

STATE OF NEW YORK

8213--A

2023-2024 Regular Sessions

IN ASSEMBLY

October 27, 2023

Introduced by M. of A. KELLES, LEE, EPSTEIN, LEVENBERG, SHIMSKY, SIMON -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law and the state finance law, in relation to the disposition of certain fees and penalties

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 1 and 2 of section 71-0211 of the environ-
2 mental conservation law, subdivision 1 as amended by chapter 60 of the
3 laws of 1993, subdivision 2 as amended by chapter 460 of the laws of
4 1991, are amended to read as follows:
5 1. Notwithstanding any other provisions of law to the contrary, all
6 fines and penalties collected pursuant to title nineteen of this arti-
7 cle, except amounts required to be paid into the conservation fund
8 pursuant to subdivision two of section 71-1929 of such title; title
9 twenty-one of this article; title twenty-seven of this article, except
10 amounts required to be paid into the hazardous waste remedial fund
11 pursuant to subdivision two of section 71-2725 of such title; and title
12 forty-one of this article shall be paid into the [~~general fund to the~~
13 ~~credit of the state purposes account~~] conservation fund to the credit of
14 the conservation enforcement account established pursuant to subdivision
15 (k) of section eighty-three of the state finance law.
16 2. Unless otherwise provided in this chapter, not later than the tenth
17 day of each month, all fines, penalties and forfeitures collected for
18 violations of this chapter or rules, regulations, local laws or ordi-
19 nances adopted thereunder under judgment of any town or village court,
20 shall be paid over by such court to the comptroller of the state, with a
21 statement accompanying the same, setting forth the action or proceeding
22 in which such moneys were collected, the name and residence of the
23 defendant, the nature of the offense, and the fines and penalty imposed.
24 The comptroller shall pay these funds into the [~~general fund of the~~

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

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1 ~~state~~] conservation fund to the credit of the conservation enforcement
2 account established pursuant to subdivision (k) of section eighty-three
3 of the state finance law.

4 § 2. Section 83 of the state finance law is amended by adding a new
5 subdivision (k) to read as follows:

6 (k) All moneys, revenue, and interest thereon received and collected
7 pursuant to titles nineteen, twenty-one and twenty-seven of article
8 seventy-one of the environmental conservation law, and pursuant to
9 section 71-0211 of the environmental conservation law, other than those
10 amounts prescribed by law to be directed into other funds, shall be
11 deposited in a special account within the conservation fund to be known
12 as the conservation enforcement account. All of such moneys, revenues
13 and interest shall be available to the department of environmental
14 conservation, pursuant to appropriation, exclusively for funding the
15 enforcement of the environmental conservation law, including funding for
16 scientists, environmental law enforcement officers, attorneys, adminis-
17 trative support, and such other expenses the commissioner deems neces-
18 sary for such enforcement. Such money shall be used to supplement and
19 not supplant funding for the enforcement of the environmental conserva-
20 tion law as of the effective date of this subdivision.

21 § 3. Subdivision 1 of section 71-0213 of the environmental conserva-
22 tion law, as added by section 1 of part DDD of chapter 59 of the laws of
23 2009, is amended to read as follows:

24 1. Whenever proceedings result in a conviction for an offense under
25 this chapter there shall be levied, in addition to any sentence required
26 or permitted by law, the following mandatory surcharges: (a) in the
27 amount of twenty-five dollars for violations of sportfishing regulations
28 set forth in 6 NYCRR 10; (b) in the amount of [~~seventy-five dollars~~] one
29 hundred twelve dollars and fifty cents for all other offenses under this
30 chapter provided, however, that convictions for offenses under articles
31 seventeen, nineteen or twenty-seven of this chapter shall be subject to
32 a mandatory surcharge equal to the greater of [~~seventy-five dollars~~] one
33 hundred twelve dollars and fifty cents or [~~six~~] nine percent of any
34 penalty or fine imposed. The mandatory surcharge shall be paid to the
35 clerk of the court who shall remit such mandatory surcharge to the state
36 comptroller provided, however, that in cases where the conviction was
37 rendered by a town or a village justice court, the clerk of such court
38 shall pay twenty-five dollars of such surcharge to the chief fiscal
39 officer of the town or village in the case of surcharges resulting from
40 paragraph (b) of this subdivision and ten dollars in the case of
41 surcharges resulting from paragraph (a) of this subdivision and shall
42 pay the remaining amounts of such mandatory surcharges to the state
43 comptroller in the same manner as provided in section 71-0211 of this
44 article. The comptroller shall pay such monies into the state treasury
45 to the [~~credit of the general fund~~] conservation fund to the credit of
46 the conservation enforcement account established pursuant to subdivision
47 (k) of section eighty-three of the state finance law.

48 § 4. Section 71-0301 of the environmental conservation law, as amended
49 by chapter 400 of the law of 1973, is amended to read as follows:

50 § 71-0301. Summary abatement.

51 Notwithstanding any inconsistent provisions of law, whenever the
52 commissioner finds, after investigation, that any person is causing,
53 engaging in or maintaining a condition or activity which, in [~~his~~] the
54 judgment of the commissioner, presents an imminent danger to the health
55 or welfare of the people of the state or results in or is likely to
56 result in irreversible or irreparable damage to natural resources, and

1 relates to the prevention and abatement powers of the commissioner and
2 it therefore appears to be prejudicial to the interests of the people of
3 the state to delay action until an opportunity for a hearing can be
4 provided, the commissioner may, without prior hearing, order such person
5 by notice, in writing wherever practicable or in such other form as in
6 the commissioner's judgment will reasonably notify such person whose
7 practices are intended to be proscribed, to discontinue, abate or alle-
8 viate such condition or activity, and thereupon such person shall imme-
9 diately discontinue, abate or alleviate such condition or activity. As
10 promptly as possible thereafter, not to exceed fifteen days, the commis-
11 sioner shall provide the person an opportunity to be heard and to pres-
12 ent proof that such condition or activity does not violate the
13 provisions of this section. The commissioner shall adopt any other
14 appropriate rules and regulations prescribing the procedure to be
15 followed in the issuance of such orders. Any person who violates any of
16 the provisions of, or who fails to perform any duty imposed by this
17 section, or any rule, regulation or order promulgated by the commis-
18 sioner hereunder, shall be liable to a civil penalty of not more than [~~twen-~~
19 ~~ty-five hundred~~] three thousand seven hundred fifty dollars for each
20 such violation and an additional penalty of not more than [~~five~~] seven
21 hundred fifty dollars for each day during which such violation contin-
22 ues, and, in addition thereto, such person may be enjoined from continu-
23 ing such violation. Penalties and injunctive relief provided herein
24 shall be recoverable in an action brought by the attorney general at the
25 request and in the name of the commissioner.

26 § 5. Subdivisions 3 and 4 of section 71-0507 of the environmental
27 conservation law, subdivision 3 as amended by chapter 400 of the laws of
28 1973, are amended to read as follows:

29 3. Moneys received by a town justice or a village justice in any
30 action for a penalty brought under the provisions of this chapter listed
31 in section 71-0501 of titles 5 through 15 inclusive and title 33 or upon
32 the settlement or compromise thereof, or a fine for a violation of the
33 provisions of this chapter listed in section 71-0501 and titles 5
34 through 15 inclusive and title 33 of this article shall be paid to the
35 State Comptroller as provided in section 27 of the Town Law and section
36 4-410 of the village law. From the moneys so received, the State Comp-
37 troller shall pay all lawful fees for services rendered in such actions
38 when instituted by order of the department or upon information of a
39 conservation officer, regional and assistant regional conservation offi-
40 cer, special game protector, district ranger, forest ranger, or member
41 of the state police. The balance of such moneys arising from penalties
42 under articles 11 or 13 or title 9 of this article or upon the settle-
43 ment or compromise thereof or from fines for violations of any of the
44 provisions of articles 11 or 13 or title 9 of this article after the
45 payment of lawful fees shall be credited by the Comptroller to the
46 conservation fund. The Comptroller shall adjust and settle [~~his~~] their
47 account with the conservation fund in the manner provided by section
48 99-a of the State Finance Law. The balance of all other such moneys
49 after payment of lawful fees shall be credited by the Comptroller to the
50 [~~general fund~~] conservation fund to the credit of the conservation
51 enforcement account established pursuant to subdivision (k) of section
52 eighty-three of the state finance law.

53 4. All moneys received by any other person or court in an action for a
54 penalty brought under the provisions of this chapter listed in section
55 71-0501 and titles 5 through 15 inclusive and title 33 of this article
56 or upon the settlement or compromise thereof, or a fine for a violation

1 of the provisions of this chapter listed in section 71-0501 and titles 5
2 through 15 inclusive and title 33 of this article, shall be paid by such
3 person or court to the department within thirty days after receipt ther-
4 eof. The department shall pay the expenses of collection and the lawful
5 fees of magistrates and constables for services performed in criminal
6 actions brought upon information of a conservation officer, regional and
7 assistant regional conservation officer, special game protector,
8 district ranger, forest ranger, or member of the state police. Such
9 moneys derived from fines or penalties for violations of articles 11 or
10 13 or title 9 of this article or from the settlement or compromise ther-
11 eof shall be paid by the department to the Commissioner of Taxation and
12 Finance and credited to the conservation fund. All other moneys so
13 received by the department shall be paid to the Commissioner of Taxation
14 and Finance and credited to the [~~general fund~~] conservation fund to the
15 credit of the conservation enforcement account established pursuant to
16 subdivision (k) of section eighty-three of the state finance law.

17 § 6. Subdivisions 1, 2, 6, 9 and 10 of section 71-0703 of the environ-
18 mental conservation law, subdivisions 1, 2 and 6 as amended by chapter
19 602 of the laws of 2003, subdivision 9 as added by chapter 267 of the
20 laws of 2012 and subdivision 10 as added by chapter 330 of the laws of
21 2014, are amended to read as follows:

22 1. Except as otherwise provided in subdivision 4, 5, 6 or 7 of this
23 section, any person who violates any provision of article 9 or the
24 rules, regulations or orders promulgated pursuant thereto or the terms
25 of any permit issued thereunder, or who fails to perform any duty
26 imposed by any provision thereof shall be guilty of a violation, and,
27 upon conviction, shall be punished by a fine of not more than [~~two~~
28 ~~hundred fifty~~] three hundred seventy-five dollars, or by imprisonment
29 for not more than fifteen days, or by both such fine and imprisonment,
30 and in addition thereto shall be liable to a civil penalty of not less
31 than ten nor more than one hundred fifty dollars.

32 2. The violation of any of the provisions of the following sections
33 shall subject the person guilty thereof to the following civil penalties
34 in addition to the liability prescribed in subdivision 1 of this
35 section:

36 a. Section 9-1113 of this chapter, [~~two~~] three dollars per tree;

37 b. Subdivision 3 of section 9-1105 of this chapter, [~~twenty-five~~]
38 thirty-seven dollars and fifty cents per day;

39 c. Subdivision 4 of section 9-1105 of this chapter, and subdivision 1
40 of section 9-1117 of this chapter, [~~ten~~] fifteen dollars per mile per
41 day;

42 d. Section 9-1115 of this chapter, [~~ten~~] fifteen dollars per mile;

43 e. Subdivision 2 of section 9-1117 of this chapter, one hundred fifty
44 dollars per each offense; and

45 f. Section 9-1119 of this chapter, one hundred fifty dollars per day
46 per locomotive.

47 With respect to the penalty for violation of subdivision 4 of section
48 9-1105 of this chapter, the owner and every person engaged in such
49 cutting shall be liable therefor; however, the liability for penalty
50 shall not arise until the expiration of twenty days after service,
51 personally or by mail upon the alleged violator at [~~his~~] their last
52 known place of residence of a written notice of failure to comply with
53 the requirements of subdivision 4 of section 9-1105 of this chapter.

54 6. (a) In addition to any other penalty provided by law, any person
55 who violates subdivision 1 of section 9-0303 of this chapter shall be
56 liable to a civil penalty of [~~two hundred fifty~~] three hundred seventy-

1 five dollars per tree or treble damages, based on the stumpage value of
2 such tree or both. Where the order or decision finds that the defendant
3 established by clear and convincing evidence, that when such defendant
4 committed the violation, [~~he or she~~] they had cause to believe that the
5 land was [~~his or her~~] their own, or that [~~he or she~~] such defendant had
6 an easement or right of way across such land which permitted such
7 action, damages shall be awarded on the basis of the stumpage value of
8 such tree or trees in the market as if they were privately owned.
9 Notwithstanding the foregoing, this section shall not be construed to
10 authorize the cutting of timber or removal of trees where such action
11 would otherwise be violative of any provision of the state constitution
12 or law.

13 (b) In addition to any other penalty provided by law, a person who
14 violates section 9-1501 of this chapter shall be liable for a civil
15 penalty of [~~two hundred fifty~~] three hundred seventy-five dollars per
16 tree or treble damages or both, based on the stumpage value of such tree
17 or trees. Where the order or decision finds that the defendant estab-
18 lished by clear and convincing evidence, that when such defendant
19 committed the violation, [~~he or she~~] they had cause to believe that the
20 land was [~~his or her~~] their own or that [~~he or she~~] such defendant had
21 an easement or right of way across such land which permitted such
22 action, damages shall be awarded on the basis of the stumpage value of
23 such tree or trees. Notwithstanding the foregoing, this section shall
24 not be construed to authorize the cutting of timber or removal of trees
25 where such action would otherwise be violative of any provision of the
26 state constitution or law.

27 (c) For purposes of this subdivision, "stumpage value" shall mean the
28 current fair market value of a tree as it stands prior to the time of
29 sale, cutting, or removal. Stumpage value shall be determined by one or
30 more of the following methods: the sale price of the tree in an arm's-
31 length sale, a review of solicited bids, the stumpage price report
32 prepared by the department of environmental conservation, comparison
33 with like sales on trees on state or private lands, or other appropriate
34 means to assure that a fair market value is established within an
35 acceptable range based on the appropriate geographic area.

36 9. a. Any person who transports, sells, imports or introduces invasive
37 species, in violation of the regulations promulgated pursuant to section
38 9-1709 of this chapter shall be subject to the following:

39 For any first violation in lieu of a penalty there may be issued a
40 written warning by the department and there may also be issued education
41 materials at the discretion of the department regarding requirements
42 related to invasive species. Such person shall, however, for any subse-
43 quent violation thereafter be subject to a fine of no less than [~~two~~
44 hundred fifty] three hundred seventy-five dollars.

45 b. Any nursery grower licensed pursuant to article fourteen of the
46 agriculture and markets law, any person who owns or operates a public
47 vessel as such term is defined in paragraph (a) of subdivision six of
48 section two of the navigation law, or any person who owns or operates a
49 commercial fishing vessel who transports, sells, imports or introduces
50 invasive species in violation of the regulations promulgated pursuant to
51 section 9-1709 of this chapter, shall be subject to a fine of not less
52 than [~~six~~] nine hundred dollars upon the first penalty. Upon the second
53 penalty such person shall be subject to a fine of not less than [~~two~~]
54 three thousand dollars. Upon a subsequent penalty and after a hearing or
55 opportunity to be heard upon due notice the following penalties may
56 apply: (i) such nursery grower may be subject to the revocation proce-

1 dures of section one hundred sixty-three-c of the agriculture and
2 markets law (ii) such person's vessel registration may be suspended or
3 (iii) such person's fishing permit may be revoked by the department.

4 10. Any person who violates section 9-1710 of this chapter shall be
5 guilty of a violation and shall be punishable and liable to a civil
6 penalty as provided in subdivision one of this section, provided, howev-
7 er, that for any first violation in lieu of a penalty there shall be
8 issued a written warning by the department and there shall also be
9 issued education materials at the discretion of the department regarding
10 requirements related to invasive species. Such person shall be subject
11 to a fine of up to [~~one hundred fifty~~] two hundred seventy-five dollars
12 for a second offense, up to [~~two hundred fifty~~] three hundred seventy-
13 five dollars for a third offense, and no less than [~~two hundred fifty~~]
14 three hundred seventy-five dollars nor more than [~~one thousand~~] five
15 hundred dollars for a fourth or subsequent offense.

16 § 7. Section 71-0707 of the environmental conservation law is amended
17 to read as follows:

18 § 71-0707. Resisting or obstructing departmental agent or employee.

19 Any person who resists or obstructs an authorized agent or employee of
20 the department while [~~he~~] such agent or employee is engaged in carrying
21 out any provision of section 9-0305 shall be guilty of a violation which
22 shall be punishable by a fine not exceeding one hundred fifty dollars
23 and by an additional fine [~~of~~] not exceeding [~~twenty-five~~] thirty-seven
24 dollars and fifty cents for each additional day of such resistance or
25 obstruction.

26 § 8. Section 71-0709 of the environmental conservation law, as amended
27 by chapter 640 of the laws of 1977, is amended to read as follows:

28 § 71-0709. Injury to state lands.

29 Any person who intentionally or negligently causes a fire which burns
30 on or over state lands shall be liable to the state for treble damages
31 and, in addition, to a civil penalty of [~~ten~~] fifteen dollars for every
32 tree killed or destroyed by such fire. Damages to state lands and timber
33 shall be ascertained and determined at the same rate of value as if such
34 property were privately owned.

35 § 9. Section 71-0711 of the environmental conservation law, as amended
36 by chapter 640 of the laws of 1977, is amended to read as follows:

37 § 71-0711. Injury to municipal or private lands.

38 Any person who causes a fire which burns on or over lands belonging to
39 another person or to a municipality shall be liable to the party injured
40 (a) for actual damages in case of fire negligently caused or (b) for the
41 higher of actual damages or damages at the rate of [~~five~~] seven dollars
42 and fifty cents for each tree killed or destroyed in case of fire
43 wilfully caused.

44 § 10. Section 71-1105 of the environmental conservation law, as
45 amended by chapter 99 of the laws of 2010, is amended to read as
46 follows:

47 § 71-1105. Enforcement of subdivision 4 of section 15-0313.

48 Any violation of subdivision 4 of section 15-0313 shall be a
49 violation, punishable by a fine of not more than [~~one thousand eight~~]
50 two thousand seven hundred dollars, and in addition thereto, by a civil
51 penalty of not more than [~~one thousand eight~~] two thousand seven hundred
52 dollars.

53 § 11. Section 71-1107 of the environmental conservation law, as
54 amended by chapter 640 of the laws of 1977, is amended to read as
55 follows:

56 § 71-1107. Punishment for violations of title 5 of article 15.

1 1. A violation of section 15-0501, 15-0503 or 15-0505, shall consti-
2 tute a misdemeanor, punishable by a fine of not to exceed [~~ten~~] fifteen
3 thousand dollars, or by imprisonment not to exceed one year or by both
4 such fine and imprisonment and, in addition thereto, by a civil penalty
5 of not more than [~~five thousand~~] seven thousand five hundred dollars.

6 2. A subcontractor, employee or agent of such person or public corpo-
7 ration, or of a state department who knowingly and intentionally acts,
8 or a prime contractor of such person, public corporation or state
9 department who acts with or without an intention to violate the
10 provisions of title 5 of article 15, in disregard of specifications
11 provided in a construction contract protecting against stream damage,
12 shall be guilty of a violation punishable by a fine of not less than
13 [~~twenty-five~~] thirty-seven dollars and fifty cents, nor more than [~~two~~
14 ~~hundred-fifty~~] three hundred seventy-five dollars, or by imprisonment
15 for not more than fifteen days, or by both such fine and imprisonment,
16 and, in addition, thereto, by a civil penalty of not more than [~~five~~
17 ~~thousand~~] seven thousand five hundred dollars.

18 § 12. Section 71-1109 of the environmental conservation law, as
19 amended by chapter 364 of the laws of 1999, is amended to read as
20 follows:

21 § 71-1109. Enforcement of subdivisions 1 and 4 of section 15-0507.

22 1. Any owner violating subdivision 1 of section 15-0507 or any regu-
23 lations promulgated pursuant thereto may be liable for a penalty not to
24 exceed [~~five~~] seven hundred fifty dollars for each and every offense;
25 every violation of such subdivision shall be a separate and distinct
26 offense; and in case of a continuing violation, every day's continuance
27 thereof shall be deemed a separate and distinct offense.

28 2. Any owner violating subdivision 4 of section 15-0507 may be liable
29 for a penalty not to exceed [~~five thousand~~] seven thousand five hundred
30 dollars for each and every offense; every violation of an order referred
31 to in such subdivision shall be a separate and distinct offense; and in
32 case of a continuing violation, every day's continuance thereof shall be
33 deemed a separate and distinct offense.

34 § 13. Section 71-1111 of the environmental conservation law, as
35 amended by chapter 364 of the laws of 1999, is amended to read as
36 follows:

37 § 71-1111. Enforcement of subdivision 3 of section 15-0511.

38 Any person or local public corporation violating subdivision 3 of
39 section 15-0511 may be liable for a penalty not to exceed [~~five thou-~~
40 ~~sand~~] seven thousand five hundred dollars for each and every offense;
41 every violation of an order referred to in such subdivision shall be a
42 separate and distinct offense; and in case of a continuing violation,
43 every day's continuance thereof shall be deemed a separate and distinct
44 offense.

45 § 14. Subdivision 2 of section 71-1113 of the environmental conserva-
46 tion law, as added by chapter 356 of the laws of 1985, is amended to
47 read as follows:

48 2. Any person who violates the provisions of section 15-1506 of this
49 chapter or the rules, regulations, orders or determinations of the
50 commissioner promulgated thereto or the terms of any permit issued ther-
51 eunder, shall be liable for a civil penalty not less than [~~twenty-five~~]
52 three thousand seven hundred fifty dollars nor more than [~~ten~~] fifteen
53 thousand dollars per day of such violation.

54 § 15. Section 71-1115 of the environmental conservation law, as
55 amended by chapter 640 of the laws of 1977, is amended to read as
56 follows:

1 § 71-1115. Enforcement of section 15-1525.

2 Any person violating the provisions of section 15-1525 shall be guilty
3 of a violation punishable by a fine of not more than one thousand five
4 hundred dollars, and in addition thereto, shall be liable for a civil
5 penalty of not more than [~~fifteen hundred~~] two thousand two hundred
6 fifty dollars.

7 § 16. Subdivisions 1 and 2 of section 71-1117 of the environmental
8 conservation law, as amended by chapter 640 of the laws of 1977, are
9 amended to read as follows:

10 1. Any person or public corporation violating subdivision 1 of section
11 15-1745, shall be guilty of a violation punishable by a fine of not more
12 than [~~five thousand~~] seven thousand five hundred dollars.

13 2. In addition, the department may, in an action instituted by it in
14 any court of competent jurisdiction, recover from any such person or
15 public corporation the sum of [~~one hundred fifty~~] two hundred twenty-
16 five dollars per day for each day that such person or public corporation
17 continues to take, draw, divert or make use of any part or portion of
18 such waters.

19 § 17. Section 71-1121 of the environmental conservation law, as
20 amended by chapter 640 of the laws of 1977, is amended to read as
21 follows:

22 § 71-1121. Enforcement of subdivision 2 of section 15-1947.

23 Violation of subdivision 2 of section 15-1947 shall constitute a
24 violation, punishable by a fine of not more than one thousand five
25 hundred dollars, and in addition thereto, a civil penalty of not more
26 than [~~fifteen hundred~~] two thousand two hundred fifty dollars.

27 § 18. Section 71-1123 of the environmental conservation law, as
28 amended by chapter 640 of the laws of 1977, is amended to read as
29 follows:

30 § 71-1123. Enforcement of section 15-2133.

31 1. Any neglect of the provisions of section 15-2133 by any officer or
32 person in charge of any reservoir shall be a violation punishable by a
33 fine of not more than one thousand five hundred dollars, and in addition
34 thereto, by a civil penalty of not more than [~~fifteen hundred~~] two thou-
35 sand two hundred fifty dollars.

36 2. Any person violating the provisions of subdivision 3 of section
37 15-2133 shall be guilty of a violation punishable by a fine of not more
38 than one thousand five hundred dollars, and in addition thereto, shall
39 be liable for a civil penalty of not more than [~~fifteen hundred~~] two
40 thousand two hundred fifty dollars.

41 § 19. Section 71-1125 of the environmental conservation law, as
42 amended by chapter 640 of the laws of 1977, is amended to read as
43 follows:

44 § 71-1125. Enforcement of section 15-2315.

