The committee on Bills in the Third Reading to which was referred the Senate Bill relative to control of air pollution in the city of Boston and vicinity (Senate, No. 682), reports recommending that the same be amended by substituting therefor a new draft with the same title (Senate, No. 703), and that, when so amended, the same will be correctly drawn.

For the committee,

FRANCIS X. McCANN.
AN ACT RELATIVE TO CONTROL OF AIR POLLUTION IN THE CITY OF BOSTON AND VICINITY.

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

1 Section 1. Chapter 111 of the General Laws is hereby amended by adding after section 142A the following two sections:

2 Section 142B. There is hereby established a metropolitan air pollution control district, to consist of the territory and waters comprised within the cities and towns of Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Dedham, Everett, Lynn, Malden, Medford, Melrose, Milton, Needham, Newton, Peabody, Quincy, Revere, Saugus, Somerville, Stoneham, Wakefield, Waltham, Watertown, Weymouth Winchester, Winthrop, and Woburn, and such other cities and towns as may, after application for admission to the said district, be admitted thereto by the department; provided, that said district shall at all times be composed of contiguous territory.

3 The department shall control the pollution of the atmosphere within said district. The department may from time to time, after a public hearing, prescribe and establish, amend or repeal, rules and regulations to prevent pollution or undue contamination of the atmosphere within said district.

4 Personnel of the department may in the performance of their duties under this section, enter and inspect any property, premise, or place, and may stop and detain for inspection any motor vehicle for the purpose of investigating either an actual or suspected source of air pollution or air contamination or of ascertaining compliance with any rule or regulation adopted hereunder. Any information relating to secret processes,
28. methods of manufacture, or production obtained in the course
29. of such inspection shall be kept confidential upon request.
30. This section shall not operate to abrogate any of the powers
31. and duties, as defined by general or special law, of any agency
32. or political subdivision of the commonwealth.
33. The department shall have power to order any person, cor-
34. poration, or political subdivision having control of an air con-
35. tamination source, other than an employee, to stop or abate
36. violation of any of the rules and regulations adopted pursuant
37. to this section or of any of the rules and regulations adopted
38. under provisions of section one hundred and forty-two A. Any
39. person, corporation, or political subdivision violating any order
40. of the department shall be punished by a fine of not less
41. than fifty nor more than one hundred dollars for the first
42. offence and not less than two hundred nor more than five
43. hundred dollars for each succeeding offence. For the pur-
44. pose of this paragraph each subsequent day or part thereof
45. of violation of such an order, whether such violation be con-
46. tinuous or intermittent, shall be construed as a separate and
47. succeeding offence. The superior court sitting in equity, on
48. petition of the department or any person authorized by the
49. department shall have jurisdiction to restrain violations of
50. any rules or regulations adopted pursuant to this section until
51. such rules and regulations have been complied with.
52. Nothing in this section or in any rule or regulation adopted
53. hereunder shall be construed as relieving, under any circum-
54. stances, any person, corporation, or political subdivision from
55. responsibility or liability for any damages which may occur
56. or for civil or criminal proceedings arising out of or as a result
57. of any action of said person, corporation, or political sub-
58. division, regardless of any action of the department, and per-
59. sons other than the department shall not acquire actionable
60. rights by virtue of such action.
61. The department shall maintain and operate such air sam-
62. pling stations and devices; make or perform such routine and
63. special examinations, inspections, observations, determina-
64. tions, laboratory analyses, and surveys; maintain such records;
65. and perform such other acts as it deems necessary to conduct
an adequate air pollution control program within the metropolitan air pollution control district.

The commonwealth shall be reimbursed, as hereinafter provided, for all such appropriations made by the general court and expended by the department. The state treasurer shall issue his warrant requiring the assessors of the cities and towns of the metropolitan air pollution control district to assess a tax in the amount of the sums expended, one half of which shall be in proportion to their assessed valuations and one half of which shall be in proportion to their respective populations; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise, and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. The assessed valuations of the several cities and towns shall be the last preceding valuations made for purposes of apportioning the state tax.

Section 142C. Other air pollution control districts similar to that established by section one hundred and forty-two B may be formed upon approval of the department. Each such district shall be composed of two or more political subdivisions of the commonwealth and of contiguous territory. Cities or towns wishing to form such a district shall make joint application to the department, requesting the department to approve such district and to effect the control of air pollution therein. The powers, duties, and rights of the department in the exercise of air pollution control in such districts and the manner in which funds shall be made available to it shall be as provided in section one hundred and forty-two B.

1 SECTION 2. Upon the effective date of this act the division of smoke inspection, as established by chapter three hundred and fifty-two of the acts of nineteen hundred and thirty-four and transferred to the department of public health by chapter six hundred and seventy-two of the acts of nineteen hundred and fifty-four shall be abolished and all employees then in said division shall be transferred to the bureau of environmental sanitation without impairment of their civil service,
9 retirement, seniority, or any other rights, and their continuity of service shall not be deemed to be interrupted within the meaning of either chapter thirty or chapter thirty-one of the General Laws.

1 **SECTION 3.** Chapter six hundred and fifty-one of the acts of nineteen hundred and ten, as amended, chapter one hundred and eighty-eight of the acts of nineteen hundred and thirty-six, chapter five hundred and forty-four of the acts of nineteen hundred and fifty, section six of chapter six hundred and seventy-two of the acts of nineteen hundred and fifty-four are hereby repealed; provided, that such provisions of said chapter six hundred and fifty-one of the acts of nineteen hundred and ten as apply to the classification of stacks, the prohibition of smoke emissions, and the method of observation shall remain in force and effect and have the status of rules and regulations adopted pursuant to section one hundred and forty-two B of chapter one hundred and eleven of the General Laws, as inserted by section one of this act, until superseded by such subsequent rules and regulations as may be adopted thereunder by the department of health.

1 **SECTION 4.** Chapter two hundred and thirty-six of the acts of nineteen hundred, chapter thirty-seven of the acts of nineteen hundred and twenty-one, and chapter five hundred and twenty-six of the acts of nineteen hundred and forty-one, are repealed as of the first anniversary of the effective date of this act.