

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 783
House Committee Substitute Favorable 7/24/01

Short Title: Extend Sunset/Demolition Debris Landfill.

(Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

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.

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
9 the demolition debris and cover it with at least two feet of compacted earth. The cover
10 of the landfill shall be graded so as to minimize water infiltration, promote proper
11 drainage, and control erosion. Erosion of the cover shall be controlled by establishing
12 suitable 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
18 land, or any interest in the land, on which the landfill is located is transferred, whichever
19 is earlier, the owner or owners of record of the land on which the landfill is located shall
20 file with the register of deeds of the county in which the landfill is located a survey plat
21 of the property that meets the requirements of G.S. 47-30. The plat shall accurately
22 show the location of the landfill and shall reference this section. A certified copy of the
23 plat showing the book and page number where recorded shall be filed with the
24 ~~Department~~board of commissioners at the same time that the certified copy of the
25 notice required by subsection (f) of this section is filed with the ~~Department~~board of
26 commissioners.

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

1 certified copy of the notice showing the book and page number where recorded,
2 together with a certified copy of the survey plat as required by subsection (e) of this
3 section, with the ~~Department, and shall pay a filing fee of twenty five dollars (\$25.00)~~
4 ~~to the Department, board of commissioners~~ within 15 days after the notice is recorded.

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

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

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

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

23 **SECTION 3.** This act becomes effective 30 June 2001.