

IMPOSED UPON THEM UNDER AN ENVIRONMENTAL STATUTE, ORDINANCE, RULE, REGULATION, OR ORDER, OR FOR THEIR FAILURE TO ENFORCE AN APPLICABLE ENVIRONMENTAL QUALITY STANDARD FOR THE PROTECTION OF THE AIR, WATER, OR OTHER NATURAL RESOURCES OF THE STATE, AS EXPRESSED IN A STATUTE, ORDINANCE, RULE, REGULATION, OR ORDER OF THE STATE, OR ANY POLITICAL SUBDIVISION UPON THE REQUEST OF THE DEFENDANT, THE COURT IN ITS DISCRETION MAY JOIN AS A PARTY DEFENDANT ANY PERSON AGAINST WHOM THE PLAINTIFF IS REQUESTING THAT GOVERNMENTAL ACTION BE TAKEN FOLLOWING NOTICE TO THAT PERSON AND IF THE COURT DETERMINES THAT THE JOINDER WOULD SERVE THE INTERESTS OF JUSTICE.

1-504. LIMITATIONS ON RIGHT OF ACTION; DEFENSES.

(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE OR AUTHORIZE ANY NEW SUBSTANTIVE CAUSE OF ACTION OR THEORY OF RECOVERY NOT NOW RECCGNIZED BY THE COURTS OF THIS STATE, NOR MAY IT BE CONSTRUED AS ABROGATING ANY CAUSE OF ACTION OR THEORY OF RECOVERY NOW RECOGNIZED BY THE COURTS OF THIS STATE BUT IS FOR THE SCIE PURPOSE OF PROVIDING STANDING TO SUE TO THE PERSONS SET FORTH IN 1-503, SUBJECT TO THE PROVISIONS AND IIMITATIONS SET FORTH IN THIS SUBTITLE.

(E) EXCEPT AS PRCVIDED IN SECTION 1-503(C) NOTHING IN THIS SUBTITLE CONSTITUTES A WAIVER BY THE STATE OR ANY AGENCY OF THE DEFENSE OF SOVEREIGN IMMUNITY, AND THIS DEFENSE IS EXPRESSLY RESERVED.

(C) THIS SUBTITLE DOES NOT AUTHORIZE AN ACTION FOR MCNETARY DAMAGES. THE REMEDIES AVAILABLE TO ANY PLAINTIFF WHO ACQUIRES STANDING TO SUE SOLELY BY VIRTUE OF THIS SUBTITLE ARE LIMITED TO MANDAMUS OR EQUITABLE RELIEF, INCLUDING DECLARATORY RELIEF AS TO WHETHER A PERMIT OR ORDER HAS BEEN UNLAWFULLY ISSUED OR IS BEING VIOLATED, AND A JUDGMENT OR DECREE FOR MONETARY DAMAGES MAY NOT BE AWARDED. HOWEVER, A JUDGMENT FOR MONETARY DAMAGES MAY BE AWARDED IN ANY ACTION WHERE A JUDGMENT IS APPROPRIATE TO A PLAINTIFF WHO HAS STANDING TO SUE OTHER THAN BY VIRTUE OF THIS SUBTITLE.

(D) THIS SUBTITLE DOES NOT ABROGATE THE EXISTING REQUIREMENT AND PRINCIPLES OF EXHAUSTION OF ADMINISTRATIVE REMEDIES, AND THIS SUBTITLE DOES NOT BROADEN, EXCEPT AS SPECIFICALLY SET FORTH, THE RIGHTS OF INTERVENTION OF PERSONS IN ADMINISTRATIVE HEARINGS AND IN APPEALS FROM THE HEARINGS.

(E) THIS SUBTITLE IS NOT TO BE CONSTRUED IN ANY WAY TO ALTER THE PRESENT PROVISIONS OF LAW RELATING TO STANDING IN ANY MATTER AFFECTING LOCAL ZONING.

~~(F)~~ (F) (1) EXCEPT AS PROVIDED IN THIS SUBTITLE, RELIEF MAY NOT BE GRANTED IN ANY ACTION FILED PURSUANT TO THIS SUBTITLE WITH RESPECT TO ANY DEFENDANT WHO SHOWS THAT THE CONDITION, ACTIVITY, OR FAILURE COMPLAINED OF IS PURSUANT TO AND IN COMPLIANCE WITH (I) A LAWFUL, CURRENT PERMIT OR ORDER OF AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION