



**PERMIT FOR A SOLID WASTE MANAGEMENT FACILITY**  
**NORTH DAKOTA DEPARTMENT OF HEALTH — DIVISION OF WASTE MANAGEMENT**  
**TELEPHONE: 701-328-5166 • REV. 11/08**

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Pursuant to Chapter 23-29 of the North Dakota Century Code (NDCC), (Solid Waste Management and Land Protection Act), and Article 33-20 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 owner/operator to construct and operate a solid waste management facility at the designated location under any and all conditions.

**A. Owner/Operator:**

1. **Name:** Grand Forks Municipal Solid Waste Landfill
2. **Mailing Address:** 724 North 47th Street, Grand Forks, ND 58203
3. **Location Address:** NW corner of 54th Avenue North & 55th Street North

**B. Permit Number:** 0347

**C. Solid Waste Management Units:**

1. Municipal Solid Waste Landfill

**D. Location Information:**

1. **General:** Sec 13 TWP 152N R 51W of Grand Forks County
2. **Permit Area:** Approximately 190 acres

**E. General Conditions:**

- E.1.** The owner/operator of the facility is subject to the Solid Waste Management and Land Protection Act (Chapter 23-29 NDCC), the Solid Waste Management Rules (Article 33-20 NDAC), all other North Dakota and federal laws, rules, or regulations and orders now or hereafter effected by the North Dakota Department of Health (hereinafter the Department), and to any and 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 23-29, NDAC 33-20, NDCC 23-20.3, NDAC 33-24, Sections 3013, 7003, or 3008(a) of 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.

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- 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.
- 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.
- E.5.** This permit is based on the premise that the information submitted by the owner/operator is accurate and that the facility will be or has been constructed and will be operated 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.
- E.6.** The Permittee shall at all times properly operate and maintain the facility and systems of disposal, storage and control (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.
- E.7.** The Permittee shall give notice to the Department of any planned physical alterations or additions to permitted waste management units. Any physical change in, or change in the method of 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 owner/operator thereof shall file an application for, and receive, a permit to construct and operate from the Department.
- 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.** 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.

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- E.8.** The owner/operator shall construct, operate, maintain and close the 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.
- 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.
- E.10.** This permit may be modified during its term through mutual agreement or by Department Order for the purpose of preventing or abating adverse impact to the environment.
- E.11.** This permit does not supersede local zoning authority or any other requirements of any political subdivision of the state.
- E.12.** Within sixty (60) days of purchasing the property, if not already completed, the owner/operator shall record a notarized affidavit with the County Register of Deeds. 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.
- a.** Upon closure, a second affidavit shall be recorded specifying any final details regarding the types of waste disposed of at the facility, as well as any final details regarding the facility's location, construction, management, et cetera.
  - b.** The Department must be provided a copy of both affidavits, certified by the County Register of Deeds 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.
- 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 permit holder (Permittee).
- E.14.** No lateral expansion into areas not approved in the landfill plans and this permit is authorized unless the construction and design of the facility meets all applicable state and federal requirements and has been approved by the Department.

- E.15.** If a current closure plan has not already been completed and approved by the Department, an appropriate plan and timetable for closure of all areas filled with waste must be filed with the Department for approval within three (3) months of the issuance of this permit.
- E.16.** Within twelve (12) months of the permit issuance date, the owner/operator shall develop and receive Departmental approval of amendments to the plan of operation to meet the full requirements of Section 33-20-04.1-03 NDAC. Such amendments shall include, but not be limited to, industrial waste and special waste procedures. Upon Departmental approval, the amended operation plan shall be utilized in the facility's operation.
- E.17.** Within six (6) months of the permit issuance date, the owner/operator shall meet with the Department to review the inspection procedures and checklists submitted with the application and their implementation of permit and rule requirements so as to coordinate the self-inspection procedures for all solid waste management units and activities at the facility. Development, use and implementation of these checklists are subject to Departmental review and, upon approval, shall be implemented. Inspection of the routine facility operations by facility staff shall be ongoing; however, inspection and completion of the checklists shall be completed at random on a weekly basis or more frequently as needed. All inspection procedures, checklists, etc., shall be re-evaluated when upgrades or changes are made in the plans, the operation, when waste streams change, or other significant changes are made or issues arise.
- E.18.** 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. In addition, a copy of this permit, pertinent rules, guidelines and forms shall be posted at a prominent location within the facility.

