

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 898
Second Edition Engrossed 5/13/93

Short Title: Land Clearing/Debris Landfills.

(Public)

Sponsors: Senators Odom; Richardson, Winner of Mecklenburg, and Blackmon.

Referred to: Environment and Natural Resources.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AN OWNER OF AN ON-SITE LAND CLEARING
AND INERT DEBRIS LANDFILL DOES NOT HAVE TO OBTAIN A STATE
PERMIT AND TO REGULATE SUCH LANDFILLS.

The General Assembly of North Carolina enacts:

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

"(4) Develop a permit system governing the establishment and operation of solid waste management facilities. A landfill 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. No permit shall be granted for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission for Health Services, without the Department receiving the prior approval for such permit from the county where it is to be located, except if it is to be located within the corporate limits or extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, of a city as defined in G.S. 160A-1(2), from the city where it is to be located or whose jurisdiction it is in. No permit shall be granted for a solid waste management facility having discharges which are point sources until the Department has referred the complete plans and specifications to the Environmental Management Commission and has received advice in writing that the plans and specifications are approved in accordance with the provisions of G.S. 143-215.1. In any case where the

1 Department denies a permit for a solid waste management facility, it
2 shall state in writing the reason for denial and shall also state its
3 estimate of the changes in the applicant's proposed activities or plans
4 which will be required for the applicant to obtain a permit.

5 The issuance of permits for sanitary landfills operated by local
6 governments is exempt from the environmental impact statements
7 required by Article 1 of Chapter 113A of the General Statutes, entitled
8 the North Carolina Environmental Policy Act of 1971. All sanitary
9 landfill permits issued to local governments prior to July 1, 1984, are
10 hereby validated notwithstanding any failure to provide environmental
11 impact statements pursuant to the North Carolina Environmental
12 Policy Act of 1971;".

13 Sec. 2. Chapter 130A of the General Statutes is amended by adding a new
14 section to read:

15 "**§ 130A-301.1. Land clearing and inert debris landfills; recordation.**

16 (a) No landfill for the on-site disposal of land clearing and inert debris shall, at
17 the time the landfill is sited, be sited 20 feet or less from a boundary of an adjacent
18 property.

19 (b) The owner of a landfill for the on-site disposal of land clearing and inert
20 debris shall file a certified copy of a survey of the property on which the landfill is
21 located in the register of deeds' office in the county in which the property is located,
22 which survey shall accurately show the location of the landfill and the record owner of
23 the land on which the landfill is situated.

24 (c) When any portion of a landfill for the on-site disposal of land clearing and
25 inert debris is leased, sold, or transferred, the deed or other instrument of transfer shall
26 contain in the description section in no smaller type than that used in the body of the
27 deed or instrument a statement that the property has been used as a landfill for the on-
28 site disposal of land clearing and inert debris and a reference by book and page to the
29 recordation of the survey.

30 (d) No public, commercial, or residential building shall be located or constructed
31 on the property, or any portion of the property on which the landfill for the on-site
32 disposal of land clearing and inert debris is located, 20 feet or less from the landfill.

33 (e) The Department of Transportation is exempt from subsections (b) and (c) of
34 this section for the on-site disposal of land clearing and inert debris on highway rights-
35 of-way."

36 Sec. 3. This act is effective upon ratification and applies to all land clearing
37 and inert debris landfills sited on or after that date.