



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

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Via e-mail and First Class Mail  
[Evan.Slavitt@avx.com](mailto:Evan.Slavitt@avx.com)

May 16, 2013

AVX Corporation  
c/o Evan Slavitt  
Vice President for Business and Legal Affairs  
801 17th Avenue, P.O. Box 867  
Myrtle Beach, SC 29578

RE: Notice of Completion of Work  
In the Matter of: Aerovox, New Bedford, Bristol County, Massachusetts  
Administrative Settlement Agreement and Order on Consent for Non-Time  
Critical Removal Action  
CERCLA Docket No. 01-2010-0017

Dear Mr. Slavitt:

The United States Environmental Protection Agency (EPA) has received a report entitled, *Final Report Aerovox Facility 740 Belleville Avenue, New Bedford, MA* (Final Report), dated May 2013, submitted by URS on behalf of AVX Corporation (AVX) pursuant to the Administrative Settlement Agreement and Order on Consent for Non-Time Critical Removal Action at the Aerovox Site entered into between EPA and AVX which became effective on June 3, 2010 (Settlement Agreement). EPA finds the above-referenced Final Report to be an adequate documentation of Site activities performed under the Settlement Agreement.

Based on EPA's approval of the Work required by the Settlement Agreement, in accordance with Paragraph 154 of the Settlement Agreement, EPA hereby encloses a Notice of Completion of Work for the Non-Time Critical Removal Action at the Aerovox Site, subject to the conditions contained in the Notice of Completion of Work.

In addition, this letter confirms EPA's approval of all oral and written modifications made to the Statement of Work (SOW), which is Appendix B of the Settlement Agreement, and modifications made to EPA approved workplans during implementation of the Work. Consistent with paragraphs 151 and 152 of the Settlement Agreement, EPA considered the significance of the modifications and has determined that none of the



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modifications made during implementation of the Work fundamentally altered any basic elements of the Work with respect to scope, performance or cost.

The primary modifications are listed below:<sup>1</sup>

A number of changes regarding phasing of the demolition work were requested, with corresponding changes to certain work plans and the work schedule, which EPA approved, with certain conditions, on January 25, 2011 and April 25, 2011. These included

- Dividing the demolition work into phases and allowing removal of hazardous waste then demolition of each phase (SOW, Section III.D. required removal of all hazardous waste prior to any demolition occurring);
- Demolition of the office annex at the end of the demolition process (SOW, Section III.E.13 required the removal of the one story office annex prior to the demolition of the remainder of the two story building.);
- Demolition of the two story building roof without prior asbestos abatement (SOW, Section III.D. required removal of asbestos prior to demolition unless certain criteria were met); and
- Demolition of the building with its contents in place with disposal as TSCA material, after removal of potentially recyclable, non-TSCA material, controlled, regulated or universal waste as well as pigeon guano and other biological wastes. (SOW, Section III.D. specified removal of certain categories of building contents prior to demolition).

SOW, Section III.A.6 required the standards hours of operation for work on Saturday to be 8:00 am to 5:00 pm. Several requests were made to modify these hours and EPA approval was given as follows:

- May 18, 2011 temporary modification of Saturday work hours for asbestos abatement work to begin at 7:00 am;
- June 28, 2011 temporary modification for asbestos abatement work hours to begin at 6:00 am; and
- July 21, 2011 temporary modification for demolition work in the third story building footprint to begin at 6:00 am Mondays through Fridays.

SOW, Section III.D.4 and D.5 required, prior to the start of demolition activity, that all fluorescent light tubes and ballasts be removed, containerized and disposed or recycled offsite and that all other controlled, regulated or universal wastes be removed and disposed offsite. On August 24, 2011, EPA approved the following requests to allow, after the start of demolition activity of the two-story building, the following:

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<sup>1</sup> Information about these modifications may also be found in the Final Aerovox Demolition Quality Assurance Report, May 2013, prepared by U.S. Army Corps of Engineers for EPA.

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- temporary storage of liquid wastes/drums onsite in a secure storage trailer outside the two story building until waste stream processing was completed;
- temporary staging of bulbs, ballasts and universal wastes within the wood frame loading dock area during decontamination before shipping offsite for recycling; and
- onsite treatment of contaminated water pumped from three large sump pumps located in the two story building.

SOW, Section III.F.1 required that backfill material “meet or exceed the S-1 chemical criteria of the MCP”. On September 22, 2011, EPA, after consulting with MassDEP, approved a request to allow backfill material to be used under the cap to meet S-2 standards for the metals chromium and nickel.

SOW, Section II.B.5 and 6 required that the EPA approved Air Quality Management and Monitoring Plan and Stormwater Management and Monitoring Plans, respectively, remain in effect continuously until completion of the Basement Backfilling work. On November 1, 2011, EPA approved a request to eliminate air monitoring from station #2 and stormwater monitoring points SW10 and SW11 prior to the completion of the basement backfilling work.

