

**353.564 Cabinet's authority to recover actual and necessary expenses incurred in implementing KRS 353.561 to 353.564.**

- (1) The cabinet shall have the authority to recover actual and necessary expenditures, including administrative costs, reasonably incurred in carrying out the duties of this section and KRS 353.561, 353.562, and 353.563 from:
  - (a) The last owner or operator of record of the abandoned storage tank facility where fund moneys were expended; and
  - (b) Any other party legally responsible for causing or contributing to a threat to human health, safety, and the environment that the Commonwealth incurred as costs or expenses under this section and KRS 353.561, 353.562, and 353.563.
- (2) The cabinet may initiate an action for reimbursement of costs in any court of competent jurisdiction. The recovery of any costs under this section and KRS 353.563 shall be credited to the Kentucky Abandoned Storage Tank Reclamation Fund except for recovered administrative costs which shall be retained by the cabinet.
- (3) The cabinet may not seek reimbursement from the landowner for costs incurred under this section and KRS 353.563 unless the landowner qualifies as the last known owner or operator under subsection (1)(a) of this section or caused or contributed to a threat under subsection (1)(b) of this section.
- (4) Expenditures of moneys from the fund for the purposes established in KRS 353.562(4) and (5) shall be prioritized in the following order:
  - (a) Abandoned storage tank facilities that are an imminent threat to human health, safety, and the environment as evidenced by leaking tanks, berms, or dikes near dwellings, streams, rivers, water bodies, or other sensitive areas;
  - (b) Abandoned storage tank facilities that pose a threat to human health, safety, and the environment as evidenced by the facilities' proximity to structures, streams, rivers, water bodies, or other sensitive areas; and
  - (c) Abandoned storage tank facilities that pose a potential threat to human health, safety, and the environment.

**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 21, sec. 4, effective June 24, 2015.