



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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BOSTON, MASSACHUSETTS 02109-3912

AUG 29 2013

Via First Class Mail and Electronic Mail

Gary L. Gill-Austern, Esq.
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Seaport West
155 Seaport Boulevard
Boston, MA 02210-2604

Re: New Bedford Harbor Superfund Site—Tenth Modification of Effective Date of Unilateral Administrative Order for Remedial Design, Remedial Action, and Operation and Maintenance (U.S. EPA Docket No. CERCLA-01-2012-0045)

Dear Mr. Gill-Austern:

Enclosed please find a copy of the executed Tenth Modification of Effective Date of Unilateral Administrative Order for Remedial Design, Remedial Action, and Operation and Maintenance, U.S. EPA Docket No. CERCLA-01-2012-0045 (“Order”). This is the tenth modification to the effective date of the Order. This tenth modification changes the Order’s effective date from September 3, 2013 to November 1, 2013.

On October 10, 2012, a proposed Supplemental Consent Decree with Defendant AVX Corporation was lodged with the U.S. District Court for the District of Massachusetts that would resolve the dispute between the United States and the Commonwealth of Massachusetts and AVX, including AVX’s liabilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, at the Site. The public submitted comments on the proposed settlement through December 17, 2012. On June 11, 2013, following consideration of the public comments, the United States and the Commonwealth filed a motion to enter the proposed Supplemental Consent Decree. Since then, Buzzards Bay Coalition has filed a motion for leave to intervene as well as a memorandum of law in opposition to the motion to enter the proposed Supplemental Consent Decree. EPA is now extending the effective date of the Order to provide time for the Court to review the proposed settlement.

Please contact Man Chak Ng, EPA Senior Enforcement Counsel, at (617) 918-1785, with any questions.

Sincerely,



James T. Owens, III, Director
Office of Site Remediation and Restoration

Enclosure

cc (via email only):

Mary K. Ryan, Esq., Nutter McClennen & Fish LLP
Elaine T. Stanley, EPA Remedial Project Manager
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