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Volume VIII of RFAS

- VIII. NATURAL RESOURCE INJURY -

17000. In order to determine if injury to a natural resource has been caused by any additional, individual type of pollutant, it is necessary to compare the condition of the natural resource before the addition of the pollutant with the condition of the natural resource after the addition of the pollutant.
17001. The condition of a natural resource prior to the addition of the new pollutant at issue is termed the base line condition of the natural resource.
17002. In order to determine if a pollutant caused injury to a natural resource, and in order to quantify any such injury to a natural resource, it is necessary to know the base line condition of the natural resource.
17003. Natural resource injury cannot be proven to have been caused by the addition of any individual type of pollutant without determining whether any incremental injury to the natural resource or further lost use has occurred in addition to any injury or lost use of the natural resource due to base line pollution conditions.
17004. If users of a natural resource would not change their use of the natural resource if the pollutant at issue, such as PCBs, were removed from the natural resource, and all other pollutants remained constant, then no injury to or lost use of the natural resource exists caused by such an additional pollutant.
17005. If the base line condition of the natural resource is not known, then it cannot be determined whether any injury has occurred to the natural resource through the addition of any additional pollutant.
17006. To determine the base line pollution condition of any natural resource, it is necessary to consider all pollutants of the natural resource.
17007. Plaintiffs have offered no proof of the base line pollution condition of the natural resource at issue in this case.
17008. Plaintiffs have assumed that the base line condition of the natural resource at issue in this case was a pristine environment, essentially free of pollution prior to the presence of PCBs.

17009. Plaintiffs' experts on natural resource injury and quantification of injury have assumed that no other pollution problem existed in the natural resource at issue except for PCBs.
17010. Plaintiffs' experts on natural resource injury and quantification of injury have not considered the effects of pollutants other than PCBs on the natural resources at issue in this case or their users.
17011. Plaintiffs have not offered proof of injury or any quantification of injury to the natural resource at issue in this case, or its users, by determining whether any incremental injury to the natural resource has occurred due to PCBs over and above or different in kind or degree, from any injury to the natural resource due to other pollutants which existed prior to any PCBs ever entering the natural resource.
17012. Plaintiffs have not offered proof of injury or any quantification of injury to the natural resource at issue in this case, or its users, by determining whether any incremental injury to natural resources has occurred due to PCBs over and above, or different in kind or degree, from any injury to natural resources due to other pollutants, including those which existed before plaintiffs claim that users of the natural resources at issue were aware of PCBs in the environment.
17013. The natural resource at issue in this case has long been and is still severely polluted with numerous pollutants having nothing to do with PCBs, including sewage, oil, garbage and heavy metals.
17014. Prior to the first date at which plaintiffs have any evidence of PCBs in the environment of the harbor, the base line pollution condition of the harbor was such that numerous other pollutants existed, and were well known to exist, in the harbor, including pollution due to sewage, oil, garbage and heavy metals.
17015. Prior to the first date on which plaintiffs allege users of the natural resources at issue had knowledge of any PCBs in the harbor, the base line pollution condition of the harbor was such that numerous other pollutants existed, including pollution due to sewage, oil, garbage and heavy metals.
17016. Prior to the first date at which plaintiffs have evidence of PCBs in the harbor, the harbor was severely

polluted with sewage contamination.

- 17017. Prior to the first date on which plaintiffs allege users of the natural resources at issue had knowledge of any PCBs in the harbor, the harbor was severely polluted due to sewage contamination.
- 17018. Prior to the first date at which plaintiffs have evidence of PCBs in the harbor, the harbor was severely polluted with oil.
- 17019. Prior to the first date on which plaintiffs allege users of the natural resources at issue had knowledge of any PCBs in the harbor, the harbor was severely polluted with oil.
- 17020. Prior to the first date at which plaintiffs have evidence of PCBs in the harbor, the harbor was severely contaminated by heavy metals.
- 17021. Prior to the first date on which plaintiffs allege uses of the natural resource had knowledge of PCBs in the harbor, the harbor was severely polluted due to sewage contamination and heavy metals contamination.
- 17022. Prior to the first date at which plaintiffs have evidence of PCBs in the harbor, the harbor was afflicted with other severe pollution of multiple types.
- 17023. Prior to the first date on which plaintiffs allege users of harbor resources had knowledge of PCBs in the harbor, the harbor suffered from severe pollution due to sewage contamination.
- 17024. Prior to the first date at which plaintiffs have evidence of PCBs in the harbor, the citizens of the New Bedford area who plaintiffs allege used harbor resources, were aware of: (a) severe pollution due to sewage contamination; (b) severe oil pollution; (c) severe metals contamination; and (d) other serious pollution problems associated with the harbor.
- 17025. Prior to the first date on which plaintiffs allege users of the harbor resources had knowledge of PCBs in the harbor, the harbor suffered from severe pollution due to sewage contamination and the citizens of the New Bedford area whom plaintiffs allege used harbor resources, were aware of: (a) severe pollution due to sewage contamination; (b) severe oil pollution; (c) severe metals contamination; and (d) other serious pollution problems with the harbor.

17026. Prior to the first date at which plaintiffs have evidence of PCBs in the harbor, the uses of the harbor resources were severely restricted by sewage pollution.
17027. Prior to the first date on which plaintiffs allege users of harbor resources had knowledge of PCBs in the harbor, the harbor suffered from severe pollution due to sewage contamination and the uses of harbor resource were severely restricted by sewage pollution.
17028. Prior to the first date at which plaintiffs have evidence of PCBs in the harbor, uses of harbor resources were severely restricted by oil pollution.
17029. Prior to the first date on which plaintiffs allege users of harbor resources had knowledge of PCBs in the harbor, there was severe pollution due to sewage contamination in the harbor and uses of the harbor were severely restricted by oil pollution.
17030. Prior to the first date at which plaintiffs have evidence of PCBs in harbor resources, uses of harbor resources were severely restricted by heavy metals in harbor sediments.
17031. Prior to the first date on which plaintiffs allege uses of harbor resources had knowledge of any PCBs in the harbor, the harbor suffered from severe pollution due to sewage contamination and its uses were severely restricted by heavy metals in its sediments.
17032. Prior to the first date at which plaintiffs have evidence of PCBs in harbor resources, uses of the harbor resources were severely restricted by other severe pollution in the Harbor.
17033. Prior to the first date on which plaintiffs allege uses of harbor resources had knowledge of PCBs in the harbor, harbor resources were severely polluted by sewage contamination and uses of harbor resources were severely restricted by other severe pollution.
17034. In order to prove whether PCBs have caused any injury, or to quantify any injury, to the natural resource at issue in this case, or its users, it is necessary to know the limitations on use of the natural resource in question from other pollutants which existed prior to: (a) the date when PCBs can be shown to have adversely affected the harbor; (b) the date when the natural resource in question was allegedly injured by PCBs; and (c) the date on which plaintiffs allege or have any evidence that uses of the harbor resources in question

was affected by the presence of PCBs.

17035. Plaintiffs have offered no evidence of the base line condition or base line injury to the natural resources at issue in this case prior to: (a) the date plaintiffs allege PCBs affected the harbor; or (b) the date plaintiffs allege the natural resource was injured by PCBs; or (c) the date on which plaintiffs allege the uses of the harbor resources in question was affected by the presence of PCBs.
17036. Plaintiffs' proxy studies alleged injury to harbor resources assumes that any injury found was caused entirely and exclusively by PCBs.
17037. Studies of proxy values cannot prove whether PCBs have caused injury to the natural resource at issue in this case.
17038. Plaintiffs have not alleged that the studies of proxy values referenced above prove PCBs caused any injury to the harbor resources.
17039. The mere decision to change the legal status of certain activities in the natural resource at issue in this case by the closure described by plaintiffs, if it did not change the use of the natural resource, is not an injury to the natural resource or its users.
17040. No injury has occurred to the natural resources at issue in this case from the closure to certain activities as described by plaintiffs, if and to the extent that the users of the natural resource have ignored the closure.
17041. The Department of Interior Regulations are a valid basis by which experts in the field rely in determining proper methods for determining whether any injury has occurred to a natural resource, and in determining the quantification of injury to a natural resource.
17042. Department of Interior regulations require that the base line condition of the natural resource be determined in order to determine whether the injury has occurred to the natural resource, and in order to quantify any injury to the natural resource.
17043. Dredge material containing chromium, copper, lead, mercury, and zinc in concentrations greater than 300 ppm, 400 ppm, 200 ppm, 1.5 ppm and 400 ppm, respectively, is classified as Category II material in 314 CMR (9.03(3)). Sediment in areas of New Bedford

Harbor exceed these levels.

#### INDUSTRIAL PAST

17044. Since the 18th century, New Bedford Harbor has been a whaling, fishing, boating, commercial and industrial port.
17045. New Bedford has had a long history as a site of various industries.
17046. From 1915 to 1860 New Bedford was one of the world's major whaling ports.
17047. Since the 1880s New Bedford has been a manufacturing center and fishing port.
17048. New Bedford was a textile center from approximately the turn of the century to at least 1925.
17049. It was common practice in the northeastern United States, including New Bedford, for industry to locate near bodies of water to facilitate water use and discharge.
17050. Many industries in New Bedford located along the water front during the 19th and 20th centuries.
17051. Many industries are located along the waterfront due to ease of transportation, water use and discharge.
17052. Many of the industries in New Bedford regularly discharged untreated wastewater directly into the Acushnet River Estuary and Inner New Bedford Harbor in the 19th and 20th centuries.
17053. At least 130 pipe and culvert discharges were identified that entered the Acushnet River Estuary and Inner New Bedford Harbor and the local area during surveys performed in 1970.
17054. Industrial discharges into New Bedford Harbor regularly included oil and grease.
17055. Industrial discharges to New Bedford Harbor regularly included metals.
17056. Industrial discharges to New Bedford Harbor regularly included dye.
17057. Industrial discharges to New Bedford Harbor regularly included cyanide.

17058. Industrial discharges to New Bedford Harbor regularly included various organic compounds.
17059. Industrial discharges to New Bedford Harbor regularly included both caustic and acidic waters.
17060. New Bedford did not have a wastewater treatment facility until 1970, when a primary treatment facility was built at Fort Rodman.
17061. Many, if not all, industrial discharges to the New Bedford wastewater facility passed through and continue today to pass through the facility to the receiving waters.
17062. Textile mills were one of the industrial groups located in New Bedford.
17063. Machinery and mechanical industries were one of the industrial groups located in New Bedford.
17064. Electronic and electrical component industries were one of the industrial groups located in New Bedford.
17065. Paint and ink manufacturers were one of the industrial groups located in New Bedford.
17066. Printing industries were one of the industrial groups located in New Bedford.
17067. Rubber and tire manufacturing was one of the industries located New Bedford.
17068. Metal plating was one of the industries located in New Bedford.
17069. The Alden Corrugated Container Company ("Alden") has been located in New Bedford since before 1949.
17070. The Camp, Dresser and McKee Industrial Pretreatment Program (CDM IPP) survey (CDM 1983) estimated Alden's wastewater discharge to the New Bedford wastewater treatment plant to be 14,600 gallons per day in 1983.
17071. Alden's wastewater discharge to the New Bedford wastewater treatment plant was 14,600 gallons per day.
17072. The Alden Corrugated Container Company used adhesives and inks.
17073. Inks contain heavy metals.

17074. Adhesives contain organic compounds.
17075. The Alden Corrugated Container Company has discharged heavy metals and organic compounds into New Bedford Harbor.
17076. Since 1949, Alden has discharged heavy metals and organic compounds to New Bedford Harbor.
17077. The Allen Thorton Corporation has been located in New Bedford from before 1936 to the present.
17078. The Allen Thorton Corporation is a textile machinery company.
17079. Wastewater from textile machinery contain heavy metals, oil, grease and organic solvents in addition to caustic solutions.
17080. Since 1936, Allen Thorton Corp. has discharged heavy metals, oil, grease, organic solvents and caustic solutions into New Bedford Harbor.
17081. American Press, Inc. has been located in New Bedford from 1934 to the present.
17082. American Press, Inc. performs commercial printing.
17083. The CDM IPP survey (CDM 1983) found that American Press, Inc. processes included photo processing, plating and printing.
17084. American Press, Inc. processes included photo processing, plating and printing.
17085. Aqueous discharges from photo processing, plating and printing processes contain concentrations of silver and heavy metals and various organic compounds.
17086. Since 1954, American Press, Inc. has discharged heavy metals and organic compounds to New Bedford Harbor.
17087. Baker Manufacturing Company has been located in New Bedford from 1921 to the present.
17088. Baker Manufacturing Company is a printing company.
17089. Cleaning of printing machines generates high levels of metals including: silver, lead, chromium, copper, manganese and organic compounds.
17090. Wastewater discharges from Baker Manufacturing Company

contain heavy metals and organic compounds.

- 17091. Since 1921, Baker Manufacturing Company has discharged heavy metals and organic compounds to New Bedford Harbor.
- 17092. Chamberlin Manufacturing in the New Bedford Division of Chamberlin National Corporation has been located in New Bedford from 1967 to the present.
- 17093. Chamberlin Manufacturing performs forging and machining of steel and aluminum products.
- 17094. The CDM IPP survey found that Chamberlin Manufacturing had waste discharges of 180,000 gallons per day to the New Bedford wastewater treatment plant.
- 17095. As of 1983, Chamberlin Manufacturing was discharging 180,000 gallons of wastewater per day to the New Bedford wastewater treatment plant.
- 17096. The CDM IPP study found that Chamberlin Manufacturing discharged in its wastewater 119 pounds per year of zinc.
- 17097. As of 1983, Chamberlin Manufacturing was discharging 119 pounds per year of zinc in its wastewater.
- 17098. The CDM IPP study found that Chamberlin Manufacturing discharged 40 pounds of copper per year to the wastewater treatment facility.
- 17099. Chamberlin Manufacturing discharged zinc, copper and other metals to New Bedford Harbor.
- 17100. Coaters, Incorporated has been located in New Bedford from 1936 to the present.
- 17101. Coaters, Inc. performs coating of imitation leather; prior to 1950 they coated natural leather.
- 17102. Coating processes utilize solutions containing metals.
- 17103. Current coating processes use various chemicals and synthetic resins of which PVC is the most common.
- 17104. The CDM IPP study reported that Coaters, Inc. discharged 750 gallons of wastewater per day to the New Bedford wastewater treatment plant.
- 17105. Coaters, Inc. discharged 750 gallons of wastewater per day to the New Bedford wastewater treatment plant.

17106. Coaters, Inc. discharged metals to New Bedford Harbor.
17107. The Columbia Electronic Cables Company ("Columbia") has been located in New Bedford from 1949 to the present.
17108. Columbia produces electronic components including television cables, tele mines and electronic plugs.
17109. The CDM IPP study reported that Columbia Electronic Cables discharged 12,500 gallons of wastewater per day to the New Bedford Wastewater treatment plant.
17110. As of 1983, Columbia was discharging 12,500 gallons of wastewater per day to the New Bedford wastewater treatment plant.
17111. Columbia's wastewater has contained copper and organic solvents, in addition to other heavy metals and cyanide.
17112. Columbia has discharged copper, metals, organic solvents and cyanide to New Bedford Harbor.
17113. The Fibre Leather Manufacturing Corporation ("Fibre Leather") has been located in New Bedford from 1927 to the present.
17114. Fibre Leather produces filler papers, base stocks for pressure sensitive tapes, labels, vinyl and pyrolyin label stock, and box covering papers (stretch).
17115. The IPP study reported that Fibre Leather discharged 150,000 gallons of wastewater per day to the New Bedford wastewater treatment facility.
17116. As of 1983, Fibre Leather was discharging 150,0000 gallons of wastewater per day to the New Bedford, wastewater treatment facility.
17117. The CDM IPP study reported that, as of 1983, Fibre Leather discharged an estimated 106 pounds of copper per year to Buzzards Bay.
17118. Fibre Leather is located along the Acushnet River.
17119. Fibre Leather has discharged copper directly to the Acushnet River.
17120. Fibre Leather discharged copper to New Bedford Harbor and Buzzards Bay.
17121. Since 1927, Fibre Leather has discharged copper to New

Bedford Harbor and Buzzards Bay.

- 17122. George Kirby, Jr. Paint Company has been located in New Bedford since 1846 to the present.
- 17123. The George Kirby, Jr. Paint Company produces paints primarily for marine, house, and industrial use.
- 17124. The CDM IPP study reported that the George Kirby, Jr. Paint Company discharged 12,000 gallons of wastewater per day to the New Bedford wastewater treatment plant.
- 17125. As of 1983, the George Kirby, Jr. Paint Company was discharging 12,000 gallons per day to the New Bedford wastewater treatment plant.
- 17126. Past waste paint discharges were likely to contain concentrations of heavy metals and organic solvents.
- 17127. George Kirby, Jr. Paint Company discharged heavy metals and organic solvents to New Bedford Harbor.
- 17128. Knowles Loom Reed Works Incorporated has been located in New Bedford from 1885 to the present.
- 17129. Knowles Loom Reed Works Incorporated produces textile loom reeds, screws and fasteners.
- 17130. Unified Fasteners, Inc. was a subgroup of Knowles Loom operating at the Knowles facility.
- 17131. Wastewaters from the manufacture of textile loom reed screws and fasteners contain heavy metals including chromium plating.
- 17132. Knowles Loom Reed Works Inc. discharged wastewater containing heavy metals to New Bedford Harbor.
- 17133. Wastewater discharges from Knowles Loom Reed Works Inc. contain oil and grease, caustic solutions and organic solvents.
- 17134. Since 1885, Knowles Loom Reed Works Inc. has discharged oil, grease, caustic solutions, and organic compounds into the New Bedford Harbor.
- 17135. The Lambeth Corporation has been located in New Bedford from the 1930s to the present.
- 17136. Lambeth Corporation produces synthetic cordage and nylon elastic bands.

17137. The CDM IPP study reported that Lambeth Corporation discharged 5,300 gallons of wastewater per day to the New Bedford wastewater treatment facility.
17138. As of 1983, Lambeth Corporation was discharging 5,300 gallons of wastewater per day to the New Bedford wastewater treatment facility.
17139. Wastewater from the production of synthetic cordage and nylon elastic bands contains organic compounds and some heavy metals.
17140. Lambeth Corporation produces synthetic cordage and nylon elastic bands.
17141. The CDM IPP study reported that Lambeth Corporation discharged 5,300 gallons of wastewater per day to the New Bedford wastewater treatment facility.
17142. Wastewater from the production of synthetic cordage and nylon elastic bands is likely to contain organic compounds and some heavy metals.
17143. Lambeth Corporation has discharged organic compounds and heavy metals to New Bedford Harbor.
17144. Morse Cutting Tools, a division of Gulf Western Manufacturing Company has been located in New Bedford from 1864 to 1990.
17145. Morse Cutting Tools manufactured metal cutting tools including drills, reamer tapes, dyes and mills, cutters and carbide cutting tools.
17146. The CDM IPP study reported that Morse Cutting Tools discharged 136,000 gallons of wastewater per day to the New Bedford wastewater treatment plant.
17147. Morse Cutting Tools discharged 136,000 gallons of wastewater per day to the New Bedford Wastewater Treatment plant.
17148. Morse Cutting Tools wastewater discharges contained heavy metals and organic solvents.
17149. Morse Cutting Tools discharged heavy metals and organic solvents to New Bedford Harbor.
17150. Reynolds-Dewalt Printing Inc. has been located in New Bedford from before 1936 to the present.
17151. Reynolds-Dewalt Printing Inc. performs printing.

17152. Cleaning of printers generates wastewater which contains heavy metals.
17153. Reynolds-Dewalt Printing Inc. generated wastewater containing heavy metals.
17154. Reynolds-Dewalt Printing, Inc. discharged heavy metals to New Bedford Harbor.
17155. Rodney Printing Incorporated has been located in New Bedford from 1945 to the present.
17156. Rodney Printing, Inc. performs printing.
17157. Cleaning of printers generates wastewater that contains heavy metals.
17158. Rodney Printing, Inc. generated wastewater containing heavy metals.
17159. The CDM IPP study found that in 1980 Rodney Printing, Inc. was discharging silver to the New Bedford wastewater treatment plant.
17160. Rodney Printing, Inc. discharged silver to the New Bedford wastewater treatment plant in 1980.
17161. Rodney Printing discharged silver and heavy metals into New Bedford Harbor.
17162. Rodney Printing discharged silver and heavy metals into New Bedford Harbor.
17163. Gosnold Mills, Inc. was located in New Bedford from 1910 to 1952.
17164. Gosnold Mills, Inc. produced cotton and rayon goods.
17165. The manufacture of cotton and rayon goods generates wastewater containing organic compounds and heavy metals.
17166. Gosnold Mills, Inc.'s wastewater contained organic compounds and heavy metals.
17167. Gosnold Mills discharged organic compounds and heavy metals to New Bedford Harbor.
17168. From 1910 to 1952, Gosnold Mills discharged organic compounds and heavy metals to New Bedford Harbor.
17169. Hathaway Machine Company was located in Fairhaven from

1910 to the 1950s.

- 17170. Hathaway Machine Company produced marine fishing machinery and equipment and had a machine shop.
- 17171. The production of marine fishing machinery and equipment in a machine shop generates heavy metals, organic solvents, and oil and grease from degreasing, manufacturing operations, machining and cleaning of machines and machine parts.
- 17172. Hathaway Machine Company's wastewater contained organic solvents, heavy metals, oil and grease.
- 17173. Hathaway Machine Company discharged organic solvents, heavy metals, oil and grease to New Bedford Harbor.
- 17174. From 1910 until the 1950's, Hathaway Machine Company discharged organic solvents, heavy metals, oil and grease to New Bedford Harbor.
- 17175. Killburn Mill Company was located in New Bedford from 1904 to 1956.
- 17176. Killburn Mill Company produced sewing threads and package dyeing.
- 17177. Dye waste material contains organic compounds and heavy metals.
- 17178. Killburn Mill Company wastewater discharges contained heavy metals and organic compounds.
- 17179. Killburn Mill Company discharged organic compounds and heavy metals to New Bedford Harbor.
- 17180. From 1909 until 1956, Killburn Mill Company discharged organic compounds and heavy metals to New Bedford Harbor.
- 17181. Pierce Brothers Limited Company was located in New Bedford from 1911 to 1948.
- 17182. Pierce Brothers Limited produced fancy cotton goods.
- 17183. According to USEPA Development Documents for Effluent Limitations Guidelines and Standards for textile mills, wastewater from low water processing mills involved in the fiber preparation and weaving contains high levels of organic compounds and heavy metals.
- 17184. Wastewater from low water processing mills involved in

- fiber preparation and weaving contains high levels of organic compounds and heavy metals.
17185. Wastewater from Pierce Brothers Limited contained high levels of organic compounds and heavy metals.
17186. Pierce Brothers Limited discharged organic compounds and heavy metals to New Bedford Harbor.
17187. From 1911 to 1948, Pierce Brothers Limited discharged organic compounds and heavy metals to New Bedford Harbor.
17188. The Soule Mill Company was located in New Bedford from 1901 to 1960.
17189. Soule Mill Company produced fiberglass cloth and fiberglass screening along with cotton and rayon goods.
17190. According to USEPA Development Documents for Effluent Limitations Guidelines and Standards for Textile Mills, wastewater from mill operations contains organic compounds and heavy metals.
17191. Soule Mill wastewater contained organic compounds and heavy metals.
17192. Soule Mill discharged organic compounds and heavy metals to New Bedford Harbor.
17193. From 1901 to 1960, Soule Mill discharged organic compounds and heavy metals to New Bedford Harbor.
17194. The Taber Mill Company was located in New Bedford from 1906 to 1940.
17195. Taber Mill Company produced cotton goods and yarn.
17196. According to USEPA Development Documents for Effluent Limitations Guidelines and Standards for Textile Mills, wastewater from mill operations contains metals and organic compounds.
17197. Taber Mill wastewater contained organic compounds and heavy metals.
17198. Taber Mill discharged organic compounds and heavy metals into New Bedford Harbor.
17199. From 1906 to 1940, Taber Mill discharged organic compounds and heavy metals into New Bedford Harbor.
17200. Wamsutta Mills Company was located in New Bedford from

1846 to 1958.

- 17201. Wamsutta Mills produced sheets, pillow cases, broadcloth, organdies, and mechanical and industrial products.
- 17202. Wamsutta Mills operations involved all aspects of textile production, including fabric dyeing, weaving and finishing.
- 17203. Wamsutta Mills wastewater contained heavy metals and organic compounds.
- 17204. Wamsutta Mills discharged heavy metals and organic compounds into New Bedford Harbor.
- 17205. From 1846 to 1958, Wamsutta Mills discharged heavy metals and organic compounds into New Bedford Harbor.
- 17206. The New Bedford Copper Works was founded in 1860 and was later owned by Revere Copper and Brass.
- 17207. The New Bedford Copper Works was located along the waterfront of New Bedford Harbor.
- 17208. Many whaling ships were hove down to have the ships' bottom coated with copper prior to departing on a trip.
- 17209. Ships were bottom-coated with copper in New Bedford Harbor.
- 17210. Manomet Mills Company was located in New Bedford in 1922.
- 17211. Manomet Mills manufactured tire cord fabric.
- 17212. In 1927, the Firestone Rubber Company bought the Manomet Mills building.
- 17213. The Fiske Rubber Company located in New Bedford in 1924.
- 17214. Goodyear Rubber Company has been located in New Bedford since 1924.
- 17215. Starting in the 1940's, the Goodyear Rubber Company in New Bedford has made hoops for automobile tires and tire fabric along with pneumatic boats, bullet-sealing gas tanks, rubber and synthetic rubber accessories for the United States government.
- 17216. As of 1983, the Acushnet Company was located on Belleville Avenue in New Bedford.

