

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 927

Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/15/95

Short Title: Small Demolition Landfills.

(Public)

Sponsors:

Referred to:

May 1, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT NO PERMIT IS REQUIRED FOR SMALL LANDFILLS FOR THE DISPOSAL OF DEMOLITION DEBRIS.

The General Assembly of North Carolina enacts:

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

"a. Develop a permit system governing the establishment and operation of solid waste management facilities. A landfill with a disposal area of 1/2 acre or less for the on-site disposal of land clearing and inert debris is exempt from the permit requirement of this section and shall be governed by G.S. 130A-301.1. A landfill for the disposal of demolition debris generated on the same parcel or tract of land on which the landfill is located that has a disposal area of one acre or less is exempt from the permit requirement of this section and rules adopted pursuant to this section, and shall be governed by G.S. 130A-301.2. The Department shall not approve an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission for Health Services, except as

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

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

22 "**§ 130A-301.2. Disposal of demolition debris in an on-site landfill having a disposal**
23 **area of one acre or less.**

24 (a) A person may dispose of demolition debris generated on land that the person
25 owns in a landfill that is located on the same parcel or tract of land and that has a disposal
26 area of one acre or less without obtaining a permit from the Department if the
27 requirements of this section are met. A person may not dispose of demolition debris in a
28 landfill to which this section applies unless the board of commissioners of the county in
29 which the landfill is proposed to be located approves the landfill. If the landfill is to be
30 located within a city or within the extraterritorial jurisdiction of a city, the board of
31 commissioners shall consult the governing board of the city before approving the
32 proposed landfill. The board of commissioners shall approve the landfill if the board
33 finds that:

- 34 (1) The landfill is located at least one-half mile from any other landfill of
35 any type.
36 (2) The perimeter of the landfill is at least 50 feet from the property
37 boundary.
38 (3) The perimeter of the landfill is at least 500 feet from the nearest
39 drinking water well.
40 (4) The waste disposal area of the landfill is at least four feet above the
41 seasonal high groundwater table.
42 (5) The landfill will comply with all applicable federal, State, and local
43 laws, regulations, rules, and ordinances.

1 (b) Demolition debris may be disposed in a landfill to which this section applies
2 without being separated into demolition debris components. No waste other than that
3 generated by the demolition of a building or other structure shall be disposed of in the
4 landfill.

5 (c) The owner or operator of the landfill shall close the landfill within 30 days
6 after the demolition is completed or terminated. The owner or operator shall compact the
7 demolition debris and cover it with at least two feet of compacted earth. The cover of the
8 landfill shall be graded so as to minimize water infiltration, promote proper drainage, and
9 control erosion. Erosion of the cover shall be controlled by establishing suitable
10 vegetative cover.

11 (d) No building shall be located or constructed immediately above any part of a
12 landfill to which this section applies. No construction, except for site preparation and
13 foundation work, shall be commenced on a parcel or tract of land on which a landfill to
14 which this section applies is located until the landfill is closed.

15 (e) Within 30 days of the closure of the landfill, or at least 30 days before the land,
16 or any interest in the land, on which the landfill is located is transferred, whichever is
17 earlier, the owner or owners of record of the land on which the landfill is located shall file
18 with the register of deeds of the county in which the landfill is located a survey plat of the
19 property that meets the requirements of G.S. 47-30. The plat shall accurately show the
20 location of the landfill and shall reference this section. A certified copy of the plat
21 showing the book and page number where recorded shall be filed with the Department at
22 the same time that the certified copy of the notice required by subsection (f) of this
23 section is filed with the Department.

24 (f) Within 30 days of the closure of the landfill or at least 30 days before the land,
25 or any interest in the land, on which the landfill is located is transferred, whichever is
26 earlier, the owner or owners of record of the land on which the landfill is located shall file
27 with the register of deeds of the county in which the landfill is located a notice that a
28 landfill for the disposal of demolition debris has been located on the land. The notice
29 shall include a description of the land that would be sufficient as a description in an
30 instrument of conveyance. The notice shall list the owners of record of the land at the
31 time the notice is filed and shall reference the book and page number where the deed or
32 other instrument by which the owners of record acquired title is located. The notice shall
33 reference the book and page number where the survey plat required by subsection (e) of
34 this section is recorded. The notice shall reference this section, shall describe with
35 particularity the type and size of the building or other structure that was demolished, and
36 shall state the dates on which the landfill opened and closed. The notice shall be
37 executed by the owner or owners of record as provided in Chapter 47 of the General
38 Statutes. The register of deeds shall record the notice and index it in the grantor index
39 under the name of the owner, or names of the owners, of the land. The owner shall file a
40 certified copy of the notice showing the book and page number where recorded, together
41 with a certified copy of the survey plat as required by subsection (e) of this section, with
42 the Department, and shall pay a filing fee of twenty-five dollars (\$25.00) to the
43 Department, within 15 days after the notice is recorded.

1 (g) When the land, or any portion of the land, on which the landfill is located is
2 sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall
3 contain in the description section, in no smaller type than that used in the body of the
4 deed or instrument, a statement that the property has been used as a landfill for the
5 disposal of demolition debris. The statement shall include a reference to this section and
6 to the book and page number where the notice required by subsection (f) of this section is
7 recorded.

8 (h) The board of commissioners of the county in which a landfill to which this
9 section applies is located shall ensure that the requirements of subsections (a) through (d)
10 of this section are met."

11 Sec. 3. This act is effective upon ratification and expires on 13 June 1999.