

## Atlas Tack Corporation Superfund Site Fairhaven, Massachusetts



### Background

The roughly 48-acre Atlas Tack Corporation Superfund site is located at 83 Pleasant Street in Fairhaven, Massachusetts, approximately one-half mile from Fairhaven Center. The site's surrounding area is predominantly residential. It is bounded by a bike path, residences, and several commercial/light industrial businesses to the north, a tidal marsh to the east, an elementary school about 200 feet to the northwest, and residences immediately to the south.

#### Purpose of this document

EPA-New England is responsible for the cleanup of over 100 Superfund sites throughout the six New England states. Protecting human health and the environment is the primary objective of these cleanups. EPA, however, also recognizes the value in helping to return Superfund sites to beneficial reuse. As the Atlas Tack Corporation Superfund site cleanup nears completion, EPA believes it is helpful to provide site information which can be useful to Town officials, the public, and other interested parties.

The site itself consists of approximately 13 commercially-zoned acres, 11 acres of upland and filled wetland/tidal marsh north of a hurricane dike and about 24 acres of salt water tidal marsh south of the dike. Boys Creek runs through the site and discharges to Priest's Cove in Buzzards Bay at the site's southernmost portion.

On-site disposal activities and discharges from the former manufacturing processes contaminated soil, sediment, groundwater, and surface water with: heavy metals, including arsenic, lead, copper, zinc and cadmium; volatile organic compounds; semi-volatiles organic compounds, mainly polyaromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs); cyanide; and pesticides. The site was added to EPA's National Priorities List in 1990.

The Atlas Tack facility was built in 1901 by Henry Huttleston Rogers and historically manufactured wire tacks, steel nails, rivets, bolts, shoe eyelets and similar items. The facility operated electroplating, acid-washing, enameling, and painting processes until 1985. Process wastes containing acids, metals and solvents were discharged into drains in the floor of the main building, into Boys Creek marsh, and into an on-site lagoon. The lagoon effluent discharged to the salt marsh and Boys Creek. Chemicals also permeated the floors and timbers of buildings and migrated to adjacent soil and groundwater. Industrial fill was deposited on top of the original marsh surface to the east of the Atlas Tack buildings. A 3.2 acre property on Church Street, about 500 feet southeast of the main Atlas Tack building, also received waste from a number of sources.

In the 2000 cleanup plan, the site is divided into three areas: the **Commercial Area**; the **Solid Waste and Debris Area**; and the **Marsh Area** (See Figure 1). The major contaminants in the Commercial Area consisted of metals, cyanide, PCBs, and PAHs.