45 Any person who violates the provisions of the first sentence of
46 section 15-2315 shall be guilty of a violation punishable by a fine of
47 not more than one thousand five hundred dollars, and in addition there-
48 to, shall be liable for a civil penalty of not more than [~~fifteen~~
49 ~~hundred~~] two thousand two hundred fifty dollars.

50 § 20. Subdivision 1 of section 71-1127 of the environmental conserva-
51 tion law, as amended by chapter 401 of the laws of 2011, is amended to
52 read as follows:

53 1. Any person who violates any of the provisions of, or who fails to
54 perform any duty imposed by article 15 except section 15-1713, or who
55 violates or who fails to comply with any rule, regulation, determination
56 or order of the department heretofore or hereafter promulgated pursuant

1 to article 15 except section 15-1713, or any condition of a permit
2 issued pursuant to article 15 of this chapter, or any determination or
3 order of the former water resources commission or the department hereto-
4 fore promulgated pursuant to former article 5 of the Conservation Law,
5 shall be liable for a civil penalty of not more than [~~two thousand five~~
6 three thousand seven hundred fifty dollars for such violation and an
7 additional civil penalty of not more than [~~five~~ seven hundred fifty
8 dollars for each day during which such violation continues, and, in
9 addition thereto, such person may be enjoined from continuing such
10 violation as otherwise provided in article 15 except section 15-1713.

11 § 21. Section 71-1131 of the environmental conservation law, as added
12 by chapter 640 of the laws of 1977, is amended to read as follows:

13 § 71-1131. Violations; criminal liability.

14 Except as otherwise specifically provided, any person who violates any
15 of the provisions of article 15 of this chapter, or any rule, regulation
16 or order promulgated pursuant thereto, or the terms of any permit issued
17 thereunder shall be guilty of a violation punishable by a fine of not
18 more than [~~five~~ seven hundred fifty dollars.

19 § 22. Section 71-1203 of the environmental conservation law, as added
20 by chapter 384 of the laws of 1983, is amended to read as follows:

21 § 71-1203. Penalties.

22 Any person who violates the provisions of article twenty-two of this
23 chapter shall be subject to a civil penalty not to exceed [~~ten~~ fifteen
24 thousand dollars for each day during which such violation occurred;
25 provided, however, that the total penalty to be imposed shall not exceed
26 one million five hundred thousand dollars.

27 § 23. Subdivisions 1 and 3 of section 71-1307 of the environmental
28 conservation law, as amended by chapter 99 of the laws of 2010, are
29 amended to read as follows:

30 1. Administrative sanctions. Any person who violates any provision of
31 article 23 of this chapter or commits any offense described in section
32 71-1305 of this title shall be liable to the people of the state for a
33 civil penalty not to exceed [~~eight~~ twelve thousand dollars and an addi-
34 tional penalty of [~~two~~ three thousand dollars for each day during which
35 such violation continues, to be assessed by the commissioner after a
36 hearing or opportunity to be heard. The commissioner, acting by the
37 attorney general, may bring suit for collection of such assessed civil
38 penalty in any court of competent jurisdiction. Such civil penalty may
39 be released or compromised by the commissioner before the matter has
40 been referred to the attorney general; and where such matter has been
41 referred to the attorney general, any such penalty may be released or
42 compromised and any action commenced to recover the same may be settled
43 and discontinued by the attorney general with the consent of the commis-
44 sioner. In addition, the commissioner shall have the power, following a
45 hearing conducted pursuant to rules and regulations adopted by the
46 department, to direct the violator to cease the violation and reclaim
47 and repair the affected site to a condition acceptable to the commis-
48 sioner, to the extent possible within a reasonable time and under the
49 direction and supervision of the commissioner. Any such order of the
50 commissioner shall be enforceable in any action brought by the commis-
51 sioner in any court of competent jurisdiction. Any civil penalty or
52 order issued by the commissioner under this subdivision shall be review-
53 able in a proceeding under article seventy-eight of the civil practice
54 law and rules.

55 3. Criminal sanctions. Any person who, having any of the culpable
56 mental states defined in sections 15.05 and 20.20 of the penal law,

1 violates any provision of article 23 of this chapter or commits any
2 offense described in section 71-1305 of this title shall be guilty of a
3 misdemeanor and, upon conviction thereof, shall be punished by a fine
4 not to exceed one thousand dollars for each day during which such
5 violation continues or by imprisonment for a term of not more than one
6 year, or by both such fine and imprisonment. If the conviction is for a
7 subsequent offense committed after a first conviction of such person
8 under this subdivision, punishment shall be by a fine not to exceed
9 [~~eight~~] twelve thousand dollars for each day during which such violation
10 continues or by imprisonment for a term of not more than one year, or by
11 both such fine and imprisonment.

12 § 24. Subdivision 1 of section 71-1707 of the environmental conserva-
13 tion law is amended to read as follows:

14 1. Any person who violates, disobeys or disregards any term or
15 provision of this chapter listed in section 71-1701, or of titles 17
16 through 21 inclusive of this article or of any lawful notice, order or
17 regulation pursuant thereto for which a civil penalty is not otherwise
18 expressly prescribed by law, shall be liable to the people of the state
19 for a civil penalty of not to exceed one thousand five hundred dollars
20 for every such violation.

21 § 25. Section 71-1711 of the environmental conservation law is amended
22 to read as follows:

23 § 71-1711. Willful violation of health laws.

24 1. A person who willfully violates or refuses or omits to comply with
25 any lawful order or regulation prescribed by any local board of health
26 or local health officer, is guilty of a misdemeanor; except, however,
27 that where such order or regulation applies to a tenant with respect to
28 [~~his~~] such tenant's own dwelling unit or to an owner occupied one or two
29 family dwelling, such person is guilty of an offense for the first
30 violation punishable by a fine not to exceed [~~fifty~~] seventy-five
31 dollars and for a second or subsequent violation is guilty of a misde-
32 meanor punishable by a fine not to exceed [~~five~~] seven hundred fifty
33 dollars or by imprisonment not to exceed six months or by both such fine
34 and imprisonment.

35 2. A person who willfully violates any provision of this chapter list-
36 ed in section 71-1701, or of titles 17 through 21 inclusive of this
37 article, or any regulation lawfully made or established by any public
38 officer or board under authority of such provisions, the punishment for
39 violating which is not otherwise prescribed by such provisions or any
40 other law, is punishable by imprisonment not exceeding one year, or by a
41 fine not exceeding [~~two~~] three thousand dollars or by both.

42 § 26. Section 71-1725 of the environmental conservation law, as
43 amended by chapter 400 of the laws of 1973, is amended to read as
44 follows:

45 § 71-1725. Assessment of Penalties.

46 The commissioner may assess any penalty prescribed for a violation of
47 or a failure to comply with any provision contained in this title or
48 listed in section 71-1701, or any lawful notice, order or regulation
49 prescribed by the commissioner under any such provision, one thousand
50 five hundred dollars for every such violation or failure, which penalty
51 may be assessed after a hearing or an opportunity to be heard.

52 § 27. Section 71-1905 of the environmental conservation law is amended
53 to read as follows:

54 § 71-1905. Enforcement of section 17-1705.

1 Any person violating any provision of section 17-1705 shall forfeit to
2 the county where the violation occurred the sum of [~~fifty~~] seventy-five
3 dollars for every such violation.

4 § 28. Subdivision 1 of section 71-1907 of the environmental conserva-
5 tion law is amended to read as follows:

6 1. Every person violating any provision of section 17-1707 shall
7 forfeit to the municipality having a local board of health where the
8 violation occurs the sum of [~~twenty-five~~] thirty-seven dollars and fifty
9 cents for the first day when the violation takes place, and the sum of
10 [~~ten~~] fifteen dollars for every subsequent day that such violation is
11 repeated or continued.

12 § 29. Subdivision 2 of section 71-1909 of the environmental conserva-
13 tion law, as amended by section 35 of part C of chapter 62 of the laws
14 of 2003, is amended to read as follows:

15 2. Any person violating any provision of section 17-1709 shall be
16 guilty of a misdemeanor, and punishable by a fine of not more than
17 [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars or by
18 imprisonment for not more than one year or by both such fine and impri-
19 sonment.

20 § 30. Section 71-1911 of the environmental conservation law, as
21 amended by section 36 of part C of chapter 62 of the laws of 2003, is
22 amended to read as follows:

23 § 71-1911. Enforcement of section 17-1711.

24 Any person violating any provision of section 17-1711 shall be guilty
25 of an offense, and punishable by a fine of not more than [~~seventy-five~~]
26 one hundred twelve dollars and fifty cents.

27 § 31. Subdivision 2 of section 71-1913 of the environmental conserva-
28 tion law is amended to read as follows:

29 2. Any person violating any provision of section 17-1713 shall be
30 guilty of a misdemeanor, and punishable by a fine of not more than
31 [~~five~~] seven hundred fifty dollars or by imprisonment for not more than
32 one year or by both such fine and imprisonment.

33 § 32. Subdivision 1 of section 71-1915 of the environmental conserva-
34 tion law is amended to read as follows:

35 1. Any person violating any provision of section 17-1715 shall be
36 guilty of a misdemeanor, and punishable by a fine of not more than
37 [~~five~~] seven hundred fifty dollars or by imprisonment for not more than
38 one year or by both such fine and imprisonment.

39 § 33. Subdivision 1 of section 71-1921 of the environmental conserva-
40 tion law is amended to read as follows:

41 1. Any person putting in or constructing or maintaining a conduit,
42 discharge pipe or other means of discharging or casting any refuse or
43 waste matter in violation of section 17-1729 shall forfeit to the people
44 of the state [~~five~~] seven dollars and fifty cents a day for each day the
45 same is used or maintained for such purpose, to be collected in an
46 action brought by the commissioner.

47 § 34. Subdivision 1 of section 71-1929 of the environmental conserva-
48 tion law, as amended by section 37 of part C of chapter 62 of the laws
49 of 2003, is amended to read as follows:

50 1. A person who violates any of the provisions of, or who fails to
51 perform any duty imposed by titles 1 through 11 inclusive and title 19
52 of article 17, or the rules, regulations, orders or determinations of
53 the commissioner promulgated thereto or the terms of any permit issued
54 thereunder, shall be liable to a penalty of not to exceed [~~thirty-seven~~
55 thousand five hundred] fifty-six thousand two hundred fifty dollars per
56 day for each violation, and, in addition thereto, such person may be

1 enjoined from continuing such violation as hereinafter provided.
2 Violation of a permit condition shall constitute grounds for revocation
3 of such permit, which revocation may be accomplished either as provided
4 in paragraph f of subdivision 4 of section 17-0303 or by order of judg-
5 ment of the supreme court as an alternate or additional civil penalty in
6 an action brought pursuant to subdivision 3 of this section.

7 § 35. Subdivision 1 and subparagraphs i, ii, iii and iv of paragraph b
8 of subdivision 8 of section 71-1933 of the environmental conservation
9 law, subdivision 1 as amended by section 38 and subparagraphs i, ii, iii
10 and iv of paragraph b of subdivision 8 as amended by section 39 of part
11 C of chapter 62 of the laws of 2003, are amended to read as follows:

12 1. Any person who, having any of the culpable mental states defined in
13 section 15.05 of the penal law, shall violate any of the provisions of
14 titles 1 through 5, 9 through 11 and 19 of article 17 or the rules,
15 regulations, orders or determinations of the commissioner promulgated
16 thereto, or the terms of any permit issued thereunder, shall be guilty
17 of a misdemeanor and, upon conviction thereof, shall be punished by a
18 fine of not less than [~~three thousand seven hundred fifty~~] five thousand
19 six hundred twenty-five dollars nor more than [~~thirty-seven thousand~~
20 ~~five hundred~~] fifty-six thousand two hundred fifty dollars per day of
21 violation or by imprisonment for a term of not more than one year, or by
22 both such fine and imprisonment. If the conviction is for an offense
23 committed after a first conviction of such person under this subdivi-
24 sion, punishment shall be by a fine of not more than [~~seventy-five thou-~~
25 ~~sand~~] one hundred twelve thousand five hundred dollars per day of
26 violation, or by imprisonment for not more than two years, or by both.

