

## **CHAPTER 33.1-20-05.1 INERT WASTE LANDFILLS**

### Section

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#### **33.1-20-05.1-01. Applicability.**

An owner or operator of an inert waste landfill, which does not qualify for a permit by rule, shall comply with this chapter and with sections 33.1-20-04.1-02, 33.1-20-04.1-03, 33.1-20-04.1-04, 33.1-20-04.1-05, and 33.1-20-04.1-09. An inert waste landfill, which is permitted by rule, shall comply with section 33.1-20-02.1-02 and with this chapter, but is exempt from sections 33.1-20-04.1-03 and 33.1-20-04.1-04.

**History:** Effective January 1, 2019.

**General Authority:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 1

**Law Implemented:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 23

#### **33.1-20-05.1-02. Performance and design criteria.**

The owner or operator of an inert waste landfill shall comply with these design, construction, and operating standards.

1. Access to the facility must be controlled by lockable gates and a combination of fencing, natural barriers, or artificial barriers.
2. Disposal of the following solid waste into inert waste landfills is prohibited: agricultural waste, asbestos waste, municipal waste, commercial waste, industrial waste, special waste, regulated infectious waste, liquid solid waste, hazardous waste, and radioactive waste.
3. All wastes deposited at the site must be spread and periodically compacted to promote drainage of surface water.
4. All wastes must be covered at least two times per year with a minimum of six inches [15.2 centimeters] of suitable earthen material.
  - a. The department may exempt the owner or operator of the landfill from this requirement based on the type and amount of waste received at the landfill and the site location.
  - b. This requirement does not apply to monofills used solely for bottom ash from coal-fired boilers that are not subject to chapter 33.1-20-08.
5. Inert waste permits must be limited to an area no larger than necessary to properly conduct permitted inert waste disposal activities. The department shall take into consideration each applicant's operating needs and conditions when evaluating this requirement in order to best achieve the purposes of this chapter.

**History:** Effective January 1, 2019; amended effective July 1, 2020.

**General Authority:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 1

**Law Implemented:** NDCC 23.1-08-03, 23.1-08-09; S.L. 2017, ch. 199, § 23

### **33.1-20-05.1-03. Lime sludge.**

Lime sludge from a water treatment plant may be disposed in an inert waste landfill contingent upon departmental approval, which must be based upon factors such as site characteristics, site design, site operation, or permit conditions.

**History:** Effective January 1, 2019.

**General Authority:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 1

**Law Implemented:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 23

### **33.1-20-05.1-04. Closure criteria.**

In addition to sections 33.1-20-04.1-05 and 33.1-20-04.1-09, at closure, an owner or operator shall cover an existing unit with a layer of compacted clay-rich earthen material having a thickness of twelve inches [30.5 centimeters] or more and free from cracks and extrusions of solid waste. A second layer of six inches [15.2 centimeters] or more of clay-rich soil material suitable for serving as a plant root zone must be placed over the compacted layer. At least six inches [15.2 centimeters] of suitable plant growth material must be placed over the covered landfill and the facility planted with adapted grasses. The total thickness of the final cover must be at least two feet [61.0 centimeters]. If a total cover thickness of four feet [1.2 meters] or more of clay-rich earthen material is achieved, including the six-inch layer of suitable plant growth material, compaction is not required.

**History:** Effective January 1, 2019; amended effective July 1, 2020.

**General Authority:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 1

**Law Implemented:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 23

### **33.1-20-05.1-05. Postclosure criteria.**

Owners or operators of inert waste landfills shall conduct annual postclosure inspections for a period of five years after closure.

**History:** Effective January 1, 2019.

**General Authority:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 1

**Law Implemented:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 23