

224.60-155 Penalty.

- (1) Any underground storage tank owner or operator who fails to comply with KRS 224.60-105 or regulations promulgated thereto shall be subject to a civil penalty not to exceed five thousand dollars (\$5,000) for each day of violation.
- (2) In determining the civil penalty to be imposed pursuant to this section, the cabinet or court shall consider all relevant circumstances including, but not limited to, the extent of harm or potential harm caused by the violation, the nature and duration of the violation, the number of past violations, and any corrective action taken by the underground tank owner or operator.
- (3) No civil penalty may be imposed under this section if the underground storage tank owner or operator already has been penalized for the same violation under federal regulations.
- (4) The United States Environmental Protection Agency, for purposes of collecting civil penalties, is not a third-party claimant under any of the provisions of KRS 224.60-105 to 224.60-160.

Effective: April 9, 1990

History: Created 1990 Ky. Acts ch. 370, sec. 11, effective April 9, 1990.

Formerly codified as KRS 224.824.