

(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 USE OF THE WATERS OF THIS STATE 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; AND

(6) THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED BY THE VIOLATOR.

(D) PENALTIES COLLECTED BY THE SECRETARY UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

(E) THE SECRETARY SHALL ESTABLISH SUCH RULES AND REGULATIONS AS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

5-210.4.

(A) THE SECRETARY MAY BRING AN ACTION FOR AN INJUNCTION AGAINST A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE.

(B) IN AN ACTION FOR AN INJUNCTION UNDER THIS SECTION, ANY FINDING OF THE BOARD SECRETARY AFTER A HEARING IS PRIMA FACIE EVIDENCE OF EACH FACT THE BOARD SECRETARY DETERMINES.

(C) ON A SHOWING THAT A PERSON IS VIOLATING ~~OR IS ABOUT TO VIOLATE~~ ANY PROVISION OF THIS SUBTITLE, A COURT SHALL GRANT AN INJUNCTION WITHOUT REQUIRING A SHOWING OF A LACK OF AN ADEQUATE REMEDY AT LAW.

(D) AN ACTION FOR AN INJUNCTION UNDER THIS SECTION IS IN ADDITION TO, AND NOT INSTEAD OF, CRIMINAL PROSECUTION TAKEN UNDER § 5-211 OF THIS SUBTITLE OR IMPOSITION OF CIVIL PENALTIES UNDER § 5-210.2 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary shall not enforce §§ 5-208 and 5-210.2 of this Act until after January 1, 1988.