

11.9.4

DEC - 2 1996

Superfund Records Center

SITE: NEW BEDFORD

BREAK: 11.09

OTHER: 47437

AVX Corporation
P.O. Box 867
Myrtle Beach, SC 29578
Tel: (803) 448-9411
FAX: (803) 448-5766

November 26, 1996

Benedict P. Rosen
President
Chief Executive Officer

Mr. John P. DeVillars
Regional Administrator, Region I
U.S. Environmental Protection Agency
John F. Kennedy Federal Building
Boston, MA 02203

RE: New Bedford Harbor Superfund Site

Dear Mr. DeVillars:

I am writing on behalf of AVX Corporation to express our company's concern regarding the latest EPA proposal for remediation of the New Bedford Harbor.

The new plan has lowered the PCB Target Cleanup Levels in the upper estuary from 50 to 10 parts per million, and in the lower harbor from 500 to 50 ppm. Lowering the TCLs has resulted in an increase in volume of sediments to be dredged by 50%. This is a drastic change from EPA's 1992 plan and EPA offers no new information nor cleanup technology to justify the reduction in TCLs.

AVX submitted comments to the administrative record in 1992 which pointed out flaws in the computer model EPA used to assign TCLs. Our comments from that time reflected opinions of experts who stated that no significant reduction in risk to human or aquatic life could be demonstrated by reducing the TCL to 10 ppm.

In the original Proposed Cleanup Plan issued January, 1992, EPA indicated that even their models estimated that a TCL of 50 ppm would result in attainment of the Ambient Water Quality Criteria within 10 years. As EPA used 10 years as a reasonable time to allow natural recovery to work at other sites, for example, Commencement Bay, it isn't clear why another standard is being applied to New Bedford Harbor. In January, 1996, EPA released a report which concluded that PCBs did not present as much of a health risk to humans as originally perceived.

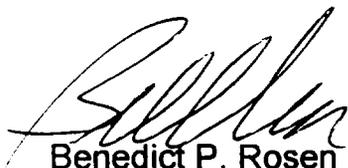
If EPA's revised New Bedford plan is accepted, the potential economic impact to AVX is significant. The current EPA proposal totals \$116 million, \$83 million more than EPA's estimate five years ago. In addition, there is an unknown cost to

remediate the outfall at the New Bedford water treatment works area which is part of the new plan. If the total remediation cost exceeds \$130.5 million, as it is likely to do given that we understand the Hot Spot remedy has already exceeded \$20 million, the United States and the Commonwealth of Massachusetts may reopen litigation against AVX for cleanup costs over \$130.5 million.

It is a matter of record that AVX has already paid \$66 million (With interest, \$72 million) in 1992 to resolve litigation. AVX has also spent millions of dollars in development of alternative, more cost-effective remedies and in legal and consultant fees. It is our feeling that with this new proposed cleanup plan, EPA has gone beyond what is necessary to protect humans and the environment from exposure to PCBs in New Bedford Harbor.

We ask that you carefully review the comments being prepared now for submission to your office regarding the new plan.

Very truly yours,



Benedict P. Rosen
President

CC: Ms. Carol Browner - EPA Administrator, Washington, D.C.
Mr. David Dickerson - EPA Project Manager, Region I