

One of the settling defendants, AVX Corporation, has been involved during the remedial investigations, feasibility studies and remedy selection process. It submitted extensive comments during the public comment period for this ROD as well as for the hot spot ROD. A summary of its comments pertaining to this remedy and EPA's responses to them are included in the attached Responsive Summary (Attachment A). All of AVX's comments in their original form are included in the Administrative Record for this ROD, which is available for public review at the New Bedford Public Library and at EPA's public record center in Boston, MA.

In April 1990, EPA issued the ROD for the hot spot operable unit of the Site. The hot spot ROD called for dredging and on-site incineration of the Site's most highly PCB-contaminated sediments located adjacent to the Aerovox facility. The ROD specified a 4,000 ppm PCB level to define the sediments to be dredged (sediments below this 4,000 ppm threshold were to be left in place). Dredging of these sediments - about 14,000 cy in volume and 5 acres in area - began in April 1994 and was completed in September 1995. However, due to a vehement and congressionally-supported reversal in local support for on-site incineration during the initial mobilization stage, EPA suspended the incineration component of the hot spot remedy (USEPA, 1995). The dredged hot spot sediments are currently in interim storage in a shoreline confined disposal facility near Sawyer Street in New Bedford until EPA completes the process of selecting an alternate remedy for these sediments.

In 1997 and 1998, additional investigations of the Aerovox and CDE facilities revealed elevated levels of PCBs on various work surfaces and areas of these facilities. Discussions are currently underway between Aerovox, CDE and EPA to address these issues. EPA does not believe that the PCB-contamination of these facilities is impacting the Harbor.

III. Community Relations

Following the 1990 Feasibility Study, EPA published a Proposed Plan for the upper and lower harbor in January 1992. An Addendum to this Plan was published in May 1992 to specifically address the outer harbor following a Supplemental Feasibility Study of this area of the Site, informational public meetings were held on these Plans in January and May, 1992. Public hearings were held in March and June to accept formal comments on the January and May Plans, respectively. The public comment period on the January Plan ran for 164 days beginning March 5, 1992; for the May 1992 Addendum the public comment period ran for 61 days, beginning June 10, 1992. These two comment periods ran concurrently during the final 61 days concluding on July 13, 1992.

In December 1993 EPA and other site stakeholders initiated a professionally mediated Community Forum process as an effort to build lasting consensus for the Site's cleanup. Created to address public concerns raised by the hot spot incineration controversy, the Forum is made up of a wide variety of Site stakeholders, including citizen group leaders, local and state elected officials, business representatives, EPA, the MA DEP and other relevant state and federal agencies. The Forum continues to meet regularly and has expanded its scope to include virtually all Site related issues. The Forum meetings are taped and televised on local cable-access TV to reach as broad an audience as possible. All of the Forum's proceedings regarding ROD 2 - as well as much of those regarding the hot spots - have been documented in the Administrative Record for this second Site ROD.

The Forum turned its attention specifically to ROD 2 in April 1995. Throughout the remainder of 1995 and into the summer of 1996, a series of frequent Forum meetings were held to fully and publicly debate the difficult issues presented by the widespread and severe PCB contamination in the harbor. In July 1996, as a result of this comprehensive focus on ROD 2, all members of the Forum documented their consensus on a proposed cleanup approach for the upper and lower harbor. This consensus building with the Forum resulted in a reconfiguration of the conceptual CDF locations and an agreement by EPA to continue the evaluation of sediment treatment technologies, especially until such time as the final CDF caps are in place. The Forum's ROD 2 consensus agreement is also included in the Administrative Record.

In addition to these Community Forum efforts, an independent panel session on CDFs and the Site was assembled by a local non-profit organization, Sea Change, Inc. Sea Change held this public panel session in November 1995 in which six experienced panelists from academia and private consulting firms discussed the Site and CDFs in general as well as other remedial alternatives and answered questions from the audience. The panel generally supported a CDF-based cleanup of the site. As with the Forum's activities, the Sea Change meeting is described in the Administrative Record documents, and video tapes of the meeting are available.

EPA also held two well-advertized public informational meetings of its own in November 1995 and November 1996, both of which were immediately preceded by open house sessions where the general public was welcome to view informational posters about the site. At both these meetings the public was invited to ask questions pertaining to the Site. Based on comments from the 1992 Proposed Plans and input from the community Forum, EPA issued a revised Proposed Cleanup Plan for this operable unit in November 1996. A public hearing on this revised Plan was held on November 20, 1996 for the solicitation of formal oral comment on the Plan. The public comment period (for submission of formal written comments) ran until February 3, 1997. All formal

**EPA Superfund
Record of Decision:**

**NEW BEDFORD
EPA ID: MAD980731335
OU 01
NEW BEDFORD, MA
09/25/1998**