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 Devils Lake – Devils Lake Transfer Station

2. **Mailing Address:** PO Box 1048, Devils Lake, ND 58301

3. **Location Address:** 2815 Highway 19 West, Devils Lake, ND 58301

B. Permit Number: 0377

C. Solid Waste Management Units:

1. Transfer Station

D. Location Information:

1. **General:** SE**1/4** of the SW**1/4** of **Section** 32, **Township** 154 North, **Range** 64 West of Ramsey County

2. **Permit Area:** As described in referenced documents and facility files – approximately 8.67 acres of which approximately 1 acre is used for solid waste activities.

3. **Latitude:** 48.108790 º **Longitude:** -98.911330 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

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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.

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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

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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).

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))

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F. Transfer Station Specific Conditions:

F.1. The following wastes are prohibited from acceptance and management at this facility unless approved by the Department:

- Asbestos waste;
- Hazardous waste (except in amounts normally in municipal waste);
- Hazardous materials;
- Industrial waste (if not addressed in the industrial waste management plan and the permit);
- Lead acid batteries;
- Liquids (except in amounts normally in household waste);
- Major appliances;
- Municipal waste incinerator ash;
- Pesticide containers which are not empty and have not been triple-rinsed (except those normally in municipal waste);
- Polychlorinated biphenyls (PCB) waste as defined in 40 CFR part 761;
- Radioactive waste;
- Raw or digested sludges, lime sludges, grit chamber cleanings, animal manure, septic tank pumpings, bar screenings, and other sludges, if not included in this permit;
- Regulated infectious waste (except amounts normally in household waste);
- Special waste; and
- TENORM waste

If approved by the Department, household quantities of the following materials may be segregated for reuse, recycling or off-site management via a household hazardous waste program:

- Household hazardous waste
- Lead acid batteries
- Polychlorinated biphenyls (PCB) waste as defined in 40 CFR part 761

(NDAC Subsection 33.1-20-05.1-02(2), NDAC Subsection 33.1-20-06.1-02(8), NDAC Subsection 33.1-20-07.1-01(2), NDAC Subsection 33.1-20-10-03(4) and NDAC Subsection 33.1-20-11-01)

F.2. The facility is authorized for management 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 less than 20 tons per day.
(NDCC Subsection 23.1-08-02(10) and NDAC Subsection 33.1-20-01.1-03(41))

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

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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. The facility and the waste handling areas shall be maintained in a clean and nuisance-free condition at all times. The handling of wastes shall be strictly controlled to eliminate odors, harboring of insects and rodents, scattering of materials by the wind, or interference with the operation of the facility. (NDAC Section 33.1-20-04.1-06)

F.5. All litter or windblown rubbish, trash, or garbage must be returned to the facility as soon as practicable. (NDAC Subsection 33.1-20-04.1-02(9))

F.6. This permit does not authorize any storage, stockpiling, disposal, discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or other waste-related material into or on any land or water including groundwater. Containers used for the storage of waste must be in accordance with NDAC Subsection 33.1-20-01.1-04.1(1). Waste must be contained in accordance with the approved Plan of Operations.

F.7. The facility shall implement measures to minimize the potential for accidents including, but not limited to, safety issues due to vehicles backing into the facility, workers or the public falling into the pit, and other safety and environmental issues as needed. (NDAC Subdivision 33.1-20-04.1-03(1)(f))

F.8. 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)

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 Devils Lake**.

This permit is effective as of **Permit Effective Date** and shall remain in effect until **Permit Expiration Date**, 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

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