

(1) That is performed by:

- (i) A person who applies commercial fertilizer for hire; or
- (ii) An employee of the owner or manager of the property; and

(2) To:

(1) TEN ACRES OR MORE ANNUALLY, WHETHER ONE OR MULTIPLE PARCELS, OF property that is:

~~(i)~~ NOT used for agricultural purposes; [and]OR

(ii) [1. Three or more acres; or

2.] State property THAT IS NOT USED FOR AGRICULTURAL PURPOSES.

(b) A person may apply commercial fertilizer only if the person applies the commercial fertilizer in a manner that is consistent with the recommendations of the University of Maryland Cooperative Extension Service.

(c) (1) A person who violates any provision of this section is subject to a civil penalty of not more than \$1,000 for a first violation.

(2) A person who violates any provision of this section is subject to a civil penalty of not more than \$2,000 for each subsequent violation.

(3) Each day a violation occurs under this section is a separate violation.

(4) The total penalties imposed on a person for violations of this section that result from the same set of facts and circumstances may not exceed \$10,000.

(d) The penalty imposed on a person under this section shall be assessed with consideration given to:

(1) The willfulness of the violation, the extent to which the existence of the violation was known to the violator but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

(2) Any actual harm to human health or to the environment 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 control;

(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 areas of human population, creates the potential for harm to the environment or to human health or safety; and

(6) 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.