if TENORM or regulated radioactive waste has been incorporated within or added to the waste.
    - 1. If identifiable TENORM or regulated radioactive waste is observed, the waste must be rejected.
    - 2. If identifiable TENORM is not observed in the waste but naturally occurring radioactive material (NORM) is observed, the NORM should be removed, if

possible, to determine if the remaining waste is below the approved survey level. If the waste is below the approved survey criteria, the entire waste may be accepted for disposal in accordance with the approved plan of operation.

3. If identifiable TENORM or regulated radioactive waste is not observed and after the removal of the observed NORM waste, and the re-survey of the waste is equal to or above the approved survey level, then the Permittee must either reject the waste or place the waste in a Department approved portion of the disposal area while waiting for analytical results. The waste shall be covered and secured and shall not be held for longer than 45 days, otherwise the waste must be rejected.
  - i. If the waste has concentrations less than 5.0 pCi/g of combined Ra-226 plus Ra-228, the waste may be accepted for disposal in accordance with the approved plan of operation.
  - ii. If the waste has concentrations equal to or greater than 5.0 pCi/g of combined Ra-226 plus Ra-228, the waste must be rejected.

Waste rejection must follow the procedures in condition E.17.

(NDAC Subdivision 33.1-20-04.1-03(1)(a), NDAC Subparagraph 33.1-20-04.1-03(1)(h)(4)(d))

**F.8.** The Permittee shall conduct random waste characterization and screening. The Permittee shall randomly collect a composite representative sample of waste from 1% of the incoming loads of the production waste subset of special waste and have the sample analyzed for:

1. Total Petroleum Hydrocarbons (TPH) as Diesel Range Organics (DRO) and Gasoline Range Organics (GRO);
2. RCRA metals;
3. TENORM radioactivity level for combined Ra-226 plus Ra-228;
4. Benzene, Toluene, Ethyl benzene and Xylene (BTEX);
5. Ignitability; and
6. Free liquids using both a visual assessment and an EPA Paint Filter Test.

The sampling methodologies and testing criteria for random special waste characterization shall conform to the requirements of a Department-approved sampling and analysis plan using approved screening and analytical methods.

On a case-by-case basis, the Department may approve a reduction of random waste sampling for large projects in which the wastes are characteristically similar and are generated from a contiguous source such as a waste clean-up project, oilfield exploration/drilling and similar activities. The Permittee must obtain written Department



approval prior to reducing sampling. The Department reserves the right to require modification to random waste sampling as deemed necessary.

(NDAC Subdivision 33.1-20-04.1-03(1)(h))

- F.9.** Any waste material suspected to contain TENORM or likely to have accumulated TENORM in concentrations equal to or greater than 5.0 pCi/g shall be analyzed for Ra-226 and Ra-228 concentrations by a state-approved analytical procedure. If the total analytical measured concentrations of combined Ra-226 plus Ra-228 are equal to or greater than 5.0 pCi/g, the waste will not be allowed for acceptance, treatment or disposal at the facility and shall be rejected.

This permit does not authorize any waste or product centrifuging, filtering or similar processing to separate oil, water and/or solids on this site. This permit does not authorize any diluting to reduce TENORM levels.

(NDAC Subdivision 33.1-20-04.1-03(1)(a) and NDAC Subsection 33.1-20-07.1-01(2))

- F.10.** The Permittee shall submit monthly reports to the Department by the last day of the following month. The report shall include a summary of the past month's construction activity, operations and inspections of the facility. At a minimum, the following information shall be included:

- a. Tonnage accepted for the month broken down by industrial waste, inert waste, and special waste
- b. Rejected waste loads
- c. Information required in conditions F.5., F.7. and F.8.
- d. Rainfall totals for events equal to or greater than the 25-year, 24-hour storm event
- e. Map, including location and size (in acres) of the:
  1. Operating area
  2. Areas with interim cover
  3. Areas with final cover
- f. Current construction projects and upcoming construction projects for both new construction and closure projects
- g. Leachate head above liner in the landfill, amount of leachate generated, and how leachate is managed (i.e. surface impoundment or disposed of via injection well)
- h. Amount of freeboard in the surface impoundment(s)
- i. Condition of the pump(s) for leachate management
- j. Summary of training conducted

(NDAC Section 33.1-20-02.1-04)

