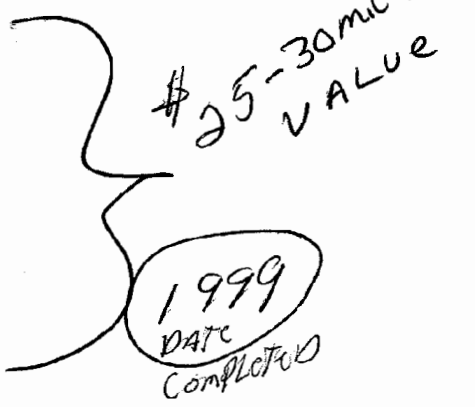
DEAR THE DEPARTMENT OF JUSTICE,

THIRTY YEARS IS A LONG TIME TO WAIT FOR THE HAND OF JUSTICE.MY NAME IS THOMAS A. KENNEDY,(NO RELATION TO THE HYANNIS KENNEDY"S), AND FOR THAT LENGTH OF TIME HAVE BEEN BATTLING TO RECTIFY AN INJUSTCE CAUSED BY THE PCB CONTAMINATION INTO THE ACUSHNET RIVER. MY BACKGROUND INCLUDES SERVING ON THE NEW BEDFORD CITY COUNCIL 1979-1983. I AM GRATEFUL TO BE ABLE TO COMMENT ON THE NEW SETTLEMENT AGREEMENT BETWEEN THE U.S. AND A.V.X.(366MILLION DOLLARS).
MY REMARKS TODAY ARE SPECIFALLY CONCERNING THE 110MILLION QUOHOGS(SHELLFISH)NONHARVETABLE OR DESTROYED IN THE DREDGING PROCESS TO DATE.WHEN I SERVED ON THE CITY COUNCIL I WAS CHAIRMAN OF THE SHELLFISH COMMITTEE AND WAS HEARTENED BY THE ORIGINAL CONSENT DECREE BY JUDGE YOUNG.JUDGE YOUNG STATED THAT THE SET ASIDE FUNDS COULD ONLY BE USED TO RESTORE ,REPLACE, OR ACQUIRE THE EQUIVALENT OF THAT WHICH WAS DAMAGED BY THE PCB CONTAMINATION.AVX AGREED TO 66 MILLIONDOLLARS AND THE JUDGE SET ASIDE AND ADDITIONAL 6.7 MILLION FORDAMAGE TO NATURAL RESOURCES OR 10% APPROXIAMATELY.THESE SET ASIDE FUNDS WERE COMBIMED WITH OTHERS AND FOR THE LAST TWENTY YEARS WERE DISPERSED FOR VARIOUS ENVIRONMENTAL PROJECTS IN THE ACUSHNET RIVER WATERSHED BY THE HARBOR TRUSTEE COUNCIL.AS THE HTC DIMINISHED THE RELAVANCE OF SHELLFISH CONTAMINATION BY NOT RECOGNIZING "THE POINT OF INJURY" ASPECT WHATSOEVER IN THE ORIGINAL, THEY JUST CONTINUED TO IGNORE IT THROUGHOUT THE GRANTMAKING PROCESS. WE UNDERSTOOD AT THE TIME THAT TORESTORE AND REPLACE OR EVEN ACQUIRE THE EQUIVALENT OF 110 MILLION QUOHOGS WOULD LEAVE NO FUNDS FOR ANYTHING ELSE.WE WERE PATIENT AS THEY STATED, WELL THE DAMAGE ASSESSMENT OF THE AREA HADNT BEEN COMPLETED YET.INITIALLY THIS WAS THE RESPONSIBILITY OF THE DEPARTMENT OF INTERIOR WHO THEN PASSED IT OFF TO THE HTC.BY THE TIME THE SECOND ROUND OF FUNDING CAME AND WENT IN JANUARY 2001(EXHIBIT A)THEIR OWN DOCUMENT STATED THAT THE ASSESSMENT HADNT BEEN COMPLETED.WE KNEW BETTER. A DOCUMENT ON SHELLFISH STOCK ASSESSMENT WAS COMPLETED WITH THEIR FUNDING IN 1999. IT IS TITLED "CROP SURVEY" BY DAVE WHITTAKER JUNE 6, 1999. IF YOUR INTERESTED ITS ON PAGE 8.THE BREAKDOWN IS AS FOLLOWS;

SEED	16million680thousand
LITTLE NECKS	21MILLION346 thousand
CHERRY STONES	28MILLION330 thousand
CHOWDERS	44 MILLION



SDMS Doc ID 538614

SUPP-CD-PUBCOM000001

THE FUNDING THAT WAS RECEIVED WAS FOR PROJECTS OUTSIDE THE INNER HARBOR AS THE ENTIRE STOCK JUST MENTIONED CAN NEVER BE HARVESTED AND MOST OF IT ALREADY DESTROYED BY EPA DREDGING.THIS POINT OF INJURY ASPECT MUST BE CONSIDERED BY THE JUDGE AS HIS WISDOM IN THIS SETTLEMENT OF 366MILLION GETS HIS OR HER REVEIW.BELIEVE ME WE UNDERSTAND THE EVOLUTION OF THE CERCLA REGULATIONS AND HOW THEY MAY EFFECT THE CURRENT SETTLEMENT PARTICULARLY IF NO SET ASIDE SPECIFICALLY FOR SHELLFISH IS GRANTED. JUST IMAGINE IF NONE IS GRANTED. THE EPA CAN THEN STATE THAT THERE WERE NO INJURIES TO THE SHELLFISH IN THE INNER HARBOR DUE TO CONTAMINATION OF PCBS.YOU KNOW THEY WOULD BE RIGHT BECAUSE DAMAGES UNDER CERCLA ARE ONLY COUNTED WHEN THERE IS COMPENSATION .NO COMPENSATION NO DAMAGES.NO DAMAGES NO INJURY.THIS IS WHY THAT WHOMEVER IS READING THIS COMMENT THAT SOME HOW THE JUDGE REVIEWING THIS SETLLEMENT CAN RECTIFY THE SHELL FISH DILEMNA.

CERCLA ALSO HAS WITHIN IT"S EVOLVING REGULATIONS A NOTION OF "DISCOVERY"WHICH CAN BE HELPFUL CONCERNING OUR PLEA.COMMONLY REFERRED TO AS THE SOUTH TERMINAL PROJECT, A CONSULTING FIRM HAD TO PERFORM A SHELLFISH SURVEY TO DETERMINE HOW MUCH STOCK IN THE SOUTHERNMOST AREA OF THE INNER HARBOR WOULD BE EFFECTED BY THE SUBSEQUENT DREDGING OF THIS MOST IMPORTANT PROJECT THAT WE ARE ALL IN FAVOR OF. MITIGATION TOOK PLACE AND FOR 5 MILLION SHELLFISH THAT WOULD BE DISPLACED 25 MILLION SEED WOULD BE USED TO REPLACE THE FIVE MILLIONSTOCK. A DERIVATIVE PROCESS WAS USED AND LIKE MOST DERIVATIVES VALUATIONS BECOME PERVERTED AND WHEN IT COMES TO LIVE ORGANISMS THAT PERVERSION BECOMES FURTHER PERVERTED BECAUSE OF MORTALITY RATES IN RESEEDING.CERCLA ALLOWS FOR THE DERIVATIVE PROCESS.WE DIDNT LIKE IT BUT BECAUSE OF THE IMPORTANCE OF THE OVERALL PROJECT WE WERE GLAD TO SUPPORT IT. WE ALSO HAVENT BEEN INFORMED OF WHERE THE FUNDING FROM THE DERIVATIVE RESEEDING WILL COME FROM SINCE IT IS SEPERATE AND DISTINCT FROM THE CURRENT SETTLEMENT BEFORE YOU. I MENTION IT BECAUSE IT IS THE FIRST TIME ANY COMPENSATION HAS BEEN GRANTED FOR SHELLFISH STOCK IN THE INNER HARBOR AND HOPEFULLY CAN BE USED FOR DISCOVERY PURPOSE.(THE CONSULTING COMPANY THAT PERFORMED THAT SURVEY IS CALLEDAPEX)EXHIBIT B EPA DRAFT DETERMINATION P.29.

IN CLOSING WE BELIEVE THE JUDGE CAN SET ASIDE AS PER THE ORIGINAL CONSENT DECREE, A CERTAIN AMOUNT OF FUNDS TO BE PLACED IN AN ESCROW ACCOUNT SPECIFICALLY FOR SHELLFISH RESTORATION IN CLEAN WATERS IN THE CITY OF NEW BEDFORD IN AN ATTEMPT TO MAKE WHOLE THAT WHICH WAS DESTROYED BY THE PCB CONTAMINATION.UNDERSTANDING THAT THE FIGURE WOULD BE IN THE TENS OF MILLIONS OF DOLLARS WE ARE NOT ASKING FOR THAT. WE ARE ASKING THAT YOU WHO ARE READING THIS MAKE AN DETERMINED EFFORT TO GET THIS INFORMATION BEFORE THE JUDGE SO THAT JUSTICE CAN FINALLY BE SERVED.OUR RECOMMENDATION IS THAT AN ESCROW ACCOUNT BE ESTABLISHED RESTRICTED FOR SHELLFISH IN NEW BEDFORD WATERS IN THE AMOUNT OF 15 MILLION DOLLARS WITH ONLY THE MAYOR OF THE CITY AND THE REGIONAL DIRECTOR OF THE DEPARTMENT OF MARINE SERVICES BEING ABLE TO ACCESS THIS ACCOUNT.FURTHER THAT ALL FUNDS BE USED FOR

SHELLFISG PROPAGATION INCLUDING SEEDING AND TRANSPLANTING.

THANK YOU FOR YOUR TIME.

RESPECTFULLY,

THOMAS A. KENNEDY
78ELLEN ST 2ND FLOOR EAST
NEW BEDFORD, MASS.
02744

TEL508-9927948

ps WE SUPPORT THE SETTLEMENT AND HOPE THEIR IS A SET ASIDE!

INITIAL SETTLEMENT WOEFULLY INADEQUATE
AND SO WAS ORIGINAL SETASIDE TK

This is from NBHTC, JAN. 2001 Re LACK of FULL DAMAGE Assessment
IT WAS THE FIRST DISCLOSURE AND AFTER HTC SETUP!

(A)

RP/EIS Section 3.5.1.2, EPA has informally estimated that once the cleanup is completed, water quality target levels for PCBs may take another ten years to achieve (Dickerson, PC, 1996). The Harbor cleanup will reduce the concentration and volume of PCBs, but residual PCBs will continue to remain and affect natural resources for an additional 16-100 years.

2.2 The Preferred Alternative: Natural Resource Restoration

Funds to restore injured natural resources are available from settlements with the parties responsible for releasing contaminants into the New Bedford Harbor Environment. The Trustee Council has the legal responsibility to use this money to restore, replace or acquire the equivalent of the natural resources that were injured.

Natural resource restoration will accelerate the natural recovery process and, in turn, should lead to additional economic benefits through increased use and greater confidence in the health of the Harbor. The sooner injuries can be corrected through cleanup efforts and natural resource restoration, the sooner natural resources can thrive in a healthy environment. Such an environment will support larger populations of marine organisms, healthier individuals and a greater diversity of species. This will also lead to increasing the services provided by the natural resources such as, *inter alia*, fishing, shoreline use and boating.

(2001)

* Due to time constraints and settlement of the litigation, the damage assessment performed was incomplete and was a generalized approach for determining the impacts of the contamination on natural resources. It remains for the Trustee Council to determine the best approach for restoration. Other environmental impacts are present in the area which may mask or increase the impacts of PCB contamination. Historical information does not describe the quality to which resources should be restored. Accordingly, the preferred approach is to take a holistic view and address natural resource restoration opportunities throughout the affected environment. This will provide ecological benefits throughout the watershed while having additional positive effects on the human environment.

Projects will be selected to address the restoration priorities (RP/EIS Section 2.2.6) and by applying the selection criteria (RP/EIS Section 2.2.5). The restoration priorities have equal weight under this approach, which promotes a broad perspective for the restoration actions. Projects may be distributed throughout the affected environment or the supporting environment if that environment contains affected natural resources.

2.3 Specific proposals/alternatives

SUPP-CD-PUBCOM000004

PLEASE CONSIDER THIS } DISCOVERY ISSUE (B)

In general, stormwater will be rerouted around the construction area using swales, diversions, checkdams and temporary sediment basins. Sediment and erosion controls will prevent sediment runoff into the Harbor waters without prior treatment for suspended solids and other TMDL limits. Outfalls in the northern portion of the proposed CDF will be extended through the new sheet pile wall to ensure stormwater does not discharge into the bulkhead area. Existing pipelines will be modified and strengthened or replaced as necessary to accommodate loads from filling, storage, truck traffic and heavy equipment, including the 600 ton cranes needed to transfer wind turbine equipment on and off the proposed CDF from and back onto vessels waiting along the bulkhead.

An Activity and Use Limitation pursuant to M.G.L. c. 21E will be recorded for the entire filled and upland area of the terminal. Any development or activity on the proposed CDF shall be designed, implemented and maintained in a manner to prevent any release or exposure to any material contaminated with PCBs at greater than 1 ppm concentration. Institutional controls will be implemented that prohibit use or contact with groundwater, that prohibit activities that would adversely affect the cap, and that prohibit any land use activities that were not considered as part of the TSCA determination. Once completed, the Commonwealth will secure a M.G.L. c.91 license as well as other regulatory permits for use of the CDF.

ITEM 4 WAS DETERMINED BY WHAT THEY FOUND IN THE SHELLFISH SURVEY, THE ONLY SURVEY KNOWN TO THE PUBLIC AS OF THIS DATE, 10/20/12

Mitigation Measures

To compensation for impacts caused to resource areas, the Commonwealth is required to implement the following mitigation measures:

1. Creation/enhancement of 4.47 acres of intertidal habitat and 14.91 acres of subtidal habitat south of the hurricane barrier in the area of the Superfund pilot cap;
2. Creation/enhancement of 1.9 acres of a combination of successional marsh in a tidal tributary along the western end of the hurricane barrier;
3. Creation of 22.73 acres of winter flounder habitat in the Outer Harbor
4. EPA recommends reseeding of 24,542,803 shellfish over 10 years given the expected 40% survival rate; and
5. Completion of Tern Monitoring Program

10% SURVIVES

Addition of clean sand to existing Superfund pilot cap located south of hurricane barrier to create or enhance 19.38 acres of aquatic habitat: This mitigation will consist of creation/enhancement of 4.47 acres of intertidal habitat and 14.91 acres of subtidal habitat through the placement of suitable dredged material outside the Harbor, adjacent to the hurricane barrier between the barrier and the existing Superfund pilot cap[30]. This mitigation creates intertidal and subtidal areas with clean sand generated from dredging activities while simultaneously capping and isolating sediments with less than 10 ppm

[30] Page 6 of the 1998 ROD identified two areas located just south of the hurricane barrier in the outer harbor as containing sediment with PCB concentrations greater than the lower harbor cleanup level of 50 ppm and determined that these areas would be addressed on an interim basis as part of the remedy. A pilot underwater cap was placed in 2005 over one of the areas of contaminated sediment to evaluate the performance of an underwater cap in the outer harbor. See Figure7 for location of the cap. Additional information about the pilot underwater cap may be found at www.epa.gov/nbh.

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PCB contamination. This will enhance spawning and foraging areas for winter flounder, scup, black sea bass and windowpane flounder, shellfish habitat, and horseshoe crab habitat. See Attachment A of the Commonwealth's June 29, 2012 submittal for engineering plans for this area.

Hurricane barrier vegetated swale rehabilitation and restoration: Conditional upon the U.S. Army Corps of Engineers' concurrence, in accordance with 33 U.S.C. § 408 that the channel design will have no adverse effect on the operation of the Hurricane Barrier, this mitigation will consist of creation/enhancement of 1.9 acres of a combination of successional marsh area (mudflat, low marsh, high marsh, and transitional area) within the tidal tributary area behind the hurricane barrier between Cove and Gifford Streets. This involves removal of some of the PCB contaminated sediment that has filled the tributary, disposal of that material in CAD cell 3 and capping the area with clean material and grading to prevent direct contact with the remaining residual impacted sediment. Replanting with native wetland plants and installation of a public access walkway/bike path adjacent to the newly created marsh area will also be part of this mitigation measure. A monitoring program will be implemented to protect against invasive species. This mitigation measure will enhance the hydraulic capacity of the tidal tributary to transport stormwater from behind the Barrier and will enhance spawning and foraging areas for winter flounder, scup, black sea bass and windowpane flounder, and enhance foraging area for avian wildlife identified within the resource delineation. See Attachment A of the Commonwealth's June 18, 2012 submittal for plans and cross-sections for these mitigation activities.

Creation of 22.73 acres of winter flounder habitat in Outer Harbor:[31] This measure consists of filling a relative depression west of the Federal Channel, immediately north of the Butler Flats lighthouse. The eastern edge of the area to be filled (the edge closest to the channel) is 90 feet from the western boundary of the Federal Channel. Clean navigational dredged fill will be placed in this area to raise the elevation from -20 MLLW to a depth of approximately -16.4 MLLW.

Shellfish seeding: To compensate for the approximately 9,817,121 shellfish lost during filling and/or dredging operations, the seeding proposed is designed to provide between 1,000,000 and 2,000,000 seed per year for the next five to ten years in order to provide approximately 9,817,121 seed for this project. See Attachment E of the Commonwealth's June 18, 2012 submittal and Attachment A of the June 29, 2012 submittal for engineering plans for this area. Given the expected 40% survival rate, EPA recommends reseeding of 24,542,803 shellfish over 10 years to replace 9,817,121 impacted shellfish.

Completion of the Tern Monitoring Program: The Commonwealth is proposing a survey to confirm the presence of foraging habitat as well as tern use of the area. As terns are migratory birds, the best time to conduct the survey would be from May to mid June timeframe with boat transects completed once every 2 weeks to count the type and number of terns flying over the transect. If this proposed Project is approved, the Commonwealth anticipates conducting the survey during the Spring/Summer of 2013.

[31] Acreage proposed for Winter Flounder habitat was increased from the original 17.73 acres presented by the Commonwealth in its January 18, 2012 submittal to the present 22.73 acres in its June 18, 2012 submittal. The additional mitigation was added to compensate for the potential federal channel dredging and potential widening and deepening of the deep draft channel; however, because this additional work is uncertain at this time, there is no commitment from the Commonwealth to perform this increased mitigation work.

SUPP-CD-PUBCOM000006

SUPP-CD-PUBCOM000007



T. Kennedy
78 Ellen St, 2nd Fl East
New Bedford, Mass 02744

Re: AVX Comment Period

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BubbleWrap BRAND INSIDE!

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10/31/12

Tashima, Keith (ENRD)

Subject: FW: EPA, Region 1, Insufficient Settlement To Remove All PCB Sediments Offsite

----- Forwarded by ManChak Ng/R1/USEPA/US on 10/12/2012 09:07 AM -----

From: David Dowton/DC/USEPA/US
To: ManChak Ng/R1/USEPA/US@EPA
Date: 10/11/2012 08:41 AM
Subject: Fw: EPA, Region 1, Insufficient Settlement To Remove All PCB Sediments Offsite

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To: Lisa P. Jackson
EPA Chief Administrator

Hands Across the River Coalition has reviewed the EPA Settlement amount of $366,250,000.00 for the cleanup of New Bedford Harbor's Superfund Site. This figure is grossly inadequate for the complete removal of all PCB sediments offsite to a TSCA approved landfill. By burying 300,000 cy of PCB sediments in our lower harbor and placing more PCB sediments in CDF's along the shoreline keeps this deadly material in our waterway and will contaminate our air while removing the PCB sediments to a CAD cell. This will have a long term health impact on our community now and in the future.

The EPA was in a prime position to negotiate sufficient monies from AVX, the responsible party, to cover complete removal of all PCB sediments offsite. In addition, this amount of money will not cover ever increasing costs over the proposed next several years to do this work.

H.A.R.C. has not been receiving any communication from Region 1, informing of us of all meetings regarding the harbor including press conferences. We have not received any emails from them at all. We are an environmental justice organization with P.A.C.E. as our fiscal sponsor and have been active with this site for over 25 years. We have not been included in any of the negotiations with AVX for sufficient funding for complete cleanup of our harbor. How does this follow the EJ order given to the EPA when we represent a large EJ community?

We look forward to your immediate assistance with this matter. Thank you.

Cordially,

Karen A. Vilandry
Vice President
Hands Across the River Coalition

To: Rachel Jakuba <jakuba@savebuzzardsbay.org>, "john.anderson@newbedford-ma.gov" <john.anderson@newbedford-ma.gov>, "jarruda@emienergy.com" <jarruda@emienergy.com>, "pierreB@maritimeinternational.org" <pierreB@maritimeinternational.org>, "walter.bohlen@uconn.edu" <walter.bohlen@uconn.edu>, "jborkland@apexcos.com" <jborkland@apexcos.com>, "wbosworth@metrocast.net" <wbosworth@metrocast.net>, "starstripe@comcast.net" <starstripe@comcast.net>, "ellen.cebula@state.ma.us" <ellen.cebula@state.ma.us>, "news@wbsm.com" <news@wbsm.com>, "shellfish@fairhaven-ma.gov" <shellfish@fairhaven-ma.gov>, "cdade@chuckdade.com" <cdade@chuckdade.com>, "dmmd55@comcast.net" <dmmd55@comcast.net>, "neast@northeastmaritime.com" <neast@northeastmaritime.com>, "louis.elisa@state.ma.us" <louis.elisa@state.ma.us>, "ken.finkelstein@noaa.gov" <ken.finkelstein@noaa.gov>, "robert@baylineboatyard.com" <robert@baylineboatyard.com>, "gharper@apexcos.com" <gharper@apexcos.com>, "cheryl.henlin@newbedford-ma.gov" <cheryl.henlin@newbedford-ma.gov>, "david.janik@state.ma.us" <david.janik@state.ma.us>, "bjoe57@hotmail.com" <bjoe57@hotmail.com>, "lacombe56@comcast.net" <lacombe56@comcast.net>, Dave Lederer/R1/USEPA/US@EPA, "paul.g.l'heureux@usace.army.mil" <paul.g.l'heureux@usace.army.mil>, "carolyn@communityrowing.org" <carolyn@communityrowing.org>, "kevin@fairhavenshipyard.com" <kevin@fairhavenshipyard.com>, "dmedeiros@northeastmaritime.com" <dmedeiros@northeastmaritime.com>, "monte727@aol.com" <monte727@aol.com>, "kevin.p.mooney@state.ma.us" <kevin.p.mooney@state.ma.us>, "cmyers@apexcos.com" <cmyers@apexcos.com>, "snilson@cleengineering.com" <snilson@cleengineering.com>, Kelsey ONeil/R1/USEPA/US@EPA, "jpederso@mit.edu" <jpederso@mit.edu>, "tpickering@apexcos.com" <tpickering@apexcos.com>, "bllmeone@aol.com" <bllmeone@aol.com>, "krose02740@yahoo.com" <krose02740@yahoo.com>, "broth@fairhaven-ma.gov" <broth@fairhaven-ma.gov>, "thomas.shields@state.ma.us" <thomas.shields@state.ma.us>, ElaineT Stanley/R1/USEPA/US@EPA, "ewashburn@newbedford-ma.gov" <ewashburn@newbedford-ma.gov>, Kimberly White/R1/USEPA/US@EPA, "cantwellgreg@yahoo.com" <cantwellgreg@yahoo.com>, "Rasmussen@savebuzzardsbay.org" <Rasmussen@savebuzzardsbay.org>, "mclifford@jaycashman.com" <mclifford@jaycashman.com>, Robert Shewack/R1/USEPA/US@EPA, "Mark.gouveia@jacobs.com" <Mark.gouveia@jacobs.com>, "Sal42856@gmail.com" <Sal42856@gmail.com>, "linbergmarine@comcast.net" <linbergmarine@comcast.net>, "anne@newbedfordcommunityrowing.org" <anne@newbedfordcommunityrowing.org>, Jim Murphy/R1/USEPA/US@EPA, David Peterson/R1/USEPA/US@EPA, "rosannem@maritimeinternational.org" <rosannem@maritimeinternational.org>, "joseph.coyne@state.ma.us" <joseph.coyne@state.ma.us>, "harcnb@aol.com" <harcnb@aol.com>, "jonah.mikutowicz@agmmarine.com" <jonah.mikutowicz@agmmarine.com>, "paul.craffey@state.ma.us" <paul.craffey@state.ma.us>, "mpbrown@waterviewsllc.com" <mpbrown@waterviewsllc.com>, "towboatnb@msn.com" <towboatnb@msn.com>, "neil.churchill@state.ma.us" <neil.churchill@state.ma.us>, "awittenberg@s-t.com" <awittenberg@s-t.com>, Margaret McDonough/R1/USEPA/US@EPA, "Ronald.marnicio@tetratech.com" <Ronald.marnicio@tetratech.com>, "Judith.leclair@urs.com" <Judith.leclair@urs.com>, "Mikaela.mcdermott@newbedford-ma.gov" <Mikaela.mcdermott@newbedford-ma.gov>, "Bill.white@state.ma.us" <Bill.white@state.ma.us>, "Henry.Bousquet@newbedford-ma.gov" <Henry.Bousquet@newbedford-ma.gov>, Natalie Sherman <nsherman@s-t.com>, Channel 10 <10@wjar.com>, Channel 12/FOX <desk@wpri.com>, Channel 6 <news@abc6.com>, WBSM <wbsm.news@townsquaremedia.com>, Jim Phillips <jim.phillips@townsquaremedia.com>, Phil Paleologos <phil@townsquaremedia.com>, Hands Across the River <HARCNB@aol.com>, Ed Rivera <bllmeone@aol.com>, "Ericson

\(DEP\)" <benjamin.ericson@state.ma.us>, Ken Kimmell <Ken.Kimmell@State.MA.US>, Jack Richard <jack_richard@scottbrown.senate.gov>, "Richard Sullivan Jr." <Rick.Sullivan@massmail.state.ma.us>, Governor Deval Patrick <constituent.services@state.ma.us>, Martha Coakley <ago@state.ma.us>, LisaP Jackson/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, NAACP Washington Bureau <washingtonbureau@naacpnet.org>, Washington National <national@washpost.com>, Tom Kerns <tkerns@environmentandhumanrights.org>, Environment Massachusetts Regional Director Johanna Neumann <action@environmentmassachusetts.org>, WORKING GROUP ENVIRONMENTAL <ewg@ewg.org>
From: Karen Vilandry <kav704@yahoo.com>
Date: 10/24/2012 11:44PM
Subject: Re: New Bedford Harbor CAD cell review update

Hello Everyone,

There you have it! Still another expert who has reviewed the air assessments of the EPA as insufficient and even outdated. This is not protective of human health as they are ordered to do under Environmental Justice or any other federally mandated law.

Please be reminded, the EPA has also allowed the MA DEP to bury over 50 PPM and even 100 PPM of PCB contaminated sediments in their DEP CAD cells near Popes Island from mechanically dredging the lower harbor for the navigational dredging project. This information was/is not released to the public and the dredge site uses no air monitors there or along the journey to the CAD cells. Ironically, I have just learned of still another cancer cluster along Fort Street in Fairhaven, MA which parallels the harbor. You can't argue that this is coincidental.

The proposed South Terminal Project will again use a mechanical dredge to remove PCB sediments from that area on the north side of the hurricane barrier. That will be another DEP CAD cell constructed to hold this deadly material making it number 5 CAD cell.

Still remaining is the large acreage of PCB sediments buried in the harbor near Cornell Dubilier lightly covered with sand which sways with the tides. This was the test CAD cell or depression. Directly across the harbor to Fairhaven is the Sconticut Neck Road area extending off which Manhattan Avenue and all streets along and leading to the harbor have yet another cancer cluster. Pay attention to this. The mechanical dredging that took place carrying over the PCB sediments to the Cornell Dubilier area didn't occur without consequences. Was there an air monitor and if so, was it also outdated? The EPA uses no air monitors on the Fairhaven side south of the Route 6 bridge. They don't seem to be concerned about prevailing winds leading to that area or even the high school in Fairhaven, one

block away from the harbor near the Route 6 bridge.

In view of the $366 million settlement proposed by AVX to forever remove them from further litigation, that figure is grossly inadequate to remove all PCB sediments from the harbor to a TSCA approved offsite landfill. We cannot have this deadly material buried in our river forever nor can we allow the EPA to bury us by knowingly contaminating our air and water with this method of disposal into a CAD cell.

Cordially,

Karen A. Vilandry
Vice President
Hands Across the River Coalition

34 Huttleston Avenue
Fairhaven, MA 02719
USA
Tel. 508-951-1184
Email: kav704@yahoo.com

From: Rachel Jakuba <jakuba@savebuzzardsbay.org>
To: john.anderson@newbedford-ma.gov; jarruda@emienergy.com; pierreB@maritimeinternational.org; walter.bohlen@uconn.edu; jborkland@apexcos.com; wbosworth@metrocast.net; starstripe@comcast.net; ellen.cebula@state.ma.us; news@wbsm.com; shellfish@fairhaven-ma.gov; cdade@chuckdade.com; dmmd55@comcast.net; neast@northeastmaritime.com; louis.elisa@state.ma.us; ken.finkelstein@noaa.gov; robert@baylineboatyard.com; gharper@apexcos.com; cheryl.henlin@newbedford-ma.gov; david.janik@state.ma.us; bjoe57@hotmail.com; lacombe56@comcast.net; Lederer.Dave@epamail.epa.gov; paul.g.l'heureux@usace.army.mil; carolyn@communityrowing.org; kevin@fairhavenshipyard.com; dmedeiros@northeastmaritime.com; monte727@aol.com; kevin.p.mooney@state.ma.us; cmyers@apexcos.com; snilson@cleengineering.com; oneil.kelsey@epa.gov; jpederso@mit.edu; tpickering@apexcos.com; bllmeone@aol.com; krose02740@yahoo.com; broth@fairhaven-ma.gov; thomas.shields@state.ma.us; stanley.elainet@epa.gov; kav704@yahoo.com; ewashburn@newbedford-ma.gov; white.kimberly@epa.gov; cantwellgreg@yahoo.com; Rasmussen@savebuzzardsbay.org; mclifford@jaycashman.com; Shewack.robert@epa.gov; Mark.gouveia@jacobs.com; Sal42856@gmail.com; linbergmarine@comcast.net; anne@newbedfordcommunityrowing.org; Murphy.jim@epa.gov; Peterson.david@epa.gov; rosannem@maritimeinternational.org; joseph.coyne@state.ma.us; harcnb@aol.com; jonah.mikutowicz@agmmarine.com; paul.craffey@state.ma.us; mpbrown@waterviewsllc.com; towboatnb@msn.com; neil.churchill@state.ma.us; awittenberg@s-t.com; mcdonough.margaret@epa.gov; Ronald.marnicio@tetratech.com; Judith.leclair@urs.com; Mikaela.mcdermott@newbedford-ma.gov; Bill.white@state.ma.us; Henry.Bousquet@newbedford-ma.gov

Sent: Wednesday, October 24, 2012 4:54 PM
Subject: New Bedford Harbor CAD cell review update

Hello All –
I want to provide you with an update on our technical review of the EPA's lower harbor CAD cell. The EPA has released the design plans for the CAD cell (see below). Dr. Frank Bohlen is currently reviewing the design plans. In addition, we have received Dr. Noelle Selin's review of EPA's air risk analysis. I've attached her review and a summary of her review that we prepared.

In the wake of EPA's announcement of a settlement with AVX, we need to move quickly to complete our review of the CAD. We are working to connect EPA's technical experts with ours in order get responses from the EPA on the issues we are raising. We will make sure to pass on that information as we receive it. At this point we are planning to do that primarily via email rather than meetings.

EPA's CAD Cell design plans are available under the headings Technical Workgroup Documents, EPA CAD cell docs at:
http://www.epa.gov/nbh/lhcadcell.html#TechnicalWorkgroupDocuments
The EPA is accepting comments on the CAD cell design plans until November 28, 2012.

Kind regards,
Rachel

Rachel Wisniewski Jakuba, PhD, Vice President, Advocacy
BUZZARDS BAY COALITION
Main - 114 Front Street, New Bedford, MA 02740
Cape - 21 Luscombe Avenue, Woods Hole, MA 02543
Tel - 508-999-6363 x.229
www.savebuzzardsbay.org

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

October 25, 2012

Karen A. Vilandry
Vice President
Hands Across the River Coalition
34 Huttleston Ave.
Fairhaven, MA 02719

Re: New Bedford Harbor Superfund Site—October 10, 2012 Letter to EPA Administrator Lisa P. Jackson

Dear Ms. Vilandry:

EPA Region 1 is writing in response to your letter to EPA Administrator Lisa P. Jackson, dated October 10, 2012, regarding the governments' settlement with AVX Corp. that was lodged with the U.S. District Court for the District of Massachusetts on that same day. This settlement is subject to a 30-day public comment period, which began on October 17, 2012. EPA appreciates your comment. While your letter was submitted before the public comment period, we have forwarded a copy to the U.S. Department of Justice, and it will be considered along with other comments submitted during the 30-day public comment period.

EPA has posted on the New Bedford Harbor Site's webpage (http://www.epa.gov/nbh/) two sets of frequently asked questions (FAQs) and answers about the settlement and the cleanup, which I am enclosing with this letter. I hope that these FAQs provide useful information.

Finally, you mentioned a few other issues in your October 10, 2012 letter that I would like to address. I want to clarify that neither EPA nor the U.S. Department of Justice held or participated in any press conference regarding this settlement. Regarding settlement discussions with AVX, the fact that settlement discussions have taken place is not confidential, but the contents of these discussions are confidential and subject to a mediation agreement.

Please contact Kelsey O'Neil, Community Involvement Coordinator, at 617-918-1003 if you have questions.

Sincerely,

Man Chak.Ng
Senior Enforcement Counsel

Enclosures

cc (via email): Curt Spalding, Regional Administrator

From:	Karen Vilandry <kav704@yahoo.com>
To:	LisaP Jackson/DC/USEPA/US@EPA
Cc:	Lisa Garcia/DC/USEPA/US@EPA, Hands Across the River <HARCNB@aol.com>, Ed Rivera <blmeone@aol.com>, Ariel Wittenberg <awittenberg@s-t.com>, "Staci Rubin Esq. MPH MELP" <staci@ace-ej.org>, Michael Lythcott <mlythcott@e2inc.com>, Wilma Subra <SubraCom@aol.com>, Stephen Lester <slester@chej.org>, Lois Gibbs <lgibbs@chej.org>, Peter Montague <peter@rachel.org>, National Resources Defense Council <nrdcaction@nrdc.org>, Kelsey ONeil/R1/USEPA/US@EPA, Ariel Wittenberg <awittenberg@s-t.com>, George Rogers <George.Rogers@comcast.net>, Governor Deval Patrick <constituent.services@state.ma.us>, Jack Richard <jack_richard@scottbrown.senate.gov>, Luis Rodriguez <luispnkybrn@aol.com>, National Resources Defense Council <nrdcaction@nrdc.org>
Date:	11/01/2012 09:08 PM
Subject:	New Bedford Harbor Late Update

To: Lisa P. Jackson, EPA Chief Administrator

This is at least the 5th time, I have requested that the EPA Region 1 places my personal email address on their list for all updates and communication. Somehow, they have eliminated my email address and I haven't received anything from them for months. This has been going on since Kelsey O'Neil became their spokesperson.

Furthermore, as you can see with the below email from the EPA on October 10, 2012 at 3:02 PM, there was a press conference regarding the $366 million dollar settlement in New Bedford at 1:00 PM that day. Their email was sent at 3:02 PM to HARC. That's unacceptable.

It's obvious that Region 1 does not want to work with our Environmental Justice Group, Hands Across the River Coalition. Yet, we have been involved with the harbor since before the EPA named New Bedford Harbor a Superfund Site.

Instead, they plan on burying PCB sediments in our river, contaminating our air and water while doing so not to mention upsetting our ecosystem with the burial of toxic waste.

Don't you care about this? It seems obvious to me that the executive order for environmental justice does not apply to New Bedford.

Cordially,

Karen A. Vilandry
Vice President
Hands Across the River Coalition

34 Huttleston Avenue
Fairhaven, MA 02719
USA
Tel. 508-951-1184
Email: kav704@yahoo.com

----- Forwarded Message -----
From: Edwin Rvera <harcnb@aol.com>
To: kav704@yahoo.com
Sent: Wednesday, October 31, 2012 11:14 PM
Subject: Fwd: New Bedford Harbor Update

Edwin Rivera harcnb@aol.com

-----Original Message----- From: U.S. EPA <usaepa@govdelivery.com> To: harcnb <harcnb@aol.com>
Sent: Wed, Oct 10, 2012 3:02 pm Subject: New Bedford Harbor Update

test * test * test
Hello,

This is a press release that went out this afternoon regarding the EPA cleanup of New Bedford Harbor. Attached is a Q+A that will help answer any questions you may have regarding the press release. This is very exciting news we are happy to share with you!

News Release
U.S. Environmental Protection Agency
New England Regional Office
October 10, 2012
Contact: EPA Public Affairs, (617)-918-1010
AVX Corp. to Pay $366 Million in Settlement, Accelerating Cleanup of New Bedford Harbor Contamination in Massachusetts
WASHINGTON – The Department of Justice, on behalf of the U.S. Environmental Protection Agency (EPA), along with the Massachusetts Attorney General's Office, on behalf of the Massachusetts Department of Environmental Protection, have reached a settlement with AVX Corp. for $366.25 million plus interest regarding the New Bedford Harbor Superfund Site, in New Bedford, Mass.
The settlement paves the way for expedited implementation of the cleanup of the New Bedford Harbor Site at full capacity, providing more rapid protection of public health and the environment in addressing polychlorinated biphenyl (PCB) contaminated sediment in the harbor. PCBs are mixtures of up to 209 individual synthetic chlorinated compounds that are chemically stable, attach onto sediment particles readily and are resistant to biodegradation. PCBs are characterized as a probable carcinogen in humans.
The settlement follows an April 18, 2012, enforcement order issued by EPA to AVX to implement the ongoing cleanup work at the Harbor Site.

The "cash-out" settlement will be paid to the United States and the commonwealth jointly, and retained by EPA for use at the Harbor Site. The settlement provides the United States and the commonwealth with funding from AVX Corp. to continue to take action to remediate contamination. This includes dredging PCB-contaminated sediment and disposing the dredged sediment at an appropriately licensed off-site facility, in a confined aquatic disposal cell in the Lower Harbor, and in confined disposal facilities to be built along the shoreline. AVX's payment resolves its remaining liabilities to pay for the costs of cleanup at the site. If approved by the court, this will be the largest single-site cash settlement in the history of the Superfund program.

"This agreement is the product of our commitment to pursue the government's legal rights to defray costs borne by the Superfund and U.S. taxpayers in the cleanup of the New Bedford Harbor and to hold polluters ultimately accountable," said Ignacia S. Moreno, Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice. "The recovery of these settlement funds will result in a more rapid reduction of human health and environmental risks and faster restoration of the harbor for the use and benefit of the public."

"With this settlement, we are making good on our pledge to the citizens of New Bedford to help clean their harbor. Cleanup work will proceed much faster with dedicated funding, and we will more rapidly be able to ensure that both human health and ecological health are being protected from exposure to PCBs in New

Bedford Harbor," said Curt Spalding, the Regional Administrator of EPA's New England Office. "Further, the settlement is consistent with EPA's longstanding 'polluter pays' principle."

"This settlement is a victory for the people of the Commonwealth," said Governor Deval Patrick. "These funds will allow us to expedite the ongoing cleanup efforts at the Harbor Site in order to protect the environment and the public health of our residents."

"This settlement brings hundreds of millions of dollars to the City of New Bedford to clean up contamination that subjected people to unacceptable health risks and limited economic development," said Massachusetts Attorney General Martha Coakley. "The AVX Corporation is responsible for the contamination and will pay for the cleanup, not Massachusetts taxpayers. The settlement also significantly accelerates the schedule so the region can feel the economic benefits sooner rather than later."

"Thanks to this record settlement, those who live and work along the harbor will see a significant reduction in risk to humans and the environment, and people will not have to wait decades to begin to enjoy the harbor's natural resources," said Commissioner Kenneth Kimmell of the Massachusetts Department of Environmental Protection. "As the natural resources return to vitality, so will tourism, recreation and redevelopment for harbor-side communities."

The settlement with AVX will provide the bulk of the estimated funding needed to allow EPA to complete the cleanup remedy for the New Bedford Harbor Superfund Site in approximately five to seven years, in contrast to the estimated 40 or more years it would take to complete the remedy under current funding of $15 million per year from the Superfund and payment of $1.5 million per year by the commonwealth.

From the 1940s to the 1970s, AVX's corporate predecessor, Aerovox Corp., owned and operated what was known as the Aerovox facility, an electrical capacitor manufacturing facility located on the western shore of New Bedford Harbor. The United States and the commonwealth have determined that Aerovox discharged hazardous substances, including PCBs, into the harbor, and that Aerovox's facility was the primary source of PCBs released into the harbor.

In 1983, the New Bedford Site was listed on the EPA's Superfund National Priorities list, and the United States and the commonwealth of Massachusetts filed suit against AVX and other companies for injury to natural resources at the site from releases of PCBs. In 1984, the civil action was amended to include claims on behalf of EPA for recovery of response costs. AVX previously paid $66 million, plus interest, for past and future response costs and natural resource damages at the Harbor Site as a result of a 1992 settlement with the U.S. and the commonwealth. The governments reserved certain rights in that settlement through reopener provisions, which were exercised to bring about this current settlement. In addition, in 2010 AVX entered into a settlement with the U.S. to demolish the Aerovox facility, which was accomplished in 2011, and AVX entered into a separate settlement with the commonwealth to address the remaining contamination at the Aerovox facility.

Under the supplemental consent decree lodged today in federal district court in Boston supplementing and modifying the 1992 consent decree, AVX agrees to pay $366.25 million plus interest to settle its remaining liabilities for cleanup at the harbor site.

The supplemental consent decree will be published in the Federal Register and is subject to a 30-day public

comment period and approval by the federal court. A copy of the consent decree will be available on the Justice Department website at www.usdoj.gov/enrd/Consent_Decrees.html.

More information: EPA's New Bedford Harbor website www.epa.gov/nbh

# # #

Learn More about the Latest EPA News & Events in New England (http://www.epa.gov/region1/newsevents/index.html)
Follow EPA New England on Twitter (http://twitter.com/epanewengland)
More info on EPA's Environmental Results in New England (http://www.epa.gov/region1/results/index.html)
Here it is.

NBH - Supplemental CD FAQs 10.10.12 (2).pdf

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Tashima, Keith (ENRD)

Subject: FW: New Bedford Harbor cleanup

-----Original Message-----
From: Malcolm Phinney [mailto:mbp43mack@gmail.com]
Sent: Friday, November 02, 2012 9:32 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: New Bedford Harbor cleanup

I have lived in the Buzzards Bay Watershed all my 68 years and have watched the continued degradation of the bay ecosystem. I work with a number of organizations who work tirelessly to address this issue. The cleanup of New Bedford harbor's PCB contamination is very important in this effort. I encourage the EPA to deal with AVX in such a way that they are required to provide enough money for a complete clean up. This should not be a burden on the tax payers. The details of the cleanup plan should be available to everyone since the results of the PCB pollution affects everyone. A strong message must be sent out to all polluters and would be polluters that the can no longer do business as usual. Malcom Phinney, 10 Gault Rd., West Wareham MA 02576 508-295-4225

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Monday, November 05, 2012 9:01 AM
To: Tashima, Keith (ENRD); MacLaughlin, Jerry (ENRD); Levine, Bradley (ENRD)
Subject: Public Comment Received - AVX (FW: (no subject))

I'm guessing the comment below is for AVX.
(Please let me know if is not – she did not include a DJ # or case name, but this looks similar to other comments received for this case.)
Thanks.

-Becky

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: Peacock3333@aol.com [mailto:Peacock3333@aol.com]
Sent: Friday, November 02, 2012 6:45 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: (no subject)

please do as the bb coaltion suggests and put the reopener clause in the settlement..
thank you sincerely
jennifer j sylvia
33 morses lane
acushnet ma
02743

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Monday, November 05, 2012 9:06 AM
To: Tashima, Keith (ENRD); MacLaughlin, Jerry (ENRD); Levine, Bradley (ENRD)
Subject: Public Comment - AVX (FW: Cleaning New Bedford Harbor)

Another comment for AVX.

Thanks.

-Becky

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

-----Original Message-----
From: Lori Sweeney [mailto:keltill@gmail.com]
Sent: Saturday, November 03, 2012 8:05 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Cleaning New Bedford Harbor

To whom it may concern:

I am writing to argue for a settlement between AVX and EPA that includes a reopen clause to guarantee that New Bedford Harbor is cleaned completely of contaminants caused by that company.

Lorene Sweeney
New Bedford, MA

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Tuesday, November 06, 2012 8:58 AM
To: Tashima, Keith (ENRD); MacLaughlin, Jerry (ENRD); Levine, Bradley (ENRD)
Subject: PUBLIC COMMENT (FW: too limited)

FYI – Another comment for AVX.

-Becky

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: David Tatelbaum [mailto:david.bigvalue@comcast.net]
Sent: Monday, November 05, 2012 11:47 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: too limited

The settlement is very large, but the massive nature of this cleanup cannot be limited to a finite number. The company can be given a timetable for notification of the success or failure of this phase of cleanup, but the Buzzards Bay area deserves the right to further evaluation and protection down the road.

DT

David Tatelbaum
BVOTWO RETAIL LLC
D/B/A Big Value Outlet
718 Dartmouth St., MA 02748
PH. (508)994-6999 ext. 15
FAX (508)984-7982
EMAIL david.bigvalue@comcast.net
WEBSITE www.bigvalueoutlet.net

SUPP-CD-PUBCOM000024

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Tuesday, November 06, 2012 9:00 AM
To: Tashima, Keith (ENRD); MacLaughlin, Jerry (ENRD); Levine, Bradley (ENRD)
Subject: PUBLIC COMMENT (FW: Letter for Public Comment on New Bedford Harbor Cleanup)
Attachments: Scott Smith Letter to Attorney General - New Bedford 11-5-12.pdf; Cape scientist Faux eelgrass will lower boom on oil spills CapeCodOnline.com.pdf; Synopsis of WHOI OPFLEX Synthetic Eelgrass Research .pdf

Another comment for AVX.

-Becky

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: Scott Smith [mailto:ssmith@opflex.com]
Sent: Monday, November 05, 2012 6:45 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Cc: jamie roberts; Karyn Eldredge
Subject: Letter for Public Comment on New Bedford Harbor Cleanup

Please see attached letter and exhibits as to New Bedford public comment.

Best Regards,

Scott C. Smith
ssmith@opflex.com
Cell (508) 776-2995

Opflex Solutions

http://www.opflex.com
ph- 646-580-2613 / fx- 508-425-2990

Assistant Attorney General
U.S. DOJ - ENRD
P.O. Box 7611
Washington, D.C. 20044-7611
Via email - pubcomment-ees.enrd@usdoj.gov

Dear Attorney General,

My name is Scott C. Smith and I am the Founder and CEO of OPFLEX Solutions. From the polluted water of Upstate NY's 2006 flood disaster, OPFLEX technology was created. It worked then and it works even better now, after millions were put into research and development of the product. In 2007, Senator Schumer led a press conference with me about the contaminated flood water recovery efforts.

In 2010, I worked side by side with fishermen, coast guard personnel, and oil spill workers in the BP Deepwater Horizon oil disaster and improved the first approved and used Open-Cell foam that can remove from water PCB's, oil, oil sheens, and other related carbon contaminants.

In 2011, I donated product to New Bedford Harbor and prove the OPFLEX Environmental Indicators and related OPFLEX Technology's efficacy in fingerprinting, detecting, and removing oil and PCB's in the water.

The situation is complicated with the CAD cells in New Bedford and the community deserves a transparent way to know what is in their water and alternative ways to remove the contaminated sediment. If you are truly considering the use of CAD Cells that will take at least 6 years and $80 million, why is it that you have not considered the use of a safe, environmentally friendly, locally-created option that would cost UNDER $1 MILLION and, depending on manpower and deployment tactics, would take 3- 6 months?

OPFLEX Technology can clear the water of all the contaminants currently listed in New Bedford Harbor and OPFLEX Environmental Indicators can be used to detect what is in the water and fingerprint any pollutants. In order to remove pollutants, wouldn't it be helpful to know what they are and in what concentration they exist?

There needs to be careful consideration of all available technologies to remove the contaminants from the water in the Port of New Bedford, not just simply burying the contaminants and deferring the problem for the future generation.

I am working with scientists at the Woods Hole Oceanographic Institute in developing synthetic eelgrass, which is a viable and proven option for New Bedford to protect the harbor even if the CAD cells move forward. I have enclosed a White Paper from the scientists detailing its development and use.

I look forward to hearing from you.

Scott C. Smith
Founder and CEO
OPFLEX Solutions
ssmith@opflex.com

capecodONLINE.com

Prev | Next



Cape scientist: Faux eelgrass will lower boom on oil spills

By Patrick Cassidy
pcassidy@capecodonline.com
September 26, 2012 - 2:00 AM

WOODS HOLE — Like a professor explaining a particularly delightful problem, Thomas Gray Curtis Jr. practically bounced from equation to equation on a blackboard in a small room at the Woods Hole Oceanographic Institution's Redfield Laboratory.

"I like to model things after nature," he said as he demonstrated why long strips of green foam reminiscent of thick eelgrass can sponge up oil and other pollutants.

See full article text

Curtis is a guest investigator at WHOI, studying ways to better protect the environment from oil spills, such as the one that devastated the Gulf of Mexico two years ago.

A retired engineer and former salvage diver with the Navy, he said he worked on the concept of a high-speed oil skimmer in the late 1960s and early 1970s. When he saw the lack of progress by the time of the Deepwater Horizon spill in 2010, he decided to jump back into researching the subject.

Curtis saw a centrifugal device championed by actor Kevin Costner as a potential way to separate oil and water gathered by his skimmer.

SUPP-CD-PUBCOM000027

He was still in search of a material for the bottom of the skimmer that oil would adhere to readily when he came across a green foam called Opflex, manufactured by a company owned by Osterville resident and entrepreneur Scott Smith.

"I think he has a good product in the foam he is working with and I'm trying to help him use it better," Curtis said, adding that his research into its properties is not an endorsement.

Unlike a regular containment boom that floats only on the water's surface and allows oil to pass above and below it, the synthetic eelgrass is anchored to the bottom and extends throughout the water column and across the surface, creating not only a potentially effective barrier but also more surface area to adsorb oil and other pollutants, Curtis said. Adsorption is when a thin layer of molecules sticks to the surface of a solid or liquid substance.

The key to Opflex is a combination of several concepts: The foam is buoyant enough to float even when saturated with oil, Curtis said.

The saturation ratio of the foam, which dictates how much oil can be captured, is based on the amount of open versus closed cells in the material, Curtis said.

The more closed cells the greater the buoyancy. The more open cells the better the ability to adsorb the oil, much like a living sponge filters water for food.

Opflex's optimal saturation ratio is a work in progress but is already equal to 32 times the weight of the foam in oil, Smith said. "And we retain our buoyancy," Smith said. "We don't sink like the white booms."

Smith already has deployed versions of his foam in Bermuda, the Gulf of Mexico, Florida, Alabama, Louisiana and for a 2011 oil spill in the Yellowstone River, he said.

Testing on the foam already has revealed some unexpected results that could have local implications beyond the errant oil tanker or oily harbor, Smith said.

Independent testing by a Pennsylvania laboratory, for example, has shown the foam can reduce the amount of biological oxygen demanders, or BODs, in water by almost half, he said.

BODs can be a sign of excessive nutrients flowing from septic systems and other sources into local bays and ponds and may lead to fish kills. "There's something in there that consumes oxygen that is getting stuck on it and taken out," said Albert J. "Sandy" Williams III, a scientist emeritus at WHOI who works with Curtis and Smith.

Determining other potential uses for his synthetic eelgrass, including helping with the cleanup of local bays and ponds, is one of the reasons it's important to work with researchers such as Williams and Curtis, Smith said.

"We're simple, not magic," he said.

SUPP-CD-PUBCOM000028

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1. Synopsis of Proposed Research

The proposed research will assess the properties of various formulations of the copolymer ethylene methyl acrylate (EMA) and determine if, and how, these properties can be varied in formation. Variations of EMA will be field tested at sea in oil spill interdiction and containment applications sensitive to these properties to determine how these properties impact the functioning of the applications.

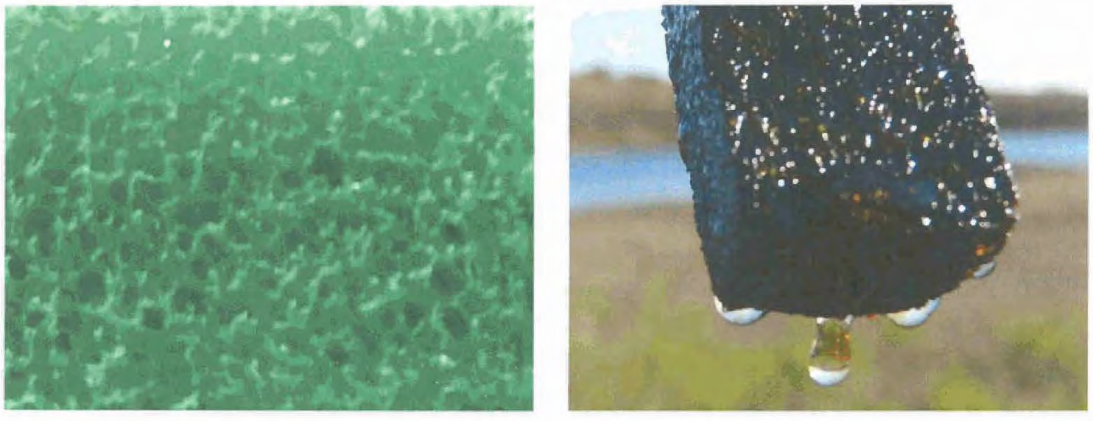
2. Background

Oil spills are not rare events. Natural seeps of oil have existed over recorded history, but catastrophic oil spills are much less common and have had devastating impacts on the ecosystems subjected to them. Repeatedly, oil spills have concerned the public, resulting in flurries of effort to contain the spills, and plan to avoid such catastrophic events in the future. As Wess Tunnell, Associate Director of the Harte Research Institute for Gulf of Mexico Studies, said, after the VLCC, the Aegean Captain and the Atlantic Empress, collided off the coast of Tobago on 19 July 1979, spilled more than 276,000 tonnes of crude oil into the sea: "If it's not in a popular place and there's not a huge outcry of the people that live in the area, probably not much is going to happen."[1] Unfortunately, in short order, the public's attention is distracted by another concern. Progress in solving the problems associated with oil spills is episodic.

The Exxon Valdez oil spill in Prince William Sound in 1989 illustrates this point. After she grounded on Bligh Reef, on 29 March, more than 11 million gallons of crude oil from the tanker inundated the ecosystems of the sound. The largest oil spill in United States history, to that time, captured the public's attention, and the Government acted. However, environmental conditions made spill cleanup less effective; some efforts were counterproductive. Congress passed the Oil Pollution Act of 1990, which mandated the US Coast Guard and oil companies maintain vessels for oil spill cleanup. As this added task was not funded, the Coast Guard has come to depend upon vessels of opportunity, to which they would supply some oil skimming equipment, to augment their "Black Hull" fleet, charged with maintaining aids to navigation. Some Coast Guard buoy tenders were equipped with Spilled Oil Recovery System gear to meet their expanded responsibilities.

However, as other issues captured the public's attention, the demand on resources for other ends increased, concern over the environmental impacts of oil spills waned. Research since the 1990s has improved understanding of the natural processes involved in oil spill behavior [2], and ecosystem recovery[3], but slowed considerably, until the Deepwater Horizon drilling rig explosion in the Macondo Prospect on April 20, 2010 rekindled the public's interest. Unprepared for the Deepwater Horizon oil gusher, technically, operationally, and emotionally, "experts", entrepreneurs, and the general public responded to the news of the catastrophic event with a plethora of suggestions, offers, and equipment to staunch the spill and clean it up, which were so numerous that assessment of them was difficult. Schemes proliferated. "Oil men" promoted the use of oil tankers for skimming oil. A variety of natural organic sorbents, such as hay and hair, were promoted to adsorb spilled oil, despite their limitations. Amidst the well-intended suggestions and ideas that were little more than flights of imagination, were some contributions with merit. Unfortunately, episodic development makes it difficult to integrate improvements into a highly effective emergency response system.

Anecdotal evidence would indicate that ethylene methyl acrylate could be used to improve the interdiction and containment of spilled oil. As EMA is oleophilic and hydrophobic, oil floating on water tends to adhere to a surface of EMA after coming in contact with it. EMA formed as an open cell foam has a large surface area to volume ratio, enabling it retain significant amounts of oil per unit volume. Figure 1 shows a close-up view of such foam and small sample of it saturated with oil from which water is not retained.



(a) open cell structure

Figure 1: Open cell foamed EM

(b) water dripping from EMA sample while retaining oil.

These properties and its low density are observed from demonstrations made by Scott Smith, the CEO of Opflex Solutions, the manufacturer of this open cell foam, in his efforts to interest those cleaning up the oil spill in the Gulf of Mexico in using his product. To take full advantage of the open cell foam structure, Smith fabricated EMA foam strips into foam "mops". Two lengths of "mop" are shown in Figure 2, secured at the seas edge. Initially green, the "mops" darken as oil is adsorbed onto their surface.The green "mop" had not been in position long enough to adsorb a significant amount of oil. Oil can be recovered from "mops" saturated with oil by squeezing it out of them.



Figure 2
Scavenging oil from the sea.

In the Gulf, the most prevalent barrier to oil inundation seems to have been cylindrical booms made of synthetic sorbents such as polyurethane, polyethylene, and polypropylene, although they seem to be only marginally effective. Pads of EMA open cell foam, seen in Figure 3 floating on the surface within, not outside, a containment boom, are discoloured by the oil they have adsorbed. EMA has advantages over natural sorbents, which are harder to collect, once applied, have a tendency to sink once oil is absorbed or adsorbed. In addition, the open cell foam structure of EMA can sequester many more times its weight of oil than natural sorbents.



Figure 3: Floating EMA sorbent.

The copolymer has normally consisted of 20 percent methyl acrylate. However there may be a copolymer formulation for which oil has a greater affinity. Although not tested rigorously, a sample of EMA fabricated with 24 percent methyl acrylate suggests this variability.

EMA is light of weight. The specific gravity of EMA is approximately 0.94, which makes EMA intrinsically buoyant. This will vary some, depending upon the amount of cross-linking. The buoyancy of the foamed formation of EMA could be varied considerably, depending upon the ratio of open to closed cell volume. This capability of adjusting the buoyancy of EMA makes it versatile and useful in a variety of applications for oil interdictio and containment.

3. Proposed Research

The objectives of this proposal are to:

1) assess the properties of various formulations of the copolymer ethylene methyl acrylate,
2) utilize this material in various configurations to improve the interdiction and containment of oil spilled in the sea,
3) test these configurations to establish their behaviour in the marine environment, and

4) alter the properties as found necessary to reach a more optimal material.
5) publish the results of this materials investigation, including presentation at the OES 2012 Conference

Toward these ends, The Woods Hole Oceanographic Institution (WHOI) will collaborate with the Opflex Solutions LLC. Opflex Soltions LLC, as the principal developer of foamed ethylene methyl acrylate (EMA), for various markets. Mr. Smith, holder of the patents for foamed EMA, and Opflex Solutions are particularly interested in the use of EMA for oil cleanup, and has a vested interest in finding the optimal composition of this copolymer, for use in oil spill impact mitigation.

WHOI will integrate this EMA material in the design of oil spill interdiction and containment equipment to take optimal advantage of the material properties. Testing of these designs will be done at Woods Hole and at Barataria Bay, in Louisiana. The testing of the designs in Louisiana will be done by Opflex Solutions LLC and reported to Woods Hole.

Based on the field test performance of the designs, attempts will be made to adjust material composition, as necessary or desired to optimize performance, or to introduce design changes to take full advantage of the material and thus improve performance. This research and development will be iterated as necessitated, up to twice.

a. Woods Hole Oceanographic Institution will design at sea tests of the EMA materials provided by Opflex Solutions. The designs will be based on properties measured after formation, which include: density, surface tension with crude oil, amount of cross-linking, copolymer proportions, cell size, percentage of open cells. The results of these tests, sensitive to the synergy among material properties, will be used to suggest variations in EMA formulation, to be made by Opflex Solutions, to optimize the use of the material in scavenging, interdiction and containment of spilled oil.

   The at sea tests will be made of a synthetic kelp and a containment boom, fabricated from EMA. These configurations of EMA were conceptually, identified in the white paper: "Oil Scavenging with Ethylene Methyl Arcylate", which is attached. It is expected that the behavior of the synthetic kelp will be particularly sensitive to surface tension, and density. The containment boom performance will probably depend more on cross-linking and cell size. Their performance may enable improved design of the test equipment, and, in either case, provide serendipitous insights.

   In consultation with Opflex Solutions, based on the results of tests at sea, different formulations will be made to produce EMA with more desirable properties, which will subsequently be formed into synthetic kelp and containment booms for testing at sea. This recursive process be repeated twice.

Task Structure

Opflex Solutions LLC will supply WHOI with EMA of varying properties, creat changing the formation parameters, x_i. $x_i \in [\lambda, \pi, \varepsilon, \omega, \delta, \mu]$, the independent variables: λ, pe cross-linking; π, percent of alkyl acrylate (usually methyl acrylate); ε, foam cell size; ω of open cells; δ, foam thickness; and μ, melt index. The set of EMA properties, P_i, of partic t are $P_i \in [\rho, \alpha, K, \tau]$,

where: ρ is the density,
α is the adhesion of oil,
K is the bulk modulus
τ is the durability.

$$dP_i = \frac{\partial P_i}{\partial \chi_j} d\chi_j, \qquad j = 1 \cdots 6$$

Opflex Solutions LLC will supply WHOI with EMA of varying composition. The composition will depend upon the percentage of methyl acrylate, π, in the copolymer, the percentage of open cells in the foam, ξ, the cell size, χ, and the thickness of the foam, δ. It is to be determined how the buoyancy, $\boldsymbol{\rho}$, surface tension, $\boldsymbol{\sigma}$, durability, $\boldsymbol{\Delta}$, and longevity, $\boldsymbol{\tau}$, of EMA are influenced by changes in composition. Durability will be a measure of how well EMA stands up to dynamic forces. Longevity relates to the time before properties degrade.

$$dp_i = \frac{\partial p_i}{\partial x_j} dx_j$$

Initially, Opflex Solutions will provide three samples each of EMA based on alterations the formation parameters. Generically, if a parameter as currently fabricated are denoted by $\boldsymbol{P_o}$, then, in addition to a sample as currently fabricated, samples will be provided which have values greater than and less than this prevalent value. Rather than provide all permutations of possible formation parameters, all parameter values, except that parameter being changed will be provided as currently manufactured.

Synthetic kelp and a containment boom will be assembled at the Woods Hole Oceanographic Institution from the samples of EMA initially provided by Opflex Solutions, and deployed at Woods Hole before being shipped to Bay Jimmy, a set-aside marsh in Barataria Bay, Louisiana for testing in an oil contaminated ecosystem.

Based on the field test results from deployment in Barataria Bay, the Oceanographic Institution will assess, in collaboration with Opflex Solutions, what changes might be feasibly made to improve the efficacy of EMA to interdict, contain, and sequester spilled oil.

Task Execution

a. Any additional data that will allow us to get more insight into your understanding of the issue, and how you will accomplish the individual tasks(s) listed in your White Paper. If your White Paper did not break the work into specific tasks, please do so in your proposal.

\

b. A brief discussion to support appropriateness of all research methods to be utilized under these efforts;

There are many factors which determine the efficacy of equipment design, some of which are not obvious. The deploying and recovery of equipment at sea subjects it to loads and handling problems inadvertently overlooked in design.

Although research has been conducted to determine the relative oleophilic and hydrophobic characteristics of an ensemble of materials [4], EMA was not included among those tested. The anecdotal evidence would indicate that this promising material should be evaluated.

The iterative approach that will be taken will enable the designers to make modifications, to take advantage of the results of field tests, and any synergies, to maximize the benefits of EMA properties.

Sorbent material, deployed in the Gulf of Mexico to protect Louisiana coastal wetlands seemed to be only marginally effective. Figure 1 shows a floating sorbent barrier made of a closed cell foam, encased within a skin. This embodiment of the foam, does not have the desirable high exposure to the oil in the environment that an open cell foam of EMA has.

Toward these ends, The Woods Hole Oceanographic Institution (WHOI) will collaborate with the Opflex Solutions LLC. Opflex Soltions LLC, as the principal developer of foamed ethylene methyl acrylate (EMA), for various markets. The are particularly interested in the use of EMA for oil cleanup, and has a vested interest in finding the optimal composition of this copolymer, for use in oil spill impact mitigation.

Opflex Solutions LLC will supply WHOI with EMA of varying composition, i.e. physical properties such as density, foamed EMA with different proportions of open cell structure and cross-linking. This material will be accompanied by testing reports documenting the properties of interest.

WHOI will integrate this EMA material in the design of oil spill interdiction and containment equipment to take optimal advantage of the material properties. Testing of these designs will be done at Woods Hole and at Barataria Bay, in Louisiana. The testing of the designs in Louisiana will be done by Opflex Solutions LLC and reported to Woods Hole.

Based on the field test performance of the designs, attempts will be made to adjust material composition, as necessary or desired to optimize performance, or to introduce design changes to take full advantage of the material and thus improve performande. This research and development will be iterative. It is planned to have three iterations.

---

[1] Carly Gillis, "Atlantic Empress and Aegean Captain Oil Spill: A Brief History", Huffington Post, http://www.counterspill.com/article/atlantic-empress-and-aegean-captain-oil-spill-brief-history, September 17, 2011

[2] Merv F. Fingas, The Evaporation of Oil Spills: Development and Implementation of New Prediction Methodology, International Oil Spill Conference, 1999, Paper #131

[3] David Sell, "Scientific Criteria to Optimize Oil Spill Cleanup", Aberdeen University Research and Industrial Services, Ltd., www.iosc.org/paper_poster/01965.pdf, 1995

DEAR THE DEPARTMENT OF JUSTICE,

THIRTY YEARS IS A LONG TIME TO WAIT FOR THE HAND OF JUSTICE.MY NAME IS THOMAS A. KENNEDY,(NO RELATION TO THE HYANNIS KENNEDY"S), AND FOR THAT LENGTH OF TIME HAVE BEEN BATTLING TO RECTIFY AN INJUSTCE CAUSED BY THE PCB CONTAMINATION INTO THE ACUSHNET RIVER. MY BACKGROUND INCLUDES SERVING ON THE NEW BEDFORD CITY COUNCIL 1979-1983. I AM GRATEFUL TO BE ABLE TO COMMENT ON THE NEW SETTLEMENT AGREEMENT BETWEEN THE U.S. AND A.V.X.(366MILLION DOLLARS).

MY REMARKS TODAY ARE SPECIFALLY CONCERNING THE 110MILLION QUOHOGS(SHELLFISH)NONHARVETABLE OR DESTROYED IN THE DREDGING PROCESS TO DATE.WHEN I SERVED ON THE CITY COUNCIL I WAS CHAIRMAN OF THE SHELLFISH COMMITTEE AND WAS HEARTENED BY THE ORIGINAL CONSENT DECREE BY JUDGE YOUNG.JUDGE YOUNG STATED THAT THE SET ASIDE FUNDS COULD ONLY BE USED TO RESTORE ,REPLACE, OR ACQUIRE THE EQUIVALENT OF THAT WHICH WAS DAMAGED BY THE PCB CONTAMINATION.AVX AGREED TO 66 MILLIONDOLLARS AND THE JUDGE SET ASIDE AND ADDITIONAL 6.7 MILLION FORDAMAGE TO NATURAL RESOURCES OR 10% APPROXIAMATELY.THESE SET ASIDE FUNDS WERE COMBIMED WITH OTHERS AND FOR THE LAST TWENTY YEARS WERE DISPERSED FOR VARIOUS ENVIRONMENTAL PROJECTS IN THE ACUSHNET RIVER WATERSHED BY THE HARBOR TRUSTEE COUNCIL.AS THE HTC DIMINISHED

THE RELAVANCE OF SHELLFISH CONTAMINATION BY NOT RECOGNIZING THE POINT OF INJURY ASPECT WHATSOEVER IN THE ORIGINAL, THEY JUST CONTINUED TO IGNORE IT THROUGHOUT THE GRANTMAKING PROCESS. WE UNDERSTOOD AT THE TIME THAT TORESTORE AND REPLACE OR EVEN ACQUIRE THE EQUIVALENT OF 110 MILLION QUOHOGS WOULD LEAVE NO FUNDS FOR ANYTHING ELSE.WE WERE PATIENT AS THEY STATED, "WELL THE DAMAGE ASSESSMENT OF THE AREA HADNT BEEN COMPLETED YET." INITIALLY THIS WAS THE RESPONSIBILITY OF THE DEPARTMENT OF INTERIOR WHO THEN PASSED IT OFF TO THE HTC.BY THE TIME THE SECOND ROUND OF FUNDING CAME AND WENT IN JANUARY 2001(EXHIBIT A),THEIR OWN DOCUMENT STATED THAT THE ASSESSMENT HADN'T BEEN COMPLETED.WE KNEW BETTER. A DOCUMENT ON SHELLFISH STOCK ASSESSMENT WAS COMPLETED WITH THEIR FUNDING IN 1999. IT IS TITLED "CROP SURVEY" BY DAVE WHITTAKER JUNE 6, 1999. IF YOUR INTERESTED ITS ON PAGE 8.THE BREAKDOWN IS AS FOLLOWS;

SEED	16million680thousand
LITTLE NECKS	21MILLION346 thousand
CHERRY STONES	28MILLION330 thousand
CHOWDERS	44 MILLION

Commercial Consumer market VALUE $51,766,763

Page 14 same document

THE FUNDING THAT WAS RECEIVED WAS FOR PROJECTS OUTSIDE THE INNER HARBOR AS THE ENTIRE STOCK JUST MENTIONED CAN NEVER BE HARVESTED AND MOST OF IT ALREADY DESTROYED BY EPA DREDGING.THIS POINT OF INJURY ASPECT MUST BE CONSIDERED BY THE JUDGE AS HIS WISDOM IN THIS SETLEMENT OF 366MILLION GETS HIS OR HER REVEIW.BELIEVE ME WE UNDERSTAND THE EVOLUTION OF THE CERCLA REGULATIONS AND HOW THEY MAY EFFECT THE CURRENT SETTLEMENT PARTICULARLY IF NO SET ASIDE SPECIFICALLY FOR SHELLFISH IS GRANTED. JUST IMAGINE IF NONE IS GRANTED. THE EPA CAN THEN STATE THAT THERE WERE NO INJURIES TO THE SHELLFISH IN THE INNER HARBOR DUE TO CONTAMINATION OF PCBS.YOU KNOW THEY WOULD BE RIGHT BECAUSE DAMAGES UNDER CERCLA ARE ONLY COUNTED WHEN THERE IS COMPENSATION .NO COMPENSATION NO DAMAGES.NO DAMAGES NO INJURY.THIS IS WHY THAT WHOMEVER IS READING THIS COMMENT THAT SOME HOW THE JUDGE REVIEWING THIS SETLLEMENT CAN RECTIFY THE SHELL FISH DILEMNA.

CERCLA ALSO HAS WITHIN IT"S EVOLVING REGULATIONS A NOTION OF "DISCOVERY" WHICH CAN BE HELPFUL CONCERNING OUR PLEA.COMMONLY REFERRED TO AS THE SOUTH TERMINAL PROJECT, A CONSULTING FIRM HAD TO PERFORM A SHELLFISH SURVEY TO DETERMINE HOW MUCH STOCK IN THE SOUTHERNMOST AREA OF THE INNER HARBOR WOULD BE EFFECTED BY THE SUBSEQUENT DREDGING OF THIS MOST IMPORTANT PROJECT THAT WE ARE ALL IN FAVOR OF. MITIGATION TOOK PLACE AND FOR 5 MILLION SHELLFISH THAT WOULD BE DISPLACED 25 MILLION SEED WOULD BE USED TO REPLACE THE FIVE MILLIONSTOCK. A DERIVATIVE PROCESS WAS USED AND LIKE MOST DERIVATIVES VALUATIONS BECOME PERVERTED AND WHEN

your dealing with live organisms it becomes further perverted because of mortality rates in reseeding.CERCLA allows for the derivative process.WE DIDNT LIKE IT BUT BECAUSE OF THE IMPORTANCE OF THE OVERALL PROJECT WE WERE GLAD TO SUPPORT IT. WE ALSO HAVENT BEEN INFORMED OF WHERE THE FUNDING FROM THE DERIVATIVE RESEEDING WILL COME FROM SINCE IT IS SEPERATE AND DISTINCT FROM THE CURRENT SETTLEMENT BEFORE YOU. I MENTION IT BECAUSE IT IS THE FIRST TIME ANY COMPENSATION HAS BEEN GRANTED FOR SHELLFISH STOCK IN THE INNER HARBOR AND HOPEFULLY CAN BE USED FOR DISCOVERY PURPOSE.(THE CONSULTING COMPANY THAT PERFORMED THAT SURVEY IS CALLEDAPEX)EXHIBIT B EPA DRAFT DETERMINATION P.29.

IN CLOSING WE BELIEVE THE JUDGE CAN SET ASIDE AS PER THE ORIGINAL CONSENT DECREE, A CERTAIN AMOUNT OF FUNDS TO BE PLACED IN AN ESCROW ACCOUNT SPECIFICALLY FOR SHELLFISH RESTORATION IN CLEAN WATERS IN THE CITY OF NEW BEDFORD IN AN ATTEMPT TO MAKE WHOLE THAT WHICH WAS DESTROYED BY THE PCB CONTAMINATION.UNDERSTANDING THAT THE FIGURE WOULD BE IN THE TENS OF MILLIONS OF DOLLARS WE ARE NOT ASKING FOR THAT. WE ARE ASKING THAT YOU WHO ARE READING THIS MAKE AN DETERMINED EFFORT TO GET THIS INFORMATION BEFORE THE JUDGE SO THAT JUSTICE CAN FINALLY BE SERVED.OUR RECOMMENDATION IS THAT AN ESCROW ACCOUNT BE ESTABLISHED RESTRICTED FOR SHELLFISH IN NEW BEDFORD WATERS IN THE AMOUNT OF 15 MILLION DOLLARS WITH ONLY THE MAYOR OF THE CITY AND THE REGIONAL DIRECTOR OF THE DEPARTMENT OF MARINE SERVICES BEING ABLE TO ACCESS THIS ACCOUNT.FURTHER THAT ALL FUNDS BE USED FOR

SHELLFISH PROPAGATION INCLUDING SEEDING AND TRANSPLANTING.

THANK YOU FOR YOUR TIME.

RESPECTFULLY,

Thomas A. Kennedy

TK

THOMAS A. KENNEDY
78ELLEN ST 2ND FLOOR EAST
NEW BEDFORD, MASS.
02744

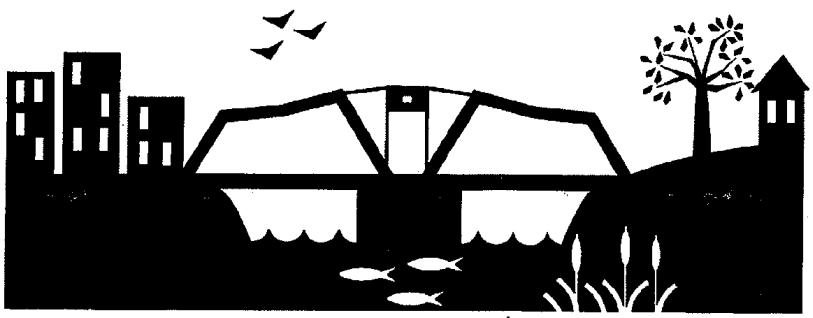
TEL508-9927948

ps WE SUPPORT THE SETTLEMENT AND HOPE THEIR IS A SET ASIDE!

Copy
MAYOR
MITCHELL

SUPP-CD-PUBCOM000042

New Bedford Harbor Trustee Council



Environmental Assessment

New Bedford Harbor Restoration

Round II

Final

EXHIBIT A

Commonwealth of Massachusetts

U.S. Department of Commerce

U.S. Department of the Interior

Final January 2001

Commonwealth of Massachusetts

Division of Marine Fisheries

1213 Purchase St. 3rd Floor
New Bedford, MA 02740
(508)990-2860
fax (508)990-0449

Paul J. Diodati
Director

Deval Patrick
Governor
Timothy P. Murray
Lt. Governor
Richard K. Sullivan, Jr.
Secretary
Mary B. Griffin
Commissioner

Re Comment Period AUX

October 25, 2012

Mr. Thomas Kennedy
78 Ellen Street
New Bedford, MA 02744

Dear Mr. Kennedy,

Enclosed, please find a copy of the report that you requested, entitled "Quahog Standing Crop Survey, New Bedford/Fairhaven, Inner and Outer Harbors". This report was written by David K. Whittaker in 1999.

The results of the shellfish survey of the South Terminal site in New Bedford Harbor, conducted by Apex Companies LLC, are not a matter of public record. As a result, I am unable to provide you a copy.

Sincerely,

Thomas Shields

Thomas Shields
South Coast Shellfish Project Leader

QUAHOG STANDING CROP SURVEY

New Bedford/Fairhaven
Inner and Outer Harbors

David K. Whittaker
Marine Fisheries Biologist
June 6, 1999

Funds for this study were provided by the New Bedford Harbor Trustee Council.

SUPP-CD-PUBCOM000045

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APPENDIX F.

Assessment of Quahog Stocks in Contaminated Waters of Southeastern Massachusetts

SUPP-CD-PUBCOM000047

Therefore, using the above figures, the value of the quahog fishery in the inner and outer harbors are noted below. The "Value to Fishermen" column denotes the dollars paid to fishermen by the dealers. To realize the gross value to the general community, however, these figures must be factored by the economic multiplier of 4.50 (Wong, 1968). The "Consumer Market Value" column reflects the total dollars after using the multiplier.

Table 7
Current Value of Quahogs for New Bedford Inner and Outer Harbors

Harbor	Littlenecks	Cherrystones	Chowders	Total Value to Fishermen	Consumer Market Value
Outer	$683,229	$625,494	$4,191,780	$5,500,503	$24,752,264
Inner	$3,811,950	$2,124,990	$5,566,785	$11,503,725	$51,766,763
Total	$4,495,179	$2,750,484	$9,758,565	$17,004,228	$76,519,027

OBSERVATIONS AND CONCLUSIONS

Sampling Observations

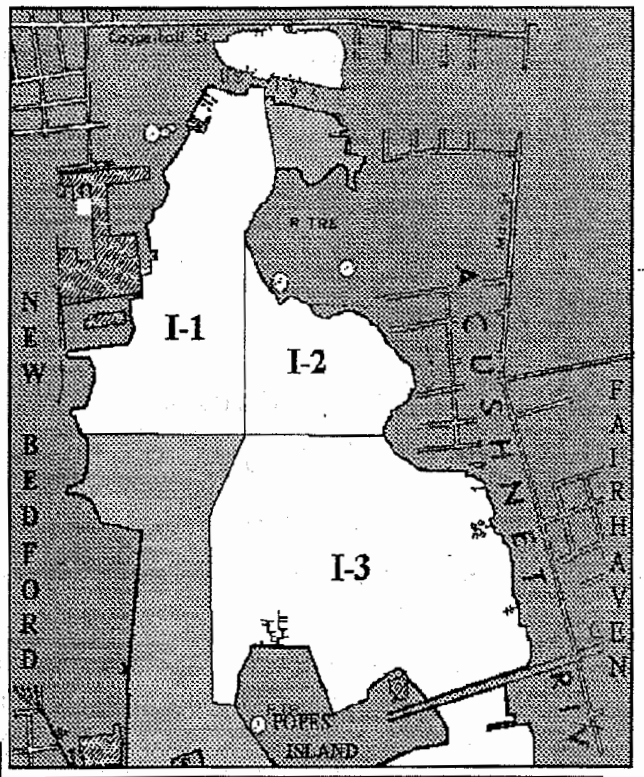
As noted above, densities of quahogs varied throughout both the inner and outer harbors and significantly from the inner harbor to the outer harbor. These variances are due to several factors, e.g., fishing pressures, predation, bottom types etc. and have been demonstrated in other standing crop surveys and treatises (Saila et al. 1965;66). However, as much as these factors contribute to contagious distribution of the animal, sampling biases may result in skewed representations of that distribution. Previous studies on quahogs populations sampled by use of dry dredges (Russell, 1972) were constructed around the stratified random sampling methodology where preliminary reconnaissance of an area served to identify areas of abundance resulting in density contours. Purely statistical manipulation of the data was then used to determine the efficiency of the sampling technique. Hickey, (1983) during his investigation of the standing crop of the inner and outer harbor modified this stratified random sampling method. His sampling protocol was enhanced with two significant features; by increasing the number of sampling sites and utilizing a dredge efficiency coefficient.

SUPP-CD-PUBCOM000048

total standing crop. The cherrystone size category followed closely with 25.98%. These two size categories constitute approximately 67% of the standing crop. Littleneck comprise 17.9% and seed 15.31% of the standing crop.

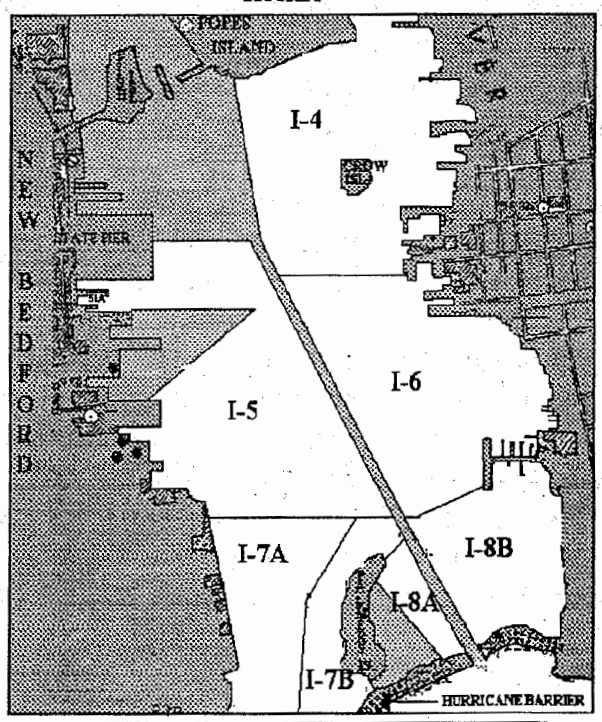
Observations indicate that the greatest percentages of "chowders" were found in sampling unit areas I-2 (Fig. 2) just south of Marsh Island and sampling unit area I-8A (Fig. 3) just northwest of the hurricane barrier opening. Significant percentages of greater than thirty for "cherrystones" were found in sampling unit areas I-3, along the Fairhaven shoreline just north of the Fairhaven Bridge, I-5 on the New Bedford shoreline fronting the fishing fleet piers, I-6 on the Fairhaven shoreline

FIGURE 2



NEW BEDFORD INNER HARBOR STANDING CROP SURVEY (UPPER PORTION)

FIGURE 3



NEW BEDFOR INNER HARBOR STANDING CROP SURVEY (LOWER PORTION)

fronting their fishing piers, and I-7A and I-7B in Palmer's Cove. Littlenecks in percentages greater than twenty were found in sampling unit areas I-3, I-5, I-7A and I-7B. Seed in abundances greater than ten percent were found in six of the ten sampling unit areas with sampling unit area I-4, on the Fairhaven shoreline just south of the Fairhaven Bridge, exhibiting the greatest at 18.93%.

The range of average adjusted quahog densities by size class for the inner harbor are: seed, 0.08/ft^2 to 2.28/ft^2; littlenecks, 0.16/ft^2 to

SUPP-CD-PUBCOM000049

4.19/ft^2; cherrystones, 0.27/ft^2 to 6.07/ft2; and, chowders, 0.10/ft^2 to 6.60/ft^2. Table 1 presents the totals and percentages of the inner harbor standing crop.

Table 2
Quahog Standing Crop Assessment
New Bedford Inner Harbor

Area Square Feet	Area Acres				
17,495,874	401.65	**Seed**	**Littleneck**	**Cherrystone**	**Chowder**
	Total Quahogs	**16,680,452**	**21,346,744**	**28,333,211**	**44,534,264**
	Total Bushels		**50,826**	**118,055**	**371,119**
	Total Bushels/Acre:		**126.54**	**293.93**	**923.99**

Several other species were noted in varying abundances throughout the area. However, the distribution of soft shelled clams (Mya arenaria) in sampling unit areas, I-3, I-4, I-7A and I-7B and oysters (Crassostrea virginica) in sampling unit areas I-1, I-4, I-6, I-7A and I-7B is significant. In at least two tows in sampling unit area I-2, almost a bushel of soft shelled clams was landed in the dredge. The area just south of Palmer's Island contained approximately 15 clams per ft^2.

Large quantities of oysters and clams were also observed around Crow Island and Palmer's Island. Other specie noted during sampling along with substrate compositions and quahog length frequency information are found in Appendix I.

Substrate types in the inner harbor varied from a relatively large mud area in sampling unit area I-3 to firm sand and gravel with interstitial mud around Palmer's Island. Pockets of very soft, black mud are found scattered over the area. Quahog densities were found to be comparatively low at these locations with no seed observed and an average of 0.30 quahogs per ft^2 of the other three class sizes. Large quantities of debris ranging from soda cans to unknown "hangs" that literally stopped the forward progress of the dredge are found predominantly in the area between the hurricane barrier and the Fairhaven Bridge concentrated near the fishing fleet piers on either side of the harbor.

SUPP-CD-PUBCOM000050

SUPP-CD-PUBCOM000051

THOMAS Kennedy
78 ELLEN ST
New Bedford, MASS
02746



DEPARTMENT of JUSTICE
ASST ATTORNEY GENERAL
ENRD - Comment Period A.V.X US. USA
P.O. BOX 76111
WASHINGTON. D.C
20044-7611

X-RAYED
NOV 05 2012
DOJ MAILROOM

20044761111

Tashima, Keith (ENRD)

From: D'Haiti, Valencia (ENRD)
Sent: Wednesday, November 07, 2012 7:07 AM
To: Tashima, Keith (ENRD)
Subject: FW: PCB Clean-up/ AVX in New Bedford, MA

Keith –

Here's another comment which was received in the comment box.

Val D'Haiti
Systems Support Specialist
U.S. Dept. of Justice
Environment & Natural Resources Division
Environmental Enforcement Section
(202) 514-2436 (telephone)
(202) 514-0097 (fax)
valencia.d'haiti@usdoj.gov

From: Rahim Aghai [mailto:g_raghai@umassd.edu]
Sent: Tuesday, November 06, 2012 10:33 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: PCB Clean-up/ AVX in New Bedford, MA

Dear Sir or Madam

We would appreciate if EPA initiate an in-depth studies by a group of scientist before initiating this CAD program in AVX site in New Bedford. If in future any mistake or error is found it would more costly to remedy and the life of many of us would in danger.

After all we are the people being affected by this procedure. In addition punitive damage fund against AVX will not be adequate all the affected sites. It's only a partial cleaning.

Rahim Aghai

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

November 9, 2012

Karen A. Vilandry
Vice President
Hands Across the River Coalition
34 Huttleston Ave.
Fairhaven, MA 02719

Re: New Bedford Harbor Superfund Site—October 24, 2012 and November 1, 2012 Emails to EPA and Others

Dear Ms. Vilandry:

EPA Region 1 is writing in response to your emails to EPA and others, dated October 24, 2012, and November 1, 2012, regarding the governments' settlement with AVX Corp. that was lodged with the U.S. District Court for the District of Massachusetts on October 10, 2012. On October 25, 2012, EPA Region 1 sent you a letter in response to your October 10, 2012 letter to EPA Administrator Lisa P. Jackson, indicating that while your letter was submitted before the public comment period, we have forwarded a copy to the U.S. Department of Justice (DOJ), and that it will be considered along with other comments submitted during the public comment period. With respect to your October 24th and November 1st emails, they were not submitted to the official DOJ email address for public comments on the settlement with AVX. However, we have also forwarded copies of these emails to DOJ, and they will be considered along with other comments submitted during the public comment period.

As EPA Region 1's October 25th letter was sent out the day after your October 24th email, I am enclosing a copy of the October 25th letter, along with the two enclosed sets of frequently asked questions (FAQs), for your reference.

Please contact Kelsey O'Neil, Community Involvement Coordinator, at 617-918-1003 or 857-998-0226 if you have questions.

Sincerely,

Man Chak.Ng
Senior Enforcement Counsel

Enclosures

cc (via email): Curt Spalding, Regional Administrator

From:	Mark Rasmussen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Monday, November 19, 2012 3:34:34 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Mark Rasmussen Fairhaven, Massachusetts

There are now 1 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Stasia Powers
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- This project needs to
Date:	Monday, November 19, 2012 5:59:39 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> This project needs to be done right. For the health and safety of New Bedford harbor and everyone, human and wildlife, that surround it.

Sincerely,
Stasia Powers
Fairhaven, Massachusetts

There are now 5 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: John Vasconcellos
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date: Monday, November 19, 2012 5:34:14 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
John Vasconcellos New Bedford, Massachusetts

There are now 3 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Joanne Friar
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Monday, November 19, 2012 5:54:12 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Joanne Friar Somerset, Massachusetts

There are now 4 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Gregory Esteve
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Monday, November 19, 2012 7:41:32 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Gregory Esteve Lake Wales, Florida

There are now 6 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Daniel Vasconcellos
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Monday, November 19, 2012 3:55:14 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Daniel Vasconcellos Pembroke, Massachusetts

There are now 2 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Ryan Coons
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Monday, November 19, 2012 11:36:07 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Ryan Coons San Diego, California

There are now 8 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Buzzards Bay Coalition
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	New petition to you: Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor
Date:	Monday, November 19, 2012 5:59:39 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

Buzzards Bay Coalition started a petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" targeting you on Change.org that's starting to pick up steam.

Change.org is the world's largest petition platform that gives anyone, anywhere the tools they need to start, join and win campaigns for change. Change.org never starts petitions on our own -- petitions on the website, like "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor", are started by users.

While "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" is active, you'll receive an email each time a signer leaves a comment explaining why he or she is signing. You'll also receive periodic updates about the petition's status.

Here's what you can do right now to resolve the petition:

- Review the petition. Here's a link:
  - <=""">http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor
- See the 5 signers and their reasons for signing on the petition page.
- Respond to the petition creator by sending a message here:
  - http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Sincerely,
Change.org

There are now 5 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Angela Vasconcellos
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date: Monday, November 19, 2012 8:08:07 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Angela Vasconcellos New Bedford, Massachusetts

There are now 7 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Todd Snyder
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Tuesday, November 20, 2012 12:38:15 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Todd Snyder San Francisco, California

There are now 9 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Yasiu Kruszynski
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Tuesday, November 20, 2012 1:42:08 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Yasiu Kruszynski Chicago, Illinois

There are now 10 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	malik griffin
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Tuesday, November 20, 2012 5:07:45 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
malik griffin Knightdale, North Carolina

There are now 12 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Logan Dodson
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Tuesday, November 20, 2012 9:29:05 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Logan Dodson Deland, Florida

There are now 11 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Daniela Bress
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Tuesday, November 20, 2012 10:30:40 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Daniela Bress Niedersachsen, Germany

There are now 13 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Edward Laurson
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Wednesday, November 21, 2012 5:48:32 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Edward Laurson Denver, Colorado

There are now 17 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Chantal Buslot
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Wednesday, November 21, 2012 12:43:47 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Chantal Buslot Hasselt, Belgium

There are now 15 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Elisabeth Bechmann
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Wednesday, November 21, 2012 1:57:23 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Elisabeth Bechmann St. Pölten, Austria

There are now 16 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Erik Attaway
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Wednesday, November 21, 2012 1:34:43 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Erik Attaway New Lenox, Illinois

There are now 14 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Maddie Shannon
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Thursday, November 22, 2012 2:11:01 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Maddie Shannon Fresno, California

There are now 19 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	James Mulcare
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Thursday, November 22, 2012 6:37:12 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
James Mulcare Clarkston, Washington

There are now 21 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Zachary Hardy
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Thursday, November 22, 2012 3:12:54 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Zachary Hardy Macon, Georgia

There are now 20 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Tom Gidwitz
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date:	Thursday, November 22, 2012 9:39:38 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Tom Gidwitz S. Dartmouth, Massachusetts

There are now 18 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Monday, November 26, 2012 10:07 AM
To: Tashima, Keith (ENRD); Levine, Bradley (ENRD); MacLaughlin, Jerry (ENRD)
Subject: PUBLIC COMMENT FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Another AVX comment – more to follow.

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: Megan DePerro [mailto:mail@change.org]
Sent: Saturday, November 24, 2012 1:49 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Megan DePerro Buffalo, New York

There are now 22 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Monday, November 26, 2012 10:08 AM
To: Tashima, Keith (ENRD); Levine, Bradley (ENRD); MacLaughlin, Jerry (ENRD)
Subject: PUBLIC COMMENT FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

And another one.

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: dinda evans [mailto:mail@change.org]
Sent: Saturday, November 24, 2012 3:42 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
dinda evans san diego, California

There are now 24 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Monday, November 26, 2012 10:08 AM
To: Tashima, Keith (ENRD); Levine, Bradley (ENRD); MacLaughlin, Jerry (ENRD)
Subject: PUBLIC COMMENT FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Another one.

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: Lacey Levitt [mailto:mail@change.org]
Sent: Saturday, November 24, 2012 4:35 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Lacey Levitt Baltimore, Maryland

There are now 25 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Monday, November 26, 2012 10:07 AM
To: Tashima, Keith (ENRD); Levine, Bradley (ENRD); MacLaughlin, Jerry (ENRD)
Subject: PUBLIC COMMENT FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Another for AVX.

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: robyn scheuffele [mailto:mail@change.org]
Sent: Saturday, November 24, 2012 11:29 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
robyn scheuffele san diego, California

There are now 23 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Monday, November 26, 2012 10:09 AM
To: Tashima, Keith (ENRD); Levine, Bradley (ENRD); MacLaughlin, Jerry (ENRD)
Subject: PUBLIC COMMENT FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

And another.

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: Michael Steele [mailto:mail@change.org]
Sent: Saturday, November 24, 2012 10:21 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Michael Steele Morrice, Michigan

There are now 26 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Monday, November 26, 2012 10:09 AM
To: Tashima, Keith (ENRD); Levine, Bradley (ENRD); MacLaughlin, Jerry (ENRD)
Subject: PUBLIC COMMENT FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Another one.

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: Priscilla Calle [mailto:mail@change.org]
Sent: Sunday, November 25, 2012 9:09 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Priscilla Calle Miami, Florida

There are now 27 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Monday, November 26, 2012 10:10 AM
To: Tashima, Keith (ENRD); Levine, Bradley (ENRD); MacLaughlin, Jerry (ENRD)
Subject: PUBLIC COMMENT FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Last one for now.

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: David Jenkins [mailto:mail@change.org]
Sent: Sunday, November 25, 2012 1:52 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
David Jenkins Edmond, Oklahoma

There are now 28 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: linda aguiar [mail@change.org]
Sent: Monday, November 26, 2012 5:10 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
linda aguiar new bedford, Massachusetts

There are now 29 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Maria Teixeira [mail@change.org]
Sent: Monday, November 26, 2012 9:34 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Maria Teixeira Assonet, Massachusetts

There are now 30 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Davis, Buffy (ENRD)
Sent: Tuesday, November 27, 2012 10:43 AM
To: MacLaughlin, Jerry (ENRD); Tashima, Keith (ENRD)
Cc: ENRD-EES Case Management
Subject: FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Comment 1 of 6 that came in today.

From: Lynn Coish [mailto:mail@change.org]
Sent: Tuesday, November 27, 2012 9:25 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Lynn Coish New Bedford, Massachusetts

There are now 31 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Davis, Buffy (ENRD)
Sent: Tuesday, November 27, 2012 10:47 AM
To: MacLaughlin, Jerry (ENRD); Tashima, Keith (ENRD)
Cc: ENRD-EES Case Management
Subject: FW: Why I signed -- I grew up in

Comment 3 of 6

From: robert Duarte [mailto:mail@change.org]
Sent: Tuesday, November 27, 2012 10:25 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Why I signed -- I grew up in

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I grew up in New Bedford and my family and friends all live there. The history of companies destroying the city with pollution is inexcusable and needs to be finally rectified.

Sincerely,
robert Duarte
Tallahassee, Florida

There are now 33 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Davis, Buffy (ENRD)
Sent: Tuesday, November 27, 2012 10:49 AM
To: MacLaughlin, Jerry (ENRD); Tashima, Keith (ENRD)
Cc: ENRD-EES Case Management
Subject: FW: Why I signed -- I lived in New

Comment 4 of 6

From: Kalia Lydgate [mailto:mail@change.org]
Sent: Tuesday, November 27, 2012 10:34 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Why I signed -- I lived in New

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I lived in New Bedford for 5 years. It's a beautiful community, with rich history and full of diversity and natural beauty. Settlement should not be an option for this kind of pollution, companies need to be held fully accountable for the damage they've done and the EPA needs to do its job and restore these water ways to health.

Sincerely,
Kalia Lydgate
Shelburne Falls, Massachusetts

There are now 34 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Davis, Buffy (ENRD)
Sent: Tuesday, November 27, 2012 10:52 AM
To: MacLaughlin, Jerry (ENRD); Tashima, Keith (ENRD)
Cc: ENRD-EES Case Management
Subject: FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Comment 6 of 6

From: phil Macramos [mailto:mail@change.org]
Sent: Tuesday, November 27, 2012 10:35 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
phil Macramos New Bedford, Massachusetts

There are now 36 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Davis, Buffy (ENRD)
Sent: Tuesday, November 27, 2012 10:51 AM
To: MacLaughlin, Jerry (ENRD); Tashima, Keith (ENRD)
Cc: ENRD-EES Case Management
Subject: FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Comment 5 of 6

From: jed oberry [mailto:mail@change.org]
Sent: Tuesday, November 27, 2012 10:34 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
jed oberry Carver, Massachusetts

There are now 35 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Davis, Buffy (ENRD)
Sent: Tuesday, November 27, 2012 10:45 AM
To: MacLaughlin, Jerry (ENRD); Tashima, Keith (ENRD)
Cc: ENRD-EES Case Management
Subject: FW: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Comment 2 of 6

From: Brooke Syvertsen [mailto:mail@change.org]
Sent: Tuesday, November 27, 2012 10:22 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Brooke Syvertsen New Bedford, Massachusetts

There are now 32 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Bruce Almeida [mail@change.org]
Sent: Tuesday, November 27, 2012 10:52 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Bruce Almeida New Bedford, Massachusetts

There are now 39 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Megan Amsler [mail@change.org]
Sent: Tuesday, November 27, 2012 12:17 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Megan Amsler Hatchville, Massachusetts

There are now 47 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Latham Bakerink [mail@change.org]
Sent: Tuesday, November 27, 2012 12:03 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Latham Bakerink New Bedford, Massachusetts

There are now 46 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: max cover [mail@change.org]
Sent: Tuesday, November 27, 2012 11:04 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
max cover South Dartmouth, Massachusetts

There are now 40 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Andy Erickson [mail@change.org]
Sent: Tuesday, November 27, 2012 11:20 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Andy Erickson Dartmouth, Massachusetts

There are now 42 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: john gamache [mail@change.org]
Sent: Tuesday, November 27, 2012 10:44 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
john gamache new bedford, Massachusetts

There are now 37 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Zoe Hansen-DiBello [mail@change.org]
Sent: Tuesday, November 27, 2012 10:49 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Zoe Hansen-DiBello Providence, Rhode Island

There are now 38 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Sarah Holbrook [mail@change.org]
Sent: Tuesday, November 27, 2012 11:58 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Sarah Holbrook New Bedford, Massachusetts

There are now 46 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Kate Korolenko [mail@change.org]
Sent: Tuesday, November 27, 2012 11:15 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Kate Korolenko Westport, Massachusetts

There are now 41 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Peter Lynch [mail@change.org]
Sent: Tuesday, November 27, 2012 11:38 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Peter Lynch Boston, Massachusetts

There are now 44 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: michael.newsome.jr@mailsc31.usdoj.gov
Sent: Tuesday, November 27, 2012 11:28 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
michael newsome jr, New Bedford, Massachusetts

There are now 43 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Joseph Ionno
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- Does this question really
Date:	Tuesday, November 27, 2012 2:29:22 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

Does this question really need to be asked???

Sincerely,
Joseph Ionno
New Bedford, Massachusetts

There are now 50 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Alan Palm
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- Buzzards Bay is my
Date:	Tuesday, November 27, 2012 3:08:36 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> Buzzards Bay is my home and a clean aquatic ecosystem is vital to our future.

Sincerely,
Alan Palm
Mattapoisett, Massachusetts

There are now 50 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Christopher Blake
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: I just signed "Don"t let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor"
Date: Tuesday, November 27, 2012 3:22:56 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,
Christopher Blake New Bedford, Massachusetts

There are now 51 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Jen Grantham
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- It would be dangerous
Date:	Tuesday, November 27, 2012 6:16:53 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

It would be dangerous to put PCBs back into the harbor!

Sincerely,
Jen Grantham
Westport, Massachusetts

There are now 52 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Tashima, Keith (ENRD)

From: Jon [JonB55198@comcast.net]
Sent: Tuesday, November 27, 2012 7:14 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: New Bedford harbor clean up

Include this text in your comments:
I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

Sincerely,
Jonathan Barboza

SUPP-CD-PUBCOM000106

From:	Elizabeth Chevalier
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- Pollution is bad.
Date:	Tuesday, November 27, 2012 7:19:17 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> Pollution is bad. My brother lives in New Bedford!

Sincerely,
Elizabeth Chevalier
Tucson, Arizona

There are now 53 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Molly Powers
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I grew up spending
Date:	Tuesday, November 27, 2012 7:35:21 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I grew up spending all my summers swimming, sailing, fishing, crabbing, and loving the waters of Buzzards Bay from Cuttyhunk Island. New Bedford Harbor needs some TLC for sure, and companies who contributed to this mess should contribute to the clean up effort.

Sincerely,
Molly Powers
Falmouth, Massachusetts

There are now 55 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Molly Powers
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Sarah Medeiros, Jen Grantham...
Date: Tuesday, November 27, 2012 7:35:21 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 55 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 51. Sarah Medeiros Acushnet, Massachusetts
> 52. Jen Grantham Westport, Massachusetts
> 53. Elizabeth Chevalier Tucson, Arizona
> 54. Rebecca Garfield Cuttyhunk, Massachusetts
> 55. Molly Powers Falmouth, Massachusetts



From: William Jenney
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: audrey burns, Judy Barto...
Date: Wednesday, November 28, 2012 1:38:42 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 65 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 61. audrey burns mattapoisett, Massachusetts
> 62. Judy Barto Cammal, Pennsylvania
> 63. helen park london, United Kingdom
> 64. Donna Cobert New Bedford, Massachusetts
> 65. William Jenney fairhaven, Massachusetts



From:	Catherine DeTerra
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- This is near my
Date:	Wednesday, November 28, 2012 7:27:23 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> This is near my home. I feel we need to ensure that this site is cleaned up responsibly and completely. I want to ensure that my children, and their children, will not be dealing with toxins from this mess!

Sincerely,
Catherine DeTerra
Dartmouth, Massachusetts

There are now 68 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Tiffany Chang
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Laura Schaefer, Michael Swenson...
Date: Thursday, November 29, 2012 3:07:54 AM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 70 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
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> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 66. Laura Schaefer Wareham, Massachusetts
> 67. Michael Swenson Richmond, Texas
> 68. Catherine DeTerra Dartmouth, Massachusetts
> 69. Ed Ready dover, New Hampshire
> 70. Tiffany Chang Chino Hills, California



From:	ddelanea fumo
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- all mankind will suffer
Date:	Thursday, November 29, 2012 5:50:23 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

all mankind will suffer if we of this world dont do our part!

Sincerely,
ddelanea fumo
new bedford, Massachusetts

There are now 74 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Jane Renwick
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: paul loiselle, alyssa prachniak...
Date: Thursday, November 29, 2012 6:34:48 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 75 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

71. paul loiselle new bedford, Massachusetts
72. alyssa prachniak new bedford, Massachusetts
73. Kathleen Webb Fairhaven, Massachusetts
74. ddelanea fumo new bedford, Massachusetts

From: Larissa Funfas
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Joanna Krystman, Jason Resendes...
Date: Thursday, November 29, 2012 6:37:45 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 80 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 76. Joanna Krystman tiverton, Rhode Island
> 77. Jason Resendes raynham, Massachusetts
> 78. Paul DaSilva Fall River, Massachusetts
> 79. Eric Brocklehurst Newport, Rhode Island
> 80. Larissa Funfas Teaticket, Massachusetts



From: Roberta Hazen Aaronson
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Peter Tatarian, Sarah C Lemelin...
Date: Thursday, November 29, 2012 6:40:23 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 85 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
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>
> Sincerely,
>
> 81. Peter Tatarian Lakeville, Massachusetts
> 82. Sarah C Lemelin So Dartmouth, Massachusetts
> 83. rebecca matusiak providence, Rhode Island
> 84. Dianne Mosher South Dartmouth, Massachusetts
> 85. Roberta Hazen Aaronson Cranston, Rhode Island

From: gail vidito
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Cally Wolk, John Cox...
Date: Thursday, November 29, 2012 6:42:42 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 90 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> Sincerely,
>
> 86. Cally Wolk Attleboro, Massachusetts
> 87. John Cox New Bedford, Massachusetts
> 88. Rob Karsch Bristol, Rhode Island
> 89. karen moriarty plymouth, Massachusetts
> 90. gail vidito rehoboth, Massachusetts



From:	John Softcheck
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I live just a
Date:	Thursday, November 29, 2012 6:46:11 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I live just a mile from the harbor, and my family and friends swim in it every year. We need more accountability and detailed cost analysis of the cleanup. A settlement is only acceptable if it covers the total cost of cleaning up the harbor, and we need to see the hard numbers.

Sincerely,
John Softcheck
Fairhaven, Massachusetts

There are now 93 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Marco Pedulli
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Cheryl Burtch, Natalie Wagner...
Date: Thursday, November 29, 2012 6:47:26 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 95 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

91. Cheryl Burtch Acushnet, Massachusetts
92. Natalie Wagner Sandwich, Massachusetts
93. John Softcheck Fairhaven, Massachusetts
94. kristine keegan plymouth, Massachusetts
95. Marco Pedulli Fairhaven, Massachusetts

From: Greg Cucino
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Eric Smith, alfred aniello...
Date: Thursday, November 29, 2012 6:53:31 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 105 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 101. Eric Smith Kingston, Massachusetts
> 102. alfred aniello east providence, Rhode Island
> 103. David Neves Seekonk, Massachusetts
> 104. Maria Souza New Bedford, Massachusetts
> 105. Greg Cucino Providence, Rhode Island

From: Tammy marques
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: doug savage, William Costa...
Date: Thursday, November 29, 2012 6:57:06 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 110 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> Sincerely,
>
> 106. doug savage Marion, Massachusetts
> 107. William Costa Vineyard Haven, Massachusetts
> 108. Victoria Waterhouse Forestdale, Massachusetts
> 109. Joe Farley West Warwick, Rhode Island
> 110. Tammy marques fairhaven, Massachusetts

From: Donna Vaughan
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Kerri Rodriguez, Lori Herman...
Date: Thursday, November 29, 2012 6:52:08 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 100 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
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>
> Sincerely,
>
> 96. Kerri Rodriguez Westport, Massachusetts
> 97. Lori Herman Edgartown, Massachusetts
> 98. Rebecca Connors N Kingstown, Rhode Island
> 99. David Ames Providence, Rhode Island
> 100. Donna Vaughan Carver, Massachusetts



From: Beth Milham
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Laura Troll, Zelia Medeiros...
Date: Thursday, November 29, 2012 7:00:52 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 115 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> Sincerely,
>
> 111. Laura Troll Buzzards Bay, Massachusetts
> 112. Zelia Medeiros New Bedford, Massachusetts
> 113. Joe Cuddy Plympton, Massachusetts
> 114. Kelly Moran Saunderstown, Rhode Island
> 115. Beth Milham Newport, Rhode Island

From: Jennifer DeBarros
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Brian Messier, Katrina Turick...
Date: Thursday, November 29, 2012 7:05:52 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 120 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> Sincerely,
>
> 116. Brian Messier Dartmouth, Massachusetts
> 117. Katrina Turick Little Compton, Rhode Island
> 118. Heidi Horlbogen Northkingstown , Rhode Island
> 119. Travis Ouellette Carver, Massachusetts
> 120. Jennifer DeBarros New Bedford, Massachusetts



From:	Gary Frankel
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- It is unacceptable to
Date:	Thursday, November 29, 2012 7:10:10 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> It is unacceptable to allow any entity to shirk their responsibility for pollution caused as a result of their activities. This case is no different. This company is no different and must be held accountable!

Sincerely,
Gary Frankel
Bristol, Rhode Island

There are now 125 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Gary Frankel
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Gina Sootkoos, Zachary Paquette...
Date: Thursday, November 29, 2012 7:10:10 PM

---

5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

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http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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Sincerely,

121. Gina Sootkoos Fairhaven, Massachusetts
122. Zachary Paquette Attleboro, Massachusetts
123. Michelle Kovarik East Falmouth, Massachusetts
124. Francis Daly vineyard haven, Massachusetts
125. Gary Frankel Bristol, Rhode Island

From:	Craig Marin
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	5 new petition signatures: suzanne allison, raye king...
Date:	Thursday, November 29, 2012 7:15:01 PM

5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 130 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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Sincerely,

126. suzanne allison providence, Rhode Island
127. raye king plymouth, Massachusetts
128. Eve Marie Eells Pawtucket, Rhode Island
129. susan tangen south dartmouth, Massachusetts
130. Craig Marin Providence, Rhode Island

From:	Rose Mellino
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	5 new petition signatures: Frances Smith, Janet Handford...
Date:	Thursday, November 29, 2012 7:27:58 PM

5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 135 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
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Sincerely,

131. Frances Smith E. Falmouth, Massachusetts
132. Janet Handford West Warwick, Rhode Island
133. Suzanne Feeney Sandwich, Massachusetts
134. debbie sirois carver, Massachusetts
135. Rose Mellino Ossipee, New Hampshire

From:	pamela tarallo
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- This is my home
Date:	Thursday, November 29, 2012 7:33:47 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

This is my home

Sincerely,
pamela tarallo
fairhaven, Massachusetts

There are now 138 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Frank Macera
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I LIVE IN RI!
Date:	Thursday, November 29, 2012 7:36:51 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

I LIVE IN RI! That's why it's important! Stop polluting my blasted food!

Sincerely,
Frank Macera
east Greenwich, Rhode Island

There are now 139 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Janet Blair
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Melanie Dupre, Sara Polaski...
Date: Thursday, November 29, 2012 7:38:15 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

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Sincerely,

136. Melanie Dupre Providence, Rhode Island
137. Sara Polaski Cranston, Rhode Island
138. pamela tarallo fairhaven, Massachusetts
139. Frank Macera east Greenwich, Rhode Island
140. Janet Blair Attleboro, Massachusetts

From: Cathy Bowers
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Nancy Moreira, Kellie Ferreira...
Date: Thursday, November 29, 2012 7:48:08 PM

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>
> Sincerely,
>
> 141. Nancy Moreira Warwick, Rhode Island
> 142. Kellie Ferreira New Bedford, Massachusetts
> 143. Ambar Sanchez Providence, Rhode Island
> 144. Paul Rasmussen Providence, Rhode Island
> 145. Cathy Bowers Mattapoisett, Massachusetts



From: Jonathan Martins
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Sally F, gayle maginnis...
Date: Thursday, November 29, 2012 7:52:32 PM

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>
> Sincerely,
>
> 146. Sally F East Bridgewater, Massachusetts
> 147. gayle maginnis norton, Massachusetts
> 148. Michael Talbot Mashpee, Massachusetts
> 149. betsy macdonald West Tisbury, Massachusetts
> 150. Jonathan Martins Sandwich, Massachusetts



From: Nora Healy
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: David Dow, david maroni...
Date: Thursday, November 29, 2012 7:57:57 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 155 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> Sincerely,
>
> 151. David Dow East Falmouth, Massachusetts
> 152. david maroni Cranston, Rhode Island
> 153. Raymond Del Colle Bristol, Rhode Island

From: Carolyn Clarke
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Scout Perry, Molly Draffone...
Date: Thursday, November 29, 2012 8:03:28 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 160 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
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Sincerely,

156. Scout Perry Sandwich, Massachusetts
157. Molly Draffone Plymouth, Massachusetts
158. virginia dionne cranston, Rhode Island
159. Mackendy Mondesir New Bedford, Massachusetts
160. Carolyn Clarke Pawtucket, Rhode Island



From: Pauline Theberge
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Peter Connolly, Carol Batchelder...
Date: Thursday, November 29, 2012 8:07:02 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 165 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
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Sincerely,

161. Peter Connolly Attleboro, Massachusetts
162. Carol Batchelder East Providence, Rhode Island
163. P Turick adamsville, Rhode Island
164. Stephen DeCesare East Providence, Rhode Island
165. Pauline Theberge Berkley, Massachusetts



From:	Paula Quigley
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	5 new petition signatures: Jessica Brown, Ashley Allan...
Date:	Thursday, November 29, 2012 8:12:01 PM

5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 170 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

166. Jessica Brown Warwick, Rhode Island
167. Ashley Allan West Chester, Pennsylvania
168. Tess Hebert New bedford, Massachusetts
169. George N Correia New Bedford, Massachusetts
170. Paula Quigley Saunderstown, Rhode Island

From:	Susan Sakash
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- The New Bedford harbor
Date:	Thursday, November 29, 2012 8:15:08 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> The New Bedford harbor is one of the most active fishing ports on the East Coast. Its fish and fishermen and women deserve the cleanest harbor possible.

Sincerely,
Susan Sakash
PROVIDENCE, Rhode Island

There are now 175 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Susan Sakash
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Juan Moore, Robert Foley Jr...
Date: Thursday, November 29, 2012 8:15:08 PM

---

5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 175 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 171. Juan Moore Providence, Rhode Island
> 172. Robert Foley Jr Attleboro, Massachusetts
> 173. Jessica Oliver New Bedford, Massachusetts
> 174. Maret Gable Mashpee, Massachusetts
> 175. Susan Sakash PROVIDENCE, Rhode Island



From: Marguerite Benoit
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Laurie McKenna, Jennifer Boone...
Date: Thursday, November 29, 2012 8:27:03 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 180 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 176. Laurie McKenna Fall River, Massachusetts
> 177. Jennifer Boone Providence, Rhode Island
> 178. Tim FitzGibbons Fall River, Massachusetts
> 179. Rogrr Seguin New Bedford, Massachusetts
> 180. Marguerite Benoit Providence, Rhode Island

From: Angela Marschall
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Elias Lieberman, Theodore A Romanosky...
Date: Thursday, November 29, 2012 8:41:11 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 185 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 181. Elias Lieberman East Falmouth, Massachusetts
> 182. Theodore A Romanosky North Kingstown, Rhode Island
> 183. Jane Unsworth Westport, Massachusetts
> 184. Scott Sharland Lakeville, Massachusetts
> 185. Angela Marschall Falmouth, Massachusetts



From: Charles Feldman
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Bridget Travers, Cindy Azevedo...
Date: Thursday, November 29, 2012 8:45:05 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 190 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 186. Bridget Travers Tiverton, Rhode Island
> 187. Cindy Azevedo East Taunton, Massachusetts
> 188. Nina Fernandes Tiverton, Rhode Island
> 189. Dana Leslie Providence, Rhode Island
> 190. Charles Feldman Providence, Rhode Island

From: Miranda Cook
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Michele Harvey, Patricia Lake...
Date: Thursday, November 29, 2012 8:50:12 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 195 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 191. Michele Harvey Taunton, Massachusetts
> 192. Patricia Lake Fall River, Massachusetts
> 193. Stephanie Hannum South Dartmouth, Massachusetts
> 194. P. Brett Fortin Fairhaven, Massachusetts
> 195. Miranda Cook Attleboro, Massachusetts

From: jl keith
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Alison Guzman, Esther Menz...
Date: Thursday, November 29, 2012 9:01:59 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 200 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 196. Alison Guzman Pawtucket, Rhode Island
> 197. Esther Menz Rehoboth, Massachusetts
> 198. Natalia Choquette Pawtucket, Rhode Island
> 199. Karen Feldman Providence, Rhode Island
> 200. jl keith Providence, Rhode Island



From: Bigg Meech
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Ariel Robert, Slader Merriman...
Date: Thursday, November 29, 2012 9:10:55 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 205 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 201. Ariel Robert New Bedford, Massachusetts
> 202. Slader Merriman Bourne, Massachusetts
> 203. Joel Wool Dorchester, Massachusetts
> 204. Gail Cohee Cranston, Rhode Island
> 205. Bigg Meech freetown, Rhode Island



From: Edward Croft
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Mikel Arambarri, Alison King...
Date: Thursday, November 29, 2012 9:24:58 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 210 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 207. Mikel Arambarri Newport, Rhode Island
> 208. Alison King Boston, Massachusetts
> 208. Katharine Stark Warwick, Rhode Island
> 209. Beverly Baccelli Mattapoisett, Massachusetts
> 210. Edward Croft Lakeville, Massachusetts



From: Edward Benson
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: laura worrick, Monica Suarez...
Date: Thursday, November 29, 2012 9:35:42 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 215 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 211. laura worrick providence, Rhode Island
> 212. Monica Suarez Cranston, Rhode Island
> 213. Kathi Reed Warwick, Rhode Island
> 214. Hillarie Gaynor-Clarke E.Falmouth, Massachusetts
> 215. Edward Benson Pawtucket, Rhode Island

From: Louis Rourke
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Roberta D"Andrea, Joelene Marinone...
Date: Thursday, November 29, 2012 9:51:57 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 220 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 216. Roberta D'Andrea West Warwick, Rhode Island
> 217. Joelene Marinone Mattapoisett, Massachusetts
> 218. Jean Coombs Plymouth, Massachusetts
> 219. Heidy Campos Providence, Rhode Island
> 220. Louis Rourke Fall River, Massachusetts

From: Megan MacDonald
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Lisa Maloney, Ed Unsworth...
Date: Thursday, November 29, 2012 10:10:41 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 225 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 221. Lisa Maloney Providence, Rhode Island
> 222. Ed Unsworth Westport, Massachusetts
> 223. Michael Jameson Carver, Massachusetts
> 224. Melanie Scalera Cranston, Rhode Island
> 225. Megan MacDonald Middletown, Rhode Island



From: anthony velino
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Rayana Grace, Emily Earnshaw...
Date: Thursday, November 29, 2012 10:27:46 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 230 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

226. Rayana Grace New Bedford, Massachusetts
227. Emily Earnshaw Warwick, Rhode Island
228. Diane Looney Edgartown, Massachusetts
229. John Benoit Cranston, Rhode Island
230. anthony velino providence, Rhode Island



From: Wesley Oliveira
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Gwendolyn Spencer, Carlton Pimentel...
Date: Thursday, November 29, 2012 10:41:16 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 235 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

231. Gwendolyn Spencer Providence, Rhode Island
232. Carlton Pimentel New Bedford, Massachusetts
233. Suzanne French Warwick, Rhode Island
234. Fran Ledoux Marstons Mills, Massachusetts
235. Wesley Oliveira Taunton, Massachusetts



From: Patricia Brennan
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Joel Greene, Susan Nulman...
Date: Thursday, November 29, 2012 10:52:13 PM

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5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 240 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 236. Joel Greene Fall River, Massachusetts
> 237. Susan Nulman Providence, Rhode Island
> 238. Connie M Pocasset, Massachusetts
> 239. Erin Farrell Cranston, Rhode Island
> 240. Patricia Brennan Providence, Rhode Island



From:	Chelsea Seiders
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- Have you ever looked
Date:	Thursday, November 29, 2012 11:17:36 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> Have you ever looked at the harbor up close? There is a film of "ick" floating on the surface. Families swim at Fort Phoenix; which is dangerously close!

