

April 2018

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Recommended Citation

DeCicco, John and Bonanno, Edward (2018) "A Comparative Analysis of the Criminal Environmental Laws of the Fifty States: The Need for Statutory Uniformity as a Catalyst for Effective Enforcement of Existing and Proposed Laws," *Florida State University Journal of Land Use and Environmental Law*: Vol. 5 : No. 1 , Article 1.

Available at: <https://ir.law.fsu.edu/jluel/vol5/iss1/1>

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Cover Page Footnote

The authors also wish to express their appreciation to Douglas Charipper and Cynthia Jones, both students at Seton Hall Law School, who devoted substantial dedication and talent in researching the criminal environmental laws of the fifty states.

A COMPARATIVE ANALYSIS OF THE CRIMINAL ENVIRONMENTAL LAWS OF THE FIFTY STATES: THE NEED FOR STATUTORY UNIFORMITY AS A CATALYST FOR EFFECTIVE ENFORCEMENT OF EXISTING AND PROPOSED LAWS

JOHN DEICICCO* AND EDWARD BONANNO**

I. INTRODUCTION

Pollution of the ground, water, and air continues to present a major threat to human health and to the ecological balance of this planet. The environmental degradation presently occurring not only threatens existing forms of life, but also imperils the future existence of all forms of life. Aware of this monumental problem, some states, as well as the federal government, have begun to devote considerable resources to pollution deterrence and abatement. Over the past ten years, the regulatory and criminal justice arms of many responsible environmental agencies have become larger and more adequately funded. More importantly, these entities now have the ability and the talent to handle civil and criminal environmental cases of all complexities. Experience has been the key.

As a result of this increased funding and experience, both civil regulators and law enforcement officials have made impressive gains in

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combating environmental pollution. Unfortunately, in response, those who systematically pollute the environment have refined their modes of operation, so as to avoid detection and punishment. Thus, pollution of our surroundings continues through the employment of highly sophisticated, diversified, and widespread illicit activities, engaged in by those who create waste or who are charged with its proper disposal.

The profile of the environmental criminal has evolved from the so-called "midnight dumper" to the contemporary polluter, who may be engaged in an otherwise honest commercial enterprise, but who relies to a greater or lesser extent on the illegal disposal of chemical wastes as a major source of financial savings or income. That the majority of existing commercial entities works hard to comply with evolving environmental laws and regulations must be emphasized. Unfortunately, a substantial minority of enterprises flouts existing laws and cavalierly disregards the drastic environmental consequences of their illicit conduct. Ironically, these offenders, who in most instances provide legitimate products or services, are utilizing sophisticated techniques to discretely poison our environment for their own selfish purposes.

Despite the good faith and intensive efforts of those charged with regulating and prosecuting individuals and corporations engaged in waste generation, disposal, or both, a crucial need exists for an integrated system of criminal law enforcement. While the need for a uniform law enforcement effort between the states and the federal government is clear, implementation of this goal is far from easy. Three inherent systemic problems must be overcome before one can be confident that environmental pollution not only is being fully prosecuted, but also is being truly abated. These inherent flaws include the following: (1) the multitude of civil and criminal enforcement agencies having jurisdiction over the same subject matter, but failing to interact properly; (2) the disparity between the extent and quality of *actual* enforcement of existing environmental criminal laws within and among the states; and (3) the absence of substantive uniformity among the fifty states' criminal environmental statutes.

This third deficiency is the primary subject matter of this article.¹ Before the lack of uniformity among the states' statutes is addressed, however, a brief discussion regarding the lack of coordination among

1. Appended to this article is a synopsis of the criminal environmental laws of the fifty states. This appendix includes all of the criminal provisions dealing with hazardous and toxic wastes, and water and air pollution. Penalties and citations are included with the descriptions. As one can see from the appendix, the laws vary greatly among the states, thereby precluding a systematic approach to enforcement.

these jurisdictions, as well as the uneven enforcement of their existing laws, is warranted. These deficiencies will highlight this article's ultimate premise: the need for uniform statutory and regulatory programs as a necessary foundation for a comprehensive national enforcement policy.

A. *Lack of Coordination*

One of the greatest impediments to continued and increased success by law enforcement personnel may be the plethora of autonomous, and sometimes competing, entities charged with the criminal and civil enforcement of the same problem. Not only are state and local agencies involved, but federal and international organizations play a significant role as well. Citizen environmental groups and the general populace also have earned a voice in deciding how to enforce existing laws more effectively and implement new initiatives. Too many "cooks in the kitchen," combined with the absence of *consistent enforcement* of the states' "grab-bag" of environmental criminal laws, create a most difficult scenario. With so many competing interests, why coordination does not occur spontaneously is easy to understand.

B. *Uneven Enforcement of Existing Laws*

Uniform enforcement of the environmental criminal laws has yet to occur among the individual states. Again, the total lack of legislative symmetry is a primary problem. With the advent of the federal Resource Conservation and Recovery Act of 1976 ("RCRA"),² Congress created minimum requirements pertaining to criminal violations for treatment and disposal of hazardous substances. Those states which desire to implement their own regulatory programs are required to adopt these minimum requirements. This initiative first fostered the concept that the individual states should not go their separate ways in dealing with this significant social problem. Of course, Congress did not preclude the states from adopting even more stringent or inclusive enforcement programs.³

Unfortunately, the states have yet to develop a uniform approach to criminal prosecutions for the disposal of hazardous waste or pollutants. Indeed, some states have virtually *no* experience in criminally prosecuting polluters. Other states have developed extensive pro-

2. Solid Waste Disposal Act (Resource Conservation and Recovery Act of 1976), Pub. L. No. 94-580, §§ 1001-8007, 90 Stat. 2795 (codified as amended at 42 U.S.C. §§ 6901-6991 (1982 and Supp. IV 1986)) [hereinafter RCRA].

3. RCRA § 3006(b), 42 U.S.C. § 6926(b) (1982 & Supp. IV 1986).

grams, resulting in successful and vigorous pursuit of environmental criminals. A third group of states has "experimented" with criminal enforcement, although primary reliance is on the civil regulator to "encourage" compliance with environmental strictures.

The federal government cannot be blamed for this unwholesome situation, since the states primarily are responsible. To say otherwise would mean that crimes of local interest, such as murder, robbery, and sexual abuse, should be handled exclusively by the central government. Such an "excuse" can be viewed only as an abrogation of the local governments' responsibilities to their citizens.

While a meaningful study of all fifty states' criminal enforcement statistics has yet to be accomplished,⁴ the frequency and consequences of such enforcement differs markedly from state to state, more than in any other area of the criminal sphere.⁵ Equally noticeable is the lack of similarity among the statutory tools available to the states to prosecute hazardous or toxic waste offenses. Moreover, water pollution and air pollution statutes, or their enforcement, may be virtually nonexistent or merely symbolic in the criminal laws of some states.⁶

Consistent national enforcement of the environmental criminal laws can occur only when the laws themselves are uniform. The absence of statutory uniformity necessarily fosters an unintegrated and uncoordinated national enforcement policy. For example, in one state an individual could be sentenced to twenty years incarceration for illegally

4. Recently, a study was conducted concerning the enforcement efforts of four states between 1977 and 1984. These states were Maine, Maryland, New Jersey, and Pennsylvania. However, each of these states already had established hazardous waste criminal enforcement programs, which were "pioneers" in the field. See Rebovich, *Policing Hazardous Waste Crime: The Importance of Regulatory/Law Enforcement Strategies and Cooperation in Offender Identification and Prosecution*, 9 CRIM. JUST. Q. 173 (1987). These states are also members of the Northeast Hazardous Waste Project, which has as its primary mission the sharing of information and the training of enforcement personnel. The fourteen member-states have made excellent attempts to foster a unified approach to civil and criminal enforcement. Nevertheless, even these member-states have distinct criminal environmental laws and criminal enforcement programs. See *id.* at 174.

5. For example, murder, robbery, and rape criminal statutes of each of the fifty states now are enforced by virtually *all* states in cases where individuals are detected for committing such offenses. Such is not the case with violations of the criminal environmental laws. While some states do not prosecute those who illegally dispose of hazardous waste, other states not only prosecute vigorously such offenses, but also enforce criminally less serious forms of pollution. Even the federal government's response may be disparate, depending upon which Environmental Protection Agency region is involved.

As important, murder, robbery, and rape statutes of each of the fifty states do not vary to any significant degree. With the exception of capital punishment, violations of these statutes cause the offender to be treated virtually the same in any state where the crime occurred. It should follow that with enforcement levels and consequences high enough commercial polluters will not find much advantage in continuing their practices.

6. See appendix.

disposing of hazardous waste.⁷ In another state, the same offender could be sentenced only to a maximum penalty of six months incarceration for the identical act.⁸ Such a disparity cannot lead to an even-handed and coordinated approach toward preventing environmental pollution.

Understandably, the state which penalizes the least also will be the state which criminally enforces the least. This result leads not only to inequities between similarly-situated offenders, but also creates the potential for perpetuating pollution of the environment by virtue of the "displacement" of the crime. Until all of the states develop a uniform scheme for criminal enforcement, the potential for perpetuating pollution will remain.

The following sections of this article will examine the diverse governmental responses to the various forms of potential or actual pollution by comparing the criminal proscriptions and sanctions adopted by the fifty states. After a brief discussion in Section II of the effectiveness of criminal enforcement as opposed to civil remedies, the article in Subpart A of Section III will focus on state hazardous waste criminal provisions and their relationship to RCRA.⁹ Subpart B of Section III will focus on state criminal provisions for water pollution and their relationship to the federal Clean Water Act.¹⁰ Subpart C of Section III will describe the existing criminal provisions for air pollution and their relationship to the federal Clean Air Act.¹¹ Each subject must begin with the applicable federal criminal laws because, as in the areas of hazardous waste and water pollution, the federal laws impose minimum standards on those states desiring to operate their own criminal programs.¹² Although, as will be discussed, no guarantee of actual enforcement exists.

7. See PA. CONS. STAT. ANN. tit. 35, § 6018.606(g) (Purdon Supp. 1988) (imposing imprisonment between two and twenty years or a fine between \$10,000 and \$500,000 per day of violation, or both).

8. See MONT. CODE ANN. § 75-10-418(1) (1987) (imposing imprisonment up to six months or a fine up to \$10,000 per violation, or both).

9. RCRA §§ 1001-8007, 42 U.S.C. §§ 6901-6991 (1982 & Supp. IV 1986).

10. Federal Water Pollution Control (Clean Water) Act Amendments of 1972, Pub. L. No. 92-500, §§ 101-518, 86 Stat. 816 (codified as amended at 33 U.S.C.A. §§ 1251-1387 (West 1986 & Supp. 1988)) [hereinafter Clean Water Act].

11. Clean Air Amendments of 1970, Pub. L. No. 91-604, §§ 101-403, 84 Stat. 1676 (codified as amended at 42 U.S.C. §§ 7401-7642 (1982 & Supp. IV 1986)) [hereinafter 1970 Clean Air Act].

12. See RCRA § 3006, 42 U.S.C. § 6926 (1982 & Supp. IV 1986); Clean Water Act § 402(b), 33 U.S.C.A. § 1342(b) (West 1986 & Supp. 1988). The Clean Air Act does not require the states to enact minimum criminal provisions to receive Environmental Protection Agency approval for their implementation plans. The enforcement program only needs to be civil in nature. 1970 Clean Air Act § 113, 42 U.S.C. § 7413 (1982).

II. THE RECENT EMERGENCE OF CRIMINAL SANCTIONS AS A DETERRENT AND PUNISHMENT FOR POLLUTION

The increased public attention that surrounds the illegal disposal of pollutants has focused on the dangers to human health and the environment.¹³ Correspondingly, regional efforts have emerged for the use of criminal sanctions, as opposed to mere regulatory actions, to punish and deter the environmental polluter. Some states have adopted substantial terms of imprisonment for environmental polluters.¹⁴ Many, however, impose little or no incarceration, or other sanctions, for violations.¹⁵ Unfortunately, the states that are less strict more than likely have incurred either increased illegal dumping of pollutants or the risk of such an increase.

Historically, government has relied upon civil alternatives, such as fines and civil injunctions, to enforce environmental laws.¹⁶ One advantage of a civil action is its lesser burden of proof.¹⁷ A civil injunction also can be obtained in a relatively short period of time.¹⁸ Nevertheless, there are serious drawbacks to exclusive use of the civil process. First, a civil case may take several years.¹⁹ Second, a civil injunction may halt only temporarily the illegal discharge of pollutants.²⁰ Third, civil enforcement actions usually are directed against a corporation or commercial entity, even where specific individuals have been identified.²¹ As a result, the costs incurred in defending a civil action, along with the payment of any judgment, often are absorbed by the enterprise and regarded as a "cost of doing business."²²

13. Magnuson, *The Poisoning of America*, TIME, Sept. 22, 1980, at 58; Magnuson, *A Problem That Cannot Be Buried*, TIME, Oct. 14, 1985, at 76.

14. See, e.g., ALA. CODE § 22-30-19(e) (Supp. 1988) (imposing imprisonment between one year plus one day and ten years for intentionally, knowingly, recklessly, or with criminal negligence transporting or causing the transportation of any hazardous waste to an unpermitted facility or site); GA. CODE ANN. § 12-8-82(b) (1988) (imposing imprisonment between one and fifteen years for knowingly transporting, treating, storing, disposing of, or exporting any hazardous waste, while knowing at that time that such action places another person in imminent danger of death or serious bodily injury).

15. See, e.g., DEL. CODE ANN. tit. 7, § 6013(a) (imposing only a fine between \$2,500 and \$25,000 per day of violation for willfully or negligently violating the state's water pollution statutes); VT. STAT. ANN. tit. 10, § 568 (1984) (imposing only a fine up to \$2,000 per violation for violating a provision of the state's air pollution control chapter).

16. Comment, *Prosecuting Corporate Polluters: The Sparing Use of Criminal Sanctions*, 62 U. DET. L. REV. 659, 664 (1985).

17. *Id.* at 661.

18. See *id.* at 668.

19. *Id.*

20. *Id.*

21. McMurry & Ramsey, *Environmental Crime: The Use of Criminal Sanctions in Enforcing Environmental Laws*, 19 LOY. L. REV. 1133, 1158 (1986).

22. *Id.*

Finally, and most importantly, little stigma, if any, is associated with a civil judgment, and certainly no real threat of incarceration exists, absent a contempt judgment. Therefore, even though the civil process may remedy past environmental harms, it alone cannot deter and punish effectively the criminal discharge of pollutants.

Congress and state legislatures have enacted criminal penalties as a result of their dissatisfaction with available civil remedies for environmental violations.²³ Frequently, the civil and criminal laws governing toxic waste management, and water and air pollution, overlap. Usually, when evidence of a regulatory violation exists, the potential for a criminal prosecution also exists.²⁴ Therefore, criminal and civil agencies have contemporaneous jurisdiction to prosecute either civilly or criminally, or both.

Nevertheless, invocation of the criminal justice system can have more significant results than exclusive reliance on the civil process. Unlike civil remedies, the threat of penal consequences justifiably gains the attention of the regulated community.²⁵ The publicity surrounding the criminal conviction of a corporation, or one of its officers, is far more devastating than a civil judgment.²⁶ Often the mere presentment of an indictment—obviously brought in good faith with the expectation that a conviction actually will result—will leave a stigma that cannot be expunged.²⁷ More than any other deterrent, incarceration of individuals discourages entities and people from committing environmental crimes. Also, since “knowing” or “willful” acts usually are alleged in criminal cases, a greater potential for personal liability exists, because such conduct normally is not covered by insurance policies.²⁸

Although one response to environmental wrongs has been to make the consequences of noncompliance more onerous through the use of the criminal justice system,²⁹ this approach has not been followed uni-

23. Comment, *supra* note 16, at 661-62.

24. Of course, the appropriate exercise of prosecutorial discretion is imperative for any successful criminal enforcement program to work. The regulator should not put himself or herself in the “shoes” of a prosecutor by determining which cases to refer for possible criminal action, nor should the prosecutor use his or her office to bring criminal cases for mere technical violations of the law. In addition, environmental criminal prosecutors must be cognizant of any parallel proceedings initiated by civil regulators in order to avoid any claim that the regulator is working, or appears to be working, for the prosecutor.

25. Riesel, *Criminal Prosecution and Defense of Environmental Wrongs*, 15 *Envtl. L. Rep. (Envtl. L. Inst.)* 10,065, 10,067 (1985).

26. Comment, *supra* note 16, at 670.

27. *United States v. Serubo*, 604 F.2d 807, 817 (3d Cir. 1979).

28. *McMurry & Ramsey*, *supra* note 21, at 1158.

29. J. GREENTHAL, *ENVIRONMENTAL PROSECUTIONS KEEP FIRMS ON THEIR TOES 3* (Hazardous Waste and Toxic Torts, Leader Pub. No. 3, Aug. 1987).

versally by the fifty states. Typically, criminal sanctions are imposed on the following persons: (1) individuals who dispose, treat, store, or transport hazardous waste without authorization; (2) individuals who give false information, make false statements, or render inaccurate monitoring devices pertaining to hazardous waste, water, or air pollutants; (3) individuals who discharge water pollutants without a permit or who do not meet toxic or effluent standards; and (4) individuals who discharge contaminants into the air in excess of permit limitations, or without a permit.³⁰ While the aforementioned criminal conduct virtually covers the spectrum of possible offenses, not all fifty states have such laws, and more importantly, those that do have them do not prosecute them in a similar manner.

III. THE POLLUTION STATUTES OF THE FIFTY STATES AND THE FEDERAL GOVERNMENT

A. Hazardous Waste

1. Federal Statutes

The first major environmental legislation enacted by Congress was the River and Harbor Act of 1899.³¹ This Act declared it illegal to discharge refuse of any kind into the navigable waters of the United States.³² Violators were guilty of a misdemeanor and were subject to imprisonment between thirty days and one year or a fine between \$500 and \$2,500, or both.³³ Until the early 1960's, the courts narrowly interpreted this Act to prohibit the discharge of substances that actually could obstruct navigation.³⁴ In 1966, however, the United States Supreme Court interpreted the Act also to prohibit discharges of gasoline and oil.³⁵

Until the mid-1970's, little enforcement occurred with regard to the criminal provisions of the federal environmental statutes. Like the states in later years, the United States Environmental Protection Agency ("EPA") relied on either common law nuisance theories or the River and Harbor Act of 1899 to obtain either injunctive relief or civil sanctions, or both.³⁶ Criminal sanctions were not pursued because

30. See generally appendix.

31. Act of March 5, 1899 (River and Harbor Act of 1899 or Refuse Act of 1899), ch. 425, §§ 1-22, 30 Stat. 1121 (codified as amended at 33 U.S.C. §§ 401-467 (1982 & Supp. IV 1986)) [hereinafter River and Harbor Act of 1899].

32. *Id.* § 13, 33 U.S.C. § 407 (1982).

33. *Id.* § 16, 33 U.S.C. § 411 (1982).

34. Comment, *supra* note 16, at 662.

35. *United States v. Standard Oil Co.*, 384 U.S. 224 (1966).

36. See *McMurry & Ramsey*, *supra* note 21, at 1134-35.

many regulations were not in place and compliance deadlines had not yet run for those already functional. Finally, Congress passed a series of significant environmental initiatives designed to deter indiscriminate discharges of pollutants. Among these important statutes were the 1970 Clean Air Act,³⁷ the Clean Water Act,³⁸ and most important, RCRA.³⁹

The federal enforcement of criminal statutes began in earnest after Congress voiced its displeasure, during the hearings to reauthorize the Clean Air Act and the Clean Water Act, at the lack of compliance with existing regulations.⁴⁰ By that time, statutory compliance deadlines had matriculated, and both the EPA and the Department of Justice had begun budgeting additional money for enforcement.⁴¹

In June 1976, the EPA established guidelines for the prosecution of criminal cases, and in 1978 the EPA and the Department of Justice initiated a Hazardous Waste Task Force.⁴² At this time, few states had established their own criminal environmental units. Then, on January 5, 1981, the Office of Criminal Enforcement was created to continue implementation of the EPA's enforcement program.⁴³

The ultimate congressional response to existing inadequate enforcement policies was the enactment of RCRA. In fact, at that time virtually no viable or operational state hazardous waste programs existed.⁴⁴ The states did not have sufficient financial and technical resources to develop civil or criminal programs that could protect adequately human health and the environment, because the entire area of pollution abatement was then in its infancy.⁴⁵ Therefore, the basic purpose of RCRA was to initiate and encourage, if not require, the states to establish minimum civil and criminal standards.

For the first time, and as a basic premise to its program, RCRA required hazardous waste to be tracked from "cradle to grave" by

37. Clean Air Amendments of 1970, Pub. L. No. 91-604 §§ 101-403, 84 Stat. 1676 (codified as amended at 42 U.S.C. §§ 7401-7642 (1982 and Supp. IV 1986)).

38. Federal Water Pollution Control (Clean Water) Act Amendments of 1972, Pub. L. No. 92-500, §§ 101-518, 86 Stat. 816 (codified as amended at 33 U.S.C.A. §§ 1251-1376 (West 1986 & Supp. 1988)).

39. Solid Waste Disposal Act (Resource Conservation and Recovery Act of 1976), Pub. L. No. 94-580, §§ 1001-8007, 90 Stat. 2795 (codified as amended at 42 U.S.C. §§ 6901-6991 (1982 and Supp. IV 1986)).

40. McMurry & Ramsey, *supra* note 21, at 1135.

41. *Id.*

42. *Id.* at 1137-38.

43. *Id.* at 1140.

44. Schnapf, *State Hazardous Waste Programs Under the Federal Resource Conservation and Recovery Act*, 12 *Envtl. L. Rep. (Envtl. L. Inst.)* 679, 686 (1982).

45. *Issues of Federalism in Hazardous Waste Control: Cooperation or Confusion*, 6 *HARV. ENVTL. L. REV.* 307, 311 (1982).

means of a manifest system.⁴⁶ In addition, RCRA established minimum monitoring, operating, location, and design requirements for disposal of hazardous waste.⁴⁷ Significantly, RCRA also established criminal penalties for “knowingly” committing any prohibited act.⁴⁸ Subsequent amendments to the Act also established criminal penalties for knowingly endangering others,⁴⁹ and classified each federal violation as a felony.⁵⁰

In enacting RCRA, Congress expected the states to play a major role in regulating hazardous waste.⁵¹ To further this goal, RCRA

46. Schnapf, *supra* note 44, at 687. See also RCRA § 3002(5), 42 U.S.C. § 6922(a)(5) (Supp. IV 1986).

47. Rea, *Hazardous Waste Pollution: The Need for a Different Statutory Approach*, 12 *Envtl. L. Rep.* (Envtl. L. Inst.) 443, 456 (1982). See also RCRA § 3004, 42 U.S.C. § 6924 (Supp. IV 1986).

48. Under RCRA as enacted, any person who knowingly transported hazardous waste to an unpermitted facility was subject to a fine up to \$25,000 per day of violation or imprisonment up to one year, or both, for the first conviction. For subsequent convictions, the person was subject to a fine up to \$50,000 per day of violation or imprisonment up to two years, or both. Any person who knowingly disposed of hazardous waste without a permit also was subject to these penalties. Likewise, any person who knowingly made a false statement or representation in any document required under the Act was subject to these penalties. RCRA, Pub. L. No. 94-580, § 3008(d), 90 Stat. 2812 (1976).

The current version of RCRA prohibits more acts and punishes violations more severely. Currently, the Act prohibits the following: (1) knowingly transporting or causing the transportation of hazardous waste to an unpermitted facility; (2) knowingly treating, storing, or disposing of hazardous waste without a permit or in knowing violation of any material requirement of a permit or interim status regulation or standard; (3) knowingly omitting material information or making a false statement or representation in any required document; (4) knowingly generating, storing, treating, transporting, disposing of, exporting, or otherwise handling any hazardous waste or used oil and knowingly destroying, altering, concealing, or failing to file any required document; (5) knowingly transporting without a manifest, or causing the transportation of without a manifest, any hazardous waste or used oil required to be accompanied by a manifest; (6) knowingly exporting a hazardous waste without the receiving country's consent or in violation of any exporting agreement between the United States and that country; and (7) knowingly storing, treating, transporting, or causing the transportation of, disposing of, or otherwise handling any used oil in knowing violation of a material requirement of a permit or any applicable regulation or standard.

For violating either (1) or (2), or both, a person is subject to imprisonment up to five years or a fine up to \$50,000 per day of violation, or both, for the first conviction. For violating (3) through (7), a person is subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions for any violation, a person is subject to double the applicable term of imprisonment and fine. 42 U.S.C. § 6928(d) (Supp. IV 1986).

49. For example, any person who handles hazardous waste in a manner which “places another person in imminent danger of death or serious bodily injury” is subject to imprisonment up to fifteen years or a fine up to \$250,000, or both. Corporations are subject to a fine up to \$1,000,000. The Hazardous and Solid Waste Amendments of 1984, Pub. L. No. 98-616, § 232(b), 98 Stat. 3257 (codified at 42 U.S.C. § 6928(e) (Supp. IV 1986)).

50. Mugdan & Adler, *The 1984 RCRA Amendments: Congress as a Regulatory Agency*, 10 *COLUM. J. ENVTL. L.* 215, 249 (1985).

51. Schnapf, *supra* note 44, at 681.

established grants, technical assistance, and counseling to assist the states in solving problems and in implementing their hazardous waste programs.⁵² Congress also set forth conditions for the EPA to authorize independent operation of state hazardous waste programs.⁵³ Under these provisions, the EPA may grant interim authorization to state programs that are "substantially equivalent" to the federal program.⁵⁴

The EPA may grant final authorization to state hazardous waste programs that satisfy several requirements.⁵⁵ First, the program must be at least equivalent to the federal hazardous waste program.⁵⁶ Second, it must be consistent with the federal program, as well as with those state programs that have gained final authorization.⁵⁷ Third, the program must provide for adequate enforcement measures.⁵⁸ Importantly, these are minimum requirements, and nothing in RCRA discourages a state from adopting more stringent regulations. Of course, for purposes of prosecution, the government may use federal regulations in lieu of less stringent state regulations.⁵⁹ In addition, for those state programs that fail to gain interim or final authorization, the federal government may enforce the minimum regulations of the federal scheme.⁶⁰

All interim authorizations automatically expired on January 31, 1986, as provided in the 1984 amendments to RCRA.⁶¹ At that time, all authority to administer hazardous waste programs reverted to the federal government, unless the state had obtained final authorization. Once a state received final authorization, it regained the authority to run its program.⁶² At the time of this writing, all but a few states have received final authorization.⁶³

52. RCRA §§ 4008-4009, 42 U.S.C. §§ 6948-6949 (1982 & Supp. IV 1986). *See also* Schnapf, *supra* note 44, at 688.

53. RCRA § 3006(b),(c), 42 U.S.C. § 6926(b),(c) (Supp. IV 1986). *See also* 40 C.F.R. § 271 (1988).

54. RCRA § 3006(c), 42 U.S.C. § 6926(c) (Supp. IV 1986). *See also* 40 C.F.R. §§ 271.128-.129 (1988).

55. RCRA § 3006(b), 42 U.S.C. § 6926(b) (Supp. IV 1986).

56. *Id.*

57. *Id.* *See also* 40 C.F.R. § 271.4 (1988).

58. RCRA § 3006(b), 42 U.S.C. § 6926(b) (Supp. IV 1986).

59. *See* 40 C.F.R. §§ 271.1(i), 271.3(b)(2) (1988).

60. *See* 40 C.F.R. § 271.3(b)(3) (1988).

61. The Hazardous and Solid Waste Amendments of 1984, Pub. L. No. 98-616, § 227, 98 Stat. 3254 (1984) (codified at 42 U.S.C. § 6926(c) (Supp. IV 1986)). *See also* 40 C.F.R. § 271.138(b) (1988).

62. *See* 40 C.F.R. § 271.3(a),(b) (1988).

63. The states that have not received final authorization include Alaska, California, Connecticut, Hawaii, Iowa, Ohio, and Wyoming. Telephone interview with Judi Kane, Office of Solid Waste Permits and State Programs Division, Environmental Protection Agency, Washington D.C. (March 22, 1989).

2. State Criminal Provisions

Final authorization by the EPA of state hazardous waste programs does not guarantee that the states will possess the most effective tools for criminal prosecution. Moreover, it does not guarantee actual enforcement. As a result, even under RCRA's structure, substantial differences exist among the states' criminal statutes with respect to hazardous waste.⁶⁴

RCRA and EPA regulations have established minimum requirements for state criminal statutes. For example, title 40, section 271.16 of the Code of Federal Regulations requires any state agency administering a hazardous waste program to have criminal penalties

obtainable against any person who knowingly transports any hazardous waste to an unpermitted facility; who treats, stores, or disposes of hazardous waste without a permit; or who makes any false statement, or representation in any application, label, manifest, record, report, permit or other document filed, maintained, or used for purposes of program compliance. Criminal fines shall be recoverable in at least the amount of \$10,000 per day for each violation, and imprisonment for at least six months shall be available.⁶⁵

Many states have adopted laws which merely comply with these minimum requirements,⁶⁶ and unfortunately some do not enforce them aggressively.

Conversely, some states have taken the opportunity provided under RCRA to adopt more stringent criminal statutes with respect to hazardous waste. A number of states have enacted statutes which go *somewhat beyond* the minimum requirements and contain provisions similar to those enforced by the EPA, including a "knowing" intent, but which only impose fines up to \$25,000 and imprisonment up to one year, or both.⁶⁷ On the other hand, many states have statutes

64. The scope of those statutes also is affected by the hazardous waste regulatory structure employed by each state, particularly how each state defines hazardous waste. *See generally* appendix.

65. 40 C.F.R. § 271.16(a)(3)(ii) (1988).

66. For example, the statutes of Montana contain language similar to that in title 40, section 271.16 of the Code of Federal Regulations, including that the party act "knowingly." *See* MONT. CODE ANN. § 75-10-418(1) (1987). On the other hand, Nebraska and Oklahoma, on the face of their statutes, do not require any specific criminal intent. *See* NEB. REV. STAT. § 81-1508(1)(g) (Supp. 1987); OKLA. STAT. ANN. tit. 63, § 1-2011 (West 1984).

67. *See* DEL. CODE ANN. tit. 7, § 6309(f) (Supp. 1982) (imposing a fine between \$2,500 and \$25,000 per day of violation or imprisonment up to one year, or both, if the party acts "intentionally" or "knowingly"); HAW. REV. STAT. § 342-11(d) (1988) (imposing a fine up to \$25,000

which require that the party act "knowingly," but which impose fines up to \$50,000 per day of violation, imprisonment for over one year, or both.⁶⁸

Most noteworthy are those states that have enacted statutory schemes for criminal transportation, storage, and disposal of hazardous and toxic waste which are *far more comprehensive* and *aggressive* than the minimum penalty scheme established by the EPA.⁶⁹ For ex-

per day of violation or imprisonment up to one year, or both); IOWA CODE ANN. § 455B.417(1) (West 1988) (imposing a fine up to \$25,000 per day of violation or imprisonment up to one year, or both); MISS. CODE ANN. § 17-17-29 (West Supp. 1988) (imposing a fine up to \$25,000 per day of violation or imprisonment up to one year, or both); MO. ANN. STAT. § 260.425(3) (Vernon Supp. 1989) (imposing a fine between \$2,500 and \$25,000 or imprisonment up to one year, or both); NEV. REV. STAT. ANN. § 459.600 (Michie 1986) (imposing a fine up to \$25,000 per day of violation or imprisonment up to one year, or both, if the party "intentionally" or "with criminal negligence" transports hazardous waste without a permit or to an unpermitted facility, or violates any term or condition of a permit); N.D. CENT. CODE § 23-20.3-09(3) (Supp. 1987) (imposing a fine up to \$25,000 per day of violation or imprisonment up to one year, or both); WYO. STAT. § 35-11-901(j) (1988) (imposing a fine up to \$25,000 per day of violation or imprisonment up to one year, or both, if the party acts "willfully" or "knowingly").

68. See ALA. CODE § 22-30-19(e) (Supp. 1988) (imposing a fine up to \$50,000 per day of violation or imprisonment between one year plus one day and ten years, or both); CONN. GEN. STAT. ANN. § 22a-131a(b) (West 1989) (imposing a fine up to \$50,000 per day of violation or imprisonment up to two years, or both); FLA. STAT. § 403.727(3)(b) (1987) (imposing a fine up to \$50,000 per day of violation or imprisonment up to five years, or both); GA. CODE ANN. § 12-8-82(a) (1988) (imposing a fine up to \$50,000 per day of violation or imprisonment up to three years, or both); TENN. CODE ANN. § 68-46-114(a)(2) (Supp. 1988) (imposing a fine up to \$50,000 per day of violation or imprisonment up to two years, or both); TEX. REV. CIV. STAT. ANN. art. 4477-7, § 8(b)(1) (Vernon Supp. 1989) (imposing a fine between \$100 and \$50,000 per day of violation or imprisonment up to five years, or both); W. VA. CODE § 20-5E-15(a) (1985) (imposing a fine up to \$50,000 per day of violation or imprisonment between one and two years, or both).

69. Illinois, for example, provides the most severe penalties for such behavior. See ILL. ANN. STAT. ch. 111 1/2, para. 1044 § 44(b) (Smith-Hurd 1988) (imposing a fine up to \$500,000 per day of violation or imprisonment between three and seven years, or both, if the party knowingly disposes of hazardous waste while knowing that such conduct thereby places another person in danger of great bodily harm or creates an immediate or long-term danger to the public health or the environment); *id.* § 44(c) (imposing a fine up to \$250,000 per day of violation or imprisonment between two and five years, or both, if the party knowingly disposes of hazardous waste); *id.* § 44(e) (imposing a fine up to \$250,000 per day of violation or imprisonment between two and five years, or both, if the party knowingly delivers hazardous waste without authorization); *id.* § 44(f) (imposing a fine up to \$50,000 per day of violation or imprisonment between one and three years, or both, if the party disposes of hazardous waste in a manner which manifests a conscious disregard of a substantial and justifiable risk that such disposal is a gross deviation from the standard of care which a reasonable person would exercise in the situation). See also ARIZ. REV. STAT. ANN. § 49-925(A) (1988) (imposing a fine up to \$150,000 or imprisonment up to two years, or both, if the party acts "intentionally"); COLO. REV. STAT. § 25-15-310(3) (Supp. 1988) (imposing a fine up to \$50,000 per day of violation or imprisonment up to four years, or both). Colorado's statute also provides more severe penalties for causing a hazardous waste incident and for spilling hazardous waste on a highway or street or private property without consent. *Id.* §§ 29-22-108, 18-13-112 (1986) (imposing a fine between \$2,000 and \$500,000 or imprisonment between two and eight years, or both, if the party acts "intentionally"). LA. REV.

ample, New Jersey has established criminal provisions with harsher penalties than the minimum required by the EPA. Unlike some states, its penalties are premised upon the degree of culpability of the crime. For example, a person who acts "purposely" or "knowingly" in unlawfully causing a release or abandonment of hazardous waste or a toxic pollutant is guilty of a second degree crime, and may receive a fine up to \$100,000 or imprisonment between five and ten years, or both.⁷⁰ A person who acts "recklessly" is guilty of a third degree crime, and may receive a fine up to \$7,500 or imprisonment between three and five years, or both.⁷¹ Further, a person who "purposely" or "knowingly" causes widespread injury or damage⁷² is guilty of a second degree crime, and is subject to a fine up to \$100,000 or imprisonment between five and ten years, or both.⁷³ A person who acts "recklessly" is guilty of a third degree crime, for which he may receive a fine up to \$7,500 or imprisonment between three and five years, or both.⁷⁴ A person who "recklessly" creates a *risk* of widespread injury or damage, regardless of any harm caused, is guilty of a fourth degree crime, and may receive a fine up to \$7,500 or imprisonment up to eighteen months, or both.⁷⁵

Moreover, New Jersey distinguishes between one who "knowingly" and one who "recklessly" transports hazardous waste to an unauthorized facility, or who disposes, treats, stores, or transports hazardous waste without authorization from the New Jersey Department of Environmental Protection.⁷⁶ One who acts "knowingly" commits a crime of the third degree, and one who acts "recklessly" commits a crime of the fourth degree.⁷⁷

STAT. ANN. § 30:2183(g)(2) (West 1989) (imposing a fine of \$250,000 per day of violation or imprisonment up to fifteen years, or both); N.Y. ENVTL. CONSERV. LAW § 71-2721(2)(b),(f) (McKinney Supp. 1989) (imposing a fine up to \$150,000 per day of violation (or double the amount of gain from the criminal activity, whichever is greater) or imprisonment up to seven years, or both); N.C. GEN. STAT. § 14-284.2(a) (1986) (imposing a fine up to \$100,000 per day of violation or imprisonment up to ten years, or both, if a party acts "willfully"); WIS. STAT. ANN. § 144.74(2)(b) (West Supp. 1988) (imposing a fine between \$1,000 and \$100,000 or imprisonment up to five years, or both, if the party acts "willfully").

70. N.J. STAT. ANN. §§ 2C:17-2(a)(2), 2C:43-3(a), 2C:43-6(a)(2) (West Supp. 1988).

71. *Id.* §§ 2C:17-2(a)(2), 2C:43-3(b), 2C:43-6(a)(3).

72. Widespread injury or damage means serious bodily injury to ten or more people, or damage to ten or more habitations, or to a building which normally would have contained fifty or more persons at the time of the offense. N.J. STAT. ANN. § 2C:17-2(e) (West Supp. 1988).

73. *Id.* §§ 2C:17-2(a)(1), 2C:43-3(a), 2C:43-6(a)(2).

74. *Id.* §§ 2C:17-2(b), 2C:43-3(b), 2C:43-6(a)(3).

