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(1) Use by a law enforcement or other public agency;

(2) Sale at a public auction. The proceeds from the sale of the property shall be used to pay for reasonable expenses incurred in the seizure, storage and maintenance, and proceedings for the forfeiture of the property. Any balance shall be forwarded to the department for use in the enforcement of this chapter; and

(3) Disposal of hazardous wastes seized pursuant to this section.

Any officer, department or agency having custody of any property seized or forfeited pursuant to this section shall maintain complete records describing all such property in detail, showing from whom the property was received and to whom it was delivered, and indicating the period during which it was in custody. The department shall maintain complete records describing the types and quantities of hazardous wastes disposed of pursuant to this section and the dates and methods of their disposal.

SECTION 10. Section 4 of chapter 704 of the acts of 1979 is hereby amended by striking out, in lines 39 and 40, the words "nineteen hundred and eighty" and inserting in place thereof the words:- nineteen hundred and eighty-one.

SECTION 11. The special commission on hazardous waste created by section four of chapter seven hundred and four of the acts of nineteen hundred and seventy-nine is hereby authorized to study and make recommendations to the general court relative to the establishment of a fee schedule for generators of hazardous waste.

SECTION 12. It is hereby declared that the provisions of this act are severable, and if any provision of this act shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of this act.

Approved July 15, 1980.

Chap. 509. AN ACT TO IMPROVE THE CLINTON WASTE-WATER TREATMENT PLANT.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission, hereinafter called the commission, is hereby authorized and directed to improve the Clinton wastewater treatment plant in compliance with federal and state requirements including designs, plans, specifications, construction, repair and rehabilitation of the wastewater treatment plant, disposal facilities and related works.

SECTION 2. In the design and construction of said works, the commission shall provide for the sewage treatment needs of

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the town of Clinton and the Lancaster Sewer District, and shall take into consideration the sewage treatment needs of the towns of Lancaster, Sterling, Bolton and Berlin in consultation with the town of Clinton and the Lancaster Sewer District. Nothing in this section shall be construed to affect or revoke prior acts passed by the general court affecting the rights between the town of Clinton and the commission.

SECTION 3. The Lancaster Sewer District and any city, town, or sewer district, exclusive of the town of Clinton, served by the treatment plant shall pay annually their proportionate share of the principal and interest of the bonded debt for construction authorized by this act and not covered by federal or state grant. Said shares shall be based on the ultimate design capacity of the plant provided for the city, town or sewer district served by the treatment plant.

SECTION 4. The commission shall establish a program for payment by the industrial users in the cities, towns and sewer districts served by the Clinton wastewater treatment plant of that portion of federal construction grants that is allocable to the treatment of industrial wastes.

Each industrial user receiving treatment of its waste at the Clinton wastewater treatment plant shall be required annually to obtain from the commission a wastewater discharge permit. A permit issued by the commission to an industrial user shall include, but not be limited to, the user's share of the capital cost allocated to the treatment of its waste, a schedule for payment of such capital costs and, if required, a program for the pretreatment of its waste.

Each industrial user subject to the industrial cost recoveries shall remit to the state treasurer, not less than annually, an industrial cost recovery payment in the form of a check made payable to the commonwealth. The state treasurer shall deposit such payments in a special fund to be known as the Metropolitan District Commission - Clinton Wastewater Management Fund. Such fund shall be invested and employed and payment shall be made from it from time to time as may be required by state and federal law.

In accordance with existing legislation, the commission shall annually pay by a separate budget appropriation to the town of Clinton an amount equal to the sum of the annual industrial cost recovery payments made by the industrial users in the town of Clinton.

Exemptions from industrial cost recovery payments shall be granted in accordance with applicable federal law.

SECTION 5. The Lancaster Sewer District and any other city, town or sewer district, exclusive of the town of Clinton, served by the Clinton wastewater treatment plant shall annually pay its proportionate share of the operating, maintenance, and replace-

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ment costs based on their wastewater flows and wastewater characteristics as determined by metered flows, water consumption, population and population equivalents, or other methods in compliance with federal and state requirements. Said communities shall establish, adopt and implement, within the time limits provided in Federal regulations, user charge systems acceptable to the Environmental Protection Agency.

SECTION 6. The town of Clinton shall annually collect its proportionate share of the operating, maintenance, and replacement cost of the Clinton wastewater treatment plant, based upon the commission's budgeted costs of the operating, maintenance and replacement of said facility prepared and furnished by the commission and shall remit said collections to the escrow agent as established below. For the purposes of this act the term budgeted costs shall include any operating, maintenance and replacement expenditures in the previous fiscal year which the commission has incurred above the original commission operating budget.

