



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

BETHANY A. CARD
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

To: Dan McKiernan, Director
From: Jeff Kennedy, Shellfish Program Lead
RE: New Bedford Area Closures
Date: Friday May 20, 2022

Memorandum

This memorandum provides an update on the shellfish classification of Clark's Cove in New Bedford. A commercial fisherman, Alan Curtis called DMF Biologist Matt Camisa and left a voice mail that expressed frustration with DMF for failing to meet his expectations to open the area.

In January 2020 New Bedford office staff alerted me to the very numerous New Bedford Combined Sewer Overflow (CSO) activations to Outer New Bedford Harbor and Clarks Cove. Many were dry weather/sub-rainfall action level occurrences which often were unreported by the city.

Clarks Cove, BB13 is shared by Dartmouth and New Bedford, and Outer New Bedford Harbor BB15 is shared between Fairhaven and New Bedford. Both are classified as Conditionally Approved and managed based on rainfall and/or CSO activations.

These CSO's are gravity-feed systems without electronic alarms and most have no flow meters, though the city has contracted a consultant to implement a new computerized monitoring system (more on that below -see attachments). A CSO is by design a 'relief valve' for untreated sewage mixed with stormwater. The Clark's Cove and Outer Harbor shorelines in New Bedford are lined with CSO's including eight along Clark's Cove and six along the New Bedford Outer Harbor shorelines.

These CSO activations typically occur after rain events releasing an unquantified volume of raw-untreated sewage, and stormwater, into all three communities' nearshore waters.

Following our discovery of these sporadic releases in early 2020 we instituted mandatory 21-day closure as required in the NSSP Model Ordinance [Sec. II Ch. IV @03 A.(5)(c)(ii)]. Frequent rainfall events and the subsequent CSO discharges resulted in multiple overlapping 21-day closures keeping Clark's Cove and Outer New Bedford Harbor closed continuously throughout winter and into the spring of 2020. In late spring 2020 we determined to keep both areas in the closed status until the CSO issue was resolved or became manageable. The NSSP requires that in order for an area to be in an open status, the conditions under which it closes are well understood, predictable and therefore manageable. This was not the case for shellfish growing areas BB13 and BB15.

Since that time, we have met with City of New Bedford Sewage Dept officials and their consultant CDM Smith to discuss WWTP operations as well as operations and monitoring of their CSO system. In our first meeting in March 2020, we learned that New Bedford was in the process of installing flow and level

meters in their CSO lines. These meters would be part of a sophisticated system to develop in part a model and management system for CSO activations. Most important to DMF is the ability to calculate if/when each CSO activates, the duration, flows and ultimately the volume. This has been a very significant undertaking by the city. At our most recent meeting with the city on this project in October 2021 they demonstrated some aspects of their digital dashboard called PipeCast but indicated it was still not fully calibrated and ready for use by the city -or DMF. We are waiting for the city to let us know when it is operational. In a published article operation of the system was estimated at \$125,000 annually. Not only will this system be valuable for us but will also bring the city into compliance with the new MassDEP CSO notification statute requirements.

Along with the CSO problems in Outer New Bedford Harbor and Clarks Cove both communities have WWTP's (in addition to the Dartmouth WWTP (~5MGD) approx. 5 miles southwest of the NB plant); Fairhaven has average daily flows of approximately 5 million gallons per day (MGD) and New Bedford approx. 21 MGD. For the FY22 DMF budget we received \$100,000 added to the SMAST earmark for modeling WWTP effluent flows to shellfish growing areas. SMAST has been working on modeling Scituate WWTP flows and is nearing completion of that project. Modeling New Bedford and Fairhaven WWTP flows is the next priority. Our concern has been that the high NB average daily flows (21 MGD) and very high wet weather flows (75MGD) will necessitate an enlarged mandatory closed safety zone. Though effluent discharged through the outfall is treated, the large volume will have widespread impacts to not only the harbor and cove but further throughout Buzzards Bay. A recent example was a 40MG discharge from the 004 CSO in Clarks Cove last September 2. That raw-untreated sewage discharge was enough to close all of Buzzards Bay while DMF had to retest areas around the bay in order to reopen shellfishing.

We've had several Zoom meetings with Tim Cox, Fairhaven Shellfish Constable, joined by Tom Ringuette, New Bedford Shellfish Constable along with Eddie Foster and Alan Curtis to discuss the problem. We described what our NSSP requirements were and what the city was doing to help address our concerns. We have also indicated that we would have SMAST model both Fairhaven and New Bedford treatment plants flows (of course, startup and completion dates have been a moving target for modeling efforts). As these closures have continued both Mr. Foster and Mr. Curtis have become increasingly and understandably frustrated, Alan Curtis more so than Eddie Foster as demonstrated by Mr. Curtis' May 19, 2022 caustic voice mail message. Greg Sawyer and Matt Camisa have kept them informed as to our approach and progress in dealing with the problems impacting both areas.

Clarks Cove and New Bedford Outer Harbor have been selected by FDA for review in this years' annual Growing Area Program Element Evaluation Review (GA PEER). I am concerned that due to these issues FDA will require both areas be downgraded and reclassified to Prohibited.

cc: M. Camisa, C. Petitpas, DMF