

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-357
SENATE BILL 783**

AN ACT TO MAKE CERTAIN CHANGES TO THE LAW REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS AND TO EXTEND THE SUNSET OF THIS LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-301.2 reads as rewritten:

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

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

- (1) The landfill is located at least one-quarter mile from any other landfill of any type.
- (2) The perimeter of the landfill is at least 50 feet from the property boundary.
- (3) The perimeter of the landfill is at least 500 feet from the nearest drinking water well.
- (3a) The perimeter of the landfill is at least 50 feet from any stream or river.
- (4) The waste disposal area of the landfill is at least four feet above the seasonal high groundwater table.
- (5) The landfill will comply with all applicable federal, State, and local laws, regulations, rules, and ordinances.

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

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

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

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

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

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

(h) The board of commissioners of the county in which a landfill to which this section applies is located shall ensure that the requirements of ~~subsections (a) through (d)~~ of this section are met. In addition, the board of commissioners shall forward to the Department copies of the documents filed with the board of commissioners by the owner or owners of record pursuant to subsections (e) and (f) of this section along with a certification that the requirements of this section have been met."

SECTION 2. Section 4 of Chapter 502 of the 1995 Session Laws reads as rewritten:

"Sec. 4. This act is effective upon ratification. Sections 1 and 2 of this act and the second sentence of G.S. 47-28(a), as enacted by Section 2.1 of this act, expire on ~~30 June 2001~~ 30 September 2003. Section 3 of this act expires on 31 December 1996."

SECTION 3. This act becomes effective 30 June 2001.
In the General Assembly read three times and ratified this the 1st day of August, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:43 a.m. this 10th day of August, 2001