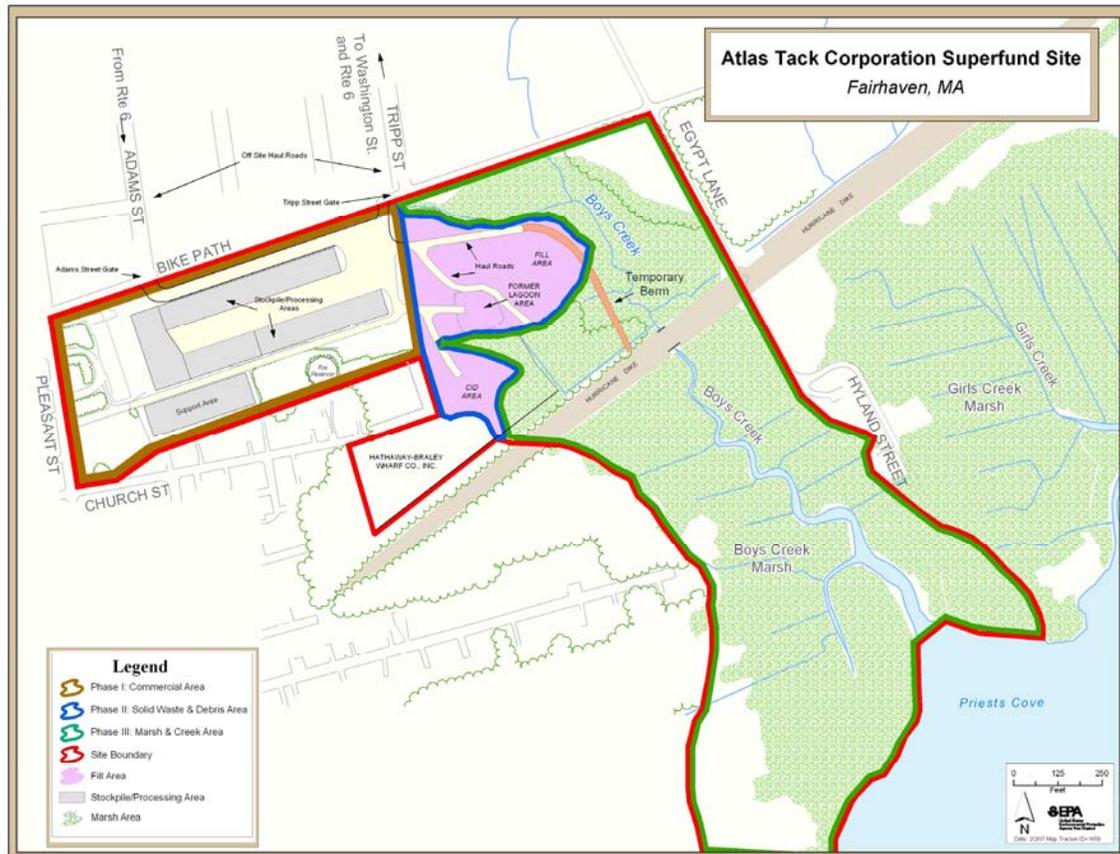


Figure 1 – Site Map

Metals, cyanide, and pesticides mainly contaminated the Solid Waste and Debris Area. Metals and cyanide were of concern in the Marsh Area.

## Cleanup Status

For the top two feet in the Commercial Area, EPA used a commercial/industrial cleanup standard for human health. Ecological health standards are being met for the entire site. The cleanup was conducted in three phases. The restoration of the entire site with clean fill and vegetation will be completed by the end of Phase III, scheduled for September 2007.



Former power plant

### Phase I: Commercial Area

The demolition of the three-story manufacturing building, power plant, smoke stack, and building floor slabs comprised Phase I. It also included excavation and off-site disposal

of contaminated soil and sludge from this 10 acre Commercial Area. The demolition and excavation was completed in 2006.

**Phase II: Solid Waste & Debris Area**

The excavation of an estimated 38,000 cubic yards of contaminated soil, sludge, and debris from the Solid Waste and Debris Area was completed in March 2007. Remaining efforts include the off-site disposal of the last piles of contaminated soil and debris.



**Demolition of the manufacturing building**

**Phase III: Marsh Area**

An estimated 23,000 cubic yards of contaminated Boys Creek Marsh soil and Boys Creek bed sediment is being excavated as part of the Phase III cleanup. The wetlands will be restored to pre-industrial conditions and includes re-creation of a fresh and salt water wetland environment.



**Sediment and soil excavation in marsh**

As with all Phase I and II activities, Phase III includes continuous air monitoring during working hours. Sampling results continue to show no detectable particulates or concentrations far below any level of concern.

**Post-Cleanup Activities: Monitoring, Maintenance & Use Restrictions**

EPA will ensure the site's restoration is successful and will monitor the site's groundwater for ten years, after which the Massachusetts Department of

Environmental Protection (MassDEP) will take over groundwater monitoring until the cleanup goals are attained. Aside from groundwater monitoring, MassDEP will be responsible for all other monitoring and maintenance activities within one year from the completion of all the cleanup phases. In order to conduct these activities, EPA and MassDEP will retain unlimited site access. See *Reuse Status* section for a discussion of possible use restrictions.

**Property Ownership/Settlement Agreements**

**Hathaway-Braleley Wharf Company**

A 3 acre portion of this 6 acre property is within the site boundary and abuts the southeast side of the Atlas Tack property (Map 6, Lot 46 on the Town Assessors Map) and includes both a portion of the Solid Waste Debris Area as well as a portion of the Marsh Area.

The United States March 2004 settlement with the Hathaway-Braley Wharf Company includes an agreement to establish a conservation easement for its entire 6-acre parcel and the payment of \$552,000. The payment has already been used for site cleanup.

### **Commonwealth Electric Company**

The 5-plus acre properties are within the Marsh Area south of the hurricane dike and according to the Town Assessors Map includes: Map 27, Lot 20 and Lot 18A.

### **Atlas Tack Corporation**

The Atlas Tack Corporation owns the following parts of the site: the Commercial Area portion (a part of Map 8, Lot 94 on the Town Assessors Map); the Solid Waste & Debris Area (Town Assessors Map 8, Lot 94); marsh areas and portions of Boys Creek north and immediately south of the hurricane barrier (Map 27, Lot 15, Lot 16; Lot 17 and Lot 15D).