17217. The Acushnet Company's products primarily include golf balls, clubs and equipment, and precision molded rubber components.
17218. The CDM IPP survey (CDM 1983) estimated the Acushnet Company's wastewater discharge to be 499,000 gallons per day (gpd).
17219. Until at least 1983, the Acushnet Company's wastewater discharge was approximately 499,000 gallons per day (gpd).
17220. The CDM IPP survey (CDM 1983) reported that the Acushnet Company has six waste stream outfalls.
17221. The CDM IPP survey (CDM 1983) reported that the Acushnet Company performs chrome plating and rinse operations for rubber molds.
17222. The CDM IPP survey (CDM 1983) reported that the Acushnet Company's acidic effluent contained heavy metals.
17223. Berkshire Hathaway, Inc. is located at 97 Cove Street in New Bedford.
17224. Berkshire Hathaway, Inc. has been located in New Bedford since 1888.
17225. Berkshire Hathaway, Inc. produces gray synthetic fabrics, finished drapery linings, and curtain fabrics.
17226. The CDM IPP survey (CDM 1983) reported that in 1983, Berkshire Hathaway Inc.'s wastewater discharge was estimated to be 70,000 gpd.
17227. The CDM IPP survey (CDM 1983) reported that Berkshire Hathaway Inc. had four waste stream outfalls.
17228. In 1983, Brittany Dye and Print Corporation was located at 1357 East Rodney French Boulevard in New Bedford.
17229. Brittany Dye and Print Corporation's product or service included screen printing of knitted and woven goods, specializing in synthetic fibers.
17230. Based on the CDM IPP survey (CDM 1983) Brittany Dye and Print Corporation's wastewater discharge was estimated to be 340,000 gpd.
17231. As of 1983, Brittany Dye and Print Corporation's wastewater discharge was estimated to be 340,000 gpd.

17232. The CDM IPP survey (CDM 1983) reported that Brittany Dye and Print Corporation had three waste stream outfalls.
17233. As of 1983, Brittany Dye and Print Corporation had three waste stream outfalls.
17234. According to the CDM IPP survey (CDM 1983), Brittany Dye and Print Corporation's wastewater contained large volumes of washwater generated from fabric washers and rinsing of printing racks.
17235. Brittany Dye and Print Corporation's wastewater contained large volumes of washwater generated from fabric washers and rinsing of printing racks characterized.
17236. According to the CDM IPP survey (CDM 1983), colored pigments were present in Brittany Dye and Print Corporation's wastewater discharge.
17237. Colored pigments were present in Brittany Dye and Print Corporation's wastewater discharge.
17238. Based on the CDM IPP survey (CDM 1983) Brittany Dye and Print Corporation's effluent was contained high COD levels, heavy metals and organics.
17239. Brittany Dye and Print Corporation's effluent contained high COD levels, heavy metals and organics.
17240. Coyne Industrial Laundries is located at 20 Howard Avenue in New Bedford.
17241. Coyne Industrial Laundries was an industrial laundry service.
17242. Based on the CDM IPP survey (CDM 1983) Coyne Industrial Laundries' wastewater discharge was estimated to be 60,000 gpd.
17243. According to the CDM IPP survey (CDM 1983) Coyne Industrial Laundries had one waste stream outfall.
17244. According to the CDM IPP survey (CDM 1983) Coyne Industrial Laundries' wastewater contained detergents.
17245. In 1983, Dartmouth Finishing Corporation was located at 45 Cove Street in New Bedford.
17246. Dartmouth Finishing Corporation bleached, printed, and

finished woven goods.

- 17247. Based on the CDM IPP survey (CDM 1983) Dartmouth Finishing Corporation's wastewater discharge was estimated to be 200,000 gpd.
- 17248. As of 1983, Dartmouth Finishing Corporation's wastewater discharge was estimated to be 200,000 gpd.
- 17249. According to the CDM IPP survey (CDM 1983) Dartmouth Finishing Corporation had one waste stream outfall.
- 17250. As of 1983, Dartmouth Finishing Corporation had one waste stream outfall.
- 17251. According to the CDM IPP survey (CDM 1983) large volumes of washwater generated from fabric washers and the rinsing of printing racks characterized Dartmouth Finishing Corporation's wastewater.
- 17252. As of 1983, large volumes of washwater generated from fabric washers and the rinsing of printing racks characterized Dartmouth Finishing Corporation's wastewater.
- 17253. According to the CDM IPP survey (CDM 1983) Dartmouth Finishing Corporation's wastewater was characterized by a high COD and contained heavy metals and organics.
- 17254. Dartmouth Finishing Corporation's wastewater was characterized by a high COD and contained heavy metals and organics.
- 17255. EPEC, Inc. is located in the New Bedford Industrial Park.
- 17256. EPEC, Inc. produces printed circuits.
- 17257. Based on the CDM IPP survey (CDM 1983) EPEC, Inc.'s wastewater discharge was estimated to be 42,000 gpd.
- 17258. As of 1983, EPEC, Inc.'s wastewater discharge was estimated to be 42,000 gpd.
- 17259. According to the CDM IPP survey (CDM 1983) EPEC, Inc. had two waste stream outfalls totaled two.
- 17260. EPEC, Inc.'s waste stream outfalls totaled two.
- 17261. EPEC, Inc.'s manufacturing processes included gold, copper, lead, tin plating and acid bath and ammonia based etching.

17262. Based on the CDM IPP survey (CDM 1983) EPIC, Inc.'s effluent contained heavy metals.
17263. In 1983, Isotronics, Inc. was located in the New Bedford Industrial Park.
17264. Isotronics, Inc. produced electronic components and accessories.
17265. Based on the CDM IPP survey (CDM 1983), Isotronics, Inc.'s industrial wastewater discharge was estimated to be 14,000 gpd.
17266. As of 1983, Isotronics, Inc.'s industrial wastewater discharge was estimated to be 14,000 gpd.
17267. According to the CDM IPP survey (CDM 1983), Isotronics, Inc. had one waste stream outfall.
17268. Isotronics, Inc. has one waste stream outfall.
17269. Isotronics, Inc.'s manufacturing processes included acid etching and metal stripping (closed cyanide stripping operation).
17270. According to the CDM IPP survey (CDM 1983) Isotronics, Inc.'s wastewater was characterized by a high COD and contained heavy metals.
17271. As of 1983, Isotronics, Inc.'s wastewater was characterized by a high COD level and contained heavy metals.
17272. In 1983, Payne Cutlery Corporation was located in Cutlery Square in New Bedford.
17273. Payne Cutlery Corporation's products included commercial and industrial scissors, pinking shears, snips, thread clips, and emery boards.
17274. Based on the CDM IPP survey (CDM 1983), Payne Cutlery Corporation's wastewater discharge was estimated to be 50,000 gpd.
17275. As of 1983, Payne Cutlery Corporation's wastewater discharge was estimated to be 50,000 gpd.
17276. According to the CDM IPP survey (CDM 1983) Payne Cutlery Corporation's waste stream outfalls totaled six.
17277. As of 1983, Payne Cutlery Corporation had six waste stream outfalls.

17278. Payne Cutlery Corporation's manufacturing processes included chromium and nickel plating operations.
17279. Based on the CDM IPP survey (CDM 1983) Payne Cutlery Corporation's effluent contained heavy metals.
17280. As of 1983, Payne Cutlery Corporation's effluent contained heavy metals.
17281. In 1983, PCI Group, Inc. was located in the New Bedford Industrial Park.
17282. PCI Group, Inc.'s products included eyelets, rivets, tacks, nails, miscellaneous metal fasteners, shoemaking supplies, metal and wood shoe shanks, industrial and building maintenance chemicals.
17283. Based on the CDM IPP survey (CDM 1983) PCI Group, Inc.'s wastewater discharge was estimated to be 44,000 gpd.
17284. As of 1983, PCI Group, Inc.'s wastewater discharge was estimated to be 44,000 gpd.
17285. According to the CDM IPP survey (CDM 1983), PCI Group, Inc.'s waste stream outfalls totaled three.
17286. PCI Group, Inc.'s waste stream outfalls totaled three.
17287. PCI Group, Inc.'s manufacturing processes included nickel and copper plating operations and acid bath/rinse.
17288. Based on the CDM IPP survey (CDM 1983), PCI Group, Inc.'s wastewater was characterized by a low pH, high COD and contained heavy metals.
17289. PCI Group, Inc.'s wastewater was characterized by a low pH, high COD and contained heavy metals.
17290. In 1983, Star Plating Company, Inc. was located at 41 Coffin Avenue in New Bedford.
17291. Star Plating Company, Inc. performed electroplating, plating and coloring operations.
17292. Based on the CDM IPP survey (CDM 1983) Star Plating Company, Inc.'s wastewater discharge was estimated to be 161,000 gpd.
17293. Star Plating Company, Inc.'s wastewater discharge was estimated to be 161,000 gpd.

17294. According to the CDM IPP survey (CDM 1983) Star Plating Company, Inc. had one waste stream outfall.
17295. As of 1983, Star Plating Company, Inc. had one waste stream outfall.
17296. Star Plating Company, Inc.'s manufacturing processes included nickel, copper, zinc, tin, and brass plating, acid bath rinses, and cyanide rinses.
17297. Based on the CDM IPP survey (CDM 1983) Star Plating Company, Inc.'s effluent contained heavy metals.
17298. As of 1983, Star Plating Company, Inc.'s effluent contained heavy metals.
17299. In 1983, Teledyne Rodney Metals was located at 1357 East Rodney French Boulevard in New Bedford.
17300. Teledyne Rodney Metals' products included precision metal, thin strip and foil stainless, titanium, high temp metals and painted steel and aluminum strip nickel alloys.
17301. Based on the CDM IPP survey (CDM 1983) Teledyne Rodney Metals' wastewater discharge was estimated to be 75,000 gpd.
17302. Teledyne Rodney Metals' wastewater discharge was estimated to be 75,000 gpd.
17303. According to the CDM IPP survey (CDM 1983), Teledyne Rodney Metals' waste stream outfalls totaled three.
17304. As of 1983, Teledyne Rodney Metals' waste stream outfalls totaled three.
17305. Teledyne Rodney Metals' manufacturing processes included a pickling operation that utilized an acid bath/rinse.
17306. Based on the CDM IPP survey (CDM 1983) Teledyne Rodney Metals' effluent contained heavy metals.
17307. Teledyne Rodney Metals' effluent contained heavy metals.
17308. Attachment Q.VIII.e.0001a is a duplicate copy of selected pages from the "New Bedford Directory for the years 1900, 1923, 1930, 1940, 1949, 1955 and 1966 and is genuine.

17309. Attachment Q.VIII.e.0001a accurately reports the presence of industries in New Bedford at those times.
17310. Attachment Q.VIII.e.0001b is a duplicate copy from "New Bedford, Massachusetts Statistics Relating to Cotton and Other Manufacturing Corporations, National Banks, Saving Banks, Real Estate, etc.", that was compiled for official sources by Sanford and Kelly for the years 1911, 1923, 1924, 1935 and 1936, which reports New Bedford Textile Industry Statistics, and is genuine.
17311. Attachment Q.VIII.e.0001b accurately reports the presence of industries located in New Bedford at those times.
17312. Attachment Q.VIII.e.0001c is a duplicate copy of pages from the "New England Directory of Manufactures" for the years 1936, 1940, 1945, 1950, 1955 and 1960 and is genuine.
17313. Attachment Q.VIII.e.0001c accurately reports the presence of industries located in New Bedford at those times.
17314. Attachment Q.VIII.e.0001 is a duplicate copy of a memorandum by William T. Sedgwick entitled "Disinfection of the City of New Bedford, Massachusetts" dated August 1, 1911 and is genuine.
17315. Attachment Q.VIII.e.0001 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17316. Attachment Q.VIII.e.0001 is an authentic, ancient document, in existence twenty years or more.
17317. Attachment Q.VIII.e.0001 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17318. In 1911, Mr. Sedgwick requested the New Bedford city engineer to consider a disinfection plan to improve New Bedford's sewage system because of the city's rapid growth and active water frontage.

17319. Mr. Sedgwick pointed out the undesirability of the current sewage discharges to the local waters.
17320. In 1911, Mr. Sedgwick pointed out that the current practice of discharging sewage to the local waters of New Bedford was a public health concern.
17321. Mr. Sedgwick pointed out that sewage disinfection would greatly diminish dangers associated with consumption of shellfish from local waters.
17322. Mr. Sedgwick pointed out that storm water causes the sewer system to overflow.
17323. Attachment Q.VIII.e.0002 is a duplicate of the original document prepared by the city engineers for the city of New Bedford entitled "Report of the City Engineer to the Board of Public Works Upon an Intercepting Sewer System for the Relief of Clark's Cove and Acushnet River" dated 1900 and is genuine.
17324. Attachment Q.VIII.e.0002 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17325. Attachment Q.VIII.e.0002 is an authentic, ancient document, in existence twenty years or more.
17326. Attachment Q.VIII.e.0002 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17327. Attachment Q.VIII.e.0002 discusses the discharge of sewage to Clarks Cove in the Acushnet River.
17328. Attachment Q.VIII.e.0002 discusses how discharges to the Acushnet River and Clarks Cove include debris, organic and inorganic material.
17329. In 1900, the city engineer for New Bedford recommended that bathing and the taking of shellfish in sewage-contaminated waters should be prohibited.

17330. Attachment Q.VIII.e.0002 discusses how sewage creates nuisance odors in the coastal area.
17331. In the 1800s, the city engineer for New Bedford reported that sewage should not continue to be discharged.
17332. Attachment Q.VIII.e.0002 reports that in 1900 there were 26 sewers north of Cove Street discharging into the Acushnet River.
17333. Attachment Q.VIII.e.0002 reports that the odor of decomposing sewage at present sewer outlets was the nuisance most often complained of by citizens.
17334. As of the year 1900, sewage discharge to New Bedford Harbor area waters was a major concern to the local community.
17335. As of 1900, sewage had degraded water quality in New Bedford area waters.
17336. As of 1900, sewage had created odor problems to New Bedford area residents.
17337. As of 1900, sewage pollution of New Bedford Harbor and the local area had created aesthetic problems for the citizens of New Bedford and surrounding areas.

#### OIL POLLUTION

17338. The New Bedford Standard Times is the most widely read newspaper in the New Bedford Harbor area.
17339. The New Bedford Standard Times has a daily circulation of approximately 44,000 and a Sunday circulation of approximately 47,000.
17340. Attachment Q.VIII.e.0003 is a duplicate of an article published on January 28, 1986 in the New Bedford Standard Times and is genuine.
17341. In January, 1986, Dartmouth Finishing Co. accidentally discharged dye into the Acushnet River.
17342. Attachment Q.VIII.e.0004 is a duplicate of an article published on August 31, 1984 in the New Bedford Standard Times and is genuine.
17343. The information reported in the above Attachment Q.VIII.e.4 is true.

17344. In August 1984, a discharge of violet-blue dye occurred from a south end drainage pipe into the outer harbor.
17345. Attachment Q.VIII.e.0005 is a duplicate copy of an article published on February 2, 1978 in the New Bedford Standard Times and is genuine.
17346. The information reported in the above Attachment Q.VIII.e.0005 is true.
17347. In 1978, an oyster bed in the west branch of the Westport River was reported to be ruined due to pollution.
17348. In 1978, an oyster bed in the west branch of the Westport River was ruined due to pollution.
17349. In 1978, John Correia of the State Division of Water Pollution Control reported that high levels of various chemicals, including hydrocarbons, were suspected of causing the death of oysters and other marine life.
17350. Attachment Q.VIII.e.0006 is a duplicate copy of an article published on June 10, 1977 in the New Bedford Standard Times and is genuine.
17351. The information reported in the above Attachment Q.VIII.e.0006 is true.
17352. Attachment Q.VIII.e.0007 is a duplicate copy of an article published on December 4, 1972 in the New Bedford Standard Times and is genuine.
17353. The information reported in the above Attachment Q.VIII.e.0007 is true.
17354. In 1972, SMU proposed a study on the effect of the Hurricane Dike on pollutant dispensal in the inner harbor.
17355. Attachment Q.VIII.e.0008 is a duplicate of an article published on August 21, 1972 in the New Bedford Standard Times and is genuine.
17356. The information reported in the above Attachment Q.VIII.e.0008 is true.
17357. In 1972, a survey conducted by the State Division of Water Pollution Control discovered 130 discharge pipes and culverts in New Bedford Harbor and the Acushnet River and found numerous discharges of various oils

into the harbor and river.

17358. Attachment Q.VIII.e.0009 is a duplicate copy of an article published on August 20, 1972 in the New Bedford Standard Times and is genuine.
17359. Attachment Q.VIII.e.0009 reports that in 1972 a study of the harbor and river released by the State Division of Water Pollution Control reported that one of the major problems confronting the harbor and river was oil discharges by vessels and discharges through the town drainage systems.
17360. In 1972, a study of the harbor and river released by the State Division of Water Pollution Control reported that one of the major problems confronting the harbor and river was oil discharges by vessels and discharges through the town drainage systems.
17361. Attachment Q.VIII.e.0010 is a duplicate of an article published on August 11, 1972 in the New Bedford Standard Times and is genuine.
17362. Attachment Q.VIII.e.0010 reported that in 1972 the appearance of oil slicks covering approximately 25% of the Acushnet River surface north of the New Bedford/Fairhaven bridge, was attributable to numerous potential sources.
17363. In 1972, the appearance of oil slicks covering approximately 25% of the Acushnet River surface north of the New Bedford/Fairhaven bridge, was attributable to numerous potential sources.
17364. The information reported in the above Attachment Q.VIII.e.0010 is true.
17365. The 1972 oil spill referred to in Attachment Q.VIII.e.0010 came from the Revere Copper and Brass, Inc. and Acushnet Co. plants in New Bedford and the Acushnet Co. and The Warren Bros. Co. in Acushnet.
17366. Attachment Q.VIII.e.0011 is a duplicate copy of an article published on July 5, 1970 in the New Bedford Standard Times and is genuine.
17367. The information reported in the above Attachment Q.VIII.e.0011 is true.
17368. Attachment Q.VIII.e.0011 reports that in 1970, discharge pipes were discovered in the Acushnet River and New Bedford Harbor discharging industrial

wastewater with a pH as high as 12.4 and containing solids ranging from dye balls to latex material.

17369. In 1970, discharge pipes were discovered in the Acushnet River and New Bedford Harbor discharging industrial wastewater with a pH as high as 12.4 and containing solids ranging from dye balls to latex material.
17370. Attachment Q.VIII.e.0012 is a duplicate copy of an article published on April 26, 1970 in the New Bedford Standard Times and is genuine.
17371. Attachment Q.VIII.e.0012 is an authentic, ancient document, in existence twenty years or more.
17372. The information reported in the above Attachment Q.VIII.e.0012 is true.
17373. Attachment Q.VIII.e.0012 reports that in 1970, The Acushnet River had unusually high levels of bacteria, oils, detergents and assorted chemicals and that the hurricane barrier was exacerbating the situation by trapping the contaminants within the harbor.
17374. In 1970, the public received notice that the Acushnet River had unusually high levels of bacteria, oil, detergents and assorted chemicals and the hurricane barrier was exacerbating the situation by trapping the contaminants within the harbor.
17375. Attachment Q.VIII.e.0013 is a duplicate copy of an article published on September 18, 1962 in the New Bedford Standard Times and is genuine.
17376. Attachment Q.VIII.e.0013 is an authentic, ancient document, in existence twenty years or more.
17377. The information reported in the above Attachment Q.VIII.e.0013 is true.
17378. Attachment Q.VIII.e.0013 reports that in 1962, tar balls and "offensive wastes" were present in the Acushnet River.
17379. In 1962, tar balls and "offensive wastes" were present in the Acushnet River.
17380. In 1962, an attorney for the Dartmouth Finishing Company noted in a letter to the State Department of Health that Dartmouth Finishing Co. was "presently engaged in effecting a change of chemical formula to

eliminate the offensive wastes."

17381. From at least prior to 1947 to today, the disposal of various chemicals and oils into New Bedford Harbor and the Acushnet River has polluted and significantly degraded the water quality of these waters.
17382. From prior to 1947 to today, the citizens of the New Bedford Harbor area have been aware that the disposal of various chemicals and oils into New Bedford Harbor and the Acushnet River has polluted and significantly degraded the water quality of these waters.

#### METAL POLLUTION

17383. Attachment Q.VIII.e.0014 is a duplicate copy of an article published on August 4, 1989 in the New Bedford Standard Times and is genuine.
17384. Attachment Q.VIII.e.0014 describes criticism of the EPA plan to incinerate sludge dredged from the harbor and Acushnet River because of high concentrations of heavy metals, such as copper, cadmium and lead, in the sludge.
17385. Attachment Q.VIII.e.0014 reports that heavy metals such as copper, cadmium and lead were regularly discharged with wastewater into area waters by local industry.
17386. High concentrations of heavy metals, such as copper, cadmium and lead, are present in New Bedford Harbor.
17387. Heavy metals such as cadmium, copper and lead were regularly dumped with wastewater into area waters by local industry.
17388. Attachment Q.VIII.e.0015 is a duplicate copy of an article published on August 3, 1989 in the New Bedford Standard Times and is genuine.
17389. The information reported in the above Attachment Q.VIII.e.0015 is true.
17390. Attachment Q.VIII.e.0015 describes criticism of the EPA plan to incinerate sludge dredged from the harbor and Acushnet River because of high concentrations of heavy metals such as copper, cadmium and lead.
17391. Attachment Q.VIII.e.0015 reports that heavy metals such as copper, cadmium and lead were regularly dumped with wastewater into area waters by local industry.

17392. New Bedford Harbor area waters contain heavy metals such as copper, cadmium and lead.
17393. Heavy metals such as copper, cadmium and lead were regularly dumped with wastewater into area waters by local industry.
17394. New Bedford area residents are aware that heavy metals such as copper, cadmium and lead have been regularly dumped with wastewater into area waters by local industry.
17395. New Bedford area residents have noticed that heavy metals such as copper, cadmium and lead have been regularly dumped with wastewater into area waters by local industry.
17396. Attachment Q.VIII.e.0016 is a duplicate copy of an article published on January 9, 1988 in the New Bedford Standard Times and is genuine.
17397. The information reported in the above Attachment, Q.VIII.e.0016 is true.
17398. Attachment Q.VIII.e.0016 reports that the J.C. Rhodes Co. has pumped untreated wastewater containing high levels of copper, nickel and zinc into the New Bedford sewer system.
17399. The J.C. Rhodes Co. has pumped untreated wastewater containing high levels of copper, nickel and zinc into the New Bedford sewer system.
17400. Attachment Q.VIII.e.0017 is a duplicate copy of an article published on December 31, 1986 in the New Bedford Standard Times and is genuine.
17401. The information presented in the above Attachment Q.VIII.e.0017 is true.
17402. Attachment Q.VIII.e.0017 reports an EPA assessment of a \$1,025,000 fine against the J.C. Rhodes Co. for the daily release of 44,000 gallons of untreated wastewater containing high levels of copper, nickel and zinc into the New Bedford sewer system.
17403. EPA assessed a \$1,025,000 fine against the J.C. Rhodes Co. for the daily release of 44,000 gallons of untreated wastewater containing high levels of copper, nickel and zinc into the New Bedford sewer system.
17404. The J.C. Rhodes Co. discharged copper, nickel and zinc

into the New Bedford Harbor sewer system.

- 17405. Attachment Q.VIII.e.0018 is a duplicate copy of an article published on February 1, 1987 in the New Bedford Standard Times and is genuine.
- 17406. The information reported in the above Attachment Q.VIII.e.0018 is true.
- 17407. Attachment Q.VIII.e.0018 reports that releases of untreated wastewater containing heavy metals, cyanide and acids to New Bedford Harbor by J.C. Rhodes Co. and Star Plating Co. have resulted in the presence of these pollutants in area waters.
- 17408. Star Plating Co. discharged heavy metals, cyanide and acids into New Bedford Harbor.
- 17409. Attachment Q.VIII.e.0019 is a duplicate copy of an article published on May 9, 1984 in the New Bedford Standard Times, and is genuine.
- 17410. Attachment Q.VIII.e.0019 reports the efforts of City Council Member J. Mark Treadup to halt the daily discharge of 161,000 gallons of cyanide and acid rinses into the Acushnet River by the Star Plating Company.
- 17411. City Council Member J. Mark Treadup has attempted to halt the daily discharge of 161,000 gallons of cyanide and acid rinses into the Acushnet River by the Star Plating Company.
- 17412. The information reported in the above Attachment Q.VIII.e.0019 is true.
- 17413. Attachment Q.VIII.e.0020 is a duplicate copy of an article published on May 6, 1984 in the New Bedford Standard Times and is genuine.
- 17414. Attachment Q.VIII.e.0020 describes the discharge of untreated wastewater into the Acushnet River by the Star Plating Company.
- 17415. Star Plating Co. discharged untreated wastewater into the Acushnet River.
- 17416. Attachment Q.VIII.e.20 reports that two studies of the harbor by Camp, Dresser and McKee Inc., an engineering consulting firm, have concluded that most industrial discharges, with their toxic pollutants, pass untreated through the city sewer system into the harbor.

17417. Two studies of the harbor by Camp, Dresser and McKee Inc., an engineering consulting firm, concluded that most industrial discharges, with their toxic pollutants, pass untreated through the city sewer system into the harbor.
17418. The information reported in the above Attachment Q.VIII.e.0020 is true.
17419. Attachment Q.VIII.e.0022 is a duplicate copy of an article published on July 8, 1976 in the New Bedford Standard Times and is genuine.
17420. The information reported in the above Attachment Q.VIII.e.0022 is true.
17421. Attachment Q.VIII.e.0022 reports that a Woods Hole Oceanographic Institution study has found that phenomenally high levels of copper (0.65 percent), zinc (0.2 percent) and lead (0.2 percent) in bottom sediments outside New Bedford Harbor are the result of industrial waste discharges into the Acushnet River.
17422. A Woods Hole Oceanographic Institution has found that phenomenally high levels of copper (0.65 percent), zinc (0.2 percent) and lead (0.2 percent) in bottom sediments outside New Bedford Harbor are the result of industrial waste discharges into the Acushnet River.
17423. Attachment Q.VIII.e.0008 is a duplicate copy of an article published on August 21, 1972 in the New Bedford Standard Times and is genuine.
17424. The information reported in the above Attachment Q.VIII.e.24 is true.
17425. Attachment Q.VIII.e.0008 describes a survey of discharge pipes and culverts in New Bedford Harbor and the Acushnet River conducted by the State Division of Water Pollution Control which pinpointed various industrial wastewater sources in the harbor area.
17426. This survey by the State Division of Water Pollution Control identified 130 discharge pipes and culverts.
17427. In 1972, at least 130 discharge pipes and culverts discharged wastewater into New Bedford Harbor and the River.
17428. Attachment Q.VIII.e.0009 is a duplicate copy of an article published on August 20, 1972 in the New Bedford Standard Times and is genuine.

17429. Attachment Q.VIII.e.0009 describes a study conducted by the State Division of Water Pollution Control of New Bedford Harbor and the Acushnet River.
17430. The information reported in the above Attachment Q.VIII.e.0009 is true.
17431. Attachment Q.VIII.e.0009 describes that among other things, high levels of heavy metals in the sediment of the harbor and river with chromium levels of 5.1 ppm in the harbor near the hurricane dike, cadmium levels of 53 ppm and 4 ppm, and copper levels of 7,300 ppm and 5 ppm were found respectively in the river and outer harbor by the State Division of Water Pollution Control.
17432. The State Division of Water Pollution Control has found high levels of heavy metals in river and harbor sediments with chromium levels of 3,200 ppm found in the river and 5.1 ppm in the harbor near the hurricane dike, cadmium levels of 53 ppm and 4 ppm, and copper levels of 7,300 ppm and 5 ppm in the river and outer harbor respectively.
17433. The information reported in the above Attachment Q.VIII.e.0009 is true.
17434. Attachment Q.VIII.e.0025 is a duplicate copy of an article published on July 12, 1970 in the New Bedford Standard Times and is genuine.
17435. The information reported in the above Attachment Q.VIII.e.0025 is true.
17436. Attachment Q.VIII.e.0025 describes the daily disposal of 22 pounds of chromic acid by the Acushnet Company into the Acushnet River.
17437. The Acushnet Company used chromic acid daily in a rinse solution, which was neutralized and discharged to the river without removing the chromium from the solution.
17438. Attachment Q.VIII.e.0026 is a duplicate copy of an article published on September 9, 1966 in the New Bedford Standard Times and is genuine.
17439. The information reported in the above Attachment Q.VIII.e.0026 is true.
17440. Attachment Q.VIII.e.0026 describes among other things, the disposal of industrial waste into the Acushnet River by some industrial plants.

17441. Industrial Plants other than the Aerovox plant have discharged industrial waste to New Bedford Harbor area waters.
17442. Since before 1940, it has been the standard practice of local industries to discharge, either directly or through city sewers, wastewater containing heavy metals to New Bedford Harbor and the Acushnet River.
17443. Since prior to 1940, New Bedford Harbor and the Acushnet River have each experienced contamination of bottom sediments and degradation of water quality due to standard industrial practices.
17444. Since prior to 1940, the New Bedford area residents have noticed that New Bedford Harbor and the Acushnet River have each experienced contamination of bottom sediments and degradation of water quality due to standard industrial practices.

#### SEWAGE POLLUTION

17445. Attachment Q.VIII.e.0028 is a duplicate copy of an article published on March 4, 1989 in the New Bedford Standard Times and is genuine.
17446. The information reported in the above Attachment Q.VIII.e.0028 is true.
17447. Attachment Q.VIII.e.0028 describes the loss of millions of dollars in shellfishing revenues in Buzzards Bay due to bacterial contamination by sewage.
17448. Millions of dollars in shellfishing revenues in Buzzards Bay have been lost due to bacterial contamination by sewage.
17449. Attachment Q.VIII.e.0029 is a duplicate copy of an article published on January 14, 1988 in the New Bedford Standard Times and is genuine.
17450. The information reported in the above Attachment Q.VIII.e.0029 is true.
17451. Attachment Q.VIII.e.0029 reports that the Conservation Law Foundation of New England has found that sewage pollution is responsible for keeping the Outer Harbor and Clarks Cove closed to shellfishing, of a cost of \$5.7 million to the local economy.

17452. Sewage pollution has been responsible for keeping the Outer Harbor and Clarks Cove closed to shellfishing, at a cost of \$5.7 million to the local economy.
17453. Attachment Q.VIII.e.0030 is a duplicate copy of an article published on December 24, 1987 in the New Bedford Standard Times and is genuine.
17454. The information reported in Attachment Q.VIII.e.0030 is true.
17455. Attachment Q.VIII.e.0030 reports that angry shell fishermen have protested over DEQE's closure of shellfish beds due to a malfunction of the wastewater treatment plant earlier in December 1987.
17456. Angry shell fishermen protested over DEQE's closure of shellfish beds due to a malfunction of the wastewater treatment plant earlier in December 1987.
17457. Attachment Q.VIII.e.0031 is a duplicate copy of an article published on December 12, 1987 in the New Bedford Standard Times and is genuine.
17458. The information presented is the above Attachment Q.VIII.e.0031 is true.
17459. Attachment Q.VIII.e.0031 reports that temporary closures of shellfish beds, in the area from Roundhill Beach to the tip of Scoticut Neck, by the State Department of Environmental Quality Engineering (DEQE), was due to the discharge of untreated sewage by the New Bedford sewer system.
17460. In December, 1987, temporary closures of shellfish beds, in the area from Roundhill Beach to the tip of Scoticut Neck, by the State Department of Environmental Quality Engineering (DEQE), was due to the discharge of untreated sewage by the New Bedford sewer system.
17461. The discharge of untreated sewage was caused by malfunctioning chlorination equipment at the Ft. Rodman sewage treatment plant.
17462. Attachment Q.VIII.e.0032 is a duplicate copy of two articles published on November 8, 1987 in the New Bedford Standard Times and is genuine.
17463. The information presented in the above Attachment Q.VIII.e.0032 is true.

17464. Attachment Q.VIII.e.0032 reports that during a "State of the Bay conference", Mr. Thomas E. Fantozzi, technical advisor for the Buzzards Bay project, stated that he felt that waters closed for shellfishing by the DEQE, could be unsafe for swimming as well, due to the high bacterial contamination from a sewer treatment plant.
17465. Mr. Thomas E. Fantozzi, technical advisor for the Buzzards Bay project, stated that he felt the waters closed for shellfishing by the DEQE, were unsafe for swimming as well, due to the high bacterial contamination from the sewer treatment plant.
17466. The article entitled "Rallying to save poisoned bay" reports that Buzzards Bay and the Acushnet River show signs of eutrophication due to septic contamination.
17467. Attachment Q.VIII.e.0018 is a duplicate copy of an article published on February 1, 1987 in the New Bedford Standard Times and is genuine.
17468. The information reported in Attachment Q.VIII.e.0018 is true.
17469. Attachment Q.VIII.e.0018 reports that as of February, 1987, sewage was coming from a host of sources including the city sewage treatment system, industrial plant discharges, such as those from Revere Copper and Brass Co., overflow drains in the combined storm drain/sewer system during storm weather, and illegal tie-ins to storm drains that empty directly into the river or harbor.
17470. As of February, 1987, sewage was coming from a host of sources including the city treatment plant system, industrial plant discharges, such as those from Revere Copper and Brass Co., overflow drains in the combined storm drain/sewer system during storm weather, and illegal tie-ins to storm drains that empty directly into the river or harbor.
17471. Attachment Q.VIII.e.0034 is a duplicate copy of an article published on August 30, 1984 in the New Bedford Standard Times and is genuine.
17472. The information reported in Attachment Q.VIII.e.0034 is true.
17473. Attachment Q.VIII.e.0034 reports the settlement of a suit, brought against the city of New Bedford by DEQE for the intentional discharge to the Acushnet River of

one million gallons of raw sewage over a 2 day period.

- 17474. In August, 1984, a settlement was reached in the suit brought against the city of New Bedford by DEQE for the intentional discharge to the Acushnet River of one million gallons of raw sewage over a 2 day period.
- 17475. Attachment Q.VIII.e.0035 is a duplicate copy of an article published on June 14, 1984 in the New Bedford Standard Times and is genuine.
- 17476. Attachment Q.VIII.e.0035 reports that as of June, 1984, the discharge of raw sewage into the Acushnet River by the City of New Bedford had resulted in unacceptable fecal coliform counts in harbor waters.
- 17477. As of June, 1984, the discharge of raw sewage into the Acushnet River by the City of New Bedford had resulted in unacceptable fecal coliform counts in harbor waters.
- 17478. A separate sewage release occurred at the north end of the harbor.
- 17479. Due to sewage releases by the City of New Bedford, the fecal coliform levels were too high to be analyzed, resulting in the closure of beaches on the Fairhaven side of the outer harbor.
- 17480. The information presented in Attachment Q.VIII.e.0035 is true.
- 17481. Attachment Q.VIII.e.0036 is a duplicate copy of an article published on November 29, 1983 in the New Bedford Standard Times and is genuine.
- 17482. The information reported in the above Attachment Q.VIII.e.0036 is true.
- 17483. Attachment Q.VIII.e.0036 reports that Clarks Cove will potentially closed to shellfishing due to bacterial contamination from stormwater and sewer overflows during rainstorms.
- 17484. Attachment Q.VIII.e.0036 reports that monitoring of the cove by Massachusetts officials since the Spring of 1983 has shown consistently high levels of bacteria, plus gross pollution after heavy rainstorms.
- 17485. In November 1983, there was the possibility that Clarks Cove would be closed to shellfishing due to bacterial contamination from stormwater and sewer overflow during rainstorms.

17486. Monitoring of Clarks Cove by Massachusetts officials since Spring 1983 has shown consistently high levels of bacteria, plus gross pollution after heavy rainstorms.
17487. The information reported in Attachment Q.VIII.e.0036 is true.
17488. Attachment Q.VIII.e.0037 is a duplicate copy of an article published on June 29, 1977 in the New Bedford Standard Times and is genuine.
17489. Attachment Q.VIII.e.0037 reports that the State Division of Marine Fisheries and the Department of Natural Resources has concluded that a large fish kill in 1971 in the Acushnet River was partially caused by the high degree of organic pollution.
17490. The State Division of Marine Fisheries and the Department of Natural Resources have concluded that a large fish kill in 1971 in the Acushnet River which was partially caused by the high degree of organic pollution.
17491. A similar fish kill was occurring in the Acushnet River in June 1977.
17492. The likely source of the organic pollution was various sewage discharges to the harbor.
17493. Discharge from the New Bedford wastewater treatment plant adversely impacts the water quality at Fairhaven beaches and surrounding waters.
17494. Attachment Q.VIII.e.0008 is a duplicate copy of an article published on August 21, 1972 in the New Bedford Standard Times and is genuine.
17495. The information reported in Attachment Q.VIII.e.0008 is true.
17496. Attachment Q.VIII.e.0008 reports that in 1972, a survey conducted by the State Division of Water Pollution Control of discharge pipes and culverts in New Bedford Harbor and the Acushnet River, identified numerous discharge points of raw sewage.
17497. In 1972, a survey conducted by the State Division of Water Pollution Control of discharge pipes and culverts in New Bedford Harbor and the Acushnet River, identified numerous discharge points of raw sewage.

17498. In 1972, a study of the harbor and the Acushnet River by the State Division of Water Pollution Control, found that the discharge of sewage had generated pollution as much as 4,600 times above the accepted guidelines for swimming.
17499. Attachment Q.VIII.e.0038 is a duplicate copy of an article published on November 1, 1971 in the New Bedford Standard Times and is genuine.
17500. The information reported in the above Attachment Q.VIII.e.0038 is true.
17501. Attachment Q.VIII.e.0038 reports that in 1971 the City of New Bedford discharged raw sewage to the Paskamansett River.
17502. In 1971, the City of New Bedford discharged raw sewage the Paskamansett River.
17503. An estimated 150,000 gallons of sewage was released daily over a 2 week period.
17504. Attachment Q.VIII.e.0039 is a duplicate copy of an article published on August 15, 1971 in the New Bedford Standard Times and is genuine.
17505. The information reported in Attachment Q.VIII.e.0039 is true.
17506. Attachment Q.VIII.e.0039 reports that in 1870 a dock owner won a suit against the City of New Bedford concerning the dumping of sewage and refuse matter into the Acushnet River.
17507. In 1870 a dock owner won a suit against the City of New Bedford concerning the dumping of sewage and refuse matter into the Acushnet River.
17508. Attachment Q.VIII.e.0040 is a duplicate copy of an article published on May 8, 1971 in the New Bedford Standard Times and is genuine.
17509. The information reported in Attachment Q.VIII.e.0040 is true.
17510. Attachment Q.VIII.e.0040 reports that a sanitation survey by the Division of Water Pollution Control has estimated that at least 175 business concerns and private individuals are discharging raw sewage into the Acushnet River and New Bedford Harbor.
17511. As of 1971, approximately 175 business concerns and

private individuals were discharging raw sewage to the Acushnet River and New Bedford Harbor.

17512. Attachment Q.VIII.e.0041 is a duplicate copy of an editorial published on October 16, 1970 in the New Bedford Standard Times and is genuine.
17513. The information reported in Attachment Q.VIII.e.0041 is true.
17514. Attachment Q.VIII.e.0041 reports that the pollution in the Acushnet River since 1909, resulting in shellfish bed closures, fish kills and beach closings, had taken a significant toll.
17515. As of 1970, the toll taken by pollution in the Acushnet River, including shellfish bed closures, fish kills and beach closings, since 1909, was significant.
17516. Attachment Q.VIII.e.0042 is a duplicate copy of an article published on July 16, 1970 in the New Bedford Standard Times and is genuine.
17517. The information reported in Attachment Q.VIII.e.0042 is true.
17518. Attachment Q.VIII.e.0042 reports that in 1970, a study by Southeastern Massachusetts University on pollution in the Acushnet River found that domestic sewage was a major problem in the river.
17519. In 1970, domestic sewage was a major problem for the Acushnet river.
17520. Attachment Q.VIII.e.0043 is a duplicate copy of an article published on July 15, 1970 in the New Bedford Standard Times and is genuine.
17521. The information reported in Attachment Q.VIII.e.0043 is true.
17522. Attachment Q.VIII.e.0043 reports that in 1970, letters from George Rogers, Mayor of New Bedford, to the Army Corps of Engineers and Representative Hastings Kieth, stated that "a very definite and severely hazardous condition of pollution exists in the Acushnet River" due to the construction of the Hurricane Barrier.
17523. In 1970, letters from George Rogers, Mayor of New Bedford, to the Army Corps of Engineers and Representative Hastings Kieth, stated that "a very definite and severely hazardous condition of pollution

exists in the Acushnet River" due to the construction of the Hurricane Barrier.

- 17524. The Mayor described the dike as having "created a landlocked cesspool of the Acushnet River".
- 17525. The hurricane dike created a landlocked cesspool of the Acushnet River.
- 17526. Local citizens and government officials believe the construction of the hurricane barrier has made harbor pollution worse and more pronounced.
- 17527. Attachment Q.VIII.e.0044 is a duplicate copy of an article published on July 7, 1970 in the New Bedford Standard Times and is genuine.
- 17528. Attachment Q.VIII.e.0044 reports that in 1970, a dispute existed between the Mayor of New Bedford, George Rogers, and City Councillor David R. Nelson over the degree of contamination at city beaches.
- 17529. In 1970, a dispute existed between the Mayor of New Bedford, George Rogers and City Councillor David R. Nelson over the degree of contamination at city beaches.
- 17530. The information reported in Attachment Q.VIII.e.0044 is true.
- 17531. In 1970, City Councillor Nelson cited water tests taken in 1968 by a Southeastern Massachusetts University research group that had produced bacterial counts too high to record, as proof of the contamination of city beaches.
- 17532. In 1970, City Councillor Nelson stated that no measures to control pollution had been implemented since the SMU study in 1968.
- 17533. Beach water in New Bedford Harbor collected by Southeastern Massachusetts University produced bacterial counts too high to record.
- 17534. No measures to control pollution had been implemented between 1968 and 1970.
- 17535. Attachment Q.VIII.e.0045 is a duplicate copy of an article published on June 11, 1970 in the New Bedford Standard Times and is genuine.
- 17536. Attachment Q.VIII.e.0045 is an authentic, ancient document, in existence twenty years or more.

17537. The information reported in Attachment Q.VIII.e.0045 is true.
17538. Attachment Q.VIII.e.0045 reports that in 1970, a special city council session on Acushnet River pollution and dumping of raw sewage into the river by the City of New Bedford and Town of Fairhaven was held, and was cited by a waterfront industry spokesman.
17539. In 1970, a special city council session on Acushnet River pollution and dumping of raw sewage into the river by the City of New Bedford and Town of Fairhaven was held, and was cited by a waterfront industry spokesman.
17540. Attachment Q.VIII.e.0046 is a duplicate copy of an article published on May 31, 1968 in the New Bedford Standard Times and is genuine.
17541. Attachment Q.VIII.e.0046 is an authentic, ancient document, in existence twenty years or more.
17542. The information reported in Attachment Q.VIII.e.0046 is true.
17543. Attachment Q.VIII.e.0046 reports that in 1968, as in previous years, the combined sewer system used by New Bedford and the problems encountered from the increased water volumes during storms, resulted in the dumping of raw sewage into Clarks Cove.
17544. In 1968, as in previous years, the combined sewer system used by New Bedford and the problems encountered from the increased dumping water volumes during storms, resulted in the dumping of raw sewage into Clarks Cove.
17545. Attachment Q.VIII.e.0047 is a duplicate copy of an article published on March 8, 1967 in the New Bedford Standard Times and is genuine.
17546. Attachment Q.VIII.e.0047 is an authentic, ancient document, in existence twenty years or more.
17547. The information reported in Attachment Q.VIII.e.0047 is true.
17548. Attachment Q.VIII.e.0047 reports that in 1967, the closure of Clarks Cove and Acushnet River areas to shellfishing was due to high "Pollution Counts" and four cases of infectious hepatitis from consumption of shellfish taken from local waters.

17549. In 1967, the closure of Clarks Cove and Acushnet River areas to shellfishing was due to high "Pollution Counts" and four cases of infectious hepatitis in the city was due to the consumption of shellfish taken from local waters.
17550. Attachment Q.VIII.e.0048 is a duplicate copy of an article published on February 28, 1967 in the New Bedford Standard Times and is genuine.
17551. Attachment Q.VIII.e.0048 is an authentic, ancient document, in existence twenty years or more.
17552. The information reported in Attachment Q.VIII.e.0048 is true.
17553. Attachment Q.VIII.e.0048 reports that in 1967, shellfishing was banned in Clarks Cove, the Acushnet River and New Bedford Harbor by the State Department of Public Health because of overflows from the New Bedford sewer system.
17554. In 1967, shellfishing was banned in Clarks Cove, the Acushnet River and New Bedford Harbor by the State Department of Public Health because of overflows from the New Bedford sewer system.
17555. Attachment Q.VIII.e.0049 is a duplicate copy of an article published on September 10, 1966 in the New Bedford Standard Times and is genuine.
17556. Attachment Q.VIII.e.0049 is an authentic, ancient document, in existence twenty years or more.
17557. The information reported in Attachment Q.VIII.e.0049 is true.
17558. Attachment Q.VIII.e.0049 reports that in 1966, the hurricane dike had prevented normal flushing of the harbor and had created a "cesspool" of trapped sewage discharges inside the dike.
17559. In 1966, the hurricane dike, had prevented normal flushing of the harbor and had created a "cesspool" of trapped sewage discharges inside the dike.
17560. Attachment Q.VIII.e.0026 is a duplicate copy of an article published on September 9, 1966 in the New Bedford Standard Times and is genuine.
17561. Attachment Q.VIII.e.0026 is an authentic, ancient

document, in existence twenty years or more.

17562. The information reported in Attachment Q.VIII.e.0026 is true.
17563. Attachment Q.VIII.e.0026 reports that in 1966, illegal tie-ins to storm drains and large numbers of boats using the harbor had resulted in the release of raw sewage to the Acushnet River and New Bedford Harbor.
17564. In 1966, illegal tie-ins to storm drains and large numbers of boats using the harbor had resulted in the release of raw sewage to the Acushnet River and New Bedford Harbor.
17565. Attachment Q.VIII.e.0050 is a duplicate copy of an article published on September 8, 1966 in the New Bedford Standard Times and is genuine.
17566. Attachment Q.VIII.e.0050 is an authentic, ancient document, in existence twenty years or more.
17567. The information reported in Attachment Q.VIII.e.0050 is true.
17568. Attachment Q.VIII.e.0050 reports that in 1966, various sources of raw sewage contaminated the harbor and Acushnet River.
17569. In 1966, various sources of raw sewage contaminated the harbor and Acushnet River.
17570. Sources of raw sewage discharging to New Bedford Harbor include boats, industrial plants, illegal domestic tie-ins to storm drains which empty directly into the river and sewage overflow drains.
17571. Attachment Q.VIII.e.0051 is a duplicate copy of an article published on December 13, 1963 in the New Bedford Standard Times and is genuine.
17572. Attachment Q.VIII.e.0051 is an authentic, ancient document, in existence twenty years or more.
17573. The information reported in Attachment Q.VIII.e.51 is true.
17574. Attachment Q.VIII.e.0051 reports that in 1963, the city made efforts to obtain funds for a study of the sewage problem in the harbor and the Acushnet River.
17575. In 1963, the city made efforts to obtain funds for a

study of the sewage problem in the harbor and the Acushnet River.

- 17576. The Town of Fairhaven lacked any treatment system for its sewage as late as 1963.
- 17577. Mayor Harrington commented in 1963 that the state Dept. of Public Works had demanded in 1959 that New Bedford curtail the dumping of sewage into the Acushnet River.
- 17578. Attachment Q.VIII.e.0052 is a duplicate copy of an article published on August 4, 1963 in the New Bedford Standard Times and is genuine.
- 17579. Attachment Q.VIII.e.0052 is an authentic, ancient document, in existence twenty years or more.
- 17580. The information reported in Attachment Q.VIII.e.0052 is true.
- 17581. Attachment Q.VIII.e.0052 reports that in 1963, the sewage problem in the Acushnet River was caused by the Towns of Fairhaven, Acushnet and the City of New Bedford.
- 17582. In 1963, the sewage problem in the Acushnet River was caused by the Towns of Fairhaven, Acushnet and the City of New Bedford.
- 17583. In 1963, Fairhaven and Acushnet did not have a treatment plant and were discharging sewage directly into the river.
- 17584. In 1963, New Bedford was contributing to the pollution problem from overflow drains, which discharge sewage during precipitation events, and their discharge of raw sewage through outflow pipes in Buzzards Bay.
- 17585. Attachment Q.VIII.e.0013 is a duplicate copy of an article published on September 18, 1962 in the New Bedford Standard Times and is genuine.
- 17586. Attachment Q.VIII.e.0013 is an authentic, ancient document, in existence twenty years or more.
- 17587. The information reported in Attachment Q.VIII.e.0013 is true.
- 17588. Attachment Q.VIII.e.0013 reports that in 1962, a sewage outfall pipe was used by the Town of Fairhaven to discharge raw sewage into the Acushnet River.
- 17589. In 1962, a sewage outfall pipe was used by the Town of

Fairhaven to discharge raw sewage into the Acushnet River.

17590. Attachment Q.VIII.e.0053 is a duplicate copy of an article published on December 16, 1954 in the New Bedford Standard Times and is genuine.

17591. Attachment Q.VIII.e.0053 is an authentic, ancient document, in existence twenty years or more.

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17592. The information reported in the above Attachment Q.VIII.e. 53 is true.
17593. Attachment Q.VIII.e. 53 reports that in 1954, a review of the history of the New Bedford sewer system was done by Frank L. Heany of Fay, Spofford and Thorndike Inc., consulting engineers engaged by the city for the sewer improvement project.
17594. In 1954, a review of the history of the New Bedford sewer system was done by Frank L. Heany of Fay, Spofford and Thorndike Inc., consulting engineers engaged by the city for the sewer improvement project.
17595. Mr. Heany states that in 1900, the sewers discharged into tidal waters and the river causing offensive odors and polluting the river and Clarks Cove.
17596. In 1900, the sewers discharged into tidal waters and the river, causing offensive odors and polluting the river and Clarks Cove.
17597. Mr. Heany states that in 1912, an intercepting sewer system construction project was begun which eventually carried the sewage to an outfall pipe 3,300 feet south of Fort Rodman. Dispersal of the sewage was dependent upon the flushing action of tidal changes.
17598. In 1912, an intercepting sewer system construction project was begun which eventually carried the sewage to an outfall pipe 3,300 feet south of Fort Rodman. Dispersal of the sewage was dependent upon the flushing action of tidal changes.
17599. Attachment Q.VIII.e. 54 is a duplicate copy of an article published on May 21, 1954 in the New Bedford Standard Times and is genuine.
17600. Attachment Q.VIII.e. 54 is an authentic, ancient document, in existence twenty years or more.
17601. The information reported in the above Attachment Q.VIII.e. X1-58 is true.
17602. Attachment Q.VIII.e. 54 reports that in 1954, areas of the Acushnet River and New Bedford Harbor were closed to shellfishing due to bacterial contamination from sewage.
17603. In 1954, areas of the Acushnet River and New Bedford Harbor were closed to shellfishing due to bacterial

contamination from sewage.

17604. In 1954, twenty-three actual or potential sources of pollution were found by State Health Officials.
17605. Since prior to 1947, New Bedford Harbor and Acushnet River water quality has been significantly degraded due to the discharge of sewage into their waters by New Bedford and the surrounding communities.
17606. [Many] [Most] [Some] residents of the area are aware that since prior to 1947, New Bedford Harbor and Acushnet River water quality has been significantly degraded due to the discharge of sewage into their waters by New Bedford and the surrounding communities.
17607. [Many] [Most] [Some] residents of the area have noticed that since prior to 1947, New Bedford Harbor and Acushnet River water quality has been significantly degraded due to the discharge of sewage into their waters by New Bedford and the surrounding communities.

### 3.0 DIVISION OF MARINE FISHERIES

17608. Attachment Q.VIII.e. 55 is a duplicate copy of the "Fiftieth Annual Report of the Commissioners of Fisheries and Game for the year 1915," Public Document No. 25, Pages 78-81 dated 1916 and is genuine.
17609. Attachment Q.VIII.e. 55 is a public record, setting forth the activities of the office or agency, or matters observed pursuant to duty imposed by law as to which matter there was a duty to report, or factual findings resulting from an investigation made pursuant to authority granted by law.
17610. Attachment Q.VIII.e. 55 is an authentic, ancient document, in existence twenty years or more.
17611. Attachment Q.VIII.e. 55 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17612. Attachment Q.VIII.e. 55 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make

a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

17613. The information reported in the above attachment X1-59 is true.
17614. Attachment Q.VIII.e. 56 reports that as of 1915, the shellfish problem in New Bedford had been under discussion for a number of years.
17615. As of 1915, the shellfish problem in New Bedford had been under discussion for a number of years.
17616. Existing harbor conditions were called to the attention of the State Board of Health in 1904, and in 1905 prohibitive measures were placed on the taking of shellfish from the contaminated waters of and adjacent to New Bedford.
17617. In 1905, pollution in the waters of the Acushnet River and New Bedford Harbor were polluted and contaminated the local shellfish beds.
17618. In 1905, the Commissioners of Fisheries and Game were required to close certain areas of tidal waters. The waters closed in part or entirely were New Bedford, Boston, Lynn and Salem Harbors.
17619. Because shellfish in Acushnet River Estuary were polluted, licenses to shellfish there were granted only for the taking of shellfish for bait purposes.
17620. Records of typhoid fever in New Bedford were reported for the years 1900 through 1909.
17621. The prevalence of typhoid fever in 1902 and 1903 resulted in an investigation. This investigation showed that the consumption of quahogs taken from the Acushnet River probably caused the large number of cases during these years, since the families of local fishermen who were using these quahogs as food comprised the principal sufferers.
17622. The majority of the people who experienced typhoid in 1907, 1908, 1909 and 1910 had names similar to the holders of licenses to take shellfish for bait.
17623. Attachment Q.VIII.e. 56 is a duplicate copy of House No. 1150 document entitled "Special Report of the Department of Public Health of Its Doings and Findings

in Connection with the Taking, Marketing, and Transportation of Shellfish," dated January 1926 and is genuine.

17624. Attachment Q.VIII.e. 56 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17625. Attachment Q.VIII.e. 56 is an authentic, ancient document, in existence twenty years or more.
17626. Attachment Q.VIII.e. 56 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17627. Attachment Q.VIII.e. 56 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17628. The information reported in the above attachment 56 is true.
17629. Attachment Q.VIII.e. 56 reports that the provisions of Chapter 411 of the Acts of 1911 created a shellfish commission in the City of New Bedford and the town of Fairhaven authorizing the taking of shellfish from polluted areas in New Bedford Harbor and Clark's Cove for transplanting in clean waters from which they were subsequently taken for sale for food.
17630. The provisions of Chapter 411 of the Acts of 1911 created a shellfish commission in the City of New Bedford and the town of Fairhaven authorizing the taking of shellfish from polluted areas in New Bedford Harbor and Clark's Cove for transplanting in clean waters from which they were subsequently taken for sale for food.
17631. Shellfish beds were closed due to sewage pollution in

1926 and in previous years.

17632. Contamination of shellfish has been a problem in New Bedford harbor for at least 79 years.
17633. Attachment Q.VIII.e. 57 is a duplicate copy of a Senate No. 20 document entitled "Report of the Joint Board, Consisting of the Department of Public Works and the Department of Public Health, Relative to the Improvement of Clark's Cove in the City of New Bedford," dated January 1947 and is genuine.
17634. Attachment Q.VIII.e. 57 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17635. Attachment Q.VIII.e. 57 is an authentic, ancient document, in existence twenty years or more.
17636. Attachment Q.VIII.e. 57 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17637. Attachment Q.VIII.e. 57 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17638. The information reported in the above attachment 57 is true.
17639. Attachment Q.VIII.e. 57 reports that the discharge of sewage on tidal flats created a most objectionable and unsanitary condition in a thickly settled area and that great damage by flooding during storms had occurred, particularly during the hurricanes of 1938 and 1944.
17640. The discharge of sewage on tidal flats created a most objectionable and unsanitary condition in a thickly settled area. Great damage by flooding during storms

had occurred, particularly during the hurricanes of 1938 and 1944.

- 17641. As of 1947, the use of the tidal flats to discharge sewage created an objectionable and unsanitary condition.
- 17642. About 2.6 square miles of New Bedford and Dartmouth are tributary to Clark's Cove.
- 17643. As of 1947, this area was served generally by combined sewers which discharge into two intercepting sewers.
- 17644. As of 1947, one of these interceptors, which is located in Cove Road, ran parallel to the shore of Clark's Cove. This interceptor discharged its dry weather flow into the Cove Road Pumping Station where it is pumped into the New Bedford outfall sewer. During storms, mingled storm water and sewage overflowed into Clark's Cove.
- 17645. The other interceptor is located in Rivet Street, about 2,000 feet north of Cove Road.
- 17646. As of 1947, the dry weather flow of sewage in the Rivet Street interceptor flowed by gravity into the outfall sewer, but the mingled storm water and domestic sewage flow was diverted into Clark's Cove.
- 17647. As of 1947, precipitation events increased the water volumes in the system, which overflowed into Clark's Cove and was mixed with domestic sewage.
- 17648. As of 1947, under dry weather conditions, Clark's Cove was contaminated from sewage discharged through two overflows, one located on Orchard Street and the other on Bonney Street.
- 17649. As of 1947, the discharge from the Orchard Street sewer was estimated to amount to about 250,000 gallons per day.
- 17650. As of 1947, this discharge, according to the New Bedford municipal authorities, was the result of some 450,000 gallons of cooling water discharged daily into the sewerage system from the Goodyear Tire and Rubber Company plant.
- 17651. As of 1947, Clark's Cove received contamination from overflow of the sewage system.
- 17652. One reason for the overflow of sewage was the daily

discharge of 450,000 gallons of cooling water by Goodyear Tire and Rubber Company.

- 17653. According to the analyses available to the Department of Public Health, the discharge of the 250,000 gallons daily from the Orchard Street sewer is equivalent to the sewage from over 1,400 persons.
- 17654. As of 1947, the Bonney Street overflow under dry weather flow conditions, estimated at 450,000 gallons per day, was said to be a result of the improper construction of the Rivet Street intercepting sewer.
- 17655. As of 1947, this overflow sewer also received the direct discharge of domestic sewage from some 16 houses.
- 17656. As of 1947, this discharge of 450,000 gallons daily was equivalent to the sewage from 3,700 persons.
- 17657. As of 1947, Clark's Cove was polluted by the discharge of domestic sewage and industrial wastes amounting to about 100,000 gallons per day from the Kilburn Mills.
- 17658. As of 1947, three hundred persons were employed at the Kilburn Mill. The industrial wastes at Kilburn Mills were from dyeing processes.
- 17659. Concerning Kilburn Mills, the Department of Public Health recommended on or about June 10, 1946, that all of the domestic sewage and foul industrial wastes from this mill be discharged into the municipal sewerage system.
- 17660. As of 1947, it was estimated that the total dry weather discharge of sewage into Clark's Cove amounted to 710,000 gallons per day of domestic sewage and 90,000 gallons per day of industrial wastes from the Kilburn Mills.
- 17661. As of 1947, the discharge of domestic sewage was equivalent to the continuous discharge of sewage from 5,300 persons.
- 17662. As of 1947, industrial waste entering the sewage system had the impact of domestic sewage of 10,400 persons.
- 17663. As of 1947, during precipitation events, mingled storm water and sewage overflowed into Clark's Cove at the Cove Road intercepting sewer through outfalls located at or above high water at Rockdale Avenue, Orchard Street, Crapo Street, County Street, and Shore Street.

17664. As of 1947, sewage and industrial waste overflowed into Clark's Cove through similar outfalls at Bonney and Crapo Streets from overflow sewers on the Rivet Street, intercepting sewer.
17665. As of 1947, the discharge of storm water and sewage was controlled by regulators or weirs.
17666. As of 1947, these regulators were old, in poor repair, required inspection and frequently required manual opening after storms.
17667. As of 1947, from the rainfall intensities recorded and the capacities of the intercepting sewers, it was calculated that the total overflow of storm water and sewage into Clark's Cove at times of storm amounts to 450,000,000 gallons per year of which 13,000,000 gallons were sanitary sewage.
17668. As of 1947, data available to the Department of Public Health showed this discharge of sewage to be equivalent to the continuous discharge of sewage from 350 persons.
17669. As of 1947, the sewage system was not capable of handling the amounts of sewage during storms, which increased the discharge into Clark's Cove.
17670. As of 1947, it was the opinion of the Joint Board that the discharge of sewage into Clark's Cove as shown by its investigation endangers the public health, causes objectionable conditions and is in violation of the rules and regulations prescribed by the Department of Public Health under the provisions of Chapter 615 of the Acts of 1945.
17671. As of 1947, it was the opinion of the Joint Board that, regardless of the construction of a bulkhead as proposed, the present objectionable sewerage conditions in the vicinity of Clark's Cove should be corrected.
17672. As of 1947, it was the Boards opinion that the discharge into Clark's Cove is a public health risk and in violation of the Department of Public Health's regulations.
17673. As of 1947, New Bedford had an old and undersized sewerage system that had continuous dry weather discharges to New Bedford Harbor and Clark's Cove which included both domestic and industrial wastes.
17674. Attachment Q.VIII.e. 58 is a duplicate copy of a data report from the Commonwealth of Massachusetts,

- Department of Environmental Quality Engineering and is genuine.
17675. Attachment Q.VIII.e. 58 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17676. Attachment Q.VIII.e. 58 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17677. Attachment Q.VIII.e. 58 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17678. Attachment Q.VIII.e. 58 discusses analysis of PCBs and metals in clam samples collected May 25, 1983 in Clark's Cove.
17679. PCB concentrations were reported less than 0.10 microgram per gram (ug/g) in edible portions of clams.
17680. PCB concentrations were less than 0.10 microgram per gram (ug/g) in edible portions of clams.
17681. Mercury concentrations were reported as high as 0.065 ug/g in edible portions of clams.
17682. Mercury concentrations were as high as 0.065 ug/g in edible portions of clams.
17683. The information reported in the above attachment 58 is true.
17684. Attachment Q.VIII.e. 59 is a duplicate copy of a data report from the Commonwealth of Massachusetts, Department of Environmental Quality Engineering and is genuine.
17685. Attachment Q.VIII.e. 59 is a business record, which was

prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

- 17686. Attachment Q.VIII.e. 59 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
- 17687. Attachment Q.VIII.e. 59 discusses analysis of metals in quahogs taken August 22, 1980 in New Bedford Harbor.
- 17688. The information reported in the above attachment 59 is true.
- 17689. Cadmium concentrations were reported as high as 1.2 ug/g.
- 17690. Cadmium concentrations were as high as 1.2 ug/g.
- 17691. Chromium concentrations were reported as high as 3.5 ug/g.
- 17692. Chromium concentrations were as high as 3.5 ug/g.
- 17693. Lead concentrations were reported as high as 4.5 ug(g).
- 17694. Lead concentrations were as high as 4.5 ug(g).
- 17695. Vanadium concentrations were reported as high as 3.2 ug/g.
- 17696. Vanadium concentrations were as high as 3.2 ug/g.
- 17697. Selenium concentrations were reported as high as 4.5 ug/g.
- 17698. Selenium concentrations were as high as 4.5 ug/g.
- 17699. Zinc concentrations were reported as high as 45 ug/g.
- 17700. Zinc concentrations were as high as 45 ug/g.

17701. Copper concentrations were reported as high as 11 ug/g.
17702. Copper concentrations were as high as 11 ug/g.
17703. Mercury concentrations were reported as high as 0.110 ug/g.
17704. Mercury concentrations were as high as 0.110 ug/g.
17705. Attachment Q.VIII.e. 60 is a duplicate copy of a letter dated November 28, 1983 from the Department of Environmental Quality Engineering ("DEQE") and is genuine.
17706. Attachment Q.VIII.e. 60 reports that in November, 1983, emergency prohibition of shellfishing occurred in the Acushnet River, Clark's Cove and New Bedford Harbor.
17707. The information reported in the above attachment 60 is true.
17708. The DEQE determined that bacterial contamination exceeded that allowed for in an approved shellfish area.
17709. Attachment Q.VIII.e. 61 is a duplicate copy of a letter to City Councillor Tom Kennedy from Paul Anderson, Department of Environmental Quality Engineering dated 11/17/83, and is genuine.
17710. Attachment Q.VIII.e. 61 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17711. Attachment Q.VIII.e. 61 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17712. Attachment Q.VIII.e. 61 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within

the scope of the agency or employment, made during the existence of the relationship.

17713. The information reported in the above attachment 61 is true.
17714. DEQE denied a request to reclassify Clark's Cove for shellfishing on or about 11/17/83.
17715. Attachment Q.VIII.e. 62 is a duplicate copy of a letter from Robert P. Fagan, Deputy Regional Environmental Engineer, dated January 5, 1983, and is genuine.
17716. Attachment Q.VIII.e. 62 reports reclassifying the waters and flats of Clark's Cove and New Bedford Harbor as prohibited due to a missing buoy.
17717. The information reported in the above attachment 62 is true.
17718. Attachment Q.VIII.e. 63 is a duplicate copy of the map for re-definition of the "Prohibited" shellfish area C-90 sent to the Directors of Division of Law Enforcement and Division of Marine Fisheries, April 30, 1981 and is genuine.
17719. Attachment Q.VIII.e. 63 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17720. Attachment Q.VIII.e. 63 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17721. Attachment Q.VIII.e. 63 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17722. Attachment Q.VIII.e. 64 is a duplicate copy of a letter

dated October 28, 1968 to The Chairman, Shellfish Committee New Bedford from the Department of Public Health, Commonwealth of Massachusetts and is genuine.

17723. Attachment Q.VIII.e. 64 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17724. Attachment Q.VIII.e. 64 is an authentic, ancient document, in existence twenty years or more.
17725. Attachment Q.VIII.e. 64 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17726. Attachment Q.VIII.e. 64 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17727. The information reported in the above attachment 64 is true.
17728. Attachment Q.VIII.e. 64 reports that in 1968, quahogs relaid in New Bedford Harbor were bacterially unsafe for food.
17729. In 1968, quahogs relaid in New Bedford Harbor were bacterially unsafe for food.
17730. Attachment Q.VIII.e. 65 is a duplicate copy of a letter issued September 30, 1985 by the Commonwealth of Massachusetts, Division of Marine Fisheries and is genuine.
17731. Attachment Q.VIII.e. 65 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual

findings resulting from an investigation made pursuant to authority granted by law.

17732. Attachment Q.VIII.e. 65 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17733. Attachment Q.VIII.e. 65 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17734. Attachment Q.VIII.e. 65 reports that a 30 day extension to prohibited areas for shellfishing for the Acushnet River, New Bedford Harbor and Clark's Cove occurred in September, 1985.
17735. A 30 day extension to prohibited areas for shellfishing for the Acushnet River, New Bedford Harbor and Clark's Cove occurred in September, 1985.
17736. The information reported in the above attachment 65 is true.
17737. Attachment Q.VIII.e. 66 is a duplicate copy of a letter issued August 31, 1985 by the Commonwealth of Massachusetts, Division of Marine Fisheries and is genuine.
17738. Attachment Q.VIII.e. 66 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17739. Attachment Q.VIII.e. 66 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

17740. Attachment Q.VIII.e. 66 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17741. Attachment Q.VIII.e. 66 reports that a 30 day extension to prohibited areas for shellfishing for the Acushnet River, New Bedford Harbor and Clark's Cove occurred in August, 1985.
17742. A 30 day extension to prohibited areas for shellfishing for the Acushnet River, New Bedford Harbor and Clark's Cove occurred in August, 1985.
17743. The information reported in the above attachment 66 is true.
17744. Attachment Q.VIII.e. 67 is a duplicate copy of a letter reporting that a 230 day extension to prohibited areas for shellfishing for the Acushnet River, New Bedford Harbor and Clark's Cove was issued July 3, 1985 by the Commonwealth of Massachusetts, Division of Marine Fisheries and is genuine.
17745. A 230 day extension to prohibited areas for shellfishing for the Acushnet River, New Bedford Harbor and Clark's Cove was issued July 3, 1985 by the Commonwealth of Massachusetts, Division of Marine Fisheries.
17746. Attachment Q.VIII.e. 67 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17747. Attachment Q.VIII.e. 67 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17748. Attachment Q.VIII.e. 67 is an admission by a

party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

17749. The information reported in the above attachment 67 is true.
17750. Attachment Q.VIII.e. 68 is a duplicate copy of a letter from the Department of Environmental Quality Engineering, dated June 24, 1985 to the City of New Bedford, Mayor's office, in reference to reclassification of Clark's Cove to allow shellfishing and is genuine.
17751. Attachment Q.VIII.e. 68 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17752. Attachment Q.VIII.e. 68 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17753. Attachment Q.VIII.e. 68 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17754. The information reported in the above attachment 68 is true.
17755. Attachment Q.VIII.e. 68 reports that in June, 1985 reclassification of Clark's Cove to allow shellfishing was denied due to combined sewer overflows (CSO) in areas adjacent to Clark's Cove, the general condition of the collection system, and specifically because of

problems regarding uncontrolled sewage overflows adjacent to Clark's Cove.

17756. In June, 1985 reclassification of Clark's Cove to allow shellfishing was denied due to combined sewer overflows (CSO) in areas adjacent to Clark's Cove, the general condition of the collection system, and specifically because of problems regarding uncontrolled sewage overflows adjacent to Clark's Cove.
17757. Reclassification of Clark's Cove to allow shellfishing in June, 1985 was inappropriate due to CSOs discharges of wastewater.
17758. Attachment Q.VIII.e. 69 is a duplicate copy of a letter reporting that a 30 day extension prohibiting areas for shellfishing in the Acushnet River, New Bedford Harbor and Clark's Cove was issued April 23, 1985 by the Commonwealth of Massachusetts, Division of Marine Fisheries and is genuine.
17759. Attachment Q.VIII.e. 69 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17760. Attachment Q.VIII.e. 69 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17761. Attachment Q.VIII.e. 69 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17762. A 30 day extension prohibiting areas for shellfishing in the Acushnet River, New Bedford Harbor and Clark's Cove was issued April 23, 1985 by the Commonwealth of Massachusetts, Division of Marine Fisheries.
17763. The information reported in the above attachment 69 is

true.

17764. Attachment Q.VIII.e. 70 is a duplicate copy of a Legal Notice that appeared in a newspaper from The Commonwealth of Massachusetts, Department of Environmental Quality Engineering, prohibiting shellfishing in New Bedford Harbor, Clark's Cove, and Acushnet River, dated April 17, 1985 and is genuine.
17765. A legal notice appeared in a newspaper from The Commonwealth of Massachusetts, Department of Environmental Quality Engineering, prohibiting shellfishing in New Bedford Harbor, Clark's Cove, and Acushnet River, dated April 17, 1985.
17766. Attachment Q.VIII.e. 70 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17767. Attachment Q.VIII.e. 70 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17768. Attachment Q.VIII.e. 70 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17769. The information reported in the above attachment 70 is true.
17770. Attachment Q.VIII.e. 71 is a duplicate copy of a Legal Notice published in a newspaper from the Commonwealth of Massachusetts, Department of Environmental Quality Engineering prohibiting shellfishing in New Bedford Harbor, Acushnet River and Clark's Cove, dated April 5, 1985 and is genuine.
17771. Attachment Q.VIII.e. 71 is a public record, setting forth the activities of the office or agency; or

matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

17772. Attachment Q.VIII.e. 71 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17773. Attachment Q.VIII.e. 71 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17774. The information reported in the above attachment 71 is true.
17775. Attachment Q.VIII.e. 72 is a duplicate copy of a letter reporting that a 30 day extension to the prohibited classification for shellfishing for the Acushnet River, New Bedford Harbor and Clark's Cove occurred, dated March 28, 1985 from Division of Marine Fisheries and is genuine.
17776. Attachment Q.VIII.e. 72 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17777. Attachment Q.VIII.e. 72 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17778. Attachment Q.VIII.e. 72 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its

truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

17779. A 30 day extension to the prohibited classification for shellfishing for the Acushnet River, New Bedford Harbor and Clark's Cove occurred, dated March 28, 1985.
17780. The information reported in the above attachment - is true.
17781. Attachment Q.VIII.e. 73 is a duplicate copy of a letter dated March 15, 1985 that accompanied the order from DEQE for Emergency Closure due to Bacteriological contamination of Dartmouth East Coastal, Charles Cove, New Bedford-Fairhaven Harbor and Acushnet River to shellfishing and is genuine.
17782. Attachment Q.VIII.e. 73 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17783. Attachment Q.VIII.e. 73 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17784. Attachment Q.VIII.e. 73 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17785. In March, 1985 DEQE ordered Emergency Closure due to Bacteriological contamination of Dartmouth East Coastal, Charles Cove, New Bedford-Fairhaven Harbor and Acushnet River to shellfishing.
17786. The information reported in the above attachment 73 is true.

17787. Attachment Q.VIII.e. 74 is a duplicate copy of a letter from the Division of Marine Fisheries ("DMF") dated February 25, 1985 reclassifying the Acushnet River, Charles Cove and New Bedford Harbor as prohibited areas for shellfishing due to bacteriological contamination and is genuine.
17788. Attachment Q.VIII.e. 74 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17789. Attachment Q.VIII.e. 74 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17790. Attachment Q.VIII.e. 74 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17791. In February, 1985, DMF reclassified the Acushnet River, Charles Cove and New Bedford Harbor as prohibited areas for shellfishing due to bacteriological contamination.
17792. The information reported in the above attachment 74 is true.
17793. Attachment Q.VIII.e. 75 is a duplicate copy of the Commonwealth of Massachusetts, Department of Environmental Quality Engineering, January 23, 1984, laboratory report and is genuine.
17794. The information reported in the above attachment 75 is true.
17795. Attachment Q.VIII.e. 76 is a duplicate copy of a letter dated December 27, 1983 from the Division of Marine Fisheries extending the prohibited classification of the Acushnet River, New Bedford Harbor and Clark's Cove

area for shellfishing an additional 30 days and is genuine.

17796. Attachment Q.VIII.e. 76 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17797. Attachment Q.VIII.e. 76 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17798. Attachment Q.VIII.e. 76 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17799. In December, 1983, DMF extended the prohibited classification for shellfishing of the Acushnet River, New Bedford Harbor and Clark's Cove area for an additional 30 days.
17800. The information reported in the above attachment - is true.
17801. Attachment Q.VIII.e. 77 is a duplicate copy of an order adopted June 22, 1967 and approved by the Mayor of New Bedford on June 28, 1967, closing areas opened to power-draggers in October, 1955 for shellfishing and is genuine.
17802. Attachment Q.VIII.e. 77 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17803. Attachment Q.VIII.e. 77 is an authentic, ancient document, in existence twenty years or more.
17804. Attachment Q.VIII.e. 77 is a business record, which was

prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

17805. Attachment Q.VIII.e. 77 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17806. An order was adopted June 22, 1967 and approved by the Mayor of New Bedford on June 28, 1967, closing areas opened to power-draggers in October, 1955 for shellfishing.
17807. The information reported in the above attachment 77 is true.
17808. Attachment Q.VIII.e. 78 is a duplicate copy of a letter dated June 28, 1967 to the Massachusetts Department of Public Health with a copy of an order requesting approval if required and is genuine.
17809. Attachment Q.VIII.e. 78 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17810. Attachment Q.VIII.e. 78 is an authentic, ancient document, in existence twenty years or more.
17811. Attachment Q.VIII.e. 78 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17812. Attachment Q.VIII.e. 78 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its

truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

17813. The information reported in the above attachment 78 is true.
17814. Attachment Q.VIII.e. 79 is a duplicate copy of a letter dated May 10, 1967 to Committee on Shellfish, New Bedford from the Division of Sanitary Engineering and is genuine.
17815. Attachment Q.VIII.e. 79 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17816. Attachment Q.VIII.e. 79 is an authentic, ancient document, in existence twenty years or more.
17817. Attachment Q.VIII.e. 79 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17818. Attachment Q.VIII.e. 79 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17819. The information reported in the above attachment 79 is true.
17820. Attachment Q.VIII.e. 79 reports that a sanitary survey of the New Bedford shoreline confirmed the closed classification of tidal flats to low water in this area.
17821. A sanitary survey of the New Bedford shoreline confirmed the closed classification of tidal flats to low water in this area.

17822. Attachment Q.VIII.e. 79 is a duplicate copy of a letter dated April 10, 1967 from the Massachusetts Department of Public Health stating the closure of the waters and flats of Clark's Cove to shellfishing and is genuine.
17823. Attachment Q.VIII.e. 79a is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17824. Attachment Q.VIII.e. 79a is an authentic, ancient document, in existence twenty years or more.
17825. Attachment Q.VIII.e. 79a is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17826. Attachment Q.VIII.e. 79a is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17827. The information reported in the above attachment 79a is true.
17828. Attachment Q.VIII.e. 79a reports that as a result of examination in April, 1967, the Department of Public Health determined that the waters and flats of Clark's Cove are so contaminated from sewage pollution that shellfish obtained from there are unfit for food and dangerous to the public health.
17829. As a result of examination in April, 1967, the Department of Public Health determined that the waters and flats of Clark's Cove are so contaminated from sewage pollution that shellfish obtained from there are unfit for food and dangerous to the public health.
17830. Attachment Q.VIII.e. 80 is a duplicate copy of a letter

dated March 10, 1967 from Committee of Shellfish, City of New Bedford to Worthen Taylor, Director, Division of Sanitary Engineering concerning action taken by the committee and is genuine.

- 17831. Attachment Q.VIII.e. 80 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
- 17832. Attachment Q.VIII.e. 80 is an authentic, ancient document, in existence twenty years or more.
- 17833. Attachment Q.VIII.e. 80 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
- 17834. Attachment Q.VIII.e. 80 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
- 17835. The information reported in the above attachment 80 is true.
- 17836. Attachment Q.VIII.e. 80 reports that the Committee voted to request that the Department of Health test all open water in the Acushnet River area for the taking of shellfish.
- 17837. The Committee voted to request that the Department of Health test all open water in the Acushnet River area for the taking of shellfish.
- 17838. The Committee believed four cases of hepatitis in the City of New Bedford were definitely caused by the taking of shellfish contaminated by to sewage pollution.
- 17839. Four cases of hepatitis in the City of New Bedford were believed to be caused by shellfish contaminated by sewage pollution.

17840. Attachment Q.VIII.e. 81 is a duplicate copy of a letter from Worthem Taylor, Director, Division of Sanitary Engineering to Fredrick C. Wilbour, Jr. Director, Division of Marine Fisheries dated June 2, 1966 in response to May 6, 1966 letter relative to the possibility of opening the closed shellfish area located between Apponagansett and Aquidneck Streets and is genuine.
17841. Attachment Q.VIII.e. 81 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17842. Attachment Q.VIII.e. 81 is an authentic, ancient document, in existence twenty years or more.
17843. Attachment Q.VIII.e. 81 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17844. Attachment Q.VIII.e. 81 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17845. The information reported in the above attachment 81 is true.
17846. Attachment Q.VIII.e. 81 reports that the Division has been in contact with the Engineering Department of the city of New Bedford and has been informed that the sewer overflow at the Apponagansett Street pumping station continues to be a source of pollution to the area in question.
17847. Multiple sources of pollution to this area described above, detected during a survey made in 1957, were believed to be still in existence as of 1966.

17848. The Division was of the opinion that until these sources of pollution have been abated, it cannot, in the best interest of the public health, change the present closed designation of the shellfish area located between Apponagansett Street and Aquidneck Street in the city of New Bedford.
17849. Attachment Q.VIII.e. 82 is a duplicate copy of a letter dated April 6, 1966 from Worthen Taylor, Director, Division of Sanitary Engineering to Mr. Fredrick C. Wilbour, Director, Division of Marine Fisheries and is genuine.
17850. Attachment Q.VIII.e. 82 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17851. Attachment Q.VIII.e. 82 is an authentic, ancient document, in existence twenty years or more.
17852. Attachment Q.VIII.e. 82 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17853. Attachment Q.VIII.e. 82 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17854. The information reported in the above attachment 82 is true.
17855. Attachment Q.VIII.e. 82 reports the Department of Health's response to the request of William Cormier, Clerk of Committees of the City of New Bedford, relative to the testing of quahogs relayed from contaminated area to a clean shellfish area of Clark's Cove.
17856. As early as 1966, quahogs had to be relaid from areas

contaminated due to sewage pollution in the area of Clark's Cove.

