§ 71-2728. Enforcement of title 27 of article 27 of this chapter.

1. Any person who knowingly or intentionally violates any provision of or fails to perform any duty imposed pursuant to title 27 of article 27 of this chapter shall upon the first finding of such a violation be provided with a warning 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 one hundred dollars. Any person convicted of a third or subsequent violation shall be liable for a civil penalty not to exceed five hundred dollars.

2. 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 27 of article 27 of this chapter may by similar process be enjoined from continuing such violation.

3. All civil penalties and fines collected for any violation of title 27 of article 27 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.