Should questions or issues arise, the owner or operator shall contact the North Dakota Department of Health at 701-328-5166.

**F. Specific Conditions:**

- F.1.** Unless approved elsewhere in this permit, the facility shall not be used for the disposal of the following waste types: liquids (other than household quantities); unrinsed pesticide containers (other than household quantities); lead-acid batteries; used oil; PCB waste/oils; hazardous wastes (other than household quantities) including ignitables (solvents, paints and fuels), corrosives (acids and alkalies), reactives, toxicity characteristic wastes, and listed wastes; electronic waste such as

televisions, computers, monitors, printers, copiers, materials containing circuit boards, ballasts, capacitors, etc. (other than household quantities); mercury-containing devices such as fluorescent lighting, switches, thermometers, thermostats, etc. (other than household quantities); hazardous materials (other than household quantities); sludges; manure; septic tank pumpings; regulated infectious wastes or large quantities of soluble wastes (fly ash, salt, fertilizer, etc.). If approved by the Department, household quantities of these materials may be segregated for reuse, recycling or off-site management via a household hazardous waste program.

- F.2.** Metal items, including, but not limited to, major appliances, metal furniture, scrap metal, etc., 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.
- F.3.** The facility is authorized for disposal of municipal wastes. "Municipal waste" means solid waste that includes garbage, refuse and trash generated by households, motels, hotels and recreation facilities, by public and private facilities, and by commercial, wholesale, and private and retail businesses. The term does not include special waste or industrial waste. The facility is limited to accepting an average of no more than 350 tons of municipal waste per day. The calculation for the average daily municipal waste tonnage accepted shall be based on a 365-day year.
- F.4.** The owner/operator shall undertake and/or enhance programs to educate waste generators, residents and haulers on appropriate measures to reduce, reuse and recycle waste materials and reduce toxicity of the waste stream. The owner/operator shall help facilitate, implement, promote and provide appropriate procedures and services to reduce waste disposal as described in NDCC 23-29-02. Within three (3) years of the permit issuance date, the owner/operator shall demonstrate reasonable efforts to promote at least a 40% reduction of waste disposal. A description of recycling and waste reduction activities and an estimate of the volume and percentage of waste which has been diverted shall be included in the annual report to the Department.
- F.5** Ongoing evaluation of the waste stream shall be implemented as part of the routine inspection and education program to highlight appropriate materials. Evaluation of the waste stream may be conducted at the landfill, the transfer station and during collections. A summary of inspection/evaluation parameters, educational programs and correspondence with waste haulers and generators, public information/education, any problems or issues of non-cooperation, follow-up actions and results shall be included in the routine reports to the Department and shall be re-evaluated for effectiveness on an annual basis.

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- F.6.** Except as modified by conditions of this permit, this facility and related 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 enumerated below, which are hereby incorporated by reference in this permit:
- a.** Solid Waste Management Facility Landfill Preapplications for Grand Forks, ND, dated December 28, 2007 and prepared by Burns & McDonnell, Kansas City, Missouri.
  - b.** Letter from Todd Feland, City of Grand Forks Public Works Director, to the Federal Aviation Administration regarding preapplication discussion and request to extend landfill closing from fall 2008 to fall 2009, dated January 18, 2008.
  - c.** Well Investigation for the Proposed Site, dated September 5, 2008 and prepared by Advanced Engineering and Environmental Services, Inc.
  - d.** Hydrogeologic Investigation for the Proposed Municipal Solid Waste Landfill Grand Forks, ND, dated September 10, 2008 and prepared by Burns & McDonnell, Kansas City, Missouri.
  - e.** Permit Application Report for the Proposed Grand Forks Municipal Solid Waste Landfill Grand Forks, ND, Volume I, dated October 2008 and prepared by Burns & McDonnell, Kansas City, Missouri.
  - f.** Permit Application Report for the Proposed Grand Forks Municipal Solid Waste Landfill Grand Forks, ND, Volume II, dated October 2008 and prepared by Burns & McDonnell, Kansas City, Missouri.
  - g.** Plan of Operation for the Proposed Grand Forks Municipal Solid Waste Landfill Grand Forks, ND, dated October 2008 and prepared by Burns & McDonnell, Kansas City, Missouri.
  - h.** Letter from Todd Feland, City of Grand Forks Public Works Director, to Steve Tillotson and Diana Trussell, North Dakota Department of Health, regarding the water sample results from two private water wells, Lydia Meagher, Raymond & Marilyn Wilkens, dated October 16, 2008.
  - i.** Letter from Todd Feland, City of Grand Forks Public Works Director, to Steve Tillotson and Diana Trussell, North Dakota Department of Health, regarding Summarization of Bird Mitigation Plan, dated October 17, 2008.

