

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

2

HOUSE BILL 706
Committee Substitute Favorable 4/18/13

Short Title: Preserve Landfill Space.

(Public)

Sponsors:

Referred to:

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS
3 FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS,
4 INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE
5 LANDFILL PERMITTING REQUIREMENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 130A-294(a) reads as rewritten:

8 "(a) The Department is authorized and directed to engage in research, conduct
9 investigations and surveys, make inspections and establish a statewide solid waste management
10 program. In establishing a program, the Department shall have authority to:

- 11 (1) Develop a comprehensive program for implementation of safe and sanitary
12 practices for management of solid waste;
- 13 (2) Advise, consult, cooperate and contract with other State agencies, units of
14 local government, the federal government, industries and individuals in the
15 formulation and carrying out of a solid waste management program;
- 16 (3) Develop and adopt rules to establish standards for qualification as a
17 "recycling, reduction or resource recovering facility" or as "recycling,
18 reduction or resource recovering equipment" for the purpose of special tax
19 classifications or treatment, and to certify as qualifying those applicants
20 which meet the established standards. The standards shall be developed to
21 qualify only those facilities and equipment exclusively used in the actual
22 waste recycling, reduction or resource recovering process and shall exclude
23 any incidental or supportive facilities and equipment;
- 24 (4) a. Develop a permit system governing the establishment and operation
25 of solid waste management facilities. A landfill with a disposal area
26 of 1/2 acre or less for the on-site disposal of land clearing and inert
27 debris is exempt from the permit requirement of this section and shall
28 be governed by G.S. 130A-301.1. Demolition debris from the
29 decommissioning of manufacturing buildings, including electric
30 generating stations, that is disposed of on the same site as the
31 decommissioned buildings, is exempt from the permit requirement of
32 this section and rules adopted pursuant to this section and shall be
33 governed by G.S. 130A-301.3. The Department shall not approve an
34 application for a new permit, the renewal of a permit, or a substantial
35 amendment to a permit for a sanitary landfill, excluding demolition
36 landfills as defined in the rules of the Commission, except as



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

19 "...."

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

22 **"§ 130A-301.3. Disposal of demolition debris generated from the decommissioning of**
23 **manufacturing buildings, including electric generating stations, on-site.**

24 (a) A person may dispose of demolition debris from the decommissioning of
25 manufacturing buildings, including electric generating stations, on the same site as the
26 decommissioned buildings if the demolition debris meets all of the following requirements:

- 27 (1) It is composed only of inert debris such as brick or other masonry materials,
28 dirt, sand, gravel, rock, and concrete if the material, when characterized
29 using the toxicity characteristic leaching procedure developed by the United
30 States Environmental Protection Agency, is not a hazardous waste. The
31 debris may contain small amounts of wood, paint, sealants, and metal
32 associated with the inert debris.
- 33 (2) It does not extend beyond the footprint of the decommissioned buildings and
34 shall be at least 50 feet from the property boundary or enclosed by the walls
35 of the building that are left in place below grade. Walls left in place below
36 grade are not subject to the requirements of subdivision (4) of this
37 subsection.
- 38 (3) It is placed at least 500 feet from the nearest drinking water well.
- 39 (4) It is placed to assure at least two feet of clean soil between any coated inert
40 debris and the seasonal high groundwater table. Uncoated inert debris may
41 be used as fill anywhere within the footprint of the decommissioned building
42 or as beneficial fill on the site.
- 43 (5) It complies with all other applicable federal, State, and local laws,
44 regulations, rules, and ordinances.

45 (b) After the decommissioning is completed or terminated, the owner or operator shall
46 compact the demolition debris and cover it with at least two feet of compacted earth finer than
47 a sandy texture soil. The cover of the demolition debris shall be graded so as to minimize water
48 infiltration, promote proper drainage, and control erosion. Erosion of the cover shall be
49 controlled by establishing suitable vegetative cover. All site stabilization should be completed
50 within 90 days of the completed demolition.

1 (c) Within 30 days of completing the final site stabilization or at least 30 days before
2 the land, or any interest in the land, on which the demolition debris is located is transferred,
3 whichever is earlier, the owner or owners of record of the land on which the demolition debris
4 is located shall file each of the following with the register of deeds of the county in which the
5 demolition debris is located:

6 (1) A survey plat of the property that meets the requirements of G.S. 47-30. The
7 plat shall accurately show the location of the demolition debris in a manner
8 that will allow the demolition debris disposal site to be accurately delineated
9 and shall reference this section.

10 (2) A notice that disposal of demolition debris has been located on the land. The
11 notice shall include a description of the land that would be sufficient as a
12 description in an instrument of conveyance. The notice shall list the owners
13 of record of the land at the time the notice is filed and shall reference the
14 book and page number where the deed or other instrument by which the
15 owners of record acquired title is located. The notice shall reference the
16 book and page number where the survey plat required by subdivision (1) of
17 this subsection is recorded. The notice shall reference this section, shall
18 describe with particularity the type and size of the building or other structure
19 that was demolished, and shall state the dates on which the demolition began
20 and ended. The notice shall be executed by the owner or owners of record as
21 provided in Chapter 47 of the General Statutes. The register of deeds shall
22 record the notice and index it in the grantor index under the names of all
23 owners of record of the land.

24 (d) A certified copy of both the plat and notice required by subsection (c) of this section
25 shall also be filed with the Department. The plat and the notice shall indicate on the face of the
26 document the book and page number where recorded.

27 (e) When the land, or any portion of the land, on which the demolition debris is located
28 is sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall contain a
29 statement that the property has been used for the disposal of demolition debris. The statement
30 shall include a reference to this section and to the book and page number where the notice
31 required by subdivision (2) of subsection (c) of this section is recorded."

32 **SECTION 3.** G.S. 47-29 is amended by adding a new subsection to read:

33 "**§ 47-29.1. Recordation of environmental notices.**

34 ...

35 (a4) The disposal of on-site demolition debris from the decommissioning of
36 manufacturing buildings, including electric generating stations, shall be recorded as provided in
37 G.S. 130A-301.3.

38 "

39 **SECTION 4.** This act becomes effective July 1, 2013.