

**NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WASTE MANAGEMENT**

**Review and Response to Public Comments Received for the  
Secure Energy Services USA, LLC d/b/a Secure USA, LLC  
Radioactive Materials License and Solid Waste Permit  
at the 13-Mile Landfill, Williams County, North Dakota**

June 6, 2022

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The North Dakota Department of Environmental Quality (Department) is responding to the comments received during the public comment period on the draft radioactive materials license and draft solid waste permit for Secure Energy Services USA, LLC d/b/a Secure Energy USA, LLC – 13 Mile Landfill (Secure). The draft license and draft permit address the disposal of TENORM waste in concentrations of up to, but not exceeding 50.0 picocuries per gram (pCi/g) of radium-226 plus radium-228, the addition of a surface impoundment and the renewal of the landfill permit.

The Department regulates the management of solid waste under the authority of North Dakota Century Code (NDCC) Chapter 23.1-08, Solid Waste Management and Land Protection. The Department's Solid Waste Program implements the Department's rules for the management of solid waste in North Dakota Administrative Code (NDAC) Article 33.1-20, Solid Waste Management and Land Protection.

The Department regulates the management of radioactive materials under the authority of NDCC Chapter 23.1-03, Ionizing Radiation Development. The Department's Radiation Control Program implements the Department's rules for the management of radioactive materials in NDAC Article 33.1-10, Radiological Health Rules.

The proposed draft radioactive materials license and the draft solid waste permit were released to the public and published on the Department's website on February 4, 2022. The official public comment period was from February 6, 2022 through March 7, 2022. A public comment hearing was scheduled and held in Williston on February 23, 2022. Public notices of the draft license and draft permit, comment period and hearing were published in the Williston Herald, the official county newspaper and the nearest daily newspaper, and through the Department's public notice web page and public notice email subscription service. During the public comment period, the Department received written comments regarding the draft radioactive materials license and draft Permit 0371. One verbal comment was received during the public hearing.

The transcript of the public comment hearing and a copy of the written comments are included as appendices. The public hearing was transcribed as accurately as possible, and comments (*in italics*) are quoted as stated into the record, with no corrections for grammar or wording.

**Comments**

1. *"...I'd like to see this approved. I think you've been fair giving them a fair chance the last few years since 2016 when this was first approved by the Legislature. Thank you." (G. Miller)*

*"...Because the TENORM is generated in North Dakota, the state has the responsibility to offer facilities for its disposal in the state...The Executive Committee of WDEA*

*recommends the pending application of Secure Energy for a radioactive materials license be approved..." (Western Dakota Energy Association)*

The Department acknowledges the above comments; however, no response is needed as no substantive scientific data or documentation was received to respond to.

2. *"I live out by the 13 mile location north of Williston and vehemently oppose the TENORM disposal being out here!!" (A. Grindelund)*

*"I live with in 10 miles of this & I don't want it this close. Any questions your welcome to reply to [Rosscoweeks@gmail.com](mailto:Rosscoweeks@gmail.com)." (R. Weeks)*

*"Do not allow Tenorm in 13 mile facility." (FJB)*

The Department acknowledges the above comments; however, no response is needed as no substantive scientific data or documentation was received to respond to.

3. *"I am just one of many residents here in Williams county that appose a waste disposal site here in Williams county. The site in MT is handling it well and there is no real need for another waste site in this area and to spread the contaminates out in more areas. This area & highways North of Williston is also one of the highest traffic areas in this area of western ND. To add more heavy truck traffic into the highway system here is just increasing the odds for more accidents to happen. Please reject this consideration for the safety of all the residents in the area." (S. Augustine)*

The Department has no authority over issues related to truck traffic – this is a local zoning issue and must be decided at the county or local level. North Dakota Radioactive Materials licenses and Solid Waste Management permits do not supersede local zoning and the Department does not get involved with local zoning decisions. The applicant must follow all local requirements and obtain zoning approval before the Department will issue the proposed permit modification.

### **Summary and Conclusions**

The Department did not receive any substantive scientific data or documentation to deny the draft radioactive materials license and the draft solid waste permit for Secure Energy Services USA, LLC d/b/a Secure USA, LLC's 13 Mile Landfill (Permit 0371). As discussed above, no changes will be made to the radioactive materials license, or the solid waste permit based on the comments received.