75. *Id.* §§ 2C:17-2(c), 2C:43-3(b), 2C:43-6(a)(4).

76. *See id.* § 13:1E-9(g),(h) (West Supp. 1988).

77. *Id.* "Knowing" conduct is subject to a fine up to \$50,000 per violation, in addition to restitution, or imprisonment between three and five years. *Id.* §§ 13:1E-9(g), 2C:43-6(a)(3). "Reckless" conduct is subject to a fine up to \$7,500 or imprisonment up to eighteen months, or both. *Id.* §§ 13:1E-9(h), 2C:43-3(b), 2C:43-6(a)(4).

The evolution of New Jersey's environmental laws may serve to demonstrate how and why each state has proceeded down different "paths," resulting in vast distinctions between what either is prohibited or enforced, or both. With regard to hazardous or toxic waste violations, no statute existed in New Jersey until September 1, 1979.⁷⁸ Before that time, criminal prosecutions were brought under the theory of "common-law nuisance," with a maximum fine of \$1,000 and a maximum term of imprisonment of three years.⁷⁹ Thus, contemporaneous with the enactment of a new comprehensive Penal Code, New Jersey enacted a statute which declared it a crime of the second degree to dispose illegally of toxic waste.⁸⁰ Such an offense was punishable by a fine up to \$100,000 per violation or imprisonment between five and ten years, or both.⁸¹

In 1980, a comprehensive criminal statutory scheme was added to New Jersey's arsenal to give "teeth" to the simultaneous enactment of civil regulations dealing with the disposal of solid waste.⁸² Penalties of three to five years imprisonment were authorized for criminal violations of the regulations promulgated pursuant to New Jersey's compliance with RCRA.⁸³

Then, in 1985, the New Jersey Penal Code was amended to include not only hazardous wastes, but "hazardous substances," which were not enumerated in RCRA.⁸⁴ The amendment criminalized violations of the New Jersey Spill Compensation and Control Act⁸⁵ with the same penalties, as if the substances were hazardous or toxic.⁸⁶ Moreover, another amendment had increased the statute of limitations, regarding the illegal disposal of hazardous waste, from five years after the *commission* of the act, to five years after the *discovery* of the criminal violation.⁸⁷ For the most part, however, these statutory enactments were accomplished on an *ad hoc* basis and serve to illustrate

78. New Jersey Code of Criminal Justice, ch. 95, 1978 N.J. Laws 482, 553-54 (codified as amended at N.J. STAT. ANN. § 2C:17-2 (West Supp. 1988)).

79. See N.J. STAT. ANN. §§ 2A:85-1, 2A:85-7 (repealed 1979).

80. New Jersey Code of Criminal Justice, ch. 95, 1978 N.J. Laws 482, 553-54 (codified as amended at N.J. STAT. ANN. § 2C:17-2 (West Supp. 1988)).

81. *Id.*

82. Act of Feb. 6, 1980, ch. 395, § 1, 1979 N.J. Laws 1565 (codified as amended at N.J. STAT. ANN. § 13:1E-9 (West Supp. 1988)).

83. See N.J. STAT. ANN. § 2C:43-6(a)(3) (West Supp. 1988).

84. Act of Nov. 1, 1985, ch. 348, 1985 N.J. Laws 1451 (codified as amended at N.J. STAT. ANN. § 2C:17-2 (West Supp. 1988)).

85. N.J. STAT. ANN. §§ 58:10-23.11 to 58:10-24 (West 1982 & Supp. 1988).

86. See N.J. STAT. ANN. § 2C:17-2(a)(2) (West Supp. 1988).

87. Act of Feb. 6, 1980, ch. 395, § 2, 1979 N.J. Laws 1565, 1566 (codified as amended at N.J. STAT. ANN. § 13:1E-9(k) (West Supp. 1988)).

why most states have divergent statutory schemes, and hence varying levels of enforcement.

The resources at New Jersey's disposal also distinguish its enforcement program from other states' programs. During the authors' tenure, New Jersey's Environmental Prosecutions Unit, housed within the Attorney General's Office, had at its disposal eighteen investigators and eleven attorneys, the largest centralized "state" entity for the criminal prosecution of environmental offenses. Nevertheless, this focused staffing should not be considered a criticism of the other states, because "supply" normally equals "demand," and New Jersey has one of the largest industrial communities in this country. Therefore, while the laws of each state should be uniform, the resources dedicated to enforce them also should be proportionate to the need. If the former can be accomplished, then the latter necessarily will follow.

Another state with comprehensive statutes addressing the criminal transportation, storage, and disposal of hazardous or toxic waste is New York. Under New York's recently enacted statute, a person who "intentionally, recklessly, knowingly or with criminal negligence" violates provisions of the Hazardous Waste Management Act, regarding disposal of hazardous waste, is guilty of a misdemeanor, and is subject to a fine up to \$25,000 per day of violation or imprisonment up to one year, or both.⁸⁸ Further, a person who unlawfully possesses hazardous waste in the second degree may receive a fine up to \$100,000 or double the gain, whichever is greater, or imprisonment up to four years, or both.⁸⁹ If the conduct constitutes a first degree crime, the violator is subject to a fine up to \$150,000 or double the gain, whichever is greater, or imprisonment up to seven years, or both.⁹⁰

New York's statute also contains separate criminal provisions for "dealing" in hazardous waste, with the degree of criminality and amount of punishment based upon whether the person is a principal or merely aids another in unlawfully disposing of hazardous waste.⁹¹

88. N.Y. ENVTL. CONSERV. LAW § 71-2705(2) (McKinney 1984).

89. Unlawful possession in the second degree involves knowingly possessing more than 100 gallons or 1,000 pounds, whichever is less, of hazardous waste, or recklessly possessing 200 gallons or 2,000 pounds of hazardous waste, at a place other than the site of generation. *Id.* §§ 71-2707, 71-2721(2)(c),(f) (McKinney Supp. 1989); N.Y. PENAL LAW § 70.00(2)(e) (McKinney 1987).

90. Unlawful possession in the first degree relates to knowingly possessing acute hazardous waste at a place other than the site of generation; knowingly possessing more than 1,500 gallons or 15,000 pounds, whichever is less, of hazardous waste, at a place other than the site of generation; or recklessly possessing more than 2,500 gallons or 25,000 pounds, whichever is less, of hazardous waste, at a place other than at the site of generation. N.Y. ENVTL. CONSERV. LAW §§ 71-2709, 71-2721(2)(b),(f) (McKinney Supp. 1989); N.Y. PENAL LAW § 70.00(2)(d) (McKinney 1987).

91. See N.Y. ENVTL. CONSERV. LAW §§ 71-2715, 71-2717 (McKinney Supp. 1989).

For a crime of the first degree, the violator is subject to a \$100,000 fine or double the gain, or both, in addition to the possibility of four years imprisonment.

New York also has statutory provisions concerning endangering the public health, safety, or the environment. This crime concerns the release of hazardous substances and the resulting risk to the public or the environment. There are five degrees for this offense and each penalty is based upon the level of culpability for the crime.⁹²

Several states, in addition to following the minimum statutory scheme set forth in the EPA guidelines, have adopted "knowing endangerment" provisions that closely track RCRA.⁹³ For example, Connecticut, Georgia, Michigan, Minnesota, North Dakota, and West Virginia have adopted provisions that are substantially similar to section 6928(e) of RCRA.⁹⁴ In each of these states, a person who "knowingly" and without authorization transports, treats, stores, or disposes of hazardous waste, and who knows at that time that such conduct places another person in imminent danger of death or serious bodily harm, may receive a fine up to \$50,000 or imprisonment up to two years, or both. Five states also provide separate penalties for causing a "catastrophe" by releasing a dangerous substance into the environment.⁹⁵ In all but one of these states, a court can impose a fine up to \$10,000 or imprisonment up to ten years, or both.

92. *See id.* §§ 71-2710 to 71-2715.

93. RCRA, 42 U.S.C. § 6928(e) (Supp. IV 1986), provides the following:

Any person who knowingly transports, treats, stores, disposes of, or exports any hazardous waste identified or listed under this subchapter or used oil not identified or listed as a hazardous waste under this subchapter in violation of paragraph (1), (2), (3), (4), (5), (6) or (7) of subsection (d) of this section who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment for not more than fifteen years, or both. A defendant that is an organization shall, upon conviction of violating this subsection, be subject to a fine of not more than \$1,000,000.

94. CONN. GEN. STAT. ANN. § 22a-131a(c) (West Supp. 1989) (imposing a fine up to \$250,000 or imprisonment up to five years, or both, if the party acts "with an extreme indifference to human life"); GA. CODE ANN. § 12-8-82(b) (1988) (imposing a fine up to \$250,000 or imprisonment between one and fifteen years, or both); MICH. COMP. LAWS ANN. § 299.548(3) (West 1984) (imposing a fine up to \$250,000 or imprisonment up to five years, or both, if the party acts "with an extreme indifference to human life"); MINN. STAT. ANN. § 609.671(3) (West Supp. 1989) (imposing a fine up to \$100,000 or imprisonment up to ten years, or both); N.D. CENT. CODE § 23-20.3-09(4) (Supp. 1987) (imposing a fine up to \$50,000 per day of violation or imprisonment up to two years, or both); W. VA. CODE § 20-5E-15(d) (1985) (imposing a fine up to \$250,000 or imprisonment between one and four years, or both).

95. ARK. STAT. ANN. § 5-38-202(a) (1987) (imposing imprisonment between ten and forty years); ME. REV. STAT. ANN. tit. 17-A, § 803 (1983 & Supp. 1988) (imposing a fine up to \$50,000 or imprisonment up to twenty years, or both); MO. ANN. STAT. § 569.070 (Vernon 1979) (imposing a fine up to \$10,000 on a corporation and imprisonment between ten and thirty years or life

A number of states, including New Jersey, have statutes which, like section 6928(d) of RCRA, increase the penalties for second offenders.⁹⁶ Section 6928(d) doubles the criminal penalties under RCRA for second convictions under the statute. Many states also have enacted similar enhanced penalties for corporations and organizations.⁹⁷ Again, however, a lack of uniformity exists.

While not the most "harmful" act in terms of its environmental impact, the crime of providing false statements or representations in any document used for purposes of program compliance has been addressed by the majority of states.⁹⁸ Of course, "paper crimes" bring the states into compliance with the minimum terms of RCRA, but they do not address the major problem—the desecration of the environment. Most

on an individual). Missouri, for example, defines "catastrophe" as "death or serious physical injury to ten or more people or substantial damage to five or more buildings or inhabitable structures or substantial damage to a vital public facility which seriously impairs its usefulness or operation." *Id.* § 569.070(2). N.D. CENT. CODE § 12.1-21-04 (1985) (imposing a fine up to \$10,000 or imprisonment up to ten years, or both, on an individual, and imposing a fine up to \$35,000 on a corporation, if the party acts "intentionally"); 18 PA. CONS. STAT. ANN. § 3302(a) (Purdon 1983) (imposing a fine up to \$25,000 or imprisonment up to twenty years, or both, if the party acts "intentionally" or "knowingly").

96. See ALA. CODE § 22-30-19(e) (Supp. 1988); CAL. HEALTH & SAFETY CODE §§ 25190, 25191 (West Supp. 1989); CONN. GEN. STAT. ANN. § 22a-131a(a) (Supp. 1989); DEL. CODE ANN. tit 7, § 6309 (Supp. 1982); FLA. STAT. § 403.727(3)(b) (1987); GA. CODE ANN. § 12-8-82(a) (1988); HAW. REV. STAT. § 342-11(d) (Supp. 1988); IND. CODE § 13-7-13-3 (Burns 1987); IOWA CODE ANN. § 455B.417 (West Supp. 1988); MD. ENVIRONMENT CODE ANN. § 7-267(a)(1)(ii) (1987); MICH. COMP. LAWS ANN. § 299.548(2) (West 1984); MINN. STAT. ANN. § 609.671(5) (West Supp. 1989); MO. ANN. STAT. § 260.425(3) (Vernon Supp. 1989); MONT. CODE ANN. § 75-10-418(1) (1987); NEV. REV. STAT. ANN. § 459.600 (Michie 1986); N.J. STAT. ANN. § 13:1E-9(g) (West Supp. 1988); N.M. STAT. ANN. § 74-4-11(A) (1988); N.Y. ENVTL. CONSERV. LAW § 71-2705(2) (McKinney 1984); OHIO REV. CODE ANN. § 3734.99(C) (Anderson 1988); S.C. CODE ANN. § 44-56-140(C) (Law. Co-op. 1976); TEX. REV. CIV. STAT. art. 4477-7, § 8(b) (Vernon Supp. 1989); UTAH CODE ANN. § 26-14-13(2) (1989); WIS. STAT. ANN. § 144.74(2)(c) (West Supp. 1988); WYO. STAT. § 35-11-901(j) (1988).

97. See ARIZ. REV. STAT. ANN. § 49-925 (1988) (imposing a fine up to \$1,000,000); CONN. GEN. STAT. ANN. § 22a-131a(c) (Supp. 1989) (imposing a fine up to \$1,000,000); GA. CODE ANN. § 12-8-82(b) (1988) (imposing a fine up to \$1,000,000); GA. CODE ANN. § 12-8-82(b) (1988) (imposing a fine up to \$1,000,000); MICH. COMP. LAWS ANN. § 299.548(3) (West 1984) (imposing a fine up to \$1,000,000); MINN. STAT. ANN. § 609.671(3) (West Supp. 1989) (imposing a fine up to \$1,000,000); NEB. REV. STAT. § 81-1508(1)(a),(g) (Supp. 1987) (imposing imprisonment up to sixty days if a corporate officer violates § 81-1508(1)(a) or up to six months if a corporate officer violates § 81-1508(1)(g)); N.J. STAT. ANN. § 2C:17-2(a) (West Supp. 1988) (imposing a fine up to \$300,000); N.M. STAT. ANN. § 74-4-11(B) (1988) (imposing a fine up to \$250,000); TEX. REV. CIV. STAT. art. 4477-7, § 8(c)(1) (Vernon Supp. 1989) (imposing a fine up to \$1,000,000); WIS. STAT. ANN. § 144.74(2)(e) (West Supp. 1988) (imposing a fine up to \$300,000 or imprisonment up to twenty years for a second or subsequent offense, if a party willfully transports hazardous waste to an unpermitted facility or willfully stores, treats, transports, or disposes of hazardous waste without a license or in violation of a rule, plan, or license).

98. Only Arizona, Louisiana, Massachusetts, Mississippi, New York, North Carolina, Ohio, Oregon, South Carolina, Vermont, and Washington have no specific provisions in this area. See appendix.

states which have provisions in this area require the person to act "knowingly," and provide for fines of at least \$25,000, one year in jail, or both.⁹⁹ A number of states have increased penalties for second con-

99. See ALA. CODE § 22-30-19(e)(4),(6) (Supp. 1988) (imposing a fine up to \$50,000 per violation or imprisonment between one year plus one day and ten years, or both, if the party acts "intentionally," "knowingly," "recklessly," or "with criminal negligence"); ALASKA STAT. § 46.03.790(e)(3) (1987) (imposing a fine up to \$10,000 per day or imprisonment up to one year, or both, if the party acts "knowingly"); ARK. STAT. ANN. §§ 8-7-204(a), 8-7-205(2) (1987) (imposing a fine up to \$10,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly"); CAL. HEALTH & SAFETY CODE § 25191(a)(1) (West Supp. 1989) (imposing a fine between \$2,000 and \$25,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly"); COLO. REV. STAT. § 25-15-310(1)(c),(3) (Supp. 1988) (imposing a fine up to \$50,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly"); CONN. GEN. STAT. ANN. § 22a-131a(a)(2) (West Supp. 1989) (imposing a fine up to \$25,000 or imprisonment up to one year, or both, if the party acts "knowingly"); DEL. CODE ANN. tit. 7, § 6309(g) (Supp. 1982) (imposing a fine between \$500 and \$25,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly"); FLA. STAT. § 403.727(3)(b)(3) (1987) (imposing a fine up to \$50,000 per day of violation or imprisonment up to five years, or both, if the party acts "knowingly"); GA. CODE ANN. § 12-8-82(a)(3) (1988) (imposing a fine up to \$50,000 per day of violation or imprisonment between one and two years, or both, if the party acts "knowingly"); HAW. REV. STAT. § 342-11(d)(3) (Supp. 1988) (imposing a fine up to \$25,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly"); IDAHO CODE § 39-4415(1) (1985) (imposing a fine up to \$10,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly"); ILL. ANN. STAT. ch. 111 1/2, para. 1044(h)(2),(4) (Smith-Hurd 1988) (imposing a fine up to \$50,000 per day of violation or imprisonment between one and three years, or both, if the party acts "knowingly"); IND. CODE ANN. § 13-7-13-3(b)(1),(c)(3) (Burns 1987) (imposing a fine up to \$10,000 per day of violation or imprisonment up to six months, or both, if the party acts "knowingly"; imposing a fine up to \$25,000 per day of violation or imprisonment between one and four years, or both, if the party acts "knowingly" with regard to hazardous waste); IOWA CODE ANN. § 455B.417(1)(c) (West Supp. 1988) (imposing a fine up to \$25,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly"); KAN. STAT. ANN. § 65-3441(a)(6),(c) (1985) (imposing a fine up to \$10,000 or imprisonment between one and twenty years, or both, if the party acts "knowingly"); KY. REV. STAT. ANN. § 224.994(4),(6) (Michie/Bobbs-Merrill Supp. 1988) (imposing a fine between \$1,000 and \$15,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly" or "with criminal negligence"; imposing a fine up to \$25,000 per day of violation or imprisonment between one and five years, or both, if the party acts "knowingly" with regard to hazardous waste); ME. REV. STAT. ANN. tit. 38, § 349(3) (Supp. 1988) (imposing a fine up to \$10,000 or imprisonment up to six months, or both, if the party acts "knowingly"); MD. ENVIRONMENT CODE ANN. § 7-267(b)(1) (1987) (imposing a fine up to \$10,000 or imprisonment up to six months, or both, if the party acts "knowingly"); MICH. COMP. LAWS ANN. § 299.548(2) (West 1984) (imposing a fine up to \$25,000 per day of violation or imprisonment up to one year, or both, with no mental state specified); MINN. STAT. ANN. §§ 609.671(5)(a)(6)&(7),(5)(b),(9)(a)(1),(9)(b) (West Supp. 1989) (imposing a fine up to \$25,000 per day of violation or imprisonment up to three years, or both, if the party acts "knowingly" or "with reason to know"; imposing a fine up to \$20,000 per day of violation or imprisonment up to six months, or both, if the party acts "knowingly" with regard to water pollution); MO. ANN. STAT. § 260.425(3)(3) (Vernon Supp. 1989) (imposing a fine between \$2,500 and \$25,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly"); MONT. CODE ANN. § 75-10-418(1) (1987) (imposing a fine up to \$10,000 per violation or imprisonment up to six months, or both, with no mental state specified); NEB. REV. STAT. § 81-1508(1)(d)

victions.¹⁰⁰ Further, several states have separate criminal provisions for

(Supp. 1987) (imposing a fine up to \$5,000 per day of violation, if the party acts "knowingly"); NEV. REV. STAT. ANN. § 459.595(1) (Michie 1986) (imposing a fine up to \$10,000 or imprisonment up to one year, or both, if the party acts "knowingly"); N.H. REV. STAT. ANN. § 147-A:16(I)(c),(II) (Supp. 1988) (imposing a fine up to \$50,000 per day of violation or imprisonment up to seven years, or both, if the person acts "knowingly"); N.J. STAT. ANN. § 13:1E-9(g)(4)&(5),(h)(4)&(5) (West Supp. 1988) (imposing a fine up to \$50,000 or imprisonment between three and five years, or both, if the party acts "knowingly"; imposing a fine up to \$7,500 or imprisonment up to eighteen months, or both, if the party acts "recklessly"); N.M. STAT. ANN. § 74-4-11(A)(3) (1988) (imposing a fine up to \$10,000 or imprisonment up to one year, or both, if the party acts "knowingly"); N.D. CENT. CODE § 23-20.3-09(3) (Supp. 1987) (imposing a fine up to \$25,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly"); OKLA. STAT. ANN. tit. 63, § 1-1701(a)(2) (West 1984); 35 PA. CONS. STAT. ANN. § 6018.606(d)(2) (Purdon Supp. 1988) (imposing a fine between \$1,000 and \$25,000 per day of violation, if the party acts "knowingly"); R.I. GEN. LAWS § 23-19.1-18(h),(i) (1985) (imposing a fine up to \$10,000 per day of violation or imprisonment up to five years, or both, if the party acts "knowingly"); S.D. CODIFIED LAWS ANN. § 34A-11-21 (1986) (imposing a fine up to \$10,000 or imprisonment up to ten years, or both, with no mental state specified); TENN. CODE ANN. § 68-46-213 (1987) (imposing a fine up to \$10,000 per day of violation or imprisonment up to eleven months and twenty-nine days, or both, if the party acts "knowingly"); TEX. REV. CIV. STAT. ANN. art. 4477-7, § (8)(b)(1)(C) (Vernon Supp. 1989) (imposing a fine between \$100 and \$50,000 per day of violation or imprisonment up to two years, or both, if the party acts "knowingly"); UTAH CODE ANN. § 26-14-13(2) (1989) (imposing a fine up to \$15,000 per day of violation, with no mental state specified); VA. CODE ANN. § 10.1-1455(B) (Supp. 1988) (imposing a fine up to \$10,000 per day of violation or imprisonment up to one year, or both, if the party acts "knowingly"); W. VA. CODE § 20-5E-15(b)(1) (1985) (imposing a fine up to \$25,000 per violation or imprisonment up to one year, or both, if the party acts "knowingly"); WIS. STAT. ANN. § 144.74(2)(a)(1) (West Supp. 1988) (imposing a fine between \$100 and \$25,000 per day of violation or imprisonment up to one year, or both, if the party acts "willfully"); WYO. STAT. § 35-11-901(k) (1988) (imposing a fine up to \$10,000 or imprisonment up to one year, or both, if the party acts "knowingly").

100. See ALA. CODE § 22-30-19(e)(6) (Supp. 1988) (imposing a fine up to \$100,000 or imprisonment between two and twenty years, or both); CAL. HEALTH & SAFETY CODE § 25191(a)(1) (West Supp. 1989) (imposing a fine between \$2,000 and \$50,000 per day of violation or imprisonment in the state prison for sixteen, twenty, or twenty-four months (or in the county jail for up to one year) or both); COLO. REV. STAT. § 25-15-310(3) (Supp. 1988) (imposing a fine up to \$100,000 per day of violation or imprisonment up to eight years, or both); CONN. GEN. STAT. ANN. § 22a-131a(a)(2) (West Supp. 1989) (imposing a fine up to \$50,000 or imprisonment up to two years, or both); DEL. CODE ANN. tit. 7, § 6309(g) (Supp. 1982) (imposing a fine up to \$50,000 per day of violation or imprisonment up to two years, or both); FLA. STAT. § 403.727(3)(b)(3) (1987) (imposing a fine up to \$100,000 per day of violation or imprisonment up to ten years, or both); GA. CODE ANN. § 12-8-82(a)(3) (1988) (imposing a fine up to \$100,000 per day of violation or imprisonment between two and four years, or both); HAW. REV. STAT. § 342-11(d)(3) (1988) (imposing a fine up to \$50,000 per day of violation or imprisonment up to two years, or both); ILL. ANN. STAT. ch. 111 1/2, para. 1044(h)(2) (Smith-Hurd 1988) (imposing a fine up to \$50,000 per day of violation or imprisonment between two and five years, or both); IND. CODE ANN. § 13-7-13-3(c)(3) (Burns 1987) (imposing a fine up to \$50,000 per day of violation or imprisonment between one and four years, or both); IOWA CODE ANN. § 455B.417(1)(c) (West Supp. 1988) (imposing a fine up to \$50,000 per day of violation or imprisonment up to two years, or both); MICH. COMP. LAWS ANN. § 299.548(2) (West 1984) (imposing a fine up to \$50,000 per day of violation or imprisonment up to two years, or both); MINN. STAT. ANN. § 609.671(5)(a)(6)&(7),(5)(b) (West Supp. 1989) (imposing a fine up to \$50,000 per day of violation or imprisonment up to five years, or both); MO. ANN. STAT. § 260.425(3)(3) (Vernon Supp.

providing false information and for concealing or destroying information.¹⁰¹

3. *Lack of Uniformity with Regard to Hazardous and Toxic Waste Offenses*

A lack of uniformity exists in the states' hazardous and toxic waste criminal provisions, both in terms of their scope and their available penalties. Substantial variations exist among state statutes, as well as between the federal and state statutes. Some states have comprehensive statutory structures and strict criminal penalties, while other states have adopted only the minimum standards necessary to permit them to operate their own regulatory programs.¹⁰²

To combat the national problem of environmental pollution, the states and the federal government must develop a uniform strategy for criminal enforcement. For that approach to be effective, however, the proscriptions and penalties of each jurisdiction must be as similar as possible. Only then will the states' enforcement efforts be maximized to deter the future poisoning of the environment, while also abating and remedying existing problems.

B. *Water Pollution*

Most states do not have or enforce comprehensive criminal programs in the area of water pollution, absent hazardous or toxic waste involve-

1989) (imposing a fine between \$5,000 and \$50,000 per day of violation or imprisonment for not less than ten years, or both); MONT. CODE ANN. § 75-10-418(1) (1987) (imposing a fine up to \$20,000 per day of violation or imprisonment up to one year, or both); N.J. STAT. ANN. § 13:1E-9(g)(4)&(5) (West Supp. 1988) (imposing a fine up to \$100,000 or imprisonment between three and five years, or both); N.M. STAT. ANN. § 74-4-11(A) (1988) (imposing a fine up to \$25,000 or imprisonment up to two years, or both); 35 PA. CONS. STAT. ANN. § 6018.606(e) (Purdon Supp. 1988) (imposing a fine between \$2,500 and \$50,000 per violation or imprisonment between two and twenty years, or both, if the subsequent conviction occurs within two years of the first conviction); TEX. REV. CIV. STAT. ANN. art. 4477-7, § 8(b)(1)(C) (Vernon Supp. 1989) (imposing a fine between \$200 and \$100,000 per day of violation or imprisonment up to four years, or both); UTAH CODE ANN. § 26-14-13(2) (1989) (imposing a fine up to \$25,000 per day of violation); W. VA. CODE § 20-5E-15(c) (1985) (imposing a fine up to \$50,000 per day of violation or imprisonment between one and three years, or both); WIS. STAT. ANN. § 144.74(2)(a)(1),(c)(1) (West Supp. 1988) (imposing a fine between \$1,000 and \$50,000 per day of violation or imprisonment up to one year, or both).

101. See ALA. CODE § 22-30-19(e)(5) (Supp. 1988); CAL. HEALTH & SAFETY CODE § 25191(a)(3) (West Supp. 1989); COLO. REV. STAT. § 25-15-310(1)(d) (Supp. 1988); CONN. GEN. STAT. ANN. § 22a-131a(a)(3) (West Supp. 1989); GA. CODE ANN. § 12-8-82(a)(4) (1988); ILL. ANN. STAT. ch. 111 1/2, para. 1044(h)(3) (Smith-Hurd 1988); IOWA CODE ANN. § 455B.417(1)(d) (West Supp. 1988); KAN. STAT. ANN. § 65-3441(a)(7),(c) (1985); MO. ANN. STAT. § 260.425(3)(5) (Vernon Supp. 1989); N.M. STAT. ANN. § 74-4-11(A)(4) (1988); R.I. GEN. LAWS § 23-19.1-18(g) (1985); TEX. REV. CIV. STAT. ANN. art. 4477-7, § 8(b)(1)(D) (Vernon Supp. 1989); W. VA. CODE § 20-5E-15(b)(2) (1985); WIS. STAT. ANN. § 144.74(2)(a)(2) (West Supp. 1988).

102. See 40 C.F.R. § 271.1-.25 (1988).

ment.¹⁰³ Nevertheless, the most pervasive and significant national environmental problem lies with protecting surface and ground waters from "pollution" of any sort. Thus, a need exists for strict enforcement of laws forbidding the introduction of *any* pollutants, regardless of their regulatory classifications, into the waters of the fifty states.

1. Federal Statutes

The Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, established a comprehensive regulatory and programmatic scheme for controlling water pollution.¹⁰⁴ The primary thrust of the Act is the National Pollutant Discharge Elimination System ("NPDES") program. The NPDES program regulates discharges from point sources, industrial discharges, and municipal treatment plants.¹⁰⁵ Prior to the authorization of the NPDES program in 1972, federal water pollution laws focused on protecting the receiving waters through quality standards.¹⁰⁶

Under NPDES, the EPA issues permits for those who discharge pollutants from point sources into any waters of the United States. These permits establish the effluent limitations and the deadlines for realizing them.¹⁰⁷ Section 402(b) allows individual states to administer their own permit systems, after the administrator finds compliance with significant conditions.

The EPA establishes permit provisions for which a state must have legal authority in order to implement its own NPDES program.¹⁰⁸ State NPDES programs also must have approved pretreatment programs which allow for incorporation of Publicly-Owned Treatment Works ("POTW") pretreatment conditions into permits issued to POTW's.¹⁰⁹ A state NPDES program may apply to federal facilities discharging within that state, if the program receives EPA authorization.¹¹⁰ States

103. See generally appendix.

104. Clean Water Act §§ 101-518, 33 U.S.C.A. §§ 1251-1377 (West 1986 & Supp. 1988).

105. The Act leaves to the states primary control over non-point sources of pollution, such as land uses which cause water pollution. *Id.* § 402(b), 33 U.S.C.A. § 1342(b) (West 1986).

106. Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500, 1972 U.S. CODE CONG. & ADMIN. NEWS (86 Stat. 816) 3668, 3675.

107. See Clean Water Act § 301, 33 U.S.C.A. § 1311 (West 1986 & Supp. 1988).

108. See 40 C.F.R. § 123.25 (1988).

109. 40 C.F.R. § 403.10 (1988). See Clean Water Act § 402(b)(8), 33 U.S.C.A. § 1342(b)(8) (West 1986); *id.* § 307(b)(1), 33 U.S.C.A. § 1317(b)(1). It should be noted that EPA regulations provide that industrial waste mixed with sanitary waste in a sewer system leading to a POTW is not solid waste under RCRA. See 40 C.F.R. § 261.4(a)(1)(ii) (1988).

110. The following states are authorized to administer the NPDES program with respect to federal facilities: Alabama, Arkansas, California, Connecticut, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana,

also may issue broader NPDES permits as part of their programs. These general NPDES permits regulate certain categories of discharges within a geographic area specified under the regulations.¹¹¹

The federal Clean Water Act, as amended in 1987, provides criminal sanctions for violating specific provisions.¹¹² These amendments rendered the Act's criminal provisions and sanctions more comprehensive and stringent. Under the amended Act, a "person"¹¹³ who "negligently" violates an NPDES permit issued under section 1342, or who introduces into a sewer system or a POTW, any pollutant or hazardous substance which is either known or reasonably known to cause personal injury or property damage may be punished by a fine between \$2,500 and \$25,000 per day of violation or imprisonment up to one year, or both.¹¹⁴ For "negligently" violating the provisions a second time, a person will be subject to a fine up to \$50,000 per day of violation or imprisonment up to two years, or both.¹¹⁵ Any person who "knowingly" commits such crimes will be subject to a fine between \$5,000 and \$50,000 per day of violation or imprisonment up to three years, or both.¹¹⁶ For a second conviction for acting "knowingly," a person will be subject to a fine up to \$100,000 per day of violation or imprisonment up to six years, or both.¹¹⁷

The Water Quality Act of 1987 also added a criminal provision for "knowing endangerment." Under this provision, any person who "knowingly" violates certain sections of the Act, or any permit condition, and who knows at that time that such conduct thereby places another person in imminent danger of death or serious bodily injury will be subject to a fine up to \$250,000 or imprisonment up to fifteen years, or both.¹¹⁸ A "person" that is defined as an "organization" may be

Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. See 52 Fed. Reg. 45,823-24 (1987) (to be codified at 40 C.F.R. § 123); Letter from the United States Environmental Protection Agency (Jan. 24, 1989) (discussing the states authorized to regulate federal facilities) (copy on file at the *J. Land Use & Envtl. L.*, Florida State University, Tallahassee, Florida).

111. See 40 C.F.R. § 122.28 (1988). The following states are authorized to issue general permits: Arkansas, Colorado, Illinois, Kentucky, Minnesota, Missouri, Montana, New Jersey, Oregon, Rhode Island, Utah, West Virginia, and Wisconsin. State NPDES program status may be obtained from the United States Environmental Protection Agency.

112. Water Quality Act of 1987, Pub. L. No. 100-4, § 312, 101 Stat. 7, 42-45 (codified at 33 U.S.C.A. § 1319(c) (West Supp. 1988)).

113. "Person" includes any responsible corporate officer. 33 U.S.C.A. § 1319(c)(6) (West Supp. 1988).

114. *Id.* § 1319(c)(1)(B).

115. *Id.*

116. *Id.* § 1319(c)(2).

117. *Id.*

118. *Id.* § 1319(c)(3)(A).

fined up to \$1,000,000 for a violation of this "knowing endangerment" provision.¹¹⁹ Moreover, a person convicted a second or subsequent time under this provision will be subject to double the maximum penalty with respect to both the fine and punishment.¹²⁰

The 1987 amendments to the Clean Water Act also provided that any person who "knowingly" makes a false material statement, representation, or certification in any application or other document filed or required to be maintained, or who "knowingly" falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained may be punished by a fine up to \$10,000 per day of violation or imprisonment up to two years, or both.¹²¹ For a second conviction, a person is subject to a fine up to \$20,000 per day of violation or imprisonment up to four years, or both.¹²²

While the federal program may seem to be the optimum, it is not necessarily being followed in practice. In order to gain EPA approval, the fifty states' NPDES programs, as with RCRA, must satisfy minimal criminal enforcement requirements fixed by the EPA.¹²³ However, the minimum state requirements established by the EPA, which resemble those of the pre-1987 Clean Water Act, are less stringent than those now required by the federal government's own program.

Under EPA regulations, a state *must* provide minimum criminal fines of \$10,000 per violation for "willful" or "negligent" conduct by "any person who . . . violates any applicable standards or limitations; any NPDES permit condition; or any NPDES filing requirement."¹²⁴ In addition, a minimum fine of \$5,000 must be assessed "against any person who knowingly makes any false statement, representation or certification in any NPDES form, in any notice or report required by an NPDES permit, or who knowingly renders inaccurate any monitoring device or method required to be maintained by the Director."¹²⁵ Ironically, while the states are not precluded from adopting or enforcing more stringent or extensive requirements,¹²⁶ those states that do adopt broader programs will not have those enhanced provisions considered as a part of the federally-approved program.¹²⁷

119. *Id.*

120. *Id.*

121. *Id.* § 1319(c)(4).

122. *Id.*

123. 40 C.F.R. § 123.27 (1988).

124. 40 C.F.R. § 123.27(a)(3)(ii) (1988). The mental state under these criminal enforcement provisions may include "strict liability," "gross negligence," or "criminal negligence". See *United States v. Earth Sciences, Inc.*, 599 F.2d 368, 374 (10th Cir. 1979).

125. 40 C.F.R. § 123.27(a)(3)(iii) (1988).

126. See 40 C.F.R. §§ 123.1(i)(1), 123.25(a) (1988).

127. 40 C.F.R. § 123.1(i)(2) (1988).

As of January 24, 1989, the EPA has approved the NPDES programs of thirty-eight states.¹²⁸ Of these states, twenty-five have approval for their state pretreatment programs.¹²⁹

2. State Criminal Provisions

The states' criminal proscriptions for water pollution violations, absent toxic or hazardous waste involvement, again demonstrate a complete diversity of approaches, resulting in a lack of uniform enforcement. Yet, as previously noted, water pollution probably will be the most severe environmental problem for generations to come.

A number of states have enacted statutes which are similar to the penalty provisions of the EPA.¹³⁰ Other states have adopted provisions with higher fines than those established by the EPA.¹³¹ The majority of states, however, has adopted statutes closely resembling the criminal provisions of section 1319(c) of the Clean Water Act prior to the 1987

128. Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. See 52 Fed. Reg. 45,823-24 (1987) (to be codified at 40 C.F.R. § 123); Letter from the United States Environmental Protection Agency (Jan. 24, 1989) (discussing the states authorized to regulate federal facilities) (copy on file at the *J. Land Use & Envtl. L.*, Florida State University, Tallahassee, Florida).

129. Alabama, Arkansas, Connecticut, Georgia, Hawaii, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Washington, West Virginia, and Wisconsin. See 52 Fed. Reg. 45,823-24 (1987) (to be codified at 40 C.F.R. § 123); Letter from the United States Environmental Protection Agency (Jan. 24, 1989) (discussing the states authorized to regulate federal facilities) (copy on file at the *J. Land Use & Envtl. L.*, Florida State University, Tallahassee, Florida).

130. For example, Iowa and Kansas have statutes which contain the same \$10,000 minimum fine established by the EPA. IOWA CODE ANN. § 455B.191(2) (West Supp. 1988); KAN. STAT. ANN. § 65-171(f) (1985).

