

(B) WITHIN 6 MONTHS AFTER THE FEDERAL AGENCY ADOPTS REGULATIONS OR GUIDELINES UNDER SECTION 110(A)(2)(K) OF THE FEDERAL CLEAN AIR ACT, THE DEPARTMENT SHALL REQUIRE, BY REGULATION, THAT EACH PERSON WHO IS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO OBTAIN A PERMIT, PAY, AS A CONDITION OF THE PERMIT, A FEE SUFFICIENT TO COVER:

(1) THE REASONABLE COST OF REVIEWING AND ACTING ON THE PERMIT APPLICATION; AND

(2) IF, WHETHER BEFORE OR AFTER JULY 1, 1979, THE OWNER OR OPERATOR RECEIVES A PERMIT, REASONABLE COSTS INCURRED AFTER JULY 1, 1979 IN IMPLEMENTING AND ENFORCING THE TERMS AND CONDITIONS OF THE PERMIT, EXCLUDING ANY COURT COSTS OR OTHER COSTS ASSOCIATED WITH ANY ENFORCEMENT ACTION.

(C) ANY MONEY COLLECTED UNDER THIS SECTION SHALL BE PAID OVER TO THE STATE TREASURER AND BECOME GENERAL FUNDS OF THE STATE.

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(A) THE SECRETARY MAY ADOPT RULES AND REGULATIONS THAT SPECIFY A SITUATION IN WHICH A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A NONCOMPLIANCE PENALTY EQUAL TO THE ECONOMIC BENEFIT THAT ACCRUES TO THE PERSON BECAUSE OF NONCOMPLIANCE. THE RULE OR REGULATION SHALL BE PATTERNED AFTER SECTION 120 OF THE FEDERAL CLEAN AIR ACT AND THE FEDERAL REGULATIONS ADOPTED UNDER IT. THE RULES AND REGULATIONS OF THE DEPARTMENT SHALL SPECIFY THE METHODS OF CALCULATING THE NONCOMPLIANCE PENALTY AND THE MANNER OF PAYMENT. ALL MONEY COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE DEPARTMENT, ON BEHALF STATE TREASURER AND BECOME GENERAL FUNDS OF THE STATE, AND SHALL BE SUBJECT TO REBATE AS PROVIDED FOR IN THE RULES AND REGULATIONS.

(B) ANY PERSON WHO FAILS TO PAY, IN A TIMELY MANNER, THE AMOUNT OF A NONCOMPLIANCE PENALTY WITH RESPECT TO ANY SOURCE UNDER THIS SECTION MAY BE REQUIRED TO PAY IN ADDITION A QUARTERLY NONPAYMENT PENALTY FOR EACH QUARTER DURING WHICH THE FAILURE TO PAY PERSISTS. THIS NONPAYMENT PENALTY SHALL BE IN AN AMOUNT EQUAL TO 20 PERCENT OF THE AGGREGATE AMOUNT OF THE PERSON'S NONCOMPLIANCE PENALTIES AND NONPAYMENT PENALTIES WITH RESPECT TO THE SOURCE THAT ARE UNPAID AS OF THE BEGINNING OF THE QUARTER.

(C) FAILURE OF A PERSON TO PAY A NONCOMPLIANCE PENALTY OR NONPAYMENT PENALTY UNDER THIS SECTION SHALL SUBJECT THE PERSON TO THE JUDICIAL ENFORCEMENT PROVISIONS OF § 703 OF THIS SUBTITLE. HOWEVER, IN THE ACTION, THE MAXIMUM CIVIL PENALTY FOR WHICH A PERSON IS LIABLE SHALL BE CALCULATED UNDER SUBSECTION (B) OF THIS SECTION ~~AND THE TIME FOR CALCULATING THE TOTAL PENALTY MAY INCLUDE THE TIME DURING WHICH THE MATTER IS IN LITIGATION.~~