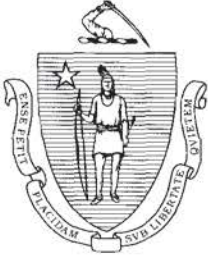


Fiske, Catherine



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

SENATOR MARK MONTIGNY
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DEPT. OF JUSTICE - ENRD
ENVIRONMENT DIVISION

December 13, 2012

Assistant Attorney General
U.S. DOJ - ENRD
PO 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 you regarding the proposed settlement between the Environmental Protection Agency ("EPA") and the AVX Corporation relating to contamination and cleanup of New Bedford Harbor. I have serious concerns regarding this settlement, which I will set forth and explain below.

One essential addition is required before approval of the proposed settlement between EPA and AVX for \$366.5M; the settlement must include a "reopener" clause allowing EPA to resume litigation with AVX in the event that a complete cleanup of New Bedford Harbor exceeds current estimates.

Long has this community waited for a safe, clean, and usable harbor and while \$366.5M may take a significant step forward in achieving that goal, the harbor remains a long way off from the finish line. Approving a cash-out settlement without a "reopener" clause handicaps this cleanup for an undefined amount of time in the future. That result is unacceptable. I support the comments submitted by the Buzzards Bay Coalition and encourage the Department of Justice to carefully consider their points and adopt their, and my, request for a reopener.

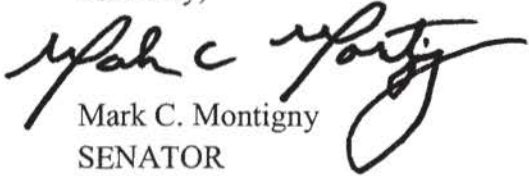
I have had the honor of representing the interests of the Greater New Bedford area since 1993, and EPA's failure to return this harbor to the community in any kind of usable form is outrageous. I represent a community rich with history tied directly to the sea and the prohibitions on the use of the harbor due to persistent PCB contamination is an insult to that heritage. Justice dictates that the polluters return to the children of this community a clean harbor where they can safely pursue a wide range of activities they are entitled to, including recreational fishing, swimming, boating and future careers as commercial fishermen.

corr. 90-11-2-32

While I appreciate EPA's actions in taking the initiative to exercise its right to seek additional cleanup funds from AVX, I strongly caution that EPA not treat this settlement as a windfall for this community but rather concentrate on securing its own rights as it did once before to reopen this matter in the event costs for a complete cleanup of the Harbor exceed current estimates.

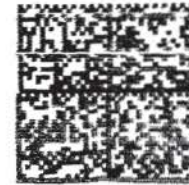
Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark C. Montigny".

Mark C. Montigny
SENATOR

SENATOR MARK MONTIGNY
MASSACHUSETTS SENATE
STATE HOUSE, ROOM 312A
BOSTON, MA 02133-1053



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