131. *E.g.*, COLO. REV. STAT. § 25-8-609 (1985 & Supp. 1988) (imposing a fine up to \$12,500, if the party acts "recklessly" or "with criminal negligence"; imposing a fine up to \$25,000, if the party acts "intentionally" or "knowingly"); DEL. CODE ANN. tit. 7, § 6013(a) (Supp. 1982) (imposing a fine between \$2,500 and \$25,000 per day of violation, if the party acts "willfully" or "negligently"); MICH. COMP. LAWS ANN. § 323.10(2) (West 1975) (imposing a fine between \$2,500 and \$25,000 per day of violation, with no mental state specified); MISS. CODE ANN. § 49-17-43(e) (Supp. 1988) (imposing a fine between \$2,500 and \$25,000 per day of violation, with no mental state specified); N.H. REV. STAT. ANN. § 149.19(I) (Supp. 1988) (imposing a fine up to \$25,000 per day of violation or imprisonment up to six months, if the party acts "willfully" or "negligently"); TEX. WATER CODE ANN. §§ 26.212(c), 26.213(b) (Vernon 1988) (imposing a fine up to \$25,000, if the party acts "willfully" or "negligently"); UTAH CODE ANN. § 26-11-16(2) (1989) (imposing a fine up to \$25,000 per day of violation, if the party acts "willfully" or "with gross negligence"); VA. CODE ANN. § 62.1-44.32(b) (1987) (imposing a fine between \$100 and \$25,000, if the party acts "willfully" or "negligently"). One should note that Idaho has not enacted criminal water pollution provisions.

amendments. Before 1987, the criminal penalties provided under section 1319(c) were specified for "willful" or "negligent" conduct by any person who violated certain provisions.¹³² These penalties consisted of a fine between \$2,500 and \$25,000 per day of violation or imprisonment up to one year, or both. For subsequent violations, a person was subject to a fine up to \$50,000 per day of violation or imprisonment up to two years, or both.¹³³ Many states, therefore, provide for fines up to \$25,000 per day of violation, one year imprisonment, or both, for "willful" or "negligent" violations of their water pollution provisions.¹³⁴

These penalties are similar to the penalties for only "negligent" conduct under section 1319(c)(1) of the Clean Water Act after the 1987 amendments. Moreover, Arkansas, New Mexico, South Dakota, and Washington have penalty provisions which only provide for a \$10,000 fine per day of violation, one year in jail, or both.¹³⁵ Further, some states only provide for one year or less in jail.¹³⁶ These penalties for "willful" or "negligent" violations of state statutes resemble those of section 1321(b)(5) of the federal Act, which provides sanctions for failure to notify the proper governmental agency of discharges of oil or hazardous substances into surface or ground water.¹³⁷

132. Clean Water Act § 309(c)(1), 33 U.S.C.A. § 1319(c)(1) (West 1986).

133. *Id.*

134. See ALA. CODE § 22-22-14(a) (Supp. 1988); CONN. GEN. STAT. ANN. § 22a-438(b) (West Supp. 1989); IND. CODE ANN. § 13-7-13-3(a) (Burns 1987) (if the party acts "intentionally," "knowingly," "recklessly," or "negligently"); LA. REV. STAT. ANN. § 30:2025(F)(2) (West 1989) (if the party acts "willfully" or "knowingly"); MD. ENVIRONMENT CODE ANN. § 4-417(b) (1987); MINN. STAT. ANN. § 609.671(8) (West Supp. 1989) (imposing a fine between \$2,500 and \$40,000 per day of violation or imprisonment up to one year, or both, if the party acts "willfully"); MO. ANN. STAT. § 644.076 (Vernon 1988); MONT. CODE ANN. § 75-5-632 (1987); NEV. REV. STAT. ANN. § 445-334(1) (Michie 1986) (if the party acts "intentionally" or "with criminal negligence"); N.Y. ENVTL. CONSERV. LAW § 71-1933(1) (McKinney Supp. 1989); N.D. CENT. CODE § 61-28-08(1) (1985); OHIO REV. CODE ANN. § 6111.99(A) (Anderson Supp. 1988); OR. REV. STAT. § 468.992(1) (1983); PA. STAT. ANN. tit. 35, § 691.602(b) (Purdon Supp. 1988); W. VA. CODE § 20-5A-19 (1985); WYO. STAT. § 35-11-901(j) (1988).

135. Arkansas, New Mexico, and South Dakota do not require a specific intent. ARK. STAT. ANN. § 8-4-103(a) (Supp. 1987); N.M. STAT. ANN. § 74-6-5(O) (1988); S.D. CODIFIED LAWS ANN. § 34A-2-75 (Supp. 1988). Washington requires willful intent. WASH. REV. CODE ANN. § 90.48.140 (Supp. 1989).

136. See CAL. WATER CODE § 13265(a) (West Supp. 1989) (imposing imprisonment up to six months, with no mental state specified); NEB. REV. STAT. § 81-1508(1)(b) (Supp. 1987) (imposing imprisonment up to six months, if the party acts "willfully" or "negligently"); N.C. GEN. STAT. § 143-215.6(b)(1) (1987) (imposing imprisonment up to six months, if the party acts "willfully" or "negligently"); OKLA. STAT. ANN. tit. 63, § 1-1701(c)(1) (West 1984) (imposing imprisonment up to six months, with no mental state specified); VT. STAT. ANN. tit. 10, § 1275(a) (1984) (imposing imprisonment up to six months, with no mental state specified); WIS. STAT. ANN. § 147.21(3) (West Supp. 1988) (imposing imprisonment up to six months, if the party acts "willfully" or "negligently").

137. See 33 U.S.C.A. § 1321(b)(5) (West 1986).

Several states have enacted statutes with penalty provisions which exceed those for "negligent" conduct under the existing Clean Water Act, and those for both "willful" or "negligent" conduct under prior federal law.¹³⁸ Only Arizona and Hawaii have penalty provisions comparable to those for "knowing" conduct under section 1319(c)(2), as amended in 1987.¹³⁹ Further, a number of states have adopted enhanced penalty provisions which, like section 1319(c)(1), provide greater penalties for subsequent violations.¹⁴⁰

Most states also have adopted criminal water pollution statutes which contain provisions proscribing false statements.¹⁴¹ The EPA requires criminal fines of at least \$5,000 for each knowingly false statement or representation made with respect to an NPDES form or report.¹⁴² Nebraska and Oklahoma have enacted statutes which only satisfy the EPA's minimum requirements for such violations.¹⁴³ On the other hand, Kansas, Michigan, Texas, and Virginia provide for slightly higher

138. See ARIZ. REV. STAT. ANN. § 49-263(A),(C) (1988) (imposing a fine up to \$150,000 or imprisonment of two years, or both, if the party acts "knowingly"); HAW. REV. STAT. § 342-101 (Supp. 1988) (imposing a fine between \$5,000 and \$50,000 per day of violation or imprisonment up to three years, or both, if the party acts "knowingly"); ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(1),(2) (Smith-Hurd 1988) (imposing a fine up to \$25,000 per day of violation or imprisonment between one and three years, or both, if the party acts "knowingly"); S.C. CODE ANN. § 48-1-320 (Law. Co-op. 1987) (imposing a fine between \$500 and \$25,000 per day of violation or imprisonment up to two years, or both, if the party acts "willfully" or "negligently"); TENN. CODE ANN. § 69-3-115(c) (Supp. 1988) (imposing a fine up to \$25,000 or imprisonment up to two years, or both, if the party acts "willfully" or "knowingly").

139. ARIZ. REV. STAT. ANN. § 49-263(A),(C) (1988) (imposing a fine up to \$150,000 or imprisonment of two years, or both, if the party acts "knowingly"); HAW. REV. STAT. § 342-101 (Supp. 1988) (imposing a fine between \$5,000 and \$50,000 per day of violation or imprisonment up to three years, or both, if the party acts "negligently").

140. See ALA. CODE § 22-22-14(a) (Supp. 1988); CONN. GEN. STAT. ANN. § 22A-438(b) (West Supp. 1989); GA. CODE ANN. § 12-5-53(a) (1988); IND. CODE ANN. § 13-7-13-3(a)(2) (Burns 1987); IOWA CODE ANN. § 455B.191(2) (West Supp. 1988); MICH. COMP. LAWS ANN. § 323.10(2) (1975); MINN. STAT. ANN. § 609.671(8)(b) (West Supp. 1989); MO. ANN. STAT. § 204.076(3) (Vernon 1983); MONT. CODE ANN. § 75-5-632 (1987); NEV. REV. STAT. ANN. § 445.334(2) (Supp. 1988); N.J. STAT. ANN. § 58:10A-10(f) (West Supp. 1988); N.Y. ENVTL. CONSERV. LAW § 71-1933(1) (McKinney Supp. 1989); N.D. CENT. CODE § 61-28-08(1) (1985); PA. STAT. ANN. tit. 35, § 691.602(c) (Purdon Supp. 1988); UTAH CODE ANN. § 26-11-16(2)(b) (1989); WIS. STAT. ANN. § 147.21(3) (West Supp. 1988); WYO. STAT. § 35-11-901(j) (1988).

141. Oregon, Pennsylvania, and Washington do not have specific provisions in this area. California has a provision which imposes a fine up to \$1,000 per day or imprisonment up to six months, or both, for failing or refusing to furnish required technical or monitoring program reports. CAL. WATER CODE § 13268(a) (West Supp. 1989). Arizona's statute addresses the failure to monitor, sample, or report discharges. ARIZ. REV. STAT. ANN. § 49-263(A)(2) (1988).

142. 40 C.F.R. § 123.27(a)(3)(iii) (1988).

143. NEB. REV. STAT. § 81-1508(d) (Supp. 1987); OKLA. STAT. ANN. tit. 63, § 1-1701(c)(2) (West 1984). Rhode Island imposes a \$5,000 fine and, in addition, permits the imposition of a thirty-day prison term. R.I. GEN. LAWS § 46-12-14(b) (1988).

finer than the required minimum.¹⁴⁴ Thus, most states have enacted statutes similar to section 1319(c) prior to the 1987 amendments and have provided for a fine up to \$10,000 or imprisonment up to six months, or both.¹⁴⁵ Several states, however, have enacted provisions with stiffer penalties.¹⁴⁶

3. *Lack of Uniformity*

As with criminal hazardous waste provisions, great disparities exist among the fifty states' criminal water pollution statutes, as well as between the states' and the federal government's statutes. While the federal government now has stiffer penalties under the 1987 amendments to the Clean Water Act, most state statutes do not impose strict enough penalties either to punish violators adequately or to deter future violations. The problem is exacerbated because many states do not even at-

144. KAN. STAT. ANN. § 65-170c (1985) (imposing a fine between \$25 and \$10,000 per day of violation); MICH. COMP. LAWS ANN. § 323.10 (West 1975) (imposing a fine between \$2,500 and \$25,000 per day of violation); TEX. WATER CODE ANN. §§ 26.212(d), 26.213(b) (Vernon 1988) (imposing a fine up to \$25,000 per day of violation); VA. CODE ANN. § 62.1-44.32(b) (1987) (imposing a fine between \$100 and \$25,000 per day of violation).

145. See ALA. CODE § 22-22-14(b) (Supp. 1988); COLO. REV. STAT. § 25-8-610(1) (1982); CONN. GEN. STAT. ANN. § 22A-438(c) (West Supp. 1989); DEL. CODE ANN. tit. 7, § 6013(b) (Supp. 1982) (imposing a fine between \$500 and \$5,000 per day or imprisonment up to six months, or both); FLA. STAT. § 403.161(1)(c) (1987); IND. CODE ANN. § 13-7-13-3(b) (Burns 1987); IOWA CODE ANN. § 455B.191(3) (West Supp. 1988); ME. REV. STAT. ANN. tit. 38, § 349(3) (Supp. 1988); MD. ENVIRONMENT CODE ANN. § 4-417(c) (1987); MO. ANN. STAT. § 644.076(2) (Vernon 1988); MONT. CODE ANN. § 75-5-633 (1987); N.C. GEN. STAT. § 143-215.6(b)(2) (1987); N.D. CENT. CODE § 61-28-08(2) (1985); UTAH CODE ANN. § 26-11-16(3) (1989); VT. STAT. ANN. tit. 10, § 1275(b) (1984); W. VA. CODE § 20-5A-19 (1985); WIS. STAT. ANN. § 147-21(4) (West 1988).

146. See ALASKA STAT. § 46.03.790(d) (1987) (imposing a fine up to \$25,000 or imprisonment up to one year, or both); GA. CODE ANN. § 12-5-53(b) (1988) (imposing a fine up to \$10,000 or imprisonment up to two years, or both); ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(4),(5) (Smith-Hurd 1988) (imposing a fine up to \$10,000 or imprisonment less than one year, or both); KY. REV. STAT. ANN. § 224.994(4) (Michie/Bobbs-Merrill Supp. 1988) (imposing a fine between \$1,000 and \$15,000 per day of violation or imprisonment up to one year, or both); MASS. GEN. LAWS ANN. ch. 21, § 42 (West Supp. 1989) (imposing a fine between \$2,500 and \$25,000 per day of violation or imprisonment up to one year, or both); MINN. STAT. ANN. § 609.671(9) (West Supp. 1989) (imposing a fine up to \$20,000 per day of violation or imprisonment up to six months, or both); NEV. REV. STAT. ANN. § 445.337(1) (Michie 1986) (imposing a fine up to \$10,000 or imprisonment up to one year, or both); N.H. REV. STAT. ANN. § 149.19(1) (Supp. 1988) (imposing a fine up to \$25,000 or imprisonment up to six months, or both); N.J. STAT. ANN. § 58:10A-10(f) (West Supp. 1988) (imposing a fine up to \$20,000 or imprisonment up to six months, or both); S.C. CODE ANN. §§ 48-1-320, 48-1-340 (Law. Co-op. 1987) (imposing a fine between \$500 and \$25,000 per day of violation or imprisonment up to two years, or both); S.D. CODIFIED LAWS ANN. §§ 34A-2-75, 34A-2-77 (Supp. 1988) (imposing a fine up to \$10,000 per day of violation or imprisonment up to one year, or both); TENN. CODE ANN. § 69-3-115(c) (Supp. 1988) (imposing a fine up to \$25,000 or imprisonment up to two years, or both); WYO. STAT. § 35-11-901(k) (1988) (imposing a fine up to \$10,000 or imprisonment up to one year, or both).

tempt to enforce criminal water pollution violations, as contrasted to hazardous or toxic waste violations. Obviously, the states must adopt a uniform statutory approach to the prosecution of water pollution crimes. The statutes also must include harsh sanctions that are utilized to the fullest extent. Until such a strategy is adopted, polluters may find it more profitable to violate the law.

C. *Air Pollution*

The states are far less aggressive in prosecuting violations of air pollution statutes than any other form of pollution; yet, air pollution can pose just as great a harm to human health as any other form of environmental pollution. As with water pollution and hazardous waste pollution, an absence of uniformity in the states' prosecutorial efforts and available statutes hampers effective enforcement.

1. *Federal Statutes*

In 1970, Congress began a new era in the fight against air pollution with the passage of amendments to the Clean Air Act.¹⁴⁷ The 1970 amendments drastically changed the Air Quality Act of 1967¹⁴⁸ by establishing stricter standards for air quality. The Clean Air Act Amendments of 1977¹⁴⁹ made even further changes to the 1967 Clean Air Act.

The purpose of the Clean Air Act is twofold. First, it is designed "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population."¹⁵⁰ Second, the Act is aimed at deterring both large and small scale air polluters.¹⁵¹

The Clean Air Act assigns the EPA administrator the task of setting two air quality standards, National Primary Ambient Air Quality Standards ("Primary Standards") and National Secondary Ambient Air Quality Standards ("Secondary Standards").¹⁵² Primary Standards are

147. Clean Air Amendments of 1970, Pub. L. No. 91-604, §§ 101-403, 84 Stat. 1676 (codified as amended at 42 U.S.C. §§ 7401-7642 (1982 & Supp. IV 1986)) [hereinafter 1970 Clean Air Act].

148. Air Quality Act of 1967 (Clean Air Act), Pub. L. No. 90-148, §§ 101-310, 81 Stat. 485 (codified as amended at 42 U.S.C. §§ 7401-7642 (1982 & Supp. IV 1986)) [hereinafter 1967 Clean Air Act].

149. Pub. L. No. 95-95, §§ 101-406, 91 Stat. 685 (codified as amended at 42 U.S.C. §§ 7401-7642 (1982 & Supp. IV 1986)) [hereinafter 1977 Clean Air Act].

150. 1970 Clean Air Act § 101(b)(1), 42 U.S.C. § 7401 (b)(1) (1982).

151. Long, *Criminal Prosecution of Environmental Laws: Semi-White Collar Crime*, 31 *FED. B. NEWS & J.* 266, 268 (1984).

152. 1970 Clean Air Act § 109, 42 U.S.C. § 7409 (1982). See also Kramer, *Air Quality Modeling: Judicial, Legislative and Administrative Reactions*, 5 *COLUM. J. ENVTL. L.* 236, 236-37 (1979).

designed to protect the public health and are tied into a "medical" judgment of how low the level of ambient pollutants must be to prevent injury to people.¹⁵³ Secondary Standards specify the level of air quality the EPA administrator determines is required to protect the public from any known or anticipated adverse effects from air pollutants.¹⁵⁴ The EPA administrator also is responsible for promulgating source performance standards for new stationary source emissions.¹⁵⁵ Nevertheless, the primary responsibility for regulating emissions from existing stationary sources belongs to the states.¹⁵⁶

Once the EPA administrator has established National Ambient Air Quality Standards, the states are responsible for developing plans for implementing, maintaining, and enforcing standards within each air quality region, or portion thereof, in their state.¹⁵⁷ Each state's implementation plan ("SIP") must be approved by the EPA administrator.¹⁵⁸ For a state to gain approval for its SIP from the EPA, it must provide for "implementation, maintenance, and enforcement."¹⁵⁹ The enforcement program, however, need only be civil in nature, rather than criminal.¹⁶⁰

So far, the complexity and unenforceability of the process has hampered the states in obtaining EPA approval for their plans. Each state first must use air quality models to predict the effect of emission sources on the ambient air quality in order to determine the existing ambient air quality for major pollutants.¹⁶¹ Once that is accomplished, the EPA administrator's Primary Standards must be translated into emission standards for each stationary source.¹⁶²

Unlike RCRA and the Clean Water Act, the Clean Air Act does not require the states to enact minimum criminal provisions to receive EPA approval for their implementation plans. The Act does contain, however, its own criminal enforcement provisions.¹⁶³ Sanctions for "knowing" violations by any "person,"¹⁶⁴ or for substantive violations,

153. 1970 Clean Air Act § 109(b)(1), 42 U.S.C. § 7409(b)(1) (1982). See 1 W.H. RODGERS, ENVIRONMENTAL LAW: AIR AND WATER § 3.7, at 241 (1986).

154. 1970 Clean Air Act § 109(b)(2), 42 U.S.C. § 7409(b)(2) (1982).

155. *Id.* § 110(a)(2)(D),(F),(I), 42 U.S.C. § 7410(a)(2)(D),(F),(I) (1982).

156. *Id.* § 111(d), 42 U.S.C. § 7411(d) (1982).

157. *Id.* § 110, 42 U.S.C. § 7410 (1982).

158. *Id.* § 110(a)(2), 42 U.S.C. § 7410(a)(2) (1982).

159. *Id.* § 110(a)(1), 42 U.S.C. § 7410(a)(1) (1982).

160. *Id.* § 113, 42 U.S.C. § 7413 (1982).

161. *Id.* § 110(a), 42 U.S.C. § 7410(a) (1982).

162. *Id.*

163. *Id.* § 113(c), 42 U.S.C. § 7413(c) (1982).

164. Included in the definition of "person" is any "responsible corporate officer." *Id.* § 113(c)(3), 42 U.S.C. § 7413(c)(3) (1982).

include fines up to \$25,000 per day of violation or imprisonment up to one year, or both.¹⁶⁵ Penalties for subsequent violations include fines up to \$50,000 per day of violation or imprisonment up to two years, or both.¹⁶⁶ The penalty for false reporting is a fine up to \$10,000 or imprisonment up to six months, or both.¹⁶⁷

2. State Criminal Provisions

Few states' criminal enforcement provisions embody the statutory language and penalties contained in the Clean Air Act. Several states' statutes do track the Clean Air Act and impose fines up to \$25,000 or imprisonment up to one year, or both, for violations of state air pollution provisions.¹⁶⁸ Two states, Louisiana and Maine, impose more severe penalties when substances are involved which would or could endanger human life.¹⁶⁹ Unfortunately, a number of states provide for lesser fines or periods of incarceration than those provided in the Clean Air Act. For example, several states have failed to incorporate jail sentences into their penalties.¹⁷⁰ Further, thirteen states do not have *any* criminal penalties for air pollution.¹⁷¹ While a few states have adopted criminal provisions for false representations regarding the requirements of their air pollution provisions,¹⁷² and one has provided enhanced penalties for subsequent offenses,¹⁷³ a *per se* violation for either a permit

165. *Id.* § 113(c)(1), 42 U.S.C. § 7413(c)(1) (1982).

166. *Id.*

167. *Id.* § 113(c)(2), 42 U.S.C. § 7413(c)(2) (1982).

168. *See* FLA. STAT. § 403.161(1)(a) (Supp. 1988); IND. CODE ANN. § 13-7-13-3(a) (Burns 1987); LA. REV. STAT. ANN. § 30:2025(F)(2) (1989); MASS. GEN. LAWS ANN. ch. 111, § 142A (West Supp. 1989); N.D. CENT. CODE § 23-25-10(2) (1978); OHIO REV. CODE ANN. § 3704.99(A) (Anderson 1988); WYO. STAT. § 35-11-901(j) (1988).

169. LA. REV. STAT. ANN. § 30:2025(F)(1) (1989) (imposing a fine up to \$1,000,000 or the cost of cleanup (up to \$100,000 per day of violation), plus costs of prosecution, or imprisonment up to ten years, or both a fine and imprisonment); ME. REV. STAT. ANN. tit. 17-A, § 803 (1983 & Supp. 1988) (imposing a fine up to \$50,000 or imprisonment up to twenty years, or both).

170. *See* MICH. COMP. LAWS ANN. § 336.26 (West 1980); MISS. CODE ANN. § 49-17-43(e)(1) (West Supp. 1988); NEB. REV. STAT. § 81-1508(f) (Supp. 1987); TENN. CODE ANN. § 68-25-112(a) (1987); UTAH CODE ANN. § 26-13-18(1) (1989); VT. STAT. ANN. tit. 10, § 568 (1984); VA. CODE ANN. § 10.1-1320 (Supp. 1988).

171. Colorado, Georgia, Iowa, Maryland, Minnesota, Missouri, Nevada, New Jersey, New Mexico, South Dakota, Texas, West Virginia, and Wisconsin. *See* appendix.

172. *See* ALA. CODE § 22-28-22(a) (Supp. 1988); CAL. HEALTH & SAFETY CODE § 42400.2(b) (West Supp. 1989); DEL. CODE ANN. tit. 7, § 6013(b) (Supp. 1982); FLA. STAT. § 403.161(1)(c) (Supp. 1988); IND. CODE ANN. § 13-7-13-3(b)(1) (Burns 1987); ME. REV. STAT. ANN. tit. 38, § 349(3) (Supp. 1988); MINN. STAT. ANN. § 609.671(9)(a)(1) (West Supp. 1989); N.C. GEN. STAT. § 143-215.114(b)(2) (1987); N.D. CENT. CODE § 23-25-10(3) (1978); OHIO REV. CODE ANN. §§ 3704.05(I), 3704.99(B) (Anderson 1988); S.C. CODE ANN. § 48-1-340 (1987); UTAH CODE ANN. § 26-13-18(2) (1989); WYO. STAT. § 35-11-901(k) (1988).

173. *See* N.C. GEN. STAT. § 143-215.114(b)(3) (1987).

emission standard or a release, absent *any* permit, goes unpunished from a criminal perspective in several states.¹⁷⁴

Even in those states which authorize the imposition of fines and periods of incarceration, the sanctions are less than stringent. A prime example is Oklahoma. In that state, violations of the Oklahoma Clean Air Act, rules, and other regulations are classified as misdemeanors.¹⁷⁵ The penalties include a fine up to \$500 or imprisonment up to one year, or both.¹⁷⁶ Some states that only impose monetary penalties, such as Tennessee, Vermont, and Virginia, allow for a fine of \$2,000 or less per violation.¹⁷⁷

3. *Lack of Uniformity*

A complete disparity exists in the content, and even in the very existence, of state criminal statutes addressing air pollution violations. Moreover, the existing statutes, including those resembling the penalty provisions in the Clean Air Act, do not impose severe enough criminal sanctions. Thus, as with hazardous waste and air pollution, lack of enforcement surely follows.

States do not act aggressively in prosecuting air pollution cases for several reasons. First, the EPA has not provided clear enforcement guidelines, particularly in the area of criminal enforcement. Second, the approval process for any SIP revision takes an inordinate period of time. During this interim, while the EPA has enforcement authority, the disparity between state and federal SIP's can confuse and delay the enforcement process.¹⁷⁸ Third, neither the federal government nor the states has devoted adequate financial resources to provide for criminal enforcement in this important environmental area.¹⁷⁹ Fourth, there is the ever-present problem of multi-state pollution, from one or more sources. The states have great difficulty prosecuting sources of pollution from other jurisdictions.¹⁸⁰ Finally, the proof necessary for a crimi-

174. Indiana, North Carolina, North Dakota, Utah, and Wyoming. See appendix.

175. OKLA. STAT. ANN. tit. 63, § 1-1802(L) (West Supp. 1989).

176. *Id.*

177. TENN. CODE ANN. § 68-25-112(a) (1987) (imposing a fine between \$50 and \$1,000 per violation); VT. STAT. ANN. tit. 10, § 568 (1984) (imposing a fine up to \$2,000); VA. CODE ANN. § 10.1-1320 (Supp. 1988) (imposing a fine up to \$1,000 per day of violation).

178. Reed, *Marking Time: A Status Report on the Clean Air Act Between Deadlines*, 15 *Envtl. L. Rep. (Envtl. L. Inst.)* 10,022, 10,024 (1985).

179. See *id.* at 10,038.

180. The 1977 Clean Air Act attempted to alleviate the problem of interboundary pollution by modifying section 110(a)(2)(E) to require states to control pollution from their own sources that would interfere with another state's program. 1977 Clean Air Act § 108(a)(4), 42 U.S.C. § 7410(a)(2)(E) (1982). Congress also enacted section 126, which created a procedure for a state, believing it was the victim of interboundary pollution, to petition the EPA in order to revise the

nal air pollution case can be difficult to establish, absent actual physical injury, because the evidence of the crime can dissipate quickly, which makes tracking the source of the contaminant difficult.

To address adequately the problems relating to air pollution enforcement, the states must enact criminal statutes. Moreover, in cooperation with the federal government, they must adopt a more uniform and stringent enforcement approach. Further, modifications should be made to the SIP approval process to eliminate the confusion it creates for enforcement. In addition, the states and the federal government must commit more resources to this vital area of concern. Federal assistance to the states, both financial and technical, should be considered seriously. The states and the federal government also must work together to develop more effective approaches for dealing with the evidentiary problems inherent in criminal pollution cases.

IV. CONCLUSION

Significant differences exist among the fifty states' criminal provisions concerning hazardous and toxic wastes, and water and air pollution. To combat the national problem of environmental pollution, all of the states, and the federal government, must have similar weapons at their disposal to pursue environmental criminal prosecutions effectively. Uniformity in available laws and enforcement would eliminate any competitive advantage which an enterprise might find in locating in a state which does not prosecute polluters aggressively. Moreover, it would assist individual states which do not have strong criminal environmental provisions from becoming "dumping grounds" for waste. In addition, uniformity necessarily would facilitate cooperation and coordination among the fifty states, as well as between the states and the federal government.

In adopting criminal environmental provisions, the states must harshly, but uniformly, punish violators. At the present time, some states have provisions which impose stiff penalties on polluters, while others impose only minor sanctions. Other states lack any enforcement efforts to deter violations. Corporations and individuals consciously or subconsciously may calculate potential civil and criminal penalties into their "cost of doing business."¹⁸¹ Consequently, the "stakes" must be

SIP of the offending state. *Id.* § 123, 42 U.S.C. § 7426 (1982). While these amendments provide stronger legal tools for addressing interstate pollution, the lack of available models for analyzing long-range transport of air pollution, and the EPA's strict criteria for granting state petitions under section 126 or finding section 110(a)(2)(E) violations, has rendered these provisions ineffectual.

181. McMurry & Ramsey, *supra* note 21, at 1158-59.

high enough to discourage both corporations and individuals from illegally discharging or disposing of their wastes. To deter effectively enterprises which do not feel the sting of fines, and which obviously cannot go to jail, the states must prosecute and punish responsible individuals aggressively. The threat of imprisonment often can provide a powerful impetus to promote law-abiding behavior.¹⁸²

One way to provide for a systemic approach is for Congress to raise the minimum requirements under RCRA. The EPA also could raise the minimum requirements set forth in its regulations for water pollution to the levels contained in the Water Quality Act of 1987. In addition, Congress could mandate stiff minimum penalties for air pollution violations under the Clean Air Act. These actions would ensure greater uniformity among the individual states, as well as the federal government. Moreover, harsh penalties effectively would deter "white collar" polluters.

To ensure that all of the states are able to enforce stricter provisions effectively within a reasonable period of time, federal government agencies, such as the Environmental Protection Agency and the Justice Department Land and Natural Resources Division, should provide technical assistance to those states which require additional resources. These federal agencies also should attempt to improve coordination among the fifty states and between the states and the federal government in criminal environmental prosecutions.

The establishment of a group of experienced and expert individuals to draft a "Model Penal Code" for environmental crimes, similar to the product of the Model Penal Code Commission of the 1960's, also could lead eventually to uniformity among the states. Of course, it would take some time for all of the states to adopt the provisions of a "Model Environmental Code," but it would be worth the wait.

Most important, even without a model code, is the need for the states to assume their proper role in the enforcement of environmental laws. This can be done only by the passage of similar, if not identical, laws, combined with uniform enforcement efforts. Once the states enact consistent and stringent criminal environmental statutes, they naturally will engage in more aggressive prosecution of polluters. Uniformity for the sake of uniformity, however, is not the goal. The fifty states must adopt a uniform and aggressive approach to criminal environmental prosecutions in order for the environment to survive.

182. Sherman, *Prosecutors Play Hardball with Corporate Managers*, 120 N.J.L.J. 1 (1987).

APPENDIX

THE CRIMINAL ENVIRONMENTAL LAWS OF THE
FIFTY STATES: A COMPARISON OF THE SUBSTANTIVE
AND SENTENCING STATUTORY PROVISIONS
GOVERNING HAZARDOUS AND TOXIC WASTE, AND
WATER AND AIR POLLUTION

ALABAMA

I. HAZARDOUS WASTES

Acts Prohibited

Intentionally, knowingly, recklessly, or with criminal negligence transporting or causing the transportation of any hazardous waste identified or listed under this chapter (30) to a facility or site which does not have a permit or interim status. ALA. CODE § 22-30-19(e)(1) (Supp. 1988).

Intentionally, knowingly, recklessly, or with criminal negligence treating, storing, or disposing of any hazardous waste identified under this chapter (30) without having obtained a permit or interim status, except when a generator of hazardous waste is storing such waste on-site for ninety days or less in compliance with the rules of this chapter. ALA. CODE § 22-30-19(e)(2) (Supp. 1988).

Penalties

Subject to imprisonment between one year plus one day and ten years or a fine up to \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment between two and twenty years or a fine up to \$100,000 per day of violation, or both. ALA. CODE § 22-30-19(e)(1) (Supp. 1988).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Intentionally, knowingly, recklessly, or with criminal negligence, through the handling of hazardous waste, allowing such waste to contaminate groundwater without having obtained a permit or in violation of the conditions of a permit. ALA. CODE § 22-30-19(e)(3) (Supp. 1988).

Intentionally, knowingly, recklessly, or with criminal negligence making, furnishing, or filing any material false statement, representation, or omission in any document maintained, filed, or used for purposes of compliance with this chapter (30). ALA. CODE § 22-30-19(e)(4) (Supp. 1988).

Intentionally, knowingly, recklessly, or with criminal negligence destroying, altering, concealing, or failing to maintain or file any document required to be maintained or filed for purposes of compliance with this chapter (30). ALA. CODE § 22-30-19(e)(5) (Supp. 1988).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Intentionally, knowingly, recklessly, or with criminal negligence violating any provision of this chapter (30), any rule or regulation promulgated by the department, any provision of any permit issued by the department, or any provision of any order issued under this chapter. ALA. CODE § 22-30-19(e)(6) (Supp. 1988).

Penalties

Same penalty as above.

II. WATER POLLUTION

Acts Prohibited

Willfully or with gross negligence violating any provisions, rules, regulations, or standards adopted under this chapter (22), or any condition or limitation in a permit issued under this chapter. ALA. CODE § 22-22-14(a) (Supp. 1988).

Penalties

Subject to imprisonment up to one year or a fine between \$2,500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment between one year plus one day and two years or a fine between \$5,000 and \$50,000 per day of violation, or both. ALA. CODE § 22-22-14(a) (Supp. 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter (22); or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained under this chapter. ALA. CODE § 22-22-14(b) (Supp. 1988).

Subject to imprisonment up to six months or a fine up to \$10,000, or both. ALA. CODE § 22-22-14(b) (Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

Knowingly violating, or failing or refusing to obey or comply with this chapter (28), or any rule or regulation promulgated thereunder; or knowingly submitting any false information under this chapter, or any rule or regulation promulgated thereunder. ALA. CODE § 22-28-22(a) (Supp. 1988).

Penalties

Subject to imprisonment up to one year at hard labor. ALA. CODE § 22-28-22(a) (Supp. 1988).

ALASKA

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly or negligently violating a provision of Chapter 03 (relating to environmental conservation), Chapter 04 (relating to oil pollution control), Chapter 09 (relating to hazardous substance release control), or a regulation, lawful order of the department, permit, approval, acceptance, or a term or condition of a permit, approval, or acceptance issued under these chapters. ALASKA STAT. § 46.03.790(a)-(c) (1987).

Penalties

If done knowingly, guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine up to \$5,000 per day of violation, or both. ALASKA STAT. §§ 46.03.790(b) (1987), 12.55.035(b)(3) (Supp. 1988), 12.55.135(a) (1984). If done negligently, guilty of a Class B misdemeanor and subject to imprisonment up to ninety days or a fine up to \$1,000 per day of violation, or both. *Id.* §§ 46.03.790(b), 12.55.035(b)(4), 12.55.135(b). If an organization, subject to a fine not exceeding the greater of \$100,000 or three times the pecuniary gain realized by the organization as a result of the offense. *Id.* § 12.55.035(c).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Failing to provide or falsely stating information required under § 46.03.755 (relating to the discharge of oil and ballast water), § 46.04 (relating to oil pollution control), or § 46.09 (relating to hazardous substance release control). ALASKA STAT. § 46.03.790(d) (1987).

Knowingly transporting any hazardous waste to an unpermitted facility; or knowingly treating, storing, or disposing of hazardous waste without a required permit; or knowingly making a false statement or representation in any document filed, maintained, or used for purposes of compliance with the hazardous waste provisions of this chapter (03), or regulations adopted under those provisions. ALASKA STAT. § 46.03.790(e) (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per violation, or both. ALASKA STAT. § 46.03.790(d) (1987). If an organization, subject to a fine not exceeding the greater of \$100,000 or three times the pecuniary gain realized by the organization as a result of the offense. *Id.* § 12.55.035(c) (Supp. 1988).

Subject to imprisonment up to one year or a fine up to \$10,000 per day of violation, or both. ALASKA STAT. § 46.03.790(e) (1987). If an organization, subject to a fine not exceeding the greater of \$100,000 or three times the pecuniary gain realized by the organization as a result of the offense. *Id.* § 12.55.035(c) (Supp. 1988).

II. WATER POLLUTION

Acts Prohibited

Knowingly or negligently violating a provision of Chapter 03 (relating to environmental conservation), Chapter 04 (relating to oil pollution control), Chapter 09 (relating to hazardous substance release control), or a regulation, lawful order of the department, permit, approval, acceptance, or a term or condition of a permit, approval, or acceptance issued under these chapters. ALASKA STAT. § 46.03.790(a)-(c) (1987).

Failing to provide or falsely stating information required under § 46.03.755 (relating to the discharge of oil and ballast water), § 46.04 (relating to oil pollution control), or § 46.09 (relating to hazardous substance release control). ALASKA STAT. § 46.03.790(d) (1987).

Penalties

If done knowingly, guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine up to \$5,000 per day of violation, or both. ALASKA STAT. §§ 46.03.790(b) (1987), 12.55.035(b)(3) (Supp. 1988), 12.55.135(a) (1984). If done negligently, guilty of a Class B misdemeanor and subject to imprisonment up to ninety days or a fine up to \$1,000 per day of violation, or both. *Id.* §§ 46.03.790(b), 12.55.035(b)(4), 12.55.135(b). If an organization, subject to a fine not exceeding the greater of \$100,000 or three times the pecuniary gain realized by the organization as a result of the offense. *Id.* § 12.55.035(c).

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per violation, or both. ALASKA STAT. § 46.03.790(d) (1987). If an organization, subject to a fine not exceeding the greater of \$100,000 or three times the pecuniary gain realized by the organization as a result of the offense. *Id.* § 12.55.035(c) (Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

Knowingly or negligently violating a provision of Chapter 03 (relating to environmental conservation), or a regulation, lawful order of the department, permit, approval, acceptance, or a term or condition of a permit, approval, or acceptance issued under this chapter. ALASKA STAT. § 46.03.790(a)-(c) (1987).

Failing to provide or falsely stating information required under § 46.09 (relating to hazardous substance release control). ALASKA STAT. § 46.03.790(d) (1987).

