

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 490
96TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, March 8, 2012, with recommendation that the Senate Committee Substitute do pass.

4458S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil actions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.291, to read as follows:

537.291. 1. A person shall not maintain an action to enjoin, abate, or recover damages for a private nuisance based upon an air emission or water or solid waste discharge, other than the placement of nuclear waste, where the emission or discharge was expressly authorized by and is not in violation of a term or condition of:

- (1) A statute or regulation;**
- (2) A license, permit, or order that is issued after public hearing by a municipal, county, state, or federal government and subject to continuing compliance monitoring, periodic review by the issuing agency, and renewal on a periodic basis; or**
- (3) A court order or judgment.**

2. The provisions of subsection 1 of this section shall not apply if the permit or order creates a condition not reasonably foreseeable at the time of issuance or if the permit holder purposefully fails to disclose facts or conditions that are relevant in the issuance of the permit or order.

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