

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 898

Short Title: Land Clearing/Debris Landfills.

(Public)

Sponsors: Senators Odom; Richardson, Winner of Mecklenburg, and Blackmon.

Referred to: Environment and Natural Resources.

April 19, 1993

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT AN OWNER OF AN ON-SITE LAND CLEARING
2 AND INERT DEBRIS LANDFILL DOES NOT HAVE TO OBTAIN A STATE
3 PERMIT AND TO REGULATE SUCH LANDFILLS.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 130A-294(a)(4) reads as rewritten:

7 "(4) Develop a permit system governing the establishment and operation of
8 solid waste management facilities. A landfill for the on-site disposal
9 of land clearing and inert debris is exempt from the permit requirement
10 of this section and shall be governed by G.S. 130A-301.1. No permit
11 shall be granted for a sanitary landfill, excluding demolition landfills
12 as defined in the rules of the Commission for Health Services, without
13 the Department receiving the prior approval for such permit from the
14 county where it is to be located, except if it is to be located within the
15 corporate limits or extraterritorial jurisdiction under Article 19 of
16 Chapter 160A of the General Statutes, of a city as defined in G.S.
17 160A-1(2), from the city where it is to be located or whose jurisdiction
18 it is in. No permit shall be granted for a solid waste management
19 facility having discharges which are point sources until the Department
20 has referred the complete plans and specifications to the
21 Environmental Management Commission and has received advice in
22 writing that the plans and specifications are approved in accordance
23 with the provisions of G.S. 143-215.1. In any case where the
24 Department denies a permit for a solid waste management facility, it

1 shall state in writing the reason for denial and shall also state its
2 estimate of the changes in the applicant's proposed activities or plans
3 which will be required for the applicant to obtain a permit.

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

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

14 **"§ 130A-301.1. Land clearing and inert debris landfills; recordation.**

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

18 (b) The owner of a landfill for the on-site disposal of land clearing and inert
19 debris shall file a certified copy of a survey of the property on which the landfill is
20 located in the register of deeds' office in the county in which the property is located,
21 which survey shall accurately show the location of the landfill.

22 (c) When any portion of a landfill for the on-site disposal of land clearing and
23 inert debris is leased, sold, or transferred, the deed or other instrument of transfer shall
24 contain in the description section in no smaller type than that used in the body of the
25 deed or instrument a statement that the property has been used as a landfill for the on-
26 site disposal of land clearing and inert debris and a reference by book and page to the
27 recordation of the survey.

28 (d) No public, commercial, or residential building shall be located or constructed
29 on the property, or any portion of the property on which the landfill for the on-site
30 disposal of land clearing and inert debris is located, 20 feet or less from the landfill."

31 Sec. 3. This act is effective upon ratification and applies to all land clearing
32 and inert debris landfills sited on or after that date.