

30 Section 1. Section **19-6-502** is amended to read:

31 **19-6-502. Definitions.**

32 As used in this part:

33 (1) "Governing body" means the governing board, commission, or council of a public
34 entity.

35 (2) "Jurisdiction" means the area within the incorporated limits of:

36 (a) a municipality[;];

37 (b) a special service district[;];

38 (c) a municipal-type service district[;];

39 (d) a service area[;]; or [~~all of~~]

40 (e) the territorial area of a county not lying within a [~~city or town~~] municipality.

41 (3) "Long-term agreement" means an agreement or contract having a term of more than
42 five years [~~and~~] but less than 50 years.

43 (4) "Municipal residential waste" means solid waste that is:

44 (a) discarded or rejected at a residence within the public entity's jurisdiction; and

45 (b) collected at or near the residence by:

46 (i) a public entity; or

47 (ii) a person with whom the public entity has as an agreement to provide solid waste
48 management.

49 [~~(4)~~] (5) "Public entity" means:

50 (a) a county[;];

51 (b) a municipality[;];

52 (c) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service
53 District Act[; ~~or~~];

54 (d) a service area under Title 17B, Chapter 2a, Part 9, Service Area Act [~~and~~]; or

55 (e) a municipal-type service district created under Title 17, Chapter 34, Municipal-Type
56 Services to Unincorporated Areas.

57 (6) "Requirement" means an ordinance, policy, rule, mandate, or other directive that

58 imposes a legal duty on a person.

59 (7) "Residence" means an improvement to real property used or occupied as a primary
60 or secondary detached single-family dwelling.

61 ~~[(5)]~~ (8) "Resource recovery" means the separation, extraction, recycling, or recovery
62 of usable ~~[materials]~~ material, energy, fuel, or heat from solid waste and the disposition of it.

63 ~~[(6)]~~ (9) "Short-term agreement" means ~~[any]~~ a contract or agreement having a term of
64 five years or less.

65 ~~[(7)]~~ (10) (a) "Solid waste" means ~~[a]]~~ a putrescible ~~[and]~~ or nonputrescible ~~[materials~~
66 ~~or substances]~~ material or substance discarded or rejected as being spent, useless, worthless, or
67 in excess ~~[to]~~ of the owner's needs at the time of discard or rejection, including:

68 (i) garbage[;];

69 (ii) refuse[;];

70 (iii) industrial and commercial waste~~[-, sludges from];~~

71 (iv) sludge from an air or water control ~~[facilities;]~~ facility;

72 (v) rubbish~~[-, ashes;];~~

73 (vi) ash;

74 (vii) contained gaseous material[;];

75 (viii) incinerator residue[;];

76 (ix) demolition[;] and construction debris[;];

77 (x) a discarded ~~[automobiles]~~ automobile; and

78 (xi) offal~~[-, but not including sewage and other].~~

79 (b) "Solid waste" does not include sewage or another highly diluted water carried
80 ~~[materials or substances]~~ material or substance and those in gaseous form.

81 ~~[(8)]~~ (11) "Solid waste management" means the purposeful and systematic collection,
82 transportation, storage, processing, recovery, ~~[and]~~ or disposal of solid waste.

83 ~~[(9)]~~ (12) "Solid waste management facility" means ~~[any]~~ a facility employed for solid
84 waste management, including:

85 (a) a transfer ~~[stations;]~~ station;

