STATE OF NEW YORK

9856

IN SENATE

April 8, 2026

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to imposing corporate fines for violations of certain provisions of law

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

Section 1. Section 71-2703 of the environmental conservation law is amended by adding a new subdivision 6 to read as follows:

6. Corporate liability. Notwithstanding any provision of this section to the contrary, when a corporation is convicted of a crime under this section, the sentence of the court shall be imposed in accordance with section 71-2721 of this title.

§ 2. Section 71-2721 of the environmental conservation law, as amended by chapter 671 of the laws of 1986 and subdivision 2 as amended by section 32 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-2721. Enforcement of Article 27 and this title.

1. When a person **other than a corporation** is convicted of a crime under the provisions of this title, the sentence of the court shall be as follows:

(a) A fine, as set forth in subdivision two of this section;

(b) Following a hearing in accordance with the procedures set forth in section 71-2723 of this [~~chapter~~] **title**, payment of the cost of legally disposing of the hazardous waste unlawfully possessed and restoring to its original state the area where substances were released unlawfully in violation of sections 27-0914, 71-2710, 71-2711, 71-2712, 71-2713 and 71-2714 of this chapter;

(c) Any other sentence authorized by law, including imprisonment; or

(d) Any combination of such fine, payment of the cost of disposal and restoration, and any other sentence authorized by law, including imprisonment.

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

(a) Three hundred thousand dollars for a class C felony;

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

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(b) Two hundred twenty-five thousand dollars for a class D felony;
(c) One hundred fifty thousand dollars for a class E felony;
(d) Thirty-seven thousand five hundred dollars for a class A misdemeanor;
(e) Fifteen thousand dollars for a class B misdemeanor; or
(f) Double the amount of the defendant's gain from the commission of the crime.

3. When a corporation is convicted of a crime under the provisions of this title, the sentence of the court shall be as follows:
(a) A fine, as set forth in subdivision four of this section;
(b) Following a hearing in accordance with the procedures set forth in section 71-2723 of this title, payment of the cost of legally disposing of the hazardous waste unlawfully possessed and restoring to its original state the area where substances were released unlawfully in violation of sections 27-0914, 71-2710, 71-2711, 71-2712, 71-2713 and 71-2714 of this chapter;
(c) Any other sentence authorized by law; or
(d) Any combination of such fine, payment of the cost of disposal and restoration, and any other sentence authorized by law.
4. Corporate fines. A sentence to pay a fine shall be a sentence to pay an amount fixed by the court, not exceeding the higher of:
(a) Three million dollars for a class C felony;
(b) Two million five hundred thousand dollars for a class D felony;
(c) One million five hundred thousand dollars for a class E felony;
(d) Three hundred seventy-five thousand dollars for a class A misdemeanor;
(e) One hundred fifty thousand dollars for a class B misdemeanor; or
(f) Three times the amount of the defendant's gain from the commission of the crime.

§ 3. Section 71-2103 of the environmental conservation law, subdivision 1 as amended by chapter 99 of the laws of 2010 and subdivision 4 as added by chapter 621 of the laws of 1998, is amended to read as follows:
§ 71-2103. Violations; civil liability.
1. Except as provided in section 71-2113 **of this title**, any person **other than a corporation** who violates any provision of article nineteen or any code, rule or regulation which was promulgated pursuant thereto; or any order except an order directing such person to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty not less than five hundred dollars nor more than eighteen thousand dollars for said violation and an additional penalty of not to exceed fifteen thousand dollars for each day during which such violation continues. In the case of a second or any further violation, the liability shall be for a penalty not to exceed twenty-six thousand dollars for said violation and an additional penalty not to exceed twenty-two thousand five hundred dollars for each day during which such violation continues. In addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.
2. The penalty provided for in [~~subdivision 1~~] **subdivisions one and five** of this section shall be recoverable in an action brought by the Attorney General.
3. An action or cause of action for the recovery of a penalty under article [~~10~~] **nineteen of this chapter** may be settled or compromised by the Attorney General after proceedings are brought to recover such penalties prior to the entry of judgment therefor.

4. Any fines collected for violations of section 19-0320 of this chapter shall be deposited in the clean air fund, to the credit of the mobile source account, in accordance with the provisions of section ninety-seven-oo of the state finance law.

