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**SUBSTITUTE SENATE BILL 6232**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** Senate Committee on Environment & Natural Resources (originally sponsored by Senators Rasmussen and Wojahn)

Read first time 02/06/92.

1       AN ACT Relating to the liability of municipal corporations in  
2 ownership and operation of solid waste facilities; amending RCW  
3 70.95D.090; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 70.95D.090 and 1989 c 431 s 73 are each amended to  
6 read as follows:

7       After January 1, 1992, it is unlawful for any person, firm,  
8 corporation, municipal corporation, or other governmental subdivision  
9 or agency to operate a solid waste incineration or landfill facility  
10 unless the operators are duly certified by the director under this  
11 chapter or any lawful rule or order of the department. It is unlawful  
12 for any person to perform the duties of an operator without being duly  
13 certified under this chapter. The department shall adopt rules that  
14 allow the owner or operator of a landfill or solid waste incineration

1 facility to request a variance from this requirement under emergency  
2 conditions. The department may impose such conditions as may be  
3 necessary to protect human health and the environment during the term  
4 of the variance. No municipal corporation, or other governmental  
5 subdivision or agency, shall, as an owner or operator, or as a user, of  
6 a solid waste incineration or landfill facility, be liable to a person  
7 on the basis of strict liability under the common law if the facility  
8 is in substantial compliance with the department's minimal functional  
9 standards, or with a judicial consent decree to which the department is  
10 a party.

11 NEW SECTION. **Sec. 2.** This act applies prospectively only and  
12 not retroactively. It applies only to causes of action that are  
13 commenced on or after the effective date of this act.