

KSC, TITLE 11. LAND & ENVIRONMENT

Chapter 13. Protection of Environment

[Section 11.1301. Right of Entry.](#)

[Section 11.1302. Enforcement.](#)

[Section 11.1303. Court proceeding.](#)

Section 11.1301. Right of Entry.

To enforce this chapter the [Development Review Commission](#) may at a reasonable time enter an establishment or public or private property for the purpose of obtaining information, making an inspection, obtaining samples, inspecting or copying a record required to be maintained by this chapter or regulation, or conducting a survey or investigation to enforce this chapter.

Background

Amended by State Law 5-56.

Section 11.1302. Enforcement.

(1) A person who violates this chapter is subject to enforcement action by the Commission which may include issuance of a cease and desist order, imposition of a civil penalty up to ten thousand dollars for each day of violation, or commencement of a civil action to enjoin the violation.

(2) If the Commission finds that an unlawful discharge of waste is taking place or may take place or that the waste collection treatment or disposal facilities of a discharger is approaching capacity the Commission requires the discharger to submit for approval of the Commission, with such modifications as it may deem reasonably necessary, a detailed time schedule of specific actions the discharger will take to correct or prevent a violation of requirements.

(3) When the Commission finds that an unlawful development activity or discharge of waste is taking place or may take place, the Commission issues an order to cease and desist and directs that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the Commission, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order.

(4) The Commission holds a public hearing to determine the authenticity of the facts upon which it issued a cease and desist order affording adequate notice and opportunity to appear and be heard to an interested person.

(5) A cease and desist order of the Commission becomes effective upon issuance, and final upon the Commission's issuance of findings after a public hearing. The Commission serves a copy by registered mail upon a person charged with the violation and upon an affected person appearing at the hearing and requesting a copy.

(6) A person who engages in a development activity or discharges a pollutant into the water, air, or on the land in violation of this Chapter or a regulation or other order issued by the Commission, or who intentionally or negligently causes or permits such a violation, upon order of the Commission, corrects the violation or abates its effect.

Background

Amended by State Law 5-56.

Section 11.1303. Court proceeding.

Upon failure of a person to comply with a Commission order, following Commission request, the Attorney General petitions the Court for the issuance of an injunction, mandamus or other appropriate remedy requiring the person to comply with the order.

Background

Amended by State Law 5-56.

Cross-reference:

The statutory provisions on the Development Review Commission are found in [Chapter 4, Title 7](#) of this code.