



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

AUG 02 2012

Via First Class Mail and Electronic Mail

Gary L. Gill-Austern, Esq.
Nutter McClennen & Fish LLP
Seaport West
155 Seaport Boulevard
Boston, MA 02210-2604

Re: New Bedford Harbor Superfund Site—Third 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 Third 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 third modification to the effective date of the Order. The first modification was executed on June 18, 2012, and changed the effective date of the Order from sixty (60) days after the date of signature of the Order to the specific date of July 17, 2012. The second modification changed the Order's effective date from July 17, 2012 to July 27, 2012. This third modification changes the Order's effective date from July 27, 2012 to October 1, 2012.

Because AVX Corporation is currently engaged in mediation with the United States and the Commonwealth of Massachusetts to resolve the parties' dispute, including AVX's liabilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, at the Site, EPA is now extending the effective date of the Order to provide additional time for the parties to determine whether a settlement can be reached. Please contact Man Chak Ng, EPA Senior Enforcement Counsel, at (617) 918-1785, with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Owens, III".

James T. Owens, III, Director
Office of Site Remediation and Restoration
U.S. Environmental Protection Agency

Enclosure

cc (via email only):

Mary K. Ryan, Esq., Nutter McClennen & Fish LLP
Elaine T. Stanley, EPA Remedial Project Manager
Man Chak Ng, Esq., EPA Senior Enforcement Counsel
Cynthia Catri, Esq., EPA Senior Enforcement Counsel
Maximilian Boal, Esq., EPA Enforcement Counsel
Keith T. Tashima, Esq., U.S. Department of Justice
Jerry W. MacLaughlin, Esq., U.S. Department of Justice
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Matthew Brock, Esq., Massachusetts Attorney General's Office
Andy Cohen, Esq., MassDEP
Paul Craffey, Project Manager, MassDEP