

Article - Health - Environmental

7-266.

(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, hauler certificate, vehicle certificate, DRIVER CERTIFICATE, or facility permit adopted or issued under this subtitle.

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

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

(ii) Assessed with consideration given to:

1. The willfulness of the violation, THE EXTENT TO WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO BUT UNCORRECTED BY THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED REASONABLE CARE;

2. [The damage to, injury to, and] ANY ACTUAL HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH, INCLUDING INJURY TO OR impairment of the use of the waters of this State OR THE NATURAL RESOURCES OF THIS STATE;

3. The cost of ANY-NECESSARY clean up AND THE COST OF ANY-NECESSARY RESTORATION OF NATURAL RESOURCES;

4. The nature and degree of injury to or interference with general welfare, health, and property;

5. [The suitability of the waste source to its geographic location, including priority of location] THE EXTENT TO WHICH THE LOCATION OF THE VIOLATION, INCLUDING LOCATION NEAR WATERS OF THE THIS STATE OR AREAS OF HUMAN POPULATION, CREATES THE POTENTIAL FOR HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY;

6. The available technology and economic reasonableness of controlling, reducing, or eliminating the [waste] VIOLATION; [and]

7. [Other relevant factors] THE DEGREE OF HAZARD POSED BY THE PARTICULAR WASTE MATERIAL OR MATERIALS INVOLVED; AND

8. THE EXTENT TO WHICH THE PRESENTLY EXISTING CURRENT VIOLATION IS PART OF A RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED BY THE VIOLATOR.