

**Chap. 872.** AN ACT PROVIDING TENURE OF OFFICE UNTIL AGE SEVENTY FOR JOHN J. SHEEHAN, INCUMBENT OF THE OFFICE OF AUDITOR OF THE TOWN OF WATERTOWN.

*Be it enacted, etc., as follows:*

SECTION 1. The tenure of office of John J. Sheehan, incumbent of the office of auditor of the town of Watertown, shall, on the effective date of this act, be unlimited until he reaches age seventy, but he may be removed therefrom for cause after hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Watertown at the annual town meeting to be held in the year nineteen hundred and sixty-eight in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and sixty-seven, entitled 'An Act providing tenure of office until age seventy for John J. Sheehan, incumbent of the office of auditor of the town of Watertown', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

*Approved January 4, 1968.*

**Chap. 873.** AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAW RELATIVE TO WATER POLLUTION CONTROL.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for making certain corrective changes in the law relative to water pollution control and to insure the availability of adequate funds for the elimination of water pollution, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

*Be it enacted, etc., as follows:*

SECTION 1. The first paragraph of section 26 of chapter 21 of the General Laws, as appearing in section 1 of chapter 685 of the acts of 1966, is hereby amended by striking out the last sentence.

SECTION 2. Section 27 of said chapter 21, as so appearing, is hereby amended by adding the following two clauses: —

(8) Adopt, amend, or repeal after hearing from time to time, with the approval of the water resources commission, rules and regulations which it deems necessary for the proper administration of the laws relative to water pollution control and to the protection of the quality and value of water resources. Such rules and regulations as shall relate to the public health shall not be adopted without the written approval of the commissioner of public health.

(9) Require submissions for approval of reports and plans of abatement facilities or any part thereof, and inspect the construction thereof for compliance with the approved plans.

SECTION 3. Section 28 of said chapter 21, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection: —

(a) The division is hereby authorized, with the approval of the water resources commission, to propose water pollution abatement districts

consisting of more than one city or town, or designated parts of towns, for the purposes set forth in section thirty. The district so proposed shall be deemed to be established after approval by the cities and towns, or designated parts of towns, proposed for inclusion in the district in accordance with the provisions of subsection (b).

SECTION 4. Section 30 of said chapter 21, as so appearing, is hereby amended by striking out, in line 12, the words "nine and ten" and inserting in place thereof the words: — thirty-five and thirty-six.

SECTION 5. Said chapter 21 is hereby further amended by inserting after section 30 the following section: —

*Section 30A.* The division may, subject to the approval of the water resources commission, authorize a city, town, special district, the metropolitan district commission, or other existing governmental unit authorized to construct, own, operate, extend or improve abatement facilities, as defined in section thirty, to apply for and accept and receive financial assistance from the commonwealth under sections thirty-one and thirty-three, for a project or projects designated, in the same manner, to the same extent, and subject to the same conditions as if such city, town, special district, the metropolitan district commission, or other existing governmental unit were a water pollution abatement district established in accordance with the provisions of section twenty-eight and administered in accordance with section twenty-nine; and as applied to such city, town, special district, the metropolitan district commission, or other governmental unit the phrase "district commission" as used in succeeding sections shall refer to the governing body of said city, town, special district, the metropolitan district commission or other existing governmental unit. The provisions of subsections (b) and (c) of section twenty-eight, section twenty-nine, the first sentence of section thirty, paragraphs one to five, inclusive, of section thirty-five and paragraph one of section thirty-six shall not apply to such city, town, metropolitan district commission, special district or other existing governmental unit.

Nothing in this section shall be construed to prevent the division from conditioning the grant of financial assistance under sections thirty-one and thirty-three upon the establishment of a district and a grant may be so conditioned by the division even though the division has previously given an authorization to the same applicant pursuant to this section.

SECTION 6. Section 32 of said chapter 21, as so appearing, is hereby amended by striking out, in line 15, the word "thirty-seven" and inserting in place thereof the word: — thirty-six.

SECTION 7. Said chapter 21 is hereby further amended by striking out section 33, as so appearing, and inserting in place thereof the following section: —

*Section 33.* After a plan has been approved by the division, the division shall, in accordance with criteria used by the division in determining the priority of projects for federal financial assistance, authorize and direct the district to apply for a grant or grants by the United States government applicable to the capital outlay costs of facilities included in the project or projects contained in the district's approved plan. If a grant anticipated from the United States government is conditioned on a matching grant by the commonwealth, the commonwealth, in authorizing the district's application, may undertake to provide a grant to the extent of funds available or to be made avail-

able therefor as hereinafter provided of whatever per cent of the capital outlay costs is required to satisfy the condition that the anticipated federal grant be matched. Irrespective of any such condition, to the extent that a grant anticipated from the United States government in response to such application is less than sixty per cent of the capital outlay costs of the facility, or if there is no grant anticipated, the division may grant the district an amount which shall insure the district that its share of the said costs shall in no event exceed forty per cent. The division may make a grant equal to thirty per cent of the construction costs to districts which have received a federal grant prior to September sixth, nineteen hundred and sixty-six, and the construction of which was started after this date.

If sufficient federal funds are not immediately available under the Federal Water Pollution Control Act or otherwise for a federal grant to a district, the director of the division may advance to the district, in addition to the state grant, a sum of money not to exceed the amount of the anticipated federal grant; provided, that the federal payments made in reimbursement of funds so advanced and used in such project shall be paid back to the commonwealth; and, provided further, that said payments shall be credited to the account from which said sums of money had been advanced and may be used for the purposes of this section without further appropriation.

Prior to so advancing the federal share, the director of the division of water pollution shall obtain a statement of eligibility and approval from the proper federal authorities of the project or projects and shall require the district to agree to do all that is necessary to make the project approvable and eligible for the federal grant.