17857. Attachment Q.VIII.e. 83 is a duplicate copy of a letter dated November 18, 1964 from Worthem Taylor, Division of Sanitary Engineering to Fredrick Wilbour, Division of Marine Fisheries concerning reexamination of the Clark's Cove shellfish area and is genuine.
17858. Attachment Q.VIII.e. 83 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17859. Attachment Q.VIII.e. 83 is an authentic, ancient, document, in existence twenty years or more.
17860. Attachment Q.VIII.e. 83 is a business record, which was prepared, received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17861. Attachment Q.VIII.e. 83 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17862. The information reported in the above attachment 83 is true.
17863. Attachment Q.VIII.e. 83 reports that the Clark's Cove area had been closed to shellfishing in October 1963 because of the bypassing of sewage during construction related to the Fairhaven-New Bedford Hurricane Protection Project ("Hurricane Barrier").
17864. The U.S. Army Corps of Engineers later notified the Division of Sanitary Engineering that sewage is no longer being bypassed to Clark's Cove.
17865. Sewage discharges caused a major pollution problem during the construction of the hurricane barrier.

17866. Attachment Q.VIII.e. 84 is a duplicate copy of a letter dated September 16, 1959 from the Department of Public Health to the Assistant Clerk of Committee, New Bedford, Massachusetts and is genuine.
17867. Attachment Q.VIII.e. 84 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17868. Attachment Q.VIII.e. 84 is an authentic, ancient document, in existence twenty years or more.
17869. Attachment Q.VIII.e. 84 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17870. Attachment Q.VIII.e. 84 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17871. The information reported in the above attachment 84 is true.
17872. Attachment Q.VIII.e. 84 reports a letter of May 1, 1959 relative to reopening the closed shellfishing area between Aquidneck and Butler Streets.
17873. In 1959, the Department of Public Health was of the opinion that the area should remain closed in the interest of public health until the sources of pollution listed in a communication of September 20, 1957 have been abated.
17874. Many shellfish areas were periodically opened and closed over the last 100 years due to sewage in the New Bedford Harbor area.
17875. Contaminated shellfish in the New Bedford Harbor area

has created public health concerns over the last 50 to 100 years.

17876. Attachment Q.VIII.e. 85 is a duplicate copy of a report dated May 26, 1959, that listed the sources of pollution found in August 1957 that were found unchanged in 1959 and is genuine.
17877. Attachment Q.VIII.e. 85 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17878. Attachment Q.VIII.e. 85 is an authentic, ancient document, in existence twenty years or more.
17879. Attachment Q.VIII.e. 85 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17880. Attachment Q.VIII.e. 85 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17881. The information reported in the above attachment 85 is true.
17882. Attachment Q.VIII.e. 85 reported that the area examined was east of Rodney French Boulevard between Butler and Aquidneck Streets. The following discharges to open water were found:
17883. a) 12-inch pipe foot of Frederick Street  
-evidence of sewage.
17884. b) Pipe-size unknown - David Street - Industrial waste.
17885. c) Pipe-size unknown - north of Cove Street - dye and sewage.

17886. d) Pipe-size unknown - Gifford Street - evidence of sewage.
17887. e) 72-inch pipe foot of Grinnell Street - evidence of sewage.
17888. f) 24-inch pipe foot of Grinnell Street - evidence of sewage.
17889. g) Pipe - size unknown - foot of Howland Street - sewage.
17890. Attachment Q.VIII.e. 86 is a duplicate copy of a letter dated September 20, 1957 to Fredrick Wilbour, Director, Division of Marine Fisheries from Clarence Sterling Jr. Deputy Commissioner Environmental Sanitation, Department of Public Health and is genuine.
17891. Attachment Q.VIII.e. 86 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17892. Attachment Q.VIII.e. 86 is an authentic, ancient document, in existence twenty years or more.
17893. Attachment Q.VIII.e. 86 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17894. Attachment Q.VIII.e. 86 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17895. The information reported in the above attachment 86 is true.
17896. Attachment Q.VIII.e. 86 reports that the Department of Health responded to a request of Representative Joseph

D. Saulnier, July 25, 1957, relative to taking shellfish from the closed shellfish area located between Aquidneck Street and Cove Street in New Bedford Harbor and Woodlawn Street and Girt Street in Clark's Cove for use as food.

17897. The July 25, 1957 request caused an examination to be made August 21-22, 1957 by the Department of Public Health.
17898. The results of the August 1957 sanitary survey indicated there are nine sources of pollution, two located in the Clark's Cove area and seven in the New Bedford Harbor area.
17899. The results of analysis of samples of shellfish and sea water showed that they were greatly contaminated in 1957.
17900. As of 1957, the Department was of the opinion that shellfish taken in these areas are unfit for food and dangerous to the public health and that the Department could not change the closed shellfishing designation.
17901. Attachment Q.VIII.e. 87 is a duplicate copy of the report of a sanitary survey conducted August 21-22, 1957 by Joseph Kamella of the Division of Marine Fisheries accompanied by John Mullins and is genuine.
17902. Attachment Q.VIII.e. 87 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17903. Attachment Q.VIII.e. 87 is an authentic, ancient document, in existence twenty years or more.
17904. Attachment Q.VIII.e. 87 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17905. Attachment Q.VIII.e. 87 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make

a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

17906. The information reported in the above attachment 87 is true.
17907. Attachment Q.VIII.e. 87 reports that the survey found the following sources of pollution:
17908. Clark's Cove
17909. a) 72-inch pipe - corner of Cove Road and Orchard Street - discharging sewage - Bacterial sample collected.
17910. b) Pipe - size unknown - foot of Bonney Street - bacterial sample collected.
17911. New Bedford Harbor
17912. a) 12-inch pipe - foot of Frederick Street - evidence of sewage - bacterial sample collected.
17913. b) Pipe - size unknown - foot of David Street - discharging industrial waste.
17914. c) Pipe - size unknown - north of Cove Street, discharging and sewage.
17915. d) Pipe - size unknown (covered by water) - foot of Gifford Street - evidence of sewage.
17916. e) 72-inch pipe - foot of Grinnell Street - evidence of sewage - bacterial sample collected.
17917. f) 24-inch pipe - foot of Grinnell Street - evidence of sewage - bacterial sample collected.
17918. g) Pipe - size unknown - foot of Howland Street - discharging sewage - bacterial sample collected.
17919. Attachment Q.VIII.e. 88 is a duplicate copy of a letter dated February 27, 1956 to Howard S. Willard, Director, Division of Law Enforcement, Department of Natural Resources from Clarence Sterling Jr., Deputy Commissioner, Environmental Sanitation, Department of

Health and is genuine.

17920. Attachment Q.VIII.e. 88 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17921. Attachment Q.VIII.e. 88 is an authentic, ancient document, in existence twenty years or more.
17922. Attachment Q.VIII.e. 88 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17923. Attachment Q.VIII.e. 88 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17924. The information reported in the above attachment 88 is true.
17925. Attachment Q.VIII.e. 88 reports on the examination and description of closed shellfish areas of Acushnet River, New Bedford Harbor, Buzzard's Bay, and Clark's Cove due to bacterial contamination in 1956.
17926. Attachment Q.VIII.e. 89 is a duplicate copy of a closure notification of shellfish areas for Dartmouth East Coastal, Clark's Cove, New Bedford-Fairhaven Harbor and the Acushnet River dated October 9, 1985 and is genuine.
17927. Attachment Q.VIII.e. 89 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17928. Attachment Q.VIII.e. 89 is a business record, which was

prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

17929. Attachment Q.VIII.e. 89 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17930. The information reported in the above attachment 89 is true.
17931. As of 1985, shellfish areas in New Bedford were closed due to bacterial contamination.
17932. Attachment Q.VIII.e. 90 is a duplicate copy of an order prohibiting shellfishing in Dartmouth East Coastal, Clark's Cove, New Bedford-Fairhaven Harbor and Acushnet River which are subject to bacteriological contamination and is genuine.
17933. Attachment Q.VIII.e. 90 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17934. Attachment Q.VIII.e. 90 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17935. Attachment Q.VIII.e. 90 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within

the scope of the agency or employment, made during the existence of the relationship.

17936. The information reported in the above attachment 90 is true.
17937. Attachment Q.VIII.e. 91 is a duplicate copy of a "Notification Affidavit" dated October 1, 1985 signed by Allan McGroary and is genuine.
17938. Attachment Q.VIII.e. 91 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17939. Attachment Q.VIII.e. 91 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17940. Attachment Q.VIII.e. 91 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17941. Attachment Q.VIII.e. 91 reports the notification of bacteriological contamination of Dartmouth East Coastal, Clark's Cove, New Bedford Harbor and the Acushnet River.
17942. Attachment Q.VIII.e. 91 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17943. Attachment Q.VIII.e. 91 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly

conducted business activity by or from information transmitted by a person with knowledge of such activity.

17944. Attachment Q.VIII.e. 91 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17945. The information reported in the above attachment 91 is true.
17946. Attachment Q.VIII.e. 92 is a duplicate copy of a letter dated April 4, 1985 to the Town Clerk, Dartmouth, Massachusetts that accompanied a shellfish closure order due to bacterial contamination and is genuine.
17947. Attachment Q.VIII.e. 92 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17948. Attachment Q.VIII.e. 92 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17949. Attachment Q.VIII.e. 92 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17950. The information reported in the above attachment 92 is true.
17951. Attachment Q.VIII.e. 92 reports that the order was issued by Department of Environmental Quality Engineering.

17952. As of 1985, the Department of Quality Engineering closed shellfish areas due to bacteriological contamination.
17953. Attachment Q.VIII.e. 75 is a duplicate copy of sea water analyses for bacteria that were collected January 23, 1984 and is genuine.
17954. Attachment Q.VIII.e. 75 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17955. Attachment Q.VIII.e. 75 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17956. Attachment Q.VIII.e. 75 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17957. The information reported in the above attachment 75 is true.
17958. Sea water had bacteriological contamination due to sewage discharges.
17959. Attachment Q.VIII.e. 93 is a duplicate copy of a notice issued by the Department of Health closing shellfish areas signed by Alfred L. Frechette, Commissioner and is genuine.
17960. Attachment Q.VIII.e. 93 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

17961. Attachment Q.VIII.e. 93 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17962. Attachment Q.VIII.e. 93 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17963. The information reported in the above attachment 93 is true.
17964. Attachment Q.VIII.e. 93 reports that the waters and flats of the Acushnet River and New Bedford Harbor in Fairhaven and New Bedford west or inside of a line drawn from the southerly end of Fort Street in Fairhaven to the white house located at the easterly end of Aquidneck Street at Clark Point in New Bedford, now or formerly the property of Antone DeCosta, and the flats to low water along the southeasterly shore of Clark Point southerly from Aquidneck Street; also the waters and flats of that portion of Buzzards Bay and Clark's Cove located south of a line drawn due east from the incinerator stack at Fort Rodman near the southeasterly extremity of Clark Point, west of a line in range with Palmer Island Light and Butler Flats Lighthouse, and North of a line drawn between the southerly extremities of Scoticut Point in Fairhaven and Ricketsons Point in Dartmouth are so contaminated that shellfish obtained therefrom are unfit for food and dangerous to the public health.
17965. The waters and flats of the Acushnet River and New Bedford Harbor in Fairhaven and New Bedford west or inside of a line drawn from the southerly end of Fort Street in Fairhaven to the white house located at the easterly end of Aquidneck Street at Clark Point in New Bedford, now or formerly the property of Antone DeCosta, and the flats to low water along the southeasterly shore of Clark Point southerly from Aquidneck Street; also the waters and flats of that portion of Buzzards Bay and Clark's Cove located south of a line drawn due east from the incinerator stack at

Fort Rodman near the southeasterly extremity of Clark Point, west of a line in range with Palmer Island Light and Butler Flats Lighthouse, and North of a line drawn between the southerly extremities of Sconticut Point in Fairhaven and Ricketsons Point in Dartmouth are so contaminated that shellfish obtained therefrom are unfit for food and dangerous to the public health.

17966. Attachment Q.VIII.e. 94 is a duplicate copy of a report by Norman J. Scally, dated March 28, April 5, 1967 in answer to a request by the New Bedford Committee on Shellfish and is genuine.
17967. Attachment Q.VIII.e. 94 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17968. Attachment Q.VIII.e. 94 is an authentic, ancient document, in existence twenty years or more.
17969. Attachment Q.VIII.e. 94 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17970. Attachment Q.VIII.e. 94 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17971. The information reported in the above attachment 94 is true.
17972. Attachment Q.VIII.e. 94 reports that a survey in 1967 of the coastline areas closed to the taking of shellfish revealed several sources of pollution and a generally dirty condition which affirmed the closed classification.
17973. A survey in 1967 of the coastline areas closed to the taking of shellfish revealed several sources of

pollution and a generally dirty condition which affirmed the closed classification.

17974. Attachment Q.VIII.e. 95 is a duplicate copy of a letter dated February 28, 1967 by the Department of Public Health in response to a request by the Committee on Shellfish of the City of New Bedford, dated February 3, 1967 and is genuine.
17975. Attachment Q.VIII.e. 95 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17976. Attachment Q.VIII.e. 95 is an authentic, ancient document, in existence twenty years or more.
17977. Attachment Q.VIII.e. 95 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17978. Attachment Q.VIII.e. 95 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17979. The information reported in the above attachment 95 is true.
17980. Attachment Q.VIII.e. 95 reports that in 1967, a survey identified CSO's from the city of New Bedford sewer system which resulted in the Department closing areas of Buzzards Bay and Clark's Cove as dangerous to public health.
17981. In 1967, a survey identified CSO's from the city of New Bedford sewer system which resulted in the Department closing areas of Buzzards Bay and Clark's Cove as dangerous to public health.
17982. Attachment Q.VIII.e. 95a is a duplicate copy of a

letter dated January 30, 1956 to Francis W. Sargent, Director, Division of Marine Fisheries, Department of Natural Resources from Clarence Sterling Jr. Deputy Commissioner, Environmental Sanitation and is genuine.

17983. Attachment Q.VIII.e. 95a is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17984. Attachment Q.VIII.e. 95a is an authentic, ancient document, in existence twenty years or more.
17985. Attachment Q.VIII.e. 95a is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17986. Attachment Q.VIII.e. 95a is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17987. The information reported in the above attachment 95a is true.
17988. Attachment Q.VIII.e. 95a reports the change in description of the clean area #51.
17989. Attachment Q.VIII.e. 95a reports that it is absolutely essential that the City of New Bedford inform the Department of Health immediately whenever sewage is bypassed at any screen house or pumping station and is discharged into Clark's Cove.
17990. The City of New Bedford bypassed sewage at screen houses and pumping stations and discharged sewage directly to Clark's Cove.
17991. Attachment Q.VIII.e. 96 is a duplicate copy of a letter dated January 30, 1956 to Frances J. Lawler,

Mayor of New Bedford, from the Department of Public Health and is genuine.

17992. Attachment Q.VIII.e. 96 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
17993. Attachment Q.VIII.e. 96 is an authentic, ancient document, in existence twenty years or more.
17994. Attachment Q.VIII.e. 96 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
17995. Attachment Q.VIII.e. 96 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
17996. The information reported in the above attachment 96 is true.
17997. As of 1956 bacteriological contamination periodically caused areas of Clark's Cove to be opened and closed to shellfishing.
17998. Attachment Q.VIII.e. 97 is a duplicate copy of a notice from the Department of Public Health dated January 19, 1956 and is genuine.
17999. Attachment Q.VIII.e. 97 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18000. Attachment Q.VIII.e. 97 is an authentic, ancient document, in existence twenty years or more.

18001. Attachment Q.VIII.e. 97 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18002. Attachment Q.VIII.e. 97 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18003. The information reported in the above attachment' 97 is true.
18004. Attachment Q.VIII.e. 97 reports that in 1956 a notice was issued as the result of an examination of waters and flats in Fairhaven, New Bedford and Dartmouth which were found to be so contaminated that shellfish obtained therefrom are unfit for food and dangerous to the public health.
18005. In 1956 a notice was issued as the result of an examination of waters and flats in Fairhaven, New Bedford and Dartmouth which indicated that these areas were found to be so contaminated that shellfish obtained therefrom are unfit for food and dangerous to the public health.
18006. Attachment Q.VIII.e. 97 reports that as of 1956, the areas closed were the waters and flats of the Acushnet River and New Bedford Harbor in Fairhaven and New Bedford west or inside of a line drawn from the southerly end of Fort Street in Fairhaven to the white house located at the easterly end of Aquidneck Street at Clark Point in New Bedford, now or formerly the property of Antone DeCosta, and the flats to low water along the southeasterly shore of Clark Point southerly from Aquidneck Street, also the waters and flats of that portion of Buzzards Bay south of a line drawn due east from the incinerator stack at Fort Rodman near the southeasterly extremity of Clark Point, west of a line in range with Palmer Island Light and Butler Flats Lighthouse, north of a line drawn between the southerly extremities of Sconticut Point in Fairhaven and Ricketsons Point in Dartmouth and east of a line

in range with Butler Flats Lighthouse and the Incinerator stack located at Fort Rodman near the southerly extremity of Clark Point; also the waters and flats of Clark's Cove in New Bedford and Dartmouth north of a line drawn from the westerly end of Woodlawn Street on Clark Point in New Bedford westerly to the easterly extremity of Rodger Street in Dartmouth.

18007. Attachment Q.VIII.e. 98 is a duplicate copy of a memorandum to Mr. Sterling from Mr. Anderson dated November 30, 1955 outlining the status of six New Bedford pumping stations and is genuine.
18008. Attachment Q.VIII.e. 98 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18009. Attachment Q.VIII.e. 98 is an authentic, ancient document, in existence twenty years or more.
18010. Attachment Q.VIII.e. 98 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18011. Attachment Q.VIII.e. 98 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18012. Information reported in the above attachment 98 is true.
18013. Attachment Q.VIII.e. 98 reports that the condition of pumping stations was as follows:
18014. a) COVE ROAD: This pumping station is in full operation and no sewage is going overboard to Clark's Cove.
18015. b) APPONOGANSETT STREET: All the sewage at this location is going overboard since the station

is still under repair. The writer is informed by the Engineer that the job is shut down waiting for parts.

18016. c) HOWLAND STREET: The comminuter and pumps at this station have been in regular operation for about a month. The station is nearly complete and no sewage should go overboard except during times of extremely heavy rain.

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- d) COGGESHALL STREET: The grinder has been installed at this location and the station is in full operation.
  - e) BELLEVILLE AVENUE: This station is completely out of operation and all sewage is going overboard. It is estimated that it will be back in operation in about a month.
  - f) HOWARD AVENUE: This station is shut down and sewage is going overboard during repairs found necessary while improvements were being made.
18017. As of 1955, sewage pumping stations in New Bedford were in various stages of disrepair and discharged sewage to New Bedford Harbor and Clarks Cove.
18018. Over the last 50-100 years and up to today, sewage pumping stations in New Bedford have continuously been in various stages of disrepair and have discharged sewage to New Bedford Harbor and Clarks Cove.
18019. Attachment Q.VIII.e.99 is a true and accurate copy of a letter from Clarence Sterling, Jr., Deputy Commissioner, Environmental Sanitation, Department of Health to Francis Sargent, Director, Division of Marine Fisheries, Department of Natural Resources dated May 24, 1955 and is genuine.
18020. Attachment Q.VIII.e.99 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18021. Attachment Q.VIII.e.99 is an authentic, ancient document, in existence twenty years or more.
18022. Attachment Q.VIII.e.99 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18023. Attachment Q.VIII.e.99 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18024. Information reported in the above attachment Q.VIII.e.99 is true.
18025. Attachment Q.VIII.e.99 reports to Mr. Sargent that as of 1955, as a result of examination of tidal waters and flats of the Acushnet River, New Bedford Harbor, Buzzards Bay, and Clarks Cove, the area was found to be so contaminated that shellfish obtained therefrom were unfit for food and dangerous to public health.
18026. As of 1955, as a result of examination of tidal waters and flats of the Acushnet River, New Bedford Harbor, Buzzards Bay, and Clarks Cove, the area was found to be so contaminated that shellfish obtained therefrom were unfit for food and dangerous to public health.
18027. The areas, referenced above, found contaminated as of 1955, were the tidal waters and flats of the Acushnet River and New Bedford Harbor in Fairhaven and New Bedford west or inside of a line drawn from the southerly end of Fort Street in Fairhaven to the white house located at the easterly end of Aquidneck Street at Clarks Point in New Bedford, now or formerly the property of Antone DeCosta, and the flats to low water along the southeasterly shore of Clark Point southerly from Aquidneck Street; also the waters and flats of that portion of Clarks Cove and Buzzards Bay south of a line drawn due east from the incinerator stack at Fort Rodman near the southeasterly extremity of Clark Point, west of a line in range with Palmer Island Light and Butlers Flats Lighthouse, north of a line drawn between the southerly extremities of Sconticut Point in Fairhaven and Ricketsons Point in Dartmouth.
18028. Attachment Q.VIII.e.100 is a true and accurate copy of notes relative to New Bedford, Sanitary Survey of Shellfish areas, from Joseph C. Karnella of the Division of Marine Fisheries, dated April 11, 1955 and

is genuine.

18029. Attachment Q.VIII.e.100 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18030. Attachment Q.VIII.e.100 is an authentic, ancient document, in existence twenty years or more.
18031. Attachment Q.VIII.e.100 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18032. Attachment Q.VIII.e.100 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18033. Attachment Q.VIII.e.100 reports that on the above date the writer made a sanitary survey of Clarks Cove, Acushnet River and New Bedford Harbor in the City of New Bedford.
18034. An April 1955 survey showed that sewage and industrial wastes were being discharged into Clarks Cove, the Acushnet River and New Bedford Harbor, and it was Mr. Karella's opinion that shellfish taken from these areas would be unfit for human consumption.
18035. Attachment Q.VIII.e.101 is a true and accurate copy of a letter dated April 22, 1955 from Clarence Sterling Jr., Deputy Commissioner, Environmental Division of Law Enforcement, Department of Natural Resources and is genuine.
18036. Attachment Q.VIII.e.101 is a public record, setting

forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18037. Attachment Q.VIII.e.101 is an authentic, ancient document, in existence twenty years or more.
18038. Attachment Q.VIII.e.101 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18039. Attachment Q.VIII.e.101 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18040. Information reported in the above attachment Q.VIII.e.101 is true.
18041. Attachment Q.VIII.e.101 reports to Mr. Willard that the open shellfish area of Clarks Cove will be closed as of April 25, 1955 to shellfishing.
18042. The April 25, 1955 shellfish area closure was the result of the closure of the Cove Street sewage pumping station for repairs which, as expected, allowed raw sewage to be discharged directly to Clarks Cove through June 25, 1955.
18043. Attachment Q.VIII.e.102 is a true and accurate copy of a letter dated February 17, 1955 from Clarence Sterling, Jr. Deputy Commissioner, Environmental Sanitation, Department of Health to Howard Willard, Director, Division of Marine Fisheries, Department of Natural Resources and is genuine.
18044. Attachment Q.VIII.e.102 is a public record, setting

forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18045. Attachment Q.VIII.e.102 is an authentic, ancient document, in existence twenty years or more.
18046. Attachment Q.VIII.e.102 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18047. Attachment Q.VIII.e.102 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18048. Information reported in the above attachment Q.VIII.e.102 is true.
18049. Attachment Q.VIII.e.102 reports on the examination of the tidal waters and flats of the Acushnet River, New Bedford Harbor, Buzzards Bay, and Clarks Cove. .
18050. Attachment Q.VIII.e.102 reports that this examination, by the Department, showed that the waters and flats in Fairhaven, New Bedford and Dartmouth were so contaminated that shellfish obtained therefrom were unfit for food and dangerous to public health.
18051. An examination, by the Department, showed that the waters and flats in Fairhaven, New Bedford and Dartmouth were so contaminated that shellfish obtained therefrom would be unfit for food and dangerous to public health.
18052. Attachment Q.VIII.e.102 reports contaminated areas that included the waters and flats of the Acushnet River and

New Bedford Harbor in Fairhaven and New Bedford west or inside of a line drawn from the southerly end of Fort Street in Fairhaven to the white house located at the easterly end of Aquidneck Street at Clark Point in New Bedford, now or formerly the property of Antone DeCosta, and the flats to low water along the southeasterly shore of Clark Point southerly from Aquidneck Street; also the waters and flats of that portion of Buzzards Bay south of a line drawn due east from the incinerator stack at Fort Rodman near the southeasterly extremity of Clark Point, west of a line in range with Palmer Island Light and Butler Flats Lighthouse, north of a line drawn between the southerly extremities of Sconticut Point in Fairhaven and Ricketsons Point in Dartmouth and east of a line in range with Butler Flats Lighthouse and the incinerator stack located at Fort Rodman near the southeasterly extremity of Clark Point; also the waters had flats of Clarks Cove in New Bedford and Dartmouth north of line drawn from the westerly end of Woodlawn Street on Clark Point in New Bedford westerly to the easterly extremity of Rodger Street in Dartmouth.

18053. Attachment Q.VIII.e.103 is a true and accurate copy of a letter dated December 17, 1954 from Clarence Sterling, Jr., Deputy Commissioner, Environmental Sanitation, Department of Public Works to Francis Sargent, Director, Division of Marine Fisheries, Department of Natural Resources in reference to examination and closure of shellfishing areas in the New Bedford area and is genuine.
18054. Attachment Q.VIII.e.103 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18055. Attachment Q.VIII.e.103 is an authentic, ancient, document, in existence twenty years or more.
18056. Attachment Q.VIII.e.103 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information

transmitted by a person with knowledge of such activity.