Sincerely,
Chelsea Seiders
Marion, Massachusetts

There are now 244 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Corinn Williams
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Mary Murphy, Karen Miller...
Date: Thursday, November 29, 2012 11:18:05 PM

---

5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 245 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

241. Mary Murphy Cranston, Rhode Island
242. Karen Miller Fall River, Massachusetts
243. Debra Shrader Fairhaven, Massachusetts
244. Chelsea Seiders Marion, Massachusetts
245. Corinn Williams New Bedford, Massachusetts



From: Mary McDonald
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 5 new petition signatures: Lilian Robinson, david walker...
Date: Thursday, November 29, 2012 11:53:26 PM

---

5 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 250 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 246. Lilian Robinson Vineyard Haven, Massachusetts
> 247. david walker n. dartmouth, Massachusetts
> 248. Daniel Miller Halifax, Massachusetts
> 249. Karin buckley dartmouth, Massachusetts
> 250. Mary McDonald Portsmouth, Rhode Island

MacLaughlin, Jerome

P.O. Box 146
Cataumet, MA 02534

Assistant Attorney General
U.S. DOJ—ENRD
P.O. Box 7611
Washington, DC 20044–7611

November 30, 2012

RE: ***United States and Massachusetts* v. *AVX Corporation*, D.J. Ref. No. 90–11–2–32/2**

Dear Asst. Attorney General,

As one who has enjoyed living near the beautiful, shallow waters of Buzzards Bay, Massachusetts, for more than 60 years, I have watched fish and shellfish stocks decline, algae blooms and chemical pollutants discolor the water and periodic oil spills despoil the shoreline—all of this in spite of the bay's status as a federally protected estuary.

One of the worst cases of chemical pollution in the bay has been the toxic residue of PCBs left in New Bedford Harbor through the activities of AVX Corporation. The EPA has recently announced a $366 million settlement with the polluter, which is supposed to cover the cost of cleaning up the harbor. However, terms of the settlement as now written make it impossible for concerned communities to determine if this amount of money is sufficient to undo years of pollution by AVX.

As the owner of property near the shoreline of Buzzards Bay, I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

Sincerely,

Joseph Myerson

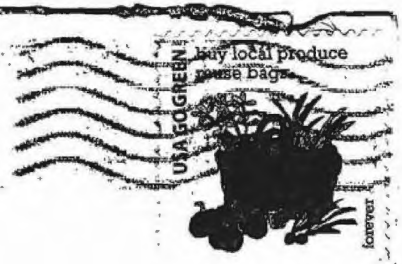
Joseph Myerson

Corr.
90-11-2-32/2

SUPP-CD-PUBCOM000156

P.O. Box 146
Cataumet, MA 02534

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EES

Assistant Attorney General
U.S. DOJ ENRD
P.O. Box 7611
Washington, DC 20044-7611

20044761111

SUPP-CD-PUBCOM000157

From: Stephen Mahoney
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Marc Carver, reginald spengler...
Date: Friday, November 30, 2012 4:39:07 AM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 260 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 251. Marc Carver Providence, Rhode Island
> 252. reginald spengler raynham, Massachusetts
> 253. Aaron Schiff East Freetown, Massachusetts
> 254. Thomas Smusz Providence, Rhode Island
> 255. Elizabeth & Robert Wentzell Pawtucket, Rhode Island
> 256. Kelcie Andrade Tiverton, Rhode Island
> 257. Muriel Reilly Attleboro, Massachusetts
> 258. Shazad Khan Chicago, Illinois
> 259. Theodore Waitt Taunton, Massachusetts
> 260. Stephen Mahoney Carver, Massachusetts



From:	Claudia Kirk
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- We have waited a
Date:	Friday, November 30, 2012 7:23:24 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> We have waited a long, long time to do this clean up right. This settlement commits us to settle for what is affordable not what is the best method for public good. We need to protect ourselves and have a clause that allows for being able to go back to AVX for more money if in the future the cleanup costs more than expected. We need to be sure that the EPA keeps an open process that shares details with the community.We deserve to be able to have the best clean up to protect the future generations. Its all about the wording...or what is missing between the lines. Do not release AVX from its responsibilities for best clean up choices and keep this an open dialogue between all parties. It has always been about time and money. Let's do it right this time and clean up New Bedford Harbor, finally the right way for the public good - forever. Include a reopener clause and an open process mandate. We live here and in the end will be the ones that live with the choices made now. Thank you and help us to protect our community.

Sincerely,
Claudia Kirk
Fairhaven, Massachusetts

There are now 270 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Claudia Kirk
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Alan Yabroudy, M. Norden...
Date: Friday, November 30, 2012 7:23:25 AM

---

10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 270 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 261. Alan Yabroudy South Easton, Massachusetts
> 262. M. Norden New Bedford, Massachusetts
> 263. jeffrey coelho tiverton, Rhode Island
> 264. Lynn Schwartz New Bedford, Massachusetts
> 265. Tyler Sardinha Fall River, Massachusetts
> 266. Robert Belota WARWICK, Rhode Island
> 267. fran reed providence, Rhode Island
> 268. Philip Moniz Somerset, Massachusetts
> 269. Bill Howell Oak Bluffs, Massachusetts
> 270. Claudia Kirk Fairhaven, Massachusetts



From: Rick Spencer
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Why I signed -- We all share the
Date: Friday, November 30, 2012 7:48:17 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> We all share the responsibility of cleaning up the mess we made-if we make less mess, there will be less to clean up.

Sincerely,
Rick Spencer
Cranston, Rhode Island

There are now 274 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: john west
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Marc Carver, reginald spengler...
Date: Friday, November 30, 2012 7:55:31 AM

---

25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 275 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 251. Marc Carver Providence, Rhode Island
> 252. reginald spengler raynham, Massachusetts
> 253. Aaron Schiff East Freetown, Massachusetts
> 254. Thomas Smusz Providence, Rhode Island
> 255. Elizabeth & Robert Wentzell Pawtucket, Rhode Island
> 256. Kelcie Andrade Tiverton, Rhode Island
> 257. Muriel Reilly Attleboro, Massachusetts
> 258. Shazad Khan Chicago, Illinois
> 259. Theodore Waitt Taunton, Massachusetts
> 260. Stephen Mahoney Carver, Massachusetts
> 261. Alan Yabroudy South Easton, Massachusetts
> 262. M. Norden New Bedford, Massachusetts
> 263. jeffrey coelho tiverton, Rhode Island
> 264. Lynn Schwartz New Bedford, Massachusetts
> 265. Tyler Sardinha Fall River, Massachusetts
> 266. Robert Belota WARWICK, Rhode Island
> 267. fran reed providence, Rhode Island
> 268. Philip Moniz Somerset, Massachusetts

269. Bill Howell Oak Bluffs, Massachusetts
270. Claudia Kirk Fairhaven, Massachusetts
271. Sandra Leger Silva Assonet, Massachusetts
272. Danielle TetreaultDanielleT Warwick, Rhode Island
273. Jonathan Thomas Providence, Rhode Island
274. Rick Spencer Cranston, Rhode Island
275. john west mashpee, Massachusetts



From:	low taylor
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I swim at Cuttyhunk
Date:	Friday, November 30, 2012 8:06:56 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

I swim at Cuttyhunk

Sincerely,
low taylor
cuttyhunk, Massachusetts

There are now 276 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Eleanor McNally
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Sandra Leger Silva, Danielle TetreaultDanielleT...
Date: Friday, November 30, 2012 8:30:42 AM

---

10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 280 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 271. Sandra Leger Silva Assonet, Massachusetts
> 272. Danielle TetreaultDanielleT Warwick, Rhode Island
> 273. Jonathan Thomas Providence, Rhode Island
> 274. Rick Spencer Cranston, Rhode Island
> 275. john west mashpee, Massachusetts
> 276. low taylor cuttyhunk, Massachusetts
> 277. Dorothy Tongue Westport Pt., Massachusetts
> 278. Kerri Furtado North Providence, Rhode Island
> 279. Emma Jean Middendorf Kingston, Massachusetts
> 280. Eleanor McNally Fall River, Massachusetts

From: Liz Place
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Why I signed -- I have spent my
Date: Friday, November 30, 2012 8:36:42 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I have spent my whole life living very closely to the Acushnet river, seeing the mass death of wildlife and the effect it has had on the surrounding areas and beaches. The fact that this has been going on for so long with PCBs being so dangerous and toxic, is quite disturbing. Something should have been done a very long time ago.

Sincerely,
Liz Place
Acushnet, Massachusetts

There are now 281 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Julie Bannister
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Liz Place, Zak Mettger...
Date: Friday, November 30, 2012 9:09:54 AM

---

10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 290 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 281. Liz Place Acushnet, Massachusetts
> 282. Zak Mettger Cranston, Rhode Island
> 283. christopher scott newport, Rhode Island
> 284. DOROTHY KASHK PAWTUCKET, Rhode Island
> 285. Elyse Baggen Dartmouth, Massachusetts
> 286. Melissa Guimont Middleboro, Massachusetts
> 287. CARL BUGARA FALL RIVER, Massachusetts
> 288. Ann DeNardis Fairhaven, Massachusetts
> 289. Andrew Reikes Tisbury, Massachusetts
> 290. Julie Bannister East Falmouth, Massachusetts

From:	Jason McNett
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- The change of
Date:	Friday, November 30, 2012 9:41:05 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> The change of money for servcies to be appropriately rendered should be equal and greasing a hand is not viable.

Sincerely,
Jason McNett
Taunton, Massachusetts

There are now 294 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Dale Robertson
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Korrin Petersen, joseph hall jr...
Date: Friday, November 30, 2012 10:09:30 AM

---

10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 300 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> Sincerely,
>
> 291. Korrin Petersen Middleboro, Massachusetts
> 292. joseph hall jr baltimore, Maryland
> 293. Leila Gustin SOUTH DARTMOUTH, Massachusetts
> 294. Jason McNett Taunton, Massachusetts
> 295. stefan michael ziewacz providence, Rhode Island
> 296. Scott DeAscentis Middletown, Rhode Island
> 297. Chris Murray Newport, Rhode Island
> 298. Erin Hedges Fairhaven, Massachusetts
> 299. Alan Souza New Bedford, Massachusetts
> 300. Dale Robertson Osterville, Massachusetts

From: rachel cocroft
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Why I signed -- I work at UMass
Date: Friday, November 30, 2012 10:33:15 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I work at UMass Dartmouth and recognize the importance of New Bedford harbor to the economy of the SouthCoast area. Pollution anywhere hurts everyone, there's no such thing as a closed environment.

Sincerely,
rachel cocroft
newport, Rhode Island

There are now 305 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Andrew Caradimos
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I go to umass
Date:	Friday, November 30, 2012 10:46:16 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

I go to umass dartmouth and the new bedford harbor is gross

Sincerely,
Andrew Caradimos
wareham, Massachusetts

There are now 307 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Christine Sherman
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Lloyd Guptill, Emma Manley...
Date: Friday, November 30, 2012 11:37:23 AM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 310 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 301. Lloyd Guptill Westport, Massachusetts
> 302. Emma Manley Plymouth, Massachusetts
> 303. Frank DeMello Lakeville, Massachusetts
> 304. heather cruz New Bedford, Massachusetts
> 305. rachel cocroft newport, Rhode Island
> 306. Anita Randall Bristol, Rhode Island
> 307. Andrew Caradimos wareham, Massachusetts
> 308. Rachel Bell Providence, Rhode Island
> 309. saira ruiz new bedford, Massachusetts
> 310. Christine Sherman Gloucester, Massachusetts

From:	Frank Merllo
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- The BP disaster is
Date:	Friday, November 30, 2012 11:57:14 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> The BP disaster is only now coming to the fore as to the full damage wrought by the blown well. The DOJ agrred to a recent amount, but let open for further criminal procedures. These are 2 magnificent bodies of water that hundreds of thousands depend for their existence and their pleasure. Sincerely, frank mello

Sincerely,
Frank Merllo
Attleboro, Massachusetts

There are now 311 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Steven Costas
To: ENRD, PUBCOMMENT-EES (ENRD)
Date: Friday, November 30, 2012 12:19:05 PM

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*Attention: A***ssistant Attorney General, Environment and Natural Resources Division** and refer to *United States and Massachusetts* **v.** *AVX Corporation,* **D.J. Ref. No. 90–11–2–32/2**. *I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.*

Thank you,
concerned citizen

From: Bourne, Mark
To: ENRD, PUBCOMMENT-EES (ENRD)
Date: Friday, November 30, 2012 1:39:55 PM

Please do what you can to clean up the harbor. I've spent time in Buzzards Bay since childhood and think it's a natural resource worth preserving. Thanks for your time. Oh yes, this too:

I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

From:	Donald Marcus
To:	ENRD, PUBCOMMENT-EES (ENRD)
Cc:	Donald Marcus
Subject:	New Bedford Harbor Clean-Up
Date:	Friday, November 30, 2012 1:40:26 PM

Dear Asst. Attorney General,

I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

Sincerely,
Donald Marcus
454 Scraggy Neck Road
Box 111
Cataumet, MA 02534

From: Taylor Field
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Frank Merllo, Cynthia Velez...
Date: Friday, November 30, 2012 1:40:43 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 320 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 311. Frank Merllo Attleboro, Massachusetts
> 312. Cynthia Velez Fall River, Massachusetts
> 313. michael langlais west warwick, Rhode Island
> 314. judy rivers Mashpee, Massachusetts
> 315. Gerry D'Amore Newport, Rhode Island
> 316. Katie Chuckran Raynham, Massachusetts
> 317. Jeff Berard Cranston, Rhode Island
> 318. William Cantor Mattapoisett, Massachusetts
> 319. Elizabeth Capwell Cranston, Rhode Island
> 320. Taylor Field New York, New York

From: Mal Durkee
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: New Bedford Harbor
Date: Friday, November 30, 2012 1:58:32 PM

To the Dept of Justice,

I am a homeowner on the south coast of Massachusetts and cherish the environment we were given. It has been polluted at our expense by others without proper oversight and compensation. *I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor. Please give my support to this end.*

Thanks
Mal Durkee

Please see important legal disclaimer at http://www.pwpartners.com/disclaimers.html which must be read and considered in connection with the information in and attached to this email.

From: Charles McGowan
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Lloyd Guptill, Emma Manley...
Date: Friday, November 30, 2012 2:01:35 PM

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25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 325 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

301. Lloyd Guptill Westport, Massachusetts
302. Emma Manley Plymouth, Massachusetts
303. Frank DeMello Lakeville, Massachusetts
304. heather cruz New Bedford, Massachusetts
305. rachel cocroft newport, Rhode Island
306. Anita Randall Bristol, Rhode Island
307. Andrew Caradimos wareham, Massachusetts
308. Rachel Bell Providence, Rhode Island
309. saira ruiz new bedford, Massachusetts
310. Christine Sherman Gloucester, Massachusetts
311. Frank Merllo Attleboro, Massachusetts
312. Cynthia Velez Fall River, Massachusetts
313. michael langlais west warwick, Rhode Island
314. judy rivers Mashpee, Massachusetts
315. Gerry D'Amore Newport, Rhode Island
316. Katie Chuckran Raynham, Massachusetts
317. Jeff Berard Cranston, Rhode Island
318. William Cantor Mattapoisett, Massachusetts

319. Elizabeth Capwell Cranston, Rhode Island
320. Taylor Field New York, New York
321. Dean Paton New Hope, Pennsylvania
322. Warren Briggs Marion, Massachusetts
323. Barbara Christian Fairhaven, Massachusetts
324. Lori Mattos New Bedford, Massachusetts
325. Charles McGowan Venice, Florida



From: Nancy Smith
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Dean Paton, Warren Briggs...
Date: Friday, November 30, 2012 2:32:34 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 330 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 321. Dean Paton New Hope, Pennsylvania
> 322. Warren Briggs Marion, Massachusetts
> 323. Barbara Christian Fairhaven, Massachusetts
> 324. Lori Mattos New Bedford, Massachusetts
> 325. Charles McGowan Venice, Florida
> 326. Virginia Snow Newport, Rhode Island
> 327. Jillian Pimental Plymouth, Massachusetts
> 328. Suzanne Kuffler Woods Hole, Massachusetts
> 329. Robert Bates E. falmouth, Massachusetts
> 330. Nancy Smith North Falmouth, Massachusetts

From:	Steve Dempsey
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90–11–2–32/2.
Date:	Friday, November 30, 2012 2:41:28 PM

Dear sir: I am writing with regard to United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90–11–2–32/2. I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor. Thank you for your attention to this matter. Sincerely, Stephen Dempsey

From: Athena Aicher
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: John Short, Christopher Pires...
Date: Friday, November 30, 2012 3:38:57 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 340 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

331. John Short N Falmouth, Massachusetts
332. Christopher Pires Acushnet, Massachusetts
333. Joanne Garfield Fairhaven, Massachusetts
334. michael joyce,jr Edgartown, Massachusetts
335. Hilary Hamlin Tucson, Arizona
336. Deirdre Healy Fairhaven, Massachusetts
337. Denise Rollinson South Dartmouth, Massachusetts
338. Gib Hammond Duxbury, Massachusetts
339. Kathryn Balistrieri Templeton, Massachusetts
340. Athena Aicher Woods Hole, Massachusetts

From: Temple Fawcett
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Why I signed -- This has gone on
Date: Friday, November 30, 2012 3:58:42 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> This has gone on for much too long! As a former Fairhaven resident, I have been aware of this for a long time. I urge you to make sure they take this responsibility

Sincerely,
Temple Fawcett
Providence, Rhode Island

There are now 345 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Susan Hammond
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2.
Date:	Friday, November 30, 2012 4:16:24 PM

Polluters should not be allowed to walk away without cleaning up the mess they created.

I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

Best regards,

Susan C. Hammond, CPA, MST
Advisor to CEOs & Boards
Office: 781.837.1999 | Cell: 617.842.2158
susan@schammond.com | www.schammond.com
http://www.linkedin.com/in/susanchammond

"Today I will do what others won't, so tomorrow I can accomplish what others can't."

CONFIDENTIAL TRANSMISSION. Please notify sender if received in error. Thank you.

Please consider the environment before printing this e-mail.

From: jolene vieira
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Kathleen Hickey, norman macleod...
Date: Friday, November 30, 2012 4:56:33 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 350 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 341. Kathleen Hickey New Bedford, Massachusetts
> 342. norman macleod needham, Massachusetts
> 343. Christopher Riely Providence, Rhode Island
> 344. Sylvia Vatuk Falmouth, Massachusetts
> 345. Temple Fawcett Providence, Rhode Island
> 346. Harold Burstyn Woods Hole, Massachusetts
> 347. M. C. Rosenfield Mattapoisett, Massachusetts
> 348. diana macphail rochester, Massachusetts
> 349. Margot Fitzgerald Fairhaven, Massachusetts
> 350. jolene vieira Fall River, Massachusetts



From: Liana Cassar
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Mary Lou Nicholson, Thomas Garfield...
Date: Friday, November 30, 2012 6:11:51 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 360 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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Sincerely,

351. Mary Lou Nicholson New Bedford, Massachusetts
352. Thomas Garfield Harvard,, Massachusetts
353. evan pinto jamestown, Rhode Island
354. Margaret Cooney Plymouth, Massachusetts
355. David Carreiro Annandale, Virginia
356. Susannah Davis Marion, Massachusetts
357. David Tatelbaum South Dartmouth, Massachusetts
358. Lillian Anderson Oak Bluffs, Massachusetts
359. Nat Ross West Falmouth, Massachusetts
360. Liana Cassar Barrington, Rhode Island



From: john cioe
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Charles Nichols, Kenneth Cabral...
Date: Friday, November 30, 2012 6:42:14 PM

---

10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 370 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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Sincerely,

361. Charles Nichols Waquoit, Massachusetts
362. Kenneth Cabral Norton, Massachusetts
363. Lin Lufkin West Bridgewater, Massachusetts
364. Mark Ryan Bridgewatet, Massachusetts
365. Michael Godles Little Compton, Rhode Island
366. Ian Cheung providence, Rhode Island
367. Rachel Durfee North Kingstown, Rhode Island
368. Susan Allison Pawtucket, Rhode Island
369. Phil Maseda Mashpee, Massachusetts
370. john cioe east providende, Rhode Island

From: tuck nichols
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Mary Lou Nicholson, Thomas Garfield...
Date: Friday, November 30, 2012 6:45:37 PM

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25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 375 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 351. Mary Lou Nicholson New Bedford, Massachusetts
> 352. Thomas Garfield Harvard,, Massachusetts
> 353. evan pinto jamestown, Rhode Island
> 354. Margaret Cooney Plymouth, Massachusetts
> 355. David Carreiro Annandale, Virginia
> 356. Susannah Davis Marion, Massachusetts
> 357. David Tatelbaum South Dartmouth, Massachusetts
> 358. Lillian Anderson Oak Bluffs, Massachusetts
> 359. Nat Ross West Falmouth, Massachusetts
> 360. Liana Cassar Barrington, Rhode Island
> 361. Charles Nichols Waquoit, Massachusetts
> 362. Kenneth Cabral Norton, Massachusetts
> 363. Lin Lufkin West Bridgewater, Massachusetts
> 364. Mark Ryan Bridgewatet, Massachusetts
> 365. Michael Godles Little Compton, Rhode Island
> 366. Ian Cheung providence, Rhode Island
> 367. Rachel Durfee North Kingstown, Rhode Island
> 368. Susan Allison Pawtucket, Rhode Island

369. Phil Maseda Mashpee, Massachusetts
370. john cioe east providende, Rhode Island
371. Sandra Kimokoti Providence, Rhode Island
372. justin rizzuto Providence, Rhode Island
373. Tatiana Cumplido Rumford, Rhode Island
374. Joshua Hatfield Warwick, Rhode Island
375. tuck nichols boston, Massachusetts



From:	Judith Apone
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I live here. This
Date:	Friday, November 30, 2012 6:49:33 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I live here. This affects what I eat, what I do for recreation, and how this area is seen by the rest of the world.

Sincerely,
Judith Apone
Sagamore beach, Massachusetts

There are now 382 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: katrhy michaud
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Heather Andersen, Judith Apone...
Date: Friday, November 30, 2012 6:59:01 PM

---

10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 390 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

381. Heather Andersen Fairhaven, Massachusetts
382. Judith Apone Sagamore beach, Massachusetts
383. Elizabeth Brightman New Bedford, Massachusetts
384. ANGELA CARVALHO WEST WARWICK, Rhode Island
385. Kevin Del Cid Providence, Rhode Island
386. Richard Terry Plymouth, Massachusetts
387. Sharon Souza Fairhaven, Massachusetts
388. Karly McAvenia Plymouth, Massachusetts
389. M Mazer Mattapoisett, Massachusetts
390. katrhy michaud lakeville, Massachusetts

From:	Alexander Belmore
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I live in the
Date:	Friday, November 30, 2012 7:02:14 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

I live in the area, this is kind of a big deal around here.

Sincerely,
Alexander Belmore
Middleboro, Massachusetts

There are now 393 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Eric Takakjian
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- The health and well
Date:	Friday, November 30, 2012 7:06:22 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> The health and well being of our harbor and surrounding waters including the Acushnet River and Buzzards bay are critical to our quality of life and economic well being.

Sincerely,
Eric Takakjian
Fairhaven, Massachusetts

There are now 396 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	sheena mcnamara
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I want to see
Date:	Friday, November 30, 2012 7:09:09 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I want to see my home town and the Barbour cleaned up by the company responsible and without them limiting the expenses it'd take to make that happen.

Sincerely,
sheena mcnamara
Fall River, Massachusetts

There are now 397 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Dyer Monroe
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Ian Sigman, Mary Bobrowski...
Date: Friday, November 30, 2012 7:11:01 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 400 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 391. Ian Sigman Fall River, Massachusetts
> 392. Mary Bobrowski Bristol, Rhode Island
> 393. Alexander Belmore Middleboro, Massachusetts
> 394. Elizabeth Rock Cranston, Rhode Island
> 395. Rick Richards Providence, Rhode Island
> 396. Eric Takakjian Fairhaven, Massachusetts
> 397. sheena mcnamara Fall River, Massachusetts
> 398. Dr. B. Biggs Providence, Rhode Island
> 399. Cheryl Marble Plymouth, Massachusetts
> 400. Dyer Monroe Providencde, Rhode Island

From:	Nancy Richard
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- New Bedford is my
Date:	Friday, November 30, 2012 7:14:19 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

New Bedford is my home town.

Sincerely,
Nancy Richard
Bristol, Rhode Island

There are now 405 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Bryan Horsley
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- Polluters need to pay
Date:	Friday, November 30, 2012 7:44:03 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> Polluters need to pay 100% of the damages they cause. Taxpayers have no responsibility to pick-up the slack. I'm from this area and it's sickening to see the devastation we've caused in and around our waterways. It's time that there is zero tolerance for irresponsible companies like this.

Sincerely,
Bryan Horsley
Cotuit, Massachusetts

There are now 419 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Tina Egloff
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: april gramolini, jennifer roderigues...
Date: Friday, November 30, 2012 7:47:01 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 420 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 411. april gramolini Providence, Rhode Island
> 412. jennifer roderigues fall river, Massachusetts
> 413. paul mattera providence, Rhode Island
> 414. Erica Depina westport, Massachusetts
> 415. Mary Rapoza New Bedford, Massachusetts
> 416. Dennis Tweedy Taunton, Massachusetts
> 417. Robert Bartlett West Bridgewater, Massachusetts
> 418. erin glynn north dartmouth, Massachusetts
> 419. Bryan Horsley Cotuit, Massachusetts
> 420. Tina Egloff Woods Hole, Massachusetts



From:	Paige.Dickinson@mailsc31.usdoj.gov
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- This is my home,
Date:	Friday, November 30, 2012 7:52:22 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> This is my home, if it were your home would you not want to make sure it gets cleaned! Shame on anyone for not living up to their responsibilities to our community and it's precious natural resources...do the right thing!

Sincerely,
Paige Dickinson, CPM
New Bedford, Massachusetts

There are now 424 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	lois shea
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	25 more people signed: Karen McGee-Brown, Marybeth Stlaurent...
Date:	Friday, November 30, 2012 7:52:59 PM

25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 425 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

401. Karen McGee-Brown Newport, Rhode Island
402. Marybeth Stlaurent Pawtucket, Rhode Island
403. Fred Kozak Marstons Mills, Massachusetts
404. Christine Cochard-Frietas Attleboro, Massachusetts
405. Nancy Richard Bristol, Rhode Island
406. don guimelli barrington, Rhode Island
407. Muse en Lystrala Providence, Rhode Island
408. Nicole Maynard Barrington, Rhode Island
409. Melissa Kievman Providence, Rhode Island
410. erika mesa providence, Rhode Island
411. april gramolini Providence, Rhode Island
412. jennifer roderigues fall river, Massachusetts
413. paul mattera providence, Rhode Island
414. Erica Depina westport, Massachusetts
415. Mary Rapoza New Bedford, Massachusetts
416. Dennis Tweedy Taunton, Massachusetts
417. Robert Bartlett West Bridgewater, Massachusetts
418. erin glynn north dartmouth, Massachusetts

419. Bryan Horsley Cotuit, Massachusetts
420. Tina Egloff Woods Hole, Massachusetts
421. Devin Wells Little Compton, Rhode Island
422. Robert Ortiz Phoenix, Arizona
423. jeffrey gomes East Providence, Rhode Island
424. Paige Dickinson, CPM New Bedford, Massachusetts
425. lois shea westport, Massachusetts



From:	william calusine
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	United States and Massachusetts v. AVX Corporation, D.J. Ref. No 9-11-2-32/2
Date:	Friday, November 30, 2012 7:59:17 PM

Assistant Attorney General
Environment and Natural Resources Division

I want New Bedford harbor cleaned to the highest, safest standard. The settlement brtween the EPA and the AVX should include a reopener clause to ensure a complete cleanup of the harbor. This is so very important for the future of our harbor and the health of future generations.

Marcia Calusine

From: melynda Schudrich
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Devin Wells, Robert Ortiz...
Date: Friday, November 30, 2012 8:04:24 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 430 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 421. Devin Wells Little Compton, Rhode Island
> 422. Robert Ortiz Phoenix, Arizona
> 423. jeffrey gomes East Providence, Rhode Island
> 424. Paige Dickinson, CPM New Bedford, Massachusetts
> 425. lois shea westport, Massachusetts
> 426. Victoria Wood Acushnet, Massachusetts
> 427. Laura Rosenthal Barrington, Rhode Island
> 428. John Masson New Bedford, Massachusetts
> 429. Ed Macedo Fairhaven, Massachusetts
> 430. melynda Schudrich new bedford, Massachusetts



From:	Stephen Lewin
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	10 new signers: Agnes Figueira, Sharon Horton...
Date:	Friday, November 30, 2012 8:24:48 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 440 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

431. Agnes Figueira New Bedford, Massachusetts
432. Sharon Horton Westport, Massachusetts
433. Kristen Allen North Kingstown, Rhode Island
434. Joshua Garvey Plymouth, Massachusetts
435. Nicole Morell Fall River, Massachusetts
436. Darleen Medeiros Warren, Rhode Island
437. Lorrie Mello Fall River, Massachusetts
438. Regina McNerney Providence, Rhode Island
439. Jared DeMello Swansea, Massachusetts
440. Stephen Lewin New Bedford, Massachusetts

From:	Timothy Mahoney
To:	ENRD, PUBCOMMENT-EES (ENRD)
Cc:	info@savebuzzardsbay.org
Subject:	New Bedford Harbor
Date:	Friday, November 30, 2012 8:50:23 PM

We fully and completely support the position taken by the Buzzards Bay Coalition on the pending settlement between the EPA and AVX.

We want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

Timothy W. Mahoney
Pamela R. Donnelly
William D. Mahoney
Way Back Farm
505 Horseneck Road
South Dartmouth, MA 02748

From: lauren lake
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Leslie Simonelli, Anna Martin...
Date: Friday, November 30, 2012 8:51:52 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 450 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 441. Leslie Simonelli Cranston, Rhode Island
> 442. Anna Martin Lakeville, Massachusetts
> 443. sylvia ann soares providence, Rhode Island
> 444. Katy Archibald West Bridgewater, Massachusetts
> 445. Dale Mello Fairhaven, Massachusetts
> 446. Amy Craig Attleboro, Massachusetts
> 447. Lorne Whiting Plymouth, Massachusetts
> 448. Alyssa St. Gelais New Bedford, Massachusetts
> 449. Jason Danielson Oak Bluffs, Massachusetts
> 450. lauren lake Bristol, Rhode Island

From: Becky Garfield
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Buzzards bay
Date: Friday, November 30, 2012 9:05:10 PM

I've grown up on the bay and want it to be clean for my children.

I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

-Becky

Sent from my iPhone

From:	Alexander Ballard
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- We all live from
Date:	Friday, November 30, 2012 9:05:44 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

We all live from the environment

Sincerely,
Alexander Ballard
Westport, Massachusetts

There are now 455 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Steven James
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Justine Pinckard, Melissa Hanmer...
Date: Friday, November 30, 2012 9:15:49 PM

---

10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 460 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 451. Justine Pinckard Providence, Rhode Island
> 452. Melissa Hanmer Bristol, Rhode Island
> 453. Nicole Solas Bristol, Rhode Island
> 454. Jennifer Hall Dartmouth, Massachusetts
> 455. Alexander Ballard Westport, Massachusetts
> 456. Michelle Silva Taunton, Massachusetts
> 457. Michelle Gonzalez Dartmouth, Massachusetts
> 458. Suzy Morandi New Bedford, Massachusetts
> 459. Timothy McLaughlin Plymouth, Massachusetts
> 460. Steven James East Sandwich, Massachusetts

From: Jared Franklin
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Kelley Turner-Murray, Lisa Kunsch...
Date: Friday, November 30, 2012 9:36:26 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 470 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
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> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 461. Kelley Turner-Murray New Bedford, Massachusetts
> 462. Lisa Kunsch Attleboro, Massachusetts
> 463. valerie voner east wareham, Massachusetts
> 464. William Farrell Newport, Rhode Island
> 465. Christian Sidlevicz Fall River, Massachusetts
> 466. Anthony Frisella Cranston, Rhode Island
> 467. Eric Couto East Providence, Rhode Island
> 468. Gabrielle Healy Fairhaven, Massachusetts
> 469. Julia Kiechel Dartmouth, Massachusetts
> 470. Jared Franklin Harwich, Massachusetts

From:	John Sundman
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- New Bedford harbor has
Date:	Friday, November 30, 2012 9:41:41 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> New Bedford harbor has a rare combination of breathtaking beauty, profound USA-historical significance, environmental/marine importance, and economic leverage -- restoring this harbor would bring economic vitality to tens of thousands in a region that is full of eager underemployed workers. There probably isn't a waterway on the eastern seaboard more important to clean up and restore than New Bedford. It would be a true crime to let pass this chance at economic, social, ecological justice. And if our government doesn't exist to ensure justice, then what the hell is it there for?

Sincerely,
John Sundman
Vineyard Haven, Massachusetts

There are now 474 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Vincent Savino
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Justine Pinckard, Melissa Hanmer...
Date: Friday, November 30, 2012 9:42:37 PM

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25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 475 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 451. Justine Pinckard Providence, Rhode Island
> 452. Melissa Hanmer Bristol, Rhode Island
> 453. Nicole Solas Bristol, Rhode Island
> 454. Jennifer Hall Dartmouth, Massachusetts
> 455. Alexander Ballard Westport, Massachusetts
> 456. Michelle Silva Taunton, Massachusetts
> 457. Michelle Gonzalez Dartmouth, Massachusetts
> 458. Suzy Morandi New Bedford, Massachusetts
> 459. Timothy McLaughlin Plymouth, Massachusetts
> 460. Steven James East Sandwich, Massachusetts
> 461. Kelley Turner-Murray New Bedford, Massachusetts
> 462. Lisa Kunsch Attleboro, Massachusetts
> 463. valerie voner east wareham, Massachusetts
> 464. William Farrell Newport, Rhode Island
> 465. Christian Sidlevicz Fall River, Massachusetts
> 466. Anthony Frisella Cranston, Rhode Island
> 467. Eric Couto East Providence, Rhode Island
> 468. Gabrielle Healy Fairhaven, Massachusetts

469. Julia Kiechel Dartmouth, Massachusetts
470. Jared Franklin Harwich, Massachusetts
471. suzanne maurici e wareham, Massachusetts
472. Robert Araujo Fairhaven, Massachusetts
473. Christopher Ihlefeld West Warwick, Rhode Island
474. John Sundman Vineyard Haven, Massachusetts
475. Vincent Savino New Bedford, Massachusetts



From: Chandra Perez-Gill
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: suzanne maurici, Robert Araujo...
Date: Friday, November 30, 2012 10:03:46 PM

---

10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 480 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 471. suzanne maurici e wareham, Massachusetts
> 472. Robert Araujo Fairhaven, Massachusetts
> 473. Christopher Ihlefeld West Warwick, Rhode Island
> 474. John Sundman Vineyard Haven, Massachusetts
> 475. Vincent Savino New Bedford, Massachusetts
> 476. Fabienne Riesen N KINGSTOWN, Rhode Island
> 477. Peter Fournier North Kingstown, Rhode Island
> 478. Katelyn Curt Fall River, Massachusetts
> 479. Molly Beauchemin Charlottesville, VA, Virginia
> 480. Chandra Perez-Gill mattapoisett, Massachusetts

From: Linda Norman-Lyman
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Paula Daigle, Lauren Carlson-Ferguson...
Date: Friday, November 30, 2012 10:34:09 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 490 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

481. Paula Daigle Fairhaven, Massachusetts
482. Lauren Carlson-Ferguson Middletown, Rhode Island
483. JoAnn & Henry Rosemont, Jr. Newport, Rhode Island
484. Matthew Gladding Jamestown, Rhode Island
485. Lynn Costa Warwick, Rhode Island
486. Craig Coelho Riverside, Rhode Island
487. Joyce Soares Swansea, Massachusetts
488. Anthony Teixeira East Freetown, Massachusetts
489. Michael Cote Seekonk, Massachusetts
490. Linda Norman-Lyman Warwick, Rhode Island



From:	Alan Reynolds
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- This is as Equal
Date:	Friday, November 30, 2012 10:59:16 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> This is as Equal to or Worst then the BP Oil disaster Only because it was the Silent Killer like Love Canal. POISON in the land, water, marshes, fish, dust blowing in the wind. Like BP Oil they need to make things correct, they need to finish, they need to PAY!

Sincerely,
Alan Reynolds
Pawtucket, Rhode Island

There are now 493 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Rich Legault
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Clean Up New Bedford Harbor - Buzzards Bay Coalition
Date:	Friday, November 30, 2012 11:48:51 PM

Assistant Attorney General
U.S. DOJ—ENRD
P.O. Box 7611
Washington, DC 20044–7611

Dear sir,

I am writing in regard to United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90–11–2–32/2.

I have lived in Southeastern Massachusetts my whole life. I spent almost 3 of my 43 years living in New Bedford. It is a city that has a great deal of potential, and it has really improved in the past 20 years. It has a beautiful harbor, but unfortunately that was polluted with PCBs years ago.

I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

Richard Legault
2620 Williams Street
Dighton, MA 02715

"Be the change you wish to see in the world." - Gandhi

From: Dana Ridgley
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 10 new signers: Nancy C. Faria, Peter Ajemian...
Date: Friday, November 30, 2012 11:57:50 PM

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10 new people recently signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

There are now 500 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

491. Nancy C. Faria Pocasset, Massachusetts
492. Peter Ajemian Bridgewater, Massachusetts
493. Alan Reynolds Pawtucket, Rhode Island
494. tom tolman plympton, Massachusetts
495. Diana Paccheco Fairhaven, Massachusetts
496. Kevin Gravelle Plymouth, Massachusetts
497. Denise Drapeau-Walker Jamestown, Rhode Island
498. Paula Long Sagamore, Massachusetts
499. Christine Lyons No.Kingstown, Rhode Island
500. Dana Ridgley Portsmouth, Rhode Island

From:	Dana Ridgley
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- The pollution of our
Date:	Friday, November 30, 2012 11:57:50 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> The pollution of our waterways will continue unless those responsible are made to pay the total cost of restoration and more.

Sincerely,
Dana Ridgley
Portsmouth, Rhode Island

There are now 500 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Laurie Schaper
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Viki Merrick, Ken Cheitlin...
Date: Saturday, December 01, 2012 7:52:05 AM

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25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 525 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 501. Viki Merrick woods hole, Massachusetts
> 502. Ken Cheitlin Pocasset, Massachusetts
> 503. Richard Einig East Greenwich, Rhode Island
> 504. Chad Underhill Rochester, Massachusetts
> 505. Elizabeth Conde New Bedford, Massachusetts
> 506. Jack Thomas mattapoisett, Massachusetts
> 507. Dylan Treleven Providence, Rhode Island
> 508. Deb Fahey Warwick, Rhode Island
> 509. Destiny Page Somerset, Massachusetts
> 510. Sherrill Wright Cranston, Rhode Island
> 511. Jennifer Kelton Bridgewater, Massachusetts
> 512. Donna Arsenault New Bedford, Massachusetts
> 513. Abby Squires Hanson, Massachusetts
> 514. mark grayko pawtucket, Rhode Island
> 515. richard hardawy newton, Massachusetts
> 516. Kimberly Zahora Warwick, Rhode Island
> 517. Marilyn Penney Little Compton, Rhode Island
> 518. Cyndi Doyle Providence, Rhode Island

519. Maura Ferreira New Bedford, Massachusetts
520. dawn carvalho fall river, Massachusetts
521. tom oatway newport, Rhode Island
522. lanie and jack flaherty plymouth, Massachusetts
523. Katherine Tardiff Waltham, Massachusetts
524. Scott Machado Seekonk, Massachusetts
525. Laurie Schaper N. Kingstown, Rhode Island



From:	Roger Linke
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	25 more people signed: Sherry kelly, Donald MacLean...
Date:	Saturday, December 01, 2012 9:20:31 AM

25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 550 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 526. Sherry kelly plymouth, Massachusetts
> 527. Donald MacLean Bourne, Massachusetts
> 528. Michael Jackson West Falmouth, Massachusetts
> 529. Michaela Mello Fairhaven, Massachusetts
> 530. Therese Jungels Providence, Rhode Island
> 531. joanna reppucci Plymouth, Massachusetts
> 532. Phyllis Buckley Barrington, Rhode Island
> 533. Meghan Lamarre Newport, Rhode Island
> 534. Deborah Pacini Onset, Massachusetts
> 535. DAVID FILIPEK DARTMOUTH, Massachusetts
> 536. David B. Barker Marion, Massachusetts
> 537. kelly doyle providence, Rhode Island
> 538. Tracy Faria Fall River, Massachusetts
> 539. Chris Galvin Hanson, Massachusetts
> 540. Andrew Wolsky Raynham, Massachusetts
> 541. R O'Neill Fall River, Massachusetts
> 542. Melissa Alves New Bedford, Massachusetts
> 543. M. Stoddard Rochester, New York

544. Nicholas Brissette pawtucket, Rhode Island
545. Kate Mahoney Dartmouth, Massachusetts
546. Joan Akin Acushnet, Massachusetts
547. malcolm boyd vineyard Haven, Massachusetts
548. Michele Rajotte North Kingstown, Rhode Island
549. Deborah Lipman providence, Rhode Island



From:	Patrick Meehan
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- Close to home.
Date:	Saturday, December 01, 2012 10:37:18 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

Close to home.

Sincerely,
Patrick Meehan
Providence, Rhode Island

There are now 562 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Bob Kelley
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	New Bedford Harbor Cleanup
Date:	Saturday, December 01, 2012 10:55:14 AM

Assistant Attorney General
Environment and Natural Resources Division
Re: *United States and Massachusetts* **v.** *AVX Corporation,* **D.J.**
Ref. No. 90–11–2–32/2.

Please don't let polluters walk away without fully cleaning up the mess they made.
I want to have New Bedford Harbor cleaned-up to the highest, safest standard. The settlement between the EPA and AVX should include a *re-opener* clause to ensure a *full cleanup* of the harbor.
It's really important to me and the environment.

-- Sincerely,
~Robert B. Kelley
51 Angelica Avenue
Mattapoisett, MA 02719-2287
508-758-6311

From:	Jody Josephson
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I don"t live in
Date:	Saturday, December 01, 2012 11:01:43 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I don't live in New Bedford. But I care about their harbor because the ocean is one organism as is the whole earth. What effects one area impacts the whole. Do what's right. Clean up your mess completely. Don't leave for others to pay for. Make you mother proud of you!

Sincerely,
Jody Josephson
Pawtucket, Rhode Island

There are now 566 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: David Clarke
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: John Mota, Linda Molfesi...
Date: Saturday, December 01, 2012 12:12:32 PM

---

25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 575 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 551. John Mota Fairhaven, Massachusetts
> 552. Linda Molfesi West Warwick, Rhode Island
> 553. SUSAN DYSON WARWICK, Rhode Island
> 554. Christine Szuszkiewicz South Dartmouth, Massachusetts
> 555. DONNA DAVID FAIRHAVEN, Massachusetts
> 556. Chris Jackson Seekonk, Massachusetts
> 557. Bill McGrath Oak Bluffs, Massachusetts
> 558. hayley ross Dartmouth, Massachusetts
> 559. Basilisk RLSH Carver, Massachusetts
> 560. Taylor McClure Bristol, Rhode Island
> 561. Tracy Lovendale KINGSTON, Massachusetts
> 562. Patrick Meehan Providence, Rhode Island
> 563. pamela desmarais north providence, Rhode Island
> 564. Gayle Mandle South Dartmouth, Massachusetts
> 565. sylvia white new bedford, Massachusetts
> 566. Jody Josephson Pawtucket, Rhode Island
> 567. Nicki Sahlin Providence, Rhode Island
> 568. antonia melendez New Bedford, Massachusetts

569. joseph bevilacqua Little Compton, Rhode Island
570. ALVIN HOWER RIVERSIDE, Rhode Island
571. Bernadette Ericson Cataumet, Massachusetts
572. Lorieann costa lakeville, Massachusetts
573. Lucy Hirsch North Kingstown, Rhode Island
574. Nancy Peresta Middletown, Rhode Island
575. David Clarke New Bedford, Massachusetts



From:	Frank A Maiorana
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- This one saddens me.
Date:	Saturday, December 01, 2012 1:06:44 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> This one saddens me. If this is the company I am thinking of it used to be known as Aerovox. I worked at the agency that did the insurance for this company. I got a bonus as a result of us obtaining this account. Very sad.

Sincerely,
Frank A Maiorana
West Warwick, Rhode Island

There are now 581 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Ben Gilbarg
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I am a new
Date:	Saturday, December 01, 2012 3:03:46 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I am a new bedford resident and it hirts that our water is so polluted that i dont feel comfortable taking my children to the beach because of the nearby harbor. Tax dollars shouldnt have to cover for any part of the clean up

Sincerely,
Ben Gilbarg
New Bedford, Massachusetts

There are now 592 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: David Small
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Ivy Powers, Francisco Galvao...
Date: Saturday, December 01, 2012 4:12:17 PM

---

25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 600 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

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>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 576. Ivy Powers providence, Rhode Island
> 577. Francisco Galvao East Providence, Rhode Island
> 578. Thaw Malin Chilmark, Massachusetts
> 579. Van Blakeman, Once A Marine ... East Sandwich, Massachusetts
> 580. Dan Fitzgerald Providence, Rhode Island
> 581. Frank A Maiorana West Warwick, Rhode Island
> 582. teralyn siller arlington, Texas
> 583. donna goodwin warwick, Rhode Island
> 584. naomi rappaport dartmouth, Massachusetts
> 585. Jamie Sylvander North Kingstown, Rhode Island
> 586. Gordon Wade Providence, Rhode Island
> 587. Hannah Blakeman Myrtle Beach, South Carolina
> 588. Linda Veiga Plymouth, Massachusetts
> 589. Sophie Markovich Cotuit, Massachusetts
> 590. Bruce Stowers Providence, Rhode Island
> 591. Bruce Lackey New Bedford, Massachusetts
> 592. Ben Gilbarg New Bedford, Massachusetts
> 593. Melvin Vargas New Bedford, Massachusetts

594. ann keefe providence, Rhode Island
595. Maggie McCormick Middletown, Rhode Island
596. Bonnie Phinney Little Compton, Rhode Island
597. joanne ray riverside, Rhode Island
598. Bridget Murphy Plymouth, Massachusetts
599. Da vid Korb Boston, Massachusetts
600. David Small Barrington, Rhode Island



From:	Brenda Ross
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90–11–2–32/2.
Date:	Saturday, December 01, 2012 5:17:48 PM

TO: The Assistant Attorney General, Environment and Natural Resources Division

I have lived in the New Bedford area my entire life. My mother worked at Aerovox (the primary polluter) before and while she was pregnant with me. She and most of the other workers in her department died of rare forms of cancer. I believe that this is no coincidence. Aerovox's negligence has adversely affected the lives of many families.

Please ensure that New Bedford Harbor is cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

It is time to end Aerovox's deadly legacy.

Respectfully,

Brenda R. Ross
54 Lyng Street
Dartmouth, MA 02747

From: Dick Payne
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2.
Date: Saturday, December 01, 2012 6:01:21 PM

I would like to see New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

From:	Daria Hemmings
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- No - you pay
Date:	Saturday, December 01, 2012 10:17:40 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

No - you pay for the damage you caused - ALL OF IT!

Sincerely,
Daria Hemmings
Attleboro, Massachusetts

There are now 614 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Maggie McCormick
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- The ocean is the
Date:	Saturday, December 01, 2012 3:33:50 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> The ocean is the circulatory system of our planet. For too long, we've clogged it with the cholesterol of pollution--from MSW to industrial chemicals. We are already seeing signs and symptoms that the system is compromised; time for diet and exercise. Not for a day, until it's healthy again. And AVX nees to pay the medical bills.

Sincerely,
Maggie McCormick
Middletown, Rhode Island

There are now 595 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Carolyn Erickson
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I used to live
Date:	Sunday, December 02, 2012 12:10:17 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I used to live in the area, raised my children there, still visit regularly and am always saddened by the appearance of New Bedford Harbor...it could be such a beautiful, healthy seaside place.

Sincerely,
Carolyn Erickson
Salt Lake City, Utah

There are now 616 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Mary-Ellen Shervo
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I grew up on
Date:	Sunday, December 02, 2012 9:02:46 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I grew up on the Harbor and remember playing in the water as a little girl. As I grew up my neighbors including my own father became sick with various types of cancer. I suspect that the water that I played in and watched become extremely polluted in the late sixties has a great deal to do with this. I watched all the life of the Harbor die... Over the past decade or so the signs of life are coming back from the native bay scallop to crab, fish etc..I believe the Co-alition for Buzzards Bay has made a huge difference with our waterways along the SouthCoast. I believe that all the "companies" that were involved with polluting our Harbor should be held responsible for the clean-up!! Good Luck!

Sincerely,
Mary-Ellen Shervo
Fairhaven, Massachusetts

There are now 621 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Ellen G
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Brock Cordeiro, Brittany Wardell...
Date: Sunday, December 02, 2012 10:45:48 AM

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25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 625 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 601. Brock Cordeiro Dartmouth, Massachusetts
> 602. Brittany Wardell West Warwick, Rhode Island
> 603. Terence Smith Raynham, Massachusetts
> 604. Brenda Ross Dartmouth, Massachusetts
> 605. John Corvello Seekonk, Massachusetts
> 606. william rogers sandwich, Massachusetts
> 607. Frank Rose Cranston, Rhode Island
> 608. Robert Garzillo Providence, Rhode Island
> 609. Daniel Ferro WARREN, Rhode Island
> 610. Jacob Katz Providence, Rhode Island
> 611. Jessica Ramsey Wareham, Massachusetts
> 612. Rachel Epstein Providence, Rhode Island
> 613. Alycia Metz North Kingstown, Rhode Island
> 614. Daria Hemmings Attleboro, Massachusetts
> 615. j roies westport, Massachusetts
> 616. Carolyn Erickson Salt Lake City, Utah
> 617. Judith Knilans Barrington, Rhode Island
> 618. Sean G. Mesquite, Texas

619. SUSAN ELSTOB CATAUMET, Massachusetts
620. Susan Benesch Tiverton, Rhode Island
621. Mary-Ellen Shervo Fairhaven, Massachusetts
622. christine Lenzi Fall River, Massachusetts
623. Richard Israel Great Barrington, Massachusetts
624. lydia raposo Fall River, Massachusetts
625. Ellen G Sussex, Wisconsin



From:	Kirby Allen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I grew up in
Date:	Sunday, December 02, 2012 1:26:23 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I grew up in New Bedford and to let those responsible for polluting it's waters to walk free would be like letting a murderer walk free.

Sincerely,
Kirby Allen
New York, New York

There are now 634 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Dawn Corby
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- The EPA is supposed
Date:	Sunday, December 02, 2012 3:16:27 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> The EPA is supposed to protect the environment and those that inhabit a particular environment. You need to include and reopener clause. Nothing ever costs less than you expect. That will be true of this clean up. AVAX must pay every dime the clean up costs. Period.

Sincerely,
Dawn Corby
Halifax, Massachusetts

There are now 638 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Marianne DeSouza
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- As a public health
Date:	Sunday, December 02, 2012 3:33:41 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> As a public health professional and a resident of the city of New Bedford, I believe that capping the settlement with AVX is short sighted.

Sincerely,
Marianne DeSouza
New Bedford, Massachusetts

There are now 640 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Joanne Corrigan
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- Shame on them....clean up
Date:	Sunday, December 02, 2012 6:15:21 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

Shame on them....clean up your mess....all of it!

Sincerely,
Joanne Corrigan
Plymouth, Massachusetts

There are now 644 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Alyssa Almeida
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- This is my hometown.
Date:	Sunday, December 02, 2012 7:05:44 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

This is my hometown.

Sincerely,
Alyssa Almeida
Boston, Massachusetts

There are now 646 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Joseph N Frezza
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	25 more people signed: Denis Luken, Debra DePietro...
Date:	Sunday, December 02, 2012 9:52:02 PM

25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 650 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 626. Denis Luken Northampton, Massachusetts
> 627. Debra DePietro Wareham, Massachusetts
> 628. Stephanie Trenholm fall river, Massachusetts
> 629. Marian Downs Riverside, Rhode Island
> 630. Leland Hoisington Warwick, Rhode Island
> 631. Robert Samuelson Chatham, Massachusetts
> 632. john boustani btidgewater, Massachusetts
> 633. patrick kelly providence, Rhode Island
> 634. Kirby Allen New York, New York
> 635. Amanda Martin New Bedford, Massachusetts
> 636. Travis Price Providence, Rhode Island
> 637. Beth Taylor Norton, Massachusetts
> 638. Dawn Corby Halifax, Massachusetts
> 639. Patrick Vincent Fall River, Massachusetts
> 640. Marianne DeSouza New Bedford, Massachusetts
> 641. Dale Freedman Fall River, Massachusetts
> 642. David Dias Fairhaven, Massachusetts
> 643. thomas mccoy manomet, Massachusetts

644. Joanne Corrigan Plymouth, Massachusetts
645. Nils Bruzelius Westport Point, Massachusetts
646. Beth McAlpine Dartmouth, Massachusetts
647. keith mayes newport, Rhode Island
648. Alyssa Browning Pawtucket, Rhode Island
649. Wanda Walker Providence, Rhode Island
650. Joseph N Frezza dartmouth, Massachusetts



From:	Robin Joubert
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I want to leave
Date:	Sunday, December 02, 2012 10:07:06 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I want to leave our earth better than what my parents and grandparents left for me. Big companies knew what they were doing and the public should not get saddle with the clean up costs. New Bedford is depressed enough. It needs all the help it can get!

Sincerely,
Robin Joubert
Dartmouth, Massachusetts

There are now 651 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Matthew Goldblatt
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Why I signed -- New Bedford is home
Date: Sunday, December 02, 2012 10:13:13 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

New Bedford is home

Sincerely,
Matthew Goldblatt
New Bedford, Massachusetts

There are now 652 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401 

From:	Tina JAILLET
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- Protect our oceans! One
Date:	Monday, December 03, 2012 8:01:48 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> Protect our oceans! One of our most valuable resources' abuse is invisible to the unknowing eye. Educate constituents and clean our harbors.

Sincerely,
Tina JAILLET
Lexington, Massachusetts

There are now 658 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Gail Koerber
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- This is where I
Date:	Monday, December 03, 2012 9:48:47 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> This is where I grew up. My family is still in the area. New Bedford harbor has been polluted for years. It's time the companies responsible were held entirely accountable.

Sincerely,
Gail Koerber
Wilmington, Massachusetts

There are now 664 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Edward Nardi
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: cleanup
Date: Monday, December 03, 2012 10:04:33 AM

Asst. Attorney General,

Please ensure that whatever steps have to be taken in the settlement between the EPA and AVX to clean New Bedford Harbor completely of their contaminants --- including a "reopener" clause in the settlemet

Thank you

Edward Nardi

From: John.Farrell@raildev.com
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: AVX
Date: Monday, December 03, 2012 10:49:55 AM

I want New Bedford Harbor cleaned up to the highest & safest standards possible. Nothing less is acceptable to future generations.

John Farrell

Accounts Manager
Rail Development Group
85 Vantage Point Drive
Rochester, NY 14624
585-330-1418 Cellular
585-352-2020 FAX
http://www.raildev.com

From:	nichole paluda
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- its wher ei live
Date:	Monday, December 03, 2012 12:34:56 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

its wher ei live

Sincerely,
nichole paluda
marion, Massachusetts

There are now 673 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Buzzards Bay Coalition
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Robin Joubert, Matthew Goldblatt...
Date: Monday, December 03, 2012 3:00:52 PM

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25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 675 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

651. Robin Joubert Dartmouth, Massachusetts
652. Matthew Goldblatt New Bedford, Massachusetts
653. Chris Suchmann Providence, Rhode Island
654. Eli Reznekervitz East Freetown, Massachusetts
655. BRian Klambt Pawt, Rhode Island
656. stephen reise newport, Rhode Island
657. Judy Cromwell New Bedford, Massachusetts
658. Tina JAILLET Lexington, Massachusetts
659. Matthew Correira North Dartmouth, Massachusetts
660. Joan Thompson Dartmouth, Massachusetts
661. Kathi Mirza Taunton, Massachusetts
662. tom wilson plymouth, Massachusetts
663. Lyndsay Famariss West Tisbury, Massachusetts
664. Gail Koerber Wilmington, Massachusetts
665. Pauline Wasserman Providence, Rhode Island
666. Anita Sanchies East Falmouth, Massachusetts
667. Jennifer Sperry New Bedford, Massachusetts
668. edward nardi Cataumet, Massachusetts

669. Samantha McNulty New Bedford, Massachusetts
670. Bernadette McHugh Norton, Massachusetts
671. Stephanie Trott Mystic, Connecticut
672. Brian Battisti Providence, Rhode Island
673. nichole paluda marion, Massachusetts
674. Elinor Vacchino Plymouth, Massachusetts
675. Buzzards Bay Coalition New Bedford, Massachusetts

From:	Tashima, Keith (ENRD)
To:	Moss, Karen (ENRD)
Subject:	FW: PUBLIC COMMENT - FW: Why I signed -- Our waters and nature
Date:	Thursday, December 06, 2012 10:22:04 AM

From: Ian Rubinstein [mailto:mail@change.org]
Sent: Tuesday, December 04, 2012 7:39 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Why I signed -- Our waters and nature

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> Our waters and nature need to be guarded from hap-hazard, greed based, irresponsible behavior.

Sincerely,
Ian Rubinstein
Bourne, Massachusetts

There are now 689 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Malcolm Young
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Linda Blake, Allison Maynard...
Date: Tuesday, December 04, 2012 6:46:08 PM

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25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 700 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

676. Linda Blake Milford, Massachusetts
677. Allison Maynard Swansea, Massachusetts
678. Melinda Berg Mattapoisett, Massachusetts
679. Angela Vaudry New Bedford, Massachusetts
680. Ryan Brenner Kingston, Massachusetts
681. Anita Mendes Hancock, New Hampshire
682. cheryl bancroft Swansea, Massachusetts
683. Christina Restante Warwick, Rhode Island
684. Justin Cifello Buzzards Bay, Massachusetts
685. dauna noble Providence, Rhode Island
686. Brendon Jones Rochester, Massachusetts
687. Donald Shotz Plymouth, Massachusetts
688. John Greene Plymouth, Massachusetts
689. Ian Rubinstein Bourne, Massachusetts
690. Lara Amaral Scituate, Massachusetts
691. Kathy Grandmaison Swansea, Massachusetts
692. Fran Bordonaro Falmouth, Massachusetts
693. James Briley East Bridgewater, Massachusetts

694. Alisa Lyford Halifax, Massachusetts
695. Virginia Britton Alexandria, Virginia
696. Concerned Citizen New City, New York
697. mary Heilman Plymouth, Massachusetts
698. Kate Patrolia Buzzards Bay, Massachusetts
699. David Leshan Fort Washington, Pennsylvania
700. Malcolm Young Washington, District Of Columbia



From:	Malcolm Young
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I am a Fairhaven
Date:	Tuesday, December 04, 2012 6:46:08 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I am a Fairhaven property owner, sailer, and value Buzzards Bay and New Bedford Harbor.

Sincerely,
Malcolm Young
Washington, District Of Columbia

There are now 700 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Maureen Morin
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- It"s a great place
Date:	Wednesday, December 05, 2012 5:36:39 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> It's a great place to go with your family and swim and enjoy the park, playground and trails.

Sincerely,
Maureen Morin
Taunton, Massachusetts

There are now 707 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	maureen sullivan
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- New Bedford has been
Date:	Wednesday, December 05, 2012 11:16:18 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> New Bedford has been exploited enough over the years. Companies must be held financially accountable.

Sincerely,
maureen sullivan
cranston, Rhode Island

There are now 727 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Glenn Sharp
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Susan Chakmakian, Miriam Jzcob...
Date: Wednesday, December 05, 2012 9:25:42 PM

---

25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 725 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Sincerely,

701. Susan Chakmakian Cranston, Rhode Island
702. Miriam Jzcob Falmouth, Massachusetts
703. Nancy Soares New Bedford, Massachusetts
704. margaret kane south dartmouth, Massachusetts
705. Shanon Dilloway Providence, Rhode Island
706. Diane Duprey New Bedford, Massachusetts
707. Maureen Morin Taunton, Massachusetts
708. Anneke Andries Fountain, Michigan
709. NANCY SPINDLER DARTMOUTH, Massachusetts
710. B Earle Dartmouth, Massachusetts
711. Bianca Santana Providence, Rhode Island
712. Diane Zentner East Greenwich, Rhode Island
713. Brandy Fallgren New Bedford, Massachusetts
714. Gary Boehk West Falmouth, Massachusetts
715. Donna Hamilton Great Yarmouth, United Kingdom
716. Chuck Dade New Bedford, Massachusetts
717. Jim Wilson New Bedford, Massachusetts
718. Linda Simpson Chartley, Massachusetts

719. Tracy Marlue Pawtucket, Rhode Island
720. Steven Mello II Swansea, Massachusetts
721. Nelson Torres Fort Worth, Texas
722. Marie Hernandez San Antonio, Texas
723. Tatiana Torres Bogota, Colombia
724. alice paduch warren, Rhode Island
725. Glenn Sharp Palmdale, California



From:	Glenn Sharp
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- Toxic PCBs have to
Date:	Wednesday, December 05, 2012 9:25:42 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

Toxic PCBs have to be cleaned up.

Sincerely,
Glenn Sharp
Palmdale, California

There are now 725 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Ken Resendes
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- We finally have a
Date:	Thursday, December 06, 2012 1:08:26 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> We finally have a chance to make the harbor right after years of abuse , let's make sure we do it right for future generations .

Sincerely,
Ken Resendes
New Bedford, Massachusetts

There are now 729 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Marilyn Alferes
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- New Bedford harbor is
Date:	Friday, December 07, 2012 7:45:05 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> New Bedford harbor is a beautiful with tons of history. All the pollition in the harbor is sickening. There are beautiful beaches that I won't swim at because the water just feels dirty, when you get out of the water you feel as if you have oil on you. New Bedford is a historic place and should not go down in the books as one of the most polluted harbors.

Sincerely,
Marilyn Alferes
Fairhaven, Massachusetts

There are now 745 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Sam Most
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Joel Finley, maureen sullivan...
Date: Sunday, December 09, 2012 8:55:52 PM

---

25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 750 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 726. Joel Finley Ogdensburg, New York
> 727. maureen sullivan cranston, Rhode Island
> 728. Christopher Welch Newport, Rhode Island
> 729. Ken Resendes New Bedford, Massachusetts
> 730. Jasmina Cuk Solna, Sweden
> 731. Anna Bashkirova Moscow, Russian Federation
> 732. Constance Franklin Los Angeles, California
> 733. Anders Johnson Asheville, North Carolina
> 734. Kurt Frees Cincinnati, Ohio
> 735. susan czernicka westport, Massachusetts
> 736. Karen Sankey Plymouth, Massachusetts
> 737. Eva Fidjeland Orrefors, Sweden
> 738. Janet Henderson New Salem, Massachusetts
> 739. Joshua Louro Dartmouth, Massachusetts
> 740. Robert Xifaras New Bedford, Massachusetts
> 741. Evan Davenport Durham, New Hampshire
> 742. nancy galbraith falmouth, Massachusetts
> 743. Misty Costa New Bedford, Massachusetts

744. Jeffrey Felty Falmouth, Massachusetts
745. Marilyn Alferes Fairhaven, Massachusetts
746. John Doucette Providence, Rhode Island
747. John Richard Young East Norriton Township, Norristown, Pennsylvania
748. Robert and Katherine Hart Barrington, Rhode Island
749. Christine Williams Coningsby, Lincs, United Kingdom
750. Sam Most sagamore beach, Massachusetts



From:	Sam Most
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- We need to take
Date:	Sunday, December 09, 2012 8:55:51 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> We need to take responsibility for the mess we leave in our wake and really look at the impact we have on our enviroment

Sincerely,
Sam Most
sagamore beach, Massachusetts

There are now 750 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Aneshia
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Clean New Bedford Harbor
Date: Monday, December 10, 2012 9:50:55 PM

I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

Aneshia Savino

Sent from my iPad

From:	Brandon Cote
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- it s important because
Date:	Monday, December 10, 2012 3:25:34 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> it s important because it should be taken care of regardless, we shouldn't even ha

Sincerely,
Brandon Cote
new bedford, Massachusetts

There are now 754 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Gerry Payette
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- The importance of a
Date:	Tuesday, December 11, 2012 1:18:29 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> The importance of a clean harbor is extremely important to me and for future generations. To put in place CAD technology along the harbor to contain the PCB s is only a short term fix that will be needed to be readressed in future years at a much bigger financial expense and at the expense of people's health and well being. The PCBs MUST be hauled away to clean the harbor once and for all.

Sincerely,
Gerry Payette
Fairhaven, Massachusetts

There are now 760 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: susan spalding
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Joan Rokicki, Heather Demers...
Date: Saturday, December 15, 2012 8:13:31 AM

---

25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 775 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 751. Joan Rokicki Providence, Rhode Island
> 752. Heather Demers Rochester, Massachusetts
> 753. Ryan Almeida New Bedford, Massachusetts
> 754. Brandon Cote new bedford, Massachusetts
> 755. Noah Doerr Westport, Massachusetts
> 756. David Burton Lake Leelanau, Michigan
> 757. Jennifer Downing Acushnet, Massachusetts
> 758. Justin Brodeur New Bedford, Massachusetts
> 759. Thomas Cardoza Wareham, Massachusetts
> 760. Gerry Payette Fairhaven, Massachusetts
> 761. richard toole oak Bluffs, Massachusetts
> 762. Andrea Sreiber Subotica, Serbia
> 763. sue sch. , Germany
> 764. Christopher Evans Near Byton Hand, United Kingdom
> 765. Jenell Black Shreveport, Louisiana
> 766. Richard Burk Tucson, California
> 767. tressa reisberg Medina, Ohio
> 768. Sandra Tetenburg Den Haag, Aruba

769. Emily Pitman Clinton, New York
770. Nicholas Moore Middletown, Rhode Island
771. Daniel Anjo New Bedford, Massachusetts
772. Chris Oliveira Dartmouth, Massachusetts
773. John Wheeler New Bedford, Massachusetts
774. Lucas Medeiros New Bedford, Massachusetts
775. susan spalding Sagamore Beach, Massachusetts



From:	Daniel Anjo
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I live and own
Date:	Friday, December 14, 2012 3:56:17 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I live and own a home about two blocks away. I don't want the water and area around my home to be contaminated forever. Fix it once, fix it right.

Sincerely,
Daniel Anjo
New Bedford, Massachusetts

There are now 771 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401 

Fske, Catherine

The Commonwealth of Massachusetts

MASSACHUSETTS SENATE

SENATOR MARK MONTIGNY
Second Bristol and Plymouth District

STATE HOUSE, ROOM 312A
BOSTON, MA 02133-1053
TEL. (617) 722-1440
FAX. (617) 722-1068

Chairman
COMMITTEE ON POST AUDIT AND OVERSIGHT

DISTRICT OFFICE
888 PURCHASE STREET, ROOM 305
NEW BEDFORD, MA 02740
TEL: (508) 984-1474

MARK.MONTIGNY@MASENATE.GOV
WWW.MASENATE.GOV

DEPT. OF JUSTICE - ENRD
ENVIRONMENT DIVISION
12 DEC 18 A10:28

December 13, 2012

Assistant Attorney General
U.S. DOJ – ENRD
PO Box 7611
Washington, DC 20044-7611

RE: *United States and Massachusetts* v. *AVX Corporation*, D.J. Ref. No. 90-11-2-32/

I am writing you regarding the proposed settlement between the Environmental Protection Agency ("EPA") and the AVX Corporation relating to contamination and cleanup of New Bedford Harbor. I have serious concerns regarding this settlement, which I will set forth and explain below.

One essential addition is required before approval of the proposed settlement between EPA and AVX for $366.5M; the settlement must include a "reopener" clause allowing EPA to resume litigation with AVX in the event that a complete cleanup of New Bedford Harbor exceeds current estimates.

Long has this community waited for a safe, clean, and usable harbor and while $366.5M may take a significant step forward in achieving that goal, the harbor remains a long way off from the finish line. Approving a cash-out settlement without a "reopener" clause handicaps this cleanup for an undefined amount of time in the future. That result is unacceptable. I support the comments submitted by the Buzzards Bay Coalition and encourage the Department of Justice to carefully consider their points and adopt their, and my, request for a reopener.

I have had the honor of representing the interests of the Greater New Bedford area since 1993, and EPA's failure to return this harbor to the community in any kind of usable form is outrageous. I represent a community rich with history tied directly to the sea and the prohibitions on the use of the harbor due to persistent PCB contamination is an insult to that heritage. Justice dictates that the polluters return to the children of this community a clean harbor where they can safely pursue a wide range of activities they are entitled to, including recreational fishing, swimming, boating and future careers as commercial fishermen.

ENRD 90-11-2-32

While I appreciate EPA's actions in taking the initiative to exercise its right to seek additional cleanup funds from AVX, I strongly caution that EPA not treat this settlement as a windfall for this community but rather concentrate on securing its own rights as it did once before to reopen this matter in the event costs for a complete cleanup of the Harbor exceed current estimates.

Thank you for your cooperation in this matter.

Sincerely,

Mark C. Montigny
SENATOR

SENATOR MARK MONTIGNY
MASSACHUSETTS SENATE
STATE HOUSE, ROOM 312A
BOSTON, MA 02133-1053



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DOJ MAILROOM

Assistant Attorney General
U.S. DOJ – ENRD
PO Box 7611
Washington, DC 20044-7611

RE: Unites States and Massachusetts v. AVX Corporation,
D.J. Ref. No. 90-11-2-32

20044761i BO39

SUPP-CD-PUBCOM000280

From:	Lauren Costello
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Re: United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90- 11- 2- 32/2
Date:	Friday, December 14, 2012 3:48:02 PM
Attachments:	Re United States and Massachusetts v AVX Corporation DJ Ref No 90- 11- 2- 322.pdf

Good Afternoon,

Please find the document for public comment regarding AVX corporation settlement attached as a .pdf.

Should you have any questions, please contact:

Matthew A. Morrissey
Executive Director
New Bedford Economic Development Council
mmorrissey@nbedc.org
508-991-3122

Thank you,

Lauren Costello

--

Lauren Costello
Economic Development Specialist
New Bedford Economic Development Council
1213 Purchase Street
New Bedford, MA 02740
w. 508.991.3122 x 121
c. 508.525.0408
www.nbedc.org

December 13, 2012

Ignacia S. Moreno
Assistant Attorney General
U.S. DOJ – ENRD
P.O. Box 7611
Washington, DC 20044 – 7611

Re: United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90- 11- 2- 32/2

Dear Ms. Moreno,

New Bedford has always been defined by its water. Our entire history has developed, matured, and succeeded around our harbor and shoreline. Our recent past has been defined by the pressing need to make our waters safer and again more accessible for our citizens.

As employers that represent more than 3,000 workers in the area of the greatest environmental impact we know firsthand that it is critical for New Bedford to create a safe, diverse and productive waterfront, and as such we support and fully endorse the AVX settlement. It is crucial that we now move forward and define an integrated remedy to the PCB problem, and compress the time frame for reaching the chosen result.

Certainly, one key component to the clean-up of our harbor is the continued and responsible use of Confined Aquatic Disposal (CAD) Cells as is suggested by the EPA. For the 10th year in a row New Bedford was the top-grossing fishing port in the country with 60,000,000 tons offloaded annually. This represents $281.5M in product and a $1 billion economic impact. The 500 fishing vessels, cruise ships, recreational vessels, and cargo transports that call New Bedford their home-port, benefit daily from the navigational dredging made possible by the use of CAD Cells. The New Bedford Marine Commerce Terminal is the first facility in the nation designed to be dedicated to the support of the offshore wind industry. It represents a $70 Million investment that could not be constructed without the use of a CAD Cell. The construction of the terminal will result in hundreds of new jobs and nearly 1,000 long term jobs will be created in the development and operations of offshore wind farms. Further, it opens a new chapter in our City's history by placing our City at the forefront of our nation's clean energy future.

Maritime activity in New Bedford Harbor; exemplified by the industrious efforts of the 4,000 people working on the waterfront; keep New Bedford on the map as a leader in the maritime world. This highly competitive industry demands immediate cohesive solutions that keep our City at the forefront.

The impact of an efficient, environmentally sound clean-up in our harbor cannot be overemphasized. It significantly impacts, by further example, the Upper Harbor mill redevelopment, with more than $78 Million in private investment. This emerging area has resulted in over 400 construction jobs in the New Bedford, and over 760,000 square feet of real estate in our most historic structures. The clean-up can help expand the ongoing efforts to make the waterfront part of the daily lives of people in these neighborhoods.

The AVX settlement gives the EPA and the City an opportunity to fashion a detailed integrated response

to our harbor clean-up that can serve the safety, economic concerns, and quality of life issues of our entire community.

It is an opportunity that cannot be passed by.

Sincerely,

David Slutz

CEO, Precix: 400 employees

Anthony R. Sapienza

CEO, Joseph Abboud: 500 employees

Jeff Glassman

CEO, Darn It: 100 employees

John Lees

President, MarLees Seafood: 300 employees

Joseph Nauman

Executive Vice President, Acushnet Company: 1,750 employees

From:	Jeffrey D. Stieb
To:	ENRD, PUBCOMMENT-EES (ENRD)
Cc:	"oneil.kelsey@epa.gov"; "stanley.elaine@epa.gov"; "Lederer.Dave@epamail.epa.gov"; "peterson.david@epa.gov"; "catri.cynthia@epa.gov"; "White.Kimberly@epamail.epa.gov"
Subject:	United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2
Date:	Friday, December 14, 2012 6:11:11 PM

Ignacia S. Moreno
Assistant Attorney General
Environment and Natural Resources Division
U.S. DOJ-ENRD
P.O. Box 7611
Washington, D.C. 20044-7611

Re: United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2

Dear Ms. Moreno,

I am writing to express the support of the New Bedford Harbor Development Commission for the Supplemental Consent Decree under which AVX Corporation will pay $366.25 million with interest for pcb contamination at the New Bedford Harbor Superfund Site.

The Harbor Development Commission (HDC) is tasked under the laws of the Commonwealth of Massachusetts with administering and developing the waters, lands, and piers of the city of New Bedford and for promoting the economic development of the port. The HDC is the governing body for New Bedford's harbor and city-owned waterfront properties. It is chaired by the Mayor of New Bedford with six other members with diverse professions and interests related to maritime and economic development. The role of the HDC is to upgrade port resources, preserve New Bedford's status as the #1 U.S. fishing port in the nation and expand the New Bedford economy. The HDC oversees commercial and recreational vessel activity within New Bedford city limits, and manages all municipal property on the waterfront, including multiple wharves and a 198-slip marina at Pope's Island.

The Harbor Development Commission fully supports the Supplemental Consent Decree. The accelerated clean up is clearly in the interest of the port – particularly removing potential exposures to humans and halting the migration of pcbs downstream into the outer harbor and Buzzards Bay. Additionally, the Commission requests that the Department of Justice and the Environmental Protection agency retain flexibility so that settlement funds can be used to best serve the citizens of New Bedford and Fairhaven who have suffered severe economic harm and lost opportunities due to their proximity to the contaminated areas.

Sincerely,

Jeffrey Stieb
Executive Director, Harbor Development Commission
(508) 961-3000

Email: jeffrey.stieb@newbedford-ma.gov
www.portofnewbedford.org

From: Tashima, Keith (ENRD)
To: Moss, Karen (ENRD)
Subject: FW: PUBLIC COMMENT FW: Buzzards Bay Clean Up
Date: Friday, December 14, 2012 12:18:09 PM

From: Jessie Finneran [mailto:soyagradecido@gmail.com]
Sent: Wednesday, December 12, 2012 9:41 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Buzzards Bay Clean Up

To: The Assistant Attorney General, Environmental and Natural Resources Division
Re: The United States and Massachusetts v. AVX Corporation, D.J. Ref No. 90-11-2-32/2

Dear Sir or Madam,

As a resident of New Bedford, a citizen, and tax payer, I want New Bedford Harbor to be cleaned to the highest and safest standard. For this reason, the settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor. Who will fight for the rights of citizens to have clean water if not the D.O.J.? Please help us provide a healthy environment for the future. Our children and grandchildren are depending on us now to make the right decisions. Thank you for the work you do and for taking the time to read this.

Sincerely,

Jessamyn Finneran
32 Milton Street
New Bedford, MA



Mattapoisett Land Trust, Inc.

14 December, 2012

Assistant Attorney General
U.S. DOJ – ENRD
PO Box 7611
Washington, DC 20044-7611

RE: *United States and Massachusetts* v. *AVX Corporation,* D.J. Ref. No. 90-11-2-32/

On December 6, 2012, the board of directors for the Mattapoisett Land Trust voted unanimously to support the Buzzard Bay Coalition's position that the settlement between EPA and AVX must include a re-opener allowing EPA to reopen litigation with AVX in the event that a complete cleanup of New Bedford Harbor exceeds current estimates.

It is clear that $366million falls short of a harbor cleanup for several reasons.

First, in 1998 EPA chose a cleanup level of 1ppm for those areas abutting and adjacent to residences and where contact with sediment is likely. The industrial harbor found in the early 1990's has been replaced by land uses dominated by residential, recreational, and permanently conserved. This community movement towards open space, recreation, and residential use requires EPA to remove larger amounts of sediments than initially estimated in 1998, thereby driving the cost beyond current estimates.

Second, EPA's past performance leaves us with serious doubts about future remedial action and leaves us with no confidence that the negotiated deal will adequately protect the interests of this community. $366 million is nowhere near adequate to complete this cleanup. To date, EPA has spent approximately $425 million to remove about 225,000 cubic yards (cy) of the total 900,000cy of sediment. The fact that EPA now states that it can remove the remaining 675,000cy for less than what they spent to remove 225,000cy does not appear reasonable.

Third, EPA has failed to select a cleanup plan or funding strategy to implement that cleanup plan for Outer New Bedford Harbor. Some of the most pristine waters for fishing and lobstering exist in the Outer harbor which has been closed to fishing since 1979. Unless and until there is a cleanup plan and funding to implement that plan on an expedited schedule a re-opener must be included.

Finally, according to research released by the Buzzards Bay Coalition, it appears that EPA failed to select the most protective remedy in 1998 which ultimately does not provide the community with a full cleanup. It is likely that after EPA completes the cleanup under the current remedy and exhausts the money from the settlement, the Harbor will remain closed to fishing and EPA will be required to take further action, action for which they will not be able to seek any funds from responsible parties due to the fact that there are *no re-openers in this settlement.*

Sincerely,

Gary P. Johnson
President
cc. The Buzzards Bay Coalition

We preserve land in order to enrich the quality of life for present and future generations of Mattapoisett residents and visitors.

From:	Christy LaGue
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- As someone who once
Date:	Sunday, December 16, 2012 12:43:31 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> As someone who once lived steps from the Acushnet River, I appreciate the wonder of the river's offerings and greater potential. The harbor belongs to all the people, not just the EPA or AVX. Therefore, all the people are required to decide its future.

Sincerely,
Christy LaGue
Wareham, Massachusetts

There are now 784 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From:	Ian Cooke
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- As a one time
Date:	Sunday, December 16, 2012 8:49:06 AM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> As a one time Fall River resident, I know this issue is long overdue and it would be tragic to see it not done right. As an activist for cleaning up contaminated waterways in other parts of the state, its a terrible precedent.

Sincerely,
Ian Cooke
Acton, Massachusetts

There are now 780 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Karen Vilandry
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Public Comment on AVX $366 million dollar Settlement
Date: Monday, December 17, 2012 3:32:40 AM

To: Assistant Attorney General
U.S. DOJ-ENRD

Re: CIVIL ACTION NO. 83-3882-Y

Hands Across the River Coalition has reviewed the EPA Settlement amount of $366,250,000.00 for the cleanup of New Bedford Harbor's Superfund Site. This figure is grossly inadequate for the complete removal of all PCB sediments in the entire harbor, offsite, to a TSCA approved landfill .

The EPA said in 2010 that $500 million dollars plus would be needed to clean the river for a seven year period. What made the cost go down with the ever increasing rates for equipment, labor, disposal, etc.?
We don't know what the EPA is doing as they excluded the community from meaningful participation and actively involved harbor groups in any of their plans and negotiations.

The removal of extremely high levels of PCB sediments containing heavy metals and other contaminants has been ongoing in the upper harbor since September of 2004. It has been said that this river, the Acushnet River running through New Bedford Harbor, is the most PCB contaminated river in the world. Currently, this sediment is hydraulically dredged underwater and piped to a desanding and dewatering facility
which is a multi-million dollar facility built by the EPA. The processed cakes of PCB sediments are then secured in containers and placed on a train which then is sent by rail to a TOSCA approved landfill in Michigan. This method safely removes the deadly PCB sediment from the river and safely removes the spoils offsite, out of the river and protects the community.

The EPA's current plans to remove 300,000 cy of PCB sediments in the lower harbor by mechanical dredge, ranging from 50 to 200 PPM, and burying them in our lower harbor in a CAD cell which is nothing more than a hole in the bottom of the sea, unlined, will contaminate our air during the process and will retain the PCB sediments in our harbor forever. This will have a long term health impact on our ecosystem and community now and in the future.

Hands Across the River Coalition has consulted a number of experts on this process, namely, an environmental scientist, Wilma Subra, Peter Montague, PhD, of rachel.org., Stephen Lester, Science Director at CHEJ, Wendy Heiger-Bernays, PhD, toxicologist at Boston University, Congressman Barney Frank, Staci Rubin, Staff Attorney at ACE, Francis Veale, Esquire, and Mathew Thomas, Esquire.

It's important to note that the New Bedford City Council has, on file, voted against the CAD cells.

On Huttleston Avenue, in Fairhaven, which is Route 6, is the Fairhaven High School. It resides one block east of the harbor near the New Bedford/Fairhaven Bridge. We have mentioned numerous times to the EPA to place air monitors in this vicinity where rapidly developing students attend school and participate in sports on its football field. The EPA hasn't done so and has no plans to do so either. When young people are actively playing sports, they naturally breathe harder thus ingesting more air. This is unsafe next to an active PCB Superfund Site with unsafe methods of PCB removal with no air monitors. The EPA doesn't seem to be concerned about prevailing winds leading to that area.

Between New Bedford and Fairhaven near the bridge is Popes Island. The EPA has allowed the DEP to place 3 CAD cells along Popes Island which is on the north side of the bridge. The DEP mechanically dredges PCB contaminated sediments in the harbor on the south side of the Route 6 bridge. They then place the spoils on an open top barge bringing it to the CAD cells on the north side of the bridge to drop into their CAD cells. Remember please, again, no air monitors are used for this process. Ironically, there is a cancer cluster along Fort Street, Fairhaven, which is on the south side of the Route 6 bridge along the water where the DEP dredging takes place. They don't use air monitors and are under the authority of the EPA since this is part of their New Bedford Harbor Superfund Site.

The proposed EPA CAD cell which would be CAD cell #4 is proposed to be placed just north of these 3 CAD cells near a heavily populated area of Fairhaven just a quarter mile north of the Fairhaven High School. Again, no air monitors are there.

The proposed South Terminal Project recently approved by the EPA, will again use a mechanical dredge to remove PCB sediments from that area on the north side of the hurricane barrier. That will be another DEP CAD cell constructed to hold this deadly material making it number 5 CAD cell. The PCB sediments in that southern area of the harbor was removed to alongside the shoreline to accommodate the building of the hurricane barrier back in the 1960's. That upland soil has had 114 samples, 77 of which has PCBs ranging from 0.0059 to 989 ppm. There are more PCBs in the river there. The South Terminal Project will create CAD cell number 5 further north of the barrier near Popes Island which will be used for mechanically dredged PCB sediments.

On the south side of the hurricane barrier, is the large acreage of PCB sediments buried in the harbor near Cornell Dubilier Corp. lightly covered with sand which sways with the tides. This was the test CAD cell or depression which the EPA must monitor regularly and has no current plans to remove this PCB sediment.

Directly across the harbor to Fairhaven is the Sconticut Neck Road area, further southeast from the Fort Street area extending off which Manhattan Avenue and all streets along and leading to the harbor have yet another cancer cluster. The mechanical dredging that took place carrying over the PCB sediments to the Cornell Dubilier area didn't occur without consequences. There was no air monitoring for this operation. The EPA uses no air monitors on the Fairhaven side south of the Route 6 bridge.

The EPA has outdated data risk assessments for the effects of PCBs in the air on the community. They have excluded the most sensitive populations namely children and pregnant women. Also, when we asked, the EPA told us that they have not studied the cumulative effects of all these CAD cells on the ecosytem and human health.

We have heard this year that a study was conducted by Jon Levy, ScD, at Harvard School of Public Health, who concluded after testing the umbilical chords from pregnant New Bedford women and following the children to school age that there is a link between PCBs and ADHD.

Another study done by Harvard scientists, one of which is Donna

Vorhees, ScD., who specializes in multi-pathway exposure assessments, showed that there is a significant increase of PCBs found in tomatoes grown in gardens around New Bedford Harbor during the time of dredging. Now if PCBs are getting into tomatoes, logically, they're getting into humans here as well.

In view of the $366 million settlement proposed by AVX to forever remove them from further litigation, that figure is grossly inadequate to remove all PCB sediments from the harbor to an offsite TSCA approved landfill. We cannot have this deadly material buried in our river forever nor can we allow the EPA to bury us by knowingly contaminating our air and water with this method of disposal into a CAD cell and yet without sufficient air monitoring with immediate readings other than those that take months to return results like the ones they currently use in the upper harbor.

Cleanup costs must be sufficient to cover all cleanup costs throughout the harbor, including sufficient air monitoring to protect the community, all the way up from north to south where dredging takes place, and removal of all PCB sediments offsite to a TSCA approved landfill.

Its is crucial to retain the re-opener clause in this decree due to the very unexpected cleanup costs and increased costs over the next several years. Just a year ago, the EPA dug up archaeological finds in the upper harbor that they weren't aware of was there. As Elaine Stanley, EPA Remedial Project Manager for the Superfund Site said, that set them back about $50,000.00 as when they find something of that nature, they have to stop operations, call the appropriate agencies and have archaeologists come over to examine the material. That was unplanned costs that by law they had to pay for.

In addition, the City of New Bedford has spoils from AVX around the area. The Parker Street Waste Site, a former toxic waste burn dump has some of the highest levels of dioxin, PCBs, heavy metals, PAH's and VOCs in the area. On this 122 acre site, far bigger than Love Canal's 70 acres, currently lies New Bedford High School, the Keith Middle School, the Andrea McCoy Sports Field, the Paul Walsh Field, a church, private and public housing.

New Bedford High School has classrooms closed due to high levels of PCBs found, a constantly monitored mechanical room with contaminants leaching in through ground water, levels of DIOXIN found in 9 out of 18 samples taken

around the school and a high amount of staff who have cancer or who have died of cancer. Students who have left the school, many have gone on to bare children with some type of neurological disorder if they could have children at all. Please remember the study on New Bedford children having ADHD from PCBs. Even neighborhood pets, both cats and dogs have died of cancer here.

The City of New Bedford had to buy out 5 private homes on this site due to high levels of contamination. The houses were demolished and the land, capped. One area of this site has electrical capacitors that were dumped there by AVX with high levels of PCBs.

The Keith Middle School which sits across the street from New Bedford High School has wetlands right behind it with one level of over 700 ppm of PCBs. This senseless, newly built school has air monitoring to keep an eye on the levels of PCBs in the building.

Why is the important? This is one more area in the city that has been affected by the PCBs from AVX, You have to maintain in the decree, the right to sue for cleanup and related costs or to take administrative action against AVX. There are more PCBs at another Superfund Site in New Bedford, Sullivan's Ledge. There are also plenty of PCBs at the Shawmut Avenue Landfill in New Bedford, both north of the Parker Street Waste Site.

We must maintain the right to go after the responsible party for all unexpected costs and for you to order the responsible parties to assume all costs now and in the future. Should the responsible party re-organize and try to get out of it, then you as the court need to insure that the future party be held responsible.

The EPA also has plans written for a CAD cell in the upper harbor where thousands of ppm of PCBs lay as we just learned. The local newspaper, the Standard Times has an in depth article on this.

When asked about the documents obtained by the Buzzards Bay Coalition through the Freedom of Information Act, EPA Region 1 Administrator Curt Spalding had said that there is no planning under way now for an Upper Harbor CAD cell at all. But he said the EPA will officially consider the idea in July when it plans to reopen the Record of Decision regarding harbor cleanup.

"At that time, we would talk about different ways to remedy the harbor," he said. "There has been no decision made whether an Upper Harbor CAD cell would be part of that discussion."

http://www.southcoasttoday.com/apps/pbcs.dll/article?

AID=/20121216/NEWS/212160349/-1/NEWS

It is clear that the EPA plans are inconclusive and cannot predict actual costs for cleanup. Therefore, again, the $366 million dollar settlement is insufficient. It may be a down payment but is hardly enough to cover the entire harbor cleanup to the world level of 1 PPM of PCBs.

We have a very large Environmental Justice community that you need to protect under the Civil Rights Laws and any other laws that protect the rights for people to live in a healthy environment free from the ravages of deadly contaminants. Whatever a person ingests into their body, passes over into the womb to the child. So contamination affects humans and animals genetically for generations to come. Not only does PCBs cause cancer and ADHD, it causes neurological disorders, altered brain development, hearing loss, vision loss, is an endocrine disruptor affecting the thyroid, sperm count, and altered sperm affecting any future pregnancies. There is a 53% dropout rate at New Bedford High School. Don't you think that maybe, children going to school on top of a toxic waste burn dump with PCBs in and around the school can affect their ability to learn and think rationally in all ways?

That's why you need to retain the re-opener clause and remove the covenant not to sue in the decree or take any other civil, judicial or administrative action against AVX.

Cordially,

Karen A. Vilandry
Vice President

34 Huttleston Avenue
Fairhaven, MA 02719
kav704@yahoo.com

Edwin J. Rivera, Sr.
President

Hands Across the River Coalition
181 Hillman Street, Building 9, Room 109
New Bedford, MA 02740

harcnb@aol.com

From:	Straus, William - Rep. (HOU)
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Comment Letter on AVX Settlement
Date:	Monday, December 17, 2012 2:53:53 PM
Attachments:	image001.png image002.png 20121217141024777.pdf

Assistant Attorney General
U.S. DOJ---ENRD
P.O. Box 7611
Washington, D.C. 20044-7611

Re: United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2

Dear Sir or Madam:

Attached to this email is my written comment regarding the pending settlement agreement before the Court seeking approval of a resolution of financial responsibility for AVX as a responsible party for the improper discharge of toxic materials into the Acushnet River/New Bedford Harbor. I have also pasted the full text of my comment letter below.

Thank you for your attention.

William M. Straus
Massachusetts State Representative

The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

WILLIAM M. STRAUS
REPRESENTATIVE
10TH BRISTOL DISTRICT
ROOM 134
TEL: (617) 722-2400

DISTRICT OFFICE
Tel: (508) 992-1260
William.Straus@MAhouse.gov

COMMITTEE
Chairman
Transportation

December 17, 2012

Assistant Attorney General
U.S. DOJ—ENRD
P.O. Box 7611
Washington, DC 20044-7611

Re: *United States and Massachusetts v. AVX Corporation*
D.J. Ref. No. 90-11-2-32/2

Dear Sir or Madam:

I am writing in regard to the pending $366 million settlement of the parties in the above-entitled litigation. This has been described as a "cash out" settlement by the EPA in its recent press statements. My comment is provided as a part of the public comments now being accepted following the October 2012 Consent Decree filed with the U.S. District Court in Boston.

I represent communities on both sides of the New Bedford Harbor with a district that includes a portion of the New Bedford harbor front, and the Town of Fairhaven on the eastern side of the harbor.

I have reviewed the original 1991 Consent Decree approved by Judge Young arising from the 1984 action brought by the United States and the Commonwealth of Massachusetts against certain responsible parties including AVX Corporation. I am aware of the prior responsible party payments which were intended to fund the cleanup of the harbor along with Federal Superfund monies following the 1991 Consent Decree. Unfortunately, those financial sources have proved insufficient to complete the cleanup on a realistic schedule in order to properly deal with the public health threat and natural resource damages posed by the polluted harbor sediments. Pursuant to the 're-opener' contained in the 1991 Decree additional (but final) monies are now being sought from AVX by the Plaintiffs. **For reasons stated below, I do not believe that it is appropriate to eliminate a 're-opener' clause from the pending Decree before the Court.**

I have been active for twenty years in the issues surrounding the appropriate cleanup remedy for the New Bedford Harbor Superfund Site. Although the original Record of Decision (ROD) by the Environmental Protection Agency had called for on-site incineration of the PCB and heavy metal laden waste sitting on the harbor floor, community objections resulted in a reopened ROD during the 1990's; a revised cleanup decision process of the EPA resulted in enhanced community participation through a publicly mediated panel, in which I was proud to participate. That decision making process resulted in the permanent removal from the harbor of the most highly contaminated and toxic materials (some areas in excess of 200,000 ppm of PCB deposits) for off-site disposal.

The already completed dredging, dewatering and off-site removal of polluted sediment which constitutes the core concept of the earlier ROD proved to be more costly and time consuming than originally contemplated. Coupled with the declining availability of Superfund monies to sustain the removal of the remaining sediments, the government Plaintiffs have exercised their 're-opener' rights to seek more monies from this responsible party. I applaud that effort. The difficulty is that the full details of the EPA cleanup remedy for the remaining polluted sediments in the harbor have not been completed; as a result, no one can say with certainty what that total project cost will be. Published newspaper accounts suggest that additional remedy decisions relating to the design and placement of on-site disposal options are yet to be concluded within the EPA, much less made available to the public for comment.

I do believe, however, that a range of cleanup options under consideration by the EPA and the Commonwealth of Massachusetts can result in an informed assessment of the range of cleanup costs (depending on remedies chosen) which remain. Therefore, I recommend that the Court consider approval of the settlement monies now before it, but with a further set contingency amount to be considered for payment by AVX; disbursement of which would depend upon further petition to the Court by the Plaintiffs. In this way, the unknowns of an open-ended 're-opener' clause are avoided, but the public is protected by allowing a quicker paced cleanup to begin promptly for the remaining polluted sediments. This would also provide the public with some assurance that a calculated amount of monies will still be available should the final remedy costs escalate.

The EPA and the Commonwealth of Massachusetts are in a very different position in calculating cleanup costs than existed in 1991 when the original Decree was concluded with the inclusion of a re-opener clause. Since that time, over a quarter of the most polluted harbor sediments have been removed, and there is a much greater amount of understanding of the technology and facets of working to remove underwater harbor sediments as found in the New Bedford Harbor. Under this approach, the Court should request a further cleanup cost assessment from the parties on a prompt submission schedule which would still allow for initiation of on-site cleanup as soon as practicable.

Thank you for consideration of this comment.

Sincerely,

William M. Straus
State Representative

From:	edward.antheswashburn@gmail.com on behalf of Edward Anthes-Washburn
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2
Date:	Monday, December 17, 2012 4:33:46 PM

Dear Ms. Moreno,

As a citizen of New Bedford, I am in support of the the consent decree that will allow the EPA to clean up the extensive PCB contamination in New Bedford Harbor sooner.

Every year that goes by, the contamination from New Bedford Harbor flows into Buzzards Bay. That contamination gets into the food chain where it can cause the most damage to humans. The key is sequestering that pollution as quickly and safely as possible and this settlement will finish the job in years, not decades.

Thank you,

Edward C. Anthes-Washburn

From:	Pierre Bernier
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Public Comments D.J. Ref. No. 90-11-2-32/2
Date:	Monday, December 17, 2012 4:43:15 PM
Attachments:	MARITIME-C55006248.pdf

Assistant Attorney General,
Environment and Natural Resources Division

Reference: United States and Massachusetts
v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2

Please find attached our comment.

Sincerely,
Pierre Bernier
Maritime Terminal, Inc.

Consider the environment. Please do not print this e-mail unless you really need to.



MARITIME TERMINAL INC.

WHALERS' WHARF
P.O. BOX #7745
NEW BEDFORD, MASSACHUSETTS 02742 USA
TELEPHONE #508+996-8500
FAX #508+991-3431

December 17, 2012

Ignacia S. Moreno
Assistant Attorney General
Environment and Natural Resources Division
U.S. DOJ-ENRD
P.O. Box 7611
Washington, D.C. 20044-7611

Re: United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2

Dear Ms. Moreno,

I am writing to express my support for the Supplemental Consent Decree under which AVX Corporation will pay $366.25 million (with interest) as part of the cleanup of PCB contamination at the New Bedford Harbor Superfund Site.

As a business person in the New Bedford/Fairhaven area, I am concerned about the pace at which the cleanup has taken to date, and am very concerned about the impact to the environment that will continue to occur if PCB and metals contaminated sediments are allowed to remain on the Harbor bottom in direct contact with the ecosystem for as long as the up to the four additional decades the EPA currently estimates the remedy could take in the absence of the AVX settlement. I am aware of the danger to the environment and to the food chain that contaminated sediments represent if they are left in place in the Harbor, thus I strongly believe that every effort to speed up the cleanup must be made to lessen the risks to the ecosystem and human health.

I support the Supplemental Consent Decree which establishes the terms of the settlement with AVX Corporation, as it will accelerate the cleanup of the Harbor. I believe that accelerating the clean up of the harbor with the settlement funds is in the interest of the greater New Bedford area, its businesses, and its citizens. I would urge the EPA to be flexible and allow the settlement funds to be used in a manner which best serves the interests of the citizens of New Bedford and Fairhaven, who for decades have suffered serious environmental and economic harm because of the presence of the contamination. Besides being a hazard to the environment and human health, the presence of contamination in our community and in our Harbor has cast a shadow over all activities related to the Harbor, including the business sector I work in, as well as all local businesses with ties of any kind to the Harbor (which represents a large swath of the

SUPP-CD-PUBCOM000302

MARITIME TERMINAL INC.

WHALERS' WHARF
P.O. BOX #7745
NEW BEDFORD, MASSACHUSETTS 02742 USA
TELEPHONE #508+996-8500
FAX #508+991-3431

citizenry of the region). Accelerating the pace of the Harbor cleanup using these settlement funds will have a positive benefit on all aspects of life in this region, and therefore I am in favor of this Supplemental Consent Decree.

Sincerely,

Pierre Bernier

Manager, Stevedoring Operations

From:	Chase, MacKenzie
To:	ENRD, PUBCOMMENT-EES (ENRD)
Cc:	Cabral, Antonio - Rep. (HOU)
Subject:	Rep. Cabral Letter Re. United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/
Date:	Monday, December 17, 2012 4:54:50 PM
Attachments:	Rep. Cabral Letter Re. AVX Settlement, Ref. No. 90-11-2-32.pdf

Rep. Antonio F.D. Cabral would like to submit the attached letter as a comment regarding United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/.

Please don't hesitate to contact me if you have any questions.

Thank you,
Mackenzie Chase

Mackenzie Chase
House Committee on Bonding, Capital Expenditures and State Assets
Office of Representative Antonio F. D. Cabral
State House, Room 466
(617) 722-2017
Mackenzie.Chase@mahouse.gov

COMMONWEALTH OF MASSACHUSETTS
HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

ANTONIO CABRAL
STATE REPRESENTATIVE
13TH BRISTOL DISTRICT
STATE HOUSE, ROOM 466
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TEL. (617) 722-2017

CHAIRMAN
HOUSE COMMITTEE ON BONDING, CAPITAL EXPENDITURES AND STATE ASSETS

(508) 997-8113 (DISTRICT)
E-Mail:
Antonio.Cabral@MAhouse.gov

December 17, 2012

Assistant Attorney General
U.S. DOJ - ENRD
P.O. Box 7611
Washington, DC 20044-7611

Re: *United States and Massachusetts* v. *AVX Corporation*, D.J. Ref. No. 90-11-2-32/

I am writing to urge you to explore including an appropriate reopener clause in the proposed settlement of the above referenced action.

In a 1992 settlement, AVX agreed to pay $66 million for the cost of the remediation of the contamination of New Bedford Harbor and the Environmental Protection Agency retained its rights to pursue additional funds through a reopener clause. Without this option, the EPA could not have negotiated this latest agreement with AVX when costs escalated far beyond those forseen at the time of the 1992 settlement. I support the comments submitted by the Buzzards Bay Coalition encouraging you to include a reopener clause in the settlement. Done correctly, this option can accommodate extraordinary and unexpected cost overruns, providing the residents of New Bedford with greater assurance that the long awaited clean up of their harbor will be completed.

Our City, with its rich maritime history and a future closely linked to its harbor, looks to you to protect the options to complete this clean up.

Sincerely,

ANTONIO F.D. CABRAL
State Representative, 13th Bristol District
Chairman, Committee on Bonding, Capital Expenditures and State Assets

PRINTED ON RECYCLED PAPER

From:	Nersesian, Jennifer
To:	ENRD, PUBCOMMENT-EES (ENRD)
Cc:	mhc@sec.state.ma.us; jon.mitchell@newbedford-ma.gov; victor.mastone@state.ma.us; anne.louro@newbedford-ma.gov; bettina@wampanoagtribe.net; cgreen@mwtribe.com; jonathan.patton@sec.state.ma.us; jrussell@whalingmuseum.org; wnicholas@waterfrontleague.org; Marcos.A.Paiva@usace.army.mil; Janine da Silva; dianahenry1943@gmail.com; michelle.paul@newbedford-ma.gov; Mark Rasmussen; White.Kimberly@epamail.epa.gov; Stanley.Elaine@epamail.epa.gov; Jennifer Nersesian
Subject:	NPS comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2
Date:	Monday, December 17, 2012 4:58:15 PM
Attachments:	NPS comments on proposed AVX settlement.pdf

Please see attached comments.

Jennifer T. Nersesian, Superintendent
New Bedford Whaling National Historical Park
33 William Street
New Bedford, MA 02740

508-996-4095 x6100

Like us on Facebook: http://www.facebook.com/NBWNHP

United States Department of the Interior

NATIONAL PARK SERVICE
New Bedford Whaling National Historical Park
33 William Street
New Bedford, Massachusetts 02740

IN REPLY REFER TO :

A00(NER/NEBE)

December 14, 2012

Assistant Attorney General
U.S. DOJ- Environment and Natural Resources Division
P.O. Box 7611
Washington, DC 20044-7611

Sent via email: pubcomment-ees.enrd@usdoj.gov

Re: NPS comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2

To whom it may concern:

Thank you for the opportunity to comment on the proposed settlement with AVX Corporation regarding the cleanup of New Bedford Harbor. Over the past two years our agency has been working with EPA as a consulting party in regards to archeological impacts from the project. We are writing now to underscore the need to factor archeological surveys into both the proposed settlement amount as well as into the new project schedule that will be developed as a result of the settlement.

Some extremely rare archeological finds were discovered through the dredging process in 2010 that had not been anticipated by the archeological surveys done in the early 2000's (including a shipwreck and unrelated anchor, both from the 1700's). Understanding that survey technology has greatly improved over the past decade, and that the discovery of these artifacts indicated the insufficiency of the original survey data, the EPA agreed as a part of each year's work to re-survey whatever portion of the harbor would be included in the dredging for that year before beginning operations. This is the procedure that has been followed over the past two years. Naturally, there is significant expense associated with underwater archeological surveys, both in the technology employed in the physical survey as well as in the professional analysis of the data. However, it is a necessary step to meet the EPA's compliance responsibilities under Section 106 of the National Historic Preservation Act, and to ensure the appropriate preservation and/or documentation of artifacts that are in some cases the last tangible connections to significant episodes of our national history.

Again, we would like to ensure that these expenses have been considered in arriving at the final settlement amount of $366 million. With the announcement of the settlement it has also been publicized that this would compress the project timeline from 40 years to 5-7 years. This would imply that much larger geographical areas will be remediated each year. As more territory is covered, broader and more intensive pre-dredge surveys will need to be planned in advance of that work, a point we hope will remain a part of the discussion as conversations regarding the settlement come to their conclusion.

The harbor cleanup is a project of immense importance and benefit, and we urge your office, the Commonwealth of Massachusetts, and the EPA to effect a settlement that serves the best interests of our local residents as well as the taxpayers of our country. We look forward to continuing to work with these partners to ensure the project proceeds in a way that restores a fishable and swimmable harbor for us all while preserving our national heritage and history.

If you have any questions, you can contact me at (508) 996-4095 x6100 or *jen_nersesian@nps.gov*. Thank you for your consideration.

Sincerely,



Jennifer T. Nersesian
Superintendent

cc (via email):

Mayor Jon Mitchell, City of New Bedford
Kimberly White, EPA
Elaine Stanley, EPA
Marc Paiva, U.S Army Corps of Engineers
Victor T. Mastone, Massachusetts Board of Underwater Archaeological Resources
Brona Simon, Massachusetts Historical Commission
James Russell, New Bedford Whaling Museum
Bettina Washington, Aquinnah Wampanoag Tribe
George Green Jr., Mashpee Wampanoag Tribe
Wendy Nicholas, WHALE
Anne Louro, City of New Bedford
Michelle Paul, City of New Bedford
Diana Henry, New Bedford Historical Commission
Mark Rasmussen, Buzzards Bay Coalition

From:	Marilyn Watts
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Why I signed -- I live here &
Date:	Monday, December 17, 2012 5:04:48 PM

Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),

I just signed Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor" on Change.org.

Here's why I signed:

> I live here & love the Southcoast! Been hearing about this cleanup my whole life! Let's do it right!

Sincerely,
Marilyn Watts
Fairhaven, Massachusetts

There are now 800 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here:
http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

From: Marilyn Watts
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: 25 more people signed: Anne Smith, mark whalen...
Date: Monday, December 17, 2012 5:07:50 PM

---

25 people recently add their names to Buzzards Bay Coalition's petition "Don't let AVX escape from its responsibility to clean up toxic PCBs in New Bedford Harbor". That means more than 500 people have signed on.

There are now 800 signatures on this petition. Read reasons why people are signing, and respond to Buzzards Bay Coalition by clicking here: http://www.change.org/petitions/don-t-let-avx-escape-from-its-responsibility-to-clean-up-toxic-pcbs-in-new-bedford-harbor?response=c28d0b78a401

> Dear U.S. Department of Justice (Assistant Attorney General, Environment and Natural Resources Division),
>
> We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor. We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.
>
> Sincerely,
>
> 776. Anne Smith Fairhaven, Massachusetts
> 777. mark whalen new bedford, Massachusetts
> 778. A Bedser Mattapoisett, Massachusetts
> 779. kevin lynch east falmouth, Massachusetts
> 780. Ian Cooke Acton, Massachusetts
> 781. Deb Bariteau Nashua, New Hampshire
> 782. Caroline Hawthorne Fairhaven, Massachusetts
> 783. Gwendolyn Hancock Bristol, Rhode Island
> 784. Christy LaGue Wareham, Massachusetts
> 785. Taran Riggs-Hart New Bedford, Massachusetts
> 786. jeremiah tyler fairhaven, Massachusetts
> 787. Jacob denney Marion, Massachusetts
> 788. Katherine Osterloh Orinda, California
> 789. shedy berrios jacksonville nc, North Carolina
> 790. Shavaun Ramann Cary, North Carolina
> 791. Holly Hasseyy Harwinton, Connecticut
> 792. Kate Levin Westport, Massachusetts
> 793. Rich Medicke New Bedford, Massachusetts

794. Courtney Edwards Lincoln, Nebraska
795. Suzanne Tjoelker Pembroke, Massachusetts
796. patricia carrasco providence, Rhode Island
797. Bart Hoppenbrouwers Dublin, Ireland
798. Karen Vilandry Fairhaven, Massachusetts
799. Theodore Spachidakis piraeus, Greece
800. Marilyn Watts Fairhaven, Massachusetts



From:	Neil Mello
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2
Date:	Monday, December 17, 2012 9:04:39 PM
Attachments:	Mayor Mitchell Letter to Asst. AG Moreno re AVX settlement.pdf

Please find attached a letter from John Mitchell, Mayor of New Bedford, MA, to Assistant Attorney General Ignacia Moreno in the above referenced case.

Thank you.

Neil Mello
Chief of Staff
Office of the Mayor
City of New Bedford
133 William Street, Room 311
New Bedford, MA 02740
(508) 979-1410 Office
(508) 472-1641 Cell
(508) 991-6189 Fax

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

December 17, 2012

Ignacia S. Moreno
Assistant Attorney General
U.S. DOJ-ENRD
P.O. Box 7611
Washington, D.C. 20044-7611

sent via email: pubcomment-ees.enrd@usdoj.gov

Re: United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2

Dear Ms. Moreno:

I am writing to express the support of the City of New Bedford for the supplemental Consent Decree under which the AVX Corporation will pay $366 million with interest for PCB contamination at the New Bedford Harbor Superfund Site. The accelerated cleanup made possible by the Consent Decree is clearly in the interest of a City whose citizens have suffered severe economic harm, damage to a unique natural resource, and loss of other opportunities due to contamination of the harbor by the AVX Corporation.

At this historic juncture it is important to recognize that the citizens of New Bedford have endured a protracted legal process stretching decades. Lengthy, complex litigation and negotiation has itself contributed to the environmental and economic threat posed by the contamination as the annual downstream migration of PCBs into the outer harbor and Buzzards Bay has continued all the while.

New Bedford's potential as a City and as a place to live and work has been hampered for far too long by the uncertainties surrounding the funding and pace of a cleanup of the harbor. For the first time, the primary source of funds for a comprehensive harbor cleanup can be secured. For the first time, we are poised to engage in a serious program of cleanup action. And, for the first time, the cleanup can be pursued on a timetable in which residents living today—not decades from now—will witness measurable progress and enjoy conspicuous results.

133 WILLIAM STREET • NEW BEDFORD, MA 02740 • TEL. (508) 979.1410 • FAX (508) 991.6189

In short, my assessment is that it is time to get to work cleaning up our harbor. This judgment is also informed by personal experience as an Assistant United States Attorney. Having served as lead prosecutor on some of the nation's major environmental contamination cases in recent years, I well appreciate the risks of protracted litigation in cases like the AVX case and its implications for resources expended and a diminished likelihood of future recovery. The possibility that a settlement of this size and scope might not present itself again argues strongly for is adoption.

The proposed $366 million settlement makes possible not merely a new chapter in the story of our harbor, but a new chapter in the life of the City of New Bedford. At the same time, I respectfully request consideration be given to two issues in the context of the settlement. First, the settlement should contain no elements that might constrain the ability of the Environmental Protection Agency in developing a creative, thoughtful cleanup and restoration plan. Flexibility in the use of settlement funds is important so that innovative approaches to the cleanup, including public access solutions, can be developed and pursued.

The goal of the cleanup ought to be nothing less than the transformation of a long-standing environmental challenge into a unique natural asset that benefits generations of residents to come. Toward that end, the City encourages the Department of Justice to ensure that agreement language submitted to the Court includes definitions of remedy, response, and method sufficiently broad that a range of approaches can be considered without limitation by the Court Order. Alternatively, language could be added to the current draft agreement that makes clear that neither the Court, nor the parties, object to such approaches.

Second, it is important to recognize that—by its nature—a cleanup of this magnitude and complexity will confound to a certain degree the ability of today's project managers to predict precisely how much and when funding is needed to keep the effort on track. By any measure, the $366 million being contemplated represents a monumental leap forward from the modest $15 million cleanup now implemented annually with federal funds.

That said, we should adopt a financing path that insulates the cleanup effort from vagaries in the availability of future federal funding, if such federal funds ever become required. The best way to do so is to maintain annual federal appropriations and spending at the current level (or greater as necessary) simultaneous with the spending of settlement monies. Doing so will go a long way toward instilling public confidence in the federal government's commitment to a final, complete cleanup whatever the future may hold.

Thank you for your consideration in these matters.

Sincerely,

Jon Mitchell
Mayor

From:	Chuck Dade
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Re: CIVIL ACTION NO. 83-3882-Y
Date:	Monday, December 17, 2012 11:46:00 PM
Attachments:	AVX-UNITED STATES DISTRICT COURT.pdf AVX-UNITED STATES DISTRICT COURT.pdf

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Please accept this as my comment letter in the above referenced case:



Chuck Dade

1) UNITED STATES DISTRICT COURT
2) DISTRICT OF MASSACHUSETTS

3) _____	a.)	
4) UNITED STATES OF AMERICA,	)	
5) Plaintiff,	)	
	a.)	
b. v.	)	
	a.)	
6) AVX CORPORATION, et al.,	)	CIVIL ACTION NO. 83-3882-Y
7) Defendants.	)	
	a.)	
8) COMMONWEALTH OF MASSACHUSETTS,	)	
9) Plaintiff,	)	
	a.)	
b. v.	)	
	a.)	
10) AVX CORPORATION, et al.,	)	
11) Defendants.	)	
	a.)	
12) _____	)	

13) BRIEF FOR CHUCK DADE a CONCERNED CITIZEN
14) AS AMICUS CURIAE

15) AMICUS BRIEF

16) My name is Chuck Dade and I am writing to this court because of my concern for what is going on with the cleanup efforts of the EPA Superfund site at the Acushnet River/ New Bedford Harbor.

17) I am a native of the area (born in New Bedford), a resident of the South Coast for most of my life, a US armed forces Veteran, and a direct

descendant of the (Eleanor Roosevelt awarded) mother (Maria Teresa Barboza) of 10 children from this same area who served in the US military during WW II. As (a child, a grand child, a person from) a family who lived and/or worked in the area contaminated and as an area educated (BA Psychology) active citizen who has had some experience with hard sciences and engineering (having attended some physics and electronics courses (I am also an Army Engineer> Power Generation).

I mention all of this because I think it lays a foundation to ask (for the many others that are in any way or part connected),

18) "When do we become entitled to equity with regard to government protection (in all of the ways government does such) including environmentally.

19) And I ask (for all)

"When do we become entitled to have a real voice in determining our future".

20) I believe I can offer some perspective to this case from the position of J.Q. Public..

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21) But before I do I would like to say that since the AVX Corporation has entered into this proposed settlement that they have already established that they are ready, willing and able to satisfy the monetary outlay as described in Paragraphs 7, of the Case filing 1:83-cv-03882-WGY Document 2617-1 Filed 10/10/12 (but they are attempting to leverage an escape clause for some of the liability that they deserve).

22) As such, I would ask that the court consider a directed finding/verdict/decree in the amount stated therein unconditionally and immediately to be accomplished and completed in the time table agreed upon forthwith without any provisions that close any re-opener clauses. Let's get the funding for this in place for the cleanup, and worry about the added costs and best design as needed. And let's do it the right way with no shortcuts that disenfranchises the average citizens of the area, a multitude environmentally deprived for decades (which makes this an Environmental Justice issue and a infringement on civil rights because of the comparative inequity that has occurred for so long).

23) *I want New Bedford Harbor cleaned to the highest, safest standard. Time or cost are not the priorities; doing it right is. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.*

24) In as much as the slogan for the United States Justice Department website is "The Common Law is the will of mankind issuing from the Life

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of the people", keeping to that theme can only be accomplished when a court finds in such a way that the protection of and the restitution to the people is carried through ensuring that those (particularly those with the wherewithal) that have damaged others (or the public good) be held fully liable for the damages suffered. It should be mandatory that the people are made whole; AVX has the wherewithal. Who speaks better for Lady Justice than the court. Please find/decree in a way that aids in fulfilling that end completely

25) Of great concern is that, for some time now, it seems that no government entity has really spoken for the people effectively. Certainly NOT the EPA ; at least for a few years. And certainly NOT in this proceeding. The people do not want to let responsible parties off the hook. As a government agency, EPA's responsibility is to protect the people (a constitutional imperative) by protecting and restoring the environment (an agency responsibility). Recent policies by the EPA with regard to new initiatives have acted in contradiction toward that end and have turned a deaf ear to local government bodies, grassroots community groups,NGO's and citizen's that have tried to speak for the people.

26) The EPA's latest idea is what they call Confined Aquatic Disposal cells (CAD cells). Despite opposition that includes official comments by the City Council of the City of New Bedford, MA who are unanimously against CAD cells and have said so officially at least 3 times, the EPA is on track to bury 300,000 cubic yards (over 8,100,000 cubic feet) of sediment: 15,000

SUPP-CD-PUBCOM000319

lbs of PCBs in an excavation in the river bed covered with just 3 ft. of sand despite that true popular opinion is against it . When community groups questioned this they were told more than once "If you understood science then you would know that it will work" Well science says : Blood worms live from the Gulf of St Lawrence (Canada) to the Gulf of New Mexico, they are burrowers and a bloodworm's body can grow to be fifteen inches in. I doubt they figured that (just one idea of an unforeseen future occurance) into the EPA computer modeling.

27) Beyond that we have, recently, learned that some PCBs have already buried some in CAD cells though most people were unaware of until after it was already done. They were kind of snuck in. Because this is an environmental justice area and as such the government needs to go to a higher degree of effort to inform the public than the 'barely legal' notices in the legal section of the newspaper since this has federal oversight even the states part should live up to these federal guidelines.

28) Since part of the cleanup is being done by state authorities (under EPA oversight) and some is done by the EPA themselves this division of procedure and public engagement made it possible for it to be slipped in because most of the concerned engaged citizens and NGOs solely attended the federal EPA hosted public meetings expecting, since EPA were the overseers, to be enlightened about all aspects of the PCB cleanup under their purview.

29) This turned out to be an incorrect assumption. Apparently, there were

separate meetings for the MassDEP navigational dredging that were not well attended by the public. MassDEP got their CAD cells approved pretty much with little to no public turnout because the public's continued focus was on the Federal meetings. But this was only touched on with EPA saying that the PCB levels were below the EPA guidelines (which turns out not to be completely true).

30) At the federal meetings, activists from the grassroots community group: Hands Across the River Coalition (HARC) (recognized in citation by the State Senate of Massachusetts as "the Caretakers of the Acushnet River and its Banks") also tried to ask more questions than the EPA would allow time for. EPA would schedule programmed information with just a short amount of time for Q & A.

31) HARC requested that there be more meetings just for the purpose of Q&A. EPA scheduled a meeting (in October or November 2010)for that purported purpose, then cancelled it, then scheduled another in February 24, 2011 which was a presentation of spoon fed info and a short Q & A. Again there were requests for more time (this is well documented on video).

32) From "The Rituals of Public Meetings." (McComas, Katherine, et al. Public administration review 70.1 (2010) it is said," The relationship between public participation and social solidarity lies in the nature of the participation process. In general, the opportunity for group discussion and interaction opens up the possibility for collective understanding of the

issue of concern"

33) The EPA process seemed instead to be attempting to ritualize dissemination of their already decided outcome without any real public participation at arriving at the outcome; a minimization of Q&A..

34) EPA's next meeting was held May 26, 2012 and this cited video (http://www.youtube.com/watch?v=8f1Yq_d18W4) shows reaction to them not fulfilling the request for more time. They were asked for more time, beforehand and despite repetitive requests they stalled for months and they steered around providing it.

35) In the particular situation in the video the speaker questions who EPA meant when they said that the city wanted some things done with regards to some efforts to stage a few projects. It was suspected that it was the former Mayor Lang whose pet project was a river walk along a new real estate development and a fulfillment of part of another controversial real estate deal (where the mayor overturned a committee designation as to who the developer would be) citing a boathouse adjacent to the EPA where PCBs in the water are likely around 50 ppm. Again the **City Council** was on the record for being **against** CAD cells multiple times; it wasn't the City council who was making the requests.

36) New Bedford is an area of multiple minorities and many with English as a second language or no English at all. At many of the meetings activists pointed this out stating that there were Environmental Justice directives

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and (civil rights issues) that say that the government is supposed to be proactive in notification and education of the PCB situation. There are also minority (possibly) subsistence fishers (from Central America) observed; most likely some with children .

37) New Bedford is an area with no clear majority but it has historically been administered by descendants of hierarchical Yankee Whaling and somewhat later by, amongst others) people with strong ties to the Boston Irish political 'machinery'.

38) Since at least the 1950's the "greatest minority" (in that it is the largest single ethnicity) is Portuguese and 'in sum' the city is over 40% Lusitanic when you add other Portuguese speaking ethnicities like Cape Verdean people (2010 Census: Portuguese 33,308; Cape Verdean 7,156; French (except Basque) 5,692; French; Canadian 4,947; English 4,349; Irish 4,267; Polish 1,992; Italian 1,778); we have an unusual situation where we have this greater minority that historically existed under the specter of classic minority disadvantages without out any of the typical legislated minority advantages. Many Portuguese (paradoxically, some through pride and some through embarassment) do not appreciate being considered a minority. They do not want to be considered "the other".

39) Even at the turn of the 19th to 20th century when the Portuguese population was 16% in New Bedford, they still outnumbered those in government leadership, City Council has had an increasingly better representation by people of Lusitanic derivation in the last couple

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decades. Representation is good now (and on the PCB matter they have made formal declarations that they are **against CAD cells 3 times**) but, to date, there has never been a Portuguese surnamed Mayor.

40) The former and current Mayors and the local Economic Council Development Council (contrarily) wrote letters supporting CAD cells

41) Government attention/action/nonaction by the state and federal governments may have chronically responded inequitably to the community in this regard and many other ways over the years; in respect to this cleanup, it is less than dubious that this is part of the problem.

42) Another area that overlaps this and is an example of questionable equity is with respect to train service to Boston that has been held up by EPA. They are holding up approval for a commuter train though a swamp where a track has existed but not been used for year. But they rushed through an approval for the New Bedford South terminal project which will create yet another CAD cell. (The irony is that when the terminal is done they are going to need the train.)

43) Again this is done for the benefit of business preeminently Cape Wind (though there are no guarantees that New Bedford will be the port that is used). So again the safety (thus equity) of the community is being compromised by burying more PCBs just for the possibility. Here, on spec, they rushed approval and are going to bury 225,000 yards of PCB contaminated sediment even though there is no contract by any wind developer to any governmental body ensuring that New Bedford will be

the chosen location. Quonsett Pt. and Davisville are other workable locations.

44) The designer of this project is the same as the other CAD Cell project (Apex). The supportrs are leveraging the promise of job,jobs,jobs to bury PCBs for a company with a sole ownership of a single billionaire. Profits for one above safety for all. But it's a falsely mutually exclusive. They can still do the build out but instead of digging a in another CAD cell by hauling the PCBs off (which is what the Community wants). AVX should have to pay for this removal as well. If this non-reopener clause gets approved there would be no way to keep the burden where it belongs: AVX.

45) How is it that with such powerful legislative powerhouses as Ted Kennedy and Barney Frank were reps for the area, yet, for decades New Bedford has remained such a depressed place. I submit there has been some defect in governance, probably in all arenas.

46) In "Community Stress, Psychosocial Hazards, and EPA Decision-Making in Communities Impacted by Chronic Technological Disasters", *(Couch, Stephen R., PhD., and Charlton J. Coles PhD. "Community Stress,." American Journal of Public Health 101 (2011)*, investigators consider myriad sociological effects that happen to communities affected by **Chronic Technological Disaster** (CTD).

47) According to Couch & Cole (Ibid,142, **Chronic Technological Disaster** "refers to conditions of perceived or known man-made contamination of an

environment that persists over time. Tornadoes race through a community in a matter of minutes, hurricane impact is measured in hours. A CTD, such as a Superfund site, lasts months, years, even decades---" "---CTDs characterized CTDs as complex events because such environmental contamination is often cumulative; may be latent and not identified as a problem for several years; has impacts on humans that may be delayed, dynamic, or multiple and certain --"

48) The decades long contamination of the greater New Bedford area by massive amounts of PCBs is probably the definitive CTD. This is an area where self deprecation is a common phenomena.

49) I would suggest that the combination of the unusual sociological/political paradigm mentioned above together with the fact that the area has suffered a (CTD) caused by the PCBs that there has been a sustained depression of self esteem and hence a diminished social capital of the people to be able to wage an adequate fight to be able to counter the efforts of (AVX Corp., the local business interests who support CAD cells and) those that lobby against the grassroots community's wishes for an equitably clean and safe environment.

50) Hands Across the River Coalition President Edwin Rivera Sr. has told me multiple times that when he began fighting for the cleanup he was the youngest member of the then fairly strong group. It was the group that got EPA (through more effective community participation) to reverse the decision to set up an incinerator to burn the PCBs in New Bedford. They

SUPP-CD-PUBCOM000326

instead got them taken off site to TSCA facility (which is what they are trying to maintain now). After 28 years the group has aged and there are only a few still active. Mustering number lately has been hard. Mr. Rivera says everyone wants to be paid today.

51) Its widely know that PCBs cause cancer in humans. In fact one past study had showed that Winter flounder from New Bedford Harbor had, 26 %, of liver neoplasms (cancer). Fifty-seven percent of all flounder collected from New Bedford Harbor then had some liver disease.

52) Other research shows that PCBs exposure correlate with cognitive impairment throughout life. There have been studies of both developing infants and the elderly that both have shown that those that were PCB contaminated had significantly diminished cognitive capabilities compared to those with normal exposure levels.

53) The New Bedford School system has 2 schools placed on or near the former Parker Street Waste Site a waste dump that had been contaminated with PCBs (some coming from Aerovox as well). The newest Keith Middle School was built since 2004. The area was supposed to be cleaned to 1 part per million (the EPA residential standard, and testing conducted by confirmed in 2006 that the effort had been successful.

54) But more recently in 2008 and 2011 they found PCB levels hundreds of times higher than expected. Some tested areas had PCB levels up to 834 parts per million.

SUPP-CD-PUBCOM000327

55) At a "City Council Appointments & Briefings meeting on 3/29/11 the New Bedford City Council went on record in opposition to the use of CAD Cells for the purpose of PCB removal in the Harbor; and further that it notify the Administration, the HDC Director, Fairhaven Selectmen, EPA Director and the Massachusetts DEP of its opposition. This motion passed on a roll call vote of Yeas 9, Nays 0, with Councilors Coelho and Saunders not present for vote" (quoted from the official record).

56) On or bout the time the EPA made their decision to implement using CAD cells, it was revealed that MassDEP had already buried some PCBs in CAD cells as part of their navigational dredging. This was used as part of an argument for EPA to bury more (it's been done before). Some local activists (myself included) then began going to the state MassDEP meetings where they learned that, in fact, some of that buried was considerably above the guidelines of 50 parts per million (ppm) which was the cutoff level that determined whether handling was to be performed by the state or the Federal government. More recently Buzzards Bay Coalition has found that on top of that the level of cleanup performed in other areas was to a higher standard (1-2 ppm); New Bedford had been slighted again (50ppm) which certainly questions equity and is indicative of environmental injustice (again).

57) Having the PCBs removed from the area was a hard fought objective

initially; the city's NGO's and community groups had thought that that was finally resolved. Now EPA is reversing its decision. At the time of determination it was also the case that the harmful PCB contaminated sediment was being taken off site. Currently, currently the sediments are still being shipped away to a Toxic Substances Control Act (TSCA) licensed facility in Michigan (Wayne Disposal). This is the method acceptable by the community and the City Council. This method also follows the Federal Guidelines under 40 CFR 761.75 which enables, not only monitoring, but complete leachate collection. Wayne Disposals facility incorporates a cell with in a cell facility for this and it is all above a natural clay bed of a minimum of 11 ft. depth. When things go wrong they can be remediated. How would you remediate an underwater problem?

58) CAD cells are in no way mentioned in the 40.CFR 761 except by extending provisions for administrators to make decisions. 40.CFR 761.61. in special circumstances allows for EPA to do it by decision. This is a long stretch from democracy (and prone to inequity). Their stance is that peer reviewed scientific inquiry makes it alright, but its been noted before that peer reviewed expert knowledge can be wrong. I would like to discuss the limits of expert knowledge.

59) Although AVX in their comment letter (Sept 24, 2010) advocating for CAD cells quotes EPA and says that CAD cells have been proven to be effective, it hasn't.

60) From that letter "

i. **II. ESD #4 - SETTING THE RECORD STRAIGHT.**
   a. **CAD Cells Have Been a Proven Technology for Years.**
ii. **ESD #4 states that CAD cell technology is a "recognized, protective contaminated**
iii. **sediment disposal approach. ,,**
iv. **18 While EPA implies, however, that this technology has only**
v. **recently reached the point where its use could seriously be considered, the potential use of CAD cells for disposal of New Bedford Harbor sediments has a long history dating back to the early 1980s. The record of its previous consideration and evaluation is on the one hand substantial, and on the other hand disappointing, as EPA never provides a clear record explaining why it rejected the use of CAD cells, not once but at least twice. "**

61) Cad Cell techniques have only been utilized for a short period of time; in fact, there has only been one case of any magnitude where they were expressly utilized for the storage of PCB's being contained in the US. That was just in 2000 so there is no long term data available (and they want to bury this stuff forever). It was placed at a Naval facility in Puget sound (Palmerton et, Contained Aquatic Disposal (CAD) - An analysis of Their Advantages, Limitations, and Costs, Palmerton Group, 2000,pg 18); concurrently, PCBs are being attributed to the diminishing whale population there.

62) New Bedford will be the test case of putting them near a population; the guinea pigs, another wave of environmental injustice.

63) Because CAD cells as a technology to contain PCB contamination at the high level proposed for at the New Bedford site has no precedent, **research on point is not available**. It's proposed on computer modeling and projective science (**expert knowledge**).

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64) This being the case, studies on expert knowledge exist in other technological arenas where grave consequences are possible. In review, much is to be learned about the presumptions of expertise, the typical disposition of players, the typical discourse.

65) The most influential risk analysis document, the Atomic Energy Commission's 1975 Reactor Safety Study (RSS), sometimes known as the **Rasmussen** report (after its director, Norman Rasmussen), on nuclear power plants show that the experts campaigned vehemently to allow a nuclear power plan and they employed subjective manipulated science to arrive at the desired ends of government and business technocrats. Carol R. Miller in "The Presumptions of Expertise: The Role of Ethos in Risk Analysis" writes:

> **"We can thus understand the RSS, and the use of subjective probabilities, as part of an ongoing negotiation over the burden of proof in public argument about risk. Risk analysis was born in a very tight rhetorical corner, boxed in by four severe constraints:**
>
> **(1) political pressure to produce a risk analysis friendly to nuclear power by a congressional deadline;**
> **(2) the need to use "expert opinion" in lieu of failure data because there were few data from actual reactor failures;**
> **(3) long-standing skepticism of engineers and scientists about the value of opinion; and**

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(4) a dramatic reduction in public willingness to defer to technology and its experts."[i]

66) Certain there are parallels in this CAD case to 1 and 2 political ressure and the need for epert opinion because there is nor real longetudal esperatial data with reference to the success of CAD cells.

67) More over in Millers essay on Risk Analysis she elaborates in classical Socratesian terms "ethos/pathos/ logos/" on how the players (the government, the experts, and contractors) shift techniques to sell their preconceived idea. For reference these are the basic concepts:

> **Ethos:** the source's credibility, the speaker's/author's authority
>
> **Logos:** the logic used to support a claim (induction and deduction); can also be the facts and statistics used to help support the argument.
>
> **Pathos:** the emotional or motivational appeals; vivid language, emotional language and numerous sensory details.

68) Pathos is not generally useful in this type of interaction. It's more the stock of a feel good charismatic. In essence what's significant is that the public generally believes "the authority". People go to Doctors, for instance, because they are experts at medicine. So people are trained to think that way. So when they are presented with information that way it rings true. The exception, though, is the engineer or scientist who wants the presentation to ring true via logos.

69) But beyond that, there are times when a merge or a shift of ethos and

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logos occurs i.e., when subjective manipulation of what logic is presented by an authority: **"Lies, damned lies, and statistics".**

70) And NOW There is **Computer modeling.**

71) Also to be considered is how experts can fall in to a type of tunnel vision in their own discipline. This is a differing phenomena it's not so much a conscious sales technique but more of a position as a true believer. Just as religious cults believe their way the "cult of experts" serve the beliefs of the knowledge of their discipline believing that theirs is the superior knowledge .

72) It was shown in another study on river basins in Europe that in analysis of risk assessment to exposure to various toxins that there was a dichotomy between project definition uncertainty and true uncertainty. True uncertainty is uncertainty due to lack of knowledge**; things the scientist can't predict**. It further showed that there was a significant probability of underestimating the true risks. It also considered inter individual variability so as to take specific actions to reduce the risk of subpopulations This study also lauded the benefits of participatory research, in helping to define problem definitions and in finding management solutions acceptable to all stakeholders. (Ad, M. J. Ragas, et al. "Uncertainty in Environmental Risk Assessment: Implications for Risk-Based

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Management of River Basins." Integrated Environmental Assessment and Management 5.1 (2009): 27-37.)

73) Although the theater of public comment occurred, the spirit of the law was dubiously carried out. Former EPA director Dave Dickerson said there were more letters for than against and there may have been but in terms of individual letters. But, when reviewing in terms of evaluating 'through representation' I would opine that a letter from the City Council of New Bedford (representing a population of 95,000 people) should be considered to have substantially more weight than many others.

74) Beyond that there is the bias of profiteers whose conflicts of interests should be considered (in some cases they were from out of the area so of lesser standing). Some included were:Pioneer Mooring, Smith Marine (3 letters), AGM Marine Contractors, Seaport Inn, Moby Dick Marina Co.Inc., Lighthouse Marine,

75) In fact one of the comment letters (http://www.epa.gov/region1/superfund/sites/newbedford/ 472667.pdf) is by AVX through their law firm. It is a 158 page letter saying how they support CAD cells and how many and the cost analysis, etc. (the cart leading the horse).

76) An interesting fact is that according to the 2006 "Analysis of Impediments Report City of New Bedford, Massachusetts", The third largest employer in

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New Bedford was Aerovox Industries ".

77) Then there was a series of comment letters in support of CAD cells that were very much carbon copy form letters that someone began walking around on Sept. 2, 2010; some were exact copies some were modified slightly.

78) One even showed up on the DA's letter head: (http://www.epa.gov/region1/superfund/sites/newbedford/ 472687.pdf) but with the same exact text. And Town officials (administrators not the population) from Fairhaven used a variation that you can tell was based on the same letter.

79) Another (http://www.epa.gov/region1/superfund/sites/newbedford/ 472688.pdf) exact copy was signed by a member of the engineering firm that designed the CAD cell project. A couple of other Civil Engineer's signed it; the waterfront companies or the designing engineering firm may be connected.

80) Though it's not illegal to use form letters to comment, the government (of the people by the people for the people) should consider what the people's concerns are and their safety. They should make decisions that protect people ahead of business and consider their common sense experience (better participatory process), as well as their sociological and physical well being and give their position weight in good measure against fallible (and capable of bias) expert knowledge making determinations for what the good of the true community is, those that have to live at or near a contaminated site, over a small band of contractors,

and business owners, the responsible party –all who have conflicts of interest and most often live far away from the site.

81) In any decision, agency or court we should keep other forms of remediation possible.

a. Biological remediation in the Keelung River has shown success in the Republic of China (Bea-Ven Chang, Tzu-Chuan Chiu, and Shaw-Ying Yuan. "Dechlorination of Polychlorinated Biphenyl Congeners by Anaerobic Microorganisms from River Sediment." Water Environment Research 78.7 (2006): 764-9.)

82) Another test treatment that showed promise is by using phytoremediation i.e., the treatment of environmental problems through the use of plants (bioremediation) that mitigate the environmental problem sometimes without the need to excavate the contaminant material. (K, E. Smith, P. Schwab A, and K. Banks M. "Phytoremediation of Polychlorinated Biphenyl (PCB)-Contaminated Sediment: A Greenhouse Feasibility Study." Journal of environmental quality 36.1)

83) When future remediation is considered with respect to the examples just mention, CAD cells negate the capability by 'canning' the PCBs underwater where they are hard to access and they are not exposed to

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biota than can degrade and neutralize them. PCBs at an upland faclitiy can be accessed with typical heavy equipment as future tech is improved.

In conclusion, I re-iterate:

"I want New Bedford Harbor cleaned to the highest, safest standard. Time or cost are not the priorities; doing it right is. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor."

Submitted by

Chuck Dade

cdade@umassd.edu

774.849.7802

SUPP-CD-PUBCOM000337

From:	Chuck Dade
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Re: CIVIL ACTION NO. 83-3882-Y
Date:	Monday, December 17, 2012 11:55:33 PM
Attachments:	letterAVX-UNITED STATES DISTRICT COURT.pdf letterAVX-UNITED STATES DISTRICT COURT.pdf

---

Please accept this as my comment letter in the above referenced case:



Chuck Dade

CHUCK DADE
398 HAWTHORN ST
NEW BEDFORD, MA 02740

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 83-3882-Y

Defendants.

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff,

v.

AVX CORPORATION, et al.,
Defendants.

Greetings:

Please accept these comments to the above referenced case

---

1) My name is Chuck Dade and I am writing to this court because of my concern for what is going on with the cleanup efforts of the EPA Superfund site at the Acushnet River/ New Bedford Harbor.
2) I am a native of the area (born in New Bedford), a resident of the South Coast for most of my life, a US armed forces Veteran, and a direct

descendant of the (Eleanor Roosevelt awarded) mother (Maria Teresa Barboza) of 10 children from this same area who served in the US military during WW II. As (a child, a grand child, a person from) a family who lived and/or worked in the area contaminated and as an area educated (BA Psychology) active citizen who has had some experience with hard sciences and engineering (having attended some physics and electronics courses (I am also an Army Engineer> Power Generation).

I mention all of this because I think it lays a foundation to ask (for the many others that are in any way or part connected),

3) "When do we become entitled to equity with regard to government protection (in all of the ways government does such) including environmentally.

4) And I ask (for all)

"When do we become entitled to have a real voice in determining our future".

5) I believe I can offer some perspective to this case from the position of J.Q. Public..

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6) But before I do I would like to say that since the AVX Corporation has entered into this proposed settlement that they have already established that they are ready, willing and able to satisfy the monetary outlay as described in Paragraphs 7, of the Case filing 1:83-cv-03882-WGY Document 2617-1 Filed 10/10/12 (but they are attempting to leverage an escape clause for some of the liability that they deserve).

7) As such, I would ask that the court consider a directed finding/verdict/decree in the amount stated therein unconditionally and immediately to be accomplished and completed in the time table agreed upon forthwith without any provisions that close any re-opener clauses. Let's get the funding for this in place for the cleanup, and worry about the added costs and best design as needed. And let's do it the right way with no shortcuts that disenfranchises the average citizens of the area, a multitude environmentally deprived for decades (which makes this an Environmental Justice issue and a infringement on civil rights because of the comparative inequity that has occurred for so long).

8) *I want New Bedford Harbor cleaned to the highest, safest standard. Time or cost are not the priorities; doing it right is. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.*

9) In as much as the slogan for the United States Justice Department website is "The Common Law is the will of mankind issuing from the Life

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of the people", keeping to that theme can only be accomplished when a court finds in such a way that the protection of and the restitution to the people is carried through ensuring that those (particularly those with the wherewithal) that have damaged others (or the public good) be held fully liable for the damages suffered. It should be mandatory that the people are made whole; AVX has the wherewithal. Who speaks better for Lady Justice than the court. Please find/decree in a way that aids in fulfilling that end completely

10) Of great concern is that, for some time now, it seems that no government entity has really spoken for the people effectively. Certainly NOT the EPA ; at least for a few years. And certainly NOT in this proceeding. The people do not want to let responsible parties off the hook. As a government agency, EPA's responsibility is to protect the people (a constitutional imperative) by protecting and restoring the environment (an agency responsibility). Recent policies by the EPA with regard to new initiatives have acted in contradiction toward that end and have turned a deaf ear to local government bodies, grassroots community groups,NGO's and citizen's that have tried to speak for the people.

11) The EPA's latest idea is what they call Confined Aquatic Disposal cells (CAD cells). Despite opposition that includes official comments by the City Council of the City of New Bedford, MA who are unanimously against CAD cells and have said so officially at least 3 times, the EPA is on track to bury 300,000 cubic yards (over 8,100,000 cubic feet) of sediment: 15,000

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lbs of PCBs in an excavation in the river bed covered with just 3 ft. of sand despite that true popular opinion is against it . When community groups questioned this they were told more than once "If you understood science then you would know that it will work" Well science says : Blood worms live from the Gulf of St Lawrence (Canada) to the Gulf of New Mexico, they are burrowers and a bloodworm's body can grow to be fifteen inches in. I doubt they figured that (just one idea of an unforeseen future occurance) into the EPA computer modeling.

12) Beyond that we have, recently, learned that some PCBs have already buried some in CAD cells though most people were unaware of until after it was already done. They were kind of snuck in. Because this is an environmental justice area and as such the government needs to go to a higher degree of effort to inform the public than the 'barely legal' notices in the legal section of the newspaper since this has federal oversight even the states part should live up to these federal guidelines.

13) Since part of the cleanup is being done by state authorities (under EPA oversight) and some is done by the EPA themselves this division of procedure and public engagement made it possible for it to be slipped in because most of the concerned engaged citizens and NGOs solely attended the federal EPA hosted public meetings expecting, since EPA were the overseers, to be enlightened about all aspects of the PCB cleanup under their purview.

14) This turned out to be an incorrect assumption. Apparently, there were

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separate meetings for the MassDEP navigational dredging that were not well attended by the public. MassDEP got their CAD cells approved pretty much with little to no public turnout because the public's continued focus was on the Federal meetings. But this was only touched on with EPA saying that the PCB levels were below the EPA guidelines (which turns out not to be completely true).

15) At the federal meetings, activists from the grassroots community group: Hands Across the River Coalition (HARC) (recognized in citation by the State Senate of Massachusetts as "the Caretakers of the Acushnet River and its Banks") also tried to ask more questions than the EPA would allow time for. EPA would schedule programmed information with just a short amount of time for Q & A.

16) HARC requested that there be more meetings just for the purpose of Q&A. EPA scheduled a meeting (in October or November 2010)for that purported purpose, then cancelled it, then scheduled another in February 24, 2011 which was a presentation of spoon fed info and a short Q & A. Again there were requests for more time (this is well documented on video).

17) From "The Rituals of Public Meetings." (McComas, Katherine, et al. Public administration review 70.1 (2010) it is said," The relationship between public participation and social solidarity lies in the nature of the participation process. In general, the opportunity for group discussion and interaction opens up the possibility for collective understanding of the

issue of concern"

18) The EPA process seemed instead to be attempting to ritualize dissemination of their already decided outcome without any real public participation at arriving at the outcome; a minimization of Q&A..

19) EPA's next meeting was held May 26, 2012 and this cited video (http://www.youtube.com/watch?v=8f1Yq_d18W4) shows reaction to them not fulfilling the request for more time. They were asked for more time, beforehand and despite repetitive requests they stalled for months and they steered around providing it.

20) In the particular situation in the video the speaker questions who EPA meant when they said that the city wanted some things done with regards to some efforts to stage a few projects. It was suspected that it was the former Mayor Lang whose pet project was a river walk along a new real estate development and a fulfillment of part of another controversial real estate deal (where the mayor overturned a committee designation as to who the developer would be) citing a boathouse adjacent to the EPA where PCBs in the water are likely around 50 ppm. Again the **City Council** was on the record for being **against** CAD cells multiple times; it wasn't the City council who was making the requests.

21) New Bedford is an area of multiple minorities and many with English as a second language or no English at all. At many of the meetings activists pointed this out stating that there were Environmental Justice directives

and (civil rights issues) that say that the government is supposed to be proactive in notification and education of the PCB situation. There are also minority (possibly) subsistence fishers (from Central America) observed; most likely some with children .

22) New Bedford is an area with no clear majority but it has historically been administered by descendants of hierarchical Yankee Whaling and somewhat later by, amongst others) people with strong ties to the Boston Irish political 'machinery'.

23) Since at least the 1950's the "greatest minority" (in that it is the largest single ethnicity) is Portuguese and 'in sum' the city is over 40% Lusitanic when you add other Portuguese speaking ethnicities like Cape Verdean people (2010 Census: Portuguese 33,308; Cape Verdean 7,156; French (except Basque) 5,692; French; Canadian 4,947; English 4,349; Irish 4,267; Polish 1,992; Italian 1,778); we have an unusual situation where we have this greater minority that historically existed under the specter of classic minority disadvantages without out any of the typical legislated minority advantages. Many Portuguese (paradoxically, some through pride and some through embarassment) do not appreciate being considered a minority. They do not want to be considered "the other".

24) Even at the turn of the 19th to 20th century when the Portuguese population was 16% in New Bedford, they still outnumbered those in government leadership, City Council has had an increasingly better representation by people of Lusitanic derivation in the last couple

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decades. Representation is good now (and on the PCB matter they have made formal declarations that they are **against CAD cells 3 times**) but, to date, there has never been a Portuguese surnamed Mayor.

25) The former and current Mayors and the local Economic Council Development Council (contrarily) wrote letters supporting CAD cells

26) Government attention/action/nonaction by the state and federal governments may have chronically responded inequitably to the community in this regard and many other ways over the years; in respect to this cleanup, it is less than dubious that this is part of the problem.

27) Another area that overlaps this and is an example of questionable equity is with respect to train service to Boston that has been held up by EPA. They are holding up approval for a commuter train though a swamp where a track has existed but not been used for year. But they rushed through an approval for the New Bedford South terminal project which will create yet another CAD cell. (The irony is that when the terminal is done they are going to need the train.)

28) Again this is done for the benefit of business preeminently Cape Wind (though there are no guarantees that New Bedford will be the port that is used). So again the safety (thus equity) of the community is being compromised by burying more PCBs just for the possibility. Here, on spec, they rushed approval and are going to bury 225,000 yards of PCB contaminated sediment even though there is no contract by any wind developer to any governmental body ensuring that New Bedford will be

the chosen location. Quonsett Pt. and Davisville are other workable locations.

29) The designer of this project is the same as the other CAD Cell project (Apex). The supportrs are leveraging the promise of job,jobs,jobs to bury PCBs for a company with a sole ownership of a single billionaire. Profits for one above safety for all. But it's a falsely mutually exclusive. They can still do the build out but instead of digging a in another CAD cell by hauling the PCBs off (which is what the Community wants). AVX should have to pay for this removal as well. If this non-reopener clause gets approved there would be no way to keep the burden where it belongs: AVX.

30) How is it that with such powerful legislative powerhouses as Ted Kennedy and Barney Frank were reps for the area, yet, for decades New Bedford has remained such a depressed place. I submit there has been some defect in governance, probably in all arenas.

31) In "Community Stress, Psychosocial Hazards, and EPA Decision-Making in Communities Impacted by Chronic Technological Disasters", *(Couch, Stephen R., PhD., and Charlton J. Coles PhD. "Community Stress,." American Journal of Public Health 101 (2011)*, investigators consider myriad sociological effects that happen to communities affected by **Chronic Technological Disaster** (CTD).

32) According to Couch & Cole (Ibid,142, **Chronic Technological Disaster** "refers to conditions of perceived or known man-made contamination of an

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environment that persists over time. Tornadoes race through a community in a matter of minutes, hurricane impact is measured in hours. A CTD, such as a Superfund site, lasts months, years, even decades---" "---CTDs characterized CTDs as complex events because such environmental contamination is often cumulative; may be latent and not identified as a problem for several years; has impacts on humans that may be delayed, dynamic, or multiple and certain --"

33) The decades long contamination of the greater New Bedford area by massive amounts of PCBs is probably the definitive CTD. This is an area where self deprecation is a common phenomena.

34) I would suggest that the combination of the unusual sociological/political paradigm mentioned above together with the fact that the area has suffered a (CTD) caused by the PCBs that there has been a sustained depression of self esteem and hence a diminished social capital of the people to be able to wage an adequate fight to be able to counter the efforts of (AVX Corp., the local business interests who support CAD cells and) those that lobby against the grassroots community's wishes for an equitably clean and safe environment.

35) Hands Across the River Coalition President Edwin Rivera Sr. has told me multiple times that when he began fighting for the cleanup he was the youngest member of the then fairly strong group. It was the group that got EPA (through more effective community participation) to reverse the decision to set up an incinerator to burn the PCBs in New Bedford. They

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instead got them taken off site to TSCA facility (which is what they are trying to maintain now). After 28 years the group has aged and there are only a few still active. Mustering number lately has been hard. Mr. Rivera says everyone wants to be paid today.

36) Its widely know that PCBs cause cancer in humans. In fact one past study had showed that Winter flounder from New Bedford Harbor had, 26 %, of liver neoplasms (cancer). Fifty-seven percent of all flounder collected from New Bedford Harbor then had some liver disease.

37) Other research shows that PCBs exposure correlate with cognitive impairment throughout life. There have been studies of both developing infants and the elderly that both have shown that those that were PCB contaminated had significantly diminished cognitive capabilities compared to those with normal exposure levels.

38) The New Bedford School system has 2 schools placed on or near the former Parker Street Waste Site a waste dump that had been contaminated with PCBs (some coming from Aerovox as well). The newest Keith Middle School was built since 2004. The area was supposed to be cleaned to 1 part per million (the EPA residential standard, and testing conducted by confirmed in 2006 that the effort had been successful.

39) But more recently in 2008 and 2011 they found PCB levels hundreds of times higher than expected. Some tested areas had PCB levels up to 834 parts per million.

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40) At a "City Council Appointments & Briefings meeting on 3/29/11 the New Bedford City Council went on record in opposition to the use of CAD Cells for the purpose of PCB removal in the Harbor; and further that it notify the Administration, the HDC Director, Fairhaven Selectmen, EPA Director and the Massachusetts DEP of its opposition. This motion passed on a roll call vote of Yeas 9, Nays 0, with Councilors Coelho and Saunders not present for vote" (quoted from the official record).

41) On or bout the time the EPA made their decision to implement using CAD cells, it was revealed that MassDEP had already buried some PCBs in CAD cells as part of their navigational dredging. This was used as part of an argument for EPA to bury more (it's been done before). Some local activists (myself included) then began going to the state MassDEP meetings where they learned that, in fact, some of that buried was considerably above the guidelines of 50 parts per million (ppm) which was the cutoff level that determined whether handling was to be performed by the state or the Federal government. More recently Buzzards Bay Coalition has found that on top of that the level of cleanup performed in other areas was to a higher standard (1-2 ppm); New Bedford had been slighted again (50ppm) which certainly questions equity and is indicative of environmental injustice (again).

42) Having the PCBs removed from the area was a hard fought objective

initially; the city's NGO's and community groups had thought that that was finally resolved. Now EPA is reversing its decision. At the time of determination it was also the case that the harmful PCB contaminated sediment was being taken off site. Currently, currently the sediments are still being shipped away to a Toxic Substances Control Act (TSCA) licensed facility in Michigan (Wayne Disposal). This is the method acceptable by the community and the City Council. This method also follows the Federal Guidelines under 40 CFR 761.75 which enables, not only monitoring, but complete leachate collection. Wayne Disposals facility incorporates a cell with in a cell facility for this and it is all above a natural clay bed of a minimum of 11 ft. depth. When things go wrong they can be remediated. How would you remediate an underwater problem?

43) CAD cells are in no way mentioned in the 40.CFR 761 except by extending provisions for administrators to make decisions. 40.CFR 761.61. in special circumstances allows for EPA to do it by decision. This is a long stretch from democracy (and prone to inequity). Their stance is that peer reviewed scientific inquiry makes it alright, but its been noted before that peer reviewed expert knowledge can be wrong. I would like to discuss the limits of expert knowledge.

44) Although AVX in their comment letter (Sept 24, 2010) advocating for CAD cells quotes EPA and says that CAD cells have been proven to be effective, it hasn't.

45) From that letter "

i. **II. ESD #4 - SETTING THE RECORD STRAIGHT.**
   a. **CAD Cells Have Been a Proven Technology for Years.**
ii. **ESD #4 states that CAD cell technology is a "recognized, protective contaminated**
iii. **sediment disposal approach. ,,**
iv. **18 While EPA implies, however, that this technology has only**
v. **recently reached the point where its use could seriously be considered, the potential use of CAD cells for disposal of New Bedford Harbor sediments has a long history dating back to the early 1980s. The record of its previous consideration and evaluation is on the one hand substantial, and on the other hand disappointing, as EPA never provides a clear record explaining why it rejected the use of CAD cells, not once but at least twice. "**

46) Cad Cell techniques have only been utilized for a short period of time; in fact, there has only been one case of any magnitude where they were expressly utilized for the storage of PCB's being contained in the US. That was just in 2000 so there is no long term data available (and they want to bury this stuff forever). It was placed at a Naval facility in Puget sound (Palmerton et, Contained Aquatic Disposal (CAD) - An analysis of Their Advantages, Limitations, and Costs, Palmerton Group, 2000,pg 18); concurrently, PCBs are being attributed to the diminishing whale population there.

47) New Bedford will be the test case of putting them near a population; the guinea pigs, another wave of environmental injustice.

48) Because CAD cells as a technology to contain PCB contamination at the high level proposed for at the New Bedford site has no precedent, **research on point is not available**. It's proposed on computer modeling and projective science (**expert knowledge**).

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49) This being the case, studies on expert knowledge exist in other technological arenas where grave consequences are possible. In review, much is to be learned about the presumptions of expertise, the typical disposition of players, the typical discourse.

50) The most influential risk analysis document, the Atomic Energy Commission's 1975 Reactor Safety Study (RSS), sometimes known as the **Rasmussen** report (after its director, Norman Rasmussen), on nuclear power plants show that the experts campaigned vehemently to allow a nuclear power plan and they employed subjective manipulated science to arrive at the desired ends of government and business technocrats. Carol R. Miller in "The Presumptions of Expertise: The Role of Ethos in Risk Analysis" writes:

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> (1)political pressure to produce a risk analysis friendly to nuclear power
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> failures;
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about the value of opinion; and
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59) Beyond that there is the bias of profiteers whose conflicts of interests should be considered (in some cases they were from out of the area so of lesser standing). Some included were:Pioneer Mooring, Smith Marine (3 letters), AGM Marine Contractors, Seaport Inn, Moby Dick Marina Co.Inc., Lighthouse Marine,

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61) An interesting fact is that according to the 2006 "Analysis of Impediments Report City of New Bedford, Massachusetts", The third largest employer in

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New Bedford was Aerovox Industries ".

62) Then there was a series of comment letters in support of CAD cells that were very much carbon copy form letters that someone began walking around on Sept. 2, 2010; some were exact copies some were modified slightly.

63) One even showed up on the DA's letter head: (http://www.epa.gov/region1/superfund/sites/newbedford/ 472687.pdf) but with the same exact text. And Town officials (administrators not the population) from Fairhaven used a variation that you can tell was based on the same letter.

64) Another (http://www.epa.gov/region1/superfund/sites/newbedford/ 472688.pdf) exact copy was signed by a member of the engineering firm that designed the CAD cell project. A couple of other Civil Engineer's signed it; the waterfront companies or the designing engineering firm may be connected.

65) Though it's not illegal to use form letters to comment, the government (of the people by the people for the people) should consider what the people's concerns are and their safety. They should make decisions that protect people ahead of business and consider their common sense experience (better participatory process), as well as their sociological and physical well being and give their position weight in good measure against fallible (and capable of bias) expert knowledge making determinations for what the good of the true community is, those that have to live at or near a contaminated site, over a small band of contractors,

and business owners, the responsible party –all who have conflicts of interest and most often live far away from the site.

66) In any decision, agency or court we should keep other forms of remediation possible.

a. Biological remediation in the Keelung River has shown success in the Republic of China (Bea-Ven Chang, Tzu-Chuan Chiu, and Shaw-Ying Yuan. "Dechlorination of Polychlorinated Biphenyl Congeners by Anaerobic Microorganisms from River Sediment." Water Environment Research 78.7 (2006): 764-9.)

67) Another test treatment that showed promise is by using phytoremediation i.e., the treatment of environmental problems through the use of plants (bioremediation) that mitigate the environmental problem sometimes without the need to excavate the contaminant material. (K, E. Smith, P. Schwab A, and K. Banks M. "Phytoremediation of Polychlorinated Biphenyl (PCB)-Contaminated Sediment: A Greenhouse Feasibility Study." Journal of environmental quality 36.1)

68) When future remediation is considered with respect to the examples just mention, CAD cells negate the capability by 'canning' the PCBs underwater where they are hard to access and they are not exposed to

SUPP-CD-PUBCOM000359

biota than can degrade and neutralize them. PCBs at an upland faclitiy can be accessed with typical heavy equipment as future tech is improved.

In conclusion, I re-iterate:

"I want New Bedford Harbor cleaned to the highest, safest standard. Time or cost are not the priorities; doing it right is. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor."

Submitted by

Chuck Dade

cdade@umassd.edu

774.849.7802

SUPP-CD-PUBCOM000360

From:	Chuck Dade
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Re: CIVIL ACTION NO. 83-3882-Y
Date:	Monday, December 17, 2012 11:59:30 PM
Attachments:	letter2AVX-UNITED STATES DISTRICT COURT.pdf letter2AVX-UNITED STATES DISTRICT COURT.pdf

---

Please accept this as my comment letter in the above referenced case:



Chuck Dade

CHUCK DADE
398 HAWTHORN ST
NEW BEDFORD, MA 02740

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 83-3882-Y

AVX CORPORATION, et al.,
Defendants.

Greetings:

Please accept these comments to the above referenced case

---

1) My name is Chuck Dade and I am writing to this court because of my concern for what is going on with the cleanup efforts of the EPA Superfund site at the Acushnet River/ New Bedford Harbor.
2) I am a native of the area (born in New Bedford), a resident of the South Coast for most of my life, a US armed forces Veteran, and a direct descendant of the (Eleanor Roosevelt awarded) mother (Maria Teresa Barboza) of 10 children from this same area who served in the US military

during WW II. As (a child, a grand child, a person from) a family who lived and/or worked in the area contaminated and as an area educated (BA Psychology) active citizen who has had some experience with hard sciences and engineering (having attended some physics and electronics courses (I am also an Army Engineer> Power Generation).

I mention all of this because I think it lays a foundation to ask (for the many others that are in any way or part connected),

3) "When do we become entitled to equity with regard to government protection (in all of the ways government does such) including environmentally.

4) And I ask (for all)

"When do we become entitled to have a real voice in determining our future".

5) I believe I can offer some perspective to this case from the position of J.Q. Public..

6) But before I do I would like to say that since the AVX Corporation has

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entered into this proposed settlement that they have already established that they are ready, willing and able to satisfy the monetary outlay as described in Paragraphs 7, of the Case filing 1:83-cv-03882-WGY Document 2617-1 Filed 10/10/12 (but they are attempting to leverage an escape clause for some of the liability that they deserve).

7) As such, I would ask that the court consider a directed finding/verdict/decree in the amount stated therein unconditionally and immediately to be accomplished and completed in the time table agreed upon forthwith without any provisions that close any re-opener clauses. Let's get the funding for this in place for the cleanup, and worry about the added costs and best design as needed. And let's do it the right way with no shortcuts that disenfranchises the average citizens of the area, a multitude environmentally deprived for decades (which makes this an Environmental Justice issue and a infringement on civil rights because of the comparative inequity that has occurred for so long).
8) *I want New Bedford Harbor cleaned to the highest, safest standard. Time or cost are not the priorities; doing it right is. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.*
9) In as much as the slogan for the United States Justice Department website is "The Common Law is the will of mankind issuing from the Life of the people", keeping to that theme can only be accomplished when a court finds in such a way that the protection of and the restitution to the

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people is carried through ensuring that those (particularly those with the wherewithal) that have damaged others (or the public good) be held fully liable for the damages suffered. It should be mandatory that the people are made whole; AVX has the wherewithal. Who speaks better for Lady Justice than the court. Please find/decree in a way that aids in fulfilling that end completely

10) Of great concern is that, for some time now, it seems that no government entity has really spoken for the people effectively. Certainly NOT the EPA ; at least for a few years. And certainly NOT in this proceeding. The people do not want to let responsible parties off the hook. As a government agency, EPA's responsibility is to protect the people (a constitutional imperative) by protecting and restoring the environment (an agency responsibility). Recent policies by the EPA with regard to new initiatives have acted in contradiction toward that end and have turned a deaf ear to local government bodies, grassroots community groups,NGO's and citizen's that have tried to speak for the people.

11) The EPA's latest idea is what they call Confined Aquatic Disposal cells (CAD cells). Despite opposition that includes official comments by the City Council of the City of New Bedford, MA who are unanimously against CAD cells and have said so officially at least 3 times, the EPA is on track to bury 300,000 cubic yards (over 8,100,000 cubic feet) of sediment: 15,000 lbs of PCBs in an excavation in the river bed covered with just 3 ft. of sand despite that true popular opinion is against it . When community groups

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questioned this they were told more than once "If you understood science then you would know that it will work" Well science says : Blood worms live from the Gulf of St Lawrence (Canada) to the Gulf of New Mexico, they are burrowers and a bloodworm's body can grow to be fifteen inches in. I doubt they figured that (just one idea of an unforeseen future occurance) into the EPA computer modeling.

12) Beyond that we have, recently, learned that some PCBs have already buried some in CAD cells though most people were unaware of until after it was already done. They were kind of snuck in. Because this is an environmental justice area and as such the government needs to go to a higher degree of effort to inform the public than the 'barely legal' notices in the legal section of the newspaper since this has federal oversight even the states part should live up to these federal guidelines.

13) Since part of the cleanup is being done by state authorities (under EPA oversight) and some is done by the EPA themselves this division of procedure and public engagement made it possible for it to be slipped in because most of the concerned engaged citizens and NGOs solely attended the federal EPA hosted public meetings expecting, since EPA were the overseers, to be enlightened about all aspects of the PCB cleanup under their purview.

14) This turned out to be an incorrect assumption. Apparently, there were separate meetings for the MassDEP navigational dredging that were not well attended by the public. MassDEP got their CAD cells approved pretty

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much with little to no public turnout because the public's continued focus was on the Federal meetings. But this was only touched on with EPA saying that the PCB levels were below the EPA guidelines (which turns out not to be completely true).

15) At the federal meetings, activists from the grassroots community group: Hands Across the River Coalition (HARC) (recognized in citation by the State Senate of Massachusetts as "the Caretakers of the Acushnet River and its Banks") also tried to ask more questions than the EPA would allow time for. EPA would schedule programmed information with just a short amount of time for Q & A.

16) HARC requested that there be more meetings just for the purpose of Q&A. EPA scheduled a meeting (in October or November 2010)for that purported purpose, then cancelled it, then scheduled another in February 24, 2011 which was a presentation of spoon fed info and a short Q & A. Again there were requests for more time (this is well documented on video).

17) From "The Rituals of Public Meetings." (McComas, Katherine, et al. Public administration review 70.1 (2010) it is said," The relationship between public participation and social solidarity lies in the nature of the participation process. In general, the opportunity for group discussion and interaction opens up the possibility for collective understanding of the issue of concern"

18) The EPA process seemed instead to be attempting to ritualize

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dissemination of their already decided outcome without any real public participation at arriving at the outcome; a minimization of Q&A..

19) EPA's next meeting was held May 26, 2012 and this cited video (http://www.youtube.com/watch?v=8f1Yq_d18W4) shows reaction to them not fulfilling the request for more time. They were asked for more time, beforehand and despite repetitive requests they stalled for months and they steered around providing it.

20) In the particular situation in the video the speaker questions who EPA meant when they said that the city wanted some things done with regards to some efforts to stage a few projects. It was suspected that it was the former Mayor Lang whose pet project was a river walk along a new real estate development and a fulfillment of part of another controversial real estate deal (where the mayor overturned a committee designation as to who the developer would be) citing a boathouse adjacent to the EPA where PCBs in the water are likely around 50 ppm. Again the **City Council** was on the record for being **against** CAD cells multiple times; it wasn't the City council who was making the requests.

21) New Bedford is an area of multiple minorities and many with English as a second language or no English at all. At many of the meetings activists pointed this out stating that there were Environmental Justice directives and (civil rights issues) that say that the government is supposed to be proactive in notification and education of the PCB situation. There are also

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minority (possibly) subsistence fishers (from Central America) observed; most likely some with children .

22) New Bedford is an area with no clear majority but it has historically been administered by descendants of hierarchical Yankee Whaling and somewhat later by, amongst others) people with strong ties to the Boston Irish political 'machinery'.

23) Since at least the 1950's the "greatest minority" (in that it is the largest single ethnicity) is Portuguese and 'in sum' the city is over 40% Lusitanic when you add other Portuguese speaking ethnicities like Cape Verdean people (2010 Census: Portuguese 33,308; Cape Verdean 7,156; French (except Basque) 5,692; French; Canadian 4,947; English 4,349; Irish 4,267; Polish 1,992; Italian 1,778); we have an unusual situation where we have this greater minority that historically existed under the specter of classic minority disadvantages without out any of the typical legislated minority advantages. Many Portuguese (paradoxically, some through pride and some through embarassment) do not appreciate being considered a minority. They do not want to be considered "the other".

24) Even at the turn of the 19th to 20th century when the Portuguese population was 16% in New Bedford, they still outnumbered those in government leadership, City Council has had an increasingly better representation by people of Lusitanic derivation in the last couple decades. Representation is good now (and on the PCB matter they have made formal declarations that they are **against CAD cells 3 times**) but, to

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date, there has never been a Portuguese surnamed Mayor.

25) The former and current Mayors and the local Economic Council Development Council (contrarily) wrote letters supporting CAD cells

26) Government attention/action/nonaction by the state and federal governments may have chronically responded inequitably to the community in this regard and many other ways over the years; in respect to this cleanup, it is less than dubious that this is part of the problem.

27) Another area that overlaps this and is an example of questionable equity is with respect to train service to Boston that has been held up by EPA. They are holding up approval for a commuter train though a swamp where a track has existed but not been used for year. But they rushed through an approval for the New Bedford South terminal project which will create yet another CAD cell. (The irony is that when the terminal is done they are going to need the train.)

28) Again this is done for the benefit of business preeminently Cape Wind (though there are no guarantees that New Bedford will be the port that is used). So again the safety (thus equity) of the community is being compromised by burying more PCBs just for the possibility. Here, on spec, they rushed approval and are going to bury 225,000 yards of PCB contaminated sediment even though there is no contract by any wind developer to any governmental body ensuring that New Bedford will be the chosen location. Quonsett Pt. and Davisville are other workable locations.

29) The designer of this project is the same as the other CAD Cell project (Apex). The supportrs are leveraging the promise of job,jobs,jobs to bury PCBs for a company with a sole ownership of a single billionaire. Profits for one above safety for all. But it's a falsely mutually exclusive. They can still do the build out but instead of digging a in another CAD cell by hauling the PCBs off (which is what the Community wants). AVX should have to pay for this removal as well. If this non-reopener clause gets approved there would be no way to keep the burden where it belongs: AVX.

30) How is it that with such powerful legislative powerhouses as Ted Kennedy and Barney Frank were reps for the area, yet, for decades New Bedford has remained such a depressed place. I submit there has been some defect in governance, probably in all arenas.

31) In "Community Stress, Psychosocial Hazards, and EPA Decision-Making in Communities Impacted by Chronic Technological Disasters", *(Couch, Stephen R., PhD., and Charlton J. Coles PhD. "Community Stress,." American Journal of Public Health 101 (2011)*, investigators consider myriad sociological effects that happen to communities affected by **Chronic Technological Disaster** (CTD).

32) According to Couch & Cole (Ibid,142, **Chronic Technological Disaster** "refers to conditions of perceived or known man-made contamination of an environment that persists over time. Tornadoes race through a community in a matter of minutes, hurricane impact is measured in hours. A CTD,

such as a Superfund site, lasts months, years, even decades---" "---CTDs characterized CTDs as complex events because such environmental contamination is often cumulative; may be latent and not identified as a problem for several years; has impacts on humans that may be delayed, dynamic, or multiple and certain --"

33) The decades long contamination of the greater New Bedford area by massive amounts of PCBs is probably the definitive CTD. This is an area where self deprecation is a common phenomena.

34) I would suggest that the combination of the unusual sociological/political paradigm mentioned above together with the fact that the area has suffered a (CTD) caused by the PCBs that there has been a sustained depression of self esteem and hence a diminished social capital of the people to be able to wage an adequate fight to be able to counter the efforts of (AVX Corp., the local business interests who support CAD cells and) those that lobby against the grassroots community's wishes for an equitably clean and safe environment.

35) Hands Across the River Coalition President Edwin Rivera Sr. has told me multiple times that when he began fighting for the cleanup he was the youngest member of the then fairly strong group. It was the group that got EPA (through more effective community participation) to reverse the decision to set up an incinerator to burn the PCBs in New Bedford. They instead got them taken off site to TSCA facility (which is what they are trying to maintain now). After 28 years the group has aged and there are

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only a few still active. Mustering number lately has been hard. Mr. Rivera says everyone wants to be paid today.

36) Its widely know that PCBs cause cancer in humans. In fact one past study had showed that Winter flounder from New Bedford Harbor had, 26 %, of liver neoplasms (cancer). Fifty-seven percent of all flounder collected from New Bedford Harbor then had some liver disease.

37) Other research shows that PCBs exposure correlate with cognitive impairment throughout life. There have been studies of both developing infants and the elderly that both have shown that those that were PCB contaminated had significantly diminished cognitive capabilities compared to those with normal exposure levels.

38) The New Bedford School system has 2 schools placed on or near the former Parker Street Waste Site a waste dump that had been contaminated with PCBs (some coming from Aerovox as well). The newest Keith Middle School was built since 2004. The area was supposed to be cleaned to 1 part per million (the EPA residential standard, and testing conducted by confirmed in 2006 that the effort had been successful.

39) But more recently in 2008 and 2011 they found PCB levels hundreds of times higher than expected. Some tested areas had PCB levels up to 834 parts per million.

40) At a "City Council Appointments & Briefings meeting on 3/29/11 the New

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Bedford City Council went on record in opposition to the use of CAD Cells for the purpose of PCB removal in the Harbor; and further that it notify the Administration, the HDC Director, Fairhaven Selectmen, EPA Director and the Massachusetts DEP of its opposition. This motion passed on a roll call vote of Yeas 9, Nays 0, with Councilors Coelho and Saunders not present for vote" (quoted from the official record).

41) On or bout the time the EPA made their decision to implement using CAD cells, it was revealed that MassDEP had already buried some PCBs in CAD cells as part of their navigational dredging. This was used as part of an argument for EPA to bury more (it's been done before). Some local activists (myself included) then began going to the state MassDEP meetings where they learned that, in fact, some of that buried was considerably above the guidelines of 50 parts per million (ppm) which was the cutoff level that determined whether handling was to be performed by the state or the Federal government. More recently Buzzards Bay Coalition has found that on top of that the level of cleanup performed in other areas was to a higher standard (1-2 ppm); New Bedford had been slighted again (50ppm) which certainly questions equity and is indicative of environmental injustice (again).

42) Having the PCBs removed from the area was a hard fought objective initially; the city's NGO's and community groups had thought that that was finally resolved. Now EPA is reversing its decision. At the time of

determination it was also the case that the harmful PCB contaminated sediment was being taken off site. Currently, currently the sediments are still being shipped away to a Toxic Substances Control Act (TSCA) licensed facility in Michigan (Wayne Disposal). This is the method acceptable by the community and the City Council. This method also follows the Federal Guidelines under 40 CFR 761.75 which enables, not only monitoring, but complete leachate collection. Wayne Disposals facility incorporates a cell with in a cell facility for this and it is all above a natural clay bed of a minimum of 11 ft. depth. When things go wrong they can be remediated. How would you remediate an underwater problem?

43) CAD cells are in no way mentioned in the 40.CFR 761 except by extending provisions for administrators to make decisions. 40.CFR 761.61. in special circumstances allows for EPA to do it by decision. This is a long stretch from democracy (and prone to inequity). Their stance is that peer reviewed scientific inquiry makes it alright, but its been noted before that peer reviewed expert knowledge can be wrong. I would like to discuss the limits of expert knowledge.

44) Although AVX in their comment letter (Sept 24, 2010) advocating for CAD cells quotes EPA and says that CAD cells have been proven to be effective, it hasn't.

45) From that letter "

i. **II. ESD #4 - SETTING THE RECORD STRAIGHT.**
   a. **CAD Cells Have Been a Proven Technology for Years.**
ii. **ESD #4 states that CAD cell technology is a "recognized, protective contaminated**
iii. **sediment disposal approach. ,,**
iv. **18 While EPA implies, however, that this technology has only**
v. **recently reached the point where its use could seriously be considered, the potential use of CAD cells for disposal of New Bedford Harbor sediments has a long history dating back to the early 1980s. The record of its previous consideration and evaluation is on the one hand substantial, and on the other hand disappointing, as EPA never provides a clear record explaining why it rejected the use of CAD cells, not once but at least twice. "**

46) Cad Cell techniques have only been utilized for a short period of time; in fact, there has only been one case of any magnitude where they were expressly utilized for the storage of PCB's being contained in the US. That was just in 2000 so there is no long term data available (and they want to bury this stuff forever). It was placed at a Naval facility in Puget sound (Palmerton et, Contained Aquatic Disposal (CAD) - An analysis of Their Advantages, Limitations, and Costs, Palmerton Group, 2000,pg 18); concurrently, PCBs are being attributed to the diminishing whale population there.

47) New Bedford will be the test case of putting them near a population; the guinea pigs, another wave of environmental injustice.

48) Because CAD cells as a technology to contain PCB contamination at the high level proposed for at the New Bedford site has no precedent, **research on point is not available**. It's proposed on computer modeling and projective science (**expert knowledge**).

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49) This being the case, studies on expert knowledge exist in other technological arenas where grave consequences are possible. In review, much is to be learned about the presumptions of expertise, the typical disposition of players, the typical discourse.

50) The most influential risk analysis document, the Atomic Energy Commission's 1975 Reactor Safety Study (RSS), sometimes known as the **Rasmussen** report (after its director, Norman Rasmussen), on nuclear power plants show that the experts campaigned vehemently to allow a nuclear power plan and they employed subjective manipulated science to arrive at the desired ends of government and business technocrats. Carol R. Miller in "The Presumptions of Expertise: The Role of Ethos in Risk Analysis" writes:

> "We can thus understand the RSS, and the use of subjective probabilities, as part of an ongoing negotiation over the burden of proof in public argument about risk. Risk analysis was born in a very tight rhetorical corner, boxed in by four severe constraints:
>
> (1)political pressure to produce a risk analysis friendly to nuclear power
> by a congressional deadline;
> (2) the need to use "expert opinion" in lieu of failure data because there were few data from actual reactor
> failures;
> (3) long-standing skepticism of engineers and scientists

SUPP-CD-PUBCOM000377

about the value of opinion; and
(4) a dramatic reduction in public willingness to defer to technology and its experts."[i]

51) Certain there are parallels in this CAD case to 1 and 2 political ressure and the need for epert opinion because there is nor real longetudal esperatial data with reference to the success of CAD cells.

52) More over in Millers essay on Risk Analysis she elaborates in classical Socratesian terms "ethos/pathos/ logos/" on how the players (the government, the experts, and contractors) shift techniques to sell their preconceived idea. For reference these are the basic concepts:

Ethos: the source's credibility, the speaker's/author's authority

Logos: the logic used to support a claim (induction and deduction); can also be the facts and statistics used to help support the argument.

Pathos: the emotional or motivational appeals; vivid language, emotional language and numerous sensory details.

53) Pathos is not generally useful in this type of interaction. It's more the stock of a feel good charismatic. In essence what's significant is that the public generally believes "the authority". People go to Doctors, for instance, because they are experts at medicine. So people are trained to think that way. So when they are presented with information that way it rings true. The exception, though, is the engineer or scientist who wants the presentation to ring true via logos.

54) But beyond that, there are times when a merge or a shift of ethos and

SUPP-CD-PUBCOM000378

logos occurs i.e., when subjective manipulation of what logic is presented by an authority: **"Lies, damned lies, and statistics".**

55) And NOW There is **Computer modeling.**

56) Also to be considered is how experts can fall in to a type of tunnel vision in their own discipline. This is a differing phenomena it's not so much a conscious sales technique but more of a position as a true believer. Just as religious cults believe their way the "cult of experts" serve the beliefs of the knowledge of their discipline believing that theirs is the superior knowledge .

57) It was shown in another study on river basins in Europe that in analysis of risk assessment to exposure to various toxins that there was a dichotomy between project definition uncertainty and true uncertainty. True uncertainty is uncertainty due to lack of knowledge**; things the scientist can't predict**. It further showed that there was a significant probability of underestimating the true risks. It also considered inter individual variability so as to take specific actions to reduce the risk of subpopulations This study also lauded the benefits of participatory research, in helping to define problem definitions and in finding management solutions acceptable to all stakeholders. (Ad, M. J. Ragas, et al. "Uncertainty in Environmental Risk Assessment: Implications for Risk-Based

SUPP-CD-PUBCOM000379

Management of River Basins." Integrated Environmental Assessment and Management 5.1 (2009): 27-37.)

58) Although the theater of public comment occurred, the spirit of the law was dubiously carried out. Former EPA director Dave Dickerson said there were more letters for than against and there may have been but in terms of individual letters. But, when reviewing in terms of evaluating 'through representation' I would opine that a letter from the City Council of New Bedford (representing a population of 95,000 people) should be considered to have substantially more weight than many others.

59) Beyond that there is the bias of profiteers whose conflicts of interests should be considered (in some cases they were from out of the area so of lesser standing). Some included were:Pioneer Mooring, Smith Marine (3 letters), AGM Marine Contractors, Seaport Inn, Moby Dick Marina Co.Inc., Lighthouse Marine,

60) In fact one of the comment letters (http://www.epa.gov/region1/superfund/sites/newbedford/ 472667.pdf) is by AVX through their law firm. It is a 158 page letter saying how they support CAD cells and how many and the cost analysis, etc. (the cart leading the horse).

61) An interesting fact is that according to the 2006 "Analysis of Impediments Report City of New Bedford, Massachusetts", The third largest employer in

SUPP-CD-PUBCOM000380

New Bedford was Aerovox Industries ".

62) Then there was a series of comment letters in support of CAD cells that were very much carbon copy form letters that someone began walking around on Sept. 2, 2010; some were exact copies some were modified slightly.

63) One even showed up on the DA's letter head: (http://www.epa.gov/region1/superfund/sites/newbedford/ 472687.pdf) but with the same exact text. And Town officials (administrators not the population) from Fairhaven used a variation that you can tell was based on the same letter.

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65) Though it's not illegal to use form letters to comment, the government (of the people by the people for the people) should consider what the people's concerns are and their safety. They should make decisions that protect people ahead of business and consider their common sense experience (better participatory process), as well as their sociological and physical well being and give their position weight in good measure against fallible (and capable of bias) expert knowledge making determinations for what the good of the true community is, those that have to live at or near a contaminated site, over a small band of contractors,

SUPP-CD-PUBCOM000381

and business owners, the responsible party –all who have conflicts of interest and most often live far away from the site.

66) In any decision, agency or court we should keep other forms of remediation possible.

a. Biological remediation in the Keelung River has shown success in the Republic of China (Bea-Ven Chang, Tzu-Chuan Chiu, and Shaw-Ying Yuan. "Dechlorination of Polychlorinated Biphenyl Congeners by Anaerobic Microorganisms from River Sediment." Water Environment Research 78.7 (2006): 764-9.)

67) Another test treatment that showed promise is by using phytoremediation i.e., the treatment of environmental problems through the use of plants (bioremediation) that mitigate the environmental problem sometimes without the need to excavate the contaminant material. (K, E. Smith, P. Schwab A, and K. Banks M. "Phytoremediation of Polychlorinated Biphenyl (PCB)-Contaminated Sediment: A Greenhouse Feasibility Study." Journal of environmental quality 36.1)

68) When future remediation is considered with respect to the examples just mention, CAD cells negate the capability by 'canning' the PCBs underwater where they are hard to access and they are not exposed to

SUPP-CD-PUBCOM000382

biota than can degrade and neutralize them. PCBs at an upland faclitiy can be accessed with typical heavy equipment as future tech is improved.

In conclusion, I re-iterate:

"I want New Bedford Harbor cleaned to the highest, safest standard. Time or cost are not the priorities; doing it right is. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor."

Submitted by

Chuck Dade

cdade@umassd.edu

774.849.7802

SUPP-CD-PUBCOM000383

From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Email No. 1
Date:	Monday, December 17, 2012 4:49:02 PM
Attachments:	Transmittal Letter.pdf Buzzards Bay Coalition Comments.pdf

To Whom it May Concern –

Please find attached to this email the transmittal letter and comments from the Buzzards Bay Coalition regarding the proposed supplemental consent decree, *United States and Massachusetts* v. *AVX Corporation,* D.J. Ref. No. 90-11-2-32/2.

These comments include 8 attachments. Due to their size, I was unable to include them all in one email. However, I will attach them to 9 subsequent emails, for a total of 10 emails, in the order in which they are to be read. The order is as follows:

Attachment 1
Attachment 2
Attachment 3
Attachment 4
Attachment 5
Attachment 6
Attachment 7
- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D
- Exhibit E
- Exhibit F
- Exhibit G
- Exhibit H
- Exhibit I
- Exhibit J
- Exhibit K
- Exhibit L
- Exhibit M
- Exhibit N

Attachment 8

Please contact me with any questions or concerns about this filing.

Korrin

Korrin N. Petersen Esq., Senior Attorney
BUZZARDS BAY COALITION
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Tel - 508-999-6363 x.206

www.savebuzzardsbay.org

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December 17, 2012

By Electronic Mail

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Pubcomment-ees.enrd@usdoj.gov

RE: *United States and Massachusetts* v. *AVX Corporation,* D.J. Ref. No. 90-11-2-32/

On behalf of the Buzzards Bay Coalition ("Coalition") attached please find comments on the above captioned proposed settlement agreement between the U.S. Environmental Protection Agency ("EPA") and AVX Corporation ("AVX") that the United States has lodged with the United States District Court for the District of Massachusetts ("District Court") with respect to the New Bedford Harbor Superfund site ("Site"). EPA has solicited public comments and reserved the right to withdraw its approval of the settlement following its review of these comments.

The Coalition is a membership-supported nonprofit organization dedicated to the restoration, protection and sustainable use and enjoyment of Buzzards Bay and its watershed, including New Bedford Harbor. On behalf of its members and for the reasons set forth in the attached comments, the Coalition opposes the settlement as proposed and respectfully requests that EPA withdraw its proposed settlement agreement and seek modifications allowing EPA to reopen its enforcement action against AVX in the event that the Harbor's remedial costs ultimately exceed EPA's current estimates.

Should EPA withdraw the proposed settlement agreement, as the Coalition suggests, and reenter negotiations with AVX, the Coalition believes that because it represents vital community interests not otherwise represented in these negotiations, as evidenced by the approximately 2,000 signatures enclosed with these comments, that its participation in the negotiations be permitted.

Sincerely,

Korrin N. Petersen, Esq.
Senior Attorney
petersen@savebuzzardsbay.org

United States and Massachusetts v. AVX Corporation,

D.J. Ref. No. 90-11-2-32

Buzzards Bay Coalition, Inc. Comments on the Proposed Supplemental Consent Decree

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December 17, 2012

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INTRODUCTION AND SUMMARY

The Buzzards Bay Coalition ("Coalition") submits these comments on the proposed settlement agreement between the U.S. Environmental Protection Agency ("EPA")[1] and AVX Corporation ("AVX") that the United States has lodged with the United States District Court for the District of Massachusetts ("District Court") with respect to the New Bedford Harbor Superfund site ("Site"). EPA has solicited public comments and reserved the right to withdraw its approval of the settlement following its review of these comments. For the reasons set forth below, the Coalition opposes the settlement as proposed and respectfully requests that EPA withdraw its proposed settlement agreement and seek modifications allowing EPA to reopen its enforcement action against AVX in the event that the Harbor's remedial costs ultimately exceed EPA's current estimates.

New Bedford Harbor is an invaluable environmental, recreational, and economic resource. More than 30 years ago, toxic concentrations of PCB contamination were discovered in the Harbor sediments and along its shoreline. Soon thereafter, EPA identified an electrical capacitor manufacturing plant owned by AVX as the primary source of this contamination, and EPA's legal action against AVX ensued. EPA and AVX settled that lawsuit in 1992, AVX paid EPA and the Commonwealth $66.5 million, and the parties agreed that EPA could "reopen" the suit if any of the following occurred in the future: EPA's cleanup costs exceed $130.5 million; "conditions at the New Bedford Harbor site previously unknown to the United States and the Commonwealth are discovered after issuance of the Record of Decision (ROD)"; or "information is received, in whole or in part, after issuance of the RODs...that the Remedial Action is not protective of human health or the environment."[2]

Twenty years have elapsed since the 1992 settlement. AVX has abandoned its Aerovox site on the New Bedford Harbor shoreline, EPA's estimated costs to complete the project have increased ten-fold over original estimates, EPA has remediated less than one-third of the Harbor's PCB contamination at a cost of $456 million[3] and government funds to complete the cleanup have become severely limited. A recent EPA assessment revealed that areas of the Harbor still contain

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[1] For ease of reference only, where these comments make mention of collective actions by both EPA and the Commonwealth of Massachusetts Department of Environmental Quality, we refer to them as "EPA."
[2] Consent Decree with Defendant AVX Corporation, Civil Action No. 83-3882-Y, entered February 3, 1992 ("1992 Consent Decree") at 20-21.
[3] Unilateral Order for Remedial Design, Remedial Action, and Operation and Maintenance, U.S. EPA Docket No. CERCLA-01-2002-0045, ("UAO"), issued April 21, 2012 at 26 and footnote 15.

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PCB concentrations 1,000 times over government criteria, seafood from the Harbor remains so contaminated that its consumption constitutes a serious public health risk, and the expansion of residential and recreational uses of the Harbor and its shoreline has increased and will continue to increase the number of people directly exposed to PCB contamination. Meanwhile, EPA continues to issue significant modifications to its 1998 remedial design plan and now calculates that the project would take another 40 years to complete using government funds.

The Coalition and other members of the community have monitored these developments with increasing concern and dismay. The Coalition is a nonprofit organization whose 8,000-plus members are dedicated to the restoration, protection and sustainable use of Buzzards Bay and its watershed, including the Acushnet River and New Bedford Harbor. About 1,300 of the Coalition's members live in the greater New Bedford area and nearly 250 reside within 1,000 yards of the Harbor's contaminated shoreline. The Coalition's members include commercial lobstermen and fishermen who use the Harbor as their home port, owners of businesses and residences abutting the contaminated Harbor shoreline, people discouraged by PCB contamination from using the Harbor for boating and other recreational enjoyment, and many others throughout the area concerned about the contamination's devastating environmental impacts.

Last April, twenty years after the District Court approved a consent decree requiring AVX to help fund the Harbor cleanup, EPA finally exercised its right to reopen its legal action against AVX and ordered AVX to finance and promptly complete the long-delayed remediation of the Harbor's PCB contamination. In October, EPA proposed to settle its case against AVX and withdraw its order. In place of the order, EPA agreed to "supplement" the consent decree approved by the District Court in 1992. That supplement would require AVX to make additional payments of a fixed amount but would delete all provisions allowing EPA to reopen the case in the future.[4] In particular and very significantly, the proposed settlement would bar EPA from seeking <u>any</u> additional cleanup funds from AVX should the amount of AVX's payments prove inadequate to complete a timely and effective cleanup; the release would be effective in two years and thus pre-date most remaining remedial work. The proposed settlement also would release AVX from liability for the costs EPA has incurred to date for Site cleanup costs; those costs are at least $350 million in excess of the amounts paid to EPA under earlier settlements with AVX and others.

[4] Supplemental Consent Decree with Defendant AVX Corporation, Civil Action NO. 83-3882-Y, lodged October 10, 2012 ("Supplemental Consent Decree" or "proposed Settlement"), at 8, 15-16.

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Other than AVX, no responsible company or government agency has sufficient funds to finance the expeditious completion of this project. In fact, EPA has conceded that its funding limitations would delay the project's completion for 40 years. Thus, funding from AVX, a successful enterprise having $1 billion/year in revenues and now controlled by a much larger Japanese multinational, is the only viable source for the timely completion of the cleanup.

Although AVX's fixed "cash-out" payments under the settlement will be about 90% of EPA's current future cost estimate, the cost of implementing an effective Harbor very likely will ultimately be much higher than EPA's current estimate. For example, the estimate completely ignores future cleanup costs for the 17,000 acres of PCB contamination in Outer New Bedford Harbor where commercial fishing and lobstering have been banned for over 30 years. Also, EPA itself acknowledges that additional volumes of contaminated sediments must be dredged to meet the cleanup standards it established in 1998 because of increasing residential and recreational uses in the area; EPA's current cost estimate does not take account of all of these existing and foreseeable land use changes. EPA's cost estimates are likely understated for other reasons as well. EPA's current "low cost" remedial design using on-Site sediment "containment" in Confined Disposal Facilities ("CDFs") or Confined Aquatic Disposal Cells ("CAD cells") in lieu of off-site disposal could well prove ineffective. Likewise, the now-outdated PCB cleanup levels that EPA selected for the Harbor 14 years ago could well prove inadequate to assure that seafood from the Harbor will be safe for human consumption. Each of these circumstances will require EPA to take additional, costly remedial actions, just as the agency has at other EPA-supervised PCB cleanup sites where on-site containment options and lax cleanup standards were initially used and proved ineffective.

Finally, as EPA acknowledges, because AVX is the only viable source of future funding to complete an effective remedy, the viability of EPA's proposed fixed sum, no-reopener settlement is entirely dependent on the accuracy its current cost estimate of $393 million. Remarkably, that estimate rejects the prescription of EPA's own guidance document that such estimates "always" should include a 50% up side contingency when made prior to finalization of the remedial design,[5] something EPA is not even close to achieving. Complying with the guidance would have required EPA to acknowledge that the cleanup cost could be as much as $600 million. Indeed, the report EPA relied on for it $393 million cost estimate explicitly recognized the applicability of the 50% contingency.

[5] A Guide to Developing and Documenting Cost Estimates during the Feasibility Study, EPA 540-R-00-002, OSWAR 9 ¶ 355.0-75, July 2000 ("Cost Guidance") at 2-4.

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What is more, EPA has consistently and grossly underestimated future remedial costs at the Site. In 1992 court filings supporting its earlier settlements, EPA expressed great confidence in its $33 million estimate for the OU-1 remedy; in 1998, citing its many years of investigations and studies at the Site, EPA again expressed confidence in its revised $115 million estimate. Now, with EPA having already spent over $456 million to remediate a minority of contaminated sediments at the Site and with EPA's future cost estimate now having escalated to nearly $400 million, EPA again contends that its current estimate is accurate. But the agency's track record at the Site provides absolutely no reason to believe that its most recent estimate is any more reliable than its many, ever-increasing past estimates. Indeed, we can only concur with AVX that there is no evidence "that the estimated cost today is anything near what the ... remedy will ultimately cost."[6]

Accordingly, proceeding with a fixed sum, no-reopener settlement with the only entity in a position to finance a timely remedy would create a serious dilemma: EPA will either have to ignore evidence that a fully-protective remedy is much more costly than its current estimate or proceed to implement an adequate remedy without any assurance that funding will be available to complete it expeditiously. No settlement should create such a Hobson's choice when the public health and the environment's restoration are at stake.

EPA concedes that the absence of a reopener creates "risks" and attempts to justify them on ground that a settlement is necessary to avoid complex and protracted litigation with AVX's well-funded attorneys.[7] EPA's concerns in this regard are self-interestedly exaggerated. The governing federal statute imposes "no fault" liability for all cleanup costs on any owner whose facility is the source of environmental contamination, regardless of when the contamination occurred or whether there were other sources of the contamination. Few, if any, relevant facts are in dispute.

Simply stated, AVX's legal defenses to liability have no merit and EPA's decision to settle without a cost-related reopener cannot reasonably rest on the spurious merits of those defenses. Indeed, the governing law confirms that Congress has denied EPA's authority to settle matters such as this without reopeners and other protections that this settlement fails to contain.

The Coalition is gratified that EPA finally resuscitated its legal action against AVX and would support any reasonable settlement of the action. We also understand

[6] Letter to EPA from Mary K. Ryan and Gary L. Gill-Austern, dated September 24, 2010, at 6.
[7] Additional Frequently Asked Questions, issued by EPA on October 25, 2012 ("FAQ II") at 4; Frequently Asked Questions, issued by EPA on October 10, 2012 ("FAQ I") p. 2.

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why, because it lacks funding to complete the project, EPA decided to give up its past cost claims of over $325 million against AVX. But the settlement EPA has negotiated will not adequately protect the Harbor or those living near it in the greater New Bedford area because, in the likely event that the future costs of an effective remedy exceed EPA's current and unreliable estimate, there will be no funding source available to complete the project and assure the Harbor's timely restoration.

Accordingly, the Coalition respectfully requests EPA to withdraw the proposed Supplemental Consent Decree and proceed to secure modifications that modify the effective date of the covenant not to sue and allow it to reopen governmental enforcement action against AVX in the event that the Harbor's remedial costs ultimately exceed EPA's current estimate.

Section I below provides, as background, the factual information upon which Coalition's opposition to the proposed Supplemental Consent Decree is grounded, including information about the Site and the history of EPA's remedial activities and legal actions regarding PCB contamination of the Harbor. Section II then sets forth the detailed factual and legal basis for the Coalition's opposition.

I. BACKGROUND INFORMATION

A. The New Bedford Harbor Site and Discovery of PCB Contamination.

New Bedford Harbor is located in southeast Massachusetts where the Acushnet River flows into Buzzards Bay. The western shore of the Harbor is in the City of New Bedford (population c. 100,000); the eastern shore is located in the Towns of Fairhaven (pop. c. 16,000) and Acushnet (pop. c. 10,000), which are primarily residential communities. The City of New Bedford, the largest city on Buzzards Bay, is the home port of the top revenue generating commercial fishing fleet in America[8] and has the Commonwealth's second largest number of lobstermen.[9] The Harbor is also used for recreational fishing, boating, beach combing and swimming, but the PCB contamination has lowered the value of the Harbor as a recreational resource.[10]

From the 1940s into the 1970s, approximately two million pounds of polychlorinated biphenyl ("PCBs") were dumped or otherwise discharged into the

[8] http://www.portofnewbedford.org/commercial-fishing/our-commercial-fishing-industry/ Last visited December 16, 2012.
[9] UAO, *supra*, at 17-18.
[10] *Id.* at 18 and footnote 12.

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Harbor every year, primarily from a facility on Belleville Avenue near the upper portion of New Bedford Harbor.[11] This facility ("AVX Facility") was an electrical capacitor manufacturing plant owned by AVX and a corporate predecessor. AVX has since abandoned the facility and moved much of its successful business operations to South Carolina. In its most recent filings with the U.S. Securities and Exchange Commission, AVX reported annual revenue over $1 billion and assets over $2 billion.[12] Its principal shareholder is a Japanese multinational company with annual net sales of over $14 billion.[13] With 72% of the outstanding shares, Kyocera is AVX's majority shareholder.[14]

PCB contamination of the Harbor was first discovered in the late 1970s. In 1979, the Commonwealth found that PCBs cause diseases deemed dangerous to the public health, namely PCB intoxication and carcinogenesis, and that consumption of seafood contaminated with PCBs poses an immediate and lasting threat to human health. The Commonwealth accordingly promulgated regulations prohibiting the consumption of any fish/shellfish caught north of the Harbor's hurricane barrier, and of bottom feeding fish or lobster caught from waters south of this barrier.[15] Recently, EPA augmented the Commonwealth's prohibition and issued even more stringent restrictions regarding the consumption of seafood from the Harbor.[16]

In 1982, the Commonwealth designated the Harbor as its highest priority site, and the following year EPA added the site to its National Priorities list.[17] For administrative purposes, EPA divided the Site into three geographic areas (which it called "Operational Units" or "OUs"), as follows:

- OU-1, covering both 187 acres in the upper portion of the Harbor above the Coggeshall Bridge ("Upper Harbor") where PCB concentrations reached 100,000 parts per million ("ppm"), and the 750 acres in the lower portion of the Harbor, below the bridge but inside the hurricane barrier, ("Lower Harbor") where PCB levels reached 1000 ppm;

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[11] *Id.* at 5-6.
[12] AVX Corporation Fiscal Year 2012 Form 10-K at 38, 39. Excerpts attached hereto as Attachment 1.
[13] Kyocera Corporation Fiscal Year 2012 Form 20-F at 6. Excerpts attached hereto as Attachment 2.
[14] AVX Corporation Form 10-K *supra* at 26, 32. "In fiscal 2010, 2011 and 2012, dividends of $27.2 million, $32.3 million and $44.2 million, respectively, were paid to stockholders." "Kyocera is the majority stockholder of AVX. As of May 4, 2012, Kyocera owned beneficially and of record 121,800,000 shares of common stock, representing approximately 72% of our outstanding shares."
[15] UAO, *supra*, at 5.
[16] www.epa.gov/nbh/seafood.html. Last visited November 15, 2012. See also UAO, *supra*, at 7.
[17] UAO, *supra*, at 7.

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- OU-2 ,covering a 5-acre "hot spot" adjacent to the AVX Facility in the Upper Harbor where PCB sediment contamination was particularly acute; and

- OU-3, covering 17,000 of sediments in the portion of the Harbor outside the hurricane barrier ("Outer Harbor") through which EPA found that significant amounts of PCBs continued to migrate each year.[18]

Starting in 1983, EPA conducted numerous investigations, studies, and a pilot dredging project at the Site. In 1990 EPA selected a remedy for the OU-2 "hot spot" portion of the site.[19] That plan initially called for dredging "hot spot" sediments and incinerating them nearby; EPA later modified the plan to have the dredged sediments transported off-site for disposal in a licensed landfill.[20] As so modified, this portion of the project was completed in 2000.

Also in 1990, EPA completed a feasibility study of remedial alternatives for OU-1, the remaining portion of the Site inside the Harbor's hurricane barrier.[21] In January 1992, based on this study, EPA issued its "preferred" cleanup plan for the OU-1 portion of the Harbor; EPA's future cost estimate for this plan was $33,274,000, subject to a 50% upside contingency factor to account for uncertainties.[22]

B. EPA's Initial Legal Actions and Settlements.

Meanwhile, in 1984 the United States on behalf of EPA filed an amended complaint in a U.S. District Court seeking recovery of EPA's past and future cleanup costs at the Site pursuant to CERCLA Section 107.[23] The defendants were AVX and several other owners and former owners of the AVX Facility and of another capacitor manufacturing plant located in the Outer Harbor. Over time, other parties were added to the suit, including the Commonwealth as a plaintiff, the federal government trustee for natural resources, as a plaintiff; the defendants'

[18] *Id.* at 6.
[19] *Id.* at 7-8.
[20] *Id.* at 8.
[21] Feasibility Study of Remedial Alternatives for the Estuary and Lower Harbor Bay, issued by EPA in August 1990 ("1990 FS"), at 6-1. .
[22] Cleanup Plan to Address Contamination in the Estuary and Lower Harbor/Bay at the New Bedford Harbor Site, issued by EPA, January 1992 ("1992 Plan") at 18.
[23] CERCLA's formal title is the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*

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insurance carriers; and a plaintiff intervenor, the National Wildlife Federation ("NWF").[24]

In 1987, EPA moved the District Court to approve a settlement of its natural resource damage claims against AVX; the settlement contained a government covenant not to sue AVX for future damages even if then unknown. NWF opposed the motion, contending that CERCLA section 122 required such settlements to contain a "reopener" allowing the EPA to seek additional amounts for then-unknown future damages. After an extensive review of the legislative history of section 122, the court determined that "the thrust of this subsection is to ensure that the federal government, and thus ultimately the taxpayer, does not bear the costs of future unknown damages."[25] The court further found that Section 122's legislative history "leaves no doubt that preventing potentially responsible parties from escaping future liability was a primary concern of Congress."[26] Accordingly, the court agreed with NWF and held that in this instance "the lack of a reopener is a violation of the governing statue as well as against the intent of Congress and not in the public interest."[27]

In November 1991, EPA moved the District Court to approve a settlement of its response cost and natural resource claims against AVX. The settlement provided for AVX's payment of $66 million (plus accrued interest), a government release of AVX's future liabilities upon completion of the remedy, and EPA's right to reopen the litigation if any of the following were to occur:

- "conditions at the New Bedford Harbor site, previously unknown the United States and the Commonwealth [,] are discovered after issuance of the RODs"; or
- "information is received, in whole or in part, after issuance of the RODs…that the Remedial Action is not protective of human health of the environment"; or
- "the total Remedial Costs exceed $130.5 million."[28]

The settlement provided that, of the amount to be paid by AVX, $50 million would be allocated to the future costs of Site remediation; of that amount, $15 million was

[24] The District Court granted NWF's motion to intervene in 1989. *See In Re Acushnet River and New Bedford Harbor*, 712 F. Supp. 1019 (D. Mass. 1989) ("1989 Decision").
[25] *Id.* at 1037.
[26] *Id.*
[27] *Id.* at 1038.
[28] 1992 Consent Decree, *supra*, at 20-21.

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designated for the OU-2 "hot spot" remediation and $35 million for future OU-1 studies and remediation.[29] NWF opposed the settlement on the grounds that the costs of the remedy and extent of natural resource damages were too uncertain at that time.[30] However, EPA assured the court that its cost estimate was reasonable in light of the agency's "comprehensive" studies, "years of information" and "a wealth" of other data then available to it, as follows:

> Before entering into this settlement, the governments also evaluated the potential future costs of cleanup and restoration in New Bedford Harbor. In its considerations, the governments had the benefit of the years of information gathered in their investigations and evaluated by their experts on the contamination in the Harbor, the injury to the resources, and options for and costs of remedial and restoration work. The information considered in the governments' evaluation included the plan and underlying data gathered during the investigation and study for the first ROD which addresses the most highly contaminated "Hot Spot" areas of the Upper Estuary. In addition, the governments considered the information gathered and compiled in the multi-volume comprehensive RI/FS [1990 study for OU-1 area] for the second ROD, including estimates of the costs for the various cleanup alternatives under consideration. Included in this information was the wealth of sampling data evaluating the extent of PCB contamination and injury to the resources in the waters, sediments, and biota of New Bedford Harbor....[31]

AVX agreed with EPA's position and represented that the amount of its settlement payment "compares favorably with expected costs and damages."[32]

Furthermore, in urging court approval of the settlement over NWF's objections, EPA acknowledged there was "some exposure if the remedy costs are higher than the government anticipated," but it stressed that this exposure "was mitigated

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[29] Memorandum in Support of Plaintiff's Motion to Enter Consent Decree with AVX Corporation filed by the U.S Department of Justice in Civil Action No. 83-3882-Y ("DOJ Memorandum") at 2 and footnote 5. Attached hereto as Attachment 3.

[30] *Id.* at 13.

[31] *Id.* at 10-11(emphasis added).

[32] Reply of AVX Corporation to Opposition of Intervenor National Wildlife Federation to Plaintiff's Motion to Enter Consent Decree, filed in Civil Action No 83-3882-Y, January 2, 1992 ("AVX Reply"), at 19. Attached hereto as Attachment 4.

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greatly by the reopeners," particularly the cost reopener.[33] Thus, EPA contended, it was unnecessary at that time to know "the full extent of cleanup costs ...given the cost reopener provision of the [proposed] AVX consent decree."[34] In February 1992, the District Court overruled NWF's objections, noted that the "bar to settlement" in its 1989 Decision "no longer exists," and entered a consent decree constituting the EPA-AVX settlement ("1992 Consent Decree").[35]

By the end of 1992, EPA had negotiated and the District Court had approved "cash-out" settlements with the remaining defendants; each of them had limited financial resources and none was the primary source of the Harbor's PCB contamination.[36] These settlements provided that the EPA's release of the defendants from future liability would not become operative until the Site remedy had been completed and was certified by EPA to be effective.[37]

EPA was paid a total of about $100 million as a result these settlements with AVX and the other defendants.[38] Recently, EPA summarized the financial status of the other settling defendants as follows:[39]

> Since these settlements in the early 1990s, the financial strength of these companies is in doubt. Aerovox, Inc. [A different company than AVX] is bankrupt and no longer exists, while Belleville Industries, Inc. was dissolved in 1978. As for CDE [Cornell-Dubilier] and FPE, on August 28, 2012, the United States and the State of New Jersey entered into a settlement for the Cornell-Dubilier Electronics Superfund Site in South Plainfield, New Jersey, with CDE, which provide covenants not to sue to CDE and its former corporate parent FPE, that was based on limited ability to pay considerations.

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[33] Reply Memorandum in Support of Plaintiff's Motion to Enter Consent Decree With AVX Corporation ("DOJ Reply") filed in Civil Action No. 83-3882-Y, January 21, 1992, at 7. Attached hereto as Attachment 5.
[34] *Id.* 12.
[35] *See* docket entry No. 2378 in Civil action no, 83-3882-Y at 65 and preceding unnumbered entry documenting the Court's decision.
[36] UAO, *supra*, at 8-10.
[37] *See* docket entry No. 2362 in Civil action no. 83-3882-Y,at 19 "1991 Consent Decree entered into by the United States, the Commonwealth and Belleville Industries, Inc. and its legal successor, Aerovox Inc."; *see* docket entry No. 2406 in Civil action no. 83-3882-Y at 20 "1992 Consent Decree entered into by the United States and the Commonwealth with Cornell-Dubilier Electronics, Inc. (CDE) and its parent company, Federal Pacific Electric Company (FPE)." These release provisions are contained in those settlement agreement found in the court records, as attached hereto as Attachment 6.
[38] UAO, *supra at* 8-10 and 1992 Consent Decree *supra* at 9.
[39] FAQ II, *supra*, at 3-4.

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C. History of EPA's Design and Cost Estimates for the OU-1 Cleanup.

In September 1998, six years after the District Court approved the 1992 Consent Decree between EPA and AVX, EPA issued a final Record of Decision ("1998 ROD") that constituted its "final" plan for remediation of OU-1. The 1998 ROD prescribed a plan to address sediments there that exceeded specified cleanup performance standards tied to PCB sediment concentrations in the Upper and Lower Harbor.[40] Those standards were, and currently remain, as follows: 50 parts per million ("ppm") for sediments in the Lower Harbor and in salt marshes; 25 ppm for sediments in certain shoreline areas used for beach combing; 10 ppm for the Upper Harbor sediments, and 1 ppm in areas where homes abut the Harbor or otherwise where human contact with sediment is expected.[41] The volumes of sediment that must be dredged under this plan are based on these cleanup standards and thus are dependent upon on the public's current and foreseeable access and exposure at various portions of the Site.

In setting the cleanup standards, EPA rejected AVX's contention that a 50 ppm cleanup standard should be used in all areas, determining that tolerating such a higher level contamination would not provide adequate protection against shoreline dermal contact risks and would be ineffective in protecting against the public's consumption of PCB-contaminated local seafood.[42] The ROD also stated that, "[f]or seafood to meet both the FDA and site specific levels at the end of 10 years, EPA believes that a TCL [standard] for sediment dredging of 1 ppm would be necessary."[43] Nevertheless, EPA ultimately decided to use cleanup standards less stringent than 1 ppm for most of the Harbor and set a 1 ppm standard only for areas where homes directly abutted the Harbor or where EPA expected human contact with contaminated shoreline sediment.[44]

Using these less stringent standards set for most of the Harbor and the status of land use of residential near the Harbor at that time, the 1998 ROD estimated that EPA would need to dredge and dispose of 450,000 cubic yards ("cy") of PCB-contaminated sediment from the Harbor.[45] The 1998 ROD plan called for the

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[40] Record of Decision for the Upper and Lower Harbor Operable Unit New Bedford Harbor Superfund Site New Bedford, Massachusetts, September 1998 ("1998 ROD").
[41] Declaration for the Record of Decision New Bedford Harbor Superfund site Upper and Lower Harbor Operable Unit New Bedford, Massachusetts, ("Declaration for the Record of Decision") Administrative Record No. 38206 at i-ii.
[42] 1998 ROD at A-32.
[43] *Id.* at 35.
[44] Declaration for the Record of Decision *supra* at ii.
[45] *Id.* at i.

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dredged sediments to be transported via a suction pipe to four CDFs to be constructed along the Harbor's contaminated shoreline.[46] The 1998 ROD estimated that the net present-value of the OU-1 remedy's cost would be $115 million.

In 2002, EPA announced a significant modification to the 1998 ROD. Now estimating that 507,100 cy of sediment would need to be dredged, EPA decided that instead of constructing a CDF on the Harbor's shoreline, it would transport these dredged sediments to a licensed landfill. In the 2002 ESD, EPA estimated that the remedy's fully-funded future costs would be about $317 million.[47]

In the same decision, EPA acknowledged uncertainties about the adequacy of funding for the project. By this time, EPA had expended all of the monies paid by AVX and others in 1991 and 1992 to settle their liabilities.[48] Because Superfund trust fund monies had been exhausted due to repeal of taxes earmarked for the fund,[49] any funding for CERCLA projects was now dependent on EPA's receipt of annual Congressional appropriations from general revenues.[50] EPA estimated that it could complete the project at this Site by 2011 if it obtained annual funding of $25 to $30 million, but it worried that more limited funding would result in "significant project delay and inefficiencies."[51]

Dredging of the OU-1 portion of the Site began in 2004. However, because EPA's annual funding for the project was limited to $15 million, dredging operations proceeded for only 40 days each year, with only 20-25,000 cy of sediments being removed each year.[52] In 2010, EPA conducted an extensive review of progress at the Site. It found that only 200,000 cy of sediments had been dredged to date and that the total estimate of contaminated sediment required to the remediated had increased to 900,000 cy.[53] The 2010 Review also reported that PCB concentrations in fish continued to significantly exceed EPA's site-specific guidelines.[54] This prompted EPA to augment the Commonwealth's 1979 regulations closing the

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[46] 1998 ROD at 6, 30.
[47] Explanation of Significant Differences for the Upper and Lower Operable Unit New Bedford Superfund Site New Bedford, Massachusetts, August 2002 ("2002 ESD") at 9. The 2002 ESD did not provide a present-value cost estimate.
[48] *Id.* at 6.
[49] *Id.*
[50] *See 2013 Budget, TAX Policy Center, available at* http://taxpolicycenter.org/taxtopics/2013.
[51] 2002 ESD at 8, C-14; UAO, *supra*, at 11-12..
[52] Second Five-Year Review for the New Bedford Harbor Superfund site, issued by EPA, September 10, 2010 ("2010 Review") at 13.
[53] *Id.*at 15.
[54] *Id.* at 26.

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Harbor to fishing and barring the consumption of local seafood.[55] However, as EPA's report acknowledged, because of "the vast geographic area of the site coupled with the area's cultural diversity and reliance on local fishing, complete control of PCB-contaminated seafood will be problematic until full remediation is complete."[56]

This 2010 Review also raised concerns about the adequacy of the dredging up to that time: monitoring showed that the EPA model used to determine the depth of remedial dredging was "underestimating the required depth of dredging…at least in the highly contaminated northern reaches of the Upper Harbor."[57]

In March 2011, EPA promulgated a fourth significant change to its 1998 ROD remedial plan design.[58] EPA proposed that, in lieu of disposing of sediment off-site as decided in 2002, it would place 300,000 cy of contaminated sediment in a CAD cell to be dug in the bottom of the Lower Harbor.[59] This new plan called for excavating a 47-foot pit deep into the Harbor floor; mechanically dredging contaminated sediment; placing it on a barge; de-watering it in the open air; and then dumping it into the cell.[60]

Prior to EPA's 2011 decision to use CAD cells in the Lower Harbor, the Coalition submitted comments questioning the efficacy of this approach.[61] EPA responded that it had used CAD cells at other locations, but concededly never to contain materials with PCB concentrations as high as those at the Site.[62] EPA also acknowledged that it had previously tried to use a CAD cell to contain PCB sediments during a pilot project in the Harbor and that the effort was "unsuccessful."[63] Later, the Coalition's own research revealed that, after EPA used CAD cells to bury and cap PCB-contaminated sediments in the Puget Sound Harbor in the State of Washington, PCBs were detected outside the cell as a result of errors made during the sediment disposal process. Additional remedial work and costs were therefore required to complete the remedy.[64]

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[55] www.epa.gov/nbh/seafood.html, last visited November 15, 2012.
[56] 2010 Review at 5 (emphasis added).
[57] *Id.* 31 (emphasis added).
[58] March 2011 Final - Fourth Explanation of Significant Differences for Use of a Lower Harbor CAD Cell (LHCC), issued by EPA, ("2011 ESD").
[59] *Id.* at 2.
[60] *Id.* at 8-9.
[61] Letter to EPA from Korrin Petersen, Vice President, Advocacy of the Coalition for Buzzard Bay, dated September 10, 2010.
[62] 2011 ESD, *supra*, Attachment A at 33.
[63] Id at 26.
[64] Declaration of Mark P. Rasmussen ("Rasmussen Decl.") at ¶¶51 and 52 and Exhibit N thereto. Rasmussen Decl. attached hereto as Attachment 7.

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Although EPA recently re-iterated its plans to use CAD cells in the Lower Harbor,[65] it has not formally decided whether it will use them in the Upper Harbor as well. In 2011, EPA announced that it would undertake a "feasibility study" to re-evaluate its current plan to use on-shore CDFs for the disposition of sediments dredged in the Upper Harbor.[66] More recently, in a public statement about the settlement, EPA stated that this study will begin "within the next six months."[67] EPA documents produced in response to the Coalition's FOIA request reveal that the study will include the option of digging in-situ CAD cells in the Upper Harbor as well.[68] The New Bedford City Council recently expressed its strong opposition to the use of on-site containment of dredged PCB sediments and urged EPA to dispose of all dredged sediments off-site.[69]

In its 2011 ESD, EPA calculated that the time and total future cost to restore the OU-1 portion of the Site with limited government funding would be 40 years and $1.2 billion.[70] If annual funding were increased to $80 million/year and the time to complete the OU-1 cleanup could be reduced to 6 years, EPA's current estimate is that the future costs would be $393 million (present value) or $422 million (fully funded over six years).[71] According to EPA, taking account of inflation and other factors, this estimate is five times higher than its original estimate.[72] EPA has recently stated that this estimate is the "most accurate" because the remedy for the Site is "in place."[73]

EPA guidance regarding remediation at Superfund sites states that cost estimates made prior to the remedy's final design should "always" be qualified as having an uncertainty range of -30% to +50%, meaning that actual costs may be as much as 30% lower or 50% higher than the estimates.[74] Thus, the EPA report on which EPA grounds its current cleanup cost estimate of $393 million states in its assumptions an upside uncertainty factor of +50%.[75] EPA relied on the $393

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[65] FAQ II, *supra*, at 6-7.
[66] 2011 ESD, *supra*, Attachment A at 6.
[67] FAQ II, *supra*, at 7.
[68] Rasmussen Decl. at ¶47 and Exhibit K thereto.
[69] *Id.* at ¶50 and Exhibit M thereto.
[70] 2011 ESD, *supra*, at 2
[71] *Id.* at 2.
[72] *Id.* Attachment A at 42. According to AVX, EPA's current estimate is at least 11 times higher than its original estimate. *Id.*
[73] FAQ II, *supra*, at 2.
[74] Cost Guidance, *supra*, at 3-9 and Exhibit 2-3. The Guidance indicates that a 15% contingency factor may be appropriate once the design of the remedial plan has been finalized.
[75] June 21, 2010 Cost Estimates for 2010 Confined Aquatic Disposal (CAD) Cell Explanation of Significant Differences (ESD)("June 21, 2010 Cost Estimates") at 1. Administrative Record No. 466839. "The cost estimates supporting the proposed Lower Harbor Confined Aquatic Disposal (CAD) Cell (LHCC) were prepared following EPA's guidance document, *A Guide to Developing and Documenting Cost Estimates During the Feasibility Study*

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million estimate in its 2011 ESD but ignored the EPA guidance and argued that the cost uncertainty factor should be only 15%, because of EPA's long experience at the Site.[76] EPA did not mention that it had not yet established a final design for remediation.

As of the end of 2011, EPA had spent approximately $456 million for Site study and remediation.[77] Those remediation efforts resulted in the dredging of approximately 265, 000 cy of contaminated sentiments, constituting about 30% of the total volume of 900,000 cy that will require dredging according to EPA's most recent estimates.[78]

D. Public Use Changes in and near the Harbor.

As discussed in subsection C. above, the 1998 ROD adopted cleanup standards for PCB-contaminated sediments in the Harbor that vary in different areas in accordance with human access to and use of each particular portion of the Site. Those standards are the most stringent in areas where the public's use and exposure is the highest.

In 2001, EPA recognized that its earlier estimates of volumes to be dredged had been understated because of increased residential land use near the Harbor. Accordingly, it reduced from 50 ppm to 25 ppm cleanup standards in two additional areas to address the risk of dermal contact. It correspondingly increased the estimated volume of sediment to be dredged.[79]

In 2010, EPA again acknowledged the increased use of the shoreline in the Upper Harbor for private residences and public recreation.[80] In light of these developments, EPA said it "expected that additional shoreline properties developed before remediation will trigger more stringent cleanup levels."[81] EPA has also acknowledged increased public recreational uses of the Site.[82] However, at least as

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EPA 540/R-00/002, July 2000. These cost estimates take advantage of actual costs experienced to date for various elements of the harbor cleanup, and as such represent as accurate an estimate as possible of future costs. Nevertheless, consistent with EPA guidance, and especially since many of the funding/remedial scenarios extend over 20 years or more, these estimates are expected to be accurate within -30 to +50 percent of the actual project cost."

[76] 2011 ESD, *supra*, at 17.

[77] UAO, *supra*, at 26, footnote 15.

[78] 2011 ESD, *supra*, at 2.

[79] Explanation of Significant Differences for the Upper and Lower Harbor Operable Unit New Bedford Harbor Superfund Site New Bedford, MA September 2001 ("2001 ESD") at 5.

[80] 2010 Review, *supra*, at 37.

[81] *Id.*

[82] UAO, *supra*, at 24-25.

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of October, 2012, when EPA announced its proposed settlement with AVX, EPA "ha[d] not yet evaluated" the changes in uses along the shoreline and in the Harbor itself, nor had it revised its cleanup levels or estimated dredged sediment volumes in light of those changes.[83]

The Harbor has experienced significant land use changes over the last two decades.[84] When EPA began its studies of the Site in 1985, the predominant land use was industrial. Today the largest single land use is residential, with residential and recreation together making up nearly half of the land use in the Upper Harbor.[85]

Additional land use changes in and around the Harbor can be anticipated, some as result of the Coalition's restoration and conservation-related initiatives. In 2009, the Coalition purchased 7.5 acres of Marsh Island located in the Lower Harbor and has rights to the remainder of Marsh Island under a conservation restriction from the Fairhaven Acushnet Land Preservation Trust.[86] The New Bedford Harbor Trustees Council funded the Coalition's purchase and restoration of this property using proceeds from the 1991 and 1992 settlements discussed above. A primary purpose of the Coalition's investment in Marsh Island is to allow public access, shoreline access and enjoyment of coastal and marine resources, wildlife and open space.[87] The Coalition's conservation restriction states that permitted acts and uses shall include but not be limited to "hiking, canoeing, fishing, wildlife observation and that the general public shall have the right to enter the Premises …for passive recreation such as hiking, boating, bird watching, etc."[88] The Coalition plans to use this property to promote a heightened community conservation ethic by creating a large publicly-accessible natural riverfront reserve containing walking trails, in an area where access opportunities are now limited or non-existent. Marsh Island is also the largest saltmarsh restoration project in the Harbor and its completion will, following cleanup of the Site, greatly improve the community's access to the Harbor's natural resources.[89]

There are other land use changes which EPA's current cost estimate does not consider. The City of New Bedford plans to construct a public walking path around the perimeter of the Harbor with funding provided by the New Bedford Harbor Trustee Council and to build a boathouse on the Harbor shore to promote increased

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[83] FAQ I, *supra*, at 10.
[84] Rasmussen Decl., *supra*, at ¶¶25 and 27 and Exhibits L, and F.
[85] *Id.*
[86] *Id.* at ¶¶17 and 18,and Exhibits C and D.
[87] *Id.*
[88] *Id* and Exhibit D.
[89] *Id.*.at ¶21.

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recreational boating. In addition, public use of the Harbor itself has evolved and now supports multiple uses, including the hosting of a fishing fleet of 500 vessels as well as a community rowing program for New Bedford youth.[90] In fact, New Bedford Community Rowing, a city-sponsored program that organizes rowing events, has already held three week-long rowing programs in the Harbor. The *Boston Globe* reported on April 29, 2012 that "... the program seeks to transform the public perception of the harbor, long seen in a gritty, industrial light, to that of a recreational destination." According to the article, "City officials are also hoping the river, which lends itself perfectly to crew races, will become a prime draw for big races and help spur tourism."[91]

Applying the same cleanup standards established in EPA's 1998 ROD, the Coalition has determined that the majority of the Upper Harbor now qualifies for a cleanup to the 1 ppm standard because of existing and reasonably foreseeable residential and recreational uses.[92] Furthermore, in order to reflect the future uses of the Marsh Island property discussed above, under EPA's own 1998 standards, this area also now qualifies for the 1 ppm cleanup level.[93]

EPA's OU-1 cost estimates do not appear to reflect the increased volume of sediments that must be dredged because of existing and foreseeable land use changes in and near the Harbor, and EPA has provided insufficient information to quantify with precision the additional remedial costs that these changes will require. However, the Coalition's analysis indicates that simply applying the EPA's 1998 cleanup standards to increased residential and recreational use in the Upper Harbor would add about $89 million to EPA's current cost estimate.[94]

E. EPA's 2012 Administrative Order and Subsequent Proposed Settlement with AVX.

In April 2012, EPA issued a unilateral administrative order ("UAO") reopening its legal action against AVX. That order directed that AVX expeditiously implement an EPA-approved cleanup plan for the Site and bear the entire cost of the cleanup. That order placed no limit on the monetary amount AVX was required to spend to comply with the order and contained no release for future liabilities.[95]

[90] *Id.* at¶¶ 30, 31 and Exhibit H.
[91] *Id.*
[92] *Id.* at¶ 34.
[93] *Id.* at ¶19.
[94] *Id.* at ¶35.
[95] UAO, *supra*, at 55.

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On October 10, 2012, the United States Department of Justice on behalf of EPA filed with the District Court a proposed "supplemental consent decree" that EPA had negotiated with AVX. That decree would embody a settlement in which AVX would pay a fixed sum of $366.25 million, plus interest, in exchange for immunity from the United States and the Commonwealth for any past or future Site-related liabilities.[96] The proposed settlement would delete all "reopener" provisions of the 1992 Consent Decree and withdraw the UAO that EPA had issued against AVX six months earlier.[97] The proposed settlement would also release AVX from liability for all costs EPA has incurred at the Site to date; those costs are at least $350 million in excess of amounts AVX and others paid under the previous settlements.[98] It would further provide a covenant not to sue and release AVX from all liabilities for future Site remediation costs; this release would become effective upon AVX's final settlement payment two years hence.[99]

In its press release announcing the settlement, EPA stated that the AVX payment "will provide the bulk of the funds needed to complete the remedy" and stated that its estimated costs to complete the project were "between $393 and $401 million".[100] EPA did not refer in its discussion of its cost estimate or elsewhere to an upside cost contingency, whether of 50% or merely 15%. In subsequent public statements, EPA expressed confidence in the accuracy of its cost estimate to complete the cleanup, citing its lengthy experience at the Site and the status of the remedy selection process.[101] EPA also justified the settlement's complete release of AVX from future liability for cleanup costs and the absence of a cost-related reopener on the grounds that EPA's faced significant "litigation risks" if the case were not settled.[102]

F. The Coalition's Interest in the Site and Proposed Settlement.

The Coalition is a nonprofit membership organization dedicated to the restoration, protection, and sustainable use and enjoyment of Buzzards Bay and its watershed, including the Acushnet River and New Bedford Harbor. The Coalition has more than 8,000 members, including approximately 1,300 members in the greater New Bedford area.[103] Nearly 250 of its members live within 1000 yards of the Site.[104]

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[96] Supplemental Consent Decree, *supra*, at 8 and 15.
[97] *Id.* at 15 and 4.
[98] EPA has incurred costs of $456 million at the Site and received about $100 million under the 1991-92 settlements discussed above. UAO, *supra*, fn. 15. See also subsection B above.
[99] Supplemental Consent Decree, *supra*, at 15.
[100] FAQ 1, *supra*, at 3.
[101] FAQ II at 2-3.
[102] FAQ I, *supra*, at 2.
[103] Rasmussen Decl., *supra*, at¶¶ 4 and 5.
[104] *Id.* at ¶7.

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The Coalition's members include commercial fishermen who use the Harbor as their home port, owners of businesses and residences near the contaminated Harbor shoreline, recreational boaters, residents and visitors deprived of the use and of the Harbor because the PCB contamination, and many others throughout the area concerned about the contamination's environmental impacts. Figure 1 on the following page shows the residences and offices of Coalition members located near the Harbor.[105]

[105] *Id.* at ¶6 and Exhibit A.

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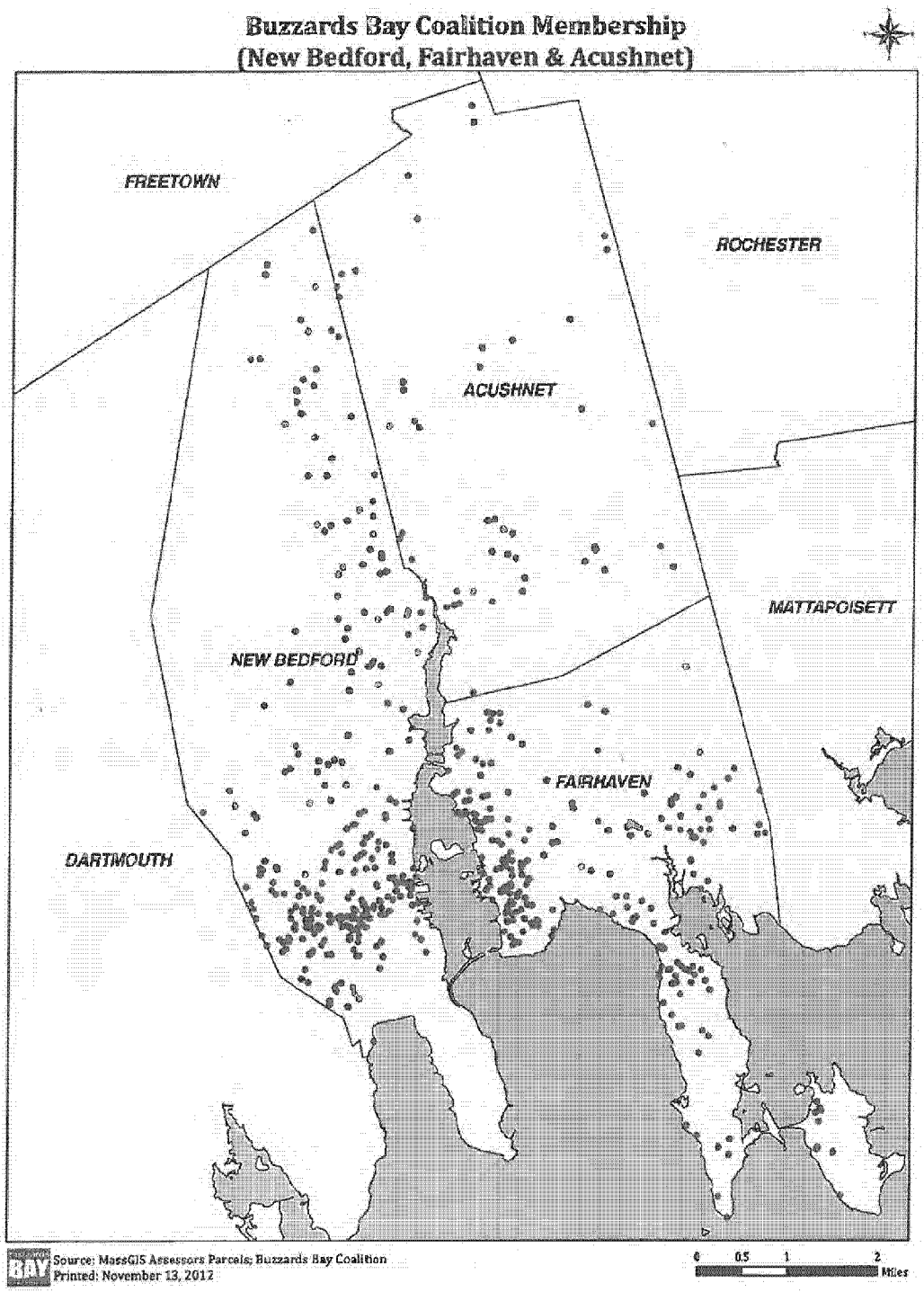


Figure 1.

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The Coalition and its members are dismayed about the PCB contamination of the Harbor and its devastating impact on the environment, recreational activities, education opportunities and commercial uses which the Harbor would otherwise provide.[106] For example, the Coalition and its members are concerned that the clean-up levels established 14 years ago, which are as high as 50 ppm, will prove to be insufficient to reduce PCB concentrations in local fish and lobster to levels which permit safe human consumption.[107]

In light of these concerns, the Coalition analyzed the cleanup criteria EPA is using for the remediation of numerous river and other sediments contaminated with PCBs. The analysis showed that the standard is 1 ppm at most sites, such as a major remediation project in the Fox River in Wisconsin and at six sites supervised by the EPA's Region 1 office in Boston, including the Housatonic River cleanup in Pittsfield.[108]

In November of this year, a federal court in Wisconsin rejected legal challenges to EPA's 1 ppm PCB standard for the Fox River cleanup plan, even though EPA's estimated cleanup costs had risen to over $700 million.[109] That court also endorsed EPA's decision to dredge and dispose of PCB sediments off-site in lieu of capping them in the river, finding that under an on-site containment option, "the more poisonous chemicals [would] be allowed to stay in the River."[110]

EPA's 1998 ROD determined that use of a 1 ppm cleanup standard for all Harbor sediments would cause the volume of dredged sediment to increase to about 2.1 million cy, a volume nearly 2.5 times EPA's current estimate.[111]

The Coalition's own property interests are also affected by the Site's PCB contamination. From 2004 to 2010 the Coalition's headquarters were located at 620 Belleville Avenue, just south of the AVX Facility and directly on the banks of some of the most polluted portions of the Upper Harbor.[112] Its headquarters are now located at 114 Front Street, adjacent to the Lower Harbor.[113]

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[106] *Id.* at ¶10.
[107] *Id.* at ¶8.
[108] *Id.* at ¶¶38 – 43, and Exhibit J.
[109] *United States* v. *NRC Corp., et. al.,* 1:10-cv-00910-WCG Filed 11/21/12 and attached hereto as Attachment 8.
[110] *Id.* (emphasis in original). The Fox River Decision also found that dredging and off-site disposal "*removes* the toxic PCBs from the River for all time and places them in a secure off-site facility. Even if caps provide an adequate solution, they will require maintenance in the long-term, . . . Caps can also affect the navigability of the River in shallow areas or shipping channels, which adds further uncertainty especially if the water levels would decline .... Finally, as the original ROD noted, capping could be susceptible to catastrophic events like floods." *Id.* at 17-18.
[111] 1998 ROD, *supra,* at¶ 16.
[112] Rasmussen Decl., *supra*, at ¶12.
[113] *Id.*

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As discussed in subsection D. above, for educational and natural resource restoration enhancement, the Coalition owns 7.5 acres of Marsh Island located in the Lower Harbor and holds rights under a conservation restriction on the remainder of the Island. Marsh Island is the largest saltmarsh restoration project in New Bedford Harbor. The Coalition acquired this property with funds from the New Bedford Trustee Council for the specific purpose of restoring them to their natural state and thereafter preserving water quality, wildlife habitat, and public access to the surrounding natural resources.[114] To enhance the Harbor's restoration and public access to it, the Coalition also owns 67 acres at the Acushnet Saw Mill and adjacent LaPalme Riverfront Farm, both located on the Acushnet River north of the AVX Facility.[115]

II. EPA SHOULD WITHDRAW THE PROPOSED "SUPPLEMENTAL" DECREE AND MODIFY IT TO INCLUDE "REOPENER" PROVISIONS ALLOWING EPA TO SEEK AVX'S REIMBURSEMENT OF FUTURE REMEDIAL COSTS EXCEEDING EPA'S CURRENT ESTIMATE.

The U.S. Department of Justice on behalf of EPA has solicited public comments on EPA's proposed settlement with AVX, which would be embodied in a "supplement" to the 1992 Consent Decree. The Coalition welcomes EPA's recognition—albeit belated—that the pace of the cleanup has been unacceptably slow, that the agency has insufficient resources to implement an effective cleanup, and that AVX is the only entity with the legal responsibility and financial viability to complete such a cleanup. The Coalition would likewise support a settlement of the litigation with AVX that assured that the Harbor will be completely restored, whether or not the cost of restoration exceeds EPA's current estimate.