- F.11.** The facility shall be operated in full accordance with the approved plan of operation and the waste screening provisions. (NDAC Section 33.1-20-04.1-03)
- F.12.** The Permittee shall conduct self-inspections in accordance with the approved inspection procedures. (NDAC Subsection 33.1-20-04.1-02(8))
- F.13.** During excavation and construction of any disposal unit, surface impoundment, or other solid waste unit, any layers of materials with a higher hydraulic conductivity, including, but not limited to, areas of sand, silty sand, gravel and/or lignite over eight (8.0) inches in thickness, or any areas where in-situ clay-rich soils underlying the base of the solid waste unit are less than three (3) feet thick, the base shall be over-excavated and replaced with at least three (3) feet of carefully compacted clay-rich soil to establish a geologic barrier to leachate migration. At minimum, sand or lignite zones less than eight (8.0) inches in thickness shall be scarified, mixed with in-situ shale or clay-rich sediments to a depth of 12 inches, visually classified, recompacted and tested as described in Section IV, Subbase Preparation, of the Department's *Guideline 5 – Quality Assurance for Construction of Landfill and Surface Impoundment Liners, Caps and Leachate Collection Systems* (see attachment 2). Replacement of the zones of higher hydraulic conductivity and the placement of compacted clay shall be addressed in the final quality assurance/quality control report to the Department. (NDAC Subsection 33.1-20-04.1-01(2))
- F.14.** On all areas of the landfill where final cover or additional solid waste will not be placed within six (6) months, eight (8) inches or more of compacted clay-rich soil material, similar material, or a synthetic cover must be placed to prevent ponding of surface water, to minimize infiltration of surface water, and to control windblown dust. (NDAC Subsection 33.1-20-07.1-01(1))
- F.15.** All earthen material must be maintained on-site (to be used for all construction, cover, closure and revegetation activities) unless removal from the site is authorized by the Department. (NDAC Subdivision 33.1-20-04.1-09(2)(k))
- F.16.** Suitable plant growth material (SPGM) topsoil and SPGM subsoil shall be used for site closure. Any extra material shall be stored in approved areas for use in site maintenance and closure repair. All SPGM shall be replaced upon site or area reclamation. (NDAC Subdivision 33.1-20-04.1-09(2)(f))

**G. Facility Specific Conditions:**

- G.1.** The Permittee shall provide adequate funding to the Department to conduct a monitoring and inspection program. The Department will send an invoice based on current expense levels.

Within thirty (30) days of receipt of the initial invoice, the Permittee shall provide the funds, and thereafter by July 31 of each year. If the funds are not provided to the Department as described in this permit, the facility must discontinue waste acceptance and begin closure.

(NDCC Section 23.1-08-10)

**G.2.** The Permittee shall obtain and analyze a representative sample of leachate/contact water contained in any leachate collection or accumulation or system, sump and/or other accumulation area, any surface impoundment and stormwater pond at the same frequency and for the same parameters in the facility's approved groundwater monitoring program. The analytical results shall be submitted to the Department with the groundwater monitoring report. (NDAC Paragraph 33.1-20-04.1-09(3)(e)(2))

**G.3.** Sequential closure of solid waste disposal units shall be implemented as described in the approved closure plan. (NDAC Subdivision 33.1-20-04.1-03(1)(g), NDAC Subsection 33.1-20-04.1-05(2), and NDAC Subdivision 33.1-20-04.1-05(5)(d))

The largest approved open area is 12.6 acres before sequential partial closure must be initiated. (NDAC Subdivision 33.1-20-04.1-05(5)(a))

**G.4.** No area of the landfill final cover, including, but not limited to, support berms and the outer slopes of any drainage control berm/swale shall be greater than the 25% (4:1) maximum slope allowed by NDAC Paragraph 33.1-20-04.1-09(4)(b)(3).

**G.5.** The Permittee shall use the approved survey level of twice background when conducting radiation surveys in accordance with condition F.7. (NDAC Subsection 33.1-20-04.1-03(1)(a))

**G.6.** Prior to installation of the liner in any landfill cell or leachate impoundment, the Permittee shall conduct an investigation to demonstrate the presence of at least seven (7) feet of clay-rich soil material underlying the solid waste unit. Some borings should be at least as deep as the underlying sand materials to document the nature and origin of the materials (bedrock or glacio-fluvial).

Prior to any investigation, the Permittee shall submit a work plan to the Department for review and approval. If seven feet of clay rich material is not present and/or if significant glacio/fluvial materials are encountered, the Permittee must work with the Department to resolve any significant issues and to make sure there are adequate protections to meet the requirements of NDAC Section 33.1-20-04.1-01. The Department reserves the right to require any modification of facility design, location or construction necessary to meet the intent of NDAC Section 33.1-20-04.1-01.

**G.7.** Any future proposal to expand or add solid waste units or modify solid waste units shall avoid the areas north and/or east of the western 1,400 feet of the S1/2 of the SE1/4 of Section 19, Township 150N, Range 99W of McKenzie County unless a thorough hydrogeologic investigation of the area is performed, including proximity to the "Unnamed Aquifer" (locally called the "Arnegard Aquifer") and an inventory of groundwater wells within a mile of the proposed modification, showing the proposed change to the facility is protective of groundwater, provides adequate separation from any aquifer or surface water, is underlain by adequate clay-rich materials below the liner system and meets the siting criteria of NDAC Section 33.1-20-04.1-01. Any areas outside of the approved plans are not to be used for waste storage or disposal unless formal plans are approved as part of a major modification of this permit subject to NDAC Chapter 33.1-20-02.1.

