

224.99-010 Penalties.

- (1) Any person who violates KRS 224.10-110(2) or (3), 224.70-110, 224.73-120, 224.20-050, 224.20-110, 224.46-580, 224.1-400, or who fails to perform any duties imposed by these sections, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty not to exceed the sum of twenty-five thousand dollars (\$25,000) for each day during which such violation continues, and in addition, may be concurrently enjoined from any violations as hereinafter provided in this section and KRS 224.99-020.
- (2) Any person who violates KRS 224.10-110(4) or (5), or KRS 224.40-100, 224.40-305, or any provision of this chapter relating to noise, or who fails to perform any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty not to exceed the sum of five thousand dollars (\$5,000) for said violation and an additional civil penalty not to exceed five thousand dollars (\$5,000) for each day during which such violation continues, and in addition, may be concurrently enjoined from any violations as hereinafter provided in this section and KRS 224.99-020.
- (3)
 - (a) Any person who shall knowingly violate any of the provisions of this chapter relating to noise or any determination or order of the cabinet promulgated pursuant to those sections which have become final shall be guilty of a Class A misdemeanor. Each day upon which the violation occurs shall constitute a separate violation.
 - (b) For offenses by motor vehicles, a person shall be guilty of a violation.
- (4) Any person who knowingly violates KRS 224.70-110, 224.73-120, 224.40-100, 224.20-110, 224.20-050, 224.40-305, or 224.10-110(2) or (3), or any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant to those sections which have become final, or who knowingly provides false information in any document filed or required to be maintained under this chapter, or who knowingly renders inaccurate any monitoring device or method, or who tampers with a water supply, water purification plant, or water distribution system so as to knowingly endanger human life, shall be guilty of a Class D felony, and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment for a term of not less than one (1) year and not more than five (5) years, or by both fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.
- (5) If any person engages in generation, treatment, storage, transportation, or disposal of hazardous waste in violation of the hazardous waste management provisions of this chapter or contrary to a permit, order, or rule issued or promulgated under this chapter, or fails to provide information or to meet reporting requirements required by terms and conditions of a permit or administrative regulations promulgated pursuant to this chapter, the secretary may issue an order requiring compliance within a specified time period or may commence a civil action in a court of appropriate jurisdiction. The violator shall be liable for a civil penalty not to exceed the sum of twenty-five thousand dollars (\$25,000) for each day during which the

violation continues, and in addition, may be enjoined from any violations in a court of appropriate jurisdiction.

- (6) Any person who knowingly is engaged in generation, treatment, storage, transportation, or disposal of hazardous waste in violation of this chapter or contrary to a permit, order, or administrative regulation issued or promulgated under this chapter, or knowingly makes a false statement, representation, or certification in an application for or form pertaining to a permit or in a notice or report required by the terms and conditions of an issued permit, shall be guilty of a Class D felony, and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000) for each day of violation, or by imprisonment for a term of not less than one (1) year and not more than five (5) years, or by both fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.
- (7) Nothing contained in subsections (4) or (5) of this section shall abridge the right of any person to recover actual compensatory damages resulting from any violation.
- (8) Any person who violates any provision of this chapter to which no express penalty provision applies, except as provided in KRS 211.995, or who fails to perform any duties imposed by those sections, or who violates any determination or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty not to exceed the sum of one thousand dollars (\$1,000) for said violation and an additional civil penalty not to exceed one thousand dollars (\$1,000) for each day during which the violation continues, and in addition, may be concurrently enjoined from any violations as hereinafter provided in this section and KRS 224.99-020.
- (9) The Franklin Circuit Court shall hold concurrent jurisdiction and venue of all civil, criminal, and injunctive actions instituted by the cabinet or by the Attorney General on its behalf for the enforcement of the provisions of this chapter or the orders and administrative regulations of the cabinet promulgated pursuant thereto, except for any actions arising from or related to KRS 278.710(3), (4), or (5) or subsection (16) of this section, which shall be brought in the Circuit Court in any county in which the merchant electric generating facility is located.
- (10) Any person who deposits leaves, clippings, prunings, garden refuse, or household waste materials in any litter receptacle, except with permission of the owner of the receptacle, or who places litter into a receptacle in such a manner that the litter may be carried away or deposited by the elements upon any property or water not owned by him or her is guilty of a Class B misdemeanor. Penalties imposed under this subsection shall be, when collected, transferred to the county treasurer where the offense occurred and placed into a fund for solid waste cleanup. This subsection shall not be construed to divert any other fines assessed and collected by the cabinet or funds available to the cabinet for the purpose of remediation of open dumps.
- (11) In addition to or in lieu of the penalties set forth in this section or in KRS Chapters 532 and 534, any person found guilty of a second or subsequent offense related to littering may be ordered by the court to pick up litter for not less than four (4) hours.
- (12) Any person who violates KRS 224.20-300, 224.20-310, any other provision of this chapter, or any determination, permit, administrative regulation, or order of the

