

AUTHORIZED TO ISSUE THE PERMIT OR ORDER; (II) AN ORDER OR OTHER ADJUDICATION OF A COURT OF COMPETENT JURISDICTION IN A PROCEEDING IN WHICH ALL OF THE MATERIAL ISSUES INVOLVED IN THE ACTION WERE RAISED AND DETERMINED, WHETHER OR NOT THE PARTIES TO THE PRIOR LITIGATION WERE IDENTICAL TO THE PARTIES IN THE PENDING ACTION; OR (III) A LAWFUL CURRENT PERMIT OR ORDER OF AN AGENCY OF THE UNITED STATES GOVERNMENT AUTHORIZED TO ISSUE THE PERMIT OR ORDER.

(2) IF THE COURT FINDS, UPON CLEAR AND CONVINCING EVIDENCE AT ANY STAGE OF THE PROCEEDING, THAT THE CONDITION, ACTIVITY, OR FAILURE COMPLAINED OF EXISTS AND EITHER PRESENTS AN IMMINENT DANGER TO THE HEALTH, WELFARE, OR SAFETY OF THE PEOPLE OF THE STATE, OR RESULTS IN OR IS LIKELY TO RESULT IN IRREVERSIBLE OR IRREPARABLE DAMAGE TO THE AIR, WATER, OR OTHER NATURAL RESOURCES OF THE STATE, THE COURT MAY REMAND THE MATTER TO THE AGENCY WITH INSTRUCTIONS TO CONSIDER AND MAKE FACTUAL DETERMINATIONS WITH RESPECT TO THE MATERIAL ISSUES, AS DETERMINED BY THE COURT, WITHIN A TIME CONSIDERED REASONABLE BY THE COURT. A FINDING MAY NOT BE MADE UNTIL THE DEFENDANT HAS BEEN PROVIDED AN OPPORTUNITY BY THE COURT TO PRESENT EVIDENCE REBUTTING THE PLAINTIFF'S EVIDENCE.

1-505. VENUE, PLEADINGS, AND PROCEDURE.

(A) AN ACTION PURSUANT TO THIS SUBTITLE SHALL BE BROUGHT IN THE CIRCUIT COURT WHERE THE ALLEGED CONDITION, ACTIVITY, OR FAILURE COMPLAINED OF IS OCCURRING, HAS OCCURRED, OR IS LIKELY TO OCCUR.

(B) IF THE PLAINTIFF IS A PERSON OTHER THAN THE STATE, AN ACTION DOES NOT LIE UNDER THIS SUBTITLE UNLESS THE PLAINTIFF, AT LEAST 30 DAYS PRIOR TO THE COMMENCEMENT OF THE ACTION, HAS DELIVERED A SUFFICIENT WRITTEN NOTICE OF THE ALLEGED CONDITION, ACTIVITY, OR FAILURE TO THE AGENCY OF THE STATE OR ITS POLITICAL SUBDIVISION RESPONSIBLE FOR INITIATING OR INSTITUTING SOME OFFICIAL ACTION AS A RESULT OF THE ALLEGED CONDITION, ACTIVITY, OR FAILURE. A COPY OF THE NOTICE SHALL BE SIMULTANEOUSLY DELIVERED TO THE ATTORNEY GENERAL.

(C) IN ADDITION TO THE COPIES WHICH ARE TO BE SERVED UPON ANY PERSON NAMED AS A DEFENDANT, A COPY OF THE SUMMONS AND BILL OF COMPLAINT AND OF ANY SUPPORTING PAPERS AND EXHIBITS ATTACHED TO IT, INCLUDING IN ALL CASES A CERTIFICATE FROM THE PLAINTIFF UNDER SUBSECTION (B) OF THE DATE OF THE MAILINGS, A COPY OF THE MAILED WRITTEN NOTICE AND THE SIGNED CERTIFIED MAIL RECEIPTS RETURNED BY THE ADDRESSEES, MUST BE SERVED UPON THE ATTORNEY GENERAL, FOR PURPOSES OF NOTICE AND ALSO TO GIVE HIM AN OPPORTUNITY TO INTERVENE. IT IS DISCRETIONARY WITH THE ATTORNEY GENERAL AND WITH EACH INTERESTED STATE AGENCY OR OFFICIAL REPRESENTED BY HIM WHETHER TO APPEAR IN THE ACTION BUT, UPON APPLICATION, AT ANY TIME DURING THE PENDENCY OF THE ACTION THE ATTORNEY GENERAL SHALL BE PERMITTED TO INTERVENE.

1-506. STAY OF PROCEEDINGS.