18057. Attachment Q.VIII.e.103 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18058. Information reported in the above attachment Q.VIII.e.103 is true.
18059. Attachment Q.VIII.e.103 reports that, as a result of the 1954 examination, the Department determined that the waters and flats of the Acushnet River, New Bedford Harbor, Buzzards Bay and Clarks Cove in Fairhaven, New Bedford and Dartmouth were so contaminated that shellfish obtained therefrom were unfit for food and dangerous to the public health.
18060. Attachment Q.VIII.e.103 reports that, as of 1959, the bacterially contaminated areas included tidal waters and flats of the Acushnet River and New Bedford Harbor in Fairhaven and New Bedford west or inside of a line drawn from the southerly end of Fort Street in Fairhaven to the white house located at the easterly end of Aquidneck Street at Clarks Point in New Bedford, now or formerly the property of Antone DeCosta, and the flats to low water along the southeasterly shore of Clarks Point southerly from Aquidneck Street; also the waters and flats of that portion of Clarks Cove and Buzzards Bay south of a line drawn due east from the incinerator stack at Fort Rodman near the southeasterly extremity of Clarks Point, west of a line in range with Palmer Island Light and Butler Flats lighthouse, north of a line drawn between the southerly extremities of Sconticut Point in Fairhaven and Ricketsons Point in Dartmouth.
18061. Attachment Q.VIII.e.104 is a true and accurate copy of notes relative to New Bedford Sewage Disposal by Paul T. Anderson, dated September 24, 1954 and is genuine.
18062. Attachment Q.VIII.e.104 is a public record, setting

forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18063. Attachment Q.VIII.e.104 is an authentic, ancient document, in existence twenty years or more.
18064. Attachment Q.VIII.e.104 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18065. Attachment Q.VIII.e.104 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18066. Information reported in the above attachment Q.VIII.e.104 is true.
18067. Attachment Q.VIII.e.104 reports that, in 1954, work at various sewage pumping stations necessitated that they be by-passed during repairs and therefore the writer recommended that the Department keep all shellfish areas closed until work was completed.
18068. As of 1954, the City of New Bedford discharged sewage into New Bedford Harbor during construction and repairs to the sewage system.
18069. Attachment Q.VIII.e.105 is a true and accurate copy of a letter dated May 19, 1954 from Clarence Sterling, Jr., Deputy Commissioner, Environmental Sanitation, Department of Health to Representative Joseph Saulnier in answer to a request for an examination of a shellfish area extending from Clarks Point to Howland Street in New Bedford and is genuine.

18070. Attachment Q.VIII.e.105 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18071. Attachment Q.VIII.e.105 is an authentic, ancient document, in existence twenty years or more.
18072. Attachment Q.VIII.e.105 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18073. Attachment Q.VIII.e.105 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18074. Information reported in the above attachment Q.VIII.e.105 is true.
18075. Shellfish areas were examined on April 24 and 25, 1954.
18076. In April 1954, a complete sanitary survey was conducted and twenty-three sources of pollution, actual and potential, were found in New Bedford Harbor.
18077. The results of the April 1954 examination showed that it was impossible to open the area between Aquidneck Street and Mott Street for shellfishing.
18078. Twenty-three actual or potential sources of pollution identified during the April 1954 survey were to be examined to determine their sources and person or persons responsible.
18079. Attachment Q.VIII.e.106 is a true and accurate copy of a bulletin describing closed shellfish areas and areas

approved for purification and is genuine.

18080. Attachment Q.VIII.e.106 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18081. Attachment Q.VIII.e.106 is an authentic. ancient document, in existence twenty years or more.
18082. Attachment Q.VIII.e.106 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18083. Attachment Q.VIII.e.106 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18084. Information reported in the above attachment Q.VIII.e.106 is true.
18085. Attachment Q.VIII.e.106 reports the closed areas as the waters and flats of the Acushnet River and New Bedford Harbor in Fairhaven and New Bedford west or inside of a line drawn from the southerly end of Fort Street in Fairhaven to the white house now or formerly the property of Antone DeCosta located at the easterly end of Aquidneck Street at Clark Point in New Bedford; also the flats to low water along the southeasterly shore of Clark Point southerly from Aquidneck Street and the waters and flats of that portion of Buzzards Bay south of a line drawn due east from the incinerator stack at Fort Rodman located at the southeasterly extremity of Clark Point west of a line in range with Palmer Island light and Butler Flats Lighthouse north of a line drawn between the southerly extremity of

Sconticut Point in Fairhaven and Ricketsons Point in Dartmouth and east of a line in range with Butler Flats Lighthouse and the incinerator stack located at Fort Rodman near the southeasterly extremity of Clark Point; also the waters and flats of Clarks Cove in New Bedford and Dartmouth north of a line drawn from the westerly end of Woodlawn Street on Clark Point in New Bedford westerly to the easterly extremity of Rogers Street in Dartmouth.

18086. Attachment Q.VIII.e.106 defines the area which will be approved for purification or transplantation purposes as the waters and flats of the Acushnet River and New Bedford Harbor in New Bedford and Fairhaven southeast or outside of a line drawn from the easterly end of Cove Street at Clark Point in New Bedford to Palmer Island Light and southwest or inside of a line drawn from Palmer Island light to Fort Point so-called in Fairhaven.
18087. Attachment Q.VIII.e.107 is a true and accurate copy of notes relative to a shellfish application for New Bedford from Leo Fox dated January 31, 1955 and is genuine.
18088. Attachment Q.VIII.e.107 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18089. Attachment Q.VIII.e.107 is an authentic, ancient document, in existence twenty years or more.
18090. Attachment Q.VIII.e.107 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18091. Attachment Q.VIII.e.107 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make

a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18092. Information reported in the above attachment Q.VIII.e.107 is true.
18093. Attachment Q.VIII.e.107 reports that, in 1955, Representative Joseph D. Saulnier was under the impression that the Department had closed some shellfish areas in New Bedford Harbor after the hurricane.
18094. Attachment Q.VIII.e.107 reports that these areas had been closed before the hurricane and that the designation of these areas had not changed.
18095. Attachment Q.VIII.e.108 is a true and accurate copy of a bulletin defining the closed shellfish areas of Acushnet River and New Bedford dated January 27, 1955 and is genuine.
18096. Attachment Q.VIII.e.108 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18097. Attachment Q.VIII.e.108 is an authentic, ancient document, in existence twenty years or more.
18098. Attachment Q.VIII.e.108 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18099. Attachment Q.VIII.e.108 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within

the scope of the agency or employment, made during the existence of the relationship.

18100. Information reported in the above attachment Q.VIII.e.108 is true.
18101. Attachment Q.VIII.e.108 also reports an area approved for purification purposes on May 19, 1954.
18102. Attachment Q.VIII.e.109 is a true and accurate copy of a letter dated January 27, 1955 from Clarence Sterling, Jr., Deputy Commissioner, Environmental Sanitation, Department of Health to Francis Sargent, Director, Division of Marine Fisheries, Department of Natural Resources concerning new closed shellfishing areas and is genuine.
18103. Attachment Q.VIII.e.109 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18104. Attachment Q.VIII.e.109 is an authentic, ancient document, in existence twenty years or more.
18105. Attachment Q.VIII.e.109 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18106. Attachment Q.VIII.e.109 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18107. Information reported in the above attachment Q.VIII.e.109 is true.

18108. Attachment Q.VIII.e.109 reports that after an examination of shellfish areas in New Bedford in January 1955, newly closed areas included areas of the Acushnet River, New Bedford Harbor and Clarks Cove.
18109. Attachment Q.VIII.e.110 is a true and accurate copy of a letter dated May 19, 1954, from Clarence Sterling Jr., Chief Sanitary Engineer, Department of Health to Francis Sargent, Director, Division of Marine Fisheries, Department of Natural Resources and is genuine.
18110. Attachment Q.VIII.e.110 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18111. Attachment Q.VIII.e.110 is an authentic, ancient document, in existence twenty years or more.
18112. Attachment Q.VIII.e.110 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18113. Attachment Q.VIII.e.110 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18114. Information reported in the above attachment Q.VIII.e.110 is true.
18115. In 1954 the Division of Marine Fisheries approved an increased area for purification.
18116. Attachment Q.VIII.e.110 reports that the closed area will remain closed.

18117. Attachment Q.VIII.e.110 defines the area approved for purification as the waters and flats of the Acushnet River and New Bedford Harbor in New Bedford and Fairhaven southeast or outside of a line drawn from the easterly end of Cove Street at Clark Point in New Bedford to Palmer Island Light and southwest or outside of a line drawn from Palmer Island Light to Fort Point so called in Fairhaven and inside or west of a line drawn from the southerly end of Fort Street in Fairhaven to the white house located at the easterly end of Aquidneck Street at Clark Point in New Bedford now or formerly the property of Antone DeCosta.
18118. Attachment Q.VIII.e.111 is a true and accurate copy of notes relative to New Bedford Examination of shellfish areas, by Joseph C. Karnella dated September 23, 1953 and is genuine.
18119. Attachment Q.VIII.e.111 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18120. Attachment Q.VIII.e.111 is an authentic, ancient document, in existence twenty years or more.
18121. Attachment Q.VIII.e.111 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18122. Attachment Q.VIII.e.111 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18123. Information reported in the above attachment

Q.VIII.e.111 is true.

18124. Attachment Q.VIII.e.111 reports that, during a sanitary survey, four sources of pollution were found in Clarks Cove and 21 sources of pollution were found in New Bedford Harbor.
18125. Attachment Q.VIII.e.111 is a true and accurate copy of a letter dated September 7, 1954 from Clarence Sterling, Deputy Commissioner, Environmental Sanitation, Department of Health to Howard Willard, Director, Division of Law Enforcement, Department of National Resources and is genuine.
18126. Attachment Q.VIII.e.112 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18127. Attachment Q.VIII.e.112 is an authentic, ancient document, in existence twenty years or more.
18128. Attachment Q.VIII.e.112 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18129. Attachment Q.VIII.e.112 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18130. Information reported in the above attachment Q.VIII.e.112 is true.
18131. Attachment Q.VIII.e.112 reports that, in 1954, due to the recent hurricane, the sewage pumping stations in New Bedford were not operating and sewage was being

discharged directly into the Acushnet River and Clarks Cove.

18132. In 1954, due to the recent hurricane, the sewage pumping stations in New Bedford were not operating and sewage was being discharged directly into the Acushnet River and Clarks Cove.
18133. Attachment Q.VIII.e.112 reports that the condition would continue until the pumping stations were rehabilitated.
18134. Attachment Q.VIII.e.112 states that, in 1954, due to this condition, the Department of Public Health determined that areas of the Acushnet River and New Bedford Harbor were contaminated and shellfish obtained therefrom were unfit for food and a danger to public health.
18135. In 1954, due to this condition, the Department of Public Health determined that areas of the Acushnet River and New Bedford Harbor were contaminated and shellfish obtained therefrom were unfit for food and a danger to public health.
18136. Attachment Q.VIII.e.113 is a true and accurate copy of a letter dated July 23, 1953 to the City Clerk in New Bedford from Clarence Sterling, Jr., Deputy Commissioner, Environmental Sanitation, Department of Health and is genuine.
18137. Attachment Q.VIII.e.113 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18138. Attachment Q.VIII.e.113 is an authentic, ancient document, in existence twenty years or more.
18139. Attachment Q.VIII.e.113 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18140. Attachment Q.VIII.e.113 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18141. Information reported in the above attachment Q.VIII.e.113 is true.
18142. Attachment Q.VIII.e.113 acknowledges receipt of the City Clerk's letter dated July 20, 1953 with enclosures relative to the taking of quahogs from Clarks Cove for transplanting into the clean waters of Clarks Cove.
18143. Attachment Q.VIII.e.113 reports why the Department of Health rejected the proposal in view of the known sewage pollution in the area.
18144. Attachment Q.VIII.e.114 is a true and accurate copy of a letter dated November 19, 1952, from Clarence Sterling, Jr., Deputy Commissioner, Environmental Sanitation, Department of Public Health to Francis Sargent, Director, Division of Marine Fisheries, Department of Conservation and is genuine.
18145. Attachment Q.VIII.e.114 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18146. Attachment Q.VIII.e.114 is an authentic, ancient document, in existence twenty years or more.
18147. Attachment Q.VIII.e.114 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18148. Attachment Q.VIII.e.114 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18149. Information reported in the above attachment Q.VIII.e.114 is true.
18150. Attachment Q.VIII.e.114 informs Mr. Sargent that an examination was conducted by the Department of Public Health of the tidal waters and flats of the Acushnet River, New Bedford Harbor, Buzzards Bay and Clarks Cove.
18151. Attachment Q.VIII.e.114 reports that, as a result of this examination, in 1952 the Department determined that areas were so contaminated that shellfish therefrom were unfit for food and dangerous to the public health.
18152. As a result of this examination, in 1952 the Department determined that areas were so contaminated that shellfish therefrom were unfit for food and dangerous to the public health.
18153. Attachment Q.VIII.e.115 is a true and accurate copy of notes relative to the examination of New Bedford shellfish areas by Joseph C. Karnella of the Division of Marine Fisheries, dated April 28 and 29, 1952 and is genuine.
18154. Attachment Q.VIII.e.115 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18155. Attachment Q.VIII.e.115 is an authentic, ancient document, in existence twenty years or more.
18156. Attachment Q.VIII.e.115 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business

to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18157. Attachment Q.VIII.e.115 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18158. Information reported in the above attachment Q.VIII.e.115 is true.
18159. Attachment Q.VIII.e.115 reports that a sanitary survey in 1952 found 8 sources of pollution in Clarks Cove, 14 sources of pollution in New Bedford Harbor, and 8 sources of pollution north of Cove Street.
18160. A sanitary survey in 1952 found 8 sources of pollution in Clarks Cove, 14 sources of pollution in New Bedford Harbor, and 8 sources of pollution north of Cove Street.
18161. Attachment Q.VIII.e.116 is a true and accurate copy of a letter dated December 21, 1949 to Charles W. Deasy, City Clerk, New Bedford, Massachusetts, from the Commissioner of Public Health in answer to a request to reexamine the waters of Clarks Cove and is genuine.
18162. Attachment Q.VIII.e.116 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18163. Attachment Q.VIII.e.116 is an authentic, ancient document, in existence twenty years or more.
18164. Attachment Q.VIII.e.116 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly

conducted business activity by or from information transmitted by a person with knowledge of such activity.

18165. Attachment Q.VIII.e.116 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18166. Information reported in the above attachment Q.VIII.e.116 is true.
18167. Attachment Q.VIII.e.116 reports that, as of 1949, the Department had consistently stated that while some areas in question had shown freedom from pollution, the area was subject to serious sewage pollution at times of storms.
18168. As of 1949, the Department had consistently stated that while some areas in question had shown freedom from pollution, the area was subject to serious sewage pollution at times of storms.
18169. Attachment Q.VIII.e.116 reports that, as of 1949, the Department was unable to remove restrictions for shellfishing until direct pollution at times of storm was removed.
18170. As of 1949, the Department was unable to remove restrictions for shellfishing until direct pollution at times of storm was removed.
18171. Attachment Q.VIII.e.117 is a true and accurate copy of a report "New Bedford: Re-examination of quahog beds in Clarks Cove" by William Doubleday dated November 29, 1949 and is genuine.
18172. Attachment Q.VIII.e.117 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18173. Attachment Q.VIII.e.117 is an authentic, ancient document, in existence twenty years or more.
18174. Attachment Q.VIII.e.117 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18175. Attachment Q.VIII.e.117 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18176. Information reported in the above attachment Q.VIII.e.117 is true.
18177. Attachment Q.VIII.e.117 reports on the examination of Clarks Cove and includes notes of a meeting with Mr. Saulnier, City Councilor of New Bedford, analytical data and a map.
18178. Attachment Q.VIII.e.118 is a true and accurate copy of a letter dated October 10, 1949, to Francis Sargent, Director, Division of Marine Fisheries, Department of Conservation, from Commissioner of Public Health and is genuine.
18179. Attachment Q.VIII.e.118 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18180. Attachment Q.VIII.e.118 is an authentic, ancient document, in existence twenty years or more.
18181. Attachment Q.VIII.e.118 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business

to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18182. Attachment Q.VIII.e.118 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18183. Information presented in the above attachment Q.VIII.e.118 is true.
18184. Attachment Q.VIII.e.118 reports a September 21, 1949 request for a re-examination of Clarks Cove.
18185. Samples collected September 27, 1949 showed that sea water was reasonably free from bacteriological contamination at the time quahog samples were taken, but the quahogs showed evidence of pollution.
18186. Attachment Q.VIII.e.119 is a true and accurate copy of a letter dated March 12, 1951, to Patrick Foley, Commissioner of Public Works, New Bedford, Massachusetts from the Commissioner of Public Health and is genuine.
18187. Attachment Q.VIII.e.119 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18188. Attachment Q.VIII.e.119 is an authentic, ancient document, in existence twenty years or more.
18189. Attachment Q.VIII.e.119 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information

transmitted by a person with knowledge of such activity.

18190. Attachment Q.VIII.e.119 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18191. Information reported in the above attachment Q.VIII.e.119 is true.
18192. Attachment Q.VIII.e.120 is a copy of a letter to Frances Sargent relative to removing restrictions on shellfishing from a certain area of Clarks Cove.
18193. Attachment Q.VIII.e.120 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18194. Attachment Q.VIII.e.120 is an authentic, ancient document, in existence twenty years or more.
18195. Attachment Q.VIII.e.120 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18196. Attachment Q.VIII.e.120 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18197. Attachment Q.VIII.e.120 reports that as of 1949,

notification of restrictions be made if it is necessary to open the gate on the overflow at the screen houses on the westerly shore of Clark Point.

18198. Attachment Q.VIII.e.121 is a true and accurate copy of a letter dated March 12, 1951 to Frances Sargent, Director Division of Marine Fisheries, Department of Conservation from the Commissioner of Public Health and is genuine.
18199. Attachment Q.VIII.e.121 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18200. Attachment Q.VIII.e.121 is an authentic, ancient document, in existence twenty years or more.
18201. Attachment Q.VIII.e.121 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18202. Attachment Q.VIII.e.121 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18203. Information reported in the above attachment Q.VIII.e.121 is true.
18204. Attachment Q.VIII.e.121 reports areas of Clarks Cove that had been closed April 17, 1950, but opened south of a line.
18205. Attachment Q.VIII.e.121 reports that after resampling it was determined that this area south of the line was so contaminated that shellfish obtained therefrom were

unfit for food and dangerous to public health and the area was closed.

18206. Attachment Q.VIII.e.122 is a true and accurate copy of results of analyses of seawater and quahog samples collected March 14, 1950 in Clarks Cove and is genuine.
18207. Attachment Q.VIII.e.122 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18208. Attachment Q.VIII.e.122 is an authentic, ancient document, in existence twenty years or more.
18209. Attachment Q.VIII.e.122 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18210. Attachment Q.VIII.e.122 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18211. Information reported in the above attachment Q.VIII.e.122 is true.
18212. Attachment Q.VIII.e.123 is a true and accurate copy of results of analyses of seawater and quahog samples collected March 15, 1950 in Clarks Cove and is genuine.
18213. Attachment Q.VIII.e.123 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18214. Attachment Q.VIII.e.123 is an authentic, ancient document, in existence twenty years or more.
18215. Attachment Q.VIII.e.123 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18216. Attachment Q.VIII.e.123 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18217. Information reported in the above attachment Q.VIII.e.123 is true.
18218. Attachment Q.VIII.e.123 reports that as of 1950, during storms, sewage overflows into the northerly portion of the cove and there is an outlet at the screen house through which sewage may be discharged at times of excessive flow.
18219. As of 1950, during storms, sewage overflows into the northerly portion of the cove and there is an outlet at the screen house through which sewage may be discharged at times of excessive flow.
18220. Attachment reports that as of 1950, due to the discharge of sewage into the area waters, the Department is unable to remove restrictions on shellfishing, but approves the taking of shellfish for purification at an approved plant.
18221. As of 1950, due to the discharge of sewage into the area waters, the Department is unable to remove restrictions on shellfishing, but approves the taking of shellfish for purification at an approved plant.
18222. Attachment Q.VIII.e.124 is a true and accurate copy of

an order by the City Council in New Bedford September 22, 1949 concerning the prior closure of Clarks Cove for the taking of scallops, and is genuine.

18223. Attachment Q.VIII.e.124 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18224. Attachment Q.VIII.e.124 is an authentic, ancient document, in existence twenty years or more.
18225. Attachment Q.VIII.e.124 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18226. Attachment Q.VIII.e.124 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18227. Information reported in the above attachment Q.VIII.e.124 is true.
18228. Attachment Q.VIII.e.125 is a true and accurate copy of a report entitled "New Bedford: Re-examination of Shellfish Area" by J. C. Karnella dated March 15, 1949 and is genuine.
18229. Attachment Q.VIII.e.125 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18230. Attachment Q.VIII.e.125 is an authentic, ancient

document, in existence twenty years or more.

18231. Attachment Q.VIII.e.125 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18232. Attachment Q.VIII.e.125 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18233. Attachment Q.VIII.e.125 is a learned treatise, established as a reliable authority by experts in the field.
18234. Information reported in the above attachment Q.VIII.e.125 is true.
18235. Attachment Q.VIII.e.125 reports an examination of Clarks Cove and New Bedford Harbor by the author and August Louis, Shellfish Officer of New Bedford who collected samples of sea water and shellfish for bacterial examination.
18236. As of 1949, sewage from New Bedford impacted shellfish beds in Dartmouth.
18237. Attachment Q.VIII.e.126 is a true and accurate copy of a letter dated December 9, 1948 to Frances Sargent, Director, Division of Marine Fisheries, Department of Conservation from Commissioner, Department of Public Health and is genuine.
18238. Attachment Q.VIII.e.126 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant

to authority granted by law.

18239. Attachment Q.VIII.e.126 is an authentic, ancient document, in existence twenty years or more.
18240. Attachment Q.VIII.e.126 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18241. Attachment Q.VIII.e.126 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18242. Information reported in the above attachment Q.VIII.e.126 is true.
18243. Attachment Q.VIII.e.126 reports that in response to a request by the City of New Bedford, dated October 14, 1948, further tests were conducted on waters and shellfish samples collected from portions of the Acushnet River and Clarks Cove on November 2, 1948.
18244. Attachment Q.VIII.e.126 reports that the results of sample analysis confirmed previous results and that the area should remain restricted until the sources of pollution are removed.
18245. Attachment Q.VIII.e.126 accurately presents analytical data of water and shellfish samples from a November 1948 sampling program.
18246. Attachment Q.VIII.e.127 is a true and accurate copy of a report entitled "New Bedford: Transplanting Shellfish from Clarks Cove," dated June 8, 1948, by J. A. Karnella and is genuine.
18247. Attachment Q.VIII.e.127 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as

to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18248. Attachment Q.VIII.e.127 is an authentic, ancient document, in existence twenty years or more.
18249. Attachment Q.VIII.e.127 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18250. Attachment Q.VIII.e.127 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18251. Attachment Q.VIII.e.127 is a learned treatise, established as a reliable authority by experts in the field.
18252. Information reported in the above attachment Q.VIII.e.127 is true.
18253. Attachment Q.VIII.e.127 reports that during examination of area waters there was visual evidence of CSO's, and that Kilburn Mills was discharging a large amount of dye into Clarks Cove.
18254. As of 1948, Kilburn Mills discharged large amounts of dye into Clarks Cove.
18255. Attachment Q.VIII.e.128 is a true and accurate copy of a letter dated April 27, 1948 to Francis Sargent, Director, Division of Marine Fisheries, Department of Conservation from Commissioner, Department of Public Health and is genuine.
18256. Attachment Q.VIII.e.128 is a public record, setting forth the activities of the office or agency; or

matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18257. Attachment Q.VIII.e.128 is an authentic, ancient document, in existence twenty years or more.
18258. Attachment Q.VIII.e.128 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18259. Attachment Q.VIII.e.128 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18260. Information reported in the above attachment Q.VIII.e.128 is true.
18261. Attachment Q.VIII.e.128 accurately reports analytical data of samples collected April 15, 1948 from the northern area of Clarks Cove and the Acushnet River.
18262. Attachment Q.VIII.e.128 reports that in view of the gross pollution, it is recommended that the Division of Marine Fisheries control transplanting from these areas.
18263. Attachment Q.VIII.e.129 is a true and accurate copy of analytical data collected February 18, 1948 in Buzzards Bay and is genuine.
18264. Attachment Q.VIII.e.129 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18265. Attachment Q.VIII.e.129 is an authentic, ancient document, in existence twenty years or more.
18266. Attachment Q.VIII.e.129 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18267. Attachment Q.VIII.e.129 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18268. Information reported in the above attachment Q.VIII.e.129 is true.
18269. Attachment Q.VIII.e.130 is a true and accurate copy of a letter dated January 28, 1948, to Mr. Frank Travis from Jerome Trichter, City of New York, DPH.
18270. Attachment Q.VIII.e.130 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18271. Attachment Q.VIII.e.130 is an authentic, ancient document, in existence twenty years or more.
18272. Attachment Q.VIII.e.130 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18273. Attachment Q.VIII.e.130 is an admission by a party-opponent, offered against a party and is: a

plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18274. Information reported in the above attachment Q.VIII.e.130 is true.
18275. Attachment Q.VIII.e.131 is a true and accurate copy of a letter dated June 2, 1947 to Henry Sheehan, Director, Division of Marine Fisheries, Department of Conservation from Commissioner, Department of Public Health and is genuine.
18276. Attachment Q.VIII.e.131 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18277. Attachment Q.VIII.e.131 is an authentic, ancient document, in existence twenty years or more.
18278. Attachment Q.VIII.e.131 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18279. Attachment Q.VIII.e.131 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18280. Information reported in the above attachment Q.VIII.e.131 is true.

18281. Attachment Q.VIII.e.131 reports a request of Howard Willard, Chief Coastal Warden, for a revised description of the contaminated shellfish areas.
18282. Attachment Q.VIII.e.132 is a true and accurate copy of a notice of closure of New Bedford Harbor and Acushnet River to shellfishing which was published March 31, 1947 in the Standard Times, New Bedford and is genuine.
18283. Attachment Q.VIII.e.132 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18284. Attachment Q.VIII.e.132 is an authentic, ancient document, in existence twenty years or more.
18285. Attachment Q.VIII.e.132 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18286. Attachment Q.VIII.e.132 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18287. Information reported in the above attachment Q.VIII.e.132 is true.
18288. Attachment Q.VIII.e.133 is a true and accurate copy of a letter dated September 10, 1941 to Charles Deasy, City Clerk, New Bedford, Massachusetts from Paul Jakmauch, M.D., Commissioner of Public Health and is genuine.
18289. Attachment Q.VIII.e.133 is a public record, setting forth the activities of the office or agency; or

matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18290. Attachment Q.VIII.e.133 is an authentic, ancient, document, in existence twenty years or more.
18291. Attachment Q.VIII.e.133 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18292. Attachment Q.VIII.e.133 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18293. Information reported in the above attachment Q.VIII.e.133 is true.
18294. Attachment Q.VIII.e.133 reports a revised description of contaminated shellfish areas due to storm damage to land marks.
18295. Attachment Q.VIII.e.133 accurately reports a copy of the restricted areas and new land marks.
18296. Attachment Q.VIII.e.134 is a true and accurate copy of a letter dated March 1, 1921 to X.H. Goodnough, Chief Engineer, Department of Public Health from Edward Wright, Assistant Engineer and is genuine.
18297. Attachment Q.VIII.e.134 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18298. Attachment Q.VIII.e.134 is an authentic, ancient document, in existence twenty years or more.
18299. Attachment Q.VIII.e.134 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18300. Attachment Q.VIII.e.134 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18301. Information reported in the above attachment Q.VIII.e.134 is true.
18302. Attachment Q.VIII.e.134 contains a report on shellfish transplanted to Coles River in Swansea and references restricted areas in New Bedford Harbor and the Acushnet River.
18303. As of 1921, areas in New Bedford Harbor and the Acushnet River were closed to shellfishing due to sewage pollution.
18304. Attachment Q.VIII.e.135 is a true and accurate copy of a letter dated July 7, 1919 from Chief Engineer, State Department of Health to W. H. B. Remington, City Clerk, Shellfish Commission, New Bedford, Massachusetts and is genuine.
18305. Attachment Q.VIII.e.135 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18306. Attachment Q.VIII.e.135 is an authentic, ancient document, in existence twenty years or more.

