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: Carrington Waste Pile
   2. Mailing Address: 103 10th Avenue North, Carrington, ND 58421
   3. Location Address: 103 10th Avenue North, Carrington, ND 58421

B. Permit Number: 0001

C. Solid Waste Management Units:
   1. Waste Pile
   2. Scrap Metal and Appliance Pile
   3. Wood Waste Pile
   4. Yard Waste Compost

D. Location Information:
   1. General: NW1/4 of Sec 13 TWP 146N R 67W of Foster County
   2. Permit Area: As described in referenced documents and facility files – approximately 8.0 acres.
   3. Latitude: 47.471765°  Longitude: -99.15705°

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)

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

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

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))

F. Inert Waste Pile Specific Conditions:

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

- Agricultural waste;
- Asbestos waste;
- Municipal waste;
- Commercial waste;
- Industrial waste;
• Special waste;
• Regulated infectious waste;
• Liquid solid waste;
• Hazardous waste; and
• Radioactive waste  
  (NDAC Subsection 33.1-20-05.1-02(2))

F.2. The facility is authorized only for inert wastes. "Inert waste" means nonputrescible, non-water-soluble solid waste that will not in any way form a contaminated leachate. Inert waste includes but is not limited to: (1) construction and demolition material such as wood, bricks, masonry, concrete (cured) and incidental metal resulting from the demolition or razing of buildings, roads and other structures; (2) trees and tree branches; (3) incidental metal wastes that do not contain oils, solvents, PCBs, or other similar materials; and (4) waste coal fines from air pollution equipment. (NDAC Subsection 33.1-20-01.1-03(46))

The facility is limited to accepting an average of less than 40 tons per day.  
  (NDAC Subsection 33.1-20-01.1-03(26))

F.3. Metal items, including, but not limited to, burn barrels, major appliances, metal furniture, and scrap metal, may not be collected or transported for disposal to any solid waste disposal unit or facility unless such unit or facility has provision for intermediate storage and recycling of these materials and all such materials are appropriately segregated for recycling. Any metal items that may contain liquids shall be drained before stockpiling and provisions shall be made to properly remove and recycle such liquids before they leak or spill. (NDAC Subsection 33.1-20-01.1-04(5))

F.4. 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.5. 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.6. 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. Prior to closure of the facility, the Permittee must remove all waste from the site and the waste must be disposed of properly at a permitted solid waste management facility. (NDAC Subdivision 33.1-20-04.1-07(2)(b))

G.2. Upon closure of the facility, the Permittee shall reclaim the site to pre-existing conditions. (NDAC Subdivision 33.1-20-04.1-07(2)(b))
H. Concrete and/or Asphalt Pile Conditions:

H.1. The Permittee may stockpile concrete and/or asphalt in an approved area so long as the materials are stockpiled for recycling. The Permittee is encouraged to promote and support measures to minimize concrete and asphalt waste in the area served and promote utilization of processed aggregate materials for appropriate uses. Any unrecyclable materials, contaminants or residue shall be properly managed in accordance with NDAC Article 33.1-20 and this permit. (NDAC Subsections 33.1-20-01.1-03(68) and (70))

I. Scrap Metal and Appliance Pile Conditions:

I.1. The Permittee may stockpile segregated scrap metal and appliances in an approved area so long as the materials are stockpiled for recycling. The Permittee is encouraged to promote and support measures to recycle metal and segregate it from the waste stream. Appliances containing any chemical refrigerants, including but not limited to, refrigerators, freezers, air conditioners, and dehumidifiers, shall be managed in such a way as to allow for the removal of refrigerants. Electronic waste or other prohibited materials shall not be commingled in the recycling pile. Metal items containing liquids shall be properly drained prior to delivery to the site. Any unrecyclable materials, contaminants or residue shall be properly managed in accordance with NDAC Article 33.1-20 and this permit. (NDAC Subsections 33.1-20-01.1-03(68) and (70))

J. Wood Waste Pile Conditions:

J.1. The Permittee may stockpile, in an approved area, clean, non-treated and non-painted wood such as trees, tree branches and clean wood from a demolished structure. The Permittee may operate wood-processing equipment in accordance with all Departmental permits. The Permittee is encouraged to promote and support measures to minimize wood waste in the area served and promote utilization of wood and wood-derived materials for appropriate uses. Any unrecyclable materials, contaminants or residue shall be properly managed in accordance with NDAC Article 33.1-20 and this permit. In addition:

a. Any wood stockpile shall be free of treated wood, oil, rubber, asphalt, asphalt shingles, tar paper, upholstered furniture, household waste, plaster, non-wood siding, asbestos, insulation, plastic, grass, leaves and other potential contaminants.

b. Burning or incineration of trade waste such as pallets, construction lumber, wood packing, etc., is discouraged. Measures to recycle or reuse pallets, construction lumber, salvageable dimension lumber, doors, windows, etc., are encouraged.

c. The facility shall also limit incineration activities during periods of high winds and/or statewide burn bans.

(SFN 3473)
K. Yard Waste Compost Unit Conditions:

K.1. The Permittee may maintain a yard waste compost unit in an approved area. The compostable material shall be restricted to leaves, grass clippings and similar yard waste material, straw, produce from supermarkets, and other materials approved by the Department. No plastic, garbage, debris or trash shall be commingled in the compost pile. Any uncompostable materials, contaminants, or residue shall be properly managed in accordance with NDAG Article 33.1-20 and this permit. (NDAC Subsection 33.1-20-04.1-07(5))

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 City of Carrington.

This permit is effective as of __________, 2020 and shall remain in effect until __________, 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 1
Historical Documents List

June 20, 2019
Renewal Application for a Solid Waste Management Facility Permit - North Dakota Department of Health - Division of Waste Management SFN 19269 (04-2010) – Thomas Erdmann, Mayor of Carrington

March 5, 2009
Renewal Application for a Solid Waste Management Facility Permit - North Dakota Department of Health - Division of Waste Management SFN 19269 (03-2007) - Donald Frye, Mayor of Carrington

December 15, 1998
Department-approved modification of the original Application for a Solid Waste Management Facility Permit - North Dakota Department of Health - Division of Waste Management SFN 19269 (03-1998) - Neil Knatterud

July 29, 1998
"Addendum No. 1 for the Application for a Solid Waste Management Facility Permit, Carrington, ND," Interstate Engineering, Inc.

July 17, 1998
Original Application for a Solid Waste Management Facility Permit - North Dakota Department of Health - Division of Waste Management SFN 19269 (04-1993) - Allan Metzger, Mayor of Carrington

May 27, 1998
"Layout for the Proposed Inert Waste Landfill Site," Interstate Engineering, Inc.

May 8, 1998