

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 706  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH90065-MH-153A (03/28)

Short Title: Preserve Landfill Space.

(Public)

Sponsors: Representatives Wells, Starnes, Catlin, and Moffitt (Primary Sponsors).

Referred to:

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)(4)a. reads as rewritten:

8 "(4) a. Develop a permit system governing the establishment and operation  
9 of solid waste management facilities. A landfill with a disposal area  
10 of 1/2 acre or less for the on-site disposal of land clearing and inert  
11 debris is exempt from the permit requirement of this section and shall  
12 be governed by G.S. 130A-301.1. Demolition debris from the  
13 decommissioning of manufacturing buildings, including electric  
14 generating stations, which is disposed of on the same site as the  
15 decommissioned buildings is exempt from the permit requirement of  
16 this section and rules adopted pursuant to this section, and shall be  
17 governed by G.S. 130A-301.3. The Department shall not approve an  
18 application for a new permit, the renewal of a permit, or a substantial  
19 amendment to a permit for a sanitary landfill, excluding demolition  
20 landfills as defined in the rules of the Commission, except as  
21 provided in subdivisions (3) and (4) of subsection (b1) of this  
22 section. No permit shall be granted for a solid waste management  
23 facility having discharges that are point sources until the Department  
24 has referred the complete plans and specifications to the  
25 Environmental Management Commission and has received advice in  
26 writing that the plans and specifications are approved in accordance  
27 with the provisions of G.S. 143-215.1. If the applicant is a unit of  
28 local government, and has not submitted a solid waste management  
29 plan that has been approved by the Department pursuant to  
30 G.S. 130A-309.09A(b), the Department may deny a permit for a  
31 sanitary landfill or a facility that disposes of solid waste by  
32 incineration, unless the Commission has not adopted rules pursuant  
33 to G.S. 130A-309.29 for local solid waste management plans. In any  
34 case where the Department denies a permit for a solid waste  
35 management facility, it shall state in writing the reason for denial and



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

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

6 **"§ 130A-301.3. Disposal of demolition debris generated from the decommissioning of**  
7 **manufacturing buildings, including electric generating stations, on-site.**

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

- 11 (1) It is composed only of inert debris such as brick or other masonry materials,  
12 dirt, sand, gravel, rock, and concrete if the material, when characterized  
13 using the toxicity characteristic leaching procedure developed by the United  
14 States Environmental Protection Agency, is not a hazardous waste. The  
15 debris may contain small amounts of wood, paint, sealants, and metal  
16 associated with the inert debris.
- 17 (2) It does not extend beyond the footprint of the decommissioned buildings and  
18 shall be at least 50 feet from the property boundary or enclosed by the walls  
19 of the building that are left in place below grade.
- 20 (3) It is placed at least 500 feet from the nearest drinking water well and at least  
21 two feet above the seasonal high groundwater table.
- 22 (4) It complies with all other applicable federal, State, and local laws,  
23 regulations, rules, and ordinances.

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

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

- 35 (1) A survey plat of the property that meets the requirements of G.S. 47-30. The  
36 plat shall accurately show the location of the demolition debris in a manner  
37 that will allow the demolition debris disposal site to be accurately delineated  
38 and shall reference this section.
- 39 (2) A notice that disposal of demolition debris has been located on the land. The  
40 notice shall include a description of the land that would be sufficient as a  
41 description in an instrument of conveyance. The notice shall list the owners  
42 of record of the land at the time the notice is filed and shall reference the  
43 book and page number where the deed or other instrument by which the  
44 owners of record acquired title is located. The notice shall reference the  
45 book and page number where the survey plat required by subdivision (1) of  
46 this section is recorded. The notice shall reference this section, shall describe  
47 with particularity the type and size of the building or other structure that was  
48 demolished, and shall state the dates on which the demolition began and  
49 ended. The notice shall be executed by the owner or owners of record as  
50 provided in Chapter 47 of the General Statutes. The register of deeds shall

1 record the notice and index it in the grantor index under the names of all  
2 owners of record of the land.

3 A certified copy of the plat required by subdivision (1) of this section and a certified copy  
4 of the notice required by subdivision (2) of this section shall also be filed with the Department.  
5 The plat and the notice shall indicate on the face of the document the book and page number  
6 where recorded.

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

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

13 **"§ 47-29.1. Recordation of environmental notices.**

14 ...  
15 (a4) The disposal of on-site demolition debris from the decommissioning of  
16 manufacturing buildings, including electric generating stations, shall be recorded as provided in  
17 G.S. 130A-301.3.

18 ...."

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