18307. Attachment Q.VIII.e.135 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18308. Attachment Q.VIII.e.135 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18309. Information reported in the above attachment Q.VIII.e.135 is true.
18310. Attachment Q.VIII.e.135 reports a June 20, 1919 request for further examination of shellfish areas which were closed, and that no change occurred in the closed areas due to bacteria counts and sewage pollution in excess of safety limits.
18311. Attachment Q.VIII.e.135 reports that further testing would be done later in 1919.
18312. Attachment Q.VIII.e.136 is a true and accurate copy of a report from the State Department of Health on Clarks Cove dated October 11, 1918 and is genuine.
18313. Attachment Q.VIII.e.136 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18314. Attachment Q.VIII.e.136 is an authentic, ancient document, in existence twenty years or more.
18315. Attachment Q.VIII.e.136 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business

to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18316. Attachment Q.VIII.e.136 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18317. Information reported in the above attachment Q.VIII.e.136 is true.
18318. Attachment Q.VIII.e.136 summarizes the history of pollution in the area and the shellfish closure in 1904 due to CSOs.
18319. As early as 1904, shellfish areas in the New Bedford Harbor area were closed due to sewage pollution from CSOs.
18320. Attachment Q.VIII.e.136 reports analytical data of samples taken in 1917 and 1918.
18321. As of 1917, shellfish beds in New Bedford and surrounding towns had a long history of being closed due to sewage pollution and bacterial contamination.
18322. Shellfish beds in New Bedford and surrounding towns have been periodically closed since at least 1904.
18323. Uncontrolled discharges of wastewater have impacted water quality and shellfish beds in New Bedford since at least 1904.

#### 4.0 CAMP, DRESSER AND MCKEE (CDM) DOCUMENTS

##### 4.1

18324. Attachment Q.VIII.e.137 is a true and accurate copy of a document prepared by Camp, Dresser and McKee, Inc. entitled "Wastewater Collection and Treatment Facilities for the City of New Bedford, Massachusetts",

dated November 1974 and is genuine. (To be referred to herein as the 1974 CDM study).

18325. Attachment Q.VIII.e.137 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18326. Attachment Q.VIII.e.137 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18327. Attachment Q.VIII.e.137 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18328. Attachment Q.VIII.e.137 is a learned treatise, established as a reliable authority by experts in the field.
18329. The 1974 CDM study objective was to prepare a master plan for 1) the collection and treatment of wastewater, and 2) stormwater separation and treatment, including preliminary designs for the necessary improvements and additions.
18330. The sewer system of the City of New Bedford is a separated system in the north end of the city and a combined system generally south of Brooklawn Park.
18331. About 1920, an interceptor sewer system was constructed to convey dry-weather wastewater flow through an outfall discharge approximately 3,300 feet south of Clarks Point.
18332. The City of New Bedford has a combined wastewater

system and the treatment plant provides coarse and fine screening, primary settling, and chlorination.

- 18333. The New Bedford wastewater treatment plant's discharge is through an outfall 3,300 feet south of Clarks Point.
- 18334. For the 1974 CDM study, the normal dry weather flow at the treatment plant measured during the sampling period ranged from 28 to 36 million gallons per day.
- 18335. According to the 1974 CDM study, as of 1974, there were many overflows along the Acushnet River and Clarks Point which discharged untreated wastes directly to receiving waters during rainfall.
- 18336. As of 1974, there were many overflows along the Acushnet River and Clarks Point which discharged untreated wastes directly to receiving waters during rainfall.
- 18337. According to the 1974 CDM study, as of 1974, most of the trunk and lateral sewers in the combined sewer area have inadequate capacity for storm water runoff.
- 18338. As of 1974, most of the trunk and lateral sewers in the combined sewer area have inadequate capacity for storm water runoff.
- 18339. According to the 1974 CDM study, as of 1974, the water quality of the Acushnet River had periodic overflows of combined wastewater, the presence of toxic metals in bottom muds, pollution from upstream along the river, and the flushing restriction imposed by the hurricane barrier.
- 18340. As of 1974, the water quality of the Acushnet River had periodic overflows of combined wastewater, the presence of toxic metals in bottom muds, pollution from upstream along the river, and the flushing restriction imposed by the hurricane barrier.
- 18341. According to the 1974 CDM study, as of 1974, high coliform counts existed in the outer harbor.
- 18342. According to the 1974 CDM study, as of 1974, there were approximately 30 major industries discharging water into the New Bedford Sewer System.

18343. As of 1974, there were approximately 30 major industries discharging water into the New Bedford Sewer System.
18344. According to the 1974 CDM study, as of 1974, to abate pollution of the Acushnet River and the outer harbor, all dry weather wastewater flows should continue to be given a minimum of primary treatment and chlorination.
18345. As of 1974, to abate pollution of the Acushnet River and the outer harbor, all dry weather wastewater flows should continue to be given a minimum of primary treatment and chlorination.
18346. According to the 1974 CDM study, as of 1974, the pollution discharged at overflows during periods of surface runoff should be reduced to a minimum.
18347. As of 1974, the pollution discharged at overflows during periods of surface runoff should be reduced to a minimum.
18348. According to the 1974 CDM study, as of 1974, sewer system capacity should be increased in critical areas and certain sewers should be separated to eliminate dry weather and wet weather overflows of highly polluting industrial runoff.
18349. As of 1974, sewer system capacity should be increased in critical areas and certain sewers should be separated to eliminate dry weather and wet weather overflows of highly polluting industrial runoff.
18350. According to the 1974 CDM study, as of 1974, there were a number of large industries within the city discharging wastewater to the New Bedford sewer system which included beverage, electronic, electrical, photographic film, food processing, metal plating, rubber molding and textile plants.
18351. As of 1974, there were a number of large industries within the city discharging wastewater to the New Bedford sewer system which included beverage, electronic, electrical, photographic film, food processing, metal plating, rubber molding, and textile plants.
18352. New Bedford still has an old, undersized and unreliable

sewerage system.

- 18353. As of 1974, New Bedford still had an old, undersized and unreliable sewerage system.
- 18354. New Bedford still has a combined sewer system that receives domestic, industrial and stormwater flows.
- 18355. As of 1974, New Bedford still had a combined sewer system that received domestic, industrial and stormwater flows.
- 18356. According to the 1974 CDM study, New Bedford Harbor is polluted with toxic metals in bottom mud.
- 18357. As of 1974, New Bedford Harbor was polluted with toxic metals in bottom mud.
- 18358. As of 1990, New Bedford Harbor is polluted with toxic metals in bottom mud.
- 18359. The Acushnet River still receives discharges of untreated waste in 1990.
- 18360. During the 1974 CDM study, representatives from many industries in New Bedford were interviewed and samples of wastewater were collected.
- 18361. Berkshire Hathaway had recently completed a comprehensive survey of this type and the results of that survey were incorporated into the 1974 CDM report.
- 18362. The 1974 CDM study states that Revere Copper & Brass notified the City of New Bedford of its intention to completely treat wastewaters on-site, and thus, no investigation of this wastewater was made.
- 18363. Revere Copper & Brass notified the City of New Bedford of its intention to completely treat wastewaters on-site, and thus, no investigation of this wastewater was made.
- 18364. Revere Copper & Brass had direct discharges to New Bedford Harbor which contained various metals.
- 18365. Direct wastewater discharges to New Bedford Harbor from Revere Copper & Brass contained elevated metal concentrations.

18366. Table 3 of the 1974 CDM study accurately reports the flow, presence and concentration of suspended solids (SS), biochemical oxygen demand (BOD) and chemical oxygen demand (COD) in the water samples collected for the study.
18367. Table 3 of the 1974 CDM study is admissible into evidence.
18368. Attachment Q.VIII.e.138 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18369. Attachment Q.VIII.e.138 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18370. Attachment Q.VIII.e.138 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18371. Attachment Q.VIII.e.138 is a learned treatise, established as a reliable authority by experts in the field.
18372. During the 1974 CDM study, CDM attempted to take grab samples and measure the flow of cooling waters and clear process waters discharged directly into the Acushnet River or other water courses.
18373. Table 4 of the 1974 CDM study, entitled "Total Present Industrial Discharge" identifies four receiving points of industrial discharges:

- A) the Municipal Sewage system receiving a flow of 6.3 million gallons per day;
  - B) the Acushnet River receiving 2.02 million gallons per day;
  - C) Clarks Cove receiving a flow of 0.35 million gallons per day; and
  - D) storm drains receiving 0.11 million gallons per day, for a total of 8.2 million gallons per day.
18374. Table 4 of the 1974 CDM study accurately reports the flow, presence and concentration of SS, BOD and COD in the water samples collected for this study.
18375. Table 4 of the CDM study is admissible into evidence.
18376. Attachment Q.VIII.e.139 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18377. Attachment Q.VIII.e.139 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18378. Attachment Q.VIII.e.139 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.
18379. Attachment Q.VIII.e.139 is a learned treatise, established as a reliable authority by experts in the field.

18380. As of 1974, the Acushnet River received approximately one quarter of the total industrial discharges into New Bedford Harbor area waters.
18381. According to the 1974 CDM study, a 1974 water sampling conducted off Clarks Point in Clarks Cove and in the Acushnet River behind the hurricane barrier indicated a deterioration of water quality due to wastewater discharged into the river and into the cove as well as from the outfall off Clarks Point.
18382. A 1974 water sampling conducted off Clarks Point in Clarks Cove and in the Acushnet River behind the hurricane barrier indicated a deterioration of water quality due to wastewater discharged into the river and into the cove as well as from the outfall off Clark's Point.
18383. During July, 1971 the Massachusetts Division of Water Pollution Control (DWPC) conducted a sampling program along the Acushnet River and the outer harbor beyond the hurricane dike and at a point in Clarks Cove.
18384. Results of the 1971 DWPC sampling program showed that coliform counts were significantly above the maxima permitted in Class SB, water that the state designated this area within Inner New Bedford harbor as.
18385. The 1971 DWPC sampling found floating material and oil in bottom muds that contained toxic materials such as heavy metals.
18386. New Bedford Harbor and the Acushnet River are contaminated due to combined wastewater overflow and continuous dry weather discharges.
18387. According to the 1974 CDM study, Fairhaven beach water quality has been impacted by high bacterial contamination.
18388. Fairhaven beach water quality has been impacted by wastewater discharges in New Bedford.
18389. Shellfish areas in Clarks Cove were closed by the Massachusetts Department of Public Health in April 1967 and in February 1971 in Fairhaven based on bacteriological examination of the shellfish and sea

water.

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18390. The New Bedford wastewater treatment plant affects water quality and shellfishing in Fairhaven and surrounding areas.
18391. According to the 1974 CDM study, construction of sewers in New Bedford began in the 1800s.
18392. Construction of sewers in New Bedford began in the 1800s.
18393. Until the early years of this century, the sewers installed were combined (i.e., they transported wastewater from residences and industries as well as stormwater from street gutter drains, roof drains, basement drains and foundation drains containing "CSOs").
18394. According to the 1974 CDM study, it became apparent that direct discharge of wastewater into the Acushnet River resulted in gross pollution of the river.
18395. Direct discharge of wastewater into the Acushnet River resulted in gross pollution of the river. Construction

of sewers in the 1800s alleviated dry weather gross pollution, however, mixed stormwater and wastewater continued to overflow during storms.

18396. Following the construction of sewers in New Bedford during the 1800s, many industrial firms continued to discharge dry weather flow directly to the river.

18397. In 1973 the New Bedford wastewater primary treatment plant was constructed at Clarks Point ("New Bedford WWTP").

18398. According to the 1974 CDM study, the wastewater treatment facility was designed to treat an average flow of 30 million gallons per day and a peak flow of 100 million gallons per day.

18399. The wastewater treatment facility was designed to treat an average flow of 30 million gallons per day and a peak flow of 100 million gallons per day.

18400. Following construction of the primary treatment plant in New Bedford, overflow of raw wastewater during storms was unavoidable due to the combined sewer system.

18401. According to the 1974 CDM study, treatment of flow was

transported by the inceptor.

18402. According to the 1974 CDM study, in 1974, for the New Bedford WWTP had an average dry-water flow of 30 million gallons per day, but storm flows reached the interceptor capacity of 120 million gallons per day.
18403. In 1974, the New Bedford WWTP had an average dry-water flow of 30 million gallons per day, but storm flows reached the interceptor capacity of 120 million gallons per day.
18404. According to the 1974 CDM study, the New Bedford WWTP removes larger suspended material from wastewater; however, very little of the fine solids and none of the dissolved material is removed.
18405. The New Bedford WWTP removes larger suspended material from wastewater; however, very little of the fine solids and none of the dissolved material is removed.
18406. According to the 1974 CDM study, total dry-weather wastewater overflow to the Acushnet River as measured during the sampling program in July, 1971 was estimated to contribute 17,750 lbs. per day BOD and 12,000 lbs. per day SS.

18407. Precipitation events increase the BOD loading to the Acushnet River.
18408. In December 1983, a report providing data and recommendations for the development and implementation of an Industrial Pretreatment Program (IPP) for the City of New Bedford was submitted to the Mayor of New Bedford by the engineering firm of Camp, Dresser and McKee, Inc. (CDM).
18409. Attachment Q.VIII.e.140 is a true and accurate copy of an original document entitled "City of New Bedford, Industrial Pretreatment Program" prepared by Camp, Dresser & McKee, Inc., December 1983 and is genuine (to be referred to herein as the CDM IPP study.)
18410. Attachment Q.VIII.e.140 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matters there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18411. Attachment Q.VIII.e.140 is a business record, which was prepared and received and kept in the ordinary course of

business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18412. Attachment Q.VIII.e.140 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18413. Attachment Q.VIII.e.140 is a learned treatise, established as a reliable authority by experts in the field.

18414. According to the CDM IPP Study, as of 1983, many, if not most, of the toxic pollutants entering the city's sewers and wastewater treatment plant have passed untreated (i.e., pollutant pass-through) into the receiving waters.

18415. As of 1983, many, if not most, of the toxic pollutants entering the city's sewers and wastewater treatment plant have passed untreated (i.e., pollutant pass-through) into the receiving waters.
18416. A major objective of New Bedford's industrial pretreatment program was to prevent or limit the discharge of industrial pollutants that the city's system cannot handle and treat, thereby attenuating the contamination of the harbor.
18417. Table II-3 of the CDM IPP Study accurately reports the chemical analyses of the wastewater treatment plant influent and effluent.
18418. Table II-3 of the CDM IPP Study is admissible into evidence.
18419. Table II-3 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18420. Table II-3 is a business record, which was prepared and

received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18421. Table II-3 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18422. Table II-3 is a learned treatise, established as a reliable authority by experts in the field.

18423. Table II-14 of the CDM IPP Study accurately reports a comparison of potential industrial pollutant loadings before and after categorical standard implementation.

18424. Table II-14 of the CDM IPP Study is admissible into evidence.

18425. Table II-14 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18426. Table II-14 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18427. Table II-14 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18428. Table II-14 is a learned treatise, established as a reliable authority by experts in the field.
18429. Table C-1 of the CDM IPP Study accurately reports a summary of potential pretreatment candidate industries in New Bedford.
18430. Table C-1 of the CDM IPP Study is admissible into evidence.
18431. Table C-1 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18432. Table C-1 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18433. Table C-1 is an admission by a party-opponent, offered

against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18434. Table C-1 is a learned treatise, established as a reliable authority by experts in the field.

18435. Table C-3 of the CDM IPP Study accurately reports a summary of pretreatment candidates by category and reports estimated pollutant concentrations.

18436. Table C-3 of the CDM IPP Study is admissible into evidence.

18437. Table C-3 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18438. Table C-3 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18439. Table C-3 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18440. Table C-3 is a learned treatise, established as a reliable authority by experts in the field.

18441. According to the CDM IPP Study, the local economy is based on industries and services which can be grouped in the general categories of textile, metal finishing, health services, printing, electrical and electronics and food processing (primarily fish processing and

packaging).

18442. The 1982 total industrial (i.e., non-domestic) flow received at the City's treatment plant is estimated at 3.6 million gallons per day (approximately 14 percent of the average daily plant flow).
18443. According to the CDM IPP Study, as of 1982, the existing primary treatment plant had neither been operating successfully nor meeting its monthly average effluent discharge limit set by the NPDES permit.
18444. As of 1982, the existing primary treatment plant had neither been operating successfully nor meeting its monthly average effluent discharge limit set by the NPDES permit.
18445. Extensive tests were conducted in 1979 and again in 1983 during both dry weather flows and wet weather flows to identify all priority pollutants in the existing primary treatment plant influent and effluent.
18446. According to the CDM IPP Study, as of 1982, the metals chromium, copper, zinc, nickel and lead exceeded criteria for drinking water and/or aquatic life.

18447. As of 1982, the metals chromium, copper, zinc, nickel and lead exceed criteria for drinking water and/or aquatic life.
18448. Attachment Q.VIII.e.141 is a true and accurate copy of an original document prepared by Camp Dresser and McKee, Inc. entitled "Interim Summary Report on Combined Sewer Overflows, Phase I" (draft) dated December 1983 and is genuine.
18449. Attachment Q.VIII.e.141 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matters there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18450. Attachment Q.VIII.e.141 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18451. Attachment Q.VIII.e.141 is an admission by a party-

opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18452. Attachment Q.VIII.e.141 is a learned treatise, established as a reliable authority by experts in the field.

18453. Attachment Q.VIII.e.141 reports field evaluations, modeling efforts, and an estimation of the annual amounts of pollutants entering the study areas through receiving waters.

18454. The primary receiving waters for New Bedford CSO discharges are Clarks Cove, the New Bedford outer harbor, and the inner harbor for Acushnet River Estuary.

18455. Attachment Q.VIII.e.141 reports that significant improvements to the aesthetic quality of receiving waters would be realized if direct dry weather discharges of wastewater were eliminated.

18456. Attachment Q.VIII.e.141 reports that improvement of Clarks Cove water quality is particularly important because shellfish harvesting is currently prohibited there due to high coliform bacteria levels.
18457. Improvement of Clarks Cove water quality is particularly important because shellfish harvesting is currently prohibited there due to high coliform bacteria levels.
18458. Attachment Q.VIII.e.141 reports that one objective of the study was to estimate the magnitude of CSO pollutant loads discharged to New Bedford Harbor and adjoining receiving waters.
18459. Storm water from the towns of Dartmouth, Fairhaven and Acushnet are discharged to the receiving waters of New Bedford Harbor, Clarks Cove and the outer harbor of New Bedford.
18460. Attachment Q.VIII.e.141 reports that the SA water quality standard is not consistently met due to bacteriological contamination in Clarks Cove.
18461. The CSO study identified direct private industrial discharges to estimate direct private industrial

pollutant loadings.

18462. Table VI-1 of the CSO study identifies direct private industrial discharges.

18463. The CSO study identifies direct municipal dry weather discharges to estimate pollutant loads to the receiving waters.

18464. Direct municipal dry weather discharges include both sanitary and industrial wastewater.

18465. The 1983 CSO study reports that as of 1983 direct, municipal, dry weather discharges were a major source of pollutant loads.

18466. As of 1983 direct, municipal, dry weather discharges were a major source of pollutant loads.

18467. Table VI-2 of the 1983 CSO study accurately identifies direct, municipal, dry weather discharges.

18468. Table VI-7 of the 1983 CSO study accurately identifies known industries discharging via direct, municipal, dry weather discharges.

18469. The 1983 CSO study estimates that as of 1983, 961 million gallons of stormwater and wastewater were being discharged into Clarks Cove annually.
18470. As of 1983, approximately 961 million gallons of stormwater and wastewater are discharged into Clarks Cove annually.
18471. As of 1983, stormwater and wastewater entering Clarks Cove included discharges from CSOs, direct, dry weather, sanitary discharges, and stormwater runoff.
18472. As of 1983, stormwater and wastewater flows to Clarks Cove included floatables and oil films which violated Massachusetts water quality standards.
18473. The 1983 CSO study estimated that 370 million gallons of stormwater and wastewater were discharged into the outer harbor annually.
18474. As of 1983, stormwater and wastewater discharged to the outer harbor included CSOs, direct, dry weather, sanitary discharges, and stormwater runoff.
18475. The 1983 CSO study estimates that 4.7 billion gallons of stormwater and wastewater were discharged into the

inner harbor and estuary area annually.

18476. As of 1983, stormwater and wastewater discharges to the inner harbor and estuary included CSOs, direct, dry weather, sanitary discharges, stormwater runoff, industrial discharges, and discharges from the Fairhaven Wastewater Treatment Plant.

18477. The 1983 CSO study reports that the Acushnet stormdrains were found to be severely contaminated with the presence of coliform bacteria.

18478. The Acushnet stormdrains were found to be severely contaminated with the presence of coliform bacteria.

18479. Attachment Q.VIII.e.142 is a true and accurate copy of an original document prepared by Camp Dresser and McKee, Inc. entitled "Phase 2 Facilities Plan Volume III" dated January 1990 and is genuine.

18480. According to the Phase 2 Facilities Plan, as of 1989, there were still 38 combined sewer overflows (CSO) in New Bedford.

18481. Twenty of the 38 CSOs are dry weather dischargers.

18482. According to the Phase 2 Facilities Plan shellfish beds within the area are closed because of bacteriological contamination.
18483. Shellfish beds within the area are closed because of bacteriological contamination.
18484. Untreated sewage and wastewater discharges to New Bedford Harbor area increase bacteriological contamination.
18485. The Phase 2 Facilities Plan reports that Massachusetts Public Health Officials closed the Inner Harbor and the Acushnet River Estuary to all shellfishing in 1925 due to gross pollution.
18486. Massachusetts Public Health Officials closed the Inner Harbor and the Acushnet River Estuary to all shellfishing in 1925 due to gross pollution.
18487. According to the Phase 2 Facility Plan the Acushnet River Estuary and Inner New Bedford Harbor have been closed to shellfishing since 1925.
18488. The Acushnet River Estuary and Inner New Bedford Harbor

have been closed to shellfishing since 1925.

18489. The Phase 2 Facilities Plan reports that discharges from CSOs contribute heavily to the bacterial contamination of the Acushnet River Estuary and the New Bedford Inner Harbor.

18490. Discharges from CSOs contribute heavily to the bacterial contamination of the Acushnet River Estuary and the New Bedford Inner Harbor.

18491. Recreational activities in Clarks Cove and the Outer Harbor have been impacted by discharges of wastewater from CSOs and the wastewater treatment facility.

18492. Massachusetts requires that all waters of the state meet minimum quality criteria which prohibit floating or settleable substances, oil and grease, radioactive substances, excess nutrients or substances toxic to aquatic life or man.

18493. New Bedford Harbor contains floatables, oil and grease, excess nutrients and other toxic substances.

18494. Since the 1900s, New Bedford Harbor has had floatable oil and grease and excess nutrients.

18495. The Phase 2 Facilities Plan reports that as of 1989, there were heavy deposits of organic sediments from the primary treatment plant effluent in New Bedford Harbor area waters.
18496. As of January 1990, there were a heavy deposits of organic sediments from the primary treatment plant effluent in New Bedford Harbor area waters.
18497. The Phase 2 Facilities Plan reports that as of 1989, stress on the benthic community was a result of heavy deposits of organic sediments from the primary effluent.
18498. As of January 1990, stress on the benthic community was a result of heavy deposits of organic sediments from the primary effluent.
18499. Organic sediments from the primary treatment effluent plant can smother many organisms.
18500. Heavy sediment deposits from primary treatment plant effluent can create anoxia in the surface of the marine sediments.
18501. The Phase 2 Facilities Plan reports that as of 1989, the

Inner Harbor, Outer Harbor, Clarks Cove and Buzzard's Bay received numerous discharges from dry weather overflows, CSOS, storm drains and industrial and municipal wastewater.

18502. As of January 1990, the Inner Harbor, Outer Harbor, Clarks Cove and Buzzard's Bay received numerous discharges from dry weather overflows, CSOS, storm drains and industrial and municipal wastewater.

18503. According to the Phase 2 Facilities Plan, as of 1989, rainfall events were highly correlated to the occurrence of high coliform bacteria levels in receiving waters.

18504. As of January 1990, rainfall events were highly correlated to the occurrence of high coliform bacteria levels in receiving waters.

18505. The Phase 2 Facilities Plan reports that CSOs are a major contributor to high coliform bacteria levels.

18506. CSOs are a major contributor to high coliform bacteria levels.

18507. The Phase 2 Facilities Plan reports that CSOs are significant contributors of biochemical oxygen demand

(BOD).

18508. CSOs are significant contributors of biochemical oxygen demand (BOD).
18509. The Phase 2 Facilities Plan reports that for a 3 month storm event, 51 percent of the total BOD load is due to CSOs in the Inner Harbor.
18510. For a 3 month storm event, 51 percent of the total BOD load is due to CSOs in the Inner Harbor.
18511. The Phase 2 Facilities Plan reports that CSOs contributed to 76 percent of the total BOD load in Clarks Cove for the 3 month storm event.
18512. CSOs contributed 76 percent of the total BOD load in Clarks Cove for the 3 month storm event.
18513. The Phase 2 Facilities Plan reports that, although there are no data from floatables, and oil and grease, these parameters are assumed to be violated under existing conditions because any nuisance condition is a violation, and present CSO discharges contain floatables and oil and grease.

