

149.348 Assessment of civil penalties.

Any operator or logger who is deemed by the division to be a bad actor under KRS 149.344(8) or who violates KRS 149.342(1) may, after an opportunity for an administrative hearing, be assessed a civil penalty not to exceed one thousand dollars (\$1,000) for each violation. In determining the amount of the penalty, consideration shall be given to the operator's or logger's history of noncompliance; the seriousness of the violation and any damage caused, including any irreparable harm to the environment or hazard to public health or safety or the health and safety of animals, fish, or aquatic life; the degree of fault and whether the conduct was intentional or negligent; and the demonstrated good faith in remedying the pollution. The penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the cabinet's Office of Legal Services. All sums recovered shall be deposited in the Forest Stewardship Incentives Fund. The Circuit Court in the county in which the violation occurred shall have concurrent jurisdiction and venue of all civil and injunctive actions instituted by the cabinet for the enforcement of the provisions of KRS 149.330 to 149.355 or the orders and administrative regulations promulgated by the cabinet.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 555, sec. 10, effective July 15, 1998.