NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC NOTICE OF OPPORTUNITY TO COMMENT ON DRAFT PERMIT
FOR A SOLID WASTE MANAGEMENT FACILITY UNDER
THE NORTH DAKOTA SOLID WASTE MANAGEMENT RULES

FACILITY NAME:  Rainbow Energy Center – Coal Creek Station – Permit 0033
Rainbow Energy Center – Coal Creek Station – New Permit

APPLICANT:  Rainbow Energy Center, LLC
2875 3rd St. SW
Underwood, ND 58576

BACKGROUND:

Permit 0033

On June 30, 2022 and July 5, 2022, the North Dakota Department of Environmental Quality (Department) received a permit application for a modification for the Rainbow Energy Center, LLC – Coal Creek Station’s (Rainbow Energy) coal combustion residuals (CCR) solid waste management units. On September 1, 2022, the Department received additional details to complete the permit application review.

Rainbow Energy currently owns and operates a CCR and special waste landfill and surface impoundment facility, regulated under Permit 0033 on approximately 2,560 acres, of which 320 acres are usable for solid waste activities, located in the Sections 16 and 17, Township 145 North, Range 82 West in McLean County, ND. Rainbow Energy is proposing to modify their permit to meet the requirements of North Dakota Administrative Code (NDAC) Chapter 33.1-20-08 for CCR facilities. The facility was first permitted in 1983.

The Department believes that a permit which meets the requirements of the North Dakota Solid Waste Management Rules and is protective of human health and the environment can be issued to Rainbow Energy Center, LLC and has prepared a Draft Permit for public review and comment.

New Permit

On June 30, 2022 and July 5, 2022, the North Dakota Department of Environmental Quality (Department) received a permit application for the renewal for Rainbow Energy Center, LLC – Coal Creek Station’s (Rainbow Energy) surface impoundment facility.

Rainbow Energy currently owns and operates a surface impoundment facility (Evaporation Ponds 91, 92, 93 and 94, that is currently regulated under Permit 0033 on approximately 2,450 acres, of which 280 acres is used for the surface impoundment facility, located in the Sections 8 and 9, Township 145 North, Range 82 West in McLean County, ND. Rainbow Energy is proposing to renew their permit to continue operating Evaporation Ponds 91, 92, 93 and 94 and to split these ponds from their existing permit into a separate permit as they are non-CCR surface impoundments. The facility was first permitted in 1983.

The Department believes that a permit which meets the requirements of the North Dakota Solid Waste Management Rules and is protective of human health and the environment can be issued to Rainbow Energy Center, LLC and has prepared a Draft Permit for public review and comment.
PUBLIC COMMENTS AND HEARING

As required by Section 33.1-20-03.1-03 of the North Dakota Administrative Code, the Draft Permit will be available for public review and comment for thirty (30) days following publication of the Public Notice. The public comment period begins September 22, 2022 and ends October 21, 2022. During that period, any interested person may submit written comments and request a public hearing by stating the nature of the specific issues to be raised. A fifteen (15) day notice will be provided before any hearing is scheduled. The North Dakota Department of Environmental Quality will consider all comments prior to taking any action on the permit. Comments, questions and written communication should be directed to:

Charles R. Hyatt, Director
North Dakota Department of Environmental Quality
Division of Waste Management
4201 Normandy Street
Bismarck, ND 58503

Comments may also be sent via e-mail to solidwaste@nd.gov.

The Draft Permit and Permit Application are available for review during the hours of 8:30 a.m. to 4:00 p.m., Monday through Friday, at the North Dakota Department of Environmental Quality, Division of Waste Management, 4201 Normandy Street, Bismarck, ND. A copy of this Public Notice is also on the Department’s website at: https://deq.nd.gov/PublicNotice.aspx

The Department will consider every request for reasonable accommodation to provide an accessible meeting facility or other accommodation for people with disabilities, language interpretation for people with limited English proficiency (LEP), and translations of written material necessary to access programs and information. To request accommodations, contact Jennifer Skjod, Acting Non-discrimination Coordinator at 701-328-5226 or jskjod@nd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.