

(1982 Volume and 1984 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health - Environmental

2-610.1.

(A) 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 TITLE, ~~SUBTITLE--6-OF-TITLE-4~~ SUBTITLE 4 OF TITLE 6, OR ANY RULE, REGULATION, ORDER, PLAN FOR COMPLIANCE, REGISTRATION, OR PERMIT ADOPTED OR ISSUED UNDER THOSE PROVISIONS.

(B) BEFORE TAKING ANY ACTION UNDER THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE ALLEGED VIOLATOR WITH WRITTEN NOTICE OF THE PROPOSED ACTION AND AN OPPORTUNITY FOR AN INFORMAL MEETING.

(C) (1) THE PENALTY IMPOSED ON A PERSON UNDER THIS SECTION SHALL BE:

(I) UP TO \$1,000 FOR EACH VIOLATION, ~~---BUT---NOT EXCEEDING;~~

(II) NOT MORE THAN \$20,000 TOTAL FOR ANY SINGLE ADMINISTRATIVE HEARING; AND

~~(\*\*)~~ (III) ASSESSED WITH CONSIDERATION GIVEN TO:

1. THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO THE VIOLATOR BUT UNCORRECTED BY THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED REASONABLE CARE;

2. ANY ACTUAL HARM TO HUMAN HEALTH OR TO THE ENVIRONMENT, INCLUDING INJURY TO OR IMPAIRMENT OF THE AIR QUALITY OR THE NATURAL RESOURCES OF THIS STATE;

3. THE COST OF CONTROL;

4. THE NATURE AND DEGREE OF INJURY TO OR INTERFERENCE WITH GENERAL WELFARE, HEALTH, AND PROPERTY;

5. THE EXTENT TO WHICH THE LOCATION OF THE VIOLATION, INCLUDING LOCATION NEAR 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 EMISSIONS THAT CAUSED THE VIOLATION; AND