

(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:

(1) [a] A controlled hazardous substance, as defined in § 7-201 of this title; OR

(2) OIL, AS DEFINED IN § 4-401 OF THIS ARTICLE.

(g) (1) "Eligible property" means property ~~OR A PORTION OF A PROPERTY~~ that is contaminated or perceived to be contaminated.

(2) "Eligible property" does not include property that is:

(i) On the national priorities list under § 105 of the federal act;

(ii) [Under] EXCEPT AS PROVIDED IN PARAGRAPH (3)(I) OF THIS SUBSECTION, UNDER active enforcement; or