

---

**SUBSTITUTE SENATE BILL 5285**

---

**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Hargrove, McCaslin, Johnson and Haugen)

Read first time 02/15/1999.

1 AN ACT Relating to nuisances; and adding a new section to chapter  
2 7.48 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 7.48 RCW  
5 to read as follows:

6 A person may maintain an action under this chapter based upon air  
7 emission, water discharge, or solid waste discharge or release, other  
8 than the placement of nuclear waste, only where:

9 (1) The emission, discharge, or release was not authorized by a  
10 term or condition of:

11 (a) A statute or regulation;

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

16 (c) A court order or judgment; and

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

--- **END** ---