

(a) (1) [If any person who has a permit to collect, handle, burn, store, or transport sewage sludge violates any condition of the permit or any regulation of the Department relating to the use, collection, handling, burning, storing, or transportation of sewage sludge, the person] A PERSON WHO VIOLATES ANY PROVISION OF PART III OF THIS SUBTITLE OR ANY RULE, REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER PART III OF THIS SUBTITLE is liable to the State for civil penalties.

[(b)] (2) These civil penalties are:

[(1)] (I) A basic civil penalty not exceeding \$10,000; and

[(2)] (II) An additional penalty not exceeding \$10,000 a day for each day that the violation continues, up to a maximum of \$50,000.

[(c)] (3) The State shall recover the civil penalties under this section in a civil action.

(B) (1) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY AND AFTER AN OPPORTUNITY FOR A HEARING WHICH MAY BE WAIVED IN WRITING BY THE PERSON ACCUSED OF A VIOLATION, THE DEPARTMENT MAY IMPOSE A PENALTY FOR VIOLATION OF ANY PROVISION OF PART III OF THIS SUBTITLE OR ANY REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER PART III OF THIS SUBTITLE.

(2) THE PENALTY IMPOSED ON A PERSON UNDER THIS SUBSECTION SHALL BE:

(I) UP TO \$1,000 FOR EACH VIOLATION, BUT NOT EXCEEDING \$50,000 TOTAL; AND

(II) ASSESSED WITH CONSIDERATION GIVEN TO:

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

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

3. THE COST OF CLEANUP AND THE COST OF RESTORATION OF NATURAL RESOURCES;

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 WATERS OF THE STATE OR