A cost recovery action against Atlas Tack Corporation and M. Leonard Lewis was filed in August 2003 and a Consent Decree was entered in the court on April 4, 2006. M. Leonard Lewis and Atlas Tack Corporation entered into a settlement with the United States that requires them to:

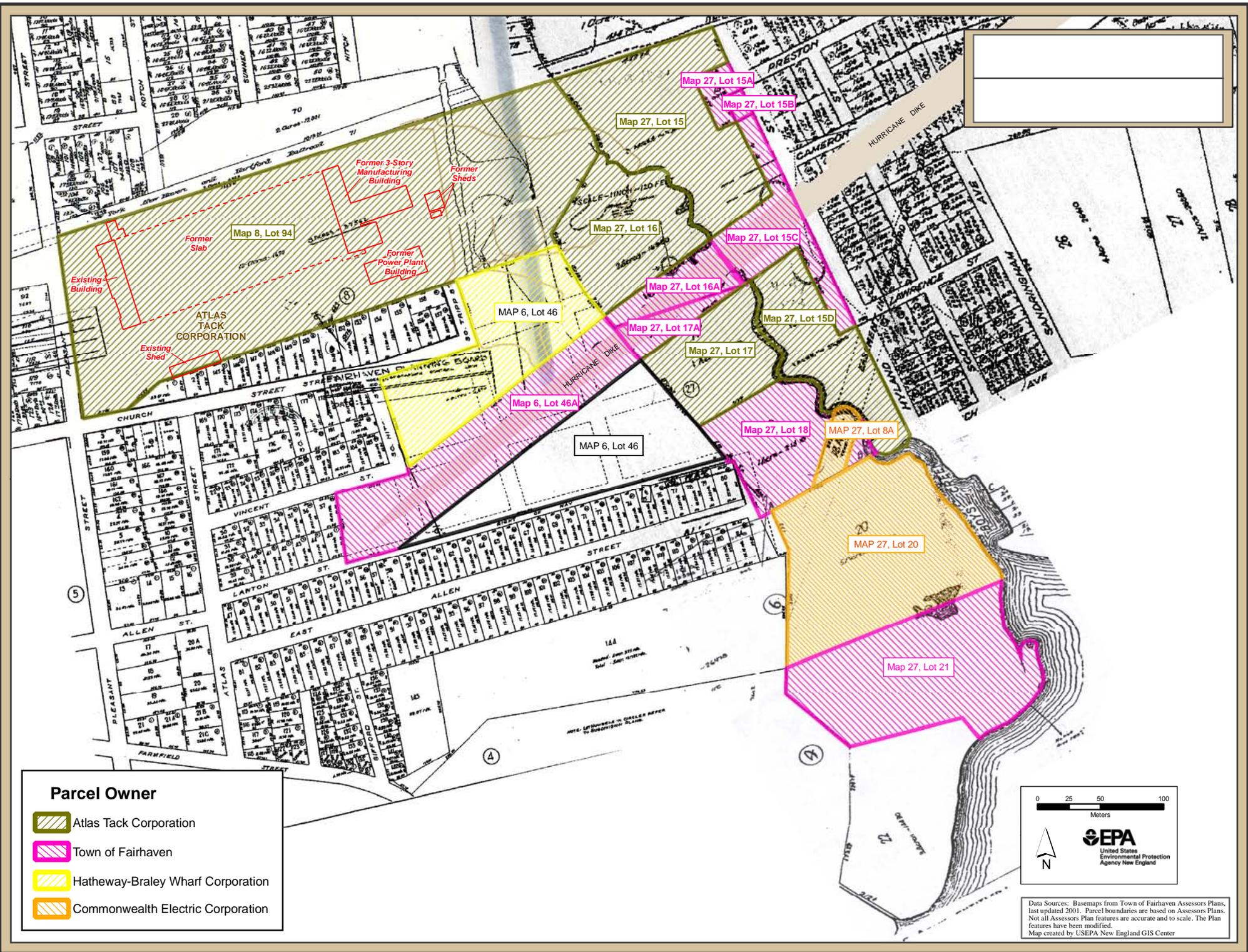
- pay \$2,335,000 in installments over a 2 year period into a special account designated for the site's cleanup;
- grant ongoing access to EPA and MassDEP for cleanup and monitoring activities;
- place use restrictions on the property;
- pay EPA approximately 95% of the fair market value of the site property (complete details regarding payment amount and schedule can be found in the Consent Decree).

With regard to the payment of 95% of the fair market value, Lewis and Atlas Tack Corporation can pay EPA by either selling the property and paying from the sale's net proceeds, or retaining ownership and paying the amount from other assets. All cleanup phases are expected to be complete in September 2007. The payment from Atlas Tack Corporation is expected shortly after the cleanup is deemed "Operational and Functional" which is within one year of the completed cleanup date. At the point when all payments are made to the United States, the federal lien on the Atlas Tack Corporation properties will be released.

### **Town of Fairhaven, MA**

The Town owns the hurricane dike and portions of the wetlands in the Marsh Area, including as identified on the Town Assessors Map: Map 6, Lot 46A and Map 27, Lot 17A, Lot 16A, Lot 15C, Lot 15B, Lot 15A, and Lot 18.

