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EPA and DOJ Lodge Consent Decree with U.S. District Court

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Contact Information: Alice Kaufman, EPA Community Involvement Office, 617-918-1064

BOSTON - The US Environmental Protection Agency lodged a Consent Decree with the US District Court in Massachusetts earlier this month for reimbursement of EPA's response costs at the **Atlas Tack** Corporation Superfund Site in Fairhaven, Massachusetts.

Settling with the United States (on behalf of EPA) is the Hathaway-Bralely Wharf Company, Inc. In the Consent Decree, Hathaway-Bralely agrees to make a payment of \$501,575 to EPA to reimburse EPA for response costs. Hathaway-Bralely has also agreed to make a payment of \$51,125 to the Commonwealth of Massachusetts for costs incurred by the state. Also, according to the Consent Decree, Hathaway-Bralely agrees to grant EPA and the Commonwealth of Massachusetts access to the property to conduct the Remedial Design/Remedial Action and to place an environmental easement limiting the permissible uses of the property. Finally, Hathaway-Bralely has agreed to place a conservation easement on the property and to make a payment of \$4,990 to the Department of the Interior, and \$510 to the National Oceanic and Atmospheric Administration in reimbursement of damage assessment costs.

"This is a sign of progress at the **Atlas Tack** Superfund Site, and it is also important that we are continuing to take enforcement steps in order to recoup the costs of the cleanup from the responsible parties," said EPA regional administrator Robert Varney. Nationally, 70 percent of cleanup costs at Superfund sites are paid for by responsible parties.

The settlement, if approved by the court following the current 30 day public comment period, will provide for partial reimbursement of the costs incurred by EPA for investigation, pre-design work and cleanup work when it takes place. The lump sum payment resolves Hathaway-Bralely's liability for past and future costs. **Atlas Tack** was placed on the National Priorities List in February, 1990, and the Remedial Investigation/ Feasibility Study was completed in 1998.

To reduce a potential public health risk, EPA, in 2000, removed hazardous asbestos from dilapidated portions of the **Atlas Tack** buildings.

The **Atlas Tack** Superfund Site is located at 83 Pleasant Street in Fairhaven, MA. The **Atlas Tack** facility was built in 1901 and operated as a manufacturer of cut and wire **tacks**, steel nails and similar items until 1985. Wastes containing cyanide and heavy metals were discharged into an unlined acid neutralizing lagoon located approximately 200 feet east of the manufacturing building and adjacent to a saltwater tidal marsh in Buzzards Bay Estuary. Process wastes containing acids, metals such as copper and nickel and solvents were discharged into drains in the floor of the main building. Some of these chemicals have permeated the floors and timbers of the building and have migrated to adjacent soils and groundwater. Other contaminated areas at the site include a filled wetland, a former dump, and other chemical spills. The area is zoned as residential and commercial.

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