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in --- 2009 New Hampshire Codes

Search

Justia > US Law > US Codes and Statutes > New Hampshire Statutes > 2009 New Hampshire Statutes > TITLE X — PUBLIC HEALTH (Includes Chapters 125 - 149-O) > CHAPTER 149-M — SOLID WASTE MANAGEMENT > Section 149-M:38 Enforcement.

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2009 New Hampshire Statutes TITLE X — PUBLIC HEALTH (Includes Chapters 125 - 149-O) CHAPTER 149-M — SOLID WASTE MANAGEMENT Section 149-M:38 Enforcement.

I. The commissioner may issue an order to any person in violation of this subdivision, any rule adopted under this subdivision or any condition in any exemption granted under this subdivision to comply with the subdivision, the rule or condition, and may require such remedial measures as may be necessary.

II. The commissioner may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction, or both, to enforce any provision of this subdivision, any rule adopted under this subdivision, any condition in any exemption granted under this subdivision, or any order issued pursuant to this subdivision.

III. Any person who knowingly violates any provision of this subdivision, any rule adopted under this subdivision, any condition in any exemption granted under this subdivision, or any order issued pursuant to this subdivision or who makes or certifies a material false statement relative to any certificate of compliance required by this subdivision shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person. Each day of a continuing violation shall constitute a separate violation.

IV. Notwithstanding RSA 651:2, a natural person may, in addition to any sentence of imprisonment, probation or conditional discharge, be fined not more than \$25,000 if found guilty of any violation pursuant to paragraph III.

V. Any person who violates any provision of this subdivision, any rule adopted under this subdivision, any condition in any exemption granted under this subdivision, or any order issued pursuant to this subdivision or who makes or certifies a material false statement relative to any certificate of compliance required by this subdivision shall be subject to a civil forfeiture not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

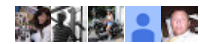
VI. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each violation upon any person who violates any provision of this subdivision, any rule adopted under this subdivision, any condition in any exemption granted under this subdivision, or any order issued pursuant to this subdivision or who makes or certifies a material false statement relative to any certificate of compliance required by this subdivision. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of other penalties under this chapter.

Source. 1996, 251:2, eff. Aug. 9, 1996.

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