

ATTACHMENT TO TEXT AMENDMENT

Ordinance: Huntersville Zoning Ordinance

Article: Article 9 – Condition for Certain Use

Section: 9.23.9 (d) – Off-Site Land Clearing and Inert Debris (LCID)

Party Proposing the Amendment: Piedmont Wrecking and Grading Company, Inc. is proposing this Text Amendment as the owner of a disposal facility for land clearing and inert debris at 11898 Everette Keith Road in Huntersville, North Carolina. Tax Parcel Number: 01932108.

Reason for Requested Change:

1. Disposal facilities for land-clearing and inert debris (“Greenfills”) benefit the environment because they facilitate and encourage the recycling of waste generated from land-clearing activities and material that is inert, such as gravel, rock, untreated soil and untreated and unpainted wood.
2. Greenfills support the building industry by taking in land-clearing and inert debris and providing opportunities for transfer of these materials to appropriate recycling facilities.
3. Materials brought to a Greenfill facility are often transferred to appropriate recycling facilities and, as a result, the time required to fill the facility can be significantly delayed. Allowing the continued operation of Greenfills that have not reached full capacity would encourage the recycling of Greenfill materials because Greenfill operators would be incentivized to recycle in order to continue operation of their Greenfill facilities.
4. Local zoning and land use ordinances that require closure of landfills prior to the date the landfills would otherwise be closed under state law also apply to Greenfills and so reduce the benefits of Greenfills to the public and private sector by requiring early closure of these environmentally beneficial facilities and removing a resource for recycling from the building industry.
5. The proposed text amendment would allow Greenfills to benefit the public, providing a valuable resource for recycling to the building industry, until they are required by state law to close.

Current Text:

d). In no event shall the landfill operate under a LCID or demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion

closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.

Proposed Text:

d). In no event shall the landfill operate under a ~~LCID or~~ demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.

e). In no event shall a landfill operate under an LCID landfill permit later than March 3, 2023 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town. Recycling from an LCID landfill shall be considered an LCID activity and shall not be considered an expansion for purposes of determining nonconformance.