

(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 VIOLATIONS, INCLUDING discharge OF WASTE MATERIAL AND OTHER POLLUTANTS into the waters of this State OR INTO THE ENVIRONMENT.

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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 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;