

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

House Committee Substitute Favorable 7/13/95

House Committee Substitute #2 Favorable 7/19/95

Short Title: Small Demolition Landfills.

(Public)

Sponsors:

Referred to:

May 1, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT SMALL LANDFILLS FOR THE DISPOSAL OF DEMOLITION DEBRIS ARE EXEMPT FROM THE PERMITTING REQUIREMENTS GENERALLY APPLICABLE TO LANDFILLS AND TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO GRANT A VARIANCE IN THE GEOGRAPHIC AREA SERVED BY A SANITARY LANDFILL UNDER CERTAIN CIRCUMSTANCES.

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

1 same parcel or tract of land on which the landfill is located that  
2 has a disposal area of one acre or less is exempt from the permit  
3 requirement of this section and rules adopted pursuant to this  
4 section, and shall be governed by G.S. 130A-301.2. The  
5 Department shall not approve an application for a new permit,  
6 the renewal of a permit, or a substantial amendment to a permit  
7 for a sanitary landfill, excluding demolition landfills as defined  
8 in the rules of the Commission for Health Services, except as  
9 provided in subdivisions (3) and (4) of subsection (b1) of this  
10 section. No permit shall be granted for a solid waste  
11 management facility having discharges which are point sources  
12 until the Department has referred the complete plans and  
13 specifications to the Environmental Management Commission  
14 and has received advice in writing that the plans and  
15 specifications are approved in accordance with the provisions of  
16 G.S. 143-215.1. If the applicant is a unit of local government,  
17 and has not submitted a solid waste management plan that has  
18 been approved by the Department pursuant to G.S. 130A-  
19 309.09A(b), the Department may deny a permit for a sanitary  
20 landfill or a facility that disposes of solid waste by incineration,  
21 unless the Commission has not adopted rules pursuant to G.S.  
22 130A-309.29 for local solid waste management plans. In any  
23 case where the Department denies a permit for a solid waste  
24 management facility, it shall state in writing the reason for denial  
25 and shall also state its estimate of the changes in the applicant's  
26 proposed activities or plans which will be required for the  
27 applicant to obtain a permit."

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

30 "**§ 130A-301.2. Disposal of demolition debris in an on-site landfill having a disposal**  
31 **area of one acre or less.**

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

- 42 (1) The landfill is located at least one-quarter mile from any other landfill  
43 of any type.

1           (2)    The perimeter of the landfill is at least 50 feet from the property  
2                   boundary.

3           (3)    The perimeter of the landfill is at least 500 feet from the nearest  
4                   drinking water well.

5           (4)    The waste disposal area of the landfill is at least four feet above the  
6                   seasonal high groundwater table.

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

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

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

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

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

32           (f)    Within 30 days of the closure of the landfill or at least 30 days before the land,  
33           or any interest in the land, on which the landfill is located is transferred, whichever is  
34           earlier, the owner or owners of record of the land on which the landfill is located shall file  
35           with the register of deeds of the county in which the landfill is located a notice that a  
36           landfill for the disposal of demolition debris has been located on the land. The notice  
37           shall include a description of the land that would be sufficient as a description in an  
38           instrument of conveyance. The notice shall list the owners of record of the land at the  
39           time the notice is filed and shall reference the book and page number where the deed or  
40           other instrument by which the owners of record acquired title is located. The notice shall  
41           reference the book and page number where the survey plat required by subsection (e) of  
42           this section is recorded. The notice shall reference this section, shall describe with  
43           particularity the type and size of the building or other structure that was demolished, and

1 shall state the dates on which the landfill opened and closed. The notice shall be  
2 executed by the owner or owners of record as provided in Chapter 47 of the General  
3 Statutes. The register of deeds shall record the notice and index it in the grantor index  
4 under the name of the owner, or names of the owners, of the land. The owner shall file a  
5 certified copy of the notice showing the book and page number where recorded, together  
6 with a certified copy of the survey plat as required by subsection (e) of this section, with  
7 the Department, and shall pay a filing fee of twenty-five dollars (\$25.00) to the  
8 Department, within 15 days after the notice is recorded.

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

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

19 Sec. 2.1. Article 2 of Chapter 47 of the General Statutes is amended by adding  
20 a new section to read:

21 "**§ 47-28. Recordation of waste disposal on land.**

22 (a) A permit for the disposal of waste on land shall be recorded as provided in  
23 G.S. 130A-301. The disposal of demolition debris in an on-site landfill having a disposal  
24 area of one acre or less shall be recorded as provided in G.S. 130A-301.2.

25 (b) An inactive hazardous substance or waste disposal site shall be recorded as  
26 provided in G.S. 130A-310.8."

27 Sec. 3. Notwithstanding any rule to the contrary, upon request of the board of  
28 commissioners of a county that operates a sanitary landfill, the Department of  
29 Environment, Health, and Natural Resources may grant a variance in the geographic area  
30 served by the sanitary landfill, as specified in the permit for the sanitary landfill, to allow  
31 the disposal of municipal solid waste generated in a county adjacent to the county in  
32 which the sanitary landfill is located. The Department shall grant the request for a  
33 variance only if it finds that the variance will result in the closure of the sanitary landfill  
34 on or before 31 December 1996. A county that requests a variance under this section  
35 shall close the sanitary landfill on or before 31 December 1996. This section shall not be  
36 construed to authorize the disposal of municipal solid waste in excess of the permitted  
37 capacity of the sanitary landfill.

38 Sec. 4. This act is effective upon ratification. Sections 1 and 2 of this act and  
39 the second sentence of G.S. 47-28(a), as enacted by Section 2.1 of this act, expire on 30  
40 June 2001. Section 3 of this act expires on 31 December 1996.