INTRADEPARTMENTAL MEMORANDUM

FILE: Linton Inert Landfill (0381)

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

FROM: Diana A. Trussell, Manager
Solid Waste Program
Division of Waste Management

SUBJECT: Permit Application Review

DATE: May 31, 2022

Introduction

On December 21, 2018, the North Dakota Department of Environmental Quality (Department) received a permit application for a renewal for the City of Linton’s inert waste landfill.

The City of Linton currently owns and operates an inert waste landfill, regulated under Permit 0381 on approximately 5.95 acres (4.5 acres are usable for solid waste management activities) located in the SE1/4 of the SE1/4 of Section 19, Township 133 North, Range 76 West in Emmons County, ND. The City of Linton is proposing to renew their permit to continue accepting building demolition and renovation debris and other inert waste. The facility was first permitted in 2016. The facility was originally granted a waste disposal variance in 2009 to dispose of flood impacted homes.

Design

It is located on the west side of Highway 83, and north of the City of Linton. There is a single approach to the facility from Highway 83. A gravel road goes from Highway 83 to the main access gate to the trench.

The Department assisted the City of Linton in determining an appropriate location following the flood of 2009 and gave an inert waste variance temporarily. There is currently an open trench with demolition material present. The area was fenced in previously before being purchased by the City of Linton.

The disposal footprint is approximately 4.5 acres, with a total facility footprint of 5.95 acres.

Operation

The facility is not open to the public and the majority of the inert waste will be generated by buildings or homes that have become the property of the City of Linton or Emmons County.
Only city sanitation personnel or county personnel and private contractors hired by the City of Linton or Emmons County and accompanied by city sanitation personnel are allowed to bring waste on the premises.

The landfill accepts building demolition and renovation debris inert waste such as drywall, plaster, mortar, asphalt roofing or shingles, insulation, siding. The landfill also accepts household inert waste such as carpet, draperies, upholstered furniture, mattresses. These will be placed directly into a disposal trench and then covered with the appropriate fill as needed. There will be no other waste accepted.

**Closure**

The plan of operation states that the landfill be closed following the general closure standards as required by the North Dakota Solid Waste Management Rules. While there was not a detailed closure plan and postclosure care included with the permit application, past inspections have shown that the facility closed the area where the flood buyout homes were disposed of in accordance with the closure requirements in NDAC Section 33.1-20-05.1-04. The facility has not had problems with drainage or ponding water on the closed areas.

The Department will work with the facility separate from this review in order to get a closure plan submitted for review and approval.

**Compliance History**

The following items of noncompliance have been noted since 2016:

- Lack of cover over the waste
- Lack of sign at the entrance to the facility
- Too much metal in the disposal pit
- Not maintaining soil stockpiles from erosion
- 2021 Annual Report not received

The above items of noncompliance have been appropriately addressed by the facility, 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 found within the Department's files. A record of notice is required to be filed. This will be addressed through Permit Condition E.18.

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

A quit claim deed showing that the City of Linton owns the property was included in the original permit application in 2016.

**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)

A permit application was submitted to the Department on December 21, 2018.

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

A public notice by the facility is not required for a permit renewal and no major modifications are being proposed.

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;

   A permit application was submitted to the Department on December 21, 2018.

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 landfill accepts building demolition and renovation debris inert waste such as drywall, plaster, mortar, asphalt roofing or shingles, insulation, siding. The landfill also accepts household inert waste such as carpet, draperies, upholstered furniture, mattresses. These will be placed directly into a disposal trench and then covered with the appropriate fill as needed. There will be no other waste accepted.

   In addition to prohibited waste by the Department for an inert landfill, the following items will also be excluded:

   - Asbestos
   - Batteries
   - Carcasses
   - Elevator Screenings
   - Hazardous Waste
   - Household Garbage
   - Infectious Waste
   - Leaves & Grass
   - Municipal Waste
- Oil & Oil Filters
- Pesticides or Chemical Waste
- Radioactive Waste
- Scrap Metal
- Sewage Waste
- Solvents
- Tires/Scrap Tires
- Treated Grain
- Trees & Branches
- Waste Containing Free Liquids
- Waste Grain

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;

The Department assisted the City of Linton in determining an appropriate location following the flood of 2009 and gave an inert waste variance temporarily. Part of the variance requirements was a determination that the location standards were met.

