

65-34,144. Unlawful acts; penalties. (a) It shall be unlawful for any person to:

- (1) Operate a drycleaning facility in violation of this act, rules and regulations adopted pursuant to this act or orders of the secretary pursuant to this act;
- (2) prevent or hinder a properly identified officer or employee of the department or other authorized agent of the secretary from entering, inspecting, sampling or responding to a release as authorized by this act;
- (3) knowingly make any false material statement or representation in any record, report or other document filed, maintained or used for the purpose of compliance with this act;
- (4) knowingly destroy, alter or conceal any record required to be maintained by this act or rules and regulations adopted under this act;
- (5) willfully allow a release or knowingly fail to make an immediate response to a release in accordance with this act and rules and regulations pursuant to this act.

(b) The director of the division of environment, upon a finding that a person has violated a provision of subsection (a), may impose on such person an administrative penalty in an amount not to exceed \$500 for every violation.

(c) In assessing an administrative penalty under this section, the director of the division of environment shall consider, when applicable, the following factors:

- (1) The extent to which the violation presents a hazard to human health;
- (2) the extent to which the violation has or may have an adverse effect on the environment;
- (3) the amount of the reasonable costs incurred by the state in detection and investigation of the violation; and
- (4) the economic savings realized by the person in not complying with the provision for which a violation is charged.

History: L. 1995, ch. 162, § 5; L. 1999, ch. 102, § 1; July 1.