



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 1 - NEW ENGLAND**  
**5 POST OFFICE SQUARE, SUITE 100**  
**BOSTON, MASSACHUSETTS 02109-3912**

Superfund Records Center  
SITE: New Bedford  
BREAK: 10-7  
OTHER: 507958

March 29, 2012

Benjamin Ericson, Assistant Commissioner  
Bureau of Waste Site Cleanup  
Massachusetts Department of Environmental Protection  
6th Floor  
1 Winter St.  
Boston, MA 02108

Re: Notification of Pending Issuance of an Administrative Order by EPA for Performance of the Selected Remedy at the New Bedford Harbor Superfund Site in Bristol County, Massachusetts

Dear Mr. Ericson:

As EPA staff has discussed with your staff over the past several months, EPA is preparing to issue a Unilateral Administrative Order ("UAO") pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), and the 1992 Consent Decree in United States v. AVX Corp., Civil Action No. 83-3882-Y (D. Mass.). The UAO will direct AVX Corporation ("AVX") to take over the performance of the selected remedy for Operable Unit 1 (Upper and Lower Harbor Operable Unit) of the New Bedford Harbor Superfund Site (the "Site"), as described in the Record of Decision, issued on September 25, 1998, as modified by Explanations of Significant Differences issued on September 27, 2001, August 15, 2002, March 4, 2010, and March 14, 2011. The UAO includes a Statement of Work ("SOW") defining the response activities and deliverable obligations that AVX will be obligated to perform. The UAO will become effective sixty (60) days after my signature, giving the AVX an opportunity to meet with EPA prior to initiation of performance under the UAO. EPA, through Remedial Project Manager Elaine T. Stanley, will coordinate Massachusetts' review of relevant deliverables consistent with CERCLA § 121(f).



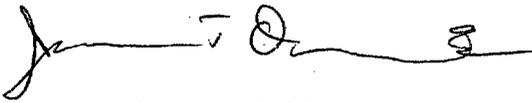
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This letter provides notification of EPA's anticipated action; you will receive a copy of the UAO at the time of issuance, likely in April. Please contact me, or have your staff contact RPM Elaine T. Stanley at 617-918-1226 or Site Attorney Man Chak Ng at 617-918-1785, if you want to further discuss EPA's planned actions. As always, we look forward to working with you and MassDEP on the New Bedford Harbor Superfund Site. Thank you for your attention to this matter.

Yours truly,



James T. Owens, III, Director  
Office of Site Remediation and Restoration

cc (via email only):

Elaine T. Stanley, EPA Remedial Project Manager  
Man Chak Ng, Esq., EPA Senior Enforcement Counsel  
Cynthia Catri, Esq., EPA Senior Enforcement Counsel  
Maximilian Boal, Esq., EPA Enforcement Counsel  
Paul Craffey, MassDEP Project Manager  
Andy Cohen, Esq., MassDEP Senior Counsel  
Matthew Brock, Esq., Massachusetts Attorney General's Office