

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 41

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

AN ACT

RELATING TO UNDERGROUND STORAGE TANKS; AMENDING SECTION 39-8811, IDAHO CODE, TO PROVIDE FOR CERTAIN MONETARY PENALTIES FOR SPECIFIED VIOLATIONS AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-8811, Idaho Code, be, and the same is hereby amended to read as follows:

39-8811. ENFORCEMENT. Failure to comply with this chapter or rules promulgated pursuant to this chapter shall be subject to enforcement pursuant to the enforcement provisions of the Idaho environmental protection and health act contained in section 39-108, Idaho Code, provided however, that any monetary penalties for violations of the provisions of this chapter, or rules promulgated pursuant to this chapter, shall be assessed against the violator, or the violator shall be sued to recover in court, as follows:

(1) Anyone subject to the provisions of this chapter as provided in section 39-8804, Idaho Code, or rules promulgated pursuant to this chapter, who has been determined in a civil enforcement action to have failed to comply with tank notification requirements, or to have submitted false information pursuant to tank notification requirements, as provided in this chapter, any rule promulgated pursuant to this chapter or any order entered related to such violation, shall be liable for penalties of up to five thousand dollars (\$5,000) per violation.

(2) Anyone subject to the provisions of this chapter as provided in section 39-8804, Idaho Code, or rules promulgated pursuant to this chapter, who has been determined in a civil enforcement action to have failed to comply with any provisions of this chapter, any rule promulgated pursuant to this chapter or any order entered related to such violation, for existing or new tank systems, shall be liable for penalties of up to five thousand dollars (\$5,000) for each tank for each day of violation. If the violation is continuous, the violator shall be liable for penalties of up to five thousand dollars (\$5,000) for each day of violation.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.