5. Except as provided in section 71-2113 of this title, any corporation that violates any provision of article nineteen of this chapter or any code, rule or regulation which was promulgated pursuant thereto; or any order except an order directing such corporation to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty not less than five thousand dollars nor more than one hundred eighty thousand dollars for said violation and an additional penalty of not to exceed one hundred fifty thousand dollars for each day during which such violation continues. In the case of a second or any further violation, the liability shall be for a penalty not to exceed two hundred sixty thousand dollars for said violation and an additional penalty not to exceed two hundred twenty-five thousand dollars for each day during which such violation continues. In addition thereto, such corporation may be enjoined from continuing such violation as hereinafter provided.

§ 4. Section 71-2105 of the environmental conservation law, subdivision 1 as amended by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-2105. Criminal liability for violations.

1. Except as provided in section 71-2113 **of this title**, any person **other than a corporation** who shall wilfully violate any of the provisions of article [~~10~~] **nineteen of this chapter** or any code, rule or regulation promulgated pursuant thereto or any final determination or order of the commissioner made pursuant to article [~~10~~] **nineteen of this chapter** shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine, in the case of a first conviction, of not less than five hundred dollars nor more than eighteen thousand dollars or by imprisonment for a term of not more than one year, or by both such fine and imprisonment, for each separate violation. If the conviction is for an offense committed after the first conviction of such person under this subdivision, such person shall be punished by a fine not to exceed twenty-six thousand dollars, or by imprisonment, or by both such fine and imprisonment. Each day on which such violation occurs shall constitute a separate violation.

2. No prosecution under this section shall be instituted until after final disposition of an appeal or review, if any, provided by section 19-0511 **of this chapter**.

3. All prosecutions under this section shall be instituted by the commissioner and shall be conducted by the Attorney General in the name of the people of the state of New York.

4. In the prosecution of any criminal proceeding under this section by the Attorney General and, in any proceeding before a grand jury in connection therewith, the Attorney General shall exercise all the powers and perform all the duties which the District Attorney would otherwise be authorized or required to exercise or perform, and in such a proceeding the District Attorney shall exercise such powers and perform such duties as are requested of [~~him~~] **the District Attorney** by the Attorney General.

5. Except as provided in section 71-2113 of this title, any corporation who shall wilfully violate any of the provisions of article nineteen of this chapter or any code, rule or regulation promulgated pursuant thereto or any final determination or order of the commissioner made

pursuant to article nineteen of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine, in the case of a first conviction, of not less than five thousand dollars nor more than one hundred eighty thousand dollars for each separate violation. If the conviction is for an offense committed after the first conviction of such corporation under this subdivision, such corporation shall be punished by a fine not to exceed two hundred sixty thousand dollars. Each day on which such violation occurs shall constitute a separate violation.

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

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

1. Any person other than a corporation who violates any of the provisions of any regulation promulgated by the commissioner under authority of paragraph y of subdivision one of section 3-0301 of this chapter shall be liable for a civil penalty of not more than twenty-five hundred dollars for each such violation and an additional penalty of not more than five hundred dollars for each day during which such violation continues, and, in addition thereto, such persons may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general at the request and in the name of the commissioner.

2. Any corporation who violates any of the provisions of any regulation promulgated by the commissioner under authority of paragraph y of subdivision one of section 3-0301 of this chapter shall be liable for a civil penalty of not more than twenty-five thousand dollars for each such violation and an additional penalty of not more than five thousand dollars for each day during which such violation continues, and, in addition thereto, such corporations may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general at the request and in the name of the commissioner.

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

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

1. Civil and administrative sanctions. Any person other than a corporation who violates any of the provisions of, or who fails to perform any duty imposed by section 19-0304 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article [~~19~~] nineteen of this chapter concerning a violation of section 19-0304 of this chapter shall be liable in the case of a first violation, for a civil penalty not to exceed thirty-seven thousand five hundred dollars and an additional penalty of not more than thirty-seven thousand five hundred dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2107 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed seventy-five thousand dollars

for each such violation and an additional penalty not to exceed seventy-five thousand dollars for each day during which such violation continues.