27 i. [~~\$750,000~~] \$1,125,000 for a class C felony committed by an organ-
28 ization as defined in section 71-1932 of this title;

29 ii. [~~\$375,000~~] \$562,500 for a class C felony;

30 iii. [~~\$75,000~~] \$112,500 per day of continuing violation for a class E
31 felony defined under subdivision four of this section but in no event
32 less than [~~\$7,500~~] \$11,250; and [~~\$15,000~~] \$22,500 for a class E felony
33 defined under subdivision seven of this section;

34 iv. [~~\$37,500~~] \$56,250 per day of continuing violation for a class A
35 misdemeanor but in no event less than [~~\$3,750~~] \$5,625.

36 § 36. Paragraph b of subdivision 3 of section 71-1939 of the environ-
37 mental conservation law, as added by chapter 543 of the laws of 2010, is
38 amended to read as follows:

39 b. All fines and penalties collected pursuant to this subdivision
40 shall be paid to the district or county, provided, however, that one-
41 quarter of such fines and penalties received shall be paid to the
42 [~~general fund to the credit of the state purposes account~~] conservation
43 fund to the credit of the conservation enforcement account established
44 pursuant to subdivision (k) of section eighty-three of the state finance
45 law.

46 § 37. Subdivision 1 of section 71-1941 of the environmental conserva-
47 tion law, as amended by section 40 of part C of chapter 62 of the laws
48 of 2003, is amended to read as follows:

49 1. Except where the owner of or a person in actual or constructive
50 possession or control of more than one thousand one hundred gallons, in
51 bulk, of any liquid including petroleum which, if released, would or
52 would be likely to pollute the lands or waters of the state including
53 the groundwaters thereof can prove that the entry or presence of any
54 part of such liquid onto such lands or into or in such waters causing or
55 contributing to a condition therein in contravention of the standards
56 adopted or deemed adopted by the water pollution control board or any of

1 its legal successors was caused solely by (A) an act of God, (B) an act
2 of war, (C) negligence on the part of the United States or New York
3 State Government or (D) an act or omission of a third party without
4 regard to whether any such act or omission was or was not negligent, or
5 any combination of the foregoing clauses, such owner or person shall be
6 liable for a penalty of not more than [~~three thousand seven hundred~~
7 ~~fifty~~] five thousand six hundred twenty-five dollars for an initial
8 incident resulting in or contributing to such a contravention and for an
9 additional penalty not to exceed [~~seven hundred fifty~~] one thousand one
10 hundred twenty-five dollars for each day during which such contravention
11 or contribution thereto continues, and in addition shall be liable to
12 the people of the state of New York for the actual costs incurred by or
13 on behalf of the people of the state for the removal or neutralization
14 of such liquid and for any and all reasonable measures taken or
15 attempted to reduce, limit or diminish the extent or effect of such
16 contravention.

17 § 38. Section 71-1943 of the environmental conservation law, as
18 amended by section 41 of part C of chapter 62 of the laws of 2003, is
19 amended to read as follows:

20 § 71-1943. Enforcement of section 17-1743.

21 Any person who fails to so notify the department of such release,
22 discharge or spill into the waters of the state as described in section
23 17-1743 of this chapter shall, upon conviction, be fined not more than
24 [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-
25 five dollars or imprisoned for not more than one year, or both.

26 § 39. Section 71-1945 of the environmental conservation law, as added
27 by chapter 205 of the laws of 2010, is amended to read as follows:

28 § 71-1945. Enforcement of title 21 of article 17.

29 1. Except as otherwise provided in this section, any person who
30 violates any provision of title 21 of article 17 of this chapter or any
31 rule, regulation or order issued thereunder shall be liable to the
32 people of the state for a civil penalty not to exceed [~~five~~] seven
33 hundred fifty dollars for a first violation, and not to exceed one thou-
34 sand five hundred dollars for each subsequent violation, to be assessed
35 by the commissioner after a hearing or opportunity to be heard.

36 2. Any owner or owner's agent, or occupant of a household who violates
37 any provision of title 21 of article 17 of this chapter or any rule,
38 regulation or order issued thereunder shall, for a first violation be
39 issued a written warning and be provided educational materials. Upon a
40 second violation, the owner or owner's agent, or occupant of a household
41 shall be liable to the people of the state for a civil penalty not to
42 exceed one hundred fifty dollars, and for any subsequent violations
43 shall be liable to the people of the state for a civil penalty not to
44 exceed [~~two hundred fifty~~] three hundred twenty-five dollars. No owner
45 or owner's agent of a household shall be held liable for any violation
46 by an occupant. Such penalties may be assessed by the commissioner after
47 a hearing or opportunity to be heard.

48 § 40. Subdivision 1 of section 71-2103 of the environmental conserva-
49 tion law, as amended by chapter 99 of the laws of 2010, is amended to
50 read as follows:

51 1. Except as provided in section 71-2113, any person who violates any
52 provision of article nineteen or any code, rule or regulation which was
53 promulgated pursuant thereto; or any order except an order directing
54 such person to pay a penalty by a specified date issued by the commis-
55 sioner pursuant thereto, shall be liable, in the case of a first
56 violation, for a penalty not less than [~~five~~] seven hundred fifty

1 dollars nor more than [~~eighteen~~ twenty-seven thousand dollars for said
2 violation and an additional penalty of not to exceed [~~fifteen thousand~~
3 twenty thousand five hundred dollars for each day during which such
4 violation continues. In the case of a second or any further violation,
5 the liability shall be for a penalty not to exceed [~~twenty-six~~ thirty-
6 nine thousand dollars for said violation and an additional penalty not
7 to exceed [~~twenty-two thousand five hundred~~ thirty-three thousand seven
8 hundred fifty dollars for each day during which such violation contin-
9 ues. In addition thereto, such person may be enjoined from continuing
10 such violation as hereinafter provided.

11 § 41. Subdivision 1 of section 71-2105 of the environmental conserva-
12 tion law, as amended by chapter 99 of the laws of 2010, is amended to
13 read as follows:

14 1. Except as provided in section 71-2113, any person who shall wilful-
15 ly violate any of the provisions of article 19 or any code, rule or
16 regulation promulgated pursuant thereto or any final determination or
17 order of the commissioner made pursuant to article 19 shall be guilty of
18 a misdemeanor, and, upon conviction thereof, shall be punished by a
19 fine, in the case of a first conviction, of not less than [~~five~~ seven
20 hundred fifty dollars nor more than [~~eighteen~~ twenty-seven thousand
21 dollars or by imprisonment for a term of not more than one year, or by
22 both such fine and imprisonment, for each separate violation. If the
23 conviction is for an offense committed after the first conviction of
24 such person under this subdivision, such person shall be punished by a
25 fine not to exceed [~~twenty-six~~ thirty-nine thousand dollars, or by
26 imprisonment, or by both such fine and imprisonment. Each day on which
27 such violation occurs shall constitute a separate violation.

28 § 42. Section 71-2111 of the environmental conservation law, as added
29 by chapter 400 of the laws of 1973, is amended to read as follows:

30 § 71-2111. Enforcement of air pollution emergency rules and regulations.

31 Any person who violates any of the provisions of any regulation
32 promulgated by the commissioner under authority of paragraph y of subdi-
33 vision one of section 3-0301 shall be liable for a civil penalty of not
34 more than [~~twenty-five~~ three thousand seven hundred fifty dollars for
35 each such violation and an additional penalty of not more than [~~five~~
36 seven hundred fifty dollars for each day during which such violation
37 continues, and, in addition thereto, such persons may be enjoined from
38 continuing such violation. Penalties and injunctive relief provided
39 herein shall be recoverable in an action brought by the attorney general
40 at the request and in the name of the commissioner.

41 § 43. Section 71-2113 of the environmental conservation law, as added
42 by chapter 942 of the laws of 1984, subdivision 1 as amended by section
43 23 and subdivision 2 as amended by section 24 of part C of chapter 62 of
44 the laws of 2003, is amended to read as follows:

45 § 71-2113. Violations of section 19-0304 of article 19 of this chapter.

46 1. Civil and administrative sanctions. Any person who violates any of
47 the provisions of, or who fails to perform any duty imposed by section
48 19-0304 of this chapter, or any rule or regulation promulgated pursuant
49 thereto, or any term or condition of any certificate or permit issued
50 pursuant thereto, or any final determination or order of the commission-
51 er made pursuant to article 19 of this chapter concerning a violation of
52 section 19-0304 of this chapter shall be liable in the case of a first
53 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~
54 hundred] fifty-six thousand two hundred fifty dollars and an additional
55 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six
56 thousand two hundred fifty dollars for each day during which such

1 violation continues, to be assessed by the commissioner after an oppor-
2 tunity to be heard pursuant to the provisions of section 71-1709 of this
3 article, or by the court in any action or proceeding pursuant to section
4 71-2107 of this title, and, in addition thereto, such person may by
5 similar process be enjoined from continuing such violation and any
6 permit or certificate issued to such person may be revoked or suspended
7 or a pending renewal application denied. In the case of a second and any
8 further violation, the liability shall be for a civil penalty not to
9 exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars
10 for each such violation and an additional penalty not to exceed seven-
11 ty-five thousand dollars for each day during which such violation
12 continues.

13 2. Criminal sanctions. Any person who, having any of the culpable
14 mental states defined in section 15.05 of the penal law, shall violate
15 any of the provisions of or who fails to perform any duty imposed by
16 section 19-0304 of this chapter, or any rules and regulations promulgat-
17 ed pursuant thereto, or any term or condition of any certificate or
18 permit issued pursuant thereto, or any final determination or order of
19 the commissioner made pursuant to article 19 of this chapter concerning
20 a violation of section 19-0304 of this chapter shall be guilty of a
21 misdemeanor and, upon conviction thereof, shall for a first conviction
22 be punished by a fine not to exceed [~~thirty-seven thousand five hundred~~]
23 fifty-six thousand two hundred fifty dollars per day of violation or by
24 imprisonment for a term of not more than one year, or both such fine and
25 imprisonment. If the conviction is for an offense committed after a
26 first conviction of such person under this subdivision, punishment shall
27 be by a fine not to exceed [~~seventy-five~~] one hundred twelve thousand
28 five hundred dollars per day of violation, or by imprisonment for not
29 more than two years or by both such fine and imprisonment.

30 § 44. Section 71-2201 of the environmental conservation law, as added
31 by chapter 740 of the laws of 1978, the opening paragraph and subdivi-
32 sion 1 as amended and subdivision 3 as added by chapter 901 of the laws
33 of 1983, subdivision 4 as added by chapter 294 of the laws of 1991, is
34 amended to read as follows:

35 § 71-2201. Enforcement of title 23 of article 23 of this chapter.

36 Administrative and civil sanctions. 1. Any person who violates any of
37 the provisions of, or who fails to perform any duty imposed by title 23
38 of article 23 except the duty to accept used oil pursuant to section
39 23-2307 or any person subject to section 23-2308 or any rule or regu-
40 lation promulgated pursuant thereto, or any term or condition of any
41 certificate or permit issued pursuant thereto, or any final determi-
42 nation or order of the commissioner made pursuant to this section shall
43 be liable for a civil penalty not to exceed one thousand five hundred
44 dollars for each such violation and an additional penalty of not more
45 than [~~five~~] seven hundred fifty dollars for each day during which such
46 violation continues, to be assessed by the commissioner after a hearing
47 or opportunity to be heard pursuant to the provisions of section 71-1709
48 of this chapter, and, in addition thereto, such person may by similar
49 process be enjoined from continuing such violation and any permit or
50 certificate issued to such person may be revoked or suspended or a pend-
51 ing renewal application denied.

52 2. Any person who refuses to accept used oil as required pursuant to
53 subdivision two of section 23-2307 shall be liable for a civil penalty
54 not to exceed one hundred fifty dollars.

1 3. Any person who violates any provision of section 23-2308 of this
2 chapter shall be subject to a civil penalty not to exceed [~~two hundred~~
3 ~~fifty~~] three hundred seventy-five dollars for each violation.

4 4. Notwithstanding any other provision of law, any person who shall
5 violate the provisions of paragraph [~~(e)~~] c of subdivision one of
6 section 23-2307 or paragraph [~~(d)~~] d of subdivision two of section
7 23-2307 of this chapter shall be liable for a civil penalty of not more
8 than [~~five~~] seven hundred fifty dollars, and an additional civil penalty
9 of not more than [~~five~~] seven hundred fifty dollars for each day during
10 which such violation continues, not to exceed [~~ten~~] fifteen thousand
11 dollars.

