

~~(3) THE PENALTY IMPOSED ON A PERSON UNDER THIS SUBSECTION SHALL BE:~~

~~(i) UP TO \$1,000 FOR EACH VIOLATION, BUT NOT EXCEEDING \$50,000 TOTAL; 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;~~

~~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 CREATES THE POTENTIAL FOR HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY;~~

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

~~7. 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.~~

~~(4) A PENALTY IMPOSED UNDER THIS SUBSECTION IS PAYABLE TO THIS STATE AND COLLECTIBLE IN ANY MANNER PROVIDED FOR THE COLLECTION OF DEBTS.~~

~~(5) IF A PERSON WHO IS LIABLE TO PAY A PENALTY IMPOSED UNDER THIS SECTION FAILS TO PAY IT AFTER DEMAND, THE AMOUNT, TOGETHER WITH INTEREST AND ANY COSTS THAT MAY ACCRUE, SHALL BE:~~

~~(i) A LIEN IN FAVOR OF THIS STATE ON ANY PROPERTY OF THE PERSON; AND~~

~~(ii) RECORDED IN THE OFFICE OF THE CLERK OF THE COURT FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED.~~

~~(E) (B) (1) THE ATTORNEY GENERAL SHALL REPRESENT THE STATE IN EVERY CASE ARISING UNDER § 9-228 OF THIS SUBTITLE.~~

~~(2) THIS SUBSECTION MAY NOT LIMIT OR AFFECT THE POWER OF THE STATE'S ATTORNEY FOR A COUNTY UNDER ARTICLE 10, § 34 OF THE CODE.~~