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From: "Davis, Gary (DCR)" <gary.davis@state.ma.us>

To: Ann Williams/R1/USEPA/US@EPA

Copy To: Carl Dierker/R1/USEPA/US@EPA; "'Chet Myers'" <cmyers@apexcos.com>

Delivered Date: 02/21/2012 12:17 PM EDT

Subject: South Terminal

Good Morning Ann. As a follow up to our communication a few weeks ago, I recently learned that ACE is planning to work with Hands Across the River, a small New Bedford Organization to oppose the CAD cell to be constructed in the New Bedford Harbor. Subject to your consent, I would like to share our Restated Application with Gene Benson, ACE's General Counsel, and ask that Chet and I be participants in any upcoming public meetings so that we can hear and be responsive to any concerns this community may have. I also plan on reaching out to Mayor of New Bedford to engage him in this process as well. If ok with you, I would like to share our Restated Application with ACE. Please advise. /gd

From: Eric Macaux [mailto:EMacaux@MassCEC.com]
Sent: Thursday, February 16, 2012 10:11 AM
To: Davis, Gary (ENV)
Subject: FW: NEW BEDFORD RESIDENTS NEED YOUR HELP

Gary:

This was forwarded to me and I wanted to put it on your radar. A group in New Bedford is organizing to oppose EPA's planned CAD cell in NB harbor, which the port might try to tie into.

Massachusetts Environmental Justice Assistance Network

Dear MEJAN Volunteer:

SDMS Doc ID 70004700

Hands Across the River (HARC) is a small organization in New Bedford that organizes residents against environmental injustices and works to bring environmental benefits and jobs to the community. HARC is concerned about the U.S. Environmental Protection Agency's (EPA) plan for removing PCB-contaminated sediments from the New Bedford Harbor. In 2012 or later, the EPA plans to begin construction of a confined aquatic disposal (CAD) cell for the PCB-contaminated sediment. The residents are opposed to the planned 300,000 cubic yard CAD cell because the sediments will remain in New Bedford Harbor and the cell cannot be capped (or fully contain the sediments) until after construction is complete, a process that the EPA predicts will take a minimum of five years. The residents are also concerned about contaminated sediments becoming airborne. In addition to not supporting the CAD cell disposal method, HARC is not satisfied with the EPA's interactions with New Bedford residents about the CAD cell process. HARC wants more public participation and community involvement in meetings with EPA and other agencies.

HARC needs a lawyer to assist them in accomplishing the following three actions:

- Stop EPA from commencing construction of the CAD cell;
- Attend a community meeting in March to discuss with the New Bedford residents their legal options; and
- Act as a liaison between HARC and the EPA to create a Community Forum that focuses on public participation in the discussions about how to handle and remove PCB-contaminated sediment from the New Bedford Harbor.

An adverse party is AVX Corporation, the only identified potentially responsible party. Potentially adverse parties are the United States Environmental Protection Agency (CERCLA program), and perhaps a number of not-yet-identified potentially responsible parties.

If you are an attorney who can assist HARC in any of the three actions listed above, please contact Staci Rubin at 617-442-3343 x 236 or staci@ace-ej.org . Thank you for considering this request.

Very truly yours,

Staci Rubin

Staff Attorney

Alternatives for Community & Environment, Inc. (ACE)

2181 Washington Street, Suite 301

Roxbury, MA 02119

E-mail: staci@ace-ej.org

Telephone: (617) 442-3343 ext. 236, Fax: (617) 442-2425

www.ace-ej.org

ACE logo

Please donate to ACE

Alternatives for Community & Environment (ACE) builds the power of communities of color and lower income communities in New England to eradicate environmental racism and classism and achieve environmental justice. We believe that everyone has the right to a healthy environment and to be decision-makers in issues affecting our communities.

The Massachusetts Environmental Justice Assistance Network (MEJAN) provides pro bono legal and other professional assistance on environmental issues to traditionally underrepresented communities such as lower-income communities and communities of color by harnessing the resources of the legal community, environmental and public health professionals, nonprofit organizations, and Massachusetts' colleges and universities. MEJAN promotes the empowerment of communities by facilitating their participation in decisions affecting their health, safety, environment, culture, and quality of life.

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Alternatives for Community & Environment | 2181 Washington Street, Suite 301 | Roxbury | MA | 02119

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