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INTRADEPARTMENTAL MEMORANDUM

FILE: Walhalla Inert Landfill (0185)

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

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

FROM: Ethan Hardy, Environmental Engineer
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SUBJECT: Permit Application Review

DATE: October 21, 2026

Introduction

The North Dakota Department of Environmental Quality (Department) received a permit application for a renewal for the City of Walhalla's inert waste landfill.

The City of Walhalla currently owns and operates an inert waste landfill, regulated under Permit 0185, on approximately 11.85 acres located in the W1/2 of the NW1/4 of the SE1/4 of Section 5, Township 162 North, Range 56 West in Pembina County, ND. The City of Walhalla is proposing to renew their permit to continue to utilize their inert waste landfill. The facility was first permitted in 1998.

Design

The facility is accessed from County Road 1 via a maintained gravel road, which is approximately ¼ mile long. The city accesses the facility with front end loaders for maintenance purposes.

A sign with the required information is posted at the entrance of the landfill. Unauthorized access is controlled by a fence surrounding the property. The landfill is monitored via remote motion activated cameras.

The facility is expected to have a remaining lifespan of 15-20 years. The application describes a potential for purchasing adjacent land if the landfill should wish to expand. If pursued, any adjustments or modifications to the permit will be done according to the Department's rules and requirements.

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Operation

The facility currently takes in approximately 325 cubic yards of inert waste, and approximately 20 to 30 cubic yards of yard waste annually. There is a white goods stockpile which is transported to a recycling facility, and a concrete/asphalt area which has been full since 2019 and is currently not accepting any more concrete/asphalt. The facility received approximately 50 to 70 cubic yards of burnable material annually, which is burned upon the Department's approval of a burn variance application.

Inert waste from the City of Walhalla will be accepted within the current operating hours of Wednesdays 1:00pm to 4:00pm, and Saturdays 9:00am to 1:00pm.

The facility will accept construction, and demolition materials, wood for open burning (upon Department approval of the burn variance application), yard waste for composting, scrap metal for recycling, and rubber tires for recycling.

City employees conduct a visual inspection of the inert landfill upon opening and closing of each given workday. It is the facility's policy for at least one employee to remain onsite during operating hours.

The facility's plan of operations, compliance records, inspection records, burn variance approvals, and annual reports are kept at the City of Walhalla's City Hall.

Closure

Upon closure of any areas of the landfill, waste will be covered with two feet of final cover. The final cover consists of twelve inches of compacted clay, six inches of a rooting layer soil, and six inches of topsoil. Erosion control, and surface water management will be monitored to ensure the integrity of the final cover.

Compliance History

The following items of noncompliance have been noted since 2014:

- 2020 annual report not received
- Nonburnable material in wood pile
- Rotting food in inert area
- 2021 annual report not received
- Windblown debris against fence
- Prohibited waste mixed with inert waste
- Dumping of prohibited putrescible wastes

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 included with the permit application.

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

A deed description and a property boundary map were included with the application.

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)

The Department received an electronic copy and a hard copy of the application including the supporting documents.

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;**

   The Department received an electronic copy and a hard copy of the application including the supporting documents.

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 application included a waste acceptance plan. The volume of inert waste accepted per year is approximately 325 cubic yards. The facility accepts approximately 20 to 30 cubic yards of yard waste, 50 to 70 cubic yards of burnable material, and 5 to 10 units of tires each year. Waste is accepted from the residents of the City of Walhalla. Along with inert waste, the facility also accepts white goods, and scrap metal for recycling.

c. **The site characterization of section 33.1-20-13-01 and a demonstration that the site fulfills the location standards of section 33.1-20-04.1-0:**

   The closest body of water to the facility is the Pembina River, which is approximately 1.09 miles away. The facility is not within one mile of any domestic or livestock wells,

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or within the 100-year floodplain. The facility is an inert landfill and is not expected to have an impact on surface water, groundwater, or other waters of the state.