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

Web soil survey maps were included with the original permit application in 2016. The area is made up of Reeder-Farmuf loams soils with 3 to 6 percent slopes. The Reeder component is on pediments on the uplands and the parent material consists of fine-loamy residuum weathered from mudstone. The depth to the restrictive layer, bedrock, is 20 to 40 inches. The soils are well drained. The Farmuf component is on alluvial fans on the uplands. The parent material consists of fine-loamy alluvium derived from sedimentary rock. The depth to the restrictive later is greater than 60 inches. The soils are well drained.

The facility maintains a stockpile of cover soils and a stockpile of suitable plant growth material for closure.

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

A plan of operation was included in the original permit application that was submitted in 2016. The plan of operation meets the requirements of this section. The plan includes the following sections:

- Personnel
- Waste Acceptance Plan & Procedure
- Hours of Operation
- Landfill Facility & Maintenance
- Security & Signage
- Recordkeeping & Reporting
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.


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

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.

A plan of operation was included in the original permit application that was submitted in 2016. The plan of operation meets the requirements of this section. The plan includes the following sections:

- Personnel
- Waste Acceptance Plan & Procedure
- Hours of Operation
- Landfill Facility & Maintenance
- Security & Signage
- Recordkeeping & Reporting

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

The facility is not open to the public and the majority of the inert waste will be generated by buildings or homes that have become
the property of the City of Linton or Emmons County. Only city sanitation personnel or county personnel and private contractors hired by the City of Linton or Emmons County and accompanied by city sanitation personnel are allowed to bring waste on the premises.

The landfill accepts building demolition and renovation debris inert waste such as drywall, plaster, mortar, asphalt roofing or shingles, insulation, siding. The landfill also accepts household inert waste such as carpet, draperies, upholstered furniture, mattresses. These will be placed directly into a disposal trench and then covered with the appropriate fill as needed. There will be no other waste accepted.

A plan of operation was included in the original permit application that was submitted in 2016. The plan of operation meets the requirements of this section. The plan includes the following sections:

- Personnel
- Waste Acceptance Plan & Procedure
- Hours of Operation
- Landfill Facility & Maintenance
- Security & Signage
- Recordkeeping & Reporting

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;
A plan of operation was included in the original permit application that was submitted in 2016. The plan of operation meets the requirements of this section. The plan includes the following sections:

- Personnel
- Waste Acceptance Plan & Procedure
- Hours of Operation
- Landfill Facility & Maintenance
- Security & Signage
- Recordkeeping & Reporting

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 at the City of Linton's shop which is located at 419 Schley Ave. W. in Linton, ND.

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;
A plan of operation was included in the original permit application that was submitted in 2016. The plan includes the following sections:
Personnel
Waste Acceptance Plan & Procedure
Hours of Operation
Landfill Facility & Maintenance
Security & Signage
Recordkeeping & Reporting

The plan of operation states that the landfill be closed following the general closure standards as required by the North Dakota Solid Waste Management Rules. While there was not a detailed closure plan and postclosure care included with the permit application, past inspections have shown that the facility closed the area where the flood buyout homes were disposed of in accordance with the closure requirements in NDAC Section 33.1-20-05.1-04. The facility has not had problems with drainage or ponding water on the closed areas.

The Department will work with the facility separate from this review in order to get a closure plan submitted for review and approval.

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

The plan of operation states that the landfill be closed following the general closure standards as required by the North Dakota Solid Waste Management Rules. While there was not a detailed closure plan and postclosure care included with the permit application, past inspections have shown that the facility closed the area where the flood buyout homes were disposed of in accordance with the closure requirements in NDAC Section 33.1-20-05.1-04. The facility has not had problems with drainage or ponding water on the closed areas.

The Department will work with the facility separate from this review in order to get a closure plan submitted for review and approval.

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

The plan of operation states that the landfill be closed following the general closure standards as required by the North Dakota Solid Waste Management Rules. While there was not a detailed closure plan and postclosure care included with the permit application, past inspections have shown that the facility closed the area where the flood buyout homes were disposed of in accordance with the closure requirements in NDAC Section 33.1-20-05.1-04. The facility has not had problems with drainage or ponding water on the closed areas.

The Department will work with the facility separate from this review in order to get a closure plan submitted for review and approval.
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 December 21, 2018.

Conclusion

Based on the submitted application and items discussed above, the City of Linton has shown that the renewal meets the requirements of the North Dakota Solid Waste Management Rules. It is proposed that the Department grant the City of Linton a permit with the conditions listed in Permit 0381. The proposed permit length is for a period of 8 years because the facility has not many noncompliance issues since the previous permit was issued and due to the size of the facility, they are not required to submit any permit application processing fees.

CRH:DAT
Attachment