- 86 (b) a transport [~~systems,~~] system;
 87 (c) a baling [~~facilities, landfills,~~] facility;
 88 (d) a landfill; and
 89 (e) a processing [~~systems~~] system, including:
 90 (i) a resource recovery [~~facilities or other facilities~~] facility;
 91 (ii) a facility for reducing solid waste volume[~~, plants and facilities~~];
 92 (iii) a plant or facility for compacting, composting, or pyrolysis of solid [~~wastes,~~
 93 incinerators and other] waste;
 94 (iv) an incinerator;
 95 (v) a solid waste disposal, reduction, or conversion [~~facilities, and facilities~~] facility; and
 96 (vi) a facility for resource recovery of energy consisting of:
 97 [~~(a) facilities~~] (A) a facility for the production, transmission, distribution, and sale of
 98 heat and steam; [~~and~~
 99 [~~(b) facilities~~] (B) a facility for the generation and sale of electric energy to a public
 100 utility [~~or~~], municipality, or other public entity [~~which~~] that owns and operates an electric power
 101 system on March 15, 1982[~~;~~]; and
 102 (C) a facility for the generation, sale, and transmission of electric energy on an
 103 emergency basis only to a military installation of the United States[~~, provided, that solid waste~~
 104 management facilities are not a public utility as defined in Section 54-2-1].
- 105 Section 2. Section **19-6-502.5** is enacted to read:
- 106 **19-6-502.5. Solid waste management facility not a public utility.**
- 107 A solid waste management facility is not a public utility as defined in Section 54-2-1.
- 108 Section 3. Section **19-6-503** is amended to read:
- 109 **19-6-503. Powers and duties of public entities.**
- 110 (1) Subject to the powers and rules of the department[~~, the~~] and except as provided by
 111 Section 19-6-507, a governing body of [~~each~~] a public entity may:
- 112 [~~(+)~~] (a) supervise and regulate the collection, transportation, and disposition of [~~all~~]
 113 solid waste generated within its jurisdiction;

114 ~~[(2)]~~ (b) provide a solid waste management ~~[facilities]~~ facility to adequately handle
115 ~~[adequately]~~ solid waste generated or existing within or without its jurisdiction;

116 ~~[(3)]~~ (c) assume, by agreement, responsibility for the collection and disposition of solid
117 waste whether generated within or without its ~~[jurisdictional boundaries]~~ jurisdiction;

118 ~~[(4)]~~ (d) enter into a short or long-term interlocal ~~[agreements]~~ agreement to provide
119 for or operate a solid waste management facility with ~~[other]~~:

120 (i) another public ~~[entities, with]~~ entity;

121 (ii) a public ~~[agencies]~~ agency, as defined in ~~[Title 11, Chapter 13, Interlocal~~
122 ~~Cooperation Act, with]~~ Section 11-13-103;

123 (iii) a private ~~[persons or entities,]~~ person; or ~~[any]~~

124 (iv) a combination of ~~[them, to provide for or operate solid waste management~~
125 ~~facilities]~~ persons listed in Subsections (1)(d)(i) through (iii);

126 ~~[(5)]~~ (e) levy and collect ~~[taxes, fees, and charges and]~~ a tax, fee, or charge or require
127 ~~[licenses]~~ a license as may be appropriate to discharge its responsibility for the acquisition,
128 construction, operation, maintenance, and improvement of a solid waste management ~~[facilities~~
129 ~~or any portion of them]~~ facility, including licensing a private ~~[collectors]~~ collector operating
130 within its jurisdiction;

131 ~~[(6)]~~ (f) require that ~~[all]~~ solid waste generated within its jurisdiction be delivered to a
132 solid waste management facility;

133 ~~[(7)]~~ (g) control the right to collect, transport, and dispose of ~~[all]~~ solid waste
134 generated within its jurisdiction;

135 ~~[(8)]~~ (h) agree that, according to Section 19-6-505, the ~~[sole and]~~ exclusive right to
136 collect, transport, and dispose of solid waste within its jurisdiction ~~[shall]~~ may be assumed by
137 ~~[any other]~~;

138 (i) another public entity ~~[or entities, any]~~;

139 (ii) a private ~~[persons or entities,]~~ person; or ~~[any]~~

140 (iii) a combination of ~~[them, pursuant to Section 19-6-505]~~ persons listed in
141 Subsections (1)(h)(i) through (ii);

142 ~~[(9)]~~ (i) accept and disburse funds derived from a federal or state [grants or from
 143 private sources or from] grant, a private source, or moneys that may be appropriated by the
 144 Legislature for the acquisition, construction, ownership, operation, maintenance, and
 145 improvement of a solid waste management [facilities] facility;

146 ~~[(10)]~~ (j) contract for the lease or purchase of land, ~~[facilities, and vehicles]~~ a facility, or
 147 a vehicle for the operation of a solid waste management [facilities] facility;

