

**DAVIS COUNTY BOARD OF HEALTH**

**A REGULATION REGARDING ILLICIT DISCHARGES**



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## **1.0 PURPOSE**

The purpose of this regulation is to protect the public health, safety and welfare of the residents and visitors of Davis County by controlling discharges that may pollute the environment.

## **2.0 SCOPE**

This regulation is applicable to all incorporated and unincorporated areas of Davis County.

## **3.0 AUTHORITY AND APPLICABLE LAWS**

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Section 26A-1-121 of the Utah Code Annotated.

## **4.0 DEFINITIONS**

- 4.1 Department: The Davis County Health Department.
- 4.2 Person: Any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the state or its departments, institutions, bureaus or agencies; any municipal corporation, county, city, political subdivision, or any other legal entity recognized by law.
- 4.3 Pollutant: Any substance introduced into the environment that may adversely affect the resource.

## **5.0 REGULATION**

- 5.1 No person shall discharge or cause to be discharged into any storm drain system or watercourse any pollutants or waters containing any pollutants unless authorized by a lawful permit.
- 5.2 No person shall discharge or cause to be discharged any pollutants or waters containing any pollutants onto the surface of the ground on any public or private property unless specifically allowed by law or approval of an appropriate agency.
- 5.3 Enforcement:
  - 5.3.1 The Department, upon determination of fault, may issue a notice and order to the responsible party to cease and desist any illicit discharge and require the responsible party to remediate any environmental damages incurred.
  - 5.3.2 If the responsible party is unwilling or unable to remediate damages, the Department may take steps necessary to remediate, including hiring of a private contractor.

5.3.3 The Department reserves the right to recover any costs incurred in the investigation and remediation from the responsible party.

## **6.0 PENALTY**

### **6.1 Criminal Penalties.**

6.1.1 Any person who is found guilty by a court of violating any of the provisions of this regulation is guilty of a class B misdemeanor in accordance with Section 26A-1-123, Utah Code Annotated.

6.1.2 Each similar subsequent violation occurring within two years of the initial violation is guilty of a class A misdemeanor.

### **6.2 Civil and Administrative Penalties.**

6.2.1 Any person who violates any of the provisions of this regulation shall be subject to the payment of costs incurred in the enforcement of any violation, including costs attributable to any municipality or the county, and;

6.2.2 A penalty pursuant to the provisions of Section 19-5-115 of the Water Quality Act and Rule R317-1-8 of the Utah Administrative Code.

## **7.0 SEVERABILITY**

If any provision, clause, sentence, or paragraph of these regulations or the application or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these regulations. The valid part of any clause, sentence, or paragraph of these regulations shall be given independence from the invalid provisions or application, and to this end the provisions of these regulations are hereby declared to be severable.

## **8.0 FEES**

Not Applicable.

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 8<sup>th</sup> day of May, 2012.

**Effective date: 8<sup>th</sup> day of May, 2012.**

Signed:

  
Brent Petersen  
Board Chairman

Attest:

  
Lewis Garrett, MPH  
Director of Health