

RCW 90.48.142 Violations—Liability in damages for injury or death of fish, animals, vegetation—Action to recover. (1) Any person who:

- (a) (i) Violates any of the provisions of this chapter or chapter 90.56 RCW;
- (ii) Fails to perform any duty imposed by this chapter or chapter 90.56 RCW;
- (iii) Violates an order or other determination of the department or the director made pursuant to the provisions of this chapter or chapter 90.56 RCW;
- (iv) Violates the conditions of a waste discharge permit issued pursuant to RCW 90.48.160; or
- (v) Otherwise causes a reduction in the quality of the state's waters below the standards set by the department or, if no standards have been set, causes significant degradation of water quality, thereby damaging the same; and

(b) Causes the death of, or injury to, fish, animals, vegetation, or other resources of the state; shall be liable to pay the state and affected counties and cities damages in an amount determined pursuant to RCW 90.48.367.

(2) No action shall be authorized under this section against any person operating in compliance with the conditions of a waste discharge permit issued pursuant to RCW 90.48.160. [1991 c 200 § 810; 1989 c 262 § 2; 1988 c 36 § 69; 1987 c 109 § 132; 1985 c 316 § 6; 1970 ex.s. c 88 § 12; 1967 ex.s. c 139 § 13.]

Effective dates—1991 c 200: See RCW 90.56.901.

Findings—1989 c 262: "The legislature finds that there is confusion regarding the measure of damages authorized under RCW 90.48.142. The intent of this act is to clarify existing law on the measure of damages authorized under RCW 90.48.142, not to change the law." [1989 c 262 § 1.]

Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109: See notes following RCW 43.21B.001.

Severability—1967 ex.s. c 139: See RCW 82.34.900.