

DAVIS COUNTY BOARD OF HEALTH

ILLICIT DISCHARGE REGULATION



Davis

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1.0 PURPOSE

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

2.0 SCOPE

This regulation is applicable within 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 Utah Code Annotated (UCA) Section 26A-1-121 and relevant provisions found in Title 19 of the Utah Code.

4.0 DEFINITIONS

DEPARTMENT: The Davis County Health Department.

PERSON: Any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; governmental agency; or any other legal entity recognized by law; in the singular or plural.

POLLUTANT: A substance introduced into the environment that is detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life unless authorized by law.

5.0 REGULATION

5.1 Illicit Discharge

A Person may not discharge or cause to be discharged any Pollutant into any storm drain system or watercourse, onto the surface of the ground on public or private property, or into air unless authorized by law.

5.2 Enforcement

It is unlawful for any Person to interfere with the Department in the performance of its duties or to violate any provision of this regulation.

5.2.1 Notice of Violation.

A notice of violation may be issued for any violation of this regulation.

5.2.1.1 A follow up inspection may be required for any Notice of Violation issued.

5.2.2 Order.

The Department, upon determination of fault, may issue an Order to the responsible party to cease and desist any illicit discharge and require the responsible party to remediate any environmental damages incurred.

5.2.3 Environmental Remediation.

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.

5.2.4 Cost Recovery.

The Department may recover costs incurred in the investigation and remediation from the responsible party.

6.0 PENALTY

6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123

Pursuant to UCA Section 26A-1-123:

6.1.1 Any Person who is found guilty by a court having proper jurisdiction of: violating any of the provisions of this regulation; or, violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor in accordance with UCA Section 26A-1-123;

6.1.2 Any Person who is found guilty of a subsequent similar violation occurring within two years of the initial violation is guilty of a class A misdemeanor;

6.1.3 Each day such violation is committed or permitted to continue shall constitute a separate violation;

6.1.4 Conviction under this section does not relieve the Person convicted from civil liability.

6.2 Civil and Administrative Penalties

The exercise of civil and administrative penalties shall be subject to the Board of Health's Adjudicative Hearing Procedures Regulation.

6.2.1 Any Person who violates any of the provisions of this regulation or violates, disobeys, or disregards any Notice of Violation or Order issued under this regulation shall be subject to:

6.2.1.1 The payment of costs incurred in the enforcement of any violation and may include costs attributable to any involved local agencies; and,

6.2.1.2 A civil penalty pursuant to applicable state laws such as UCA Section 26A-1-114, 121, 123 and the Davis County Board of Health Adjudicative Hearing Regulation.

7.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application, and to this end the provisions of this regulation are 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 8th day of May, 2012.

Effective date: 8th day of May, 2012.

Revised and Amended: August 8, 2017.

Davis County Board of Health

Signed: 

Dr. Gary Alexander
Board Chairman

Attest: 

Brian Hatch, MPH
Director of Health