

57-25-102 Definitions.

As used in this chapter:

- (1) "Activity and use limitations" means restrictions or obligations created under this chapter with respect to real property.
- (2) "Agency" means the Utah Department of Environmental Quality or other state or federal agency that determines or approves the environmental response project under which the environmental covenant is created.
- (3) "Common interest community" means a condominium, cooperative, or other real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes or insurance premiums, or for maintenance, or improvement of other real property described in a recorded covenant that creates the common interest community.
- (4) "Environmental covenant" means a servitude arising under an environmental response project that imposes activity and use limitations.
- (5) "Environmental response project" means a plan, risk assessment, or work performed for environmental remediation of real property or surface and groundwater on or beneath the real property and conducted:
 - (a) under a federal or state program governing environmental remediation of real property, including under Title 19, Environmental Quality Code;
 - (b) incident to closure of a solid or hazardous waste management unit, if the closure is conducted with approval of an agency; or
 - (c) under the state voluntary clean-up program authorized in Title 19, Chapter 8, Voluntary Cleanup Program.
- (6) "Holder" means the grantee of an environmental covenant as specified in Subsection 57-25-103(1).
- (7) "Jurisdiction" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- (8) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Enacted by Chapter 51, 2006 General Session