2. Criminal sanctions. Any person **other than a corporation** who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by section 19-0304 of this chapter, or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article [~~19~~] **nineteen** of this chapter concerning a violation of section 19-0304 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed thirty-seven thousand five hundred dollars per day of violation or by imprisonment for a term of not more than one year, or both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed seventy-five thousand dollars per day of violation, or by imprisonment for not more than two years or by both such fine and imprisonment.

3. Civil and administrative sanctions for corporations. Any corporation that violates any of the provisions of, or who fails to perform any duty imposed by section 19-0304 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article nineteen of this chapter concerning a violation of section 19-0304 of this chapter shall be liable in the case of a first violation, for a civil penalty not to exceed thirty-seven thousand five hundred dollars and an additional penalty of not more than thirty-seven thousand five hundred dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2107 of this title, and, in addition thereto, such corporation may by similar process be enjoined from continuing such violation and any permit or certificate issued to such corporation may be revoked or suspended or a pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed seventy-five thousand dollars for each such violation and an additional penalty not to exceed seventy-five thousand dollars for each day during which such violation continues.

4. Criminal sanctions for corporations. Any corporation that, acting through its officers, employees, or agents, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or that fails to perform any duty imposed by section 19-0304 of this chapter, or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article nineteen of this chapter concerning a violation of section 19-0304 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed three hundred seventy-five thousand dollars per day of violation. If the conviction is for an offense committed after a first conviction of such corporation under

this subdivision, punishment shall be by a fine not to exceed seven hundred fifty thousand dollars per day of violation.

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

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

1. Any person other than a corporation violating any provision of section 17-1705 of this chapter shall forfeit to the county where the violation occurred the sum of fifty dollars for every such violation.

2. Any corporation violating any provision of section 17-1705 of this chapter shall forfeit to the county where the violation occurred the sum of five hundred dollars for every such violation.

§ 8. Section 71-1907 of the environmental conservation law is amended to read as follows:

§ 71-1907. Enforcement of section 17-1707.

1. Every person other than a corporation violating any provision of section 17-1707 of this chapter shall forfeit to the municipality having a local board of health where the violation occurs the sum of twenty-five dollars for the first day when the violation takes place, and the sum of ten dollars for every subsequent day that such violation is repeated or continued.

2. The board of health of any such municipality shall examine into any alleged offense against section 17-1707 of this chapter and cause the same to be abated, if found to exist.

3. Any corporation violating any provision of section 17-1707 of this chapter shall forfeit to the municipality having a local board of health where the violation occurs the sum of twenty-five hundred dollars for the first day when the violation takes place, and the sum of one thousand dollars for every subsequent day that such violation is repeated or continued.

§ 9. Section 71-1909 of the environmental conservation law, subdivision 2 as amended by section 35 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-1909. Enforcement of section 17-1709.

1. Any board of health named in subdivision [~~1~~] one of section 17-1709 of this chapter shall examine into any alleged offense against section 17-1709 of this chapter within its jurisdiction and cause the same to be abated, by injunction or otherwise, if found to exist.

2. Any person other than a corporation violating any provision of section 17-1709 of this chapter shall be guilty of a misdemeanor, and punishable by a fine of not more than seven hundred fifty dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

3. Any corporation violating any provision of section 17-1709 of this chapter shall be guilty of a misdemeanor, and punishable by a fine of not more than seventy-five hundred dollars.

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

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

1. Any person other than a corporation violating any provision of section 17-1711 of this chapter shall be guilty of an offense, and punishable by a fine of not more than seventy-five dollars.

2. Any corporation violating any provision of section 17-1711 of this chapter shall be guilty of an offense, and punishable by a fine of not more than seven hundred fifty dollars.

§ 11. Section 71-1913 of the environmental conservation law is amended to read as follows:

§ 71-1913. Enforcement of section 17-1713.

1. Any board of health named in subdivision [~~1~~] **one** of section 17-1713 **of this chapter** shall examine into any alleged offense against section 17-1713 **of this chapter** within its jurisdiction and cause the same to be abated, by injunction or otherwise, if found to exist.

2. Any person **other than a corporation** violating any provision of section 17-1713 **of this chapter** shall be guilty of a misdemeanor, and punishable by a fine of not more than five hundred dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

3. Any corporation violating any provision of section 17-1713 of this chapter shall be guilty of a misdemeanor, and punishable by a fine of not more than five thousand dollars.

