

~~MUNICIPALITY FULLY DELEGATED SEDIMENT CONTROL INSPECTION
AUTHORITY UNDER § 4-103 OF THIS SUBTITLE.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
BEFORE THE DEPARTMENT EXERCISES ITS AUTHORITY UNDER § 4-109 OR §
4-110 OF THIS SUBTITLE, THE DEPARTMENT SHALL:~~

~~(1) NOTIFY THE COUNTY OR MUNICIPALITY OF THE VIOLATION
AND THE DEPARTMENT'S INTENDED ACTION; AND~~

~~(2) CONDUCT A JOINT INSPECTION WITH A REPRESENTATIVE OF
THE COUNTY OR MUNICIPALITY.~~

~~(B) IF THE DEPARTMENT DETERMINES THAT THERE IS A SUBSTANTIAL
THREAT TO THE ENVIRONMENT, THE DEPARTMENT MAY TAKE APPROPRIATE
ENFORCEMENT ACTION WITHOUT FIRST CONDUCTING A JOINT INSPECTION
UNDER SUBSECTION (A)(2) OF THIS SECTION.~~

~~4-115.~~

~~(A) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE
DEPARTMENT IN CONNECTION WITH AN ORDER OR PERMIT ISSUED
UNDER THIS SUBTITLE MAY TAKE A DIRECT JUDICIAL APPEAL.~~

~~(B) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL
REVIEW OF DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.~~

~~[4-109.] 4-115. 4-116.~~

(a) Any person who violates any provision of this subtitle is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding one year or both for each violation with costs imposed in the discretion of the court. Each day upon which the violation occurs constitutes a separate offense.

(b) Any agency whose approval is required under this subtitle or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this subtitle.

(c) (1) In addition to any other sanction under this subtitle, a person is liable for a civil penalty as provided in this subsection if the person:

(i) Clears, grades, transports, or otherwise disturbs land without first installing erosion and sediment controls in accordance with an approved plan; or

(ii) Fails to establish erosion and sediment controls in accordance with an approved plan within the time specified by a State, county, or municipal order or to maintain those erosion and sediment controls.

(2) The appropriate county, municipal, or State agency may recover a civil penalty under paragraph (1) of this subsection in a civil action in an amount equal to double the cost of: