

7-263.

(a) The Department may bring an action for an injunction against any person who violates any provision of this subtitle or any rule, regulation, order, hauler certificate, vehicle certificate, or facility permit issued by the Department under this subtitle.

(b) In any action for an injunction under this section, any finding of the Department after a hearing is prima facie evidence of each fact the Department determines.

(c) On a showing that any person is violating or is about to violate this subtitle or any rule, regulation, order, hauler certificate, vehicle certificate, or facility permit issued by the Department, the court shall grant an injunction without requiring a showing of a lack of an adequate remedy at law.

(d) If an emergency exists from imminent danger to the public health, to the public welfare, or to the environment, the Department may sue for an immediate injunction to stop the activity that is causing the danger.

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(D) (1) ANY PERSON WHO KNOWINGLY TRANSPORTS, TREATS, STORES, EXPORTS, OR OTHERWISE DISPOSES OF A CONTROLLED HAZARDOUS SUBSTANCE IN A MANNER THAT WOULD CONSTITUTE A VIOLATION UNDER SUBSECTION (A) OF THIS SECTION AND WHO KNOWS AT THAT TIME THE VIOLATION PLACES ANOTHER PERSON IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250,000 OR IMPRISONMENT NOT EXCEEDING 15 YEARS OR BOTH.

(2) FOR THE PURPOSES OF THIS SUBSECTION, IN DETERMINING WHETHER A PERSON'S STATE OF MIND IS KNOWING AND WHETHER A PERSON KNEW THAT THE VIOLATION OR CONDUCT PLACED ANOTHER PERSON IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY, THE CRITERIA PROVIDED UNDER SECTION 3008(F) OF THE RESOURCE CONSERVATION AND RECOVERY ACT (42 USC SECTION 6928(F)) SHALL APPLY.

7-266.

(a) In addition to being subject to an injunctive action under this subtitle, a person who violates any provision of this subtitle or of any rule, regulation, order, hauler certificate, vehicle certificate, or facility permit adopted or issued under this subtitle is liable to a civil penalty not exceeding [\$10,000] \$25,000, to be collected in a civil action. Each day a violation occurs is a separate violation under this subsection.

(b) (1) In addition to any other remedies available at law or in equity and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of this subtitle or any rule, regulation, order, hauler certificate, vehicle certificate, driver certificate, or facility permit adopted or issued under this subtitle.