

2. Any actual harm to the environment or to human health;

3. The available technology and economic reasonableness of controlling, reducing, or eliminating the violation; and

4. 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.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, each day a violation occurs is a separate violation under this subsection.

(ii) Daily penalties do not continue to accrue as long as the farmer takes reasonable steps to correct the violation.

(4) Any penalty imposed under this subsection is payable to the Maryland Agricultural Water Quality Cost Share Program within the Department.

(j) If a person violates any provision of this section, the Department may:

(1) Require repayment of cost share funds under Subtitle 7 of this title for the project that is in violation; or

(2) Deny or restrict future cost share payments under Subtitle 7 of this title.

(k) (1) The Department shall determine compliance with the provisions of this section.

(2) THE DEPARTMENT MAY REVIEW THE NUTRIENT MANAGEMENT PLAN AND RECORDS RELATING TO THE PLAN AT A LOCATION AGREED TO BY THE DEPARTMENT AND THE PERSON OPERATING THE FARM.

(3) IN CONDUCTING A SITE VISIT AND REVIEWING THE NUTRIENT MANAGEMENT PLAN AND RELATED RECORDS, THE DEPARTMENT'S EVALUATION SHALL BE LIMITED SOLELY TO DETERMINING WHETHER THE PERSON OPERATING THE FARM IS IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION OR THE REGULATIONS IMPLEMENTING THIS SECTION.

(4) IN CONDUCTING A SITE VISIT, THE DEPARTMENT SHALL:

(I) PROVIDE THE PERSON OPERATING THE FARM AT LEAST 48 HOURS ADVANCE NOTICE;

(II) ENTER THE PROPERTY AT A REASONABLE TIME THAT ALLOWS THE OPERATOR TO BE PRESENT; AND

(III) CONDUCT THE EVALUATION IN A MANNER THAT MINIMIZES ANY INCONVENIENCE TO THE PERSON OPERATING THE FARM.

(5) IF A PERSON OPERATING A FARM FAILS TO COOPERATE WITH THE DEPARTMENT'S REQUEST TO CONDUCT A SITE VISIT AND REVIEW OF A NUTRIENT MANAGEMENT PLAN AND RECORDS RELATING TO THE PLAN, THAT PERSON IS SUBJECT TO SUBSECTIONS (I) AND (J) OF THIS SECTION.