

7. THE DEGREE OF HAZARD POSED BY THE PARTICULAR POLLUTANT OR POLLUTANTS INVOLVED; AND

8. 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--; AND

9. WHETHER OR NOT PENALTIES WERE ASSESSED OR WILL BE ASSESSED UNDER OTHER PROVISIONS OF THIS SUBTITLE.

(3) EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION UNDER THIS SUBSECTION.

(4) ANY PENALTY IMPOSED UNDER THIS SUBSECTION IS PAYABLE TO THIS STATE AND COLLECTIBLE IN ANY MANNER PROVIDED AT LAW FOR THE COLLECTION OF DEBTS PENALTIES.

~~{5}--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--~~

~~{6}~~ (5) ANY PENALTY COLLECTED UNDER THIS SUBSECTION OR § 4-413 OF THIS TITLE SHALL BE PLACED IN THE SPECIAL FUND UNDER PARAGRAPH (C)(4) OF THIS SECTION.

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(d) In addition to any other remedies available at law or in equity, a civil penalty may be assessed for violation of any provisions of this subtitle, or rules, regulations, orders or permits issued pursuant thereto. The penalty may be assessed by the Secretary of the Environment, or a hearing officer designated in writing by the Secretary, after AN OPPORTUNITY FOR a hearing [at which it is determined that a violation exists] WHICH MAY BE WAIVED IN WRITING BY THE PERSON ACCUSED OF A VIOLATION. The civil penalty assessed shall be [\$500] \$1,000 for each day of violation, not exceeding a total sum of [\$10,000] \$50,000; consideration shall be given to the willfulness of the violation; to the damage or injury to the waters of the State or the impairment of its uses; to the cost of clean-up; to the nature and degree of injury to or interference with general welfare, health, and property; to the suitability of the waste source to its geographic location, including priority of location; to the available technology and economic reasonableness of controlling, reducing, or eliminating the waste; and other relevant factors. It is payable to the State and collectible in any manner provided