§ 12. Section 71-1915 of the environmental conservation law is amended to read as follows:

§ 71-1915. Enforcement of section 17-1715.

1. Any person **other than a corporation** violating any provision of section 17-1715 **of this chapter** shall be guilty of a misdemeanor, and punishable by a fine of not more than five hundred dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

2. It shall be the duty of the board of health of any municipality where any violation of section 17-1715 **of this chapter** shall occur to cause the same to be abated; provided that any person aggrieved by any such fall, flow or discharge may also cause such abatement, by injunction or other appropriate action or proceeding.

3. Any corporation violating any provision of section 17-1715 of this chapter shall be guilty of a misdemeanor, and punishable by a fine of not more than five thousand dollars.

§ 13. Section 71-1921 of the environmental conservation law is amended to read as follows:

§ 71-1921. Enforcement of section 17-1729.

1. Any person **other than a corporation** putting in or constructing or maintaining a conduit, discharge pipe or other means of discharging or casting any refuse or waste matter in violation of section 17-1729 **of this chapter** shall forfeit to the people of the state five dollars a day for each day the same is used or maintained for such purpose, to be collected in an action brought by the commissioner.

2. The commissioner may maintain an action in the name of the people to restrain a violation of section 17-1729 **of this chapter**.

3. Any corporation putting in or constructing or maintaining a conduit, discharge pipe or other means of discharging or casting any refuse or waste matter in violation of section 17-1729 of this chapter shall forfeit to the people of the state fifty dollars a day for each day the same is used or maintained for such purpose, to be collected in an action brought by the commissioner.

§ 14. Subdivision 1 of section 71-1929 of the environmental conservation law, as amended by section 37 of part C of chapter 62 of the laws of 2003, is amended and a new subdivision 5 is added to read as follows:

1. A person **other than a corporation** who violates any of the provisions of, or who fails to perform any duty imposed by titles [~~1~~] **one** through [~~11~~] **eleven** inclusive and title [~~19~~] **nineteen** of article [~~17~~] **seventeen of this chapter**, or the rules, regulations, orders or determinations of the commissioner promulgated thereto or the terms of

any permit issued thereunder, shall be liable to a penalty of not to exceed thirty-seven thousand five hundred dollars per day for each violation, and, in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided. Violation of a permit condition shall constitute grounds for revocation of such permit, which revocation may be accomplished either as provided in paragraph f of subdivision [~~4~~] four of section 17-0303 of this chapter or by order of judgment of the supreme court as an alternate or additional civil penalty in an action brought pursuant to subdivision [~~3~~] three of this section.

5. A corporation that violates any of the provisions of, or who fails to perform any duty imposed by titles one through eleven inclusive and title nineteen of article seventeen of this chapter, or the rules, regulations, orders or determinations of the commissioner promulgated thereto or the terms of any permit issued thereunder, shall be liable to a penalty of not to exceed three hundred seventy-five thousand dollars per day for each violation, and, in addition thereto, such corporation may be enjoined from continuing such violation as hereinafter provided. Violation of a permit condition shall constitute grounds for revocation of such permit, which revocation may be accomplished either as provided in paragraph f of subdivision four of section 17-0303 of this chapter or by order of judgment of the supreme court as an alternate or additional civil penalty in an action brought pursuant to subdivision three of this section.

§ 15. Section 71-1941 of the environmental conservation law, as added by chapter 400 of the laws of 1973, subdivision 1 as amended by section 40 of part C of chapter 62 of the laws of 2003, and subdivision 2 as amended by chapter 613 of the laws of 1983, is amended to read as follows:

§ 71-1941. Penalties and liability for spills of bulk liquids.

1. Except where the owner of or a person other than a corporation in actual or constructive possession or control of more than one thousand one hundred gallons, in bulk, of any liquid including petroleum which, if released, would or would be likely to pollute the lands or waters of the state including the groundwaters thereof can prove that the entry or presence of any part of such liquid onto such lands or into or in such waters causing or contributing to a condition therein in contravention of the standards adopted or deemed adopted by the water pollution control board or any of its legal successors was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States or New York State Government or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or person shall be liable for a penalty of not more than three thousand seven hundred fifty dollars for an initial incident resulting in or contributing to such a contravention and for an additional penalty not to exceed seven hundred fifty dollars for each day during which such contravention or contribution thereto continues, and in addition shall be liable to the people of the state of New York for the actual costs incurred by or on behalf of the people of the state for the removal or neutralization of such liquid and for any and all reasonable measures taken or attempted to reduce, limit or diminish the extent or effect of such contravention.

