

## CHAPTER 33.1-20-09 LAND TREATMENT PROVISIONS

### Section

- 33.1-20-09-01    Applicability  
33.1-20-09-02    Land Treatment Standards

#### **33.1-20-09-01. Applicability.**

The standards of this chapter apply to facilities that engage in land treatment of solid waste. These standards do not apply to the following:

1. Facilities utilizing municipal and domestic sludge;
2. Agricultural waste, including animal manure and agricultural residues, resulting from farming operations;
3. Composting grass clippings and leaves; and
4. Inert waste.

**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

#### **33.1-20-09-02. Land treatment standards.**

1. Owners or operators of land treatment facilities shall meet the location standards of section 33.1-20-04.1-01.
2. Owners or operators of land treatment facilities shall meet the minimum standards for performance of chapter 33.1-20-13, the general facility requirements of section 33.1-20-04.1-02, and the general disposal standards of section 33.1-20-04.1-09.
3. Owners or operators of land treatment facilities shall design these facilities to meet the following requirements:
  - a. Provide waste storage facilities, if appropriate, that meet the requirements of this article;
  - b. Collect and treat all runoff from a twenty-five-year, twenty-four-hour storm, and divert all run-on for the maximum flow of a twenty-five-year, twenty-four-hour storm around the active area;
  - c. Avoid standing water on the active area;
  - d. Avoid slopes and other features that will lead to soil and waste erosion, unless contour plowing or other measures are taken to avoid erosion; and
  - e. Control access to the site by fencing or other means.
4. Owners and operators of land treatment facilities shall maintain and operate these facilities in compliance with these following requirements:
  - a. Land treatment of garbage or regulated infectious waste is prohibited;
  - b. Analyze solid waste according to departmentally approved methods;
  - c. Avoid applying waste at rates greater than ten times agronomic rates using the proposed cover crop, or depths greater than would allow for tilling the soil by tracked vehicles;

- d. Provide tilling of soils during the growing season and after each application of waste to maintain aerobic soil conditions;
  - e. Amend the soil and soil nutrients as necessary to promote efficient biological breakdown of waste materials;
  - f. Avoid applying waste to any active area having standing water; and
  - g. Avoid food chain crops during the active life of the facility and after closure until demonstrated to be safe. Specific approval in writing from the department is required for any land treatment disposal facility that is used to raise food crops after closure.
5. All owners or operators of land treatment facilities shall close these facilities in accordance with section 33.1-20-04.1-05.

**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