

19-6-102.6 Legislative participation in landfill siting disputes.

- (1)
 - (a) Upon the Legislature's receipt of a written request by a county governing body or a member of the Legislature whose district is involved in a landfill siting dispute, the president of the Senate and the speaker of the House shall appoint a committee as described under Subsection (2) and volunteers under Subsection (3) to actively seek an acceptable location for a municipal landfill if there is a dispute between two or more counties regarding the proposed site of a municipal landfill.
 - (b) The president and the speaker shall consult with the legislators appointed under this subsection regarding their appointment of members of the committee under Subsection (2), and volunteers under Subsection (3).
- (2) The committee shall consist of the following members, appointed jointly by the president and the speaker:
 - (a) two members from the Senate:
 - (i) one member from the county where the proposed landfill site is located; and
 - (ii) one member from the other county involved in the dispute, but if more than one other county is involved, still only one senator from one of those counties;
 - (b) two members from the House:
 - (i) one member from the county where the proposed landfill site is located; and
 - (ii) one member from the other county involved in the dispute, but if more than one other county is involved, still only one representative from one of those counties;
 - (c) one individual whose current principal residence is within a community located within 20 miles of any exterior boundary of the proposed landfill site, but if no community is located within 20 miles of the community, then an individual whose current residence is in the community nearest the proposed landfill site;
 - (d) two resident citizens from the county where the proposed landfill site is located; and
 - (e) three resident citizens from the other county involved in the dispute, but if more than one other county is involved, still only three citizen representatives from those counties.
- (3) Two volunteers shall be appointed under Subsection (1). The volunteers shall be individuals who agree to assist, as requested, the committee members who represent the interests of the county where the proposed landfill site is located.
- (4)
 - (a) Funding and staffing for the committee shall be provided jointly and equally by the Senate and the House.
 - (b) The Department of Environmental Quality shall, at the request of the committee and as funds are available within the department's existing budget, provide support in arranging for committee hearings to receive public input and secretarial staff to make a record of those hearings.
- (5) The committee shall:
 - (a) appoint a chair from among its members; and
 - (b) meet as necessary, but not less often than once per month, until its work is completed.
- (6) The committee shall report in writing the results of its work and any recommendations it may have for legislative action to the interim committees of the Legislature as directed by the Legislative Management Committee.
- (7)
 - (a) All action by the division, the director, or the division board of the Department of Environmental Quality regarding any proposed municipal landfill site, regarding which a request has been submitted under Subsection (1), is tolled for one year from the date

the request is submitted, or until the committee completes its work under this section, whichever occurs first. This Subsection (7) also tolls the time limits imposed by Subsection 19-6-108(13).

- (b) This Subsection (7) applies to any proposed landfill site regarding which the department has not granted final approval on or before March 21, 1995.
 - (c) As used in this Subsection (7), "final approval" means final agency action taken after conclusion of proceedings under Sections 63G-4-207 through 63G-4-405.
- (8) This section does not apply to a municipal solid waste facility that is, on or before March 23, 1994:
- (a) operating under an existing permit or the renewal of an existing permit issued by the local health department or other authority granted by the Department of Environmental Quality; or
 - (b) operating under the approval of the local health department, regardless of whether a formal permit has been issued.

Amended by Chapter 360, 2012 General Session