

**Community Update
U.S. Environmental Protection Agency
New England Regional Office
June 11, 2013**

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**Community Update on the New Bedford Harbor Supplemental
Consent Decree with AVX Corporation**

This is an update on the status of the proposed settlement between EPA, the Commonwealth of Massachusetts and AVX Corporation (“AVX”) concerning the New Bedford Harbor Superfund Site. As explained below, EPA, the U.S. Department of Justice, Massachusetts Attorney General’s Office, and the Massachusetts Department of Environmental Protection (the “governments”) have completed their review of public comments concerning the settlement. On June 11, 2013, the governments filed with the Court written responses to the public comments, along with a motion asking the Court to approve the settlement. EPA has posted these documents to its website for the New Bedford Harbor Superfund Site (<http://www2.epa.gov/new-bedford-harbor>).

On October 10, 2012, the governments lodged the proposed settlement, the Supplemental Consent Decree, with the Court. Under the proposed settlement, AVX will pay \$366.25 million, plus interest, to the United States and the Commonwealth to conduct or finance response actions at the Site. On October 17, 2012, the U.S. Department of Justice published a notice of lodging of the proposed Supplemental Consent Decree in the Federal Register and invited the public to submit comments on the settlement. The public comment period closed on December 17, 2012.

The governments have carefully reviewed and considered all comments received on the Supplemental Consent Decree. As explained in detail in the governments’ Responses to Public Comments and the Motion to Enter Supplemental Consent Decree, the governments have determined that none of the comments warrant the governments’ withdrawal of the Supplemental Consent Decree. Therefore the governments, in the Motion, request that the Court approve the proposed Supplemental Consent Decree.

Going forward, the Court is expected to review the settlement terms, to consider the public comments and the governments’ Responses to Public Comments, and to approve or reject the settlement.

If approved by the Court, the settlement funds will be used by EPA to accelerate the cleanup of New Bedford Harbor.

The Motion to Enter Supplemental Consent Decree, a Memorandum in Support of Motion to Enter Supplemental Decree, attached exhibits including the governments’

detailed Responses to Public Comments, and the comments submitted by the public will be posted on EPA's website for the New Bedford Harbor Superfund Site.

For more information, see the webpage for Harbor cleanup plans and legal/administrative records at EPA's website for the New Bedford Harbor Superfund (<http://www2.epa.gov/new-bedford-harbor/harbor-cleanup-plans-and-legaladministrative-records>):

- The proposed Supplemental Consent Decree with AVX Corporation is available at: <http://www2.epa.gov/sites/production/files/documents/507280.pdf>.
- The governments' Motion to Enter Supplemental Consent Decree will be posted.
- The governments' Memorandum in Support of Motion to Enter Supplemental Consent Decree will be posted.
 - The governments' Responses to Public Comments on the Proposed Supplemental Consent Decree with Defendant AVX Corporation (filed with the Court as Exhibit 1) will be posted.
 - Declaration of Elaine T. Stanley in Support of Motion to Enter Supplemental Consent Decree (filed with the Court as Exhibit 2) will be posted.
 - Declaration of James E. Woolford in Support of Motion to Enter Supplemental Consent Decree (filed with the Court as Exhibit 3) will be posted.
- Comments submitted during the public comment period (other than Buzzards Bay Coalition's and the on-line petition) are available at: <http://www2.epa.gov/sites/production/files/documents/521888.pdf>.
- Comments submitted by the Buzzards Bay Coalition are available at: <http://www2.epa.gov/sites/production/files/documents/521885.pdf>.
- Comments submitted as signatures on an on-line petition are available at: <http://www2.epa.gov/sites/production/files/documents/521887.pdf>.

Previously, EPA issued a press release, a community update, and two documents addressing "frequently asked questions" in order to provide the public with information about the public notice and comment period for the proposed settlement and the process before the Court.

- The October 10, 2012 press release is available at: <http://yosemite.epa.gov/opa/admpress.nsf/0/F2E569434F4428B685257A930063AC45>

- The December 21, 2012 community update is available at:
<http://www2.epa.gov/sites/production/files/documents/521884.pdf>.
- The two documents addressing “frequently asked questions” (dated October 10, 2012 and October 25, 2012) are available at:
<http://www2.epa.gov/sites/production/files/documents/507281.pdf> and
<http://www2.epa.gov/sites/production/files/documents/507282.pdf>.

Reminder: As scheduled several weeks ago, EPA will be holding a community meeting on Thursday, June 13th, at 6 pm at the Fairhaven Town Hall Auditorium at 40 Center Street, Fairhaven, Mass., concerning the New Bedford Harbor Superfund Site. There will be a brief discussion of the status of the proposed settlement at the public meeting, along with the following other topics: an overview of EPA’s 2012 dredging, EPA’s 2013 planned work, an update on the Lower Harbor CAD (confined aquatic disposal) cell, community outreach, and an update by the Massachusetts Department of Environmental Protection.