§ 71-2724. Enforcement of title 21 of article 27.

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

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

3. Penalties under this section shall be assessed by the commissioner after a hearing or opportunity to be heard pursuant to the provisions of section 71-1709 of this article, and, in addition thereto, any person found to have violated title twenty-one of article twenty-seven of this chapter may by similar process be enjoined from continuing such violation.

4. All civil penalties and fines collected for any violation of title twenty-one of article twenty-seven of this chapter shall be paid over to the commissioner for deposit in the environmental protection fund established by section ninety-two-s of the state finance law.