NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
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FILE: Williams County – Williston (Red River Supply)

August 15, 2014

Michael Crocker
Operations
Red River Supply
PO Box 1146
Williston, ND 58802

Dear Mr. Crocker:

This letter regards our recent phone conversation and subsequent e-mails regarding management of several waste piles generated as a result of the Red River Supply fire incident and cleanup. The Department recognizes the impact of the unfortunate incident and we appreciate the clean-up efforts to date.

R360, Inc., who owns the Prairie Disposal Landfill, earlier requested authorization to exceed their monthly 3,000-ton limit to accept wastes from Red River Supply.

During our conversation, the materials were represented as being clay-type materials such as bentonite as well as calcium carbonate and barite. Hydrocarbons were characterized as being entirely burned off. The Department expressed concern about lime (calcium oxide) and acids due to the extreme pH they may generate. Amounts of "lime' or calcium oxide is listed on the daily cleanup updates sent to the Department. As discussed, the Williston Landfill and other facilities have had numerous landfill fires and staff at some landfills have had chemical burns and irritated lungs from prohibited oilfield waste chemicals.

Mr. Rich Vestal indicated during our conference call that the lime and barite materials would be segregated for "beneficial use." We also discussed contaminated soil and other issues at the Red River Supply site. Your August 14, 2014 e-mails to the Department requested a variance from the solid waste rules and oilfield special waste facility solid waste facility permits to dispose two of these stockpiles and you indicated the third stockpile may be hauled to another site for "beneficial use."

In the photos that were sent with the variance request, all three piles appeared to be mixtures of chemicals, damaged chemical containers, ash, burned debris, demolition waste and other industrial waste generated as a result of the fire cleanup. No waste characterization or analysis was provided. Given the apparent nature of the stockpiles, the apparent mixture of materials and

many unknowns, the Department does not approve a variance for disposal of these materials at a special waste facility.

The environmental controls at an oilfield special waste landfill are substantially less protective than a large-volume industrial waste facility. Oilfield special waste facilities have not included this type of waste material in their waste acceptance plans, staff training and waste screening provisions. The specific special waste facility permits have conditions on the types and amounts of materials approved for acceptance. It would be hard to know what the waste is, and the amount is likely to result in any single landfill exceeding their allotted tonnage for industrial waste allowed under their permits.

As we have discussed in the past, we suggest that you make arrangements to haul the materials to an appropriate large-volume industrial waste facility such as the Sawyer Disposal site. Of course, if you make arrangements with out of state disposal facilities, that is up to you, the facility owner and the regulatory agency having jurisdiction.

These three waste piles and/or other waste materials from Red River Supply must be managed in accordance with the state solid waste rules. Based on the information, these wastes are not approved for "beneficial use" and removal to a non-permitted site is not approved. NDAC Chapter 33-20 states, in part:

"**33-20-01.1-04. Care and disposal of solid waste.**

1. Any person who owns or operates any premises, business establishment, or industry is responsible for the solid waste management activities, such as storage, transportation, resource recovery, or disposal of solid waste generated or managed at that person's premises, business establishment, or industry.

2. No solid waste may be delivered to a facility which is not in compliance with this article or abandoned upon any street, alley, highway, public place, or private premises.

3. Solid waste must be stored, collected, and transported in a manner that provides for public safety, prevents uncontrolled introduction into the environment…

5. Used oil, lead-acid batteries, major appliances, 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."

> **"33-20-02.1-01. Solid waste management permit required.** Every person who treats or transports solid waste or operates a solid waste management unit or facility is required to have a valid permit issued by the department, unless the activity is an emergency, exemption, or exception as provided in this section."

Again, we are so sorry about the fire and the loss of materials and impact to the area. The Department appreciates the recycling of metals and the progress to secure the site. The Department would be happy to work with you on managing other materials as appropriate. If you have any questions, please feel free to contact me.

Sincerely,

/s/

Steven J. Tillotson, Asst. Director
Division of Waste Management

SJT:ljl
cc: Dave Glatt, P.E., Chief, EHS
Scott Radig, P.E., Director, Division of Waste Management
Daphne Clark, Upper Missouri District Health Unit
Paul Peronard, U.S. Environmental Protection Agency