cabinet relating to the Asbestos Hazard Emergency Response Act of 1986 (AHERA), Public Law 99-519, as amended, shall be liable to the Commonwealth of Kentucky for a civil penalty in an amount not to exceed twenty-five thousand dollars (\$25,000) for each violation. Each day a violation continues shall, for purposes of this subsection, constitute a separate violation of provisions of this chapter relating to AHERA.

- (13) A violation of KRS 224.50-413 shall be subject to a fifty dollar (\$50) fine for each day the violation continues.
- (14) Any person who removes a methamphetamine contamination notice posted under KRS 224.1-410(9) contrary to the administrative regulations governing methamphetamine contamination notice removal shall be guilty of a Class A misdemeanor.
- (15) Any person who leases, rents, or sells a property that has been determined to be contaminated property under KRS 224.1-410(4) to a lessee, renter, or buyer without giving written notice that the property is a contaminated property pursuant to KRS 224.1-410(10) shall be guilty of a Class D felony.
- (16) Any person who violates KRS 278.710(3), (4), or (5) may be subject to civil penalties not to exceed two thousand five hundred dollars (\$2,500) per day. In determining the civil penalty to be imposed under this subsection, the cabinet 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 merchant electric generating facility owner. If a merchant electric generating facility fails to pay any civil penalty for noncompliance under this subsection for a period of three hundred sixty-five (365) days after a final determination of the assessment of the civil penalty, or fails to post a bond or replacement bond in compliance with KRS 278.710(3), (4), or (5) within ninety (90) days of a final determination that the bond or replacement bond is required, the cabinet may order suspension of its operations until it is brought back into compliance and all civil penalties have been paid or the bond or replacement bond is posted. If after a final determination that the cabinet's order suspending operations of the facility is valid, and the merchant electric generating facility fails to bring the facility back into compliance by paying all outstanding civil penalties or posting the bond or replacement bond within ninety (90) days of that final determination, the cabinet may order the decommissioning of the facility to commence.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 140, sec. 8, effective June 29, 2023. -- Amended 2021 Ky. Acts ch. 137, sec. 4, effective June 29, 2021. -- Amended 2008 Ky. Acts ch. 161, sec. 2, effective July 15, 2008. -- Amended 1994 Ky. Acts ch. 162, sec. 2, effective July 15, 1994; and ch. 403, sec. 2, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 204, sec. 3, effective July 14, 1992; and ch. 463, sec. 25, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 84, sec. 3, effective July 13, 1990; and ch. 434, sec. 1, effective July 13, 1990. - Amended 1988 Ky. Acts ch. 413, sec. 3, effective April 8, 1988. -- Amended 1986 Ky. Acts ch. 331, sec. 39, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 369, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 22, sec. 2, effective July 15, 1982; ch. 74, sec. 19, effective July 15, 1982; and ch. 145, sec. 2, effective July 15, 1982. -- Amended 1980 Ky. Acts ch.

264, sec. 12, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 113, sec. 12, effective June 17, 1978; ch. 119, sec. 14, effective June 17, 1978; and ch. 257, sec. 3, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 355, secs. 8 and 10, effective June 21, 1974.

Formerly codified as KRS 224.994.