

DAVIS COUNTY BOARD OF HEALTH REGULATION 89-02: REGULATION TO PROVIDE FOR THE RECOVERY OF EXPENSES INCURRED BY DAVIS COUNTY HEALTH DEPARTMENT IN THE CLEAN UP OF ANY HAZARDOUS MATERIAL.

WHEREAS, the Utah Legislature enacted Senate Bill No. 95, which amended section 63-5-6, Utah Code Annotated (1953) which defined hazardous materials emergencies and expenses incurred in cleaning up hazardous materials emergencies; and

WHEREAS, in Senate Bill 95, the State Legislature provided that any political subdivision may enact local ordinances to provide for the recovery of expenses incurred by any political subdivision in the cleaning up of hazardous material;

WHEREAS, the Davis County Board of Health is authorized to adopt regulations pursuant to Section 26-24-20 and 26-24-14 (14) U.C.A. (1953).

THEREFORE, be it ordained by the Davis County Board of Health as follows:

Section 1. "Hazardous materials emergency" means a sudden and unexpected release of any substance that because of its quantity, concentration, or physical, chemical, or infectious characteristics presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

Section 2. "Expenses" means actual labor costs of government and volunteer personnel including workers compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operations, cost of materials, and the costs of any contract labor and materials.

Section 3. Davis County Health Department shall be entitled to recover expenses it may incur in the clean up of any hazardous material emergency from the person or entity who owned and/or had control over and/or caused the release of the hazardous material involved in the hazardous materials emergency.

PASSED THIS 3RD DAY OF OCTOBER, 1989, BY THE DAVIS COUNTY BOARD OF HEALTH.

DAVIS COUNTY BOARD OF HEALTH

/s/ Arlene V. Durr
Chairman

ATTEST:

/s/ Enrico A. Leopardi, M.D.
Secretary