§ 23-1715. Inspection to insure compliance; allocation of enforcement costs; revocation; civil and criminal penalties.

1. The department shall have continuing responsibility of inspection to insure compliance with the terms of an environmental safety permit issued under section 23-1707, of route certification under section 23-1713, and with regard to non-conforming facilities under section 23-1719, all in accordance with the terms of this title. It may do so either with its own personnel exclusively, or by contract with one or more of the affected municipalities, utilizing municipal inspection personnel, or with one or more private firms qualified to monitor compliance and certify with respect thereto, or by a combination of the foregoing means as it may by regulation provide.

2. The expense of enforcement of this act, including necessary training and qualification of municipal fire department personnel under section 23-1717, shall be allocated by the department and assessed upon an appropriate basis against the utilities and others subject to the terms of this title, in order that the administration hereof shall be at no net expense to the state or any affected municipality, but rather charged on an allocated basis to the regulated corporations and individuals subject to the requirements of this title, to be included as part of the expense related to the furnishing of this form of energy, and properly to be borne by the users thereof.

3. After notice and upon hearing if requested, the department shall determine the reasonable cost to the department of its enforcement responsibilities under this title, including direct costs, contractual obligations under subdivision one of this section and under section 23-1717, and allocated departmental overhead; and, further, shall assess said total cost, on an annual basis, against the utilities and others subject to this title, allocated on the basis of direct costs related to each of the foregoing, including contractual obligations incurred in enforcement and training, and allocated departmental overhead charged on the basis of departmental action required during the year with regard to the particular utilities and others subject to its administration and enforcement responsibilities.

4. In the event of the failure of the holder of an environmental safety permit issued under section 23-1707, of route certification under section 23-1713, or of a non-conforming facility under section 23-1719 to comply with the terms thereof or the provisions of the rules and regulations adopted under article 70 of this chapter, the department may revoke said permit or certificate pursuant to the provisions of article 70 of this chapter and impose upon the holder of such permit or certificate a civil penalty of up to one thousand dollars for each day the holder thereof has failed to comply with this title or a permit or certificate issued hereunder, together with the allocated costs of the revocation and enforcement proceeding itself.

5. In addition to any civil penalty assessed by the department pursuant to subdivision four of this section, any person who knowingly violates any provision of this title, any permit or certificate granted under this title, or any order, rule, or regulation issued pursuant to this title, except where such violation is unintentional and technical, shall be guilty of a class A misdemeanor.