

New Bedford Harbor Superfund Site

June 13, 2013 Public Meeting

Status of Supplement Consent Decree

- On October 10, 2012, EPA and the Commonwealth of Massachusetts lodged in the Federal District Court a proposed settlement with AVX Corporation (AVX).
- If approved by the Court, AVX will pay the governments \$366.25 million, plus interest, to be used to clean up the Site.
- The public submitted comments on the proposed settlement during the public comment period, which ended on December 17, 2012.
- On June 11, 2013, after carefully reviewing and considering all of the comments received, the governments filed with the Court a motion to enter the Supplemental Consent Decree, seeking the Court's approval of the proposed settlement.

Motion to Enter Supplemental Consent Decree

- Along with the **Motion to Enter Supplemental Consent Decree** seeking the Court's approval of the proposed settlement, the governments filed the following attachments:
 - **Memorandum in Support of Motion to Enter** (a 20-page document explaining the legal basis for the Motion to Enter)
 - The governments' **Responses to Public Comments** (a 126-page document addressing the public comments in detail)
 - Two **Declarations** from EPA Personnel in Support of the Motion to Enter
 - Copies of the **Public Comments**
- Copies of all documents filed with the Court will be available at EPA's website for New Bedford Harbor.

Next Steps

- The Court is expected to:
 - Review the settlement terms
 - Consider the Public Comments and the governments' Responses to Public Comments
 - Approve or reject the settlement
- If approved by the Court, the settlement funds (\$366.25 million plus interest) will be used by EPA to accelerate the cleanup of New Bedford Harbor.
 - AVX has 30 days after the date of entry of the Supplemental Consent Decree to make the first payment of at least \$133.35 million plus interest
 - The second payment (the first and second payments totaling at least \$244,166,666.67 plus interest) is due within one year of the date of entry
 - The third and final payment is due within two years of the date of entry