

(4) WHENEVER THE SUM OF UNALLOCATED FUNDS IN THE SEWAGE SLUDGE UTILIZATION FUND AND THE PROJECTED SEWAGE SLUDGE GENERATOR'S FEES FOR THE NEXT FISCAL YEAR EXCEEDS \$400,000, THE DEPARTMENT SHALL ADJUST THE GENERATOR'S FEES FOR THE NEXT FISCAL YEAR ON A PRO RATA BASIS SO THAT THE SUM OF UNALLOCATED FUNDS AND ACTUAL GENERATOR'S FEES DOES NOT EXCEED \$400,000.

(C) USES OF FUND.

THE DEPARTMENT SHALL USE THE SEWAGE SLUDGE UTILIZATION FUND FOR:

(1) EMERGENCY REMOVAL OF SEWAGE SLUDGE OR MITIGATION OF THE EFFECT OF ANY UTILIZATION OF SEWAGE SLUDGE THAT THE DEPARTMENT FINDS:

(I) ENDANGERS PUBLIC HEALTH, SAFETY, OR WELFARE; OR

(II) ENDANGERS OR DAMAGES NATURAL RESOURCES;  
AND

(2) ACTIVITIES THAT ARE:

(I) CONDUCTED BY THE DEPARTMENT OR BY A LOCAL HEALTH OFFICIAL UNDER § 9-243(E) OF THIS SUBTITLE; AND

(II) RELATED TO IDENTIFYING, MONITORING, OR REGULATING THE UTILIZATION OF SEWAGE SLUDGE, INCLUDING PROGRAM DEVELOPMENT.

(D) REIMBURSEMENT TO DEPARTMENT.

AN EXPENDITURE THAT THE DEPARTMENT MAKES UNDER SUBSECTION (C)(1) OF THIS SECTION SHALL BE REIMBURSED TO THE DEPARTMENT BY THE SEWAGE SLUDGE UTILIZER WHOSE SEWAGE SLUDGE UTILIZATION BROUGHT ABOUT THE EXPENDITURE BY:

(1) ENDANGERING PUBLIC HEALTH, SAFETY, OR WELFARE; OR

(2) ENDANGERING OR DAMAGING NATURAL RESOURCES.

(E) ACTION TO RECOVER COSTS.

IN ADDITION TO ANY OTHER LEGAL ACTION AUTHORIZED BY THIS PART III, § 9-269, OR § 9-270 OF THIS SUBTITLE, THE ATTORNEY GENERAL MAY BRING AN ACTION AGAINST ANY PERSON WHO FAILS TO REIMBURSE THE DEPARTMENT UNDER SUBSECTION (D) OF THIS SECTION TO RECOVER ANY EXPENDITURE THAT THE DEPARTMENT MAKES UNDER SUBSECTION (C)(1) OF THIS SECTION.

REVISOR'S NOTE: This section formerly appeared as HE § 9-210.1(c).