

Community Update
U.S. Environmental Protection Agency
New England Regional Office
December 21, 2012

Contact: Jim Murphy (murphy.jim@epa.gov), (617) 721-2868

Community Update on New Bedford Harbor Issues

The public comment period for a proposed Supplemental Consent Decree with AVX Corporation regarding the company's financial responsibility for the ongoing cleanup of contamination in New Bedford Harbor ended on Dec. 17. EPA and the U.S. Department of Justice, as well as the Commonwealth of Massachusetts, are now thoroughly reviewing comments submitted on this matter.

EPA will post the submitted comments on the proposed settlement to our New Bedford Harbor website. Because of the processing time needed to post them, the comments should be available on EPA's New Bedford website (<http://www.epa.gov/nbh/>) by Friday, Dec. 28.

At this time, the governments are reviewing and considering the comments received. Once the review and consideration of comments is complete, the governments will then decide whether to seek entry of the proposed settlement by the Court. If, after consideration of all comments received during the notice and comment period, the governments ask the Court to enter the settlement, the Court's role will be to review the settlement terms, to consider the public comments and the governments' responses, and to approve the settlement if the Court finds that it satisfies the applicable legal standards.

Certain comments submitted on the proposed Supplemental Consent Decree discuss technical, scientific and policy-related issues, including EPA's remedy-selection process and cleanup standards at the Site. To the extent that such matters bear on the proposed settlement, they will be considered by EPA and the Commonwealth now that the comment period has closed. Following that review and consideration of the public comments, the governments will then determine whether to present the settlement to the Court for entry or take other action, as warranted by the comments and in accordance with the Superfund law.

As EPA has previously indicated, the Agency is also planning to begin a Focused Feasibility Study, which will consider whether there are any cost effective, protective alternatives for the disposal of contaminated sediment other than the selected Confined Disposal Facilities (CDFs). This study has not yet begun. EPA recently posted to its Harbor website a report entitled "Assessment of Contaminant Loss and Sizing for Proposed Upper Harbor Confined Aquatic Disposal (CAD) Cell" (Dec. 2011) for the New Bedford Harbor Superfund Site, which was developed by the Army Corps of Engineers' Engineer Research and Development Center as part of a preliminary analysis of whether it might be feasible to construct a CAD cell in the Upper Harbor.

EPA expects to consider a range of possible practicable alternatives to the CDFs for sediment disposal in the anticipated Focused Feasibility Study, and an Upper Harbor CAD cell may be one alternative evaluated. EPA will provide extensive opportunities for public involvement and formal public comment on the Focused Feasibility Study and any recommended changes to the cleanup remedy.

More information:

- Public comments submitted on the proposed Supplemental Consent Decree with AVX Corporation will be available at
(<http://www.epa.gov/nbh/cleanupplansadminrecs.html#2012SCDAVX>)
- U.S. Army Corps of Engineers Dec. 2011 Report "Assessment of Contaminant Loss and Sizing for Proposed Upper Harbor Confined Aquatic Disposal (CAD) Cell"
(<http://www.epa.gov/region1/superfund/sites/newbedford/518092.pdf>)

#