

~~(2)~~ (3) Whether or not a court action has been filed, the Secretary, with the concurrence of the Attorney General, may compromise and settle any claim for a civil penalty under this section.

(c) This section does not apply to an action subject to a penalty provision of Title 7 or Title 9 of this article.

~~8-511~~ 8-510.

(A) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY AND AFTER AN OPPORTUNITY FOR A HEARING WHICH MAY BE WAIVED IN WRITING BY THE PERSON ACCUSED OF A VIOLATION, THE DEPARTMENT MAY IMPOSE A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS TITLE, OR ANY RULE, REGULATION, ORDER, PLAN FOR COMPLIANCE, REGISTRATION, CERTIFICATE, OR LICENSE ADOPTED OR ISSUED UNDER THIS TITLE.

~~(B) BEFORE TAKING ANY ACTION UNDER THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE ALLEGED VIOLATOR WITH WRITTEN NOTICE OF THE PROPOSED ACTION AND AN OPPORTUNITY FOR AN INFORMAL MEETING.~~

~~(C)~~ (B) (1) THE PENALTY IMPOSED ON A PERSON UNDER THIS SECTION SHALL BE:

(I) UP TO \$1,000 FOR EACH VIOLATION, BUT NOT EXCEEDING \$50,000 TOTAL; AND

(II) ASSESSED WITH CONSIDERATION GIVEN TO:

1. THE WILLFULNESS OF THE VIOLATION, TO THE EXTENT TO WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO THE VIOLATOR BUT UNCORRECTED BY THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED REASONABLE CARE;

2. ANY ACTUAL HARM TO HUMAN HEALTH OR TO THE ENVIRONMENT;

3. THE NATURE AND DEGREE OF INJURY TO OR INTERFERENCE WITH GENERAL WELFARE, HEALTH, AND PROPERTY;

4. THE COST OF CONTROL OF THE SOURCE OF RADIATION OR ANY EMISSION OF RADIATION;

5. THE EXTENT TO WHICH THE LOCATION OF THE VIOLATION, INCLUDING LOCATION NEAR AREAS OF HUMAN POPULATION, CREATES THE POTENTIAL FOR HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY;

6. THE AVAILABLE TECHNOLOGY AND ECONOMIC REASONABLENESS OF CORRECTING, CONTROLLING, REDUCING, OR