

Article - Natural Resources

8-1108.

(a) Any person who violates any provision of this subtitle is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding one year or both for each violation with costs imposed in the discretion of the court. Each day upon which the violation occurs constitutes a separate offense.

(b) Any agency whose approval is required under this subtitle or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this subtitle.

(C) (1) IN ADDITION TO ANY OTHER SANCTION UNDER THIS SUBTITLE, A PERSON WHO FAILS TO INSTALL OR TO MAINTAIN EROSION AND SEDIMENT CONTROLS IN ACCORDANCE WITH AN APPROVED PLAN SHALL BE LIABLE TO THE COUNTY, MUNICIPALITY, OR THE STATE, AS APPROPRIATE, IN A CIVIL ACTION, FOR DAMAGES IN AN AMOUNT EQUAL TO ~~TRIPLE~~ DOUBLE THE COST OF INSTALLING OR MAINTAINING THE CONTROLS.

(2) ANY COUNTY, MUNICIPAL, OR STATE AGENCY THAT RECOVERS DAMAGES IN ACCORDANCE WITH THIS SUBSECTION SHALL DEPOSIT THEM IN A SPECIAL FUND, TO BE USED SOLELY FOR:

(I) CORRECTING TO THE EXTENT POSSIBLE THE FAILURE TO IMPLEMENT OR MAINTAIN EROSION AND SEDIMENT CONTROLS; AND

(II) ADMINISTRATION OF THE SEDIMENT CONTROL PROGRAM.

(D) IF A COUNTY OR MUNICIPALITY FAILS TO ENFORCE ANY PROVISION OF THIS SUBTITLE, THE DEPARTMENT MAY REQUEST THE ATTORNEY GENERAL TO TAKE APPROPRIATE LEGAL ACTION TO CORRECT THE VIOLATION AND TO RECOVER DAMAGES UNDER SUBSECTION (C) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983, ~~and shall terminate automatically July 1, 1986.~~

Approved May 31, 1983.
