

Flow Control/Landfill: Federal Court Addresses Challenge to Shreveport, Louisiana Ordinance



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A United States District Court (W.D. Louisiana) (“Court”) addressed in an April 16th Memorandum Ruling (“Ruling”) addressing a Shreveport, Louisiana ordinance requiring all municipal solid waste collected within the city to be disposed of at the Republic Woolworth Landfill (“Woolworth Landfill”). *See Texas Regional Landfill Company, LP, et al. v. City of Shreveport*, 2026 WL 1031843.

The question considered was whether this ordinance was an unconstitutional flow-control law.

Texas Regional Landfill Company, LP and other companies (collectively, “Plaintiffs”) alleged that the City of Shreveport, Louisiana enacted an unconstitutional flow-control ordinance. The ordinance required that all municipal solid waste collected within the City to be disposed of at the Republic Woolworth Landfill.

Shreveport is stated to have maintained some version of a flow-control ordinance requiring locally collected waste to be delivered to the Woolworth Landfill since 1993. However, the prior version of the ordinance contained an exemption permitting waste to be transported out of state for disposal.

The ordinance being challenged eliminated this out-of-state-disposal exemption. The removal of the exemption had the effect of requiring all waste collected within the City to be processed at the Woolworth Landfill. This is stated to have prevented transport of waste to out-of-state facilities.

Plaintiffs filed a complaint alleging:

- The Woolworth Landfill is owned by the City.
- Woolworth Landfill is operated by BFI Waste Systems of Louisiana, LLC (“BFI”).
- BFI is a private corporation.
- BFI performs all substantive landfill operations and receives a significant portion of the landfill's tipping fee revenues.
- River Cities Disposal Company, Inc. also receives a share of those revenues.

Plaintiffs alleged that the ordinance forces waste to be directed to the privately operated facility, resulting in:

- Increased costs,.
- Elimination of competition.
- Preventing Plaintiffs from transporting waste to out-of-state facilities.

Plaintiffs argued that the ordinance violated the Dormant Commerce Clause by discriminating against and unduly burdening interstate commerce.

Shreveport filed a motion to dismiss the complaint.

The Court stated that to determine whether the ordinance violated the Dormant Commerce Clause, a two-tiered analysis is conducted, which includes:

1. Determination of whether the state statute facially discriminates against interstate commerce; and
2. If the regulation has only an “incidental effect” on interstate commerce, a balancing test must be applied.

A nondiscriminatory regulation will generally be upheld unless the burden imposed on interstate commerce is clearly excessive in relation to the putative local benefits.

The Court noted that two United States Supreme Court decisions addressed flow-control ordinances:

- *C & A Carbone, Inc. v. Town of Clarkstown* (struck down an ordinance requiring all solid waste to be processed at a designated facility/struck down because it discriminated against interstate commerce since it deprived out-of-state competitors of access to the local market and hoarded the processing of waste for a favored operator).
- *United Haulers Ass'n, Inc. v. Oneida-Herkimer Solid Waste Mgmt. Auth.* (upheld flow-control ordinances directing waste to facilities owned and operated by a public entity/emphasized that laws favoring public entities performing traditional governmental functions, while treating private actors equally, do not constitute discrimination against interstate commerce).

Because the Court was addressing a motion to dismiss, the questions was whether a plausible claim for relief had been filed.

Shreveport argued that the ordinance is constitutional under *United Haulers* because it directs waste to a publicly owned landfill. The Plaintiffs responded that Woolworth Landfill was operated by a private corporation in which private entities receive substantial financial benefits from the flow-control ordinance.

The Court holds that *United Haulers* does not necessary establish a categorical rule that public ownership alone renders a flow-control ordinance constitutional. Rather, *United Haulers* emphasized the public nature of the facility and the governmental function being performed.

The Court states that in this case, the Plaintiffs have plausibly alleged that private entities play a substantial role in the operation and financial structure of the Woolworth Landfill. Cited are Plaintiff allegations that Republic:

- Performs all substantive landfill operations.
- Receives a significant share of tipping fee revenues.
- River Cities also benefits financially from the tip fee revenue.

The Court, in accepting such allegations as true, notes that this indicates that the ordinance may function, in practical effect, for the benefit of private economic interests. It also cites Shreveport’s elimination of the exemption for out-of-state disposal of waste which allowed participation in interstate markets.

Plaintiffs had contended that Shreveport was pressured by private forces that stood to benefit financially from increasing the volume of waste at the Woolworth Landfill. These allegations were considered relevant as to whether it functions as a protectionist measure favoring local interests at the expense of interstate commerce. Such factual inquiries could not be resolved on the pleadings alone.

Shreveport’s motion to dismiss is denied.

A copy of the Ruling can be found [here](#).