



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

JOHN F. KENNEDY FEDERAL BUILDING  
BOSTON, MASSACHUSETTS 02203-0001



SDMS DocID

248129

May 6, 1998

Robert D. Elliott  
President and CEO  
Aerovox Incorporated  
740 Belleville Avenue  
New Bedford, Massachusetts 02745-6194

RCKA RECORDS CENTER  
FACILITY Aerovox Inc  
I.D. NO. MA2062319777  
FILE LOC. Admin Records # 9  
OTHER (R-9)

Aerovox  
2.1  
248129

Re: Remediation Plans for Aerovox Site

Dear Mr. Elliott:

I am very pleased to hear of Aerovox's plans to address the environmental issues at its facility at 740 Belleville Avenue in New Bedford, Massachusetts (the "New Bedford Facility") and to relocate elsewhere in New Bedford. I think that Aerovox is initiating the steps that promise to be best for both the environment and the work force in the area.

I understand that Aerovox's ability to implement this plan is dependent on obtaining additional capital, and that Aerovox can obtain this capital only if potential investors are well informed on the costs of addressing the environmental issues at the New Bedford Facility. Together, Aerovox and EPA have developed a plan to address these environmental issues in a manner that permits Aerovox to obtain the necessary capital and to continue to operate a facility in New Bedford. Under that plan, Aerovox will demolish the existing building pursuant to an approved work plan and install an appropriate cap, effectively closing the New Bedford Facility. EPA will cooperate fully in the development of the work plan.

I know you have been working with my staff for the past several months to develop this plan and that although agreements in principle have been reached, they will not be finally embodied in appropriately detailed documents for several weeks. Pending completion of these documents, I want to confirm that your plans have the full support of EPA-New England. Specifically, it is my understanding that EPA-New England and Aerovox are in agreement on the following principles:

- 1) Aerovox will endeavor to relocate at the earliest commercially-reasonable time. The relocation is expected to occur within 18 months. Until its relocation, Aerovox will continue to implement the various measures now in effect to minimize worker exposure to PCB contamination in the workplace. I ask that you keep EPA advised of your progress on these efforts, and that you inform us if Aerovox determines that it will be unable to obtain the financing necessary to complete the relocation plan.
- 2) After relocation and pending demolition and disposal, Aerovox will provide 24-hour manned

security and fire protection (including alarm and sprinkler systems) at the New Bedford Facility and make any repairs reasonably required to maintain the building's integrity.

3) Pre-demolition measures will include the following:

- a) Conclusion of sampling to evaluate subsurface conditions and contaminants.
- b) Submission of engineering evaluation and cost analysis (EE/CA).
- c) Cleaning of equipment or appurtenances that will be removed from the New Bedford Facility and relocated to the new facility, to the level of 10 ug/100 cm<sup>2</sup>
- d) Performance of any required asbestos abatement work.
- e) Appropriate disconnection and/or removal of utility connections.

4) Aerovox will demolish the existing building pursuant to a work plan which will be subject to EPA review and approval. Demolition will be completed as soon as is economically feasible, depending on obtaining funding for the project, and will be concluded within five years of the signing of an administrative order on consent by EPA and Aerovox. The demolition work plan will be governed by the following principles:

- a) During demolition and debris loading activities, the contractor will be required to comply with special conditions specific to the demolition, including air monitoring procedures, dust control procedures, prevention of further contamination of stormwater, any hazardous waste disposal requirements, equipment decontamination, health and safety provisions, and contingency plans.
- b) Wood floors that contain PCBs at concentrations above agreed-upon levels will be removed from the building and transported offsite for disposal at a TSCA landfill.
- c) Steel materials will be segregated and transported offsite for smelting following any necessary decontamination.
- d) The existing slab and foundation walls below grade are expected to be left in place to the extent that they do not interfere with the placement of the cap or accomplishment of cleanup goals.
- e) EPA and Aerovox will work together to determine what building materials may be left in what is now the basement rather than having them transported to another location for disposal.

5) Following demolition, an appropriate cap will be placed over the portion of the site that is not

already capped pursuant to the earlier administrative order issued in docket number 81-964 ("1982 Administrative Order"). Aerovox will have ongoing operation and maintenance obligations covering both the new and existing caps.

6) Based on recent sampling, it appears that PCBs are present beneath the building's basement slab at levels below those present in the area previously covered with an asphalt cap pursuant to the 1982 Administrative Order. Therefore, it is anticipated that the PCBs beneath the building will remain in place under an appropriate cap and be subject to the terms of a closure plan.

7) Aerovox and EPA will develop, and Aerovox will implement, a closure plan that meets federal and state requirements for closure, and includes monitoring for off-site migration, institutional controls, and operation and maintenance of the caps and existing sheet piling.

8) Upon completion of activities under the agreement EPA will release Aerovox from further environmental liabilities for the PCB contamination at the New Bedford Facility. Specific release provisions will be consistent with the environmental releases provided to potentially responsible parties under CERCLA cleanup agreements. Aerovox would waive potential claims under CERCLA Section 106(b) and agree to pay EPA's CERCLA oversight costs.

9) Aerovox has purchased air pollution control equipment to meet applicable MACT standards for degreasing operations at the New Bedford Facility, at a cost of \$ 750,000. Aerovox will install and operate this equipment as soon as is feasible in either the present facility or the new facility. (The equipment will be installed in the present facility if relocation will take longer than six months.) Aerovox will keep EPA advised of its installation plans.

10) Aerovox will continue to operate pursuant to its expired NPDES permit unless and until EPA issues a final permit or until an NPDES permit is no longer required. (The NPDES permit expired in 1980, and Aerovox submitted a timely and complete renewal application. Thus under the APA the permit continues in effect. EPA would not proceed with permit reissuance without further discussions with Aerovox, and EPA will take into consideration Aerovox's plans for the site, as outlined above, in determining whether and how to proceed with permit reissuance.)

I realize that time is of the essence. Therefore, I have directed my staff to commence negotiation of an administrative order on consent as soon as possible to formalize this plan, with a target date of June 15. This office has been working with the Southeast Office of the Department of Environmental Protection on these plans, and will continue to keep that office informed.

EPA-New England looks forward to working with Aerovox to ensure a smooth transition to your new facility as well as a cost-effective and responsible closing of the existing facility. This letter provides a general outline of the plans under discussion. The expectations outlined above are subject to change during further discussions, are not intended to bind either party at present, and could be affected by the discovery of unknown conditions. I do expect that EPA and Aerovox will soon finalize and implement the agreement through a consent order or other appropriate

mechanism. If we are unable to successfully negotiate such a consent agreement, EPA would seek to address the environmental and health concerns at the New Bedford facility under its other authorities.

If you have any questions, please feel free to call me or Ira Leighton, Director of the Office of Environmental Stewardship, at (617) 565-3432, or attorney Thomas Olivier at (617) 565-1146.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. DeVillars". The signature is fluid and cursive, with a long horizontal stroke at the end.

John P. DeVillars  
Regional Administrator

cc: Colburn C. Cherney, Esq.