

By Mr. McNeil of Malden, petition of John C. McNeil for legislation to provide an appeal procedure for classification of certain water supply connections. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT PROVIDING AN APPEAL PROCEDURE FOR CLASSIFICATION OF CERTAIN WATER SUPPLY CONNECTIONS.

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 160A of chapter 111 of the General Laws is hereby
2 amended by striking out the second paragraph, as appearing in
3 the 1988 Official Edition, and inserting in place thereof the
4 following three paragraphs: —

5 Except as otherwise provided in this section, whoever maintains
6 such a connection without a permit or after revocation of the
7 permit, maintains such a connection, (a) shall be punished by a
8 fine of not more than twenty-five thousand dollars for each day
9 such violation occurs or continues, or by imprisonment for not
10 more than one year, or both such fine and imprisonment, or (b),
11 shall be subject to a civil penalty not to exceed twenty-five
12 thousand dollars per day for each day that such violation occurs
13 or continues.

14 Any facility desiring to appeal the classification made by the
15 water supplier pursuant to the requirement of the Cross
16 Connection Control Program mandated by the department shall
17 have the right to appeal the decision of the water supplier to the
18 appropriate regional office of said department, and shall be
19 entitled to a full and complete hearing on the merits in accordance
20 with a formalized appeal procedure which shall be forthwith
21 established and implemented by the department and which shall
22 include a public hearing if requested by the appellant; and

23 provided further, that no fine or civil penalty shall be imposed
24 under the provisions of this section until a final decision on said
25 appeal has been made by the department.

26 The department is hereby authorized, after consultation with
27 the water supplier, and after having taken adequate steps to
28 protect the safe sanitary quality of the water supply, to establish
29 a timetable within which the facility shall make all the repairs,
30 replacements, or other improvements been mandated by the water
31 supplier. Said timetable shall not exceed the maximum time of
32 five years, for completion of all such repairs, replacements or
33 improvements.