Penalties

If done knowingly, guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine up to \$5,000 per day of violation, or both. ALASKA STAT. §§ 46.03.790(b) (1987), 12.55.035(b)(3) (Supp. 1988), 12.55.135(a) (1984). If done negligently, guilty of a Class B misdemeanor and subject to imprisonment up to ninety days or a fine up to \$1,000 per day of violation, or both. *Id.* §§ 46.03.790(b), 12.55.035(b)(4), 12.55.135(b). If an organization, subject to a fine not exceeding the greater of \$100,000 or three times the pecuniary gain realized by the organization as a result of the offense. *Id.* § 12.55.035(c).

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per violation, or both. ALASKA STAT. § 46.03.790(d) (1987). If an organization, subject to a fine not exceeding the greater of \$100,000 or three times the pecuniary gain realized by the organization as a result of the offense. *Id.* § 12.55.035(c) (Supp. 1988).

ARIZONA**I. HAZARDOUS WASTES****Acts Prohibited**

Transporting hazardous waste to an unauthorized facility; or generating hazardous waste and causing or allowing it to be transported to an unauthorized facility; or treating, storing, transporting, or disposing of hazardous waste without authorization. ARIZ. REV. STAT. ANN. § 49-925(A) (1988).

Penalties

If done intentionally, guilty of a Class 5 felony and subject to imprisonment of two years or a fine up to \$150,000 fixed by the court, or both. ARIZ. REV. STAT. ANN. §§ 49-925(A) (1988), 13-701(C)(4) (Supp. 1988), 13-801(A) (1978). If done recklessly, guilty of a Class 6 felony and subject to imprisonment of one and one-half years or a fine up to \$150,000 fixed by the court, or both. *Id.* §§ 49-925(A), 13-701(C)(5), 13-801(A). If done knowingly or recklessly manifesting extreme indifference to human life, guilty of a Class 3 felony and subject to imprisonment of five years or a fine up to \$150,000 fixed by the court, or both. *Id.* §§ 49-925(A), 13-701(C)(2), 13-801(A). If an enterprise, subject to a fine up to \$1,000,000 fixed by the court. *Id.* § 13-803(A)(1) (Supp. 1988).

II. WATER POLLUTION

Acts Prohibited

Discharging without a permit or appropriate authority; or failing to monitor, sample, or report discharges as required by a permit issued under this chapter (2); or violating a water quality standard; or violating a discharge limitation specified in a permit issued under this chapter. ARIZ. REV. STAT. ANN. § 49-263(A) (1988).

Penalties

If done knowingly or recklessly, manifesting an extreme indifference for human life, guilty of a Class 2 felony and subject to imprisonment of seven years or a fine up to \$150,000 fixed by the court, or both. ARIZ. REV. STAT. ANN. §§ 49-263(D) (1988), 13-701(C)(1) (Supp. 1988), 13-801(A) (1978). If done knowingly, guilty of a Class 5 felony and subject to imprisonment of two years or a fine up to \$150,000 fixed by the court, or both. *Id.* §§ 49-263(C), 13-701(C)(4), 13-801(A). If done with criminal negligence, guilty of a Class 6 felony and subject to imprisonment of one and one-half years or a fine up to \$150,000 fixed by the court, or both. *Id.* §§ 49-263(B), 13-701(C)(5), 13-801(A). If an enterprise, subject to a fine up to \$1,000,000 fixed by the court. *Id.* § 13-803(A)(1) (Supp. 1988). Violating any provision of Chapter 2 which does not provide a penalty constitutes a Class 2 misdemeanor and is subject to imprisonment of four months and a fine up to \$750. *Id.* §§ 49-263(E), 13-707(A)(2) (Supp. 1988), 13-802(B) (1978). If an enterprise, subject to a fine up to \$10,000. *Id.* § 13-803(A)(3) (Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

Violating any provision of Article 2 (relating to air pollution control), or any rule or regulation adopted pursuant to Article 2, or any effective order of abatement issued pursuant to Article 2. ARIZ. REV. STAT. ANN. § 49-451(A) (1988).

Penalties

Guilty of an offense punishable by a fine between \$50 and \$1,000 per day of violation. ARIZ. REV. STAT. ANN. § 49-451(A) (1988).

ARKANSAS

I. HAZARDOUS WASTES

Acts Prohibited

Violating any provision of this subchapter (2), or any rule, regulation, permit, or order adopted or issued under this subchapter. ARK. STAT. ANN. § 8-7-205(1) (1987).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. ARK. STAT. ANN. § 8-7-205(2) (1987).

Disposing of hazardous waste at any unpermitted disposal site or facility. ARK. STAT. ANN. § 8-7-205(3) (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$10,000 per day or partial day of violation, or both. ARK. STAT. ANN. § 8-7-204(a) (1987).

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Storing, collecting, transporting, treating, or disposing of any hazardous waste contrary to the rules, regulations, permits, or orders issued, or in such a manner or place as to create, or as is likely to create, a public nuisance or a public health hazard, or in such a manner or place as to cause, or as is likely to cause, water or air pollution. ARK. STAT. ANN. § 8-7-205(4) (1987).

Leaving the state or removing one's person from the jurisdiction of this state after violating any provision of this subchapter (2), committing an unlawful act under it, or violating any rule, regulation, or order of the Commission. ARK. STAT. ANN. § 8-7-204(a) (1987).

Penalties

Same penalty as above.

Guilty of a felony and subject to imprisonment up to five years or a fine up to \$10,000 per day or partial day of violation, or both. ARK. STAT. ANN. § 8-7-204(a) (1987).

II. WATER POLLUTION

Acts Prohibited

Causing the pollution of any of the waters of this state. ARK. STAT. ANN. § 8-4-217(a)(1) (1987).

Placing or causing the placing of any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state. ARK. STAT. ANN. § 8-4-217(a)(2) (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$10,000 per day or partial day of violation, or both. ARK. STAT. ANN. § 8-4-217(a)(1) (1987).

Same penalty as above.

II. WATER POLLUTION (continued)

Acts Prohibited

Violating any provision of this chapter (4), or any rule, regulation, order, or permit issued or adopted thereunder. ARK. STAT. ANN. § 8-4-217(a)(3) (1987).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained. ARK. STAT. ANN. § 8-4-217(a)(4) (1987).

Falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. ARK. STAT. ANN. § 8-4-217(a)(5) (1987).

Constructing, installing, modifying, or operating without a permit any disposal system, or any part thereof, or any extension or addition thereto, that will discharge into any of the waters of this state. ARK. STAT. ANN. § 8-4-217(b)(1)(A) (1987).

Increasing in volume or strength without a permit any sewage, industrial waste, or other wastes in excess of the permissive discharges specified under any existing permit. ARK. STAT. ANN. § 8-4-217(b)(1)(B) (1987).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION (continued)

Acts Prohibited

Constructing, installing, or operating without a permit any building, plant, works, establishment, or facility, or any extension or modification thereof, or addition thereto, the operation of which would result in discharge of any wastes into the waters of this state or would otherwise alter the physical, chemical, or biological properties of any waters of this state in any manner not already authorized. ARK. STAT. ANN. § 8-4-217(b)(1)(C) (1987).

Constructing or using without a permit any new outlet for the discharge of any wastes into the waters of this state. ARK. STAT. ANN. § 8-4-217(b)(1)(D) (1987).

Discharging sewage, industrial waste, or other wastes without a permit into any of the waters of this state. ARK. STAT. ANN. § 8-4-217(b)(1)(E) (1987).

Leaving the state or removing one's person from the jurisdiction of this state after violating any provision of this subchapter (2), committing an unlawful act under it, or violating any rule, regulation, or order of the Commission. ARK. STAT. ANN. § 8-4-103(a) (Supp. 1987).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

Guilty of a felony and subject to imprisonment up to five years or a fine up to \$10,000 per day or partial day of violation, or both. ARK. STAT. ANN. § 8-4-103(a) (Supp. 1987).

III. AIR POLLUTION

Acts Prohibited

Knowingly causing air pollution. ARK. STAT. ANN. § 8-4-310(a)(1) (1987).

Constructing, installing, using, or operating any source capable of emitting air contaminants without a permit, or contrary to the provisions of any permit issued, or after a permit has been suspended or revoked. ARK. STAT. ANN. § 8-4-310(a)(2) (1987).

Violating any rule, regulation, or order of the Commission issued pursuant to this chapter (4). ARK. STAT. ANN. § 8-4-310(a)(3) (1987).

Leaving the state or removing one's person from the jurisdiction of this state after violating any provision of this subchapter (2), committing an unlawful act under it, or violating any rule, regulation, or order of the Commission. ARK. STAT. ANN. § 8-4-103(a) (Supp. 1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$10,000 per day or partial day of violation, or both. ARK. STAT. ANN. § 8-4-310(a) (1987).

Same penalty as above.

Same penalty as above.

Guilty of a felony and subject to imprisonment up to five years or a fine up to \$10,000 per day or partial day of violation, or both. ARK. STAT. ANN. § 8-4-103(a) (Supp. 1987).

CALIFORNIA

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly, or with reason to know, disposing or transporting or causing the disposal or transportation of any hazardous wastes at a facility that does not have a permit to dispose of such waste. CAL. HEALTH & SAFETY CODE § 25189.5(b)-(c) (West Supp. 1989).

Knowingly or recklessly disregarding the risk of treating, handling, transporting, or storing hazardous waste in a manner which causes any unreasonable risk of fire, explosion, serious injury, or death. CAL. HEALTH & SAFETY CODE § 25189.6 (West Supp. 1989).

Knowingly, or with reason to know, burning or incinerating, or causing the burning or incineration of, any hazardous waste at an unpermitted facility. CAL. HEALTH & SAFETY CODE § 25189.7(b) (West Supp. 1989).

Penalties

Subject to imprisonment in the county jail up to one year or in the state prison for sixteen, twenty-four, or thirty-six months and a fine between \$5,000 and \$100,000 per day of violation. CAL. HEALTH & SAFETY CODE § 25189.5(b)-(d) (West Supp. 1989).

Guilty of a public offense and subject to imprisonment in the county jail up to one year or in the state prison for sixteen, twenty-four, or thirty-six months or a fine between \$5,000 and \$100,000 per day or partial day of violation, or both. CAL. HEALTH & SAFETY CODE § 25189.6 (West Supp. 1989).

Subject to imprisonment in the county jail up to one year or in the state prison for sixteen, twenty-four, or thirty-six months and a fine between \$5,000 and \$100,000 per day of violation. CAL. HEALTH & SAFETY CODE § 25189.7(b)-(c) (West Supp. 1989). If the violation caused great bodily injury or a substantial probability that death could result, subject to imprisonment up to thirty-six months in addition to the term specified above and a fine up to \$250,000 per day of violation. *Id.* § 25189.7(c).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Violating any provision, permit, rule, regulation, standard, or requirement issued or adopted under this chapter (6.5), except as otherwise provided in §§ 25189.5, 25189.6, 25191, and 25195 (relating to crimes involving the transportation, storage, disposal, and treatment of hazardous waste). CAL. HEALTH & SAFETY CODE § 25190 (West Supp. 1989).

Knowingly making any false statement or representation in any document filed, maintained, or used for purposes of compliance with this chapter (6.5). CAL. HEALTH & SAFETY CODE § 25191(a)(1) (West Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment of six months or a fine up to \$1,000, or both, for the first conviction. CAL. HEALTH & SAFETY CODE § 25190 (West Supp. 1989); CAL. PENAL CODE § 19 (West 1988). For subsequent convictions, subject to imprisonment in the county jail up to one year or in the state prison for sixteen, twenty, or twenty-four months and a fine between \$5,000 and \$25,000. CAL. HEALTH & SAFETY CODE § 25190 (West Supp. 1989).

Subject to imprisonment up to one year or a fine between \$2,000 and \$25,000 per day or partial day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment in the county jail up to one year or in the state prison for sixteen, twenty, or twenty-four months or a fine between \$2,000 and \$50,000 per day of violation, or both. CAL. HEALTH & SAFETY CODE § 25191(a)(1) (West Supp. 1989).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly possessing any record relating to the generation, storage, treatment, transportation, disposal, or handling of hazardous waste required to be maintained pursuant to this chapter (6.5) that has been altered or concealed, whether altered or concealed prior to January 1, 1982. CAL. HEALTH & SAFETY CODE § 25191(a)(2) (West Supp. 1989).

Knowingly destroying, altering, or concealing any record relating to the generation, storage, treatment, transportation, disposal, or handling of hazardous waste required to be maintained under this chapter (6.5). CAL. HEALTH & SAFETY CODE § 25191(a)(3) (West Supp. 1989).

Knowingly withholding information regarding a real and substantial danger to the public health or safety when such information has been requested by the Department and is required to carry out the Department's responsibilities pursuant to this chapter in response to a real and substantial danger. CAL. HEALTH & SAFETY CODE § 25191(a)(4) (West Supp. 1989).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Penalties

Knowingly engaging in the transportation of hazardous waste in violation of §§ 25160, 25161, or § 25163(a) or (e), or any other department regulation, including, but not limited to, failing to complete or provide the manifest in the form and manner required by the Department. CAL. HEALTH & SAFETY CODE § 25191(a)(5) (West Supp. 1989).

Same penalty as above.

Knowingly producing, receiving, storing, or disposing of hazardous waste, or submitting hazardous waste for transportation, in violation of § 25160 and § 25161, or any other department regulations, including, but not limited to, failing to complete, provide, or submit the manifest in the form or manner required. CAL. HEALTH & SAFETY CODE § 25191(a)(6) (West Supp. 1989).

Same penalty as above.

Knowingly transporting any waste for which there is provided a manifest, if the transportation is in violation of this chapter (6.5), or the regulations adopted by the Department pursuant thereto. CAL. HEALTH & SAFETY CODE § 25191(a)(7) (West Supp. 1989).

Same penalty as above.

Knowingly violating § 25162 (relating to hazardous waste transportation restrictions). CAL. HEALTH & SAFETY CODE § 25191(a)(8) (West Supp. 1989).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly transporting, or authorizing the transportation of, hazardous waste in a truck, trailer, semitrailer, vacuum tank, cargo tank, or container which does not contain a current certificate of compliance. CAL. HEALTH & SAFETY CODE § 25191(c)(1) (West Supp. 1989).

Knowingly carrying or handling, or authorizing the carrying or handling of, hazardous waste without the manifest specified in § 25160 being in the driver's possession. CAL. HEALTH & SAFETY CODE § 25191(c)(2) (West Supp. 1989).

Knowingly transporting, or authorizing the transportation of, hazardous waste without a valid registration issued by the department pursuant to § 25160 being in the driver's possession. CAL. HEALTH & SAFETY CODE § 25191(c)(3) (West Supp. 1989).

Penalties

Subject to imprisonment up to six months or a fine up to \$500 per day or partial day of violation, or both. CAL. HEALTH & SAFETY CODE § 25191(c)(1) (West Supp. 1989).

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly treating or storing any hazardous waste at a facility which does not have a permit from the department issued pursuant to this chapter (6.5), or at any point which is not authorized according to this chapter. CAL. HEALTH & SAFETY CODE § 25191(d) (West Supp. 1989).

Penalties

Subject to imprisonment up to one year or a fine between \$2,000 and \$50,000 per day or partial day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment in the county jail up to one year or in the state prison for sixteen, twenty, or twenty-four months or a fine between \$5,000 and \$50,000 per day or partial day of violation, or both. CAL. HEALTH & SAFETY CODE § 25191(d) (West Supp. 1989).

II. WATER POLLUTION

Acts Prohibited

Failing to furnish a report relating to waste discharge when so requested by a regional board. CAL. WATER CODE § 13261(a) (West Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$1,000, or both. CAL. WATER CODE § 13261(a) (West Supp. 1989); CAL. PENAL CODE § 19 (West 1988).

Knowingly furnishing a false report, willfully failing to furnish a report, or willfully withholding material information (relating to waste discharge) despite actual knowledge of such requirement, when discharging or proposing to discharge hazardous waste. CAL. WATER CODE § 13261(c) (West Supp. 1989).

Same penalty as above.

II. WATER POLLUTION (continued)

Acts Prohibited

Penalties

Initiating any new discharge of waste or making any material changes in any discharge, or initiating a discharge to, making any material changes in a discharge to, or constructing an injection well, prior to filing the required report or before obtaining authorization and after being informed of the violation in writing by the regional board. CAL. WATER CODE § 13265(a) (West Supp. 1989).

Same penalty as above.

Initiating any new discharge of hazardous waste or making any material changes in any discharge, or initiating a discharge to, making any material changes in a discharge to, or constructing an injection well, prior to filing the required report or before obtaining authorization. CAL. WATER CODE § 13265(c) (West Supp. 1989).

Same penalty as above.

Failing or refusing to furnish requested technical or monitoring program reports, or falsifying any information provided therein. CAL. WATER CODE § 13268(a) (West Supp. 1989).

Same penalty as above.

Discharging hazardous waste, knowingly failing or refusing to furnish requested technical or monitoring program reports, or knowingly falsifying any information provided therein. CAL. WATER CODE § 13268(c) (West Supp. 1989).

Same penalty as above.

II. WATER POLLUTION (continued)

Acts Prohibited

Failing to notify, as required by this section, the Office of Emergency Services of the discharge of any hazardous substance or sewage in or on any waters of the state, or where it is, or probably will be, discharged in or on any waters of the state. CAL. WATER CODE § 13271(c) (West Supp. 1989).

Failing to notify, as required by this section, the Office of Emergency Services of the discharge of any oil or petroleum product in or on any waters of the state, or where it is, or probably will be, discharged in or on any waters of the state. CAL. WATER CODE § 13272(c) (West Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$20,000, or both. CAL. WATER CODE § 13271(c) (West Supp. 1989).

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine between \$500 and \$5,000 per day of failure to notify, or both. CAL. WATER CODE § 13272(c) (West Supp. 1989).

II. WATER POLLUTION (continued)

Acts Prohibited

Intentionally or negligently violating § 13375 (relating to the discharge of radiological, chemical, or biological warfare agents into the waters of the state) or § 13376 (relating to the discharge of pollutants or dredged or fill material into the waters of the state). CAL. WATER CODE § 13387(a)(1) (West Supp. 1989).

Penalties

If done negligently, subject to imprisonment up to one year or a fine between \$5,000 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000, or both. CAL. WATER CODE § 13387(b) (West Supp. 1989). If done knowingly, subject to imprisonment up to three years or a fine between \$5,000 and \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to six years or a fine up to \$100,000 per day of violation, or both. *Id.* § 13387(c). In addition to these fines, if done knowingly and with the knowledge at the time that the act places another person in imminent danger of death or serious bodily injury, subject to imprisonment up to fifteen years or a fine up to \$250,000, or both, for the first conviction. If an organization, subject to a fine up to \$1,000,000 for the first conviction. For subsequent convictions, subject to imprisonment up to thirty years or a fine up to \$500,000, or both. If an organization, subject to a fine up to \$2,000,000. *Id.* § 13387(d)(1).

II. WATER POLLUTION (continued)

Acts Prohibited

Intentionally or negligently violating any waste discharge requirements or any dredged or fill material permit. CAL. WATER CODE § 13387(a)(2) (West Supp. 1989).

Intentionally or negligently violating any order or prohibition issued pursuant to § 13243 or § 13301, if the activity subject to the order or prohibition is subject to regulation under this chapter (5.5). CAL. WATER CODE § 13387(a)(3) (West Supp. 1989).

Intentionally or negligently violating any requirement under §§ 1311, 1312, 1316, 1317, 1318, 1328, 1345 of the Federal Water Pollution Control Act, as amended. CAL. WATER CODE § 13387(a)(4) (West Supp. 1989).

Intentionally or negligently introducing into a sewer system or into a publicly-owned treatment works any pollutant or hazardous substances which one knows or reasonably should know could cause personal injury or property damage. CAL. WATER CODE § 13387(a)(5) (West Supp. 1989).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION (continued)

Acts Prohibited

Intentionally or negligently introducing any pollutant or hazardous substance into a sewer system or into a publicly-owned treatment works, except in accordance with any applicable pretreatment requirements, which pollutant or hazardous substance causes the treatment works to violate waste discharge requirements. CAL. WATER CODE § 13387(a)(6) (West Supp. 1989).

Knowingly making any false statement, representation, or certification in any document filed with a regional board or the state board; or knowingly falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained. CAL. WATER CODE § 13387(e) (West Supp. 1989).

Penalties

Same penalty as above.

Subject to imprisonment up to two years or a fine up to \$25,000, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to four years or a fine up to \$25,000, or both. CAL. WATER CODE § 13387(e) (West Supp. 1989).

III. AIR POLLUTION

Acts Prohibited

Violating any provision of this part, or any order, permit, rule, or regulation of the state board or of a district as it relates to non-vehicular pollution of the air, except as otherwise provided in § 42400.1 or § 42400.2 (relating to the knowing and negligent emission of air contaminants). CAL. HEALTH & SAFETY CODE § 42400(a) (West Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$1,000 per day or partial day of violation, or both. CAL. HEALTH & SAFETY CODE § 42400(a) (West Supp. 1989).

III. AIR POLLUTION (continued)

Acts Prohibited

Negligently emitting an air contaminant in violation of any provision of this part or any rule, regulation, or order of the state board or of a district pertaining to the emission regulations or limitation. CAL. HEALTH & SAFETY CODE § 42400.1(a) (West Supp. 1989).

Owning or operating any source of air contaminants in violation of § 41700 which causes actual injury (any physical injury which requires medical treatment involving more than a physical examination) to the health or safety of a considerable number of persons or the public. CAL. HEALTH & SAFETY CODE § 42400.1(b) (West Supp. 1989).

Knowingly emitting an air contaminant in violation of any provision of this part, or any order, rule, or regulation of the state board or of a district pertaining to emission regulations or limitations, and failing to take corrective action within a reasonable period of time under the circumstances. CAL. HEALTH & SAFETY CODE § 42400.2(a) (West Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to nine months or a fine up to \$10,000 per day or partial day of violation, or both. CAL. HEALTH & SAFETY CODE § 42400.1(a) (West Supp. 1989).

Same penalty as above.

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day or partial day of violation, or both. CAL. HEALTH & SAFETY CODE § 42400.2(a) (West Supp. 1989).

III. AIR POLLUTION (continued)

Acts Prohibited

Knowingly, and with the intent to deceive, falsifying any document required to be kept pursuant to any provision of this part, or any rule, regulation, or order of the state board or of a district. CAL. HEALTH & SAFETY CODE § 42400.2(b) (West Supp. 1989).

Owning or operating any source of air contaminants in violation of § 41700 which causes actual injury (any physical injury which requires medical treatment involving more than a physical examination) to the health or safety of a considerable number of persons or the public, knowing of the emission, and failing to take corrective action within a reasonable period of time under the circumstances. CAL. HEALTH & SAFETY CODE § 42400.2(c) (West Supp. 1989).

Penalties

Same penalty as above.

Same penalty as above.

COLORADO

I. HAZARDOUS WASTES

Acts Prohibited

Abandoning a vehicle containing hazardous waste; or intentionally spilling hazardous waste on streets, highways, rights-of-way, public property, or private property without the express consent of the owner. COLO. REV. STAT. § 18-13-112 (1986).

Transporting or causing the transportation of hazardous waste to an unpermitted facility. COLO. REV. STAT. § 25-15-310(1)(a) (Supp. 1988).

Treating, storing, or disposing of any hazardous waste without having obtained a permit under this article or the federal act, or in knowing violation of any material condition or requirement of a permit, or interim status requirement. COLO. REV. STAT. § 25-15-310(1)(b) (Supp. 1988).

Penalties

Guilty of a Class 4 felony and subject to imprisonment between two and eight years or a fine between \$2,000 and \$500,000, or both. COLO. REV. STAT. §§ 18-1-105(1)(a)(III)(A), 18-1-105(1)(a)(IV) (1986 & Supp. 1988). If a corporation, subject to a fine between \$2,000 and \$500,000. *Id.* § 18-1-105(2)(b) (1986).

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$50,000 per day of violation, or both. COLO. REV. STAT. § 25-15-310(2) (Supp. 1988). If done knowingly, guilty of a felony and subject to imprisonment up to four years or a fine up to \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to eight years or a fine up to \$100,000, or both. *Id.* § 25-15-310(3).

Guilty of a felony and subject to imprisonment up to four years or a fine up to \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to eight years or a fine up to \$100,000, or both. COLO. REV. STAT. § 25-15-310(4)(a) (Supp. 1988).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Making any false material statement or representation in any document filed, maintained, or used for purposes of compliance with this article or the federal act. COLO. REV. STAT. § 25-15-310(1)(c) (Supp. 1988).

Destroying, altering, or concealing any record required to be maintained under the regulations promulgated by the board in charge of hazardous wastes under this section or pursuant to the federal act and its provisions. COLO. REV. STAT. § 25-15-310(1)(d) (Supp. 1988).

Treating, storing, or disposing of hazardous waste in violation of any material condition or requirement of a permit or interim status requirement. COLO. REV. STAT. § 25-15-310(1)(e) (Supp. 1988).

Knowingly storing hazardous waste on-site by a hazardous waste generator for longer than the ninety-day storage period or any extension thereof. COLO. REV. STAT. § 25-15-310(4)(b) (Supp. 1988).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$50,000 per day of violation, or both. COLO. REV. STAT. § 25-15-310(2) (Supp. 1988). If done knowingly, guilty of a felony and subject to imprisonment up to four years or a fine up to \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to eight years or a fine up to \$100,000, or both. *Id.* § 25-15-310(3).

Same penalty as above.

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$50,000 per day of violation, or both. COLO. REV. STAT. § 25-15-310(2) (Supp. 1988).

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$50,000 per day of violation, or both. COLO. REV. STAT. § 25-15-310(4)(b) (Supp. 1988).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Intentionally causing or substantially contributing to the occurrence of a hazardous substance incident (any emergency circumstance involving the sudden discharge of a hazardous substance judged to threaten the public health or safety, and including spilling, dumping, and abandoning hazardous waste without regard to the threat of immediate and irreparable harm) in violation of this article. COLO. REV. STAT. § 29-22-108(1) (1986).

Willfully, recklessly, or with criminal negligence causing or substantially contributing to a hazardous substance incident in violation of this article. COLO. REV. STAT. § 29-22-108(2) (1986).

Penalties

Guilty of a Class 4 felony and subject to imprisonment between two and eight years or a fine between \$2,000 and \$500,000, or both. COLO. REV. STAT. §§ 18-1-105(1)(a)(III)(A), 18-1-105(1)(a)(IV) (1986 & Supp. 1988). If a corporation, subject to a fine between \$2,000 and \$500,000. *Id.* § 18-1-105(2)(b) (1986).

Guilty of a Class 5 felony and subject to imprisonment between one and four years or a fine between \$1,000 and \$100,000, or both. COLO. REV. STAT. §§ 18-1-105(1)(a)(III)(A), 18-1-105(1)(a)(IV) (1986 & Supp. 1988). If a corporation, subject to a fine between \$1,000 and \$100,000. *Id.* § 18-1-105(2)(b) (1986).

II. WATER POLLUTION

Acts Prohibited

Intentionally, knowingly, recklessly, or with criminal negligence discharging any pollutant into any state waters in violation of a permit, without a required permit, in violation of a final cease-and-desist or clean-up order, or in violation of any promulgated pretreatment regulations. COLO. REV. STAT. § 25-8-609(1) (1982 & Supp. 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this article; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained under this article. COLO. REV. STAT. § 25-8-610(1) (1982).

Penalties

If done recklessly or with criminal negligence, subject to a fine up to \$12,500 per day of violation. COLO. REV. STAT. § 25-8-609(3)(a) (1982). If done knowingly or intentionally, subject to a fine up to \$25,000. *Id.* § 25-8-609(3)(b). If two separate offenses under this article occur in two separate occurrences during a period of two years, the maximum fine for the second offense shall double. *Id.* § 25-8-609(3)(c).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000, or both. COLO. REV. STAT. § 25-8-610(1) (1982).

III. AIR POLLUTION

Acts Prohibited

None

Penalties

None

CONNECTICUT

I. HAZARDOUS WASTES

Acts Prohibited

Willfully failing to prepare a manifest required in accordance with the provisions of the Resource Conservation and Recovery Act of 1976 ("RCRA") (relating to permit requirements, manifests, and other relevant material regarding the transportation, storage, disposal, or treatment of hazardous waste). CONN. GEN. STAT. ANN. § 22a-131a(a)(1) (West Supp. 1989).

Knowingly making any false material statement or representation in any document required in accordance with the provisions of RCRA. CONN. GEN. STAT. ANN. § 22a-131a(a)(2) (West Supp. 1989).

Willfully failing to maintain, or knowingly destroying, altering, or concealing any record required to be maintained pursuant to RCRA. CONN. GEN. STAT. ANN. § 22a-131a(a)(3) (West Supp. 1989).

Knowingly transporting hazardous waste to an unpermitted facility; knowingly treating, storing, or disposing of any hazardous wastes without a required permit; or knowingly violating any material condition or requirement of such permit. CONN. GEN. STAT. ANN. § 22a-131a(b) (West Supp. 1989).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. CONN. GEN. STAT. ANN. § 22a-131a(a)(1) (West Supp. 1989).

Same penalty as above.

Same penalty as above.

Subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. CONN. GEN. STAT. ANN. § 22a-131a(b) (West Supp. 1989).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly placing another in imminent danger of death or serious bodily injury in the commission of a violation of the acts listed above. *CONN. GEN. STAT. ANN. § 22a-131a(c)* (West Supp. 1989).

Penalties

Subject to imprisonment up to two years or a fine up to \$250,000, or both. If the violation indicates an extreme indifference to human life, subject to imprisonment up to five years or a fine up to \$250,000, or both. If an organization, subject to a fine up to \$1,000,000. *CONN. GEN. STAT. ANN. § 22a-131a(c)* (West Supp. 1989).

II. WATER POLLUTION

Acts Prohibited

Willfully or with criminal negligence violating any provision of this chapter or § 22a-6 or § 22a-7 (relating to violations of the Commissioner's standards, permits issued, or any cease-and-desist orders as they relate to hazardous waste). *CONN. GEN. STAT. ANN. § 22a-438(b)* (West Supp. 1989).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. *CONN. GEN. STAT. ANN. § 22a-438(c)* (West Supp. 1989).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. *CONN. GEN. STAT. ANN. § 22a-438(b)* (West Supp. 1989).

Subject to imprisonment up to six months or a fine up to \$10,000 per violation, or both. *CONN. GEN. STAT. ANN. § 22a-438(c)* (West Supp. 1989).

III. AIR POLLUTION

Acts Prohibited

Violating an order of the Commissioner of Environmental Protection, issued pursuant to § 22a-178 or § 22a-181 (relating to emergency action necessary to protect the public health or safety from air contaminants). CONN. GEN. STAT. ANN. § 22a-175(b) (West Supp. 1989).

Penalties

Subject to imprisonment up to six months or a fine between \$250 and \$1,000 per day of violation, or both. CONN. GEN. STAT. ANN. § 22a-175(b) (West Supp. 1989).

DELAWARE

I. HAZARDOUS WASTES

Acts Prohibited

Intentionally or knowingly violating a provision of this chapter (63), any condition or limitation in a permit issued under this chapter, any variance condition or limitation, any rule or regulation, or any order of the Secretary of the Department of Natural Resources and Environmental Control. DEL. CODE ANN. tit. 7, § 6309(f) (Supp. 1982).

Penalties

Subject to imprisonment up to one year or a fine between \$2,500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. DEL. CODE ANN. tit. 7, § 6309(f) (Supp. 1982).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter, or under any permit, regulation, or order issued under this chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. DEL. CODE ANN. tit. 7, § 6309(g) (Supp. 1982).

Penalties

Subject to imprisonment up to one year or a fine between \$500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. DEL. CODE ANN. tit. 7, § 6309(g) (Supp. 1982).

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating § 6003 of this title (prohibiting the discharge of pollutants, withdrawal of ground water, and other related acts in violation of a permit or without a permit); or violating any condition or limitation included in a permit issued pursuant to § 6003 of this title, or any variance condition, limitation, rule, regulation, or order of the Secretary. DEL. CODE ANN. tit. 7, § 6013(a)(1) (Supp. 1982).

Penalties

Subject to a fine between \$2,500 and \$25,000 per day of violation. DEL. CODE ANN. tit. 7, § 6013(a) (Supp. 1982).

Willfully or negligently violating any requirement of a statute or regulation respecting the monitoring, recording, and reporting of a pollutant. DEL. CODE ANN. tit. 7, § 6013(a)(2) (Supp. 1982).

Same penalty as above.

II. WATER POLLUTION (continued)

Acts Prohibited

Willfully or negligently violating a pretreatment standard or toxic effluent standard with respect to introductions of pollutants into publicly-owned treatment works. DEL. CODE ANN. tit. 7, § 6013(a)(3) (Supp. 1982).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter, or under any permit, rule, regulation, or order issued under this chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. DEL. CODE ANN. tit. 7, § 6013(b) (Supp. 1982).

Failing to report the discharge of a pollutant into surface or ground water, after causing or contributing to the discharge either in excess of any condition specified in any valid permit or in the absence of a permit. DEL. CODE ANN. tit. 7, § 6028 (Supp. 1982).

Penalties

Same penalty as above.

Subject to imprisonment up to six months or a fine between \$500 and \$5,000 per day, or both. DEL. CODE ANN. tit. 7, § 6013(b) (Supp. 1982).

Subject to imprisonment of six months or a fine between \$500 and \$5,000, or both. DEL. CODE ANN. tit. 7, § 6028 (Supp. 1982).

II. WATER POLLUTION (continued)

Acts Prohibited

Disposing or discharging solid waste anywhere in the state, including in any surface or ground water, except through permitted municipal or private solid waste collection systems, permitted solid waste disposal facilities, or permitted containers specially provided for solid waste collection. DEL. CODE ANN. tit. 7, § 6025(b) (Supp. 1982).

Penalties

Subject to a fine between \$100 and \$500 per day or partial day of violation. DEL. CODE ANN. tit. 7, § 6025(c) (Supp. 1982).

III. AIR POLLUTION

Acts Prohibited

Willfully or negligently violating § 6003 of this title (prohibiting the discharge of air contaminants and other related acts in violation of a permit or without a permit); or violating any condition or limitation included in a permit issued pursuant to § 6003 of this title, or any variance condition, limitation, rule, regulation, or order of the Secretary. DEL. CODE ANN. tit. 7, § 6013(a)(1) (Supp. 1982).

Willfully or negligently violating any requirements of a statute or regulation respecting monitoring, recording, and reporting of an air contaminant discharge. DEL. CODE ANN. tit. 7, § 6013(a)(2) (Supp. 1982).

Penalties

Subject to a fine between \$2,500 and \$25,000 per day of violation. DEL. CODE ANN. tit. 7, § 6013(a) (Supp. 1982).

Same penalty as above.

III. AIR POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter, or under any permit, rule, regulation, or order issued under this chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. DEL. CODE ANN. tit. 7, § 6013(b) (Supp. 1982).

Penalties

Subject to imprisonment up to six months or a fine between \$500 and \$5,000 per day, or both. DEL. CODE ANN. tit. 7, § 6013(b) (Supp. 1982).

FLORIDA

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly transporting or causing the transportation of hazardous waste to a facility which does not have a required permit. FLA. STAT. § 403.727(3)(b)(1) (1987).

Penalties

Guilty of a third degree felony and subject to imprisonment up to five years or a fine up to \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to ten years or a fine up to \$100,000 per day of violation, or both. FLA. STAT. § 403.727(3)(b)(1) (1987).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly disposing of, treating, or storing hazardous waste at any place other than a hazardous waste facility which has a current and valid permit, in knowing violation of any material condition or requirement of such permit, or any applicable rule or standard. FLA. STAT. § 403.727(3)(b)(2) (1987).

Knowingly making any false statement or representation or knowingly omitting any material information in any required hazardous waste document. FLA. STAT. § 403.727(3)(b)(3) (1987).

Knowingly generating, storing, treating, transporting, disposing of, or otherwise handling any hazardous waste and knowingly destroying, altering, concealing, or failing to file any document required to be maintained or filed. FLA. STAT. § 403.727(3)(b)(4) (1987).

Knowingly transporting without a manifest, or causing the transportation of without a manifest, any hazardous waste required to be accompanied by a manifest. FLA. STAT. § 403.727(3)(b)(5) (1987).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently causing water pollution, so as to harm or injure human health or welfare, or animal, plant, or aquatic life, or property. FLA. STAT. § 403.161(1)(a) (Supp. 1988).

Willfully or negligently failing to obtain any permit required by this chapter or by any rule or regulation; or violating or failing to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department of Environmental Protection. FLA. STAT. § 403.161(1)(b) (Supp. 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained under this chapter, or by any permit, rule, regulation, or order issued thereunder. FLA. STAT. § 403.161(1)(c) (Supp. 1988).

Penalties

Guilty of a first degree misdemeanor and subject to imprisonment of one year or a fine between \$2,500 and \$25,000 per day or partial day of violation, or both. FLA. STAT. § 403.161(3) (Supp. 1988).

Same penalty as above.

Guilty of a first degree misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000 per violation, or both. FLA. STAT. § 403.161(4) (Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

Willfully or negligently causing air pollution, so as to harm or injure human health or welfare, or animal, plant, or aquatic life, or property. FLA. STAT. § 403.161(1)(a) (Supp. 1988).

Willfully or negligently failing to obtain any permit required by this chapter or by any rule or regulation; or violating or failing to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department of Environmental Protection. FLA. STAT. § 403.161(1)(b) (Supp. 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained under this chapter, or by any permit, rule, regulation, or order issued thereunder. FLA. STAT. § 403.161(1)(c) (Supp. 1988).

Penalties

Guilty of a first degree misdemeanor and subject to imprisonment of one year or a fine between \$2,500 and \$25,000 per day or partial day of violation, or both. FLA. STAT. § 403.161(3) (Supp. 1988).

Same penalty as above.

Guilty of a first degree misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000 per violation, or both. FLA. STAT. § 403.161(4) (Supp. 1988).

