

HEARING SHALL BE PRIMA FACIE EVIDENCE OF THE FACT OR FACTS FOUND THEREIN.

(E) GROUNDS FOR INJUNCTION.--UPON A SHOWING BY THE ATTORNEY GENERAL IN BEHALF OF THE ADMINISTRATION THAT ANY PERSON IS VIOLATING OR IS ABOUT TO VIOLATE THE PROVISIONS OF THIS SUBTITLE OR IS VIOLATING OR IS ABOUT TO VIOLATE ANY VALID ORDER OR PERMIT ISSUED BY THE ADMINISTRATION, AN INJUNCTION SHALL BE GRANTED WITHOUT THE NECESSITY OF SHOWING A LACK OF ADEQUATE REMEDY AT LAW.

(F) EMERGENCIES.--IN CIRCUMSTANCES OF EMERGENCY CREATING CONDITIONS OF IMMINENT DANGER TO THE PUBLIC HEALTH, WELFARE OR THE ENVIRONMENT THE ATTORNEY GENERAL, ON BEHALF OF THE ADMINISTRATION, MAY INSTITUTE A CIVIL ACTION FOR AN IMMEDIATE INJUNCTION TO HALT ANY POLLUTION OR OTHER ACTIVITY CAUSING THE DANGER. [[THE COURT MAY ISSUE AN EX PARTE INJUNCTION AND SHALL SCHEDULE A HEARING ON THE MATTER WITHIN THREE (3) WORKING DAYS FROM THE DATE OF INJUNCTION.]]

(G) SECRETARY OF NATURAL RESOURCES MAY ASSESS CIVIL PENALTIES.-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 NATURAL RESOURCES OR A HEARING OFFICER DESIGNATED IN WRITING BY THE SECRETARY, AFTER A HEARING AT WHICH IT IS DETERMINED THAT A VIOLATION EXISTS. THE CIVIL PENALTY SO ASSESSED SHALL BE [[[[[[FIVE HUNDRED DOLLARS (\$500.00)]]]]]] [[TWO HUNDRED FIFTY DOLLARS (\$250.00)]] FOR EACH DAY OF VIOLATION, NOT TO EXCEED A TOTAL SUM OF [[[[TEN THOUSAND DOLLARS (\$10,000.00)]]]] [[FIVE THOUSAND DOLLARS (\$5,000)]] ; CONSIDERATION SHALL BE GIVEN TO THE WILLFULNESS OF THE VIOLATION; TO THE DAMAGE OR INJURY TO THE WATERS OF THE STATE OR 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 SHALL BE PAYABLE TO THE STATE OF MARYLAND 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. THE MONIES SHALL BE PLACED IN A SPECIAL FUND TO BE USED FOR [[THE PURCHASE OF]] [[MONITORING [[EQUIPMENT]] AND SURVEILLANCE BY THE ADMINISTRATION TO BE USED TO ASSURE AND TO MAINTAIN AN ADEQUATE RECORD OF ANY DISCHARGE