2. Such penalty or reimbursement or both due the people of the state by reason of the liability provided in subdivision one of this section may be assessed by the commissioner by order after a hearing or hearings

noticed and conducted and reviewable as provided in title nine of article seventeen **of this chapter**, or opportunity to be heard, or be recovered in an action or actions brought by the attorney general.

3. In assessing the amount of any such penalty the commissioner or court shall consider:

a. The type, extent and amount of damage which resulted from such incident.

b. The degree of care taken by or on behalf of the party charged to prevent the occurrence of the incident.

c. The efforts made by or on behalf of the party charged to reduce or mitigate the damage which resulted from the incident.

4. Except where a corporation that is an owner of or in actual or constructive possession or control of more than one thousand one hundred gallons, in bulk, of any liquid including petroleum which, if released, would or would be likely to pollute the lands or waters of the state including the groundwaters thereof can prove that the entry or presence of any part of such liquid onto such lands or into or in such waters causing or contributing to a condition therein in contravention of the standards adopted or deemed adopted by the water pollution control board or any of its legal successors was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States or New York State Government or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such corporation shall be liable for a penalty of not more than thirty-seven thousand five hundred dollars for an initial incident resulting in or contributing to such a contravention and for an additional penalty not to exceed seventy-five hundred dollars for each day during which such contravention or contribution thereto continues, and in addition shall be liable to the people of the state of New York for the actual costs incurred by or on behalf of the people of the state for the removal or neutralization of such liquid and for any and all reasonable measures taken or attempted to reduce, limit or diminish the extent or effect of such contravention.

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

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

1. Any person **other than a corporation** who fails to so notify the department of such release, discharge or spill into the waters of the state as described in section 17-1743 of this chapter shall, upon conviction, be fined not more than three thousand seven hundred fifty dollars or imprisoned for not more than one year, or both.

2. Any corporation that fails to so notify the department of such release, discharge or spill into the waters of the state as described in section 17-1743 of this chapter shall, upon conviction, be fined not more than thirty-seven thousand five hundred dollars.

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

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

1. Except as otherwise provided in this section, any person **other than a corporation** who violates any provision of title [~~21~~] **twenty-one** of article [~~17~~] **seventeen** of this chapter or any rule, regulation or order issued thereunder shall be liable to the people of the state for a civil penalty not to exceed five hundred dollars for a first violation, and

not to exceed one thousand dollars for each subsequent violation, to be assessed by the commissioner after a hearing or opportunity to be heard.

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

3. Except as otherwise provided in this section, any corporation that violates any provision of title twenty-one of article seventeen of this chapter or any rule, regulation or order issued thereunder shall be liable to the people of the state for a civil penalty not to exceed five thousand dollars for a first violation, and not to exceed ten thousand dollars for each subsequent violation, to be assessed by the commissioner after a hearing or opportunity to be heard.

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

§ 71-4003. General civil penalty.

1. Except as otherwise specifically provided elsewhere in this chapter, a person other than a corporation who violates any provision of this chapter, or any rule, regulation or order promulgated pursuant thereto, or the terms or conditions of any permit issued thereunder, shall be liable to a civil penalty of not more than one thousand dollars, and an additional civil penalty of not more than one thousand dollars for each day during which each such violation continues. Any civil penalty provided for by this chapter may be assessed following a hearing or opportunity to be heard.

2. Except as otherwise specifically provided elsewhere in this chapter, a corporation who violates any provision of this chapter, or any rule, regulation or order promulgated pursuant thereto, or the terms or conditions of any permit issued thereunder, shall be liable to a civil penalty of not more than ten thousand dollars, and an additional civil penalty of not more than ten thousand dollars for each day during which each such violation continues. Any civil penalty provided for by this chapter may be assessed following a hearing or opportunity to be heard.

§ 19. This act shall take effect on the ninetieth day after it shall have become a law.