S T A T E O F N E W Y O R K

5259

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. GIANARIS, BOYLAND -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the general civil penalty

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 71-4003 of the environmental conservation law, as amended by chapter 76 of the laws of 1982, is amended to read as follows:

S 71-4003. General civil penalty.

Except as otherwise specifically provided elsewhere in [the environmental conservation law] THIS CHAPTER, a person who violates any provision of [the environmental conservation law] THIS CHAPTER, or any rule[,] OR regulation [or order] promulgated pursuant thereto, or the terms or conditions of any permit, CERTIFICATE OR ORDER issued thereunder, shall be liable [to] FOR a civil penalty of not more than five hundred dollars, and an additional civil penalty of not more than five hundred dollars for each day during which each such violation continues; AND IN ADDITION THERETO, SUCH PERSON MAY BE ENJOINED FROM CONTINUING SUCH VIOLATION, AND ANY PERMIT OR CERTIFICATE ISSUED TO SUCH PERSON MAY BE REVOKED OR SUSPENDED, OR A PENDING RENEWAL APPLICATION MAY BE DENIED. Any civil penalty, INJUNCTIVE RELIEF, OR PERMIT OR CERTIFICATE REVOCATION, SUSPENSION OR DENIAL provided for by this [chapter] SECTION may be assessed following a hearing or opportunity to be heard.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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