The town of Clinton and the commission shall enter into written agreement providing for a separate escrow account for each fiscal year at a commercial banking institution within the commonwealth for deposit of said town's annually collected proportionate share of operating and maintenance and replacement costs. Any charges for the escrow account shall be assumed by the commission.

No later than three months after the close of the fiscal year, said town shall submit to the escrow agent and the commission a certified summary statement indicating the total amounts collected pursuant to user charges and those amounts remaining uncollected. The commission shall furnish to the escrow agent and said town a certified statement of the actual operating, maintenance and replacement costs. Upon receipt of such statements, the escrow agent shall distribute the funds as follows:

(a) If said town has collected less than the amount of the actual operating, maintenance and replacement costs, the escrow agent shall deduct from the amount collected by said town the difference between the collected amount and the actual operating, maintenance and replacement costs, and shall retain said amount as hereinafter provided;

(b) If said town has collected an amount equal to or greater than the actual operating, maintenance and replacement costs, the escrow agent shall disburse the amount collected by the town as hereinafter provided;

(c) The amount deducted as referred to in subparagraph (a) shall be retained in that fiscal year's escrow account. Any part of said retainage may be released, however, in accordance with the provisions of subparagraph (d) upon certification by said town that it has collected additional user charges. The escrow

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agent shall, at all times, retain an amount equal to the uncollected user charges of said town. Any funds retained by the escrow agent for a period exceeding one year beyond the close of the fiscal year for which they were due shall be remitted to said town upon submission of documentation to the commission that said town has initiated legal action to collect uncollected user charges; and

(d) The balance of the collected amount referred to in subparagraph (a), or the total amount referred to in subparagraph (b), whichever the case may be, shall be disbursed to the town for use in defraying costs and expenses of the town's sewer system, of said town after written notice by the commission.

SECTION 7. The commission shall require the town of Clinton, the Lancaster Sewer District and any other city, town or sewer district served by the Clinton wastewater treatment plant, or any sewer tributary thereto, to have in effect a sewer use by-law or ordinance approved by the commission together with procedures for monitoring and enforcing compliance with such by-law or ordinance.

SECTION 8. In the event that federal funds or federal assistance is made available to the commission for projects authorized by this act, or state funds or state assistance is made available for such projects, such funds shall be in addition to the sums herein authorized; provided, that such funds, when received, shall be deposited in the state treasury and be available to the Metropolitan Water District for expenditure subject to the provisions of law regulating the disbursement of federal funds and the approval thereof.

SECTION 9. Not later than September first of each year the commission shall submit to each city, town or sewer district, the principal and interest on bonded debt authorized by this act, and the operating, maintenance and replacement requirements for the preceding fiscal year; together with each city's, town's, or sewer district's proportionate share of these costs.

Written comment or appeal, if any, of the above mentioned proportionate shares must be received by the commission no later than October first of the same year. Payment to the commission shall be made no later than November fifteen of the same year. In accordance with provisions of section three of this act, the town of Clinton will not be required to make principal and interest payments, but shall collect its proportionate share of operating, maintenance and replacement costs in accordance with section six.

SECTION 10. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale,

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bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of nineteen million dollars. Such bonds shall be designated on their face, Metropolitan District Commission, Clinton Wastewater Treatment Plant, Reconstruction Loan, Act of 1980, and shall be on the serial payment plan for such maximum term of years, not exceeding thirty years, as may be recommended by the governor to the general court, in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as, in the opinion of the state treasurer, it is practicable to make them. Such bonds shall bear interest semiannually at such rates as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June the thirtieth, two thousand and twelve. All interest payments and payments on account of principal of such bonds shall be assessed and paid from the Metropolitan Water District Fund as provided in chapter ninety-two of the General Laws.

SECTION 11. This act shall take effect upon its passage.

Approved July 15, 1980.

Chap. 510. AN ACT AUTHORIZING REIMBURSEMENT BY THE COMMONWEALTH TO CITIES, TOWNS AND DISTRICTS FOR THE ANNUAL COSTS OF CHEMICALS FOR THE OPERATION AND MAINTENANCE OF WATER POLLUTION CONTROL FACILITIES.

Be it enacted, etc., as follows:

Section 37 of chapter 21 of the General Laws is hereby amended by adding the following two paragraphs:-

The metropolitan district commission, or any city, town or district which has constructed a water pollution abatement project which qualifies as an approved project under the provisions of section thirty A shall be eligible, subject to appropriation, for fifty per cent reimbursement of the annual costs involved in the purchase of chemicals utilized for chlorination, sludge dewatering and advanced waste treatment for phosphorous removal and nitrification during the operation and maintenance of a said water pollution abatement facility.

The cost of chemicals used in a preceding fiscal year shall be