In the same 2006 Settlement, the Town agreed to pay EPA any unpaid real estate taxes in excess of \$80,000 it collects with respect to the property owned by the Atlas Tack



**Parcel Owner**

-  Atlas Tack Corporation
-  Town of Fairhaven
-  Hathway-Braley Wharf Corporation
-  Commonwealth Electric Corporation

0 25 50 100  
Meters



**EPA**  
United States  
Environmental Protection  
Agency New England

Data Sources: Basemaps from Town of Fairhaven Assessors Plans, last updated 2001. Parcel boundaries are based on Assessors Plans. Not all Assessors Plan features are accurate and to scale. The Plan features have been modified.  
Map created by USEPA New England GIS Center

Corporation. EPA intends to apply any future payments into a special account designated for the site's cleanup. The Town also agreed to record any use restrictions requested by EPA.

### **US Army Corps of Engineers**

The U.S. Army Corps of Engineers, although not a property owner, is responsible for periodically inspecting the hurricane barrier which runs through the Marsh Area of the site (Map 6, Lot 46A; Map 27, Lot 17A, Lot 16A, and portions of Lot 15C).

The Corps is also a party to the 2006 Settlement and made a \$50,000 payment into a special account designated for the site's cleanup.

### **Reuse Status**

Future development is presumed to be limited to the non-wetland portion of the site.

### **Hathaway-Brale Wharf Company Property**

The property has a small amount of frontage on Church Street and consists of an upland wooded area, a fresh water wetland area and a salt marsh area. The 2004 Settlement calls for the establishment of a conservation easement for the full 6 acre property, hence this area will be used for wildlife and conservation purposes.

### **Town of Fairhaven & Commonwealth Electric Co. Parcels**

The parcels belonging to the Town and Commonwealth Electric are within the Marsh Area and as such are comprised of wetlands. Wetland laws and regulations will dictate what if any use is permissible.

### **Atlas Tack Corporation Property**

EPA has no information concerning Atlas Tack's intentions with respect to any future use or redevelopment of its property. As described above, the Atlas Tack property is within the Commercial Area, the Solid Waste and Debris Area, and the Marsh Area.

#### *The Commercial Area:*

The 10 acre Commercial Area portion of the site is currently zoned industrial/commercial. The remaining administration building along Pleasant Street did not require cleanup as part of EPA's remedy and, although it is in a state of extreme disrepair, has not been demolished. Access to the site is from Pleasant Street which is readily accessible from Route 6.

EPA is cleaning this area to meet commercial/industrial cleanup standards. Other future uses requiring recreational or residential cleanup standards are not precluded. Such uses would require additional actions in order to meet those standards and would require approval and supervision by EPA. Any additional cleanup and its cost would have to be

assumed by the owner/developer. Any zoning changes required for a different use are under the authority of the Town.

Use restrictions will be put into place through an Environmental Restriction & Easement, recorded with the Bristol County Southern District Registry of Deeds, to ensure that no future actions will compromise the protectiveness of the site's cleanup. These restrictions likely will prohibit residential and recreational use – and certain other uses such as daycare centers and community gardening – and restrict future soil excavation and construction activities in designated areas. Installation and use of groundwater wells will be prohibited. The removal of most of the contamination source is expected to significantly reduce the levels of contamination in the groundwater over time. However, any restriction on groundwater use might ultimately be eliminated once the groundwater quality meets all cleanup criteria. Should the site in the future be cleaned to meet more stringent cleanup standards, EPA may possibly alter some of the use restrictions.

*The Solid Waste and Debris Area:*

On the Atlas Tack property, the former lagoon area and the fill area are considered part of the Solid Waste & Debris Area. Much of this area was originally a salt marsh and is being restored to a functioning wetland. Wetland protection laws will govern the use of this area. For the small portion of the area that zoned commercial/industrial and is not a wetland, EPA will be instituting the same use restrictions described above. However, some of this area's use restriction will be broader in that it will include a ban on commercial or industrial activity.

*The Marsh and Creek Bed Area:*

The parcels belonging to Atlas Tack are within the Marsh and as such are comprised of wetlands. Wetland laws and regulations will dictate what if any use is permissible.

Should there be any interest in reusing the Atlas Tack Corporation Superfund site, EPA will work with the property owners, developer, and Town to ensure that any reuse actions taken maintain the protectiveness of EPA's cleanup.

Further information concerning the use restriction and conservation easement that will be applicable to these properties may be found by consulting the two consent decrees entered in the United States District Court for the District of Massachusetts. They are: United States v. Hathaway-Brale Wharf Co., Civil Action No. 03-cv-11259-WGY entered February 28, 2004 and Atlas Tack Corp. v. Fairhaven, No. 01-cv-10501-WGY (lead case); United States v. Atlas Tack Corp., No. 03-cv-11601-WGY; U.S. v. Atlas Tack Corp., No. 04-cv-11880-WGY, entered June 1, 2006.

## For Additional Information

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EPA website: [www.epa.gov/region1/superfund/sites/atlas](http://www.epa.gov/region1/superfund/sites/atlas)