

5285-S

Sponsor(s): Senate Committee on Judiciary (originally sponsored by Senators Hargrove, McCaslin, Johnson and Haugen)

Brief Title: Permitting certain nuisance actions based on air emission or water or solid waste discharge.

**SB 5285-S - DIGEST**

(AS OF SENATE 2ND READING 3/16/99)

Provides that a person may maintain an action under chapter 7.48 RCW based upon air emission or water or solid waste discharge or release, other than the placement of nuclear waste, only where:  
(1) The emission or discharge was not authorized by a term or condition of:

(a) a statute or regulation;

(b) a license, permit, or order that is issued after the opportunity for public comment by a local, state, or federal government and subject to continuing compliance assurance procedures, review by the issuing authority, and amendment or renewal; or

(c) a court order or judgment; and

(2) A violation of the term or condition proximately caused or causes the injury or damage claimed.