

By Mr. Businger of Brookline, petition of John A. Businger relative to the construction of air contamination sources. Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty.

AN ACT RELATING TO THE CONSTRUCTION OF AIR CONTAMINATION SOURCES.

*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 second paragraph of section 142B of chap-  
2 ter 111 of the General Laws as most recently amended by  
3 chapter 472 of the Acts of 1965 is hereby further amended by  
4 striking out the last sentence and inserting in place thereof  
5 the following six sentences:

6 The department may from time to time, after a hearing,  
7 adopt or amend regulations to prevent pollution or contamina-  
8 tion of the atmosphere, effective upon filing with the state  
9 secretary as provided in section thirty-seven of chapter thirty,  
10 or at such later date as may be specified by the department.  
11 Such filing shall create a presumption, which may be rebutted,  
12 of compliance with the requirements of section two of chap-  
13 ter thirty A in the adoption or amendment of such regula-  
14 tions. Any municipality, corporation or person, which after  
15 due notice, continues to violate any such regulation shall be  
16 deemed guilty of a misdemeanor, and upon conviction thereof  
17 shall be punished by a fine of not less than ten nor more than  
18 fifty dollars for the first offense, and not less than twenty  
19 nor more than one hundred dollars for every succeeding of-  
20 fense. Such rules and regulations shall provide that no per-  
21 son may construct, substantially reconstruct or alter any air  
22 contamination source without submitting a plan for such  
23 construction, reconstruction or alteration to the department  
24 and obtaining the department's approval of such plan in writ-  
25 ing. In the event a plan is disapproved, no construction shall

26 commence or be continued until a new or revised plan has  
27 been submitted and approved in accordance with procedures  
28 specified by the department and that the disapproval of any  
29 significant portion of a plan may be deemed disapproval of  
30 the entire plan. The supreme judicial or superior court, upon  
31 the application of the department, or in the manner provided  
32 for in section seven A of chapter two hundred and fourteen,  
33 or upon the application of any person interested, with the ap-  
34 proval of the department, may enforce such regulations, and  
35 restrain the use or occupation of the premises or such portion  
36 thereof as the department may specify until such regulations  
37 have been complied with.

1 SECTION 2. The first paragraph of section 142B of said  
2 chapter 111, as most recently amended by section 176 of said  
3 chapter 706, is hereby further amended by striking out the  
4 first sentence and inserting in place thereof the following sen-  
5 tence: — The department shall have power to order any per-  
6 son, corporation, or political subdivision having control of an  
7 air contamination source, other than an employee, to stop  
8 or abate violation of any provision of section one hundred  
9 and forty-two A or any of the rules and regulations adopted  
10 pursuant to this section or of any of the rules and regula-  
11 tions adopted under the provisions of said section one hundred  
12 and forty-two A and plans for the implementation, mainte-  
13 nance and attainment standards adopted under section one  
14 hundred and forty-two D.

1 SECTION 3. Said fifth paragraph of said section 142B of said  
2 chapter 111 is hereby further amended by striking out the  
3 last sentence and inserting in place thereof the following sen-  
4 tence: — The superior court sitting in equity, on petition of  
5 the department or any person authorized by the department  
6 or in the manner provided for in section seven A of chapter  
7 two hundred and fourteen shall have jurisdiction to enforce  
8 any such order and to restrain violations of any rules or reg-  
9 ulations adopted pursuant to this section until such rules and  
10 regulations have been complied with.