

the impairment of its uses; to the cost of clean-up; to the nature and degree of injury to or interference with general welfare, health, and property; to the suitability of the waste source to its geographic location, including priority of location; to the available technology and economic reasonableness of controlling, reducing, or eliminating the waste; and other relevant factors. It is payable to the State and collectible in any manner provided at law for the collection of debts. If any person liable to pay the penalty neglects or refuses to pay it after demand, the amount, together with interest and any costs that may accrue, shall be a lien in favor of the State upon the property, both real and personal, of the person and shall be recorded in the clerk of court's office for the political subdivision in which the property is located. Except for penalties collected for violations of Section 4-413 of this subtitle, moneys shall be placed in the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund under Section 4-411(f) of this subtitle.

4-418.

(A) Any person [who violates] RESPONSIBLE FOR A DISCHARGE OF OIL IN VIOLATION OF § 4-410(a) or (b) of this subtitle is [guilty]:

(1) GUILTY of a misdemeanor and on conviction is subject to a fine or imprisonment or both for each offense as provided in § 4-417(b) of this subtitle;

(2) SUBJECT TO THE CIVIL PENALTIES SET FORTH IN § 4-417(A) OF THIS SUBTITLE; AND

(3) LIABLE[. Any vessel from which oil is discharged in violation of § 4-410(a) of this subtitle is liable] for the pecuniary penalty specified in § 4-417(d) of this subtitle.

(B) IN ADDITION TO ANY OTHER CIVIL, CRIMINAL, OR ADMINISTRATIVE PENALTY AVAILABLE, A PERSON RESPONSIBLE FOR A DISCHARGE WHO VIOLATES § 4-410(A) OR (B) OF THIS SUBTITLE IN CONNECTION WITH A DISCHARGE OR SPILL OF OIL EXCEEDING 25,000 GALLONS IS LIABLE FOR A PENALTY, WHICH MAY BE RECOVERED IN A CIVIL ACTION, OF UP TO \$100 FOR EACH GALLON DISCHARGED OR SPILLED.

(C) Clearance of a vessel OR BARGE from a port of the State may be withheld until [the penalty is] ALL PENALTIES ASSESSED UNDER THIS SUBTITLE AND ALL COMPENSATORY FEES CHARGED UNDER § 4-408 OF THIS SUBTITLE ARE PAID. The [penalty constitutes] PENALTIES AND COMPENSATORY FEES CONSTITUTE a lien on the vessel.

(D) ALL PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE MARYLAND OIL DISASTER CONTAINMENT, CLEAN-UP AND CONTINGENCY FUND.

4-419.

(A) EXCEPT FOR WILLFUL OR INTENTIONAL ACTS OR OMISSIONS, A PERSON IS NOT LIABLE FOR REMOVAL COSTS OR DAMAGES AS A RESULT OF