

1 HANDLING AND USE PROCEDURES PROVIDED PURSUANT TO SUBDIVISION ONE OF THIS
2 SECTION.

3 S 2. Article 71 of the environmental conservation law is amended by
4 adding a new title 28 to read as follows:

5 TITLE 28

6 ENFORCEMENT OF TITLE 29 OF ARTICLE 27

7 SECTION 71-2801. APPLICABILITY OF THIS TITLE.

8 71-2803. ENFORCEMENT OF TITLE 29 OF ARTICLE 27.

9 S 71-2801. APPLICABILITY OF THIS TITLE.

10 IN ADDITION TO THE PROVISIONS OF SECTIONS 71-0101 AND 71-0301 OF THIS
11 ARTICLE, THE PROVISIONS OF THIS TITLE SHALL APPLY TO THE ENFORCEMENT OF
12 TITLE 29 OF ARTICLE 27 OF THIS CHAPTER.

13 S 71-2803. ENFORCEMENT OF TITLE 29 OF ARTICLE 27.

14 FOR ANY FIRST VIOLATION BY ANY PERSON WHO VIOLATES ANY OF THE
15 PROVISIONS OF, OR WHO FAILS TO PERFORM ANY DUTY IMPOSED BY TITLE 29 OF
16 ARTICLE 27 OR ANY REGULATION PROMULGATED BY THE COMMISSIONER PURSUANT TO
17 SUCH TITLE 29, IN LIEU OF A PENALTY, THERE SHALL BE ISSUED A WRITTEN
18 WARNING BY THE DEPARTMENT AND THERE SHALL ALSO BE ISSUED EDUCATIONAL
19 MATERIALS AT THE DISCRETION OF THE DEPARTMENT REGARDING THE REQUIREMENTS
20 OF SUCH TITLE 29. SUCH PERSON SHALL, HOWEVER, FOR ANY SUBSEQUENT
21 VIOLATION THEREAFTER, BE LIABLE TO A CIVIL PENALTY OF NOT MORE THAN
22 TWENTY-FIVE HUNDRED DOLLARS FOR EACH SUCH VIOLATION AND AN ADDITIONAL
23 PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH DAY DURING WHICH
24 SUCH VIOLATION CONTINUES AND, IN ADDITION THERETO, SUCH PERSON MAY BE
25 ENJOINED FROM CONTINUING SUCH VIOLATION. PENALTIES AND INJUNCTIVE RELIEF
26 PROVIDED PURSUANT TO THIS TITLE SHALL BE RECOVERABLE IN AN ACTION
27 BROUGHT BY THE ATTORNEY GENERAL AT THE REQUEST OF THE COMMISSIONER.

28 S 3. This act shall take effect immediately.