*** § 17-1717. Order to discontinue pollution of waters.**

1. Whenever the commissioner shall determine upon investigation that sewage from any city, village, town, building, steamboat or other vessel, or property, or any garbage, offal or any decomposable or putrescible matter of any kind is being discharged into any of the waters of the state, which shall include all streams and springs and all bodies of surface and ground water, whether natural or artificial, within or upon the boundaries of the state, and when, in the opinion of the commissioner, such discharge is polluting such waters in a manner injurious to or so as to create a menace to health, or so as to create a public nuisance, he may order the municipality, corporation or person so discharging sewage, refuse or other matter, to show cause before him why such discharge should not be discontinued.

2. A notice shall be served on the municipality, corporation or person so discharging sewage, refuse or other matter, directing such municipality, corporation or person to show cause before the commissioner on a date specified in such notice why an order should not be made directing the discontinuance of such discharge. Such notice shall specify the time when and place where a public hearing will be held by the commissioner and notice of such hearing shall be published at least twice in a newspaper of the city, village, town or county where such discharge occurs, and shall be served personally or by mail at least fifteen days before said hearing and in the case of a municipality or a corporation such service shall be upon an officer thereof.

3. The commissioner shall take evidence in regard to said matter and he may issue an order to the municipality, corporation or person responsible for such discharge, directing that within a specified period of time thereafter such discharge be discontinued, and such proper method of treatment or disposal of such sewage, refuse or waste matter be installed as shall be approved by the department.

4. Such order shall not be valid until approved by the Governor and the Attorney General, and when so approved it shall be the duty of the Attorney General to enforce such order.

5. Such means or method for the treatment or disposal of sewage, refuse or other matter must be executed, completed and put in operation within the time fixed in the order.

6. The commissioner shall have authority to require from the officials and persons responsible for the execution of such orders satisfactory evidence at specified times of proper progress in the execution of such orders, and may stipulate and require that certain definite progress shall be made at certain definite times prior to the final date fixed in the order.

7. This section shall not apply to refuse or waste matter from any shop, factory, mill or industrial establishment not containing sewage.

* NB Expired September 1, 1973