However, the Coalition must oppose the proposed settlement because it would eviscerate all protections in the 1992 decree allowing EPA to obtain additional funding from AVX if necessary to expeditiously complete an effective remedy. Two of these protections are critical in the particular circumstances of this Site: a) a "reopener" provision, preserving the EPA's right to seek additional funds from AVX if the ultimate costs to complete the remedy exceed EPA's current estimate; and 2) a provision providing that EPA's release of AVX's future liabilities and covenant not to sue does not become effective until EPA certifies the remedy to be complete and effective. A settlement without these provisions is both contrary to

[114] *Id.* at ¶¶17 and 18 and Exhibits C and D.
[115] *Id.* at ¶22.

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the public interest and the statutory mandate that governs EPA's authority to settle this type of enforcement action.

As explained in Section I above, AVX is the only viable source of funds to complete the Harbor's restoration if costs to complete the project exceed EPA's current estimate of $393 million. Notwithstanding EPA's unsubstantiated contentions to the contrary, the costs ultimately required to achieve an effective cleanup remains completely uncertain. Over time, as EPA's remedial plans continue to evolve and unanticipated circumstances arise, costs to complete the project will likely escalate substantially over EPA's current—and very unreliable—estimate. Thus, giving AVX an absolute, no-opener release effective before the project's completion could well deny the government and the community adequate funds for the Harbor's complete restoration. Furthermore, as set forth in Subsections B and C below, a settlement which denies EPA the right to obtain further relief if its current cost estimates prove once again to be understated cannot be justified by exaggerated assertions of litigation risks or by supposed exceptions to the governing statute which denies EPA the authority to enter into such a settlement.

A. The Proposed Settlement With AVX—the Primary Polluter and Only Financially Viable Party— is Not in the Public Interest Unless it is Modified to Include Cost Reopeners.

Decades after the discovery of PCB and other toxic contamination of the Harbor, and notwithstanding EPA's expenditure of substantial sums at the Site, unacceptable threats to human health and the environment are still pervasive. In its April 2012 UAO, EPA documented these threats as follows:

- Tidal action annually transports PCBs from the Upper to the Lower Harbor and over one-half of these contaminants are carried from the Lower Harbor to the Outer Harbor area of Buzzards Bay.[116]
- Seafood from the Harbor "continues to be contaminated at levels that are orders of magnitude above" public health risk standards, creating cancer risks as high as "1 in 1000."[117]
- Existing PCB levels along the Harbor shoreline remain "significantly higher than those levels deemed protective" by EPA.[118]
- In the Upper Harbor, "the probability of pore water PCBs' being toxic to marine fish…approaches certainty."[119]

[116] UAO, *supra*, at 6.
[117] *Id.* at 16.
[118] *Id.*

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- Total catches and earnings of New Bedford's lobster, quahog, and other seafood industries, have significantly decreased since 1979 as a result of closures necessitated by the Harbor's PCB contamination.[120]
- The Harbor's PCB contamination has reduced the use and value of its recreational resources and waterfront property values.[121]

In short, although EPA recognized over 30 years ago that the Harbor's PCB contamination posed serious risks and has taken partial steps to address the situation, EPA today acknowledges that the lion's share of the contaminated Harbor sediments are still untouched by the cleanup and the community's health and natural resources continue to be endangered.

Clearly, the need for a prompt and effective cleanup of the Harbor is more urgent than ever and a reasonable settlement with AVX could help accomplish this goal, However, in assessing the reasonableness of a CERLA settlement, reviewing courts assess its "likely efficaciousness as a vehicle of cleansing the environment is of cardinal importance."[122] In this case, a proposed cash-out settlement with an absolute release as to future liabilities can accomplish this goal only if there is certainty that either (1) other sources of funding will be immediately available in the event that the settlement amount proves insufficient to complete an environmentally-protective remedy; or (2) the cost of an environmentally-protective remedy will not exceed the EPA's current cost estimates. Unfortunately, because there is nothing approaching certainty about either requirement, the proposed settlement is not an "efficacious vehicle" for the Harbor's restoration.

1. Other than AVX, there is no viable source of funding for a timely cleanup.

In its public comments about this settlement, EPA reviewed the current financial status of other potentially responsible parties and essentially conceded that AVX is the only available source of funding for the cleanup.[123] That is clearly correct.

Indisputably, the AVX Facility was primarily responsible for PCB contamination at the Site[124] and AVX has the financial resources to underwrite the costs for an

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[119] *Id.* at ¶53.
[120] *Id.* at ¶¶56-57.
[121] *Id.* at ¶¶58-59.
[122] *Cannons*, 889 F2d 79 (1st Cir. 1990).
[123] FAQ II, *supra*, at 3-4. *See* Section I above at subsection C.

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effective remedy. In its current filings as a public-traded company, AVX reports annual revenue over $1 billion and assets over $2 billion. Its controlling shareholder is a Japanese multinational with annual sales of more than $14 billion, including substantial dividends that AVX pays to it.[125] As such, AVX's business would not be threatened even if remedial costs proved to be much higher than EPA's current estimate.

As a practical matter, there are no other private parties available to contribute to the cleanup. While one other facility contributed some PCB contamination to the Outer Harbor, its present and former owners are either out of business or have received liability releases from EPA. This is likewise the case as to all of the other potentially responsible parties that EPA named in this litigation.[126]

Nor is EPA a viable source of funds for the project's expeditious completion. In 1995 Congress repealed the taxes once used to replenish the "Superfund" trust fund to finance EPA's remedial actions, so that today EPA's only source of cleanup funds is annual Congressionally-appropriated general revenues.[127] Significantly, as early as 2002, when EPA had expended all of the monies that the PRPs paid for earlier settlements in this case, EPA determined that it could afford to spend only $15 million annually for remedial action at the Harbor even though it then estimated the cleanup would cost over $317 million to complete.[128]

Given the depletion of the Superfund trust fund and the financial straits of the U.S. and Commonwealth governments more generally, there is little likelihood that sufficient government monies will be available in the future to finance the cleanup of the Harbor on any reasonable time scale. EPA itself has acknowledged that, given the "state of the national economy," there is "no guarantee" that additional funding for the project "will materialize year in and year out."[129] The proposed "supplement" to the 1992 consent decree provides no assurance that any funding will be available in the event the AVX settlement payment proves insufficient to complete an environmentally-protective remedy. Tellingly, in its public statements

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[124] EPA's early investigations confirmed that the facility was the "primary source of PCBs released" to the Harbor and tests near the facility in 2008 revealed it also to be a source of high levels of contamination by volatile organic compounds. UAO, *supra*, ¶¶4-5.

[125] *See* Section I above at subsection A.

[126] *See* Section I above at subsection B.

[127] *See* Section I above at subsection C.

[128] *Id.* In fact, EPA determined that under this "limited funding" scenario it would take at least 40 more years for the remedial action to be finished and lamented that "funding levels are so low as to cause significant project delays and inefficiencies." UAO, *supra*, at 11-12.

[129] 2011 ESD, *supra*, Attachment A at 20. *See generally*, Government Accountability Office Report, GAO-10-380, issued May 6, 2010, available at www.gao.gov/products/GAO-10-380.

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about the adequacy of funds to pay for the cleanup if the AVX settlement payment proves to be inadequate, EPA has said it only would "seek" monies from the Superfund Trust and the Commonwealth.[130] These are the same sources that have been unable to provide adequate funds for a timely cleanup over the past ten years.[131]

In sum, since the AVX is the only reliable source of funding for all future cleanup costs, a settlement providing AVX with immunity for any future liabilities in exchange for a fixed sum payment is obviously fraught with "risks," as EPA itself concedes.[132] Unfortunately, as shown below, these risks are much higher and have many more serious implications than EPA seems willing to recognize.

2. The costs of EPA's remedy are likely to be much higher than the AVX settlement payment.

Since AVX is the only viable source of future funding for this project, a cash-out settlement and an immediate release of all of AVX's future liabilities can be justified only if there is certainty that the future costs of an expeditious, environmentally-protective remedy will not significantly exceed AVX's settlement payment. That payment is about 90% of EPA's current future cost estimate of $393 to $401 million. However, as shown below, this estimate is fraught with uncertainly and is likely to prove well understated for at least five reasons:

a) EPA already recognizes that its currently-selected remedial plan needs to be expanded because of land use changes;

b) Other factors are also likely to escalate the costs of EPA's current remedial plan such as the fact that there is no ROD for OU3, the 17,000 acres of the Outer Harbor;

c) A fully-protective remedial plan will cost much more than EPA's current plan;

d) EPA has consistently poor track record in estimating the remedial costs at this Site; and

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[130] FAQ I, *supra*, at 2.

[131] EPA suggestion that NOAA might fund future cleanup costs (FAQ I, *supra*, at 3) is not credible. The U.S. National Oceanic and Atmospheric Administration, in its capacity as the Harbor's natural resources trustee, and AVX already entered into a settlement that contains no cost-related reopener. *Id.* Even if the settlement did not bar future claims, the trustee likely has standing to seek only additional damages to natural resources, not to require reimbursement of EPA's cleanup costs.

[132] FAQ II, *supra*, at 4.

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e) Notwithstanding standard industry practice and EPA's own Cost Guidance, EPA's cost estimates contain no contingency or uncertainty factor.

a. The Cost of EPA's Currently-Selected Remedy Will Escalate Due to Changes in Land Use and Activities In and Near the Harbor.

As EPA is well aware, its estimates of the cost of cleaning up New Bedford Harbor are keyed directly to its calculations of the amount of contaminated sediment it must dredge and dispose of to comply with the cleanup standards it has established. Likewise, more extensive dredging is obviously required in areas of human exposure where cleanup standards are the most stringent. EPA's most stringent cleanup level for the Site – 1 ppm – is applicable to locations bordering residential and public recreational areas compared to those adjacent to areas of minimal human exposure.[133]

EPA has recognized that, because of land use changes, the areas of the Harbor subject to this more stringent standard have increased substantially since 1992 and continue to increase. In a 2010 report, EPA stated that it "expected that additional shoreline properties developed before remediation occurs will trigger more stringent shoreline clean-up standards."[134] Other documents also reflect EPA's awareness that a number of industrial buildings near the Harbor have already converted to residential use and that the City of New Bedford is planning to construct facilities designed to enhance boating and other recreational activities by the public on and near the Harbor.[135]

Because EPA itself expects stringency of cleanup standards to be increased in some areas, there will necessarily be a significant escalation of the volume of sediment that must be dredged and necessarily an increase in the costs to complete the cleanup. However, as of October, 2012, EPA had "not yet evaluated" these land use changes in and around the Harbor[136] and thus obviously has not accounted for these changes in its current cost estimate. .

In addition to increased residential use near the Harbor, EPA's cost estimates do not take account of the increasing public access to areas abutting the Harbor for educational restoration, and recreational purposes. One example of particular interest to the Coalition involves enhanced public access to the Marsh Island in the

[133] *See* Section I above at subsection C.
[134] 2010 Review, *supra*, at Section 7.2.4.
[135] UAO, *supra*, at 24-25.
[136] FAQ II, *supra*, at 10.

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Lower Harbor. The Coalition plans to create a large publicly-accessible natural riverfront reserve on this property and to develop walking trails in areas where access opportunities are now limited or non-existent.[137] Funding for this project comes from the New Bedford Harbor Trustee Council's Natural Resource Damages funds allocated from the 1991 and 1992 settlements with respect to this Site.[138] Although EPA has apparently assumed the cleanup standards for this area need be only 25 to 50 ppm, the planned use of Marsh Island will trigger a required cleanup to 1 ppm in accordance with EPA's 1998 standards and thus increase the volume of sediments that must be dredged.[139] Likewise, the City's planned River Trail along the Harbor shoreline, and other facilities promoting the Harbor's enhanced recreational use, will also trigger a cleanup level lower than that assumed under EPA's current cost estimates, thus increasing the volume of sediments to be dredged.[140]

Based on the cleanup standards established by EPA in the 1998 ROD, the Coalition has determined that, at a minimum, the entire western intertidal zone of the Upper Harbor and the March Island area in the Lower Harbor now quality for a cleanup to a 1 ppm standard because of existing and anticipated public use and human exposure in these areas.[141] Because EPA has not considered these land use developments in its current cost estimate, it is difficult to quantify with precision the magnitude of additional costs that must be added to its current estimate to account for these changes. However, the Coalition's analysis indicate that simply applying the EPA's 1998 standards to current and planned public uses in and near the Harbor could add at least another $90 million to EPA's most recent cost estimates.[142]

b. Other factors are likely to significantly increase the volume of dredged sediments and corresponding costs of the project.

In addition to land use changes, several other factors will likely cause the costs of implementing EPA's remedial plans to increase significantly beyond its current estimate.

First, and foremost, EPA's current cost estimate contains a glaring omission: it entirely ignores the costs required to cleanup OU-3, the 17,000 acres in the Outer

[137] Rasmussen Decl., *supra*, at ¶¶20 and 21.
[138] *Id.* at ¶24.
[139] *Id.* at ¶19.
[140] *See* Section I at subsection D.
[141] Rasmussen Decl., *supra*, at ¶¶25-27.
[142] *Id.* at ¶35.

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Harbor where commercial fishing is banned. Although significant amounts of PCBs continue to be carried into the Outer Harbor each year,[143] EPA has yet to decide how to remedy this contamination, much less estimate the additional costs of doing so. One thing is certain: Those OU-3 costs will increase the total cleanup costs beyond those thus far estimated by EPA.

That is not all. EPA itself has determined that its model is "underestimating the depth to which dredging is required" to remove contaminated sediments in the Upper Harbor. [144] EPA has further recognized that "at this site, due to poor disposal practices of the past, the more one looks for PCB's in the harbor sediments and the marshes, the more one finds."[145] Thus, EPA acknowledges specifically and generally that it must dredge more contaminated sediments that it has estimated and its costs will be correspondingly greater.

EPA's current cost estimates are also understated because the EPA contractor that developed the estimate apparently developed it on the assumption that AVX would undertake the remediation.[146] But since EPA has abandoned its April 2012 UAO requiring AVX to complete the project, EPA now plans to undertake the work itself. Experience has shown that, when EPA takes responsibility for implementing a remedial project in lieu of a private party, costs for the same scope of work are at least 20% higher.[147] This consideration alone adds over $80 million to EPA's current estimate.

In sum, because EPA itself anticipates that the volume of sediments that must be dredged will significantly exceed current expectations and that the ultimate costs of the remedial plan EPA eventually implements are necessarily uncertain at best, the remedial costs incurred to restore the Site could well prove to be much more substantial than EPA's most recent prognosis.

c. EPA's "low cost" remedial design could well prove ineffective once implemented.

Regardless of EPA's necessary modifications to the scope of its currently-selected plan to account for land use changes discussed above, there is considerable uncertainty whether the remedy it implements will prove adequate to protect

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[143] *See* Background and Introduction Section above.
[144] 2010 Review, *supra*, at Section 7.2.4.
[145] 2011 ESD, *supra*, Attachment A at 4.
[146] EPA's cost estimate is cited in its UAO, *supra*, at 13 n.7; the UAO ordered AVX itself to perform all future remedial work. *Id.* at 30.
[147] Katherine Probst, *Testimony Prepared for U.S. Senate Subcommittee on Superfund, Waste Control and Risk Assessment*, March 10, 1995 at 4, available at http://www.rff.org/RFF/Documents/RFF-CTst-95-probst.pdf.

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human health and the environment because: i) the performance standards EPA adopted in 1998 for the cleanup of most Harbor areas are less stringent than EPA now requires at comparable PCB sites, and ii) EPA's plan for the on-site "containment" of dredged contaminated sediments is an unproven approach that is much less protective than off-site disposal.

(i) Inadequate Cleanup Standards: The standards EPA adopted in the 1998 ROD for dredging most of the Site are much less protective than those used by EPA at other PCB sites. Except in areas of human exposure, those standards range from 10 to 50 ppm. In contrast, EPA has imposed a standard of 1 ppm for all PCB-laden sediments at most similar aquatic sites, including six sites supervised by the EPA's Boston regional office. The Sites where this more stringent standard are being used include comparably-sized projects involving the Housatonic River in Pittsfield, Massachusetts and the Fox River in Green Bay, Wisconsin.[148] A federal court recently rejected challenges to EPA's cleanup standard of 1 ppm for the Fox River site.[149]

Nevertheless, EPA has indicated that it does not plan to change its 1998 cleanup standards for the New Bedford Harbor even though for some areas of the Harbor they are up to 50 times less protective than the criteria in use at similar sites.[150] This does not augur well for the ultimate effectiveness of EPA's remedial plan. The Outboard Marine site in Lake County, Illinois provides a highly relevant example of how initial use of a lax cleanup standard can result in greater future costs. There, EPA implemented a plan to dredge Waukegan River using a PCB cleanup standard of 50 ppm. EPA had to take additional remedial action when post-completion monitoring revealed that PCB levels in fish tissue continued to significantly exceed the applicable human consumption criteria. As a result, EPA issued a ROD Amendment in October 2009, using a revised cleanup standard of 1 ppm and thus requiring substantial additional dredging at substantial cost.[151]

This scenario could easily be repeated in the Harbor cleanup. Like the ineffective plan at the Outboard Marine site, EPA is using cleanup standards for the Harbor as high as 50 ppm. The 1998 ROD recognized that, to meet the mandated PCB level of .02 ppm in fish within ten years, the Harbor's cleanup standard must be 1 ppm for all sediments and that even using a Site-wide cleanup standard of 10 ppm would fail to achieve this goal.[152] If post-remediation monitoring of fish tissue

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[148] *See* Section I above at subsection F.
[149] *Id.*
[150] FAQ II at 8-10.
[151] *See* Section I above at subsection C.
[152] *Id.*

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demonstrates that human consumption continues to be unsafe and that a 1 ppm cleanup standard must be used throughout the Site, additional remedial work to satisfy this standard more than double the volume of sediment that must be dredged and have a comparable impact on remedial costs.[153]

(ii) Unprotective Sediment Disposal Plans: The effectiveness of EPA's planned disposal of sediments from the Lower Harbor also is doubtful. According to EPA's current plan, a CAD cell will be dug in the Lower Harbor floor and sediments dredged from the Lower Harbor will be dumped into those cells.[154] The long-term effectiveness of using CAD cells to contain these contaminated materials permanently on the Harbor's bottom remains unproven at best. This is the same technology EPA unsuccessfully tried in a pilot program at the Harbor and that EPA studied and rejected in 1990 for use in the OU-1 remedy.[155] More recently, after EPA dumped and covered CAD cells in its PCB cleanup of the Puget Sound harbor in Washington, elevated levels of PCB's were detected outside the cells due to inadequate remedial work.[156] As a result, additional remedial actions were required. Furthermore, CAD cells have never been used to contain sediments as contaminated as those at the Site.[157]

In sum, EPA's use of unprotective cleanup standards and in-situ containment strategies for this Site may be appear less costly in the short run, but if they prove ineffective, substantial additional work and expense will be required. Because CERCLA section 113(h) prevents anyone from initiating legal action to challenge EPA's remedy selection before the remedial action is completed, EPA is free to ignore concerns about the effectiveness of its remedial plans for the Harbor. Nevertheless, there can be no certainty at this juncture whether the remedy upon which EPA bases its current cost estimate will ultimately prove effective or whether additional actions and attendant expenditures will be required. Unfortunately, under the proposed settlement, AVX will be released from any further liability long before the effectiveness the remedy can be definitively assessed and long before costly additional work is undertaken to address any deficiencies revealed by that assessment.

In its public statements, EPA has contended that the settlement will have "no effect" on the remedy it selects for this Site and "does not limit" future changes to

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[153] *See* Section I above at subsection E.
[154] *Id.*
[155] *Id.*
[156] *Id.*
[157] *Id.*

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the remedy.[158] This is simply not so. By granting a covenant not to sue years before completion of the remedy and omitting any cost-related reopener, EPA would impale itself on the horns of an unacceptable dilemma: EPA must either ignore evidence that the needed remedy will cost much more than AVX's fixed payment or it must confront the likelihood that there will be insufficient funds to promptly implement such a remedy. Plainly, the public interest is disserved by a settlement that would impose such a dilemma.

d. EPA's many cost estimates at the Site over the last 20 years have consistently proven to be significantly understated.

As shown above, the reasonableness of the proposed settlement depends entirely on whether AVX's fixed settlement payment will cover most future remedial costs at the Site. EPA's assurances that this is so are belied by EPA's 20-year history of consistently and significantly underestimating future remedial costs at this Site.

In 1992 after EPA conducted an extensive feasibility study of the OU-1 remedy, it issued a proposed remedial plan. The estimated present-value future cost of that plan was approximately $33 million, not including a 50% upside contingency factor. In seeking the District Court's approval of its settlement with AVX in 1992, EPA advised the court that $35 million of the settlement payment would be allocated to future costs of the OU-1 remedy.[159] NWF opposed the settlement, arguing that EPA's cost estimates were unreliable and that the settlement should not be approved until the costs were more certain. However, EPA assured the court that its cost estimates were firmly grounded on a "wealth" of data, "years of information," "expert" evaluations, and "multi-volume comprehensive" studies.[160] Further, while EPA acknowledged that there could be "some exposure if the remedy costs are higher than the government anticipated," it emphasized that this exposure "was mitigated greatly by the reopeners," particularly the $130 million cost reopener.[161]

It soon became clear that EPA's cost estimate had been greatly understated. EPA's 1998 ROD somewhat modified the 1990 plan and estimated the present value cost of the ROD plan to be almost four times its earlier estimate, or $115 million ($188 million fully-funded over time).[162] The 1998 estimate, too, soon proved illusory.

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[158] FAQ 1, *supra*, at 4.
[159] DOJ Memorandum, *supra*, at 2, 10, footnote 5.
[160] *Id.* at 10. *See also* Section I above at subsection B.
[161] DOJ Reply Memorandum, *supra*, at 7.
[162] *See* Section I above at subsection C.

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In 2002, after making two significant modifications to the 1998 ROD, EPA revised its estimate of the fully-funded cleanup costs to be $317 million and thus nearly twice its 1998 estimate. By 2011, after additional design changes, EPA's most conservative cost estimate had risen another 40% to $393 million (present value) and $422 million (fully-funded).[163]

Thus, since the 1992 AVX settlement, EPA's cost estimates for remediation of the OU-1 portion of the Site have risen ten-fold, from $33 million to at least $393 million. Even taking account of inflation, project duration and other factors, EPA concedes that its current estimate is five times higher than its original estimate.[164] At each instance in which its cost estimates have increased, EPA has expressed confidence in its estimate, citing "comprehensive studies" and a "wealth" of other site-related information.[165] To date, EPA has expended over $456 million to study and cleanup the Site, and yet a substantial majority of the contaminated sediments have yet to be remediated. Now, again, in support of the proposed settlement, EPA states that it has confidence in its current $393 million estimate because of even more studies and other information available to it. Given its record at this Site, EPA's assurances about the accuracy of its current estimate ring particularly hollow.

e. Despite standard practice and EPA's own Guidance, EPA's current estimate contains no "contingency" factor

Especially in light of the uncertainties about the scope and effectiveness of EPA's remedial plans, and the historical record of EPA's significantly underestimating future costs at this Site, it is remarkable that EPA's current cleanup cost estimate of $393 million includes "contingency" factor whatsoever. The absence of such a factor is inconsistent with standard industry practice and with EPA's own guidance for Superfund cleanup projects. Under that guidance, a cleanup cost estimate "always" should include an upside factor of up to 50% for projects where the final remedial design has not yet been completed.[166]

In its 2011 ESD, EPA recognized that its cost estimate of $393 million should include a contingency factor, but it contended that a factor of no more than 15% should be applied.[167] Now, in support of its settlement proposal, EPA merely

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[163] *Id.*
[164] 2011 ESD, Attachment A at 42.
[165] *See* Section I above at subsection B and C.
[166] *See* Section I above at subsection C.
[167] *Id.* at 17.

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argues that $393 million is "most accurate" because it reflects a remedial plan which is already "in place right now."[168]

EPA's contentions in this regard have no factual basis. As noted, the EPA report that contains EPA's current estimate expressly stated that it assumed an upside contingency factor of up to 50%.[169] Moreover, the OU-1 remedial plan design has not been finalized. EPA has advised that it will soon begin re-evaluating the entire disposal component of the Upper Harbor remedial plan. EPA's current plan calls for disposal in yet-to-be constructed structures along the shore; EPA once had similar plans for disposal of Lower Harbor sediments but abandoned them in 2002 in favor of off-site disposal.[170]

An alternative strategy would be to transport dredged sediments off-site for destruction, as EPA did for sediments from the "hot spot" cleanup in the Upper Harbor and at the Fox River site. As EPA and the federal court recognized in the Fox River cleanup, that more costly approach would be much more protective of human health and the environment than on-site containment.[171] Thus, EPA's current estimate overlooks significant changes to the current remedial plan that may flow from its re-evaluation of the Upper Harbor remedy that EPA shortly plans to undertake.[172]

Further, design of EPA's currently-selected remedy for the Lower Harbor was not begun until after preparation of the current cost estimate and still has not been completed.[173] The history of EPA's remedy selection process for the Lower Harbor also provides no assurance that EPA's current conceptual plan for this area will be its final one. EPA's OU-1 feasibility study issued in 1990 expressly rejected the option of dumping the dredged sediments into on-site CAD cells. Rather, EPA opted for the dredging and disposal of contaminated sediments in CDF structures constructed at the shoreline. In 2002, EPA abandoned this approach in favor of off-site transport and disposal in a licensed landfill, technology used for the disposal of the "hot spot" sediments. In 2011, EPA changed its mind again and opted for disposal in on-site CAD cells—the same remedy EPA studied and rejected 20 years earlier.[174]

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[168] FAQ II at 2.
[169] June 21, 2010 Cost Estimates, *supra*, at 1.
[170] *See* Section I above at subsection C. In 2011 reversed its decision and opted for on-site containment. *Id.*
[171] *See* Section I above at subsection F.
[172] Rasmussen Decl. at 49 and Exhibit L.
[173] FAQ II, *supra*, at 7.
[174] *See* Section I at subsection C.

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Therefore, despite EPA's protestations, the final design of the remedial plans for the Site and not "in place right now" and the estimated costs of the remedy to be ultimately implemented are necessarily subject to substantial uncertainties and unanticipated contingencies. Since EPA's $393 million estimate reflects no contingency factor, it is obviously significantly understated. A contingency factor as low as 15% is clearly inappropriate given the absence of a final remedial plan; in light of these circumstances and EPA's own guidance, a 50% contingency factor alone is the more appropriate one. In any event, application of a contingency factor increases EPA's current cost estimate by $60 to $400 million.

The Coalition and AVX disagree about many aspects of the Harbor cleanup. It is, nonetheless, difficult to quarrel with AVX's critique of EPA's remedy selection and cost-estimation record at this Site over the past 20 years:

> EPA's track record of routinely changing its mind and incrementally modifying the remedy provides little comfort that this latest incarnation is the final version or even something likely to be implemented in the form presented. Nor can there be any confidence that the estimated cost today is anything near what the OU1 remedy will ultimately cost.[175]

* * * *

In sum, even if EPA had a reliable record in this case regarding cost estimates and at this Site (which it obviously does not), at this juncture there are simply too many uncertainties regarding the ultimate scope and cost of a protective remedy to justify providing a no-reopener cash-out to the only entity able to fund a timely and complete cleanup of the massive damage it caused. The proposed settlement is therefore clearly contrary to the public interest.

B. EPA Exaggerates the Litigation Risks It Confronts in this Case.

One of EPA's principal justifications for its proposed fixed-sum, no-reopening settlement is its boilerplate contention that a fixed sum, no-reopener settlement with AVX is justified because the absence of a settlement "would likely mean years of complex litigation, including litigation over novel legal and significant technical issues, with an uncertain outcome."[176] As a matter of law, this assertion significantly overstates the litigation risks posed in this instance.

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[175] Nutter Letter, *supra*, at 6.
[176] FAQ I, *supra*, at 2.

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CERLA, the applicable federal enforcement statue, imposes liability on any past or present owner or operator of a facility from which hazardous substances were at any time released. CERCLA's liability is "sweeping" and "super-strict."[177] That is, the government is not obligated to show that a party was negligent or even aware of the release. The government need prove only that there was a release of hazardous substances from the defendant's property. *Id.* It is also well-settled that a party is "retroactively" liable for its releases whenever they occurred, even if they pre-dated CERCLA's enactment in 1981.[178]

In this case, AVX is the current owner of the *only* facility on the Upper Harbor shoreline that manufactured PCB-laden products. Highly toxic concentrations of PCB contamination up to 100,000 parts per million have been found in "hot spots" adjacent to the AVX facility and there is uncontradicted evidence that huge quantities of PCBs were released to the environment from this facility over a 30-year period ending with federal PCB ban in 1979.[179] As such, AVX is clearly a "liable" party under CERCLA section 107(a) and its liability would not be difficult or time-consuming to prove as a matter of law.

AVX's defense that there were also other sources of the Harbor's PCB contamination is irrelevant as a matter of law to its liability for the entire clean-up. CECLA imposes joint and several liability where, as here, the damages are indivisible.[180] Further, all other potentially responsible parties have resolved their liability with EPA and are essentially judgment-proof.[181] Therefore, this case is no longer burdened by issues about the liabilities of other parties or the division of clean-up costs among various entities. Nor would re-opening the case against AVX involve issues about natural resource damages and insurance coverage that were so time-consuming in the earlier phase of the litigation.

Further, the detection of contaminants other than PCBs in the Harbor does not add to the legal or technical complexity of this case. The cost of the remedy selected by EPA is driven entirely by PCB-related clean-up standards; thus, while other contaminants may be collected during the dredging of PCB-laden sediments, it is the presence of PCBs that is the sole basis for the remedial action at issue.[182]

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[177] *See United States v. Best Foods*, 524 U.S. 51, 56 n.1 (1998); and *United States v. Burlington Northern Railway Co.*, 479 F.3d 1113, 1124 (9th Cir. 2007) *overruled on other grounds, sub. nom. Burlington Northern & Santa Fe Ry. v. United States*, 556 U.S. 599, 617-618 (2009).

[178] *See, e.g., United States v. Olin Corp.*, 107 F.3d 1506, 1513 (11th Cir. 1997).

[179] *See* 44 Fed. Reg. 31514 (May 31, 1979) (forbidding use of PCBs for most purposes. *See also* Section I above at subsection A.

[180] *See Chem. Nuclear Systems, Inc. v. Bush*, 292 F.3d 254, 259 (D.C. Cir. 2002).

[181] *See* Section I above at subsection B.

[182] FAQ I, *supra*, at 1.

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Additionally, although AVX may have concerns about the EPA's remedy selection and the costs of those remedies, CERCLA section 113(h) bars judicial review of those issues until remedial work has been completed. Therefore, EPA's enforcement action against AVX would not be prolonged by these issues.

Finally, the 1992 Consent Decree allowed EPA to re-open the case against AVX if any of three circumstances occurred: unknown conditions were discovered, new information came to light, or response costs exceeded a specified amount. Although a reopener could be triggered by any of these circumstances, EPA's UAO in April 2012 presented compelling evidence that each of these circumstances has occurred.[183] Again, it would not take a great deal of EPA's time or effort to prove to the court's satisfaction that the prerequisites for reopening its case against AVX had been satisfied. And if there were any uncertainty about EPA's success in this regard, the government would have the option of moving the District Court to vacate its approval of the 1992 Consent Decree in the interests of justice and changed circumstances.[184]

The likelihood of EPA's success in any "re-opened" litigation against AVX is illustrated by the recent federal court decision regarding the Fox River site. There, parties responsible for PCB contamination of the Fox River in Green Bay, Wisconsin challenged an EPA order requiring them to remediate the site at an estimated cost of over $700 million. The defendants objected to the order on numerous grounds, several similar to AVX's defenses here, all of which the court rejected on summary judgment.[185] Therefore, the governments' concerns about "litigation risks" in this case appear wholly inconsistent with the facts of this case and governing law.

It is also noteworthy that this is the third settlement AVX has agreed to in this case. This most recent settlement would involve its payment of a substantial sum. Since AVX no longer operates its business in the New Bedford area, this payment clearly is not an effort to foster "good will" in the community. Rather, it obviously reflects the determination of AVX's management and its able attorneys that AVX has no viable defenses to avoid liability for all costs of the PCB clean-up at this Site. Moreover, a settlement that included a cost-related reopener and delayed the effectiveness of the covenant not to sue should still be attractive to AVX since EPA has agreed to forego at least $325 million in past cost claims not covered by

[183] UAO, *supra*, at 21-28.
[184] *See* Fed. R. Civ. P. 60.
[185] *See* Section I above at subsection F.

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earlier settlements.[186] Furthermore, a cost reopener would still allow AVX to pursue its liability objections if the re-opener were triggered.

Further, EPA and Commonwealth officials knew 10 years ago that clean-up costs had exceeded the reopener cost trigger and that they had insufficient resources to implement an expeditious clean-up of the Harbor.[187] If the governments were truly worried that reopened litigation against AVX would be prolonged, they could and should have initiated that legal action at that time. It is not in the public interest for governmental inaction to justify an inadequate settlement.

Accordingly, the contention that "litigation risks" provide a credible basis unconditionally to settle AVX's liability without a cost-related reopener in exchange for a fixed sum payment is plainly without merit.

C. The Proposed Settlement is Inconsistent with EPA's Statutory Obligations.

Any settlement proposed by EPA for the District Court's approval must be "faithful to the objectives of the governing statute."[188] Here, the governing statute is CERCLA, and particularly Section 122, as amended in 1986 and 2002. That section seeks to encourage settlements but circumscribes to a great extent EPA's authority to settle cases involving future liabilities. As the District Court held in this case in rejecting an earlier settlement with AVX, "the thrust of this subsection is to ensure that the federal government, and thus ultimately the taxpayer, does not bear the costs of future unknown damages."[189] Indeed, the court in that decision thoroughly documented that Section 122's legislative history reflects "the Congressional concern that potentially responsible parties shall remain liable if an agreed upon settlement proves inadequate to protect the environment and the public health."[190] As explained below, the proposed settlement is not faithful to these Congressional concerns or its mandate and therefore should be modified to delay the effective date of the covenant not to sue and to include a reopener.

1. EPA's authority to settle CERCLA cases is statutorily limited.

Subsection 122(f)(1)(A) authorizes EPA to "provide any person with a covenant not to sue concerning any liability to the United States under this chapter,

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[186] *See* Section I above at subsection E.
[187] *See* Section I above at subsection C.
[188] *United States v. Cannons Engineering Corp., supra*, at 84.
[189] *In Re Acushnet River & New Bedford Harbor: Proceedings Re Alleged PCB Pollution, supra*, at 1037.
[190] *Id.*

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including future liability...," but only under circumstances where a covenant not to sue is in the "public interest."[191] With respect to the public interest condition, subsection 122(f)(4) states that a number of factors must be considered, including the following:

> (A) The effectiveness and reliability of the remedy, in light of the other alternative remedies considered for the facility concerned.
>
> (B) The nature of the risks remaining at the facility....
>
> (D) The extent to which the response action provides a complete remedy for the facility, including a reduction in the hazardous nature of the substances at the facility.
>
> (E) The extent to which the technology used in the response action is demonstrated to be effective.
>
> (F) Whether the [Superfund Trust] Fund or other sources of funding would be available for any additional remedial actions that might eventually be necessary at the facility....

Moreover, subsection 122(f)(3) provides unequivocally that "[a] covenant not to sue concerning future liability to the United States *shall not take effect* until the President certifies that remedial action has been completed in accordance with the requirements of this Act at the facility that is the subject of such covenant." (emphasis added).

Accordingly, EPA is not authorized to provide a settling party with a covenant not sue as to future liabilities unless, *inter alia*, it has met all of the public interest conditions set forth in subsection 122(f)(1)(A), based on the factors listed in subsection 122(f)(4), as well as the other factors set forth in subsection 122(f)(1)(B)-(D); and unless any such covenant is crafted such that it will not take effect until after EPA's certification of completion of the remedial action.

Further, even where a covenant not to sue is authorized and has been properly crafted with respect to its effective date, subsection 122(f)(6) nonetheless requires EPA to include a reopener provision, which is referred to in the statute as an

[191] Section 122(f)(1)(B) to (D) sets forth other conditions that must also be met. See subsection ii below.

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"[a]dditional condition for future liability."[192] Under Section 122, only in "extraordinary circumstances," may EPA determine not to include an "unknown conditions" reopener on the basis that "other terms, conditions, or requirements of the agreement containing the covenant not to sue are sufficient to provide all reasonable assurances that public health and the environment will be protected from any future releases at or from the facility."[193] In making such determination, EPA must consider factors such as those listed under subsection 122(f)(4) as well as "volume, toxicity, mobility, strength of evidence, ability to pay, litigative (sic) risks, public interest considerations, precedential value, and inequities and aggravating factors." The House Conference Report regarding this provision reveals that a provision more hospitable to the absence of reopeners was replaced by a tougher measure in the Conference:

> The conference substitute deletes the House provision regarding a potentially responsible party's ability to obtain a covenant not to sue without a "reopener" for unknown conditions if that responsible party contributes to a "Groundwater and Surface Water Protection Fund" for any future problems at the facility. Instead, new section 122(f)(6)(B)... now states that settlements shall not be granted without reopeners for unknown conditions, except in extraordinary circumstances where all other terms and conditions of the settlement agreement are sufficient to protect health and the environment from any future releases....[194]

The Congressional mandate that limits of EPA's settlement authority in this case is clear. Although requiring a reopener provision may make CERCLA settlements somewhat more difficult to achieve, such a trade-off must be accepted in return for assurance that those responsible for endangering public health and the environment are not to be allowed escape liability if the settlement proves inadequate to assure protection of public health and the environment.

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[192] *See also* subsection 122(f)(6)(C), authorizing EPA to include additional reopeners conditions where "necessary and appropriate to assure protection of public health, welfare, and the environment."

[193] CERCLA Section 122(f)(6)(B).

[194] H.R. Conf. Rep. No. 962, 99th Cong., 2d Sess. 255 (1986) (emphasis added).

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2. EPA Lacks the Authority to Enter into the Proposed Settlement because its Covenant Not To Sue Would Take Effect Prior to Completion of the Remedial Action and because the Settlement Fails to Include a Reopener.

In this case, EPA lacks the authority to enter into the proposed settlement with AVX because the statutory prerequisites authorizing EPA to grant unconditional covenant not to sue have not been met. First, as explained more fully in Section IIA. above, the public interest factors listed CERCLA Section 122(f)(4) strongly militate against this settlement:

As to factor A, "the effectiveness and reliability of the remedy", there are substantial uncertainties whether EPA's plan to use PCB cleanup standards as lax as 50 ppm and to bury and cap contaminated sediments in on-site cells will prove to be sufficient to restore the Harbor;[195]

As to Factor B, " the nature of the risks remaining" at the Site, EPA has documented that contaminated sediments remain untouched and that conditions at the Harbor continue to constitute a serious endangerment to public health and the environment;[196]

As to factor D, "the extent to which the response action provides a complete remedy", the proposed remedial plan leaves most contaminated sediments on-site and thus provides no assurance that it will permanently destroy, eliminate, or immobilize the Harbor's contamination;[197]

As to factor E, "the extent to which the technology used in the response action is demonstrated to be effective", use of on-site CAD cells is an unproven technology for sediments with PCB concentrations as high as those at this Site and a pilot project at the Site using this technology was unsuccessful;[198]

As to Factor F, "whether the [Superfund Trust] Fund or other sources of funding would be available for any additional remedial actions that might eventually be necessary", the record is clear that the Trust has insufficient

[195] Section II.A.2 above at subsection C.
[196] Section II.A.2 above.
[197] Section II.A.2 above at subsection C.
[198] *Id.*

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funds to assure timely completion of the project and that AVX is the only viable source of funding required for its completion;[199]

Furthermore, wholly apart from subsection 122(F)(1`) requirements, subsection 122(f)(3) flatly prohibits EPA from providing a covenant not to sue which becomes effective before the remedy is certified as complete. Nevertheless, the covenant in this proposed settlement would become effective much sooner.[200] Even if the absence of a reopener were appropriate in light of the public factors listed above (which it is not in this case), any covenant not to sue is statutorily required to include language delaying the effectiveness of the covenant until after EPA (under delegated authority from the President) certifies that remedial action has been completed in accordance with the requirements of CERCLA. Notably, the 1992 Consent Decree with AVX contained such a provision, but it has been deleted from the current proposed settlement.[201] Thus, the covenant not to sue, as proposed, is unauthorized as a matter of law and, as such, is *ultra vires*.[202]

As discussed above, in 1989 the District Court rejected a natural resources damages settlement with AVX because it contained no reopener.[203] The principles set forth in that 1989 Decision apply with even more force in the cleanup context because that was the context in which Congress enacted those provisions and the context to which they specifically apply. Like the settlement at issue in the 1989 Decision, here there are no "extraordinary circumstances," as the term is used in subsection 122(f)(6)(B), that place this case in that rare one percent of cases that warrant the absence of a reopener. Much to the contrary, virtually all of public interest factors strongly militate in favor of preventing AVX from escaping future liability so as to ensure that the cleanup is timely completed. Further, the other factors referenced in subsection 122(f)(6)(B), including but limited to the relatively minimal "litigative risk" the governments actually face

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[199] Section II.A above.

[200] Paragraph 15-e of the Supplemental Consent Decree, *supra*, states that the covenant will become effective when AVX's payments are made. AVX's final payment is due two years after the date of entry of the proposed decree. *Id. at 8.*

[201] *Id. See also* 1992 Consent Decree, *supra*, at 19.

[202] In addition, the Coalition believes that EPA lacks authority to provide AVX a covenant not to sue because other factors set forth in subsection 122(f)(1) have not been satisfied. For example, subsection(1)(B) requires that the covenant not to sue "expedite" the response action at issue; but here the covenant could result in there being insufficient funding to complete the remedy promptly. *See* Section II.A. above at subsection 2. Likewise, subsection (f)(1)(D) requires that the response action at issue "has been approved" by EPA; but here the EPA plans to re-evaluate the Upper Harbor remedy and has not even issued a final feasibility study as to the Outer Harbor remedy. *Id.* The Coalition reserves all rights regarding these issues.

[203] *See* Section I above at subsection B.

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here and AVX's substantial ability to pay, likewise clearly demonstrate that the extraordinary circumstances exemption does not apply.[204]

In sum, the 1992 Consent Decree that EPA negotiated with AVX and that the District Court approved contained the very same essential provisions that are missing from this proposed settlement. Most importantly, that decree provided for a reopener if remedial cost exceeded a specified amount. And of equal significance, unlike the release from future liability in the proposed settlement, the covenant not to sue in the 1992 Consent Decree became effective only *after* the remedy was completed and EPA certified it as protective. Similarly, the UAO issued by EPA to AVX in April 2012 expressly reserved all EPA's rights regarding AVX's future liabilities. By contrast, under the settlement now proposed, AVX—the primary polluter at this Site and the only entity with resources available to finance the remedy's completion—would be unconditionally released from all future liability many years before the remedy's completion and perhaps even before EPA finally settles on the design of its remedial plan. In these circumstances, CERLA simply bars EPA from settling this case on the basis it has proposed.

III. CONCLUSION

For the foregoing reasons, EPA should withdraw its proposed settlement agreement and proceed to negotiate a revised agreement with AVX that is consistent with these comments.

Respectfully submitted,



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[204] Section II.B. above, and Section I at subsection B.

SUPP-CD-PUBCOM000432

From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachments 1-4 Email No. 2
Date:	Monday, December 17, 2012 4:50:20 PM
Attachments:	Attachment 1.pdf Attachment 2.pdf Attachment 3.pdf Attachment 4.pdf

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Email No. 2 of 10
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2
Attached to this email, are Attachments 1-4.

Korrin N. Petersen Esq., Senior Attorney

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Attachment 1

10-K 1 avxform10kfy12.htm AVX CORPORATION FORM 10-K FY2012

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 10-K

[X] ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the fiscal year ended **March 31, 2012**

[ ] TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the transition period from _____ to _____

Commission File Number: 1-7201

AVX CORPORATION

(Exact name of registrant as specified in its charter)

Delaware	33-0379007
(State or other jurisdiction of incorporation or organization)	(I.R.S. employer identification number)
1 AVX Boulevard Fountain Inn, South Carolina	29644
(Address of principal executive offices)	(Zip Code)

(864) 957-2150
(Registrant's telephone number, including area code)
Securities registered Pursuant to Section 12(b) of the Act:

Title of each class	**Name of each exchange on which registered**
Common Stock, $.01 par value per share	New York Stock Exchange

Securities registered pursuant to Section 12(g) of the Act: None

Indicate by check mark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act. Yes [X] No [ ]

Indicate by check mark if the registrant is not required to file reports pursuant to Section 13 or Section 15(d) of the Securities Act. Yes [ ] No [X]

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes [X] No [ ]

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files). Yes [X] No [ ]

Indicate by check mark if disclosure of delinquent filers pursuant to Item 405 of Regulation S-K is not contained herein, and will not be contained, to the best of registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10-K or any amendment to this Form 10-K. [X]

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, or a non-accelerated filer or a smaller reporting company. See the definitions of "large accelerated filer", "accelerated filer" and "smaller reporting company" in Rule 12b-2 of the Exchange Act.

Large accelerated filer	[ ]	Accelerated filer	[X]
Non-accelerated filer	[ ] (Do not check if a smaller reporting company)	Smaller reporting company	[ ]

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). Yes [ ] No [X]

Based on the closing sales price of $11.87 on September 30, 2011, the last business day of the registrant's most recently completed second fiscal quarter, the aggregate market value of the common stock held by non-affiliates of the registrant as of that date was $570,703,511.

As of May 4, 2012, there were 169,600,329 shares of the registrant's common stock, par value $.01 per share, outstanding.

DOCUMENTS INCORPORATED BY REFERENCE

Portions of the registrant's definitive proxy statement for the 2012 Annual Meeting of Stockholders, which will be filed within 120 days of March 31, 2012, are incorporated by reference into Part III.

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Cautionary Statement Pursuant to Safe Harbor Provisions of the Private Securities Litigation Reform Act of 1995

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The following discussion and analysis should be read in conjunction with the consolidated financial statements, including the notes thereto, appearing elsewhere herein. Statements in this Annual Report on Form 10-K that reflect projections or expectations of future financial or economic performance of AVX Corporation, and statements of the Company's plans and objectives for future operations, including those contained in "Business", "Risk Factors", "Management's Discussion and Analysis of Financial Condition and Results of Operations", and "Quantitative and Qualitative Disclosures about Market Risk", or relating to the Company's outlook for overall volume and pricing trends, end market demands, cost reduction strategies and their anticipated results, and expectations for research, development and capital expenditures, are "forward-looking" statements within the meaning of Section 27A of the Securities Act of 1933, as amended, and Section 21E of the Securities Exchange Act of 1934, as amended. Words such as "expects", "anticipates", "approximates", "believes", "estimates", "intends" and "hopes" and variations of such words and similar expressions are intended to identify such forward-looking statements. No assurance can be given that actual results or events will not differ materially from those projected, estimated, assumed or anticipated in any such forward-looking statements. Important factors that could result in such differences, in addition to the other factors noted with such forward-looking statements and in "Risk Factors" in this Annual Report on Form 10-K, include: general economic conditions in the Company's market, including inflation, recession, interest rates and other economic factors; casualty to or other disruption of the Company's facilities and equipment; potential environmental liabilities; and other factors that generally affect the business of manufacturing and supplying electronic components and related products. Forward looking statements are intended to speak only as of the date they are made and AVX Corporation does not undertake to update or revise any forward-looking statement contained in this Annual Report on Form 10-K to reflect new events or circumstances unless and to the extent required by applicable law.

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Passive Component sales were $1,041.9 million for the fiscal year ended March 31, 2011 compared to $805.9 million during the fiscal year ended March 31, 2010. The sales increase in Passive Components reflects the overall improvement in global markets in all regions and virtually all markets and sales channels that began during the second half of fiscal 2010 and continued throughout fiscal 2011. The increase in sales of Ceramic Components reflects an increase in the volume of unit sales and favorable pricing environment resulting from increased demand due to the improved global economy and resulting increased demand for electronic components. The increase in sales of Tantalum Components is the result of increased demand and a favorable pricing environment for these components as customers increased purchases in response to the improved economic conditions. Increased revenues from Advanced Components reflect the higher demand resulting from the improved global economy and resulting end user demand for electronic component products and concurrent demand for increased functionality in electronic products such as smart phones, tablets and automobiles.

KDP and KKC Resale sales were $440.1 million for the fiscal year ended March 31, 2011 compared to $338.7 million during the fiscal year ended March 31, 2010. When compared to fiscal 2010, the increase during fiscal 2011 is primarily attributable to an increase in KDP unit sales volume due to higher end user demand, particularly in the telecommunications market, resulting from the improvement in global economic conditions.

Total Interconnect product sales, including AVX manufactured and KEC Resale Connectors, were $171.2 million in the fiscal year ended March 31, 2011 compared to $160.4 million during the fiscal year ended March 31, 2010. This increase was primarily attributable to increases in the automotive and telecommunications based product sectors as a result of the improved global economy.

Our sales to independent electronic distributors represented 42% of total net sales for the fiscal year ended March 31, 2011, compared to 39% for fiscal year ended March 31, 2010. Our sales to distributor customers involve specific ship and debit and stock rotation programs for which sales allowances are recorded as reductions in sales. Such allowance charges were $32.8 million, or 4.5% of gross sales to distributor customers, for the fiscal year ended March 31, 2011 and $29.5 million, or 5.5% of gross sales to distributor customers, for the fiscal year ended March 31, 2010. Applications under such programs for fiscal years ended March 31, 2011 and 2010 were approximately $32.8 million and $ 29.7 million, respectively.

Geographically, compared to the fiscal year ended March 31, 2010, sales for the fiscal year ended March 31, 2011 were 30.9% in Europe, 28.0% in the Americas and 23.6% in Asia. The movement of the U.S. dollar against certain foreign currencies resulted in an unfavorable impact on sales for the year ended March 31, 2011 of approximately $18.1 million when compared to the prior year.

Gross profit in the fiscal year ended March 31, 2011 increased to 27.7% of sales or $457.4 million compared to a gross profit margin of 21.3% of sales or $278.2 million in the fiscal year ended March 31, 2010. This increase is primarily a result of the increased demand for higher margin value added products, particularly for Tantalum Components, due to end user demand for increased functionality and electronic content increases in end user products such as automobiles, smart phones, tablets, hybrid and electric cars and renewable energy products and concerns about component availability. This increased demand for higher margin value added products in conjunction with improved operating efficiencies and disciplined cost management resulted in higher margins throughout fiscal 2011. During the fiscal year ended March 31, 2011, benefits from higher production volumes and lower operating costs were partially offset by higher raw materials and energy cost. During the fiscal year ended March 31, 2010 we incurred restructuring charges of $4.4 million related to headcount reductions and other charges including those related to facility closures as we realigned production capabilities and reduced operating costs. There were no restructuring charges for the year ended March 31, 2011. During the fiscal year ended March 31, 2010, we also recorded a $5.0 million reduction in cost of sales related to a vendor settlement. In addition, during fiscal 2011 when compared to the prior year, there was a favorable impact on costs of approximately $22.3 million due to currency movement of the U.S. dollar against certain foreign currencies.

Selling, general and administrative expenses for the fiscal year ended March 31, 2011 were $123.9 million, or 7.5% of net sales, compared to $108.5 million, or 8.3% of net sales, for the fiscal year ended March 31, 2010. The increase in selling, general and administrative expenses was primarily due to higher selling expenses resulting from higher sales. During the fiscal year ended March 31, 2010, we recorded $2.5 million of restructuring charges primarily related to headcount reductions to reduce ongoing selling, general and administrative expenses.

Research, development and engineering expenditures, which encompass the personnel and related expenses devoted to developing new products and maintaining existing products, processes and technical innovations, were approximately $23.7 million and $24.7 million in fiscal 2011 and 2010, respectively. Research and development costs included therein increased in fiscal 2011 to $7.4 million compared to $6.8 million in fiscal 2010. Engineering expenses decreased $1.5 million to $16.3 million in fiscal 2011 compared to $17.8 million in fiscal 2010.

Profit from operations for the fiscal year ended March 31, 2011 increased $154.2 million to $324.9 million compared to $170.7 million for the fiscal year ended March 31, 2010. In addition to the factors discussed above, during the fiscal year ended March 31, 2011 we recognized $8.6 million for environmental and related legal charges related to the implementation of certain environmental remediation actions in the U.S. Gains of $3.5 million resulting from the sale of excess corporate assets are included in other operating income for the fiscal year ended March 31, 2010.

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Other income increased $3.6 million to $9.3 million in fiscal 2011 compared to $5.7 million in fiscal 2010. This increase is attributable to net foreign currency gains of approximately $1.7 million in fiscal 2011 compared to net foreign currency losses of $1.6 million in fiscal 2010, partially offset by a decrease in interest income of approximately $0.6 million resulting from lower return rates on investment balances when compared to the prior fiscal year. Included in other income for the fiscal year ended March 31, 2010 are impairment charges related to the decline in market value of certain available-for-sale securities of $0.4 million.

The effective tax rate for the fiscal year ended March 31, 2011 was 27.0% compared to an effective tax rate of 19.0% for the fiscal year ended March 31, 2010. This higher effective tax rate is primarily due to the decrease in the amount of deferred tax liabilities associated with certain of our foreign branch losses taken as deductions in prior years' U.S. tax returns no longer subject to U.S. income tax recapture regulations. In March 2007, the Internal Revenue Service enacted a change in tax regulations that reduced the U.S. income tax recapture period for such foreign branch losses from 15 to 5 years. As a result, $3.6 million of recapture expired in the current fiscal year compared to $16.6 million during the fiscal year ended March 31, 2010. In addition, the effective tax rate increased due to the increase in pre-tax income in higher tax rate jurisdictions when compared to the same period last year, partially offset by a one-time tax benefit of $2.2 million attributable to an increase in available U.S. foreign tax credits relating to one of our European operations. We estimate a further reduction in deferred tax liabilities of $3.2 million during the fiscal year ending March 31, 2012 as the recapture period related to foreign branch losses deducted in certain prior years expire.

As a result of the factors discussed above, net income for the fiscal year ended March 31, 2011 was $244.0 million compared to $142.9 million for the fiscal year ended March 31, 2010.

Financial Condition

Liquidity and Capital Resources

Our liquidity needs arise primarily from working capital requirements, dividends, capital expenditures and acquisitions. Historically, the Company has satisfied its liquidity requirements through funds from operations and investment income from cash and investments in securities. As of March 31, 2012, we had a current ratio of 5.8 to 1, $1,051.5 million of cash, cash equivalents and investments in securities, $2,120.8 million of stockholders' equity and no debt.

As of March 31, 2012, we had cash, cash equivalents and short-term and long-term investments in securities of $1,051.5 million, of which $469.6 million was held outside the U.S. Liquidity is subject to many factors, such as normal business operations as well as general economic, financial, competitive, legislative, and regulatory factors that are beyond our control. Cash balances generated and held in foreign locations are used for on-going working capital, capital expenditure needs and to support acquisitions. These balances are currently expected to be permanently reinvested outside the U.S. If these funds were needed for general corporate purposes in the U.S., we would incur significant income taxes to repatriate to the U.S. cash held in foreign locations. In addition, local government regulations may restrict our ability to move funds among various locations under certain circumstances. Management does not believe such restrictions would limit our ability to pursue the Company's intended business strategy.

Net cash from operating activities was $148.4 million for the fiscal year ended March 31, 2012, compared to $152.1 million for the fiscal year ended March 31, 2011 and $200.5 million for the fiscal year ended March 31, 2010.

Purchases of property and equipment were $49.2 million in fiscal 2012, $27.5 million in fiscal 2011 and $28.9 million in fiscal 2010. Expenditures primarily related to expanding the production capabilities of the passive component and connector product lines, expanding production capacity in lower cost regions, as well as the implementation of improved manufacturing processes. We continue to make strategic capital investments in our advanced and specialty passive component and interconnect products and expect to incur capital expenditures of approximately $50 million in fiscal 2013. The actual amount of capital expenditures will depend upon the outlook for end market demand.

Our funding is internally generated through operations and investment income from cash and investments in securities. We have assessed the condition of the current global credit market on our current business and believe that based on the financial condition of the Company as of March 31, 2012, that cash on hand and cash expected to be generated from operating activities and investment income from cash and investments in securities will be sufficient to satisfy our anticipated financing needs for working capital, capital expenditures, environmental clean-up costs, pension plan funding, research, development and engineering expenses and any dividend payments or stock repurchases to be made during the upcoming year. While changes in customer demand have an impact on our future cash requirements, changes in those requirements are mitigated by our ability to adjust manufacturing capabilities to meet increases or decreases in customer demand. Additionally, we do not anticipate any significant changes in our ability to generate or meet our liquidity needs in the long-term.

In fiscal 2010, 2011 and 2012, dividends of $27.2 million, $32.3 million and $44.2 million, respectively, were paid to stockholders.

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On October 19, 2005, the Board of Directors of the Company authorized the repurchase of 5,000,000 shares of our common stock. On October 17, 2007, the Board of Directors of the Company authorized the repurchase of an additional 5,000,000 shares of our common stock. As of March 31, 2012, there were 6,492,063 shares that may yet be repurchased under this program.

We purchased 321,969 shares at a cost of $3.7 million during fiscal 2010, 445,528 shares at a cost of $6.2 million during fiscal 2011 and 625,068 shares at a cost of $8.4 million during fiscal 2012. The repurchased shares are held as treasury stock and are available for general corporate purposes.

At March 31, 2012, we had contractual obligations for the acquisition or construction of plant and equipment aggregating approximately $1.4 million.

We make contributions to our U.S. and international defined benefit plans as required under various pension funding regulations. We made contributions of $8.2 million to our international defined benefit plans during the year ended March 31, 2012 and estimate that we will make contributions of approximately $7.7 million during the fiscal year ending March 31, 2013. We have unfunded actuarially computed pension liabilities of approximately $22.9 million related to these defined benefit pension plans as of March 31, 2012.

We are a lessee under long-term operating leases primarily for office space, plant and equipment. Future minimum lease commitments under non-cancelable operating leases as of March 31, 2012, were approximately $25.7 million.

From time to time we enter into delivery contracts with selected suppliers for certain metals used in our production processes. The delivery contracts represent routine purchase orders for delivery within three months and payment is due upon receipt.

We are involved in disputes, warranty and legal proceedings arising in the normal course of business. While we cannot predict the outcome of these proceedings, we believe, based upon our review with legal counsel, that none of these proceedings will have a material impact on our financial position, results of operations, or cash flows. However, we cannot be certain if the eventual outcome and any adverse result in these or other matters that may arise from time to time may harm our financial position, results of operations, or cash flows.

On June 2, 2006, we received a "Confirmation of Potential Liability; Demand and Notice of Decision Not to Use Special Notice Procedures" dated May 31, 2006 from the EPA with regard to $1.6 million (subsequently reduced to $0.9 million) of past costs, as well as future costs for environmental remediation, related to the purported release of hazardous substances at an abandoned facility referred to as the "Aerovox Facility" (the "Facility"), located at 740 Belleville Avenue, New Bedford, Massachusetts. Aerovox Corporation, a predecessor of AVX, sold this Facility to an unrelated third party in 1973. A subsequent unrelated owner, Aerovox Inc., the last manufacturer to own and operate in the Facility, filed for bankruptcy in 2001 and abandoned the Facility. AVX has substantially completed its obligations under agreements between the EPA, the City of New Bedford and AVX. Work pursuant to an agreement with the state regulatory authorities is expected to begin shortly, and is likely to include soil and groundwater remediation. Based on our own estimate of remediation costs, we have accrued an estimate of the potential liability related to performance of such environmental remediation actions at the Facility; however, until remediation is complete, we cannot be certain there will be no additional costs.

In 1991, in connection with a consent decree, we paid $66 million, plus interest, toward the environmental conditions at, and remediation of, New Bedford Harbor in the Commonwealth of Massachusetts ("the harbor") in settlement with the United States and the Commonwealth of Massachusetts, subject to reopener provisions, including a reopener if certain remediation costs for the site exceed $130.5 million. In 2007, we received notification from the EPA and the Department of Justice indicating that the United States was preparing to exercise the cost reopener. In March 2011, the EPA issued the Fourth Explanation of Significant Differences ("ESD #4") that explains the planned changes to the existing remedial action plan for the harbor to include the use of a confined aquatic disposal ("CAD") cell, along with interim off-site transportation and disposal of certain contaminated dredge spoils, and the continued use of long-term on-site storage for other contaminated dredge spoils. ESD #4 provides future cost estimates under the new remedial action plan (in addition to costs incurred to date) ranging from $362 million to $401 million, net present value, based on certain criteria included in the ESD #4. The EPA has indicated that remediation costs through December 31, 2011 were approximately $456 million, not all of which are subject to the reopener provisions.

On April 18, 2012, the EPA issued to the Company a Unilateral Administrative Order ("UAO") directing the Company to perform the Remedial Design, the Remedial Action and Operation and Maintenance for the harbor cleanup. The effective date set forth in the UAO is June 18, 2012, pursuant to which the Company has until June 25, 2012 to inform the EPA if it intends to comply with the UAO.

We have not received complete documentation of past response costs from the EPA and therefore have not yet completed an investigation of the monies spent or available defenses in light of these notifications and indications. We have also not yet determined whether the Company can avoid responsibility for all, or some portion, of these past or future costs because the remediation method has changed over time and costs can be appropriately apportioned to parties other than the Company. We anticipate further discussions with the U.S. Department of Justice, the EPA, and the Commonwealth of Massachusetts in the first half of our fiscal year

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2013.

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We are continuing to assess the UAO as well as potential defenses and other actions with respect to the site. However, in light of the foregoing, we consider it to be probable and reasonably estimable that we will incur cost within a range of approximately $100 million to $730 million, with no amount within that range representing a more likely outcome until such time as we complete our investigation with regard to monies spent, available defenses and other matters. We recognize liabilities for environmental exposures when analysis indicates that is both probable that a liability has been incurred and the amount of loss can be reasonably estimated. When a range of loss can be estimated, we accrue the most likely amount. In the event that no amount in the range of probable loss is considered most likely, the minimum loss in the range is accrued. Accordingly, we have recorded a charge for the fourth quarter and year ended March 31, 2012 of $100 million with respect to this matter.

We have been named as a potentially responsible party in state and federal administrative proceedings seeking contribution for costs associated with the correction and remediation of environmental conditions at various waste disposal and operating sites. In addition, we operate on sites that may have potential future environmental issues as a result of activities at sites during AVX's long history of manufacturing operations or prior to the start of operations by AVX. Even though we may have rights of indemnity for such environmental matters at certain sites, regulatory agencies in those jurisdictions may require us to address such issues. Once it becomes probable that we will incur costs in connection with remediation of a site and such costs can be reasonably estimated, we establish reserves or adjust our reserves for our projected share of these costs. A separate account receivable is recorded for any indemnified costs. Our environmental reserves are not discounted and do reflect any possible future insurance recoveries, which are not expected to be significant, but do reflect a reasonable estimate of cost sharing at multiple party sites or indemnification of our liability by a third party.

We currently have environmental reserves for current and estimated future remediation and compliance costs of approximately $115.9 million at March 31, 2012. The amount recorded for identified contingent liabilities is based on estimates. Amounts recorded are reviewed periodically and adjusted to reflect additional legal and technical information that becomes available. The uncertainties about the status of laws, regulations, regulatory actions, technology and information related to individual sites make it difficult to develop an estimate of the reasonably possible aggregate environmental remediation exposure; therefore these costs could differ from our current estimates.

Disclosures about Contractual Obligations and Commitments

The Company has the following contractual obligations and commitments as of March 31, 2012 as noted below.

Contractual Obligations (in thousands)	Total	FY 2013	FY 2014 - FY 2015	FY 2016 - FY 2017	Thereafter
Operating Leases	$ 25,728	$ 6,041	$ 9,236	$ 7,969	$ 2,482
Plant and Equipment	$ 1,384	$ 1,384	$ -	$ -	$ -

As discussed in Note 8 to our consolidated financial statements elsewhere herein, the amount of unrecognized tax benefits recorded in the Company's balance sheet at March 31, 2012 was $12.0 million. The Company is unable to reasonably estimate in which future periods these amounts will be ultimately settled.

During the fiscal year ended March 31, 2012, we made contributions of $4.5 million to Company sponsored retirement savings plans. Our contributions are partially based on employee contributions as a percentage of their salaries. Certain contributions by the Company are discretionary and are determined by the Board of Directors each year. We expect that our contributions for the year ending March 31, 2013 will be approximately the same as in fiscal 2012.

During the fiscal year ended March 31, 2012, we made no contributions to our U.S. defined benefit plans, due to their fully funded status at the end of the prior year and $8.2 million to our international defined benefit plans. These contributions are based on a percentage of pensionable wages or to satisfy funding requirements. We expect that our contributions for the fiscal year ending March 31, 2013 will be none for our U.S. defined benefit plans and approximately $7.7 million for our international defined benefit plans.

We have an employment agreement with our Chief Executive Officer which provides for salary continuance equivalent to his most recent base salary as a full-time employee during a two-year advisory period upon retirement from the Company.

From time to time we enter into delivery contracts with selected suppliers for certain metals used in our production processes. The delivery contracts represent routine purchase orders for delivery within three months and payment is due upon receipt. As of March 31, 2012, we had no material outstanding purchase commitments.

SUPP-CD-PUBCOM000442

Critical Accounting Policies and Estimates

"Management's Discussion and Analysis of Financial Condition and Results of Operations" is based upon our consolidated financial statements and the notes thereto, which have been prepared in accordance with generally accepted accounting principles in the United States. The preparation of these financial statements requires management to make estimates, judgments and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reported periods. On an ongoing basis, management evaluates its estimates and judgments, including those related to revenue recognition, warranties, inventories, pensions, income taxes and contingencies. Management bases its estimates, judgments and assumptions on historical experience and on various other factors that are believed to be reasonable under the circumstances, the results of which form the basis for making judgments about the carrying values of assets and liabilities that are not readily apparent from other sources. While our estimates and assumptions are based on our knowledge of current events and actions we may undertake in the future, there can be no assurance that actual results will not differ from these estimates and assumptions. On an ongoing basis, we evaluate our accounting policies and disclosure practices. In management's opinion, the critical accounting policies and estimates, as defined below, are more complex in nature and require a higher degree of judgment than the remainder of our accounting policies described in Note 1 to our consolidated financial statements elsewhere herein.

Revenue Recognition

All of our products are built to specification and tested by us for adherence to such specification before shipment to customers. We ship products to customers based upon firm orders. Shipping and handling costs are included in cost of sales. We recognize revenue when the sales process is complete. This occurs when products are shipped to the customer in accordance with the terms of an agreement of sale, there is a fixed or determinable selling price, title and risk of loss have been transferred and collectability is reasonably assured. Estimates used in determining sales allowance programs described below are subject to the volatilities of the market place. This includes, but is not limited to, changes in economic conditions, pricing changes, product demand, inventory levels in the supply chain, the effects of technological change, and other variables that might result in changes to our estimates. Accordingly, there can be no assurance that actual results will not differ from those estimates.

Returns

Sales revenue and cost of sales reported in the income statement are reduced to reflect estimated returns. We record an estimated sales allowance for returns at the time of sale based on using historical trends, current pricing and volume information, other market specific information and input from sales, marketing and other key management. The amount accrued reflects the return of value of the customer's inventory. These procedures require the exercise of significant judgments. We believe that these procedures enable us to make reliable estimates of future returns. Our actual results approximate our estimates. When the product is returned and verified, the customer is given credit against their accounts receivable.

Distribution Programs

A portion of our sales are to independent electronic component distributors which are subject to various distributor sales programs. We report provisions for distributor allowances in connection with such sales programs as a reduction in revenue and report distributor allowances in the balance sheet as a reduction in accounts receivable. For the distribution programs described below, we do not track the individual units that we record against specific products sold from distributor inventories, which would allow us to directly compare revenue reduction for credits recorded during any period with credits ultimately awarded in respect of products sold during that period. Nevertheless, we believe that we have an adequate basis to assess the reasonableness and reliability of our estimates for each program.

Distributor Stock Rotation Program

Stock rotation is a program whereby distributors are allowed to return for credit qualified inventory, semi-annually, equal to a certain percentage, primarily limited to 5% of the previous six months net sales. We record an estimated sales allowance for stock rotation at the time of sale based on a percentage of distributor sales using historical trends, current pricing and volume information, other market specific information and input from sales, marketing and other key management. These procedures require the exercise of significant judgment. We believe that these procedures enable us to make reliable estimates of future returns under the stock rotation program. Our actual results approximate our estimates. When the product is returned and verified, the distributor is given credit against their accounts receivable.

SUPP-CD-PUBCOM000443

*10.2 Amended Non-Employee Directors' Stock Option Plan as amended through February 4, 2003 (incorporated by reference to Exhibit 10.1 to the Quarterly Report on Form 10-Q of the Company for the quarter ended December 31, 2002).

10.3 Products Supply and Distribution Agreement by and between Kyocera Corporation and AVX Corporation (incorporated by reference to Exhibit 10.4 to the Annual Report on Form 10-K of the Company for the year ended March 31, 2000).

*10.4 AVX Nonqualified Supplemental Retirement Plan Amended and Restated effective January 1, 2008 (the AVX Corporation SERP was merged into this plan effective January 1, 2005) (incorporated by reference to Exhibit 10.4 to the Annual Report on Form10-K of the Company for the year ended March 31, 2009).

*10.5 Employment Agreement between AVX Corporation and John S. Gilbertson dated December 19, 2008 (incorporated by reference to Exhibit 10.10 to the Quarterly Report on Form 10-Q of the Company for the quarter ended December 31, 2008).

*10.6 AVX Corporation 2004 Stock Option Plan as amended through July 23, 2008 (incorporated by reference to Exhibit 10.11 to the Annual Report on Form 10-K of the Company for the year ended March 31, 2004).

*10.7 AVX Corporation 2004 Non-Employee Directors' Stock Option Plan as amended through July 28, 2008 (incorporated by reference to Exhibit 10.12 to the Annual Report on Form 10-K of the Company for the year ended March 31, 2004).

*10.8 Form of Notice of Grant of Stock Options and Option Agreement for awards pursuant to AVX Corporation 2004 Stock Option Plan and AVX Corporation 2004 Non-Employee Directors' Stock Option Plan (incorporated by reference to Exhibit 10.1 to the Quarterly Report on Form 10-Q of the Company for the quarterly period ended June 30, 2005).

*10.9 AVX Corporation Management Incentive Plan (incorporated by reference to Exhibit 10.1 to the Quarterly Report on Form 10-Q of the Company for the quarter ended June 30, 2009).

10.10 Machinery and Equipment Purchase Agreement by and between Kyocera Corporation and AVX Corporation (incorporated by reference to Exhibit 10.14 to the Annual Report on Form 10-K of the Company for the year ended March 31, 2005).

10.11 Materials Supply Agreement by and between Kyocera Corporation and AVX Corporation (incorporated by reference to Exhibit 10.15 to the Annual Report on Form 10-K of the Company for the year ended March 31, 2005).

10.12 Agreement and Plan of Merger, dated as of June 15, 2007, by and among AVX Corporation, Admiral Byrd Acquisition Sub, Inc. and American Technical Ceramics Corp. (incorporated by reference to Exhibit 2 to the Schedule 13D filed by the Company with the Securities and Exchange Commission on June 25, 2007).

10.13 Disclosure and Option to License Agreement effective as of April 1, 2008 by and between Kyocera Corporation and AVX Corporation. (incorporated by reference to Exhibit 10.1 to the Current Report on Form 8-K of the Company filed with the Securities and Exchange Commission on March 25, 2008).

10.14 Form of Relocation Agreement (incorporated by reference to Exhibit 10.15 to the Annual Report on Form 10-K of the Company for the year ended March 31, 2010).

10.15 Form of Director and Officer Indemnification (incorporated by reference to Exhibit 10.16 to the Annual Report on Form 10-K of the Company for year ended March 31, 2010).

21.1 Subsidiaries of the Registrant.

23.1 Consent of PricewaterhouseCoopers LLP.

24.1 Power of Attorney.

31.1 Rule 13a-14(a)/15d-14(a) Certification of Chief Executive Officer – John S. Gilbertson

31.2 Rule 13a-14(a)/15d-14(a) Certification of Chief Financial Officer – Kurt P. Cummings

32.1 Certification Pursuant to 18 U.S.C. Section 1350 as Adopted Pursuant to Section 906 of the Sarbanes-Oxley Act of 2002 - John S. Gilbertson and Kurt P. Cummings

* Agreement relates to executive compensation.

SUPP-CD-PUBCOM000444

SIGNATURES

Pursuant to the requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

AVX Corporation
by: /s/ Kurt P. Cummings
KURT P. CUMMINGS
Vice President, Chief Financial Officer, Treasurer and Secretary
Dated: May 25, 2012

Pursuant to the requirements of the Securities Exchange Act of 1934, this report has been signed below by the following persons on behalf of the registrant and in the capacities and on the dates indicated.

Signature	Title	Date
*		
Kazuo Inamori	Chairman Emeritus of the Board	May 25, 2012
*		
John S. Gilbertson	Chairman of the Board, Chief Executive Officer and President	May 25, 2012
*		
Donald B. Christiansen	Director	May 25, 2012
*		
Kensuke Itoh	Director	May 25, 2012
*		
Makoto Kawamura	Director	May 25, 2012
*		
Rodney N. Lanthorne	Director	May 25, 2012
*		
Joseph Stach	Director	May 25, 2012
*		
David DeCenzo	Director	May 25, 2012
*		
Tetsuo Kuba	Director	May 25, 2012
*		
Tatsumi Maeda	Director	May 25, 2012

* by: /s/ Kurt P. Cummings
KURT P. CUMMINGS, Attorney-in-Fact for each of the persons indicated

SUPP-CD-PUBCOM000445

AVX Corporation and Subsidiaries
Consolidated Balance Sheets
(in thousands, except per share data)

Assets	March 31, 2011	2012
Current assets:		
Cash and cash equivalents	$ 379,350	$ 395,284
Short-term investments in securities	398,914	418,133
Available-for-sale securities	2,747	-
Accounts receivable - trade, net	227,642	206,170
Accounts receivable - affiliates	6,141	1,883
Inventories	496,495	566,117
Income taxes receivable	-	14,988
Deferred income taxes	39,355	85,787
Prepaid and other	51,471	38,783
Total current assets	1,602,115	1,727,145
Long-term investments in securities	220,835	238,112
Long-term available-for-sale securities	4,490	-
Property and equipment:		
Land	29,241	34,290
Buildings and improvements	313,581	311,038
Machinery and equipment	1,105,983	1,081,098
Construction in progress	13,897	23,555
	1,462,702	1,449,981
Accumulated depreciation	(1,227,043)	(1,213,493)
	235,659	236,488
Goodwill	162,532	162,707
Intangible assets, net	82,612	78,221
Deferred income taxes - non-current	1,651	14,493
Other assets	9,588	10,846
Total Assets	$ 2,319,482	$ 2,468,012
Liabilities and Stockholders' Equity		
Current liabilities:		
Accounts payable - trade	$ 46,255	$ 43,719
Accounts payable - affiliates	86,378	60,078
Income taxes payable	10,452	13,815
Deferred income taxes	-	547
Accrued payroll and benefits	43,221	38,333
Accrued expenses	49,359	140,581
Total current liabilities	235,665	297,073
Pensions	18,028	22,337
Deferred income taxes - non-current	-	2,270
Other liabilities	26,372	25,579
Total non-current liabilities	44,400	50,186
Total Liabilities	280,065	347,259
Commitments and contingencies (Note 11)		
Stockholders' Equity:		
Preferred stock, par value $.01 per share: Authorized, 20,000 shares; None issued and outstanding	-	-
Common stock, par value $.01 per share: Authorized, 300,000 shares, issued, 176,368 shares; outstanding, 170,142 and 169,601 shares for 2011 and 2012, respectively	1,764	1,764
Additional paid-in capital	347,664	349,474
Retained earnings	1,729,507	1,838,140
Accumulated other comprehensive income	41,174	19,363
Treasury stock, at cost, 6,227 and 6,768 shares for 2011 and 2012, respectively	(80,692)	(87,988)
Total Stockholders' Equity	2,039,417	2,120,753
Total Liabilities and Stockholders' Equity	$ 2,319,482	$ 2,468,012

See accompanying notes to consolidated financial statements.

SUPP-CD-PUBCOM000446

AVX Corporation and Subsidiaries
Consolidated Statements of Operations
(in thousands, except per share data)

Years Ended March 31,	2010	2011	2012
Net sales	$1,304,966	$1,653,176	$1,545,254
Cost of sales	1,027,368	1,195,790	1,153,295
Vendor settlement	(5,000)	-	-
Restructuring charges	4,397	-	-
Gross profit	278,201	457,386	391,959
Selling, general and administrative expenses	108,527	123,887	116,408
Environmental charges	-	8,575	100,000
Restructuring charges	2,509	-	-
Other operating income	(3,519)	-	-
Profit from operations	170,684	324,924	175,551
Other income (expense):			
Interest income	7,120	6,569	6,798
Interest expense	(111)	-	(707)
Other, net	(1,336)	2,766	(1,737)
Income before income taxes	176,357	334,259	179,905
Provision for income taxes	33,499	90,256	27,100
Net income	$ 142,858	$ 244,003	$ 152,805
Income per share:			
Basic	$ 0.84	$ 1.44	$ 0.90
Diluted	$ 0.84	$ 1.43	$ 0.90
Dividends declared	$ 0.165	$ 0.190	$ 0.280
Weighted average common shares outstanding:			
Basic	170,247	170,025	169,886
Diluted	170,274	170,390	170,134

See accompanying notes to consolidated financial statements.

SUPP-CD-PUBCOM000447

AVX Corporation and Subsidiaries
Consolidated Statements of Stockholders' Equity
(in thousands, except per share data)

	Common Stock Number Of Shares	Common Stock Amount	Treasury Stock	Additional Paid-In Capital	Retained Earnings	Accumulated Other Comprehensive Income	Total	Comprehensive Income
Balance, March 31, 2009	170,384	$ 1,764	$(77,552)	$343,275	$1,402,202	$ 64	$1,669,753	$ (126,440)
Net income	-	-	-	-	142,858	-	142,858	142,858
Other comprehensive income, net of income taxes	-	-	-	-	-	17,193	17,193	17,193
Dividends of $0.16 per share	-	-	-	-	(27,242)	-	(27,242)	
Stock-based compensation expense	-	-	-	2,040	-	-	2,040	
Stock option activity	12	-	151	(18)	-	-	133	
Tax benefit of stock option exercises	-	-	-	8	-	-	8	
Treasury stock purchased	(322)	-	(3,736)	-	-	-	(3,736)	
Balance, March 31, 2010	170,074	$ 1,764	$(81,137)	$345,305	$1,517,818	$ 17,257	$1,801,007	$ 160,051
Net income	-	-	-	-	244,003	-	244,003	244,003
Other comprehensive loss, net of income taxes	-	-	-	-	-	23,917	23,917	23,917
Dividends of $0.19 per share	-	-	-	-	(32,314)	-	(32,314)	
Stock-based compensation expense	-	-	-	2,475	-	-	2,475	
Stock option activity	513	-	6,638	(632)	-	-	6,006	
Tax benefit of stock option exercises	-	-	-	516	-	-	516	
Treasury stock purchased	(445)	-	(6,193)	-	-	-	(6,193)	
Balance, March 31, 2011	170,142	$ 1,764	$(80,692)	$347,664	$1,729,507	$ 41,174	$2,039,417	$ 267,920
Net income	-	-	-	-	152,805	-	152,805	152,805
Other comprehensive income, net of income taxes	-	-	-	-	-	(21,811)	(21,811)	(21,811)
Dividends of $0.28 per share	-	-	-	-	(44,172)	-	(44,172)	
Stock-based compensation expense	-	-	-	1,816	-	-	1,816	
Stock option activity	84	-	1,098	(101)	-	-	997	
Tax benefit of stock option exercises	-	-	-	95	-	-	95	
Treasury stock purchased	(625)	-	(8,394)	-	-	-	(8,394)	
Balance, March 31, 2012	169,601	$ 1,764	$(87,988)	$349,474	$1,838,140	$ 19,363	$2,120,753	$ 130,994

See accompanying notes to consolidated financial statements.

SUPP-CD-PUBCOM000448

AVX Corporation and Subsidiaries
Consolidated Statements of Cash Flows
(in thousands)

Years Ended March 31,	2010	2011	2012
Operating Activities:			
Net income	$ 142,858	$ 244,003	$ 152,805
Adjustment to reconcile net income to net cash from operating activities:			
Depreciation and amortization	58,173	47,619	46,890
Stock-based compensation expense	2,040	2,475	1,816
Deferred income taxes	(8,419)	8,492	(56,456)
(Gain) Loss on available-for-sale securities	362	55	572
(Gain) Loss on sale of property, plant & equipment, net of retirements	(2,546)	594	648
Changes in operating assets and liabilities:			
Accounts receivable	(47,462)	(37,792)	25,730
Inventories	14,788	(135,223)	(74,007)
Accounts payable and accrued expenses	25,868	41,640	55,232
Income taxes	16,390	3,220	2,759
Other assets	(10,156)	(10,108)	(7,757)
Other liabilities	8,558	(12,880)	190
Net cash provided by operating activities	200,454	152,095	148,422
Investing Activities:			
Purchases of property and equipment	(28,888)	(27,470)	(49,201)
Sales of available-for-sale securities	29,006	8,374	5,686
Purchases of investment securities	(943,231)	(923,482)	(1,162,317)
Redemptions of investment securities	659,523	785,337	1,125,616
Proceeds from property, plant & equipment dispositions	6,050	7	-
Contingent consideration for a prior acquisition	(63)	-	-
Other investing activities	(870)	(120)	(127)
Net cash (used in) investing activities	(278,473)	(157,354)	(80,343)
Financing Activities:			
Dividends paid	(27,242)	(32,314)	(44,172)
Purchase of treasury stock	(3,736)	(6,193)	(8,394)
Proceeds from exercise of stock options	133	6,006	997
Excess tax benefit from stock-based payment arrangements	8	516	95
Other financing activities	1,732	-	-
Net cash (used in) financing activities	(29,105)	(31,985)	(51,474)
Effect of exchange rate on cash	389	620	(671)
Increase (Decrease) in cash and cash equivalents	(106,735)	(36,624)	15,934
Cash and cash equivalents at beginning of period	522,709	415,974	379,350
Cash and cash equivalents at end of period	$ 415,974	$ 379,350	$ 395,284

See accompanying notes to consolidated financial statements.

SUPP-CD-PUBCOM000449

Attachment 2

20-F 1 d231151d20f.htm ANNUAL REPORT

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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, DC 20549

FORM 20-F

☐ REGISTRATION STATEMENT PURSUANT TO SECTION 12(b) OR (g) OF THE SECURITIES EXCHANGE ACT OF 1934

OR

☒ ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the fiscal year ended March 31, 2012

OR

☐ TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the transition period from to

OR

☐ SHELL COMPANY REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
Date of event requiring this shell company report

Commission file number: 1-7952

Kyocera Kabushiki Kaisha
(Exact name of Registrant as specified in its charter)

Kyocera Corporation
(Translation of Registrant's name into English)

Japan
(Jurisdiction of incorporation or organization)

6, Takeda Tobadono-cho, Fushimi-ku,
Kyoto 612-8501, Japan
(Address of principal executive offices)

Shoichi Aoki, +81-75-604-3556, kyocera-ir@kyocera.jp, +81-75-604-3557,
6, Takeda Tobadono-cho, Fushimi-ku, Kyoto 612-8501, Japan
(Name, Telephone, E-mail and/or Facsimile number and Address of Company Contact Person)

Securities registered or to be registered pursuant to Section 12(b) of the Act.

Title of Each Class	Name of Each Exchange On Which Registered
Common Stock (Shares)*	New York Stock Exchange

Securities registered or to be registered pursuant to Section 12(g) of the Act.
None
(Title of Class)

Securities for which there is a reporting obligation pursuant to Section 15(d) of the Act.
None
(Title of Class)

Indicate the number of outstanding shares of each of the issuer's classes of capital or common stock as of the close of the period covered by the annual report.

As of March 31, 2012, 183,443,920 shares of common stock were outstanding, comprised of 180,561,415 Shares and 2,882,505 American Depositary Shares (equivalent to 2,882,505 Shares).

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Indicate by check mark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act. Yes ☒ No ☐

If this report is an annual or transition report, indicate by check mark if the registrant is not required to file reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. Yes ☐ No ☒

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes ☒ No ☐

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T (§232.405 of this chapter) during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files). Yes ☒ No ☐

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, or a non-accelerated filer. See definition of "accelerated filer and large accelerated filer" in Rule 12b-2 of the Exchange Act. (Check One):

Large accelerated filer ☒ Accelerated filer ☐ Non-accelerated filer ☐

Indicate by check mark which basis of accounting the registrant has used to prepare the financial statements included in this filing:

U.S. GAAP ☒ International Financial Reporting Standards as issued by the International Accounting Standards Board ☐ Other ☐

If "Other" has been checked in response to the previous question, indicate by check mark which financial statement item the registrant has elected to follow. Item 17 ☐ Item 18 ☐

If this is an annual report, indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). Yes ☐ No ☒

* Not for trading, but only in connection with the registration of the American Depositary Shares, each representing one share of Common Stock.

SUPP-CD-PUBCOM000451

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Cautionary Statement Regarding Forward-Looking Statements

This annual report on Form 20-F contains "forward-looking statements" within the meaning of Section 21E of the U.S. Securities and Exchange Act of 1934. To the extent that statements in this annual report on Form 20-F do not relate strictly to historical or current facts, they may constitute forward-looking statements. These forward-looking statements are based upon our current assumptions and beliefs in the light of the information currently available to us, but involve known and unknown risks, uncertainties and other factors. Such risks, uncertainties and other factors may cause our actual actions or results to differ materially from those discussed in or implied by the forward-looking statements. We undertake no obligation to publicly update any forward-looking statements after the date of this annual report on Form 20-F, but investors are advised to consult any further disclosures by us in our subsequent filings pursuant to the U.S. Securities Exchange Act of 1934.

Important risks, uncertainties and other factors that may cause our actual results to differ materially from our expectations are generally set forth in Item 3.D. "Risk Factors" of this annual report on Form 20-F and include, without limitation:

(1) general conditions in the Japanese or global economy;

(2) unexpected changes in economic, political and legal conditions in countries where we operate;

(3) various export risks which may affect the significant percentage of our revenues derived from overseas sales;

(4) the effect of foreign exchange fluctuations on our results of operations;

(5) intense competitive pressures to which our products are subject;

(6) manufacturing delays or defects resulting from outsourcing or internal manufacturing processes;

(7) shortages and rising costs of electricity affecting our production and sales activities;

(8) the possibility that future initiatives and in-process research and development may not produce the desired results;

(9) companies or assets acquired by us not produce the returns or benefits, or bring in business opportunities;

(10) inability to secure skilled employees, particularly engineering and technical personnel;

(11) insufficient protection of our trade secrets and intellectual property rights including patents;

(12) expenses associated with licenses we require to continue to manufacture and sell products;

(13) environmental liability and compliance obligations by tightening of environmental laws and regulations;

(14) unintentional conflict with laws and regulations or newly enacted laws and regulations;

(15) our market or supply chains being affected by terrorism, plague, wars or similar events;

(16) earthquakes and other natural disasters affecting our headquarters and major facilities as well as our suppliers and customers;

(17) credit risk on trade receivables;

(18) fluctuations in the value of, and impairment losses on, securities and other assets held by us;

(19) impairment losses on long-lived assets, goodwill and intangible assets;

(20) unrealized deferred tax assets and additional liabilities for unrecognized tax benefits;

(21) changes in accounting principles;

and other risks discussed under Item 3.D. "Risk Factors" and elsewhere in this annual report on Form 20-F.

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Presentation of Certain Information

As used in this annual report on Form 20-F, references to "Kyocera," "we," "our" and "us" are to Kyocera Corporation and, except as the context otherwise requires, its consolidated subsidiaries.

Also, as used in this annual report on Form 20-F:

- "U.S. dollar" or "$" means the lawful currency of the United States of America, "yen" or "¥" means the lawful currency of Japan and "Euro" means the lawful currency of the European Union.
- "U.S. GAAP" means accounting principles generally accepted in the United States of America, and "Japanese GAAP" means accounting principles generally accepted in Japan.
- "ADS" means an America Depositary Share, each representing one share of Kyocera's common stock, and "ADR" means an American Depositary Receipt evidencing ADSs.
- "fiscal 2012" refers to Kyocera's fiscal year ended March 31, 2012, and other fiscal years are referred to in a corresponding manner.

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PART I

Item 1. Identity of Directors, Senior Management and Advisers

Not applicable.

Item 2. Offer Statistics and Expected Timetable

Not applicable.

Item 3. Key Information

A. Selected Financial Data

The selected consolidated financial data set forth below for each of the five fiscal years ended March 31 have been derived from Kyocera's consolidated financial statements that are prepared in accordance with accounting principles generally accepted in the United States of America.

You should read the U.S. GAAP selected consolidated financial data set forth below together with Item 5. "Operating and Financial Review and Prospects" and Kyocera's consolidated financial statements included in this annual report on Form 20-F.

	2008	2009	2010	2011	2012
	(Yen in millions and shares in thousands, except per share amounts)				
For the years ended March 31:					
Net sales	¥1,290,436	¥1,128,586	¥1,073,805	¥1,266,924	¥1,190,870
Profit from operations	152,420	43,419	63,860	155,924	97,675
Net income attributable to shareholders of Kyocera Corporation	107,244	29,506	40,095	122,448	79,357
Earnings per share:					
Net income attributable to shareholders of Kyocera Corporation:					
Basic	¥ 566.58	¥ 157.27	¥ 218.47	¥ 667.23	¥ 432.58
Diluted	565.80	157.23	218.47	667.23	432.58
Weighted average number of shares outstanding:					
Basic	189,283	187,618	183,525	183,517	183,451
Diluted	189,544	187,661	183,525	183,517	183,451
Cash dividends declared per share:					
Per share of common stock	¥ 120	¥ 120	¥ 120	¥ 130	¥ 120
Per share of common stock*	$ 1.10	$ 1.26	$ 1.32	$ 1.58	$ 1.51
At March 31:					
Total assets	¥1,976,746	¥1,773,802	¥1,848,717	¥1,946,566	¥1,994,103
Long-term debt	8,298	28,538	29,067	24,538	21,197
Common stock	115,703	115,703	115,703	115,703	115,703
Kyocera Corporation shareholders' equity	1,451,165	1,323,663	1,345,235	1,420,263	1,469,505
Total equity	1,516,167	1,383,088	1,407,262	1,483,359	1,534,241
Depreciation	¥ 75,630	¥ 83,753	¥ 60,602	¥ 59,794	¥ 62,374
Capital expenditures	¥ 85,101	¥ 63,055	¥ 37,869	¥ 70,680	¥ 66,408

* Translated into the U.S. dollars based on the exchange rates at each payment date in Japan.

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The following table shows the exchange rates for Japanese yen per $1.00 based upon the noon buying rate in New York City for cash transfers in foreign currencies as certified for customs purposes by the Federal Reserve Bank of New York:

For the years ended March 31,	High	Low	Average	Period-end
2008	124.09	96.88	114.31	99.85
2009	110.48	87.80	100.62	99.15
2010	100.71	86.12	92.93	93.40
2011	94.68	78.74	85.71	82.76
2012	85.26	75.72	79.00	82.41
For most recent six months				
December 2011	78.13	76.98	77.80	76.98
January 2012	78.13	76.28	76.96	76.34
February 2012	81.10	76.11	78.47	81.10
March 2012	83.78	80.86	82.47	82.41
April 2012	82.62	79.81	81.25	79.81
May 2012	80.36	78.29	79.67	78.29

The noon buying rate for Japanese yen on June 22, 2012 was $1.00 = 80.52

B. Capitalization and Indebtedness

Not applicable.

C. Reasons for the Offer and Use of Proceeds

Not applicable.

D. Risk Factors

You should carefully read the risks described below before making an investment decision.

Risk Related to Kyocera's Business

(1) The continuing economic slowdown in the Japanese and global economy may significantly reduce demand for Kyocera's products

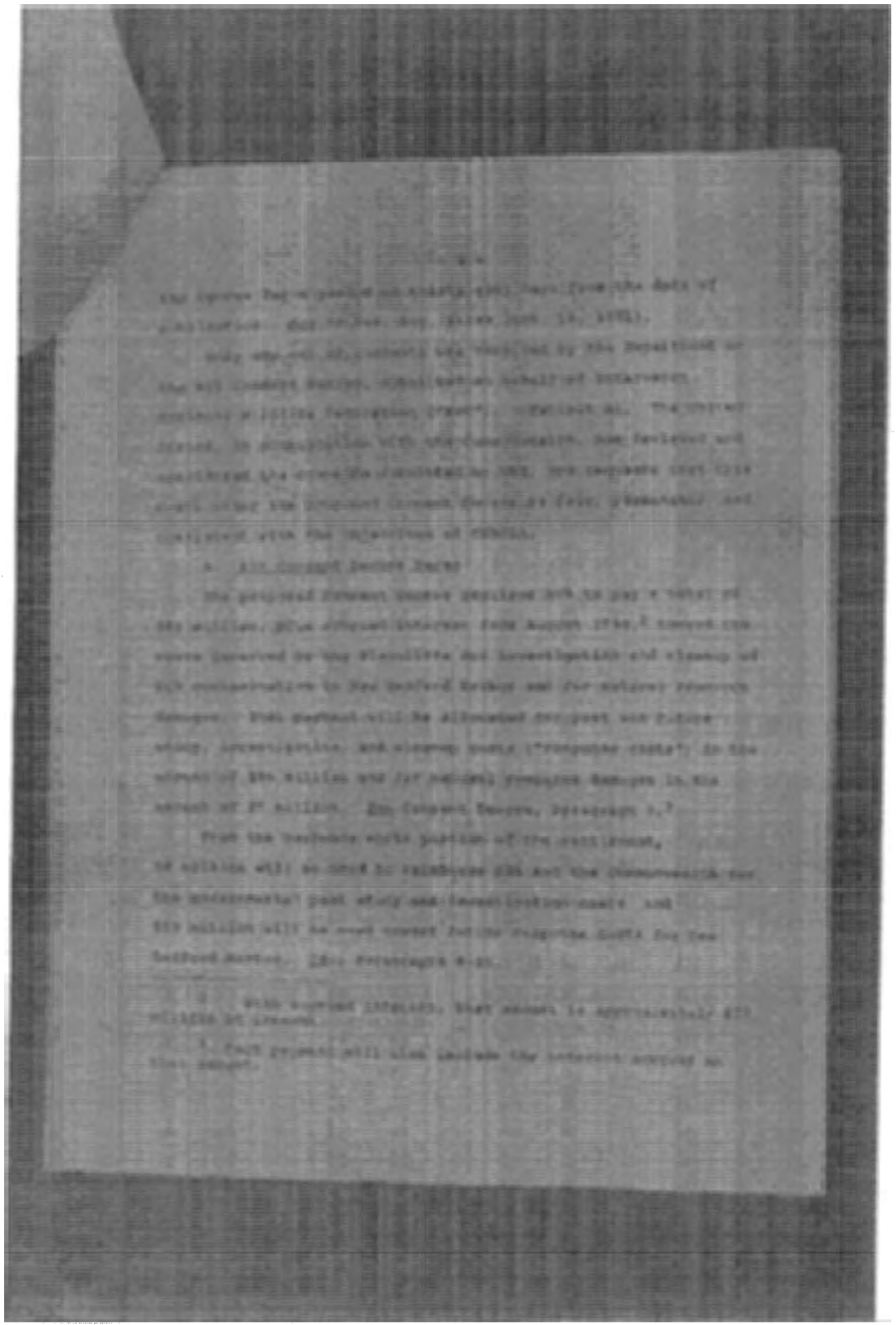
The outlook for the global economy remains uncertain, and there is concern that the financial problems facing European nations will continue to cause such uncertainty or trigger another downturn in the global economy. With respect to the Asian economy, although a fundamental trend toward Chinese-led expansion is expected, there are signs that growth rates may be slowing. In addition, the growth of the Japanese economy may be affected by an economic slowdown in Europe, the United States or Asia. In the event that stagnation in the Japanese and global economies has an adverse effect on capital investment in and consumption of digital consumer equipment and industrial machinery, which are the principal markets for Kyocera, demand for Kyocera products may fall significantly, the business environment facing Kyocera may worsen, and the performance and financial condition of Kyocera may be adversely affected.

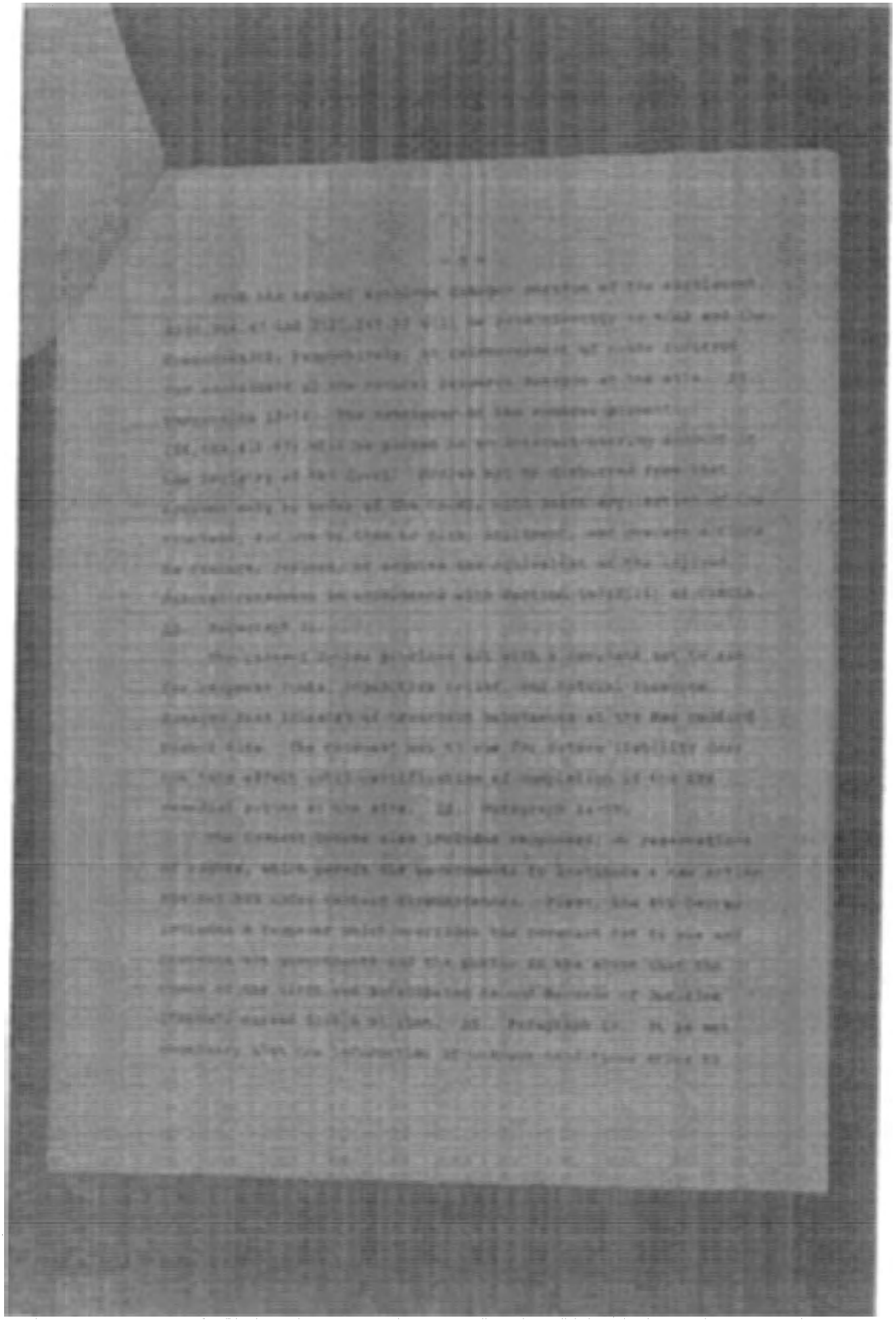
(2) A substantial portion of Kyocera's business activity is conducted outside Japan, exposing Kyocera to the risks of international operations

A substantial amount of Kyocera's investment has been targeted towards expanding manufacturing and sales channels located outside Japan, such as in the United States, Europe and Asia, which includes the developing and

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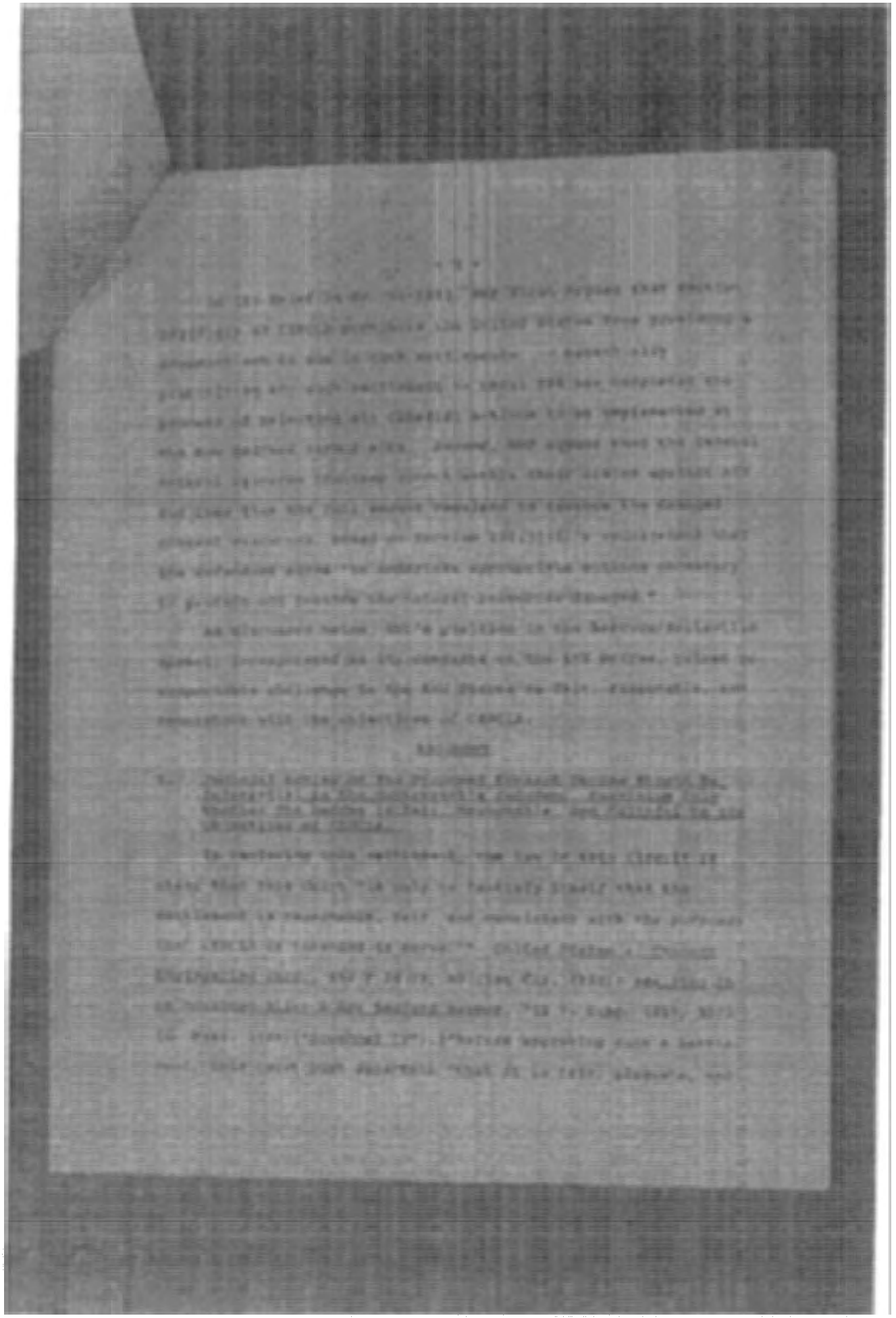
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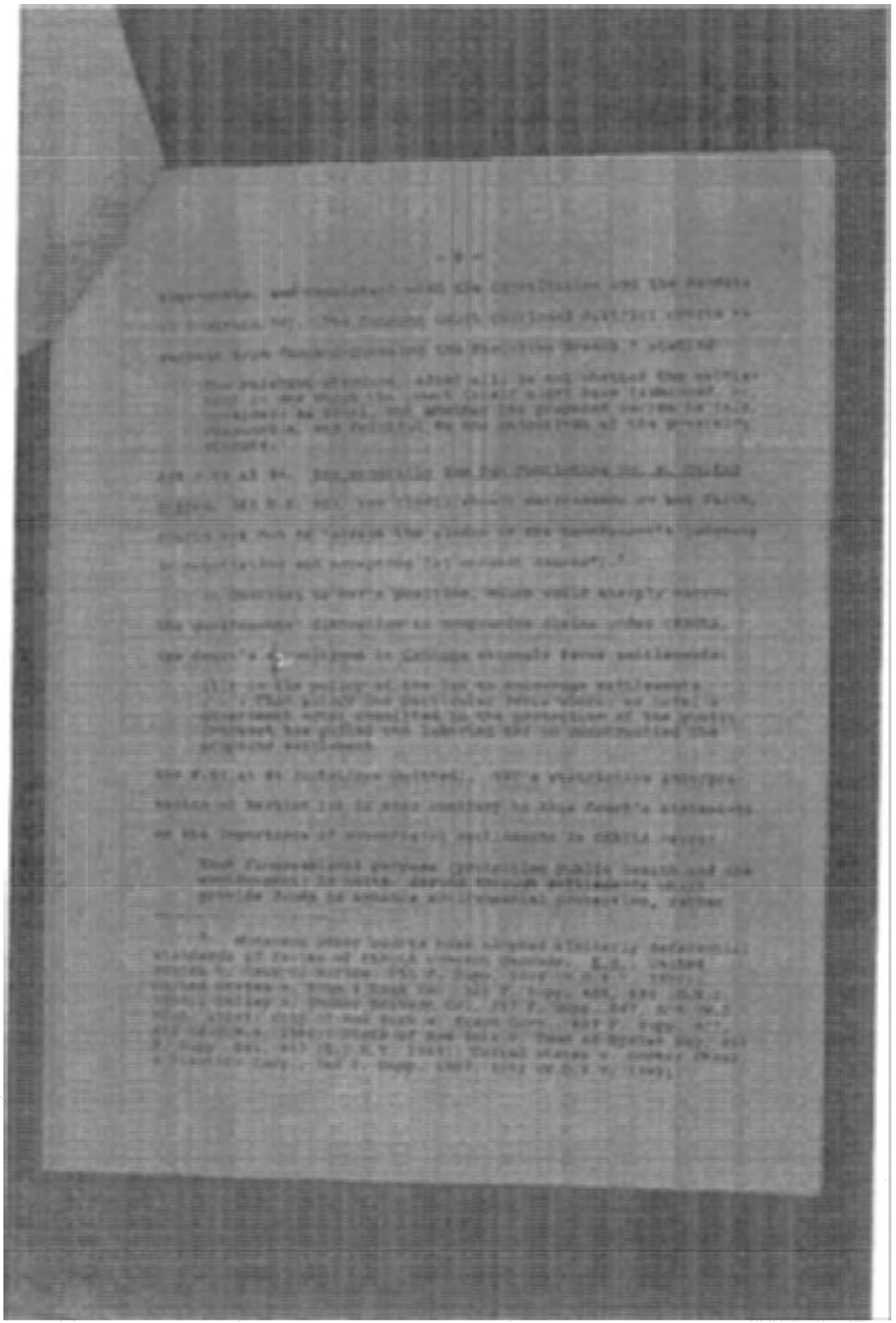




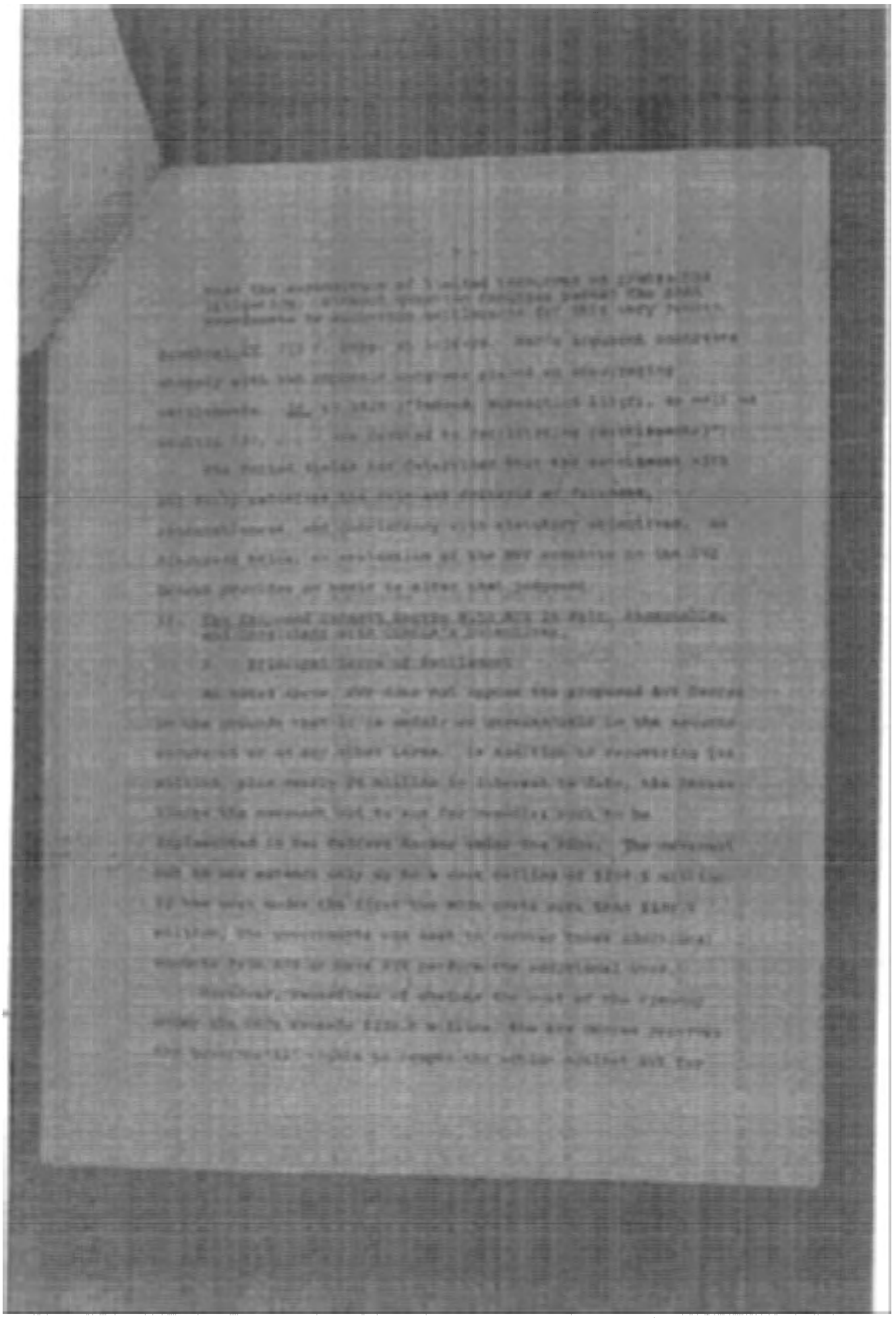
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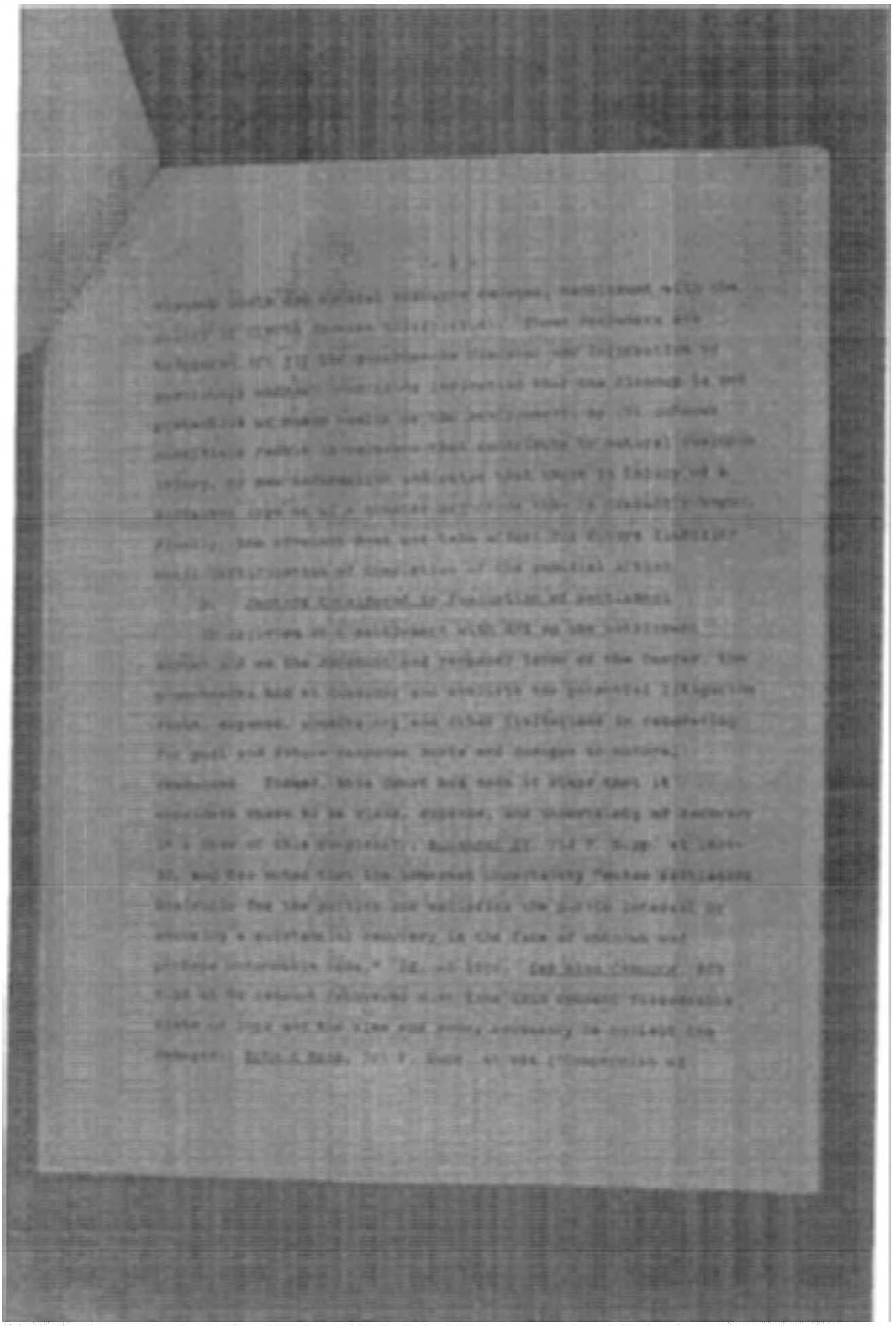




