

(5) THE TOTAL PENALTIES IMPOSED ON A PERSON FOR VIOLATIONS UNDER THIS SUBTITLE THAT RESULT FROM THE SAME SET OF FACTS AND CIRCUMSTANCES MAY NOT EXCEED \$25,000.

[(c)](B) The penalty imposed on a person under this section shall be assessed with consideration given to:

(1) The willfulness of the violation, the extent to which the existence of the violation was known to the violator but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

(2) Any actual harm to human health or to the environment including injury to or impairment of the use of the waters of this State or the natural resources of this State;

(3) The cost of control;

(4) The nature and degree of injury to or interference with general welfare, health, and property;

(5) The extent to which the location of the violation, including location near areas of human population, creates the potential for harm to the environment or to human health or safety; and

(6) 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.

[(d)](C) Penalties collected by the Secretary under this section shall be paid into the General Fund of the State.

[(e)](D) The Secretary shall establish such rules and regulations as are necessary to carry out the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1992.

Approved May 5, 1992.

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CHAPTER 121

(House Bill 193)

AN ACT concerning

**Radiation – Decommissioning of Radioactive Facilities – Financial Plans**

FOR the purpose of requiring the Department of the Environment to adopt regulations that will establish decommissioning funding plans at certain facilities that possess or use radioactive material in Maryland; specifying certain contents of the regulations; and generally relating to the regulation of radiation sources.