

~~WITH A FINAL ORDER OF THE STATE IN ACCORDANCE WITH THIS SUBTITLE MAY BE LIABLE TO THE STATE FOR PUNITIVE DAMAGES.~~

~~(2) PUNITIVE DAMAGES MAY BE ASSESSED IN AN AMOUNT NOT TO EXCEED THREE TIMES THE AMOUNT OF ANY COSTS INCURRED BY THE STATE AS A RESULT OF SUCH FAILURE.~~

~~(3) A RESPONSIBLE PERSON SHALL BE ENTITLED TO A CONTESTED CASE HEARING FOR A DETERMINATION WHETHER THE RESPONSIBLE PERSON HAS FAILED WITHOUT GOOD CAUSE TO COMPLY WITH A FINAL ORDER OF THE STATE IN ACCORDANCE WITH THIS SUBTITLE.~~

~~(4) PUNITIVE DAMAGES MAY BE CALCULATED ONLY ON THE COSTS ARISING AFTER THE DATE A DETERMINATION IS MADE UNDER PARAGRAPH (3) OF THIS SUBSECTION.~~

~~(B) THE STATE IS AUTHORIZED TO COMMENCE A CIVIL ACTION AGAINST ANY PERSON TO RECOVER PUNITIVE DAMAGES IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, WHICH SHALL BE IN ADDITION TO ANY COSTS RECOVERED FROM THE PERSON IN ACCORDANCE WITH § 7-221 OF THIS SUBTITLE.~~

(A) IN ADDITION TO BEING SUBJECT TO PENALTIES UNDER §§ 7-266 AND 7-267 OF THIS SUBTITLE AND COST RECOVERY UNDER § 7-221 OF THIS SUBTITLE, A RESPONSIBLE PERSON WHO FAILS WITHOUT SUFFICIENT CAUSE TO COMPLY WITH A FINAL ORDER ISSUED UNDER THIS SUBTITLE IS SUBJECT TO PUNITIVE DAMAGES, NOT EXCEEDING THREE TIMES THE AMOUNT OF ANY COSTS THAT ARE INCURRED BY THE STATE:

(1) AFTER THE DATE OF THE FINAL DECISION AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; AND

(2) AS A RESULT OF THE RESPONSIBLE PERSON'S FAILURE TO COMPLY WITH THE FINAL ORDER.

(B) (1) BEFORE SEEKING THE PUNITIVE DAMAGES AUTHORIZED BY SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE TO THE RESPONSIBLE PERSON A DETERMINATION THAT THE RESPONSIBLE PERSON FAILED WITHOUT SUFFICIENT CAUSE TO COMPLY WITH A FINAL ORDER ISSUED UNDER THIS SUBTITLE.

(2) A RESPONSIBLE PERSON SUBJECT TO A DETERMINATION ISSUED BY THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A CONTESTED CASE HEARING TO DETERMINE WHETHER THE RESPONSIBLE PERSON HAD SUFFICIENT CAUSE FOR THE FAILURE TO COMPLY WITH THE FINAL ORDER.

(3) FOLLOWING A FINAL DECISION UPHOLDING THE DETERMINATION ISSUED BY THE DEPARTMENT, THE STATE MAY COMMENCE A CIVIL ACTION AGAINST THE RESPONSIBLE PERSON TO RECOVER THE PUNITIVE DAMAGES.

7-501.

(e) "Contamination" means a release, discharge, or threatened release of: