

Article. The permit required by this subtitle is included in the certificate of public convenience and necessity issued by the Public Service Commission.

5-514.

(A) (1) IN ADDITION TO BEING SUBJECT TO AN INJUNCTIVE ACTION UNDER THIS SUBTITLE, A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE RELATING TO WATER APPROPRIATION AND USE OR ANY RULE, REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER ANY SUCH PROVISION IS LIABLE FOR A CIVIL PENALTY NOT EXCEEDING ~~\$10,000~~ \$5,000 PER VIOLATION TO BE COLLECTED IN A CIVIL ACTION BROUGHT BY THE DEPARTMENT.

(2) EACH DAY A VIOLATION OCCURS OR CONTINUES IS A SEPARATE VIOLATION UNDER THIS SUBSECTION.

(3) (I) BEFORE BRINGING A CIVIL ACTION AGAINST A LOCAL GOVERNMENT UNDER THIS SUBSECTION, THE DEPARTMENT SHALL MEET AND CONSULT WITH THE LOCAL GOVERNMENT TO SEEK AN ALTERNATIVE RESOLUTION TO THE CONTESTED ISSUE.

(II) PRIOR CONSULTATION BY THE DEPARTMENT WITH THE LOCAL GOVERNMENT SHALL CONSTITUTE COMPLIANCE WITH THIS SUBSECTION.

(B) A person who violates ~~or causes an act which violates~~ a provision of this subtitle or a regulation adopted under this subtitle ~~or who violates or fails to comply with a permit or an order of the Department when due notice is given is guilty of a misdemeanor. Upon conviction the violator is subject to a fine not exceeding [\$500] \$10,000 per day for each day of the offense, [and not to exceed a total fine of \$25,000,] with costs imposed in the discretion of the court~~ IS SUBJECT TO THE PENALTIES PROVIDED IN § 9-343 OF THIS ARTICLE.

(C) ALL FUNDS COLLECTED BY THE DEPARTMENT UNDER THIS SECTION, INCLUDING ANY CIVIL PENALTY OR ANY FINE IMPOSED BY A COURT UNDER THE PROVISIONS OF THIS SECTION, SHALL BE PAID INTO THE MARYLAND CLEAN WATER FUND.

5-515.

(A) AFTER OR CONCURRENTLY WITH THE SERVICE OF A COMPLAINT UNDER THIS SUBTITLE RELATING TO WATER APPROPRIATION AND USE, THE DEPARTMENT MAY: