

- (2) To obtain water, air, or soil samples; and
- (3) To measure the volume and kinds of substances that are received or stored.

(b) The Department may enter any property and assume control of any oil spill situation when it determines that a responsible party is not:

- (1) Acting promptly to remove the spill; or
- (2) Undertaking removal or mitigation in a manner appropriate to control or rectify the conditions causing the condition.

(c) If entry is denied under this section, the Secretary may seek an injunction to enter the facility or property.

4-417.

(a) Any person who violates any provision of this subtitle, or any rule, regulation, order, or permit issued pursuant thereto, shall be liable for a penalty not exceeding [~~\$10,000~~] \$25,000 for the violation, which may be recovered in a civil action, and the person may be enjoined from continuing the violation, as provided by this subtitle. Each day upon which the violation occurs constitutes a separate offense.

(b) Any person who violates any of the provisions of, or who fails to perform any duty imposed by, this subtitle, or any regulation or order issued under it, or the provisions of any permit of the Department made pursuant to this subtitle is guilty of a misdemeanor, and upon conviction, is subject to a fine not exceeding ~~\$25,000~~ \$50,000 or by imprisonment not exceeding one year, or both, and, in addition, may be enjoined from continuing the violation. If the conviction is for a violation committed after a first conviction of the person under this subsection, punishment shall be by a fine of not more than \$50,000 per day of violation or by imprisonment not exceeding two years or both, and in addition, the person may be enjoined from continuing the violation. Each day upon which a violation occurs constitutes a separate offense.

(c) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this title, or by any permit, rule, regulation or order issued under this title, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this title or by any permit, rule, regulation, or order issued under this title, upon conviction, is subject to a fine not exceeding \$10,000, or by imprisonment not exceeding six months or both.

(d) In addition to any other remedies available at law or in equity, a civil penalty may be assessed for violation of any provisions of this subtitle, or rules, regulations, orders or permits issued pursuant thereto. The penalty may be assessed by the Secretary of the Environment, or a hearing officer designated in writing by the Secretary, after an opportunity for a hearing which may be waived in writing by the person accused of a violation. The civil penalty assessed shall be [~~\$1,000~~] UP TO \$10,000 for each day of violation, not exceeding a total sum of [~~\$50,000~~] \$100,000; consideration shall be given to the willfulness of the violation; to the damage or injury to the waters of the State or