SOW, Section III.H.3 required placement of a visual barrier layer on existing grade. On November 14, 2011, EPA waived the requirement for the visual barrier for areas where asphalt binder was placed over existing pavement.

SOW, Section III.G required subsurface features be completely filled with flowable fill unless EPA approved an alternative action based on certain conditions. On November 16, 2011 EPA approved, subject to certain conditions, a request not to fill the sewer force main that runs from the pump house vault towards Belleville Avenue with flowable fill.

SOW, Section III.H.3 required that the asphalt cap include a 2” thick asphalt binder coarse and a 1. inch thick asphalt wearing coarse. On November 21, 2011, EPA approved a request to revise these asphalt cap specifications consisting of splitting the courses evenly as follows: 1.5” thick asphalt binder course and a 1.5” inch thick asphalt wearing course.

SOW, Section III.K required (in accordance with paragraph 69 of the Settlement Agreement) submission of a draft Final Report within 30 days of completing all Work

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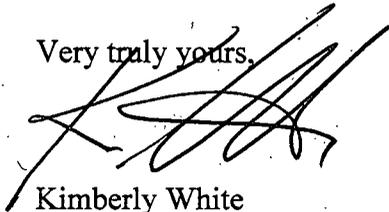
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required by the Settlement Agreement. On January 17, 2012 EPA approved a request to extend the time period for delivery of the draft final report to EPA.<sup>2</sup>

If you have any questions, please feel free to contact me at (617) 918-1752.

Very truly yours,



Kimberly White

Aerovox On-Scene Coordinator

cc: via email

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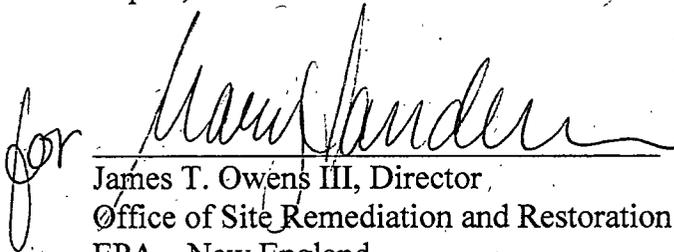
<sup>2</sup> EPA notes that at EPA's request, additional cap repairs were performed by URS in May 2012; those repairs are reflected in the Final Report dated May 2013.

NOTICE OF COMPLETION OF WORK  
PERFORMED BY THE RESPONDENT PURSUANT TO THE  
ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT  
FOR THE NON-TIME CRITICAL REMOVAL ACTION FOR THE  
AEROVOX SUPERFUND SITE, NEW BEDFORD, MASSACHUSETTS  
CERCLA Docket No. 01-2010-0017

Pursuant to Paragraph 154 of the Administrative Settlement Agreement and Order on Consent for the Non-Time Critical Removal Action for the Aerovox Superfund Site between the U.S. Environmental Protection Agency (EPA) and AVX Corporation (Respondent) effective June 3, 2010, (the Settlement Agreement), EPA certifies, based upon the *Final Report Aerovox Facility 740 Belleville Avenue New Bedford, MA* (Final Report), dated May, 2013, submitted by URS on behalf of AVX Corporation, that for the purposes of the Settlement Agreement, the Work performed by the Respondent for the Aerovox Non-Time Critical Removal Action Superfund Site, CERCLA Docket No. 01-2010-0017, in New Bedford, Massachusetts, is complete and has been performed in accordance with the Settlement Agreement subject to:

- a) Any continuing obligation required by the Settlement Agreement; and
- b) Satisfaction of the condition in Paragraph 118 of the Settlement Agreement with respect to EPA's covenant not to sue requiring Respondent's performance, as determined by MassDEP, of the obligations assumed under the administrative settlement entered into by and between Respondent and the Commonwealth of Massachusetts on June 3, 2010, entitled "Administrative Consent Order and Notice of Responsibility", involving the cleanup of the Aerovox facility pursuant to M.G.L. c 21E and the regulations promulgated thereunder, the Massachusetts Contingency Plan, 310 CMR 40.0000.

This Notice of Completion of Work constitutes the Notice of Completion of Work for the purposes of the Settlement Agreement. This Notice of Completion of Work shall not discharge, limit or affect any of AVX Corporation's remaining obligations under the Settlement Agreement, including, without limitation, obligations relating to Post-Removal Site Controls or Massachusetts M.G.L. c 21E. In addition, this Notice of Completion does not alter any rights reserved by the United States under the Settlement Agreement. This Notice constitutes a finding by EPA that the Aerovox Non-Time Critical Removal Action, as described in the above-referenced Final Report, is consistent with the National Contingency Plan.

  
for \_\_\_\_\_  
James T. Owens III, Director  
Office of Site Remediation and Restoration  
EPA - New England

5/16/13  
Date