

**19-6-507 Flow control for solid waste prohibited -- Exceptions.**

- (1) Except as provided in Subsection (2), a public entity may not require solid waste discarded or rejected within the public entity's jurisdiction to be stored, recovered, or disposed of at a solid waste management facility owned or operated by a public entity.
- (2) A public entity may require solid waste discarded or rejected within the public entity's jurisdiction to be stored, recovered, or disposed of at a solid waste management facility owned or operated by a public entity if:
  - (a) the solid waste is municipal residential waste;
  - (b) no more than one landfill that may take the solid waste exists within:
    - (i) the public entity's jurisdiction; and
    - (ii) 125 miles outside the public entity's jurisdiction, as measured from the landfill's primary entrance by following the shortest route of ordinary travel by motor vehicle; or
  - (c) the solid waste management facility owned or operated by the public entity receives less than 75 tons of solid waste per day.
- (3) A requirement described in Subsection (1) that is:
  - (a) in effect on January 1, 2008 is void as of January 1, 2013; and
  - (b) adopted on or after January 2, 2008 and in effect on May 4, 2008 is void as of May 5, 2008.
- (4) A person engaged in solid waste management that is aggrieved by a violation of this section may seek judicial review of the violation in a court of competent jurisdiction.

Enacted by Chapter 89, 2008 General Session