§ 71-1127. Violations; civil liability.

1. Any person who violates any of the provisions of, or who fails to perform any duty imposed by article 15 except section 15-1713, or who violates or who fails to comply with any rule, regulation, determination or order of the department heretofore or hereafter promulgated pursuant to article 15 except section 15-1713, or any condition of a permit issued pursuant to article 15 of this chapter, or any determination or order of the former water resources commission or the department heretofore promulgated pursuant to former article 5 of the Conservation Law, shall be liable for a civil penalty of not more than two thousand five hundred dollars for such violation and an additional civil penalty of not more than five hundred dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation as otherwise provided in article 15 except section 15-1713.

2. The penalties provided by subdivision 1 of this section shall be recoverable in an action instituted in the name of the department by the Attorney General upon the request of the department.

3. An action or cause of action for the recovery of a penalty under article 15 or sections 71-1103 through 71-1129 inclusive may be settled or compromised in an amount to be approved by the department either before or after proceedings are brought to recover such penalties and prior to the entry for judgment therefor.