GEORGIA**I. HAZARDOUS WASTES****Acts Prohibited**

Knowingly transporting or causing the transportation of hazardous waste to a facility which does not have a permit or interim status pursuant to § 12-8-66, or variance pursuant to § 12-8-69, or which is not subject to an order of the Director specifically authorizing the continued operation of such facility. GA. CODE ANN. § 12-8-82(a)(1) (1988).

Knowingly treating, storing, or disposing of hazardous waste without a permit or interim status or order of the Director, or in knowing violation of a material condition or requirement of any permit, interim status, variance, or order, or any applicable regulations or standards. GA. CODE ANN. § 12-8-82(a)(2) (1988).

Knowingly omitting material information or making any false material statement or representation in any document filed, maintained, or used for purposes of compliance with this article or regulations promulgated pursuant to this article. GA. CODE ANN. § 12-8-82(a)(3) (1988).

Penalties

Subject to imprisonment between one and three years or a fine up to \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment between two and six years or a fine up to \$100,000 per day of violation, or both. GA. CODE ANN. § 12-8-82(a) (1988).

Same penalty as above.

Subject to imprisonment between one and two years or a fine up to \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment between two and four years or a fine up to \$100,000 per day of violation, or both. GA. CODE ANN. § 12-8-82(a) (1988).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Penalties

Knowingly generating, storing, treating, transporting, disposing of, exporting, or otherwise handling hazardous waste and knowingly destroying, altering, concealing, or failing to file any document required to be maintained or filed for purposes of compliance with provisions of this article or regulations promulgated pursuant to this article. GA. CODE ANN. § 12-8-82(a)(4) (1988).

Same penalty as above.

Knowingly transporting without a manifest, or causing the transportation of without a manifest, any hazardous waste required to be accompanied by a manifest by this article or regulations promulgated pursuant to this article. GA. CODE ANN. § 12-8-82(a)(5) (1988).

Same penalty as above.

Knowingly transporting, treating, storing, disposing of, or exporting any hazardous waste, while knowing at that time that such action places another person in imminent danger of death or serious bodily injury. GA. CODE ANN. § 12-8-82(b) (1988).

Subject to imprisonment between one and fifteen years or a fine up to \$250,000, or both. If an organization, subject to a fine up to \$1,000,000. GA. CODE ANN. § 12-8-82(b) (1988).

II. WATER POLLUTION

Acts Prohibited

Violating any provision of this article or any permit condition or limitation established pursuant to this article; or failing, neglecting, or refusing to comply with any final order lawfully issued by a court as provided in this article; or violating any requirement imposed in a pretreatment program approved by the Director; or introducing into a sewer system or into a publicly-owned treatment works any pollutant or hazardous substance which causes or may reasonably be anticipated to cause personal injury or property damage, or which causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works pursuant to this article. GA. CODE ANN. § 12-5-53(a) (1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained by this article or by any permit, rule, regulation, or order issued under this article; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained by this article, or by any permit, rule, regulation, or order issued under this article. GA. CODE ANN. § 12-5-53(b) (1988).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine between \$2,500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. GA. CODE ANN. § 12-5-53(a) (1988). If done knowingly, guilty of a felony and subject to imprisonment up to two years or a fine between \$5,000 and \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to four years or a fine up to \$100,000 per day of violation, or both. *Id.* § 12-5-53(c).

Guilty of a felony and subject to imprisonment up to two years or a fine up to \$10,000, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to four years or a fine up to \$20,000 per day of violation, or both. GA. CODE ANN. § 12-5-53(b) (1988).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly violating any provision of this article, or any permit condition or limitation established pursuant to this article; or knowingly failing, neglecting, or refusing to comply with any final order lawfully issued by a court as provided in this article, while knowing at that time that such conduct places another person in imminent danger of death or serious bodily injury. GA. CODE ANN. § 12-5-53(d) (1988).

Penalties

Guilty of a felony and subject to imprisonment up to fifteen years or a fine up to \$250,000, or both. If an organization, subject to a fine up to \$1,000,000. GA. CODE ANN. § 12-5-53(d) (1988).

III. AIR POLLUTION

Acts Prohibited

None

Penalties

None

HAWAII

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly transporting any hazardous waste to a storage, treatment, or disposal facility which does not have a permit to treat, store, or dispose of that particular hazardous waste. HAW. REV. STAT. § 342-11(d)(1) (Supp. 1988).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. HAW. REV. STAT. § 342-11(d) (Supp. 1988).

I. HAZARDOUS WASTES (continued)**Acts Prohibited**

Knowingly treating, storing, or disposing of hazardous waste without a permit. HAW. REV. STAT. § 342-11(d)(2) (Supp. 1988).

Knowingly making a false statement or representation in any document filed, maintained, or used for purposes of compliance with the hazardous waste laws of the state. HAW. REV. STAT. § 342-11(d)(3) (Supp. 1988).

Penalties

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION**Acts Prohibited**

Willfully or negligently violating Part VII of this chapter (relating to the transportation, recycling, and disposal of used oil), or any rule adopted by the Department pursuant to this Part. HAW. REV. STAT. § 342-11(e) (Supp. 1988).

Penalties

Subject to imprisonment up to one year or a fine up to \$5,000 per violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$10,000 per violation, or both. HAW. REV. STAT. § 342-11(e) (Supp. 1988).

II. WATER POLLUTION (continued)

Acts Prohibited

Negligently or knowingly violating Part III of this chapter (relating to water pollution), or any rule adopted by the department pursuant to this part, or any permit condition or limitation implementing Part III in a permit issued under this chapter, or any requirement imposed in a pretreatment program or permit under this chapter. HAW. REV. STAT. §§ 342-101(1), 342-102(1) (Supp. 1988).

Negligently or knowingly introducing into a sewer system or into a publicly-owned treatment works any pollutant or hazardous substances which one knows or reasonably should know could cause personal injury or property damage, or which causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works under this chapter. HAW. REV. STAT. §§ 342-101(2), 342-102(2) (Supp. 1988).

Penalties

If done negligently, subject to imprisonment up to one year or a fine between \$2,500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. HAW. REV. STAT. § 342-101 (Supp. 1988). If done knowingly, subject to imprisonment up to three years or a fine between \$5,000 and \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to six years or a fine up to \$100,000 per day of violation, or both. *Id.* § 342-102.

Same penalty as above.

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly violating Part III of this chapter (relating to water pollution) or any rule adopted by the department pursuant to this part, or any permit condition or limitation implementing Part III or in a permit issued under this chapter, and knowing at that time that such conduct places another person in imminent danger of death or serious bodily injury. HAW. REV. STAT. § 342-103(a) (Supp. 1988).

Knowingly making any false material statement, representation, or certification in any document filed or required to be maintained under Part III of this chapter; or knowingly falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained. HAW. REV. STAT. § 342-104 (Supp. 1988).

Willfully violating underground injection control rules adopted pursuant to this Part (I). HAW. REV. STAT. §§ 340E-7(g), 340E-8(b) (Supp. 1988).

Penalties

Subject to imprisonment up to fifteen years or a fine up to \$250,000, or both, for the first conviction. HAW. REV. STAT. § 342-103(a) (Supp. 1988). For subsequent convictions, subject to imprisonment up to thirty years or a fine up to \$500,000, or both. *Id.* § 342-103(b). If an organization, subject to a fine up to \$1,000,000. *Id.*

Subject to imprisonment up to two years or a fine up to \$10,000, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to four years or a fine up to \$20,000 per day of violation, or both. HAW. REV. STAT. § 342-104 (Supp. 1988).

Subject to imprisonment up to three years or a fine up to \$25,000 per day of violation. HAW. REV. STAT. § 340E-8(b) (Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

Violating vehicular smoke emission rules adopted by the department pursuant to this chapter. HAW. REV. STAT. § 342-11(a) (Supp. 1988).

Violating the open burning control rules adopted by the department pursuant to this chapter. HAW. REV. STAT. § 342-11(b) (Supp. 1988).

Penalties

Subject to a fine between \$25 and \$2,500 per day of violation. HAW. REV. STAT. § 342-11(a) (Supp. 1988).

Subject to a fine up to \$10,000 per day of violation. HAW. REV. STAT. § 342-11(b) (Supp. 1988).

IDAHO

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly making a false statement or representation in any document filed, maintained, or used for purposes of compliance with the provisions of this chapter. IDAHO CODE § 39-4415(1) (1985).

Knowingly violating any provision of this chapter (44), or any permit, standard, regulation, condition, requirement, compliance agreement, or order issued or promulgated under this chapter. IDAHO CODE § 39-4415(2) (1985).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$10,000 per day of violation, or both. IDAHO CODE § 39-4415(1) (1985).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly, or with reason to know, violating any of the provisions of this chapter (62) (relating to PCB waste disposal), or the terms of any lawful notice, order, permit, standard, rule, or regulation issued pursuant thereto. IDAHO CODE § 39-6212 (Supp. 1988).

Penalties

Guilty of a misdemeanor and subject to a fine up to \$10,000 for each separate violation, or \$1,000 per day for continuing violations, whichever is greater. IDAHO CODE § 39-6212 (Supp. 1988).

II. WATER POLLUTION

Acts Prohibited

None

Penalties

None

III. AIR POLLUTION

Acts Prohibited

Willfully or negligently violating any of the provisions of the public health or environmental protection laws or the terms of any lawful notice, order, permit, standard, rule, or regulation issued pursuant thereto. IDAHO CODE § 39-117 (Supp. 1988).

Penalties

Guilty of a misdemeanor and subject to a fine up to \$10,000 for each separate violation, or \$1,000 per day for continuing violations, whichever is greater. IDAHO CODE § 39-117 (Supp. 1988).

ILLINOIS

I. HAZARDOUS WASTES

Acts Prohibited

Violating the Environmental Protection Act, regulations adopted thereunder, or any permit or term or condition thereof; or knowingly submitting false information under the provisions or regulations of this Act, or under any permit, term, or condition thereof. ILL. ANN. STAT. ch. 111 1/2, para. 1044(a) (Smith-Hurd 1988).

Knowingly and unlawfully disposing of hazardous waste while knowing that such action thereby places another person in danger of great bodily harm or creates an immediate or long-term danger to the public health or the environment. ILL. ANN. STAT. ch. 111 1/2, para. 1044(b)(1) (Smith-Hurd 1988).

Knowingly and unlawfully disposing of hazardous waste. ILL. ANN. STAT. ch. 111 1/2, para. 1044(c)(1) (Smith-Hurd 1988).

Penalties

Guilty of a Class A misdemeanor and subject to imprisonment less than one year or a fine up to \$1,000 per violation, or both. ILL. ANN. STAT. ch. 111 1/2, para. 1044(a) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-3(a)(1) (Smith-Hurd 1982); *id.* ch. 38, para. 1005-9-1(a)(2) (Smith-Hurd Supp. 1988).

Guilty of a Class 2 felony and subject to imprisonment between three and seven years and a fine up to \$500,000 per day. ILL. ANN. STAT. ch. 111 1/2, para. 1044(b)(2) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-1(a)(5) (Smith-Hurd Supp. 1988).

Guilty of a Class 3 felony and subject to imprisonment between two and five years and a fine up to \$250,000 per day. ILL. ANN. STAT. ch. 111 1/2, para. 1044(c)(2) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-1(a)(6) (Smith-Hurd Supp. 1988).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly treating, transporting, or storing any hazardous waste without a required permit or license, or in violation of the terms and conditions of such permit or license; or knowingly transporting hazardous waste without a required permit or license to a facility which does not have a required permit or license. ILL. ANN. STAT. ch. 111 1/2, para. 1044(d)(1)(A)-(C) (Smith-Hurd 1988).

Knowingly transporting any hazardous waste without a required permit on one's person. ILL. ANN. STAT. ch. 111 1/2, para. 1044(d)(1)(D) (Smith-Hurd 1988).

Knowingly delivering any hazardous waste without authorization. ILL. ANN. STAT. ch. 111 1/2, para. 1044(e)(1) (Smith-Hurd 1988).

Penalties

Guilty of a Class 4 felony and subject to imprisonment between one and three years and a fine up to \$100,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(d)(2) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-1(a)(7) (Smith-Hurd Supp. 1988).

Guilty of a Class A misdemeanor and subject to imprisonment less than one year and a fine up to \$1,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(d)(2) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-3(a)(1) (Smith-Hurd 1982).

Guilty of a Class 3 felony and subject to imprisonment between two and five years and a fine up to \$250,000 per violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(e)(2) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-1(a)(6) (Smith-Hurd Supp. 1988).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Disposing of hazardous waste with a conscious disregard of a substantial and justifiable risk that such disposal is a gross deviation from the standard of care which a reasonable person would exercise in the situation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(f)(1) (Smith-Hurd 1988).

Unlawfully concealing the disposal of hazardous waste with the knowledge that such waste has been disposed of in violation of this Act. ILL. ANN. STAT. ch. 111 1/2, para. 1044(g)(1) (Smith-Hurd 1988).

Knowingly making a false material statement in any application for a permit or license required to transport, treat, store, or dispose of hazardous waste. ILL. ANN. STAT. ch. 111 1/2, para. 1044(h)(1) (Smith-Hurd 1988).

Penalties

Guilty of a Class 4 felony and subject to imprisonment between one and three years and a fine up to \$50,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(f)(2) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-1(a)(7) (Smith-Hurd Supp. 1988).

Same penalty as above.

Guilty of perjury, a Class 3 felony, and subject to imprisonment between two and five years and a fine up to \$50,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(h)(1),(4) (Smith-Hurd 1988); *id.* ch. 38, paras. 32-2(e), 1005-8-1(a)(6) (Smith-Hurd Supp. 1988).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly making a false material statement or representation in any document filed, maintained, or used for purposes of compliance as it relates to the generation, disposal, treatment, storage, or transportation of hazardous waste. ILL. ANN. STAT. ch. 111 1/2, para. 1044(h)(2) (Smith-Hurd 1988).

Knowingly destroying, altering, or concealing any record required in connection with the disposal, treatment, storage, or transportation of hazardous waste. ILL. ANN. STAT. ch. 111 1/2, para. 1044(h)(3) (Smith-Hurd 1988).

Penalties

Guilty of a Class 4 felony and subject to imprisonment between one and three years and a fine up to \$50,000 per day of violation, for the first conviction. ILL. ANN. STAT. ch. 111 1/2, para. 1044(h)(2),(4) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-1(a)(7) (Smith-Hurd Supp. 1988). For subsequent convictions, guilty of a Class 3 felony and subject to imprisonment between two and five years and a fine up to \$50,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(h)(2),(4) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-1(a)(6) (Smith-Hurd Supp. 1988).

Same penalty as above.

II. WATER POLLUTION

Acts Prohibited

Knowingly causing, threatening, or allowing the discharge of any contaminant into the waters of the state without a National Pollution Discharge Elimination System permit, or in violation of the terms or conditions of such permit, or any regulations adopted pursuant thereto. ILL. ANN. STAT. ch. 111 1/2, paras. 1012(f), 1044(j)(1)(A) (Smith-Hurd 1988).

Knowingly causing, threatening, or allowing the underground injection of contaminants without an Underground Injection Control permit, or in violation of any term or condition imposed by such permit, or in violation of any restrictions, standards, or orders adopted by the Board with respect to the UIC program. ILL. ANN. STAT. ch. 111 1/2, paras. 1012(g), 1044(j)(1)(B) (Smith-Hurd 1988).

Knowingly violating any term or condition of any Underground Injection Control permit, or any filing requirement, regulation, or order relating to the state UIC program. ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(1)(C),(D) (Smith-Hurd 1988).

Penalties

Guilty of a Class 4 felony and subject to imprisonment between one and three years and a fine up to \$25,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(2) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-1(a)(7) (Smith-Hurd Supp. 1988). If done negligently, subject to a fine up to \$10,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(3)(A) (Smith-Hurd 1988).

Same penalty as above.

Guilty of a Class 4 felony and subject to imprisonment between one and three years and a fine up to \$25,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(2) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-1(a)(7) (Smith-Hurd Supp. 1988).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly violating any provision of any regulation, standard, or filing requirement under paragraph 1013 of this Act (relating to the regulation of water pollution). ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(1)(E) (Smith-Hurd 1988).

Knowingly violating any provision of any regulation, standard, or filing requirement under paragraph 1039 of this Act (relating to the enforcement of the provisions of this Act). ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(1)(F) (Smith-Hurd 1988).

Knowingly violating any National Pollutant Discharge Elimination System permit issued under this Act, or any term or condition of such permit. ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(1)(G) (Smith-Hurd 1988).

Penalties

Guilty of a Class 4 felony and subject to imprisonment between one and three years and a fine up to \$25,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(2) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-1(a)(7) (Smith-Hurd Supp. 1988). If done negligently, subject to a fine up to \$10,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(3)(C) (Smith-Hurd 1988).

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any application, form, or form pertaining to an NPDES permit; or knowingly rendering inaccurate any required monitoring device or record. ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(4)(A),(B) (Smith-Hurd 1988).

Penalties

Guilty of a Class A misdemeanor and subject to imprisonment for less than one year and a fine up to \$10,000 per day of violation. ILL. ANN. STAT. ch. 111 1/2, para. 1044(j)(5) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-3(a)(1) (Smith-Hurd 1982).

III. AIR POLLUTION

Acts Prohibited

Violating the Environmental Protection Act, regulations adopted thereunder, or any permit or term or condition thereof; or knowingly submitting false information under the provisions or regulations of this Act, or under any permit, term, or condition thereof. ILL. ANN. STAT. ch. 111 1/2, para. 1044(a) (Smith-Hurd 1988).

Penalties

Guilty of a Class A misdemeanor and subject to imprisonment less than one year or a fine up to \$1,000 per violation, or both. ILL. ANN. STAT. ch. 111 1/2, para. 1044(a) (Smith-Hurd 1988); *id.* ch. 38, para. 1005-8-3(a)(1) (Smith-Hurd 1982); *id.* ch. 38, para. 1005-9-1(a)(2) (Smith-Hurd Supp. 1988).

INDIANA

I. HAZARDOUS WASTES

Acts Prohibited

Intentionally, knowingly, recklessly, or negligently violating this Article (relating to environmental management), any rule or standard adopted by one of the boards, or any determination, permit, or order made or issued by the Commissioner under this Article. IND. CODE ANN. § 13-7-13-3(a) (Burns 1987).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained under this article. IND. CODE ANN. § 13-7-13-3(b) (Burns 1987).

Penalties

Guilty of a Class D felony and subject to imprisonment between one and four years or a fine between \$2,500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment between one and four years or a fine up to \$50,000 per day of violation, or both. IND. CODE ANN. § 13-7-13-3(a) (Burns 1987); *id.* § 35-50-2-7(a) (Burns Supp. 1988).

Guilty of a Class B misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000, or both. IND. CODE ANN. § 13-7-13-3(b) (Burns 1987); *id.* § 35-50-3-3 (Burns 1985).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly transporting any hazardous waste to a facility which does not have an operation permit or approval to accept such waste; or knowingly disposing of, treating, or storing any hazardous waste without a permit. IND. CODE ANN. § 13-7-13-3(c)(1),(2) (Burns 1987).

Knowingly making a false statement or representation in any document filed, maintained, or used under this article with regard to hazardous waste. IND. CODE ANN. § 13-7-13-3(c)(3) (Burns 1987).

Intentionally transporting, disposing, treating, or storing hazardous waste in violation of this article. IND. CODE ANN. § 13-7-13-4(b) (Burns 1987).

Penalties

Guilty of a Class D felony and subject to imprisonment between one and four years or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment between one and four years or a fine up to \$50,000 per day of violation, or both. IND. CODE ANN. § 13-7-13-3(c) (Burns 1987); *id.* § 35-50-2-7(a) (Burns Supp. 1988).

Same penalty as above.

Guilty of a Class D felony and subject to imprisonment between one and four years or a fine up to \$50,000 per day of violation, or both. IND. CODE ANN. § 13-7-13-4(b) (Burns 1987); *id.* § 35-50-2-7(a) (Burns Supp. 1988).

II. WATER POLLUTION

Acts Prohibited

Intentionally, knowingly, recklessly, or negligently violating § 13-1-3 (relating to water pollution), or any rule, standard, permit, or other regulation promulgated under the Water Control Board. IND. CODE ANN. § 13-7-13-3(a) (Burns 1987).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. IND. CODE ANN. § 13-7-13-3(b) (Burns 1987).

III. AIR POLLUTION

Acts Prohibited

Intentionally, knowingly, recklessly, or negligently violating § 13-1-1 (relating to air pollution), or any rule, standard, permit, or other regulation promulgated under the Air Control Board. IND. CODE ANN. § 13-7-13-3(a) (Burns 1987).

Penalties

Guilty of a Class D felony and subject to imprisonment between one and four years or a fine between \$2,500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment between one and four years or a fine up to \$50,000 per day of violation, or both. IND. CODE ANN. § 13-7-13-3(a) (Burns 1987); *id.* § 35-50-2-7(a) (Burns Supp. 1988).

Guilty of a Class B misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000, or both. IND. CODE ANN. § 13-7-13-3(b) (Burns 1987); *id.* § 35-50-3-3 (Burns 1985).

Guilty of a Class D felony and subject to imprisonment between one and four years or a fine between \$2,500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment between one and four years or a fine up to \$50,000 per day of violation, or both. IND. CODE ANN. § 13-7-13-3(a) (Burns 1987); *id.* § 35-50-2-7(a) (Burns Supp. 1988).

III. AIR POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. IND. CODE ANN. § 13-7-13-3(b) (Burns 1987).

Penalties

Guilty of a Class B misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000, or both. IND. CODE ANN. § 13-7-13-3(b) (Burns 1987); *id.* § 35-50-3-3 (Burns 1985).

IOWA

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly transporting hazardous waste to a hazardous waste storage, treatment, or disposal facility located in Iowa that does not have a required permit. IOWA CODE ANN. § 455B.417(1)(a) (West Supp. 1988).

Knowingly treating, storing, or disposing of hazardous waste without a permit, or in violation of a material condition or requirement of a permit. IOWA CODE ANN. § 455B.417(1)(b) (West Supp. 1988).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. IOWA CODE ANN. § 455B.417(2) (West Supp. 1988).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly making a false material statement or representation in any document filed, maintained, or used for purposes of compliance with the hazardous waste laws of Iowa. IOWA CODE ANN. § 455B.417(1)(c) (West Supp. 1988).

Knowingly destroying, altering, or concealing any record required to be kept under the rules adopted by the Commission under this part as it applies to persons who generate, store, treat, transport, dispose of, or otherwise handle hazardous waste. IOWA CODE ANN. § 455B.417(1)(d) (West Supp. 1988).

Penalties

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently discharging any pollutants in violation of § 455B.183 or § 455B.186 (outlining the rules, regulations, and permit requirements for the discharge of pollutants into the waters of the state), or in violation of any condition or limitation included in any permit issued under § 455B.183, or in violation of any water quality standard or effluent standard, or with respect to the introduction of pollutants into publicly-owned treatment works, violating a pretreatment standard or toxic effluent standard. IOWA CODE ANN. § 455B.191(2) (West Supp. 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. IOWA CODE ANN. § 455B.191(3) (West Supp. 1988).

Penalties

Subject to a fine up to \$10,000 per day of violation, for the first conviction. For subsequent convictions, subject to a fine up to \$20,000 per day of violation. IOWA CODE ANN. § 455B.191(2) (West Supp. 1988).

Subject to imprisonment up to six months or a fine up to \$10,000, or both. IOWA CODE ANN. § 455B.191(3) (West Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

None

Penalties

None

KANSAS

I. HAZARDOUS WASTES

Acts Prohibited

Dumping, depositing, or permitting the dumping or depositing of any hazardous waste regulated by this Act into any facility which does not comply with the provisions of this Act, or rules, regulations, standards, or orders of the Secretary. KAN. STAT. ANN. § 65-3441(a)(1) (1985).

Constructing, modifying, or operating a hazardous waste storage, treatment, or disposal facility without a permit or other required written approval from the Secretary, or in violation of the rules, regulations, standards, or orders of the Secretary. KAN. STAT. ANN. § 65-3441(a)(2) (1985).

Violating any condition of any permit issued by the Secretary. KAN. STAT. ANN. § 65-3441(a)(3) (1985).

Storing, collecting, treating, or disposing of hazardous waste contrary to the rules, regulations, standards, or orders of the Secretary. KAN. STAT. ANN. § 65-3441(a)(4) (1985).

Penalties

Guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine up to \$2,500, or both. KAN. STAT. ANN. § 65-3441(a)(1) (1985); *id.* §§ 21-4502(1)(a), 21-4503(2)(a) (1988). If done knowingly, guilty of a Class C felony and subject to imprisonment between three and twenty years or a fine up to \$15,000, or both. *Id.* §§ 65-3441(c), 21-4501(c), 21-4503(1)(a).

Same penalty as above.

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Refusing or hindering entry, inspection, sampling, and the examination or copying of records related to the purposes of this Act by an agent or employee of the Secretary after such agent or employee identifies and gives notice of their purpose at any time. KAN. STAT. ANN. § 65-3441(a)(5) (1985).

Knowingly making any false material statement or representation in any document filed, maintained, or used for purposes of compliance with this Act. KAN. STAT. ANN. § 65-3441(a)(6) (1985).

Knowingly destroying, altering, or concealing any record required to be maintained under rules and regulations promulgated by the Secretary pursuant to this Act. KAN. STAT. ANN. § 65-3441(a)(7) (1985).

Failing to designate on a manifest a facility which is authorized to operate under the federal hazardous waste program or under a state hazardous waste program which has received approval to operate in lieu of the federal hazardous waste program. KAN. STAT. ANN. § 65-3441(a)(8) (1985).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Transporting hazardous waste to a facility which is not authorized to operate under the federal hazardous waste program or under a state hazardous waste program which has received approval to operate in lieu of the federal hazardous waste program. KAN. STAT. ANN. § 65-3441(a)(9) (1985).

Adding, mixing, or blending any hazardous waste with fuel oil or other fuel intended for use by residential consumers or selling such blended fuel to a residential consumer. KAN. STAT. ANN. § 65-3441(a)(10) (1985).

Transporting, disposing of, or causing the transportation and disposal of hazardous waste in a manner contrary to the rules, regulations, standards, or orders of the Secretary. KAN. STAT. ANN. § 65-3441(a)(11) (1985).

Penalties

Same penalty as above.

Same penalty as above.

Guilty of a Class E felony and subject to imprisonment between one and five years or a fine up to \$10,000, or both. KAN. STAT. ANN. § 65-3441(b) (1985); *id.* §§ 21-4501(e), 21-4503(1)(b) (1988). If done knowingly, guilty of a Class C felony and subject to imprisonment between three and twenty years or a fine up to \$15,000, or both. *Id.* §§ 65-3441(c), 21-4501(c), 21-4503(1)(a).

II. WATER POLLUTION

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under §§ 65-161 to 65-171(h) (relating to permit requirements for discharging pollutants); or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. KAN. STAT. ANN. § 65-170(c) (1985).

Willfully or negligently failing to comply with the rules, regulations, and orders of the Secretary of Health and Environment. KAN. STAT. ANN. § 65-171(f) (1985).

Penalties

Subject to a fine between \$25 and \$10,000 per day of violation. KAN. STAT. ANN. § 65-170(c) (1985).

Subject to a fine between \$25 and \$10,000 per day of violation. KAN. STAT. ANN. § 65-171(f) (1985).

III. AIR POLLUTION

Acts Prohibited

Violating any order issued under the provisions of this Act (relating to air quality control), or any rule or regulation in force pursuant thereto. KAN. STAT. ANN. § 65-3018(a) (1985).

Penalties

Subject to a fine up to \$1,000 per day of violation. KAN. STAT. ANN. § 65-3018(a) (1985).

KENTUCKY**I. HAZARDOUS WASTES****Acts Prohibited**

Knowingly engaging in the generation, treatment, storage, transportation, or disposal of hazardous waste in violation of this chapter, or contrary to a permit, order, or administrative regulation issued or promulgated under this chapter; or knowingly making a false statement, representation, or certification in an application for, or form pertaining to, a permit, or in a notice or report required by the terms and conditions of an issued permit. KY. REV. STAT. ANN. § 224.994(6) (Michie/Bobbs-Merrill Supp. 1988).

Penalties

Guilty of a felony and subject to imprisonment between one and five years or a fine up to \$25,000 per day of violation, or both. KY. REV. STAT. ANN. § 224.994(6) (Michie/Bobbs-Merrill Supp. 1988).

II. WATER POLLUTION

Acts Prohibited

Knowingly, or with criminal negligence, violating § 224.060 (relating to water pollution), § 224.140 (relating to monitoring and reporting), § 244.835 (relating to waste disposal), § 244.330 (relating to oil pollution), § 224.842 (prohibiting unpermitted waste disposal facilities), or any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant to those sections which have become final; or knowingly providing false information in any document filed or required to be maintained under this chapter; or knowingly rendering inaccurate any monitoring device or method required to be maintained. KY. REV. STAT. ANN. § 224.994(4) (Michie/Bobbs-Merrill Supp. 1988).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine between \$1,000 and \$15,000 per day of violation, or both. KY. REV. STAT. ANN. § 224.994(4) (Michie/Bobbs-Merrill Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

Knowingly, or with criminal negligence, violating § 224.140 (relating to monitoring and reporting) or § 244.330 (relating to air pollution), or any determination, permit, administrative regulation, or order of the Cabinet promulgated pursuant to those sections which have become final; or knowingly providing false information in any document filed or required to be maintained under this chapter; or knowingly rendering inaccurate any monitoring device or method required to be maintained. KY. REV. STAT. ANN. § 224.994(4) (Michie/Bobbs-Merrill Supp. 1988).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine between \$1,000 and \$15,000 per day of violation, or both. KY. REV. STAT. ANN. § 224.994(4) (Michie/Bobbs-Merrill Supp. 1988).

LOUISIANA**I. HAZARDOUS WASTES****Acts Prohibited**

Willfully or knowingly discharging, emitting, or disposing of any substance in contravention of any provision of the environmental quality subtitle, or the regulations, permits, or license terms and conditions enacted thereunder, when the substance is one that endangers or could endanger human life or health. LA. REV. STAT. ANN. § 30:2025(F)(1) (West 1989).

Willfully or knowingly discharging, emitting, or disposing of any substance in contravention of any provision of the environmental quality subtitle, or the regulations, permits, or license terms and conditions issued thereunder, when the substance is one that does not endanger or could not endanger human life or health. LA. REV. STAT. ANN. § 30:2025(F)(2) (West 1989).

Willfully or knowingly discharging, emitting, or disposing of any substance in contravention of any provision of this chapter (relating to hazardous waste control), or any regulations or any permit or license terms and conditions adopted in pursuance thereof; or otherwise knowingly violating any provision of this chapter. LA. REV. STAT. ANN. § 30:2183(G)(1) (West 1989).

Penalties

Guilty of a felony and subject to imprisonment at hard labor up to ten years or a fine up to \$1,000,000 (or the cost of any cleanup up to \$100,000 per day of violation) plus costs of prosecution, or both. LA. REV. STAT. ANN. § 30:2025(F)(1) (West 1989).

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation and costs of prosecution, or both. LA. REV. STAT. ANN. § 30:2025(F)(2) (West 1989).

Subject to imprisonment at hard labor up to ten years or a fine up to \$100,000 per day of violation and costs of prosecution, or both. LA. REV. STAT. ANN. § 30:2183(G)(1) (West 1989).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly transporting, treating, storing, disposing of, or exporting any substance in contravention of any provisions of this chapter, or any regulations, permits, or license terms and conditions adopted in pursuance thereof; or otherwise knowingly violating any provisions of this chapter in such a manner that one knows or should know at the time that such action places another person in imminent danger of death or serious bodily injury. LA. REV. STAT. ANN. § 30:2183(G)(2) (West 1989).

Penalties

Subject to imprisonment at hard labor up to fifteen years or a fine up to \$250,000 per day of violation and costs of prosecution, or both. LA. REV. STAT. ANN. § 30:2183(G)(2) (West 1989).

II. WATER POLLUTION

Acts Prohibited

Willfully or knowingly discharging, emitting, or disposing of any substance in contravention of any provision of the environmental quality subtitle, or the regulations, permits, or license terms and conditions enacted thereunder, when the substance is one that endangers or could endanger human life or health. LA. REV. STAT. ANN. § 30:2025(F)(1) (West 1989).

Penalties

Guilty of a felony and subject to imprisonment at hard labor up to ten years or a fine up to \$1,000,000 (or the cost of any cleanup up to \$100,000 per day of violation) plus costs of prosecution, or both. LA. REV. STAT. ANN. § 30:2025(F)(1) (West 1989).

II. WATER POLLUTION (continued)

Acts Prohibited

Willfully or knowingly discharging, emitting, or disposing of any substance in contravention of any provision of the environmental quality subtitle, or any regulations, permits, or license terms and conditions issued thereunder, when the substance is one that does not endanger or could not endanger human life or health. LA. REV. STAT. ANN. § 30:2025(F)(2) (West 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation and costs of prosecution, or both. LA. REV. STAT. ANN. § 30:2025(F)(2) (West 1989).

III. AIR POLLUTION

Acts Prohibited

Willfully or knowingly discharging, emitting, or disposing of any substance in contravention of any provision of the environmental quality subtitle, or any regulations, permits, or license terms and conditions enacted thereunder, when the substance is one that endangers or could endanger human life or health. LA. REV. STAT. ANN. § 30:2025(F)(1) (West 1989).

Penalties

Guilty of a felony and subject to imprisonment at hard labor up to ten years or a fine up to \$1,000,000 (or the cost of any cleanup up to \$100,000 per day of violation) plus costs of prosecution, or both. LA. REV. STAT. ANN. § 30:2025(F)(1) (West 1989).

III. AIR POLLUTION (continued)

Acts Prohibited

Willfully or knowingly discharging, emitting, or disposing of any substance in contravention of any provision of the environmental quality subtitle, or any regulations, permits, or license terms and conditions issued thereunder, when the substance is one that does not endanger or could not endanger human life or health. LA. REV. STAT. ANN. § 30:2025(F)(2) (West 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation and costs of prosecution, or both. LA. REV. STAT. ANN. § 30:2025(F)(2) (West 1989).

MAINE

I. HAZARDOUS WASTES

Acts Prohibited

Violating any provision of the laws administered by the Department of Environmental Protection, or the terms or conditions of any order, regulation, license, permit, approval, or decision. ME. REV. STAT. ANN. tit. 38, § 349(1) (Supp. 1988).

Penalties

Guilty of a Class E crime and subject to imprisonment up to six months or a fine up to \$25,000 per day of violation, or both. ME. REV. STAT. ANN. tit. 38, § 349(1) (Supp. 1988); *id.* tit. 17-A, § 1252(2)(E) (1983).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained by any law administered by the Department of Environmental Protection, or by any rule, regulation, license, permit, approval, or administrative decision issued thereunder; or tampering with or rendering inaccurate any required monitoring device; or failing to comply with required information submittal. ME. REV. STAT. ANN. tit. 38, § 349(3) (Supp. 1988).

Knowingly transporting without a proper license or permit any substance or material which one knows or has reason to know has been identified as hazardous waste and which one believes may be harmful to human health. ME. REV. STAT. ANN. tit. 38, § 1319-T(1)(A) (Supp. 1988).

Penalties

Subject to imprisonment up to six months or a fine up to \$10,000, or both. ME. REV. STAT. ANN. tit. 38, § 349(3) (Supp. 1988).

Guilty of a Class C crime and subject to imprisonment up to five years or a fine up to \$50,000 per day of violation, or both. ME. REV. STAT. ANN. tit. 38, § 1319-T(1) (Supp. 1988); *id.* tit. 17-A, § 1252(2)(C) (1983).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly transporting to a waste facility any substance or material which one knows or has reason to know has been identified as hazardous waste and which one believes may be harmful to human health, while knowingly or consciously disregarding a risk that such a facility does not have a proper license or permit. ME. REV. STAT. ANN. tit. 38, § 1319-T(1)(B) (Supp. 1988).

Knowingly handling without a license or permit any substance or material which one knows or has reason to know has been identified as hazardous waste and which one believes may be harmful to human health. ME. REV. STAT. ANN. tit. 38, § 1319-T(1)(C) (Supp. 1988).

Knowingly handling at any location any substance or material which one knows or has reason to know has been identified as hazardous waste and which one believes may be harmful to human health, while knowingly or consciously disregarding a risk that such location does not have the proper license or permit for the treatment, storage, or disposal of such substance or material. ME. REV. STAT. ANN. tit. 38, § 1319-T(1)(D) (Supp. 1988).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly establishing, constructing, or operating a waste facility without a proper license or permit for any substance or material which one knows or has a reason to believe has been identified as hazardous waste and which may be harmful to human health. ME. REV. STAT. ANN. tit. 38, § 1319-T(2)(A) (Supp. 1988).

Knowingly handling any substance or material, which one knows or has reason to believe has been identified as hazardous waste and which may be harmful to human health, in any manner which violates the terms of any condition, order, regulation, license, permit, approval, or administrative decision regarding the handling or transportation of such waste. ME. REV. STAT. ANN. tit. 38, § 1319-T(2)(B) (Supp. 1988).

Penalties

Guilty of a Class D crime and subject to imprisonment less than one year or a fine up to \$25,000 per day of violation, or both. ME. REV. STAT. ANN. tit. 38 § 1319-T(2) (Supp. 1988); *id.* tit. 17-A, § 1252(2)(D) (1983).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Giving custody or possession of any substance or material which one knows or has reason to believe has been identified as hazardous waste and which may be harmful to human health to any other person whom one knows or has reason to believe does not have a license or permit to transport or handle such substance, or will transport or handle such substance in violation of this subchapter or rules adopted under it. ME. REV. STAT. ANN. tit. 38, § 1319-T(2)(C)(Supp. 1988).