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- j.** Permit Application Report, Replacement Pages for the Proposed Municipal Solid Waste Landfill and Replacement Permit Drawings C006, C007, C014 and C015, Grand Forks, North Dakota, dated November 2008.
  - k.** Future submittals approved by the Department may supersede or supplement items listed above.
- F.7.** The outside slope of berms used for erosion control drainage swales for the final cover shall be reduced from 2:1 to 3:1 or less to facilitate revegetation and control erosion. Routine inspections and repair of these critical areas shall be included in the plan of operation, inspection checklists and annual reports.
- F.8.** The waste cover frequency identified in the plan of operation is acceptable as long as the bagged bales act similar to a landfill tarp or alternative cover material and solid waste vectors are controlled; however, the Department reserves the right to require modifications in cover materials, cover procedures and processes if necessary.
- F.9.** As a condition for elimination of the synthetic layer in the final cover system and to afford longer term management of leachate and gas, the facility owner shall provide the Department a resolution, passed by the Grand Forks City Commission and signed by the Mayor, committing the community to manage and monitor the landfill site, remove and properly manage leachate, maintain and repair the protective soil and vegetative cover, maintain erosion control features, manage landfill gas and undertake other prudent measures for a solid waste landfill for as long as leachate generation, landfill gas and other issues appear to be significant issues. The Department may eventually reduce the requirement for management of leachate and gas if the quality of leachate significantly improves and the amount of gas is moderated if leachate recirculation and active gas management is incorporated. This postclosure care is intended to provide longer term stewardship of the site. This assurance shall be provided to the Department within six (6) months of the permit issuance date and prior to the onset of construction.
- F.10.** In addition to continuous visual oversight materials and placement of protective granular cover in the landfill area, the testing frequency for protective granular cover shall be increased as needed so that, at minimum, one (1) Particle Size Analysis (ASTM D 1140) per 7,500 cubic yards and one (1) Hydraulic Conductivity (ASTM D 2434) per 7,500 cubic yards is completed. Additional testing shall be conducted if any significant change in material or material source is noted or upon judgement by the classification/construction staff.
- F.11.** To facilitate leachate flow and gas control in waste layers in the filled materials, the backfill used to support and protect the leachate riser manhole shall be the same as the protective granular cover materials identified in the application and as described in this permit. Alternative materials or waste materials may be used if it meets the specification and is approved by the Department.

