DAVIS COUNTY BOARD OF HEALTH

RESOLUTION OF THE DAVIS COUNTY BOARD OF HEALTH ADOPTING A PROCEDURE FOR MANAGING AND ENFORCING ILLICIT DISCHARGES THROUGHOUT DAVIS COUNTY.

WHEREAS, the Davis County Health Department is organized as a "County" Health Department and exists pursuant to Utah Code Annotated §26A-1-103, and Chapter 2.20 of the Davis County Code of Ordinances; and

WHEREAS, the Health Department is responsible for enforcing state laws, administrative rules, local ordinances, standards and regulations relating to public health, sanitation, safety, and environmental quality in all incorporated and unincorporated areas of Davis County as provided for in the Utah Local Health Department Act, Utah Code Annotated §26A-1-114(1); and

WHEREAS, the Health Department has adopted health regulations including the Regulation Regarding Illicit Discharges prohibiting the discharge or release of pollutants or contaminants into storm sewers, drains, gutters or waters of the state; and

WHEREAS, Utah Code Annotated §17-8-5 provides that the county legislative body may promulgate regulations to protect channels, storm sewers, and drains, and may provide for the enforcement of those regulations; and

WHEREAS, section 1.08.010 of the Davis County Code of Ordinances provides that the violation of any provision of a County ordinance constitutes a Class B Misdemeanor; and

WHEREAS, §26A-1-120(3) of the Utah Local Health Department Act provides that the County Attorney shall prosecute criminal violations of the public health laws and rules of the departments of health and environmental quality; and

WHEREAS, the cities and unincorporated areas of Davis County have relied upon the Health Department over the years for enforcement of the type of violations described herein and have enjoyed and benefited from the cooperation with the Health Department; and

WHEREAS, the Health Department has the resources available to respond to the type of violations described herein and was originally envisioned and tasked with the responsibility to do so for both the incorporated and unincorporated areas of Davis County; and

THEREFORE, the Davis County Board of Health adopts the following procedure to enforce applicable state and local statutes, ordinances, and health regulations to protect water quality and to meet Utah and EPA storm water discharge permits:

1. Investigate. Upon receiving a report of spills, releases or the discharge of pollutants, contaminants, or wastes into Waters of the State covered by the Utah Pollutant Discharge Elimination System ("UPDES") and as defined in Utah Annotated Code R317-1-1, the Environmental Health Services Division of the Davis County Health Department (hereinafter "Division") will immediately institute an investigation into the incident(s) and prepare an appropriate response.

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2. Reporting. The Division will report to the permit holders of the Small Municipal Separate Storm Sewer System (MS4) within Davis County any complaints received or violations discovered by the Division's personnel. The Division shall provide a yearly summary of reports, investigations and actions taken within the boundaries to all permit holders.

3. Enforcement. The Division will enforce the rules and regulations that protect water quality through civil, administrative, or criminal proceedings depending upon the severity of the violation and determine the appropriate enforcement action, if any, with regards to any violation(s) in accordance with the Health Department Regulation Regarding Adjudicative Hearing Procedures. The Division will initiate appropriate enforcement actions to compel immediate compliance with the regulations or pursue sanctions for violations. The Division may also request that a City take responsibility for any enforcement actions, depending on the severity of the violation and the resources necessary to enforce compliance.

4. Costs and Penalties. Any agency may collect costs and penalties in accordance with applicable ordinances, rules or regulations. The Division may ~~shall collect costs and penalties, including local penalties incurred through its~~ enforce~~ment of~~ the rules and regulations related to the protection of water quality within the County, and any penalties associated with any violations pursuant to Section §19-5-115 of the Utah Code and Administrative Rule 317-1-8. ~~The Division shall remit to a storm water discharge permit holder that portion of incurred expenses that is reasonably due to the permit holder.~~

5. Incident Response-Line. The Environmental Health Division shall maintain a 24-hour incident response-line to provide an opportunity for the public to report spills and illicit discharges.

6. Cooperation with Storm Water Discharge Permit Holders. The Division encourages storm water discharge permit holders to participate in the investigation and enforcement of alleged violations of health regulations and ordinances to protect the waters of the State as required by the State of Utah General MS4 Permit. The Division will encourage a storm water discharge permit holder representative to be on site during an investigation by the Division of any incident occurring within the applicable boundary. In addition, the parties shall confer to determine an appropriate legal remedy on a case-by-case basis, including: administrative, civil, and criminal actions.

7. Effective Date. This resolution shall be effective immediately upon passage and adoption by the Davis County Board of Health.

DAVIS COUNTY BOARD OF HEALTH

By _____ Date _____
Troy Wood, Chair