

(ii) There is evidence that the balance in the Fund could be significantly reduced by the recent occurrence of a major discharge or series of discharges.

(4) If a licensee fails to remit the fee and accompanying certification required by this section, the amount of the license fee due shall be determined by the Department from information as may be available. Notice of this determination shall be given to the licensee liable for payment of the license fee. The determination shall finally and irrevocably fix the fee unless the licensee against whom it is assessed, within 30 days after receiving notice of the determination, shall apply to the Department for a hearing or unless the Department, on its own, shall redetermine the fee.

(5) The Department shall promulgate rules and regulations, establish audit procedures for the audit of licensees, and prescribe and publish forms as may be necessary to effectuate the purposes of this section.

4-415.1.

(A) AT ANY REASONABLE TIME, TO CARRY OUT DUTIES UNDER THIS SUBTITLE, A REPRESENTATIVE OF THE DEPARTMENT MAY ENTER ANY OIL STORAGE FACILITY:

- (1) TO INSPECT THE OIL STORAGE FACILITY;
- (2) TO OBTAIN WATER, AIR, OR SOIL SAMPLES; AND
- (3) ~~TO-DRILL-TEST-WELLS;~~

~~(4) TO MEASURE THE VOLUME AND KINDS OF SUBSTANCES THAT ARE RECEIVED OR STORED;-AND~~

~~(5)--TO-TAKE-CORRECTIVE-ACTION.~~

(B) THE DEPARTMENT MAY ENTER ANY PROPERTY AND ASSUME CONTROL OF ANY OIL SPILL SITUATION WHEN IT DETERMINES THAT A RESPONSIBLE PARTY IS NOT:

- (1) ACTING PROMPTLY TO REMOVE THE SPILL; OR
- (2) UNDERTAKING REMOVAL OR MITIGATION IN A MANNER APPROPRIATE TO CONTROL OR RECTIFY THE CONDITIONS CAUSING THE CONDITION.

(C) IF ENTRY IS DENIED UNDER THIS SECTION, THE SECRETARY MAY SEEK AN INJUNCTION TO ENTER THE FACILITY OR PROPERTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.