

(3) THE PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE:

(I) \$5 FOR EACH POUND OF PHOSPHORUS DISCHARGED MONTHLY IN VIOLATION OF § 4-302.1(B)(1) OF THIS SUBTITLE; AND

(II) \$2 FOR EACH POUND OF NITROGEN DISCHARGED MONTHLY IN VIOLATION OF § 4-302.1(C) OR (D) OF THIS SUBTITLE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PENALTY IMPOSED UNDER THIS SUBSECTION SECTION MAY NOT BE:

(I) WAIVED;

(II) REDUCED; OR

(III) USED TO ASSIST THE PENALIZED PERSON IN UPGRADING A SEWAGE TREATMENT PLANT.

(2) A PENALTY IMPOSED UNDER THIS SECTION MAY BE WAIVED IF THE PHOSPHORUS OR NITROGEN DISCHARGED IN VIOLATION OF § 4-302.1 OF THIS SUBTITLE IS DUE TO AN ACT OF GOD OR, IF IT COULD NOT REASONABLY HAVE BEEN ANTICIPATED BY THE OWNER OR OPERATOR OF THE SEWAGE TREATMENT PLANT, A POWER OUTAGE OR A MASSIVE LEAKAGE OF ANY POLLUTANT THAT CONTAMINATES THE WASTEWATER BEING TREATED.

(C) THE DEPARTMENT SHALL DEPOSIT THE PENALTIES COLLECTED UNDER THIS SUBSECTION IN THE MARYLAND CLEAN WATER FUND CREATED UNDER § 9-320 OF THIS ARTICLE.

(D) THE DEPARTMENT SHALL COLLECT THE PENALTIES REQUIRED TO BE IMPOSED UNDER SUBSECTION (A) OF THIS SECTION ON A MONTHLY BASIS BEGINNING ON:

(I) FEBRUARY 15, 1989 FOR VIOLATIONS OF § 4-302.1(B)(1) OF THIS SUBTITLE; AND

(II) ~~FEBRUARY 15, 1990~~ NOVEMBER 15, 1991 FOR VIOLATIONS OF § 4-302.1(C) OR (D) OF THIS SUBTITLE.

(E) THE PENALTIES REQUIRED TO BE IMPOSED UNDER THIS SECTION ARE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That the phosphorus and nitrogen removal requirements of this Act are intended to be the minimum removal requirements at sewage treatment plants covered under this Act, and nothing in this Act may be construed to prevent or delay the implementation of more stringent removal requirements at these plants or at any other plants discharging into the Patuxent River.