

# **Kansas Administrative Regulations**

## **Mined-Land Conservation and Reclamation (KDHE)**

### **Article 15.—Inspections and Enforcement**

#### **47-15-3. Lack of information; inability to comply.**

(a) A notice of violation, cessation order, show cause order, or order revoking or suspending a permit shall not be vacated because it is subsequently determined that the secretary did not have information sufficient to justify an inspection.

(b) A notice of violation or cessation order shall not be vacated because of inability to comply.

(c) Inability to comply shall not be considered in determining whether or not a pattern of violation exists.

(d) Unless caused by lack of diligence, inability to comply may be considered only in mitigation of the amount of the civil penalty and the duration of the suspension of a permit.

(Authorized by K.S.A. 49-405, 49-405c; implementing K.S.A. 49-405 and 49-405c; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended Feb. 11, 1991; amended May 2, 1997.)

\*\*\*\*\* Authenticated Kansas Administrative Regulation \*\*\*\*\*