

ARTICLE 1
SECTION 7

COMPLIANCE
ACTIONS TO ENFORCE
PENALTIES FOR NON-COMPLIANCE

SECTION 7. COMPLIANCE – ACTIONS TO ENFORCE – PENALTIES FOR NON-COMPLIANCE.

Formatted

- (A) The County Attorney or Attorney General may institute enforcement proceedings pursuant to Neb. Rev. Stat., §81-1504 (23), Neb. Rev. Stat. §81-1508 (4), or Nebr. Rev. Stat. §81-1528 (2) against any person who fails to comply with the requirements of the ~~Air Pollution Regulations and Standards~~ LLCAPCPRS. Nothing in ~~air pollution control program~~ the LLCAPCPRS shall preclude the control of air pollution by resolution, ordinance, ~~or~~ rule, regulation, or standard not in actual conflict with the state air pollution control regulations. (Ref: Neb. Rev. Stat. §71-1631(15).)
- (B) Any person who fails to comply with the requirements of the ~~Air Pollution Regulations and Standards~~ LLCAPCPRS or who fails to perform any duty imposed by the ~~Air Pollution Regulations and Standards~~ LLCAPCPRS shall be subject to a civil penalty of not more than \$10,000 per day per violation.
- (C) Any person who knowingly and willfully fails to comply with the requirements of the ~~Air Pollution Regulations and Standards~~ LLCAPCPRS or who knowingly and willfully fails to perform any duty imposed by the ~~Air Pollution Regulations and Standards~~ LLCAPCPRS shall be subject to felony prosecution under Neb. Rev. Stat. §81-1508 (f) including a fine of not more than \$10,000 per day per violation and up to a maximum six ~~(6)~~ month term of imprisonment.
- (D) Enforcement proceedings may include injunctive relief in court to restrain any violation that creates an imminent and substantial endangerment to the public health or to the environment.