

By Mr. Berry, a petition (accompanied by bill, Senate, No. 938) of Frederick E. Berry, J. Michael Ruane, Frances F. Alexander and Thomas P. Walsh for legislation relative to the South Essex Sewerage District. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO THE SOUTH ESSEX SEWERAGE DISTRICT.

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 339 of the Acts of 1925 is hereby
2 amended by striking out the last sentence of Section 3 and
3 inserting in place thereof the following sentence: — Said Board
4 shall make a report each year of its doings for the preceding year
5 and shall submit a copy of each such report to the Governor, the
6 County Commissioners of Essex County, the Mayor of Salem,
7 the Mayor of Beverly, the Mayor of Peabody, the Chairman of
8 the Board of Selectmen of the Town of Danvers and the Chairman
9 of the Board of Selectmen of the Town of Marblehead.

1 SECTION 2. The third paragraph of Section 14 of said
2 Chapter 339, as appearing in Section 2 of Chapter 384 of the Acts
3 of 1935, is hereby amended by striking out the last sentence and
4 inserting in place thereof the following:

5 Said Board shall from time to time prescribe regulations to
6 carry out the purposes and provisions of this Act and of any
7 general or special law pertaining to the District including, without
8 limiting the generality of the foregoing, regulations governing:

- 9 (a) the character or quantity of any sewage, drainage or other
10 substances discharged into the sewerage system under its control
11 or any sewer tributary thereto;
- 12 (b) the proper operation of the sewerage system;

13 (c) the construction, alteration and use of all connections to
14 the sewerage system;

15 (d) the establishment of reasonable fees for the disposal of
16 septage, issuance of permits or other purposes provided by this
17 Act;

18 (e) administrative procedures for the enforcement by the Board
19 of the provisions of any such regulations including, without
20 limiting the generality of the foregoing, procedures for the
21 assessment and collection by the Board of the civil penalties
22 provided hereunder.

23 Provided, however, that prior to enactment by the Board, any
24 such regulations shall first have been approved by the Division
25 of Water Pollution Control.

1 SECTION 3. The fourth paragraph of said Section 14 of said
2 Chapter 339, as appearing in Chapter 170 of the Acts of 1985,
3 is hereby amended by striking out the third sentence thereof and
4 inserting in place thereof the following:

5 Whoever violates any regulation, order or permit issued
6 pursuant to this Act shall be subject to a civil penalty not to exceed
7 Ten Thousand (\$10,000.00) Dollars per day for each day such
8 violation continues and shall be liable for all costs and damages
9 incurred by the District as a result of such violation. Such penalties
10 may be assessed by the Board pursuant to administrative
11 proceedings in which case the party so assessed shall have the right
12 to appeal the Board's decision to a court having jurisdiction as
13 provided by this Act. However, nothing hereunder shall prevent
14 said Board from proceeding directly to Court to enforce any such
15 regulation, order or permit. Whoever knowingly violates any
16 regulation, order or permit issued pursuant to this Act or makes
17 any false representation in an application, record, report or plan
18 or falsifies, tampers with or renders inaccurate a monitoring
19 device or method required by any regulation, order or permit
20 issued pursuant to this Act or who without lawful authority
21 injures, destroys or interferes with any property held or used by
22 the District for the purpose of constructing, operating or
23 maintaining the sewerage system shall be punished by a criminal
24 fine of not less than One Thousand (\$1,000.00) Dollars nor more

25 than Ten Thousand (\$10,000.00) Dollars per day for each day such
26 violation continues and shall be liable for all costs and damages
27 incurred by the District as a result thereof or by imprisonment
28 for not more than one year, or by both, as may be determined
29 by a court having jurisdiction as provided by this Act. All penalties
30 and charges established by or under authority of this Act shall
31 be collected for the account of the District and paid over to the
32 District.

1 SECTION 4. This act shall take effect upon its passage.

