

ECONOMIC REASONABLENESS OF CONTROLLING, REDUCING, OR ELIMINATING THE WASTE; AND

7. OTHER RELEVANT FACTORS.

(3) ANY PENALTY IMPOSED UNDER THIS SUBSECTION IS PAYABLE TO THIS STATE AND COLLECTIBLE IN ANY MANNER PROVIDED AT LAW FOR THE COLLECTION OF DEBTS.

(4) IF ANY PERSON WHO IS LIABLE TO PAY A PENALTY IMPOSED UNDER THIS SUBSECTION FAILS TO PAY IT AFTER DEMAND, THE AMOUNT, TOGETHER WITH INTEREST AND ANY COSTS THAT MAY ACCRUE, SHALL BE:

(I) A LIEN IN FAVOR OF THIS STATE ON ANY PROPERTY, REAL OR PERSONAL, OF THE PERSON; AND

(II) RECORDED IN THE OFFICE OF THE CLERK OF COURT FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(5) ANY PENALTY COLLECTED UNDER THIS SUBSECTION SHALL BE PLACED IN A SPECIAL FUND TO BE USED FOR MONITORING AND SURVEILLANCE BY THE DEPARTMENT TO ASSURE AND MAINTAIN AN ADEQUATE RECORD OF ANY DISCHARGE INTO THE WATERS OF THIS STATE.

REVISOR'S NOTE: This section is new language patterned after NR § 8-1416(a) and (d).

In subsection (b)(2)(i) of this section, the words "up to" are new language added in accordance with actual practice and apparent legislative intent. The attention of the General Assembly is called to this addition.

9-343. CRIMINAL PENALTIES.

(A) VIOLATING SUBTITLE, RULES, REGULATIONS, ORDERS, OR PERMITS.

(1) A PERSON WHO VIOLATES ANY PROVISION OF OR FAILS TO PERFORM ANY DUTY IMPOSED BY THIS SUBTITLE, OR WHO VIOLATES ANY PROVISION OF OR FAILS TO PERFORM ANY DUTY IMPOSED BY A RULE, REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER THIS SUBTITLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH; OR

(II) IF THE CONVICTION IS FOR A VIOLATION COMMITTED AFTER A FIRST CONVICTION OF THE PERSON UNDER THIS SUBSECTION, A FINE NOT EXCEEDING \$50,000 FOR EACH DAY OF VIOLATION OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.