12 § 45. Section 71-2303 of the environmental conservation law, as
13 amended by chapter 99 of the laws of 2010, subdivisions 1 and 2 as
14 amended by section 15 of part QQ of chapter 58 of the laws of 2022, is
15 amended to read as follows:

16 § 71-2303. Violation; penalties.

17 1. Civil sanctions. a. Any person who violates, disobeys or disregards
18 any provision of article twenty-four, including title five and section
19 24-0507 thereof or any rule or regulation, local law or ordinance,
20 permit or order issued pursuant thereto, shall be liable to the people
21 of the state for a civil penalty of not to exceed [~~eleven~~] sixteen thou-
22 sand five hundred dollars for every such violation, to be assessed,
23 after a hearing or opportunity to be heard upon due notice and with the
24 rights to specification of the charges and representation by counsel at
25 such hearing, by the commissioner or local government or in an action
26 initiated by the attorney general pursuant to section 71-2305 of this
27 title or on the attorney general's own initiative. Each violation shall
28 be a separate and distinct violation and, in the case of a continuing
29 violation, each day's continuance thereof shall be deemed a separate and
30 distinct violation. Such penalty assessed by the commissioner or local
31 government may be recovered in an action brought by the attorney general
32 at the request and in the name of the commissioner or local government
33 in any court of competent jurisdiction. Such civil penalty may be
34 released or compromised by the commissioner or local government before
35 the matter has been referred to the attorney general; and where such
36 matter has been referred to the attorney general, any such penalty may
37 be released or compromised and any action commenced to recover the same
38 may be settled and discontinued by the attorney general with the consent
39 of the commissioner or local government. In addition, the commissioner
40 or local government shall have power, following a hearing held in
41 conformance with the procedures set forth in section 71-1709 of this
42 article, to direct the violator to cease violating the act and to
43 restore the affected freshwater wetland to its condition prior to the
44 violation, insofar as that is possible within a reasonable time and
45 under the supervision of the commissioner or local government. Any such
46 order of the commissioner or local government shall be enforceable in an
47 action brought by the attorney general at the request and in the name of
48 the commissioner or local government in any court of competent jurisdic-
49 tion. Any civil penalty or order issued by the commissioner or local
50 government pursuant to this subdivision shall be reviewable in a
51 proceeding pursuant to article seventy-eight of the civil practice law
52 and rules.

53 b. Upon determining that significant damage to the functions and bene-
54 fits of a freshwater wetland is occurring or is imminent as a result of
55 any violation of article twenty-four of this chapter, including but not
56 limited to (i) activity taking place requiring a permit under article

1 twenty-four of this chapter but for which no permit has been granted or
2 (ii) failure on the part of a permittee to adhere to permit conditions,
3 the commissioner or local government shall have power to direct the
4 violator to cease and desist from violating the act. In such cases the
5 violator shall be provided an opportunity to be heard within ten days of
6 receipt of the notice to cease and desist.

7 2. Criminal sanctions. Any person who violates any provision of arti-
8 cle twenty-four of this chapter, including any rule or regulation, local
9 law or ordinance, permit or order issued pursuant thereto, shall, in
10 addition, for the first offense, be guilty of a violation punishable by
11 a fine of not less than [~~two~~] three thousand nor more than [~~five~~] seven
12 thousand five hundred dollars; for a second and each subsequent offense
13 [~~he~~] such person shall be guilty of a misdemeanor punishable by a fine
14 of not less than [~~four~~] six thousand nor more than [~~ten~~] fifteen thou-
15 sand dollars or a term of imprisonment of not less than fifteen days nor
16 more than six months or both. In addition to these punishments, any
17 offender may be punishable by being ordered by the court to restore the
18 affected freshwater wetland or adjacent area to its condition prior to
19 the offense, insofar as that is possible. The court shall specify a
20 reasonable time for the completion of such restoration, which shall be
21 effected under the supervision of the commissioner or local government.
22 Each offense shall be a separate and distinct offense and, in the case
23 of a continuing offense, each day's continuance thereof shall be deemed
24 a separate and distinct offense.

25 3. All fines collected pursuant to this section shall be paid into the
26 environmental protection fund established pursuant to section ninety-
27 two-s of the state finance law.

28 § 46. Paragraph a of subdivision 1 and subdivision 2 of section
29 71-2503 of the environmental conservation law, as amended by chapter 666
30 of the laws of 1989, are amended to read as follows:

31 a. Any person who violates, disobeys or disregards any provision of
32 article twenty-five shall be liable to the people of the state for a
33 civil penalty of not to exceed [~~ten~~] fifteen thousand dollars for every
34 such violation, to be assessed, after a hearing or opportunity to be
35 heard, by the commissioner. Each violation shall be a separate and
36 distinct violation and, in the case of a continuing violation, each
37 day's continuance thereof shall be deemed a separate and distinct
38 violation. The penalty may be recovered in an action brought by the
39 commissioner in any court of competent jurisdiction. Such civil penalty
40 may be released or compromised by the commissioner before the matter has
41 been referred to the attorney general; and where such matter has been
42 referred to the attorney general, any such penalty may be released or
43 compromised and any action commenced to recover the same may be settled
44 and discontinued by the attorney general with the consent of the commis-
45 sioner.

46 2. Criminal sanctions. Any person who violates any provision of arti-
47 cle twenty-five shall, in addition, for the first offense, be guilty of
48 a violation punishable by a fine of not less than [~~five~~] seven hundred
49 fifty nor more than [~~five~~] seven thousand five hundred dollars; for a
50 second and each subsequent offense such person shall be guilty of a
51 misdemeanor punishable by a fine of not less than one thousand nor more
52 than [~~ten~~] fifteen thousand dollars or a term of imprisonment of not
53 less than fifteen days nor more than six months or both. In addition to
54 or instead of these punishments, any offender shall be punishable by
55 being ordered by the court to restore the affected tidal wetland or area
56 immediately adjacent thereto to its condition prior to the offense,

1 insofar as that is possible. The court shall specify a reasonable time
2 for the completion of the restoration, which shall be effected under the
3 supervision of the commissioner. Each offense shall be a separate and
4 distinct offense and, in the case of a continuing offense, each day's
5 continuance thereof shall be deemed a separate and distinct offense.

6 § 47. Section 71-2505 of the environmental conservation law, as
7 amended by chapter 249 of the laws of 1997, is amended to read as
8 follows:

9 § 71-2505. Enforcement.

10 The attorney general, on [~~his~~] their own initiative or at the request
11 of the commissioner, shall prosecute persons who violate article twenty-five. In addition the attorney general, on [~~his~~] their own initiative or at the request of the commissioner, shall have the right to
12 recover a civil penalty of up to [~~ten~~] fifteen thousand dollars for
13 every violation of any provision of such article, and to seek equitable
14 relief to restrain any violation or threatened violation of such article
15 and to require the restoration of any affected tidal wetland or area
16 immediately adjacent thereto to its condition prior to the violation,
17 insofar as that is possible, within a reasonable time and under the
18 supervision of the commissioner. In the case of a continuing violation,
19 each day's continuance thereof shall be deemed a separate and distinct
20 violation.
21 violation.

22
23 § 48. Subdivisions 1, 2 and 3 of section 71-2703 of the environmental
24 conservation law, subdivisions 1 and 2 as amended by chapter 508 of the
25 laws of 1995, paragraph a of subdivision 1 as amended by section 25,
26 subparagraphs i and ii of paragraph b of subdivision 1 as amended by
27 section 26, paragraph a and subparagraphs i and ii of paragraph b of
28 subdivision 2 as amended by section 27, subparagraphs i and ii of paragraph c of subdivision 2 as amended by section 28 and subdivision 3 as
29 amended by section 29 of part C of chapter 62 of the laws of 2003, are
30 amended to read as follows:

31
32 1. Civil and administrative sanctions. a. Any person who violates any
33 of the provisions of, or who fails to perform any duty imposed by title
34 3 or 7 of article 27 of this chapter or any rule or regulation promul-
35 gated pursuant thereto, or any term or condition of any certificate or
36 permit issued pursuant thereto, or any final determination or order of
37 the commissioner made pursuant to this title shall be liable for a civil
38 penalty not to exceed [~~seven thousand five hundred~~] eleven thousand two
39 hundred fifty dollars for each such violation and an additional penalty
40 of not more than [~~one thousand five hundred~~] two thousand two hundred
41 fifty dollars for each day during which such violation continues, to be
42 assessed by the commissioner after an opportunity to be heard pursuant
43 to the provisions of section 71-1709 of this article, or by the court in
44 any action or proceeding pursuant to section 71-2727 of this title, and,
45 in addition thereto, such person may by similar process be enjoined from
46 continuing such violation and any permit or certificate issued to such
47 person may be revoked or suspended or a pending renewal application
48 denied.

49 b. i. Any person who violates any of the provisions of, or who fails
50 to perform any duty imposed by, title 3 or 7 of article 27 of this chap-
51 ter, or any rule or regulation promulgated pursuant thereto, or any term
52 or condition of any certificate or permit issued pursuant thereto and
53 thereby causes the release of solid waste into the environment, shall be
54 liable for a civil penalty not to exceed [~~eleven thousand two hundred~~
55 ~~fifty~~] sixteen thousand eight hundred seventy-five dollars for each such
56 violation and an additional penalty of not more than [~~eleven thousand~~

1 ~~two hundred fifty~~ sixteen thousand eight hundred seventy-five dollars
2 for each day during which such violation continues, to be assessed by
3 the commissioner after an opportunity to be heard pursuant to the
4 provisions of section 71-1709 of this article, or by the court in any
5 action or proceeding pursuant to section 71-2727 of this title, and, in
6 addition thereto, such person may by similar process be enjoined from
7 continuing such violation and any permit or certificate issued to such
8 person may be revoked or suspended or a pending renewal application
9 denied.

10 ii. Any person who violates any of the provisions of, or who fails to
11 perform any duty imposed by, title 3 or 7 of article 27 of this chapter,
12 or any rule or regulation promulgated pursuant thereto, or any term or
13 condition of any certificate or permit issued pursuant thereto and
14 thereby causes the release of more than ten cubic yards of solid waste
15 into the environment, shall be liable for a civil penalty not to exceed
16 ~~twenty-two thousand five hundred~~ thirty-three thousand seven hundred
17 fifty dollars for each such violation and an additional penalty of not
18 more than ~~twenty-two thousand five hundred~~ thirty-three thousand seven
19 hundred fifty dollars for each day during which such violation contin-
20 ues, to be assessed by the commissioner after an opportunity to be heard
21 pursuant to the provisions of section 71-1709 of this article, or by the
22 court in any action or proceeding pursuant to section 71-2727 of this
23 title, and, in addition thereto, such person may by similar process be
24 enjoined from continuing such violation and any permit or certificate
25 issued to such person may be revoked or suspended or a pending renewal
26 application denied.

27 c. The court in any action or proceeding pursuant to section 71-2727
28 of this chapter may exercise all powers exercisable by the commissioner.

29 2. Criminal sanctions. a. Any person who, having any of the culpable
30 mental states defined in section 15.05 of the penal law, shall violate
31 any of the provisions of or who fails to perform any duty imposed by
32 title 3 or 7 of article 27 of this chapter, or any rules and regulations
33 promulgated pursuant thereto, or any final determination or order of the
34 commissioner made pursuant to this title shall be guilty of a violation
35 and, upon conviction thereof, shall be punished by a fine of not less
36 than ~~one thousand five hundred~~ two thousand two hundred fifty dollars
37 nor more than ~~fifteen~~ twenty-two thousand five hundred dollars per day
38 of violation or by imprisonment for not more than fifteen days or by
39 both such fine and imprisonment.

40 b. i. Any person who shall violate paragraph a of this subdivision and
41 thereby causes or attempts to cause the release of more than ten cubic
42 yards of solid waste into the environment shall be guilty of a class B
43 misdemeanor and, upon conviction thereof, shall be punished by a fine of
44 not less than ~~three thousand seven hundred fifty~~ five thousand six
45 hundred twenty-five dollars per day nor more than ~~twenty-two thousand~~
46 ~~five hundred~~ thirty-three thousand seven hundred fifty dollars per day
47 of violation, or by imprisonment for a term in accordance with the penal
48 law, or by both such fine and imprisonment.

