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SENATE BILL 5285

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State of Washington                      56th Legislature                      1999 Regular Session

By Senators Hargrove, McCaslin, Johnson and Haugen

Read first time 01/19/1999. Referred to Committee on Judiciary.

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 or water or solid waste discharge or release, other than the  
8 placement of nuclear waste, only where:

9            (1) The emission or discharge was not authorized by a term or  
10 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.

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