

# HOUSE . . . . No. 177

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By Mr. Diniz of New Bedford, petition of Jacinto F. Diniz for legislation to prohibit the pollution of the Acushnet River and Clark's Cove in New Bedford. Public Health.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Seven.

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### AN ACT PROHIBITING THE POLLUTION OF THE ACUSHNET RIVER AND CLARK'S COVE IN NEW BEDFORD.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 111 of the General Laws is hereby amended  
2 by inserting after section 175, as most recently  
3 amended by chapter 353 of the acts of 1941, the  
4 following section:—

5 *Section 175A.* The department is hereby author-  
6 ized and directed to prohibit the entrance or dis-  
7 7 charge of sewage into any part of the Acushnet river  
8 and Clark's Cove in New Bedford, or their tribu-  
9 9 taries, and to prevent the entrance or discharge therein  
10 of any other substance which may be injurious to  
11 public health or may tend to create a public nuisance  
12 including all waste or refuse from any factory or  
13 other establishment where persons are employed,  
14 unless the owner thereof shall use the best practicable

15 and reasonably available means to render such waste  
16 or refuse harmless.

17 The department shall consult and advise with the  
18 owner of any factory or other establishment or any  
19 municipality discharging any substance into said  
20 Acushnet river and Clark's Cove, or their tributaries  
21 at his or its request or of its own motion as to the  
22 best practicable and reasonably available means of  
23 rendering the waste or refuse therefrom harmless.

24 The supreme judicial court or any justice thereof,  
25 and the superior court or any justice thereof, shall  
26 have jurisdiction in equity to enforce the provisions  
27 of this act and any order made by the department of  
28 public health in conformity therewith. Proceedings  
29 to enforce any such order shall be instituted and  
30 prosecuted by the attorney-general upon the request  
31 of the department of public health.

32 Whoever permits the entrance or discharge into  
33 any part of the Acushnet river and Clark's Cove in  
34 New Bedford, or their tributaries, of sewage or of  
35 any other substance injurious to public health or  
36 tending to create a public nuisance shall be punished  
37 by a fine not exceeding five hundred dollars for each  
38 offence.