49 ii. Any person who shall violate paragraph a of this subdivision and
50 thereby causes or attempts to cause the release of more than ten cubic
51 yards of solid waste into the environment, after having been convicted
52 of a violation of this subdivision within the preceding five years,
53 shall be guilty of a class A misdemeanor and, upon conviction thereof,
54 shall be punished by a fine of not less than ~~three thousand seven~~
55 ~~hundred fifty~~ five thousand six hundred twenty-five dollars per day nor
56 more than ~~thirty-seven thousand five hundred~~ fifty-six thousand two

1 hundred fifty dollars per day of violation, or by imprisonment for a
2 term in accordance with the penal law, or by both such fine and impri-
3 sonment.

4 c. i. Any person who shall violate paragraph a of this subdivision and
5 thereby causes or attempts to cause the release of more than seventy
6 cubic yards of solid waste into the environment shall be guilty of a
7 class A misdemeanor and, upon conviction thereof, shall be punished by a
8 fine of not less than [~~three thousand seven hundred fifty~~] five thousand
9 six hundred twenty-five dollars per day nor more than [~~thirty-seven~~
10 ~~thousand five hundred~~] fifty-six thousand two hundred fifty dollars per
11 day of violation, or by imprisonment for a term in accordance with the
12 penal law, or by both such fine and imprisonment.

13 ii. Any person who shall violate paragraph a of this subdivision and
14 thereby causes or attempts to cause the release of more than seventy
15 cubic yards of solid waste into the environment, after having been
16 convicted of a violation of this subdivision within the preceding five
17 years, shall be guilty of a class E felony and, upon conviction thereof,
18 shall be punished by a fine of not less than [~~seven thousand five~~
19 ~~hundred~~] eleven thousand two hundred fifty dollars per day nor more than
20 [~~seventy-five~~] one hundred twelve thousand five hundred dollars per day
21 of violation, or by imprisonment for a term in accordance with the penal
22 law, or by both such fine and imprisonment.

23 3. Additional sanctions. Any person who violates any of the provisions
24 of, or who fails to perform any duty imposed by title 7 of article 27,
25 with regard to the construction and operation of facilities for the
26 disposal of construction and demolition debris or any rule or regulation
27 promulgated pursuant thereto, or any term or condition of any certif-
28 icate or permit issued pursuant thereto or any final determination or
29 order of the commissioner made pursuant to this title shall be liable
30 for a civil penalty not to exceed [~~fifteen~~] twenty-two thousand five
31 hundred dollars and each day of such deposition shall constitute a sepa-
32 rate violation and said civil penalty is in addition to any other fines
33 or penalties which may be applied pursuant to this title.

34 § 49. Section 71-2705 of the environmental conservation law, as added
35 by chapter 550 of the laws of 1980, subdivision 1 as amended by section
36 30 and subdivision 2 as amended by section 31 of part C of chapter 62 of
37 the laws of 2003, is amended to read as follows:

38 § 71-2705. Violations of titles 9, 11 and 13 of article 27 of this chap-
39 ter.

40 1. Civil and administrative sanctions. Any person who violates any of
41 the provisions of, or who fails to perform any duty imposed by titles 9,
42 11 and 13 of article 27 or any rule or regulation promulgated pursuant
43 thereto, or any term or condition of any certificate or permit issued
44 pursuant thereto, or any final determination or order of the commission-
45 er made pursuant to this title shall be liable in the case of a first
46 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~
47 ~~hundred~~] fifty-six thousand two hundred fifty dollars and an additional
48 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six
49 thousand two hundred fifty dollars for each day during which such
50 violation continues, to be assessed by the commissioner after an oppor-
51 tunity to be heard pursuant to the provisions of section 71-1709 of this
52 article, or by the court in any action or proceeding pursuant to section
53 71-2727 of this title, and, in addition thereto, such person may by
54 similar process be enjoined from continuing such violation and any
55 permit or certificate issued to such person may be revoked or suspended
56 or a pending renewal application denied. In the case of a second and any

1 further violation, the liability shall be for a civil penalty not to
2 exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars
3 for each such violation and an additional penalty not to exceed [~~seven-~~
4 ~~ty-five~~] one hundred twelve thousand five hundred dollars for each day
5 during which such violation continues.

6 2. Criminal sanctions. Any person who, having any of the culpable
7 mental states defined in section 15.05 of the penal law, shall violate
8 any of the provisions of or who fails to perform any duty imposed by
9 titles 9, 11 and 13 of article 27 or any rules and regulations promul-
10 gated pursuant thereto, or any term or condition of any certificate or
11 permit issued pursuant thereto, or any final determination or order of
12 the commissioner made pursuant to this title shall be guilty of a misde-
13 meanor and, upon conviction thereof, shall for a first conviction be
14 punished by a fine not to exceed [~~thirty-seven thousand five hundred~~]
15 fifty-six thousand two hundred fifty dollars per day of violation or by
16 imprisonment for a term of not more than one year, or both such fine and
17 imprisonment. If the conviction is for an offense committed after a
18 first conviction of such person under this subdivision, punishment shall
19 be by a fine not to exceed [~~seventy-five~~] one hundred twelve thousand
20 five hundred dollars per day of violation, or by imprisonment for not
21 more than two years or by both such fine and imprisonment.

22 § 50. Subdivision 2 of section 71-2721 of the environmental conserva-
23 tion law, as amended by section 32 of part C of chapter 62 of the laws
24 of 2003, is amended to read as follows:

25 2. Fines. A sentence to pay a fine shall be a sentence to pay an
26 amount fixed by the court, not exceeding the higher of:

- 27 (a) [~~Three~~] Four hundred fifty thousand dollars for a class C felony;
28 (b) [~~Two hundred twenty-five thousand~~] Three hundred thirty-seven
29 thousand five hundred dollars for a class D felony;
30 (c) [~~One hundred fifty thousand~~] Twenty-two thousand five hundred
31 dollars for a class E felony;
32 (d) [~~Thirty-seven thousand five hundred~~] Fifty-six thousand two
33 hundred fifty dollars for a class A misdemeanor;
34 (e) [~~Fifteen~~] Twenty-two thousand five hundred dollars for a class B
35 misdemeanor; or
36 (f) Double the amount of the defendant's gain from the commission of
37 the crime.

38 § 51. Subdivisions 1, 2 and 5 of section 71-2722 of the environmental
39 conservation law, subdivision 1 as amended by section 33 and subdivision
40 2 as amended by section 34 of part C of chapter 62 of the laws of 2003,
41 and subdivision 5 as added by chapter 152 of the laws of 1990, are
42 amended to read as follows:

43 1. Any person who knowingly or intentionally violates any of the
44 provisions or fails to perform any duty imposed by section 27-1701 of
45 this chapter, except the duty to accept a lead-acid battery pursuant to
46 subdivision four of such section, shall be liable for a civil penalty
47 not to exceed [~~seventy-five~~] one hundred twelve dollars and fifty cents
48 for each violation, provided that such civil penalty shall be in addi-
49 tion to any other penalties authorized under other state or local laws
50 governing the illegal disposal of lead-acid batteries.

51 2. Any retailer or distributor who refuses to accept a lead-acid
52 battery as required pursuant to subdivision four of section 27-1701 of
53 this chapter shall be liable for a civil penalty not to exceed [~~seven~~
54 ~~hundred fifty~~] one thousand one hundred twenty-five dollars.

55 5. All civil penalties and fines collected for any violation of such
56 title seventeen shall be paid over to the commissioner for deposit in

1 the [~~general fund~~] conservation fund to the credit of the conservation
2 enforcement account established pursuant to subdivision (k) of section
3 eighty-three of the state finance law; provided however, that all civil
4 penalties collected for any violation of such title seventeen which have
5 been imposed by the environmental control board of the city of New York,
6 or a local adjudicatory body pursuant to subdivision four of this
7 section, shall be paid into an environmental fund of such city or local-
8 ity.

9 § 52. Subdivisions 1 and 2 of section 71-2724 of the environmental
10 conservation law, as amended by chapter 30 of the laws of 2020, are
11 amended to read as follows:

12 1. Any person who knowingly or intentionally violates any provision of
13 or fails to perform any duty pursuant to title twenty-one of article
14 twenty-seven of this chapter, except subdivision one of section 27-2105
15 of this chapter, shall upon the first finding of such a violation be
16 liable for a civil penalty not to exceed one hundred fifty dollars. Any
17 person convicted of a second or subsequent violation shall be liable for
18 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars for
19 each violation.

20 2. Any person who knowingly or intentionally violates or fails to
21 perform any duty imposed by subdivision one of section 27-2105 of this
22 chapter shall upon the first finding of such a violation be provided
23 with educational materials describing the requirements for mercury
24 disposal and the effects of improper mercury disposal, and be warned
25 that future violations shall result in the imposition of a fine. Any
26 person convicted of a second violation shall be liable for a civil
27 penalty not to exceed [~~fifty~~] seventy-five dollars. Any person convicted
28 of a third violation shall be liable for a civil penalty not to exceed
29 [~~seventy-five~~] one hundred twelve dollars and fifty cents. Any person
30 convicted of a fourth or subsequent violation shall be liable for a
31 civil penalty not to exceed one hundred dollars for each violation.

32 § 53. Subdivision 1 of section 71-2728 of the environmental conserva-
33 tion law, as added by chapter 641 of the laws of 2008, is amended to
34 read as follows:

35 1. Any person who knowingly or intentionally violates any provision of
36 or fails to perform any duty imposed pursuant to title 27 of article 27
37 of this chapter shall upon the first finding of such a violation be
38 provided with a warning that future violations shall result in the impo-
39 sition of a fine. Any person convicted of a second violation shall be
40 liable for a civil penalty not to exceed one hundred fifty dollars. Any
41 person convicted of a third or subsequent violation shall be liable for
42 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars.

43 § 54. Section 71-2729 of the environmental conservation law, as added
44 by chapter 99 of the laws of 2010, is amended to read as follows:

45 § 71-2729. Enforcement of title 26 of article 27 of this chapter.

46 1. a. Any consumer, as defined in title twenty-six of article twenty-
47 seven of this chapter, who violates any provision of, or fails to
48 perform any duty imposed by, section 27-2611 of this chapter, shall be
49 liable for a civil penalty not to exceed one hundred fifty dollars for
50 each violation.

51 b. Any person, except a consumer, manufacturer, or an owner or opera-
52 tor of an electronic waste collection site, electronic waste consol-
53 idation facility, or electronic waste recycling facility as these terms
54 are defined in title twenty-six of article twenty-seven of this chapter,
55 who violates any provision, or fails to perform any duty imposed by
56 section 27-2611 of this chapter, shall be liable for a civil penalty not

1 to exceed [~~two hundred fifty~~] three hundred seventy-five dollars for
2 each violation.

3 c. Any manufacturer, or any person operating an electronic waste
4 collection site, an electronic waste consolidation facility, or an elec-
5 tronic waste recycling facility as those terms are defined in title
6 twenty-six of article twenty-seven of this chapter, who:

7 i. fails to submit any report, registration, fee, or surcharge to the
8 department as required by title twenty-six of article twenty-seven of
9 this chapter shall be liable for a civil penalty not to exceed one thou-
10 sand five hundred dollars for each day such report, registration, fee,
11 or surcharge is not submitted; and

12 ii. violates any other provision of title twenty-six of article twen-
13 ty-seven of this chapter or fails to perform any duty imposed by such
14 title, except for subdivision four of section 27-2603 of this chapter,
15 shall be liable for a civil penalty for each violation not to exceed one
16 thousand five hundred dollars for the first violation, [~~two thousand~~
17 ~~five hundred~~] three thousand seven hundred fifty dollars for the second
18 violation and [~~five~~] seven thousand five hundred dollars for the third
19 and subsequent violations of this title within a twelve-month period.

20 d. Any retailer, as defined by section 27-2601 of this chapter, who
21 violates any provision of title twenty-six of article twenty-seven of
22 this chapter or fails to perform any duty imposed by such title, shall
23 be liable for a civil penalty for each violation not to exceed [~~two~~
24 ~~hundred fifty~~] three hundred seventy-five dollars for the first
25 violation, [~~five~~] seven hundred fifty dollars for the second violation
26 and one thousand five hundred dollars for the third and subsequent
27 violations of this title in a twelve-month period.