**H. Surface Impoundment Specific Conditions:**

**H.1.** All surface impoundments shall be constructed, operated, maintained and inspected in accordance with NDAC Chapter 33.1-20-08.1.

All surface impoundments shall be maintained and inspected to ensure orderly operation and ensure adequate storage capacity, and two (2) foot of freeboard must be maintained. After significant runoff events, prior to winter freeze-up, and/or in anticipation of a period of heavy precipitation, the surface impoundment's capacity shall be restored as soon as practicable to ensure at least a 25-year, 24-hour stormwater management capacity. (NDAC Subdivision 33.1-20-04.1-09(3)(a))

The surface impoundments shall not be used for management of stormwater that has not been in contact with waste. The surface impoundments shall be protected from surface water run-on from adjacent areas. (NDAC Subdivision 33.1-20-04.1-09(3)(d))

Should questions or issues arise, the Permittee shall contact the North Dakota Department of Environmental Quality at 701-328-5166.

In consideration of information provided regarding the facility and its operation and in consideration of the conditions above, the North Dakota Department of Environmental Quality hereby issues a permit to the Select Water Solutions, LLC.

This permit is effective as of \_\_\_\_\_, 2024 and shall remain in effect until August 8, 2030, unless modified, superseded, or revoked under Section 33.1-20-02.1-07 NDAC or continued in accordance with Section 33.1-20-02.1-08 NDAC.

\_\_\_\_\_  
Charles R. Hyatt, Director  
Division of Waste Management

\_\_\_\_\_  
Date

**Attachments:**

Attachment 1: Historical Document List

Attachment 2: Guideline 5-Quality Assurance for Construction of Landfill and Surface Impoundment Liners, Caps and Leachate Collection Systems

**Attachment 1  
Historical Documents List**

<b>February 1, 2024</b>	Permit Application and supporting documents
<b>May 11, 2022</b>	Affidavit of Publication for Public Notice
<b>April 11, 2022</b>	Deed
<b>February 28, 2022</b>	Disclosure Statement
<b>May 3, 2017</b>	Permit Application and supporting documents
<b>February 25, 2013</b>	February 25, 2013 e-mail and attached letter from the consultant, representing the applicant stating: "Ideal would like to formally request an increase in estimated waste flows from 200,000 cy per year to 420,000 cy per year (or 35,000 cy per month)."
<b>February 18, 2013</b>	February 18, 2013 e-mail transmitting a copy of the Stormwater Pollution Prevention Plan (SWPP).
<b>October 16, 2012</b>	Affidavit of Publication, Pat Zavoral, October 16, 2012.
<b>September 21, 2012</b>	Permit Application, with sections listed in detail: <ul style="list-style-type: none"><li>• Introduction Letter, September 21, 2012;</li><li>• "Permit Application Introduction," Ideal Special Waste Landfill. Prepared for: Ideal Oilfield Disposal, LLC, Wenck Associates; and</li><li>• "Permit Application Design Report," Ideal Special Waste Landfill, Prepared for: Ideal Oilfield Disposal, LLC, Wenck Associates.</li><li>• "Closure/Postclosure and Financial Assurance Plan," Ideal Special Waste Landfill, Prepared for: Ideal Oilfield Disposal, LLC, Wenck Associates.</li><li>• "Plan of Operations," Ideal Special Waste Landfill, Prepared for: Ideal Oilfield Disposal, LLC, Wenck Associates.</li><li>• "Leachate Management Plan," Ideal Special Waste Landfill, Prepared for: Ideal Oilfield Disposal, LLC, Wenck Associates.</li><li>• "Groundwater Monitoring Plan," Ideal Special Waste Landfill, Prepared for: Ideal Oilfield Disposal, LLC, Wenck Associates.</li></ul>
	Other Application Documents: <ul style="list-style-type: none"><li>• Certificate of Survey for David Johnson, Dave Johnson S1/2S W1/4 19-150-99, Advanced Engineering and Environmental Services.</li></ul>

- August 2012** "Detailed Site Hydrogeologic Characterization & Investigation Report," Ideal Oilfield Disposal, LLC Special Waste Landfill, McKenzie County, North Dakota, Prepared for: Ideal Oilfield Disposal LLC, Arnegard, ND, August 2012.
- July 17, 2012** "Soil Survey Report," Ideal Oilfield Disposal, LLC Special Waste Landfill, McKenzie County, North Dakota, Edland's Soil Consulting, July 17, 2012.
- April 2012** "Detailed Hydrogeologic Investigation Work Plan," Special Waste Landfill, McKenzie County, North Dakota, Prepared for: Ideal Oilfield Disposal, LLC, April 2012
- "High Intensity Soil Survey Work Plan for the Ideal Oil Field Disposal Special Waste Landfill," a Parcel in the SW 1/4 of Section 19, T. 150 N., R. 99 W. in McKenzie County, North Dakota, Prepared by Edland's SOIL CONSULTING, Lawrence E. Edland, Registered Professional Soil Classifier.