The district shall assign the anticipated federal reimbursement for such project or projects to the commonwealth.

If federal funds for contract plans and specifications for the construction of a pollution abatement facility are not available to a district at the time of its scheduled planning, the division may advance to the district a sum up to seven per cent of the estimated construction cost. The funds advanced to the district shall be considered a part of the total amount of the state grant provided above.

In determining the amount of financial assistance to be granted a district by the division, the costs of construction, acquisition, extension or improvement of the facility shall be the actual costs thereof as determined by the division, or the estimated reasonable costs thereof as determined by the division, whichever is lower.

Payments of financial assistance by the commonwealth to the district, including advancement of the anticipated federal grant, shall be made in accordance with a payment schedule approved by the commissioner of administration. The division may require any information from the district commission necessary to ensure that the said commission is acting in compliance with the plan, and may withdraw its approval of the project if such information is not supplied or if said plan is not being followed by said commission. In such case the division shall notify the commissioner of administration, and payments shall cease forthwith, and shall not be resumed until the division again certifies its approval.

SECTION 8. Section 37 of said chapter 21, as so appearing, is hereby amended by striking out, in line 2, the words "has constructed" and

inserting in place thereof the words: — prior to the sixth day of September, nineteen hundred and sixty-six had constructed or had under construction.

SECTION 9. Said chapter 21 is hereby further amended by striking out section 38, as so appearing, and inserting in place thereof the following section: —

*Section 38.* The director shall provide for conduct of research and demonstration projects relating to water pollution control, including but not limited to new and improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage, stormwater, or industrial or other waste, and to so provide may contract with, for special studies, individuals, partnerships, corporations, state agencies, private and public institutions.

The director may enter into agreements with the federal government and the New England Interstate Water Pollution Control Commission for the planning, acquisition and construction of the necessary facilities for such research and demonstration projects and he may contribute to the cost thereof and receive and expend federal or other funds for this purpose in addition to the sums otherwise available for such purposes. The director shall provide for in-service training programs in methods of water pollution control, in accordance with the provisions of section twenty-eight A of chapter seven. He shall also conduct or support programs for the training of waste treatment plant operators.

SECTION 10. Said chapter 21 is hereby further amended by striking out section 39, as so appearing, and inserting in place thereof the following section: —

*Section 39.* The water resources commission may, from the proceeds of bond issues authorized for water pollution control, construct or expand reservoirs at locations throughout the commonwealth for the purpose of providing low flow augmentations in time of drought and in such other times as rivers and streams may require additional water flow to carry off treated effluents discharged into said rivers and streams. The commission, in behalf of the commonwealth, may take by eminent domain under chapter seventy-nine or acquire by purchase, gift, or otherwise any land, water rights, or other easements, public or private, necessary for accomplishing the purpose of this section; provided that no taking may be made of water which is used for municipal, agriculture or industrial water supply purposes. The commission may enter into agreements with any federal agency to accept any federal grants that may be available for the aforesaid purpose. Such a reservoir shall not be used for public water supply purposes unless its location, design, and operation, and any subsequent treatment or purification shall be approved by the department of public health.

SECTION 11. Section 42 of said chapter 21, as so appearing, is hereby amended by adding the following sentence: — For the purposes of this section and sections forty-three to forty-six, inclusive, the words “whoever” and “person” shall include political subdivisions of the commonwealth and public corporations.

SECTION 12. Section 47 of said chapter 21, as so appearing, is hereby amended by adding the following sentence: — The supreme judicial court and the superior court shall have jurisdiction in equity to enforce any such order or determination.

SECTION 13. Chapter 687 of the acts of 1966 is hereby amended by striking out section 1 and inserting in place thereof the following section: —

*Section 1.* The division of water pollution control in the department of natural resources is hereby authorized and directed to expend a sum not to exceed one hundred and fifty million dollars for the purposes of carrying out the provisions of sections thirty-one, thirty-three, thirty-eight and thirty-nine of chapter twenty-one of the General Laws; provided, however, that said division may expend for the purposes of said section thirty-eight a sum not to exceed ten million dollars but in no event more than one million dollars in any one fiscal year; and provided, further, that said division, subject to the approval of the water resources commission, may expend for the purposes of section thirty-nine a sum not to exceed two million dollars.

SECTION 14. Section two of said chapter six hundred and eighty-seven is hereby repealed.

SECTION 15. Said chapter 687 is hereby amended by striking out section 4 and inserting in place thereof the following section: —

*Section 4.* To meet a portion of the expenditures necessary in carrying out the provisions of section one of this act, or to refinance notes issued as provided in section three of this act, the state treasurer shall, upon request of the director of the division of water pollution control and with the approval of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the division from time to time but not later than June thirtieth, nineteen hundred and seventy-nine; provided that in no event shall the amount of bonds authorized under this section exceed, in the aggregate, the sum of one hundred and fifty million dollars; and provided, further, that the amount of bonds which may be issued and sold hereunder in the fiscal year commencing July first, nineteen hundred and sixty-seven shall not exceed fifteen million dollars, and the total amount of bonds which may be issued and sold in each fiscal year thereafter shall not exceed fifteen million dollars plus the difference between the total amount of bonds authorized hereunder for prior fiscal years and the total amount of such bonds which were issued and sold in said prior years. All bonds so issued shall bear on their face the words, Water Pollution Control Loan, Act of 1966. Said bonds shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof, and the entire issue not later than June thirtieth, two thousand.

SECTION 16. Sections thirteen and fifteen of this act shall take effect as of the effective date of chapter six hundred and eighty-seven of the acts of nineteen hundred and sixty-six. *Approved January 5, 1968.*