The facility is not located within 10,000 feet of an airport, within 25 feet of any above/underground pipeline/ transmission lines, closer than 1,000 feet to a downgradient drinking supply, and is not closer than 200 feet from the ordinary high-water elevation of any surface water or wetland.

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

Data provided from the United States Department of Agriculture's Natural Resources Conservation Services Web Soil Survey characterizes the soils surrounding the facility to be sandy loam to loamy.

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

The facility's plan of operation includes a brief description of the wastes accepted, hours of operation, inspection activities, and contingency plans for potential fire hazards with appropriate stockpile material onsite for such emergencies.

The waste accepted is inert waste, yard wastes, burnable materials (burned upon approval), scrap metal, white goods and tires for recycling.

Under the fire contingency plan, waste operations will be handled to minimize the risk of fire. Designated areas are constructed to keep waste isolated to as small of a confined space as possible. Adequate stockpiles of cover are available in case of fire. The City of Walhalla Volunteer Fire Department will respond to any fires at the facility.

City of Walhalla employees conduct visual inspections of the facility upon opening and closing of the days that the facility is open (Wednesdays 1:00pm to 4:00pm, and Saturdays 9:00am to 1:00pm). It is the facility's policy for at least one worker to stay onsite during open hours to monitor incoming waste and ensure prohibited wastes are not allowed.

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.

2. Waste piles, section 33.1-20-04.1-07.

The compost pile is periodically turned with a front-end loader. Scrap metal piles are stockpiled in a designated area and sent to a recycling facility. The tire pile is properly maintained to meet the requirements of the rules. The wood waste pile is periodically burned upon Department approval of a burn variance application.

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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.**

   The landfill has access to equipment to excavate, compact, and cover wastes. The access road is a gravel road and is maintained in good condition. The facility maintains adequate stockpiles for cover, and closure. All recycling, and salvage activity is conducted in separate areas.

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

   Access to the facility is controlled by a fence, with a locked gate surrounding the facility. The facility receives and accepts only inert waste for disposal. All waste is covered at least two times per year with six inches of suitable earthen cover. The facility operation is limited to an area no larger than necessary for the disposal of inert waste, and its recycling activities. All inert waste will be compacted on a regular basis.

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.

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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;

The facility's plan of operation includes a brief description of the wastes accepted, hours of operation, inspection activities, and contingency plans for potential fire hazards with appropriate stockpile material onsite for such emergencies.

The waste accepted is inert waste, yard wastes, burnable materials (burned upon approval), scrap metal, white goods and tires for recycling.

Under the fire contingency plan, waste operations will be handled to minimize the risk of fire. Designated areas are constructed to keep waste isolated to as small of a confined space as possible. Adequate stockpiles of cover are available in case of fire. The City of Walhalla Volunteer Fire Department will respond to any fires at the facility.

City of Walhalla employees conduct visual inspections of the facility upon opening and closing of the days that the facility is open (Wednesdays 1:00pm to 4:00pm, and Saturdays 9:00am to 1:00pm). It is the facility's policy for at least one worker to stay onsite during open hours to monitor incoming waste and ensure prohibited wastes are not allowed.

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 Walhalla's City Hall, located at 1103 Central Ave, Walhalla, 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.

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k. **Construction quality assurance and quality control;**

Details describing the final cover of the facility are in the closure plan. The vegetation, surface water and erosion will be monitored monthly during the growing season during the postclosure period. Additional information can be found in the **Closure** section of this memo.

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

The facility will close with a two-foot final cover, which includes a 12-inch compacted clay layer, a 6-inch rooting layer, and a 6-inch topsoil layer. The final cover will be planted with native grasses.

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

The facility's closure plan addresses postclosure and includes monthly inspection of the final cover during growing season. The plan states the facility will be monitored up to 30 years as necessary.

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 as part of the application.

Conclusion

Based on the submitted application and items discussed above, the City of Walhalla 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 Walhalla a permit with the conditions listed in Permit 0185. The proposed permit length is for a period of 10 years because the facility has a good compliance history.

CRH:DAT:EH

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