

(D) EMERGENCY.

IF AN EMERGENCY ARISES FROM IMMINENT DANGER TO THE PUBLIC HEALTH, TO THE PUBLIC WELFARE, OR TO THE ENVIRONMENT, THE DEPARTMENT MAY SUE 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 subtitle.

9-340. JUDICIAL REVIEW.

(A) IN GENERAL.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE DEPARTMENT IN CONNECTION WITH AN ORDER OR PERMIT ISSUED UNDER THIS SUBTITLE MAY NOT APPEAL TO THE BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

(B) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

REVISOR'S NOTE: This section is new language patterned after NR § 8-1412(b).

9-341. ACTIONS RELATING TO PUBLICLY OWNED TREATMENT WORKS.

(A) BANNING INTRODUCTION OF POLLUTANT.

IF ANY CONDITION OF A PERMIT FOR DISCHARGES FROM A PUBLICLY OWNED TREATMENT WORKS IS VIOLATED, THE DEPARTMENT, BY CORRECTIVE ORDER OR BY REQUEST FOR INJUNCTIVE ACTION UNDER THIS SUBTITLE, MAY RESTRICT OR PROHIBIT THE INTRODUCTION OF ANY POLLUTANT INTO THE TREATMENT WORKS BY ANY SOURCE THAT DID NOT USE THE TREATMENT WORKS BEFORE THE TIME OF THE FINDING THAT THE CONDITION WAS VIOLATED.

(B) ENFORCING SYSTEM OF USER CHARGES AGAINST INDUSTRIAL USER.

IF THE DEPARTMENT FINDS THAT AN INDUSTRIAL USER IS NOT IN COMPLIANCE WITH A SYSTEM OF USER CHARGES REQUIRED UNDER STATE LAW OR FEDERAL LAW, OR WITH A CONDITION OF A PERMIT ISSUED BY THE DEPARTMENT TO THE PUBLICLY OWNED TREATMENT WORKS INTO WHICH THE INDUSTRIAL USER IS INTRODUCING POLLUTANTS, THE DEPARTMENT MAY ENFORCE OR APPLY THE SYSTEM OF USER CHARGES DIRECTLY AGAINST THE INDUSTRIAL USER BY CORRECTIVE ORDER OR BY REQUESTING INJUNCTIVE ACTION UNDER THIS SUBTITLE.