Recklessly causing a catastrophe (death or serious bodily injury to ten or more people or substantial damage to five or more structures) by release of poison or radioactive material or other such force or substance that is dangerous to human life and difficult to confine. ME. REV. STAT. ANN. tit. 17-A, § 803 (1983 & Supp. 1988).

Penalties

Same penalty as above.

Guilty of a Class A crime and subject to imprisonment up to forty years or a fine up to \$50,000, or both. ME. REV. STAT. ANN. tit. 17-A, § 803 (1983 & Supp. 1988); *id.* §§ 1252(2)(A), 1301(3)(B) (1983 & Supp. 1988).

II. WATER POLLUTION

Acts Prohibited

Violating any provision of the laws administered by the Department of Environmental Protection, or the terms or conditions of any order, regulation, license, permit, approval, or decision. ME. REV. STAT. ANN. tit. 38, § 349(1) (Supp. 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained by any law administered by the Department of Environmental Protection, or by any rule, regulation, license, permit, approval, or administrative decision issued thereunder; or tampering with or rendering inaccurate any required monitoring device or method; or failing to comply with required information submittal. ME. REV. STAT. ANN. tit. 38, § 349(3) (Supp. 1988).

Penalties

Guilty of a Class E crime and subject to imprisonment up to six months or a fine up to \$25,000 per day of violation, or both. ME. REV. STAT. ANN. tit. 38, § 349(1) (Supp. 1988); *id.* tit. 17-A, § 1252(2)(E) (1983).

Subject to imprisonment up to six months or a fine up to \$10,000 per day, or both. ME. REV. STAT. ANN. tit. 38, § 349(3) (Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

Violating any provision of the laws administered by the Department of Environmental Protection, or the terms or conditions of any order, regulation, license, permit, approval, or decision. ME. REV. STAT. ANN. tit. 38, § 349(1) (Supp. 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained by any law administered by the Department of Environmental Protection, or by any rule, regulation, license, permit, approval, or administrative decision issued thereunder; or tampering with or rendering inaccurate any required monitoring device or method; or failing to comply with required information submittal. ME. REV. STAT. ANN. tit. 38, § 349(3) (Supp. 1988).

Penalties

Guilty of a Class E crime and subject to imprisonment up to six months or a fine up to \$25,000 per day of violation, or both. ME. REV. STAT. ANN. tit. 38, § 349(1) (Supp. 1988); *id.* tit. 17-A, § 1252(2)(E) (1983).

Subject to imprisonment up to six months or a fine up to \$10,000 per day, or both. ME. REV. STAT. ANN. tit. 38, § 349(3) (Supp. 1988).

MARYLAND**I. HAZARDOUS WASTES****Acts Prohibited**

Storing, treating, dumping, discharging, abandoning, or otherwise disposing of a controlled hazardous substance in any place other than a properly-permitted facility. MD. ENVIRONMENT CODE ANN. § 7-265(a)(1) (1987).

Transporting a controlled hazardous substance for treatment, storage, or disposal to any place other than a properly-permitted facility. MD. ENVIRONMENT CODE ANN. § 7-265(a)(2) (1987).

Falsifying any information required under the controlled hazardous substances subtitle or any rule, regulation, order, hauler or vehicle certificate, or facility permit issued thereunder. MD. ENVIRONMENT CODE ANN. § 7-265(a)(3) (1987).

Authorizing, directing, or permitting the above offenses. MD. ENVIRONMENT CODE ANN. § 7-265(a)(4) (1987).

Penalties

Guilty of a felony and subject to imprisonment up to five years or a fine up to \$100,000, or both. MD. ENVIRONMENT CODE ANN. § 7-265(a) (1987).

Same penalty as above.

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Violating any provision of, or failing to perform any duty imposed by, the controlled hazardous substances subtitle, or any rule, regulation, order, hauler or vehicle certificate, or facility permit adopted or issued thereunder. MD. ENVIRONMENT CODE ANN. § 7-267(a)(1) (1987).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under the controlled hazardous substances subtitle, or any rule, regulation, order, hauler or vehicle certificate, or facility permit adopted or issued thereunder; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained under this subtitle, or any rule, regulation, or order issued thereunder. MD. ENVIRONMENT CODE ANN. § 7-267(b) (1987).

Failing, refusing, or neglecting to comply with any provision of the hazardous materials and hazardous substances title, or with any rule or regulation adopted thereunder. MD. ENVIRONMENT CODE ANN. § 8-501(a)(1) (Supp. 1988).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. MD. ENVIRONMENT CODE ANN. § 7-267(a)(1) (1987).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000, or both. MD. ENVIRONMENT CODE ANN. § 7-267(b) (1987).

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$10,000, or both. MD. ENVIRONMENT CODE ANN. § 8-501(a)(1) (Supp. 1988).

II. WATER POLLUTION

Acts Prohibited

Violating any of the provisions of, or failing to perform any duty imposed by, the water pollution control and abatement subtitle, or any regulation, order, or permit issued thereunder. MD. ENVIRONMENT CODE ANN. § 4-417(b) (Supp. 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under the water management title; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained under this title, or by any permit, rule, regulation, or order issued thereunder. MD. ENVIRONMENT CODE ANN. § 4-417(c) (1987).

Violating any provision of the water management title. MD. ENVIRONMENT CODE ANN. § 4-501(a) (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. MD. ENVIRONMENT CODE ANN. § 4-417(b) (Supp. 1988).

Subject to imprisonment up to six months or a fine up to \$10,000, or both. MD. ENVIRONMENT CODE ANN. § 4-417(c) (1987).

Guilty of a misdemeanor and subject to imprisonment up to three months or a fine up to \$500, or both, for the first conviction. MD. ENVIRONMENT CODE ANN. § 4-501(a) (1987). For subsequent convictions, subject to imprisonment up to one year or a fine up to \$1,000, or both. *Id.* § 4-501(b).

II. WATER POLLUTION (continued)

Acts Prohibited

Violating any provision of, or failing to perform any duty imposed by, the water pollution control subtitle, or any rule, regulation, order, or permit adopted thereunder. MD. ENVIRONMENT CODE ANN. § 9-343(a) (1987).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under the water pollution control subtitle, or any rule, regulation, order, or permit adopted or issued thereunder; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required under this subtitle, or any rule, regulation, order, or permit adopted or issued thereunder. MD. ENVIRONMENT CODE ANN. § 9-343(b) (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. MD. ENVIRONMENT CODE ANN. § 9-343(a) (1987).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000, or both. MD. ENVIRONMENT CODE ANN. § 9-343(b) (1987).

III. AIR POLLUTION

Acts Prohibited

None

Penalties

None

MASSACHUSETTS**I. HAZARDOUS WASTES****Acts Prohibited**

Knowingly collecting, transporting, storing, disposing of, treating, using, or transporting hazardous waste in a manner which could endanger human health, safety or welfare, or the environment, or in a manner inconsistent with any provision of the hazardous waste management chapter, or any regulation, standard, license, or order issued thereunder. MASS. GEN. LAWS ANN. ch. 21C, § 5 (West 1981).

Knowingly collecting, transporting, storing, treating, using, or disposing of hazardous waste without a valid license and manifest. MASS. GEN. LAWS ANN. ch. 21C, § 5 (West 1981).

Knowingly generating or coming into possession of hazardous waste and transferring custody or possession of such waste to any person who does not have a valid hazardous waste license, or does not prepare the required manifest precisely descriptive of the waste. MASS. GEN. LAWS ANN. ch. 21C, § 5 (West 1981).

Penalties

Subject to imprisonment up to twenty years in state prison or two and one-half years in jail or a fine up to \$100,000 per day of violation, or both. MASS. GEN. LAWS ANN. ch. 21C, § 10 (West Supp. 1989).

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly violating, or allowing or suffering any employee, agent, or contractor to violate, any provision of the hazardous waste management chapter, or any regulation, license, approval, or order issued thereunder. MASS. GEN. LAWS ANN. ch. 21C, § 5 (West 1981).

Knowingly acting in the capacity of, or advertising as, or assuming to act as a hazardous waste licensee without possessing a valid hazardous waste license. MASS. GEN. LAWS ANN. ch. 21C, § 5 (West 1981).

Knowingly using a motor vehicle for the transportation of hazardous waste on any way without the required vehicle identification device and without said device being attached to a cab card carried in the operator's compartment of said vehicle where it is accessible to the operator. MASS. GEN. LAWS ANN. ch. 21C, § 5 (West 1981).

Violating any provision of the hazardous waste management chapter, or any regulation, order, license, or approval issued or adopted thereunder. MASS. GEN. LAWS ANN. ch. 21C, § 10 (West Supp. 1989).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

Subject to imprisonment up to two years or a fine up to \$25,000 per day of violation, or both. MASS. GEN. LAWS ANN. ch. 21C, § 10 (West Supp. 1989).

II. WATER POLLUTION

Acts Prohibited

Directly or indirectly throwing, draining, running, discharging, or allowing the discharge of any pollutant into commonwealth waters, except in conformity with a permit; or violating any provisions of the Department of Environmental Management chapter, or any valid regulation, order, or permit prescribed or issued thereunder; or knowingly making any false representation in any required application, record, report, or plan; or falsifying, tampering with, or rendering inaccurate a monitoring device or method required to be maintained. MASS. GEN. LAWS ANN. ch. 21, § 42 (West 1981 & Supp. 1989).

III. AIR POLLUTION

Acts Prohibited

After due notice, continuing to violate any regulations adopted by the Department of Environmental Quality Engineering to prevent air pollution. MASS. GEN. LAWS ANN. ch. 111, § 142A (West Supp. 1989).

Penalties

Subject to imprisonment up to one year or a fine between \$2,500 and \$25,000 per day of violation, or both. MASS. GEN. LAWS ANN. ch. 21, § 42 (West 1981 & Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both. MASS. GEN. LAWS ANN. ch. 111, § 142A (West Supp. 1989).

MICHIGAN**I. HAZARDOUS WASTES****Acts Prohibited**

Generating, transporting, disposing of, treating, or storing hazardous waste in violation of the provisions of the Hazardous Waste Management Act, or contrary to a permit, rule, or order issued thereunder; or making a false statement, representation, or certification in any application for, or form pertaining to, a permit, or in a notice or report required by the terms and conditions of an issued permit; or failing to notify the director that hazardous waste is being treated, stored, or disposed of in violation of this Act. MICH. COMP. LAWS ANN. § 299.548(2) (West 1984).

Knowingly storing, treating, transporting, or disposing of hazardous waste in violation of the Hazardous Waste Management Act, and knowing at that time that such action places another person in imminent danger of death or serious bodily injury, when such conduct in the circumstances manifests an unjustified and inexcusable disregard for human life. MICH. COMP. LAWS ANN. § 299.548(3) (West 1984).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. MICH. COMP. LAWS ANN. § 299.548(2) (West 1984).

Subject to imprisonment up to two years or a fine up to \$250,000, or both. If done with an extreme indifference for human life, subject to imprisonment up to five years or a fine up to \$250,000, or both. If a non-governmental organization, subject to a fine up to \$1,000,000. MICH. COMP. LAWS ANN. § 299.548(3) (West 1984).

II. WATER POLLUTION

Acts Prohibited

Discharging a substance into state waters contrary to the provisions of the Water Resources Act, or contrary to the provisions of a permit, administrative order, rule, or stipulation; or making a false statement, representation, or certification in an application for, or form pertaining to, a permit, or in a notice or report required by the terms and conditions of an issued permit; or rendering inaccurate a monitoring device or record required to be maintained. MICH. COMP. LAWS ANN. § 323.10(2) (West 1975).

III. AIR POLLUTION

Acts Prohibited

Failing to comply with or obtain a permit, or comply with a final administrative order or determination as it relates to the discharge of air contaminants. MICH. COMP. LAWS ANN. § 336.26 (West 1980).

Failing to comply with a rule of the Department of Public Health made under the chlorofluorocarbon act. MICH. COMP. LAWS ANN. § 336.107 (West 1980).

Penalties

Guilty of a misdemeanor and subject to a fine between \$2,500 and \$25,000 per violation and an additional \$25,000 per day. For subsequent convictions, subject to a fine up to \$50,000 per day of violation. MICH. COMP. LAWS ANN. § 323.10(2) (West 1975).

Penalties

Guilty of a misdemeanor and subject to a fine up to \$10,000 and an additional \$2,000 per day for continuing violations. MICH. COMP. LAWS ANN. § 336.26 (West 1980).

Guilty of a misdemeanor and subject to a fine up to \$10,000 and an additional \$2,000 per day for continuing violations. MICH. COMP. LAWS ANN. § 336.107 (West 1980).

MINNESOTA**I. HAZARDOUS WASTES****Acts Prohibited**

Knowingly, or with reason to know, placing another person in imminent danger of death or substantial bodily harm while knowingly, or with reason to know, unlawfully transporting, treating, storing, or disposing of hazardous waste. MINN. STAT. ANN. § 609.671(3)(a) (West Supp. 1989).

Knowingly, or with reason to know, disposing of hazardous waste or arranging for the disposal of hazardous waste at a location other than one authorized by the pollution control agency or the United States Environmental Protection Agency, or in violation of any material term or condition of a hazardous waste facility permit. MINN. STAT. ANN. § 609.671(4) (West Supp. 1989).

Penalties

Guilty of a felony and subject to imprisonment up to ten years or a fine up to \$100,000, or both. If an organization, subject to a fine up to \$1,000,000. MINN. STAT. ANN. § 609.671(3)(b) (West Supp. 1989).

Guilty of a felony and subject to imprisonment up to five years or a fine up to \$50,000, or both. MINN. STAT. ANN. § 609.671(4) (West Supp. 1989). If committed as a result of gross negligence, guilty of a gross misdemeanor and subject to imprisonment up to one year or a fine up to \$15,000, or both. *Id.* § 609.671(6) (West Supp. 1989).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly, or with reason to know, delivering hazardous waste to any person who is not authorized to receive the waste under state or federal law. MINN. STAT. ANN. § 609.671(5)(a)(1) (West Supp. 1989).

Knowingly, or with reason to know, treating or storing hazardous waste without a required permit, or in violation of a material term or condition of a permit, unless prior to the time a permit is required or immediately upon the person's awareness of the violation, the person notifies the pollution control agency. MINN. STAT. ANN. § 609.671(5)(a)(2) (West Supp. 1989).

Knowingly, or with reason to know, transporting hazardous waste to any location other than a facility authorized to receive, treat, store, or dispose of the hazardous waste under state or federal law. MINN. STAT. ANN. § 609.671(5)(a)(3) (West Supp. 1989).

Penalties

Guilty of a felony and subject to imprisonment up to three years or a fine up to \$25,000, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to five years or a fine up to \$50,000, or both. MINN. STAT. ANN. § 609.671(5)(b) (West Supp. 1989). If committed as a result of gross negligence, guilty of a gross misdemeanor and subject to imprisonment up to one year or a fine up to \$15,000, or both. *Id.* § 609.671(6).

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly, or with reason to know, transporting hazardous waste without a required manifest. MINN. STAT. ANN. § 609.671(5)(a)(4) (West Supp. 1989).

Knowingly, or with reason to know, transporting hazardous waste without a required license. MINN. STAT. ANN. § 609.671(5)(a)(5) (West Supp. 1989).

Knowingly, or with reason to know, making a false material statement or representation, or a material omission in any document filed, maintained, or used for purposes of compliance with hazardous waste handling laws. MINN. STAT. ANN. § 609.671(5)(a)(6),(7) (West Supp. 1989).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating any provision of the water pollution control chapter or Chapter 116, or any standard, rule, variance, order, stipulation agreement, schedule of compliance, or permit issued thereunder. MINN. STAT. ANN. § 115.071(2)(a) (West Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to three months or a fine up to \$700 per day of violation, or both. MINN. STAT. ANN. § 115.071(2)(a) (West Supp. 1989); *id.* § 609.03(3) (West 1987).

III. AIR POLLUTION

Acts Prohibited

Penalties

None

None

MISSISSIPPI

I. HAZARDOUS WASTES

Acts Prohibited

Penalties

Knowingly violating any provision of this chapter (regarding solid and hazardous waste disposal), or any administrative order issued thereunder. MISS. CODE ANN. § 17-17-29(5) (Supp. 1989).

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both. MISS. CODE ANN. § 17-17-29(5) (Supp. 1989).

II. WATER POLLUTION

Acts Prohibited

Penalties

Discharging pollutants in violation of § 49-17-29 (regarding the operation of equipment that causes the discharge of water pollutants without a permit), or in violation of any condition or limitation included in a permit issued thereunder; or introducing pollutants into publicly-owned treatment works in violation of pretreatment standards or toxic effluent standards. MISS. CODE ANN. § 49-17-43(e) (Supp. 1989).

Subject to a fine between \$2,500 and \$25,000 per day of violation. MISS. CODE ANN. § 49-17-43(e) (Supp. 1989).

III. AIR POLLUTION

Acts Prohibited

Discharging pollutants in violation of § 49-17-29 (regarding the operation of equipment that causes air contaminants without a permit), or in violation of any condition or limitation included in a permit issued thereunder. MISS. CODE ANN. § 49-17-43(e) (Supp. 1989).

Penalties

Subject to a fine between \$2,500 and \$25,000 per day of violation. MISS. CODE ANN. § 49-17-43(e) (Supp. 1989).

MISSOURI

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly transporting hazardous waste to a facility unauthorized to receive such waste; or knowingly permitting or causing any other hazardous waste transportation practice in violation of §§ 260.350-.430 (relating to required authorization and permit requirements necessary for the transportation, storage, disposal, and treatment of hazardous waste). MO. ANN. STAT. § 260.425(3)(1) (Vernon Supp. 1989).

Penalties

Subject to imprisonment up to one year or a fine between \$2,500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment not less than ten years or a fine between \$5,000 and \$50,000 per day of violation, or both. MO. ANN. STAT. § 260.425(3)(1) (Vernon Supp. 1989).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Penalties

Knowingly treating, storing, or disposing of hazardous waste without authorization in knowing violation of a material condition or requirement of such authorization, or in knowing violation of sections §§ 260.350-.430. Mo. ANN. STAT. § 260.425(3)(2) (Vernon Supp. 1989).

Same penalty as above.

Knowingly making a false material statement, representation, or certification in any document filed or required to be maintained; or knowingly falsifying, tampering with, or rendering inaccurate any monitoring device or result therefrom used, filed, maintained, or required to be maintained. Mo. ANN. STAT. § 260.425(3)(3),(3)(4) (Vernon Supp. 1989).

Same penalty as above.

Knowingly generating, treating, storing, transporting, disposing of, or otherwise handling any hazardous waste and knowingly destroying, altering, or concealing any record required to be maintained. Mo. ANN. STAT. § 260.425(3)(5) (Vernon Supp. 1989).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly owning, maintaining, or operating any hazardous waste disposal facility in a manner which permits any unlawful acts or hazardous waste management practices. MO. ANN. STAT. § 260.425(3)(6) (Vernon Supp. 1989).

Knowingly causing a catastrophe (death or serious physical injury to ten or more people, or substantial damage to at least five buildings or inhabitable structures, or substantial damage to a vital public facility which seriously impairs its usefulness or operation) by unlawful release of poison, radioactive material, or other dangerous and difficult to confine force or substance. MO. ANN. STAT. § 569.070 (Vernon 1979).

Penalties

Same penalty as above.

Guilty of a Class A felony and subject to imprisonment between ten and thirty years, or life. If a corporation, subject to a fine of \$10,000. MO. ANN. STAT. § 569.070 (Vernon 1979); *id.* §§ 558.011(1)(1) (Vernon Supp. 1989), 560.021(1)(1) (Vernon 1979).

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently causing or permitting the discharge of water contaminants from any water contaminant or point source located in the state in violation of §§ 644.006-.141 (relating to license, permit, and information requirements for the discharge of water pollutants), or any standard, rule, or regulation adopted thereunder. Mo. ANN. STAT. § 644.076(1),(3) (Vernon 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. Mo. ANN. STAT. § 644.076(2) (Vernon 1988).

Operating, using, or maintaining and discharging water contaminants from any water contaminant or point source or wastewater treatment plant without a permit. Mo. ANN. STAT. § 644.082 (Vernon 1988).

III. AIR POLLUTION

Acts Prohibited

None

Penalties

Subject to imprisonment up to one year or a fine between \$2,500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. Mo. ANN. STAT. § 644.076(3) (Vernon 1988).

Subject to imprisonment up to six months or a fine up to \$10,000, or both. Mo. ANN. STAT. § 644.076(2) (Vernon 1988).

Guilty of a misdemeanor and subject to a fine between \$100 and \$500 and an order to apply for a permit within thirty days. Mo. ANN. STAT. § 644.082 (Vernon 1988).

Penalties

None

MONTANA

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly transporting hazardous waste to an unpermitted facility; or treating, storing, or disposing of hazardous waste without a permit; or making a false statement or representation in any document filed or maintained as required. MONT. CODE ANN. § 75-10-418(1) (1987).

Penalties

Subject to imprisonment up to six months or a fine up to \$10,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to one year or a fine up to \$20,000 per day of violation, or both. MONT. CODE ANN. § 75-10-418(1) (1987).

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating § 75-5-605 (relating to prohibited water pollution activities, such as violating permit provisions or orders, discharging without a permit, and other related activities), or any pretreatment standard established pursuant to this chapter. MONT. CODE ANN. § 75-5-632 (1987).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. MONT. CODE ANN. § 75-5-633 (1987).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. MONT. CODE ANN. § 75-5-632 (1987).

Subject to imprisonment up to six months or a fine up to \$10,000, or both. MONT. CODE ANN. § 75-5-633 (1987).

III. AIR POLLUTION

Acts Prohibited

Violating Chapter 2 of Title 75 (relating to the discharge of air contaminants without a permit or in violation of the requirements of a permit), or a rule, order, or permit made or issued under it. MONT. CODE ANN. § 75-2-412(1) (1987).

Penalties

Subject to a fine up to \$1,000 per day of violation. MONT. CODE ANN. § 75-2-412(1) (1987).

NEBRASKA

I. HAZARDOUS WASTES

Acts Prohibited

Violating any of the provisions of the Environmental Protection Act, or failing to perform any duty imposed by such Act, except for violations of hazardous waste standards, rules, and regulations. NEB. REV. STAT. § 81-1508(1)(a)(iii) (Supp. 1987).

Violating any hazardous waste permit or license, or permit or license condition, limitation, law, rule, or regulation; or making any false statement or representation in any document filed, maintained, or used for purposes of program compliance. NEB. REV. STAT. § 81-1508(1)(g) (Supp. 1987).

Penalties

Guilty of a misdemeanor and subject to a fine between \$100 and \$500 plus \$10 per day and costs per day of violation. In default of payment, subject to imprisonment up to sixty days. The consequences of default also apply to corporate officers. NEB. REV. STAT. § 81-1508(1)(a)(iii) (Supp. 1987).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000 per day of violation, or both. If a corporation, the officers may be subject to imprisonment of six months. NEB. REV. STAT. § 81-1508(1)(g) (Supp. 1987).

II. WATER POLLUTION

Acts Prohibited

Violating any of the provisions of the Environmental Protection Act, or failing to perform any duty imposed by such Act, except violations of a permit or permit condition or limitation pursuant to the National Pollutant Discharge Elimination System. NEB. REV. STAT. § 81-1508(1)(a)(i) (Supp. 1987).

Willfully or negligently violating water quality standards and effluent standards and limitations; failing to obtain a permit or meet the filing requirements therefor; discharging without a permit; or violating a permit or any permit condition or limitation. NEB. REV. STAT. § 81-1508(1)(b) (Supp. 1987).

Knowingly making any false statement, representation, or certification in any document filed pursuant to the National Pollutant Discharge Elimination System; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required under such system. NEB. REV. STAT. § 81-1508(d) (Supp. 1987).

Penalties

Guilty of a misdemeanor and subject to a fine between \$100 and \$500, plus \$10 per day and costs per day of violation. In default of payment, subject to imprisonment up to sixty days. The consequences of default also apply to corporate officers. NEB. REV. STAT. § 81-1508(1)(a)(i) (Supp. 1987).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$5,000 per day of violation, or both. NEB. REV. STAT. § 81-1508(1)(b) (Supp. 1987).

Guilty of a misdemeanor and subject to a fine up to \$5,000 per day of violation. NEB. REV. STAT. § 81-1508(d) (Supp. 1987).

III. AIR POLLUTION

Acts Prohibited

Violating any of the provisions of the Environmental Protection Act, or failing to perform any duty imposed by such Act, except violations of air pollution standards, rules, and regulations. *NEB. REV. STAT. § 81-1508(1)(a)(i)* (Supp. 1987).

Violating any air pollution control law, rule, or regulation. *NEB. REV. STAT. § 81-1508(1)(f)* (Supp. 1987).

Penalties

Guilty of a misdemeanor and subject to a fine between \$100 and \$500, plus \$10 per day and costs per day of violation. In default of payment, subject to imprisonment up to sixty days. The consequences of default also apply to corporate officers. *NEB. REV. STAT. § 81-1508(1)(a)(i)* (Supp. 1987).

Guilty of a misdemeanor and subject to a fine up to \$5,000 per day of violation. *NEB. REV. STAT. § 81-1508(1)(f)* (Supp. 1987).

NEVADA

I. HAZARDOUS WASTES

Acts Prohibited

Violating the provisions of §§ 445.287-.301 (regarding the discharge, depositing, generation, or disposal of radioactive, toxic, or other waste underground in liquid or explosive form), or the terms and conditions of a permit issued thereunder. *NEV. REV. STAT. ANN. § 445.301* (Michie 1986).

Penalties

Guilty of a gross misdemeanor and subject to imprisonment up to one year or a fine up to \$2,000, or both. *NEV. REV. STAT. ANN. §§ 445.301, 193.140* (Michie 1986).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Intentionally, or with criminal negligence, constructing, substantially altering, or operating a facility for the treatment, storage, or disposal of hazardous waste without a permit; or intentionally, or with criminal negligence, treating, storing, or disposing of hazardous waste without a permit. NEV. REV. STAT. ANN. § 459.515(1) (Michie 1986).

Intentionally, or with criminal negligence, transporting hazardous waste without a manifest, without conforming with the manifest's waste descriptions or described manner of shipment, or to a facility without a permit to treat, store, or dispose of such waste. NEV. REV. STAT. ANN. § 459.590 (Michie 1986).

Knowingly making a false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. NEV. REV. STAT. ANN. § 459.595 (Michie 1986).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment between one and six years or a fine up to \$50,000 per day of violation, or both. NEV. REV. STAT. ANN. § 459.600 (Michie 1986).

Same penalty as above.

Subject to imprisonment up to one year or a fine up to \$10,000 per day of violation, or both. NEV. REV. STAT. ANN. § 459.595 (Michie 1986).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Intentionally, or with criminal negligence, violating any term or condition of a permit issued pursuant to § 459.520, or any order issued by the Department relating to hazardous waste. NEV. REV. STAT. ANN. § 459.600 (Michie 1986).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment between one and six years or a fine up to \$50,000 per day of violation, or both. NEV. REV. STAT. ANN. § 459.600 (Michie 1986).

II. WATER POLLUTION

Acts Prohibited

Intentionally, or with criminal negligence, violating § 445.221 or § 445.254 (relating to the illegal discharge of water pollutants), or any effluent limitation, the terms or conditions of any permit issued under §§ 445.227-.241, or any final order issued under § 445.324, except a final order concerning a diffuse source. NEV. REV. STAT. ANN. § 445.334 (Michie Supp. 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. NEV. REV. STAT. ANN. § 445.337(1) (Michie 1986).

Penalties

Guilty of a gross misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, guilty of a felony and subject to imprisonment between one and six years or a fine up to \$50,000 per day of violation, or both. NEV. REV. STAT. ANN. § 445.334 (Michie Supp. 1988).

Guilty of a gross misdemeanor and subject to imprisonment up to one year or a fine up to \$10,000, or both. NEV. REV. STAT. ANN. § 445.337(1) (Michie 1986).

III. AIR POLLUTION

Acts Prohibited

Penalties

None

None

NEW HAMPSHIRE

I. HAZARDOUS WASTES

Acts Prohibited

Penalties

Knowingly violating any provision of chapter 147-A (relating to hazardous waste management), or any rule adopted under it, or any term or condition of a permit or order issued under it. N.H. REV. STAT. ANN. § 147-A:16(I)(a),(b) (Supp. 1988).

If a natural person, guilty of a Class B felony and subject to imprisonment up to seven years or a fine up to \$50,000 per day of violation, or both. N.H. REV. STAT. ANN. §§ 147-A:16(I),(II) (Supp. 1988); *id.* § 651:2(II)(b) (1986). If a corporation, guilty of a felony and subject to a minimum term of imprisonment which is not to exceed one-half of the maximum or a fine up to \$50,000, or both. *Id.* §§ 147-A:16(I), 651:2(II), 651:2(IV)(b) (Supp. 1988).

Knowingly making or certifying a material false statement relative to any document required by Chapter 147-A; or knowingly tampering with a monitoring device or failing to comply with a monitoring method required under Chapter 147-A. N.H. REV. STAT. ANN. § 147-A:16(I)(c),(d) (Supp. 1988).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

As a generator, operator, transporter, or employee of a hazardous waste facility, becoming aware of any storage, treatment, or disposal of hazardous waste in violation of this chapter and failing to report the violation to the Division of Waste Management. N.H. REV. STAT. ANN. § 147-A:11(I) (Supp. 1988).

Penalties

If a natural person, guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$1,000, or both. N.H. REV. STAT. ANN. § 147-A:11(II) (Supp. 1988); *id.* §§ 651:2(II)(c),(IV)(a) (1986). If a corporation, guilty of a felony and subject to a minimum term of imprisonment which is not to exceed one-half of the maximum or a fine up to \$50,000, or both. *Id.* §§ 147-A:11(II), 651:2(II), 651:2(IV)(b) (Supp. 1988).

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating any provision of this chapter (relating to water pollution and disposal of wastes), or any lawful regulation of the Division of Water Supply and Pollution Control, or any condition or limitation of an issued permit. N.H. REV. STAT. ANN. § 149:19(I) (Supp. 1988).

Penalties

Subject to imprisonment up to six months or a fine up to \$25,000 per day of violation, or both. N.H. REV. STAT. ANN. § 149:19(I) (Supp. 1988).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any material false statement, representation, or certification in any document required to be filed or maintained under this chapter; or knowingly making any such statement, representation, or certification in connection with any permit issued under this chapter; or knowingly falsifying, tampering with, or rendering inaccurate any monitoring device or method required; or knowingly failing, neglecting, or refusing to obey a lawful order of the Division of Water Supply and Pollution Control. N.H. REV. STAT. ANN. § 149:19(I) (Supp. 1988).

Penalties

Same penalty as above.

III. AIR POLLUTION

Acts Prohibited

Violating any provision of this chapter (relating to air pollution control), or any order or rule of the Director of the Division of Air Resources. N.H. REV. STAT. ANN. § 125-C:17 (Supp. 1988).

Penalties

If a natural person, guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$1,000, or both. N.H. REV. STAT. ANN. § 125-C:17 (Supp. 1988); *id.* §§ 651:2(II)(c),(IV)(a) (1986). If an organization, guilty of a felony and subject to a minimum term of imprisonment which is not to exceed one-half of the maximum or a fine up to \$50,000, or both. *Id.* §§ 125-C:17, 651:2(II), 651:2(IV)(b) (Supp. 1988).

NEW JERSEY

I. HAZARDOUS WASTES

Acts Prohibited

Purposely, knowingly, or recklessly causing the unlawful release or abandonment of poison gas, radioactive material, or any other harmful or destructive substance; or purposely, knowingly, or recklessly causing widespread injury or damage in any manner by causing serious bodily injury to ten or more people or damage to ten or more habitations or to a building which normally would have contained at least fifty persons at the time of the offense. N.J. STAT. ANN. § 2C:17-2(a)(1),(b),(e) (West Supp. 1989).

Penalties

Guilty of a second degree crime and subject to imprisonment between five and ten years or a fine up to \$100,000, or both. N.J. STAT. ANN. § 2C:17-2(a)(1),(b),(e) (West Supp. 1989); *id.* §§ 2C:43-3(a), 2C:43-6(a)(2) (West Supp. 1989). If a corporation, subject to a fine up to \$300,000. *Id.* § 2C:43-4(a) (West 1982). If done recklessly, guilty of a third degree crime and subject to imprisonment between three and five years or a fine up to \$7,500, or both. *Id.* §§ 2C:17-2(b), 2C:43-3(b), 2C:43-6(a)(3). If a corporation, subject to a fine up to \$22,500. *Id.* § 2C:43-4(a).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Purposely, knowingly, or recklessly causing a hazardous discharge required to be reported pursuant to the Spill Compensation and Control Act (N.J. STAT. ANN. §§ 58:23.11-.24), or regulations adopted thereunder; or purposely, knowingly, or recklessly causing the unlawful release or abandonment of hazardous waste or toxic pollutants. N.J. STAT. ANN. § 2C:17-2(a)(2) (West Supp. 1989).

Recklessly creating a risk of widespread injury or damage, even if no such injury or damage occurs. N.J. STAT. ANN. § 2C:17-2(c) (West Supp. 1989).

Knowingly or recklessly failing to take reasonable measures to prevent or mitigate widespread injury or damage if under some legal duty to do so, or if directly or by assent one caused or threatened the injury or damage. N.J. STAT. ANN. § 2C:17-2(d) (West Supp. 1989).

Penalties

If done purposely or knowingly, guilty of a second degree crime and subject to imprisonment between five and ten years or a fine up to \$100,000, or both. N.J. STAT. ANN. § 2C:17-2(a)(2) (West Supp. 1989); *id.* §§ 2C:43-3(a), 2C:43-6(a)(2). If a corporation, subject to a fine up to \$300,000. *Id.* § 2C:43-4(a) (West 1982). If done recklessly, guilty of a third degree crime and subject to imprisonment between three and five years or a fine up to \$7,500, or both. *Id.* §§ 2C:17-2(a)(2) (West Supp. 1989), 2C:43-3(b), 2C:43-6(a)(3). If a corporation, subject to a fine up to \$22,500. *Id.* § 2C:43-4(a) (West 1982).

Guilty of a fourth degree crime and subject to imprisonment up to eighteen months or a fine up to \$7,500, or both. N.J. STAT. ANN. § 2C:17-2(c) (West Supp. 1989); *id.* §§ 2C:43-3(b), 2C:43-6(a)(4). If a corporation, subject to a fine up to \$22,500. *Id.* § 2C:43-4(a) (West 1982).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly or recklessly transporting, or generating and causing or permitting hazardous waste to be transported to a facility unauthorized to accept such waste. N.J. STAT. ANN. § 13:1E-9(g)(1),(g)(2),(h)(1),(h)(2) (West Supp. 1989).

Knowingly or recklessly transporting, storing, treating, or disposing of hazardous waste without authorization. N.J. STAT. ANN. § 13:1E-9(g)(3),(h)(3) (West Supp. 1989).

Knowingly or recklessly making a false or misleading statement in any document required to be submitted or to one preparing any such document. N.J. STAT. ANN. § 13:1E-9(g)(4),(g)(5),(h)(4),(h)(5) (West Supp. 1989).

Penalties

If done knowingly, guilty of a third degree crime and subject to imprisonment between three and five years or a fine up to \$50,000, or both, for the first conviction. For subsequent convictions, subject to a fine up to \$100,000. N.J. STAT. ANN. § 13:1E-9(g) (West Supp. 1989); *id.* § 2C:43-6(a)(3). If a corporation, subject to a fine up to \$300,000. *Id.* § 2C:43-4(a) (West 1982). If done recklessly, guilty of a fourth degree crime and subject to imprisonment up to eighteen months or a fine up to \$7,500, or both. *Id.* §§ 13:1E-9(g) (West Supp. 1989), 2C:43-3(b), 2C:43-6(a)(4). If a corporation, subject to a fine up to \$22,500. *Id.* § 2C:43-4(a) (West 1982).

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Regardless of intent, generating and causing or permitting any hazardous waste to be transported, or transporting or receiving transported waste without completing and submitting a required hazardous waste manifest. N.J. STAT. ANN. § 13:1E-9(i) (West Supp. 1989).

Penalties

Guilty of a fourth degree crime and subject to imprisonment up to eighteen months or a fine up to \$7,500, or both. N.J. STAT. ANN. § 13:1E-9(i) (West Supp. 1989); *id.* §§ 2C:43-3(b), 2C:43-6(a)(4). If a corporation, subject to a fine up to \$22,500. *Id.* § 2C:43-4(a) (West 1982).

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating the Water Pollution Control Act. N.J. STAT. ANN. § 58:10A-10(f) (West Supp. 1988).

Penalties

Guilty of a fourth degree crime and subject to imprisonment up to one year or a fine between \$5,000 and \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine between \$10,000 and \$100,000 per day of violation, or both. N.J. STAT. ANN. § 58:10A-10(f) (West Supp. 1988).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. N.J. STAT. ANN. § 58:10A-10(f) (West Supp. 1988).

Subject to imprisonment up to six months or a fine up to \$20,000, or both. N.J. STAT. ANN. § 58:10A-10(f) (West Supp. 1988).