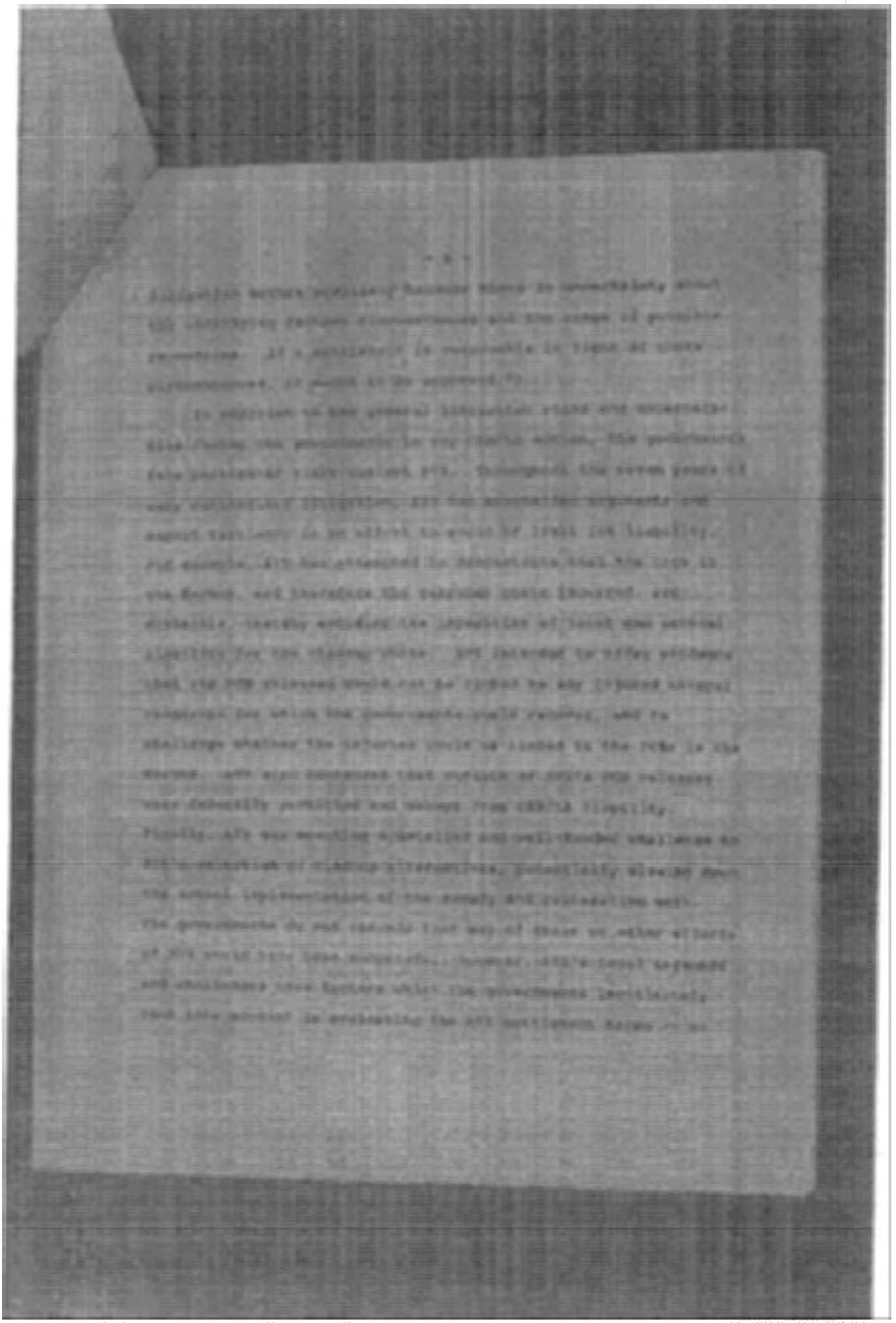
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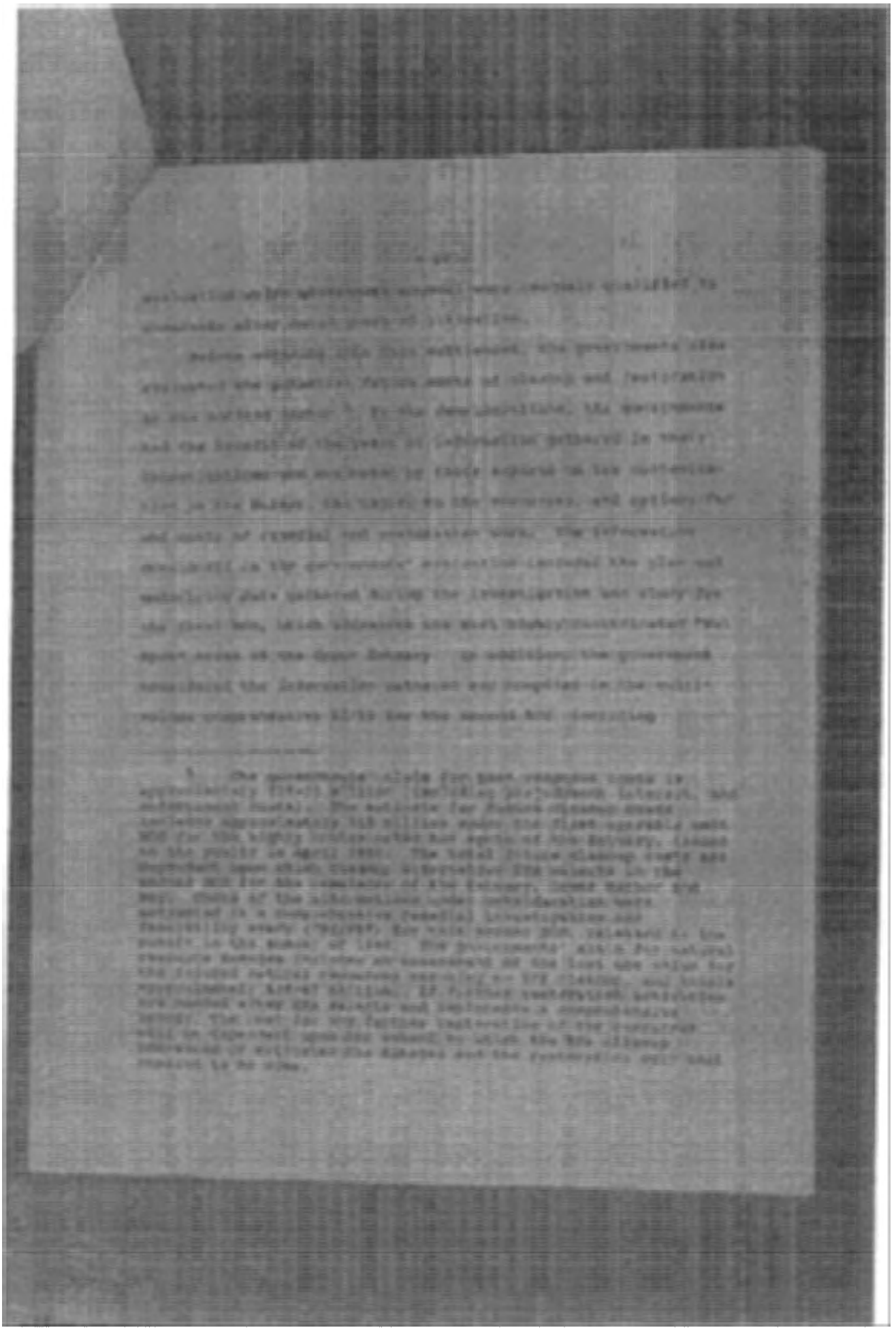
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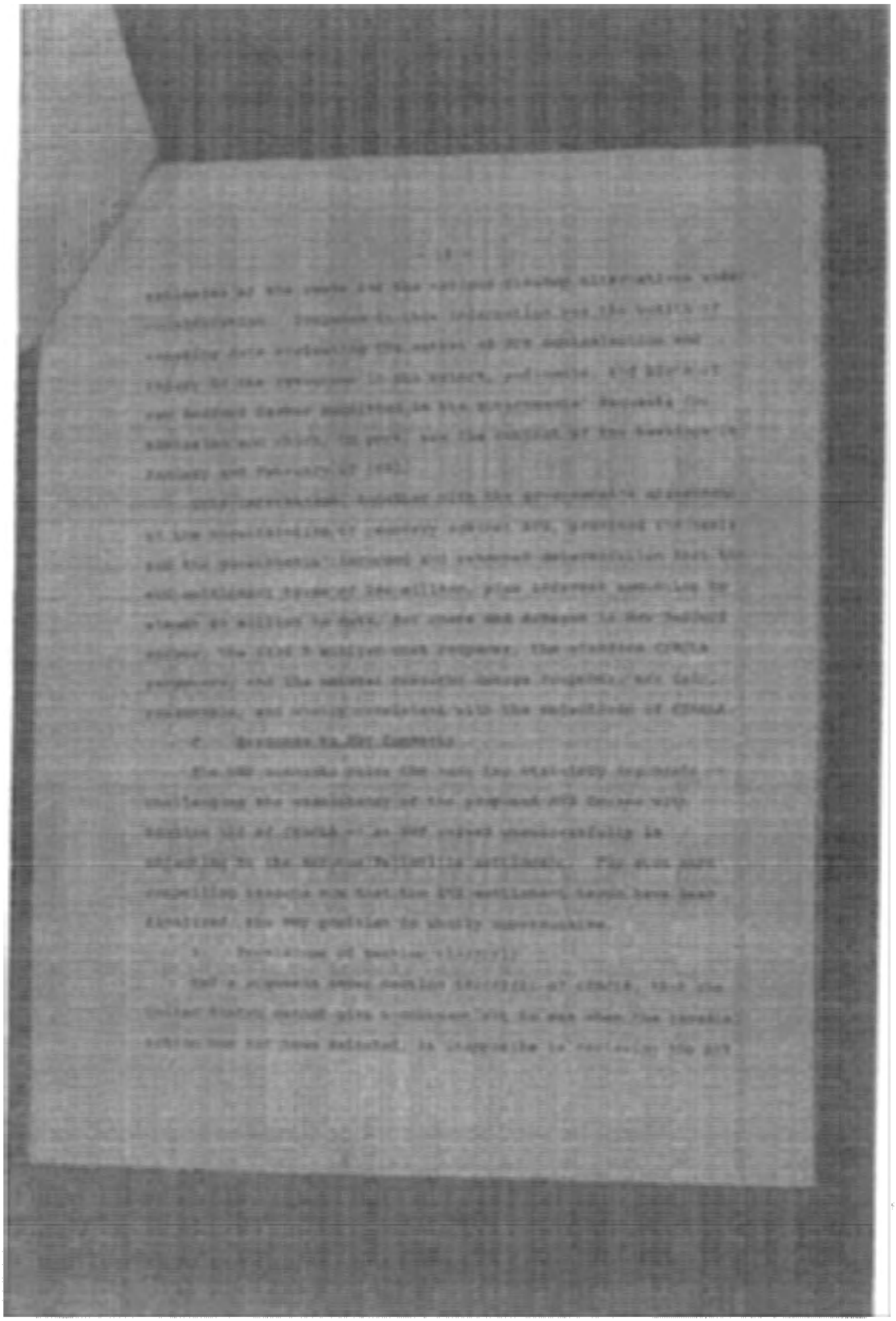


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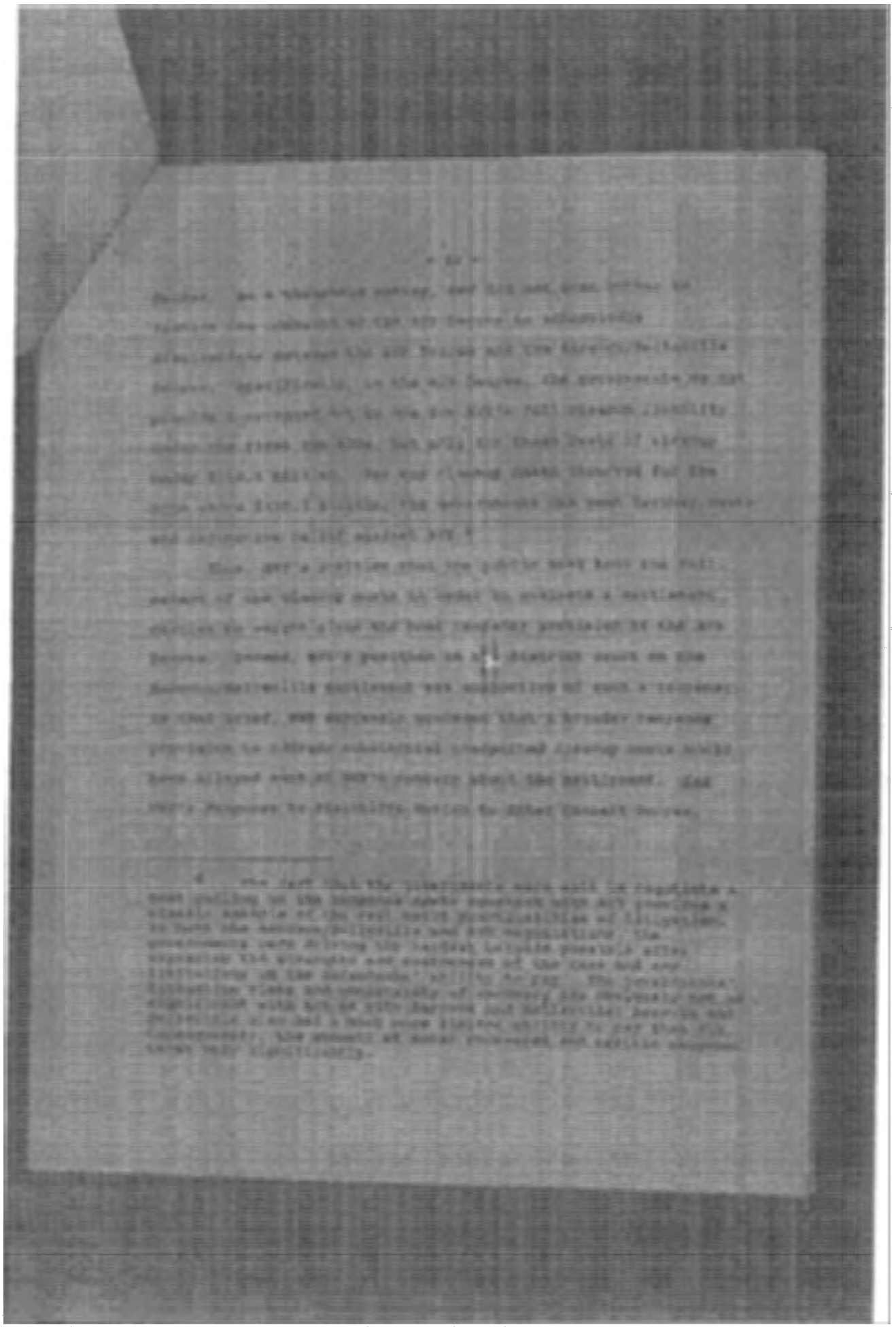


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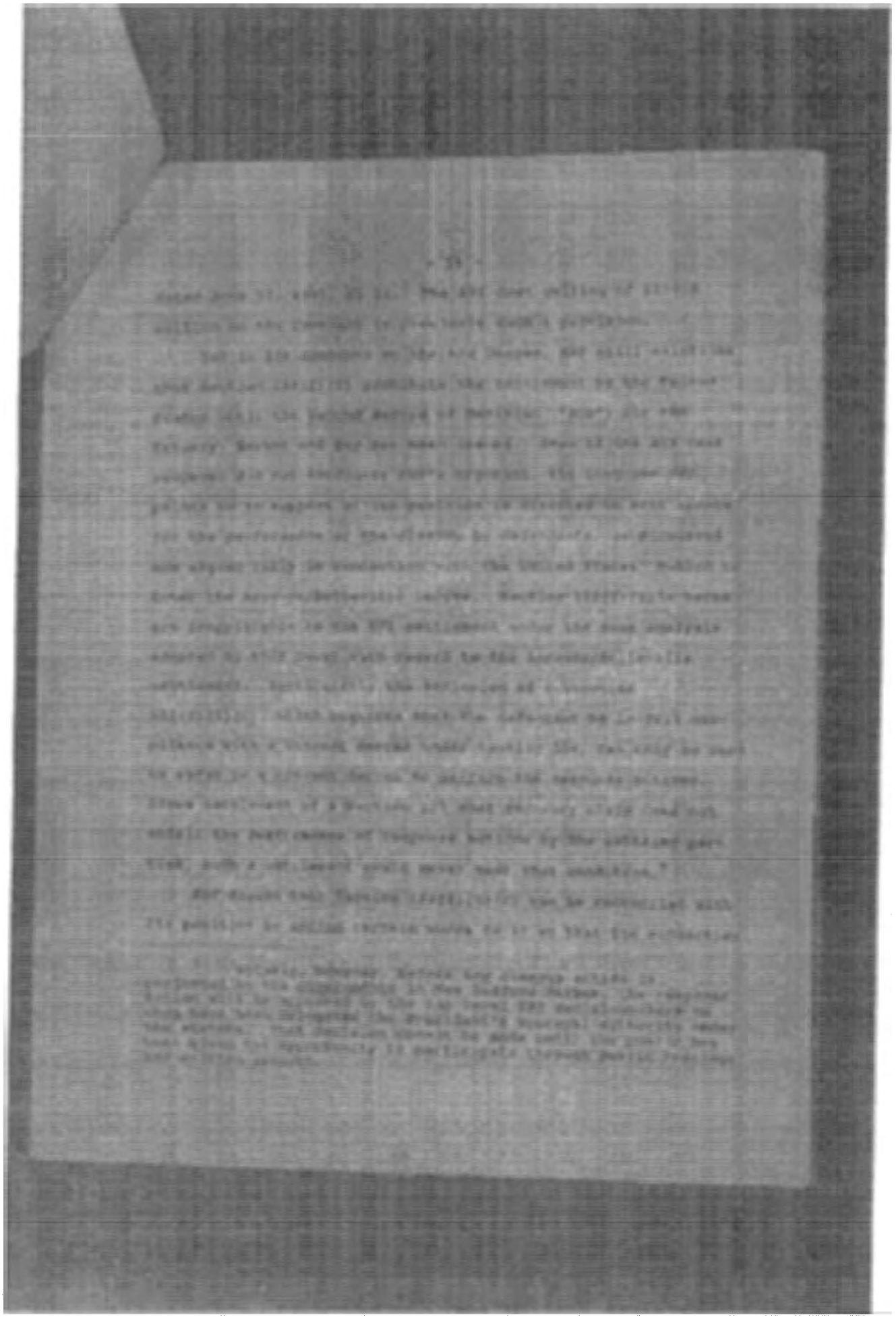


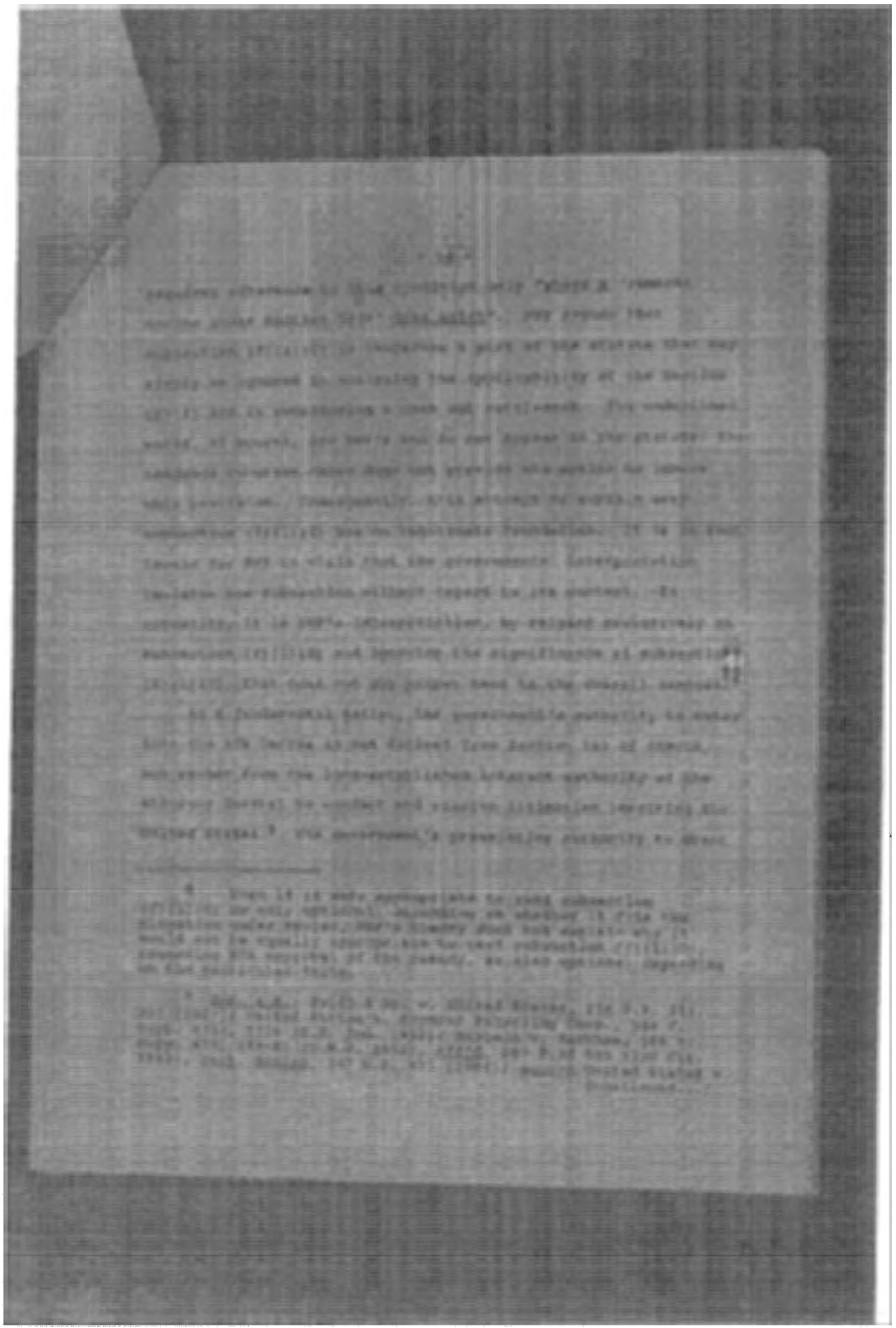


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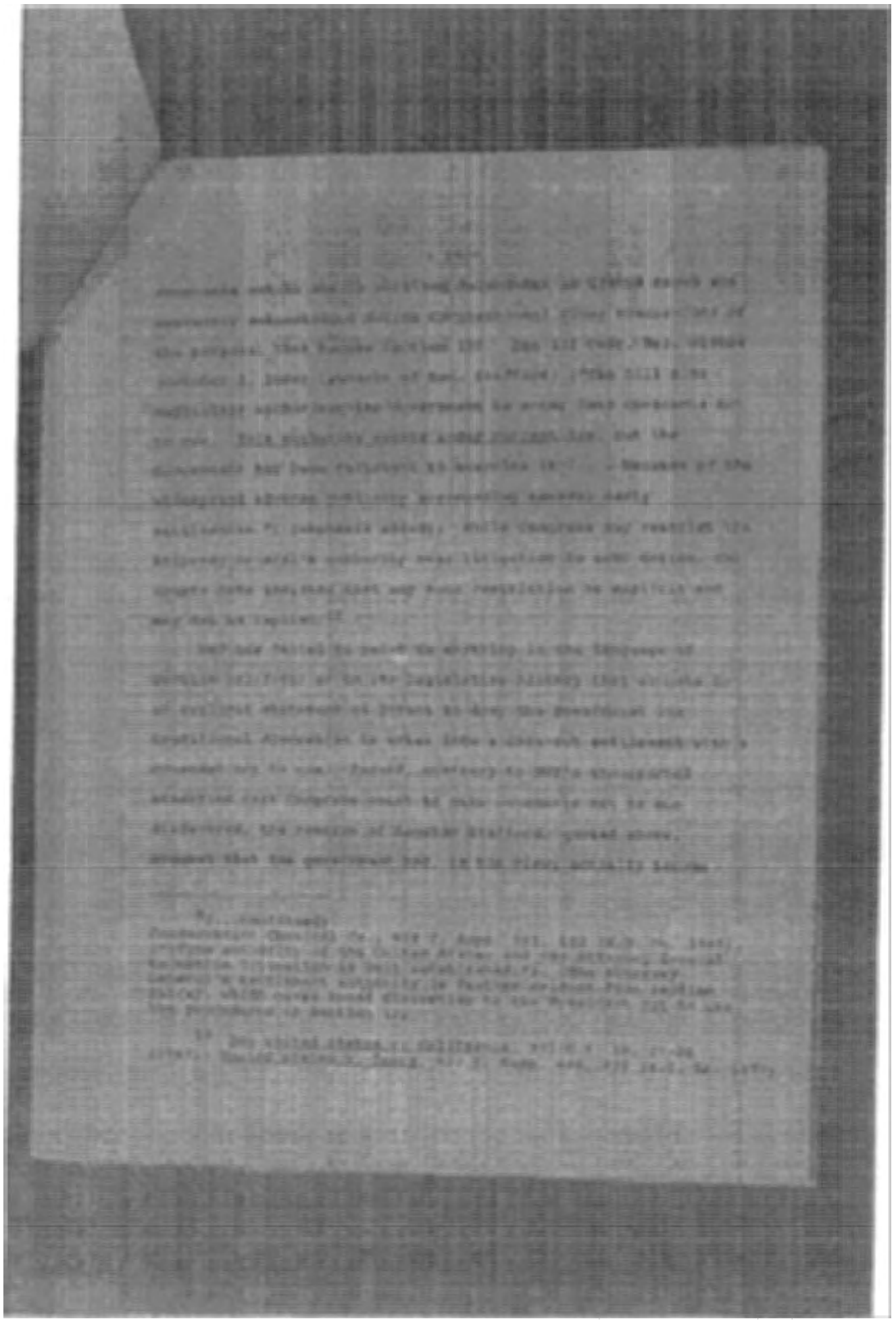


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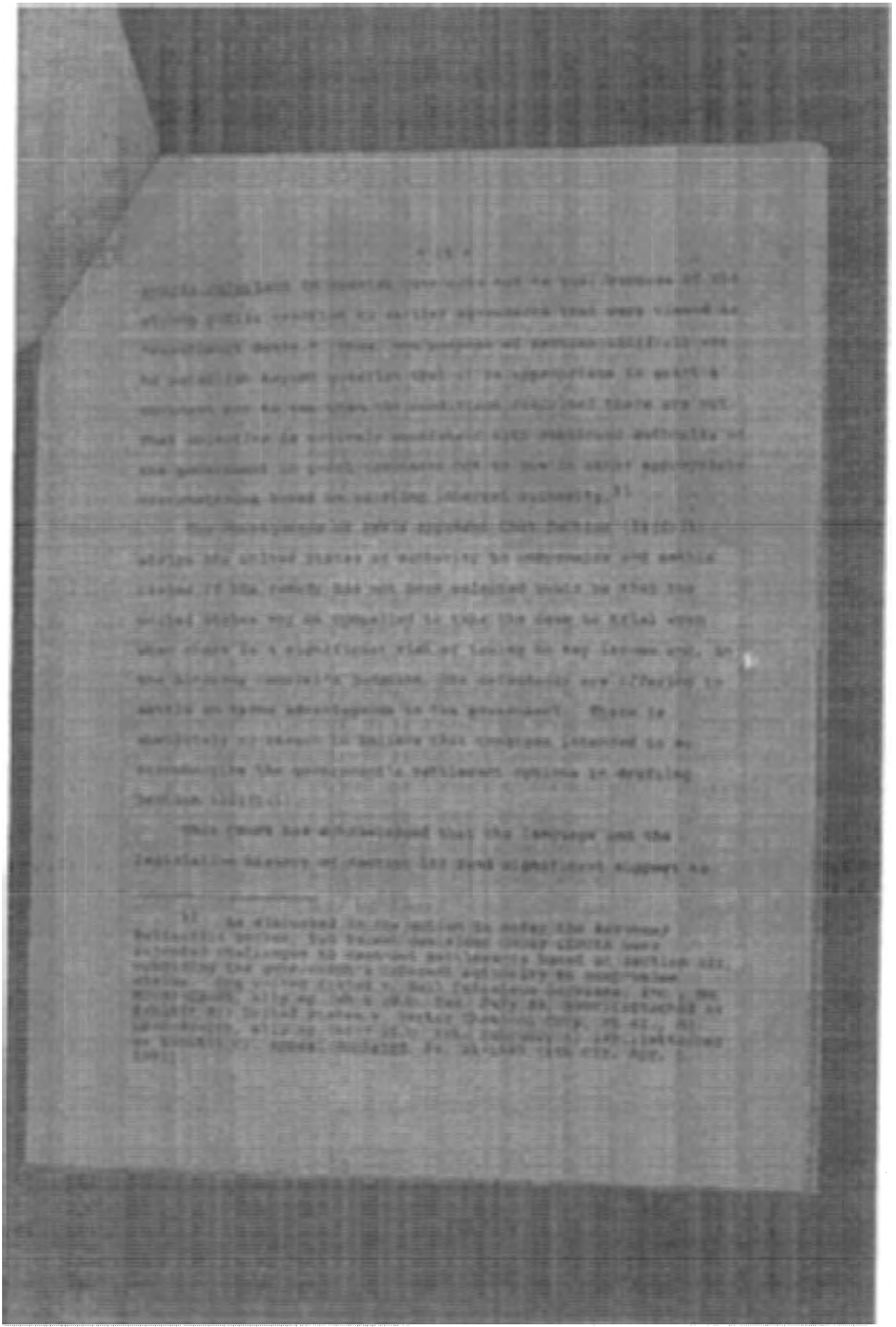




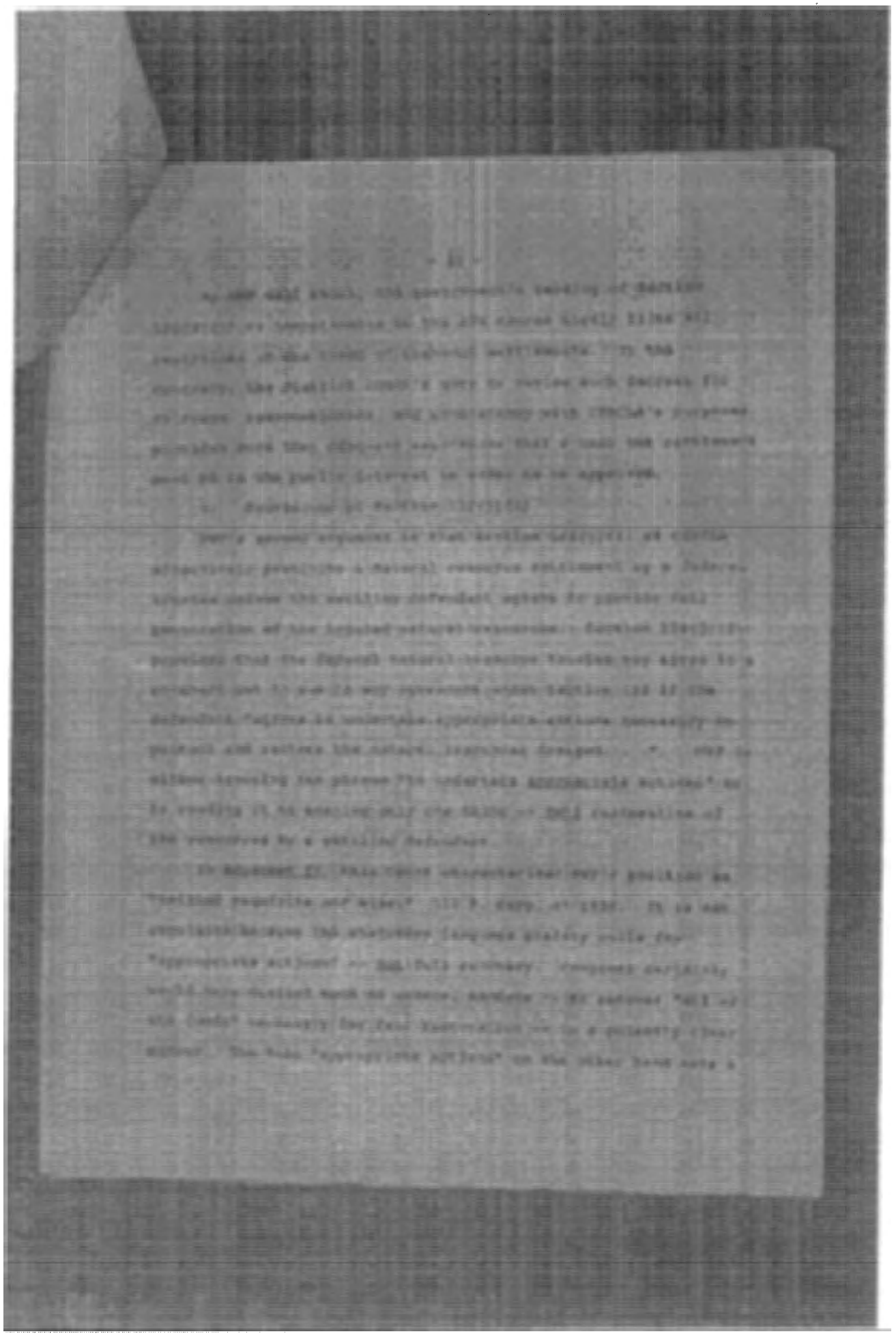
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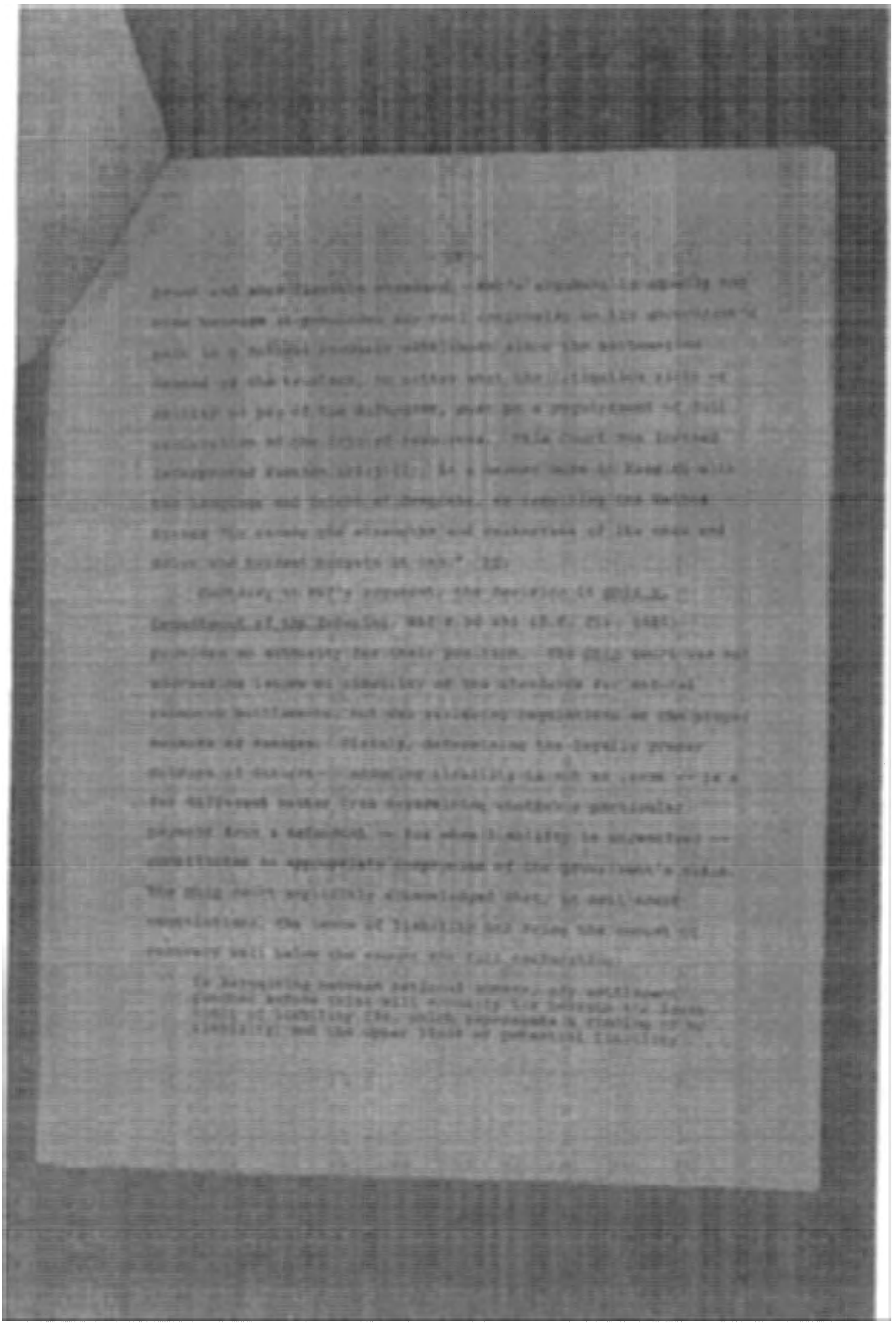


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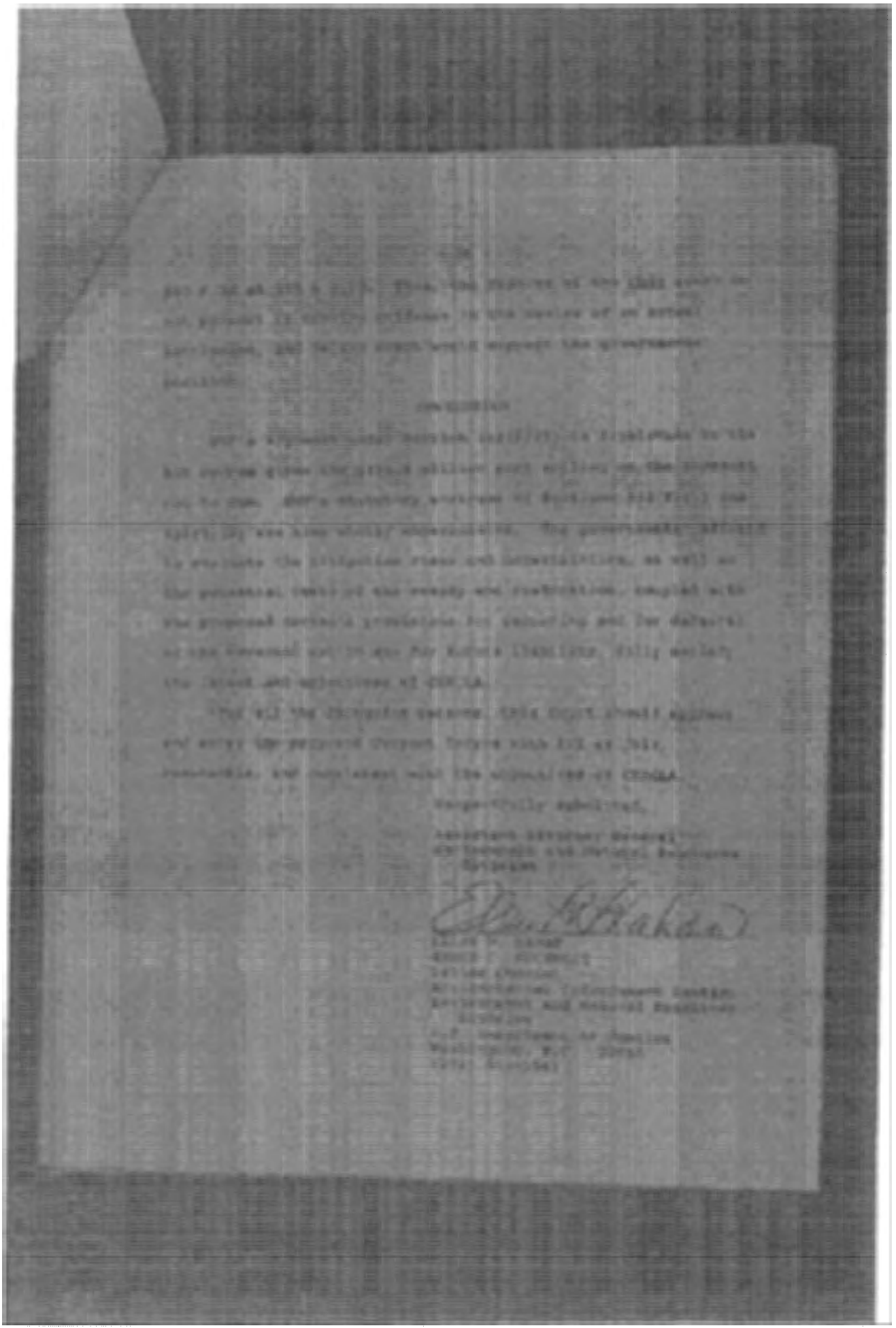


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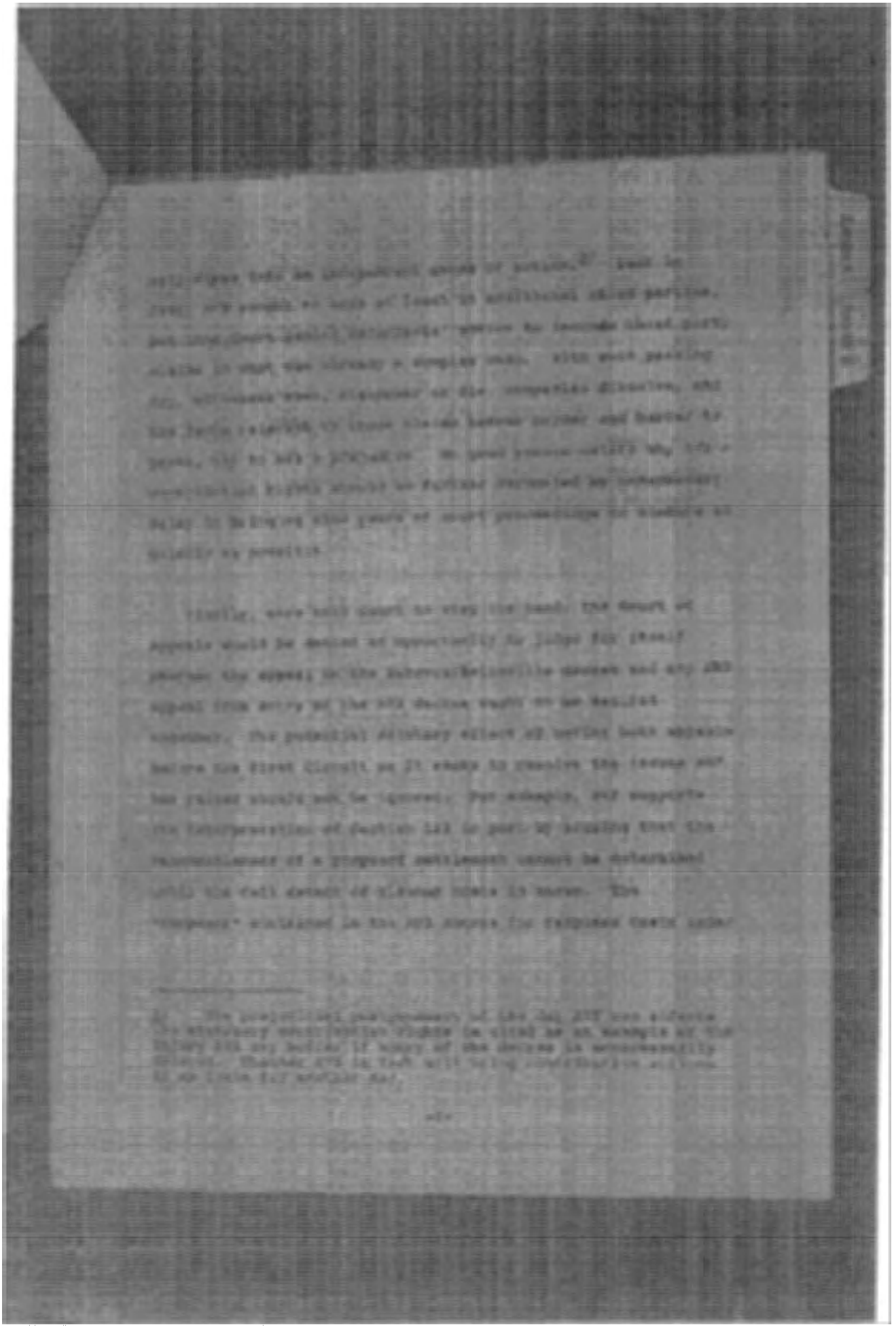
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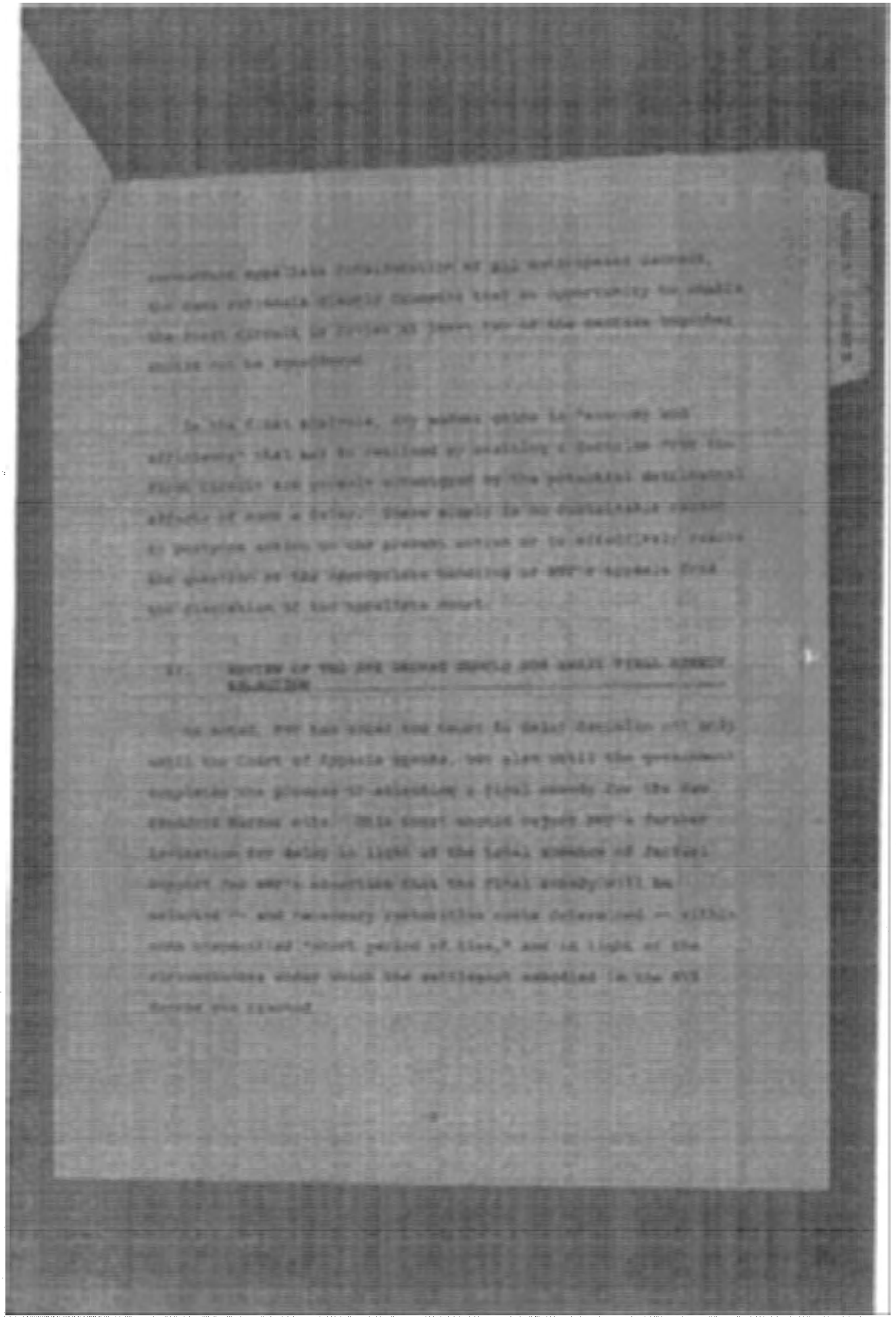
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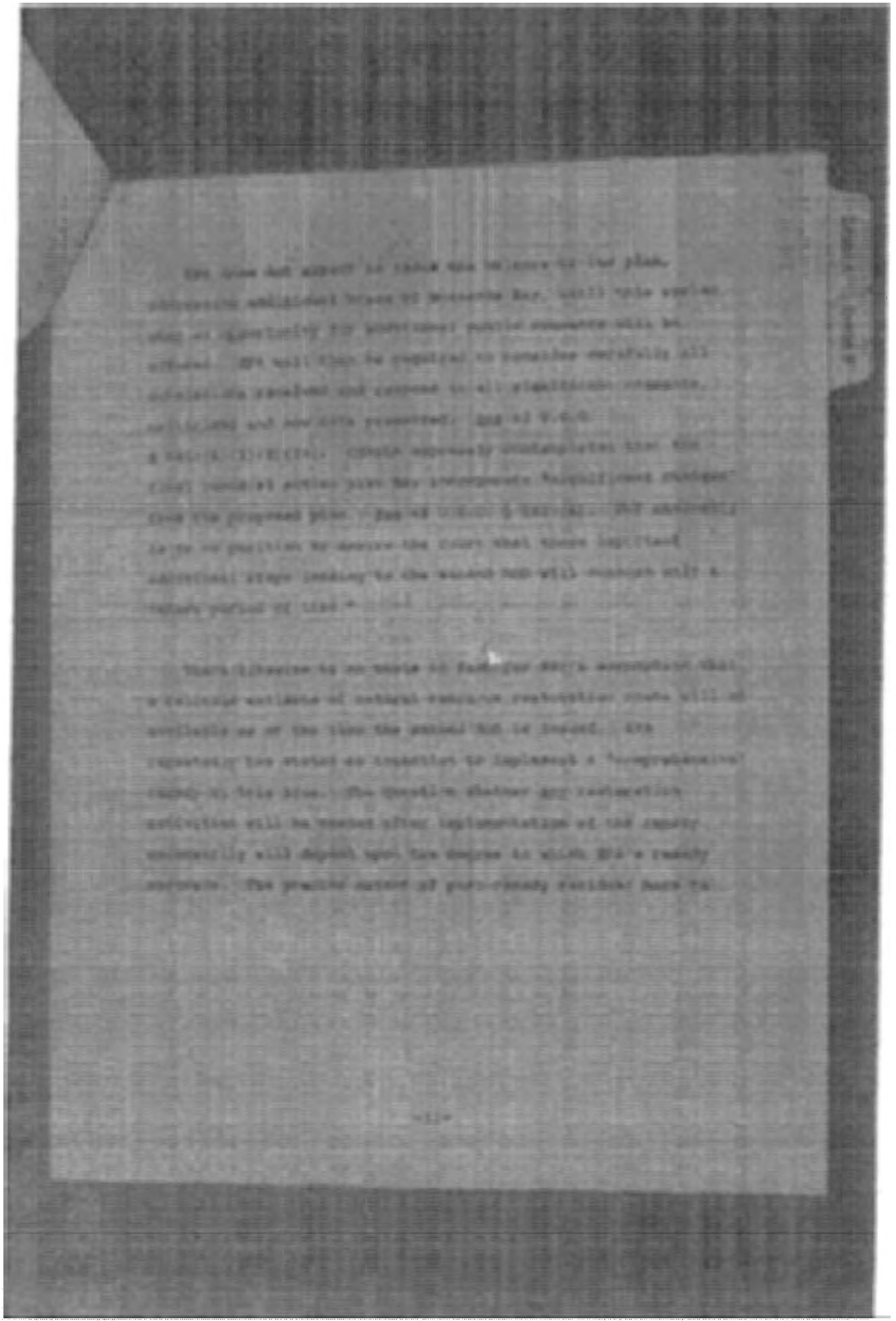
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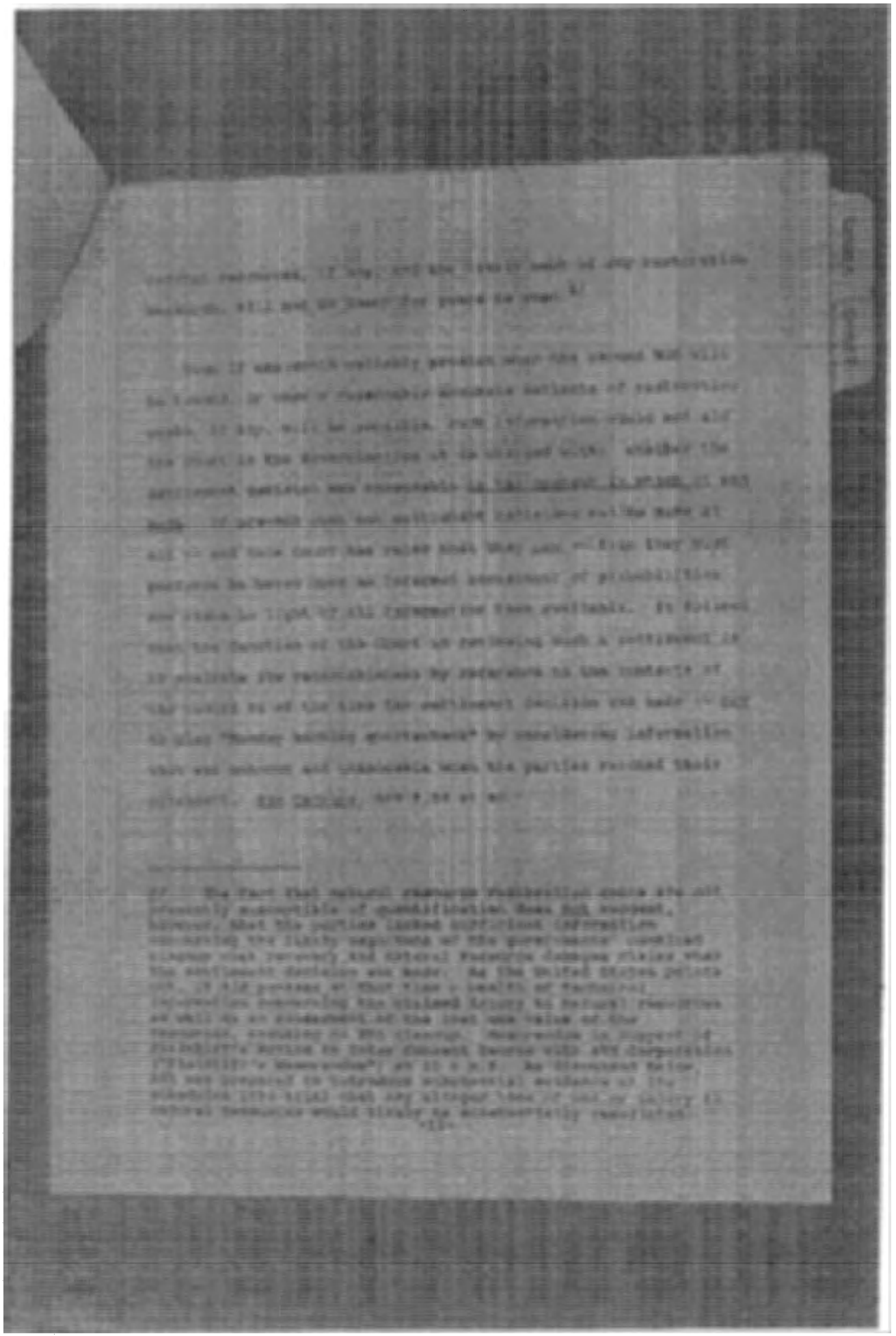


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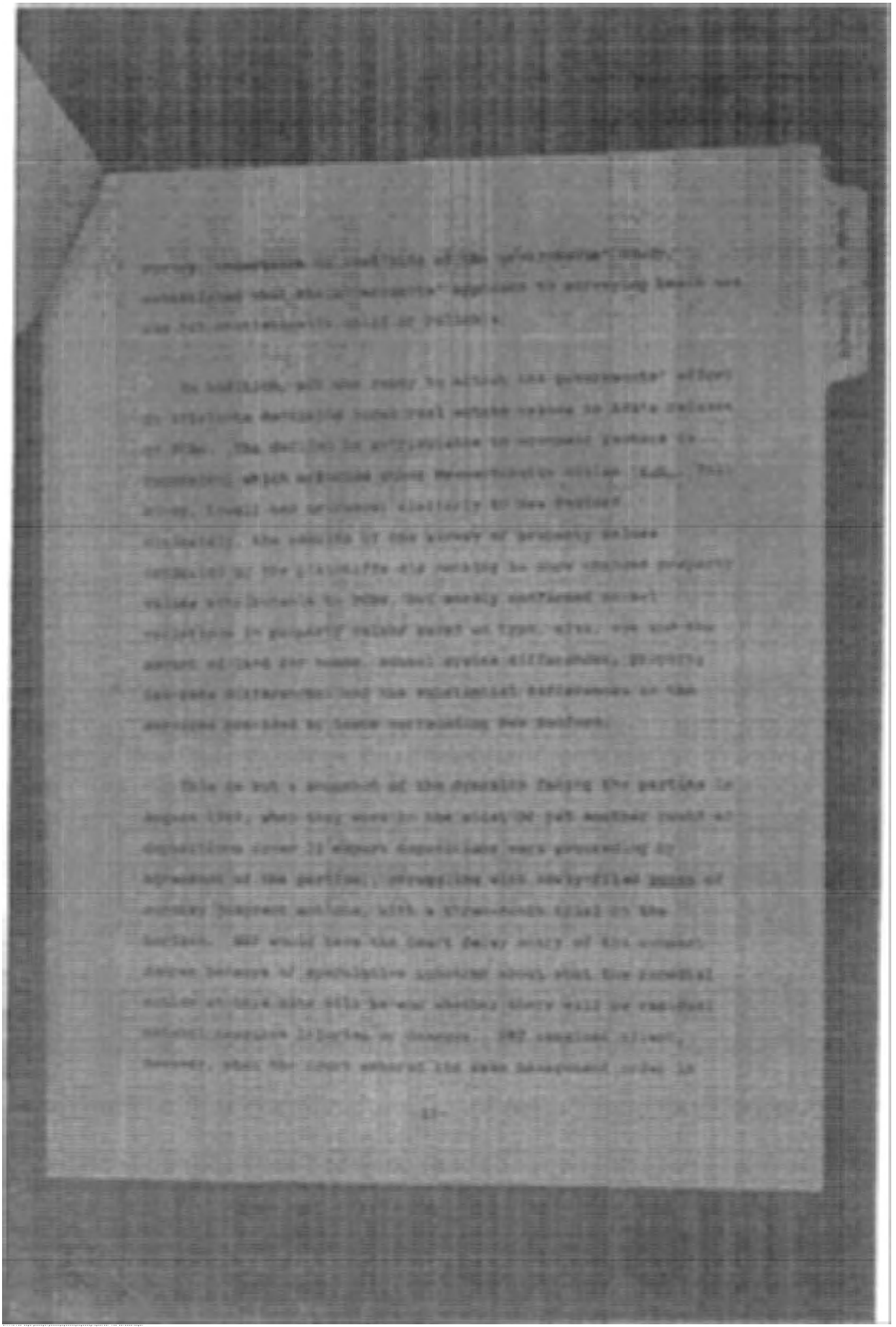
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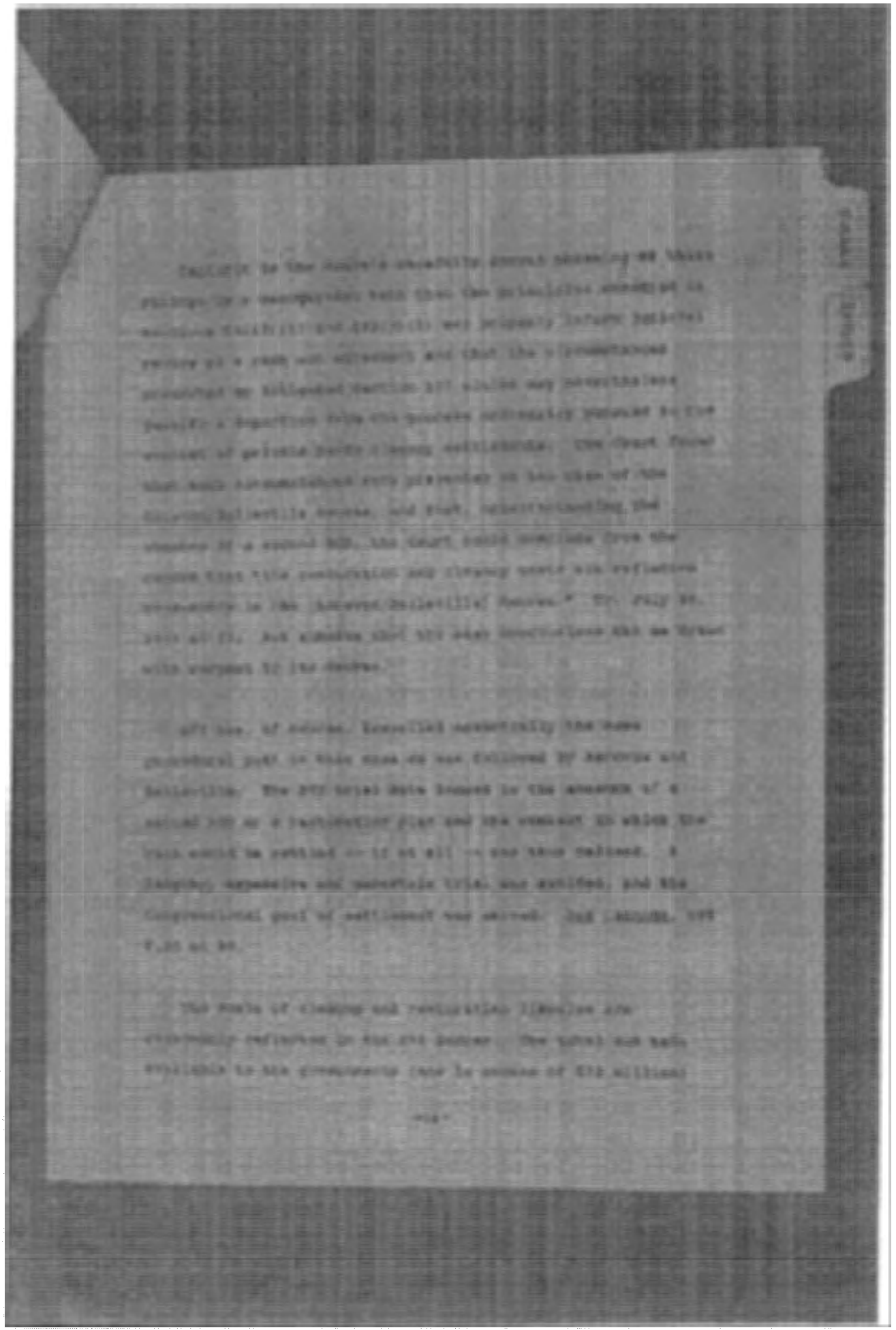
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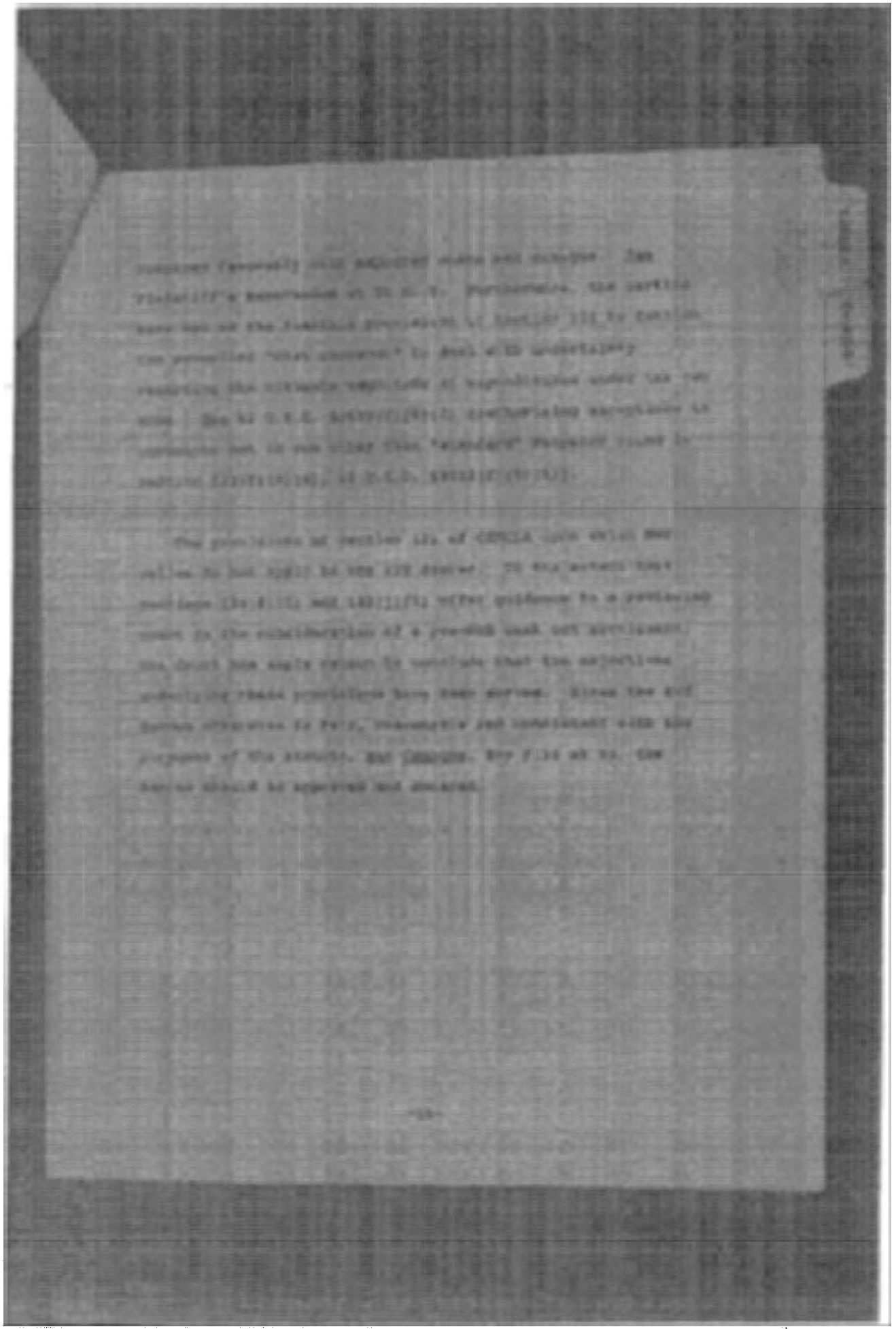


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From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachments 5-6 Email No. 3
Date:	Monday, December 17, 2012 4:50:43 PM
Attachments:	Attachment 5.pdf Attachment 6.pdf

Email No. 3 of 10
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2.
Attached to this email are Attachments 5 and 6.

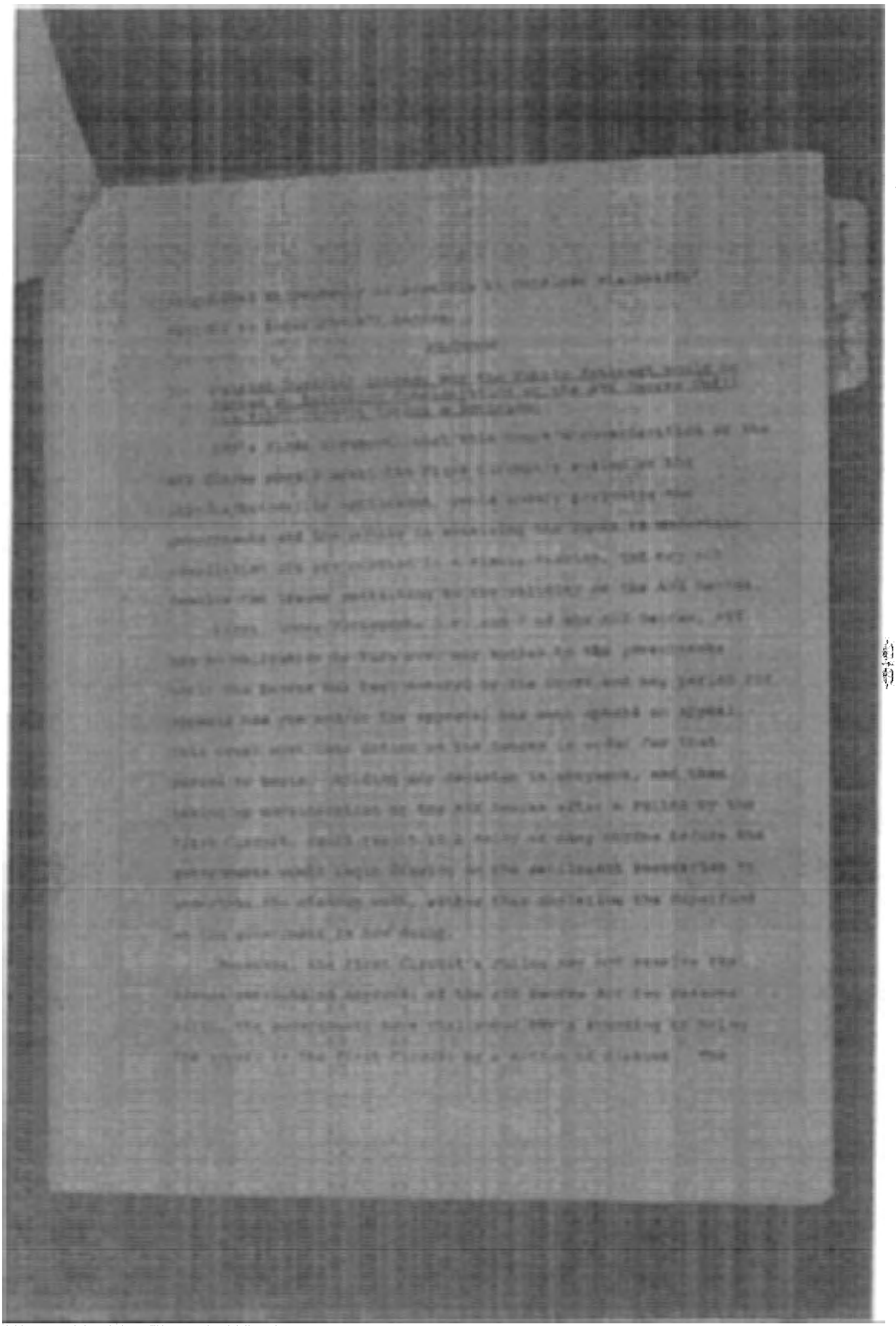
Korrin N. Petersen Esq., Senior Attorney
BUZZARDS BAY COALITION
Main - 114 Front Street, New Bedford, MA 02740
Cape - 21 Luscombe Avenue, Woods Hole, MA 02540
Tel - 508-999-6363 x.206
www.savebuzzardsbay.org

CONFIDENTIALITY NOTICE

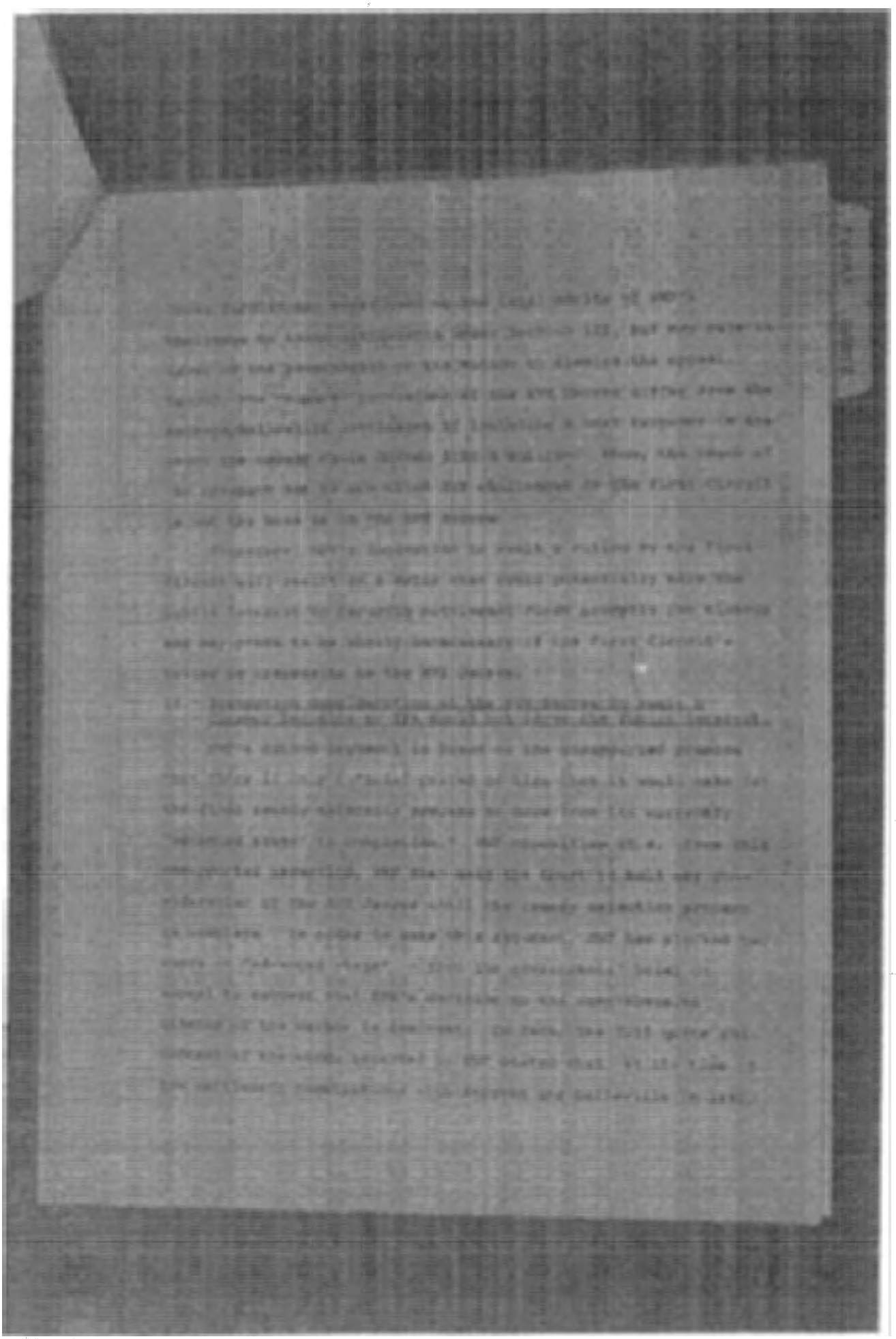
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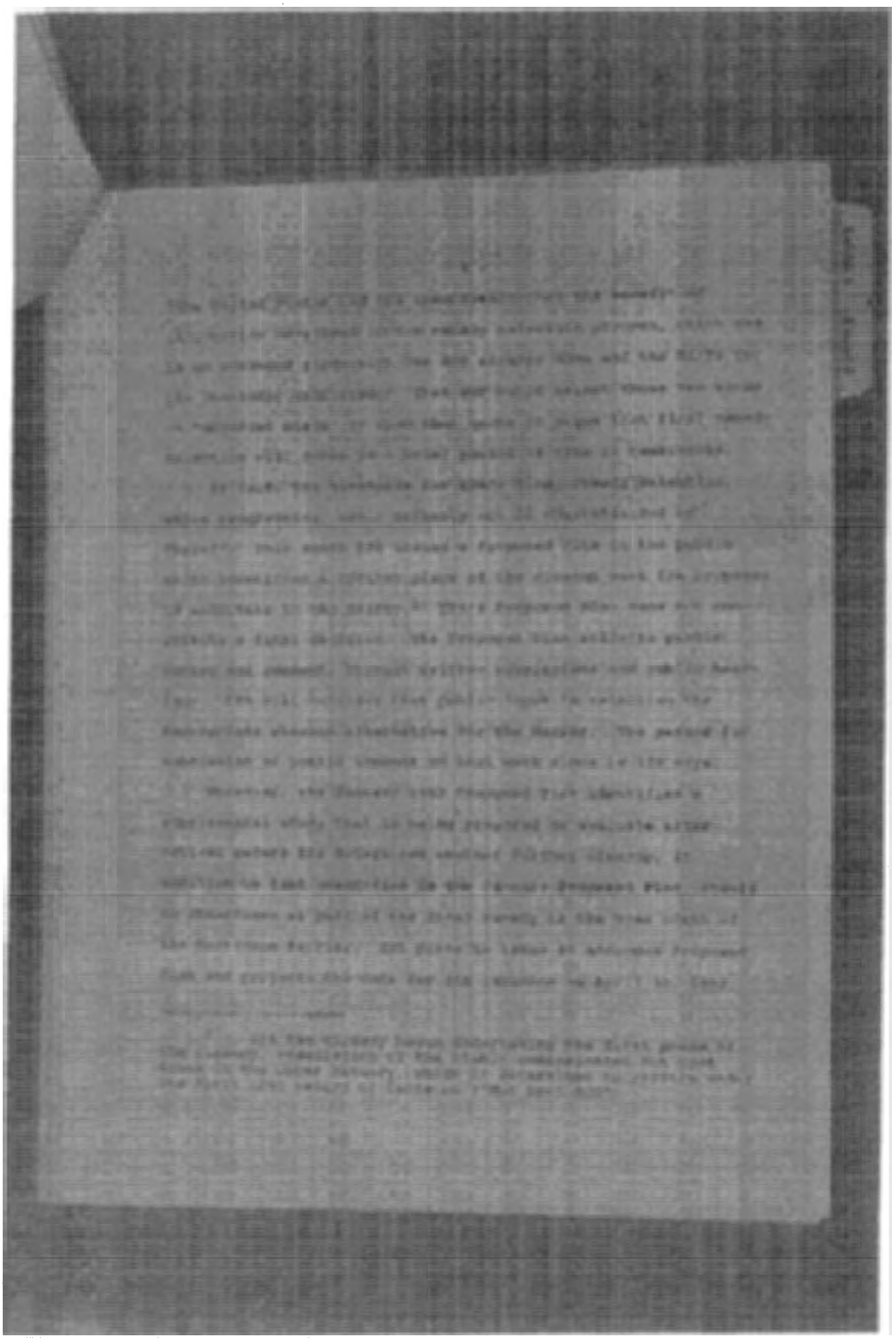
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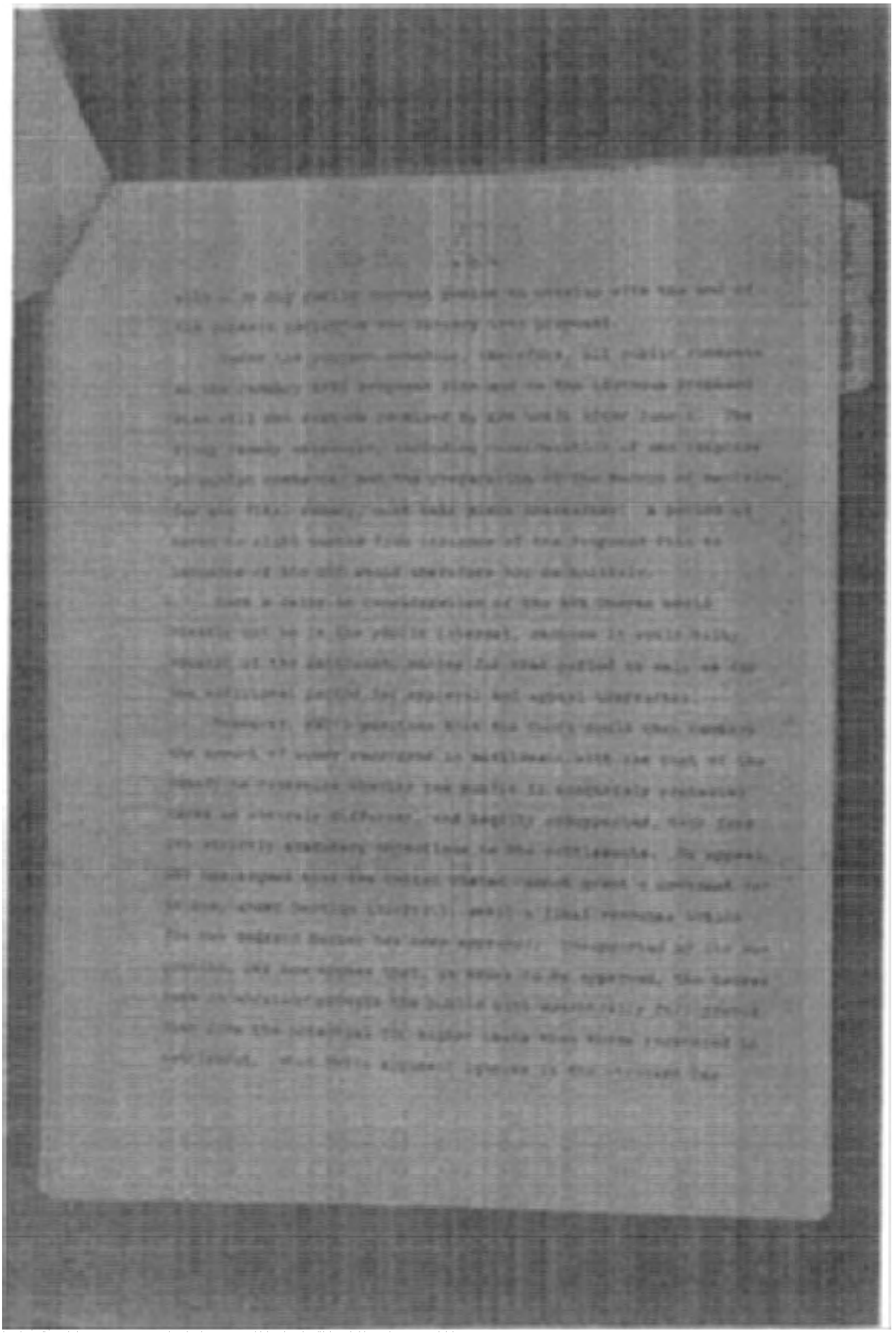


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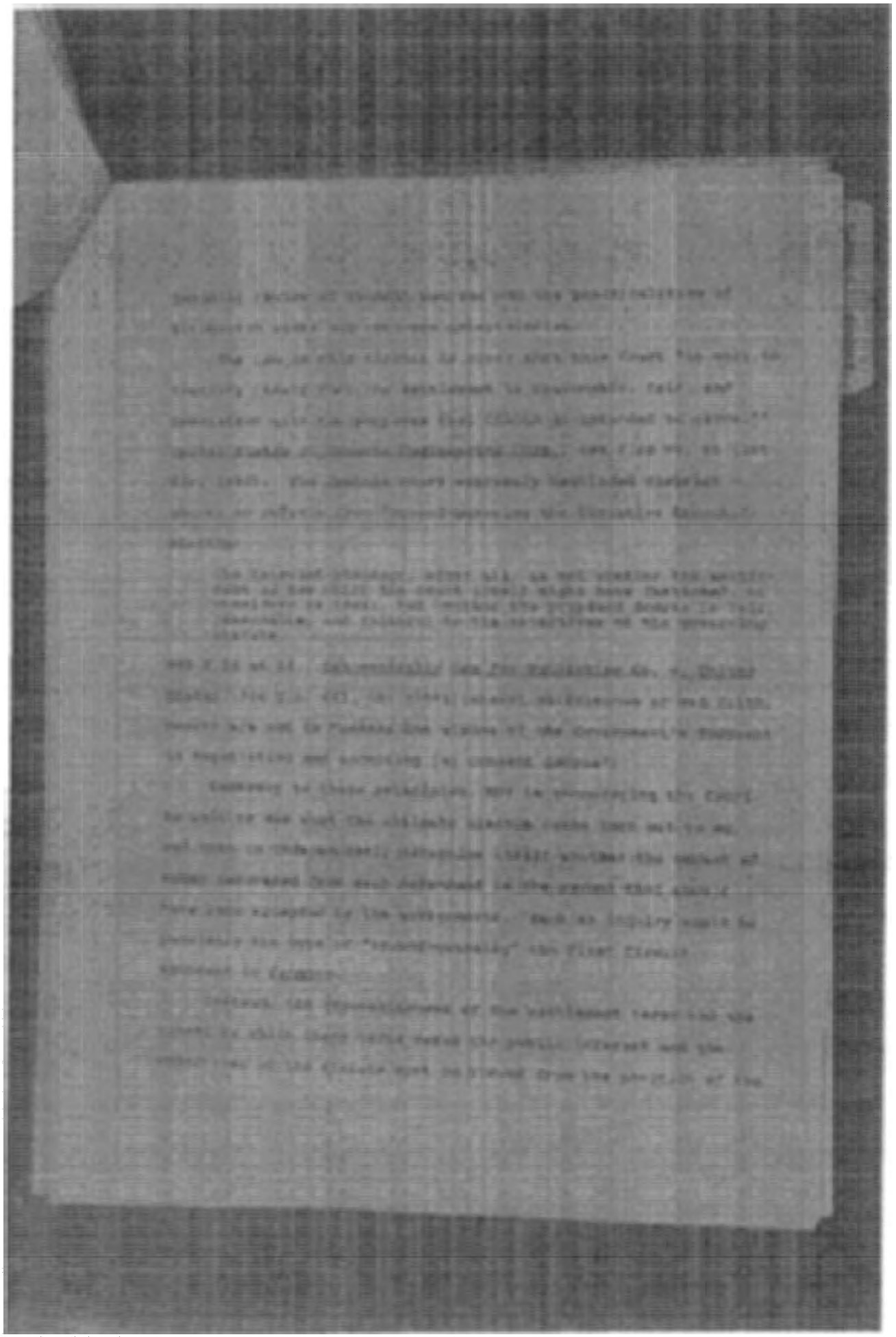




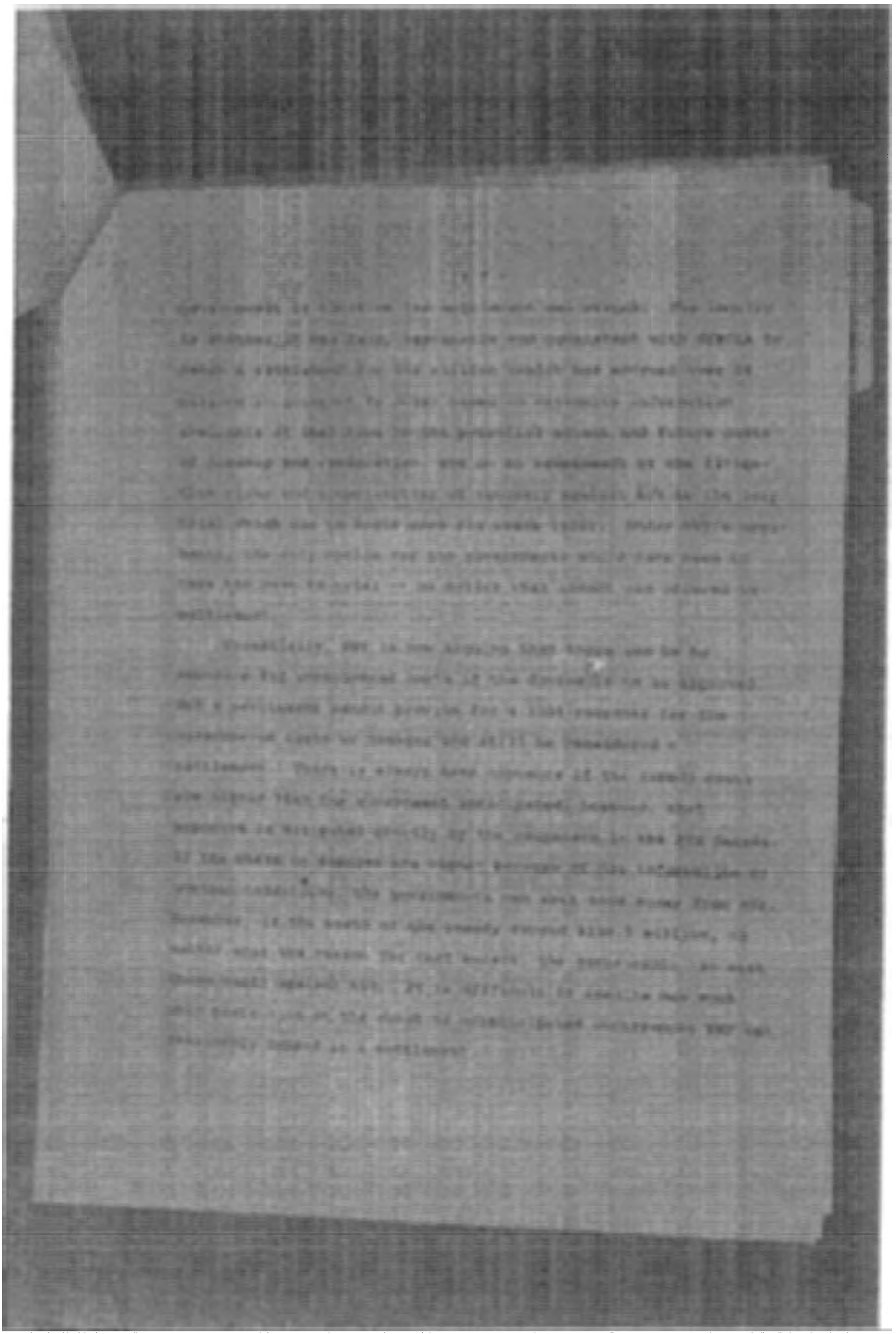
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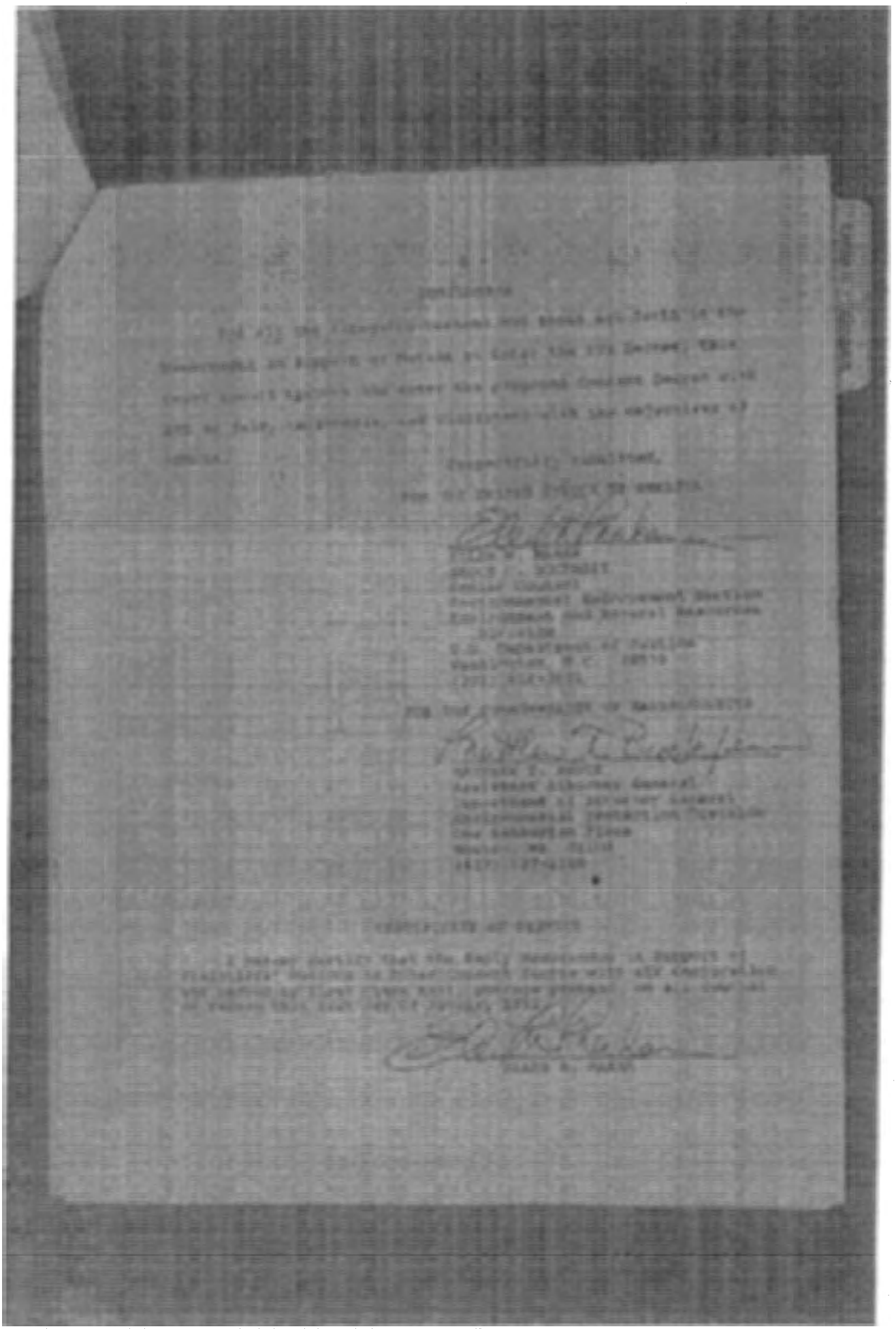
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Attachment 6

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, Plaintiff, v. AVX CORPORATION, et al., Defendants.	CIVIL ACTION NO. 83-3882-Y
COMMONWEALTH OF MASSACHUSETTS, Plaintiff, v. AVX CORPORATION, et al., Defendants.	

CONSENT DECREE WITH DEFENDANTS AEROVOX INCORPORATED AND BELLEVILLE INDUSTRIES, INC.

This Consent Decree ("Decree") is made and entered into by the United States of America ("United States") and the Commonwealth of Massachusetts ("Commonwealth") (collectively referred to as "Plaintiffs"), Aerovox Incorporated ("Aerovox"), and Belleville Industries, Inc. ("Belleville"). Aerovox and Belleville are referred to collectively herein as the "Settling Defendants".

Introduction

The United States, on behalf of the National Oceanic and Atmospheric Administration ("NOAA"), and the Commonwealth as state trustee ("Commonwealth" or "state trustee") filed complaints in these consolidated actions on December 9 and 10, 1983, respectively, seeking damages for injury to, destruction of, and loss of natural resources resulting from releases of

10-11-2-32

DEPARTMENT OF JUSTICE
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LANDS DIVISION
ENFORCEMENT RECORDS

polychlorinated biphenyls ("PCBs") in New Bedford Harbor, Massachusetts, and adjacent waters under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9607 ("CERCLA").

Plaintiffs filed amended complaints (hereinafter "Complaints") in these actions on February 27 and 28, 1984. The United States' Complaint set forth, in addition to the claim for natural resource damages described above, claims on behalf of the United States Environmental Protection Agency ("EPA") for recovery of response costs under Section 107 of CERCLA, and for injunctive relief under Section 106 of CERCLA, 42 U.S.C. § 9606, Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 ("RCRA"), Section 504 of the Clean Water Act, 33 U.S.C. § 1364 ("CWA"), and Section 13 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 407 ("1899 Act"). The Commonwealth's Complaint set forth, in addition to its claims for natural resource damages described above, claims for recovery of response costs incurred by the Commonwealth under Section 107 of CERCLA, 42 U.S.C. § 9607, Sections 5(a) and 13 of Chapter 21E, Massachusetts General Laws, and Section 27 of Chapter 21, Massachusetts General Laws, and claims for abatement of a public nuisance and abatement of an abnormally dangerous condition under state common law.

The Complaints assert claims against five current defendants, AVX Corporation, Aerovox, Belleville, Cornell-Dubilier Electronics, Inc., and Federal Pacific Electric Company.

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This Decree relates solely to the claims against Aerovox and Belleville and any counterclaims by those defendants against Plaintiffs.

The parties to this Decree agree that settlement of the claims in this case by and against Defendants Aerovox and Belleville is in the public interest and is made in good faith, and that entry of this Decree is the most appropriate means to resolve the matters covered herein.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED:

Jurisdiction

1. The Court has jurisdiction over the subject matter of this action and the parties to this Decree pursuant to 28 U.S.C. §§ 1331 and 1345, Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), Section 7003 of RCRA, 42 U.S.C. § 6973, Section 504 of the CWA, 33 U.S.C. § 1564, and Section 13 of the 1899 Act, 33 U.S.C. § 407, and has pendent jurisdiction over the claims arising under state law. This Court also has personal jurisdiction over the Settling Defendants, which, solely for the purposes of this Consent Decree, waive all objections and defenses that they may have to jurisdiction of the Court or to venue in this District.

Settling Defendants

2. Defendant Aerovox is a Delaware corporation with its principal place of business in New Bedford, Massachusetts. Aerovox has owned and operated the Aerovox Facility (as hereinafter defined) since October 27, 1978. For purposes of

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this Decree, "Aerovox" includes Aerovox Canada, Ltd., a Canadian corporation which is a wholly-owned subsidiary of Aerovox Incorporated.

3. Defendant Belleville was formed as a Massachusetts corporation on December 8, 1972. Belleville dissolved on December 21, 1978, and was revived for purposes of responding to lawsuits on December 18, 1981. Belleville owned and operated the Aerovox Facility (as hereinafter defined) from January 2, 1973 to October 27, 1978.

Applicability of Decree

4. The provisions of this Decree shall apply to and be binding on the United States and the Commonwealth and their agencies and departments and on Settling Defendants and their successors and assigns. Changes in the ownership or corporate form or status of a Settling Defendant shall have no effect on the Settling Defendant's obligations under this Decree.

Effect of Settlement/Entry of Judgment

5. This Decree was negotiated and executed by the parties hereto in good faith to avoid the continuation of expensive and protracted litigation and is a fair and equitable settlement. The execution of this Decree is not an admission of liability, nor is it an admission or denial of any of the factual allegations set out in the Complaints or an admission of violation of any law, rule, regulation, or policy by any Settling Defendant or its officers, directors, employees, or agents.

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6. Upon approval and entry of this Decree by the Court, the Decree shall constitute a final judgment between and among Plaintiffs and defendants Aerovox and Belleville.

Definitions

7. This Decree incorporates the definitions set forth in Section 101 of CERCLA, 42 U.S.C. § 9601. In addition, whenever the following terms are used in this Consent Decree, they shall have the following meanings:

A. "Aerovox Facility" means the manufacturing plant and associated structures and land currently owned and operated by Aerovox at 740 and 742 Belleville Avenue, New Bedford, Massachusetts.

B. "Covered Matters" has the meaning set forth in Paragraph 19 below.

C. "DEP" means the Massachusetts Department of Environmental Protection.

D. "Federal Trustees" means the Secretary of Commerce, acting through NOAA, and the Secretary of the Interior.

E. "Final approval of the Decree" shall mean the earliest date on which all of the following have occurred: (1) the Decree has been lodged with the Court and noticed in the Federal Register, and the period for submission of public comments has expired; (2) the Court has approved and entered the Decree as a judgment; and (3) the time for appeal from that judgment has expired without the filing of an appeal, or the judgment has been upheld on appeal and either the time for

further appeal has expired without the filing of a further appeal or no further appeal is allowed.

F. "Natural Resources" shall have the meaning provided in Section 101(16) of CERCLA, 42 U.S.C. § 9601(16).

G. "Natural Resource Damages" means damages, excluding costs of damages assessment, recoverable under Section 107 of CERCLA for injury to, destruction of, or loss of any and all Natural Resources of the New Bedford Harbor Site.

H. "New Bedford Harbor Site" or "Site" means the New Bedford Harbor Superfund Site, located in New Bedford, Massachusetts, including New Bedford Harbor, the Acushnet River Estuary, and any adjacent marine waters and sediments and shoreline areas which are the subject of EPA's current Remedial Investigation and Feasibility Study, including at least Areas 1, 2, and 3 as defined in 105 C.M.R. part 260.005 and as depicted on Exhibit A to the United States' Complaint. The Site does not include any portion of the Aerovox Facility westward (away from the Acushnet River Estuary) of the steel sheet pile wall which Aerovox has installed along the length of the tidal mudflat portion of the Aerovox Facility.

I. "Remedial Action" means those actions that EPA determines should be implemented pursuant to CERCLA to address hazardous substance contamination at the New Bedford Harbor Site, as set forth in the RODs.

J. "Response costs" means costs of response or

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remedial action, including costs of operation and maintenance of remedial action components.

K. "RODs" means the first and second operable unit records of decision for the New Bedford Harbor Site issued or to be issued by EPA following the completion of the ongoing Remedial Investigation and Feasibility Study and, in the event the first two records of decision do not address all areas of the Site, any additional operable unit record(s) of decision that EPA considers necessary to provide a comprehensive initial remedial decision (including a no action decision) with respect to PCBs for all areas of the Site. "RODs" does not include any record of decision with respect to later-discovered conditions or information as described in Paragraphs 20 or 21.

L. "State Trustee" means the Secretary of the Executive Office of Environmental Affairs, Commonwealth of Massachusetts.

Payment Terms

8. Summary of Payment Obligations. In accordance with the requirements of Paragraphs 9-17, Settling Defendants shall pay to Plaintiffs the principal amount of $12,600,000 (of which $9.45 million is for response costs and $3.15 million is for natural resource damages) together with interest. As specified in Paragraphs 9 and 10, $6.1 million of this principal amount shall be placed in escrow for Plaintiffs' benefit within fifteen days after all parties have signed the Decree and shall be disbursed to Plaintiffs within five days after final approval of the

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Decree; as specified in Paragraph 11, Aerovox shall pay an additional $3.5 million to Plaintiffs within five days after final approval of the Decree; and, as specified in Paragraphs 12 and 13, Aerovox shall pay another $3 million to Plaintiffs in three annual installments. Plaintiffs, including the Federal Trustees and the State Trustee, have determined the manner in which the payments to be made by Settling Defendants under this Decree shall be allocated between the Plaintiffs and among past and future response costs and natural resource damages, and Settling Defendants have agreed to this allocation as presented to them by Plaintiffs. Plaintiffs represent that the allocation of the recovery set forth in the Decree is appropriate, proper, and adequate.

9. Escrowed Funds

A. Within fifteen (15) days after lodging of the Decree with the Court, Settling Defendants shall establish an escrow account (the "Escrow") bearing interest on commercially reasonable terms, in a federally-chartered bank with an office in the Commonwealth of Massachusetts, and each Settling Defendant shall pay into the Escrow the sum specified for it below for the benefit of Plaintiffs.

Settling Defendant	Amount
Aerovox Incorporated	$2,100,000
Belleville Industries, Inc.	$4,000,000

Settling Defendants shall notify Plaintiffs in writing of the creation and funding of the Escrow immediately after both of the

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above payments have been made. This notice shall be sent by hand or by overnight mail to: William D. Brighton, Environmental Enforcement Section, U.S. Department of Justice, Room 1541 (EES Dockets), 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20530; and Matthew T. Brock, Assistant Attorney General, One Ashburton Place, 19th Floor, Boston, MA 02108.

B. Subject only to the provisions of subparagraph C of this Paragraph, Settling Defendants' obligations to establish the Escrow and to pay the amounts specified above into the Escrow within the specified time are contractual obligations to Plaintiffs and to each other, effective as of the date that both Settling Defendants, the United States Assistant Attorney General, and the Massachusetts Assistant Attorney General have signed the Decree, and those obligations shall be enforceable as a matter of contract law regardless of when or whether the Decree is entered by the Court. The consideration for these contractual undertakings by Settling Defendants includes the immediate cessation of litigation activities until a determination is made whether this Decree will be entered and the resolution of Plaintiffs' claims against Settling Defendants as set forth in the Decree, if the Decree is approved and entered by the Court.

C. All funds paid into the Escrow by Settling Defendants shall remain in the Escrow and may not be withdrawn by any person, except to make the payments required by Paragraph 10 or unless one of the following events occurs: (1) the United States withdraws its consent to entry of the Decree after the

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Decree has been lodged, pursuant to Paragraph 38; or (2) a final judicial determination is made that entry of the Decree is not in the public interest and that the Decree will not be approved and entered. If one of these events occurs, all sums in the Escrow may be returned to Settling Defendants.

10. Disbursements From The Escrow. Within five (5) days after final approval of the Decree, Settling Defendants shall cause the full $6,100,000 paid into the Escrow under Paragraph 9 and all accrued interest thereon to be disbursed from the Escrow to Plaintiffs as follows:

A. The sum of $1,505,000, plus the interest accrued on that amount, shall be paid to the EPA Hazardous Substances Superfund in the manner provided in Paragraph 14 in reimbursement of past response costs incurred by the United States with respect to the New Bedford Harbor Site.

B. The sum of $85,000, plus the interest accrued on that amount, shall be paid to the Commonwealth in the manner provided in Paragraph 15 in reimbursement of past response costs incurred by the Commonwealth with respect to the New Bedford Harbor Site.

C. The sum of $2,985,000, plus the interest accrued on that amount, shall be paid to the EPA Hazardous Substances Superfund, Attn: New Bedford Harbor Special Account, on account of future response costs to be incurred by the United States and the Commonwealth with respect to the New Bedford Harbor Site, in the manner provided in

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Paragraph 16. All amounts paid on account of future response costs under this subparagraph and Subparagraphs 11.C and 12.A shall be used to fund response actions by EPA at the New Bedford Harbor Site after final approval of the Decree; provided that ten percent (10%) of those amounts shall satisfy the Commonwealth's obligation under Section 104(c)(3)(C) of CERCLA to pay ten percent (10%) of the cost of those response actions that are funded by the recovery under this subparagraph and Subparagraphs 11.C and 12.A.

D. The sum of $1,250,000, plus the interest accrued on that amount, shall be deposited into the Registry of the Court, United States District Court for the District of Massachusetts, to be administered by the Registry of the Court for the Federal and State Trustees, in payment for Natural Resource Damages. This payment shall be made in the manner specified in Subparagraph 17.A below, and the amount so paid and any interest accrued thereon shall be administered and disbursed as provided in Subparagraphs 17.B and 17.C below.

E. The sum of $275,000, plus the interest accrued on that amount, shall be disbursed to NOAA in reimbursement of its costs of assessing Natural Resource Damages. This payment shall be made by certified or bank check payable to "U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Marine Assessment," and shall be sent to:

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General Counsel
National Oceanic and Atmospheric
Administration
Room 5814 Herbert Hoover Building
14th & Constitution Avenue, N.W.
Washington, D.C. 20230

Settling Defendants shall cause copies of this check and of any transmittal letter accompanying the check to be sent to: Chief, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044; and Chief, Environmental Protection Division, Department of the Attorney General, One Ashburton Place, Boston, MA 02108.

11. Additional Up-Front Payment By Aerovox. Within five (5) days after final approval of the Decree, Aerovox shall pay to Plaintiffs an additional $3,500,000 principal amount, plus interest on that amount at the same rate(s) and from the same date applicable to the funds in the Escrow established pursuant to Paragraph 9 above. This payment shall be made as follows:

A. The sum of $365,000, plus the interest accrued on that amount, shall be paid to the EPA Hazardous Substances Superfund in the manner provided in Paragraph 14 in reimbursement of past response costs incurred by the United States with respect to the New Bedford Harbor Site.

B. The sum of $45,000, plus the interest accrued on that amount, shall be paid to the Commonwealth in the manner provided in Paragraph 15 in reimbursement of past response costs incurred by the Commonwealth with respect to the New Bedford Harbor Site.

C. The sum of $1,715,000, plus the interest accrued on that amount, shall be paid to the EPA Hazardous Substances Superfund, Attn: New Bedford Harbor Special Account, on account of future response costs to be incurred by the United States and the Commonwealth with respect to the New Bedford Harbor Site. This payment shall be made in accordance with Paragraph 15 below.

D. The sum of $584,000, plus the interest accrued on that amount, shall be deposited into the Registry of the Court, United States District Court for the District of Massachusetts, to be administered by the Registry of the Court for the Federal and State Trustees, in payment for Natural Resource Damages. This payment shall be made in the manner specified in Subparagraph 17.A below, and the amount so paid and any interest accrued thereon shall be administered and disbursed as provided in Subparagraphs 17.B and 17.C below.

E. The sum of $275,000, plus the interest accrued on that amount, shall be disbursed to NOAA in reimbursement of its costs of assessing Natural Resource Damages. This payment shall be made in the manner specified in Paragraph 10.E above.

F. The sum of $16,000, plus the interest accrued on that amount, shall be paid to the Commonwealth in reimbursement of its costs of assessing Natural Resource Damages. This payment shall be made by certified or bank

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check payable to "Commonwealth of Massachusetts", and shall be sent to:

Chief, Environmental Protection Division
Department of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

12. Additional Installment Payments By Aerovox. In addition to the payments required by Paragraphs 9-11, Aerovox shall pay $3,000,000 to Plaintiffs in three installments of $1,000,000 each. These three installments shall be due by the first, second, and third anniversaries, respectively, of the date of lodging of this Decree, and they shall be paid by those dates except as set forth in Paragraph 13. Each such installment shall be disbursed as follows:

A. The sum of $750,000 shall be paid to the the EPA Hazardous Substances Superfund, Attn: New Bedford Harbor Special Account, on account of future response costs to be incurred by the United States and the Commonwealth with respect to the New Bedford Harbor Site. Each such payment shall be made in the manner specified in Paragraph 16 below.

B. The sum of $250,000 shall be deposited into the Registry of the Court, United States District Court for the District of Massachusetts, to be administered by the Registry of the Court for the Federal and State Trustees, in payment for Natural Resource Damages. This payment shall be made in the manner specified in Subparagraph 17.A below, and the amount so paid and any interest accrued thereon shall be

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administered and disbursed as provided in Subparagraphs 17.B and 17.C below.

13. Effect of Delayed Approval of Decree. In the event that final approval of this Decree has not occurred by the date any installment required by Paragraph 12 above is due, Aerovox shall pay the installment, plus interest thereon at the same rate(s) applicable to the funds in the Escrow established under Paragraph 9 above from the date the installment was due to the date of payment, to Plaintiffs within five (5) days after final approval of the Decree. Any such installment shall be disbursed as specified in Paragraph 12.

14. Procedures for Payment of Past EPA Response Costs. Each payment for past United States response costs, or for stipulated penalties due to EPA, shall be made by certified or bank check payable to "EPA Hazardous Substances Superfund." Each such check shall reference on its face the New Bedford Harbor Site and CERCLIS No. MAD980731335 and shall be sent to:

EPA Region I
Attn: Superfund Accounting
P.O. Box 360197M
Pittsburgh, PA 15251

Settling Defendants shall cause copies of each such check and of any transmittal letter accompanying the check to be sent to: Chief, Superfund Office, Office of Regional Counsel, EPA Region I, 2203 JFK Federal Building, Boston, MA 02203; Chief, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044; and

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Chief, Environmental Protection Division, Department of the Attorney General, One Ashburton Place, Boston, MA 02108.

15. Procedures for Payment of Past State Response Costs. Each payment for past Commonwealth response costs, or for stipulated penalties due to the Commonwealth, shall be made by certified or bank check payable to "Commonwealth of Massachusetts", and shall be sent to:

Chief
Environmental Protection Division
Department of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

Settling Defendants shall cause copies of each such check and of any transmittal letter accompanying the check to be sent to: Chief, Cost Recovery Section, Bureau of Waste Site Cleanup, Department of Environmental Protection, One Winter Street, Boston, MA 02108.

16. Procedures for Payments for Future Response Costs. Each payment for future response costs shall be made by certified or bank check payable to "EPA Hazardous Substances Superfund, Attn: New Bedford Harbor Special Account", and shall be sent to:

EPA Region I
Attn: Superfund Accounting
P.O. Box 360197M
Pittsburgh, PA 15251

Settling Defendants shall cause copies of each such check and of any transmittal letter accompanying the check to be sent to: Chief, Superfund Office, Office of Regional Counsel, EPA Region I, 2203 JFK Federal Building, Boston, MA 02203; Chief, Environmental Enforcement Section, Department of Justice, P.O.

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Box 7611, Ben Franklin Station, Washington, D.C. 20044; and Chief, Environmental Protection Division, Department of the Attorney General, One Ashburton Place, Boston, MA 02108.

17. Natural Resource Damages Payments and Use of Funds

A. Each payment for Natural Resource Damages shall be made by certified or bank check payable to the "Clerk, United States District Court." Each such check shall include on its face a statement that it is a payment for natural resource damages in Civil Action No. 83-3882-Y (D. Mass.), and shall be sent to:

Office of the Clerk
United States District Court for the
District of Massachusetts
Room 707
J.W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

Settling Defendants shall cause copies of each check for Natural Resource Damages and of any transmittal letter accompanying the check to be sent to: Chief, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044; Regional Attorney, NOAA Office of General Counsel, One Blackburn Drive - Suite 205, Gloucester, MA 01930; Regional Solicitor, U.S. Department of the Interior, Northeast Region, One Gateway Center - Suite 612, Newton Corner, MA 02158; and Chief, Environmental Protection Division, Department of the Attorney General, One Ashburton Place, Boston, MA 02108.

B. The Registry of Court shall administer all amounts paid for Natural Resource Damages under this Decree in an

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interest-bearing account ("Registry Account") as provided in the Order Directing the Deposit of Natural Resource Damages Into the Registry of the Court ("Deposit Order") issued by this Court pursuant to Rule 67 of the Federal Rules of Civil Procedure, 28 U.S.C. § 2041, and Local Rule 67.2(c) of the Local Rules for the U.S. District Court for the District of Massachusetts. The Deposit Order shall be attached to this Decree.

C. All funds and all interest accrued thereon in the Registry Account shall be held in the name of the "Clerk, United States District Court," for the benefit of the Federal and State Trustees. Upon joint application(s) by the United States and the Commonwealth, monies in the Registry Account shall be disbursed to the Federal and State Trustees by further order of this Court for use by the Trustees to plan, implement, and oversee actions to restore, replace, or acquire the equivalent of natural resources that have been injured, destroyed, or lost as a result of the release of hazardous substances at the New Bedford Harbor Site, in accordance with Section 107(f)(1) of CERCLA. All disbursements from the Registry Account shall be made by order of the Court in accordance with the provisions of 28 U.S.C. § 2042 and Local Rule 67.1 of the Local Rules for the U.S. District Court for the District of Massachusetts.

D. In the event that it is later determined that the provisions of subparagraphs A-C of this Paragraph 17 are unlawful, the amounts in the Registry Account or payable under this Decree for Natural Resource Damages shall be distributed to

the Federal and State Trustees as determined by further agreement of the United States and the Commonwealth or, if no such agreement is reached within a reasonable time, by an allocation of those amounts by this Court. In making any such allocation, the Court shall consider any Memorandum of Agreement or Memorandum of Understanding between the United States and the Commonwealth concerning the use of amounts recovered for natural resource damages at the New Bedford Harbor Site. All amounts recovered for Natural Resource Damages at the Site and all interest accrued thereon shall be used in accordance with Section 107(f)(1) of CERCLA.

Covenants Not To Sue By Plaintiffs

18. Except as specifically provided in Paragraphs 20-22, the United States and the Commonwealth covenant not to sue or to take any other civil or administrative action against Settling Defendants for Covered Matters, as defined in Paragraph 19. With respect to liability for Covered Matters other than future liability, these covenants not to sue shall take effect upon entry of the Decree by the Court, subject to the parties' rights to void the Decree pursuant to Paragraph 33 if the Court declines to approve the Decree as presented. With respect to any future liability of Settling Defendants, these covenants not to sue shall take effect upon certification of completion of the Remedial Action.

19. Except as specifically provided in Paragraph 22, Covered Matters means any civil or administrative liability to

the United States and/or the Commonwealth for (1) damages for injury to, destruction of, or loss of Natural Resources of the New Bedford Harbor Site, including costs of damages assessment, under Section 107 of CERCLA, M.G.L. c. 21E, M.G.L. c. 21, § 27, and state common law; (2) reimbursement of response costs incurred or to be incurred by the United States or the Commonwealth with respect to the New Bedford Harbor Site under Section 107 of CERCLA, M.G.L. c. 21E, M.G.L. c. 21, §§ 27, 40, and state common law; and (3) injunctive relief with respect to the New Bedford Harbor Site under Section 106 of CERCLA, Section 7003 of RCRA, Section 504 of CWA, the 1899 Act, and state common law.

20. Pre-certification reservations. Notwithstanding any other provision of this Decree, the United States, and the Commonwealth if acting jointly with the United States, reserve the right to institute proceedings in this action or in a new action seeking to compel Settling Defendants (1) to perform response actions at the New Bedford Harbor Site, or (2) to reimburse the United States (and the Commonwealth if acting jointly with the United States) for response costs, prior to certification of completion of the Remedial Action, if:

A. conditions at the New Bedford Harbor Site, previously unknown to the United States and the Commonwealth, are discovered after the issuance of the RODs, or

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B. information is received, in whole or in part, after the issuance of the RODs,

and these previously unknown conditions or this information, together with any other relevant information, indicate that the Remedial Action is not protective of human health and the environment.

21. Post-certification reservations. Notwithstanding any other provision of this Decree, the United States, and the Commonwealth if acting jointly with the United States, reserve the right to institute proceedings in this action or in a new action seeking to compel Settling Defendants (1) to perform response actions at the New Bedford Harbor Site, or (2) to reimburse the United States (and the Commonwealth if acting jointly with the United States) for response costs, after certification of completion of the Remedial Action, if:

A. conditions at the New Bedford Harbor Site, previously unknown to the United States and the Commonwealth, are discovered after the certification of completion, or

B. information is received, in whole or in part, after the certification of completion,

and these previously unknown conditions or this information, together with any other relevant information, indicate that the Remedial Action is not protective of human health and the environment.

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22. Reservations concerning natural resource injury. Notwithstanding any other provision of this Decree, the United States and the Commonwealth, on behalf of their respective natural resource trustees, reserve the right to institute proceedings against Settling Defendants in this action or in a new action seeking recovery of Natural Resource Damages, based on (1) conditions with respect to the Site, unknown to Plaintiffs at the date of lodging of this Decree, that result in releases of hazardous substances that contribute to injury to, destruction of, or loss of natural resources, or (2) information received after the date of lodging of the Decree which indicates that there is injury to, destruction of, or loss of natural resources of a type that was unknown, or of a magnitude substantially greater than was known, to Plaintiffs at the date of lodging of this Decree.

23. Notwithstanding any other provision of this Decree, Plaintiffs' covenants not to sue shall not apply to the following claims:

A. claims based on a failure by Settling Defendants to satisfy the requirements of the Decree;

B. claims for criminal liability; and

C. claims arising from the past, present, or future disposal, release or threat of release of hazardous substances or oil or hazardous materials outside of the New Bedford Harbor Site, including claims by the Commonwealth with respect to DEP site number 4-0127

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(Substation Interceptors) and DEP site number 4-0601 (Aerovox Oil Bunker), but excluding claims for response costs incurred, or for injury to, destruction of, or loss of natural resources, in the New Bedford Harbor Site from any releases of PCBs resulting from conditions existing as of the date of lodging of the Consent Decree at DEP site numbers 4-0127 and 4-0601.

24. While consenting to the language of Paragraphs 20-22, Settling Defendants reserve the right to argue in any subsequent proceeding as to the proper interpretation of those Paragraphs in light of Section 122(f)(6) of CERCLA.

Covenants by Settling Defendants

25. Settling Defendants hereby release and covenant not to sue, or to bring any administrative action against, the United States or the Commonwealth for any claims relating to or arising from the New Bedford Harbor Site or this Consent Decree, including the counterclaims asserted in Settling Defendants' Answers to the Complaints, and including any direct or indirect claim pursuant to Section 112 of CERCLA, 42 U.S.C. § 9612, or pursuant to any other statute, regulation, common law, or legal theory, against the Hazardous Substances Superfund, for reimbursement relating to the New Bedford Harbor Site; provided that, in the event that Plaintiffs institute proceedings against Settling Defendants pursuant to Paragraphs 20-22, Settling Defendants reserve the right to reassert the counterclaims against the U.S. Army Corps of Engineers set forth in their

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answers to the Complaints solely as, and to the extent of, a set-off against the claims asserted by Plaintiffs. Nothing in this Decree shall be deemed to constitute preauthorization of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611.

