

21-403. INJUNCTIVE RELIEF.

(A) IN GENERAL.

AT THE REQUEST OF THE BOARD OR THE DEPARTMENT, THE ATTORNEY GENERAL SHALL BRING AN ACTION FOR AN INJUNCTION AGAINST ANY PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE, ~~ANY--RULE--OR--REGULATION--ADOPTED--UNDER--THIS--TITLE~~, OR ANY ORDER OR PERMIT ISSUED BY THE BOARD OR THE DEPARTMENT UNDER THIS TITLE.

(B) BOARD FINDINGS.

IN ANY ACTION FOR AN INJUNCTION UNDER THIS SECTION, ANY FINDING OF THE BOARD AFTER A HEARING IS PRIMA FACIE EVIDENCE OF EACH FACT THE BOARD DETERMINES.

(C) GROUNDS FOR INJUNCTION.

ON A SHOWING THAT ANY PERSON IS VIOLATING OR IS ABOUT TO VIOLATE ANY ORDER OR PERMIT ISSUED BY THE BOARD OR THE DEPARTMENT, A COURT SHALL GRANT AN INJUNCTION WITHOUT REQUIRING A SHOWING OF A LACK OF AN ADEQUATE REMEDY AT LAW.

(D) EMERGENCY.

IF AN EMERGENCY EXISTS THAT CREATES IMMINENT DANGER TO THE PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, THE ATTORNEY GENERAL AT THE REQUEST OF THE BOARD OR THE DEPARTMENT MAY INSTITUTE A CIVIL ACTION FOR AN IMMEDIATE INJUNCTION TO STOP ANY POLLUTION OR OTHER ACTIVITY THAT IS CAUSING THE DANGER.

REVISOR'S NOTE: This section is new language patterned after the provisions of NR § 8-1415 that apply to this title.

The term "Board" is added to the references to the Department, since the Board is the appropriate unit of the Department that may take action under this section.

In subsection (a) of this section, the phrase "any rule or regulation adopted under this title" is added to conform to the scope of § 21-505 of this title.

21-404. ATTORNEY GENERAL RESPONSIBLE FOR CASES.

THE ATTORNEY GENERAL SHALL REPRESENT THIS STATE IN EACH CASE THAT ARISES UNDER THIS TITLE, INCLUDING THE RECOVERY OF PENALTIES.

REVISOR'S NOTE: This section is new language patterned after NR § 8-1502.