148 ~~[(11)]~~ (k) establish one or more policies for the operation of a solid waste management
 149 [facilities] facility, including:

150 (i) hours of operation~~[-];~~

151 (ii) character~~[-]~~ and kind of wastes accepted at a disposal [sites,] site; and ~~[other rules]~~

152 (iii) another policy necessary for the safety of the operating personnel;

153 ~~[(12)]~~ (l) sell or contract for the sale, ~~[pursuant]~~ according to a short or long-term
 154 ~~[agreements] agreement,~~ of ~~[any]~~ usable ~~[materials] material,~~ energy, fuel, or heat separated,
 155 extracted, recycled, or recovered from solid waste in a solid waste management facility, on
 156 terms in its best ~~[interests, and to]~~ interest;

157 (m) pledge, assign, or otherwise convey as security for the payment of ~~[its] bonds [any],~~
 158 revenues and receipts derived from the sale or contract or from the operation and ownership of
 159 a solid waste management facility or an interest in it;

160 ~~[(13)]~~ (n) issue ~~[bonds pursuant]~~ a bond according to Title 11, Chapter 14, Local
 161 Government Bonding Act; ~~[and]~~

162 ~~[(14)]~~ (o) issue industrial development revenue bonds ~~[pursuant]~~ according to Title 11,
 163 Chapter 17, Utah Industrial Facilities and Development Act, to pay the costs of financing
 164 ~~[projects]~~ a project consisting of a solid waste management [facilities, as defined in Section
 165 ~~19-6-502,] facility on behalf of ~~[entities]~~ an entity that ~~[constitute]~~ constitutes the users of a
 166 solid waste management facility project within the meaning of Section 11-17-2~~[-, and];~~~~

167 (p) agree to construct and operate or to provide for the construction and operation of a
 168 solid waste management facility project, which project ~~[shall manage]~~ manages the solid waste
 169 of ~~[one or more public or private entities, all pursuant]~~ a public entity or private person,

170 according to one or more contracts and other arrangements provided for in [~~the proceedings~~
171 ~~pursuant~~] a proceeding according to which [~~the bonds are~~] a bond is issued[~~. In addition to the~~
172 ~~authority to issue bonds contained in Title 11, Chapter 17, Utah Industrial Facilities and~~
173 ~~Development Act, bonds may be issued pursuant to the authority contained in this subsection~~];
174 and

175 (q) issue a bond to pay the cost of establishing reserves to pay principal and interest on
176 the bonds as provided for in the proceedings [~~pursuant~~] according to which the bonds are
177 issued.

178 (2) The power to issue a bond under this section is in addition to the power to issue a
179 bond under Title 11, Chapter 17, Utah Industrial Facilities and Development Act.

180 Section 4. Section **19-6-507** is enacted to read:

181 **19-6-507. Flow control for solid waste prohibited -- Exceptions.**

182 (1) Except as provided in Subsection (2), a public entity may not require solid waste
183 discarded or rejected within the public entity's jurisdiction to be stored, recovered, or disposed
184 of at a solid waste management facility owned or operated by a public entity.

185 (2) A public entity may require solid waste discarded or rejected within the public
186 entity's jurisdiction to be stored, recovered, or disposed of at a solid waste management facility
187 owned or operated by a public entity if:

188 (a) the solid waste is municipal residential waste;

189 (b) no more than one landfill that may take the solid waste exists within:

190 (i) the public entity's jurisdiction; and

191 (ii) 125 miles outside the public entity's jurisdiction, as measured from the landfill's
192 primary entrance by following the shortest route of ordinary travel by motor vehicle; or

193 (c) the solid waste management facility owned or operated by the public entity receives
194 less than 75 tons of solid waste per day.

195 (3) A requirement described in Subsection (1) that is:

196 (a) in effect on January 1, 2008 is void as of January 1, 2013; and

197 (b) adopted on or after January 2, 2008 and in effect on May 4, 2008 is void as of May

198 5, 2008.

199 (4) A person engaged in solid waste management that is aggrieved by a violation of this
200 section may seek judicial review of the violation in a court of competent jurisdiction.