

ment or modify the same by the imposition or amendment of conditions.

A facility shall not be constructed or operated unless the proposed use and the plans or design therefor have been approved by the department.

Every person, including every political subdivision of the commonwealth, maintaining or operating a facility, shall maintain and operate the same in such manner as will protect the public health, comfort and convenience and prevent a nuisance or a danger to the public health by reason of odor, dust, fires, smoke, the breeding or harboring of rodents, flies or vermin, or other causes. Upon determination that the operation or maintenance of a facility results in a nuisance or a danger to the public health, such assignment may be rescinded or suspended or may be modified through the imposition or amendment of conditions, at any time after due notice and public hearing, by the board of health of the city or town where such facility is located, upon its own initiative or upon complaint by any person aggrieved by such assignment, or by the department, upon its own initiative or upon complaint by any person aggrieved by such assignment.

The department shall adopt and may from time to time amend rules and regulations, and the commissioner may issue orders, to enforce the provisions of this section. Any person, including any political subdivision of the commonwealth, who fails to operate and maintain a facility in accordance with the provisions of this section or in accordance with any rules, regulations, or orders hereunder promulgated shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars. Each day's failure to comply with said provisions, rules, regulations or orders shall constitute a separate violation.

The superior court shall have jurisdiction in equity to enforce the provisions of this section upon petition of the department or any aggrieved person.

Approved August 28, 1970.

Chap. 840. AN ACT PROHIBITING THE REMOVAL OF CERTAIN DEVICES DESIGNED TO REDUCE THE EMISSION OF CONTAMINANTS FROM AUTOMOBILES.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 7N the following section:—

Section 7 O. No person shall remove or render inoperative, except temporarily for maintenance purposes, any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under the National Emission Standards Act (42 USC 1857f-1), unless such device or element is to be replaced by or modified by another device or element, approved by the registrar, the installation of which will result in a reduction of pollutant emission.

Approved August 28, 1970.