

SENATE No. 87

To accompany the petition of Arthur L. Nason that pollution of the Merrimac River and its tributaries be prohibited. Public Health.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

AN ACT

To prohibit the Pollution of the Merrimac River and its Tributaries.

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. The state board of health is hereby
2 authorized and directed to prohibit the entrance or
3 discharge of sewage into any part of the Merrimac
4 river or its tributaries, and to prevent the entrance
5 or discharge therein of every other substance which
6 may be injurious to public health or may tend to
7 create a public nuisance, including all waste or
8 refuse from any factory or other establishment
9 where persons are employed, unless the owner
10 thereof shall use the best practicable and reasonably
11 available means to render such waste or refuse
12 harmless.

1 SECTION 2. Said board shall consult and advise
2 with any such owner at his request or of its own
3 motion as to the best practicable and reasonably
4 available means of rendering such waste or refuse
5 harmless, having regard to the circumstances and
6 requirements of the situation and to the industrial
7 interest involved.

1 SECTION 3. Said board shall examine into all
2 nuisances, sources of filth and causes of sickness in
3 said river or its tributaries which may in its opinion
4 be injurious to the public health, and shall destroy,
5 remove or prevent the same as the case may re-
6 quire; and for such purpose may enter in and upon
7 any such stream and the land adjacent thereto, and,
8 subject to the approval of the governor and council,
9 expend such sums of money as may be reasonably
10 necessary for destroying, removing and preventing
11 of such nuisances.

1 SECTION 4. The supreme judicial court or any
2 justice thereof, and the superior court or any jus-
3 tice thereof, shall have jurisdiction in equity to
4 enforce the provisions of this act and any order
5 made by the state board of health in conformity
6 therewith. Proceedings to enforce any such order
7 shall be instituted and prosecuted by the attorney-
8 general upon the request of the state board of health
9 or of any other party in interest.

1 SECTION 5. This act shall take effect upon its
passage.