

(i) The installation of erosion and sediment controls in accordance with an approved plan;

(ii) Maintaining erosion and sediment controls in accordance with an approved plan; and

(iii) The permanent restoration of the disturbed land to a stable condition.

(3) The appropriate county, municipal, or State agency may recover a civil penalty under paragraph (1) of this subsection on proof of costs as specified in paragraph (2) of this subsection, without the necessity of proving that the agency performed work or incurred expenses. However, if any person responsible has made the required corrections within the time specified by a State, county, or municipal order, the appropriate State, county, or municipal agency may recover a civil penalty under this subsection in an amount equal to not more than 50 percent of the costs specified in paragraph (2) of this subsection.

(4) Any county, municipal, or State agency that recovers [civil] penalties in accordance with this [subsection] SUBTITLE shall deposit them in a special fund, to be used solely for:

(i) Correcting to the extent possible the failure to implement or maintain erosion and sediment controls; and

(ii) Administration of the sediment control program.

(d) If a county or municipality fails to enforce any provision of this subtitle, the Department may request the Attorney General to take appropriate legal action to correct the violation and to recover [civil] penalties OR FEES under [subsection (c) of] this section.

(e) (1) 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 subtitle or any regulation or plan adopted, approved, or issued under this subtitle.

(2) The penalty imposed on a person under this subsection shall be:

(i) Up to \$1,000 for each violation, but not exceeding \$20,000 total for any action; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

2. Any actual harm to the environment or to human health, including injury to or impairment of the use of the waters of this State or the natural resources of this State;