
By Mr. Walsh of Gardner, petition of Martin H. Walsh that the Department of Public Health be empowered to regulate the discharge of sewage and certain other substances into inland waters, streams and ponds. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Five.

AN ACT EMPOWERING THE DEPARTMENT OF PUBLIC HEALTH TO REGULATE THE DISCHARGE OF SEWAGE AND CERTAIN OTHER SUBSTANCES INTO INLAND WATERS, STREAMS AND PONDS.

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 by inserting after section 159 the following section:—

3 *Section 159A.* The department shall make reasonable orders, having due regard to the particular circumstance of each case, prohibiting the entrance or discharge into the inland waters, streams, ponds, springs and water courses tributary thereto, of sewage, or any other substance which may be injurious to public health or may tend to cause an offensive odor, create a public nuisance, obstruct the flow of water or to diminish the public use or enjoyment of such water facilities. Any finding of fact made by the department in making such an order shall be prima facie evidence in any proceeding to enforce such order. The department shall consult and advise with the owner of any factory or establishment, or with any municipality, violating this section at his or its request or of the department's own motion, as to the best practicable and reasonably available way of making such substance harmless. The supreme judicial and the superior court shall have jurisdiction in equity to enforce any order made by the department hereunder. Proceedings to enforce any such order shall be instituted and prosecuted by the attorney general upon the request of the department. For the

22 purposes of this section each subsequent day or part thereof of
23 violation of such an order, whether such violation be continuous
24 or intermittent, shall be construed as a separate and succeeding
25 offence. Whoever violates any order of the department made
26 under any provision of this section shall be punished by a fine
27 of not less than twenty-five nor more than one thousand dollars.