

From: [Chase, MacKenzie](#)
To: [ENRD, PUBCOMMENT-EES \(ENRD\)](#)
Cc: [Cabral, Antonio - Rep. \(HOU\)](#)
Subject: Rep. Cabral Letter Re. United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/
Date: Monday, December 17, 2012 4:54:50 PM
Attachments: [Rep. Cabral Letter Re. AVX Settlement, Ref. No. 90-11-2-32.pdf](#)

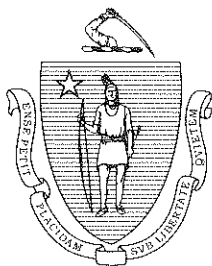
Rep. Antonio F.D. Cabral would like to submit the attached letter as a comment regarding United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/.

Please don't hesitate to contact me if you have any questions.

Thank you,
Mackenzie Chase

Mackenzie Chase

House Committee on Bonding, Capital Expenditures and State Assets
Office of Representative Antonio F. D. Cabral
State House, Room 466
(617) 722-2017
Mackenzie.Chase@mahouse.gov



COMMONWEALTH OF MASSACHUSETTS
HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

ANTONIO CABRAL

STATE REPRESENTATIVE
13TH BRISTOL DISTRICT
STATE HOUSE, ROOM 466
BOSTON, MA 02133
TEL. (617) 722-2017

CHAIRMAN
HOUSE COMMITTEE ON BONDING, CAPITAL EXPENDITURES
AND STATE ASSETS

(508) 997-8113 (DISTRICT)

E-Mail:
Antonio.Cabral@MAhouse.gov

December 17, 2012

Assistant Attorney General
U.S. DOJ - ENRD
P.O. Box 7611
Washington, DC 20044-7611

Re: *United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/*

I am writing to urge you to explore including an appropriate reopener clause in the proposed settlement of the above referenced action.

In a 1992 settlement, AVX agreed to pay \$66 million for the cost of the remediation of the contamination of New Bedford Harbor and the Environmental Protection Agency retained its rights to pursue additional funds through a reopener clause. Without this option, the EPA could not have negotiated this latest agreement with AVX when costs escalated far beyond those foreseen at the time of the 1992 settlement. I support the comments submitted by the Buzzards Bay Coalition encouraging you to include a reopener clause in the settlement. Done correctly, this option can accommodate extraordinary and unexpected cost overruns, providing the residents of New Bedford with greater assurance that the long awaited clean up of their harbor will be completed.

Our City, with its rich maritime history and a future closely linked to its harbor, looks to you to protect the options to complete this clean up.

Sincerely,

A large, stylized handwritten signature in black ink that reads "Tony Cabral".

ANTONIO F.D. CABRAL
State Representative, 13th Bristol District
Chairman, Committee on Bonding, Capital Expenditures and State Assets