III. AIR POLLUTION

Acts Prohibited	Penalties
None	None

NEW MEXICO

I. HAZARDOUS WASTES

Acts Prohibited	Penalties
Knowingly transporting or causing the transportation of hazardous waste to a facility which does not have a permit. N.M. STAT. ANN. § 74-4-11(A)(1) (1988).	Guilty of a misdemeanor and subject to imprisonment less than one year or a fine up to \$10,000, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$25,000 per day of violation, or both. N.M. STAT. ANN. § 74-4-11(A) (1988).
Knowingly treating, storing, or disposing of hazardous waste without a permit, or in knowing violation of a material condition or requirement of such permit or other applicable interim status regulations or standards. N.M. STAT. ANN. § 74-4-11(A)(2) (1988).	Same penalty as above.
Knowingly omitting material information or making a false statement or representation in any document filed, maintained, or used for purposes of compliance with this chapter. N.M. STAT. ANN. § 74-4-11(A)(3) (1988).	Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly generating, treating, storing, transporting, disposing of, exporting, or otherwise handling hazardous waste and knowingly destroying, altering, concealing, or failing to file any document required to be maintained or filed for purposes of compliance with regulations promulgated under this chapter. N.M. STAT. ANN. § 74-4-11(A)(4) (1988).

Knowingly transporting or causing the transportation of hazardous waste without a required manifest. N.M. STAT. ANN. § 74-4-11(A)(5) (1988).

Knowingly exporting hazardous waste without the consent of the receiving country, or in violation of any international agreement. N.M. STAT. ANN. § 74-4-11(A)(6) (1988).

Knowingly transporting, treating, storing, disposing of, or exporting hazardous waste in violation of any of the above sections, while knowing at that time that such conduct places another person in imminent danger of death or serious bodily injury. N.M. STAT. ANN. § 74-4-11(B) (1988).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

Subject to imprisonment up to fifteen years or a fine up to \$100,000, or both. If an organization, subject to a fine up to \$250,000. N.M. STAT. ANN. § 74-4-11(B) (1988).

II. WATER POLLUTION

Acts Prohibited

Violating any provision of § 74-6-5 (relating to required authorization and permit requirements necessary for discharging any water contaminant directly or indirectly into water as they relate to water quality, information required to be furnished, or state and federal regulations or permits). N.M. STAT. ANN. § 74-6-5(O) (1988).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine between \$300 and \$10,000 per day of violation, or both. N.M. STAT. ANN. § 74-6-5(O) (1988).

III. AIR POLLUTION

Acts Prohibited

None

Penalties

None

NEW YORK

I. HAZARDOUS WASTES

Acts Prohibited

Intentionally, knowingly, recklessly, or with criminal negligence violating provisions of Title 3 of Article 27 (regarding permits required for waste transporters), any rules or regulations, or any final administrative order related thereto. N.Y. ENVTL. CONSERV. LAW § 71-2703(2) (McKinney Supp. 1989).

Penalties

Guilty of a violation and subject to a fine between \$1,000 and \$2,500 per day of violation. N.Y. ENVTL. CONSERV. LAW § 71-2703(2) (McKinney Supp. 1989).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Intentionally, knowingly, recklessly, or with criminal negligence violating any provisions of, or failing to perform any duty imposed by, Title 9 (relating to industrial hazardous waste management), Title 11 (relating to industrial hazardous waste facility siting), or Title 13 (relating to inactive hazardous waste disposal sites) of Article 27 (governing the collection, treatment, and disposal of refuse and other solid waste), or any rules and regulations promulgated thereunder, or any term or condition of a certificate, permit, or order issued thereunder. N.Y. ENVTL. CONSERV. LAW § 71-2705(2) (McKinney 1984).

Knowingly possessing more than 100 gallons or 1,000 pounds, whichever is less, of hazardous waste, at a place other than the site of generation; or recklessly possessing more than 200 gallons or 2,000 pounds, whichever is less, of hazardous waste, at a place other than the site of generation. N.Y. ENVTL. CONSERV. LAW § 71-2707 (McKinney Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. N.Y. ENVTL. CONSERV. LAW § 71-2705(2) (McKinney 1984).

Guilty of a Class E felony and subject to imprisonment up to four years or a fine up to \$100,000 (or double the amount of gain from the criminal activity, whichever is greater), or both. N.Y. ENVTL. CONSERV. LAW § 71-2707 (McKinney Supp. 1989); *id.* § 71-2721(2)(c),(f); N.Y. PENAL LAW § 70.00(2)(e) (McKinney 1987).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly possessing acute hazardous waste at a place other than the site of generation; or knowingly possessing more than 1,500 gallons or 15,000 pounds, whichever is less, of hazardous waste, at a place other than the site of generation; or recklessly possessing more than 2,500 gallons or 25,000 pounds, whichever is less, of hazardous waste, at a place other than the site of generation. N.Y. ENVTL. CONSERV. LAW § 71-2709 (McKinney Supp. 1989).

With criminal negligence, engaging in conduct which causes the release to the environment of more than five gallons or fifty pounds, whichever is less, of a substance hazardous to public health, safety, or the environment. N.Y. ENVTL. CONSERV. LAW § 71-2710 (McKinney Supp. 1989).

Penalties

Guilty of a Class D felony and subject to imprisonment up to seven years or a fine up to \$150,000 (or double the amount of gain from the criminal activity, whichever is greater), or both. N.Y. ENVTL. CONSERV. LAW § 71-2709 (McKinney Supp. 1989); *id.* § 71-2721(2)(b),(f); N.Y. PENAL LAW § 70.00(2)(d) (McKinney 1987).

Guilty of a Class B misdemeanor and subject to imprisonment up to three months or a fine up to \$10,000 (or double the amount of gain from the criminal activity, whichever is greater), or both. N.Y. ENVTL. CONSERV. LAW § 71-2710 (McKinney Supp. 1989); *id.* § 71-2721(2)(e),(f); N.Y. PENAL LAW § 70.15(2) (McKinney 1987). In addition, the court may impose the cost of legally disposing of the hazardous waste unlawfully possessed and restoring to its original state the area where substances were released unlawfully. N.Y. ENVTL. CONSERV. LAW § 71-2721(1)(b) (McKinney Supp. 1989).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly or recklessly causing the release of a hazardous substance; or with criminal negligence causing the release of an acutely hazardous substance; or with criminal negligence causing the release of more than 100 gallons or 1,000 pounds, whichever is less, of a hazardous substance. N.Y. ENVTL. CONSERV. LAW § 71-2711 (McKinney Supp. 1989).

Penalties

Guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 (or double the amount of gain from the criminal activity, whichever is greater), or both. N.Y. ENVTL. CONSERV. LAW § 71-2711 (McKinney Supp. 1989); *id.* § 71-2721(2)(d),(f); N. Y. PENAL LAW § 70.15(1) (McKinney 1987). In addition, the court may impose the cost of legally disposing of the hazardous waste unlawfully possessed and restoring to its original state the area where substances were released unlawfully. N.Y. ENVTL. CONSERV. LAW § 71-2721(1)(b) (McKinney Supp. 1989).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly causing the release of more than 100 gallons or 1,000 pounds, whichever is less, of a hazardous substance; or recklessly causing the release of more than 100 gallons or 1,000 pounds, whichever is less, of a hazardous substance and creating a substantial risk of physical injury to a person not participating in the crime; or recklessly causing the release of 200 gallons or 2,000 pounds, whichever is less, of a hazardous substance, or any amount of an acutely hazardous substance. N.Y. ENVTL. CONSERV. LAW § 71-2712 (McKinney Supp. 1989).

Penalties

Guilty of a Class E felony and subject to imprisonment up to four years or a fine up to \$100,000 (or double the amount of gain from the criminal activity, whichever is greater), or both. N.Y. ENVTL. CONSERV. LAW § 71-2712 (McKinney Supp. 1989); *id.* § 71-2721(2)(c),(f); N.Y. PENAL LAW § 70.00(2)(e) (McKinney 1987). In addition, the court may impose the cost of legally disposing of the hazardous waste unlawfully possessed and restoring to its original state the area where substances were released unlawfully. N.Y. ENVTL. CONSERV. LAW § 71-2721(1)(b) (McKinney Supp. 1989).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly causing the release of a hazardous substance which causes physical injury to a person not participating in the crime. N.Y. ENVTL. CONSERV. LAW § 71-2713(1) (McKinney Supp. 1989).

Knowingly causing the release of an acutely hazardous substance while knowing at the time that the substance has an oral LD (rat) toxicity of less than 50 mg/kg, or has an inhalation LC (rat) toxicity of less than 2 mg/l, or has a dermal LD (rabbit) toxicity of less than 200 mg/kg, or causes or is capable of causing death, serious illness, or serious physical injury to any person as a consequence of such release. N.Y. ENVTL. CONSERV. LAW §§ 71-2713(2), 37-0103(1)(b) (McKinney Supp. 1989).

Penalties

Guilty of a Class D felony and subject to imprisonment up to seven years or a fine up to \$250,000 (or double the amount of gain from the criminal activity, whichever is greater), or both. N.Y. ENVTL. CONSERV. LAW § 71-2713(1) (McKinney Supp. 1989); *id.* § 71-2721(2)(b),(f); N. Y. PENAL LAW § 70.00(2)(d) (McKinney 1987). In addition, the court may impose the cost of legally disposing of the hazardous waste unlawfully possessed and restoring to its original state the area where substances were released unlawfully. N.Y. ENVTL. CONSERV. LAW § 71-2721(1)(b) (McKinney Supp. 1989).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly causing the release of more than 1,500 gallons or 15,000 pounds, whichever is less, of a hazardous substance. N.Y. ENVTL. CONSERV. LAW § 71-2713(3) (McKinney Supp. 1989).

Recklessly causing the release of an acutely hazardous substance which causes physical injury to a person not participating in the crime. N.Y. ENVTL. CONSERV. LAW § 71-2713(4) (McKinney Supp. 1989).

Knowingly causing the release of more than 100 gallons or 1,000 pounds of a hazardous substance which enters water. N.Y. ENVTL. CONSERV. LAW § 71-2713(5) (McKinney Supp. 1989).

Knowingly or recklessly causing the release of a hazardous substance which enters a primary water supply. N.Y. ENVTL. CONSERV. LAW § 71-2713(6) (McKinney Supp. 1989).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Intentionally causing the release of an acutely hazardous substance while knowing at the time that the substance has an oral LD (rat) toxicity of less than 50 mg/kg, or has an inhalation LC (rat) toxicity of less than 2 mg/l, or has a dermal LD (rabbit) toxicity of less than 200 mg/kg, or causes or is capable of causing death, serious illness, or serious physical injury to any person as a consequence of such a release, and while aware that such conduct creates a substantial risk of serious physical injury to any person not participating in the crime. N.Y. ENVTL. CONSERV. LAW § 71-2714(1) (McKinney Supp. 1989).

Knowingly causing the release of an acutely hazardous substance which actually causes physical injury to a person not participating in the crime, while knowing at the time that the substance has an oral LD (rat) toxicity of less than 50 mg/kg, or has an inhalation LC (rat) toxicity of less than 2 mg/l, or has a dermal LD (rabbit) toxicity of less than 200 mg/kg, or causes or is capable of causing death, serious illness, or serious physical injury to any person as a consequence of such a release. N.Y. ENVTL. CONSERV. LAW § 71-2714(2) (McKinney Supp. 1989).

Penalties

Guilty of a Class C felony and subject to imprisonment up to fifteen years or a fine up to \$200,000 (or double the amount of gain from the criminal activity, whichever is greater), or both. N.Y. ENVTL. CONSERV. LAW § 71-2714(1) (McKinney Supp. 1989); *id.* § 71-2721(2)(a),(f); N.Y. PENAL LAW § 70.00(2)(c) (McKinney 1987). In addition, the court may impose the cost of legally disposing of the hazardous waste unlawfully possessed and restoring to its original state the area where substances were released unlawfully. N.Y. ENVTL. CONSERV. LAW § 71-2721(1)(b) (McKinney Supp. 1989).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Soliciting, requesting, commanding, importuning, or otherwise attempting to cause another person to possess or dispose of hazardous waste without authorization, with the intent that another person engage in such conduct. N.Y. ENVTL. CONSERV. LAW § 71-2715(1) (McKinney Supp. 1989).

Engaging in conduct which provides another person with the means or opportunity to possess or dispose of hazardous waste without authorization and which aids such person to commit such act, while believing it probable that such conduct aids one who intends to commit the act. N.Y. ENVTL. CONSERV. LAW § 71-2715(2) (McKinney Supp. 1989).

Removing, assisting in the removal of, or making available for removal more than 100 gallons or 1,000 pounds, whichever is less, of hazardous wastes, while intending that such wastes are to be possessed or disposed of by a person who does not have authorization. N.Y. ENVTL. CONSERV. LAW § 71-2717(1) (McKinney Supp. 1989).

Penalties

Guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 (or double the amount of gain from the criminal activity, whichever is greater), or both. N.Y. ENVTL. CONSERV. LAW § 71-2715(1) (McKinney Supp. 1989); *id.* § 71-2721(2)(e),(f); N.Y. PENAL LAW § 70.15(1) (McKinney 1987).

Same penalty as above.

Guilty of a Class E felony and subject to imprisonment up to four years or a fine up to \$100,000 (or double the amount of gain from the criminal activity, whichever is greater), or both. N.Y. ENVTL. CONSERV. LAW § 71-2717(1) (McKinney Supp. 1989); *id.* § 71-2721(2)(c),(f); N.Y. PENAL LAW § 70.00(2)(e) (McKinney 1987).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Soliciting, agreeing to receive, or receiving a benefit for possession or disposal of hazardous wastes, while intending that the possession or disposal is to be done without authorization. N.Y. ENVTL. CONSERV. LAW § 71-2717(2) (McKinney Supp. 1989).

Offering, agreeing to confer, conferring upon another, or authorizing or directing anyone to offer, agree to confer, or confer upon another a benefit for possession or disposal of hazardous wastes, while intending that the person who is to perform such possession or disposal does not have authorization. N.Y. ENVTL. CONSERV. LAW § 71-2717(3) (McKinney Supp. 1989).

Intentionally, knowingly, recklessly, or with criminal negligence violating any provision of, or failing to perform any duty imposed by, Article 40 (relating to releases of hazardous wastes from active or abandoned storage tanks), or any regulations promulgated pursuant thereto, or any term or condition of any permit or certificate issued thereunder. N.Y. ENVTL. CONSERV. LAW § 71-4303(2) (McKinney Supp. 1989).

Penalties

Same penalty as above.

Same penalty as above.

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. N.Y. ENVTL. CONSERV. LAW § 71-4303(2) (McKinney Supp. 1989).

II. WATER POLLUTION

Acts Prohibited

Intentionally, knowingly, recklessly, or with criminal negligence violating any provision of Titles 1-5, 9-11, or 19 of Article 17 (relating to the disposal of waste into waters of the state), or rules, regulations, orders, or administrative determinations issued thereunder. N.Y. ENVTL. CONSERV. LAW § 71-1933(1) (McKinney Supp. 1989).

Knowingly, or with criminal negligence, violating any provision of Title 7 or 8 of Article 17 (relating to permits and certificates regulating the discharge of wastes into state waters), the rules or regulations promulgated thereunder, any term of any permit issued thereunder, any requirement imposed in an approved pretreatment program, or any final administrative order issued under Article 17. N.Y. ENVTL. CONSERV. LAW § 71-1933(3)(a),(4)(a) (McKinney Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine between \$2,500 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. N.Y. ENVTL. CONSERV. LAW § 71-1933(1) (McKinney Supp. 1989).

If done knowingly, guilty of a Class E felony and subject to imprisonment up to four years or a fine not less than \$5,000 (\$50,000 per day for a continuing violation), or both. N.Y. ENVTL. CONSERV. LAW § 71-1933(4)(a),(8)(b)(iii) (McKinney Supp. 1989); N.Y. PENAL LAW § 70.00(2)(e) (McKinney 1987). If done with criminal negligence, guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine not less than \$2,500 (\$25,000 per day for a continuing violation), or both. N.Y. ENVTL. CONSERV. LAW § 71-1933(3)(a),(8)(b)(iv) (McKinney Supp. 1989).

II. WATER POLLUTION (continued)

Acts Prohibited

Intentionally violating any provision of Title 7 or 8 of Article 17 (relating to permits and certificates regulating the discharge of wastes into state waters), the rules or regulations promulgated thereunder, any term of any permit issued thereunder, or any final administrative orders issued under Article 17, while knowing at that time that such conduct places another person who is not a participant in the crime in imminent danger of death or serious bodily injury. N.Y. ENVTL. CONSERV. LAW § 71-1933(5)(a),(5)(b) (McKinney Supp. 1989).

Knowingly, or with criminal negligence, introducing into a sewer system or publicly-owned treatment works any pollutant or hazardous substance, while knowing that such introduction was unlawful and was likely to cause personal injury or causes the treatment works to violate any term of any permit or any rules or regulations under Title 7 or 8.

Penalties

Guilty of a Class C felony and subject to imprisonment up to fifteen years or a fine up to \$250,000, or both. N.Y. ENVTL. CONSERV. LAW § 71-1933(5),(8)(b)(ii) (McKinney Supp. 1989); N.Y. PENAL LAW § 70.00(2)(c) (McKinney 1987). If an organization, subject to a fine up to \$500,000. N.Y. ENVTL. CONSERV. LAW § 71-1933(8)(b)(i) (McKinney Supp. 1989).

Same penalty as above.

II. WATER POLLUTION (continued)

Acts Prohibited

Making with the intent to deceive any false material statement, representation, or certification in any document filed or required to be maintained; or intentionally falsifying, tampering with, or rendering inadequate any monitoring device or method required to be maintained. N.Y. ENVTL. CONSERV. LAW § 77-1933(7) (McKinney Supp. 1989).

Failing to notify the health department of the release of any liquid which would, or would be likely to, pollute the waters of the state. N.Y. ENVTL. CONSERV. LAW § 71-1943 (McKinney 1984).

Penalties

Guilty of a Class E felony and subject to imprisonment up to four years or a fine up to \$10,000 or both. N.Y. CONSERV. LAW § 71-1933(7),(8)(b)(iii) (McKinney Supp. 1989); N.Y. PENAL LAW § 70.00(2)(e) (McKinney 1987).

Subject to imprisonment up to one year or a fine up to \$2,500, or both. N.Y. ENVTL. CONSERV. LAW § 71-1943 (McKinney 1984).

III. AIR POLLUTION

Acts Prohibited

Willfully violating any provision of Article 19 (relating to air pollution control) or any regulation, code, rule, or administrative order issued thereunder. N.Y. ENVTL. CONSERV. LAW § 71-2105(1) (McKinney Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine between \$250 and \$10,000 per day of violation, or both. N.Y. ENVTL. CONSERV. LAW § 71-2105(1) (McKinney Supp. 1989).

III. AIR POLLUTION (continued)

Acts Prohibited

Intentionally, knowingly, recklessly, or with criminal negligence violating any provision of, or failing to perform any duty imposed by, § 19-0304 of this chapter (relating to the burning of hazardous wastes), any rules and regulations promulgated thereunder, any term or condition of any permit or certificate issued pursuant thereto, or any final determination or order made pursuant to Article 19 (relating to air pollution control). N.Y. ENVTL. CONSERV. LAW § 71-2113(b) (McKinney Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$25,000, or both. N.Y. ENVTL. CONSERV. LAW § 71-2113(b) (McKinney Supp. 1989).

NORTH CAROLINA

I. HAZARDOUS WASTES

Acts Prohibited

Willfully depositing, placing, dumping, discharging, spilling, releasing, burning, incinerating, or otherwise disposing of any toxic substance or radioactive material into the atmosphere, in the waters, or on land, except where such disposal is conducted pursuant to federal or state law, regulation, or permit. N.C. GEN. STAT. § 14-284.2(a) (1986).

Penalties

Guilty of a Class H felony and subject to imprisonment up to ten years or a fine up to \$100,000 per day of violation, or both. N.C. GEN. STAT. § 14-284.2(a) (1986); *id.* § 14-1.1(a)(8).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Violating a provision of Chapter 130A (relating to the public health and hazardous waste management), or the rules adopted thereunder. N.C. GEN. STAT. § 130A-25 (Supp. 1988).

Intentionally, knowingly, or willfully discharging, or causing or permitting the discharge of, oil or other hazardous substance in violation of Part 2 (relating to oil discharge controls). N.C. GEN. STAT. § 143-215.91(b) (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to two years or an unspecified fine, or both. N.C. GEN. STAT. § 130A-25 (Supp. 1988); *id.* § 14-3(a) (1986).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000, or both. N.C. GEN. STAT. § 143-215.91(b) (1987).

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating any classification, standard, or limitation established pursuant to §§ 143-214.1-.2 or § 143-215 (relating to water quality standards and effluent standards and limitations), any term, condition, or requirement of an issued permit, or any regulation issued thereunder. N.C. GEN. STAT. § 143-215.6(b)(1) (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$15,000 per day of violation (not exceeding a cumulative total of \$200,000 per thirty-day period of continuous violation), or both, for the first conviction. N.C. GEN. STAT. § 143-215.6(b)(1) (1987). For subsequent convictions, subject to imprisonment up to one year or a fine up to \$30,000 per day of violation, or both. *Id.* § 143-215.6(b)(3).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any recording or monitoring device or method required to be operated or maintained. N.C. GEN. STAT. § 143-215.6(b)(2) (1987).

Willfully violating Article 21 (relating to water resources). N.C. GEN. STAT. § 143-215.36(a) (1987).

Violating any provision of Part 7 (relating to water and air quality reporting), or any rules adopted thereunder. N.C. GEN. STAT. § 143-215.69(a) (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000 per day of violation, or both, for the first conviction. N.C. GEN. STAT. § 143-215.6(b)(2) (1987). For subsequent convictions, subject to imprisonment up to one year or a fine up to \$20,000 per day of violation, or both. *Id.* § 143-215.6(b)(3).

Guilty of a misdemeanor and subject to a fine between \$100 and \$1,000 per day of violation. N.C. GEN. STAT. § 143-215.36(a) (1987).

Guilty of a misdemeanor and subject to a fine between \$100 and \$1,000 per day of violation. N.C. GEN. STAT. § 143-215.69(a) (1987).

III. AIR POLLUTION

Acts Prohibited

Willfully violating Article 21 (relating to air resources). N.C. GEN. STAT. § 143-215.36(a) (1987).

Penalties

Guilty of a misdemeanor and subject to a fine between \$100 and \$1,000 per day of violation. N.C. GEN. STAT. § 143-215.36(a) (1987).

III. AIR POLLUTION (continued)

Acts Prohibited

Willfully or negligently violating any classification, standard, or limitation established pursuant to § 143-215.107 (relating to air quality standards), any term, condition, or requirement of an issued permit, or any regulation issued thereunder. N.C. GEN. STAT. § 143-215.114(b)(1) (1987).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any recording or monitoring device or method required to be operated or maintained. N.C. GEN. STAT. § 143-215.114(b)(2) (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$15,000 per day of violation (not exceeding a cumulative total of \$200,000 per thirty-day period of continuous violation), or both, for the first conviction. For subsequent convictions, subject to imprisonment up to one year or a fine up to \$30,000 per day of violation, or both. N.C. GEN. STAT. § 143-215.114(b)(1) (1987).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$10,000 per day of violation, or both, for the first conviction. N.C. GEN. STAT. § 143-215.114(b)(2) (1987). For subsequent convictions, subject to imprisonment up to one year or a fine up to \$20,000, or both. *Id.* § 143-215.6(b)(3).

NORTH DAKOTA

I. HAZARDOUS WASTES

Acts Prohibited

Willfully or intentionally causing a catastrophe (serious bodily injury to ten or more people, or substantial damage to ten or more structures, or property loss in excess of \$500,000) by any means. N.D. CENT. CODE § 12.1-21-04(1) (1985).

Willfully creating a risk of catastrophe, although no fire, explosion, or other destruction results. N.D. CENT. CODE § 12.1-21-04(2) (1985).

Knowingly doing an act which causes or is likely to cause a catastrophe; or assenting to the doing of such act and willfully failing to take reasonable measures to prevent the catastrophe. N.D. CENT. CODE § 12.1-21-04(3) (1985).

Penalties

If done willfully, guilty of a Class C felony and subject to imprisonment up to five years or a fine up to \$5,000, or both. N.D. CENT. CODE § 12.1-21-04(1) (1985); *id.* § 12.1-32-01(4). If an organization, subject to a fine up to \$25,000. *Id.* § 12.1-32-01.1(3). If done intentionally, guilty of a Class B felony and subject to imprisonment up to ten years or a fine up to \$10,000, or both. *Id.* §§ 12.1-21-04(1), 12.1-32-01(3). If an organization, subject to a fine up to \$35,000. *Id.* § 12.1-32-01.1(2).

Guilty of a Class C felony and subject to imprisonment up to five years or a fine up to \$5,000, or both. N.D. CENT. CODE § 12.1-21-04(2) (1985); *id.* § 12.1-32-01(4). If an organization, subject to a fine up to \$25,000. *Id.* § 12.1-32-01.1(3).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly violating any provision of Chapter 23-20.3 (relating to hazardous waste management), or any regulation, standard, or permit condition adopted thereunder; or knowingly making a false statement or representation in any document required by this chapter. N.D. CENT. CODE § 23-20.3-09(3) (Supp. 1987).

Knowingly violating any provision of this chapter in such a manner so as to manifest extreme indifference to human life, and thereby placing another person in imminent danger of death or serious bodily injury. N.D. CENT. CODE § 23-20.3-09(4) (Supp. 1987).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both. N.D. CENT. CODE § 23-20.3-09(3) (Supp. 1987).

Subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. N.D. CENT. CODE § 23-20.3-09(4) (Supp. 1987).

II. WATER POLLUTION

Acts Prohibited

Willfully violating Chapter 61-28 (relating to water pollution control), or any permit condition or limitation implementing the chapter. N.D. CENT. CODE § 61-28-08(1) (1985).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. N.D. CENT. CODE § 61-28-08(1) (1985).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. N.D. CENT. CODE § 61-28-08(2) (1985).

Penalties

Subject to imprisonment of up to six months or a fine up to \$10,000, or both. N.D. CENT. CODE § 61-28-08(2) (1985).

III. AIR POLLUTION

Acts Prohibited

Willfully violating Chapter 23-25 (relating to air pollution control), or any permit condition or limitation implementing this chapter. N.D. CENT. CODE § 23-25-10(2) (1978).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years, or a fine up to \$50,000 per day of violation, or both. N.D. CENT. CODE § 23-25-10(2) (1978).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. N.D. CENT. CODE § 23-25-10(3) (1978).

Subject to imprisonment up to six months or a fine up to \$10,000, or both. N.D. CENT. CODE § 23-25-10(3) (1978).

OHIO

I. HAZARDOUS WASTES

Acts Prohibited

Recklessly violating any section of Chapter 3734 (relating to solid and hazardous waste management). OHIO REV. CODE ANN. § 3734.99(A) (Anderson 1988).

Knowingly violating a rule adopted under § 3734.12.2(B) (relating to the storage and disposal of polychlorinated biphenyls). OHIO REV. CODE ANN. § 3734.99(D) (Anderson 1988).

II. WATER POLLUTION

Acts Prohibited

Violating § 6111.04 (relating to water pollution control), § 6111.04.2 (relating to national effluent standards), § 6111.05 (relating to the investigation of alleged pollution), or violating or failing to perform duties imposed by §§ 6111.01-.08, or any order, rule, or term or condition of a permit issued thereunder. OHIO REV. CODE ANN. § 6111.99(A) (Anderson Supp. 1988).

Penalties

Guilty of a felony and subject to imprisonment between two and four years or a fine between \$10,000 and \$25,000 per day of violation, or both, for the first conviction. OHIO REV. CODE ANN. § 3734.99(A) (Anderson 1988). For subsequent convictions, subject to imprisonment between two and four years or a fine between \$20,000 and \$50,000 per day of violation, or both. *Id.* § 3734.99(C).

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both. OHIO REV. CODE ANN. § 3734.99(D) (Anderson 1988).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000, or both. OHIO REV. CODE ANN. § 6111.99(A) (Anderson Supp. 1988).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly submitting false information or records, or failing to submit information or records, pertaining to discharges required as a condition of a permit. OHIO REV. CODE ANN. § 6111.99(C) (Anderson Supp. 1988).

Penalties

Subject to a fine up to \$25,000. OHIO REV. CODE ANN. § 6111.99(C) (Anderson Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

Causing, permitting, or allowing emission of an air contaminant in violation of any rule adopted under Chapter 3704 (relating to air pollution control), unless in possession of a variance; or violating any term or condition of a permit or variance, or any order, rule, or determination issued under this chapter; or failing to submit plans and specifications as required; or failing to install and maintain monitoring devices or to submit reports or information as required; or refusing entry to an authorized inspector or thwarting that person in making an investigation. OHIO REV. CODE ANN. §§ 3704.05, 3704.99(A) (Anderson 1988).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both. OHIO REV. CODE ANN. § 3704.99(A) (Anderson 1988).

III. AIR POLLUTION (continued)

Acts Prohibited

Knowingly falsifying any document required to be kept or submitted or an inspection certificate of another. OHIO REV. CODE ANN. §§ 3704.05(I), 3704.99(B) (Anderson 1988).

Penalties

Subject to a fine up to \$25,000. OHIO REV. CODE ANN. §3704.99(B) (Anderson 1988).

OKLAHOMA

I. HAZARDOUS WASTES

Acts Prohibited

Violating any provision of § 1-1603 (relating to the transportation and disposal of hazardous waste). OKLA. STAT. ANN. tit. 63, § 1-1604(a) (West 1984).

Violating any of the provisions of this Act (relating to the transportation, treatment, storage, or disposal of industrial waste in violation of permit conditions, standards, or requirements, or manifest conditions), or the rules, regulations, or standards promulgated by the Department. OKLA. STAT. ANN. tit. 63, § 1-2011 (West 1984).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to ninety days or a fine up to \$500, or both, for the first conviction. For subsequent convictions, or if done with the intent to defraud or mislead, subject to imprisonment up to one year or a fine up to \$3,000, or both. OKLA. STAT. ANN. tit. 63, § 1-1604(a) (West 1984).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine between \$200 and \$10,000 per day or partial day of violation, or both. OKLA. STAT. ANN. tit. 63, § 1-2011 (West 1984).

II. WATER POLLUTION

Acts Prohibited

Failing or refusing to make or file a report, or to file a certificate, or to keep a record, that is required by the provisions of this Code, or by rules and regulations of the State Board of Health or the State Commissioner of Health; or giving false information in or for such report, certificate, or record. OKLA. STAT. ANN. tit. 63, § 1-1701(a)(2) (West 1984).

Giving false information in an application for a license or permit, or to the Commissioner or a local health officer. OKLA. STAT. ANN. tit. 63, § 1-1701(a)(3) (West 1984).

Doing any act for which a license or permit is required, without a license or permit. OKLA. STAT. ANN. tit. 63, § 1-1701(a)(4) (West 1984).

Doing any act that is made unlawful or a misdemeanor by the provisions of this Code; or violating any of the other provisions of this Code, or any standard, rule, or regulation authorized by this Code. OKLA. STAT. ANN. tit. 63, § 1-1701(a)(5) (West 1984).

Penalties

Guilty of a misdemeanor and subject to a fine up to \$200. OKLA. STAT. ANN. tit. 63, § 1-1701(a)(2) (West 1984).

Guilty of a misdemeanor and subject to a fine up to \$200. OKLA. STAT. ANN. tit. 63, § 1-1701(a)(3) (West 1984).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine up to \$500, or both. OKLA. STAT. ANN. tit. 63, § 1-1701(a)(4) (West 1984).

Guilty of a misdemeanor and subject to imprisonment up to thirty days or a fine up to \$200, or both. OKLA. STAT. ANN. tit. 63, § 1-1701(a)(5) (West 1984).

II. WATER POLLUTION (continued)

Acts Prohibited

Violating any of the provisions of the Oklahoma Public Health Code (relating to wastewater and pollution control), and the standards, rules, and regulations adopted by the State Board of Health which relate to sewage, the construction and operation of sewage works, industrial sewage discharge into sanitary sewers, and discharge of pollutants into the waters of the state; or violating these provisions as thereafter amended. OKLA. STAT. ANN. tit. 63, § 1-1701(c)(1) (West 1984).

Knowingly making any false statement, representation, or certification in any discharge permit issued by the Commissioner, or in any notice or report required by such permit; or knowingly rendering inaccurate any monitoring device or method required to be maintained as a condition of the issuance of such permit. OKLA. STAT. ANN. tit. 63, § 1-1701(c)(2) (West 1984).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine between \$200 and \$10,000 per day of violation, or both. OKLA. STAT. ANN. tit. 63, § 1-1701(c)(1) (West 1984).

Guilty of a misdemeanor and subject to a fine up to \$5,000 per violation. OKLA. STAT. ANN. tit. 63, § 1-1701(c)(2) (West 1984).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any discharge permit form, or in any notice or report required by a discharge permit; or knowingly rendering inaccurate any monitoring device or method required to be maintained. OKLA. STAT. ANN. tit. 63, § 926.10(C) (West Supp. 1989).

Violating any provision of, or failing to perform any duty imposed by, §§ 926.1-.13 (relating to water pollution control); or violating any order or determination of the Oklahoma Water Resources Board. OKLA. STAT. ANN. tit. 82, § 926.10(A) (West Supp. 1989).

Knowingly or willfully violating any properly-promulgated order of the Pollution Control Coordinating Board. OKLA. STAT. ANN. tit. 82, § 937(a) (West Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to a fine up to \$5,000 per violation. OKLA. STAT. ANN. tit. 63, § 926.10(C) (West Supp. 1989).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine between \$200 and \$10,000 per day of violation, or both. OKLA. STAT. ANN. tit. 82, § 926.10(A) (West Supp. 1989).

Guilty of a misdemeanor and subject to imprisonment up to ninety days or a fine up to \$500 per day for each of the first ten days of continuous violation and \$1,000 for each day thereafter, or both. OKLA. STAT. ANN. tit. 82, § 937(a) (West Supp. 1989).

III. AIR POLLUTION

Acts Prohibited

Violating any provisions of the Oklahoma Clean Air Act (relating to the discharge of air contaminants without a permit or in violation of a plan or specifications or standards governing the discharge), or rules or regulations adopted pursuant thereto. OKLA. STAT. ANN. tit. 63, § 1-1802(L) (West Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$500 per day or partial day of violation, or both. OKLA. STAT. ANN. tit. 63, § 1-1802(L) (West Supp. 1989).

OREGON

I. HAZARDOUS WASTES

Acts Prohibited

Violating §§ 466.005-.385 or § 466.890 (relating to the storage, treatment, and disposal of hazardous wastes and PCB), any rule or order entered or adopted under these sections, any provision of § 401.025, §§ 466.605-.690, or § 468.070 (relating to spill response and cleanup of hazardous materials), or any rule or order adopted or entered under those sections. OR. REV. STAT. ANN. § 466.995(2) (1987).

Knowingly transporting by railroad any hazardous waste to a facility that does not have the authority to receive the waste. OR. REV. STAT. § 761.994(1)(a) (1983).

Penalties

Subject to imprisonment up to one year or a fine up to \$10,000 per day of violation, or both. OR. REV. STAT. ANN. § 466.995(2) (1987).

Subject to imprisonment up to six months or a fine up to \$10,000 per day of violation, or both. OR. REV. STAT. § 761.994(2) (1983).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly disposing of any hazardous waste without appropriate authority. OR. REV. STAT. § 761.994(1)(b) (1983).

Knowingly and materially violating any terms of a permit or authority issued in the transportation or disposal of hazardous waste. OR. REV. STAT. § 761.994(1)(c) (1983).

Knowingly making any false material statement or representation in any document filed, maintained, or used for purposes of compliance with requirements under this chapter for the safe transportation of hazardous wastes. OR. REV. STAT. § 761.994(1)(d) (1983).

Knowingly violating any rules adopted by the Commissioner concerning the transportation of hazardous wastes. OR. REV. STAT. § 761.994(1)(e) (1983).

Penalties

Same penalty as above.

Same penalty as above.

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating § 468.720 (prohibiting water pollution) or § 468.740 (relating to permit requirements for waste discharge). OR. REV. STAT. ANN. § 468.990(1) (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both. OR. REV. STAT. ANN. § 468.990(1) (1987).

II. WATER POLLUTION (continued)

Acts Prohibited

Violating § 468.775 (prohibiting the disposal of automobiles into the waters of the state). OR. REV. STAT. ANN. § 468.990(2) (1987).

Violating § 468.770 (prohibiting garbage or sewage disposal into state waters without authority). OR. REV. STAT. ANN. § 468.990(5) (1987).

Willfully or negligently violating any rule, standard, or order of the Commission relating to water pollution. OR. REV. STAT. ANN. § 468.992(1) (1987).

Violating the terms of any permit issued pursuant to § 468.065. OR. REV. STAT. ANN. § 468.992(3) (1987).

Penalties

Guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine up to \$2,500 per day of violation, or both. OR. REV. STAT. ANN. § 468.990(2) (1987); *id.* §§ 161.615(1), 161.635(1)(a) (1985). If a corporation, subject to a fine up to \$5,000. *Id.* § 161.655(1)(a).

Same penalty as above.

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both. OR. REV. STAT. ANN. § 468.992(1) (1987).

Guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine up to \$2,500 per day of violation, or both. OR. REV. STAT. ANN. § 468.992(3) (1987); *id.* §§ 161.615(1), 161.635(1)(a) (1985). If a corporation, subject to a fine up to \$5,000. *Id.* § 161.655(1)(a).

III. AIR POLLUTION

Acts Prohibited

Violating any rule or standard adopted or any order issued by a regional authority relating to air pollution; or violating § 468.605 (prohibiting the sale or promotion of aerosol sprays). OR. REV. STAT. ANN. § 468.995(1),(4) (1987).

