

DEPARTMENT OF AGRICULTURE ~~MAY IMPOSE A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS SECTION OR ANY RULE, REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER THIS SECTION.~~

(2) THE PENALTY IMPOSED ON A PERSON UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE:

(I) ~~UP TO \$250~~ \$100 FOR EACH VIOLATION, BUT NOT EXCEEDING ~~\$5,000~~ \$2,500 ~~TOTAL~~ \$2,000 PER FARMER OR OPERATOR PER YEAR; AND

(II) ASSESSED WITH CONSIDERATION GIVEN TO:

1. THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO BUT UNCORRECTED BY THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED REASONABLE CARE;

2. ANY ACTUAL HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH, ~~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 CLEANUP AND THE COST OF RESTORATION OF NATURAL RESOURCES;~~

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 WATERS OF THIS STATE OR AREAS OF HUMAN POPULATION, CREATES THE POTENTIAL FOR HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY;~~

6. 3. THE AVAILABLE TECHNOLOGY AND ECONOMIC REASONABLENESS OF CONTROLLING, REDUCING, OR ELIMINATING THE VIOLATION; AND

7. ~~THE DEGREE OF HAZARD POSED BY THE PARTICULAR POLLUTANT OR POLLUTANTS INVOLVED; AND~~

8. 4. 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.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION UNDER THIS SUBSECTION.

(II) DAILY PENALTIES DO NOT CONTINUE TO ACCRUE AS LONG AS THE FARMER TAKES REASONABLE STEPS TO CORRECT THE VIOLATION.

(4) ANY PENALTY IMPOSED UNDER THIS SUBSECTION IS PAYABLE TO ~~THIS STATE AND COLLECTIBLE IN ANY MANNER PROVIDED AT LAW FOR THE~~