

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 484

Short Title: Record Notices of Open Dumps/AB.

(Public)

Sponsors: Representatives Weatherly; and Culp.

Referred to: Environment.

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS
IN THE OFFICE OF THE REGISTER OF DEEDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 47.29.1 reads as rewritten:

"§ 47-29.1. **Recordation of waste disposal on land.**

(a) A permit for the disposal of waste on land shall be recorded as provided in G.S. 130A-301. The disposal of demolition debris in an on-site landfill having a disposal area of one acre or less shall be recorded as provided in G.S. 130A-301.2.

(b) An inactive hazardous substance or waste disposal site shall be recorded as provided in G.S. 130A-310.8.

(c) Notice of an open dump shall be recorded as provided in G.S. 130A-301(f)."

Section 2. G.S. 130A-301 reads as rewritten:

"§ 130A-301. **Recordation of permits for disposal of waste on ~~land~~ land and notices of open dumps.**

(a) Whenever the Department 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. The permit shall include a legal description of the site that would be sufficient as a description in an instrument of conveyance.

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

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

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

9 (e) When a sanitary landfill or a facility for the disposal of hazardous waste on
10 land is sold, leased, conveyed or transferred, the deed or other instrument of transfer shall
11 contain in the description section in no smaller type than that used in the body of the deed
12 or instrument a statement that the property has been used as a sanitary landfill or a
13 disposal site for hazardous waste and a reference by book and page to the recordation of
14 the permit.

15 (f) When the Department determines that an open dump exists, the Department
16 may record a Notice of the open dump in the office of the register of deeds in the county
17 or counties where the open dump is located. This power is additional to any other power
18 granted to the Department in this Chapter and is not intended to repeal or supersede any
19 statute or rule requiring or authorizing record notice by the owner. Any person who owns
20 or has an interest in real property that is subject to a Notice of the open dump may appeal
21 the decision of the Department to record the Notice as provided in G.S. 130A-24.

22 (1) The Department shall file the Notice in the office of the register of
23 deeds in substantially the following form:

24
25 'NOTICE OF OPEN DUMP

26 The Division of Waste Management of the North Carolina Department
27 of Environment, Health, and Natural Resources has determined that an
28 open dump exists on the property described below. The Department
29 provides the following information regarding this open dump as a public
30 service:

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32 Name(s) of the record owner(s): _____

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34 Description of the real property: _____

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36 Any person who has questions regarding this Notice should contact the
37 Division of Waste Management of the North Carolina Department of
38 Environment, Health, and Natural Resources. The contact person for
39 this Notice is: _____ who may be reached by telephone at
40 _____ or by mail at _____ . Requests for inspection and
41 copying of public records regarding this open dump may be directed
42 to _____ who may be reached by telephone at _____ or by
43 mail at _____ .

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Secretary of Environment, Health, and Natural Resources

by Date: .'

(2) The register of deeds shall record the Notice and index it in the grantor index under the name of the record owner or owners. After recording the Notice, the register of deeds shall return the Notice to the Department in care of the person listed as the contact person listed on the Notice.

(3) When the owner removes all solid waste from the open dump site to the satisfaction of the Department, the Department shall file a Cancellation of the Notice of the open dump. The Cancellation shall be in a form similar to the original Notice and shall state that all the solid waste that constituted the open dump has been removed to the satisfaction of the Department. The Cancellation shall be filed and indexed in the same manner as the original Notice."

Section 3. This act is effective when it becomes law.