

AN ACT RELATIVE TO THE POLLUTION OF RIVERS, STREAMS AND
PONDS USED AS SOURCES OF WATER SUPPLY.

Chap. 183

Be it enacted, &c., as follows:

SECTION 1. No person or persons, or corporation public or private, shall discharge directly, or cause to be discharged directly, human excrement into any pond in this Commonwealth used as a source of water supply by any city or town therein, or upon whose banks any filter basin so used is situated, or into any river or stream so used or upon whose bank such filter basin is situated within twenty miles above the point where such supply is taken, or into any feeders of such pond, river or stream within such twenty miles.

Sources of water supply not to be polluted.

SECTION 2. No person or persons, or corporation public or private, shall discharge or cause to be discharged into any pond in this Commonwealth used as a source of water supply by any city or town therein, or upon whose banks any filter basin so used is situated, or into any river or stream so used or upon whose banks such filter basin is situated, within twenty miles above the point where such supply is taken, or into any feeders of such pond, river or stream within such twenty miles, any sewage, drainage, refuse or polluting matter of such quality and amount as either by itself, or in connection with other matter shall corrupt or impair the quality of the water for domestic use, or render it deleterious to health.

Sewage not to be discharged into ponds.

SECTION 3. The prohibitions contained in the two previous sections shall not be construed to destroy or impair rights already acquired by legislative grants, or to destroy or impair prescriptive rights of drainage or discharge, to the extent to which they lawfully exist at the date of the passage of this act; and nothing in this act contained shall be construed to authorize the pollution of any waters in this Commonwealth, in any manner now contrary to law.

Existing rights not to be impaired.

This act shall not be applicable to the Merrimac or Connecticut Rivers, nor to so much of the Concord River as lies within the limits of the city of Lowell.

Sources of water supply to be under supervision of state board of health.

SECTION 4. The state board of health shall have the general supervision of all rivers, streams and ponds in this Commonwealth which are or shall be used by any city or town as sources of water supply, with reference to their purity, together with the waters feeding the same, except the Merrimac, Connecticut and Concord Rivers. It shall be the duty of said board to examine the same from time to time and to inquire what pollutions exist and their causes. Whenever a violation of any of the provisions of this act is committed the said board may, if in its judgment the public health shall require, order any person or persons, or corporation public or private, to cease and desist from such violation and to remedy the pollution or to cleanse or purify the polluting substances in such a manner and to such a degree that they shall be no longer deleterious to the public health before being cast or allowed to flow into the waters thereby polluted: *provided*, that before making such order the said board shall assign a time and place for hearing the party or parties to be affected, and shall give him or them an opportunity of being heard thereon, and the orders herein before provided shall be issued only after such notice and hearing; and *provided, also*, that upon the application of any city or town to said board alleging the violation of any of the provisions of this act, and the pollution of its water supply thereby, it shall be the duty of said board to grant a hearing upon due notification of the party or parties to be affected as aforesaid, and upon proof of such violation to issue the order or orders already mentioned in this section.

Orders of board may be enforced by supreme judicial court.

SECTION 5. The supreme judicial court or any one of its justices in term time or vacation shall have power to issue an injunction to enforce the orders of the said board of health.

Orders to be served upon parties.

SECTION 6. The orders of the said board of health shall be served upon the party or parties found to have violated any of the provisions of this act, and such party or parties if aggrieved thereby shall have the right of appeal to a jury, and be subject to the provisions of law contained in the fifty-sixth and fifty-eighth sections of chapter twenty-six of the General Statutes, and chapter two hundred and sixty-three of the laws of eighteen hundred and sixty-five. During the pendency of the appeal the pollution against which the order has issued shall not be continued contrary to the order of the said board.

Right of appeal to a jury.

SECTION 7. This act shall take effect upon the first day of July in the year eighteen hundred and seventy-eight.

To take effect July 1, 1878.

Approved April 26, 1878.

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