18514. Table 2.7 of the Phase 2 CSO Facilities Plan Volume III accurately identifies the point source discharges to the receiving waters of the study area.
18515. Table 2.7 of the Phase 2 CSO Facilities Plan Volume III is admissible into evidence.
18516. Table 2.7 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18517. Table 2.7 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18518. Table 2.7 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement

authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18519. Table 2-12 of the Phase 2 Facilities Plan - Volume III notes that PCBs were not detected during waste water sampling.
18520. According to the Phase 2 Facilities Plan, PCBs were not detected in the inflow to the waste water treatment plant.
18521. PCBs do not pass through the waste water treatment plant because they are not present in the the inflowing waste water.
18522. Attachment Q.VIII.e.143 is a true and accurate copy of an original document prepared by Camp Dresser and McKee, Inc. entitled, "Combined Sewer Overflow Facilities Plan - Volume 1" (draft) dated September 30, 1989 and is genuine.
18523. Attachment Q.VIII.e.143 discusses the findings of the Phase III Facilities Plan for control of CSOs in New

Bedford.

18524. A principal finding of the CSO Facilities Plan was that CSOs degrade water quality.
18525. Attachment Q.VIII.e.143 reports that approximately 1.5 billion gallons of CSO discharge is generated every year in New Bedford.
18526. Approximately 1.5 billion gallons of CSO discharge is generated every year in New Bedford.
18527. Attachment Q.VIII.e.143 reports that approximately 1.1 billion gallons of CSO discharge enters the receiving waters as overflows annually.
18528. A principal finding of the CSO Facilities Plan was that CSOs contribute significant loadings of coliform bacteria, floatables, and metals to the receiving waters of the New Bedford Harbor area.
18529. CSOs contribute significant loadings of coliform bacteria, floatables, and metals to the receiving waters of the New Bedford Harbor area.
18530. Attachment Q.VIII.e.143 reports that metals are

discharged from CSOs, into New Bedford Harbor area waters in potentially toxic concentrations within the mixing zones of a CSO.

18531. Metals are discharged from CSOs into the New Bedford Harbor area waters in potentially toxic concentrations within the mixing zones of CSOs.

18532. A principal finding of the CSO Facilities Plan was that improvements recommended in this plan could result in the reopening of closed shellfish beds in Clarks Cove.

18533. CSO dryweather loads can be divided into two major categories: conventional and non-conventional pollutants.

18534. Biochemical oxygen demand (BOD) and total suspended solids (TSS) are defined as conventional pollutants.

18535. Non-conventional pollutants are constituents which are potentially toxic when found at excessive concentrations.

18536. Non-conventional pollutants examined in the CSO study included heavy metals, volatile organics, semi-volatile organics, pesticides, and PCBS.

18537. Heavy metals were identified as a major concern during this CSO study.
18538. Copper was identified as a toxic substance of concern and requires the highest dilution once discharged to receiving waters.
18539. PCBs were not identified as a toxin of major concern.
18540. Attachment Q.VIII.e.144 is a true and accurate copy of an original document prepared by the Water Quality Management Section, the Division of Water Pollution Control and Massachusetts Water Resources Commission, entitled "New Bedford Harbor and Acushnet River - Water Quality Study 1971", published in January 1972 and is genuine (to be referred to herein as the 1971 DWSPC Study).
18541. Attachment Q.VIII.e.144 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18542. Attachment Q.VIII.e.144 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18543. Attachment Q.VIII.e.144 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18544. Attachment Q.VIII.e.144 is a learned treatise, established as a reliable authority by experts in the field.

18545. Water pollution problems in the Acushnet River and New Bedford Harbor were studied extensively in the summer of 1971 by the Southeast Regional Office and the Water Quality Management Section of the Division of Water

Pollution Control.

18546. The survey crew who performed this study arrived in New Bedford on July 12, 1971.
18547. During the first week of the sampling program, most of the industries which discharge waste to the harbor were closed.
18548. During the summer of 1971, personnel from the Southeast Regional Office, assisted by U.S. Coast Guard Reserves, conducted a shoreline survey of New Bedford Harbor to locate and identify discharges.
18549. Details and results of a 1971 discharge survey were prepared in a report referenced above as Attachment Q.VIII.e.144.
18550. The New Bedford hurricane barrier has been a center of controversy as local residents feel that it inhibits the tidal action in the harbor thereby preventing pollutants from being dispersed into the open sea.
18551. Fort Rodman lies at the tip of a peninsula known as Clarks Point where the New Bedford sewage treatment plant was built in 1973.

18552. Prior to construction of the wastewater treatment plant, a pumping station discharged sewage approximately 3,300 feet off Clarks Point into Buzzards Bay.
18553. On the west side of the peninsula known as Clarks Point there is a cove known as Clarks Cove.
18554. According to the 1971 DWPC Study, a pumping station on the shore frequently discharged sewage into Clarks Cove.
18555. According to the 1971 DWPC Study, in the Town of Acushnet, a dairy farm and several industries discharged wastes into the Acushnet River.
18556. According to the 1971 DWPC Study, several industries in New Bedford and Fairhaven discharged waste to the Acushnet River without treatment.
18557. New Bedford has a combined sewer overflow system.
18558. The combined sewer overflow carries waste from homes, industries and stormwater.
18559. During precipitation events, this system overflows and discharges to the river and the harbor.

18560. Fairhaven has an extended duration sewage treatment plant.
18561. The effluent from the Fairhaven treatment plant discharges inside the hurricane barrier.
18562. During the 1971 DWPC Study, sediment analysis detected elevated heavy metal concentrations within harbor sediment.
18563. Following the 1971 sampling program of the Acushnet River and New Bedford Harbor, the State determined a shoreline survey was necessary to locate sources of pollution.
18564. Engineers at the Southeast Regional Office of the Division of Water Pollution Control, in cooperation with the Water Quality Section and the U.S. Coast Guard Reserve, conducted a survey of the New Bedford area shoreline from August 24, 1971 to September 1, 1971.
18565. Shoreline and boat patrols were utilized to locate outfalls during this survey.
18566. This 1971 DWPC survey revealed 130 pipe and water source

discharge locations.

18567. Pages 67 through 74 of the DWPC 1971 Study accurately list the pipe and waste source discharge locations, size and comments concerning the flow.
18568. The list of pipes and wastesource discharges on pages 67 through 74 of this study is admissible into evidence.
18569. The list on pages 67 through 74 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18570. The list on pages 67 through 74 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18571. The list on pages 67 through 74 is an admission by a party-opponent, offered against a party and is: a

plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18572. According to the 1971 DWPC Study, discharges from 130 pipes varied from zero to an average of 3 million gallons per day from sanitary sources and 1 million gallons per day from industrial sources.

18573. The combined results of a 1971 river sampling program and shoreline survey established that Inner New Bedford Harbor was receiving pollution loads which rendered the water unsuitable for all water usage.

18574. About 1971, the Town of Fairhaven had recently completed a new secondary sewage treatment plant that discharges to inner New Bedford Harbor.

18575. According to the 1971 DWPC Study, in the Town of Acushnet, private corporations and town storm water drains were discharging inadequately treated waste to the Acushnet River and inner New Bedford Harbor causing

the contravention of the water quality standards.

18576. According to the 1971 DWPC Study, the Town of Acushnet had no wastewater treatment plant as of 1971 and was proceeding with plans to connect to the New Bedford wastewater treatment system.
18577. As of 1971, the Town of Acushnet had no wastewater treatment plant and was proceeding with plans to connect to the New Bedford wastewater treatment system.
18578. About 1971, the City of New Bedford was proceeding with construction of a primary sewage treatment plant which would discharge to Buzzards Bay.
18579. According to the 1971 DWPC Study, as of 1971, the western bank of the Acushnet River was heavily industrialized and a major problem existed in this area because of separated waste discharging from approximately 46 combined sewerage overflow points.
18580. As of 1971, the western bank of Acushnet River was heavily industrialized and a major problem existed in this area because of separated waste discharging from approximately 46 combined sewerage overflow points.

18581. According to the 1971 DWPC Study, as of 1971, the Sawyer Street pumping station in New Bedford had a constant sewage overflow during dry weather.

18582. As of 1971, the Sawyer Street pumping station in New Bedford had a constant sewage overflow during dry weather.

18583. The Sawyer Street pumping station has a constant sewage overflow to New Bedford Inner Harbor.

18584. The 1971 DWPC Study identified other major problems of the New Bedford Harbor area including industrial waste discharges, oil discharges by vessels, town storm drainage systems, and organic bottom deposit existing within the Inner Harbor.

18585. Major problems as of 1971, included industrial waste discharges, oil discharges by vessels, town storm drainage systems, and the organic bottom deposit existing within the Inner Harbor.

18586. According to the 1971 DWPC Study, the City of New Bedford was requested by the Division of Water Pollution Control, as advised by the Southeast Regional Office, to formulate an industrial waste survey of wastewater

discharged to the City of New Bedford sewer system.

18587. The 1971 DWPC Study identified two major fish kills of menhaden and striped bass in New Bedford during 1970.

18588. Fish kills in New Bedford Harbor were reported by the Commonwealth to be an indication of the degree of pollution existing in the inner harbor.

18589. The 1971 DWPC Study reported that oil slicks existed in 1971 within the inner harbor in the vicinity of the New Bedford and Fairhaven fishing fleet dock areas.

18590. Oil slicks existed in 1971 within the inner harbor in the vicinity of the New Bedford and Fairhaven fishing fleet dock areas.

18591. According to the 1971 DWPC Study, debris and floating solids, including fish gurrey, were visible each and every day.

18592. As of 1971, debris and floating solids, including fish gurrey, were visible each and every day.

18593. According to the 1971 DWPC Study, oil spills from New England Petroleum had occurred prior to 1971.

18594. Oil spills from New England Petroleum occurred prior to 1971.
18595. The 1971 DWPC study attributed past fish kills to be a combination of sanitary sewerage and industrial waste pollution which deplete the available dissolved oxygen.
18596. Fish kills have occurred in New Bedford Harbor as a result of sewage pollution of the area waters.
18597. Attachment Q.VIII.e.145 is a true and accurate copy of the original document prepared by the Department of Environmental Quality Engineering, Division of Water Pollution Control and Technical Services Branch entitled "Special Water Quality Study, Buzzards Bay and Outer New Bedford Harbor - 1980," which was published in January 1982 and it is genuine (to be referred to herein as the 1980 DWPC Study).
18598. Attachment Q.VIII.e.145 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18599. Attachment Q.VIII.e.145 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18600. Attachment Q.VIII.e.145 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18601. Attachment Q.VIII.e.145 is a learned treatise, established as a reliable authority by experts in the field.

18602. The DWPC 1980 Study contains data from water quality surveys conducted during the summer and fall of 1980.

18603. The 1980 DWPC Study was coordinated by the Massachusetts Division of Water Pollution Control.

18604. The purpose of the 1980 DWPC Study was to provide additional water quality data for the assessment of the City of New Bedford's application for a 301(h) waiver.

18605. Sediment samples collected during this 1980 DWPC Study contained heavy metals.

18606. Attachment Q.VIII.e.146 is a true and accurate copy of a document entitled, "208 Water Quality Areawide Management Plan for Southeastern Massachusetts, Final Recommendations and Environmental Impact Statement, February 1978" prepared by Southeastern Regional Planning and Economic Development District and is genuine (to be referred to herein as the 1978 208 Water Quality Study).

18607. Attachment Q.VIII.e.146 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18608. Attachment Q.VIII.e.146 is a business record, which was

prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity. .

18609. Attachment Q.VIII.e.146 is an admission by a party-opponent, offered against a party and is a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18610. Attachment Q.VIII.e.146 is a learned treatise, established as a reliable authority by experts in the field.

18611. According to the 1978 208 Water Quality Study, the most serious water quality problem in the Coastal Basin is in the New Bedford Harbor area.

18612. According to the 1978 208 Water Quality Study, New

Bedford, as a result of many years of unregulated industrial discharges, has high levels of several toxic pollutants (including lead and copper) accumulating in sediments.

18613. New Bedford, as a result of many years of unregulated industrial discharges, has high levels of several toxic pollutants (including lead and copper) accumulating in sediments.

18614. According to the 1978 208 Water Quality Study, oil spills are a constant threat to all of the coastal waters of southeastern Massachusetts.

18615. According to the 1978 208 Water Quality Study, outside of the New Bedford area, point sources play a small part in water quality.

18616. New Bedford has point source discharges that impact water quality.

18617. Many industrial discharges are point discharges.

18618. CSOs are point discharges.

18619. According to the 1978 208 Water Quality Study,

agricultural pollution is considered a small amount of the total pollution in southeastern Massachusetts, although in river basins where activity is concentrated, the problem can be acute.

- 18620. The Acushnet River has agricultural pollution.
- 18621. Livestock and dairy farming has lead to nutrient and bacteriological contamination of surface and ground water which results in river contamination .
- 18622. Livestock operations have contaminated the Acushnet River.
- 18623. The disposal of residual materials including domestic solid waste, industrial waste and sewage sludge is one of the most serious non-point pollution threats in southeastern Massachusetts.
- 18624. According to the 1978 208 Water Quality Study, over the past twenty years literally millions of tons of these wastes have been deposited in landfills throughout the region.
- 18625. Solid waste in southeastern Massachusetts includes locally generated waste materials and wastes trucked in

from neighboring areas for disposal at commercial landfills.

18626. The types of disposal operations in southeastern Massachusetts include commercial and municipal landfills, sludge, landfills adjacent to sewage treatment plants, septage pits and illicit disposal areas in abandoned gravel pits and along roadsides.
18627. The New Bedford Harbor and Acushnet River drainage basin is subject to pollutants from landfills, septage pits and illicit disposal areas.
18628. Urban runoff is primarily a surface water pollution problem.
18629. Contaminants from urban runoff include metals (particularly lead), nutrients, bacteria, silt, road salt, organic material and petroleum products.
18630. The problem of urban runoff is chiefly caused by vehicular traffic and is thus widespread.
18631. Urban runoff is associated with urban development, major highways and parking lots.

18632. According to the 1978 208 Water Quality Study, the type and level of contaminants typically found in runoff from paved areas in southeastern Massachusetts include: cadmium, PCBS, chromium, copper, nickel, selenium, fluoride, nitrogen, phosphorous, phenol, cyanide, iron, lead, mercury, zinc, sodium, chloride, total solids, and dissolved solids.
18633. Runoff from the "first increment" or first 1/3 inch of rainfall carries a much higher load of pollutants than subsequent runoff.
18634. A table entitled "Pollutants from Surface Runoff from Parking Lots and Storm Drains" on page 41 of the 1978 208 Water Quality study accurately reports the presence and concentrations of contaminants in urban runoff.
18635. A table entitled "Pollutants from Surface Runoff from Parking Lots and Storm Drains" on page 41 of the 1978 208 Water Quality study is admissible into evidence.
18636. New Bedford Harbor is affected by urban runoff.
18637. Marina pollution is a problem in coastal areas.
18638. Pollutants from marinas include nutrients and bacteria

from sewage discharged by commercial and pleasure crafts, heavy metals from anti-fouling bottom paints and oil contamination from accidental spills.

18639. New Bedford is a coastal area.

18640. New Bedford Harbor has many marinas.

18641. According to the 1978 208 Water Quality Study, old discharges of industrial waste have resulted in the accumulation of grossly polluted sediments.

18642. In 1984, Buzzards Bay was one of four estuaries in the country chosen to be part of the National Estuary Program.

18643. The Buzzards Bay project was initiated in 1985 to protect water quality and the health of living resources in the bay.

18644. The Buzzards Bay project is focusing on three priority problems: closure of shellfish beds, high nutrient input and the potential pollutant effects, and contamination of fish and shellfish by toxic metals and organic compounds.

18645. In 1990, the Buzzards Bay project will develop a comprehensive conservation and management plan to address the Buzzards Bay Project's overall objectives.
18646. Attachment Q.VIII.e.147 is a true and accurate copy of the original document prepared by the Buzzards Bay Project entitled, "Buzzards Bay Project Newsletter," Volume 5, Spring 1990, No. 1 and is genuine.
18647. The management plan for the Buzzards Bay Project defines the most important problems threatening the health of the bay and its resources while also establishing goals, objectives, and timelines for solutions.
18648. The three priority problems identified by the Buzzards Bay project are: 1) closure of shellfish beds due to pathogen contamination, 2) nutrient enrichment leading to problems such as algal blooms and fishkills, and 3) contamination of finfish, shellfish, and lobsters with toxic chemicals.
18649. The Buzzards Bay Project management plan consists of a number of action plans that addresses issues affecting water quality and living resources in Buzzards Bay.
18650. Key action plans of the Buzzards Bay Project include

protecting shellfish, managing nitrogen-sensitive embayments, remediating stormwater, enhancing local environmental management, controlling waters, and improving wetlands protection.

18651. Attachment Q.VIII.e.148 is a true and accurate copy of the original document prepared by Southeastern Regional Planning and Economic Development District entitled, "Assessment of Past Implementation of Local Water Quality Recommendations in the Buzzards Bay Drainage Basin," dated August 1987 and is genuine.
18652. Attachment Q.VIII.e.148 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18653. Attachment Q.VIII.e.148 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18654. Attachment Q.VIII.e.148 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18655. As part of a 1978 208 Water Quality Area Management Plan for southeastern Massachusetts, the Southeastern Regional Planning and Economic Development District developed recommendations to protect water quality through zoning, subdivision, health regulations, land acquisitions, and extension of sewer service areas.

18656. The 1978 208 Water Quality Study identified that runoff is a major nonpoint pollution problem contributing contaminants such as metals, nutrients, bacteria, silt, roadsalt, organic material and petroleum products to surface waters.

18657. Runoff is a major nonpoint pollution problem contributing contaminants such as metals, nutrients,

bacteria, silt, roadsalt, organic material and petroleum products to surface waters.

18658. The 1978 208 Water Quality Study determined that most towns still lag behind in addressing wastewater treatment matters.

18659. In 1978, New Bedford was identified as only recently considering proposals for rectifying an old and persistent outfall and effluent problem at its wastewater treatment facility.

18660. The 208 Water Quality Study and Attachment Q.VIII.e. 148 recommended that selectmen require installation of sediment catchment basins to contain the runoff from boat washing operations in boatyards.

18661. Boatyard catchment basings were recommended to control pollution from antifouling bottom paints in 1978 and 1987.

18662. Antifouling bottom paints contain toxic materials which are scraped off and washed into waterways during boat washing and painting operations.

18663. None of the southeastern Massachusetts municipalities

identified in 1987 adopted regulations requiring marinas to install catchment basins.

18664. Attachment Q.VIII.e.149 is a true and accurate copy of an original document prepared by United States Environmental Protection Agency Region 1 entitled "Wastewater Treatment Facilities for the City of New Bedford, Massachusetts" November 1989 draft.
18665. Attachment Q.VIII.e.149 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18666. Attachment Q.VIII.e.149 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18667. Attachment Q.VIII.e.149 is an admission by a party-opponent, offered against a party and is: a plaintiff's

own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18668. The existing wastewater collection facilities in New Bedford include sewers combining wastewater and stormwater for the city and in portions of the Towns of Dartmouth and Acushnet.
18669. Attachment Q.VIII.e.149 reports that the existing primary wastewater treatment plant is no longer in compliance with the federal treatment standards.
18670. The existing primary wastewater treatment plant is no longer in compliance with federal treatment standards.
18671. Attachment Q.VIII.e.149 reports that the existing New Bedford Wastewater facility has a long history of inadequate performance.
18672. The existing New Bedford wastewater facility has a long history of inadequate performance.

18673. The inadequate performance of the New Bedford Wastewater Treatment Plant has resulted in pollution of the surrounding waters.
18674. In 1987 the City of New Bedford signed a Consent Decree that calls for internal improvements to the City's existing primary treatment facility and into compliance with applicable state and federal wastewater treatment requirements.
18675. In 1977 the City's existing primary treatment system was no longer in compliance with the federal treatment standards.
18676. Attachment Q.VIII.e.149 reports that one-fourth of the excess runoff generated by wet weather flow is routed to the treatment plant.
18677. Attachment Q.VIII.e.149 reports that three-fourths of the excess runoff volume generated by wet weather flow is discharged through combined sewer overflows (CSO) to the Acushnet River and Clarks Cove.
18678. The city's consultant was preparing a CSO facilities plan to handle New Bedford's CSO problem.

18679. The existing New Bedford wastewater facility has a long history of inadequate performance which has resulted in pollution of the surrounding waters.
18680. The USEPA must analyze a range of alternatives including a no-action alternative as required by the National Environmental Protection Act.
18681. It was reported for New Bedford that the no-action alternative theoretically consists of continued unacceptable wastewater and solids treatment and discharge of effluent through the existing outfall.
18682. New Bedford's existing wastewater treatment facility is not in compliance with the federal Clean Water Act.
18683. The operation of the New Bedford wastewater facility has lead to the continued degradation of the water quality in Buzzard's Bay.
18684. The no-action alternative for the New Bedford wastewater facility was screened out by the USEPA.
18685. Attachment Q.VIII.e.149 reports that industrial areas of New Bedford have a moderate to heavy usage of water.

18686. Dry weather overflows were reported to occur in the sewer system resulting in discharges to New Bedford Harbor.
18687. Dry weather overflows were reported to occur because sewer capacity was insufficient and the sewer system was poorly maintained.
18688. Attachment Q.VIII.e.149 reports that dry weather overflow was 2.84 million gallons per day.
18689. Table 2.1-8 of the 1989 Draft Impact Statement accurately presents average metal loadings to the wastewater treatment facility.
18690. Table 2.1-9 of the 1989 Draft Environmental Impact Statement accurately presents the average VOC loadings to the wastewater treatment facility.
18691. Table 2.1-9 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.

18692. Table 2.1-9 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18693. Table 2.1-9 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18694. Table 2.1-10 of the 1989 Draft Environmental Impact Statement accurately presents the average ABN loadings to the wastewater treatment facility.

18695. A table entitled "Pollutants from Surface Runoff from Parking Lots and Storm Drains" on page 41 of the 1978 208 Water Quality study is admissible into

evidence.

18696. Table 2.1-10 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which there was a duty to report; or factual information resulting from an investigation made pursuant to authority granted by law.
18697. Table 2.1-10 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.
18698. Table 2.1-10 is an admission by a party-opponent, offered against a party and is: a plaintiff's own statement; or a statement of which a plaintiff has manifested an adoption or belief in its truth; or a statement authorized by a plaintiff to make a statement concerning the subject; or a statement by a plaintiff's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship.

18699. CDM, consultant to the City of New Bedford, states that industrial pollutants discharged to the wastewater treatment facility pass through the facility in many instances.
18700. Many of the industrial discharges to the wastewater treatment facility pass through to receiving waters.
18701. Attachment Q.VIII.e.150 discusses that the long term history of human and industrial waste discharge to Buzzard's Bay and New Bedford Harbor has left the sediments contaminated to a degree that potentially threatens both natural resources in the bay and human health (CDM volume 4, 1989).
18702. The long term history of human and industrial waste discharge to Buzzard's Bay and New Bedford Harbor has left the sediments contaminated to a degree that potentially threatens both natural resources in the bay and human health.
18703. The 1989 Draft Impact Statement reports that the major contaminants identified in the harbor and the bay include copper, lead, chromium, arsenic and zinc.

18704. CDM (Volume 4, 1989) reports that locations of contaminated sediments in New Bedford Harbor are correlated with the locations of the existing effluent discharge.
18705. Areas of sediment contaminated with elevated metal concentrations are located near industrial and CSO discharges.
18706. Attachment Q.VIII.e.151 is a true and accurate copy of an original document entitled "Lost Harvest: Sewage, Shellfish and Economic Losses in the New Bedford Area" by Conservation Law Foundation of New England, January 1988 and is genuine.
18707. Attachment Q.VIII.e.151 is a public record, setting forth the activities of the office or agency; or matters observed pursuant to a duty imposed by law as to which matter there was a duty to report; or factual findings resulting from an investigation made pursuant to authority granted by law.
18708. Attachment Q.VIII.e.151 is a business record, which was prepared and received and kept in the ordinary course of business; it was in the ordinary course of business to prepare, keep and maintain such records; and the record

was made at or near the time of a regularly conducted business activity by or from information transmitted by a person with knowledge of such activity.

18709. Attachment Q.VIII.e.151 is a learned treatise, established as a reliable authority by experts in the field.
18710. According to the Conservation Law Foundation, sewage pollution is keeping vast areas of New Bedford Outer Harbor and Clarks Cove closed to shellfishing.
18711. According to the Conservation Law Foundation, shellfish closures in these areas (Outer Harbor and Clarks Cove) were established prior to 1971.
18712. According to the Conservation Law Foundation, sewage discharges into the waters of New Bedford include the constant discharge from the Fort Rodman treatment plant of more than 23 million gallons per day of sewage that receives only minimal (i.e., less than primary) treatment.
18713. Sewage discharges into the waters of New Bedford include: the constant discharge from the treatment plant at Fort Rodman of over 23 million gallons each day of

sewage that receives only minimal (i.e., less than primary) treatment.

18714. According to the Conservation Law Foundation, the wet weather discharge from 38 different outlets along the Inner Harbor, Outer Harbor, and Clarks Cove amounts to over 1.5 billion gallons per year of raw sewage and street runoff.
18715. The wet weather discharge from 38 different outlets along the Inner Harbor, Outer Harbor, and Clarks Cove amounts to over 1.5 billion gallons per year of raw sewage and street runoff.
18716. According to the Conservation Law Foundation, the constant, dry-weather discharge amounts to 4.7 million gallons each day (1.7 billion gallons per year) of raw sewage from many of the same outlets.
18717. The constant, dry-weather discharge amounts to 4.7 million gallons each day (1.7 billion gallons per year) of raw sewage from many of the same outlets.
18718. According to the Conservation Law Foundation, the waters of the Outer Harbor and Clarks Cove that are currently closed to shellfishing because of sewage pollution

contain hard-shelled clam (quahog) resources of over 500,000 bushels.

18719. The waters of the Outer Harbor and Clarks Cove that are currently closed to shellfishing because of sewage pollution contain hard-shelled clam (quahog) resources of over 500,000 bushels.
18720. According to the Conservation Law Foundation, New Bedford's sewage now receives only minimal treatment before being discharged into the Outer Harbor.
18721. New Bedford's sewage now receives only minimal treatment before being discharged into the Outer Harbor.
18722. According to the Conservation Law Foundation, due to design flaws, poor operation and poor maintenance, the Fort Rodman treatment plant has never consistently met standards for primary treatment since its construction in 1973.
18723. Due to design flaws and poor operation and maintenance the Fort Rodman Treatment plant has never consistently met standards for primary treatment since its construction in 1973.