26. Settling Defendants waive any rights they may have to seek judicial or administrative review of the RODs issued by EPA and/or the Commonwealth for the New Bedford Harbor Site and of any actions taken to implement the RODs. Settling Defendants further waive any direct or indirect claim relating to the New Bedford Harbor Site pursuant to M.G.L. c. 30, §§ 61-62H and 301 C.M.R. § 11.00 et seq.

Access and Property Use Restrictions

27. The United States and the Commonwealth, their agencies and departments, and their authorized representatives, including contractors and consultants, shall have access to the Aerovox Facility, except for the buildings located on the Aerovox Facility as of the lodging of the Decree, upon reasonable notice to Aerovox for any purpose for which access is authorized under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), or Section 8 of M.G.L. c. 21E, related to the New Bedford Harbor Site. This right of access is in addition to and not in lieu of, any right of entry or access which exists under federal or state law.

28. Aerovox agrees to abide by any property use restrictions selected by EPA or the Commonwealth in connection with implementation or operation and maintenance of the Remedial Action on the portion of the Aerovox Facility that is included in

the New Bedford Harbor Site. Upon determination of those property use restrictions, Aerovox shall file and record the applicable restrictions with the Registry of Deeds or other office where real estate title and transfer records are recorded and maintained for the Aerovox Facility.

Interest and Penalties for Late Payments

29. If any payment required by Paragraph 9 of this Decree is not made by the date specified in that Paragraph, the Settling Defendant(s) that failed to make timely payment shall be liable to Plaintiffs for interest on the overdue amount(s), from the time payment was due until full payment is made, at the higher of (a) the rate established by the Department of the Treasury under 31 U.S.C. § 3717 and 4 C.F.R. § 102.13, or (b) the commercially reasonable interest rate that applies to the Escrow or that would have applied to the Escrow if it had been timely established and funded.

30. If any payment required by Paragraphs 10-12 of this Decree is not made by the date specified in that Paragraph, Settling Defendants shall pay to EPA, for any payment overdue under Subparagraphs 10.A, 10.C, 11.A, 11.C, or 12.A; to the United States, for any payment overdue under Subparagraph 10.E or 11.E; 50 percent to the United States and 50 percent to the Commonwealth, for any payment overdue under Subparagraphs 10.D, 11.D, or 12.B; and to the Commonwealth, for any payment overdue under Subparagraphs 10.B, 11.B, or 11.F, stipulated penalties in

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the following amounts for each day of each and every violation of said requirements:

Days of Delay	Penalty Per Violation Per Day
1-14	$ 500/day
14-60	$1,500/day
Beyond 60 Days	$3,000/day

31. Stipulated penalties due to the United States under this Decree shall be paid by certified or bank check made payable to "Treasurer of the United States" and shall be sent to:

Chief, Civil Division
United States Attorneys' Office
1107 J.W. McCormack Post Office/Courthouse
Boston, MA 02109

Stipulated penalties due to EPA or the Commonwealth under this Decree shall be paid in the manner described in Paragraphs 14 and 15 above.

32. Interest under Paragraph 29 and stipulated penalties under Paragraph 30 shall be in addition to any other remedies or sanctions that may be available to Plaintiffs on account of a Settling Defendant's failure to comply with the terms of the Decree.

Voidability

33. If for any reason the Court should decline to approve this Decree in the form presented, this Decree and the settlement embodied herein shall be voidable at the sole discretion of any party and the terms hereof may not be used as evidence in any litigation: provided, however, that this paragraph shall not apply if the sole ground for non-approval of the Decree is the

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Court's disapproval of the allocation of Settling Defendants' payments under the Decree between Plaintiffs and/or among past and future response costs and/or natural resource damages.

Contribution Protection

34. Settling Defendants shall have the benefits of Section 113(f) of CERCLA, 42 U.S.C. § 9613(f), Section 4 of Mass. Gen. Laws c. 231B, and any other applicable law limiting their liability to persons not a party to this Consent Decree or affording them rights of contribution or other rights to recover costs or damages relating to the New Bedford Harbor Site from such persons.

Retention of Response Authority

35. Except for the covenants not to bring certain actions against Settling Defendants set forth in Paragraphs 18-22, the Decree shall not be construed to limit the authority of the United States or the Commonwealth to take any and all response actions relating to the New Bedford Harbor Site authorized by federal or state law.

Compliance with Other Laws

36. The Decree shall not be construed in any way to relieve Settling Defendants or any other person or entity from the obligation to comply with any federal, state or local law.

Retention of Jurisdiction

37. The Court shall retain jurisdiction of this matter for the purpose of entering such further orders, direction, or relief

as may be appropriate for the construction, implementation, or enforcement of this Decree.

Public Comment

28. The Decree shall be subject to a 30-day public comment period in accordance with Section 122(d)(2) of CERCLA, 42 U.S.C. § 9622(d)(2), and 28 C.F.R. § 50.7. The United States reserves the right, in consultation with the Commonwealth, to withdraw its consent to the Decree if comments received disclose facts or considerations which show that the Decree is inappropriate, improper or inadequate; provided that comments which, in the judgment of the United States, show that the allocation of Settling Defendants' payments under the Decree between Plaintiffs and/or among past and future response costs and/or natural resource damages is inappropriate or improper shall constitute grounds for modification of the Decree to reallocate those payments but shall not, by themselves, constitute a ground upon which the United States may withdraw its consent to the Decree. Settling Defendants consent to the entry of the Decree without further notice.

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THE FOREGOING Consent Decree among plaintiffs the United States of America and the Commonwealth of Massachusetts and defendants Aerovox Incorporated and Belleville Industries, Inc., in United States v. AVX Corporation, Civ. No. 83-3882-Y (D. Mass.), is hereby APPROVED AND ENTERED THIS 17th DAY OF July, 1990.

William G. Young

WILLIAM G. YOUNG
United States District Judge
District of Massachusetts

SUPP-CD-PUBCOM000535

(Consent Decree with Aerovox Incorporated and Belleville Industries, Inc. in United States v. AVX Corporation, Civ. No. 83-3682-T (D. Mass.))

FOR THE UNITED STATES OF AMERICA

Date: 12/17/90

Richard B. Stewart
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

Ellen M. Mahan
William D. Brighton
Senior Counsel
Environmental Enforcement Section
Environment and Natural Resources Division
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Washington, D.C. 20530

Wayne A. Budd
United States Attorney
District of Massachusetts

Suzanne Durrell
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1107 J.W. McCormack Post Office/ Courthouse
Boston, Massachusetts 02109

SUPP-CD-PUBCOM000536

[Consent Decree with Aerovox Incorporated and Belleville Industries, Inc. in United States v. AVX Corporation, Civ. No. 83-3682-Y (D. Mass.)]

James M. Strock
Assistant Administrator for Enforcement
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Julie Belaga
Regional Administrator
U.S. Environmental Protection Agency,
Region I
JFK Federal Building
Boston, Massachusetts 02203

Elizabeth V. Foote
Mark Lowe
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region I
JFK Federal Building
Boston, Massachusetts 02203

SUPP-CD-PUBCOM000537

[Consent Decree with Kerovox Incorporated and Belleville Industries, Inc. in United States v. AVX Corporation, Civ. No. 89-3882-Y (D. Mass.)]

FOR THE FEDERAL NATURAL RESOURCE TRUSTEES

John A. Knauss
Under Secretary for Oceans
Administrator, National Oceanic and
Atmospheric Administration
U.S. Department of Commerce
Washington, D.C. 20230

Thomas A. Campbell
General Counsel
National Oceanic and Atmospheric
Administration

11/14/90

Anton P. Giedt
Office of General Counsel
National Oceanic and Atmospheric
Administration

SUPP-CD-PUBCOM000538

[Consent Decree with Aerovox Incorporated and Belleville Industries, Inc. in United States v. AVX Corporation, Civ. No. 83-3882-Y (D. Mass.)]

FOR THE COMMONWEALTH OF MASSACHUSETTS

Matthew T. Brock
Michael Mascis
Assistant Attorneys General
Environmental Protection Division
One Ashburton Place
Boston, Massachusetts 02108

Daniel S. Greenbaum, Commissioner
Department of Environmental Protection
Commonwealth of Massachusetts
One Winter Street
Boston, Massachusetts 02108

FOR THE COMMONWEALTH OF MASSACHUSETTS
NATURAL RESOURCE TRUSTEE

John DeVillars, Secretary
Executive Office of Environmental Affairs
Commonwealth of Massachusetts
100 Cambridge Street, 20th Floor
Boston, Massachusetts 02202

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[Consent Decree with Aerovox Incorporated and Belleville Industries, Inc. In United States v. AVX Corporation, Civ. No. 83-3883-Y (D. Mass.)]

FOR AEROVOX INCORPORATED

Clifford H. Tuttle
President
Aerovox Incorporated
740 Belleville Avenue
New Bedford, Massachusetts 02740

Paul B. Galvani
Roscoe Trimmier, Jr.
Ropes & Gray
One International Place
Boston, Massachusetts 02110

SUPP-CD-PUBCOM000540

[Consent Decree with Aerovox Incorporated and Belleville Industries, Inc. in United States v. AVX Corporation, Civ. No. 83-3882-Y (D. Mass.)]

FOR BELLEVILLE INDUSTRIES, INC.

David A. McLaughlin
McLaughlin & Folan, P.C.
448 County Street
New Bedford, Massachusetts 02740

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, Plaintiff, v. AVX CORPORATION, et al., Defendants. COMMONWEALTH OF MASSACHUSETTS, Plaintiff, v. AVX CORPORATION, et al., Defendants.	CIVIL ACTION NOS. 83-3882-Y 83-3889-Y

CONSENT DECREE WITH DEFENDANTS FEDERAL PACIFIC ELECTRIC COMPANY AND CORNELL DUBILIER ELECTRONICS, INC.

This Consent Decree ("Decree") is made and entered into by the United States of America ("United States") and the Commonwealth of Massachusetts ("Commonwealth") (collectively referred to as "Plaintiffs"), and Federal Pacific Electric Company ("FPE") and Cornell Dubilier Electronics, Inc. ("CDE") (also jointly referred to herein as "Settling Defendants" or "FPE and CDE").

Introduction

The United States, on behalf of the National Oceanic and Atmospheric Administration ("NOAA") as federal trustee, and the Commonwealth as state trustee filed complaints in these consolidated actions on December 9 and 10, 1983, respectively, seeking to recover for damages for alleged injury to, destruction of, and loss of natural resources resulting from releases and threatened releases of hazardous substances, including poly-

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chlorinated biphenyls ("PCBs"), in New Bedford Harbor ("Harbor"), Massachusetts and adjacent waters under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9607 ("CERCLA").

Thereafter, the United States and the Commonwealth filed amended complaints (hereinafter "Complaints") in these actions on February 27 and 28, 1984, respectively. The United States' First Amended Complaint sought damages on behalf of the federal trustee for alleged injury to, destruction of, and loss of natural resources resulting from releases and threatened releases of hazardous substances, including PCBs, in and into the Acushnet River Estuary ("Estuary"), the Harbor, Buzzards Bay ("Bay"), and Rhode Island and Vineyard Sounds (collectively "Sounds"), and added claims on behalf of the United States Environmental Protection Agency ("EPA") alleging releases and threatened releases of hazardous substances, including PCBs, in and into the Estuary, Harbor, Bay and Sounds, and seeking recovery of response costs under Section 107 of CERCLA and injunctive relief under Section 106 of CERCLA, 42 U.S.C. § 9606, Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 ("RCRA"), Section 504 of the Clean Water Act, 33 U.S.C. § 1364 ("CWA"), and Section 13 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 407 ("1899 Act"). The United States' First Amended Complaint stated that the full nature and extent of the PCB contamination, and the extent and value of past and future damages to natural resources, were not yet known and had

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not yet been determined. The United States' First Amended Complaint stated that the government agencies were in the course of investigating the contamination and assessing the damages.

The Commonwealth's First Amended Complaint set forth claims alleging releases or threatened releases of hazardous substances, including PCBs, in and into the Estuary, Harbor and adjacent waters or areas, and seeking natural resource damages and recovery of response costs incurred by the Commonwealth under Section 107 of CERCLA, 42 U.S.C. § 9607, and claims for recovery of response costs under Sections 1 through 13 of Chapter 21E, Massachusetts General Laws ("M.G.L."), and the earlier law that it superseded, M.G.L. c. 21, Sections 27(14) and 40 of the Massachusetts Clean Waters Act, and claims for abatement of a public nuisance and abatement of abnormally dangerous activities under state common law. The Commonwealth's First Amended Complaint stated that the Commonwealth had not yet determined the full nature and extent of the PCB contamination in the New Bedford Harbor, the extent and value of past and future damages to natural resources, or the costs of assessing damages to natural resources or implementing appropriate remedies.

The Complaints assert claims against five current defendants, FPE, CDE, AVX Corporation, Aerovox Incorporated, and Belleville Industries, Inc. This Decree is solely between and among the Plaintiffs and FPE and CDE.

The parties to this Decree agree, and the Court finds, that settlement of the claims in this case against FPE and CDE is

in the public interest and is made in good faith, and that entry of this Decree is the most appropriate means to resolve the matters covered herein.

NOW, THEREFORE, before the taking of any testimony, without any admission of fact or law and upon the consent and agreement of the parties, it is hereby ORDERED, ADJUDGED, AND DECREED:

Jurisdiction

1. For the purpose of entry and enforcement of this Decree, the Court has jurisdiction over the subject matter of this action and the parties to this Decree pursuant to 28 U.S.C. §§ 1331 and 1345, Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), Section 7003 of RCRA, 42 U.S.C. § 6973, Section 504 of the CWA, 33 U.S.C. § 1564, and Section 13 of the 1899 Act, 33 U.S.C. § 407, and has pendent jurisdiction over the claims arising under state law. This Court has personal jurisdiction over FPE and CDE which, solely for purposes of this Consent Decree, waive all objections and defenses they may have to jurisdiction of the Court or to venue in this District.

Parties

2. A. Defendant FPE is a Delaware corporation with its principal place of business in Cleveland, Ohio.

B. Defendant CDE is a Delaware corporation with its principal place of business in Wayne, New Jersey.

C. Plaintiff, United States of America, includes all departments, divisions, independent boards, administrations or

agencies and natural resource trustees of the Federal government.

D. Plaintiff Commonwealth of Massachusetts includes all departments, divisions, administrations or agencies and natural resource trustees of the State government to the extent permitted by law.

Applicability of Decree

3. The provisions of this Decree shall apply to and be binding on the United States and the Commonwealth and their agencies, departments and natural resource trustees and on FPE and CDE and their successors and assigns. Changes in the ownership or corporate form or status of FPE and CDE shall have no effect on FPE and CDE's obligations under this Decree or on Plaintiffs' obligations to FPE and CDE under this Decree.

Effect of Settlement/Entry of Judgment

4. This Decree was negotiated at arm's length and executed by the parties hereto in good faith to avoid the continuation of expensive and protracted litigation and is a fair and equitable settlement of claims which were contested, denied and disputed as to validity, liability and amount. The execution of this Decree shall not constitute or be construed as an admission of liability by any person for any purpose, nor is it a finding or admission or acknowledgment of the factual or legal allegations set forth in the Complaints or Counterclaims, or an admission of any violation of law, rule, regulation, or policy by any person, including the parties hereto, or their agents, successors or assigns, nor shall this Decree or the participation of any party hereto in

this Decree be admissible in evidence against any party hereto in any judicial or administrative proceeding, other than in a proceeding between the parties hereto to adjudicate, interpret or enforce this Decree or in any proceeding under Paragraphs 17, 18 or 19 of the Decree. The entry of this Decree shall not be construed to be an acknowledgement by either FPE or CDE that there has been a release or threatened release of a hazardous substance or oil and hazardous material at the Site or that any such release or threatened release constitutes an imminent and substantial endangerment to the public welfare or the environment.

5. Upon approval and entry of this Decree by the Court, the Decree shall constitute a final judgment.

Definitions

6. This Decree incorporates the definitions set forth in Section 101 of CERCLA, 42 U.S.C. § 9601. In addition, whenever the following terms are used in this Consent Decree, they shall have the following meanings:

A. "Cornell Facility" means the land, the manufacturing plant and associated structures thereon (including subsurface structures), at 1605 East Rodney French Boulevard, New Bedford, Massachusetts, bordered on the east by the west side of East Rodney French Boulevard, on the north by the south side of David Street, on the south by the north side of Mott Street and on the west by a playground which borders on the east side of Cleveland Street.

B. "DEP" means the Massachusetts Department of Environmental Protection.

C. "Federal Trustees" means the Secretary of Commerce, acting through NOAA, and the Secretary of the Interior.

D. "Final Approval of the Decree" shall mean the earliest date on which all of the following have occurred: (1) the Decree has been lodged with the Court and noticed in the Federal Register, and the period for submission of public comments has expired; (2) the Court has approved and entered the Decree as a judgment; and (3) the time for appeal from that judgment has expired without the filing of an appeal, or the judgment has been upheld on appeal and either the time for further appeal has expired without the filing of a further appeal or no further appeal is allowed.

E. "Natural Resources" shall have the meaning provided in Section 101(16) of CERCLA, 42 U.S.C. § 9601(16).

F. "Natural Resource Damages" means damages under Section 107 of CERCLA for injury to, destruction of, or loss of the Natural Resources with respect to the New Bedford Harbor Site.

G. "New Bedford Harbor Site" or "Site" means the New Bedford Harbor Superfund Site, located in portions of New Bedford, Acushnet and Fairhaven, Massachusetts, including the Acushnet River Estuary, New Bedford Harbor, and any adjacent marine waters and sediments and shoreline areas, which are the subject of EPA's current Remedial Investigation and Feasibility

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Study, including at least Areas 1, 2, and 3 as defined in 105 CMR 260.005 and as depicted on Exhibit A to the United States' Complaint. The Site does not include any other DEP listed sites or any portion of the Cornell Facility.

H. "Remedial Action" means those actions implemented or to be implemented pursuant to CERCLA with respect to the New Bedford Harbor Site as set forth in the RODs.

I. "Response Costs" means all direct and indirect costs of response incurred with respect to the New Bedford Harbor Site, including the costs of operation and maintenance of remedial action components.

J. "RODs" means the first operable unit record of decision for the New Bedford Harbor Site signed on April 6, 1990, and the second operable unit record of decision for the New Bedford Harbor Site for which a Feasibility Study was released on August 21, 1990, and for which a record of decision is presently expected to be signed in 1992 and, in the event the first two records of decision do not address all areas of the Site, any additional operable unit record(s) of decision that EPA considers necessary to provide a comprehensive initial remedial decision (including a no action decision) with respect to PCBs for all areas of the Site. "RODs" does not include any records of decision with respect to later-discovered conditions or information as described in Paragraph 17 and 18.

K. "State Trustee" means Secretary of the Executive

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Office of Environmental Affairs, Commonwealth of Massachusetts.

Escrow Obligations

7. A. Within ten (10) business days of their signing of the Decree, FPE and CDE shall establish an escrow account (the "Escrow") bearing interest on commercially reasonable terms in a federally or state chartered bank (the "Escrow Agent"), and FPE and CDE shall cause to be paid into the Escrow the amount of $21 million. The escrow agreement between FPE and CDE and the Escrow Agent shall provide that the Escrow Agent submits to the jurisdiction and venue of the United States District Court for the District of Massachusetts in connection with any litigation involving the Plaintiffs arising out of the Escrow. FPE and CDE shall notify Plaintiffs in writing of the creation and funding of the Escrow immediately after the payment into the Escrow has been made. This notice shall be sent by hand or by overnight courier service to: Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice, Room 1541 (EES Dockets), 10th and Pennsylvania Ave, N.W., Washington, D.C., 20530; and Chief, Environmental Protection Division, Department of Attorney General, One Ashburton Place, 19th Floor, Boston, MA 02108.

B. All funds paid into the Escrow by FPE and CDE shall remain in the Escrow and may not be withdrawn by any person, except to make the payments required by Paragraphs 8-15, or unless one of the following events occurs: (1) the United States withdraws its consent to entry of the Decree after the

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Decree has been lodged, pursuant to Paragraph 30; or (2) a final judicial determination is made that a legally binding agreement does not exist or that the Decree will not be approved and entered. If one of these events occurs, all sums in the Escrow shall be returned to FPE and CDE.

C. All interest accrued in the Escrow shall be paid to Plaintiffs in accordance with Paragraphs 8-15 at the time the principal payments under those paragraphs are made; provided, however, that costs and fees of the Escrow may be deducted from accrued interest by the Escrow Agent prior to making the payments, and provided that, if Plaintiffs fail to lodge the Decree within ninety (90) days of establishment of the Escrow, all interest accruing in the period after that ninety days and before the date of lodging shall not be due to Plaintiffs.

Payment Terms

8. Within fifteen (15) business days after Final Approval of the Decree, Settling Defendants shall cause the amount of $21 million plus interest due thereon under Paragraph 7.C., to be disbursed to Plaintiffs or their designees in accordance with Paragraphs 9-15. This amount has been allocated by the Plaintiffs to Response Costs in the amount of $1 million (plus interest due thereon), to Natural Resource Damages, including the costs of assessment, in the amount of $10 million (plus interest due thereon), and to a Court Registry account in the amount of $10 million (plus interest due thereon) to be allocated to Natural Resource Damages and/or Response Costs. These payments

shall be made by FPE and CDE as described in Paragraphs 9-15. The obligations of FPE and CDE to make the payments to Plaintiffs under this Consent Decree are joint and several.

9. A. Settling Defendants shall pay the sum of $608,000 (plus interest due thereon) to the EPA Hazardous Substances Superfund on account of past Response Costs incurred by the United States with respect to the New Bedford Harbor Site.

B. The payment for past United States Response Costs shall be made by certified or bank check payable to "EPA Hazardous Substances Superfund." The check shall reference on its face the New Bedford Harbor Site and CERCLA No. MAD980731335 and shall be sent to:

EPA Region I
Attn: Superfund Accounting
P.O. Box 360197M
Pittsburgh, PA 15251

C. Settling Defendants shall cause copies of such check and of any transmittal letter accompanying the check to be sent to: Chief, Superfund Office, Office of Regional Counsel, EPA Region I, One Congress Street, Boston, MA 02203; Chief, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044; and Chief, Environmental Protection Division, Department of the Attorney General, One Ashburton Place, Boston, MA 02108.

10. A. Settling Defendants shall pay the sum of $28,000 (plus interest due thereon) to the Commonwealth in reimbursement of past Response Costs incurred by the Commonwealth with respect to the New Bedford Harbor Site.

B. The payment for past Commonwealth Response Costs, shall be made by certified or bank check payable to "Commonwealth of Massachusetts," and shall be sent to:

Chief, Environmental Protection Division
Massachusetts Department of Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

C. Settling Defendants shall cause copies of such check and of any transmittal letter accompanying the check to be sent to: Chief, Cost Recovery Section, Bureau of Waste Site Cleanup, Department of Environmental Protection, One Winter Street, Boston, MA 02108.

11. A. Settling Defendants shall pay the sum of $364,000 (plus interest due thereon) to Plaintiffs on account of future Response Costs to be incurred by the United States and the Commonwealth with respect to the New Bedford Harbor Site; provided that, pursuant to an allocation agreement between the EPA and the Commonwealth, certain portions of the amount paid on account of future Response Costs shall be applied toward satisfying the Commonwealth's operation and maintenance obligations at the Site under Section 104(c)(3) and toward the Commonwealth's obligation under Section 104(c)(3) of CERCLA to pay or assure payment of ten percent (10%) of the costs of the remedial action.

B. Each payment for future Response Costs shall be made by certified or bank check payable to "EPA Hazardous Substances Superfund, Attn: New Bedford Harbor Special Account", and shall be sent to:

EPA Region I
Attn: Superfund Accounting
P.O. Box 360197M
Pittsburgh, PA 15251

C. Settling Defendants shall cause copies of each such check and of any transmittal letter accompanying the check to be sent to: Chief, Superfund Office, Office of Regional Counsel, EPA Region I, One Congress Street, Boston, MA 02203; Chief, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044; and Chief, Environmental Protection Division, Department of the Attorney General, One Ashburton Place, Boston, MA 02108.

12. A. Of the $10 million allocated in Paragraph 8 to Natural Resource Damages, Settling Defendants shall pay the sum of $9,670,192.25 (plus interest due thereon) into the Registry of the Court, United States District Court for the District of Massachusetts, to be administered by the Registry of the Court for the Federal and State Trustees. The amount paid under this Paragraph and any interest due thereon shall be administered and disbursed to the Federal and State Trustees in accordance with Paragraphs 12.D through 12.F below.

B. The payment set forth in Paragraph 12.A shall be made by certified or bank check payable to "Clerk, United States District Court." The check shall include on its face a statement that it is a payment for Natural Resource Damages in Civil Action Nos. 83-3882-Y and 83-3889-Y (D. Mass.), and shall be sent to:

Office of the Clerk
United States District Court for the
District of Massachusetts
Room 707
J.W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

C. Settling Defendants shall cause copies of the check referenced in Paragraph 12.B and of any transmittal letter accompanying the check to be sent to: Chief, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044; Regional Attorney, NOAA Office of General Counsel, One Blackburn Drive - Suite 205, Gloucester, MA 01930; Regional Solicitor, U.S. Department of the Interior, Northeast Region, One Gateway Center - Suite 612, Newton Corner, MA 02158; and Chief, Environmental Protection Division, Department of the Attorney General, One Ashburton Place, Boston, MA 02108.

D. The Registry of Court shall administer all amounts paid for Natural Resource Damages under this Decree in an interest-bearing account ("Registry Account A") as provided in the Order Directing the Deposit of Natural Resource Damages Into the Registry of the Court ("Deposit Order A"), attached hereto, issued by this Court pursuant to Rule 67 of the Federal Rules of Civil Procedure, 28 U.S.C. § 2041, and Local Rule 67.2(c) of the Local Rules for the U.S. District Court for the District of Massachusetts.

E. All funds and all interest accrued thereon in the Registry Account shall be held in the name of the "Clerk, United States District Court," for the benefit of the Federal and State

Trustees. Upon joint application by the United States and the Commonwealth, monies in the Registry account shall be disbursed to the Federal and State Trustees by further order of this Court for use by the trustees to plan, implement, and oversee actions to restore, replace, or acquire the equivalent of natural resources that have been injured, destroyed, or lost as a result of the release of hazardous substances at the New Bedford Harbor Site, in accordance with Section 107(f)(1) of CERCLA, 42 U.S.C. § 9607(f)(1). All disbursements from the Registry Account shall be made by order of the Court in accordance with the provisions of 28 U.S.C. § 2042 and Local Rule 67.1 of the Local Rules for the U.S. District Court for the District of Massachusetts.

F. In the event that it is later determined that the provisions of Paragraphs 12.D and 12.E are unlawful, the amounts in the Registry Account or payable under this Decree for Natural Resource Damages shall be distributed to the Federal and State Trustees as determined by further agreement of the United States and the Commonwealth or, if no such agreement is reached within a reasonable time, by an allocation of those amounts by this Court. In making any such allocation, the Court shall consider any Memorandum of Agreement between the United States and the Commonwealth concerning the use of amounts recovered for Natural Resource Damages, or, in the absence of any memorandum of agreement or understanding, the statute's goal to restore, replace, or acquire the equivalent of the injured or lost natural resources. All amounts recovered for Natural Resource Damages and all

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interest accrued thereon shall be used in accordance with Section 107(f)(1) of CERCLA.

13. A. Of the $10 million allocated in Paragraph 8 to Natural Resource Damages, Settling Defendants shall pay the sum of $54,227.75 (plus interest due thereon) to NOAA in reimbursement of the federal costs of assessing Natural Resource Damages.

B. This payment shall be made by certified or bank check payable to "Office of Marine Assessment, National Oceanic and Atmospheric Administration", and shall be sent to:

General Counsel
National Oceanic and Atmospheric
Administration
Room 5814 Herbert Hoover Building
14th & Constitution Avenue, N.W.
Washington, D.C. 20230

C. Settling Defendants shall cause copies of the check referenced in Paragraph 13.B and of any transmittal letter accompanying the check to be sent to: Chief, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044; and Chief, Environmental Protection Division, Department of the Attorney General, One Ashburton Place, Boston, MA 02108.

14. A. Of the $10 million allocated in Paragraph 8 to Natural Resource Damages, Settling Defendants shall pay the sum of $275,580 (plus interest due thereon) to the Commonwealth in reimbursement of the state trustees' costs of assessing Natural Resource Damages.

B. This payment shall be made by certified or bank

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check payable to "Commonwealth of Massachusetts", and shall be sent to:

Chief, Environmental Protection Division
Department of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

15. A. Settling Defendants shall pay the sum of $10 million (plus interest due thereon) into the Registry of the Court, United States District Court for the District of Massachusetts, to be administered by the Registry of the Court for the United States and the Commonwealth in accordance with Paragraphs 15.D through 15.F below.

B. The payment set forth in Paragraph 15.A shall be made by certified or bank check payable to "Clerk, United States District Court." The check shall include on its face a statement that it is a payment for Natural Resource Damages and/or Response Costs in Civil Action Nos. 83-3882-Y and 83-3889-Y (D. Mass.), and shall be sent to:

Office of the Clerk
United States District Court for the
District of Massachusetts
Room 707
J.W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

C. Settling Defendants shall cause copies of the check referenced in Paragraph 15.B and of any transmittal letter accompanying the check to be sent to: Chief, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044; Regional Attorney, NOAA Office of General Counsel, One Blackburn Drive - Suite 205,

Gloucester, MA 01930; Regional Solicitor, U.S. Department of the Interior, Northeast Region, One Gateway Center - Suite 612, Newton Corner, MA 02158; Chief, Superfund Office, Office of Regional Counsel, EPA Region I, One Congress Street, Boston, MA 02203; and Chief, Environmental Protection Division, Department of the Attorney General, One Ashburton Place, Boston, MA 02108.

D. The Registry of Court shall administer all amounts paid for Natural Resource Damages and/or Response Costs in an interest-bearing account ("Registry Account B") as provided in the Order Directing the Deposit of Natural Resource Damages and/or Response Costs Into the Registry of the Court ("Deposit Order B"), attached hereto, issued by this Court pursuant to Rule 67 of the Federal Rules of Civil Procedure, 28 U.S.C. § 2041, and Local Rule 67.2(c) of the Local Rules for the U.S. District Court for the District of Massachusetts.

E. All funds and all interest accrued thereon in the Registry Account shall be held in the name of the "Clerk, United States District Court," for the benefit of the United States and the Commonwealth. Upon joint application by the United States and the Commonwealth and upon order of this Court, monies in Registry Account B shall be disbursed in accordance with the joint application and order to EPA and the Commonwealth for Response Costs and/or to Registry Account A established under Deposit Order A and Paragraph 12 for use by the Federal and State Trustees in accordance with the provisions of Paragraph 12. All disbursements from the Registry Account shall be made by order of

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the Court in accordance with the provisions of 28 U.S.C. § 2042 and Local Rule 67.3 of the Local Rules for the U.S. District Court for the District of Massachusetts.

F. In the event that it is later determined that the provisions of Paragraph 15 are unlawful, the amounts in Registry Account B may be allocated to Natural Resource Damages and/or Response Costs by order of the Court upon request of the United States and the Commonwealth. In making any such allocation, the Court shall consider any Memorandum of Agreement between the United States and the Commonwealth concerning the use of amounts in Registry Account B recovered for Natural Resource Damages and/or Response Costs.

Covenants Not To Sue By Plaintiffs

16. A. Covenants by the United States. For good and valuable consideration, and except as specifically provided in this Decree, the United States covenants not to sue or to take any other civil judicial or administrative action against FPE and CDE for:

1. recovery of past and future response costs incurred or to be incurred by the United States under Section 107(a) of CERCLA and Section 7003 of RCRA;

2. injunctive relief under Section 106 of CERCLA, Section 7003 of RCRA, Section 504 of the Clean Water Act, and the Rivers and Harbors Act of 1899; and

3. damages for injury to, destruction of, or

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loss of natural resources, including the costs of assessment, under Section 107(a) of CERCLA,

with respect to the New Bedford Harbor Site, including any such claims for contamination set forth in Plaintiffs' Requests for Admissions to Settling Defendants in this lawsuit. Except with respect to future liability, these covenants not to sue shall take effect upon entry of the Decree by the Court. With respect to future liability, these covenants not to sue shall take effect upon EPA's certification of completion of the Remedial Action.

B. Covenants by the Commonwealth. For good and valuable consideration, and except as specifically provided in this Decree, the Commonwealth covenants not to sue or to take any other civil judicial or administrative action against FPE and CDE for:

1. recovery of past and future response costs incurred or to be incurred by the Commonwealth under Section 107(a) of CERCLA, M.G.L. c. 21E, M.G.L. c. 21 Sections 27(14) and 40, or state common law;

2. injunctive relief under M.G.L. c. 21E Section 11, M.G.L. c. 21 Section 46, and state common law;

3. damages for injury to, destruction of, or loss of natural resources, including the costs of assessment, under Section 107(a) of CERCLA, M.G.L. c. 21E, M.G.L. c. 21 Sections 27(14) and 40, or state common law,

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with respect to the New Bedford Harbor Site, including any such claims for contamination set forth in Plaintiffs' Requests for Admissions to Settling Defendants in this lawsuit. Except with respect to future liability, these covenants not to sue shall take effect upon entry of the Decree by the Court. With respect to future liability, these covenants not to sue shall take effect upon EPA's certification of completion of the Remedial Action.

C. Plaintiffs' covenants not to sue shall not apply to the following:

1. Claims based on a failure by Settling Defendants to satisfy the requirements of the Decree;

2. Claims for criminal liability;

3. Claims with respect to areas outside the New Bedford Harbor Site arising from the past, present or future disposal, release or threat of release of hazardous substances or oil and hazardous materials to locations other than the New Bedford Harbor Site;

4. Claims arising from any release or discharge from the Cornell Facility after the date of lodging of this Decree, including such claims for releases or discharges to the Site; but excluding claims under Section 107 of CERCLA for response costs or damages in the Site resulting from a federally permitted release; and

5. Claims arising from any future release of hazardous substance or oil and hazardous material resulting from Settling Defendants' operations, which

SUPP-CD-PUBCOM000562

operations take place after the date of lodging of this Decree, including such claims for releases to the Site.

Pre-certification reservations

17. Notwithstanding any other provision of this Decree, the United States and the Commonwealth (to the extent that the Commonwealth has such a right) reserve the right to institute proceedings in this action or in a new action seeking to compel FPE and CDE (1) to perform additional response actions at the New Bedford Harbor Site, and (2) to reimburse the United States and/or the Commonwealth for response costs, if, prior to EPA's certification of completion of the Remedial Action:

A. conditions at the New Bedford Harbor Site, previously unknown to the United States and the Commonwealth, are discovered after the issuance of the RODs, or

B. information is received, in whole or in part, after the issuance of the RODs,

and these previously unknown conditions or this information indicate, together with any other relevant information, that the Remedial Action is not protective of human health or the environment.

Post-certification reservations

18. Notwithstanding any other provision of this Decree, the United States and the Commonwealth (to the extent that the Commonwealth has such a right) reserve the right to institute proceedings in this action or in a new action seeking to compel

SUPP-CD-PUBCOM000563

FPE and CDE (1) to perform additional response actions at the New Bedford Harbor Site, and (2) to reimburse the United States and/or the Commonwealth for response costs, if, after EPA's certification of completion of the Remedial Action:

A. conditions at the New Bedford Harbor Site, previously unknown to the United States or the Commonwealth, are discovered after the certification of completion, or

B. information is received, in whole or in part, after the certification of completion,

and these previously unknown conditions or this information indicate, together with any other relevant information, that the Remedial Action is not protective of human health or the environment.

Reservations concerning natural resource injury

19. Notwithstanding any other provision of this Decree, the United States and the Commonwealth, on behalf of their respective natural resource trustees, reserve the right to institute proceedings against FPE and CDE in this action or in a new action seeking recovery of Natural Resource Damages unknown to Plaintiffs at the date of lodging of this Decree.

Covenants by Settling Defendants

20. A. For good and valuable consideration, and except as specifically provided in this Decree, FPE and CDE covenant not to sue or bring any administrative action against the United States or the Commonwealth with respect to the New Bedford Harbor Site,

including the counterclaims asserted in FPE's and CDE's Answers to the Complaints and any claims or counterclaims set forth in their Requests for Admissions to Plaintiffs in this lawsuit, and including any claim pursuant to Section 112 of CERCLA, 42 U.S.C. § 9612, or any other statute, regulation, common law, or legal theory, against the Hazardous Substances Superfund, for reimbursement relating to implementation of the RODs at the New Bedford Harbor Site; provided however that, in the event that Plaintiffs assert a claim against FPE and CDE in an action with respect to the Site, FPE and CDE reserve the right to assert: (1) any new claims and counterclaims against the United States and the Commonwealth that arise after the lodging of the Decree; and (2) such portions of those claims and counterclaims that are the subject of Settling Defendants' covenants above that arise out of the same transaction or occurrence that is the subject matter of the new claim by the Plaintiffs in such an action, provided that such claims and counterclaims shall not seek recoupment of any settlement sums paid or to be paid by Settling Defendants pursuant to this Decree. For any such claims or counterclaims of Settling Defendants, all relevant statutes of limitations or repose shall be deemed to have been tolled, and any defense of laches waived, for the period from the date of entry of the Decree by the Court until the time at which Plaintiffs, or either of them, assert a claim against FPE or CDE in an action with respect to the Site, if such claims or counterclaims would be time barred solely as a result of the operation of the

Settling Defendants' covenants not to sue in this Paragraph. In addition, these covenants not to sue by Settling Defendants do not include claims based on failure by the United States or the Commonwealth to satisfy the requirements of this Decree. These covenants not to sue by Settling Defendants shall take effect upon entry of the Decree by the Court. Nothing in this Decree shall be deemed to constitute preauthorization of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611.

B. Except as specifically provided in this Decree, FPE and CDE waive any rights they may have to seek judicial or administrative review of the RODs or to challenge any actions taken to implement such RODs. FPE and CDE further waive any claim relating to the RODs and of any actions taken to implement such RODs pursuant to M.G.L. c. 30, §§ 61-62H and 301 C.M.R. § 11.00 et seq.

Interest and Penalties for Late Payments

21. If any payment required by Paragraphs 7-15 of this Decree is not made within the time(s) specified in Paragraphs 7 and 8, FPE and CDE shall be liable to Plaintiffs for interest on the overdue amount(s), from the time payment was due until full payment is made, at the higher of (a) the rate established by the Department of the Treasury under 31 U.S.C. § 3717 and 4 C.F.R. § 102.13, or (b) the commercially reasonable interest rate that applies to the Escrow or that would have applied to the Escrow had it been timely established and funded.

22. A. If Settling Defendants fail to meet their

obligations under Paragraph 7 of the Decree regarding the establishment of the Escrow, FPE and CDE shall pay stipulated penalties accruing from the date of lodging of this Decree in the following amounts for each day of each and every violation of said requirements:

Days of Delay	Penalty Per Violation Per Day
1-14	$1000/day
15-30	$3000/day
Beyond 30 Days	$5000/day

B. If any payment required by Paragraphs 12 or 15 of this Decree is not made by the date specified in Paragraph 8, FPE and CDE shall pay stipulated penalties in the following amounts for each day of each and every violation of said requirements:

Days of Delay	Penalty Per Violation Per Day
1-14	$1000/day
15-30	$3000/day
Beyond 30 Days	$5000/day

C. If any payment required by Paragraphs 9, 10, 11, 13, or 14 of this Decree is not made by the date specified in Paragraph 8, FPE and CDE shall pay stipulated penalties in the following amounts for each day of each and every violation of said requirements:

Days of Delay	Penalty Per Violation Per Day
1-14	$500/day
15-30	$1000/day
Beyond 30 Days	$1500/day

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D. FPE and CDE shall make any such stipulated penalties payments: (1) to EPA, for any payment overdue under Paragraph 9; (2) 90% to EPA and 10% to the Commonwealth for any payment overdue under Paragraph 11; (3) to the United States, for any payment overdue under Paragraph 13; (4) fifty percent (50%) to the United States and fifty (50%) percent to the Commonwealth, for any payment overdue under Paragraphs 7, 12, or 15; and (5) to the Commonwealth, for any payment overdue under Paragraphs 10 and 14.

23. Stipulated penalties due to the United States under this Decree shall be paid by certified or bank check made payable to "Treasurer of the United States" and shall be sent to:

Chief, Civil Division
United States Attorneys' Office
1107 J.W. McCormack Post Office/Courthouse
Boston, MA 02109

Stipulated penalties due to EPA or the Commonwealth under this Decree shall be paid in the manner described in Paragraphs 9 and 10, respectively.

24. Payment of interest under Paragraph 21 and stipulated penalties under Paragraph 22 do not preclude Plaintiffs from seeking any other remedies or sanctions that may be available to them on account of FPE's and CDE's failure to comply with the terms of the Decree.

Access Provision

25. The United States and the Commonwealth, their agencies and departments, and their authorized representatives, including their authorized contractors and consultants, shall have, upon

reasonable notice to CDE, such rights of access to the Cornell Facility as may be authorized under Section 104(e) of CERCLA, 42 U.S.C. § 9604, or Section 8 of M.G.L. c. 21E and as may be necessary for implementation of the Remedial Action, including operation and maintenance, at the New Bedford Harbor Site. Notwithstanding any other provision of this Decree, CDE specifically reserves and does not waive with respect to such access all rights which it has or may have under federal and/or state law. In the event of a dispute between CDE and the United States and/or the Commonwealth with respect to such access, any party may submit the dispute to this Court for resolution. This right of access is in addition to, and not in lieu of, any other right of entry or access which exists under federal or state law.

Contribution Protection

26. FPE and CDE shall have the benefits of Section 113(f) of CERCLA, 42 U.S.C. § 9613(f), Section 4 of Mass. Gen. Laws c. 231B, and any other applicable law limiting their liability to persons not a party to this Consent Decree or affording them rights of contribution or other rights to recover costs or damages relating to the New Bedford Harbor Site from such persons.

Retention of Response Authority

27. Except for the covenants not to bring certain actions against Settling Defendants set forth in Paragraph 16, this Decree shall not be construed to limit the authority of the United States or the Commonwealth to take any and all response

actions relating to the New Bedford Harbor Site authorized by federal or state law.

Compliance with Other Laws

28. The Decree shall not be construed to in any way relieve FPE and CDE or any other person or entity from the obligation to comply with any federal, state or local law.

Retention of Jurisdiction

29. The Court shall retain jurisdiction of this matter between Plaintiffs and FPE and CDE for the purpose of entering such further orders, direction, or relief as may be appropriate for the construction, implementation, or enforcement of this Decree.

Public Comment

30. The Decree shall be subject to a 30-day public comment period consistent with Section 122(d)(2) of CERCLA, 42 U.S.C. § 9622(d)(2), and 28 C.F.R. § 50.7. The United States reserves the right, in consultation with the Commonwealth, to withdraw its consent to the Decree if comments received disclose facts or considerations which show to the United States that the Decree is inappropriate, improper or inadequate. FPE's and CDE's consent to the entry of the Decree is effective upon their signature of the Decree.

THE FOREGOING Consent Decree among plaintiffs the United States of America and the Commonwealth of Massachusetts and defendants FPE and CDE in United States, et al. v. AVX Corporation, et al., Civ. Nos. 83-3882-Y, 83-3889-Y (D. Mass.), is hereby APPROVED. There being no just reason for delay, this Court expressly directs, pursuant to Fed. R. Civ. P. 54(b), ENTRY OF FINAL JUDGMENT by this Consent Decree THIS 8th DAY OF October, 1992, and except as specifically provided herein, costs to be borne by each party.

William G. Young

WILLIAM G. YOUNG
United States District Judge
District of Massachusetts

October 15, 1992.
Vacated.
William G. Young
District Judge

November 24, 1992.
Consent decree approved.
William G. Young
District Judge

Consent Decree with FPE and CDE in United States v. AVX Corporation, Civ. Nos. 83-3882-Y, 83-3889-Y (D. Mass.)

FOR THE UNITED STATES OF AMERICA

Date: 9/3/92

Vicki O'Meara
Acting Assistant Attorney General
Environment and Natural Resources Div.
U.S. Department of Justice
Washington, D.C. 20530

Date:

Ellen M. Mahan
Bruce C. Buckheit
Senior Counsel
Environmental Enforcement Section
Environment and Natural Resources Div.
U.S. Department of Justice
Washington, D.C. 20530

Consent Decree with FPE and CDE in United States v. AVX Corporation, Civ. Nos. 83-3882-Y, 83-3889-Y (D. Mass.)

Date: 8/24/93

Assistant Administrator for Enforcement
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Date: 8/12/92

Julie Belaga
Regional Administrator
U.S. Environmental Protection Agency,
Region I
JFK Federal Building
Boston, Massachusetts 02203

Date: 8/11/92

Gregory M. Kennan
Mark A. Lowe
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region I
One Congress Street
Boston, Massachusetts 02203

Consent Decree with FPE and CDE in United States v. AVX Corporation, Civ. Nos. 83-3882-Y, 83-3889-Y (D. Mass.)

FOR THE FEDERAL NATURAL RESOURCE TRUSTEES

Date: 8-26-92

John A. Knauss
Under Secretary for Oceans and Atmosphere
Administrator, National Oceanic and Atmospheric Administration
Department of Commerce
Washington, D.C. 20230

Date: 8-21-92

Thomas A. Campbell
General Counsel
National Oceanic and Atmospheric Administration

Date: 8-4-92

Anton P. Giedt
Attorney
Office of General Counsel
National Oceanic and Atmospheric Administration

Consent Decree with FPE and CDE in United States v. AVX Corporation, Civ. Nos. 83-3882-Y, 83-3889-Y (D. Mass.)

FOR THE COMMONWEALTH OF MASSACHUSETTS

Date: 7/22/92

Matthew T. Brock
Assistant Attorney General
Environmental Protection Division
One Ashburton Place
Boston, Massachusetts 02108

Date: 7/22/92

Commissioner
Department of Environmental Protection
Commonwealth of Massachusetts
One Winter Street
Boston, Massachusetts 02108

FOR THE COMMONWEALTH OF MASSACHUSETTS
NATURAL RESOURCE TRUSTEE

Date: 7/22/92

Secretary
Executive Office of Environmental Affairs
Commonwealth of Massachusetts
100 Cambridge Street, 20th Floor
Boston, Massachusetts 02202

Consent Decree with FPE and CDE in United States v. AVX Corporation, Civ. Nos. 83-3882-Y, 83-3889-Y (D. Mass.)

FOR FEDERAL PACIFIC ELECTRIC COMPANY

Date: 5/28/92

Date: 6/1/92

Howard T. Weir
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, DC 20036

FOR CORNELL DUBILIER ELECTRONICS, INC.

Date: 5/26/92

James R. Kaplan
President

Date: 6/9/92

Laurie Burt
Foley, Hoag & Eliot
One Post Office Square
Boston, Massachusetts 02109

SUPP-CD-PUBCOM000576

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, Plaintiffs v. AVX CORPORATION, et al., Defendants. COMMONWEALTH OF MASSACHUSETTS, Plaintiff, v. AVX CORPORATION, et al., Defendants.	CIVIL ACTION NOS. 83-3882-Y 83-3889-Y

ORDER DIRECTING THE DEPOSIT OF NATURAL RESOURCE DAMAGES FROM DEFENDANTS FEDERAL PACIFIC ELECTRIC COMPANY AND CORNELL DUBILIER ELECTRONICS, INC. INTO THE REGISTRY OF THE COURT AND DIRECTING THE CLERK TO DEPOSIT ALL NATURAL RESOURCE DAMAGES WITH THE COURT REGISTRY INVESTMENT SYSTEM ("C.R.I.S.")

DEPOSIT ORDER A

Pursuant to Rule 67 of the Federal Rules of Civil Procedure, 28 U.S.C. 2401, and Local Rule 67.2, and in accordance with the terms of the Consent Decree in the above captioned matter between Plaintiffs the United States and the Commonwealth of Massachusetts and Defendants Federal Pacific Electric Company and Cornell Dubilier Electronics, Inc. ("Settling Defendants"), entered by the Court on November 13, 1992, it is hereby

ORDERED that Settling Defendants, upon final approval of the Consent Decree, pay to the Clerk of the Court all sums for Natural Resource Damages as specified in Paragraph 12.A. of the Consent Decree; and it is

SUPP-CD-PUBCOM000577

ORDERED that Settling Defendants shall make the aforementioned payments for Natural Resource Damages by checks made payable to the Clerk of the Court in accordance with the procedures specified in Paragraph 12.B. of the Consent Decree; and it is

ORDERED that the Clerk of the Court, consistent with Paragraph 12.D. of the Consent Decree, shall deposit the aforementioned Natural Resource Damages payments with the Court Registry Investment System ("C.R.I.S.") administered through the United States District Court for the Southern District of Texas in accordance with the C.R.I.S. Operating Procedures Manual, United States District Courts for the Fifth Circuit; and it is

ORDERED that under the C.R.I.S., all monies deposited for Natural Resource Damages in the above captioned matter will be pooled together with those on deposit with the United States Treasury to the credit of other courts in the C.R.I.S. and used to purchase Treasury Securities which will be held at the Federal Reserve Bank of Dallas/Houston Branch, in a Safekeeping account in the name and to the credit of the Clerk, United States Court for the Southern District of Texas, hereby designated custodian for the C.R.I.S.; and it is

ORDERED that an account shall be established in the C.R.I.S. specifically for, and only for, all monies deposited for Natural Resource Damages in the above captioned matter and shall be titled "U.S. v. AVX Natural Resource Damages Account" ("U.S. v. AVX NRD Account"); and it is

SUPP-CD-PUBCOM000578

ORDERED that all funds in the U.S. v. AVX NRD Account shall be invested in the "C.R.I.S.- Liquidity Fund" which provides weekly liquidity and a maximum of 100 day-term Treasury Securities; and it is

ORDERED that all income received from fund investments will be distributed to the U.S. v. AVX NRD Account on the ratio that the account principal and income has to the aggregate principal and income total in the fund each week; and it is

ORDERED that quarterly reports showing the income earned and the principal amounts contributed to the U.S. v. AVX NRD Account will be prepared and distributed to the Clerk of this Court and the Clerk of the United States District Court for the Southern District of Texas and made available to counsel for the United States and the Commonwealth of Massachusetts; and it is

ORDERED that funds in the U.S. v. AVX NRD Account shall remain on deposit with the C.R.I.S. until further order of this Court at which time all of the funds or a portion of the funds, together with any interest earned thereon, shall be retrieved by the Clerk of this Court and redeposited into the Registry of the Court for disposition by further order of this Court consistent with Paragraphs 12.E. and 12.F. of the Consent Decree; and it is

ORDERED that the custodian for the C.R.I.S. is authorized and directed by this Order to deduct for maintaining accounts in the "C.R.I.S.- Liquidity Fund" the fee on the above accounts as authorized in the Federal Register Vol. 55, No. 206 at page 42867. The fee may be deducted on a prorated basis over

the course of deposits into the "C.R.I.S.- Liquidity Fund;" and the United States may make application to the Court to have these fees restored to the United States pursuant to 55 Fed. Reg. 42867; and it is

ORDERED that a certified copy of this order shall be served upon the Clerk of this Court and the Clerk of the Court for the Southern District of Texas.

William G. Young

WILLIAM G. YOUNG
United States District Judge
District of Massachusetts

Date: November 13, 1992

SUPP-CD-PUBCOM000580

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, Plaintiffs v. AVX CORPORATION, et al., Defendants.	CIVIL ACTION NOS. 83-3882-Y 83-3889-Y
COMMONWEALTH OF MASSACHUSETTS, Plaintiff, v. AVX CORPORATION, et al., Defendants.	

ORDER DIRECTING THE DEPOSIT OF NATURAL RESOURCE DAMAGES AND/OR RESPONSE COSTS FROM DEFENDANTS FEDERAL PACIFIC ELECTRIC COMPANY AND CORNELL DUBILIER ELECTRONICS, INC. INTO THE REGISTRY OF THE COURT

DEPOSIT ORDER B

Pursuant to Rule 67 of the Federal Rules of Civil Procedure, 28 U.S.C. 2401, and Local Rule 67.2, and in accordance with the terms of the Consent Decree in the above captioned matter between Plaintiffs the United States and the Commonwealth of Massachusetts and Defendants Federal Pacific Electric Company and Cornell Dubilier Electronics, Inc. ("Settling Defendants"), entered by the Court on November 12, 1992, it is hereby

ORDERED that Settling Defendants, upon final approval of the Consent Decree, pay to the Clerk of the Court all sums for Natural Resource Damages and/or Response Costs in accordance with Paragraph 15.A. of the Consent Decree; and it is

SUPP-CD-PUBCOM000581

ORDERED that Settling Defendants shall make the aforementioned payments for Natural Resource Damages and/or Response Costs by certified or bank checks made payable to the Clerk of the Court in accordance with the procedures specified in Paragraph 15.B. of the Consent Decree; and it is

ORDERED that the Clerk of the Court, consistent with Paragraph 15.D. of the Consent Decree, shall deposit the aforementioned Natural Resource Damages and/or Response Costs payments with the Registry of the Court; and it is

ORDERED that such payments shall remain with the Registry of the Court until further order of the Court upon joint motion by counsel for the governments; and it is

ORDERED that a certified copy of this order shall be served upon the Clerk of this Court.

William G. Young

WILLIAM G. YOUNG
United States District Judge
District of Massachusetts

Date: November 17 1992

SUPP-CD-PUBCOM000582

From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7 - Exhibit A Email No. 4
Date:	Monday, December 17, 2012 4:50:34 PM
Attachments:	Exhibit A.pdf Attachment 7.pdf

Email No. 4 of 10
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 .
Please find attached to this email, Attachment 7. Attachment 7 includes 14 Exhibits. Exhibit A is included here with Attachment 7. The following emails will contain Exhibits B - N to Attachment 7.

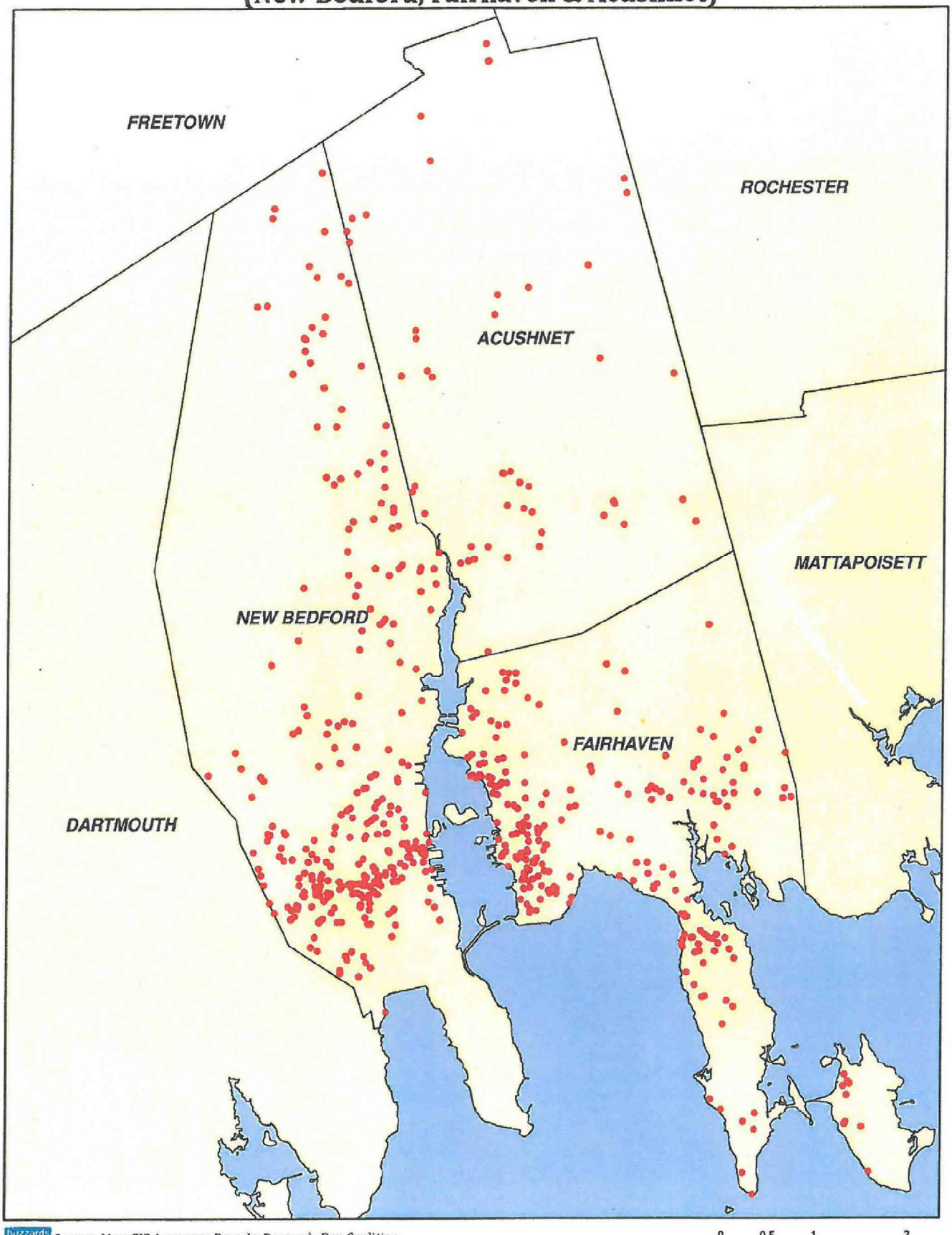
Korrin N. Petersen Esq., Senior Attorney
BUZZARDS BAY COALITION
Main - 114 Front Street, New Bedford, MA 02740
Cape - 21 Luscombe Avenue, Woods Hole, MA 02540
Tel - 508-999-6363 x.206
www.savebuzzardsbay.org

CONFIDENTIALITY NOTICE

This e-mail message from the Buzzards Bay Coalition is intended only for the individual to which it is addressed. This e-mail may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail by accident, please notify the sender immediately and destroy this e-mail and all copies of it.

Exhibit A

Buzzards Bay Coalition Membership
(New Bedford, Fairhaven & Acushnet)



Source: MassGIS Assessors Parcels; Buzzards Bay Coalition
Printed: November 13, 2012

0 0.5 1 2 Miles

Declaration of Mark P. Rasmussen

1. My name is Mark Rasmussen. I make this declaration based on personal knowledge.

2. I was Executive Director of the Buzzards Bay Coalition (Coalition) from 1998 to 2008 and have been President of the Coalition since 2008. My business address is Buzzards Bay Coalition, 114 Front Street, New Bedford, MA 02740. My home address is, and since 2000 has been, 39 Fort Street, Fairhaven, MA 02719. I have been a member of the Coalition since 1993 and I live within 500 feet of the lower portion of New Bedford Harbor (Lower Harbor).

3. Founded in 1987, the Buzzards Bay Coalition is a membership-supported nonprofit organization dedicated to the restoration, protection and sustainable use and enjoyment of Buzzards Bay and its watershed. New Bedford Harbor is one of 30 main harbors and coves within Buzzards Bay. The Coalition works to improve the health of the Bay ecosystem for all through education, conservation, research and advocacy.

Buzzards Bay Coalition Membership

4. The Coalition has more than 8,000 individual, family, business, and organizational members. The great majority of its members are active users of Buzzards Bay and its shoreline for a wide variety of recreational and commercial purposes, including swimming, sunbathing, bird-watching, boating, rowing, paddling, windsurfing, fishing, shell fishing, aquaculture, tourism, and education. The Coalition and its members have a significant interest in sustaining and restoring these uses and the Bay's myriad natural resources.

5. Of the Coalition's more than 8,000 members, approximately 1,300 live in the Greater New Bedford Harbor watershed area, which includes the towns of Acushnet, Fairhaven, Dartmouth, and Freetown and the City of New Bedford.

6. Of those 1,300 members, 729 live in the three towns directly abutting New Bedford Harbor: Acushnet, Fairhaven, and the City of New Bedford. The addresses of these 729 members are plotted on the attached map, Exhibit A.

7. Nearly 250 Coalition members live or work within 1,000 yards of the edge of New Bedford Harbor. These members include those who have residences or businesses directly abutting the Harbor, commercial and recreational fishermen, and recreational boaters.

8. Based on the public record concerning the PCB contamination of the Harbor and the level of cleanup the U.S. Environmental Protection Agency is requiring in New Bedford Harbor, it is apparent to the Coalition that the 50 parts per million (ppm) cleanup level selected by EPA in its 1998 Record of Decision (ROD) is not protective of human health and the environment and that cleanup actions far beyond those required by the ROD and subsequent Explanations of Significant Differences will be necessary.

9. The Coalition believes that the appropriate remedy for the cleanup of the Harbor is hydraulic dredging, dewatering, and offsite disposal of the sediment in the Harbor contaminated with PCBs. Remedies other than disposal offsite of such sediments present additional risks to human health and the environment in the Harbor. Accordingly, the public interest requires EPA to avoid remedies involving in-situ disposal of highly-contaminated sediment such as confined disposal facilities and confined aquatic disposal (CAD) cells.

10. The Coalition and its members are dismayed about the PCB contamination of the Harbor and its devastating impact on its environment, recreational activities, education opportunities and commercial uses which the Harbor would otherwise provide. In support of a full cleanup of the Harbor, attached as Exhibit B is a petition signed over the past month by approximately 2,000 members of the community, including many Coalition members, asking that the settlement between AVX and EPA include a reopener to ensure that the Harbor receives a full cleanup.

Buzzards Bay Coalition Property Interests and Personnel

11. The Coalition has used and acquired several properties in the Harbor in order to further its mission to restore, protect and sustain the use and enjoyment of the Bay, including its watershed. The continuing existence of PCB contamination in the Harbor frustrates the Coalition's pursuit of this goal and its investment in such properties.

Headquarters

12. From 2004 to 2010 the Coalition's headquarters were located at 620 Belleville Avenue, New Bedford, MA 02745, just south of the facility from which AVX and its predecessors for decades released millions of pounds of PCBs, and directly on the banks of some of the worst PCB contamination in the upper portion of New Bedford Harbor (Upper Harbor), north of Coggeshall Bridge. Since 2010, the Coalition's permanent headquarters have been at 114 Front Street, adjacent to the Lower Harbor.

Personnel and Volunteers

13. The Coalition has 14 full time employees and 4 part time employees at its current headquarters. Full time employees spend at least 40 hours each week at the Coalition's office on the Lower Harbor.

14. Volunteers spend approximately 1,500 hours per year at the Coalition's office on the Lower Harbor every year. The continued contamination of the Harbor limits what volunteers are able to do for the Coalition.

15. Each year since 1992, the Coalition has consistently and regularly collected water quality samples throughout the upper, lower, and outer portions of the Harbor. Coalition employees and volunteers collecting samples in the PCB contaminated portions of the Harbor make contact with sediment and the water.

Research Vessel

16. Our research vessel, the R/V Baykeeper is docked at the Fairhaven Shipyard in Fairhaven, MA in the Lower Harbor.

Marsh Island Project

17. In December 2009 the Coalition acquired, in fee simple, 7.5 acres of Marsh Island, which is located in the Lower Harbor. The Coalition applied to the New Bedford Harbor Trustee Council and received funds to purchase that property to protect coastal and marine resources, to provide a location for native habitat restoration and to allow overall public access, shoreline access and the enjoyment of open space and natural resources. Attached hereto as

Exhibit C are the relevant portions of the Coalition's grant application.

18. In addition to the 7.5 acres of Marsh Island the Coalition now owns in fee simple, the Coalition also holds a Conservation Restriction (MGL c. 184 §§31-33) on the remaining 14.25 acres of Marsh Island owned by the Fairhaven-Acushnet Land Preservation Trust (and likewise acquired by the trust using New Bedford Harbor Trustee Council funding for the same reasons of resource protection, habitat restoration and public access). That Conservation Restriction, acquired in September 2003 and attached hereto as Exhibit D, states that permitted acts and uses of the northern portion of Marsh Island, like those similarly allowed on the southern portion, shall include, but not be limited to, passive recreational activities such as hiking, canoeing, fishing and wildlife observation and that the general public shall have access.

19. Under EPA's current remedy, a cleanup standard of 50 ppm PCBs is applied to saltmarshes throughout the Harbor. However, due to the acquisition and permanent protection of Marsh Island for the purposes of public access and exploration, it is evident that EPA should apply the lower cleanup standard of 1 ppm to the maximum extent possible while preserving the ecological integrity of the saltmarsh.

20. According to the 1998 ROD, a 1 ppm cleanup level is required when contact with sediment is likely. These properties were acquired with the intent to provide the public with full access to the property. The public, including small children, will be deterred from visiting the site and exploring the marshes unless a full cleanup is achieved.

21. Marsh Island, with its proposed restoration of 12 acres of saltmarsh, is the largest natural resource restoration project in the Harbor. Its completion will, if the Harbor's cleanup is adequate, greatly improve the community's access to the Harbor's natural resources. The purposes of this investment will not be realized unless and until the contamination is reduced.

Acushnet Sawmill Property

22. In March 2007 the Coalition purchased 21 acres at the Acushnet Sawmill Property and in July 2012 purchased 47 acres of the adjacent LaPalme Riverfront Farm. The Coalition purchased these properties with New Bedford Harbor Trustee Council funds for the specific purpose of

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"undeveloping" the Sawmill Property by removing buildings and asphalt and managing the abandoned fields at LaPalme, thereby restoring both to their natural state and, as a result, improving the water quality of the Acushnet River at the head of New Bedford Harbor, maintaining wildlife habitat and gaining public access to 68 acres of critical riverfront land and their natural resources.

23. The purposes for which these properties were acquired will be frustrated if a full cleanup of the Upper Harbor is not achieved. The specter of contamination can reasonably be expected to dissuade many members of the public and the Coalition from fully exploring and exploiting these properties.

24. The grant funds awarded to the Coalition for the purchase of the Acushnet Sawmill and Marsh Island and for the restoration of natural resources at these sites were awarded by the New Bedford Harbor Trustee Council with monies obtained pursuant to the 1992 Consent Decree entered into by the United States, the Commonwealth, and AVX Corporation and approved and entered by the U.S. District Court for the District of Massachusetts (District Court) on February 3, 1992, for Civil Action No. 83-3882-Y; the 1991 Consent Decree entered into by the United States, the Commonwealth and Belleville Industries, Inc. and its legal successor, Aerovox Inc., and entered by the District Court on July 17, 1991 in the same case; and the 1992 Consent Decree entered into by the United States and the Commonwealth with Cornell-Dubilier Electronics, Inc. (CDE) and its parent company, Federal Pacific Electric Company (FPE), entered by the District Court on November 24, 1992 in the same case. If EPA fails to achieve a full cleanup of the Harbor, the purposes of the settlement agreements and the grants will be frustrated.

Changes in Land Use in the Harbor

Overview

25. A significant transition in land use has taken place in the upper portion of the Harbor since EPA began conducting its analysis for the cleanup of the Harbor in the late 1980s. The Upper Harbor, once defined by EPA as industrial, now is dominated by recreational and residential use.

26. This shift in the use of the Harbor including the increase in residential uses and in areas where contact with contaminated sediment is likely, should require EPA, under the 1998 ROD, to apply the more protective 1 ppm

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cleanup level in lieu of EPA's original prescription of 10 to 50 ppm. The significant investments made by private real estate developers, the City, and the Coalition to utilize properties along the River will not be fully realized unless a full cleanup is achieved.

27. Coalition professionals trained in the use of GIS technology produced two maps to demonstrate the evolution in the Upper Harbor from industrial to recreational and residential use. One map illustrates land uses in 1985, and the other illustrates land uses in 2012 together with projects underway and projected to be complete by 2020. These maps illustrate that nearly 50% of the land use in the Upper Harbor is now residential or recreational, while in the mid-1980s the predominant land use was industrial. These maps are attached as Exhibit E and Exhibit F.

The City of New Bedford's River Walk

28. The City of New Bedford has plans, and has secured funds from the New Bedford Harbor Trustee Council, to construct, for recreational and natural resource restoration purposes, a public river trail along the shores of the Upper Harbor, linking the City's public parks with the Coalition owned Marsh Island and Acushnet Sawmill properties.

29. Attached as Exhibit G is a June 27, 2011 article from the New Bedford *Standard Times* describing the $2.9 million received by the City from the New Bedford Harbor Trustee Council for the Riverwalk and quoting the Executive Director of the New Bedford Economic Development Council, saying, "This is really nothing short of a transformation for a whole section of the city."

Public Rowing and Sailing Programs

30. The Coalition supports public rowing and sailing programs in New Bedford Harbor. The full potential of these programs will not be realized until the Harbor receives a full cleanup.

31. The City also has plans to build a boathouse on the Harbor shore to promote increased recreational rowing and other boating. The *Boston Globe* reported in April 2012 that City officials hope through such plans "to transform the public perception of the harbor, long seen in a gritty, industrial light, to that of a recreational destination." The article is attached as Exhibit H.

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Acushnet River Reserve

32. In December 2010, August 2011 and again in June 2012, the Coalition assisted in the private acquisition and permanent protection of an additional 11 acres of saltmarsh (along with 13 acres of buffering uplands) on the eastern shore of the Upper Harbor in the towns of Fairhaven and Acushnet for the purposes of resource protection and public access. Like Marsh Island and the Acushnet Sawmill, these properties were purchased with funds awarded by the New Bedford Harbor Trustees Council.

33. This property, known as the Acushnet River Reserve, is currently contaminated with PCBs of more than 50 ppm. Prior to this acquisition, EPA's cleanup goal for these properties was 50 ppm. Because human contact with sediment is likely at these properties, EPA should clean up the properties to a level of 1 ppm to the maximum extent possible while preserving the ecological integrity of the saltmarsh. If it does not, the purposes for which these properties were acquired and protected will not be realized.

Cost of Further Cleanup of Residential and Recreational Areas in Upper Harbor

34. Based on the cleanup standards used by EPA in its 1998 ROD, the Coalition's analysis shows that EPA should now clean up the Upper Harbor shoreline to the 1 ppm standard because of existing and reasonably foreseeable residential and recreational uses and risks of human exposure. Similarly, applying EPA's own 1998 standards requires cleaning up the Marsh Island and Acushnet River Reserve properties discussed above to the 1 ppm cleanup level.

35. The Coalition's analysis shows that simply applying the EPAs 1998 cleanup standards to current and foreseeable residential and recreational use in the areas discussed above could cost $89 million more than EPA's most recent estimate of the cost of the cleanup of the Harbor.

36. The first step in calculating the additional cost is to estimate the increase in the cost of additional dredging needed to remove additional contaminated sediment. To make this estimate, the Coalition calculated a dollar amount

per cubic yard of sediment to be removed.

a. The Coalition based its estimate on EPA's own 2010 estimate of the cost of dredging in connection with construction of a CAD cell in the Lower Harbor. EPA's estimate appears in its Explanation of Significant Differences (ESD) found in administrative record document number 466839 and dated June 21, 2010. For purposes of this estimate, the Coalition used EPA's total cost and present value estimates in Alternative 2, in which EPA assumed that it would spend $80 million/year on the Harbor cleanup. Those EPA estimates appear most closely aligned to the six year cleanup time horizon and current cleanup plan outlined in the proposed EPA-AVX settlement.

b. In Alternative 2, EPA estimates a net present value of $395,433,155 to dredge and dispose of 692,864 cubic yards (cy) of material. This dollar figure does not include seafood and benthic monitoring costs. Dividing $395,433,155 by 692,864 cy yields a dredging cost of $570.72/cy, which rounds to $571/cy.

37. The second step in calculating the additional cost of cleaning up the Upper Harbor to 1 ppm is to estimate the quantity of sediment that must be dredged.

a. EPA's estimate of the quantity (692,864cy) to be dredged in connection with the CAD is based on the cleanup levels selected in the 1998 Record of Decision, which are as high as 50 ppm. In an April 8, 1991 Memorandum for the Record by the Department of the Army Corps of Engineers, administrative record document No. 63765, EPA estimated that, in order to meet a cleanup level of 1 ppm in the Upper Harbor alone, approximately 737,000cy of material would need to be dredged. It is unclear whether the volume estimated in the 1991 memorandum includes the dredging of sediments in saltmarshes in the Upper Harbor to 1ppm and, therefore, volumes may be even higher than estimated here.

b. Under current cleanup levels, EPA is planning on dredging only 580,861cy in the Upper Harbor. EPA provided this estimate to the Coalition on June 12, 2012 in a letter attached here as Exhibit I.

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c. In order to estimate the increase in volume of sediment EPA will need to dredge in order to accommodate the new land uses in the Upper Harbor and meet a 1 ppm cleanup standard, the Coalition subtracted 580,861 cy from the 737,000cy estimate to yield a difference of 156,139 cy of additional dredging.

d. In short, using EPA's own costing methodology and other publicly-available data, the cost of cleaning up just the Upper Harbor to 1 ppm would likely be in the range of the product of 156,139cy and $571/cy, or about $89,155,369.

Current New Bedford Harbor Cleanup Levels Likely Not Protective

Comparison of Cleanup Levels

38. The Coalition has assessed how the PCB cleanup levels set by EPA for the New Bedford Harbor Superfund site compare to the PCB cleanup levels set by EPA for the other Superfund cleanup sites involving aquatic environments. The result, based on information available on EPA's public website, is that EPA has set less stringent PCB sediment cleanup levels for New Bedford than for the vast majority of Superfund sites involving PCBs in aquatic environments in the United States.

39. The Coalition first identified all sites on the National Priorities List involving PCB contaminated sediments in aquatic environments. The Coalition searched EPA's Superfund Public Access Database ("CERCLIS") to identify sites that involve "PCBs" as a contaminant and "sediment" as the medium in which PCBs were found. The search identified 146 such sites.

40. The Coalition then reviewed the following EPA documents for each site to determine whether PCBs were listed as a "contaminant of concern" or to assess the extent of PCBs in sediments: the NPL Factsheet, EPA's most recent Five Year Report, the "Site Characteristics" and "Nature of Contamination" sections of the Record of Decision, and other formally adopted documents (RODs, ROD Amendments, ESDs, and Five Year Plans).

41. The Coalition excluded from its comparative analysis all sites having less than 1 ppm PCBs or involving less than 2,500 cubic yards of PCB contaminated sediment.

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42. The Coalition's review and analysis identified 44 sites with at least 2,500 cubic yards of PCB contaminated sediments in aquatic environments with at least 1 ppm of PCBs.

43. Attached as Exhibit J is a bar graph for all comparable sites showing their PCB cleanup levels. Only one site in the Nation, the significantly smaller and less contaminated Fields Brook site in Ohio, appears to have sediment cleanup target levels as lax as New Bedford Harbor.

Cost of Cleaning Entire Harbor to Same Level as Other Aquatic PCB Sites

44. EPA found in the 1998 ROD, at page 16, that in order to meet a cleanup level of 1 ppm throughout the entire Harbor, approximately 2.1 million cy of material would need to be dredged.

45. If in the future EPA finds that to protect human health and the environment additional dredging is required, and if EPA establishes that the entire Harbor should be dredged to 1 ppm, an additional 1.2 million cy more sediment will likely need to be removed over and above the current 900,000 cy estimate. The Coalition arrived at this estimate by subtracting current estimated quantity of sediment to be dredged, 900,000 cy, from the amount it estimated would be necessary to dredge the whole Harbor to 1 ppm, 2.1million cy. This yields an additional 1.2 million cy to be dredged. The impact of such a large increase in sediment volumes on the total project cost would be dramatic.

Confined Aquatic Disposal Cells

EPA plans for Upper Harbor CAD cell

46. On August 28, 2012, the Coalition filed a Freedom of Information Act (FOIA) Request with EPA requesting certain information related to the New Bedford Harbor Superfund cleanup.

47. Documents EPA produced in response to the Coalition's FOIA request include a report produced by the US Army Corps of Engineers for EPA in December 2011 assessing contaminant loss and sizing for a proposed Upper Harbor CAD cell north of Coggeshall Street. Excerpts from that report are attached here as Exhibit K.

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48. EPA personnel have stated both directly to me and in the press that the currently proposed AVX settlement funds will go towards the current cleanup plan. The current cleanup plan does not include an Upper Harbor CAD cell.

49. Based on the information EPA provided in response to the Coalition's FOIA request and statements made by EPA in the press and in the "Frequently Asked Questions" or FAQs it has released concerning its proposed settlement with AVX, the Coalition concludes that EPA is likely to change the remedy for the New Bedford Harbor Superfund site in the near future. Attached here as Exhibit L is an article from the New Bedford *Standard Times* from December 16, 2012, in which the EPA Region 1 Administrator states that the EPA will reopen the Record of Decision in July.

50. On November 8, 2012, the City Council for the City of New Bedford voted (a) in opposition to the use of CAD cells to store PCBs in the Harbor and (b) in favor of EPA's continuing to work with AVX Corporation to obtain the necessary funds to fully remove PCB sediments through the dredging process. The Council further asked the City Solicitor to advise the Council of any steps the Council may take to prevent the placement of CAD cells in the Upper Harbor. Attached as Exhibit M, are the relevant excerpts of the minutes of the City Council meeting held November 8, 2012.

51. The Coalition's concern about the appropriateness of in-situ disposal of PCB contamination was bolstered by the CAD cell experience in Puget Sound, WA. Coalition research revealed a February 19, 2004 EPA-issued Explanation of Significant Differences for the Bremerton Naval Complex, also known as Puget Sound, to address PCB contamination that had occurred because of the discharge of sediment into a CAD pit. EPA conducted a study to determine the extent of contamination and confirmed contaminated areas up to 600 feet beyond the CAD pit boundary. Further remediation was required in order to address this contamination.

52. Attached as Exhibit N are excerpts from the February 19, 2004 ESD for Bremerton Naval Complex.

I declare under penalty of perjury that foregoing is true and correct.

Dated: December 17, 2012

Mark P. Rasmussen

From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	FW: Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7, Exhibit B Email No. 5
Date:	Monday, December 17, 2012 5:06:54 PM
Attachments:	Pages from Exhibit B Part 1B.pdf

Exhibit B Part IB.

Korrin N. Petersen Esq., Senior Attorney
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From: Korrin Petersen [mailto:petersen@savebuzzardsbay.org]
Sent: Monday, December 17, 2012 4:59 PM
To: 'Pubcomment-ees.enrd@usdoj.gov'
Subject: FW: Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7, Exhibit B Email No. 5

The email below failed, likely due to size. I have broken this email into two different emails for Attachment 7, Exhibit B.
This is a retry, email 1 of 2.

Korrin N. Petersen Esq., Senior Attorney
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From: Korrin Petersen [mailto:petersen@savebuzzardsbay.org]

Sent: Monday, December 17, 2012 4:49 PM
To: 'Pubcomment-ees.enrd@usdoj.gov'
Subject: Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7, Exhibit B Email No. 5

Email No. 5
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2.
Attached to this email is Attachment 7 - Exhibit B.

Korrin N. Petersen Esq., Senior Attorney
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DON'T LET AVX ESCAPE FROM ITS RESPONSIBILITY TO CLEANUP TOXIC PCBs IN NEW BEDFORD HARBOR

BUZZARDS BAY COALITION & HANDS ACROSS THE RIVER COALITION

We, the undersigned, join with the community-based organizations listed above in **calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor.** The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean Harbor. The $366 million payment outlined in the Consent Decree is not enough funding to fully cleanup our Harbor.

We have lived with the toxic legacy of AVX Corp's actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean Harbor and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the US Dept of Justice Public Comment period which terminates on 12/17/2012.

Name	Address
Cynthia Kochran	700 Russells Mills Rd
Nancy DaCosta	696 Russells Mills Rd.
KANTA SHAH	880 PLEASANT ST. NEW BEDFORD
Miranda Pierard	317 Chancery CT.
Sally Grave Graves	20 laurel lane Westport MA
Diane Medeiros Diane Medeiros	1305 Drift Rd Westport MA
Frank Graves Frank Graves	20 Laurel Lane, Westport, MA
Doris Sepuka Doris Sepuka	169 Rockland St. - Dartmouth, MA 02748

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Name	Address
Faith Sweetser Barry	535 Smith Neck Rd 02748
Donna Bascom	275 Elm St Dartmouth 02748
Jane Scott	706 Russells Mills S. D. 02748
Jane Rheaume	537 Elm St So. Dart. MA 02748
Sandra Hall	115 Elm St So Dart. 02748
David Hall	115 Elm St., So. Dartmouth MA 02748
Edmund Scott	706 Russells Mill Rd. Dart MA 02747
Megan Scott	58 Elm St Dartmouth MA 02748 & 706 Russells Mills
Frank Kochan III	700 Russells Mills Rd
FRANK KOCHAN JR	700 Russells Mill Rd

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Please Write Clearly

Name	Address
Donna Impara	11 Stonybrook Ln S Dartmouth
Arthur B. Ellis	47 Rocky Dundee Rd Dartmouth
Donna Ingalls	30 Sunset Ln. S. Dartmouth 02748
JOHN D. KELLEHER	12 CHESTNUT ST., SOUTH DARTMOUTH 02748
PETER C. BULLARD	47 FOLLY DUNDEE RD, DARTMOUTH 02748

Please Return by 12/12/12.

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Please Write Clearly

Name	Address
MARCIA K HATHAWAY	28 Howland Ave So. Dart. MA 02748
Mary Ann Gasso	1 Clarks Cove Dr. S. Dartmouth, Ma 02748
Sandra L. Dudley	351 Highland Ave. N. Dartmouth MA 02747
Virginia Sweeney	N1380 Drift Rd Westport MA 02790
Ona Martens	32 Deroe Av. Westport Ma 02790
Joanne Medeiros	19 Hoffney Rd Dartmouth MA
THEODORE INGALLS	30 SUNSET LANE, S. DARTMOUTH, MA.
Jeanie Morris	11 Stonybrook Ln S. Dartmouth MA
SARA STEELE	635 Adamsville Rd, Westport MA
Cary B. Francis	90 DEGANIS AVE So. Dartmouth

Please Return by 12/17/12

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Please Write Clearly

Name	Address
TONY LIBERATORE	23 FRANCE COOLER RD Dartmouth
Susan F Whelan	50 Pardon Hill Rd - Dartmouth
Jennifer M. Hall	167 Bakerville Rd Dartmouth
Lisa Cusick	73 Jillian Way WESTPORT, MA
Peter J Whelan	50 Pardon Hill, Dartmouth
Nancy Crosby	9 Maple St. New Bedford, MA
Deborah Brode	68 Hidden Bay Dartmouth, MA
Name Kenneth GAUTHROPE Sutton	36 Hullsterline Fairhaven MA
Kenneth Sutton	31 Sconset Dr S. Dart MA
Name HELEN FRANCIS	90 Degrois Ave. S. Dart, MA.

Please Return by 12/17/12

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Please Write Clearly

Name	Address
[redacted] NATALIE GARFIELD	194 GAFFNEY RD S. DARTMOUTH MA 02748
Janine Costa	18 Arnold st S. Dartmouth, MA 02748
NIKKI SPERRY NIKKI SPERRY	558 ROCK O'DUNDEE RD DARTMOUTH MA 02748
Joanne Humphrey	61 Highland Ave North Dartmouth 02747
Gina Hotte	252 Rock O'Dundee Rd Dart
B.R. JACOBSKIND	805 POTOMSKA Rd DARTMOUTH 02748
Ruth Doran	57 Horseneck Rd Dartmouth 02748
Amelia Silveira	984 Fisher Rd Dartmouth 02747
KATE KEVIN	472 OLD COUNTY RD. WESTPORT, MA 02790
SARAH EDGSWELL	472 OLD COUNTY RD. WESTPORT, MA 02790

Please Return by 12/12/12.

DON'T LET AVX ESCAPE FROM THEIR RESPONSIBILITY TO CLEANUP TOXIC PCBs IN NEW BEDFORD HARBOR

BUZZARDS BAY COALITION & HANDS ACROSS THE RIVER COALITION

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Please Write Clearly

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Kimberly Lemard	285 Old Westport Road, Dartmouth, M
Elizabeth Rucker	elizabeth@masspirg students.org 1321 Tucker Road, Dartmouth, MA
Erika Fisher	285 old Westport Road N Dartmouth MA
Courtney Lindhorst	22 Dudley St Cambridge MA
Eric Chan	285 old westport Road N Dartmouth MA
David Cain	285 Old Westport Rd. N. Dartmouth MA
Kristy Lavalette	285 Old Westport Rd N Dartmouth MA
Adam Selkowski	285 Old Wstport Rd N Dartmouth MA
[illegible]	285 OLD WESTPORT RD N DARTMOUTH MA

Return by 12/12/12

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Name	Address
Bill Connolly	48 Maple St New Bedford MA 02740
Gary Bryson	107 Ash St New Bedford
Fred Borges	117 Ash St N.B 02740
Amy Hartley Mattson	40 Crystal Spring Rd 02739
Wendy Williams	113 Alley Rd. Rochester
Pam Kuechler	78 Cedar St., Fairhaven 02719
Geraldine Lucas	4 Mullen Hill Dr. Lakeville, MA 02347
Bob Griffiths	30 Woodrise Falmouth MA 02540
Marie Ferreira	121 Great Neck Rd. Wareham MA 02571

DON'T LET AVX ESCAPE FROM THEIR RESPONSIBILITY TO CLEANUP TOXIC PCBs IN NEW BEDFORD HARBOR

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Please Write Clearly

Name	Address
Leanne Poirier	169 Linden Dr. Seekonk, MA 02771
Matt Quinn	Elmwood 33C 285 Old Westport Rd. Dartmouth MA
Rahim Ashai	23 Merrymount Drive N. Dart MA 02747
CRYSTAL LUBINSKY	34 LUCAS ST NEWBEDFORD, MA 02744
Maria Gloria de Lei	35 Orchard St. New Bedford, MA 02746
Kathryn Devine	339 Ridge St, Arlington MA
Julie Pickering	94 Longview Rd. New Bedford Ma. 027
Evan J Babcock	1574 Pedersoom Avenue, New Bedford
Brian Frias	662 Kempton St, New Bedford Ma 02740
Nathan Bancroft	81 Seaward lane, Fall River, MA

Return by 12/12/12

SUPP-CD-PUBCOM000608

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Please Write Clearly

Name	Address
Jessica "JMASS" MASSE	285 Old Westport Rd. North Dartmouth, MA
Nicola Henry	285 old westport Rd. N. Dartmouth, MA
Makeeba Farquarson	285 Old Westport RD N. Dartmouth, MA
Cole Sherman	285 old Westport Rd. N. Dartmouth, MA
Stephan Richardson	285 old Westport Road North Dartmouth
Brian Power	285 Old Westport Rd N. Dartmouth
Jesse Poron	285 old westport Rd
Erika Kruger	285 old westport Rd. N. Dartmouth
Rodney Cheney	285 Old Westport Rd.
Joe Lopez	285 old westport Rd Dartmouth

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Please Write Clearly

Name	Address
Vennesrach Hablegiorgis	285 Old Westport Rd. North Dartmouth
Hester Faulino	285 old west Port Rd North Dartmouth
Heather V Dube	104 Tellet[illegible] MA 02557
Benjamin Irwin	285 Old Westport Road, N. Dartmouth, MA.
Alison Gravito	146 Florence St. N.B. MA 02740
Bre McCarran	285 old westport rd North Dartmouth
Olivia Woodall	285 old westport road,
Rakel Ogle	134 Cove Rd, N.B. 02740
Ruth Desmarais	60 Summer St, N.B. 02740
Ali Lamora	19 Greene st Warren RI 02885

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Please Write Clearly

Name	Address
Peter Craffey	20 vincent Rd N. Dartmouth
Kyle Mapas	149 Yvonne Rd, Bellingham MA
Nick Fernandez	9 VILLAGE DR. DARTMOUTH MA
Caitlin Vandebruyle	213 Swansom Rd Swansea MA
Dan Murphy	670 Elm St Mansfield MA
Erin Feeney	95 Rotch St New Bedford MA
Ben Sampson	69 Turnpike Rd, Southborough, MA
Christian Pasta	144 Chestnut St, Everett MA
Kendra Santamaria	11 Columbus Ave, Ashland MA
Curtis Freese	1660 Dartt Rd, Westport, MA

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Name	Address
Earl F Lupp	24 PERSEVERANCE LN.
Harold F. Lupp Jr	305 Main Rd Westport, MA.
Richard Simoneau	159 Plymouth Bch
Gary Holden	1193 RT 177
Sue Silva	1476D Drift Rd.
David J. Sylvia	190 Walbrook Ave Dartmouth
[illegible]	1056 Main Rd. Westport
[illegible]	927 Old Colony, Somerset
RICHARD PICARD	403 Valentine St F.R. MA

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Name	Address
[illegible]	24 Collins Rd., E. Falmouth, MA 02536
[illegible]	62 Atlantic Avenue Westport MA
[illegible]	11 Lakeside Ave., Dartmouth, MA,
[illegible]	27 Benefit St. Warren, RI 02885
[illegible]	1530 Drift Rd. Westport MA 02791
[illegible]	160 Gob Brook rd, Little Compton, RI 02837

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Name	Address
Melanie Palmer	1809 Main Rd Westport Pt, MA 02791
Ronald A Knopp	3 Hicks Cove Ln Westport Pt, MA 02791
William van Iersel	55 Lawrence Av. WESTPORT MA 02791
Elizabeth Kenney	PO Box 228 Westport Pt. MA 02791
Shell. Costa	65 Faria Way, Tiverton, RI 02878
Kenneth M Sousa	1458 Main Rd Westport MA

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Please Write Clearly

Name	Address
Donnelly Priebe	4 Costa DR. FHVN MA
[illegible]	144 POTTER ST. DARTMOUTH
Susan Brazelis	24 Slocum Rd N. Dart MA
DAVID BRAZELIS	24 SLOCUM RD N. DART. MA
Brittany Brazelis	24 Slocum Rd N. Dart MA
Dina Prout	28 Galleon Dr. So. Dartmouth, MA
STEVEN PROUT	28 GALLEON DR So. Dartmouth, MA
Lori Nolin	3 County Rd E Freetown MA
[illegible]	3 County Rd E. Freetown MA

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Please Write Clearly

Name	Address
Ashley Cervoni	183 Mathieu St New Bedford, MA 02746
Cheryl Disfarc	153 Cardoza St New Bedford, MA 02746
[illegible]	361 Wood St NB
Michael A. Lima	361 Wood St NB
Lauren A. Pimentel	361 Wood St
Robert C. [illegible]	861 B Ashley Blvd.
Veronica Fagan	15 Miss Rachel Trail Westport
Jeffrey Fagan	15 Miss Rachel Trl. Westport
Judith Couto	323 Hersom St NB
Joseph Couto	323 Hersom St NB

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Name	Address
Michelle Sarmiento	524 Allen St New Bedford MA 02740
Lynn A Louis	167 Townsend St New Bedford, MA 02746
PHILIP ARCOUETTE SR.	1986 ACUSHNET AVE. N.B. 02745
JAN LOUIS	167 TOWNSEND ST NB 02746
Paul Allen	22 James St - Fairhaven 02719
Mary Pruett	568 Union St. NBW Bedford MA
Bernard F Silva Jr	73 Cushman ST Acushnet
Luis Gil	1617 Braley Rd, N.B. 02745
Paul Sylvia	80 Belleville Ave 02746
Corey Travan	9 Oakland Ave Westport 02790

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Name	Address
Steven DeMelo	244 Central Ave New Bedford MA. 02745
Gary F. Hathaway Sr.	19 Westland St Acushnet Ma 02743
Alyssa Piachniak	1167 Townsend New Bedford
Mike Thomas	106 Eugenia St NWBedford
[illegible]	338 wood St Rear Somerset
Keith Goncalves	733 broadway Fall River
[illegible]	221 OSBORN ST FALL RIVER
[illegible]	26 Gordon Road Braintree
[illegible]	73 Shawmut Ave NB
Roberta L Mullin	152 Myrtle St NB

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Name	Address
Hodge Cowan	39 Pauline St, Dartmouth, MA 02747
Bruce Bowen	965 Dartmouth St N.B. 02745
Patricia V Gerrity	60 Emmett Ave, Dartmouth, MA 02747
Mark Lees	10 Jillian Place Dartmouth, MA 02747
Tom McPhearson	69 Mount St. N.B. 02740
Carol J. Amaro	670 Fisher Rd. Dartmouth 02747
Carolyn A Hall	23 Bliss St #3 Fall River 02726
Vernon P Wytsky	4 Haven Dr Rockland MA 02370
John A. Spencer	37 Arch St. N.B. MA 02740
Gilbert J Pelletier	61 Cottonwood Rd New Bedford 02745

Please Return by 12/12/12

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Name	Address
Diane A. Bernier	33 Arch St New Bedford MA 02744
Pete Boswell	24 Foley DR. N. Bedford MA 02745
Charles O'Cotter	17 Buttonwood Rd Wtg 02740
David Hunt	2892 Acushnet Ave NB 02745
Miriam L. Laurie	29 Arch St New Bedford, MA 02740
Douglas J Tremblay JR	20 ARCH ST. New Bedford, MA 02740
Hilda Contreras	29 Ard St No. Bedford 02740
Rosemarie Bigby	100 Gaffney Rd S Dartmouth MA 02748
Rachel Osmond	39 Pauline St. Dartmouth, MA 02747
Michael Bigby	100 Gaffney Rd S Darth MA 02748

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Please Write Clearly

Name	Address
SIMON WOOD	32 BREWSTER ST S. DARTMOUTH
CHN PARADISE	76 WELLS ST DARTMOUTH
JACK PARADISE	76 WELLS ST DARTMOUTH
Sandra Veniaminov	146 Cottage St. NB, MA 02740
Jacob Twomey	14 Rosewood Terrace Dartmouth,
KENNETH Richards	103 CHESTNUT ST. NEW BEDFORD MA 02740
JONATHAN Rodenick	13 Bridge Street S. Dart.
Brett Costa	30 Thompson St. Fairhaven MA, 02

PLEASE Print... Thx 12/17/12

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Please Write Clearly

Name	Address
GREG JONES	832 HIGHLAND ST DART
Malia Brown	6 HOWLAND AVE SDARTMOUTH
Nate Brown	6 Howland Ave S. Dartmouth
JORDAN BOUCHER	63 ERNEST ST NEWBEDFORD
Amy Walters	535 County St New Bedford
Barbara Lonergan	78 Quail's Crossing Marion, Mass.
Gloria Russell	115 Kempton Cir. Dart, Ma
Jason Lonergan	24 Union St. NewBedford
Jeanne F. Bell	2 Wilson St S Dartmouth MA

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Name	Address
Sean Reardon	44 Front St S. Dartmouth
Matt Rose	11 Rockland St. S Dartmouth
KRISTANE GRAHAM	3 Penikese Ln S Dartmouth
Sarah Rhoda	706 Elm St S. Dartmouth
Chris Howe	706 Elm St S Dartmouth
Ben Graham	3 Penekese S Dartmouth
Stephen Klotz	19C Collect St Dartmouth
D. DeAmaral	254 Tinkham St N.B.
Michael Cardoso	69 Plymouth St N.B.
Elissa Nunes	109 RUSSELL MILLS ROAD SDRT.

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Name	Address
Adam Davenport	5 Forest Lane, Dartmouth, MA
Steve Davenport	5 Forest Lane, Dartmouth, MA
John Doherty	23B RIDGE ST. DARTMOUTH, MA
Jane Boucher	63 Fern St. N.B. MA.
MIKE SIMMONS	131 ROCKLAND ST DARTMOUTH, MA
Robert Rotff	897 Smith Neck Rd, S. Dartmouth MA
Elaine Freedgood	897 South Neck Rd Dartmouth 02748
Adam Morgado	10 Slocum Farm Dr Dartmouth MA 02748
[illegible]	1 Seminole Rd. So. Dartmouth
Judith Lanzon	51 Lucy Little Rd Dartmouth

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Please Write Clearly

Name	Address
Robert Pope	76 Hillman, New Bedford MA 02740
Ben Labbie	971 Osgood st NEW BEDFORD, MA. 02745
Dorothy Beaumont	971 Osgood St. New Bedford MA 02745
Richard A. Pline	270 Maple St. New Bedford 02740
Aurora B Chace	666 Elm St, S. Dartmouth,
[illegible]	398 Hawthorn St NB
Marsha M. Cabe	35 North St. F.H. 02719
T R Sayer	828 Dartmouth Woods Dr, Dartmouth 02747
Arthur Christman	3315 Westport Dr Jefferson, MD
Rachel Jakeuba	18 Pine St North Falmouth MA 02556

Return by 12/12/12

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Please Write Clearly

Name	Address
Mel Hoch	536 Potomska Rd Dartmouth MASS
Lisa Elliot	56 Washington St Fairhaven MA
SUSAN LAJOIE	5 GREEN ST. NEW BEDFORD
Genevieve Hunt	17 Grove St New Bedford, MA 02740
DONNA PIMENTAL	101 Holly St New Bedford MA 02746
Charlie Colbert	117 Clarence St. New Bedford, MA 02740

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Please Write Clearly

Name	Address
Richard Kane	475 Pistapaug Rd, Durham NH
Taylor Kane	↑
Willoughby Elliott	36 Washington St
Michelle Lovejoy	715 Rivet St New Bedford
JoAnn Heleniak	92 Campbell St. New Bedford MA
Richard Cesan	147 Jones St. New Bedford MA.

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Please Write Clearly

Name	Address
Karen F Flannery	113 Pleasant Fairhaven
Gail Davidson	35 Shore Acres Dartmouth
Laura Ryan Shachoy	1 Water St, Marion
TEM FERREIRA	28 LIBERIA LN New Bedford MA 02744
Samuel GRAY	42 BOUAN POINT, WAREHAM, MA
Margaret GRAY	42 BOUAN POINT, WAREHAM, MA
[illegible]	Cuttyhunk, MA 02713
Andrew Gardner	373 Bellevue St NB MA 02744
John A Wagner	22 Centre St. New Bedford MA 02740
Steve [illegible]	60 Fire House Rd Plymouth MA 02360

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Please Write Clearly

Name	Address
Cheryl Botte	#371 County, NB
Chris Hautman	371 COUNTY NB
Donald Vincent	749 PURCHASE ST. N.B.
Ronald Halpin	309 @ 134 Dartmouth
Steve Dickson	45 MORGAN ST
Clyde M Reeves Jr	447 Allen St.
Elizabeth Farley	511 Pleasant St.
Tammy Muniz	629 Purchase ST
Dina C. Santos	107 Maxfield st
Fernando Rivera	280 Acushnet Ave.

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Please Write Clearly

Name	Address
Tom Norfleet	
Rafael Ramirez	
(Hendrick Hernandez) Hendrick Hernandez	
Barbara Miller	15 Studley Street 02740
Zephyr Converse	15 Sherman St
MICHAEL P. MAHONEY	315 HAWTHORN ST., NB 02740
Everett Douglas Mills Jr	89 N Water St NB 02740
Jared Braun	2 Cushman Ave.
Joseph Caprio	570 Pleasant St

Now I know who to see

Please Return by 12/12/12

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Please Write Clearly

Name	Address
Nicole Corbett	321 Arnold St NB MA
Chris Hendricks	137 Dawson St Apt 6 NB, MA 02745
Marge White	310 Tucker Rd, Dart. MA 02747
Eleanor Lewis	27 Centre St NB, 02740
Joe E. Brunke	3 Bessie St No Dartmouth
[illegible]	68 Colonial Rd NB
Alan Wells	758 Purchase St NB 02740
[illegible]	R [illegible] Ty Rd St. [illegible]
[illegible]	PO Box 1042 Cataumet MA 02534
[illegible]	98 Front St New Bedford

Please Return by 12/17/12

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Please Write Clearly

Name	Address
Luis Rodriguez	7 Walker St, New Bedford, MA, 02746.
Nancy Macleod	111 Griffin Ct. NB MA 02740
Cynthia Duarte	41 Cottage St Ft MA 02740
Sarah Lariviere	47 Milford St MA 02745
Elise Goodwin	754 Old Fall River Rd Dartmouth MA 02747
Wendy Mendes	46 Sycamore St
Cynthia Coutts	46 Sycamore St
Carla Velazquez	422 Acushnet Ave. Lazarus House
Lysa Robinson	124 Crapo St NB MA 02740
Indira Vicente	46 Sycamore St. NB MA

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Please Write Clearly

Name	Address
Hector Rivera	81 - North St N.B. 02740
Hector Beltran	134 So Second. NB 02740
Marta T. Arroyo	67 Austin St. NB. 02740
Dayaneilis Navarro	67 Austin St. NB 02740
Dayaneiris Navarro	67 Austin st. nb 02740
Kurtis Lee Oster	60 Eighth ST NB 02740
Michael Anthony	102 Griffin court
Daniel Gilbert	156 Ryan St NB 02740
Carl Almeida	124 CAMPBELL ST
Daniel F Cayer	20 Six STREET

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Please Write Clearly

Name	Address
Peter Costa	231 Middle St Apt 32 N.B.
Heather Moore	65 Hillman #3 NB.
Laura Bryant	65 Hillman St #3 NB
Joseph A Gomes	605 Union St
Robin Soares	222 Smith St
[redacted]	
Jessica Medeiros	628 Wetmore St Berkley MA
Jeremy King	30 Aster Rd Mansfield Mills, MA
Vincent Manfredi	14 Hoole St Fairhaven MA
Shawn Wilcox	46 Belo, t St Wareham MA

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Please Write Clearly

Name	Address
Rachel JoAquina	560 County St New Bedford, Ma. 02740
Carlos Jaime	69 Linden St 02740
Ann Reardon	1959 Pacific St. 02740
Tony DiCarlo	1959 Pacific St. 02740
Martin Cruz	417 Purchase ST
Susan Rodrigues	230 Allen Neck Ave
THEODORE LEE FALLOW III	162 ELM STREET
Michael Adams	85 Morgan ST.
Veronica Diaz	85 Morgan ST.
Gregory Garcia	60 Eighth St.

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Please Write Clearly

Name	Address
Virgen Cepeda	70 Clifford, NB Mass
Ronell Brooks	55 Newcomb St NB Mass 02746
Sandra Aguilar	Pleasant St
Roberto Santiago	Pleasant St
James Velazquez	Rewld St.
Jeh Angel	24 Tallman
Richard Wall	121 Hillman St
Tim Letzel	301 Hillman St
Sheken Y.	65 Rockdale St
Jeanette Abel	21 Reynolds

Please Return by 12/12/12

From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	FW: Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7, Exhibit B Email No. 5
Date:	Monday, December 17, 2012 5:06:34 PM
Attachments:	Pages from Exhibit B Part 1A.pdf

This email continues to fail due to size. I have split Exhibit B Part 1 into two different parts. Exhibit B Part 1A, and Exhibit B Part 1B.

Korrin

Korrin N. Petersen Esq., Senior Attorney
BUZZARDS BAY COALITION
Main - 114 Front Street, New Bedford, MA 02740
Cape - 21 Luscombe Avenue, Woods Hole, MA 02540
Tel - 508-999-6363 x.206
www.savebuzzardsbay.org

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From: Korrin Petersen [mailto:petersen@savebuzzardsbay.org]
Sent: Monday, December 17, 2012 4:59 PM
To: 'Pubcomment-ees.enrd@usdoj.gov'
Subject: FW: Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7, Exhibit B Email No. 5

The email below failed, likely due to size. I have broken this email into two different emails for Attachment 7, Exhibit B.
This is a retry, email 1 of 2.

Korrin N. Petersen Esq., Senior Attorney
BUZZARDS BAY COALITION
Main - 114 Front Street, New Bedford, MA 02740
Cape - 21 Luscombe Avenue, Woods Hole, MA 02540
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mail by accident, please notify the sender immediately and destroy this e-mail and all copies of it.

From: Korrin Petersen [mailto:petersen@savebuzzardsbay.org]
Sent: Monday, December 17, 2012 4:49 PM
To: 'Pubcomment-ees.enrd@usdoj.gov'
Subject: Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7, Exhibit B Email No. 5

Email No. 5
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2.
Attached to this email is Attachment 7 - Exhibit B.

Korrin N. Petersen Esq., Senior Attorney
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Cape - 21 Luscombe Avenue, Woods Hole, MA 02540
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Exhibit B

DON'T LET AVX ESCAPE FROM ITS RESPONSIBILITY TO CLEANUP TOXIC PCBs IN NEW BEDFORD HARBOR

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Name	Address
Carol Mendonca	10 West St. New Bedford, MA 02740
George Mendonca	10 West St New Bedford 02740
Sheela Cohen	500 ALLEN ST, New Bedford 02746
Fatima Peixoto	13 Galleon Drive South Dartmouth 02748
Ana Tavares	41 Willard St. New Bedford
Amanda Pinckney	944 Fisher Rd. Dartmouth MA 02747
Brian Coates	184 Maple St. NB. Ma 02740
Luis Oliveira	7 Spencer Way E. Freetown 02717
Dave Allen	22 Dunbar St NB. MA 02740
Dianne Kitchen	44 Cypress St Dart MA 02747

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Name	Address
Joan Ferreira	942 Main St West Wareham MA 02576
Melanie McPherson DaSilva	10 Lorraine Rd Acushnet MA 02743
[illegible]	10 Lorraine Rd Acushnet MA 02743
Melinda de Lulia Ferreira	2546 Acushnet Ave. New Bedford MA 02745
Kathryn N. DaSilva	320 Belleville ave N.B. MA 02745
[illegible]	2546 Acushnet Ave, New Bedford, MA 02745
[illegible]	26 LOWELL ST. N.B. MA 02745
Sara da Silva Quintal	2546 Acushnet Ave. New Bedford, MA 02745
Marcio DaSilva	2663 Countryside Rd Dighton, MA 02715
Lisa M. da Silva	2663 Countryside Rd. Dighton, MA 02715

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Name	Address
Michele Zaragoza-Crotty	7 Fort Street, Fairhaven, MA 02719
Marilyn OBrien	3950 Larkspur Dr. Allentown, Pa 18103
Elena Crotty	7 Fort St Fairhaven, MA 02719
Sara Couto	47 Fort St Fairhaven MA 02719
~~ANNE NICHELSON~~	~~156 GLEN RD; PORTSMOUTH, RI 02871~~
HERB NICHELSON	156 GLEN RD; PORTSMOUTH, RI 02871
Larry Harney	52 Maple St. New Bedford, MA 02740
Alice M FARIA	10 Hummingbird TRAIL N. DARTMOUTH 02747
Lawrence A Harney III	52 MAPLE ST NEW BEDFORD MA 02740
Kevin P. HARNEY	52 MAPLE ST. NEW BEDFORD MA 02740

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Name	Address
Barbara Cassidy	48 Maple St. West Bedford, MA 02740
Cristal L. Medeiros	87 Potter St., Dartmouth, MA 02748
Debra Roderick	24 Hemlock St Fairhaven, MA 02719
Carolyn Joyce	21 Nyes Ln. Acushnet, MA 02743
Patricia E/Lyon Mitnick	700 North Main St Acushnet MA 02743
Rita Shannon	8 Highland Ave Fairhaven MA 02719
Linda Harrison Blair	25 Delano Way So Dartmouth MA 02748
Anne Nicholson	156 Glen Rd, Portsmouth, RI 02871
Joseph Couto	47 Fort St Fairhaven, MA 02719
Emily Cotty	47 Fort St, Fairhaven, MA 02719

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Name	Address
Kathleen Moraes	15 Hawthorn Ter New Bedford, MA 02740
Gregory Moraes	15 Hawthorn Ter New Bedford, MA 02740
Meaghan Moraes	15 Hawthorn Ter New Bedford, MA 02740
Paula M Buzzell	85 Cottage St Fairhaven, MA 02719
Ron Dow	58 MAPLE ST. NEW BEDFORD, MA 02740
Roberta A. Dow	58 MAPLE St, New BEDFORD, MA 02740
Lucy Iannotti	69 MAPLE ST. NEW BEDFORD, MA 02740
Jessica Eldridge	71 Maple St New Bedford, MA 02740
Christy M. Fares	458 Elm St. New Bedford, MA 02740
Debbie Macarico	8 Elderberry Dr. Acushnet, MA 02743

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Name	Address
Constance M. Whalen	79 Laurel St. Fairhaven MA 02719
Eliza Andrade	42 Maple St. New Bedford 02740
[illegible] Wirt	34 Maple New Bedford, MA 02740
Kara Moore Hall	11614 Main Rd, Westport MA 02790
Michelle W. Luce	338R Smith Neck S. Dartmouth MA 02748
Kaitlin Luce	63B Cummings Ln Westport MA
Alison J. Tobin	196 Sanford Rd Westport, MA
Jennifer Zambo	275 Davis Rd Westport MA
Cathleen Hood	39 High St, Dartmouth MA
Walter Zambo	587A River Rd. Westport MA

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Please Write Clearly

Name	Address
Nellie Fortes	64 Alden St NB 02740
Korie Oliver	63 Howland Rd Fairhaven 02719
Bradford Paquette	70 Orchard St
Trevor Carter	14 Gladys St So. Dartmouth
Kevon M Carter	8 Dallas St Dartmouth 02748
Doreen F. Nelson	23 Fort Street, Fairhaven, MA 02719
Caroline [illegible]	816 M.H. Pleasant St. NB, MA 02748
Mr S. White	7 Holiday Drive Fairhaven, MA 02719
Elizabeth Lowney	156 William St NB 02740
Elizabeth Wiley	3 Knowles Ave E. Wareham MA 02538

Please Return by 12/12/12

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Please Write Clearly

Name	Address
Cathy Olsen	PO Box 805 Catamet, MA 02534
Mabel Griffin	640 Front St Marion, Ma 02738

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Please Write Clearly

Name	Address
Sharon Hoffman	Sharon Hoffman; 104 Olde Knoll Rd, Marion, MA. 02738
Lawrence P. Hoffman	104 OLDE KNOLL RD. MARION, MA 02738
A. Lee Hayes	PO Box 898, Marion Ma 02738
Marian Howell	160 Atlas Pt. Rd. Marion, MA 02738
Lorie H. Kingen.	13 Green Meadow Dr. Acushnet. MA 02743
HAVERTY	
[illegible]	18 Pinehill La Marion Ma 02738
LIGGERIO	
Cristina Liggerio	907 Point Rd Marion MA 02738
Ponte	
Kathleen Ponte	10 Spring St #304, Fairhaven MA 02719
Adamowicz	
[illegible]	32 [illegible] St. Rochester Bedford
Julee A. King (Julee A. King)	35 Brown St. Wareham, MA 02571

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Please Write Clearly

Name	Address
Roseann Stocks	110 Olde Knoll, Marion 02738
Margaret A. Riley	15 Dunfee Ct. 2e New Bedford, MA 02740
TRACY TARVERS	315 Garden, New Bedford, MA
Sharon Pimental	58 Tickle Rd Westport MA 02791
SALLY CONKRIGHT	9 Main St. Marion, MA 02738
Mary Frances Davis	7 Walnut St Fairhaven MA 02719
[illegible]	17 Ryder Lane
EARLAND GRIGGS	15 ARCOUNTER LA. MARION 02738
Sally L Sleeper Cobbett	30 Indian Cove Road, Marion, MA 02738
Sheila J. Rubdi	10 Cottage Street Marion MA 02738
TOM SHIRE	83 COUNTY RD, MARION

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Please Write Clearly

Name	Address
Linton Harrington	1100 Main Rd. Westport, MA 02790
Annette Brickley	107R Marion Rd Mattapoisett MA 02739
Jamie Jacquart	28 Champion Terrace Dartmouth, MA 02747
NAOMI RAPPAPORT	115 Rockland St. Dartmouth MA 02748
KEVIN BROWN	115 ROCKLAND ST. DARTMOUTH, MA. 02748
Jessica Govoni	16 Pinewood Drive Marion MA 0274
Nicole Jackman	20 Elise Lane Dartmouth MA 02747
MARY BAUMGARTNER	87 DR. BEALEY Rd · E. FREETOWN, MA 02717
KAREN RUNYON	49 Mirasol Dr. Buzzards Bay, MA 02532
Melissa Jordan	949 County St N.B., MA

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Please Write Clearly

Name	Address
Christian DeMaranville	1089 Bowles St. New Bedford MA
Jessica Lawrence	241 Plympton St. New Bedford MA
Bethany Tourné	130 Lowell St #2E Fall River, MA 02721
Autumn Bishop	122 Acushnet Ave
Christopher Proulx	143 Division Street
Breanna Charlier	58 Apache CT
Cody Silvia	334 Main Street Apt 6F
~~Zoey~~ Zoey Lakkis-Gibbo	26 bliss street
Michael Shea	North Attleboro
Aurora Monge	206 Crapo St apt 1

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Name	Address
Peter Blanchard	9 Anthony St. New Bedford 02740
Maureen Sylvia	7 Lee Ward Way Fairhaven MA
Katherine Gregory	274 Bullock Rd. E. Freetown MA 02717
Rosemary Larkin	137 Summer St. NB. MA 02740
Matthew Girouard	96 Main Street
Daryl Ramos	202 State st
Kelsie Cabral	31 Edna St
Juliana Vieira	54 Roger St
Jordan Vasconcelos	495 Summer St
Keri Lombardi	23 Shaw St NB.

