

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 927

Short Title: Small Rural Demolition Landfills.

(Public)

Sponsors: Senator Simpson.

Referred to: Agriculture/Environment/Natural Resources

May 1, 1995

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE THAT NO PERMIT IS REQUIRED FOR SMALL
3 LANDFILLS FOR THE DISPOSAL OF DEMOLITION DEBRIS TO BE
4 LOCATED IN A RURAL COUNTY THAT HAS NO LICENSED DEMOLITION
5 DEBRIS LANDFILL.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 130A-294(a)(4)a. reads as rewritten:

8 "(4) a. Develop a permit system governing the establishment and operation
9 of solid waste management facilities. A landfill with a disposal area of
10 1/2 acre or less for the on-site disposal of land clearing and inert debris
11 is exempt from the permit requirement of this section and shall be
12 governed by G.S. 130A-301.1. A landfill with a disposal area of one
13 acre or less for the disposal of demolition debris to be located within a
14 county with a population of 90,000 or less that has no licensed
15 demolition debris landfill is exempt from the permit requirement of this
16 section and shall be governed by G.S. 130A-301.2. The Department
17 shall not approve an application for a new permit, the renewal of a
18 permit, or a substantial amendment to a permit for a sanitary landfill,
19 excluding demolition landfills as defined in the rules of the Commission
20 for Health Services, except as provided in subdivisions (3) and (4) of

1 subsection (b1) of this section. No permit shall be granted for a solid
2 waste management facility having discharges which are point sources
3 until the Department has referred the complete plans and specifications
4 to the Environmental Management Commission and has received advice
5 in writing that the plans and specifications are approved in accordance
6 with the provisions of G.S. 143-215.1. If the applicant is a unit of local
7 government, and has not submitted a solid waste management plan that
8 has been approved by the Department pursuant to G.S. 130A-
9 309.09A(b), the Department may deny a permit for a sanitary landfill or
10 a facility that disposes of solid waste by incineration, unless the
11 Commission has not adopted rules pursuant to G.S. 130A-309.29 for
12 local solid waste management plans. In any case where the Department
13 denies a permit for a solid waste management facility, it shall state in
14 writing the reason for denial and shall also state its estimate of the
15 changes in the applicant's proposed activities or plans which will be
16 required for the applicant to obtain a permit."

17 Sec. 2. Part 2 of Article 9 of Chapter 130A of the General Statutes is amended
18 by adding a new section to read:

19 "**§ 130A-301.2. Demolition debris landfills with a disposal area of one acre or less**
20 **located in rural counties.**

21 (a) No landfill with a disposal area of one acre or less for the disposal of
22 demolition debris to be located within a county with a population of 90,000 or less that
23 has no licensed demolition debris landfill shall, at the time the landfill is sited, be sited 25
24 feet or less from a boundary of an adjacent property.

25 (b) The owner of a landfill subject to this section shall file a certified copy of a
26 survey of the property on which the landfill is located in the register of deeds' office in
27 the county in which the property is located, which survey shall accurately show the
28 location of the landfill and the record owner of the land on which the landfill is situated.

29 (c) Prior to the lease or conveyance of any lot or tract of land that directly abuts or
30 is contiguous to the disposal area used for demolition debris pursuant to this section, the
31 owner of the lot or tract shall prepare a document disclosing that a portion of the property
32 has been used as a disposal area for demolition debris or has been used to meet applicable
33 minimum buffer requirements. The disclosure shall include a legal description of the
34 property that would be sufficient in an instrument of conveyance and shall be filed in the
35 register of deeds' office prior to any lease or conveyance.

36 (d) No public, commercial, or residential building shall be located or constructed
37 immediately above any landfill subject to this section. Construction of such buildings,
38 with the exception of site preparation and foundation work, shall not commence until
39 after closure of the demolition debris landfill."

40 Sec. 3. This act is effective upon ratification.