Penalties

Guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine up to \$2,500 per day of violation, or both. OR. REV. STAT. ANN. § 468.995(1),(4) (1987); *id.* §§ 161.615(1), 161.635(1)(a) (1985). If a corporation, subject to a fine up to \$5,000. *Id.* § 161.655(1)(a).

PENNSYLVANIA

I. HAZARDOUS WASTES

Acts Prohibited

Violating any provision of the Solid Waste Management Act, the rules and regulations of the Department, any order of the Department, or any term or condition of any permit, except when committed by a municipal official exercising his official duties. PA. STAT. ANN. tit. 35, § 6018.606(b) (Purdon Supp. 1988).

Penalties

Guilty of a third degree misdemeanor and subject to imprisonment up to one year or a fine between \$1,000 and \$25,000 per day of violation, or both. PA. STAT. ANN. tit. 35, § 6018.606(b) (Purdon Supp. 1988). If a violation occurs within two years of a prior conviction, guilty of a second degree misdemeanor and subject to imprisonment of up to two years or a fine between \$2,500 and \$50,000 per violation, or both. *Id.* § 6018.606(c).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly transporting any hazardous waste to a facility which does not have a permit under this act to accept such waste for storage, treatment, or disposal. PA. STAT. ANN. tit. 35, § 6018.606(d)(1) (Purdon Supp. 1988).

Knowingly making any false statement or representation in any document filed, submitted, maintained, or used for purposes of compliance with this Act; or, if a municipality, knowingly storing, treating, or disposing of any hazardous waste without having obtained a permit for such storage, treatment, or disposal. PA. STAT. ANN. tit. 35, § 6018.606(d)(2) (Purdon Supp. 1988).

Penalties

Guilty of a third degree misdemeanor and subject to a fine between \$1,000 and \$25,000 per day of violation, or both. PA. STAT. ANN. tit. 35, § 6018.606(d)(1) (Purdon Supp. 1988). If a violation occurs within two years of a prior conviction, guilty of a second degree misdemeanor and subject to imprisonment between two and twenty years or a fine between \$2,500 and \$50,000 per violation, or both. *Id.* § 6018.606(e).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Transporting, storing, treating, or disposing of hazardous waste in violation of § 6018.401 (relating to the authorization, permits, and licenses required for the management of hazardous waste), or in violation of any order of the department relating to hazardous wastes. PA. STAT. ANN. tit. 35, § 6018.606(f) (Purdon Supp. 1988).

Intentionally, knowingly, or recklessly storing, transporting, treating, or disposing of hazardous waste in violation of any provision of this Act, and by act or omission causing pollution, a public nuisance, or bodily injury to any person. PA. STAT. ANN. tit. 35, § 6018.606(g) (Purdon Supp. 1988).

Intentionally, knowingly, or recklessly causing a catastrophe by release of poison gas, radioactive material, or other harmful or destructive force or substance, or by any other means of causing potentially widespread injury or damage. 18 PA. CONS. STAT. ANN. § 3302(a) (Purdon 1983).

Penalties

Guilty of a second degree felony and subject to imprisonment between two and ten years or a fine between \$2,500 and \$100,000 per day of violation, or both. PA. STAT. ANN. tit. 35, § 6018.606(f) (Purdon Supp. 1988).

Guilty of a first degree felony and subject to imprisonment between two and twenty years or a fine between \$10,000 and \$500,000 per day of violation, or both. PA. STAT. ANN. tit. 35, § 6018.606(g) (Purdon Supp. 1988).

If done intentionally or knowingly, guilty of a first degree felony and subject to imprisonment up to twenty years or a fine up to \$25,000, or both. 18 PA. CONS. STAT. ANN. § 3302(a) (Purdon 1983); *id.* § 1101(1) (Purdon Supp. 1989); *id.* § 1103(1) (Purdon 1983). If done recklessly, guilty of a second degree felony and subject to imprisonment up to ten years or a fine up to \$25,000, or both. *Id.* §§ 3302(a), 1101(1), 1103(2).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Recklessly creating a risk of catastrophe by release of poison gas, radioactive material, or other harmful or destructive force or substance, or by any means of causing potentially widespread injury or damage. 18 PA. CONS. STAT. ANN. § 3302(b) (Purdon 1983).

Knowingly or recklessly failing to take reasonable measures to prevent or mitigate a catastrophe when such action does not cause substantial risk to one's self, and while knowingly under an official, contractual, or other legal duty to take such action, or having done or assented to the act causing or threatening the catastrophe. 18 PA. CONS. STAT. ANN. § 3303 (Purdon 1983).

Penalties

Guilty of a third degree felony and subject to imprisonment up to seven years or a fine up to \$15,000, or both. 18 PA. CONS. STAT. ANN. § 3302(b) (Purdon 1983); *id.* § 1101(2) (Purdon Supp. 1989); *id.* § 1103(3) (Purdon 1983).

Guilty of a second degree misdemeanor and subject to imprisonment up to two years or a fine up to \$5,000, or both. 18 PA. CONS. STAT. ANN. § 3303 (Purdon 1983); *id.* § 1101(4) (Purdon Supp. 1989); *id.* § 1104(2) (Purdon 1983).

II. WATER POLLUTION

Acts Prohibited

Putting or placing in any waters within or on the boundaries of the Commonwealth any unauthorized poisonous substances; or allowing any substance deleterious, destructive, or poisonous to fish to be turned into or allowed to run, flow, wash, or be emptied into any waters within or bordering on this Commonwealth. PA. STAT. ANN. tit. 30, § 2504(a) (Purdon Supp. 1989).

Violating any provision of this Act, any rule, regulation, or order of the Department, or any condition of any permit issued under this Act. PA. STAT. ANN. tit. 35, § 691.602(a) (Purdon Supp. 1988).

Willfully or negligently violating any provision of this Act, any rule, regulation, or order of the Department, or any condition of any permit issued under this Act. PA. STAT. ANN. tit. 35, § 691.602(b) (Purdon Supp. 1988).

Penalties

Guilty of a third degree misdemeanor and subject to imprisonment up to one year or a fine up to \$2,500, or both. PA. STAT. ANN. tit. 30, § 2504(d) (Purdon Supp. 1989); 18 PA. CONS. STAT. ANN. § 1101(5) (Purdon Supp. 1989); *id.* § 1104(3) (Purdon 1983).

Guilty of a summary offense and subject to a fine between \$100 and \$10,000 for each offense, and in default of such fine, subject to imprisonment for ninety days. PA. STAT. ANN. tit. 35, § 691.602(a) (Purdon Supp. 1988).

Guilty of a third degree misdemeanor and subject to imprisonment up to one year or a fine between \$2,500 and \$25,000 for each offense, or both. PA. STAT. ANN. tit. 35, § 691.602(b) (Purdon Supp. 1988). If a violation occurs within two years of a prior conviction, guilty of a second degree misdemeanor and subject to imprisonment up to two years or a fine between \$2,500 and 50,000 per offense, or both. *Id.* § 691.602(c).

II. WATER POLLUTION (continued)

Acts Prohibited

Endangering the health of others by knowingly introducing any contaminant into a public water system, or tampering with a public water system. PA. STAT. ANN. tit. 35, § 721.13(j)(1) (Purdon Supp. 1988).

Attempting to endanger or making a threat to endanger the health of others by knowingly introducing any contaminant into a public water system, or tampering with a public water system. PA. STAT. ANN. tit. 35, § 721.13(j)(2) (Purdon Supp. 1988).

Penalties

Subject to imprisonment up to five years or a fine up to \$50,000, or both. PA. STAT. ANN. tit. 35, § 721.13(j)(1) (Purdon Supp. 1988).

Subject to imprisonment up to three years or a fine up to \$20,000, or both. PA. STAT. ANN. tit. 35, § 721.13(j)(2) (Purdon Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

Engaging in unlawful conduct in violation of § 4008 of the Air Pollution Control Act (relating to discharges of air contaminants without a permit, or in violation of rules, regulations, standards, or conditions adopted under the Act). PA. STAT. ANN. tit. 35, § 4009(a) (Purdon 1977).

Penalties

Guilty of a summary offense and subject to payment of prosecution costs and a fine between \$100 and \$1,000 per day of violation, and in default of such fine, subject to imprisonment between ten and thirty days. PA. STAT. ANN. tit. 35, § 4009(a) (Purdon 1977). If a violation occurs within two years of a prior offense, guilty of a misdemeanor and subject to imprisonment up to one year or a fine between \$500 and \$5,000 per day of violation, or both. *Id.* § 4009(b).

RHODE ISLAND**I. HAZARDOUS WASTES****Acts Prohibited**

Knowingly disposing of, or reasonably knowing one is disposing or causing the disposal of, hazardous wastes at other than hazardous waste disposal facilities holding valid permits issued by the Department of Environmental Management. R.I. GEN. LAWS § 23-19.1-18(c) (1985).

Knowingly operating a hazardous waste disposal facility, or reasonably knowing one is operating or causing the operation of such a facility, without a valid permit. R.I. GEN. LAWS § 23-19.1-18(d) (1985).

Knowingly, or with reason to know, transporting, treating, or storing, or causing the transportation, treatment, or storage of hazardous wastes without a valid permit issued by the Department of Environmental Management; or reasonably knowing one is transporting or causing the transportation of hazardous waste without such a permit. R.I. GEN. LAWS § 23-19.1-18(e),(f) (1985).

Penalties

Guilty of a felony and subject to imprisonment up to five years or a fine up to \$10,000 per day of violation, or the cost of restoring to its original state the area where hazardous wastes were unlawfully stored, treated, or disposed. R.I. GEN. LAWS § 23-19.1-18(i),(j) (1985).

Same penalty as above.

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Transporting, causing the transportation of, or accepting hazardous waste for treatment, storage, or disposal, and failing to prepare a manifest for such hazardous waste; or knowingly altering or falsifying the information on such manifest. R.I. GEN. LAWS § 23-19.1-18(g) (1985).

Knowingly making a false statement, representation, or certification in any document filed, maintained, or used for purposes of program compliance under this chapter. R.I. GEN. LAWS § 23-19.1-18(h) (1985).

Penalties

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION

Acts Prohibited

Willfully, or with criminal negligence, violating any of the provisions of Chapter 12 (relating to water pollution), or any permit, rule, regulation, or order of the Director issued thereunder. R.I. GEN. LAWS § 46-12-14(a) (1988).

Penalties

Subject to imprisonment up to thirty days or a fine up to \$10,000 per day of violation, or both. R.I. GEN. LAWS § 46-12-14(a) (1988).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. R.I. GEN. LAWS § 46-12-14(b) (1988).

Penalties

Subject to imprisonment up to thirty days or a fine up to \$5,000 per violation, or both. R.I. GEN. LAWS § 46-12-14(b) (1988).

III. AIR POLLUTION

Acts Prohibited

Violating any order of the Department of Environmental Management as it relates to air pollution. R.I. GEN. LAWS § 23-23-14 (1985).

Penalties

Subject to imprisonment up to thirty days or a fine up to \$500 per day of violation, or both. R.I. GEN. LAWS § 23-23-14 (1985).

SOUTH CAROLINA

I. HAZARDOUS WASTES

Acts Prohibited

Willfully generating, storing, transporting, treating, or disposing of hazardous waste without reporting such activities to the Department as required. S.C. CODE ANN. §§ 44-56-130(1), 44-56-140(C) (Law. Co-op. 1985).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. S.C. CODE ANN. § 44-56-140(C) (Law. Co-op. 1985).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Willfully generating, storing, transporting, treating, or disposing of hazardous wastes without complying with the regulations under § 44-56-30 (relating to regulations requiring a permit or authorization, and necessary information required to treat, transport, store, or dispose of hazardous waste). S.C. CODE ANN. §§ 44-56-130(2), 44-56-140(C) (Law. Co-op. 1985).

Willfully failing to comply with this chapter or rules and regulations promulgated thereunder; or failing to comply with any permit issued under this chapter or with any order issued by the Board, Commissioner, or Department. S.C. CODE ANN. §§ 44-56-130(3), 44-56-140(C) (Law. Co-op. 1985).

Penalties

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating any provision of the Pollution Control Act, or any rule or regulation, permit or permit condition, or final determination or order of the Department. S.C. CODE ANN. § 48-1-320 (Law. Co-op. 1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to two years or a fine between \$500 and \$25,000 per day of violation, or both. S.C. CODE ANN. § 48-1-320 (Law. Co-op. 1987).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained as it relates to water quality. S.C. CODE ANN. § 48-1-340 (Law. Co-op. 1987).

Penalties

Same penalty as above.

III. AIR POLLUTION

Acts Prohibited

Willfully or negligently violating any provision of the Pollution Control Act, or any rule or regulation, permit or permit condition, or final determination or order of the department. S.C. CODE ANN. § 48-1-320 (Law. Co-op. 1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to two years or a fine between \$500 and \$25,000 per day of violation, or both. S.C. CODE ANN. § 48-1-320 (Law. Co-op. 1987).

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained as it relates to air quality. S.C. CODE ANN. § 48-1-340 (Law. Co-op. 1987).

Same penalty as above.

SOUTH DAKOTA**I. HAZARDOUS WASTES****Acts Prohibited**

Knowingly transporting hazardous waste to an unpermitted facility; or knowingly treating, storing, or disposing of hazardous waste without a permit or in violation of a permit condition or term; or making any false statement or representation in any document filed, maintained, or used for purposes of ensuring compliance with Chapter 34A-11 (relating to hazardous waste management). S.D. CODIFIED LAWS ANN. § 34A-11-21 (1986).

Penalties

Guilty of a Class 4 felony and subject to imprisonment up to ten years or a fine up to \$10,000, or both. S.D. CODIFIED LAWS ANN. § 34A-11-21 (1986); *id.* § 22-6-1(6) (1988).

II. WATER POLLUTION**Acts Prohibited**

Violating any provision of Chapter 34A-2 (relating to water pollution control), or any permit condition or limitation, or any pretreatment condition implementing the chapter. S.D. CODIFIED LAWS ANN. § 34A-2-75 (Supp. 1988).

Penalties

Guilty of a Class 1 misdemeanor and subject to imprisonment up to one year or a fine up to \$10,000 per day of violation, or both. S.D. CODIFIED LAWS ANN. § 34A-2-75 (Supp. 1988); *id.* § 22-6-2 (1988).

III. AIR POLLUTION**Acts Prohibited**

None

Penalties

None

TENNESSEE

I. HAZARDOUS WASTES

Acts Prohibited

Violating any provision of the Hazardous Waste Management Act of 1977; or failing, neglecting, or refusing to comply with any order, or any term or condition of any permit issued by the Commissioner or Board. TENN. CODE ANN. § 68-46-114(a)(1) (Supp. 1988).

Knowingly disposing of hazardous waste in violation of this Act, or the rules, regulations, or terms or conditions of a permit, or orders of the Commissioner or Board adopted or issued thereunder. TENN. CODE ANN. § 68-46-114(a)(2) (Supp. 1988).

Failing to pay the required fees for hazardous waste management; or failing to file any required reports, records, or documents; or knowingly giving or causing to be given any false information in any required documents. TENN. CODE ANN. § 68-46-213 (1987).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to eleven months and twenty-nine days or a fine between \$50 and \$10,000 per day of violation, or both. TENN. CODE ANN. § 68-46-114(a)(1) (Supp. 1988).

Guilty of a felony and subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. TENN. CODE ANN. § 68-48-114(a)(2) (Supp. 1988). Violators with three or more felony convictions within a two year period are also subject to suspension of their permit for a period of five years. If convicted of four such felonies within a two year period, the permit shall be suspended for five years. *Id.* § 68-46-114(a)(3).

Subject to imprisonment up to eleven months and twenty-nine days or a fine up to \$10,000 per day of violation, or both. TENN. CODE ANN. § 68-46-213 (1987).

II. WATER POLLUTION

Acts Prohibited

Unlawfully polluting the waters of the state; or violating or failing, neglecting, or refusing to comply with any provisions of this part as it relates to water pollution. *TENN. CODE ANN. § 69-3-115(b)* (Supp. 1988).

Willfully or knowingly falsifying any records, information, or required plans, specifications, or other data; or willfully and knowingly unlawfully polluting the waters of the state; or willfully failing, neglecting, or refusing to comply with any provisions of this part as it relates to water pollution. *TENN. CODE ANN. § 69-3-115(c)* (Supp. 1988).

Penalties

Guilty of a misdemeanor and subject to a fine between \$50 and \$25,000 per day of violation. *TENN. CODE ANN. § 69-3-115(b)* (Supp. 1988).

Guilty of a felony and subject to imprisonment up to two years or a fine up to \$25,000, or both. *TENN. CODE ANN. § 69-3-115(c)* (Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

Willfully and knowingly violating or failing to comply with any provision of Part 1 (relating to air quality), any board or administrative order, or any duly-promulgated air pollution control regulation, or any ordinance adopted pursuant to this part. *TENN. CODE ANN. § 68-25-112(a)* (1987).

Penalties

Guilty of a misdemeanor and subject to a fine between \$50 and \$1,000 per day of violation. *TENN. CODE ANN. § 68-25-112(a)* (1987).

TEXAS

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly transporting, or causing to be transported for storage, processing, or disposal, any hazardous waste to any unpermitted location. *TEX. REV. CIV. STAT. ANN.* art. 4477-7, § 8(b)(1)(A) (Vernon Supp. 1989).

Knowingly storing, processing, or disposing, or causing the storage, processing, or disposing of, any hazardous waste without the required permit, in knowing violation of any material condition or requirement of a permit or applicable interim status rule or standard. *TEX. REV. CIV. STAT. ANN.* art. 4477-7, § 8(b)(1)(B) (Vernon Supp. 1989).

Knowingly omitting or causing to be omitted material information, or making or causing to be made any false material statement or representation in any document filed, maintained, or used for purposes of compliance with any hazardous waste requirement. *TEX. REV. CIV. STAT. ANN.* art. 4477-7, § 8(b)(1)(C) (Vernon Supp. 1989).

Penalties

Subject to imprisonment up to five years or a fine between \$100 and \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to ten years or a fine between \$200 and \$100,000 per day of violation, or both. *TEX. REV. CIV. STAT. ANN.* art. 4477-7, § 8(b)(1) (Vernon Supp. 1989).

Same penalty as above.

Subject to imprisonment up to two years or a fine between \$100 and \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to four years or a fine between \$200 and \$100,000 per day of violation, or both. *TEX. REV. CIV. STAT. ANN.* art. 4477-7, § 8(b)(1) (Vernon Supp. 1989).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly generating, transporting, storing, processing, disposing of, or otherwise handling, or causing the generation, transportation, or disposal of, any hazardous waste, and knowingly destroying, altering, concealing, or failing to file, or causing the destruction or alteration or failure to file, any record, application, manifest, report, or other document required to be maintained or filed. *TEX. REV. CIV. STAT. ANN.* art. 4477-7, § 8(b)(1)(D) (Vernon Supp. 1989).

Knowingly transporting or causing the transportation of any hazardous waste without the required manifest. *TEX. REV. CIV. STAT. ANN.* art. 4477-7, § 8(b)(1)(E) (Vernon Supp. 1989).

Knowingly transporting, processing, storing, exporting, or disposing of, or causing the transportation, processing, storing, exporting, or disposing of, any hazardous waste in violation of this Act, while knowing at that time that such conduct places another person in imminent danger of death or serious bodily injury. *TEX. REV. CIV. STAT. ANN.* art. 4477-7, § 8(c)(1) (Vernon Supp. 1989).

Penalties

Same penalty as above.

Same penalty as above.

Subject to imprisonment up to fifteen years or a fine up to \$250,000, or both. If an organization, subject to a fine up to \$1,000,000. *TEX. REV. CIV. STAT. ANN.* art. 4477-7, § 8(c)(1) (Vernon Supp. 1989).

II. WATER POLLUTION

Acts Prohibited

Discharging or causing or permitting the discharge of any waste into or adjacent to any water in the State which causes or which will cause water pollution, unless the waste is discharged in compliance with a valid permit or administrative order. *TEX. WATER CODE ANN. § 26.212(a)* (Vernon 1988).

Discharging or causing or permitting the discharge of any waste in violation of the requirements of a permit or administrative order authorizing the discharge. *TEX. WATER CODE ANN. § 26.212(b)* (Vernon 1988).

Willfully or negligently causing, suffering, allowing, or permitting the discharge from a point source of any waste or of any pollutant; or doing or failing to do any other activity in violation of the water quality control chapter, or any rule, regulation, permit, or other administrative order. *TEX. WATER CODE ANN. § 26.212(c)* (Vernon 1988).

Penalties

Guilty of a misdemeanor and subject to a fine between \$10 and \$10,000 per day of violation. *TEX. WATER CODE ANN. § 26.213(a)* (Vernon 1988).

Same penalty as above.

Guilty of a misdemeanor and subject to a fine up to \$25,000. *TEX. WATER CODE ANN. § 26.213(b)* (Vernon 1988).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under the water quality control chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. TEX. WATER CODE ANN. § 26.212(d),(e) (Vernon 1988).

Penalties

Same penalty as above.

III. AIR POLLUTION

Acts Prohibited

None

Penalties

None

UTAH

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly transporting or causing the transportation of any hazardous waste to a facility within the state which does not have an approved hazardous wastes operation plan or permit. UTAH CODE ANN. § 26-14-13(2) (1989).

Knowingly transporting or causing the transportation of any hazardous waste without a required manifest. UTAH CODE ANN. § 26-14-13(2) (1989).

Penalties

Guilty of a Class A misdemeanor and subject to a fine up to \$15,000 per day of violation for the first conviction. For subsequent convictions, subject to a fine up to \$25,000. UTAH CODE ANN. § 26-14-13(2) (1989).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Making any false statement or representation with respect to any document required under the Solid and Hazardous Waste Act. UTAH CODE ANN. § 26-14-13(2) (1989).

Knowingly treating, storing, or disposing of any hazardous waste without having an approved hazardous wastes operation plan or permit. UTAH CODE ANN. § 26-14-13(2) (1989).

Penalties

Same penalty as above.

Same penalty as above.

II. WATER POLLUTION

Acts Prohibited

Willfully, or with gross negligence, discharging pollutants in violation of § 26-11-8(1) (relating to the unlawful discharge of pollutants into state waters where a permit is required), or in violation of any condition or limitation included in a permit; or violating § 26-11-14 (relating to the submission of records and reports by water treatment plant owners); or violating a pretreatment standard or toxic effluent standard for publicly-owned treatment works. UTAH CODE ANN. § 26-11-16(2) (1989).

Penalties

Subject to a fine up to \$25,000 per day of violation for the first conviction. For subsequent convictions, subject to a fine up to \$50,000 per day of violation. UTAH CODE ANN. § 26-11-16(2) (1989).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making a false statement, representation, or certification in any document filed or required to be maintained under the Water Pollution Control Act; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. UTAH CODE ANN. § 26-11-16(3) (1989).

Penalties

Subject to imprisonment up to six months or a fine up to \$10,000, or both. UTAH CODE ANN. § 26-11-16(3) (1989).

III. AIR POLLUTION

Acts Prohibited

Knowingly violating the requirements of an applicable implementation plan or an order requiring compliance with such a plan under the Air Conservation Act. UTAH CODE ANN. § 26-13-18(1) (1989).

Willfully violating § 26-13-23 (relating to the information required of owners or operators of air contaminant sources). UTAH CODE ANN. § 26-13-18(2) (1989).

Penalties

Guilty of an offense and subject to a fine up to \$25,000 per day, for the first conviction. For subsequent convictions, subject to a fine up to \$50,000 per day. UTAH CODE ANN. § 26-13-18(1) (1989).

Guilty of a Class A misdemeanor and subject to imprisonment up to one year or a fine up to \$2,500, or both. UTAH CODE ANN. § 26-13-18(2) (1989); *id.* §§ 76-3-204(1), 76-3-301(c) (Supp. 1989).

VERMONT**I. HAZARDOUS WASTES****Acts Prohibited**

Violating any provision of the waste management chapter (relating to the transportation, storage, disposal, or treatment of hazardous waste, and to permit and manifest requirements), the rules promulgated therein, or the terms or conditions of any order of certification. VT. STAT. ANN. tit. 10, § 6612(a) (1984).

Penalties

Subject to imprisonment up to six months or a fine up to \$25,000 per day of violation, or both. VT. STAT. ANN. tit. 10, § 6612(a) (1984).

II. WATER POLLUTION**Acts Prohibited**

Violating any provision of the water pollution control subchapter; or failing, neglecting, or refusing to obey or comply with any order or the terms of any permit issued under this subchapter. VT. STAT. ANN. tit. 10, § 1275(a) (1984).

Penalties

Subject to imprisonment up to six months or a fine up to \$25,000 per day of violation, or both. VT. STAT. ANN. tit. 10, § 1275(a) (1984).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under the water pollution control subchapter, or by any permit, rule, regulation, or order issued thereunder; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained under this subchapter, or by any permit, rule, regulation, or order issued thereunder. VT. STAT. ANN. tit. 10, § 1275(b) (1984).

Penalties

Subject to imprisonment up to six months or a fine up to \$10,000, or both. VT. STAT. ANN. tit. 10, § 1275(b) (1984).

III. AIR POLLUTION

Acts Prohibited

Violating a provision of the air pollution control chapter (relating to the discharge of air contaminants without a permit or in violation of pollution standards) except § 563 and § 567 (relating to motor vehicles and confidential records), or any rule issued thereunder. VT. STAT. ANN. tit. 10, § 568 (1984).

Penalties

Subject to a fine up to \$2,000 per violation. VT. STAT. ANN. tit. 10, § 568 (1984).

VIRGINIA**I. HAZARDOUS WASTES****Acts Prohibited**

Knowingly transporting any hazardous waste to an unpermitted facility; or knowingly transporting, treating, storing, or disposing of hazardous waste without a permit or in violation of a permit; or knowingly making any false statement or representation in any document filed, maintained, or used for purposes of hazardous waste program compliance. VA. CODE ANN. § 10.1-1455(B) (Supp. 1988).

Willfully violating or refusing, failing, or neglecting to comply with any regulation or order, any condition of a permit or certification, or any provision of the Virginia Waste Management Act. VA. CODE ANN. § 10.1-1455(D) (Supp. 1988).

Penalties

Guilty of a felony and subject to imprisonment up to one year or a fine up to \$10,000 per day of violation, or both. VA. CODE ANN. § 10.1-1455(B) (Supp. 1988).

Guilty of a Class 1 misdemeanor and subject to imprisonment up to one year a fine up to \$1,000, or both. VA. CODE ANN. § 10.1-1455(D) (Supp. 1988); *id.* § 18.2-11(a) (1988).

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating any provision of Chapter 3.1 (relating to state water control law); or failing, neglecting, or refusing to comply with any special final order of the Board; or knowingly making any false statement in any form required to be submitted; or knowingly rendering inaccurate any monitoring device or method required to be maintained. VA. CODE ANN. § 62.1-44.32(b) (1987).

Penalties

Subject to a fine between \$100 and \$25,000 per day of violation. VA. CODE ANN. § 62.1-44.32(b) (1987).

III. AIR POLLUTION

Acts Prohibited

Violating any provision of Chapter 13 (relating to the Air Pollution Control Board), or any Board regulation or order issued thereunder. VA. CODE ANN. § 10.1-1320 (Supp. 1988).

Penalties

Guilty of a misdemeanor and subject to a fine up to \$1,000 per day of violation. VA. CODE ANN. § 10.1-1320 (Supp. 1988).

WASHINGTON**I. HAZARDOUS WASTES****Acts Prohibited**

Violating any provision of Chapter 70.105 (relating to the transportation, storage, disposal, and treatment of any hazardous waste, and to permit requirements or standards and manifest requirements), or of the rules implementing this chapter; or knowingly aiding or abetting another in conducting any violation of any provisions of this chapter, or of the rules implementing this chapter. WASH. REV. CODE ANN. § 70.105.090 (Supp. 1989).

Penalties

Guilty of a gross misdemeanor and subject to imprisonment up to one year or a fine between \$100 and \$10,000 per day of violation, or both. WASH. REV. CODE ANN. § 70.105.090 (Supp. 1989).

II. WATER POLLUTION**Acts Prohibited**

Willfully violating any provision of Chapter 90.48 (relating to the discharge of water pollutants in violation of any permit requirements or effluent standards), any final written orders, or directive of the department or the court as they relate to water pollution. WASH. REV. CODE ANN. § 90.48.140 (Supp. 1989).

Penalties

Guilty of a crime and subject to imprisonment up to one year, or a fine up to \$10,000 per day of violation plus costs of prosecution, or both. WASH. REV. CODE ANN. § 90.48.140 (Supp. 1989).

III. AIR POLLUTION

Acts Prohibited

Violating any of the provisions of Chapter 70.94 (relating to the discharge of air contaminants in violation of standards or permit requirements), or any ordinance, resolution, rule or regulation in force pursuant thereto. WASH. REV. CODE ANN. § 70.94.430 (Supp. 1989).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to ninety days or a fine up to \$1,000 per day of violation, or both. If done willfully, guilty of a gross misdemeanor and subject to imprisonment up to one year or a fine not less than \$100 per day of violation, or both. WASH. REV. CODE ANN. § 70.94.430 (Supp. 1989).

WEST VIRGINIA

I. HAZARDOUS WASTES

Acts Prohibited

Knowingly transporting hazardous wastes to a facility which does not have a required permit. W. VA. CODE § 20-5E-15(a)(1) (1985).

Knowingly treating, storing, or disposing of hazardous waste without obtaining a permit or in knowing violation of a material condition or requirement of such a permit. W. VA. CODE § 20-5E15(a)(2) (1985).

Penalties

Guilty of a felony and subject to imprisonment between one and two years or a fine up to \$50,000 per day of violation, or both, for the first conviction. W. VA. CODE § 20-5E-15(a)(1) (1985). For subsequent convictions, guilty of a felony and subject to imprisonment between one and three years or a fine up to \$50,000 per day of violation, or both. *Id.* § 20-5E-15(c).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly making any false material statement or representation in any document filed, maintained, or used in compliance with this article. W. VA. CODE § 20-5E-15(b)(1) (1985).

Generating, storing, treating, transporting, disposing of, or otherwise handling any hazardous waste and knowingly destroying, altering, or concealing any record required to be maintained. W. VA. CODE § 20-5E-15(b)(2) (1985).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine up to \$25,000 per violation, or both, for the first conviction. W. VA. CODE § 20-5E-15(b)(1) (1985). For subsequent convictions, guilty of a felony and subject to imprisonment between one and three years or a fine up to \$50,000 per day, or both. *Id.* § 20-5E-15(c).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly transporting, treating, storing, or disposing of any hazardous waste identified in violation of subsection (a) of this section, or having applied for a permit, and knowingly either (1) failing to include in a permit application any material information required pursuant to this article, or rules and regulations promulgated thereunder, or (2) failing to comply with applicable interim status requirements, thereby exhibiting an unjustified and inexcusable disregard for human life or the safety of others, and thereby placing another person in imminent danger of death or serious bodily injury. W. VA. CODE § 20-5E-15(d) (1985).

Penalties

Guilty of a felony and subject to imprisonment between one and four years or a fine up to \$250,000, or both. W. VA. CODE § 20-5E-15(d) (1985).

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating any provision of any permit issued under or subject to the provisions of the Water Pollution Control Act; or willfully or negligently violating any provision of this article, or any rule or regulation of the Board, or any effluent limitation, or any order of the Chief or Board. W. VA. CODE § 20-5A-19 (1985).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to one year or a fine between \$2,500 and \$25,000 per day of violation, or both. W. VA. CODE § 20-5A-19 (1985).

II. WATER POLLUTION (continued)

Acts Prohibited

Intentionally misrepresenting any material fact in any document filed or required to be maintained under the provisions of this Act or any rules and regulations promulgated by the Board. W. VA. CODE § 20-5A-19 (1985).

Causing pollution or failing or refusing to discharge any duty imposed by this Act, or by any rule or regulation of the Board, promulgated pursuant to the provisions and intent of this Act, or by an order of the Chief or Board; or failing or refusing to apply for and obtain a permit as required by the provisions of this Act; or failing or refusing to comply with any term or condition of such permit. W. VA. CODE § 20-5A-19 (1985).

Penalties

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine between \$1,000 and \$10,000, or both. W. VA. CODE § 20-5A-19 (1985).

Guilty of a misdemeanor and subject to imprisonment up to six months or a fine between \$100 and \$1,000, or both. W. VA. CODE § 20-5A-19 (1985).

III. AIR POLLUTION

Acts Prohibited

None

Penalties

None

WISCONSIN

I. HAZARDOUS WASTES

Acts Prohibited

Willfully making an untrue statement of a material fact, or failing to state a material fact in any required document, with the result that the statements in the document are misleading. WIS. STAT. ANN. § 144.74(2)(a)(1) (West Supp. 1988).

Willfully destroying, altering, concealing, or failing to submit any record required to be maintained or submitted. WIS. STAT. ANN. § 144.74(2)(a)(2) (West Supp. 1988).

Penalties

Subject to imprisonment up to one year or a fine between \$100 and \$25,000 per day of violation, or both, for the first conviction. WIS. STAT. ANN. § 144.74(2)(a) (West Supp. 1988). For subsequent convictions, subject to imprisonment up to one year or a fine between \$1,000 and \$50,000, or both. *Id.* § 144.74(2)(c)(1). If an enterprise, subject to imprisonment up to two years or a fine between \$200 and \$50,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine between \$2,000 and \$100,000 per day of violation, or both. *Id.* § 144.74(2)(e).

Same penalty as above.

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Willfully transporting any hazardous waste to a facility or site which does not have the required license; or willfully storing, treating, transporting, or disposing of any hazardous waste without the required license, or in violation of a rule promulgated, or special order, plan approval, or term or condition of a license or variance. WIS. STAT. ANN. § 144.74(2)(b) (West Supp. 1988).

Penalties

Subject to imprisonment up to five years or a fine between \$1,000 and \$100,000 per day of violation, or both, for the first conviction. WIS. STAT. ANN. § 144.74(2)(b) (West Supp. 1988). For subsequent convictions, subject to imprisonment up to ten years or a fine between \$5,000 and \$150,000 per day of violation, or both. *Id.* § 144.74(2)(c)(2). If an enterprise, subject to imprisonment up to ten years or a fine between \$2,000 and \$200,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to twenty years or a fine between \$10,000 and \$300,000 per day of violation, or both. *Id.* § 144.74(2)(e).

II. WATER POLLUTION

Acts Prohibited

Willfully or negligently violating Chapter 147 (relating to the discharge of water pollutants in violation of permit requirements or toxic effluent standards), any rule promulgated thereunder, or any term or condition of a permit issued thereunder. WIS. STAT. ANN. § 147.21(3) (West Supp. 1988).

Penalties

Subject to imprisonment up to six months or a fine between \$10 and \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to one year or a fine of between \$10 and \$50,000 per day of violation, or both. WIS. STAT. ANN. § 147.21(3) (West Supp. 1988).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this chapter; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. WIS. STAT. ANN. § 147.21(4) (West Supp. 1988).

Penalties

Subject to imprisonment up to six months or a fine between \$10 and \$10,000, or both. WIS. STAT. ANN. § 147.21(4) (West Supp. 1988).

III. AIR POLLUTION

Acts Prohibited

None

Penalties

None

WYOMING

I. HAZARDOUS WASTES

Acts Prohibited

Willfully and knowingly violating, or willfully and knowingly authorizing, ordering, or carrying out the violation of, any provision of the Wyoming Environmental Quality Act, or any rule, regulation, standard, permit, license, variance, or limitations adopted thereunder; or willfully violating any determination or order of the council or court issued pursuant to this Act, or any rule, regulation, standard, permit, or limitation adopted thereunder. WYO. STAT. § 35-11-901(J) (1988).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. WYO. STAT. § 35-11-901(J) (1988).

I. HAZARDOUS WASTES (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this Act; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. WYO. STAT. § 35-11-901(K) (1988).

Penalties

Subject to imprisonment up to one year or a fine of \$10,000, or both. WYO. STAT. § 35-11-901(K) (1988).

II. WATER POLLUTION

Acts Prohibited

Willfully and knowingly violating, or willfully and knowingly authorizing, ordering, or carrying out the violation of, any provision of the Wyoming Environmental Quality Act, or any rule, regulation, standard, permit, license, variance, or limitations adopted thereunder; or willfully violating any determination or order of the council or court issued pursuant to this Act, or any rule, regulation, standard, permit, or limitation adopted thereunder. WYO. STAT. § 35-11-901(J) (1988).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. WYO. STAT. § 35-11-901(J) (1988).

II. WATER POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this Act; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. WYO. STAT. § 35-11-901(K) (1988).

Penalties

Subject to imprisonment up to one year or a fine of \$10,000, or both. WYO. STAT. § 35-11-901(K) (1988).

III. AIR POLLUTION

Acts Prohibited

Willfully and knowingly violating, or willfully and knowingly authorizing, ordering, or carrying out the violation of, any provision of the Wyoming Environmental Quality Act, or any rule, regulation, standard, permit, license, variance, or limitations adopted thereunder; or willfully violating any determination or order of the council or court issued pursuant to this Act, or any rule, regulation, standard, permit, or limitation adopted thereunder. WYO. STAT. § 35-11-901(J) (1988).

Penalties

Subject to imprisonment up to one year or a fine up to \$25,000 per day of violation, or both, for the first conviction. For subsequent convictions, subject to imprisonment up to two years or a fine up to \$50,000 per day of violation, or both. WYO. STAT. § 35-11-901(J) (1988).

III. AIR POLLUTION (continued)

Acts Prohibited

Knowingly making any false statement, representation, or certification in any document filed or required to be maintained under this Act; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained. WYO. STAT. § 35-11-901(K) (1988).

Penalties

Subject to imprisonment up to one year or a fine of \$10,000, or both. WYO. STAT. § 35-11-901(K) (1988).