

orders or permits issued pursuant thereto. The penalty may be assessed by the [Secretary of Health and Mental Hygiene or, for purposes of § 8-1406 through § 8-1411.1 of this subtitle, the] Secretary of Natural Resources, or a hearing officer designated in writing by the [appropriate] Secretary, after a hearing at which it is determined that a violation exists. The civil penalty assessed shall be \$500 for each day of violation, not exceeding a total sum of \$10,000; 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 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 placed in a special fund to be used for monitoring and surveillance by the [appropriate department] DEPARTMENT to be used to assure and maintain an adequate record of any discharge to the waters of the State.

[(e) If any condition of a permit for discharges from a publicly owned treatment works is violated, the Department of Health and Mental Hygiene may proceed pursuant to §§ 8-1414 and 8-1415(a) to restrict or prohibit the introduction of any pollutant into the treatment works by a source not utilizing the treatment works prior to the finding that the condition was violated.

If the Department of Health and Mental Hygiene finds on the basis of information available to it that an industrial user is not in compliance with a system of user charges required under State or federal law, or the condition of any permit issued by the Department of Health and Mental Hygiene to the publicly owned treatment works into which the user is introducing pollutants, the Department of Health and Mental Hygiene may proceed to enforce or apply the system of charges directly against the industrial user pursuant to §§ 8-1414 and 8-1415(a).]

SUPPLEMENTAL REVISOR'S NOTE: Ch. \_\_\_\_, Acts of 1982, which enacted the Health - Environmental Article, also amended this section to delete the references to the Department of Health and Mental Hygiene, including deleting former subsection (e) of this section in its entirety. The substance