

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

3

SENATE BILL 898
Second Edition Engrossed 5/13/93
House Committee Substitute Favorable 6/15/94

Short Title: Land Clearing/Debris Landfills.

(Public)

Sponsors:

Referred to:

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 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. 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

1 specifications are approved in accordance with the provisions of G.S.
2 143-215.1. In any case where the Department denies a permit for a
3 solid waste management facility, it shall state in writing the reason for
4 denial and shall also state its estimate of the changes in the applicant's
5 proposed activities or plans which will be required for the applicant to
6 obtain a permit.

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

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

17 **"§ 130A-301.1. Land clearing and inert debris landfills with a disposal area of 1/2**
18 **acre or less; recordation.**

19 (a) No landfill for the on-site disposal of land clearing and inert debris shall, at
20 the time the landfill is sited, be sited 50 feet or less from a boundary of an adjacent
21 property.

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

27 (c) Prior to the lease or conveyance of any lot or tract of land which directly
28 abuts or is contiguous to the disposal area used for land clearing and inert debris, the
29 owner of the lot or tract shall prepare a document disclosing that a portion of the
30 property has been used as a disposal area for land clearing and inert debris or has been
31 used to meet applicable minimum buffer requirements. The disclosure shall include a
32 legal description of the property that would be sufficient in an instrument of conveyance
33 and shall be filed in the register of deeds office prior to any lease or conveyance.

34 (d) No public, commercial, or residential building shall be located or constructed
35 on the property, or any portion of the property on which the landfill for the on-site
36 disposal of land clearing and inert debris is located, 50 feet or less from the landfill.
37 Construction of such buildings, with the exception of site preparation and foundation
38 work, shall not commence until after closure of the on-site land clearing and inert debris
39 landfill.

40 (e) Source reduction methods including, but not limited to, chipping and
41 mulching of land clearing and inert debris shall be utilized to the maximum degree
42 technically and economically feasible.

1 (f) The Department of Transportation is exempt from subsections (b) and (c) of
2 this section for the on-site disposal of land clearing and inert debris on highway rights-
3 of-way."

4 Sec. 3. Rules adopted by the Commission prior to the effective date of this
5 act concerning siting and operational requirements shall remain in effect to the extent
6 that the rules are consistent with this act.

7 Sec. 4. This act is effective upon ratification and applies to all land clearing
8 and inert debris landfills sited on or after that date.