



U.S. Department of Justice

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New Bedford
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AVX

United States Attorney
District of Massachusetts

1107 J.W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

February 17, 1984

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ENFORCEMENT DIVISION

AVX, Inc.
c/o Daniel J. Gleason
Nutter, McClennen & Fish
600 Atlantic Ave
Boston, MA 02210

Re: New Bedford Harbor

Dear Mr. Gleason:

Hazardous substances as defined by section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") have been released into New Bedford Harbor from a facility formerly owned and operated by your client, AVX, Inc. ("AVX"), on Belleville Avenue in New Bedford, Massachusetts. The United States has determined accordingly that AVX is liable as a responsible party under CERCLA § 107.

Representatives of the U.S. Environmental Protection Agency ("EPA") earlier gave AVX notice that AVX is a party that might be liable for money expended by the government to take corrective action, and offered to discuss voluntary action by AVX to abate the releases. Since AVX did not undertake all of the necessary actions, EPA and other agencies are causing the necessary response actions to be performed using funds provided under authority of CERCLA. The costs incurred for these response actions by EPA and other federal agencies currently exceed \$3.5 million. The United States anticipates expending additional funds in the future for additional response actions deemed necessary with respect to the Acushnet River estuary, New Bedford Harbor, and Buzzards Bay.

The releases have caused and are causing damages to natural resources as defined by CERCLA, and within the trusteeship of the National Oceanic and Atmospheric Administration ("NOAA") of the U.S. Department of Commerce. The extent and amount of such damages are currently undetermined or assessed. Notice of NOAA's claim was given to a representative of AVX on December 9, 1983.

Demand is hereby made upon AVX for payment of the above-related sum, together with any sums hereafter expended by agencies of the United States upon response action or assessment of damages to natural resources and together with the sum of the assessed damages to natural resources. If you desire to discuss the matter of the

company's liability with the United States, you should contact the undersigned not later than five days after the date of this letter. Your failure to accept the liability is likely to result in the filing of an amended Complaint in the action now pending in the United States District Court for the District of Massachusetts, United States v. AVX, Inc., et al., C.A. No. 83-3882-Mc, to impose and to recover this indebtedness.

By its attorneys,

WILLIAM F. WELD
United States Attorney

By: *RAC*
RALPH A. CHILD
Assistant U.S. Attorney

bcc: Charles Bering
Heidi Hughes
Ellen M. Mahan
Mary Ann Maul
Susan Krupanski