

HOUSE No. 880

By Mr. Straus of Mattapoisett, petition of William M. Straus relative to the discharge of sewage from marine vessels into the waters of the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO DISCHARGING SEWAGE FROM MARINE VESSELS INTO WATERS OF THE COMMONWEALTH DESIGNATED AS NO DISCHARGE AREAS.

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. Section 1 of Chapter 90B of the General Laws is
2 hereby amended by inserting the following definition:—
3 “Person”, any agency or political subdivision of the Common-
5 wealth, any state, public or private corporation or authority, indi-
6 vidual, trust firm, joint stock company, partnership, association or
7 other entity or any group thereof or any officer, employee or agent
8 thereof.

1 SECTION 2. Chapter 90B shall be amended by adding after
2 Section 5B, the following section:—
3 Section 5C No person subject to this chapter shall discharge any
4 sewage, whether treated or not, from a marine sanitation device into
5 any waters of the Commonwealth designated by the secretary of
6 environmental affairs as a No Discharge Area pursuant to 33 U.S.C.
7 1322(n). Any violation of this section shall be punished by a fine of
8 not more than two thousand dollars.

1 SECTION 3. Section 11 of Chapter 90B of the General Laws, is
2 hereby amended by inserting after subsection (o), the following sub-
3 section:—
4 (p) As provided in 33 U.S.C. § 1322(k), carry out and enforce the
5 provisions of 33 U.S.C. § 1322 concerning marine sanitation
6 devices.

1 SECTION 4. Section 14 of Chapter 90B of the General Laws, as
2 appearing in the 2002 edition is hereby amended by inserting after
3 subsection (c) the following subsection:—

4 (d) Any person who violates subsection Section 5C of this chapter
5 or any rule or regulation pertaining thereto, shall be liable for a civil
6 administrative penalty of not more than two thousand dollars per
7 each violation. Fault or other facts concerning the violation may be
8 considered in assessing the civil administrative penalty. Said admin-
9 istrative penalty, including judicial review thereof, shall be assessed
10 and collected, including all costs and interest and attorney's fees, by
11 the director or other appropriate enforcement official in accordance
12 with the provisions of Section 10G of Chapter 21A by the director.
13 The director either shall refuse to issue an original certificate of
14 number or shall revoke or refuse to renew the certificate of number
15 for any boat owned by a person who fails to pay such civil adminis-
16 trative penalty and any related penalties, interest, attorney's fees or
17 costs, until such payment is made in full. Sums recovered under this
18 subsection shall be collected and deposited as stated in Section 10G
19 of Chapter 21A.

1 SECTION 5. This act shall take effect upon its passage.