

EACH DAY ON WHICH A VIOLATION OCCURS CONSTITUTES A SEPARATE OFFENSE UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from NR § 8-1413.2(p) -- except the second sentence.

7-266. CIVIL PENALTIES.

(A) CIVIL ACTION.

IN ADDITION TO BEING SUBJECT TO AN INJUNCTIVE ACTION UNDER THIS SUBTITLE, A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE, REGULATION, ORDER, HAULER CERTIFICATE, VEHICLE CERTIFICATE, OR FACILITY PERMIT ADOPTED OR ISSUED UNDER THIS SUBTITLE IS LIABLE TO A CIVIL PENALTY NOT EXCEEDING \$10,000, TO BE COLLECTED IN A CIVIL ACTION.

(B) ADMINISTRATIVE ACTION.

(1) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY AND AFTER A HEARING AT WHICH A VIOLATION IS FOUND TO EXIST, THE DEPARTMENT MAY IMPOSE A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS SUBTITLE OR ANY RULE, REGULATION, ORDER, HAULER CERTIFICATE, VEHICLE CERTIFICATE, OR FACILITY PERMIT ADOPTED OR ISSUED UNDER THIS SUBTITLE.

(2) THE PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE:

(I) UP TO \$500 FOR EACH DAY OF VIOLATION, BUT NOT EXCEEDING \$10,000 TOTAL; AND

(II) ASSESSED WITH CONSIDERATION GIVEN TO:

1. THE WILLFULNESS OF THE VIOLATION;
2. THE DAMAGE TO, INJURY TO, AND IMPAIRMENT OF THE USE OF THE WATERS OF THIS STATE;
3. THE COST OF CLEAN UP;
4. THE NATURE AND DEGREE OF INJURY TO OR INTERFERENCE WITH GENERAL WELFARE, HEALTH, AND PROPERTY;
5. THE SUITABILITY OF THE WASTE SOURCE TO ITS GEOGRAPHIC LOCATION, INCLUDING PRIORITY OF LOCATION;
6. THE AVAILABLE TECHNOLOGY AND ECONOMIC REASONABLENESS OF CONTROLLING, REDUCING, OR ELIMINATING THE WASTE; AND