

**SENATE . . . . . No. 703**

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*The Commonwealth of Massachusetts*

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SENATE, September 8, 1960.

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.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty.

### 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  
2 amended by adding after section 142A the following two  
3 sections:—

4 *Section 142B.* There is hereby established a metropolitan  
5 air pollution control district, to consist of the territory and  
6 waters comprised within the cities and towns of Arlington,  
7 Belmont, Boston, Braintree, Brookline, Cambridge, Canton,  
8 Chelsea, Dedham, Everett, Lynn, Malden, Medford, Melrose,  
9 Milton, Needham, Newton, Peabody, Quincy, Revere, Saugus,  
10 Somerville, Stoneham, Wakefield, Waltham, Watertown, Wey-  
11 mouth Winchester, Winthrop, and Woburn, and such other  
12 cities and towns as may, after application for admission to  
13 the said district, be admitted thereto by the department; pro-  
14 vided, that said district shall at all times be composed of  
15 contiguous territory.

16 The department shall control the pollution of the atmos-  
17 phere within said district. The department may from time  
18 to time, after a public hearing, prescribe and establish, amend  
19 or repeal, rules and regulations to prevent pollution or undue  
20 contamination of the atmosphere within said district.

21 Personnel of the department may in the performance of  
22 their duties under this section, enter and inspect any property,  
23 premise, or place, and may stop and detain for inspection any  
24 motor vehicle for the purpose of investigating either an actual  
25 or suspected source of air pollution or air contamination or of  
26 ascertaining compliance with any rule or regulation adopted  
27 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

66 an adequate air pollution control program within the metro-  
67 politan air pollution control district.

68 The commonwealth shall be reimbursed, as hereinafter pro-  
69 vided, for all such appropriations made by the general court  
70 and expended by the department. The state treasurer shall  
71 issue his warrant requiring the assessors of the cities and  
72 towns of the metropolitan air pollution control district to  
73 assess a tax in the amount of the sums expended, one half  
74 of which shall be in proportion to their assessed valuations  
75 and one half of which shall be in proportion to their respective  
76 populations; provided, that any such city or town may in any  
77 year anticipate in whole or in part its assessment, and appro-  
78 priate, raise, and deposit the amount thereof with the state  
79 treasurer, and any sum so deposited shall be credited against  
80 such assessment. The assessed valuations of the several cities  
81 and towns shall be the last preceding valuations made for  
82 purposes of apportioning the state tax.

83 *Section 142C.* Other air pollution control districts similar  
84 to that established by section one hundred and forty-two B  
85 may be formed upon approval of the department. Each such  
86 district shall be composed of two or more political subdivisions  
87 of the commonwealth and of contiguous territory. Cities or  
88 towns wishing to form such a district shall make joint appli-  
89 cation to the department, requesting the department to ap-  
90 prove such district and to effect the control of air pollution  
91 therein. The powers, duties, and rights of the department in  
92 the exercise of air pollution control in such districts and the  
93 manner in which funds shall be made available to it shall be  
94 as provided in section one hundred and forty-two B.

1 SECTION 2. Upon the effective date of this act the division  
2 of smoke inspection, as established by chapter three hundred  
3 and fifty-two of the acts of nineteen hundred and thirty-four  
4 and transferred to the department of public health by chapter  
5 six hundred and seventy-two of the acts of nineteen hundred  
6 and fifty-four shall be abolished and all employees then in  
7 said division shall be transferred to the bureau of environ-  
8 mental sanitation without impairment of their civil service,

9 retirement, seniority, or any other rights, and their continuity  
10 of service shall not be deemed to be interrupted within the  
11 meaning of either chapter thirty or chapter thirty-one of the  
12 General Laws.

1 SECTION 3. Chapter six hundred and fifty-one of the acts  
2 of nineteen hundred and ten, as amended, chapter one hun-  
3 dred and eighty-eight of the acts of nineteen hundred and  
4 thirty-six, chapter five hundred and forty-four of the acts of  
5 nineteen hundred and fifty, section six of chapter six hundred  
6 and seventy-two of the acts of nineteen hundred and fifty-four  
7 are hereby repealed; provided, that such provisions of said  
8 chapter six hundred and fifty-one of the acts of nineteen hun-  
9 dred and ten as apply to the classification of stacks, the prohi-  
10 bition of smoke emissions, and the method of observation shall  
11 remain in force and effect and have the status of rules and  
12 regulations adopted pursuant to section one hundred and forty-  
13 two B of chapter one hundred and eleven of the General Laws,  
14 as inserted by section one of this act, until superseded by  
15 such subsequent rules and regulations as may be adopted  
16 thereunder by the department of health.

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



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

CHICAGO, ILL.

The University of Chicago is pleased to announce that it has received a grant from the National Science Foundation for the study of the properties of the neutron. The grant is for the period from August 1, 1954, to July 31, 1955, and is in the amount of \$100,000. The grant is to be used for the purchase of equipment and for the salaries of research assistants.

The grant is being awarded to the University of Chicago under the leadership of Professor Enrico Fermi, who is the principal investigator of the project. The project is being carried out in the Physics Department of the University of Chicago. The grant is being awarded to the University of Chicago under the leadership of Professor Enrico Fermi, who is the principal investigator of the project. The project is being carried out in the Physics Department of the University of Chicago.

