

11-208.

(a) The Commission may impose on a person who violates this subtitle or a regulation adopted in accordance with this subtitle a civil penalty that does not exceed the maximum penalties provided in 49 U.S.C. Chapter 601 (Hazardous Liquid Pipeline Safety Act).

(b) Each day a violation continues is a separate violation under this section.

(c) To determine the amount of a penalty imposed under this section, the Commission shall consider:

- (1) the nature, circumstances, and gravity of the violation;
- (2) with respect to the violator:
 - (i) the degree of culpability;
 - (ii) any history of prior violations;
 - (iii) the ability to pay;
 - (iv) any effect on the ability to continue doing business; and
 - (v) good faith in attempting to comply; and
- (3) other matters that justice requires.

SECTION 3. AND BE IT FURTHER ENACTED, That the Public Service Commission shall obtain current training for its staff members who deal with hazardous liquid pipelines under Title 11, Subtitle 2 of the Public Utility Companies Article on the subjects of fuel oil pipelines and large-capacity storage tanks, including training on American Petroleum Institute Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction".

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2003.

Approved May 13, 2003.

CHAPTER 328

(House Bill 814)

AN ACT concerning

Environment – Application for Landfill or Incinerator Permit – Notice

FOR the purpose of ~~requiring altering the members of the General Assembly to whom an applicant for a permit for a landfill system or incinerator is required to give certain notice to certain members of the General Assembly; including certain county chief executives among those to whom an applicant for a permit for a landfill system or incinerator is required to give certain notice;~~ and generally