- F.12.** Any borrow areas used for landfill cover or final cover, other than those identified in the application, shall be adequately characterized and identified in a plan provided to the Department for approval prior to any disturbance.
- F.13.** Within four (4) months of the permit issuance date and prior to the onset of excavation and construction, the owner/operator shall provide a plan on how it will identify, acquire, segregate, maintain and develop adequate topsoil suitable plant growth material (SPGM) and subsoil SPGM (plant root zone soil) for use in sequential final closure of landfill phases. The plan must provide adequate oversight by a Professional Soil Classifier and coordination between the Professional Soil Classifier and construction engineers, equipment operators and landfill staff to ensure optimal amounts of SPGM materials are afforded to meet the closure requirements, help guide amendment of soils with compost or other approved materials, and ensure proper management and use of SPGM materials for site development and sequential closure. The plan shall address, as appropriate, the issues discussed in the guideline entitled, "Soil Surveys and Management of Suitable Plant Growth Material and Plant Rooting Soil for North Dakota Solid Waste Facilities" (see attachments). The plan shall address how appropriate materials will be provided or developed using amendments such as compost, composted manure, etc. Topsoil SPGM and subsoil SPGM issues, procedures for providing adequate soil amendments and the owner/operator's progress in providing adequate materials shall be included in the regular facility reports to the Department. A Professional Soil Classifier shall also be used to evaluate placement and quality of subsoil and topsoil SPGM for revegetating closed areas of the facility. Progress on this permit requirement shall be included in the facility's regular reports.
- F.14.** Prior to construction, the owner/operator shall meet with the Department to coordinate the recommendations on vegetation standards, native grass, and erosion control measures included in the application and plans along with Departmental guidance.
- F.15.** Sequential closure shall be implemented in as timely manner as practicable. The working area for disposal shall be limited to as small an area as practicable. In the spring and fall, or more often as needed, for areas that are not formally closed and/or revegetated and that will not be used for disposal within the next four (4) months of operation, the owner/operator shall implement erosion control measures and plant a cover crop. Areas that have been planted shall be inspected to ensure the erosion control and vegetation measures are effective.
- F.16.** Disturbed areas or areas with sparse vegetation, including, but not limited to, landfill operational areas, areas with interim cover, areas with final cover, borrow areas, berms, dikes, ditches, diversions, etc., that are affected by facility construction and operation shall be controlled by planting cover crops, permanent native grasses and final vegetative growth as appropriate, as well as erosion control practices. Cover crop plantings shall be implemented as needed, but not less than twice per year, in

the spring and fall. The owner/operator shall maintain all erosion control measures to ensure that they are working properly.

- F.17.** The owner/operator shall order the placement of mulch on any area where protection is necessary to forestall erosion or encourage native grass establishment. The straw mulching material should be substantially free of noxious weed seeds and objectionable foreign matter. Bromegrass is not an acceptable mulch. Mulch should be placed uniformly over the seeded areas at the specified rates. Approximately 10% of the soil surface should be visible through the mulch. Excessive cover which will smother seedlings should be avoided.
  
- F.18.** Inspection of erosion control measures and storm water structures, practices, measures, silt fences, and revegetated areas shall be afforded after each rainfall event and/or every week when erosion may reasonably be expected to occur. The inspections shall include, but not be limited to, all disturbed areas subject to erosion, areas with routine or interim cover and the final cover on closed solid waste disposal units.
  
- F.19.** The Department reserves the right to require modifications to the operational and closure plans if erosion is not controlled and/or exceeds Department standards.
  
- F.20.** A copy of the facility Storm Water Pollution Prevention Plan (SWPP) shall be provided with the storm water permit application to both the Department's Divisions of Water Quality and the Waste Management for review. In addition to the issues discussed above and in Departmental guidance and rules, the plan should describe how maintenance of the sediment basin will be accomplished without causing damage to the basin and the inspection and maintenance frequency of selected erosion and sediment control measures (i.e., filter fabric fences, etc.) used on-site.

In consideration of information provided regarding the facility and its operation and in consideration of the conditions above, the North Dakota Department of Health hereby issues a permit to the Grand Forks Municipal Solid Waste Landfill.

This permit is effective as of \_\_\_\_\_, 2009 and shall remain in effect until \_\_\_\_\_, 2014, unless modified, superseded, or revoked under Section 33-20-02.1-06 NDAC or continued in accordance with Section 33-20-02.1-07 NDAC.

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Scott A. Radig, P.E., Director  
Division of Waste Management

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Date

Attachments:

1. Guideline entitled, "Soil Surveys and Management of Suitable Plant Growth Material and Plant Rooting Soil for North Dakota Solid Waste Facilities"
2. Guideline entitled, "Evaluating Final Vegetative Cover of Closed Landfill Areas"
3. Guideline entitled, "General Native Grass Seeding"

draft