PERMIT FOR A SOLID WASTE MANAGEMENT FACILITY

NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY – DIVISION OF WASTE MANAGEMENT
TELEPHONE: 701-328-5166 REV. 04/2026

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: City of Harvey - Harvey City Landfill - Inert Site

2. Mailing Address: 120 W. 8th St., Harvey, ND 58341

3. Location Address: 2530 32nd Ave. NE, Harvey, ND 58341

B. Permit Number: 0093

C. Solid Waste Management Units:

1. Inert Waste Landfill
2. Waste Piles:
- **a.** Concrete and/or Asphalt
- **b.** Scrap Metal
- **c.** Wood Waste
- **d.** Yard Waste

D. Location Information:

1. General: Section 28, Township 150 North, Range 72 West in Wells County

2. Permit Area: As described in referenced documents and facility files – approximately 55 acres.

3. Latitude: 47.780409 º **Longitude:** -99.889976 º

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. Future submittals approved by the Department may supersede or supplement items that were submitted previously. (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 and shall be submitted via the Combined Environmental Regulatory Information System – North Dakota (CERIS-ND) at https://ceris.deq.nd.gov/ext/ncore/external/home. In some cases, the Department may request hard copies in addition to electronic format.

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 1st of each year in accordance with NDAC Subsection 33.1-20-04.1-04(3).

The Permittee shall submit an annual ground water monitoring and corrective action report to the Department by March 1st of each year in accordance with

NDAC Subdivision 33.1-20-08-06(1)(e).

E.17. The Permittee shall notify the Department within five (5) days of any wastes rejected and not accepted by the facility and submit the Department's Waste Rejection Report (SFN 60120) via the Combined Environmental Regulatory Information System – North Dakota (CERIS-ND) at https://ceris.deq.nd.gov/ext/ncore/external/home. (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. Inert Waste Landfill 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 the disposal of 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(46))

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. All waste operations shall be properly maintained to minimize the potential for fire. Adequate emergency cover soils shall be stockpiled near the operating area to cover the waste to a depth of two (2) feet in the event of a fire. (NDAC Subsection 33.1-20-05.1-02(5))

F.5. 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.6. Operations and sequential partial closure shall be implemented such that the active area or open area (the area that has not been closed) of the landfill must be limited in size to as small an area as practicable. The active area of the inert waste landfill shall not exceed 10,000 square feet before cover is applied. Heavy equipment shall routinely run over the lifts of waste material (one foot to two feet maximum) at least four to five times or more as necessary to adequately break up and compact the waste material. At maximum, open areas that have not been formally closed with the required final cover shall be no larger than 40,000 square feet. All wastes, including, but not limited to, the active area must be covered at least two times per year with a minimum of six (6) inches of suitable earthen material. Grade stakes shall be placed as necessary to ensure filling activities follow the approved closure grades. (NDAC Subsection 33.1-20-04.1-05(2) and NDAC Subsection 33.1-20-05.1-02(4))

F.7. 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.8. 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. Concrete and/or Asphalt Pile Conditions:

G.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))

H. Scrap Metal and Appliance Pile Conditions:

H.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))

I. Yard Waste Compost Unit Conditions:

I.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 non-compostable materials, contaminants, or residue shall be properly managed in accordance with NDAC 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 Harvey**.

This permit is effective as of **November 23, 2026** and shall remain in effect until **November 23, 2036**, 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

November 23, 2026
Date