The solid waste management permit for Secure Energy Services USA, LLC d/b/a Secure USA, LLC (Permit 0371) will be issued for the facility to continue operating as currently permitted and add the surface impoundment. The facility will not be approved for disposal of TENORM waste in concentrations of up to, but not exceeding 50.0 picocuries per gram (pCi/g) of radium-226 plus radium-228, until finalized financial assurance documentation for the radioactive materials license has been reviewed and approved.

A letter will be sent to Secure Energy Services USA, LLC d/b/a Secure USA, LLC stating that the permit and license will not be issued for the disposal of TENORM waste in concentrations of up to, but not exceeding 50.0 picocuries per gram (pCi/g) of radium-226 plus radium-228, until finalized financial assurance documentation has been reviewed and approved by the Department.

Secure Energy Services USA, LLC dba Secure USA LLC  
Radioactive Materials License and Solid Waste Permit  
Public Comment Hearing  
Williston, North Dakota

2/23/22

**Chuck Hyatt:** My name is Chuck Hyatt, I am the director of the North Dakota Department of Environmental Quality, Division of Waste Management. I will be acting as the hearing officer for this public hearing. It is now 6:48 on February 23, 2022, in Williston, North Dakota. I'll begin with a short opening statement and explain the hearing format and then we will open for comments. First, I would like to ask everyone to turn off their cell phone ringers as a courtesy to those providing testimony. This public hearing has been called for the purpose of allowing all interested individuals an opportunity to submit information and comments concerning the draft radioactive materials license and the draft solid waste management permit for Secure Energy's 13-mile landfill, regarding the disposal of technologically enhanced, naturally occurring radioactive material. Information gathered at this hearing will be used by the North Dakota Department of Environmental Quality for its deliberation and final decision. This hearing is being conducted according to the procedures for hearings on draft licenses and draft permits. It is not an adjudicative proceeding under Chapter 28-32, which means the persons providing comment today will not be cross-examined and the department will not be responding to comments at this hearing. We also asked for no applause during the hearing. The comments received today will be considered with all written comments that are received and the Department of Environmental Quality will present its consideration of all the comments in writing.

You may request a copy of the written consideration of comments and one will be provided to you. After consideration of all the comments, the Department of Environmental Quality will make a determination on the draft license and the draft permit, either to approve as proposed, approve with modifications based on comments received or to withdraw the license and permit. This hearing is being taped and we ask that everyone that is intending to provide testimony use the microphone at the podium so that the tape will be of good quality for transcribing purposes. The microphone, however, will not amplify voices, so please speak clearly when testifying. Please sign the registration sheets for commenters, which was placed at the microphone and

identify yourself for the record before you begin with your comments. If you have a prepared statement, a written copy of your statement is appreciated and will be helpful. In order to save time, if someone has previously made the same comments that you are preparing and planning to make, it is not necessary or advantageous to state them again into the record. If you have lengthy written comments or information to present, please summarize what is being submitted when you speak. Both your spoken comments and written information will be fully reviewed, considered and responded to in the department's written consideration of comments. If you would like to receive a copy of the written consideration of comments, please print your contact information on the sign-up sheet located at the information table.

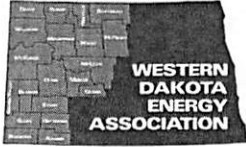
At this point, the hearing is open for comments on the draft license and draft permit, and anybody that would like to start is free to do so. Are there any comments?

**Gerald Miller:** My name is Gerald Miller, from Williston, North Dakota. I'd like to see this approved. I think you've been fair giving them a fair chance the last few years since 2016 when this was first approved by the Legislature. Thank you.

**Chuck Hyatt:** Any additional Comments. Any additional comments?

**Chuck Hyatt:** Any Comments? We're going to leave the hearing open for a little while yet, probably, we'll revisit it again in about 10 minutes to see if there are any comments during that time.

**Chuck Hyatt:** All Right. Are there any final comments? Any final comments? Ok. It is now 7:05, if no one else present desires to provide comments, this hearing will be closed. The record will be open for all written comments, which are postmarked on or before March 7, 2022. We will take into consideration comments sent in within the comment period. If you need the address for mailing comments, please contact the North Dakota Department of Environmental Quality at 701-328-5166. The address is also up on the screen. The hearing is now closed. Thank you very much.