28 e. Civil penalties under this section shall be assessed by the commis-
29 sioner after a hearing or opportunity to be heard pursuant to the
30 provisions of section 71-1709 of this article, or by the court in any
31 action or proceeding pursuant to this section, and, in addition thereto,
32 such person may by similar process be enjoined from continuing such
33 violation.

34 2. All penalties collected pursuant to this section shall be paid over
35 to the commissioner for deposit to the environmental protection fund
36 established pursuant to section ninety-two-s of the state finance law.

37 § 55. Subdivisions 1 and 3 of section 71-2907 of the environmental
38 conservation law, as amended by chapter 285 of the laws of 2000, are
39 amended to read as follows:

40 1. Administrative sanctions. Except as otherwise provided in this
41 subdivision, any person who violates any provision of article 33 of this
42 chapter or any rule, regulation or order issued thereunder or commits
43 any offense described in section 33-1301 of this chapter shall be liable
44 to the people of the state for a civil penalty not to exceed [~~five~~]
45 seven thousand five hundred dollars for a first violation, and not to
46 exceed [~~ten~~] fifteen thousand dollars for a subsequent offense, to be
47 assessed by the commissioner after a hearing or opportunity to be heard.
48 Notwithstanding any provision of law to the contrary, an owner or
49 owner's agent of a multiple dwelling or owner, owner's agent or a person
50 in a position of authority for all other types of premises, as such
51 terms are defined in paragraph d of subdivision five of section 33-0905
52 of this chapter, who violates any provision of a local law adopted
53 pursuant to subdivision one of section 33-1004 of this chapter relating
54 to paragraph b of such subdivision, and a person, who violates any
55 provision of a local law adopted pursuant to subdivision one of section
56 33-1004 of this chapter relating to paragraph c of such subdivision, and

1 a person who violates the provisions of subdivision three of section
2 three hundred ninety-c of the social services law shall, for a first
3 such violation, in lieu of a penalty, be issued a written warning and
4 shall also be issued educational materials pursuant to subdivision two
5 of section 33-1005 of this chapter. Such person shall, however, for a
6 second violation, be liable to the people of the state for a civil
7 penalty not to exceed one hundred fifty dollars, and not to exceed [~~two~~
8 ~~hundred-fifty~~] three hundred seventy-five dollars for any subsequent
9 violation, such penalties to be assessed by the commissioner after a
10 hearing or opportunity to be heard.

11 Notwithstanding any provision of law to the contrary, any person who
12 violates the provisions of a local law adopted pursuant to subdivision
13 one of section 33-1004 of this chapter relating to paragraph a of such
14 subdivision, shall be issued a warning for the first violation and shall
15 be provided seven days to correct such violation; and shall be liable to
16 the people of the state for a civil penalty not to exceed one hundred
17 fifty dollars for a second violation, and not to exceed [~~two hundred~~
18 ~~fifty~~] three hundred seventy-five dollars for a subsequent violation, to
19 be assessed by the commissioner after a hearing or opportunity to be
20 heard. The commissioner, acting by the attorney general, may bring suit
21 for collection of such assessed civil penalty in any court of competent
22 jurisdiction. Such civil penalty may be released or compromised by the
23 commissioner before the matter has been referred to the attorney gener-
24 al; and where such matter has been referred to the attorney general, any
25 such penalty may be released or compromised and any action commenced to
26 recover the same may be settled and discontinued by the attorney general
27 with the consent of the commissioner. Any civil penalty assessed by the
28 commissioner under this subdivision shall be reviewable in a proceeding
29 under article 78 of the civil practice law and rules.

30 3. Criminal sanctions. Any person who, having the culpable mental
31 states defined in subdivision one or two of section 15.05 or in section
32 20.20 of the penal law, violates any provision of article 33 of this
33 chapter or any rule, regulation thereunder or commits any offense
34 described in section 33-1301 of this chapter, except an offense relating
35 to the application of a general use pesticide shall be guilty of a
36 misdemeanor and, upon conviction thereof, shall be punished by a fine
37 not to exceed [~~five~~] seven thousand five hundred dollars for each day
38 during which such violation continues or by imprisonment for a term of
39 not more than one year, or by both such fine and imprisonment. If the
40 conviction is for a subsequent offense committed after a first
41 conviction of such person under this subdivision, punishment shall be by
42 a fine not to exceed [~~ten~~] fifteen thousand dollars for each day during
43 which such violation continues or by imprisonment for a term of not more
44 than one year, or by both such fine and imprisonment. When a violation
45 consists of the manufacture or production of any prohibited article,
46 each day during which or any part of which such manufacture or
47 production is carried on or continued, shall be deemed a separate
48 violation. Any person who violates any provision of article 33 of this
49 chapter or any rule or regulation thereunder or commits any offense
50 described in section 33-1301 of this chapter relating to the use of a
51 general use pesticide shall be guilty of a violation and, upon
52 conviction thereof, shall be punished by a fine not to exceed [~~twenty-~~
53 ~~five hundred~~] three thousand seven hundred fifty dollars. If the
54 conviction is for a subsequent offense committed after the first such
55 conviction of such person under this subdivision, punishment shall be by
56 a fine not to exceed [~~five~~] seven thousand five hundred dollars. Prose-

1 cution hereunder may be conducted by either the attorney general or the
2 district attorney consistent with section 71-0403 of this article. With
3 respect to violations of section 33-1004 of this chapter, penalties
4 imposed pursuant to this subdivision may be assessed only against a
5 person providing a commercial lawn application.

6 § 56. Section 71-3103 of the environmental conservation law is amended
7 to read as follows:

8 § 71-3103. Enforcement of article 35.

9 Any person who violates any of the provisions of, or who fails to
10 perform any duties imposed by article 35 or any regulation promulgated
11 by the commissioner thereunder, shall be liable to a civil penalty of
12 not more than [~~twenty-five hundred~~] three thousand seven hundred fifty
13 dollars for each such violation and an additional penalty of not more
14 than [~~five~~] seven hundred fifty dollars for each day during which such
15 violation continues, and, in addition thereto, such person may be
16 enjoined from continuing such violation. Penalties and injunctive relief
17 provided herein shall be recoverable in an action brought by the Attor-
18 ney General at the request and in the name of the commissioner.

19 § 57. Subdivision 1 of section 71-3303 of the environmental conserva-
20 tion law, as added by chapter 617 of the laws of 1987, is amended to
21 read as follows:

22 1. Any person who violates any provision of, or fails to perform any
23 duty imposed by article forty-three of this chapter or any rule or regu-
24 lation promulgated pursuant thereto, or any term or condition of any
25 certificate or permit issued pursuant thereto, or any final determi-
26 nation or order of the Lake George park commission made pursuant to
27 article forty-three of this chapter shall be liable for a civil penalty
28 not to exceed [~~five~~] seven hundred fifty dollars for each such violation
29 and an additional penalty of [~~five~~] seven hundred fifty dollars for each
30 day during which such violation continues, to be assessed by the Lake
31 George park commission after an opportunity to be heard, or by the court
32 in any action or proceeding initiated by the attorney general in the
33 name of the Lake George park commission. In addition thereto, such
34 person may, by similar process, be enjoined from continuing such
35 violation, and any permit or certificate issued to such person may be
36 revoked or suspended, or a pending renewal application denied based upon
37 such violation.

38 § 58. Section 71-3307 of the environmental conservation law, as added
39 by chapter 617 of the laws of 1987, is amended to read as follows:

40 § 71-3307. Criminal sanctions.

41 Any person who, having any of the culpable mental states defined in
42 section 15.05 of the penal law, shall violate any of the provisions of
43 or who fails to perform any duty imposed by article forty-three of this
44 chapter or any rules or regulations promulgated thereto, or any final
45 determination or order of the Lake George park commission shall be guil-
46 ty of a violation, and, upon conviction thereof, shall be punished by a
47 fine not to exceed [~~five~~] seven hundred fifty dollars for each violation
48 and [~~five~~] seven hundred fifty dollars for each day such violation shall
49 continue.

50 § 59. Section 71-3501 of the environmental conservation law is amended
51 to read as follows:

52 § 71-3501. Putting noisome or unwholesome substances or maintaining
53 noisome business on or near highway.

54 A person, who deposits, leaves or keeps, on or near a highway or route
55 of public travel, either on the land or on the water, any noisome or
56 unwholesome substance, or establishes, maintains or carries on, upon or

1 near a public highway or route of public travel, either on the land or
2 on the water, any business, trade or manufacture which is noisome or
3 detrimental to public health, is guilty of a misdemeanor, punishable by
4 a fine of not less than one hundred fifty dollars, or by imprisonment
5 not less than three nor more than six months, or both.

6 § 60. Section 71-3703 of the environmental conservation law, as
7 amended by chapter 259 of the laws of 2011, subdivision 4 as amended by
8 chapter 44 of the laws of 2020, subdivision 5 as added by chapter 829 of
9 the laws of 2021, and subdivision 6 as added by chapter 111 of the laws
10 of 2023, is amended to read as follows:

11 § 71-3703. Enforcement of article 37.

12 1. Any person who violates any of the provisions of, or who fails to
13 perform any duty imposed by section 37-0107 or any rule or regulation
14 promulgated pursuant hereto, shall be liable for a civil penalty not to
15 exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
16 dollars for each such violation and an additional penalty of not more
17 than [~~five~~] seven hundred fifty dollars for each day during which such
18 violation continues, and, in addition thereto, such person may be
19 enjoined from continuing such violation.

20 2. Any person who violates any of the provisions of, or who fails to
21 perform any duty imposed by section 37-0505 or any rule or regulation
22 promulgated pursuant hereto, shall be liable for a civil penalty not to
23 exceed one thousand five hundred dollars for each day during which such
24 violation continues, and in addition thereto, such person may be
25 enjoined from continuing such violation. Such person shall for a second
26 violation be liable to the people of the state for a civil penalty not
27 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
28 dollars for each day during which such violation continues.

29 3. Any person who violates any of the provisions of, or who fails to
30 perform any duty imposed by section 37-0705 or any rule or regulation
31 promulgated pursuant hereto, shall be liable for a civil penalty not to
32 exceed one thousand five hundred dollars for each day during which such
33 violation continues, and in addition thereto, such person may be
34 enjoined from continuing such violation. Such person shall for a second
35 violation be liable to the people of the state for a civil penalty not
36 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
37 dollars for each day during which such violation continues.

38 4. Any person who violates any of the provisions of, or who fails to
39 perform any duty imposed by section 37-0117 or any rule or regulation
40 promulgated pursuant hereto, shall be liable for a civil penalty not to
41 exceed one thousand five hundred dollars for each day during which such
42 violation continues, and in addition thereto, such person may be
43 enjoined from continuing such violation. Such person shall for a second
44 violation be liable to the people of the state for a civil penalty not
45 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
46 dollars for each day during which such violation continues.

47 5. Any person who violates any of the provisions of or who fails to
48 perform any duty imposed by sections 37-1003 and 37-1007 of this chapter
49 or any rule or regulation promulgated pursuant hereto, shall be liable
50 for a civil penalty not to exceed one thousand five hundred dollars for
51 each day during which such violation continues, and in addition thereto,
52 such person may be enjoined from continuing such violation. Such person
53 shall for a second violation be liable to the people of the state for a
54 civil penalty not to exceed [~~two thousand five hundred~~] three thousand
55 seven hundred fifty dollars for each day during which such violation
56 continues.

1 6. Any person who violates any of the provisions of, or who fails to
2 perform any duty imposed by section 37-0121 of this chapter or any rule
3 or regulation promulgated pursuant hereto, shall be liable for a civil
4 penalty not to exceed one thousand five hundred dollars for each day
5 during which such violation continues, and in addition thereto, such
6 person may be enjoined from continuing such violation. Such person shall
7 for a second violation be liable to the people of the state for a civil
8 penalty not to exceed [~~two thousand five hundred~~] three thousand seven
9 hundred fifty dollars for each day during which such violation contin-
10 ues.

11 § 61. Section 71-3803 of the environmental conservation law, as added
12 by chapter 713 of the laws of 1975, is amended to read as follows:

13 § 71-3803. Enforcement of article thirty-eight.

