



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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JAN - 3 2013

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—Sixth 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 Sixth 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 sixth modification to the effective date of the Order. This sixth modification changes the Order’s effective date from January 2, 2013 to March 1, 2013.

On October 10, 2012, a proposed Supplement 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. On October 17, 2012, notice of the proposed Supplement Consent Decree was published in the Federal Register, which began the 30-day public notice-and-comment period; by a notice published in the Federal Register on November 8, 2012, the comment period was extended to December 17, 2012. EPA is now extending the effective date of the Order to provide time for the consideration of the submitted public comments, and, if appropriate, the Court’s review of the proposed settlement. Please contact Man Chak Ng, EPA Senior Enforcement Counsel, at (617) 918-1785, with any questions.

Sincerely,

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

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
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
Bradley Levine, Esq., U.S. Department of Justice
Matthew Brock, Esq., Massachusetts Attorney General's Office
Andy Cohen, Esq., MassDEP
Paul Craffey, Project Manager, MassDEP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1 – EPA New England
5 Post Office Square, Suite 100
Boston, MA 02109

In the Matter of:)
)
)

New Bedford Harbor Superfund Site,)
Upper and Lower Harbor Operable Unit)
)

AVX Corporation,)
Respondent)
)

U.S. EPA Docket No.
CERCLA-01-2012-0045

Proceeding Under Section 106(a) of the Comprehensive)
Environmental Response, Compensation, and Liability Act)
of 1980, as amended (42 U.S.C. § 9606(a)))
_____)

SIXTH MODIFICATION OF EFFECTIVE DATE OF
UNILATERAL ADMINISTRATIVE ORDER
FOR REMEDIAL DESIGN, REMEDIAL ACTION, AND OPERATION AND
MAINTENANCE

On November 1, 2012, the Unilateral Administrative Order for Remedial Design, Remedial Action, and Operation and Maintenance (“Order”), issued by EPA on April 18, 2012 (CERCLA 01-2012-0045), was modified to change the effective date of the Order from November 1, 2012 to January 2, 2013 (see “Fifth Modification of the Effective Date of the Unilateral Administrative Order for Remedial Design, Remedial Action, and Operation and Maintenance” signed by the Director of the Office of Site Remediation and Restoration on November 1, 2012).

Pursuant to Paragraph 183 of the Unilateral Administrative Order for Remedial Design, Remedial Action, and Operation and Maintenance (“Order”), issued by EPA on April 18, 2012 (CERCLA 01-2012-0045), and consistent with the delegations specified in Paragraph 1 of the Order, Paragraph 192 in Section XXXIV (Effective Date and Computation of Time) of the Order is hereby modified to change the effective date as specified below. Specifically, Paragraph 192 of the Order is stricken in its entirety and replaced with the following:

192. This Order shall be effective on March 1, 2013. All times for performance of obligations under this Order shall be calculated from that effective date, unless the Order (including the SOW) specifies otherwise.

This modification is hereby incorporated into the Order and enforceable under it. All other provisions of the Order are unchanged.

So Ordered, this 3rd day of January, 2013.



By:
James T. Owens, III, Director
Office of Site Remediation and Restoration
U.S. Environmental Protection Agency
Region 1