

(V) THE EFFECT OF THE VIOLATION ON RECLAMATION OF THE AFFECTED AREA.

[(2)] (3) The civil penalty 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. The moneys shall be credited to the Bituminous Coal Open-Pit Mining Reclamation Fund.

(4) WITHIN 30 DAYS FROM THE DATE OF AN ASSESSMENT ORDER BY THE DEPARTMENT, THE PERSON CHARGED WITH THE VIOLATION MAY REQUEST AN ADJUDICATORY HEARING IN ACCORDANCE WITH ARTICLE 41 OF THE ANNOTATED CODE OF MARYLAND; PROVIDED THAT, AT THE TIME OF THE REQUEST THE FULL AMOUNT OF THE PENALTY MUST BE PAID OVER TO THE SECRETARY FOR PLACEMENT IN AN ESCROW ACCOUNT PENDING COMPLETION OF ADMINISTRATIVE AND JUDICIAL REVIEW OF THE ASSESSMENT. FAILURE TO FORWARD THE FULL AMOUNT TO THE SECRETARY WITHIN 30 DAYS OF AN ASSESSMENT ORDER SHALL RESULT IN A WAIVER OF ALL LEGAL RIGHTS TO CONTEST THE AMOUNT OF THE PENALTY OR THE UNDERLYING VIOLATION. IF IT IS EVENTUALLY DETERMINED THAT NO VIOLATION OCCURRED, OR THE AMOUNT OF THE PENALTY IS REDUCED, THE SECRETARY SHALL REMIT WITHIN 30 DAYS THE APPROPRIATE AMOUNT TO THE PERSON, WITH INTEREST AT THE RATE OF 6 PERCENT.

(c) If an operator fails to correct a violation within the time for compliance specified by a notice or order issued [pursuant to] UNDER § 7-507(c) or [(d)] (E) OF THIS SUBTITLE, the Secretary shall assess a civil penalty of not less than \$750 for each SUBSEQUENT day UP TO 30 DAYS THEREAFTER during which the violation continues, AND MAY ASSESS THE PENALTY BEYOND THAT TIME.

7-517.1.

Whenever a corporation violates any rule or regulation promulgated [pursuant to] UNDER § 7-503 OF THIS SUBTITLE, any permit issued pursuant to this subtitle or fails to correct a violation within the time specified by a notice or order issued [pursuant to] UNDER § 7-507(c) or [(d)] (E) OF THIS SUBTITLE, any officer, director or agent of the corporation who willfully and knowingly authorized, ordered or carried out the violation or failure shall be subject to the penalty provisions of § 7-516(b) and § 7-517(b) and (c) OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1980.