14 Any person who violates any of the provisions of, or who fails to
15 perform any duty imposed by article thirty-eight or any regulation
16 promulgated by the commissioner thereunder, shall be liable to a civil
17 penalty of not more than [~~twenty-five hundred~~] three thousand seven
18 hundred fifty dollars for each such violation and an additional penalty
19 of not more than [~~five~~] seven hundred fifty dollars for each day during
20 which such violation continues, and, in addition thereto, such person
21 may be enjoined from continuing such violation. Penalties and injunctive
22 relief provided herein shall be recoverable in an action brought by the
23 attorney general acting alone or at the request of the commissioner.

24 § 62. Section 71-3903 of the environmental conservation law, as added
25 by chapter 732 of the laws of 1980, is amended to read as follows:

26 § 71-3903. Violations; penalties.

27 1. Administrative sanctions. Any person who violates, disobeys or
28 disregards any provision of article thirty-nine shall be liable to the
29 people of the state for a civil penalty of not to exceed [~~three~~] four
30 thousand five hundred dollars for every such violation, to be assessed
31 by the commissioner after a hearing or opportunity to be heard. The
32 penalty may be recovered in an action brought by the commissioner in any
33 court of competent jurisdiction. Such civil penalty may be released or
34 [~~comprised~~] compromised by the commissioner before the matter has been
35 referred to the attorney general; and where such matter has been
36 referred to the attorney general, any such penalty may be released or
37 [~~comprised~~] compromised and any action commenced to recover the same may
38 be settled and discontinued by the attorney general with the consent of
39 the commissioner. In addition, the commissioner shall have power,
40 following a hearing, to direct the violator to cease [~~his~~] their
41 violation of article thirty-nine and, where appropriate, to recall any
42 sewage system cleaners or additives sold or distributed in violation of
43 said article. Any such order of the commissioner shall be enforceable in
44 an action brought by the commissioner in any court of competent juris-
45 diction. Any civil penalty or order issued by the commissioner under
46 this subdivision shall be reviewable in a proceeding under article
47 seventy-eight of the civil practice law and rules commenced within thir-
48 ty days of such penalty or order.

49 2. Criminal sanctions. Any person who knowingly violates any provision
50 of section 39-0105 of this chapter shall, in addition to the sanctions
51 provided in subdivision one of this section, for the first offense, be
52 guilty of a violation punishable by a fine of not less than [~~five~~] seven
53 hundred fifty nor more than one thousand five hundred dollars; for a
54 second and each subsequent offense [~~he~~] such person shall be guilty of a
55 misdemeanor punishable by a fine of not less than one thousand five
56 hundred nor more than [~~three~~] four thousand five hundred dollars or a

1 term of imprisonment of not more than six months or both. In addition to
2 or instead of these sanctions, any offender shall be punishable by being
3 ordered by the court to recall any sewage system cleaners or additives
4 sold or distributed in violation of article thirty-nine. The court shall
5 specify a reasonable time for the completion of the recall. Each offense
6 shall be a separate and distinct offense and, in the case of a continu-
7 ing offense, each day's continuance thereof shall be deemed a separate
8 and distinct offense.

9 § 63. Section 71-3905 of the environmental conservation law, as added
10 by chapter 732 of the laws of 1980, is amended to read as follows:

11 § 71-3905. Enforcement.

12 The attorney general or a district attorney, at the request of the
13 attorney general or the commissioner, may prosecute persons who violate
14 article thirty-nine. In addition the attorney general, on [~~his~~] their
15 own initiative or at the request of the commissioner, shall have the
16 right to recover a civil penalty of not to exceed [~~three~~] four thousand
17 five hundred dollars for every violation of any provision of said arti-
18 cle, and to seek equitable relief to restrain any violation or threat-
19 ened violation of such article and to require the recall of any sewage
20 system cleaners or additives sold or distributed in violation of said
21 article.

22 § 64. Section 71-4001 of the environmental conservation law, as
23 amended by chapter 99 of the laws of 2010, is amended to read as
24 follows:

25 § 71-4001. General criminal penalty.

26 Except as otherwise specifically provided elsewhere in this chapter or
27 in the penal law, (a) a person who violates any provision of this chap-
28 ter, or any rule, regulation or order promulgated pursuant thereto, or
29 the terms or conditions of any permit issued thereunder, shall be guilty
30 of a violation; (b) each day on which such violation occurs shall
31 constitute a separate violation; and (c) for each such violation the
32 person shall be subject upon conviction to imprisonment for not more
33 than fifteen days or to a fine of not more than [~~nine~~] one thousand
34 three hundred fifty dollars, or to both such imprisonment and such fine.

35 § 65. Section 71-4003 of the environmental conservation law, as
36 amended by chapter 99 of the laws of 2010, is amended to read as
37 follows:

38 § 71-4003. General civil penalty.

39 Except as otherwise specifically provided elsewhere in this chapter, a
40 person who violates any provision of this chapter, or any rule, regu-
41 lation or order promulgated pursuant thereto, or the terms or conditions
42 of any permit issued thereunder, shall be liable to a civil penalty of
43 not more than one thousand five hundred dollars, and an additional civil
44 penalty of not more than one thousand five hundred dollars for each day
45 during which each such violation continues. Any civil penalty provided
46 for by this chapter may be assessed following a hearing or opportunity
47 to be heard.

48 § 66. Section 71-4103 of the environmental conservation law, as
49 amended by chapter 608 of the laws of 1993, is amended to read as
50 follows:

51 § 71-4103. Enforcement of article seventy-two.

52 Any person who violates any of the provisions of article seventy-two
53 of this chapter or the regulations promulgated thereunder shall be
54 liable for a civil penalty of up to one thousand five hundred dollars in
55 addition to any amount assessed as a penalty pursuant to subdivision
56 five of section 72-0201 of this chapter, except that any person who

1 fails to pay fees required pursuant to section 72-0303 of this chapter
2 shall be subject to penalty provisions pursuant to subdivision twelve of
3 section 72-0201 of this chapter.

4 § 67. Section 71-4303 of the environmental conservation law, as added
5 by chapter 672 of the laws of 1986, is amended to read as follows:
6 § 71-4303. Violations of article forty of this chapter.

7 1. Civil and administrative sanctions. Any person who violates any of
8 the provisions of, or who fails to perform any duty imposed by, article
9 forty of this chapter or any rule or regulation promulgated thereunder,
10 or any terms or conditions of any certificate or permit issued pursuant
11 thereto, or any final determination or order of the commissioner made
12 pursuant to this title, shall be liable in the case of a civil penalty
13 not to exceed twenty-five thousand dollars and an additional penalty of
14 not more than twenty-five thousand dollars for each day during which
15 such violation continues, to be assessed by the commissioner after an
16 opportunity to be heard pursuant to the provisions of section 71-1709 of
17 this article or by a court in any action or proceeding pursuant to this
18 title, and, in addition thereto such person may by similar process be
19 enjoined from continuing such violation. In addition, upon the provision
20 of notice stating the grounds for its action and giving an opportunity
21 for hearing, the commissioner may revoke, suspend or deny a certificate
22 or a renewal of a certificate issued pursuant to article forty of this
23 chapter. In the case of a second violation, the liability shall be for a
24 civil penalty not to exceed [~~fifty~~] seventy-five thousand dollars for
25 such violation and an additional penalty not to exceed [~~fifty~~] seventy-
26 five thousand dollars for each day during which such violation contin-
27 ues.

28 2. Criminal sanctions. Any person who, having any of the culpable
29 mental states defined in section 15.05 of the penal law, shall violate
30 any of the provisions of or who fails to perform any duty imposed by
31 article forty of this chapter or any rules or regulations promulgated
32 pursuant thereto, or any term or condition of any certificate or permit
33 issued pursuant thereto, or any final determination or order of the
34 commissioner made pursuant to this title shall be guilty of a misdemea-
35 nor and, upon conviction thereof, shall for a first conviction be
36 punished by a fine not to exceed [~~twenty-five~~] thirty-seven thousand
37 five hundred dollars per day of violation or by imprisonment for a term
38 of not more than one year, or by both such fine and imprisonment. If the
39 conviction is for an offense committed after a first conviction of such
40 person under this subdivision, punishment shall be by a fine not to
41 exceed [~~fifty~~] seventy-five thousand dollars per day of violation, or by
42 imprisonment for not more than two years or by both such fine and impri-
43 sonment.

44 § 68. Section 71-4402 of the environmental conservation law, as added
45 by chapter 180 of the laws of 1989, is amended to read as follows:

46 § 71-4402. Violations of title 15 of article 27 of this chapter.

47 1. Civil and administrative sanctions.

48 Any person who violates any of the provisions of, or who fails to
49 perform any duty imposed by title 15 of article 27 of this chapter, or
50 any rule or regulation promulgated pursuant thereto, or any term or
51 condition of any certificate or permit issued pursuant thereto, or any
52 final determination or order of the commissioner made pursuant to this
53 title shall be liable in the case of a first violation, for a civil
54 penalty not to exceed [~~twenty-five~~] thirty-seven thousand five hundred
55 dollars and an additional penalty of not more than [~~twenty-five~~] thir-
56 ty-seven thousand five hundred dollars for each day during which such

1 violation continues, to be assessed by the commissioner after an oppor-
2 tunity to be heard pursuant to the provisions of section 71-1709 of this
3 chapter, or by the court in any action or proceeding pursuant to section
4 71-2727 of this chapter, and, in addition thereto, such persons may by
5 similar process be enjoined from continuing such violation and any
6 permit or certificate issued to such person may be revoked or suspended
7 or a pending renewal application denied. In the case of a second and any
8 further violation, the liability shall be for a civil penalty not to
9 exceed [~~fifty~~] seventy-five thousand dollars for each such violation and
10 an additional penalty not to exceed [~~fifty~~] seventy-five thousand
11 dollars for each day during which such violation continues.

12 2. Criminal sanctions.

13 a. Any person who violates any of the provisions of or who fails to
14 perform any duty imposed by title 15 of article 27 of this chapter or
15 any rules and regulations promulgated pursuant thereto, or any term or
16 condition of any certificate or permit issued pursuant thereto, or any
17 final determination or order of the commissioner made pursuant to this
18 title shall be guilty of a violation and, upon conviction thereof, shall
19 be punished by a fine not to exceed [~~five~~] seven thousand five hundred
20 dollars per day of violation, or by imprisonment for a term of not more
21 than fifteen days, or by both such fine and imprisonment.

22 b. Any person who, intentionally, knowingly, or recklessly shall
23 violate any of the provisions of or who fails to perform any duty
24 imposed by title 15 of article 27 of this chapter or any rules and regu-
25 lations promulgated pursuant thereto, or any term or condition of any
26 certificate or permit issued pursuant thereto, or any final determi-
27 nation or order of the commissioner made pursuant to this title shall be
28 guilty of a class B misdemeanor and, upon conviction thereof, shall for
29 a first conviction be punished by a fine not to exceed [~~fifteen~~] twen-
30 ty-two thousand five hundred dollars per day of violation or by impri-
31 sonment for a term of not more than ninety days, or both such fine and
32 imprisonment. If the conviction is for an offense committed after a
33 first conviction of such person under this paragraph, within the preced-
34 ing five years, such person shall be guilty of a class A misdemeanor and
35 upon conviction, punishment shall be by a fine not to exceed [~~fifty~~]
36 seventy-five thousand five hundred dollars per day of violation, or by
37 imprisonment for not more than one year or by both such fine and impri-
38 sonment.

39 § 69. Subdivision 2 of section 71-4411 of the environmental conserva-
40 tion law, as added by chapter 180 of the laws of 1989, is amended to
41 read as follows:

42 2. Fines. A sentence to pay a fine shall be a sentence to pay any
43 amount fixed by the court, not exceeding the higher of:

44 (a) [~~one hundred fifty~~] two hundred twenty-five thousand dollars for a
45 class D felony;

46 (b) one hundred thousand dollars for a class E felony;

47 (c) [~~fifty~~] seventy-five thousand dollars for a class A misdemeanor;

48 (d) [~~fifteen~~] twenty-two thousand five hundred dollars for a class B
49 misdemeanor; or

50 (e) double the amount of the defendant's gain from the commission of
51 the crime.

52 § 70. This act shall take effect immediately.