

By Mr. Cusack of Arlington, petition of John F. Cusack, Carol C. Amick, Andrew J. Rogers, Jr., Michael W. Morrissey, Sherman W. Saltmarsh, Jr., Robert C. Buell and another relative to the protection of water supplies from halogenated hydrocarbons and other toxic chemicals. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Three.

AN ACT RELATIVE TO THE PROTECTION OF WATER SUPPLIES FROM HALOGENATED HYDROCARBONS AND OTHER TOXIC CHEMICALS.

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 21 of the General Laws is hereby amend-
2 ed by inserting the following new section: —

3 *Section 59.* The department of environmental quality engineer-
4 ing hereinafter in this section referred to as the department, shall
5 promulgate regulations for the protection of water supplies, both
6 public and private, from contamination by halogenated hydrocar-
7 bons and other toxic chemicals defined as organic toxic pollutants
8 listed in table II of appendix D, 40 CFR part 122, as promulgated
9 by the federal environmental protection agency pursuant to section
10 307(a) of the federal clean water act (33 USC 1251 et seq).

11 No person shall distribute, sell, offer for sale, or expose for sale
12 any product whose intended use would result in the introduction of
13 halogenated hydrocarbons or other toxic chemicals into the waters
14 of the commonwealth. Every manufacturer desiring to distribute,
15 sell, offer for sale, or expose for sale any product the intended use
16 of which includes introduction of said product into the waters of
17 the commonwealth through a septic tank, cess pool, subsurface
18 sewage disposal system, tile field, leach field, house sewer, sewer

19 service connection, groundwater control system or subsurface
20 drain, shall furnish the department with information relating to the
21 composition of said product.

22 Notwithstanding the provisions of section four of chapter seven
23 and of section ten of chapter sixty-six to the contrary, the depart-
24 ment shall hold confidential any information so obtained from a
25 manufacturer pursuant to this section when disclosure of that
26 information would divulge competitive business information,
27 methods or processes entitled to protection as trade secrets of said
28 manufacturer.

29 Any person who distributes, sells, offers for sale or exposes for
30 sale any cleaner or additive which violates the provisions of this act
31 for the purposes described in this act shall be punished by a fine of
32 not less than five hundred nor more than five thousand dollars or
33 by imprisonment for not more than three years, per violation, or
34 both. Each violation shall be a separate and distinct offense, and, in
35 the case of a continuing offense, each day's continuance thereof
36 shall be deemed a separate and distinct offense, and punishable as
37 such. Action on any such violation may be initiated by any local
38 board of health, or law enforcement officer or the department on
39 behalf of the commonwealth in any court of competent jurisdic-
40 tion.

1 SECTION 2. The department of environmental quality engi-
2 neering is hereby authorized to forthwith commence proceedings
3 for the adoption of regulations authorized by section fifty-nine of
4 chapter twenty-one of the General Laws, as inserted by section one
5 of this act, but no such regulation so promulgated shall take effect
6 prior to the effective date of this act.

1 SECTION 3. The provisions of section fifty-nine of chapter
2 twenty-one, as inserted by section one of this act, shall take effect
3 January first, nineteen hundred and eighty-five.