

5-11-86

EPA, JUSTICE FILE SUIT OVER PCB CONTAMINATION

FOR RELEASE: WEDNESDAY, FEBRUARY 29, 1984

Carol Lawson (202) 382-4387  
Elly Seng (202) 475-8534

EPA, JUSTICE  
FILE SUIT OVER  
PCB CONTAMINATION  
OF NEW BEDFORD  
HARBOR

The Department of Justice, on behalf of the U.S. Environmental Protection Agency, has filed an amended civil suit against six companies for contaminating New Bedford Harbor, Mass., with polychlorinated biphenyls (PCBs).

The original suit on behalf of the Commerce and Transportation departments, filed December 1983 in U.S. District Court in Boston, seeks to hold the defendant companies liable for damages to natural resources from release of PCBs in the harbor and the Acushnet River estuary. In addition, it asks for recovery of past and future costs incurred by the the government in identifying and assessing those damages. EPA now seeks injunctive relief and asks the defendants to plan and undertake removal and remedial actions in the harbor.

Assistant Attorney General F. Henry Habicht II, head of the Justice Department's Land and Natural Resources Division, said the amended suit was filed under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), and a number of other environmental statutes. The current action charges that the defendants created the threat of imminent and substantial endangerment to public health or the environment, alleges each is jointly and severally liable for environmental and natural resources damages caused by release of PCBs, and seeks recovery of the government's costs in connection with the site.

"The overall action is particularly significant," Habicht said, "because it addresses damages to natural resources. New Bedford Harbor is a vital habitat and feeding area for lobster, shellfish and other organisms, and historically has been a major commercial and sport fishing area."

(more)

EPA Assistant Administrator for Enforcement Courtney M. Price said, "Today's filing is another example of this agency's willingness to take the steps necessary to protect public health and the environment from threats posed by hazardous substances. PCBs represent a particularly serious contaminant because of their toxic characteristics, their resistance to environmental degradation, and their ability to accumulate in living organisms."

Named as defendants in the suit are Aerovox, Inc., Cornell-Dubilier Electronics Co. (CDE), Federal Pacific Electric Co., and three other firms which were either predecessors or parents to Aerovox. Today's suit alleges that contamination of New Bedford Harbor was caused by years of PCB disposal and discharges, principally by Aerovox and CDE which were engaged in the production of PCB-containing capacitors.

PCBs have been identified in various investigations in bottom sediments, surface water and biota throughout the area. EPA believes PCBs are being continuously released from sediments into the waters and the food chains of the estuary and harbor. Samples have shown PCB concentrations in sediments as high as 190,000 parts per million or 19 percent, and surface water concentrations measured as high as four parts per billion.

PCB contamination covers 18,000 acres of fishing and lobstering waters in New Bedford Harbor. A ban on the taking of clams was imposed in three areas in 1977. These bans are still in effect.

The full nature and extent of contamination in the harbor and estuary are not yet known, and the value of existing natural resources damages is still being assessed. EPA has authorized the spending of \$3.5 million in CERCLA funds for investigations and other measures at the site. Further expenses are anticipated on a continuing basis as the government acts to identify the extent of the contaminated area and assess the value of natural resources damages.