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Name	Address
Denise Rodriguez	207 Ashley BLvd N.B.
[signature]	87 Hazard ST
Susan Foster	591 Horseneck Rd Westport
Barbara Marcotte	278 Drift Rd Westport
Elis Comerford	93 State Street NB
Kendra Isaksen	167 Marimac Street NB
Victor Malcan	14 Wilson St. S. Dartmouth
Phil Lang	12 Howland St. S. Dartmouth, MA
Stephanie White	2 Seth Davis Way
Eleanor Brito	32 Reserved Ave

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Name	Address
Matt Little	9 Laurel st., Fairhaven
Rachelle Adams	105 Pleasant St, Fairhaven
Ashton Lopes	255 Allen St New Bedford
Henry Fermino	51 Myrtle St NewBedford Ma
Alisha Lemieux	452 Loftus St NewBedford
JOHN MASSON	416 COUNTY ST., NEW BEDFORD
Mihai Tripp	PO BOX 8757, New Bedford MA, 02742-8757
Ryan Gallagher	83 Wilbur Ave, Dartmouth MA
Tara Penny	51 Cottage Street, Apt 2 New Bedford MA 02748
ROBERT SMITH	2 FOSTER LN. KINGSTON, MA 02364

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Name	Address
Kreg N. Espinola	47 Seventh St N.B. MA 02740
Brooke Ashley	4208 Acushnet Ave N.B, MA 02745
Scott Dixon	70 Nelson St. Apt 3 NB, MA 02744
Candido Tondel	329 Myrtle st NB, MA 02746
Peter Castonguay	26 Kenny St NB, MA 02746
Samuel Ackah	174 Walnut St NB MA 02740
Brooke Texeira	42 Concord St Fall River MA 02724
	94 Merrimac St Dotown
Steph Russell	425 Smith Neck Rd Dartmouth MA 02748
Cynthia Wood	53 Pembroke Ave. Acushnet Mass 02743

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Name	Address
A. Peter Sauvageau JR	164 David St. NB MA. 02744
Teresa Tavares	80 River St N.B MA 02744
Jean McClain	334 Pleasant St (St) N.B. MA 02746
John A Cole	253 MILL ST N B. MASS. 02740
Tri Cuoh	195 ARNOLD ST
Sherry Gaipo	316 Dartmouth St. N.B.
Joan Vega	38 HAZARD St NB

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Name	Address
Charlotte Altman	PO Box 391, Foxboro, MA 02035
Joel Altman	PO Box 391 Foxboro MA 02035
Robyn Altman	CHIPMAN ST MEDFORD, MA 02155
Mark D Altman	CHIPMAN ST MEDFORD, MA 02155
Rosemary P. Lucas	31 Lincoln St. New Bedford MA 02740
EMILY BRYANT	36 Morgan Circle Amherst MA 01002
Lucy Bly	290 SAWYER ST. NEW BEDFORD, MA. 02746
Judith Rodrigues	33 Plymouth St. New Bedford, MA 02740
Tammie E. Perry	371 HERSOM ST. New Bedford, MA 02745
GRAHAM BERRY	22 WALNUT ST. ACUSHNET, MA 02702

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Name	Address
Melanie Eddy	69 Cedar St Fairhaven, MA 02719
Kaela Gisherman	35 Lakewood Rd, Dartmouth, MA
Will Napolitano	26 Maple Ave Kingston, MA
Janet Tetrault	26 Kelly Ave. Westport MA
BARBARA A. CARREIRO	173 FORGE RD WESTPORT, MA 02790
Carol A. Sofia	500 Bakerville Rd. Dartmouth 02748
Annette Gendreau	9 Newton St. Westport 02790
Jean La Belle	20 Ryder St. Dartmouth 02747
Mary Sullivan	2 Basswood Ave Dartmouth, Ma 02747
Stefanie Pullen	769 Reed Rd Dartmouth

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Name	Address
Philippe Blaise	~~[illegible]~~ 17 Livingston Rd Apt 10 Brockton MA 02301
Ashlee Lentini	3 East River Dr N. Dartmouth, MA 02747
Keith Cooper	118 Lincoln Avenue, Fall River, MA 02720
Michael Welch	7 Daisy Ave. Taunton MA 02780
Melissa Sauda	72 Acorn St. New Bedford MA 02740
Jack Giaccogo	758 Purchase St #7 New Bedford MA 02740
Justin Kearing	64 cherry Lane Tiverton RI 02878
Jessica Santos	126 Quaker Ave Tiverton RI 02878
Nicholas Arruda	14 Fisher Pines Way N. Dartmouth MA 02747
Susana Soltren	9 PULASKI AVE, CARTERET NJ

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Name	Address
Joseph Desrochers	26 Eighth St New Bedford Ma
Jean Chappan	21 James St Taunton Ma 02780
Kathy Chappan	21 James St Taunton
Mary Desrochers	53 Ashley St New Bedford Ma
Natasha Mello	53 Ashley St New Bedford Ma
Carol Nicely	26 Eight St Apt 9 New Bedford Ma
Stephen	47 Lumbard St N.B.
Mike Creager	118 Andrews Way, Plymouth, MA
Evelyn Tavares	43 Center St East Taunton
Kyle Coleman	7 Marble St Whitman MA

Please Return by 12/12/12

David Civiletese

DON'T LET AVX ESCAPE FROM ITS RESPONSIBILITY TO CLEANUP TOXIC PCBs IN NEW BEDFORD HARBOR

BUZZARDS BAY COALITION & HANDS ACROSS THE RIVER COALITION

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Please Write Clearly

Name	Address
Stephen Lima	242 Sconticut neck Rd Fhun
Ian Francis	36 Thompson St Apt 3 NB 02740
David B. Hooker	1398 Globe St. Fall River, MA 02721
Denise Ellis	
Dave	4M Adams Circle Middleboro MA 02346
Darren B. Harris	14 Kevin's Way Easton Mar
Tracie Gleason	414 Elm St. Bridgewater ma, 02324
Bryan Thomas	13 Warr Ave Wareham Ma
Chris O'Connor	524 Washington St Abington MA 02351
Tyler Kalmanson	1692 Woodman St. Middleboro, MA 02346
Susan Baker	2981 Acushnet Ave. New Bedford, MA 02740

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Please Write Clearly

Name	Address
Allen Messier	126 Peckham st New Bedford MA 02745
Jonathan Cummings	233 Aquidneck St New Bedford, MA
Stephanie Martin	233 Aquidneck st. New Bedford MA

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Please Write Clearly

Name	Address
JOHN FERNANDES	1219 RODNEY FRENCH BLVD., NEW BEDFORD
Sokratis Kaimas	50 Cheryl Way, Fall River, MA
Daniel Walsh	48 Carriage Dr. New Bedford, MA
SIDAFA CONDE	448 Maxfield St, NEW BEDFORD, MA
Heather Vieira	347 Highland Ave, Dartmouth, MA
Francis Cabral	1034 Drift Rd. Westport, MA
Joe Stadnicki	285 Old Wesport Rd Dartmouth MA 02724
Patricia Gregory	30 Globe St Fall River MA
Rupali Singh	35 C Cherry Tree Lane New Bedford 02740
[illegible]	20 West Street Fairhaven MA [illegible]

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Please Write Clearly

Name	Address
Rob O'Shaughnessy	285 old westport rd North Dartmouth MA
Scott B. Smith	7 Captain Lumbert La. Centerville MA
Deirdre Healy	2 Lafayette St. Fairhaven, MA
Kathryn Doan	85 Prospect St, Dartmouth, MA
GARY MARDEN	9 EIGHTH GREEN, DARTMOUTH, MA 02747
Kristen Kalbaener	1A Prospect St., Dartmouth MA 02748
Yudite Fernandes	147 Nellie Rd North Bedford, MA 02740
ANNE B. BOISVERT	399 WOOD ST New Bedford MA 02745
Olivia Farinha	14 Madison Ct Westport MA 02790
Meghan Hyland	607 Stafford Rd E Fall River MA 02721

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Please Write Clearly

Name	Address
Aubrie Brault	28 Sycamore st. Fairhaven, MA 02719
Tara Ahluwalia	8 peachtree rd Lexington, MA 02420
Poonam Ahluwalia	8 peachtree rd. Lexington MA 02421
Saatvik Ahluwalia	8 peachtree rd. Lexington MA 02420
Mohinder Ahluwalia	8 peachtree rd. Lexington MA 0242
Samantha Smith	7 Captain Lumbert Lane, Centerville, MA
Ben Blakemore	43 Ramblewood Drive, Ashland MA
IRENE MAHONEY	28 Sycamore St. Fairhaven MA 02719
Kyley Alpaugh	60 Coolidge Hill Rd. Watertown MA 02472
Sarah Mills	285 old Westport rd, North Dartmouth, MA 02747

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Name	Address
Steven McLaughlin Byrne	2 Lafayette St. Fairhaven, MA 02719
Ciara Healy	2 Lafayette St. Fairhaven, MA 02719
Gabi Healy	2 Lafayette St. Fairhaven, MA 02719
Stephen Olmsted	9 Eighth Green, Dartmouth, MA 02747
Timothy J Doolan	280 old westport rd, Dartmouth, MA 02747 Box 472-4149
Shawn Feeney	290 old [illegible] Dartmouth MA 02747

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Please Write Clearly

Name	Address
Jason P. Lanagan	29 Union STREET
Ryan P. Dwane	42 N. Water St.
Danielle Poulin	285 Old Westport Rd Dartmouth 02747
Philip Dwane	42 N. Water St., NB
Lauren Lamontagne	26 Anthony St, S. Dartmouth 02748
Tammy Caravana	80x Fisher Rd. Dartmouth, MA 02747

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Name	Address
D. A. Diana	157 Davis Rd Westport MA 02790
Emma Cleveland	203 Powder House Blvd Somerville, MA 02144
Sylvia Brenda	106 Dunster Rd #1, Jamaica Plain, MA 02130
Joyce M. Mello	242 Bourn Ave. Somerset MA 02726
Thomas F. Reardon	110 Desmond Ave. Somerset, MA 02726
Connie Brodeur	110 Desmond Ave. Somerset MA 02726
Paulette Rodrigues	46 Desmond Ave Somerset, Ma 02726
Becky Smith	103 Day St #1 Boston, MA 02130
Jacqueline Rodrigues	46 Desmond Ave Somerset, Mass
Gabriel M. Simmons	169 Davis Rd. Westport, Ma.

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Please Write Clearly

Name	Address
Kevin Dyer	34 middle rd Acushnet
Andrea DosSantos	34 Middle Rd. Acushnet
Mark Galotti	31 Hathaway Ave
Jim Moran	19 OLD BOLTON RD Hudson MA
[illegible]	128 Phillips Ave. N. B.
[illegible]	2703 Hoyt St N. Dighton
Barbara Santos	22 Mandell St. NB
Adelino Santos	22 Mandell St N.B.
Madalena Ferreira	14 Parker St Dartmouth
Doyle H Lambert	Fairhaven

PLEASE Print [illegible]

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Name	Address
Margaret Canastra	122 Bridge St.
Mark McGrath	924 Belleville Ave New Bedford MA
Ryan Karpuska	10 Maxwell St N.B. 02746
John Coyne	5 Fort Fairhaven
Janet West	Marshall Rd, Acushnet
John Struttmatter	262 Conduit St New Bedford
Linda Milette	85 Lafayette St NB
Tina N. Heath	42 Grape St. NB
Richard Santos	268 ADELAID ST N.B.
Rebecca Santiago	42 Holly St. NB

PLEASE POST... thx 12/17/12

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Please Write Clearly

Name	Address
Jane Vieira	75½ Atlantic St, New Bedford, MA 02740
Willard H. Blake	804 Smith Neck Rd., S. Dartmouth, MA 02748
Tim Lydon	38 Faunce Corner Rd Dartmouth MA 027
Emily Johns	1580 Purchase St, New Bedford, MA 02740
Jessamyn Finneran	32 Milton St, New Bedford, MA 02740

12/17/12

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Please Write Clearly

Name	Address
James Toll	7 Hamlin St. Providence, RI
Mary Pendergast	99 Fillmore Pawtucket RI
NANCY AUDETTE	54 CLIFFORD DR. W. HYD CT
Eileene Phaneuf	54 Cummings lane Westport MA
Paula Lazaroff	101 Center St., Fairhaven, MA
Lende McMullen	38 School St Rehoboth, MA
Cindy Rourke	8 Pine Grove Rd. Rehoboth, MA
Liana Schechter	365 Wickenden St, Providence, RI
Harry Mishkin	11 Hayward ST PAWTUCKET RI
KERRY BERGIN	28 SYCAMORE ST PROVIDENCE RI 02908

Return by 12/13/12

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Name	Address
Jean Bennett	749 Purchase St New Bedford MA 02740
Ethel Bennett	749 Purchase St NB 02740
RODNEY HUNT	126 KILL ST N.B. 02740
Karen Snyder	66 Cuttyhunk Alden Way 02748
Thomas J. Tetreault	325 Allen St
Theresa Tetreault	325 Allen St
Jean P. Tetreault	328 Allen St
Armand R. Vieira	58 Poplar Rd. N.B. 02745
Harry Harrison Jr	75 Timberlane Rd N.B 02745
Carol A Nelson	17 Arnold Place, NB 02740
Jessica Ross	86 Carroll St NB 02745

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Name	Address
Barbara Mills	114 Adams St. Fairhaven
RICHARD MARINI	34 EMERY ST N.B.
RACHAEL KELLY	52 SEVENTH St NB
Katharine Bennett-Weber	2 Jenny Lind St NB
Gordon Weber	2 " " " "
Harry Matelski	96 Madison St. NB 02740
FAITH Matelski	96 Madison St NB 02740
Thomas R. Strittar	52 7th ST. NB 02740
Neal Weiss	310 Tucker Rd Dartmouth, MA 02747
BEVERLY JONES	32 HIGHLAND ST DARTMOUTH 02748

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Please write clearly

Name	Address
Gary P. Johnson	5 Cannon St. Mattapoisett, MA 02739
Luana Josvold	5 Cannon St Mattapoisett, MA 02739
Bradford A. Hathaway	87 Alcoot Rd., Mattapoisett, MA 02739
[illegible]	3 Pine Island Rd., Mattapoisett, MA 02739
[illegible]	52 County Rd #24 Mattapoisett MA 02739
[illegible]	4 Prospect Rd Mattapoisett 02739
[illegible]	16R OLIVERS LANE MATTAPOISETT 02739
[illegible]	520 Point Rd. Marion, MA 02738
[illegible]	4 Bay View Ave Ct Mattapoisett MA 02739
John Paul Garber	7 FREEMAN ST MATTAPOISETT MA

Return to [illegible]

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Name	Address
[illegible]	5 Abby Lane Mattapoisett MA 02739
[illegible]	52 COUNTY RD. MATT. MA 02739
[illegible]	10 Mechanic St Mattapoisett MA 02738
[illegible]	5 SYCAMORE RD MATTAPOISETT MA 02739
[illegible]	8 OAKLAND AVE. MATTAPOISETT MA 02739
Kathleen M. Bohm	5 Bay View Ave BB Mattapoisett, MA
[illegible]	12 Water Street, Mattapoisett, MA 02739.
[illegible]	22 Bent Beach Ave Mattapoisett MA 02739
[illegible]	11 Bethany Lane Mattapoisett MA 02739

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Please Write Clearly

Name	Address
John P. Powel	262 Jordan Rd. S. Dartmouth 02748
Suzanne M. Jacobsen	1197 Russells Mills Rd. S. Dartmouth MA 02748
Jane H. Swift	7 Horseneck Rd. S. Dart. 02748
Jeffrey Bradley	16 Martin Avenue Mattapoisett MA 02739
Claire Herald	8 Rena Vue Ave S. Dartmouth
Joe Murray joemurray@cs.com	
Joseph MURRAY	56 N. Bedford St East Bridgewater MA 02333
Mary Sutton	PO Box 87128 S Dartmouth 02748
Nancy Wood Dupont	PO Box P-282 Dartmouth 02748
EILEN CARLSON	11 SUNSET LN SO. DARTMOUTH 02748

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Please Write Clearly

Name	Address
PAMELA L. ARRUDA	98 LEXINGTON AVE N. Dartmouth, New Bedford 26 Cedar St
ELAINE DUPRE	6 SPRING HILL ROAD DARTMOUTH, MA 02747
SUSAN Barges	7 MAIN st FAIRHAVEN MA 02719
MARG-T GRACY	1612 MAIN ROAD, WESTPORT, MA 02790
Maura Cronin	123 Sawyer St New Bedford, MA 02746
Elizabeth L. Bennett (Elizabeth L. Bennett)	2 Reynolds Drive Fairhaven, MA 02719
John Bennett	2 Cottage Ln. Lakeville, MA 02347
Holly E Durocher	749 Purchase St. Loft 401, New Bedford, Ma 02740
MONIQUE DUROCHER	749 Purchase St. Loft 404 New Bedford, Ma. 02740
ERICA L. DUROCHER	749 Purchase St. Loft 404 New Bedford MA. 02740
GERALD B. WHEELER JR.	260 State Rd N. Dartmouth MA

Return by 12/12/12

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Please Write Clearly

Name	Address
Thomas J. Frain	39 Franklin St. S. Dartmouth MA 02748
Michelle R Frain	39 Franklin St Dartmouth MA 02748
Charles & Suzy Buck	16 E. Rodney D. Dr. Dartmouth 02747
GAYLE BIDDLE SMICKER	7 ACORN WAY, DARTMOUTH, MA 02748
PHYLLIS BIDDLE	123 ELM ST S. DARTMOUTH, MA
Dr Corinne M Slaughter	124 Slades Corner Rd Dartmouth MA 02748
FELICITY FORBES HOYT Felicity Forbes Hoyt	321 Barneys Joy Rd, So. Dartmouth
BUEHLER Janet P. Buehler	50 Elliot St. Dartmouth 02747
Sara H. Johnston	170 Jordan Rd. Dartmouth MA 02748
Alice Huff	PO BX N213 WESTPORT MA 02790

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From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	FW: Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7, Exhibit B Email No. 5
Date:	Monday, December 17, 2012 5:01:34 PM
Attachments:	Exhibit B Part 2.pdf

Email 2 of 2 in an attempt to resend Exhibit B.

Korrin N. Petersen Esq., Senior Attorney
BUZZARDS BAY COALITION
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Cape - 21 Luscombe Avenue, Woods Hole, MA 02540
Tel - 508-999-6363 x.206
www.savebuzzardsbay.org

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From: Korrin Petersen [mailto:petersen@savebuzzardsbay.org]
Sent: Monday, December 17, 2012 4:49 PM
To: 'Pubcomment-ees.enrd@usdoj.gov'
Subject: Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7, Exhibit B Email No. 5

Email No. 5
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2.
Attached to this email is Attachment 7 - Exhibit B.

Korrin N. Petersen Esq., Senior Attorney
BUZZARDS BAY COALITION
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Please Write Clearly

Name	Address
Michael Whalen	65 Rockland St, S. Dartmouth, MA 02748
Mary Raposa	129 Clinton St New Bedford Ma 02740
Betty Chaves	32 Center Road, Unit 26 Mattapoisett, Ma 02739
Bruce Sprague	2 Tuttle Lane Fairhaven, Mass 02347
[illegible]	
[illegible]	
[illegible]	204 Rome St Rd Lakeville, MA 02571
[illegible]	82 Potomska Rd, Dartmouth, MA 02748
Randall Elgin	15 Foss Farm Lane Rochester, MA, 02770
Paul South	20 Elizabeth St New Bedford, MA 02740

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Please Write Clearly

Name	Address
Alison Cook	Alison.Cook92@yahoo.com
Kevin Papale	KPapale1@yahoo.com
Lisa Chapman	206 Eighth St New Bedford ma lisaclesrocher@gmail.com
Adam Saraiva	13 crescent st. North Fall River MA
Jessica O'Connor	524 washington St Abington, MA
Phyllis Cotell	311 Francis Ave ma 02746
Ina Jones	345 Park st #13 N. Attleboro, MA.
Christine Howe	35 Hawthorne St Fairhaven MA. 02719
Kristin Montcalm	603 Wareham St. Middleboro, MA 02346
Donna Roche	P.O. Box 462 Raynham, MA. 02768
Name Pamela Mulvey	Address 6 Wright Ln. Wareham, MA 02571

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Name	Address
Robin Rocha	544 Paramount Dr. Raynham, MA 02767
Heather Thomas	5 Alpine Ave., Fairhaven, MA 02719
Amanda Butler	16 Highland Rd Lakeville MA 02347
Steven DeMedeiros	215 Longmeadow Rd unit 602 Taunton, MA
Erin Lawrence	5 Barnum PT Taunton ma
Maria Galanti	314 North ave Rochester, Ma
Gary Graca	83 Sherborne St Taunton, Ma
Dana Connor	359 Brock Ave. New Bedford, Ma. 02744
Paul Chiaverini	34 Hillview avenue North Smithfield, RI 02896
Robert O'Connor	11 Oakland Drive unit 2 Sharon MA 02067

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Please Write Clearly

Name	Address
Erica Perry	4 pond Ave Dartmouth RI
Ashley Bell	2 Parker st Attleboro Ma
Emily Belanger	242 Scontticut Neck Rd
CHUCK JEANS	1 BROOKSIDE RD MANSFIELD, MA
Brittany Bay	21 Edgewater St. S Dartmouth, Ma
BRIAN A BISSONNETTE	7 LOON POND ROAD, LAKEVILLE, MA 02347
Ignatius Moore	72 Courtney Attleboro Ma
	23 Freeman St, Berkley MA
G Lima	23 Freeman St Berkley Mass 02775
Aimee Marchand	225 Knight St Apt 4 Providence RI

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Juliette Mauricio	114 Rounds St. N.B MA 02740
Fernando Gonsalves	2 Clinton Pl. N.B 02740
Lanis Gomes	95 Kenney St N.B 02740
Sarah MacDonald	23 Hollyhock St. NB 02740
Danelle Thessin	620 Union St N.B 02740
Marilia Moniz	156 Allen St NB 02740
William Holloway	473C MAXFIELD ST. NB 02740
Betty Cambra	68 Oneida St. N.B. 02740
Laura Blake	50 Chancery St 02740
Marjorie Costa	216 Orville St 02740

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Name	Address
Muriel M. Monroe	990 W. Hill Rd., N.B. 02740
Mary Ellen Costa	9 West Street, New Bedford, MA 02740
Nicholas Weinblad	156 Granite St. Apt 1, Quincy, MA 02169
Thayer Newport	156 Granite St Apt 1, Quincy Ma 02169
Theresa Mc Namara	2062 Phillips Rd. NB
Mark Monroe	44 Vernon St middleboro
Robert Kelly	82 Spruce Rd Harwich, MA
Alice Fabian	44 Vernon St Middleboro 02346
Tim Fabian	44 Vernon St Middleboro, MA 02346
Jacqueline Cabral	25 Central Blvd. PO Box 155 Monument Beach MA 02553

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Please Write Clearly

Name	Address
GERALD T. FITZGERALD	21 Franklin St. So Dartmouth MA
Carol Correia	18 Melton St S. Dart. Ma
Amber Hendshamel	1029 Bourne Rd Plymouth MA 02360
Jim Smith	1029 Bourne Rd Plymouth MA 02360
SHAWN CASAVANT	850 PLEASANT ST NEW BEDFORD MA 02746
Stephanie Nolan	1641 Acushnet Ave 02746
Heather Cyr	76 Swift St 02740
Nancy Nelson	61 Orchard 02740
DUBREUIL, RICHARD	21 BRIGHAM ST 02740
Michael Gagnon	Bx 5722 N. B. Ma 02742-5722

Return by 12/12/12

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Name	Address
Bob Maker	58 Locust St 02740
Siggy Melus	78 Nelson St. Apt 1E, 02740
Gil Souza	909 Oakley St. 02745
Cora Peirce	24 Hamlet st Fhvn 02719
Brianna McQuillan	330 main St. Fhvn 02719
[illegible] Tarzenski	50 New Plainville Rd NB 02745
Frani Keeley	123 Sawyer St. #5 NB 02746
Daniel Kammon	123 Sawyer ST #5, NB 02746-5403
Bryan Condong	189 Chancery ST NB 02740
Maria Simões	517 Cottage St, NB 02740

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Please Write Clearly

Name	Address
Gary Fritze / Gary Fritze	24 Seymour St. N.B.
Rosemarie T. Rosa	157 North St. N.B.
[illegible]	29 Middle St Apt 32 n. B.
R Carpenter	158 Reynold St Apt 23
Jasmine Rodriguez	84 Simmon St.
HERBERT PICA	60 EIGHTH ST
Lloyd DeBarros	558 County St.
Joseph Redondo	725 Pleasant St NB. MA
[illegible]	
Rivers Tarth	117 Hillman St NB

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Name	Address
Alicia Pimental Alicia Pimental	91 Armour St. Fl 3 New Bedford MA 02740
Margaret Connolly Margaret Connolly	33 Hamlet St, Fairhaven, MA 02719
Tony Williams Tony Williams	133 Alley Rd Rochester, MA 02770
Amy Mass Amy S. Mass	39 Engraham St New Bedford.
Rainbow Livant	418 Summer st New Bedford
Patricia Rodrigues	47 Lutte St New Bedford
Inmar. ACOSTA	25 - WARREN. ST - N.B.
JUAN CAMEY	140 PLEASANT ST NB
William J carvalho	8 50 pleasant
Lili Dupont	549 county street NB

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Name	Address
Anthony Converse	1242 pleasent st lv
Tracy Silvia	174 Ashley Blvd Apt #2
Christine Oliveira	174 Ashley Blvd Apt #3
John N Lopes Jr	850 Pleasant St apt 330
Cassandra Wash	75 Rodney st.
Matthew Burnett	418 SPROOS St
Jason Monast	62 Roosevelt st
Melvina Santos	173 Arnold St NB
Martha Rodrigues	417 Luke St NB
Bruce Despres	1761 Dartmouth

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Name	Address
Bernadette Gonzalez	186 Collette St.
Frank Hayes	347 Woodside Avenue Pittsfield Mass
Lisa Santos	60 S. Second St. N.B. Mass
Shayna Santos	60 S. Second St. N.B. Mass
Zach Debra	133 South Second St NB Mass
Lana Dorey	5 Austin
Daniel Dion	193 ELM
Julie Tombrinck	326 State St. N.B. MA.
Ryland Jr.	24 Seymour St NB MA
Jeremy Quigley	671 Purchase St. NB, Ma

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Name	Address
Vincent D'Oliveira	44 Hurley Ave E. Freetown MA
MARY E. SULLIVAN	23 WALDO ST NEW BEDFORD. MA 02743
Peter M Faulkner	1021 Russell Mills Rd S.D. 02748
Nancy J. Smith	45 GOLF ST. N.D. 02747
Maynard E Smith	45 GOLF ST. N.DARTMOUTH 02747
Manuel Gil	35 Pine grove St Fairhaven 02719
Edna Petrozzello	32 Monique Dr. Westport, Ma 02790
Mariano Mestre	32 Monique Dr. Westport, MA. 02790
Amy C. Araujo	62 ward St. New Bedford, Ma 02744
Walter Anjos	33 Loxcroft Rd New Bedford 02746

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Name	Address
Edward F Jonsick	384 Whitlow St NB 02746
Charles McKinnon Mitchell	35 Hinsong Ave, Fairhaven 02719
Judith Downey	6 Allen St. Fairhaven, 02719
Susan Dartmouth	116 Crestmont Rd. Mattapoisett
Linda B Cavanaugh	18 Ocean View Av. Mattapoisett, MA 02739
Carol A Winnett	27 Babbitt Rd Fairhaven MA 02719
DWIGHT THOMAS	124 PRINCETON ST NEW BEDFORD 02745
Bethany G. McConnigal	31 Striper Circle Dartmouth ~~New Bedford~~ 02747
Vandy L Rigby	18 Stuart Rd. Rochester, MA 02770
Ann Fox	1015 Faunce Corner Rd., Dartmouth, MA 02747

Please Return by 12/12/12

DON'T LET AVX ESCAPE FROM ITS RESPONSIBILITY TO CLEANUP TOXIC PCBs IN NEW BEDFORD HARBOR

BUZZARDS BAY COALITION & HANDS ACROSS THE RIVER COALITION

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Please Write Clearly

Name	Address
Natalie A. Hennessey	9 Woodside Ave, Fhvn. MA
Jeffrey Smith	19 Rush St, Fhvn, MA
Robert A. Paine	48 Cottage St. Fhvn. Ma.
Kim Flanders	34 N West St Acushnet Ma
Donald J. Bourdon	66 CHESTNUT ST. FHVN, MA
Donald Hamel	8 Roy ST. FHVN, MA.
C.W. Trustee	29 LAUREL ST FHVN MA
Board of Trustees	29 Laurel St Fhvn MA
G. William Short	6 N Cottage St Fhvn Ma
John P. Howarth	61 LAWSON AVE ACUSHNET

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Name	Address
Laurence Jaquith	65 William St New Bedford MA
Peter M Martin	65 William St New Bedford, Ma
Nancy Alexander	13 North St Mattapoisett, MA 02739
Manny Medeiros	6 Jackie Ln E. Freetown MA 02717
Jared Vasconcellos	62 Mechanics Lane New Bedford MA 0274
Ryan Mere	106 William street NB
Jennifer A Neuman	100 William St N.B MA 02740
Seth Rainville	105 White Oak Run Dartmouth Ma 02747
[illegible]	516 Pleasant St. NB, MA 02740
Jennifer Bolin	158 Highstone St, E. Taunton, MA, 02718
Jennifer Bolin	

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Name	Address
MELISSA DEARDEN	373 BELLEVUE ST NB 02744
WILLIAM BENNETT	178 JAMES ST. NEW BEDFORD [illegible]
DONALD BLIER	159 COTTAGE ST. NEW BEDFORD MA 02740-3661
Wendy Wiggins	95 Chestnut St, New Bedford MA 02740
CARLTON DIBENT	109 5th Street New Bedford MA 02746
TRYNE COSTA	361 BEDFORD ST, New Bedford MA 02740
Jean Holloway	5 Dover St #301, New Bedford MA 02740
Melissa Garcia	204 Earle St New Bedford MA 02746
Mario F. Costa	204 Earle St. New Bedford MA 02746
Maureen Mullaley	157 Sylvia St New Bedford MA 02745

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Name	Address
Jason Robinson	117 Hillman st
Carol Collins	24 Adams St.
Annette Bourque	24 Adams ST.
Carmen Rosado Oriol	76 Linden st #2 floor Newbedford M.A.
[illegible]	182 Broadway Apt Queens N.Y 11003
[illegible]	778 Belleville Rd
Joseph Jus	33 7th ST NB MASS
Ada Pena	55 morgan st. Apt #2 NB MA
[illegible]	1124 Mark R. Ave
Ana Rosario	162 Sawyer St. NB MA

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Name	Address
Matt Coraccio	
Lisa ROSS	60 Tinkham St. 02746
Matt Ryckebosch	25 Chancery St. 02740
CARRIE Iruijo	705 Ocean Mdw 02719
Susan Roderick	128 Tinkham St 02746
KENNETH RAMOS	ARNOLD STREET 02740
Blanche Thomas	37 Vine street 02740
Gabrielle Monteiro	194 Central Ave 02745
Alvin Lipsett	6 Rickerson 02744
Ronald Simpson	187 grove street 02744

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Name	Address
Jeremiah Hernandez	324 Hillman St. NB MA 02740
Bruno A. Rodrigues Freire	81 Summer St. NB. MA 02740
Dylan Fleming	120 Florence St. NB MA 02740
Fabio Tristao	147 cedar St. NB. MA. 02740
Len Busby	123 smith street NB MA 027
Justin Fernandes	4338 Acushnet Ave New Bedford MA
Linda Fredette	364 Alden Rd Fairhaven, MA 02719
Jane Langston-Daly	121 COTTAGE ST NB MA 02740
Yasmin Fleffel Vincent	118 Arnold St. NB MA 02740
Vibbi McMaster	99 westview st NB 02740

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Name	Address
Leslie E.J. McKinley	499 Horseneck Rd., Dartmouth 02748
Valle D. Blake	804 Smith Neck Rd. Dartmouth 02748
Norma Tyne	761 Middle Rd Acushnet 02743
[illegible]	852 Division Rd Dartmouth 02748
Meredith Swan	55A High St. S Dartmouth MA 02748
Cynthia Barnum	27 Gaffney Rd Dartmouth MA 02748
[illegible]	27 Gaffney Rd Dartmouth MA 02748
[illegible]	600 Horseneck Rd. S Dartmouth
[illegible]	933 Russell's Mills Rd S. Dart
[illegible]	15 County Rd Lakeville MA 02347

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Name	Address
Erin Smith	289 Bakerville Rd. S Dartmouth MA
Heidi Obolensky	810 Potomska Rd. S Dartmouth MA
Nancy Manley	1116 Fisher Rd Dartmouth, MA
ANDREW J. DEAN	6 MOXON LN S. Dartmouth, MA
RUTH G. DEAN	6 MOXON LN S. Dartmouth, MA
Kevin Vieira	18 Arnold St S. Dartmouth MA
Cathi Rebello	1219 Russells Mills Rd. Dartmouth Ma
DORIAN LIGHTBOWN	704 HORSENECK ROAD S. DARTMOUTH MA.
Philip V Saher	57 HUNTINGTON AV DARTMOUTH, MA
Nancy Gilli	250 Gifford Rd. S. Dartmouth MA

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Name	Address
Dexter E Cate	401 Ocean Meadow Fairhaven MA
Kenneth Rebello	520 Allen St. New Bedford, MA.
Rhea E. Teves Cate	401 Ocean Meadow Fairhaven, Ma.
Joanne M. Rebello	520 Allen Street New Bedford, MA 02740
Olga Rebello	67 Ivy Rd New Bedford, MA 02745
Karen Surprenant	31 Bernese St. Fairhaven, MA 02719
James Surprenant	31 Bernese St. Fairhaven, MA. 02719
Laura Surprenant	31 Bernese St. Fairhaven MA 02719
Peter J. Teves	15 Austin Ave Acushnet MA. 02743
Carol Macleod	81 Sawyer Ave Fairhaven, MA

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Name	Address
Barbara Hall	366 W. Rodney French Blvd New Bedford MA 02744
MATTHEW CATE	241 REED STREET, NEW BEDFORD, MA 02740
MARY-CAROL CATE	39 SLADES CORNER RD, DART. MA 02748
JOHN CATE	39 SLADES COR. RD, DART, MA 02748
DENNIS BARLEY	14 MELISSA AVE LA. MATTAPOISETT, MA 02739
CLAUDETTE J. TRIPP	2 SEDGEWICK RD. FAIRHAVEN MA 02719
Diane Eugenio	405 Cottage St. NB. MA 02740
Rose Marie Medeiros	81 Bridge St Fhvn MA 02719
[signature]	225 Dartmouth St NB MA 02740
Jake Sheridan	120 MAH. Neck Rd MATTapoisett MA 02739

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Name	Address
Gunnar V. Berg	74 Reservation Rd Fairhaven, Ma 02719
Martha O. Berg	74 Reservation Rd, Fairhaven, MA 02719
Fred Medeiros, Jr.	4 RESERVATION WAY, MARION, MA 02738
Gerard H Daigle	148 Grantstrack Rd Fairhaven, Ma 02719
Ralph Lemon	6102 OAK POINT DRIVE MIDDLEBORO, MA 02346
Stanley M Boynton	75 Fourth St Somerset, MA 02726
Robert C Gardner	12 LINHARES AVE Mattapoisett, MA 02739
Wayne Wiese	2 WAMPANOAG DR FAIRHAVEN MA 02719
Andrew R. Greene	70 RAYMOND ST. FAIRHAVEN MA 02719
Joseph Rogers	32 Hartley Ave Fairhaven, MA 02719

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Name	Address
George Russell	24 Harding Ave. Wareham
[illegible]	[illegible]
Michael F. McDonald	8 Heath Rd. W. Wareham, MA 02576
Mary Mathews	6 Rogers Ave Wareham 02571
[illegible]	155 Hathaway Wareham 02571
[illegible]	175 Sierra Drive W. Wareham 02576
Marilyn Russell	17 Sierra Dr. W Wareham
Elana Howard	10 Eighth Ave., Wareham, MA 02571

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Name	Address
[signature]	194 GAFFNEY RD - DARTMOUTH, MA 02748
CAITLIN GILLESPIE	137 HORSENECK RD. WPT, MA 02748
Brooke Garfield	194 Gaffney Rd. Dartmouth, MA 02
JOHN GARFIELD [signature]	194 Gaffney rd S. Dartmouth, MA 02748
Hilary Boynton	21 Bradford St #2 Boston, MA 02118
Veronica Dequeen	273 cleveland s. N.B. 02744
[signature]	169 Aquidneck St. New Bedford, MA, 027
Maria Maia	82 Ellen St New Bedford, MASS 02744
[signature]	13 MILL RIVER LN. PMT MA 02747
Rodney McCollest	31 Snake Rd Rochester, MA 02770

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Name	Address
Mary Tripp	PO Box 252 Westport Pt. MA 02791
Christine Cody	PO Box 1241 Westport Pt. MA 02791
Lucy Mooney	PO Box 15 Westport Pt. MA 02791
Wayne A. Sunderland	P.O. Box 56 Westport Pt. Ma. 02791
Richard B. Earle	P.O. Box 178 Westport Pt., Ma. 02791
Susan Dexter	PO Box 16 Westport MA 02791
Peg Kinnaney	PO 141 Westport Pt, MA 02791
Ana Cavaleiro	box 356 Westport pt Ma 02791
William L. Cotreville	P.O. Box 407 Westport Pt. MA 02791
Barbara Fraser	PO Box 403 Westport Pt. MA 02791

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Name	Address
Joseph W. Collins	162A Chamy + Webb Ln Westport MA
Emilia	795 Pine Hill Rd Westport MA 02790
Sophie Emilita	795 Pine Hill Rd Westport MA 02790
Mardi L Russell	P.O. Box 3158 Westport, MA 02790
John V Collins	162A Chamy + Webb Ln Westport MA 02791
Priscilla Gay Gillespie	1634 Main Rd Westport MA 02
Paul A. Passanori	6 Valentine Ln, Westport Point MA 0279
Lance L Dunkerley	1950 DRIFT RD. W Port, 027
[illegible]	1708 Main Road Westport MA 02790
[illegible]	1643 Main Rd. Westport MA 02790

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Name	Address
Caroline Komanecky	9 Parkvale Ave #6, Allston, MA 02134
Suzanne Collier	9328 Wintreset Dr Potomac, MD 2085
Lauren Richardson	4 Arrowhead Lane Berwy, MA 01915
Sarah Branz	21 Nicholas Rd Hopkinton, MA 01748
Emmanuel Perez	11 Walter St. Roslindale, MA 02131
Timothy Lord	20 Greenleaf St Amesbury MA 01913
Janet Lawson	34 Sunset Road 02332
JANET LAWSON	P.O. Box 96 Duxbury, MA 02331
NED LAWSON	34 SUNSET RD. DUXBURY, MA 02332

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Name	Address
Michael X [illegible]	37 CAUSEWAY Rd FHVN
[illegible]	37 Causeway Rd FHVN
[illegible]	59 BAYVIEW AVE. FAIR.
[illegible]	191 Sconticut NK. Rd. Fairhaven Ma
Joseph Reedy	48 THOMPSON ST FHVN MA
MARK REGO	New Bedford MA
[illegible]	Fair Haven
John R. Torphy	FAIRHAVEN. 227 MAIN ST
[illegible]	Fairhaven MA & Coll Island Rd
George Moreira	New Bedford MA

DON'T LET AVX ESCAPE FROM THEIR RESPONSIBILITY TO CLEANUP TOXIC PCBs IN NEW BEDFORD HARBOR

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Name	Address
Cathleen Avilla	Acushnet, MA 02743
Carl Salvaf	4 Windy Hill Dr West Wareham MA.
Wayne Melanson	360 Margaret St NBMA
Robert St Pierre	20 Pine Dr. Acushnet MA.
Paul Teixeira	265 Central Ave New Bedford MA 02745
GLEN ALTERES	ACUSHNET MA 02743
[illegible]	43 Lucas St. 02744
[illegible]	102 Allen ST. NB, MA 02740
[illegible]	12 Running Deer RD
Barbara Costello	9 Hamlet St Fhve

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Name	Address
JM Letter	11 Agnes St. New Bedford
Ruth Clay	39 County Rd Bourne
STEPHEN FERNANDES	1146 OLD PLAINVILLE Rd NEW BEDFORD MA.
David Paine	4516 ACUSHNET AV. N.B. MASS. U.S.A
Monique Corriveau	4516 Acushnet Ave NB 02745
Robert F. Taylor	68 MECCA WAY ACUSHNET MA, 02743
Curt W Jan	3 JESSE PT ACUSHNET MA. 02743
	36 Garfield ST
MIKE WILCAL	1475 BRALEY RD #2
DAVID TAYLOR	31 Boylston st Acushnet MA 02743

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Please Write Clearly

Name	Address
Patricia Gifford	New Bedford High School

Return by 12/13/12

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Please Write Clearly

Name	Address
Paula Faria	226 Hamlin St Acushnet MA 02743
Pam Jordan	22 Cove St. New Bedford, MA
Cindy Garcia	65 Cromesett Rd Wareham, MA 02571
Sara Dicksen	8 OLDE Logging Rd Marion Ma 02738
allie Medina	8 olde logging rd marion ma 02738
Kyle Yermalovich	43 Tower Drive New Bedford MA 02740
Michele Pratt	43 Tower Drive New Bedford. MA 02740

Please Return by 12/17/12

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Please Write Clearly

Name	Address
Judy Harling	18 Smith Rd S Dartmouth MA

Please Return by 12/12/12

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Please Write Clearly

Name	Address
Lynda Cavanaugh	1091 Phillips Rd. N.B. MA 02745
Chris Tracy	710 High Hill Rd. Dart. MA 02747
Amber Jordan	949 County St. 02740
Don Burton	60 Chateau Dr. Somerset, MA 02726
Nicholas Machado	1045 Cherokee St, New Bedford
Gabrielle Monteiro	362 Maple street, New Bedford, MA 027

Please Return by 12/12/12

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Please Write Clearly

Name	Address
Jeanette Epstein	1460 Pine St., Dighton, MA 02715
Judith Pierce	447 Woodward Ave. Seekonk MA 02771
Dawn Kelliher	1350 Pine St. Dighton MA 02715
[signature]	10 DALE ST. TAUNTON, MA 02780

Return by 1/15/13

12/12/2012 13:55 4017517674 WHEELER SCHOOL PAGE 02/04

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Please Write Clearly

Name	Address
Keith [illegible]	P.O. Box 51 - 33 Broadway Cuttyhunk MA 027
Kelly [illegible]	PO Box 858 Rehoboth, MA 02769
Kathrine D. Dabney	794 Horseneck Road So. Dartmouth, MA 02748
[illegible]	12 Columbus Ave N. Easton, MA 02356
[illegible]	1401 Williams St. Dighton, MA 02715
Lisa Mello	32 Oswell St Fall River MA
[illegible] Jeff Griffith	32 Oswell St Fall River MA
[illegible]	595 Poplar St Boston, MA
[illegible]	20 County St. Rehoboth, Mass
[illegible]	20 County St Rehoboth Mass

Return by 12/13/12

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Please Write Clearly

Name	Address
Nathaniel Page Stites	951 Rock O'Dundee Rd., S. Dartmouth, MA 02748

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Name	Address
Russell Austin Jr.	906 Lucy ST NB MA 02745
Lebi Dias	30 Clark St NB Ma 02745
Christina Oliveira	141 Tucker lane Dartmouth MA 02747
Patricia Keefe	86 Village St. So. Easton MA 02375
Jeffrey Longo	36 Foley Drive New Bedford MA 02745
DEBORAH PERRY	P.O. Box 3515 WESTPORT, MA 02790
Pam Oliveira	119 Plymouth St NB 02740
Kelly Camara	1007 Mt Pleasant NB
Sandra Bygrave	155 Pitman St NB
M. Bench	66 Forest Street NB 02740

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Name	Address
KAREN RELIHAN	1056 Westgate St. New Bedford, MA 02745
Maureen Glowa	70 Seabreeze Dr. South Dartmouth, Ma. 02748
Tiffany Camacho	3860 Acushnet Ave. New Bedford ma 02745
Maria Alice Freitas	17 Eliza Lane Dartmouth, Mass 02747
Ramon Noriega	46 Ryder Lane Marion Ma 02738
[illegible]	2 Hyacinth #3 New Bedford 02740
Pam Oleby	79 Brownell St NB 02740
David Buck	133 Alva St. NB 02740
Matt Huberman	40 Mosher St. NB 02740
Kristen Aber	New Bedford High School

Please Return by 12/12/12

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Please Write Clearly

Name	Address
John C. Andrade	161 Hillman st N.B.
Seth Couto	217 Philips ave. New Bedford
Luis CLASS	283 Hillman St New Bedford
TRAVIS Mello	161 State St
Chad Santos	89 Holly St
Luis Carela	88 Kempton St
ERICK Roman	88 Kempton St
Joshua Mendes	102 Parker St
Bryan Bristow	85 Newcombe St.
Richard Campbell	304 Chancery St. NB Md. 02740

Return [illegible]

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Name	Address
Joe Roda	32 Foley Dr. New Bedford MA 02745
Laurinda A Moreau	15 Middlefield Pl. Acushnet Ma. 02743
Jose Freire	177 Grinnell St W/B
Billy Monteiro	25 Holland Path N. Dart. MA
Kathleen Pelson	4 Washington St Apt 3
Joe Gomes	605 Union St NB.
JUAN SOARES	378 MAXFIELD ST. N.B.
William Lopes	243 Bowen St Fall River
Raymond F. Richard	1257 Main St Acushnet Ma
DEAN H ROSE	14 So SIXTH ST, NEW BEDFORD 02740

Protect Our Harbor

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Name	Address
JEFF Holley	14 Shirley St. 02746
Curtis Wilson	114 Mill St 02740
Derek Rodrigues	32 Durfee St
Luis Roman	101 Rivet St
Richard Silva	474 County St.
James Mizak Sr	60 Unletine St
Carmen Ramos	156 Chancery St.
Edwin Rivera	173 ARNOLD ST NEW BEDFORD MA

Return by 12/17/12

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Name	Address
JONATHAN D. MENARD	18 Chatham St. New Bedford, MA 02745
ANNE D BULLARD	19 IRVING ST. NEW BEDFORD, MA 02740
Dawn Christensen	7 Majestic Dr Westport MA 02790
[illegible]	144 Front St Weymouth, MA 02188
Stacy Reidy	75 Wamsutta St #324 New Bedford, MA 02740
Kathryn Silvia	25 Harvard St. Fairhaven, MA 02719
Caitlin Reardon	41 Larkspur Lane Plymouth MA 02360
Anne Eisenmann	125 Cranesoft Rd. Wareham, MA 02571
Paul A. Hoey	45 Lake St. New Bedford, MA 02740

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Please Write Clearly

Name	Address
[signature]	129 Clinton Street New Bedford 02740
Arleni's Marcial-Santiago	194 Bonney St. New Bedford MA 02740
Martin W Johnson	213 North St NB MA 02740
Andrew Moorhill	452 Arnold St NB MA 02740
Frederick Wilson	96 David St New Bedford MA

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Please Write Clearly

Name	Address
Karen Andersen	29 Main St. Ebrue
DONNA GAMBLE	P.O. BOX 7819 NEW BEDFORD MA 02742-7819
Samuel M. Bowers	Dartmouth, MA
Chance Parks	South End New Bedford / 63 Calumet St.
Michael Murphy	68 Capitol N.B MA
Michele Santos	170 Bellevue St N.B Ma
David Santos	170 Bellevue St. N.B. Ma
[illegible]	350 W. Clinton NB
Thomas Pekul	468 Brock Av NB
Stephanie Rausch	163 Calumet St New Bedford

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Please Write Clearly

Name	Address
Carmen Morgado	75 Ellen St N.B MA 02744
Edmonda Morgado	75 Ellen St NB. MA 02744
Aidan Read	23 Brae Rd, Fairhaven, MA
JOEL JASON	22 FRANK ST, ACUSHNET, MA
PATRICIA MARSHALL	114 FREDERICK ST NB. MA. 02744
Stefani Barclay	101 appone cansett st. NB MA 02744
Kyle Kim	55 Moss St. Nabelled MA 02744
GEORGE D HOUGHTON	468 BECKAGE N.B. Ma.
Colby Santos	398 Allen ST NB MA.
Kim Ferreira	355 Teresa St NB

Please Return by 12/12/12

DON'T LET AVX ESCAPE FROM ITS RESPONSIBILITY TO CLEANUP TOXIC PCBs IN NEW BEDFORD HARBOR

BUZZARDS BAY COALITION & HANDS ACROSS THE RIVER COALITION

We, the undersigned, join with the community-based organizations listed above in **calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor.** The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean Harbor. The $366 million payment outlined in the Consent Decree is not enough funding to fully cleanup our Harbor.

We have lived with the toxic legacy of AVX Corp's actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean Harbor and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the US Dept of Justice Public Comment period which terminates on 12/17/2012.

Please Write Clearly

Name	Address
David Sylvia	405 Brock Ave. N. B. Mn. 02744
Kathie Schrath	121 Colonial Dr N.B
[illegible]	121 Colonial Dr. N.B
[illegible]	190 West Rodney French Blvd NB
Kurt Kwiecien	133 Aquidneck St NB 02746

Please Return by 12/12/12

DON'T LET AVX ESCAPE FROM ITS RESPONSIBILITY TO CLEANUP TOXIC PCBs IN NEW BEDFORD HARBOR

BUZZARDS BAY COALITION & HANDS ACROSS THE RIVER COALITION

We, the undersigned, join with the community-based organizations listed above in **calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor.** The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean Harbor. The $366 million payment outlined in the Consent Decree is not enough funding to fully cleanup our Harbor.

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Please Write Clearly

Name	Address
Janice McDonough	6 Thatcher St. Dartmouth, MA 02748
Henry Gatlin	4 N Orchard St #1 New Bedford MA 02740
Dori Legge	19 Delano Way Dartmouth MA 02748
John L. Spencer	37 Church St. (ARCH) New Bedford MA 02740

Petition by 12/12/12

DON'T LET AVX ESCAPE FROM THEIR RESPONSIBILITY TO CLEANUP TOXIC PCBs IN NEW BEDFORD HARBOR

BUZZARDS BAY COALITION & HANDS ACROSS THE RIVER COALITION

We, the undersigned, join with the community-based organizations listed above in **calling on the US Department of Justice and the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor.** The failure of the Consent Decree to include a "reopener" releases AVX from responsibility and robs this community of a clean Harbor. The $366 million payment outlined in the Consent Decree is not enough funding to fully cleanup our Harbor.

We have lived with the toxic legacy of AVX Corp's actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean Harbor and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the US Dept of Justice Public Comment period which terminates on 12/17/2012.

Please Write Clearly

Name	Address
David S Correira	90 RIVERSIDE AVE, NEW BEDFORD, MA
Caitlin McClain	201 Palmer St. New Bedford 02740
Patrick Machado	64 Ocean st New Bedford MA. 02740
Ellen Kramer	420 RIVER ST. New Bedford. 02745
Dorothy Sullivan	18 Queen Dartmouth 02747
Roger Masson	33 Hamlet St. Fairhaven, MA 02719

Return by 11/15/12

change.org

To: U.S. Department of Justice, Assistant Attorney General, Environment and Natural Resources Division

Subject: **Make AVX pay to clean up toxic PCBs in New Bedford Harbor**

Letter: Greetings,

We, the undersigned, join with the community-based organizations Buzzards Bay Coalition and Hands Across the River Coalition in calling on the Court to reject the proposed Consent Decree between the U.S. Environmental Protection Agency and AVX Corporation regarding the cleanup of toxic PCBs from New Bedford Harbor. The failure of the Consent Decree to include a "reopener" would release AVX from responsibility and robs this community of a clean harbor. the $366 million payment outlined in the Consent Decree is not enough funding to fully clean up our harbor.

We have lived with the toxic legacy of AVX Corp.'s actions in New Bedford for decades now. An entire generation has lost use and enjoyment of a clean harbor, and we all continue to be exposed to the harmful health effects of these PCBs each day. We urge the Court to require that AVX pay for the entire cleanup of the toxic mess they left in our community and not let them off the hook forever with an inadequate cash payment today and release from all future responsibility. We submit our names in response to the U.S. Department of Justice public comment period, which terminates on 12/17/2012.

Signatures

Name	Location	Date
Mark Rasmussen	Fairhaven, MA, United States	2012-11-19
Daniel Vasconcellos	Pembroke, MA, United States	2012-11-19
John Vasconcellos	New Bedford, MA, United States	2012-11-19
Joanne Friar	Somerset, MA, United States	2012-11-19
Stasia Powers	Fairhaven, MA, United States	2012-11-19
Gregory Esteve	Lake Wales, FL, United States	2012-11-20
Angela Vasconcellos	New Bedford, MA, United States	2012-11-20
Ryan Coons	San Diego, CA, United States	2012-11-20
Todd Snyder	San Francisco, CA, United States	2012-11-20
Yasiu Kruszynski	Chicago, IL, United States	2012-11-20
Logan Dodson	Deland, FL, United States	2012-11-20
malik griffin	Knightdale, NC, United States	2012-11-20
Daniela Bress	Niedersachsen, Germany	2012-11-21
Erik Attaway	New Lenox, IL, United States	2012-11-21
Chantal Buslot	Hasselt, Belgium	2012-11-21
Elisabeth Bechmann	St. Pölten, Austria	2012-11-21
Edward Laurson	Denver, CO, United States	2012-11-21
Tom Gidwitz	S. Dartmouth, MA, United States	2012-11-22
Maddie Shannon	Fresno, CA, United States	2012-11-22
Zachary Hardy	Macon, GA, United States	2012-11-22
James Mulcare	Clarkston, WA, United States	2012-11-22
Megan DePerro	Buffalo, NY, United States	2012-11-24
robyn scheuffele	san diego, CA, United States	2012-11-24
dinda evans	san diego, CA, United States	2012-11-24
Lacey Levitt	Baltimore, MD, United States	2012-11-24
Michael Steele	Morrice, MI, United States	2012-11-25
Priscilla Calle	Miami, FL, United States	2012-11-25
David Jenkins	Edmond, OK, United States	2012-11-25
linda aguiar	new bedford, MA, United States	2012-11-26
Maria Teixeira	Assonet, MA, United States	2012-11-27

Name	Location	Date
Lynn Coish	New Bedford, MA, United States	2012-11-27
Brooke Syvertsen	New Bedford, MA, United States	2012-11-27
robert Duarte	Tallahassee, FL, United States	2012-11-27
Kalia Lydgate	Shelburne Falls, MA, United States	2012-11-27
jed oberry	Carver, MA, United States	2012-11-27
phil Macramos	New Bedford, MA, United States	2012-11-27
john gamache	new bedford, MA, United States	2012-11-27
Zoe Hansen-DiBello	Providence, RI, United States	2012-11-27
Bruce Almeida	New Bedford, MA, United States	2012-11-27
max cover	South Dartmouth, MA, United States	2012-11-27
Kate Korolenko	Westport, MA, United States	2012-11-27
Andy Erickson	Dartmouth, MA, United States	2012-11-27
michael newsome jr,	New Bedford, MA, United States	2012-11-27
Peter Lynch	Boston, MA, United States	2012-11-27
Sarah Holbrook	New Bedford, MA, United States	2012-11-27
Latham Bakerink	New Bedford, MA, United States	2012-11-27
Megan Amsler	Hatchville, MA, United States	2012-11-27
Joseph Ionno	New Bedford, MA, United States	2012-11-27
Alan Palm	Mattapoisett, MA, United States	2012-11-27
Christopher Blake	New Bedford, MA, United States	2012-11-27
Sarah Medeiros	Acushnet, MA, United States	2012-11-27
Jen Grantham	Westport, MA, United States	2012-11-27
Elizabeth Chevalier	Tucson, AZ, United States	2012-11-27
Rebecca Garfield	Cuttyhunk, MA, United States	2012-11-28
Molly Powers	Falmouth, MA, United States	2012-11-28
Nicole Adriance	Roslindale, MA, United States	2012-11-28
Allison Beck	Little Compton, RI, United States	2012-11-28
Sarah Hall	cuttyhunk, MA, United States	2012-11-28
Mary Beth Gamache	New Bedford, MA, United States	2012-11-28
Sarah Mollo-Christensen	New York, NY, United States	2012-11-28
audrey burns	mattapoisett, MA, United States	2012-11-28
Judy Barto	Cammal, PA, United States	2012-11-28

Name	Location	Date
helen park	london, United Kingdom	2012-11-28
Donna Cobert	New Bedford, MA, United States	2012-11-28
William Jenney	fairhaven, MA, United States	2012-11-28
Laura Schaefer	Wareham, MA, United States	2012-11-28
Michael Swenson	Richmond, TX, United States	2012-11-28
Catherine DeTerra	Dartmouth, MA, United States	2012-11-29
Ed Ready	dover, NH, United States	2012-11-29
Tiffany Chang	Chino Hills, CA, United States	2012-11-29
paul loiselle	new bedford, MA, United States	2012-11-29
alyssa prachniak	new bedford, MA, United States	2012-11-29
Kathleen Webb	Fairhaven, MA, United States	2012-11-29
ddelanea fumo	new bedford, MA, United States	2012-11-29
Jane Renwick	Portsmouth, RI, United States	2012-11-29
Joanna Krystman	tiverton, RI, United States	2012-11-29
Jason Resendes	raynham, MA, United States	2012-11-29
Paul DaSilva	Fall River, MA, United States	2012-11-29
Eric Brocklehurst	Newport, RI, United States	2012-11-29
Larissa Funfas	Teaticket, MA, United States	2012-11-29
Peter Tatarian	Lakeville, MA, United States	2012-11-29
Sarah C Lemelin	So Dartmouth, MA, United States	2012-11-29
rebecca matusiak	providence, RI, United States	2012-11-29
Dianne Mosher	South Dartmouth, MA, United States	2012-11-29
Roberta Hazen Aaronson	Cranston, RI, United States	2012-11-29
Cally Wolk	Attleboro, MA, United States	2012-11-29
John Cox	New Bedford, MA, United States	2012-11-29
Rob Karsch	Bristol, RI, United States	2012-11-29
karen moriarty	plymouth, MA, United States	2012-11-29
gail vidito	rehoboth, MA, United States	2012-11-29
Cheryl Burtch	Acushnet, MA, United States	2012-11-29
Natalie Wagner	Sandwich, MA, United States	2012-11-29
John Softcheck	Fairhaven, MA, United States	2012-11-29
kristine keegan	plymouth, MA, United States	2012-11-29

Name	Location	Date
Marco Pedulli	Fairhaven, MA, United States	2012-11-29
Kerri Rodriguez	Westport, MA, United States	2012-11-29
Lori Herman	Edgartown, MA, United States	2012-11-29
Rebecca Connors	N Kingstown, RI, United States	2012-11-29
David Ames	Providence, RI, United States	2012-11-29
Donna Vaughan	Carver, MA, United States	2012-11-29
Eric Smith	Kingston, MA, United States	2012-11-29
alfred aniello	east providence, RI, United States	2012-11-29
David Neves	Seekonk, MA, United States	2012-11-29
Maria Souza	New Bedford, MA, United States	2012-11-29
Greg Cucino	Providence, RI, United States	2012-11-29
doug savage	Marion, MA, United States	2012-11-29
William Costa	Vineyard Haven, MA, United States	2012-11-29
Victoria Waterhouse	Forestdale, MA, United States	2012-11-29
Joe Farley	West Warwick, RI, United States	2012-11-29
Tammy marques	fairhaven, MA, United States	2012-11-29
Laura Troll	Buzzards Bay, MA, United States	2012-11-29
Zelia Medeiros	New Bedford, MA, United States	2012-11-29
Joe Cuddy	Plympton, MA, United States	2012-11-29
Kelly Moran	Saunderstown, RI, United States	2012-11-30
Beth Milham	Newport, RI, United States	2012-11-30
Brian Messier	Dartmouth, MA, United States	2012-11-30
Katrina Turick	Little Compton, RI, United States	2012-11-30
Heidi Horlbogen	Northkingstown , RI, United States	2012-11-30
Travis Ouellette	Carver, MA, United States	2012-11-30
Jennifer DeBarros	New Bedford, MA, United States	2012-11-30
Gina Sootkoos	Fairhaven, MA, United States	2012-11-30
Zachary Paquette	Attleboro, MA, United States	2012-11-30
Michelle Kovarik	East Falmouth, MA, United States	2012-11-30
Francis Daly	vineyard haven, MA, United States	2012-11-30
Gary Frankel	Bristol, RI, United States	2012-11-30
suzanne allison	providence, RI, United States	2012-11-30

Name	Location	Date
raye king	plymouth, MA, United States	2012-11-30
Eve Marie Eells	Pawtucket, RI, United States	2012-11-30
susan tangen	south dartmouth, MA, United States	2012-11-30
Craig Marin	Providence, RI, United States	2012-11-30
Frances Smith	E. Falmouth, MA, United States	2012-11-30
Janet Handford	West Warwick, RI, United States	2012-11-30
Suzanne Feeney	Sandwich, MA, United States	2012-11-30
debbie sirois	carver, MA, United States	2012-11-30
Rose Mellino	Ossipee, NH, United States	2012-11-30
Melanie Dupre	Providence, RI, United States	2012-11-30
Sara Polaski	Cranston, RI, United States	2012-11-30
pamela tarallo	fairhaven, MA, United States	2012-11-30
Frank Macera	east Greenwich, RI, United States	2012-11-30
Janet Blair	Attleboro, MA, United States	2012-11-30
Nancy Moreira	Warwick, RI, United States	2012-11-30
Kellie Ferreira	New Bedford, MA, United States	2012-11-30
Ambar Sanchez	Providence, RI, United States	2012-11-30
Paul Rasmussen	Providence, RI, United States	2012-11-30
Cathy Bowers	Mattapoisett, MA, United States	2012-11-30
Sally F	East Bridgewater, MA, United States	2012-11-30
gayle maginnis	norton, MA, United States	2012-11-30
Michael Talbot	Mashpee, MA, United States	2012-11-30
betsy macdonald	West Tisbury, MA, United States	2012-11-30
Jonathan Martins	Sandwich, MA, United States	2012-11-30
David Dow	East Falmouth, MA, United States	2012-11-30
david maroni	Cranston, RI, United States	2012-11-30
Raymond Del Colle	Bristol, RI, United States	2012-11-30
Melissa Justice	Middletown, RI, United States	2012-11-30
Nora Healy	Plymouth, MA, United States	2012-11-30
Scout Perry	Sandwich, MA, United States	2012-11-30
Molly Draffone	Plymouth, MA, United States	2012-11-30
virginia dionne	cranston, RI, United States	2012-11-30

Name	Location	Date
Mackendy Mondesir	New Bedford, MA, United States	2012-11-30
Carolyn Clarke	Pawtucket, RI, United States	2012-11-30
Peter Connolly	Attleboro, MA, United States	2012-11-30
Carol Batchelder	East Providence, RI, United States	2012-11-30
P Turick	adamsville, RI, United States	2012-11-30
Stephen DeCesare	East Providence, RI, United States	2012-11-30
Pauline Theberge	Berkley, MA, United States	2012-11-30
Jessica Brown	Warwick, RI, United States	2012-11-30
Ashley Allan	West Chester, PA, United States	2012-11-30
Tess Hebert	New bedford, MA, United States	2012-11-30
George N Correia	New Bedford, MA, United States	2012-11-30
Paula Quigley	Saunderstown, RI, United States	2012-11-30
Juan Moore	Providence, RI, United States	2012-11-30
Robert Foley Jr	Attleboro, MA, United States	2012-11-30
Jessica Oliver	New Bedford, MA, United States	2012-11-30
Maret Gable	Mashpee, MA, United States	2012-11-30
Susan Sakash	PROVIDENCE, RI, United States	2012-11-30
Laurie McKenna	Fall River, MA, United States	2012-11-30
Jennifer Boone	Providence, RI, United States	2012-11-30
Tim FitzGibbons	Fall River, MA, United States	2012-11-30
Rogrr Seguin	New Bedford, MA, United States	2012-11-30
Marguerite Benoit	Providence, RI, United States	2012-11-30
Elias Lieberman	East Falmouth, MA, United States	2012-11-30
Theodore A Romanosky	North Kingstown, RI, United States	2012-11-30
Jane Unsworth	Westport, MA, United States	2012-11-30
Scott Sharland	Lakeville, MA, United States	2012-11-30
Angela Marschall	Falmouth, MA, United States	2012-11-30
Bridget Travers	Tiverton, RI, United States	2012-11-30
Cindy Azevedo	East Taunton, MA, United States	2012-11-30
Nina Fernandes	Tiverton, RI, United States	2012-11-30
Dana Leslie	Providence, RI, United States	2012-11-30
Charles Feldman	Providence, RI, United States	2012-11-30

Name	Location	Date
Michele Harvey	Taunton, MA, United States	2012-11-30
Patricia Lake	Fall River, MA, United States	2012-11-30
Stephanie Hannum	South Dartmouth, MA, United States	2012-11-30
P. Brett Fortin	Fairhaven, MA, United States	2012-11-30
Miranda Cook	Attleboro, MA, United States	2012-11-30
Alison Guzman	Pawtucket, RI, United States	2012-11-30
Esther Menz	Rehoboth, MA, United States	2012-11-30
Natalia Choquette	Pawtucket, RI, United States	2012-11-30
Karen Feldman	Providence, RI, United States	2012-11-30
jl keith	Providence, RI, United States	2012-11-30
Ariel Robert	New Bedford, MA, United States	2012-11-30
Slader Merriman	Bourne, MA, United States	2012-11-30
Joel Wool	Dorchester, MA, United States	2012-11-30
Gail Cohee	Cranston, RI, United States	2012-11-30
Bigg Meech	freetown, RI, United States	2012-11-30
Mikel Arambarri	Newport, RI, United States	2012-11-30
Alison King	Boston, MA, United States	2012-11-30
Katharine Stark	Warwick, RI, United States	2012-11-30
Beverly Baccelli	Mattapoisett, MA, United States	2012-11-30
Edward Croft	Lakeville, MA, United States	2012-11-30
laura worrick	providence, RI, United States	2012-11-30
Monica Suarez	Cranston, RI, United States	2012-11-30
Kathi Reed	Warwick, RI, United States	2012-11-30
Hillarie Gaynor-Clarke	E.Falmouth, MA, United States	2012-11-30
Edward Benson	Pawtucket, RI, United States	2012-11-30
Roberta D'Andrea	West Warwick, RI, United States	2012-11-30
Joelene Marinone	Mattapoisett, MA, United States	2012-11-30
Jean Coombs	Plymouth, MA, United States	2012-11-30
Heidy Campos	Providence, RI, United States	2012-11-30
Louis Rourke	Fall River, MA, United States	2012-11-30
Lisa Maloney	Providence, RI, United States	2012-11-30
Ed Unsworth	Westport, MA, United States	2012-11-30

Name	Location	Date
Michael Jameson	Carver, MA, United States	2012-11-30
Melanie Scalera	Cranston, RI, United States	2012-11-30
Megan MacDonald	Middletown, RI, United States	2012-11-30
Rayana Grace	New Bedford, MA, United States	2012-11-30
Emily Earnshaw	Warwick, RI, United States	2012-11-30
Diane Looney	Edgartown, MA, United States	2012-11-30
John Benoit	Cranston, RI, United States	2012-11-30
anthony velino	providence, RI, United States	2012-11-30
Gwendolyn Spencer	Providence, RI, United States	2012-11-30
Carlton Pimentel	New Bedford, MA, United States	2012-11-30
Suzanne French	Warwick, RI, United States	2012-11-30
Fran Ledoux	Marstons Mills, MA, United States	2012-11-30
Wesley Oliveira	Taunton, MA, United States	2012-11-30
Joel Greene	Fall River, MA, United States	2012-11-30
Susan Nulman	Providence, RI, United States	2012-11-30
Connie M	Pocasset, MA, United States	2012-11-30
Erin Farrell	Cranston, RI, United States	2012-11-30
Patricia Brennan	Providence, RI, United States	2012-11-30
Mary Murphy	Cranston, RI, United States	2012-11-30
Karen Miller	Fall River, MA, United States	2012-11-30
Debra Shrader	Fairhaven, MA, United States	2012-11-30
Chelsea Seiders	Marion, MA, United States	2012-11-30
Corinn Williams	New Bedford, MA, United States	2012-11-30
Lilian Robinson	Vineyard Haven, MA, United States	2012-11-30
david walker	n. dartmouth, MA, United States	2012-11-30
Daniel Miller	Halifax, MA, United States	2012-11-30
Karin buckley	dartmouth, MA, United States	2012-11-30
Mary McDonald	Portsmouth, RI, United States	2012-11-30
Marc Carver	Providence, RI, United States	2012-11-30
reginald spengler	raynham, MA, United States	2012-11-30
Aaron Schiff	East Freetown, MA, United States	2012-11-30
Thomas Smusz	Providence, RI, United States	2012-11-30

Name	Location	Date
Elizabeth & Robert Wentzell	Pawtucket, RI, United States	2012-11-30
Kelcie Andrade	Tiverton, RI, United States	2012-11-30
Muriel Reilly	Attleboro, MA, United States	2012-11-30
Shazad Khan	Chicago, IL, United States	2012-11-30
Theodore Waitt	Taunton, MA, United States	2012-11-30
Stephen Mahoney	Carver, MA, United States	2012-11-30
Alan Yabroudy	South Easton, MA, United States	2012-11-30
M. Norden	New Bedford, MA, United States	2012-11-30
jeffrey coelho	tiverton, RI, United States	2012-11-30
Lynn Schwartz	New Bedford, MA, United States	2012-11-30
Tyler Sardinha	Fall River, MA, United States	2012-11-30
Robert Belota	WARWICK, RI, United States	2012-11-30
fran reed	providence, RI, United States	2012-11-30
Philip Moniz	Somerset, MA, United States	2012-11-30
Bill Howell	Oak Bluffs, MA, United States	2012-11-30
Claudia Kirk	Fairhaven, MA, United States	2012-11-30
Sandra Leger Silva	Assonet, MA, United States	2012-11-30
Danielle TetreaultDanielleT	Warwick, RI, United States	2012-11-30
Jonathan Thomas	Providence, RI, United States	2012-11-30
Rick Spencer	Cranston, RI, United States	2012-11-30
john west	mashpee, MA, United States	2012-11-30
low taylor	cuttyhunk, MA, United States	2012-11-30
Dorothy Tongue	Westport Pt., MA, United States	2012-11-30
Kerri Furtado	North Providence, RI, United States	2012-11-30
Emma Jean Middendorf	Kingston, MA, United States	2012-11-30
Eleanor McNally	Fall River, MA, United States	2012-11-30
Liz Place	Acushnet, MA, United States	2012-11-30
Zak Mettger	Cranston, RI, United States	2012-11-30
christopher scott	newport, RI, United States	2012-11-30
DOROTHY KASHK	PAWTUCKET, RI, United States	2012-11-30
Elyse Baggen	Dartmouth, MA, United States	2012-11-30
Melissa Guimont	Middleboro, MA, United States	2012-11-30

Name	Location	Date
CARL BUGARA	FALL RIVER, MA, United States	2012-11-30
Ann DeNardis	Fairhaven, MA, United States	2012-11-30
Andrew Reikes	Tisbury, MA, United States	2012-11-30
Julie Bannister	East Falmouth, MA, United States	2012-11-30
Korrin Petersen	Middleboro, MA, United States	2012-11-30
joseph hall jr	baltimore, MD, United States	2012-11-30
Leila Gustin	SOUTH DARTMOUTH, MA, United States	2012-11-30
Jason McNett	Taunton, MA, United States	2012-11-30
stefan michael ziewacz	providence, RI, United States	2012-11-30
Scott DeAscentis	Middletown, RI, United States	2012-11-30
Chris Murray	Newport, RI, United States	2012-11-30
Erin Hedges	Fairhaven, MA, United States	2012-11-30
Alan Souza	New Bedford, MA, United States	2012-11-30
Dale Robertson	Osterville, MA, United States	2012-11-30
Lloyd Guptill	Westport, MA, United States	2012-11-30
Emma Manley	Plymouth, MA, United States	2012-11-30
Frank DeMello	Lakeville, MA, United States	2012-11-30
heather cruz	New Bedford, MA, United States	2012-11-30
rachel cocroft	newport, RI, United States	2012-11-30
Anita Randall	Bristol, RI, United States	2012-11-30
Andrew Caradimos	wareham, MA, United States	2012-11-30
Rachel Bell	Providence, RI, United States	2012-11-30
saira ruiz	new bedford, MA, United States	2012-11-30
Christine Sherman	Gloucester, MA, United States	2012-11-30
Frank Merllo	Attleboro, MA, United States	2012-11-30
Cynthia Velez	Fall River, MA, United States	2012-11-30
michael langlais	west warwick, RI, United States	2012-11-30
judy rivers	Mashpee, MA, United States	2012-11-30
Gerry D'Amore	Newport, RI, United States	2012-11-30
Katie Chuckran	Raynham, MA, United States	2012-11-30
Jeff Berard	Cranston, RI, United States	2012-11-30
William Cantor	Mattapoisett, MA, United States	2012-11-30

Name	Location	Date
Elizabeth Capwell	Cranston, RI, United States	2012-11-30
Taylor Field	New York, NY, United States	2012-11-30
Dean Paton	New Hope, PA, United States	2012-11-30
Warren Briggs	Marion, MA, United States	2012-11-30
Barbara Christian	Fairhaven, MA, United States	2012-11-30
Lori Mattos	New Bedford, MA, United States	2012-11-30
Charles McGowan	Venice, FL, United States	2012-11-30
Virginia Snow	Newport, RI, United States	2012-11-30
Jillian Pimental	Plymouth, MA, United States	2012-11-30
Suzanne Kuffler	Woods Hole, MA, United States	2012-11-30
Robert Bates	E. falmouth, MA, United States	2012-11-30
Nancy Smith	North Falmouth, MA, United States	2012-11-30
John Short	N Falmouth, MA, United States	2012-11-30
Christopher Pires	Acushnet, MA, United States	2012-11-30
Joanne Garfield	Fairhaven, MA, United States	2012-11-30
michael joyce,jr	Edgartown, MA, United States	2012-11-30
Hilary Hamlin	Tucson, AZ, United States	2012-11-30
Deirdre Healy	Fairhaven, MA, United States	2012-11-30
Denise Rollinson	South Dartmouth, MA, United States	2012-11-30
Gib Hammond	Duxbury, MA, United States	2012-11-30
Kathryn Balistrieri	Templeton, MA, United States	2012-11-30
Athena Aicher	Woods Hole, MA, United States	2012-11-30
Kathleen Hickey	New Bedford, MA, United States	2012-11-30
norman macleod	needham, MA, United States	2012-11-30
Christopher Riely	Providence, RI, United States	2012-11-30
Sylvia Vatuk	Falmouth, MA, United States	2012-11-30
Temple Fawcett	Providence, RI, United States	2012-11-30
Harold Burstyn	Woods Hole, MA, United States	2012-11-30
M. C. Rosenfield	Mattapoisett, MA, United States	2012-11-30
diana macphail	rochester, MA, United States	2012-11-30
Margot Fitzgerald	Fairhaven, MA, United States	2012-11-30
jolene vieira	Fall River, MA, United States	2012-11-30

Name	Location	Date
Mary Lou Nicholson	New Bedford, MA, United States	2012-11-30
Thomas Garfield	Harvard,, MA, United States	2012-11-30
evan pinto	jamestown, RI, United States	2012-11-30
Margaret Cooney	Plymouth, MA, United States	2012-11-30
David Carreiro	Annandale, VA, United States	2012-11-30
Susannah Davis	Marion, MA, United States	2012-11-30
David Tatelbaum	South Dartmouth, MA, United States	2012-11-30
Lillian Anderson	Oak Bluffs, MA, United States	2012-11-30
Nat Ross	West Falmouth, MA, United States	2012-11-30
Liana Cassar	Barrington, RI, United States	2012-11-30
Charles Nichols	Waquoit, MA, United States	2012-11-30
Kenneth Cabral	Norton, MA, United States	2012-11-30
Lin Lufkin	West Bridgewater, MA, United States	2012-11-30
Mark Ryan	Bridgewatet, MA, United States	2012-11-30
Michael Godles	Little Compton, RI, United States	2012-11-30
Ian Cheung	providence, RI, United States	2012-11-30
Rachel Durfee	North Kingstown, RI, United States	2012-11-30
Susan Allison	Pawtucket, RI, United States	2012-11-30
Phil Maseda	Mashpee, MA, United States	2012-11-30
john cioe	east providende, RI, United States	2012-11-30
Sandra Kimokoti	Providence, RI, United States	2012-11-30
justin rizzuto	Providence, RI, United States	2012-11-30
Tatiana Cumplido	Rumford, RI, United States	2012-11-30
Joshua Hatfield	Warwick, RI, United States	2012-11-30
tuck nichols	boston, MA, United States	2012-11-30
Philip Smith	Providence, RI, United States	2012-11-30
Wendie Howland	pocasset, MA, United States	2012-11-30
Kathleen Gibbs	West Tisbury, MA, United States	2012-11-30
Patricia Drusin	Carver, MA, United States	2012-11-30
David Anderson	Mattapoisett, MA, United States	2012-11-30
Heather Andersen	Fairhaven, MA, United States	2012-11-30
Judith Apone	Sagamore beach, MA, United States	2012-11-30

Name	Location	Date
Elizabeth Brightman	New Bedford, MA, United States	2012-11-30
ANGELA CARVALHO	WEST WARWICK, RI, United States	2012-11-30
Kevin Del Cid	Providence, RI, United States	2012-11-30
Richard Terry	Plymouth, MA, United States	2012-11-30
Sharon Souza	Fairhaven, MA, United States	2012-11-30
Karly McAvenia	Plymouth, MA, United States	2012-11-30
M Mazer	Mattapoisett, MA, United States	2012-11-30
katrhy michaud	lakeville, MA, United States	2012-11-30
Ian Sigman	Fall River, MA, United States	2012-11-30
Mary Bobrowski	Bristol, RI, United States	2012-12-01
Alexander Belmore	Middleboro, MA, United States	2012-12-01
Elizabeth Rock	Cranston, RI, United States	2012-12-01
Rick Richards	Providence, RI, United States	2012-12-01
Eric Takakjian	Fairhaven, MA, United States	2012-12-01
sheena mcnamara	Fall River, MA, United States	2012-12-01
Dr. B. Biggs	Providence, RI, United States	2012-12-01
Cheryl Marble	Plymouth, MA, United States	2012-12-01
Dyer Monroe	Providencde, RI, United States	2012-12-01
Karen McGee-Brown	Newport, RI, United States	2012-12-01
Marybeth Stlaurent	Pawtucket, RI, United States	2012-12-01
Fred Kozak	Marstons Mills, MA, United States	2012-12-01
Christine Cochard-Frietas	Attleboro, MA, United States	2012-12-01
Nancy Richard	Bristol, RI, United States	2012-12-01
don guimelli	barrington, RI, United States	2012-12-01
Muse en Lystrala	Providence, RI, United States	2012-12-01
Nicole Maynard	Barrington, RI, United States	2012-12-01
Melissa Kievman	Providence, RI, United States	2012-12-01
erika mesa	providence, RI, United States	2012-12-01
april gramolini	Providence, RI, United States	2012-12-01
jennifer roderigues	fall river, MA, United States	2012-12-01
paul mattera	providence, RI, United States	2012-12-01
Erica Depina	westport, MA, United States	2012-12-01

Name	Location	Date
Mary Rapoza	New Bedford, MA, United States	2012-12-01
Dennis Tweedy	Taunton, MA, United States	2012-12-01
Robert Bartlett	West Bridgewater, MA, United States	2012-12-01
erin glynn	north dartmouth, MA, United States	2012-12-01
Bryan Horsley	Cotuit, MA, United States	2012-12-01
Tina Egloff	Woods Hole, MA, United States	2012-12-01
Devin Wells	Little Compton, RI, United States	2012-12-01
Robert Ortiz	Phoenix, AZ, United States	2012-12-01
jeffrey gomes	East Providence, RI, United States	2012-12-01
Paige Dickinson, CPM	New Bedford, MA, United States	2012-12-01
lois shea	westport, MA, United States	2012-12-01
Victoria Wood	Acushnet, MA, United States	2012-12-01
Laura Rosenthal	Barrington, RI, United States	2012-12-01
John Masson	New Bedford, MA, United States	2012-12-01
Ed Macedo	Fairhaven, MA, United States	2012-12-01
melynda Schudrich	new bedford, MA, United States	2012-12-01
Agnes Figueira	New Bedford, MA, United States	2012-12-01
Sharon Horton	Westport, MA, United States	2012-12-01
Kristen Allen	North Kingstown, RI, United States	2012-12-01
Joshua Garvey	Plymouth, MA, United States	2012-12-01
Nicole Morell	Fall River, MA, United States	2012-12-01
Darleen Medeiros	Warren, RI, United States	2012-12-01
Lorrie Mello	Fall River, MA, United States	2012-12-01
Regina McNerney	Providence, RI, United States	2012-12-01
Jared DeMello	Swansea, MA, United States	2012-12-01
Stephen Lewin	New Bedford, MA, United States	2012-12-01
Leslie Simonelli	Cranston, RI, United States	2012-12-01
Anna Martin	Lakeville, MA, United States	2012-12-01
sylvia ann soares	providence, RI, United States	2012-12-01
Katy Archibald	West Bridgewater, MA, United States	2012-12-01
Dale Mello	Fairhaven, MA, United States	2012-12-01
Amy Craig	Attleboro, MA, United States	2012-12-01

Name	Location	Date
Lorne Whiting	Plymouth, MA, United States	2012-12-01
Alyssa St. Gelais	New Bedford, MA, United States	2012-12-01
Jason Danielson	Oak Bluffs, MA, United States	2012-12-01
lauren lake	Bristol, RI, United States	2012-12-01
Justine Pinckard	Providence, RI, United States	2012-12-01
Melissa Hanmer	Bristol, RI, United States	2012-12-01
Nicole Solas	Bristol, RI, United States	2012-12-01
Jennifer Hall	Dartmouth, MA, United States	2012-12-01
Alexander Ballard	Westport, MA, United States	2012-12-01
Michelle Silva	Taunton, MA, United States	2012-12-01
Michelle Gonzalez	Dartmouth, MA, United States	2012-12-01
Suzy Morandi	New Bedford, MA, United States	2012-12-01
Timothy McLaughlin	Plymouth, MA, United States	2012-12-01
Steven James	East Sandwich, MA, United States	2012-12-01
Kelley Turner-Murray	New Bedford, MA, United States	2012-12-01
Lisa Kunsch	Attleboro, MA, United States	2012-12-01
valerie voner	east wareham, MA, United States	2012-12-01
William Farrell	Newport, RI, United States	2012-12-01
Christian Sidlevicz	Fall River, MA, United States	2012-12-01
Anthony Frisella	Cranston, RI, United States	2012-12-01
Eric Couto	East Providence, RI, United States	2012-12-01
Gabrielle Healy	Fairhaven, MA, United States	2012-12-01
Julia Kiechel	Dartmouth, MA, United States	2012-12-01
Jared Franklin	Harwich, MA, United States	2012-12-01
suzanne maurici	e wareham, MA, United States	2012-12-01
Robert Araujo	Fairhaven, MA, United States	2012-12-01
Christopher Ihlefeld	West Warwick, RI, United States	2012-12-01
John Sundman	Vineyard Haven, MA, United States	2012-12-01
Vincent Savino	New Bedford, MA, United States	2012-12-01
Fabienne Riesen	N KINGSTOWN, RI, United States	2012-12-01
Peter Fournier	North Kingstown, RI, United States	2012-12-01
Katelyn Curt	Fall River, MA, United States	2012-12-01

Name	Location	Date
Molly Beauchemin	Charlottesville, VA, VA, United States	2012-12-01
Chandra Perez-Gill	mattapoisett, MA, United States	2012-12-01
Paula Daigle	Fairhaven, MA, United States	2012-12-01
Lauren Carlson-Ferguson	Middletown, RI, United States	2012-12-01
JoAnn & Henry Rosemont, Jr.	Newport, RI, United States	2012-12-01
Matthew Gladding	Jamestown, RI, United States	2012-12-01
Lynn Costa	Warwick, RI, United States	2012-12-01
Craig Coelho	Riverside, RI, United States	2012-12-01
Joyce Soares	Swansea, MA, United States	2012-12-01
Anthony Teixeira	East Freetown, MA, United States	2012-12-01
Michael Cote	Seekonk, MA, United States	2012-12-01
Linda Norman-Lyman	Warwick, RI, United States	2012-12-01
Nancy C. Faria	Pocasset, MA, United States	2012-12-01
Peter Ajemian	Bridgewater, MA, United States	2012-12-01
Alan Reynolds	Pawtucket, RI, United States	2012-12-01
tom tolman	plympton, MA, United States	2012-12-01
Diana Paccheco	Fairhaven, MA, United States	2012-12-01
Kevin Gravelle	Plymouth, MA, United States	2012-12-01
Denise Drapeau-Walker	Jamestown, RI, United States	2012-12-01
Paula Long	Sagamore, MA, United States	2012-12-01
Christine Lyons	No.Kingstown, RI, United States	2012-12-01
Dana Ridgley	Portsmouth, RI, United States	2012-12-01
Viki Merrick	woods hole, MA, United States	2012-12-01
Ken Cheitlin	Pocasset, MA, United States	2012-12-01
Richard Einig	East Greenwich, RI, United States	2012-12-01
Chad Underhill	Rochester, MA, United States	2012-12-01
Elizabeth Conde	New Bedford, MA, United States	2012-12-01
Jack Thomas	mattapoisett, MA, United States	2012-12-01
Dylan Treleven	Providence, RI, United States	2012-12-01
Deb Fahey	Warwick, RI, United States	2012-12-01
Destiny Page	Somerset, MA, United States	2012-12-01
Sherrill Wright	Cranston, RI, United States	2012-12-01

Name	Location	Date
Jennifer Kelton	Bridgewater, MA, United States	2012-12-01
Donna Arsenault	New Bedford, MA, United States	2012-12-01
Abby Squires	Hanson, MA, United States	2012-12-01
mark grayko	pawtucket, RI, United States	2012-12-01
richard hardawy	newton, MA, United States	2012-12-01
Kimberly Zahora	Warwick, RI, United States	2012-12-01
Marilyn Penney	Little Compton, RI, United States	2012-12-01
Cyndi Doyle	Providence, RI, United States	2012-12-01
Maura Ferreira	New Bedford, MA, United States	2012-12-01
dawn carvalho	fall river, MA, United States	2012-12-01
tom oatway	newport, RI, United States	2012-12-01
lanie and jack flaherty	plymouth, MA, United States	2012-12-01
Katherine Tardiff	Waltham, MA, United States	2012-12-01
Scott Machado	Seekonk, MA, United States	2012-12-01
Laurie Schaper	N. Kingstown, RI, United States	2012-12-01
Sherry kelly	plymouth, MA, United States	2012-12-01
Donald MacLean	Bourne, MA, United States	2012-12-01
Michael Jackson	West Falmouth, MA, United States	2012-12-01
Michaela Mello	Fairhaven, MA, United States	2012-12-01
Therese Jungels	Providence, RI, United States	2012-12-01
joanna reppucci	Plymouth, MA, United States	2012-12-01
Phyllis Buckley	Barrington, RI, United States	2012-12-01
Meghan Lamarre	Newport, RI, United States	2012-12-01
Deborah Pacini	Onset, MA, United States	2012-12-01
DAVID FILIPEK	DARTMOUTH, MA, United States	2012-12-01
David B. Barker	Marion, MA, United States	2012-12-01
kelly doyle	providence, RI, United States	2012-12-01
Tracy Faria	Fall River, MA, United States	2012-12-01
Chris Galvin	Hanson, MA, United States	2012-12-01
Andrew Wolsky	Raynham, MA, United States	2012-12-01
R O'Neill	Fall River, MA, United States	2012-12-01
Melissa Alves	New Bedford, MA, United States	2012-12-01

Name	Location	Date
M. Stoddard	Rochester, NY, United States	2012-12-01
Nicholas Brissette	pawtucket, RI, United States	2012-12-01
Kate Mahoney	Dartmouth, MA, United States	2012-12-01
Joan Akin	Acushnet, MA, United States	2012-12-01
malcolm boyd	vineyard Haven, MA, United States	2012-12-01
Michele Rajotte	North Kingstown, RI, United States	2012-12-01
Deborah Lipman	providence, RI, United States	2012-12-01
Roger Linke	Daytona Beach, FL, United States	2012-12-01
John Mota	Fairhaven, MA, United States	2012-12-01
Linda Molfesi	West Warwick, RI, United States	2012-12-01
SUSAN DYSON	WARWICK, RI, United States	2012-12-01
Christine Szuszkiewicz	South Dartmouth, MA, United States	2012-12-01
DONNA DAVID	FAIRHAVEN, MA, United States	2012-12-01
Chris Jackson	Seekonk, MA, United States	2012-12-01
Bill McGrath	Oak Bluffs, MA, United States	2012-12-01
hayley ross	Dartmouth, MA, United States	2012-12-01
Basilisk RLSH	Carver, MA, United States	2012-12-01
Taylor McClure	Bristol, RI, United States	2012-12-01
Tracy Lovendale	KINGSTON, MA, United States	2012-12-01
Patrick Meehan	Providence, RI, United States	2012-12-01
pamela desmarais	north providence, RI, United States	2012-12-01
Gayle Mandle	South Dartmouth, MA, United States	2012-12-01
sylvia white	new bedford, MA, United States	2012-12-01
Jody Josephson	Pawtucket, RI, United States	2012-12-01
Nicki Sahlin	Providence, RI, United States	2012-12-01
antonia melendez	New Bedford, MA, United States	2012-12-01
joseph bevilacqua	Little Compton, RI, United States	2012-12-01
ALVIN HOWER	RIVERSIDE, RI, United States	2012-12-01
Bernadette Ericson	Cataumet, MA, United States	2012-12-01
Lorieann costa	lakeville, MA, United States	2012-12-01
Lucy Hirsch	North Kingstown, RI, United States	2012-12-01
Nancy Peresta	Middletown, RI, United States	2012-12-01

Name	Location	Date
David Clarke	New Bedford, MA, United States	2012-12-01
Ivy Powers	providence, RI, United States	2012-12-01
Francisco Galvao	East Providence, RI, United States	2012-12-01
Thaw Malin	Chilmark, MA, United States	2012-12-01
Van Blakeman, Once A Marine ...	East Sandwich, MA, United States	2012-12-01
Dan Fitzgerald	Providence, RI, United States	2012-12-01
Frank A Maiorana	West Warwick, RI, United States	2012-12-01
teralyn siller	arlington, TX, United States	2012-12-01
donna goodwin	warwick, RI, United States	2012-12-01
naomi rappaport	dartmouth, MA, United States	2012-12-01
Jamie Sylvander	North Kingstown, RI, United States	2012-12-01
Gordon Wade	Providence, RI, United States	2012-12-01
Hannah Blakeman	Myrtle Beach, SC, United States	2012-12-01
Linda Veiga	Plymouth, MA, United States	2012-12-01
Sophie Markovich	Cotuit, MA, United States	2012-12-01
Bruce Stowers	Providence, RI, United States	2012-12-01
Bruce Lackey	New Bedford, MA, United States	2012-12-01
Ben Gilbarg	New Bedford, MA, United States	2012-12-01
Melvin Vargas	New Bedford, MA, United States	2012-12-01
ann keefe	providence, RI, United States	2012-12-01
Maggie McCormick	Middletown, RI, United States	2012-12-01
Bonnie Phinney	Little Compton, RI, United States	2012-12-01
joanne ray	riverside, RI, United States	2012-12-01
Bridget Murphy	Plymouth, MA, United States	2012-12-01
Da vid Korb	Boston, MA, United States	2012-12-01
David Small	Barrington, RI, United States	2012-12-01
Brock Cordeiro	Dartmouth, MA, United States	2012-12-01
Brittany Wardell	West Warwick, RI, United States	2012-12-01
Terence Smith	Raynham, MA, United States	2012-12-01
Brenda Ross	Dartmouth, MA, United States	2012-12-01
John Corvello	Seekonk, MA, United States	2012-12-01
william rogers	sandwich, MA, United States	2012-12-01

Name	Location	Date
Frank Rose	Cranston, RI, United States	2012-12-01
Robert Garzillo	Providence, RI, United States	2012-12-02
Daniel Ferro	WARREN, RI, United States	2012-12-02
Jacob Katz	Providence, RI, United States	2012-12-02
Jessica Ramsey	Wareham, MA, United States	2012-12-02
Rachel Epstein	Providence, RI, United States	2012-12-02
Alycia Metz	North Kingstown, RI, United States	2012-12-02
Daria Hemmings	Attleboro, MA, United States	2012-12-02
j roies	westport, MA, United States	2012-12-02
Carolyn Erickson	Salt Lake City, UT, United States	2012-12-02
Judith Knilans	Barrington, RI, United States	2012-12-02
Sean G.	Mesquite, TX, United States	2012-12-02
SUSAN ELSTOB	CATAUMET, MA, United States	2012-12-02
Susan Benesch	Tiverton, RI, United States	2012-12-02
Mary-Ellen Shervo	Fairhaven, MA, United States	2012-12-02
christine Lenzi	Fall River, MA, United States	2012-12-02
Richard Israel	Great Barrington, MA, United States	2012-12-02
lydia raposo	Fall River, MA, United States	2012-12-02
Ellen G	Sussex, WI, United States	2012-12-02
Denis Luken	Northampton, MA, United States	2012-12-02
Debra DePietro	Wareham, MA, United States	2012-12-02
Stephanie Trenholm	fall river, MA, United States	2012-12-02
Marian Downs	Riverside, RI, United States	2012-12-02
Leland Hoisington	Warwick, RI, United States	2012-12-02
Robert Samuelson	Chatham, MA, United States	2012-12-02
john boustani	btidgewater, MA, United States	2012-12-02
patrick kelly	providence, RI, United States	2012-12-02
Kirby Allen	New York, NY, United States	2012-12-02
Amanda Martin	New Bedford, MA, United States	2012-12-02
Travis Price	Providence, RI, United States	2012-12-02
Beth Taylor	Norton, MA, United States	2012-12-02
Dawn Corby	Halifax, MA, United States	2012-12-02

Name	Location	Date
Patrick Vincent	Fall River, MA, United States	2012-12-02
Marianne DeSouza	New Bedford, MA, United States	2012-12-02
Dale Freedman	Fall River, MA, United States	2012-12-02
David Dias	Fairhaven, MA, United States	2012-12-02
thomas mccoy	manomet, MA, United States	2012-12-02
Joanne Corrigan	Plymouth, MA, United States	2012-12-02
Nils Bruzelius	Westport Point, MA, United States	2012-12-02
Beth McAlpine	Dartmouth, MA, United States	2012-12-03
keith mayes	newport, RI, United States	2012-12-03
Alyssa Browning	Pawtucket, RI, United States	2012-12-03
Wanda Walker	Providence, RI, United States	2012-12-03
Joseph N Frezza	dartmouth, MA, United States	2012-12-03
Robin Joubert	Dartmouth, MA, United States	2012-12-03
Matthew Goldblatt	New Bedford, MA, United States	2012-12-03
Chris Suchmann	Providence, RI, United States	2012-12-03
Eli Reznekervitz	East Freetown, MA, United States	2012-12-03
BRian Klambt	Pawt, RI, United States	2012-12-03
stephen reise	newport, RI, United States	2012-12-03
Judy Cromwell	New Bedford, MA, United States	2012-12-03
Tina JAILLET	Lexington, MA, United States	2012-12-03
Matthew Correira	North Dartmouth, MA, United States	2012-12-03
Joan Thompson	Dartmouth, MA, United States	2012-12-03
Kathi Mirza	Taunton, MA, United States	2012-12-03
tom wilson	plymouth, MA, United States	2012-12-03
Lyndsay Famariss	West Tisbury, MA, United States	2012-12-03
Gail Koerber	Wilmington, MA, United States	2012-12-03
Pauline Wasserman	Providence, RI, United States	2012-12-03
Anita Sanchies	East Falmouth, MA, United States	2012-12-03
Jennifer Sperry	New Bedford, MA, United States	2012-12-03
edward nardi	Cataumet, MA, United States	2012-12-03
Samantha McNulty	New Bedford, MA, United States	2012-12-03
Bernadette McHugh	Norton, MA, United States	2012-12-03

Name	Location	Date
Stephanie Trott	Mystic, CT, United States	2012-12-03
Brian Battisti	Providence, RI, United States	2012-12-03
nichole paluda	marion, MA, United States	2012-12-03
Elinor Vacchino	Plymouth, MA, United States	2012-12-03
Buzzards Bay Coalition	New Bedford, MA	2012-12-03
Linda Blake	Milford, MA, United States	2012-12-03
Allison Maynard	Swansea, MA, United States	2012-12-03
Melinda Berg	Mattapoisett, MA, United States	2012-12-03
Angela Vaudry	New Bedford, MA, United States	2012-12-03
Ryan Brenner	Kingston, MA, United States	2012-12-03
Anita Mendes	Hancock, NH, United States	2012-12-03
cheryl bancroft	Swansea, MA, United States	2012-12-03
Christina Restante	Warwick, RI, United States	2012-12-04
Justin Cifello	Buzzards Bay, MA, United States	2012-12-04
dauna noble	Providence, RI, United States	2012-12-04
Brendon Jones	Rochester, MA, United States	2012-12-04
Donald Shotz	Plymouth, MA, United States	2012-12-04
John Greene	Plymouth, MA, United States	2012-12-04
Ian Rubinstein	Bourne, MA, United States	2012-12-04
Lara Amaral	Scituate, MA, United States	2012-12-04
Kathy Grandmaison	Swansea, MA, United States	2012-12-04
Fran Bordonaro	Falmouth, MA, United States	2012-12-04
James Briley	East Bridgewater, MA, United States	2012-12-04
Alisa Lyford	Halifax, MA, United States	2012-12-04
Virginia Britton	Alexandria, VA, United States	2012-12-04
Concerned Citizen	New City, NY, United States	2012-12-04
mary Heilman	Plymouth, MA, United States	2012-12-04
Kate Patrolia	Buzzards Bay, MA, United States	2012-12-04
David Leshan	Fort Washington, PA, United States	2012-12-04
Malcolm Young	Washington, DC, United States	2012-12-04
Susan Chakmakian	Cranston, RI, United States	2012-12-05
Miriam Jzcob	Falmouth, MA, United States	2012-12-05

Name	Location	Date
Nancy Soares	New Bedford, MA, United States	2012-12-05
margaret kane	south dartmouth, MA, United States	2012-12-05
Shanon Dilloway	Providence, RI, United States	2012-12-05
Diane Duprey	New Bedford, MA, United States	2012-12-05
Maureen Morin	Taunton, MA, United States	2012-12-05
Anneke Andries	Fountain, MI, United States	2012-12-05
NANCY SPINDLER	DARTMOUTH, MA, United States	2012-12-05
B Earle	Dartmouth, MA, United States	2012-12-05
Bianca Santana	Providence, RI, United States	2012-12-05
Diane Zentner	East Greenwich, RI, United States	2012-12-05
Brandy Fallgren	New Bedford, MA, United States	2012-12-05
Gary Boehk	West Falmouth, MA, United States	2012-12-05
Donna Hamilton	Great Yarmouth, United Kingdom	2012-12-05
Chuck Dade	New Bedford, MA, United States	2012-12-05
Jim Wilson	New Bedford, MA, United States	2012-12-05
Linda Simpson	Chartley, MA, United States	2012-12-05
Tracy Marlue	Pawtucket, RI, United States	2012-12-05
Steven Mello II	Swansea, MA, United States	2012-12-05
Nelson Torres	Fort Worth, TX, United States	2012-12-05
Marie Hernandez	San Antonio, TX, United States	2012-12-05
Tatiana Torres	Bogota, Colombia	2012-12-06
alice paduch	warren, RI, United States	2012-12-06
Glenn Sharp	Palmdale, CA, United States	2012-12-06
Joel Finley	Ogdensburg, NY, United States	2012-12-06
maureen sullivan	cranston, RI, United States	2012-12-06
Christopher Welch	Newport, RI, United States	2012-12-06
Ken Resendes	New Bedford, MA, United States	2012-12-06
Jasmina Cuk	Solna, Sweden	2012-12-06
Anna Bashkirova	Moscow, Russian Federation	2012-12-06
Constance Franklin	Los Angeles, CA, United States	2012-12-06
Anders Johnson	Asheville, NC, United States	2012-12-06
Kurt Frees	Cincinnati, OH, United States	2012-12-06

Name	Location	Date
susan czernicka	westport, MA, United States	2012-12-06
Karen Sankey	Plymouth, MA, United States	2012-12-06
Eva Fidjeland	Orrefors, Sweden	2012-12-06
Janet Henderson	New Salem, MA, United States	2012-12-06
Joshua Louro	Dartmouth, MA, United States	2012-12-06
Robert Xifaras	New Bedford, MA, United States	2012-12-07
Evan Davenport	Durham, NH, United States	2012-12-07
nancy galbraith	falmouth, MA, United States	2012-12-07
Misty Costa	New Bedford, MA, United States	2012-12-07
Jeffrey Felty	Falmouth, MA, United States	2012-12-07
Marilyn Alferes	Fairhaven, MA, United States	2012-12-08
John Doucette	Providence, RI, United States	2012-12-08
John Richard Young	East Norriton Township, Norristown, PA, United States	2012-12-08
Robert and Katherine Hart	Barrington, RI, United States	2012-12-09
Christine Williams	Coningsby, Lincs, United Kingdom	2012-12-09
Sam Most	sagamore beach, MA, United States	2012-12-10
Joan Rokicki	Providence, RI, United States	2012-12-10
Heather Demers	Rochester, MA, United States	2012-12-10
Ryan Almeida	New Bedford, MA, United States	2012-12-10
Brandon Cote	new bedford, MA, United States	2012-12-10
Noah Doerr	Westport, MA, United States	2012-12-10
David Burton	Lake Leelanau, MI, United States	2012-12-11
Jennifer Downing	Acushnet, MA, United States	2012-12-11
Justin Brodeur	New Bedford, MA, United States	2012-12-11
Thomas Cardoza	Wareham, MA, United States	2012-12-11
Gerry Payette	Fairhaven, MA, United States	2012-12-11
richard toole	oak Bluffs, MA, United States	2012-12-12
Andrea Sreiber	Subotica, Serbia	2012-12-12
sue sch.	Germany	2012-12-12
Christopher Evans	Near Byton Hand, United Kingdom	2012-12-12
Jenell Black	Shreveport, LA, United States	2012-12-12

Name	Location	Date
Richard Burk	Tucson, CA, United States	2012-12-12
tressa reisberg	Medina, OH, United States	2012-12-13
Sandra Tetenburg	Den Haag, Aruba	2012-12-13
Emily Pitman	Clinton, NY, United States	2012-12-13
Nicholas Moore	Middletown, RI, United States	2012-12-14
Daniel Anjo	New Bedford, MA, United States	2012-12-14
Chris Oliveira	Dartmouth, MA, United States	2012-12-15
John Wheeler	New Bedford, MA, United States	2012-12-15
Lucas Medeiros	New Bedford, MA, United States	2012-12-15
susan spalding	Sagamore Beach, MA, United States	2012-12-15
Anne Smith	Fairhaven, MA, United States	2012-12-15
mark whalen	new bedford, MA, United States	2012-12-15
A Bedser	Mattapoisett, MA, United States	2012-12-16
kevin lynch	east falmouth, MA, United States	2012-12-16
Ian Cooke	Acton, MA, United States	2012-12-16
Deb Bariteau	Nashua, NH, United States	2012-12-16
Caroline Hawthorne	Fairhaven, MA, United States	2012-12-16
Gwendolyn Hancock	Bristol, RI, United States	2012-12-16
Christy LaGue	Wareham, MA, United States	2012-12-16
Taran Riggs-Hart	New Bedford, MA, United States	2012-12-16
jeremiah tyler	fairhaven, MA, United States	2012-12-16
Jacob denney	Marion, MA, United States	2012-12-16
Katherine Osterloh	Orinda, CA, United States	2012-12-16
shedy berrios	jacksonville nc, NC, United States	2012-12-16
Shavaun Ramann	Cary, NC, United States	2012-12-16
Holly Hasseyy	Harwinton, CT, United States	2012-12-16
Kate Levin	Westport, MA, United States	2012-12-16
Rich Medicke	New Bedford, MA, United States	2012-12-16
Courtney Edwards	Lincoln, NE, United States	2012-12-17
Suzanne Tjoelker	Pembroke, MA, United States	2012-12-17
patricia carrasco	providence, RI, United States	2012-12-17
Bart Hoppenbrouwers	Dublin, , Ireland	2012-12-17

From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7 Exhibit C-F Email No. 6
Date:	Monday, December 17, 2012 4:54:02 PM
Attachments:	Exhibit C.pdf Exhibit D.pdf Exhibit E.pdf Exhibit F.pdf

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Email No. 6 of 10
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2.
Attached to this email are Exhibits C through F to Attachment 7.

Korrin N. Petersen Esq., Senior Attorney

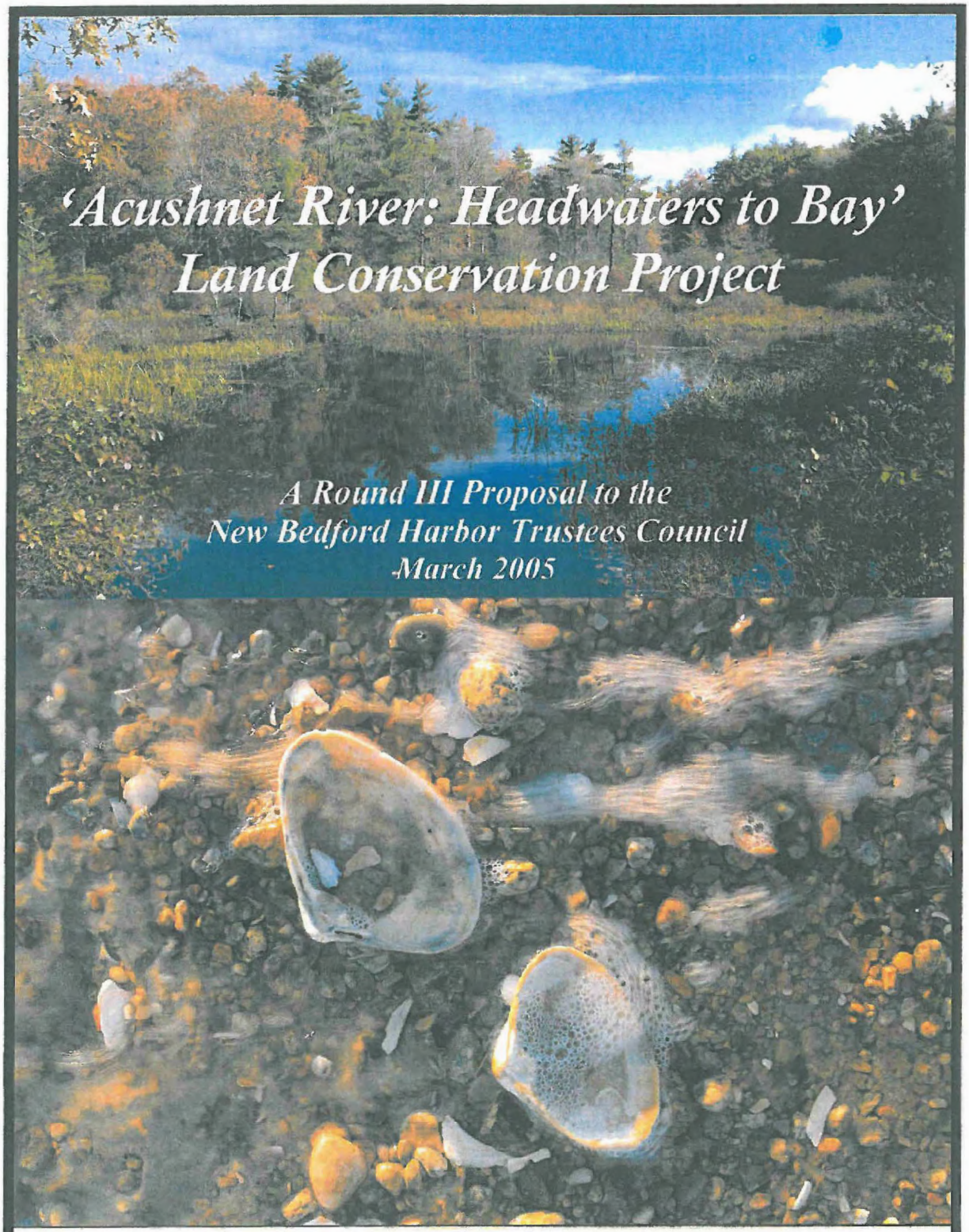
BUZZARDS BAY COALITION

Main - 114 Front Street, New Bedford, MA 02740
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Exhibit C



'Acushnet River: Headwaters to Bay' Land Conservation Project

A Round III Proposal to the
New Bedford Harbor Trustees Council
March 2005

Submitted by

The Coalition for Buzzards Bay &
Fairhaven-Acushnet Land Preservation Trust

NARRATIVE PROJECT DESCRIPTION

Acushnet River: Headwaters to Bay
Land Conservation Project

I. Project Importance

Land Protection is Critical to New Bedford Harbor Restoration

Acquisition of riverfront and coastal habitats serves to protect the Acushnet River Estuary and New Bedford Harbor environment against development and acquire the equivalent of river lands lost or injured due to PCB and other contamination along the estuary. Furthermore, the protection of riparian and coastal lands help to prevent the further degradation of water quality in the Harbor thereby enhancing the potential for success of adjacent or downstream restoration efforts.

The goal of this project is to preserve 334 acres of river and harborfront lands for permanent conservation and for future habitat restoration purposes. Spanning from the headwaters of the Acushnet River to the broad saltmarshes of Outer New Bedford Harbor, the four properties proposed for acquisition represent the full spectrum of natural habitats that define the New Bedford Harbor environment: upland hardwood forests, wooded swamp, emergent freshwater and riparian marshes, cranberry bogs, saltmarsh, open fields, beach and tidal flats. The project also presents the opportunity to preserve exciting future restoration projects on these lands and to expand public access for passive recreation.

Without protection of these lands via fee acquisition and/or conservation restrictions, these lands are likely to be sold for commercial and residential development thereby further reducing uncontaminated, natural habitats within the New Bedford Harbor environment. Land values are increasing dramatically in the area around the Harbor and the real estate market may soon outstrip the ability of New Bedford Harbor restoration funds to support land and conservation restriction purchases. There is a closing window of opportunity to preserve the most important uncontaminated natural habitats in New Bedford Harbor.

History of Land Protection in New Bedford Harbor

Together, The Coalition for Buzzards Bay (CBB) and the Fairhaven-Acushnet Land Preservation Trust (FALPT) have established a strong track record of land protection in the Acushnet River/New Bedford Harbor environment and have worked in partnership with the New Bedford Harbor Trustees Council (NBHTC) to protect 382 acres of land in the past seven years. These lands include Winsegansett Marshes (160 acres, 1998), Marsh Island North (14 acres, 2003), the Govoni Forest (30 acres), Zyskowski/Long Plain (19 acres) and Keith's Tree Farm (163 acres) also in 2003. Many of the lands proposed for acquisition in this proposal complement these earlier projects.

C. Marsh Island South

Project Significance

As the New Bedford Harbor Trustees Council has noted, "Marsh Island has the potential to be a signature restoration project for the New Bedford Harbor Trustees Council."



Marsh Island is a 22-acre peninsula jutting into New Bedford Harbor just south of Interstate 195 in Fairhaven. As discussed below, the island has been significantly altered over the past 80 years through the disposal of dredged spoil materials.

With funding from the NBHTC, the FALPT and CBB acquired the northern 14.25 acres of Marsh Island in December 2003 and have protected it with a permanent CR. At the same time, the NBHTC has pursued feasibility level planning to identify restoration opportunities at Marsh Island. The goal of that effort is to "restore as much salt marsh on the island as feasible by removing the dredged material and reestablishing intertidal elevations, as well as creating other vegetated wetland and upland habitats providing ecological services and passive recreation opportunities." (from NBHTC Feasibility Study Request for Proposals, 2002). A "Marsh Island Restoration Concept" was completed in mid-2003.

Through this proposal, the FALPT and CBB seek to complete the acquisition and permanent protection of Marsh Island as publicly-accessible open space by purchasing the southern 7.68 acres of the island. In doing so, the NBHTC will secure the opportunity to pursue restoration of the entire peninsula as a whole ecological unit.

The Marsh Island South parcel is comprised predominantly of dredge spoils which have created a low-quality upland 'sandplain' habitat. The parcel's 1,366 feet of direct frontage along New Bedford Harbor is bordered by patches of saltmarsh, rocky intertidal shore and stands of common reed (*Phragmites australis*).

As the largest remaining undeveloped stretch of land in the inner Harbor, Marsh Island is a likely target for development – particularly for a marina complex. The acquisition of a CR today will ensure that the property is saved from development and available for future restoration activites.

Historic/Existing Conditions

Until the late 1930s, Marsh Island was an upland island connected to the land by a broad saltmarsh. Once a rich coastal habitat - a portion of which was subject to tidal flooding and composed of tidal creeks and saltmarsh habitats - Marsh Island became a disposal site for harbor dredge spoils in the late 1930s and early 1950s. This dumping buried the indigenous natural features, connected the island to the mainland and changed the function and habitat value of the land. The extent, character and elevation of this introduced soil material has permanently changed soil drainage and created conditions leading to an inundation of alien

invasive vegetation. Today, Marsh Island is dominated by low quality upland habitat and much of the remaining marsh is dominated by common reed (*Phragmites australis*).

While the land remains predominately in an open, undeveloped state, two radio tower installations accessible by motorized vehicle occupy a small footprint on the southern portion of the site. Under the terms of our agreement with the present owners of the parcel, the radio towers will remain in place until the end of their existing lease (12 years, plus option to extend for additional 15 years) at which time they will be removed. The location and nature of the radio tower operation on the land does not need to postpone natural resource restoration of the site as the owners have indicated a willingness to work with the NBHTC, CBB and FALPT to accommodate both restoration activities and maintenance of their lease.

Site Goals & Objectives

- Prevent the commercial, residential or industrial development of the Marsh Island South property.
- Secure the opportunity to restore natural resources on the entire 22 acre Marsh Island – one of the largest potential restoration sites in New Bedford Harbor.
- Expand passive recreation opportunities and access to the New Bedford Harbor environmental for use by the general public.

Land Protection Method

Under the terms of the Marsh Island South property agreement, CBB will acquire the 7.68 acre site in fee simple and open the property to the public for passive recreational use. The parcel will likely be transferred to FALPT and further protected through the recording of a permanent CR to be held by CBB. This will establish the same ownership and protection regime that presently exists on the northern 2/3 of the island.

CBB's Land Protection Staff will oversee the completion of all due diligence for the property's acquisition including completion of a title examination, fair market real estate appraisal, environmental site assessment, survey and conservation restriction drafting to preserve the property in perpetuity. All of this work will be done in accordance with NBHTC requirements and coordinated with Council staff.

Restoration Planning & Property Stewardship

As noted above, the acquisition of the 7.68 acre Marsh Island South property will open up the full restoration potential of the peninsula. Included in this proposal is a $50,000 request to continue the restoration planning already begun by the NBHTC for this site, allowing the project to move beyond feasibility study to design and consolidating the scope of planning to include the entire peninsula. We would expect that NBHTC staff would continue to drive the restoration planning process and we look forward to working with them.

Property management and stewardship will begin on the Marsh Island property upon acquisition and CR recording. The high visibility of the site from the Harbor and Interstate 195 coupled with decades of property neglect makes Marsh Island a greater management challenge than the other properties outlined in this proposal. Our goal will be to provide as broad a level of public access as possible while preventing misuse of the property.

Stewardship activities will include sign installation identifying the land as publicly-accessible open space funded by the NBHTC. Removal of trash, monitoring the impacts of public use and coordination of that use with restoration will be ongoing. All of these stewardship activities represent significant responsibilities for the FALPT and CBB in perpetuity.

Exhibit D

BK 6560 PG 198
09/29/03 03:32 DOC. 49146
Bristol Co. S.D.

Fairhaven CR#2

GRANT OF CONSERVATION RESTRICTION

FAIRHAVEN LAND PRESERVATION TRUST, INC. d.b.a. FAIRHAVEN-ACUSHNET LAND PRESERVATION TRUST, with an address of P.O. Box 491, Fairhaven, MA 02719, (along with its heirs, devisees, successors and assigns) (hereinafter "Grantor") hereby grants with quitclaim covenants to THE COALITION FOR BUZZARDS BAY, with an address of 620 Belleville Avenue, New Bedford MA 02745 (together hereinafter "Grantee"), in perpetuity and exclusively for conservation purposes, as defined below, a conservation restriction, within the meaning of and with the benefit of Sections 31, 32 and 33 of Chapter 184 of the General Laws of Massachusetts, on and to land in Fairhaven, Bristol County, Massachusetts, containing approximately 14.25 acres more or less, described as Fairhaven Assessor's Map 17 as Lot 129, a reduced copy of which is attached hereto and incorporated herein as Exhibit A (hereinafter the "Premises"). For Grantor's title see a deed recorded in the Bristol County (Southern District) of Deeds at Book 5894 Page 220.

I. Purpose

The Grantors intend that this Conservation Restriction will assure that the Restricted Premises will be retained forever in its predominately natural and open space condition. This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purposes of this Conservation Restriction are to meet the plan to restore New Bedford Harbor as determined by the New Bedford Harbor Trustee Council as follows:

1) to further the protection of coastal and marine resources
2) to provide a location for restoration of salt marsh, tidal or non-tidal wetlands, and a maritime plant community;
3) for wildlife conservation and native habitat protection;
4) to allow public access, shoreline access and enjoyment of coastal and marine resources, wildlife and open space as specifically provided for herein.

The consideration for the acquisition of this property was funded by the Federal and State Trustees for Natural Resources from the proceeds of a court-approved settlement concerning an injury to natural resources due to the release of hazardous substances and materials into the New Bedford Harbor Environment and surrounding environs under the federal Comprehensive Environmental Response, Compensation and liability Act (CERCLA), 42 USC 9601, et seq. and Chapter 21E of the General Laws of Massachusetts (*United States, et al., v. AVX Corporation, et al.*, Civil Action No. 83-3882-Y (D. Mass) The Premises is in no way the subject of that settlement; however, through a submitted grant proposal, the Trustees identified the natural resource values of the Premises and funded this acquisition to further the restoration, replacement or acquisition of the equivalent of the natural resources, and the associated services provided, that were injured as a result of the releases that were the subject of the referenced settlement (although not incorporated herein, see 64 FR 44505-9 for more information concerning the settlement, restoration activities and grant proposals, and the Trustees). The funding disbursement was submitted by the Trustees to and approved by the United States District Court for the District of Massachusetts. To preserve the land in perpetuity, the Trustees require that the owner transfer a Conservation Restriction to a qualified conservation entity. In accepting this Conservation Restriction, therefore, the Grantee

expressly acknowledges that Grantee holds the Conservation Restriction *in perpetuity* consistent with the intent of the motion approved by the Court.

II. Prohibited Acts and Uses, and Exceptions Thereto.

A. Prohibited Acts and Uses. Except as provided for in Section II B, the Premises will at all times be held, used, and conveyed subject to the following restrictions, and Grantor shall not perform or permit the following acts or uses on the Premises, as the following acts and uses are prohibited on the Premises:

(1) Constructing or placing any residential dwelling, building, tennis court, landing strip, mobile home, swimming pool, fence, paved parking areas, sign billboard or other advertising display, utility pole or tower, conduit, line, fence, barrier, wall, septic system, or any other temporary or permanent structure or facility on, above or under the Premises;

(2) Mining, excavating, dredging or removing from the Premises soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposits, except as in section B (3);

(3) Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, hazardous substances, wastes or materials, oil, or any other substance or material whatsoever, including but not limited to the installation of underground storage tanks;

(4) Activities detrimental to drainage, flood control, water conservation, erosion control, or soil conservation;

(5) The use of automobiles, trucks, motorcycles, motorized trail bikes, snowmobiles, or any other motorized vehicles;

(6) Removal or destruction of trees, shrubs, or any other vegetation thereon; except as in section B (2);

(7) Any commercial, industrial, or institutional use;

(8) The storage or application of pesticides, herbicides, insecticides, fungicides, or other chemicals on the Premises;

(9) Any other uses of or activities on the Premises which would be inconsistent with the intent of the Trustees Council, the purposes of this Conservation Restriction or detrimental to the conservation interests which are the subject of this Conservation Restriction;

(10) Conveyance of a part or portion of the Premises alone (as compared to conveyance of the Premises in its entirety which shall be permitted), or division or subdivision of the Premises,

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without the prior written consent of the Grantee;

(11) Use or inclusion of the Premises or any portion thereof as part of a lot or area of property for the purposes of satisfying or determining building densities, septic system densities, ground coverage, zoning (including variances therefrom) or other development or future mitigation requirements;

(12) The installation and maintenance of groundwater extraction wells and associated equipment and pipelines and similar equipment for use in extracting groundwater, collecting surface water, and/or transporting said water for sale or use off the Premises for public or private use;

(13) Planting, release, cultivation, maintenance, or other activity that would result in the intentional introduction, intentional establishment, and/or intentional enhancement of plant, animal, insect, or other species that are not native to the Commonwealth of Massachusetts;

(14) Tillage, grazing or sheltering of livestock or animals;

(15) Any other use or activity which would materially impair the significant conservation interests of the Premises unless necessary for the protection of the conservation interests that are the subject of this Conservation Restriction.

B. Permitted Acts and Uses. The following acts and uses otherwise prohibited in Section II (A) are permitted on the Premises but only if such acts and uses do not materially impair the purposes of this Conservation Restriction (except for the public access uses in Section III, which shall be permitted in accordance with their terms in any case):

(1) Non-commercial recreational and educational use of the Premises (except for *de minimis* commercial use which is permitted by Grantor) for activities including but not limited to hiking, canoeing, snowshoeing, cross-country skiing, fishing, hunting, hiking, and wildlife observation. Such activities shall also include the right to construct, operate and maintain unpaved trails and footpaths, unpaved parking areas, and access facilities for recreational boating, and appurtenant necessary structures, provided that the construction for any such facility or structure under this sentence is approved by the Grantee.

