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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

April 16, 1985

John Quarles
Morgan, Lewis & Bockius
1800 M Street, NW
Washington, DC 20036

Re: U.S. v. AVX Corp., et al., C.A. No. 83-3882-Mc (Consolidated)

Dear John:

In response to your letter of April 1, 1985, EPA is presently exploring possibilities with the Army Corps of Engineers, through its Waterways Experiment Station (WES) in Vicksburg, Mississippi, for further investigations into several matters including the following: the leachate producing qualities of the Acushnet River's sediment, which relates to the question of whether a disposal site would require a liner or not; the potential for resuspension of contaminants in the surface water during dredging; and evaluation of cap material for the subsurface cell disposal option (the "pine-apple upside-down cake"). WES is preparing a detailed proposal for these studies, which EPA hopes to receive in June. EPA and the Corps have also begun an evaluation of the wetlands in the Estuary and the potential impacts on the wetlands of the different options. EPA hopes to have a preliminary draft report completed by August, 1985.

Unfortunately, the process of preparing, reviewing, approving or revising, and funding WES's proposed studies cannot be carried out as quickly as we would like, primarily because EPA, DEQE and the Corps are still deliberating as to the best way to approach the problems presented. EPA must also review several related issues which would be presented by a decision to undertake the studies, such as whether any interim measures are available which would improve the protection of public health and the environment while the studies are being carried out.

As you know, EPA considers the continuing release of PCB's from the sediments of the Upper Estuary to be a substantial hazard which should not be allowed to continue any longer than absolutely necessary. Thus, we do not wish to adopt a new schedule until we are convinced that it represents the best possible approach. Any statements which might be made concerning the Government's plan at this point would necessarily be tentative. However, we have set the end of June as a target date, at which time we hope to release

detailed plans and schedules for further studies and decision-making. Our intent is also to release at that time a detailed response to the comments on the Feasibility Study submitted in January.

A copy of a press release concerning our current plan is attached. Please be assured that as soon as final decisions have been made regarding further plans and schedules, we will inform you of them immediately. If you have further comments or questions at this time, please feel free to get in touch with me or with Ralph Child.

Yours sincerely,

Charles Bering
Assistant Regional Counsel