

reasonableness of controlling, reducing, or eliminating the waste; and

7. Other relevant factors.

(3) EACH DAY THAT A VIOLATION OCCURS IS A SEPARATE VIOLATION UNDER THIS SUBSECTION.

[(3)] (4) 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)] (5) 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)] (6) 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.

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(b) (1) In addition to any other remedies available at law or in equity and after a hearing at which a violation is found to exist, the Department may impose a penalty for violation of any provision of this subtitle or any rule, regulation, order, or permit adopted or issued under this subtitle.

(2) The penalty imposed ON A PERSON under this subsection shall be:

(i) Up to [\$500] \$1,000 for each [day of] violation, but not exceeding [\$10,000] \$50,000 total; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation;
2. The damage to, injury to, and impairment of the use of the waters of this State;
3. The cost of clean up;
4. The nature and degree of injury to or interference with general welfare, health, and property;