# WESTERN DAKOTA ENERGY ASSOCIATION

February 25, 2022

## EXECUTIVE COMMITTEE

Trudy Ruland  
President  
Mountrail County

Supt. Leslie Bieber  
Vice President  
Alexander PSD

Daryl Dukart  
Dunn County

Zach Gaaskjolen  
City of Stanley

Supt. Tim Holte  
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David Montgomery  
Williams County

John Phillips  
Coal Conversion  
Counties

Supt. Brad Rinas  
Washburn PSD  
Coal Conversion  
Counties

Education Position  
Vacant

Radioactive Materials License Comments  
ND Department of Environmental Quality  
Division of Waste Management  
4201 Normandy Street  
Bismarck, ND 58503

To whom it may concern:

The Western Dakota Energy Association, at the request of Williams County, commissioned a study in January 2020 to determine the scope of TENORM waste disposal needs in North Dakota, and to attempt to develop a regional, multi-county solution.

The study revealed that North Dakota is the only oil-producing state that does not have a permitted landfill or other disposal facility for handling the material. As of 2019, the state was generating an average of 92,000 tons of TENORM per year, which is the equivalent of about 2,300 truckloads. At the time Williams County requested the WDEA study, it had just rejected a disposal application and imposed a temporary moratorium on future applications. The county was concerned that additional landfills may be needed, and if any facility failed financially, the county would be liable for its long-term maintenance and monitoring.

The material generated in North Dakota is currently hauled by truck, with most of it going to a landfill just across the border near Lindsey, Montana. Legislators in Helena are aware that Montana is, in effect, North Dakota's dumping ground, and there is legitimate concern that transporting the waste to a neighboring state for disposal may someday not be an option.

Because the TENORM is generated in North Dakota, the state has the responsibility to offer facilities for its disposal in the state. The WDEA study indicated there are virtually no public health concerns associated with TENORM's low levels of radioactivity. Workers close to the material need to monitor their exposure, but the radioactive particles travel only a very short distance, and pose no risk to the traveling public passing by a landfill.

The Executive Committee of WDEA recommends the pending application of Secure Energy for a radioactive materials license be approved. We note that DEQ's review found Secure's application meets the requirements of North Dakota Solid Waste Management Rules and is protective of human health and the environment. The application and Secure's operations have also been scrutinized by Williams County Planning and Zoning staff. The application was also the subject of a public hearing, after which the county commission granted Secure a conditional use permit that allows TENORM disposal at Secure's landfill.

Sincerely,

Geoff Simon  
Executive Director

Western Dakota Energy Association  
1661 Capitol Way, Bismarck ND 58501  
www.ndenergy.org • 701-527-1832

**Trussell, Diana A.**

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**From:** Scott Augustine <outlook\_C1617B6E778516F6@outlook.com>  
**Sent:** Friday, February 25, 2022 9:12 PM  
**To:** DOH, RAM  
**Subject:** TENORM waste site

**\*\*\*\*\* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. **\*\*\*\*\***

I am just one of many residents here in Williams county that appose a waste disposal site here in Williams county. The site in MT is handling it well and there is no real need for another waste site in this area and to spread the contaminates out in more areas. This area & highways North of Williston is also one of the highest traffic areas in this area of western ND. To add more heavy truck traffic into the highway system here is just increasing the odds for more accidents to happen. Please reject this consideration for the safety of all the residents in the area.

Thank you for your consideration  
Scott Augustine  
Williston ND 58801

Sent from Mail for Windows

**Trussell, Diana A.**

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**From:** Angela Grindeland <adawn326@gmail.com>  
**Sent:** Saturday, February 26, 2022 2:16 PM  
**To:** DOH, RAM  
**Subject:** TENORM

\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

I live out by the 13 mile location north of Williston and vehemently oppose the TENORM disposal being out here!!

Angel Grindeland

Sent from my iPhone

**Trussell, Diana A.**

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**From:** Ross Weeks <rosscoweeks@icloud.com>  
**Sent:** Saturday, February 26, 2022 12:51 PM  
**To:** DOH, RAM  
**Subject:** Disapproval

\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

I live with in 10 miles of this & I don't want it this close. Any questions your welcome to reply to  
Rosscoweeks@gmail.com

Rosscow



**Trussell, Diana A.**

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**From:** Wayne Barke <wbarke@nemont.net>  
**Sent:** Monday, March 7, 2022 11:30 AM  
**To:** DOH, RAM  
**Subject:** Tenorm

\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

Do not allow Tenorm in 13 mile facility. FJB