

19-3-307 Siting criteria.

- (1) The department may not issue a construction and operating license to any waste transfer, storage, decay in storage, treatment, or disposal facility unless the facility location meets the siting criteria under Subsection (2).
- (2) The facility may not be located:
 - (a) within or underlain by:
 - (i) national, state, or county parks; monuments or recreation areas; designated wilderness or wilderness study areas; or wild and scenic river areas;
 - (ii) ecologically or scientifically significant natural areas, including wildlife management areas and habitats for listed or proposed endangered species as designated by federal law;
 - (iii) 100-year flood plains;
 - (iv) areas 200 feet from Holocene faults;
 - (v) underground mines, salt domes, or salt beds;
 - (vi) dam failure flood areas;
 - (vii) areas subject to landslide, mud flow, or other earth movement, unless adverse impacts can be mitigated;
 - (viii) farmlands classified or evaluated as "prime," "unique," or of "statewide importance" by the U.S. Department of Agricultural Soil Conservation Service under the Prime Farmland Protection Act;
 - (ix) areas within five miles of existing permanent dwellings, residential areas, or other habitable structures, including schools, churches, or historic structures;
 - (x) areas within five miles of surface waters, including intermittent streams, perennial streams, rivers, lakes, reservoirs, and wetlands;
 - (xi) areas within 1,000 feet of archeological sites regarding which adverse impacts cannot reasonably be mitigated;
 - (xii) recharge zones of aquifers containing groundwater which has a total dissolved solids content of less than 10,000 mg/l; or
 - (xiii) drinking water source protection areas;
 - (b) in areas:
 - (i) above or underlain by aquifers that:
 - (A) contain groundwater which has a total dissolved solids content of less than 500 mg/l; and
 - (B) do not exceed state groundwater standards for pollutants;
 - (ii) above or underlain by aquifers containing groundwater which has a total dissolved solids content between 3,000 and 10,000 mg/l, when the distance from the surface to the groundwater is less than 100 feet;
 - (iii) of extensive withdrawal of water, gas, or oil;
 - (iv) above or underlain by weak and unstable soils, including soils that lose their ability to support foundations as a result of hydrocompaction, expansion, or shrinkage;
 - (v) above or underlain by karst terrains; or
 - (vi) where air space use and ground transportation routes present incompatible risks and uses;
 - (c) within a distance to existing drinking water wells and watersheds for public water supplies of five years groundwater travel time plus 1,000 feet.
- (3) An applicant for a license may request from the department an exemption from any of the siting criteria stated in this section upon demonstration that the modification would be protective of and have no adverse impacts on the public health and the environment.

Enacted by Chapter 348, 1998 General Session

