

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 480
SENATE BILL 135

AN ACT TO REQUIRE THAT THE CONVEYANCE OF PROPERTY USED FOR WASTE
DISPOSAL CONTAIN NOTICE OF SUCH USE.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to the General Statutes to read:

"§ 104E-10A. Conveyance of property used for radioactive material disposal. — A license to dispose of radioactive waste materials on land shall include a legal description of the disposal site that would be sufficient as a description in an instrument of conveyance. The license to dispose of radioactive waste materials shall not be effective unless the owner of the disposal site files a certified copy of the license in the register of deeds' office in the county or counties in which the site is located. The register of deeds shall record the certified copy of the license and index it in the grantor index under the name of the owner of the land. When any such site is sold, leased, conveyed or transferred in any manner, 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 disposal site for radioactive waste materials and a reference by book and page to the recordation of the license."

Sec. 2. G.S. 104E-23(a) is amended by adding at the end thereof a new sentence to read:

"Any person who willfully violates the provisions of G.S. 104E-10A shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by law."

Sec. 3. G.S. 130-166.21 is rewritten to read:

"§ 130-166.21. Recordation of permits for disposal of waste on land. — (a) Whenever the Department of Human Resources approves a permit for a sanitary landfill or a facility for the disposal of hazardous waste on land, the owner of the facility shall be granted both an original permit and a copy certified by the secretary or his authorized representative. The permit shall include a legal description of the site that would be sufficient as a description in an instrument of conveyance.

(b) The owner of a facility granted a permit for a sanitary landfill or a facility for the disposal of hazardous waste on land shall file the certified copy of the permit in the register of deeds' office in the county or counties in which the land is located.

(c) The register of deeds shall record the certified copy and index it in the grantor index under the name of the owner of the land.

(d) The permit shall not be effective unless the certified copy is filed as required under subsection (b).

(e) When any sanitary landfill or a facility for the disposal of hazardous waste on land is sold, leased, conveyed or transferred in any manner, 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 sanitary landfill or a disposal site for hazardous waste and a reference by book and page to the recordation of the permit."

Sec. 4. G.S. 130-166.21E is amended by adding a new subsection to read:

"(g) Any person who willfully violates the provisions of G.S. 130-166.21 shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by law."

Sec. 5. This act shall become effective October 1, 1981.

In the General Assembly read three times and ratified, this the 29th day of May, 1981.