

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 927

Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/15/95
Third Edition Engrossed 6/30/95

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

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

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

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

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

- 35 (1) The landfill is located at least one-quarter mile from any other landfill
36 of any type.
37 (2) The perimeter of the landfill is at least 50 feet from the property
38 boundary.
39 (3) The perimeter of the landfill is at least 500 feet from the nearest
40 drinking water well.
41 (4) The waste disposal area of the landfill is at least two feet above the
42 seasonal high groundwater table.

1 (5) The landfill will comply with all applicable federal, State, and local
2 laws, regulations, rules, and ordinances.

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

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

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

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

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

1 the Department, and shall pay a filing fee of twenty-five dollars (\$25.00) to the
2 Department, within 15 days after the notice is recorded.

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

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

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