

## Part 7 Hazardous Materials Emergency Act

### 53-2a-701 Title.

This part is known as the "Hazardous Materials Emergency Act."

Enacted by Chapter 295, 2013 General Session

### **53-2a-702 Hazardous Chemical Emergency Response Commission -- Allocation of responsibilities -- Local planning committees -- Specified federal law considered law of state -- Application to federal agencies and facilities.**

- (1)
  - (a) The commissioner and the executive director of the Department of Environmental Quality, or their respective designees, are designated as the state's Hazardous Chemical Emergency Response Commission for purposes of carrying out all requirements of the federal Emergency Planning and Community Right To Know Act of 1986.
  - (b) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (2) The Department of Public Safety has primary responsibility for all emergency planning activities under the federal Emergency Planning and Community Right To Know Act of 1986, and shall prepare policy and procedure and make rules necessary for implementation of that act in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) The Department of Environmental Quality has primary responsibility for receiving, processing, and managing hazardous chemical information and notifications under the federal Emergency Planning and Community Right To Know Act of 1986, including preparation of policy and procedure, and promulgation of rules necessary for implementation of that act. Funding for this program must be from the appropriation acts.
- (4) The Department of Public Safety and the Department of Environmental Quality shall enter into an interagency agreement providing for exchange of information and coordination of their respective duties and responsibilities under this section.
- (5)
  - (a) The Hazardous Chemical Emergency Response Commission shall appoint a local planning committee for each local planning district that it establishes, as required by the federal Emergency Planning and Community Right To Know Act of 1986, and to the extent possible, shall use an existing local governmental organization as the local planning committee.
  - (b)
    - (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
    - (ii) Local government members may decline to receive per diem and expenses for their service.
- (6) Requirements of the federal Emergency Planning and Community Right To Know Act of 1986 pertaining to notification and submission of information are the law of this state, and apply

equally to federal agencies, departments, installations, and facilities located in this state, as well as to other facilities that are subject to that act.

Renumbered and Amended by Chapter 295, 2013 General Session

**53-2a-703 Hazardous materials emergency -- Recovery of expenses.**

- (1)
- (a) The Hazardous Chemical Emergency Response Commission may recover from those persons whose negligent actions caused the hazardous materials emergency, expenses incurred by state agencies directly associated with a response to a hazardous materials emergency taken under authority of this part, Title 53, Chapter 2a, Part 1, Emergency Management Act, or Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.
  - (b) The payment of expenses under this Subsection (1) does not constitute an admission of liability or negligence in any legal action for damages.
  - (c) The Hazardous Chemical Emergency Response Commission may obtain assistance from the attorney general or a county attorney of the affected jurisdiction to assist in recovering expenses and legal fees.
  - (d) Any recovered costs shall be deposited in the General Fund as dedicated credits to be used by the division to reimburse state and local government agencies for the costs they have incurred.
- (2)
- (a) If the cost directly associated with emergency response exceeds all available funds of the division within a given fiscal year, the division, with approval from the governor, may incur a deficit in its line item budget.
  - (b) The Legislature shall provide a supplemental appropriation in the following year to cover the deficit.
  - (c) The division shall deposit all costs associated with any emergency response that are collected in subsequent fiscal years into the General Fund.
- (3) Any political subdivision may enact local ordinances pursuant to existing statutory or constitutional authority to provide for the recovery of expenses incurred by the political subdivision.

Renumbered and Amended by Chapter 295, 2013 General Session