

224.71-130 Noncompliance with agriculture water quality plan.

- (1) For purposes of KRS 224.71-100 to 224.71-140, if the cabinet's Division of Water documents that a person engaged in agriculture operations is conducting or allowing the conduct of any agriculture operation in a manner which results in water pollution or if the person fails to implement the provisions of the applicable agriculture water quality plan, the Division of Water shall notify the person in writing, with a copy of the notice to the appropriate conservation district, of the following:
 - (a) The facts alleged to constitute the water pollution or failure to comply with applicable laws or requirements of the agriculture water quality plan alleged to constitute the noncompliance;
 - (b) Availability of any technical and financial assistance from state or federal sources through the conservation districts; and
 - (c) Set forth a reasonable period for compliance or, the person engaged in agriculture operations may submit a compliance plan which may include a compliance schedule with corrective measures designed to correct the failure to conform with the applicable provisions of the agriculture water quality plan subject to approval by the Division of Water. A compliance schedule may incorporate corrective measures and time schedules recommended by the appropriate conservation district, if requested by persons engaged in agriculture operations.
- (2) If any person engaged in agriculture operations fails or refuses to comply or respond to the written notice, unless excused or extended by the Division of Water, the person shall be deemed a "bad actor" and shall be subject to enforcement action for violations of KRS 224.71-100 to 224.71-140 as well as loss of eligibility for further financial assistance.
- (3) In any violation issued under this section, the cabinet shall consider the compliance of a person with the state and any regional agriculture water quality plan as a mitigating factor in determining whether to impose civil penalties.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 182, sec. 4, effective July 15, 1994.