(2) Removal and replacement of soils, sand, gravel and vegetation as needed to improve, restore and maintain coastal wildlife habitat, water quality and human use of the property and temporary use of same for other properties in the surrounding New Bedford Harbor. Work should be guided by a natural resource restoration management plan approved by the grantee.

(3) Removal of gravel, sand, soil and rocks from sites on the Premises for use on the Premises for activities and purposes expressly authorized herein, such as improvements to existing trails and parking areas, provided Grantor uses adequate erosion control measures and restores to a

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natural condition all areas from which said gravel, sand, soil and rocks are removed to the satisfaction of the Grantee. The restoration of the gravel, sand, soil and rock area to its natural condition shall include but not necessarily be limited to the grading of cut banks to a natural angle of repose, the respreading of topsoil over the disturbed area, the stabilization of said area against erosion, and the revegetation of the disturbed area with native plant species. Any topsoil removed in said activities shall be stockpiled to be used in restoration of the removal site. No gravel, sand, soil, rocks or topsoil shall be removed from the Premises, unless the retention of excess will prohibit return of the land to the original contours. In the event of excess fill, the removal will be guided by the natural resource restoration plan.

(4) The erection and maintenance of signs identifying ownership of the Premises; its status as a conservation reservation; the restrictions on the use of the Premises; the identity or location of trails, areas of interest, history, natural features or other characteristics of the Premises; for educating the public about New Bedford Harbor, its coastal resources or restoration; and for providing other like information.

(5) Use of motorized vehicles for conducting any of the uses and activities permitted by Section III hereunder, as necessary by the Grantor in responding to emergencies, and as necessary by the Grantee, police, firemen, and other governmental agents in responding to emergencies or otherwise carrying out their lawful duties. In the event that an unpaved parking lot is constructed for visitors use, motor access will be allowed, but shall be monitored by the Grantor to be sure impacts will not affect the purposes of this restriction.

(6) The sale, lease or mortgage of the Premises, provided that notwithstanding any such sale, lease, or mortgage, the Premises shall remain subject to the terms of this Conservation Restriction.

(7) The control, management, and eradication of animal or plant species not native to the Commonwealth of Massachusetts under a Non-Native, Noxious or Nuisance Species Control Plan approved by the Grantee.

(8) Archaeological investigations. Conducting archaeological investigations and activities, including without limitation, surveys, excavation and artifact retrieval, under the direction of a qualified organization or person, following submission of an archaeological field investigation plan and its approval by State Archaeologist of the Massachusetts Historical Commission, and in accordance with Massachusetts Regulations 950 CMR 70.00.

(9) The maintenance and use of existing ways, trails, fences, bridges, gates and stone walls on the premises, substantially in their present condition, as well as the creation of same, so long as the creation, construction, maintenance or use is not significantly detrimental to conservation of coastal and marine resources, water quality, soil conservation, wildlife conservation, or public access.

(10) Subject to the approval of the Grantee in Grantor's sole discretion, development and

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implementation (either on its own or jointly with Grantee) of a management plan for the Premises consistent with the Purpose of this Conservation Restriction referenced in Section I. Said management plan may allow the Grantor to undertake all management responsibilities for the Premises, including managing public access, and the Grantee may provide an express approval and authorize associated procedures therein for allowable activities, in furtherance of the Purpose of this Conservation Restriction and subject to the terms of the Conservation Restriction. Grantee's written approval of the plan may substitute for any notice and approval requirements under Section VII.

The exercise of any permitted activity or use by the Grantor under this Section II shall be in compliance with the then-current Zoning Bylaw applicable to the Premises, the Wetlands Protection Act (General Laws Chapter 131, Section 40), and all other applicable federal, state, and local environmental protection and other laws and regulations, and the Grantee agrees not to seek a variance therefrom for any purpose without written consent of the Grantee. The inclusion of any permitted activity or use in this Section II requiring a permit from a public agency does not imply that the Grantee takes any position on whether such permit should be issued. Any activity or use not permitted herein is prohibited without the express written consent (either in accordance with Section VII or under an approved management plan pursuant to Section II (B)(10)) of the Grantee stating that such activity or use is not inconsistent with the purposes of this Conservation Restriction.

III. Access and the General Public.

The Grantee through its duly designated officers, directors, employees, representatives, and agents shall have the right to enter the Premises at reasonable times and in a reasonable manner, including access by foot and/or by motorized vehicle, for the purpose of inspecting the Premises, determining compliance with the terms of this Conservation Restriction, and preventing, abating or remedying any violations thereof.

The Grantee shall also have the right, at its sole expense and with the prior written consent of the Grantor, to access the Premises and to perform acts to preserve, conserve, research, study, and promote the natural habitat of wildlife, fish and plants located on the Premises or on nearby properties.

The Grantee shall also have the right to access the Premises for locating, collecting samples, and otherwise studying and documenting any rare species, vernal pools, and natural communities which exist on the Premises; conducting biological surveys; and monitoring the natural communities, habitats and species thereon, provided that no such activities by the Grantee may unreasonably interfere with the use of the Premises by the Grantor in accordance with the terms of this Conservation Restriction.

The Grantee and the general public shall have the right to enter the Premises at reasonable times and in a reasonable manner, for passive recreation such as hiking, boating, birdwatching, etc, provided that such activities are consistent with the purposes of this Conservation Restriction.

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IV. Legal Remedies.

A. Legal and Injunctive Relief.

The rights herein granted include the right of the Grantee to take any reasonable actions with respect to the Premises as may be necessary or appropriate to remedy, abate or otherwise enforce any violations hereof, including the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including without limitation relief requiring restoration of the Premises to its condition prior to the violation complained of (it being agreed that the Grantee may have no adequate remedy at law), which rights shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee.

B. Reimbursement of Costs of Enforcement.

In any action by the Grantee to enforce the terms of this Conservation Restriction, if the grantee obtains judgment from a Court of law ruling that the Grantor has violated any of the terms of this Conservation Restriction, Grantor shall reimburse the grantee for all reasonable costs and expenses incurred in connection with obtaining and enforcing such judgment, including reasonable counsel fees and reasonable costs incurred in remedying or abating the violation.

C. Grantee Disclaimer of Liability.

By its acceptance of this Conservation Restriction, Grantee does not undertake any liability or obligation relating to the condition or permitted uses of the Premises.

D. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of the Grantee, and any forbearance by the Grantee to exercise its rights under this Conservation Restriction shall not be deemed or construed to be a waiver.

E. Acts Beyond Grantor's Control.

Nothing contained in this Conservation Restriction shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Premises resulting from causes beyond Grantor's control, including fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes.

V. Subsequent Transfers.

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in

SUPP-CD-PUBCOM000777

any deed or other legal instrument by which Grantor divests itself of any interest in all or a portion of the Premises, including without limitation, a leasehold interest. The Grantor further agrees to give written notice to the Grantee of the proposed transfer of any interest at least thirty (30) days prior to the date of such transfer. Failure of the Grantor to do so shall not impair the validity of this Conservation Restriction nor limit its enforceability in any way. Should either the Grantee, their successors or assigns, come to own all or a portion of the fee interest subject to this Conservation Restriction, (i) the doctrine of merger shall not apply to or extinguish the Conservation Restriction, and (ii) the owner of the fee interest shall be bound by the obligations, easements and restrictions imposed upon the Premises by this Conservation Restriction.

VI. Representations of the Grantee

The Grantee represents that it is a qualified, 501 (C)(3) non-profit organization incorporated as a and operated for the purpose of preserving and conserving natural resources, natural habitats, environmentally sensitive areas and for other charitable, scientific and educational purposes, and that it is an eligible holder under MGL ch 184, s 31, has both the necessary funds and commitment to hold this Conservation Restriction for conservation purposes in perpetuity and to enforce its terms.

VII. Required Notification, Consent & Approvals

A. The Grantor shall notify the Grantee in writing at least thirty (30) days prior to undertaking any act or use for which Grantee's approval is required or any act or use not otherwise addressed in this Conservation Restriction which Grantor has a good faith reason to believe may materially impair the conservation interests associated with and protected by this Conservation Restriction (and which has not been allowed pursuant to an approved management plan under Section II (B)(10)). Whenever the Grantor or the Grantee's consent or approval is required under the terms of this Conservation Restriction for any matter or action and the time in which consent or approval is to be given is not otherwise addressed in this Conservation Restriction, the Grantee shall grant or withhold such consent or approval in writing within thirty (30) days of postmark of mailing the written request therefor, and the Grantor shall not undertake the activity in question until the expiration of said thirty (30) day period. Any such requested consent or approval shall not be unreasonably withheld so long as the granting of said consent or approval is consistent with the terms and purposes of this Conservation Restriction. Grantee's failure to act in writing within the stated thirty (30) day time period shall constitute consent or approval (Grantee's action in writing shall be deemed to have occurred at the earlier of (i) Grantee's placing notice in the U.S. mail or (ii) Grantor's actual receipt of notice through an alternative means (e.g. tele-fax). Any written notice required hereunder shall be sent by certified mail, return receipt requested, postage prepaid, to the following addresses:

Grantee: Mark Rasmussen, Executive Director
The Coalition for Buzzards Bay
620 Belleville Avenue, New Bedford, MA 02745
Tel: (508) 999-6363 Fax: (508)984-7913

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VIII. Binding Effect

The burdens of this Conservation Restriction shall be deemed to run with the Premises in perpetuity and in gross and shall be binding upon and enforceable against the Grantor and all future owners of any interest in the Premises. The Grantee is authorized to record and file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction, and the Grantor hereby appoints the Grantee as Grantor's attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor agrees to execute any such instruments upon request.

IX. Costs and Liabilities

Except for any costs associated with any activities of the Grantee on the Premises, the Grantor retains all responsibilities and shall bear all costs of any kind related to the ownership, operation, upkeep, and maintenance of the Premises, including the payment of all taxes and assessments and conformance with all applicable federal, state, and local laws and regulations.

X. Amendments

This Conservation Restriction may be amended by the Grantor and the Grantee, or their successors in interest, only insofar as the amendment is not intended to and/or does not have a material adverse effect on the conservation purposes of this Conservation Restriction. The grantee or its successors shall execute a written confirmation concluding that the amendment meets this criterion and explaining in detail the reasons for this conclusion. Any amendment shall be in writing, signed under seal, and recorded at the appropriate registry of deeds, after any administrative approvals have been obtained, along with the written confirmation of the appropriateness of said amendment.

XI. Proceeds from Extinguishment; Eminent Domain

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise for purposes of this Paragraph XI to a legal interest in the Grantee for purposes of enforcing the terms of this Conservation Restriction but does not vest any beneficial interest or property right in the Grantee. If any occurrence gives rise to an extinguishments or other release of the Conservation Restriction under applicable law, the Grantor and Grantee shall be reimbursed from the proceeds, once recovered, for their respective share of reasonable legal or other expenses, if any, associated with the recovery of said proceeds. The remaining proceeds, once recovered, shall be returned to the Fairhaven-Acushnet Land Preservation Trust, to be used for land protection or restoration within the Acushnet River Watershed, as described in the Purpose paragraph of this restriction.

Whenever all or part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting

SUPP-CD-PUBCOM000779

from such action. All related expenses incurred by the Grantor and Grantee under this paragraph shall be first paid out of the proceeds, and the remaining shall be distributed to the Grantor to be used for land protection or restoration within the Acushnet River Watershed, as described in the Purpose paragraph of this restriction.

XII. Duration and Assignability.

The burdens of this Conservation Restriction shall run with the Premises and shall be enforceable against Grantor and Grantee in perpetuity. Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The benefits of this Conservation Restriction shall be in gross and shall not be assignable by Grantee, except in the following instances from time to time: (i) as a condition of any assignment, Grantee requires that the purpose of this Conservation Restriction continue to be carried out, and (ii) the assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations there under, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Conservation Restriction directly. Grantor and Grantee intend that the restrictions arising hereunder shall take effect when all requisite signatures pursuant to Section 32 of Chapter 184 of the General Laws have been obtained and this document has been recorded in the Bristol County Registry of Deeds.

XIII. Estoppel Certificates.

Upon request by Grantor, Grantee shall, within forty-five (45) days of receipt of grantee's request, execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Conservation Restriction, and which otherwise evidences the status of this Conservation Restriction as may be requested by Grantor.

XIV. Miscellaneous.

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purpose of Mass. Gen. Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.

SUPP-CD-PUBCOM000780

D. **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

E. **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

F. **Pre-existing Rights of the Public.** The grant and acceptance of this Conservation Restriction pursuant to section 32 of Chapter 184 of the General Laws is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

Executed under seal this 1st day of August, 2003.

Fairhaven-Acushnet Land Preservation Trust

By: Laurell J. Farinon, PRESIDENT

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss. Aug. 1, 2003

Then personally appeared the above named Laurell Farinon and acknowledged the foregoing to be her free act and deed, before me,

Veronica LaFreniere

Notary Public Veronica LaFreniere

My Commission Expires: April 16, 2010

SUPP-CD-PUBCOM000781

ACCEPTANCE OF GRANT

The above Conservation Restriction is accepted this 1st day of August, 2003, by

The Coalition for Buzzards Bay

By: Mark Rasmussen

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss August 1, 2003

Then personally appeared the above-named Mark Rasmussen, to me known to be the Executive Director of The Coalition for Buzzards Bay, and acknowledged the foregoing instrument to be the free act and deed of Mark Rasmussen, before me

Laurell J. Farinon

Notary Public
My Commission Expires:

Laurell J. Farinon
NOTARY PUBLIC
Expires January 22, 2010

SUPP-CD-PUBCOM000782

APPROVAL OF SELECTMEN

We, the undersigned, being a majority of the Selectmen of the Town of Fairhaven, Massachusetts, hereby certify that at a meeting duly held on September 22 2003, 2003 the Selectmen voted to approve the foregoing Conservation Restriction to The Coalition for Buzzards Bay pursuant to M.G.L. Chapter 184, Section 32.

Selectmen

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss. September 22, 2003

Then personally appeared the above-named Winfred Eckenreiter, Brian Bowcock, and Michael Silvia, and acknowledged the foregoing instrument to be their free act and deed, before me.

Bernice R. Silver
Notary Public
My commission expires: May 9, 2008

SUPP-CD-PUBCOM000783

APPROVAL BY SECRETARY OF ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to The Coalition for Buzzards Bay has been approved in the public interest pursuant to M.G.L. Chapter 184, Section 32.

Date: Sept 24, 2003

Secretary of Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss. Sept 24, 2003

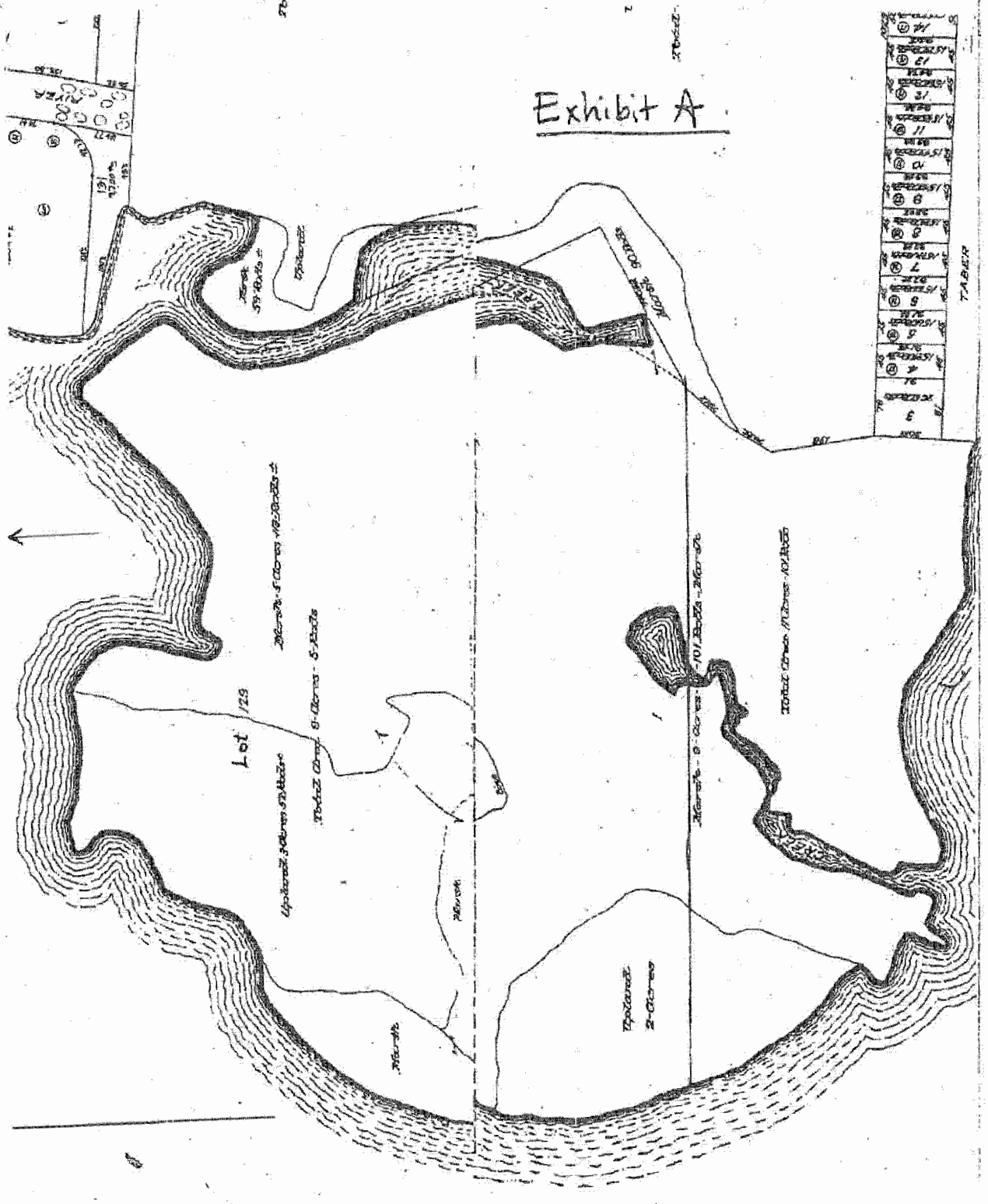
Then personally appeared the above-named Ellen Roy Herzfelder and acknowledged the foregoing instrument to be her free act and deed, before me.

Notary Public
My commission expires:

NICOLE SICARD
Notary Public
My Commission Expires December 31, 2004

SUPP-CD-PUBCOM000784

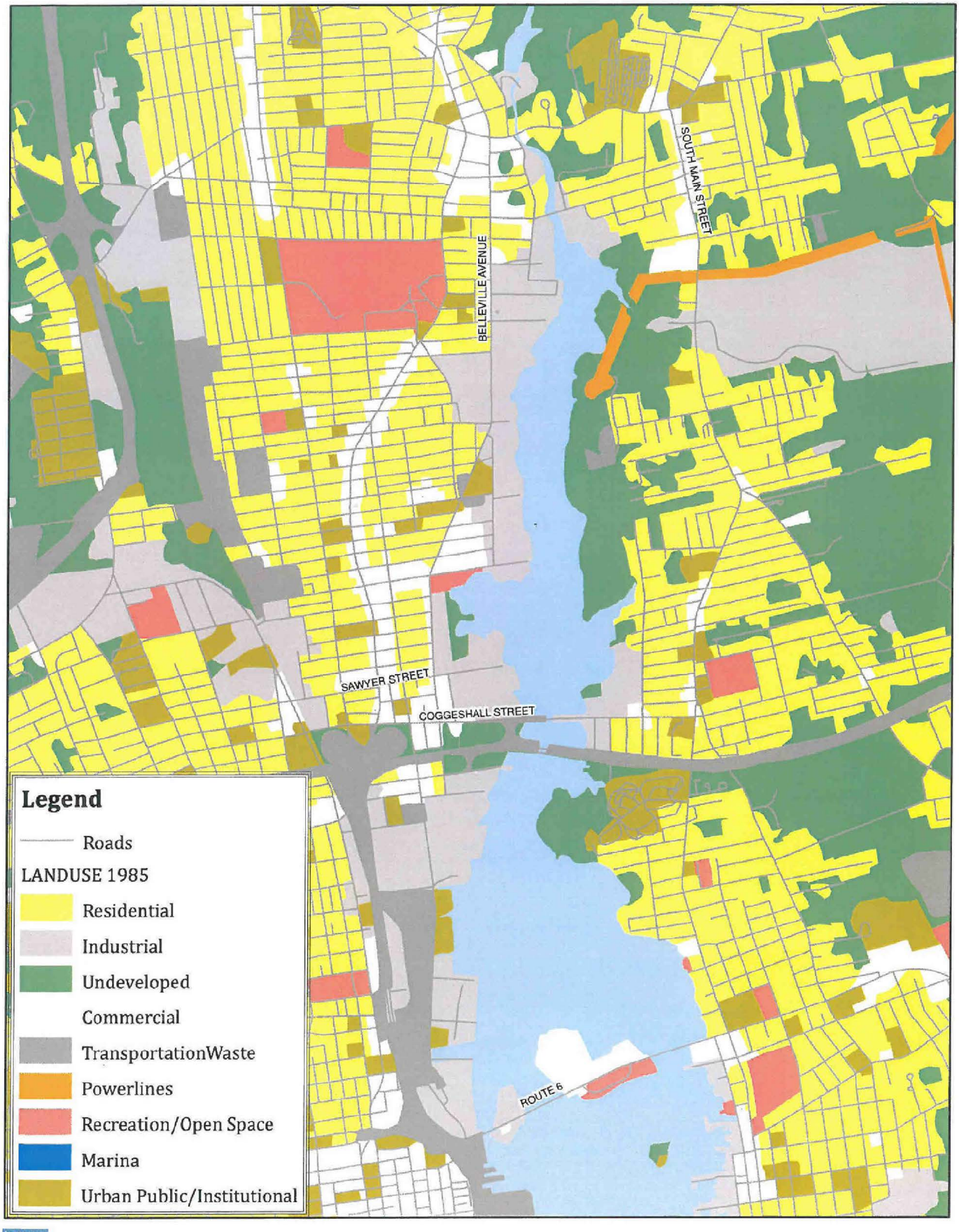
Exhibit A



Said premises contain 14.25 acres more or less and are shown as "Plat 17 Lot 129" on a plan entitled "Plan of Land in Fairhaven, Massachusetts prepared for Dover Broadcasting, Inc., by Seekonk Engineering, Inc., Scale 1" = 100', March 20, 1990 recorded in said Registry of Deeds in Plan Book 125 Page 75.

Exhibit E

New Bedford Harbor
1985 Land Use

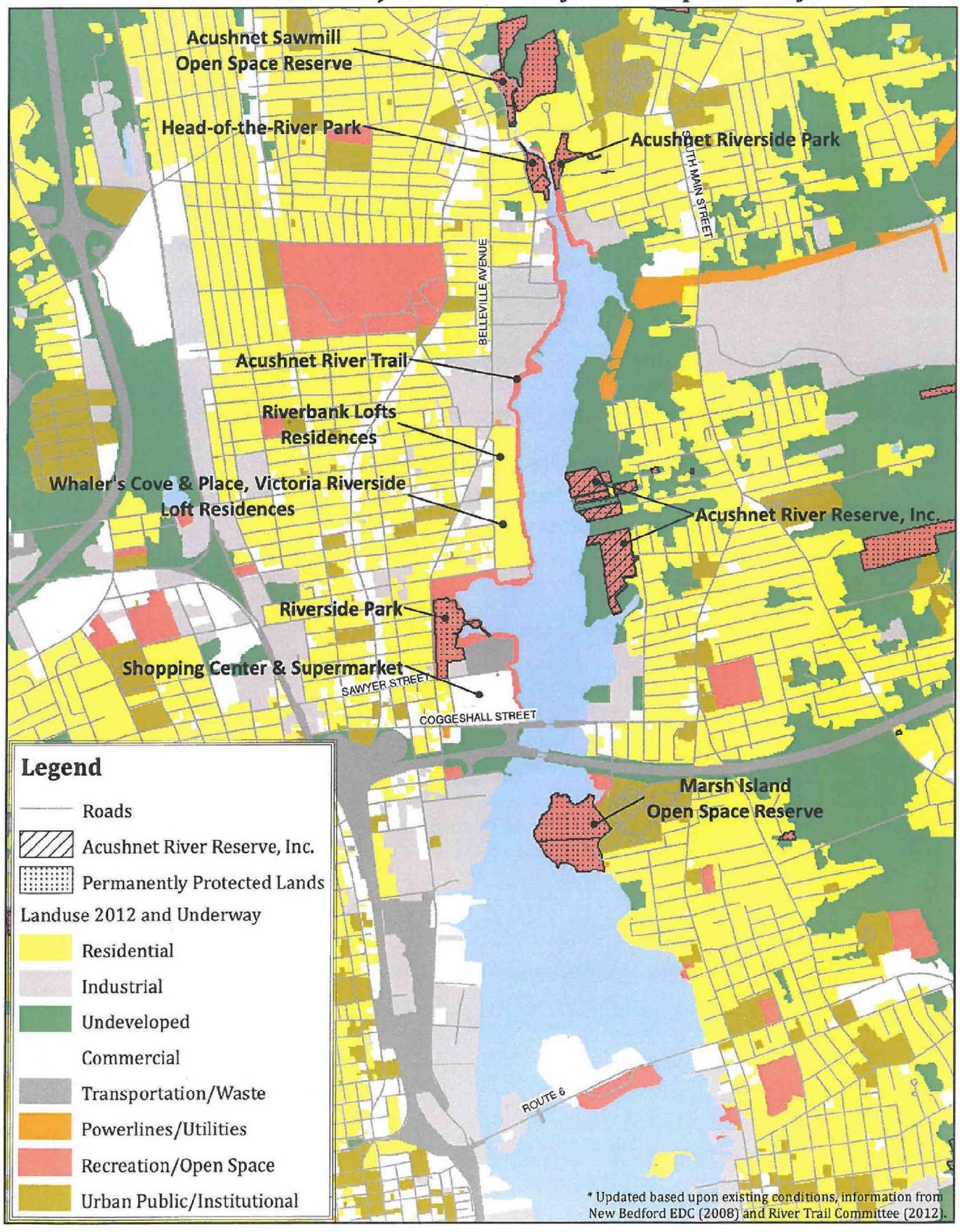


Source: MassGIS 1985 Land Use; Buzzards Bay Coalition; Town Assessors Parcels
Printed: November 26, 2012

0 0.25 0.5 1 Mile

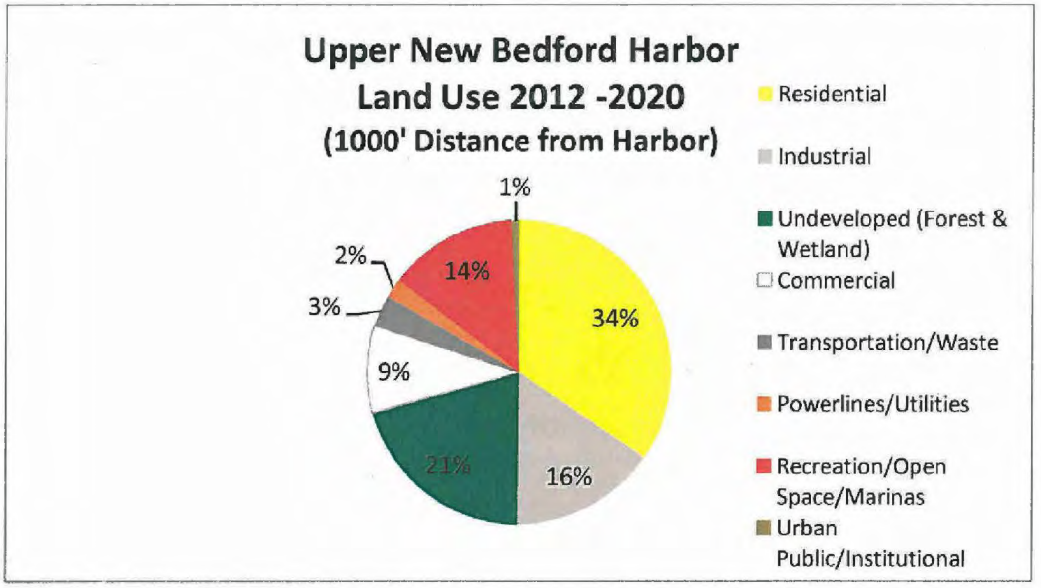
Exhibit F

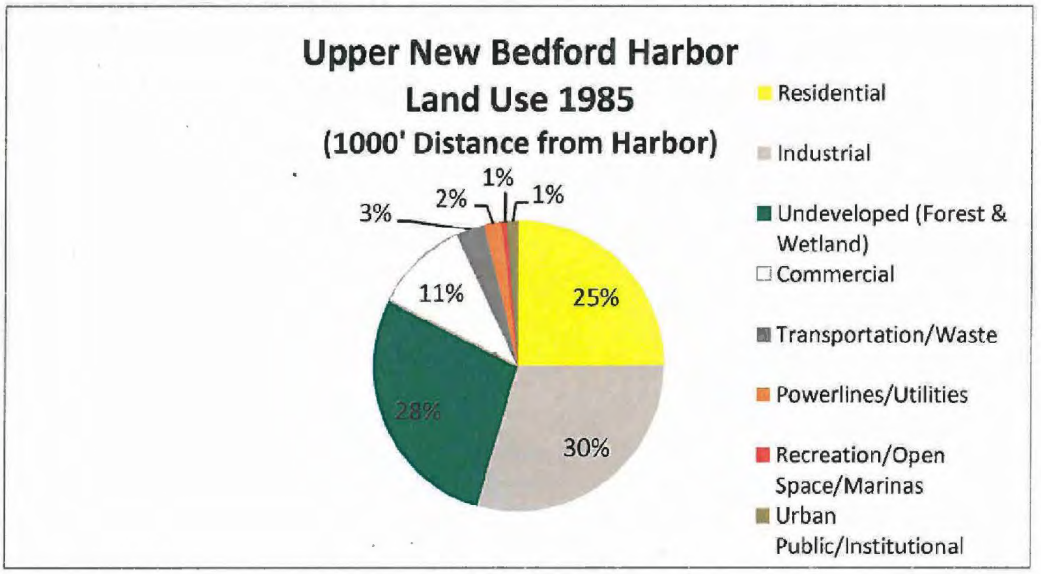
New Bedford Harbor
2012 Land Use Plus Projects Underway for Completion by 2020



Source: MassGIS 2005 Land Use*; Buzzards Bay Coalition; Town Assessors Parcels
Printed: December 10, 2012

0 0.25 0.5 1 Mile


Upper New Bedford Harbor
Land Use 2012 -2020
(1000' Distance from Harbor)
1%
2%
14%
3%
34%
9%
21%
16%
Residential
Industrial
Undeveloped (Forest & Wetland)
Commercial
Transportation/Waste
Powerlines/Utilities
Recreation/Open Space/Marinas
Urban Public/Institutional


Upper New Bedford Harbor
Land Use 1985
(1000' Distance from Harbor)
1%
3%
2%
1%
11%
25%
28%
30%
Residential
Industrial
Undeveloped (Forest & Wetland)
Commercial
Transportation/Waste
Powerlines/Utilities
Recreation/Open Space/Marinas
Urban Public/Institutional

From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7 Exhibit G-J Email No. 7
Date:	Monday, December 17, 2012 4:53:13 PM
Attachments:	Exhibit G.pdf Exhibit H.pdf Exhibit I.pdf Exhibit J.pdf

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Email No. 7 of 10
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2. Attached to this email are Exhibits G through J for Attachment 7.

Korrin N. Petersen Esq., Senior Attorney
BUZZARDS BAY COALITION
Main - 114 Front Street, New Bedford, MA 02740
Cape - 21 Luscombe Avenue, Woods Hole, MA 02540
Tel - 508-999-6363 x.206
www.savebuzzardsbay.org

CONFIDENTIALITY NOTICE

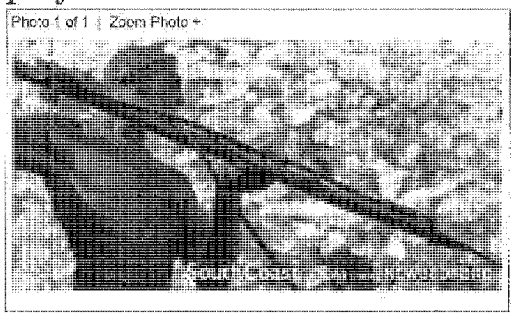
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Exhibit G

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Funding allows New Bedford to advance riverwalk project



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By **Brian Boyd**
bboyd@s-t.com
June 27, 2011 12:00 AM

NEW BEDFORD — With nearly $3 million in funding lined up, city officials can move forward with their vision to transform the upper Acushnet River shore with a scenic and accessible riverwalk.

However, they still have many details to work out before they take their plan for a 1.6-mile riverwalk and make it a reality. The project requires further planning and permitting, and it could be a few years before residents can stroll along the completed walkway.

Even with the challenges, though, officials are excited about the opportunity to reconnect North End neighborhoods — and the growing residential and commercial development in the area near the river — with the water.

"It takes advantage of one of our most tremendous resources, which is the beauty of the Acushnet River," Mayor Scott W. Lang said. "It's really something that enhances our city and takes advantage of a resource we were precluded from using for the past 100 years."

New Bedford Harbor Trustee Council announced Wednesday it will be providing $6.6 million for local environmental restoration projects, including $2.9 million for the riverwalk project. The council distributes money from a settlement reached with electrical parts manufacturers over past contamination of the harbor.

The walkway would start around the Riverside Landing development, where Market Basket is located, and run along the shore. It would go past Riverside Park and the mill buildings and end south of Tarkiln Hill Road.

"We are going to be incredibly aggressive in terms of getting the project moving," said Matthew Morrissey, executive director of the New Bedford Economic Development Council.

While the timeline is uncertain, the restoration project could take three years. First, the city needs to enter an agreement with the Harbor Trustee Council as the last step of securing the funding. Then the city has to work with property owners to get easements on their land, said Scott Alfonse, the city's director of environmental stewardship.

It also has to finish the design process and seek permits from the New Bedford Conservation Commission and the state Department of Environmental Protection.

All along, the city will coordinate with the U.S. Environmental Protection Agency to avoid conflicts with the federal cleanup of the harbor, Alfonse said.

In order to build the riverwalk, the city will have to do an environmental assessment to see if remediation is needed on the river's edge, he said.

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The riverwalk area would be 25 feet wide, from the high water mark to the interior. The walkway itself would be less than 10 feet wide, with the river and a buffer of native grass on one side and native shrubs on the other side, according to Alfonse.

"We don't want to significantly alter the shoreline," he said.

The walkway would be made of pea stone or other pervious surfaces to minimize storm runoff into the river.

Officials envision a bustling river and shoreline, with boats sailing the river and families taking a stroll on the riverwalk. They anticipate that the riverwalk will attract new residents and tourists, giving the city's economy a boost.

"This is really nothing short of a transformation for a whole section of the city," Morrissey said.

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Exhibit H

New Bedford
Economic Development Council

1213 Purchase Street
New Bedford, MA 02740
(508) 991-3122

Posted on May 29, 2012



Source: The Boston Globe

By Peter Schworm

NEW BEDFORD – On the count of three, the rowers hoisted the eight-man shell high above their heads and rumbled down the metal ramp to the dock. A teammate bundled the oars like kindling and ran to catch up.

The crew team lowered the boat gingerly into the water and they were on their way, skimming over the shimmering water past a line of weathered scallopers.

People lining the shore Saturday looked on in amazement.

New Bedford Harbor, once among the nation's most polluted, and the Acushnet River that flows into it, were hosting a high school crew race, a graceful symbol of the water's revival and this port city's renewed sense of promise.

"This is what we've been striving for," said Paul L'heureux, who has worked for decades to clean up the harbor, a former Superfund site, as a civil engineer for the Army Corps of Engineers.

From a bench in the sun, L'heureux took in the scene with a clear sense of accomplishment, even as he cautioned that the harbor still has a ways to go.

"This was the most highly polluted waterway in the United States, if not the most polluted site," he said. "But it's good to see it coming back to life."

SUPP-CD-PUBCOM000792

Launched two years ago amid improved water quality, the crew program has marked a series of milestones this spring. For the first time, high school league teams from outside the region traveled to New Bedford to compete Saturday, boosting the city's hopes that the restored waterway could become a regular venue for competition.

On Sunday, it will host a championship race among five area colleges.

And this summer, New Bedford Community Rowing, a city-sponsored program that organizes the events, will hold three weeklong rowing programs for city teenagers.

"By the end of summer, we hope to expose hundreds of New Bedford kids to rowing," said Anne Eisenmenger, the group's director.

More broadly, the program seeks to transform the public perception of the harbor, long seen in a gritty, industrial light, to that of a recreational destination.

"Certainly, supporting the fishing industry is priority number one," said Matthew Morrissey, executive director of the New Bedford Economic Development Council. "But this river is just a natural course."

The city has been marketing itself as a layover for boaters and is targeting the shoreline of the Acushnet for a major overhaul. Plans for a river walk are underway, with construction to begin this summer, and old mill buildings are slated for redevelopment.

City officials are also hoping the river, which lends itself perfectly to crew races, will become a prime draw for big races and help spur tourism.

"I think the growth will be geometric," Morrissey said.

As the starting times drew near, racers rigged their boats and cars poured into the marina parking lot. Spectators gathered along the banks of the nation's largest fishing port – as judged by value of catch – to watch a sport considered thoroughly Ivy League.

As he watched the shells on the water, Morrissey savored the moment.

"Eights all over the harbor," he said with admiration. "In an old industrial port."

Edward Anthes-Washburn, director of the city's harbor development commission, said the upper Acushnet was one of the nation's worst Superfund sites in the 1980s, a casualty of years of industrial contamination. Years of dredging has brought the river back to life, although the recovery is far from complete.

"All of the really bad areas have been taken care of," he said. "But the scope of the contamination is pretty widespread."

The water itself is clean, but the sediment remains polluted, officials said. Fishing in the harbor remains largely catch-and-release, L'heureux said.

"We still have a long way to go," he said.

SUPP-CD-PUBCOM000793

But given the extent of the contamination, the water's recovery has been striking. He used to see sickly, ulcerated fish that could barely make their way through the water.

"Now you see the blues and stripers come up and they're breaking water," he said.

Dave Darmofal, harbor master in neighboring Fairhaven, said water quality has dramatically improved in just a matter of a few years.

"Visibility in the inner harbor can be 14 feet," he said. "A few years back, two would have been good. It's getting better and better every day."

As quality has improved, officials have begun to see the possibilities.

Volunteers in recent years have worked to encourage recreational boaters to lay over in New Bedford and enjoy the sights of an authentic fishing town.

"It's been a huge outreach effort and it's been very successful," she said. "Shell rowing just seemed like the next step."

Laurie Bullard, who chairs the rowing program's board, said the races mark a new day for the harbor, and a new vision for the city.

"We're still the number one fishing port in the country," she said. "But it's much more than that."

Looking out at the pleasure boats docked at the marina, she took an expansive view.

"There's lot of room to share," she said.

April 29, 2012

Source URL:
http://articles.boston.com/2012-04-29/metro/31449110_1_crew-program-waterway-acushnet-river

- New Bedford seeks a wind power niche
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Exhibit I

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

June 12, 2012

Mr. Mark Rasmussen
President, Buzzard's Bay Coalition
114 Front Street
New Bedford, MA 02740

Dear Mr. Rasmussen:

Thanks for your recent communication regarding the volumes of sediment remaining to be dredged in the Upper Harbor at New Bedford. Specifically, you requested that EPA provide figures for the mass of PCBs contained in this sediment.

EPA traditionally has not tracked sediment PCB mass with regard to the progress in removal of sediments at the New Bedford Harbor Site. The focus has been on volumes (cubic yards) of sediment removal required to meet cleanup levels, which is the basis of our work planning, budgeting, and accounting.

I have attached a table entitled "Upper Harbor Estimated Removal Volumes and Mass". It contains estimated volumes of sediment (in cubic yards) generated by Foster Wheeler, (the Corps of Engineers previous consultant) to require removal as of 2003 (Column 1). The table also includes the estimated volumes in the same sub-areas accounting for expected over-dredging volumes (column 3). Based on these volumes and an average PCB concentration, an estimated mass figure for PCBs in each sub-area of the upper harbor prior to dredging was generated in columns 2 and 4. These estimates are all based on data which existed prior to the start of annual dredging in 2004 in the Upper Harbor.

In the final column (column 5), a figure is given for the total volume actually removed from each of the subareas to date.

Summarizing, based on the pre-2004 data set, there were originally between 496,000 and 580,000 cubic yards to be dredged from the harbor; that was estimated to contain between 459,000 and 530,000 pounds of PCBs in the Management Units (MUs) listed. In accordance with column 5, EPA estimates that approximately 210,000 cubic yards of sediment has been dredged from these MUs. According to the ROD, and the 4 ESDs for the project, some of the remaining material will be dredged, while the remainder will be placed in Confined Disposal Facilities (CDFs) along the shoreline of the Upper Harbor. As a result of this and other complications, it would be difficult at this point to accurately project the quantity of PCBs remaining to be remediated in these areas of the Harbor.

Let me know if you have any further questions. I can be reached at 617-918-1325 or at lederer.dave@epa.gov.

Sincerely,

David O. Lederer
Remedial Project Manager
US EPA

Cc: David Peterson, OES

Upper Harbor Estimated Removal Volumes and Mass

	1	2	3	4	5
Management Unit	Theoretical Volume (CY)	Theoretical Mass (lbs)	Total Volume with Overdredge (CY)	Total Mass with Overdredge (lbs)	Total Volume Removed to Date (CY)
MU-102	36,574	21,911	44,299	26,539	38,021
MU-1	25,950	106,106	29,925	122,359	44,806
MU-2	26,837	66,370	29,842	73,802	31,309
MU-103	9,173	5,829	11,185	7,108	0
MU-3	19,005	40,683	21,642	46,328	22,547
MU-4	12,850	23,914	14,994	27,904	15,467
MU-5	7,329	14,460	8,973	17,704	0
MU-6	19,428	12,909	21,791	14,479	0
MU-7	22,916	57,342	26,453	66,193	0
MU-8	8,214	8,376	9,146	9,326	0
MU-9	13,187	4,789	15,527	5,639	0
MU-10	31,651	17,807	34,859	19,612	0
MU-11	15,331	9,122	17,962	10,687	17,768
MU-12	13,208	3,217	15,700	3,824	0
MU-13	14,106	2,684	16,297	3,101	20,639
MU-14	16,706	4,238	18,954	4,808	0
MU-15	17,296	3,792	19,635	4,305	0
MU-16	19,700	6,409	22,462	7,308	0
MU-17	16,333	6,277	18,948	7,282	0
MU-18	15,027	4,872	17,376	5,634	0
MU-19	12,650	2,335	15,624	2,884	1,244
MU-20	11,860	2,841	14,505	3,475	0
MU-21	14,700	3,644	16,953	4,202	0
MU-22	7,911	2,070	10,001	2,617	0
MU-23	16,306	2,627	18,983	3,058	14,923
MU-24	17,869	2,336	20,475	2,677	3,731
MU-104	9,158	1,023	11,462	1,280	0
MU-105	7,108	628	8,912	787	0
VU-1	12,797	6,701	15,805	8,276	0
VU-2	7,628	9,839	9,143	11,793	0
VU-3	11,146	2,700	14,312	3,467	0
VU-4	6,845	1,248	8,716	1,589	0
TOTAL	496,799	459,099	580,861	530,046	210,455

REFERENCES

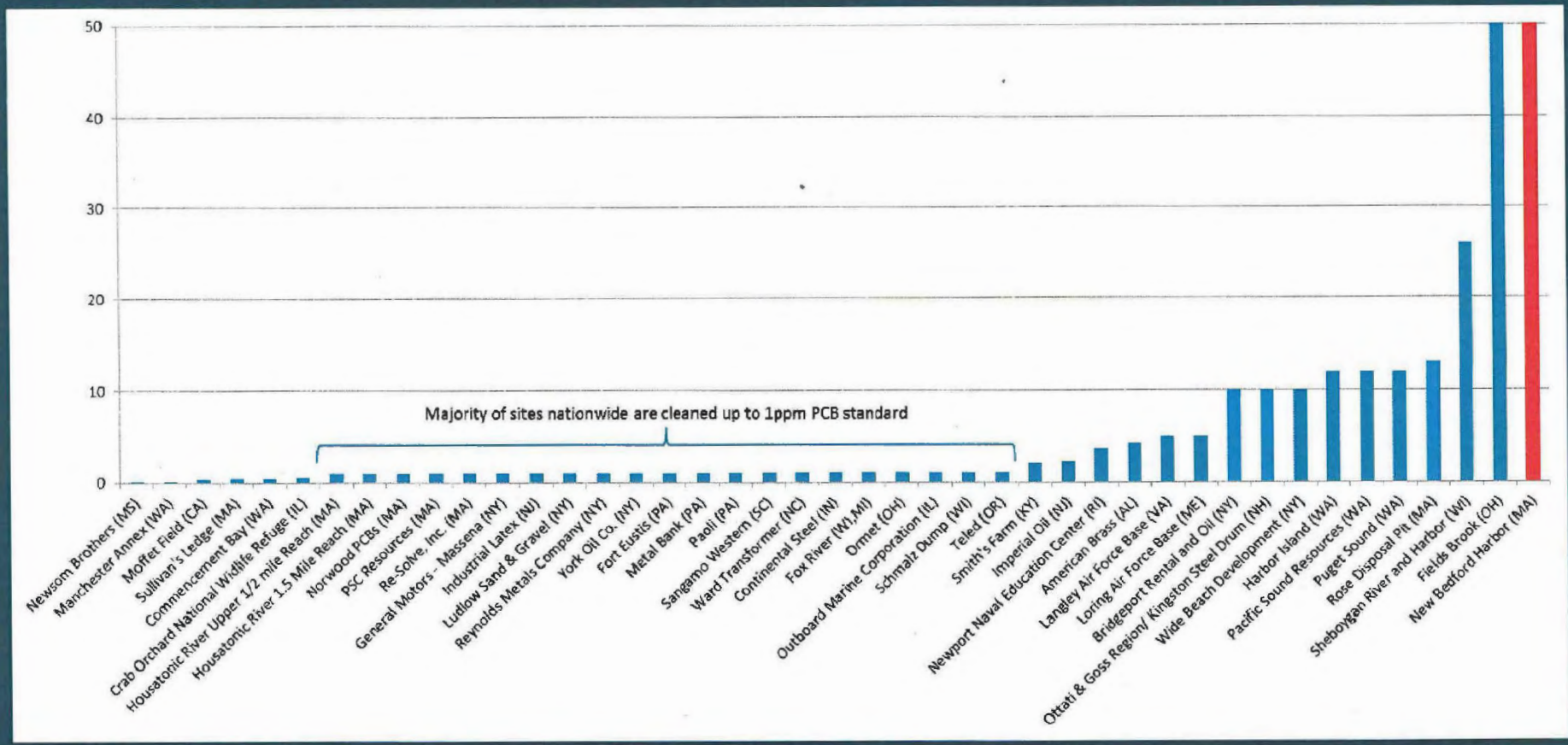
Volumes, Areas and Properties of Sediment by Management Units New Bedford Harbor Superfund Site, Revision 2: June 2003

Final Dredging Basis of Design/Design Analysis Report, October 2002, Rev1 App I

Exhibit J

National Comparison of PCB-Contaminated Aquatic Sediment Superfund Site Cleanup Levels

US EPA-Selected Cleanup Levels in ppm representing the Maximum Level of PCB Contamination Left Behind by EPA after "Cleanup"



Notes:

(1) For the sites above, EPA selected a cleanup level based on a target PCB concentration in sediments after removal action was taken. Depending on the site, these cleanup levels are referred to as a 'remedial action level', a 'cleanup standard', a 'sediment target level', a 'sediment quality criteria' or a 'cleanup goal'. The Hudson River (NY) and Onandaga Lake (NY) Superfund Sites also met our search criteria for this national comparison but were not included in this graph as EPA did not specify a 'cleanup value' for PCBs in sediment but rather selected, in the case of the Hudson, a "mass per unit area (MPA)" method of cleanup and at Onandaga, a "probable effect quotient" rather than selecting a concentration. Therefore, they are not readily comparable to the sediment target level used at the vast majority of sites across the country.

(2) Fields Brook, OH and New Bedford Harbor are dramatically different sites. New Bedford Harbor contains more than 900,000 cubic yards of sediment at PCB-contamination levels of up to 10,000ppm. The Fields Brook site in Ohio is 53,000 cubic yards with maximum PCB-contamination levels of 610 ppm. Also, Fields Brook is a relatively small site in active industrial use which bears little, if any, resemblance to the complexity of residential, recreational, commercial and industrial land uses surrounding New Bedford Harbor.

Data compiled by the Buzzards Bay Coalition from EPA Documents, November 2012

SUPP-CD-PUBCOM000799

From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7 Exhibit K-L Email No. 8
Date:	Monday, December 17, 2012 4:54:43 PM
Attachments:	Exhibit K.pdf Exhibit L.pdf

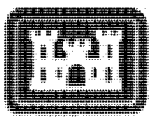
Email No. 8 of 10
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2. Attached to this email are Exhibits K and L for Attachment 7.

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Exhibit K



December 2011

US Army Corps of Engineers
Engineer Research and Development Center

Assessment of Contaminant Loss and Sizing for Proposed Upper Harbor Confined Aquatic Disposal (CAD) Cell

New Bedford Harbor Superfund Site Massachusetts

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Prepared for U.S. Environmental Protection Agency, Region 1



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SUPP-CD-PUBCOM000802

Preface

This report describes the modeling and assessment of the upper New Bedford Harbor CAD cell for sizing and contaminant loss, using composite sediment characteristics from testing reported in Assessment of Contaminant Loss and Sizing for Proposed Lower Harbor Confined Aquatic Disposal (CAD) Cell (Schroeder et al. 2010) for DMU composites 1, 2 and 3 from MUs 1 to 24. The design of the upper New Bedford Harbor CAD cell was based on the design presented by Apex and Jacobs (2006), but its footprint was reduced based on the ongoing annual dredging and upland disposal which has decreased the volume of dredged material and the predicted consolidation which will occur in the CAD cell. Two scenarios provided by EPA Region 1 were modeled: 5 years of mechanical dredging and placement by a small bottom dump split hull barge followed by installation of a 3-ft sand cap, and 10 years of mechanical dredging and placement by a small bottom dump split hull barge followed by installation of a 3-ft sand cap. In addition, two controls specified by EPA Region 1 to reduce the transport of suspended sediment during dredged material placement were examined: a silt curtain and a sheet pile wall enclosing 90 to 95 percent of the perimeter of the CAD cell. Consolidation modeling for sizing, dredged material placement, and contaminant fate and transport modeling for contaminant loss were performed by ERDC EL. Hydrodynamic modeling of the tidal exchange and mixing within the CAD cell was modeled using a 3D version of EFDC with a high resolution grid by ERDC CHL. The EPA Remedial Project Managers were Mr. Dave Dickerson and Ms. Elaine T. Stanley of EPA Region 1. The USACE project managers were Mr. Mark J. Anderson, Jr. and Mr. Peter Hugh of the New England District.

Dr. Paul R. Schroeder, Ms. Susan E. Bailey and Dr. Thomas J. Fredette of the Environmental Engineering Branch (EP-E), Environmental Processes and Engineering Division (EPED), EL; Dr. Carlos E. Ruiz of the Water Quality and Contaminant Modeling Branch (EP-W), EPED, EL; and Dr. Earl Hayter of the Coastal Processes Branch, Flood and Storm Protection Division, Coastal and Hydraulics Laboratory wrote this report.

This study was conducted under the direct supervision of Mr. W. Andy Martin, Chief of EP-E, and under the general supervision of Mr. Warren Lorentz, Chief of EPED, Dr. Beth Fleming, Director of EL, Dr. Jeffery P. Holland, Director of ERDC, and Col. Kevin J. Wilson, EN, Commander of ERDC.

SUPP-CD-PUBCOM000803

Abstract

EPA Region 1 is evaluating the use of CAD cells as a sediment management alternative for PCB and copper contaminated sediments at the New Bedford Harbor Superfund Site (NBHSS). This report provides EPA with short- and long-term modeling results on estimated contaminant losses and physical sediment behavior during and after filling of a potential upper harbor CAD cell (UHCC) based on either a 5-year dredging schedule or a 10-year dredging schedule. This report also provides verification of CAD cell size for containment of the contaminated sediment and capping materials. The report also evaluates the use of either silt curtains or sheet pile walls surrounding the CAD cell to reduce transport of suspended sediments generated during the disposal process.

The sizing evaluation determined the surficial footprint of the CAD cell required to contain the sediment and capping material considering the side slope requirements, depth to bedrock, the potential for bulking during dredged material placement, and the potential spreading of the dredged material from its kinetic energy during its collapse in the CAD cell following placement. The contaminant loss evaluation included both short-term losses (prior to capping) and long-term losses (following capping). Short-term losses include displacement of CAD cell water contaminated by resuspension and stripping of dredged material during placement, consolidation of the dredged material, diffusion from the exposed dredged material, diffusion of contaminants to the upper water column from the contaminated CAD cell water, and mixing of the contaminated CAD cell water with the upper water column by turbulent diffusion and thermally induced overturning. Long-term losses include the diffusive flux of contaminants and the advective flux of contaminants from the expulsion of contaminated pore water from consolidation of the dredged material induced by the pressure load of the thick deposit of dredged material and capping material in the CAD cell, as well as entrainment of water in the dredged material during placement.

A 570 ft x 730 ft x 52 ft CAD cell is sufficiently large to contain 352,000 cubic yards of sediment and 38,000 cubic yards of capping materials plus the potential bulking during dredging and placement. About 2.4 ft, or 10%, bulking is expected, but this volume of bulking will be recovered (i.e., reduced to initial volume) along with another 4 to 5 ft within both the proposed five and ten years of placement operations by consolidation of the deeper CAD cell sediment. About 6 to 7 ft of additional consolidation is expected within the first forty years after capping, and as much as 9 ft in the long term beyond 40 years after capping as predicted using the U.S. Army Corps of Engineers (USACE) Primary Consolidation, Secondary Compression and Desiccation of Dredged Fill (PSDDF) model (a total of 15-16 ft post-capping).

Short-term contaminant losses to the water column above the CAD cell resulting from placement operations are predicted to be about 0.087% of the total PCB mass and 0.044% of the total copper mass placed in the CAD cell for the 5-year operations schedule, and about 0.139% of the total PCB mass and 0.062% of the total copper mass placed in the CAD cell for the 10-year

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schedule, when nearly fully enclosed by a sheet pile wall. The PCB losses using a 10-year schedule are predicted to be 55% greater than using a 5-year schedule, while copper losses are predicted to 35% greater. When silt curtains are used as the enclosure instead of a sheet pile wall, the total PCB losses are predicted to be about 22% greater and the total copper losses are predicted to be about 66% greater. The difference in losses between the silt curtains and sheet pile walls are comparable to the difference in losses between a 5-year schedule and a 10-year schedule.

Resuspension and stripping of dredged material during placement will increase the dissolved contaminant concentrations in the CAD cell water to be approximately equal to the existing in-situ sediment pore water contaminant concentrations. The losses were predicted using the USACE STFATE model (Short-Term FATE of dredged material placed in open water) to predict sediment resuspension, a contaminant partitioning spreadsheet model to compute dissolved contaminant concentrations, and the USACE RECOVERY model to predict losses by diffusion.

Capping with a 3-ft sand layer is sufficient to provide long-term isolation of the contaminants in the dredged sediment from the water column. After capping, the contaminants expelled from the dredged material by consolidation would be contained in the lower foot of the cap. Without consideration of burial (covered by sediment deposited over time), contaminant breakthrough of the cap at a concentration of 0.01% of the pore water contaminant concentration (e.g., 0.01% of 16 ppb PCB or 0.0016 ppb PCB) as predicted by the USACE RECOVERY model will not occur for total PCBs. However, the individual Aroclor PCB 1242 was predicted to reach breakthrough (0.00137 ppb) at 6700 years, but only for the 5-year placement scenario. Breakthrough of copper at 0.006 ppb will occur at approximately 820 years. With burial promoted by the dredged material settlement, the low-level transport of contaminants through the cap and burial material will take tens of thousands of years.

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1 – Executive Summary

Objectives

This work is an evaluation of a proposed CAD cell in upper New Bedford Harbor (shown in Figure 1) using the same modeling approach performed by ERDC on a proposed CAD cell in Lower New Bedford Harbor (Schroeder et al. 2010). Sediments in the upper harbor are more contaminated than those in the lower harbor and water depths are shallower, necessitating additional evaluations for a potential upper harbor CAD cell (UHCC) shown in Figures 2, 3, and 4. The work (1) confirms the CAD cell size/capacity by consolidation modeling, (2) predicts short-term contaminant loss by open water placement/surge modeling, hydrodynamic modeling, and contaminant partitioning, (3) predicts potential losses between dredging seasons, (4) predicts long-term contaminant loss following capping, (5) predicts the time to achieve contaminant breakthrough, and (6) predicts the contaminant flux concentrations at breakthrough.

Containment includes not only storage of the deposited dredged material and capping materials, but also capture of the bulk of the stripped or suspended materials during placement and the dynamic spreading of the dredged material from the kinetic energy of the discharge during its collapse in the CAD cell. Contaminant losses during placement includes (1) the partitioning of contaminants to the water column from stripped or suspended dredged material during placement, (2) discharge of pore water from the settled dredged material by consolidation (considering the entrainment of water in the dredged material during placement), (3) diffusion of contaminants from the dredged material and through the cap, and (4) the exchange of water in the CAD cell with the overlying water column. Modeling scenarios evaluated both 10-year placement and 5-year placement schedules to evaluate a range of potential budget possibilities. Additionally, two containment options for controlling mixing and water exchange within the CAD cell were considered: sheet pile walls and silt curtains.

Modeling

The contaminant partitioning data were based on the partitioning findings for the 2009 ERDC sediment composites 1 through 3 reported in the Lower Harbor CAD Cell report (Schroeder et al. 2010). Likewise the consolidation data were based on the consolidation findings for the 2009 ERDC sediment composites 1 through 3 provided by Jacobs Engineering (2009) and analyzed in the Lower Harbor CAD Cell report (Schroeder et al. 2010).

Sizing and Filling

Several modeling tasks were conducted to analyze the CAD filling, sizing and contaminant losses. A cut and fill spreadsheet analysis was perform to determine the size of CAD cell needed to contain the proposed volume of dredged material and to estimate the lift thicknesses of the

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annual fills for consolidation analysis. A 570' x 730' surface footprint was selected with a side slope of 1V:6H for the top 8 ft of depth and 1V:3H for the remaining 44 ft of depth below the existing sediment surface.

Consolidation

The consolidation of the dredged material was analyzed using the USACE PSDDF model. The PSDDF model results showed that the CAD cell size was appropriate to contain the proposed volume of dredged material, considering the entrainment of water in the dredged material, the volume of capping material, spreading of dredged material from the placement dynamics, suspended solids retention, and consolidation prior to capping. The consolidation results were analyzed to determine the predicted pore water expulsion rates for contaminant loss predictions both prior to and after capping.

The CAD sizing analysis showed that the upper harbor CAD cell would be filled with 51.2 ft of dredged material based on its in situ density. Analysis of potential water entrainment in the dredged material during both dredging and placement through the water column actually predicted no bulking; however, a conservative bulking factor of 10% was assumed. This would result in placement of 53.7 ft of dredged material and 3 ft of capping material, a total of 56.7 ft of material in our cell that is 52 ft deep. However, the PSDDF model predicted that 6.0 ft (5-year) or 7.4 ft (10-year) of pore water would be expelled from the placed dredged material prior to capping, two to three times as much water as predicted to be entrained during dredging and placement through the water column (mostly at depth from the first lift placed). Therefore, the depth of fill immediately after capping is 50.7 or 49.3 ft for the 5- and 10-year scenarios, providing a freeboard of 1.3 or 2.7 ft, respectively. After capping, an additional 3.9 or 2.8 ft of pore water is predicted to be expelled in the first 10 years, 5.6 or 4.5 ft of pore water in the first 20 years and 6.9 or 5.6 ft of pore water in the first 40 years. At 40 years, the dredged material is predicted to be nearly 70% consolidated. Up to 9 ft of additional consolidation is expected beyond 40 years (a total of 15-16 ft post-capping). Based on the PSDDF model results, much of the contaminant losses would be expected to occur during placement and prior to capping.

Placement

The open water placement of dredged material in the upper harbor CAD cell was modeled using the STFATE model to predict the entrainment of water in the deposited dredged material, the mass of dredged material suspended in the water column, the suspended solids concentration in the water column, the settling time, and the vertical and lateral distribution of suspended solids following a barge discharge of dredged material. STFATE model runs were conducted on 200-cubic yard barge discharges at the beginning and end of each dredging season to simulate the range of placement impacts for each dredging season and to estimate annual contaminant losses during placement. Suspended solids losses between the beginning and end runs were assumed to exhibit a linear response based on past experience with the model.

The STFATE model results show that about 2 to 6% of the fine-grained fraction of the dredged material remains in suspension about 3 to 4 hours after the barge discharge and disperses in the CAD cell water below the loaded draft depth of the barge, resulting in average total suspended solids (TSS) concentrations ranging from about 14 mg/L for the first season to 54 mg/L for the

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fifth season for the 5-year dredging plan, or 13 mg/L to 38 mg/L for the 10-year plan. The upper 10 ft of the CAD cell water, which is potentially exchangeable with the overlying water column based on higher resolution hydrodynamic modeling of the CAD cell with silt curtains and its surrounding area, is predicted to have average TSS concentrations of about 5 mg/L until the end of the last dredging season when the TSS may be as high as 76 mg/L. In a shallow saline environment such as New Bedford Harbor and the CAD cell, the TSS concentration will typically decrease to 50 mg/L within a day and to 10 mg/L within a week (NOTE: see results of field plume surveys in Section 4).

Surge dynamics of disposal into the upper harbor CAD cell were evaluated in comparison to earlier modeling efforts for the lower harbor CAD cell. The discharge plume collapse dynamics were modeled for the lower harbor CAD cell (Schroeder et al. 2010) using the USACE SURGE model to examine whether the momentum of the discharged material was sufficient to cause the dredged material to run up the side slope and out of the CAD cell. All discharges were assumed to be within the area of the level bottom, a 326-ft square, and no closer than 160 ft horizontally from the lip of the CAD cell. The dynamics were examined for sediment composites 3, 4, and 5 across the range of water depths that would exist during their placement. In all cases, the discharged material was not predicted to run up the slope above a depth of about 11 ft below the lip or about 55 ft horizontally from the lip because the difference between the elevation of the bottom of the loaded discharge barge and the elevation of the lip of the CAD cell yields insufficient potential energy to overcome the frictional and gravitational losses. Since the depth of water at the upper harbor CAD cell is even shallower than at the site of the lower harbor CAD cell, the upper harbor CAD cell is also expected to be capable of confining the dredged material during placement.

Short-Term Partitioning and Contaminant Loss

The contaminants associated with the TSS will partition with the CAD cell water. It is unlikely that the partitioning reaches equilibrium before the particles interact with particles from subsequent discharges, flocculate, and settle. The kinetics of PCB desorption in a stagnant water column is sufficiently slow that it may take weeks to reach equilibrium; however, 10 to 20% of the PCB may desorb in the first day. The partitioning of contaminants to the CAD cell water over the large number of discharges in a dredging season is predicted to be sufficient to achieve a contaminant concentration in the CAD cell water approximately equal to the pore water concentration of the sediment or dredged material, regardless of the number of dredging seasons or the type of enclosure method employed.

Short-term losses include all of the losses from placement of dredged material in the CAD cell prior to and during capping of the cell. These losses result from a number of processes including entrainment of upper CAD cell water into the flow over the CAD cell, displacement of CAD cell water by the placement of dredged material, vertical turbulent diffusion, and thermal overturn.

Entrainment. Entrainment exchanges water from the flow over the CAD cell with a portion of the CAD cell contaminated by the stripped or suspended solids of the dredged material placement. The quantity of entrainment is a function of the enclosure method and its ability to control velocities. The total entrainment loss is a function of the water exchange rate, the solids

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concentration in the water just below the lip of the CAD cell, the contaminant concentration associated with the solids in suspension, the duration of the placement season (placement rate), and the number of placement seasons. The solids concentration in suspension increases as the storage capacity is depleted; therefore the losses of solids increase from one placement season to the next, particularly in the last placement season.

High resolution hydrodynamic modeling of the CAD cell environ using the 3-D Environmental Fluid Dynamic Code (EFDC) model set up for NBHSS sediment transport modeling was performed to quantify the entrainment exchange rates and vertical turbulent diffusion. The hydrodynamic modeling yielded only low velocities in the water column above the CAD cell, typically less than 0.1 fps. The tidally induced velocities are sufficiently great to exchange the water above the CAD cell, typically in six to twelve hours; however, the velocity is sufficiently low to limit any mixing below the lip of the CAD cell water, mostly in the top few feet below the lip. The differences in the hydrodynamics between enclosing the CAD cell with a silt curtain and with a sheet pile wall are predicted to be small because the CAD cell is located within a cove where the currents are predominantly tidally driven. However, under peak mixing conditions during the tidal cycle, the upward velocities in the CAD cell are sufficient to overcome the settling velocity of flocs in the top six feet of the CAD cell and entrain a fraction of the suspended solids into the overlying flow when a silt curtain is used, while this mixing is limited to the top three feet when a sheet pile wall is used. Additionally, the hydrodynamic modeling showed the potential to set up a slow vertical eddy in the CAD cell that could provide slow vertical turbulent diffusion to a depth of 10 feet below the lip of the CAD cell. Therefore, dissolved contaminants in the top ten feet of the CAD cell were subjected to turbulent dispersion and exchange with the water column above the lip of the CAD cell at the end of each dredging season in addition to the daily entrainment during the dredging season. The 0.1-fps current speed from the hydrodynamic modeling was somewhat greater than, but similar to, currents measured during 2009 CAD cell field monitoring inside a deployed silt curtain (Dragos 2009). On five separate monitoring events, currents inside the silt curtain were less than 0.07 fps while observed currents west and east of the CAD were up to 1.0 and 0.5 fps, respectively.

The annual losses due to entrainment by the flow over the CAD cell are given in Tables 7a and 7b for a CAD cell with a sheet pile enclosure, and in Tables 8a and 8b for a CAD cell with a silt curtain enclosure. The overall entrainment losses are summarized in Table 9. Entrainment losses are most sensitive to the enclosure method, but are also a weak function of the length of the placement schedule. PCB losses (Aroclors 1242, 1248 and 1254) for a sheet pile wall enclosure are predicted to be 5.0 kg and 6.6 kg, respectively, for 5- and 10-year schedules, while PCB losses for a silt curtain enclosure are predicted to be 14.0 kg and 18.7 kg, respectively. Copper losses for a sheet pile wall enclosure are predicted to be 28.8 kg and 31.9 kg, respectively, for 5- and 10-year schedules, while copper losses for a silt curtain enclosure are predicted to be 81.6 kg and 90.3 kg, respectively. Entrainment accounts for 5- and 10-year schedules about 12% of the PCB losses when a sheet pile wall is used for an enclosure and 28% of the PCB losses when a silt curtain is used. Analogously, entrainment losses account on average about 36% of the copper losses when a sheet pile wall is used for an enclosure and 61% of the copper losses when a silt curtain is used. Entrainment causes a larger percent of the losses of copper because the bulk sediment copper concentration increases throughout the placement project while the bulk sediment PCB concentration decreases throughout the placement project.

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Displacement. The dissolved contaminants and particulate-associated contaminants in the upper portion of the CAD cell will be lost as the CAD cell water is displaced by subsequent barge discharges. The displacement volumes are likely to be about 10 to 20% greater than the volume of sediment being dredged due to entrained water in the mechanical dredge/excavator bucket. This would amount to about 70,000 to 94,000 cubic yards per year for the 5-year dredging scenario or about 44,000 cubic yards per year for the 10-year dredging scenario. An additional 40,000 cubic yards of CAD cell water will be displaced in the final year by cap placement.

The annual losses due to displacement of the CAD cell water by the placed dredged material are given in Tables 7a and 7b for a CAD cell with a sheet pile enclosure, and in Tables 8a and 8b for a CAD cell with a silt curtain enclosure. The overall displacement losses are summarized in Table 9. Displacement losses are insensitive to the enclosure method, but weakly sensitive to the storage capacity and therefore the placement schedule. Annual displacement losses are a function primarily of the annual volume placed and the annual bulk sediment concentration. The total predicted displacement losses of PCB (Aroclors 1242, 1248 and 1254) are 12.8 kg and 11.1 kg for the five or ten years of filling schedules, respectively. PCB displacement losses represent about 30% of the total losses for a 5-year placement scenario and about 17% of the total losses for a 10-year placement scenario. Annual displacement losses range from 6.0 kg in Year 1 down to 0.8 kg in Year 4 for the 5-Year scenario, and from 2.8 kg in Year 2 down to 0.35 kg in Year 7 for the 10-Year scenario. While TSS concentrations in the CAD cell tend to increase slightly from year to year throughout the dredging, PCB losses decrease throughout the dredging because dredging proceeds from the more highly contaminated (about 660 mg/kg in Composite 1) to the less contaminated (about 106 mg/kg in Composite 3) as given in Tables 1, 2, and 3. Additionally, the fraction of PCBs that are more mobile (Aroclor 1242 fraction) also decreases throughout the dredging from 65% in the first year to 44% in the last year. For the 5-year scenario, the released PCBs are about 87% Aroclor 1242 (mass loss about 0.05% of Aroclor 1242 total mass placed), 7% Aroclor 1248 (mass loss 0.006% of Aroclor 1248 total mass placed) and 6% Aroclor 1254 (mass loss about 0.012% of Aroclor 1254 total mass placed). Similarly for the 10-year plan, released PCBs are about 86% Aroclor 1242 (mass loss about 0.04% of Aroclor 1242 total mass placed), 8% Aroclor 1248 (mass loss 0.006% of Aroclor 1248 total mass placed) and 7% Aroclor 1254 (mass loss about 0.011% of Aroclor 1254 total mass placed). About 95% of the released PCBs are predicted to be dissolved.

The total predicted displacement losses of copper are 20.7 kg and 19.0 kg for the five or ten years of filling schedules, respectively. Copper displacement losses represent about 29% and 19% of the total losses from a sheet pile wall enclosed CAD cell for 5-year and 10-year placement scenarios, respectively. For a CAD cell enclosed by a silt curtain, copper displacement losses represent about 17% and 12% of the total losses for 5-year and 10-year placement scenarios, respectively. Annual displacement losses range from 3.2 kg in Year 1 down to 5.4 kg in Year 5 for the 5-Year scenario, and from 1.5 kg in Year 1 down to 2.8 kg in Year 10 for the 10-Year scenario. The copper displacement losses represent about 0.012 % of the total mass of copper removed from the associated dredging for the 5-Year scenario, with about 83% of the released copper predicted to be dissolved.

Turbulent Diffusion. Contaminant losses from the CAD cell after placement of the annual lift is driven by turbulent diffusion from the upper ten feet below the lip of the CAD cell to the upper

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exchangeable water column. The annual loss of contaminants by turbulent diffusion from the lower water column is predicted to be limited to about the top 106,600 cubic yards (10 feet) of contaminated CAD cell water after the annual placement operation ceases. These losses are expected to be largely independent of the enclosure method and are predicted to be nearly all in dissolved form because the TSS concentrations should decrease rapidly by settling each year after disposal operations cease. Because the CAD cell water becomes as contaminated as the sediment pore water, loss of contaminants from the CAD cell water by turbulent diffusion are comparable to the contaminant losses by displacement during dredged material placement. The annual losses due to turbulent diffusion of the CAD cell water are given in Tables 7a and 7b for a CAD cell with a sheet pile enclosure, and in Tables 8a and 8b for a CAD cell with a silt curtain enclosure. The total turbulent diffusion losses are summarized in Table 9. Turbulent diffusion losses are insensitive to the enclosure method, but are a function of the bulk sediment contaminant concentration and the number of placement seasons. The total predicted turbulent diffusion losses of PCB (Aroclors 1242, 1248 and 1254) are 10.4 kg and 22.4 kg for the five or ten years of filling schedules, respectively. PCB turbulent diffusion losses represent about 25% of the total losses for a 5-year placement scenario and about 34% of the total losses for a 10-year placement scenario. The total predicted turbulent diffusion losses of copper are 9.2 kg and 23.1 kg for the five or ten years of filling schedules, respectively. Copper turbulent diffusion losses represent about 10% of the total losses for a 5-year placement scenario and about 19% of the total losses for a 10-year placement scenario.

Thermal Overturn. An additional potential loss of contaminants independent of the enclosure method is the exchange of CAD cell water in the fall or winter by the cold dense water diving into the CAD cell and thermally overturning the contaminated CAD cell water and subjecting the contaminated water to flow from the CAD site. However, due to the shallow depth of the overlying water column and the mixing that would occur, this mechanism is likely to limit the exchange to no more than 5 feet of water or 65,500 cubic yards in the CAD cell. Any losses between dredging seasons would be partially offset by decreasing the predicted losses during the next dredging season because the initial contaminant concentration in the CAD cell water at the start of the next dredging season would be lower.

The annual losses due to thermal overturn of the CAD cell water are given in Tables 7a and 7b for a CAD cell with a sheet pile enclosure, and in Tables 8a and 8b for a CAD cell with a silt curtain enclosure. The total thermal overturn losses are summarized in Table 9. Thermal overturn losses are insensitive to the enclosure method, but are a function of the bulk sediment contaminant concentration and the number of placement seasons. The total predicted thermal overturn losses of PCB (Aroclors 1242, 1248 and 1254) are 10.2 kg and 20.2 kg for the five or ten years of filling schedules, respectively. PCB thermal overturn losses represent about 24% of the total losses for a 5-year placement scenario and about 31% of the total losses for a 10-year placement scenario. The total predicted turbulent diffusion losses of copper are 12.6 kg and 26.6 kg for the five or ten years of filling schedules, respectively. Copper turbulent diffusion losses represent about 14% of the total losses for a 5-year placement scenario and about 22% of the total losses for a 10-year placement scenario.

Total Short-term Losses. Table 10 presents the overall potential contaminant losses resulting from placement for the four scenarios modeled. For a CAD cell nearly fully enclosed in a sheet

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pile wall using a 5-year dredging plan, the total predicted losses are 38.3 kg PCB and 71.2 kg copper. For the 10-year sheet pile enclosure scenario, the total losses are 60.4 kg PCB and 100.6 kg copper. For the 5-year plan, these losses represent 0.087% of the mass of the three PCB Aroclors placed in the CAD cell (0.136% of Aroclor 1242, 0.026% of Aroclor 1248 and 0.039% of Aroclor 1254), and 0.044% of the copper placed in the CAD cell. For the 10-year plan, the losses represent 0.14% of the three PCB Aroclors (0.22% of Aroclor 1242, 0.038% of Aroclor 1248 and 0.062% of Aroclor 1254), and 0.062% of the copper placed in the CAD cell. The PCB losses using a 10-year schedule are predicted to be 55% greater than using a 5-year schedule, while copper losses are predicted to 35% greater. When silt curtains are used as the enclosure instead of a sheet pile wall, the total PCB losses are predicted to be about 22% greater and the total copper losses are predicted to be about 66% greater. The difference in losses between the silt curtains and sheet pile walls are comparable to the difference in losses between a 5-year schedule and a 10-year schedule. The PCB mass loss rates are more than an order of magnitude lower than reported PCB losses from dredging operations at other Superfund sites.

Long-Term Contaminant Loss from Capped CAD Cell

The contaminant fate and transport from the capped CAD cell were evaluated in two parts. The first part was evaluated during the period of dredged material consolidation based on partitioning and contaminant transport associated with pore water advection induced by consolidation. In the center section, sixty-six percent or seventy-four percent of the consolidation for the five and ten year dredging scenarios is completed 40 years after capping, but meaningful contaminant transport by pore water expulsion is limited to the first two to four years. The second part was evaluated for the long term, after significant pore water advection ceases. During the long term, contaminant transport is dominated by diffusion of contaminants from the dredged material and into the sand cap. Long-term contaminant fate and transport from the capped CAD cell was modeled without considering contaminant degradation or transformation using the USACE RECOVERY model. In reality, contaminant degradation and transformation can be expected to occur over the long-term and therefore losses are likely to be lower than predicted.

Contaminant fluxes associated with the advection of water resulting from dredged material consolidation were estimated for a 52-ft deep UHCC using a spreadsheet based on CAP modeling results for the LHCC (Schroeder et al. 2010). The contaminant concentration associated with the sand capping material in equilibrium with the surficial dredged material pore water was calculated. Then, the thickness of the sand cap contaminated by the mass of contaminants in the expelled pore water during the initial forty years of consolidation was computed for each contaminant of concern. The CAD pit will expel water only upward for the four cell sections as the native harbor bottom sediments forming the walls of the CAD have very low porosity relative to the dredged sediment and therefore the native sediments will resist flow of pore water. The results showed that the contaminants transported from the dredged material by pore water advection and diffusion would be contained in the bottom of the cap. This is true for all sections of the cap, even in the center section, which had the largest settlement. The contaminant and sediment profiles from the end of the advection dominated period (up to 5 years when advection is greater than 10 cm/yr) were used as the initial conditions for the long-term, diffusion dominated modeling using the RECOVERY model.

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The RECOVERY model was used to compute contaminant concentrations in the cap as a function of time and to predict the time required for breakthrough of the contaminants for three of the four separate sections of the CAD cell due to differences in dredged material thickness and predicted settlement. Each section represents about one quarter of the area of the CAD cell, with the center section being 17.5% of the area and rings 1, 2 and 3 being 25%, 29%, and 28.5% of the area, respectively. The first section represents the center of the CAD cell and includes the entire part of the cell that has a level bottom. The next three sections are concentric bands around the center covering the remainder of the sloped area of the CAD cell. Each band has successively thinner dredged material thicknesses and smaller settlements. Contaminant breakthrough, as applied here, is based on a limiting contaminant flux of surficial pore water concentration that might start to pose a meaningful risk to receptors; in this case, a relative flux or concentration of 0.01% of the original flux or in-situ pore water concentration of the sediment was used to define breakthrough. The RECOVERY model showed that the most mobile of the contaminants in the cap was copper, followed by PCB Aroclors 1242, 1248 and 1254. Contaminant breakthrough through the 3-foot cap by copper at a concentration of 0.006 ppb is predicted to occur only after 820 years of diffusion. The peak concentration in copper is predicted to be 0.07% of its initial concentration (about 0.028 to 0.038 ppb) and occurs at 2200 years. Breakthrough for Aroclor 1242, a pore water concentration of 0.00137 ppb in the surficial layer of the cap, was predicted to occur only for the 5-year schedule, occurring at 6700 years, just before reaching its peak concentration of 0.00139 ppb at 7100 years. Pore water concentrations Aroclors 1248 and 1254 in the surficial layer of the cap peaked at about 17,000 and 15,000 years, respectively, with concentrations on the order of 10^{-15} and 10^{-9} ppb, and therefore did not reach the breakthrough concentrations of 0.0001 ppb PCB Aroclor 1248 and 0.00012 ppb PCB Aroclor 1254. The model shows that a stable 3-foot cap is highly effective in isolating the contaminated dredged material. Since about 14 to 16 ft of settlement is predicted for the center section of the CAD cell, there is a very large potential for at least 14 to 16 ft of burial over the life of the CAD cell. If this burial were considered in the long-term fate and transport modeling, the CAD cell would be effective for all contaminants for tens of thousands of years. In reality, the contaminant concentrations in the bioactive zone will be controlled by the deposition of surrounding contaminated materials onto the cap, and not by contaminant migration by the buried dredged material.

Conclusions

1. The proposed 570-foot by 730-foot rectangular CAD cell excavated 52 ft below the existing sediment surface is sufficient in size to hold the sediments and cap proposed for an upper harbor CAD cell and to contain the lateral spread and collapse of the dredged material discharge during placement.

2. About 2.4 ft of water will be entrained in the dredged material during placement, but all of this water along with 4 to 5 ft of pore water is predicted to be expelled from the consolidating dredged material during the five or ten years of placement.

3. An additional 5.5 to 7 ft of settlement and pore water expulsion is predicted to occur within 40 years after cap placement. Up to 9 ft of additional consolidation is expected beyond 40 years.

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4. Dredged material resuspension will occur during placement, resulting in predicted average TSS concentrations ranging from 14 to 54 mg/L for the 5-year scenario and 13 to 38 mg/L for the 10-year scenario, and both dissolved and particulate-associated contaminant release to the water column overlying the CAD cell. The TSS concentrations just below the lip of the CAD cell are predicted to be about 5 mg/L except during the last year of placement when it will increase to about an average of 40 mg/L.

5. The resuspension predictions appear to be a reasonable and conservative representation of the behavior of actual plumes observed during similar dredged material placement in a City of New Bedford CAD cell in 2009.

6. Hydrodynamic modeling yielded only low velocities in the water column above the CAD cell, typically less than 0.1 fps when enclosed in a silt curtain and less than 0.05 fps when enclosed in a sheet pile walls. The velocity is sufficiently great to exchange the water above the CAD cell, typically in three to six hours when enclosed in a silt curtain and in twelve to twenty-four hours when enclosed in a sheet pile walls.

7. The predicted velocities in the CAD cells are sufficiently low to limit mixing below the lip of the CAD cell water, mostly in the top few feet. However, higher resolution hydrodynamic modeling of the CAD cell environ performed using the 3-D EFDC model set up for sediment transport modeling showed the potential to set up a slow vertical eddy in the CAD cell. The eddy could provide slow mixing to a depth of 10 feet below the lip of the CAD cell. The upward currents in the eddy exceed the settling velocities of the suspended solids in only a small fraction of the area, over a shallow depth and only for a small fraction of the time. The extent of the area, depth and time are a function of the enclosure. With a sheet pile wall, the area is about 10%, the depth is about 3 feet, and the time is 13%, while with a silt curtain, the area is about 15%, the depth is about 6 feet, and the time is 20%. The differential velocities between settling and upflow are 0.1 mm/sec or less for the sheet pile wall enclosure and 0.5 mm/sec or less for the silt curtain enclosure. Therefore, use of silt curtains rather than a sheet pile wall would potentially cause up to ten times as much loss of suspended solids and their associated contaminants, but the loss of suspended solids is restricted to the supply of suspended solids by turbulent diffusion of the discharge plume at the bottom of the CAD cell. The difference in flow through velocity for the two enclosures would yield an increase in suspended solids supply by a factor of two to three.

8. The slow vertical eddy in the CAD cell with either enclosure was predicted to provide slow mixing to a depth of 10 feet below the lip of the CAD cell. Therefore, dissolved contaminants in the top ten feet of the CAD cell were subjected to turbulent diffusion and exchange with the water column above the lip of the CAD cell.

9. Dissolved contaminant concentrations in the CAD cell water (but not the overlying water) during filling will become approximately equal to the sediment pore water being placed in the CAD cell.

10. Short-term contaminant losses were predicted for four mechanisms: entrainment by overlying flow, displacement by placed material, post-placement turbulent diffusion, and thermal

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overturn. All four mechanisms contribute significantly to PCB losses but their relative contributions are dependent on the placement scenario.

11. PCB entrainment losses (Aroclors 1242, 1248 and 1254) for a sheet pile wall enclosure are predicted to be 5.0 kg and 6.6 kg, respectively, for 5- and 10-year schedules, while PCB losses for a silt curtain enclosure are predicted to be 14.0 kg and 18.7 kg, respectively. Copper entrainment losses for a sheet pile wall enclosure are predicted to be 28.8 kg and 31.9 kg, respectively, for 5- and 10-year schedules, while copper losses for a silt curtain enclosure are predicted to be 81.6 kg and 90.3 kg, respectively.

12. The total predicted displacement losses of PCB (Aroclors 1242, 1248 and 1254) are 12.8 kg and 11.1 kg for the five or ten years of filling schedules, respectively. For the 5-year scenario, the released PCBs are about 87% Aroclor 1242 (mass loss about 0.05% of Aroclor 1242 total mass placed), 7% Aroclor 1248 (mass loss 0.006% of Aroclor 1248 total mass placed) and 6% Aroclor 1254 (mass loss about 0.012% of Aroclor 1254 total mass placed). Similarly for the 10-year plan, released PCBs are about 86% Aroclor 1242 (mass loss about 0.04% of Aroclor 1242 total mass placed), 8% Aroclor 1248 (mass loss 0.006% of Aroclor 1248 total mass placed) and 7% Aroclor 1254 (mass loss about 0.011% of Aroclor 1254 total mass placed). About 95% of the released PCBs are predicted to be dissolved. The total predicted displacement losses of copper are 20.7 kg and 19.0 kg for the five or ten years of filling schedules, respectively. Copper displacement losses represent about 29% and 19% of the total losses from a sheet pile wall enclosed CAD cell for 5-year and 10-year placement scenarios, respectively. For a CAD cell enclosed by a silt curtain, copper displacement losses represent about 17% and 12% of the total losses for 5-year and 10-year placement scenarios, respectively.

13. Contaminant losses from the CAD cell after placement of the annual lift is driven by turbulent diffusion from the upper ten feet below the lip of the CAD cell (the top 106,600 cubic yards) to the upper exchangeable water column. Turbulent diffusion losses are insensitive to the enclosure method, but are a function of the bulk sediment contaminant concentration and the number of placement seasons. The total predicted turbulent diffusion losses of PCB (Aroclors 1242, 1248 and 1254) are 10.4 kg and 22.4 kg for the five or ten years of filling schedules, respectively. PCB turbulent diffusion losses represent about 25% of the total losses for a 5-year placement scenario and about 34% of the total losses for a 10-year placement scenario. The total predicted turbulent diffusion losses of copper are 9.2 kg and 23.1 kg for the five or ten years of filling schedules, respectively.

14. An additional potential loss of contaminants independent of the enclosure method is the exchange of CAD cell water in the fall or winter by the cold dense water diving into the CAD cell and thermally overturning the contaminated CAD cell water and subjecting the contaminated water to flow from the CAD site. However, due to the shallow depth of the overlying water column and the mixing that would occur, this mechanism is likely to limit the exchange to no more than 5 feet of water or 65,500 cubic yards in the CAD cell. The total predicted thermal overturn losses of PCB (Aroclors 1242, 1248 and 1254) are 10.2 kg and 20.2 kg for the five or ten years of filling schedules, respectively. The total predicted turbulent diffusion losses of copper are 12.6 kg and 26.6 kg for the five or ten years of filling schedules, respectively.

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15. For a sheet-pile enclosed CAD cell, the total losses based on all four processes for the 5-year dredging plan are predicted to be 38.3 kg PCB and 71.2 kg copper, which is 0.087% of the PCB and 0.044% of the copper mass being placed in the CAD cell. About 97% of the PCB losses and 86% of the copper losses are predicted to be dissolved. For the 10-year dredging schedule, the total losses are predicted to be 60.4 kg PCB (0.139% of mass placed) and 100.6 kg copper (0.062%). About 98% of the PCB and 90% of the copper mass loss is predicted to be dissolved.

16. For a silt curtain enclosed CAD cell, the total losses of PCBs are predicted to be 22% greater than the losses for a sheet pile wall enclosed CAD cell. Likewise, the total losses of copper from a silt curtain enclosed CAD cell are predicted to be 66% greater than the losses for a sheet pile wall enclosed CAD cell.

17. The predicted losses of PCBs from a 10-year disposal schedule are predicted to be 55% greater than the predicted losses from a 5-year disposal schedule, while the predicted losses of copper from a 10-year disposal schedule are predicted to be 35% greater than the predicted losses from a 5-year disposal schedule.

18. All combinations of schedules and enclosures have losses that are at least an order of magnitude smaller than typical mechanical dredging losses. The worst combination (silt curtain and 10-year schedule) has losses that are about twice as large as the best combination (sheet pile wall and 5-year schedule). The losses did not consider the potential losses from installation and removal of the enclosures.

19. After capping, the contaminants expelled from the dredged material by consolidation would be contained in the lower foot of the cap by adsorption on the capping media.

20. A stable 3-ft cap would be highly effective in isolating the contaminated dredged material. Without consideration of burial (i.e., the additional sediment deposition that will take place over time into the bowl-shaped CAD cell depression formed by consolidation after the cap is placed), copper is predicted to break through the cap in approximately 820 years, while PCB 1242 is predicted to just barely break through at 6700 years. The breakthrough PCB 1242 concentration is nearly the same as the predicted peak concentration in the cap's bioactive zone. No breakthroughs of PCB Aroclors 1248 and 1254 are predicted. Again, breakthrough, as used here, is defined as the condition when the contaminant flux or bioactive zone pore water concentration increases to levels of 0.01% of the original flux or sediment pore water contaminant concentration. With burial promoted by the estimated 14 to 16 feet of post-capping settlement, the transport of contaminants through the cap and burial material will take tens of thousands of years to achieve the breakthrough.

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Exhibit L

Silence shrouds EPA plans for Upper Harbor CAD cell in New Bedford

By ARIEL WITTENBERG
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NEW BEDFORD — The Environmental Protection Agency has taken significant steps toward developing an Upper Harbor CAD cell to be located above Coggeshall Street near Riverside Park.

The CAD cell, an alternative to sending contaminated sediments off-site, would hold some of the most contaminated sediment in the harbor, according to EPA documents obtained by the Buzzards Bay Coalition through a Freedom of Information Act request that were given to The Standard-Times.

The documents include emails dating as far back as 2006 between EPA and Army Corps of Engineers officials and a 2011 Army Corps of Engineers assessment detailing the dimensions of an Upper Harbor CAD cell that Buzzards Bay Coalition President Mark Rasmussen contended is "just short of an actual contract to build it."

Confined Aquatic Disposal (CAD) Cells are specially engineered holes to contain contaminated sediment, which have been opposed by local environmental groups who question their safety. So far, the EPA has almost exclusively publicly discussed using the technology for Superfund cleanup in the Lower Harbor. These documents outline internal planning for an Upper Harbor CAD cell by the EPA.

When asked about the documents, EPA Region 1 Administrator Curt Spalding said "There is no planning under way now for an Upper Harbor CAD cell at all." But he said the EPA will officially consider the idea in July when it plans to reopen the Record of Decision regarding harbor cleanup.

"At that time, we would talk about different ways to remedy the harbor," he said. "There has been no decision made whether an Upper Harbor CAD cell would be part of that discussion."

IN THE BEGINNING

CAD cells were first proposed in public at a meeting on Oct. 30, 2008, as a way to clean the cancer-causing polychlorinated biphenyls (PCBs) that currently render the harbor unusable for recreation and fishing. During the meeting, the EPA presented CAD cells as a way to drastically accelerate the harbor cleanup using less money than previously planned.

An EPA slideshow at that meeting showed possible locations for CAD cells with bright yellow boxes. One was located in the Lower Harbor above Pope's Island, and the other was located in the Upper Harbor between Sawyer Street and Coffin Avenue.

Since that time, all public discussions of CAD cells have centered on the Lower Harbor, with digging scheduled to begin this summer.

Environmental groups oppose the use of CAD cells for Superfund cleanup anywhere in the harbor, saying that the cells themselves will be too contaminated. They are also concerned about the risk of

humans inhaling PCBs when the PCB-contaminated sediment is exposed to air while it temporarily sits on a split-hulled barge before being dumped into the CAD cell.

"We don't know of any other site in the country that has successfully buried the concentrations of PCBs planned for the Lower Harbor," Rasmussen said.

EPA officials have maintained that a Lower Harbor CAD cell is a safe alternative to shipping contaminated material off site-to be disposed of in a landfill in Michigan, in part because it would contain only sediment with PCB levels of 50 to 190 parts per million parts sediment.

In contrast, the potential Upper Harbor CAD cell would include sediment that is 68 times more contaminated, with PCB concentrations reaching as high as 13,000 parts per million and averaging in the thousands, according to the December 2011 Army Corps of Engineers assessment.

Also according to that assessment, the Upper Harbor CAD cell would contain 15,000 more cubic yards of contaminated sediment than the Lower Harbor CAD cell.

"Basically they want to take the hottest stuff we have in the harbor — the most dangerous stuff — and bury it right next to Riverside Park," Rasmussen said.

PUBLIC KNOWLEDGE

Since the 2008 meeting in which the EPA introduced CAD cells to New Bedford, agency officials have publicly kept mum about the possibility of an Upper Harbor CAD cell.

On Oct. 24, 2008, six days prior to the first CAD cell meeting, Army Corps of Engineers Manager Robert Leitch sent an email to various Corps and EPA officials, including then-EPA Project Manager David Dickerson, detailing a conference call earlier that day.

Leitch's email describes Dickerson telling call participants that "the final CAD cell report should focus on the LHCC (Lower Harbor CAD cell) and not include any info/reference on/to the Upper Harbor CAD cell."

In the four years since the email was sent, the EPA has moved forward with research of both an Upper Harbor CAD cell and a Lower Harbor CAD cell. Emails between EPA and Army Corps of Engineers officials provided to the Standard-Times by the Buzzards Bay Coalition are dated as recently as June 4, 2010, with the Army Corps' Upper Harbor CAD assessment dated December 2011.

During its community events, the EPA has focused on the Lower Harbor plans. Asked Wednesday if he was aware of a plan for an Upper Harbor CAD cell, Mayor Jon Mitchell said he was not.

But, he said, "It is somewhat premature to be talking about specific details concerning disposal of sediments" because the EPA's settlement with contaminator AVX has not yet been approved by a federal judge.

Edwin Rivera, president of Hands Across the River, said he had not heard about an Upper Harbor CAD cell in any public meeting with the EPA. But, he said "CAD cells are absolutely unacceptable, particularly if they want to put it in front of a park."

"This isn't in front of a fish processing plant where you don't have kids playing, this is next to a park," he said. "If the mayor lets this happen, he is not advocating for the safety of this city."

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The EPA's Army Corps of Engineers assessment of a Lower Harbor CAD cell, completed in 2010, is readily available on the EPA's New Bedford Harbor website. However, the same study for the Upper Harbor CAD cell was not on the site as of 2 p.m. Thursday. That assessment was only obtained through a Freedom of Information Act request by the Buzzards Bay Coalition.

"It certainly doesn't look good"

EPA Spokesman Jim Murphy said that the Lower Harbor assessment was put online as part of the public comment period on the EPA decision to use a CAD cell in the Lower Harbor. The Upper Harbor assessment was not put online "because people have not asked for it," he said.

"Each region has restrictions on how much stuff we can put on the website. We just can't put everything up there," he said. "It's not like we are trying to hide anything, but I get that it certainly doesn't look good." He added that the Upper Harbor assessment would be uploaded shortly.

At a Sept. 21, 2012, meeting with the Standard-Times editorial board, EPA administrator Spalding denied any intent by the EPA to place a CAD cell in the Upper Harbor.

"I've seen some letters written to us with people suggesting we are going to CAD the whole thing; that is not going to happen and will not happen," he said. "It never was under consideration and nobody ever thought we were going to take these high levels of contamination that are in the upper harbor and put them in CADs."

On Thursday, Murphy clarified Spalding's September comments, saying that the Region 1 administrator "didn't know" about the assessment.

"It's not Curt's job to know about every document," he said.

On Wednesday, Spalding told The Standard-Times that the EPA has neglected to mention considerations for an Upper Harbor CAD cell because "no one was thinking about it very seriously."

"It might have been helpful to share that (the assessment) was being done, but the point of view of the team is that they weren't seriously considering it," Spalding said. "They were talking about things that they were really thinking about doing, and not things they weren't seriously thinking about."

Emails between the EPA and Army Corps of Engineers indicate that The Army Corps assessment of the Upper Harbor cost the EPA somewhere between $10,000 and $12,000.

That document, like its Lower Harbor counterpart, details not only the dimensions and PCB concentrations of the CAD cell, but also describes ways to prevent contamination while filling the CAD cell, and also calculates the percentage of PCBs that could seep out of the CAD cell over the next 40 years.

Emails between EPA and Army Corps of Engineers officials discuss the possibility of buying equipment that could be used to dig both the Upper and Lower Harbor CAD cells.

Buzzards Bay Coalition President Rasmussen said he believes the EPA's silence about an Upper Harbor CAD cell is purposeful.

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"While we were all discussing the Lower Harbor CAD cell, they were going ahead and doing this work for the Upper Harbor," Rasmussen said. "How can they hold public meetings and not even mention they are considering this? They were making a conscious decision not to talk about it."

AVX's INVOLVEMENT

Though the public was not apprised of the EPA's Upper Harbor CAD cell considerations, AVX was.

AVX is the successor to Aerovox, the party responsible for contaminating the harbor with PCBs.

In August 2008, Weldon Bosworth, the principal scientist to AVX for its independent evaluation of the EPA's harbor cleanup, wrote an email to then-EPA Project Manager Dickerson.

"Hi Dave, AVX has asked me to evaluate the likelihood and potential cost of siting a CAD in the Upper Estuary as a potential alternative to off-site disposal that you had discussed as at our last meeting," he wrote.

Dickerson responded by asking EPA scientists to forward Bosworth information about the upper harbor's geology.

Reached at his New Hampshire-based office, Bosworth said he could not comment on an Upper Harbor CAD cell until AVX's $366 million settlement to pay for the harbor's cleanup has been approved by a federal judge. "With what's going on right now relative to the settlement, I've been asked not to talk about it," he said.

In March 2011, the EPA released an Explanation of Significant Differences, which officially allowed the use of a Lower Harbor CAD cell.

During the public comment period on that document, AVX filed multiple complaints that the EPA had not gone ahead with an Upper Harbor CAD cell at the same time. The agency responded that, "EPA will continue its evaluation of an additional CAD cell, located in the Upper Harbor."

"Since this evaluation is not currently complete, while the evaluation of the Lower Harbor CAD cell is, EPA is only proceeding with the Lower Harbor CAD cell at this time," the agency responded.

WHAT DOES THIS MEAN?

Rasmussen said that he is worried about the existence of plans for an Upper Harbor CAD cell and, in particular, AVX's knowledge of those plans. Rasmussen, who said he believes that the $366 million settlement between EPA and AVX is not enough money to clean the harbor, said he fears that once the settlement is approved in federal court the EPA will change its cleanup plan to include the Upper Harbor CAD cell.

"The only way that $366 million makes sense to me is if the EPA thinks they can get away with an Upper Harbor CAD cell," Rasmussen said.

Spalding said Wednesday he could not comment "on specifics regarding the settlement" because its public comment period lasts until Dec. 17.

"What's at issue in this settlement is that we had a $15 million per year budget with no prospect for more money," he said. "We saw the opportunity to get more money and that is what we have pursued legally."

Spalding did say that in July, the EPA plans to conduct a "focus feasibility study" that would reassess the use of Confined Disposal Facilities (CDFs), which would hold contaminated sediment in bulkheads lining the banks of the Upper Harbor.

Replacing CDFs with off-site disposal of sediment was briefly considered by the EPA in 2001. In 2002, the EPA decided to use three CDFs, instead of the originally proposed four. The current remedy still includes placing 175,000 cubic yards of sediments in CDFs.

The feasibility study would look at whether the EPA should use CDFs in harbor remediation. As part of that, the EPA is required to look at alternatives to replace the CDFs, which could include an Upper Harbor CAD cell.

"We have to ask the questions about all of the alternatives because of due diligence requirements," Spalding said.

In the event that the EPA decides to change the current cleanup methods there would not necessarily be a public comment period.

If the agency decides that replacing CDFs with an Upper Harbor CAD cell constitutes "a fundamental change ... to the basic features of the remedy selected," a public comment period would be part of that process.

If the EPA decides the replacement is not a "fundamental change," it can switch the remedies using an Explanation of Significant Differences (ESD), which is described as "only a notice of change" in EPA Guidelines and does not require a public comment period.

In 2010, when the EPA used an ESD in its decision to use a CAD cell in the Lower Harbor, it included a public comment period in an effort to assuage community fears.

Spalding said that while a public comment period could be optional in changing harbor cleanup practices, "There will be a full and open conversation about what is best for the harbor and what's best for the community."

For Rasmussen, though, the EPA will have to work to regain community trust.

"The EPA often expresses shock and dismay that we don't take what they say at face value," he said. "But how does planning this CAD cell behind our back build a record of trust?"

From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 7 Exhibit M-N Email No. 9
Date:	Monday, December 17, 2012 4:54:44 PM
Attachments:	Exhibit M.pdf Exhibit N.pdf

Email No. 9 of 10
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2. Attached to this email are Exhibits M and N for Attachment 7. This concludes the Exhibits for attachment 7.

Korrin N. Petersen Esq., Senior Attorney
BUZZARDS BAY COALITION
Main - 114 Front Street, New Bedford, MA 02740
Cape - 21 Luscombe Avenue, Woods Hole, MA 02540
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Council Meeting - Minutes

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, November 8, 2012 - 7:05 p.m.

View Agenda

- - - - - - - - - - - -

PRESENT: Council President Martins, Councillors Alves, Bousquet, Coelho, Duarte, Gomes, Gonsalves, Lopes, Oliveira and Saunders.

LATE: No One.

ABSENT: Councillor Lawrence.

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Council President Martins called the meeting to order and presided.

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Reverend Dalton Said, St. Luke's Hospital Religious Ministries, led the Assembly in Prayer.

- - - - - - - - - - - -

James D. Oliveira, Councillor Ward One led the Assembly in the Pledge of Allegiance to the Flag.

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COMMUNICATION, Councillor Lawrence, to Members of the City Council, informing that he will be absent for the City Council Meeting held on Thursday, November 08, 2012, due to a business related matter.

Received and Placed on File. (#1955)

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The following resolution honoring Whaler's Cove was presented by Council President Martins.

CITY OF NEW BEDFORD

IN CITY COUNCIL

NOVEMBER 08, 2012

RESOLUTION HONORING WHALER'S COVE
ON THE OCCASION OF THEIR 10TH ANNIVERSARY

WHEREAS, Whaler's Cove, a Safe Harbor in Assisted Living, is located in New Bedford, Massachusetts, in the historical Herman L. Bishins building bordering the Acushnet River; and

WHEREAS, Whaler's Cove is comprised of one hundred and twenty spacious apartments and is one of the largest Assisted Living facilities in the area; and

WHEREAS, Since its inception in 2002, Whaler's Cove has flourished to become a well-known and reliable option for Seniors and their families to turn to when seeking additional care, its direct resident care is first-rate and unmatched on the Southcoast; and

WHEREAS, In addition to the traditional private paying residents, Whaler's Cove assists many economically disadvantaged Seniors by providing the Group Adult Foster Care Program to those who qualify; and

WHEREAS, Ms. Maureen Costa, Executive Director for Whaler's Cove has been a strong advocate for the Veteran's Aid and Attendance Program, which assist Veterans and surviving spouses in receiving the help they need in an Assisted Living Facility; and

WHEREAS, Whaler's Cove employs the highest standard of healthcare professionals to tend to its residents and a large number of the staff is bilingual, helping to eliminate the language barriers between residents and their providers, and the facility's staff to resident ratio is one of the highest in the State; and

WHEREAS, Whaler's Cove has ties to several local vendors who help supply services and products for the betterment of the residents and is well-known to area hospitals and rehabilitation facilities as a safe harbor for those in need of additional oversight, but not yet ready for long-term care; and

WHEREAS, Whaler's Cove prides itself on promoting independence among residents who are capable and for providing support and caring attention to those who may require a little extra assistance; and

WHEREAS, In recognition of these efforts, Whaler's Cove has been the recipient of the 2003 Preservation Award from the Massachusetts Historical Commission, the New Bedford Preservation Society Elm Award and the Sara R. Delano Preservation Award:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby congratulates and commends **WHALER'S COVE ON THE OCCASION OF THEIR 10TH ANNIVERSARY,** thanks them for a decade of work on behalf of the Seniors of our area and wishes them continued success in the future.

Adopted. (#1956)

HEARING, on NSTAR ELECTRIC COMPANY, for location of two (2) 4" Conduits in ACUSHNET AVENUE, South of Harwich Street.

Donna Rosa-Gonsalves, Right of Way Representative of NSTAR Electric was present and in favor and answered questions.

No One Opposed; Hearing closed.

Petition Placed on File. (#1957)

ORDER,

Adopted and ordered recorded in Book of Location Order Records and Rule 40 Waived – Yeas 10, Nays 0.

Presented to the Mayor for approval November 09, 2012.

Approved November 09, 2012. (#1958)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a request from the Department of Public Infrastructure that the vacant land denoted as Parcels "C", "D", and "F" located off of E. Chipaway Road, Freetown, MA be declared as surplus City property.

Referred to the Committee on City Property. (#1959)

ORDER,

Referred to the Committee on City Property. (#1960)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for CATHERINE VERDADEIRO, Fall River, MA, as an ADMINISTRATIVE SPECIALIST with the Department of Community Services.

One-Year Waiver of Residency Granted – Yeas 10, Nays 0.

Presented to the Mayor for approval November 13, 2012.

Approved November 20, 2012. (#1961)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of CARLOS A. DACUNHA, New Bedford, MA 02744, to the AIRPORT COMMISSION, replacing Pamela Bourgault, whose term has expired; this term will expire December 2014.

Referred to the Committee on Appointments and Briefings. (#1962)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ESPERANZA ALEJANDRO-BERUBE, New Bedford, MA 02744, to the COUNCIL ON AGING, replacing Maria Hernandez, who has resigned; this term will expire December 2013.

Rule 38 Waived and Appointment Confirmed – Yeas 10, Nays 0.

Rule 40 Waived – Yeas 10, Nays 0. (#1963)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of COREY PACHECO, New Bedford, MA 02740, to the HISTORICAL COMMISSION, replacing Derek Santos, who has resigned; this term will expire February 2013.

Referred to the Committee on Appointments and Briefings. (#1964)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of BRANDON CABRAL, New Bedford, MA, as a SPECIAL POLICE OFFICER.

Received and Placed on File. (#1965)

APPLICATION, BRANDON CABRAL, New Bedford, MA, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#1966)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of KEVIN LAVOIE, Swansea, MA, as a SPECIAL POLICE OFFICER.

Received and Placed on File. (#1967)

APPLICATION, KEVIN LAVOIE, Swansea, MA, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#1968)

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WRITTEN MOTION, Council President Martins, requesting that the City Council Waive City Council Rule 38 and CONFIRM the REAPPOINTMENT of DENNIS W. FARIAS, 1092 Pelletier Street, New Bedford, MA 02745, as CLERK OF THE COMMITTEES for a ONE-YEAR TERM to expire APRIL 2013.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0.

(#1969)

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WRITTEN MOTION, Councillor Gomes, on behalf of Dr. Patricia Andrade, requesting she be allowed to appear before the Board of Park Commissioners for approval to plant two (2) trees at Buttonwood Park in memory of her mother, Isabel Andrade, along with a memorial plaque; and further, that all fees accompany this project will be paid by Dr. Andrade. (To be Referred to the Board of Park Commissioners.)

Adopted.

Presented to the Mayor for approval November 13, 2012.

Approved November 20, 2012. (#1970)

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WRITTEN MOTION, Councillor Duarte, requesting, on behalf of The Santa Sightings Fun Run/Geoffrey Smith, that the following street(s) be CLOSED: PLEASANT STREET AT CITY HALL, North to Octopus/Route 6 intersection proceeding along Purchase Street toward Clasky Common Park/left on Pope Street to County Street/left on County Street, left on Pearl Street/right at Purchase Street heading towards the Octopus/right onto Kempton Street to the intersection of County Street, left on County Street to School Street/left on South Water Street to North Water Street/ left on Elm Street, right on Acushnet Avenue/left on Middle Street, left on Pleasant Street, returning to CITY HALL, ON SATURDAY, DECEMBER 08, 2012, FROM 6:00 A.M. TO 3:00 P.M., for the purpose of The Santa Sightings 5K Road Race.

Permission Granted.

Presented to the Mayor for approval November 13, 2012.

Approved November 21, 2012. (#1971)

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WRITTEN MOTION, Councillor Duarte, requesting, on behalf of the Zeiterion Theatre, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Spring Street, ON SATURDAY, NOVEMBER 10, 2012, from 4:00 P.M. TO 11:00 P.M., for the purpose of an Antique Car Show for the Performance of Doo Wop being shown at the Zeiterion Theatre.

Permission Granted.

Presented to the Mayor for approval November 13, 2012.

Approved November 21, 2012. (#1972)

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WRITTEN MOTION, Councillor Duarte, requesting, on behalf of Downtown New Bedford Inc., that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to Elm Street; MARKET STREET, from North Sixth Street to Pleasant Street; WILLIAM STREET, from North Sixth Street to Water Street and WATER

STREET, from Union Street to Elm Street, ON SATURDAY, DECEMBER 01, 2012, FROM 4:00 P.M. TO 6:00 P.M., for the purpose of The Downtown Christmas Tree Lighting.

Permission Granted.

Presented to the Mayor for approval November 13, 2012.

Approved November 21, 2012. (#1973)

WRITTEN MOTION, Councillors Gonsalves, Oliveira, Lopes, Alves, Council President Martins, Councillors Bousquet, Lawrence, *and Gomes,* requesting that the City Council thank the DPF Staff and DPF Assistant Superintendent Richard Correira, */ and Donald Rex, Rex Monumental Works, Inc.* for removal of the graffiti that was on the Holocaust Memorial located at Buttonwood Park; and further requesting, that the ~~City Council~~ *DPF Assistant Superintendent Richard Correira* meet with interested parties for information on removal of the remaining stains on the Holocaust Memorial.

Adopted.

Presented to the Mayor for approval November 13, 2012.

RETURNED UNSIGNED November 30, 2012. (#1974)

RELATED MOTION, Councillors Gomes, Bousquet, Council President Martins, Councillors Alves, Coelho, Duarte, Gonsalves, Lopes, Oliveira and Saunders, requesting, that ONCE MORE, the City Council ask our State Delegation to review the laws regarding the defacing of monuments and gravestones across the Commonwealth; and further, requesting that our State Delegation impose stiffer penalties for those who commit these types of crimes.

Adopted. (#1975)

WRITTEN MOTION, Councillor Alves, requesting that the Department of Inspectional Services, investigate and monitor the noise complaint made by residents around the McDonald's Restaurant on the corner of Elm and County Streets, said noise is made by early morning delivery trucks to the McDonald's Restaurant prior to the authorized City Ordinance time limits and that the disturbance made by the delivery trucks are presenting a problem to neighbors and residents in the area prior to the appropriate time allowed; and further, requesting that the Department of Inspectional Services notify the facility of the violation and report back to this City Councillor as to the action taken within 30 days so that residents can be notified of said action taken.

Referred to the Department of Inspectional Services.

Presented to the Mayor for approval November 13, 2012.

RETURNED UNSIGNED November 30, 2012. (#1976)

WRITTEN MOTION, Councillor Alves, *Council President Martins, Councillors Saunders and Coelho,* in light of the local reality that there is a Citywide need for additional fields in the City of New Bedford on which local residents, both youth and adult can play soccer, requesting that the City Council ask that the Administration work with the City's Environmental personnel and the Federal EPA personnel to see if the City can cover a portion of the recently blacktopped

former AVX site on Belleville Avenue with approximately 6 to 8 inches of soil to develop and use the area, for 2 or 3 community soccer fields and parking area; *and further, requesting that as we look for additional fields that the EPA, Harbor Trustee Council and Community Development consider two fields that are artificial turf.*

Referred to the Mayor, E.P.A., Environmental Stewardship, Harbor Trustee Council and Community Development.

Presented to the Mayor for approval November 13, 2012.

RETURNED UNSIGNED November 30, 2012. (#1977)

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RELATED MOTION, Councillor Saunders, requesting that the Special Committee on Soccer Fields address the maintenance issues at the Riverside Park Soccer Field.

Adopted. (#1978)

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WRITTEN MOTION, Councillor Alves, requesting on behalf of the residents on Norfolk Street that the Department of Public Facilities evaluate the current dark and potentially dangerous environment at night in the residential area and that they look to install another light pole in the area to enhance the visibility and insure the safety for the residents in the area.

Adopted.

Presented to the Mayor for approval November 13, 2012.

RETURNED UNSIGNED November 30, 2012. (#1979)

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WRITTEN MOTION, Councillors Duarte and Alves, requesting, that the Traffic Commission consider the installation of a "NO PARKING" Sign at the Boa Vista Apartments on 134 South Second Street; and further, that Police patrolling the area pay close attention and issue Citations to any vehicle parked at the crosswalk in front of the Boa Vista Apartments.

Adopted.

Presented to the Mayor for approval November 13, 2012.

RETURNED UNSIGNED November 30, 2012. (#1980)

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WRITTEN MOTION, Council President Martins, requesting, on behalf of Mr. David Macedo, President, Club Madeirense S.S. Sacramento, that Plot 105/Lot 80 (64 Tinkham Street), New Bedford, MA, be REZONED from RESIDENCE "C" to "MIXED USE BUSINESS". (To be Referred to the Committee on Ordinances and the Planning Board.)

Referred to the Committee on Ordinances and the Planning Board. (#1981)

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WRITTEN MOTION, Councillor Duarte, requesting, that Scott Downing, Executive Director, Traffic Commission, come before the Committee on Appointments and Briefings to discuss and update the Committee on the

progress that has or has not been made relative to Downtown parking issues since the previous meeting held earlier in the year.

Referred to the Committee on Appointments and Briefings and the Traffic Commission.

(#1982)

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RELATED MOTION, Councillor Lopes, requesting that the City reinstitute Validated Parking, if a customer buys something in the Downtown Area, that they get their parking stub validated for free parking, if using the Zeiterion Parking Lot or Elm Street garage, as a way for people to use the parking garages again.

Referred to the Committee on Appointments and Briefings and the Traffic Commission.

(#1983)

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WRITTEN MOTION, Councillors Lopes, Lawrence, Oliveira, Alves, Coelho, Gonsalves, Council President Martins, Councillors Gomes and Duarte, requesting, that the New Bedford City Council go on record ONCE AGAIN, in opposition to the use of CAD cells to dispose of PCBs in our Harbor and that the EPA continue to work with AVX Corporation for the necessary funds to fully remove PCB sediments through the dredging process; and further, requesting that the City Solicitor provide this Council with any steps that may be taken to prevent the movement of CAD cells placement in the Upper Harbor.

Adopted – Yeas 9, Nays 1. (Councillor Bousquet OPPOSED.) (#1984)

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WRITTEN MOTION, Councillor Gomes, Council President Martins, Councillors Coelho, Gonsalves, Lopes, Duarte and Bousquet, requesting, that letters be sent on behalf of St. John the Baptist Parish, located on County Street, asking that Bishop Coleman, Diocese of Fall River reverse his decision to close St. John the Baptist Parish and re-open the Church, giving the parishioners of that Church, which is the oldest Portuguese-American Church in the United States the opportunity to continue the good work that they have done in raising money to keep the Church open and make necessary repairs; and further, that this request be made to Dr. Miguel Humberto Diaz, U. S. Ambassador to the Holy See, His Excellency Archbishop Carlo Maria Vigano, the Papal Nuncio to the United States, Bishop Coleman, Diocese of Fall River and Pope Benedict the XVI, along with the Vatican, in an effort to reverse the decision of the closing of St. John the Baptist Parish and give the Parishioners the opportunity to raise funds to re-open St. John the Baptist Parish and to continue to support the Portuguese community and the community at large, the historical value of this Church means a great deal to the City of New Bedford and to the people of the Portuguese community; and further, requesting, that Members of the City Council meet with Bishop Coleman to discuss a reversal of the decision of the closing of St. John the Baptist Parish and bring a resolution to this matter; and further, requesting, that a plea be made to Pope Benedict the XVI regarding the closing of this historic Church.

Adopted and Rule 40 Waived – Yeas 10, Nays 0. (#1985)

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COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting copies of the Acceptance Plan, Metes and Bounds, Recommendation of Acceptance and Request to Take Land and Award of Damages for

TABITHA LANE. (Copies of all paperwork including maps provided to all Councillors 11/01/2012 – To be Received and Placed on File.)

Received and Placed on File. (#1986)

COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting RECOMMENDATION OF ACCEPTANCE, for the **LAYOUT AND ACCEPTANCE of TABITHA LANE, 50 feet wide, from Peckham Street 234.14 feet northerly to Coggeshall Street**; reporting that owner(s) New Bedford Housing Authority have conformed to all Rules & Regulations as required by City Code, Section 22-35, relative to the acceptance of new streets.

Received and Placed on File. (#1987)

COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting REQUEST TO TAKE LAND, for the **LAYOUT AND ACCEPTANCE of TABITHA LANE, 50 feet wide, from Peckham Street 234.14 feet northerly to Coggeshall Street** for easement or fee for highway purposes in land belonging to New Bedford Housing Authority, in accordance with City Code, Section 22-35.

Received and Placed on File. (#1988)

COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting AWARD OF DAMAGES, for the **LAYOUT AND ACCEPTANCE of TABITHA LANE, 50 feet wide, from Peckham Street 234.14 feet northerly to Coggeshall Street** to the owners (New Bedford Housing Authority) because the remainder has appreciated in value as a result of the layout to an amount which exceeds the value of the land dedicated and taken.

Received and Placed on File. (#1989)

COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting **METES AND BOUNDS** for the **LAYOUT AND ACCEPTANCE of TABITHA LANE, 50 feet wide, from Peckham Street 234.14 feet northerly to Coggeshall Street.** (Map Included.)

Received and Placed on File. (#1990)

CITY OF NEW BEDFORD

IN CITY COUNCIL

NOVEMBER 08, 2012

WHEREAS, This City Council has received a request from New Bedford Housing Authority, for the taking of required land for the layout and acceptance of contemplated TABITHA LANE, 50 feet wide, from Peckham Street 234.14 feet northerly to Coggeshall Street.

ORDERED, That due notice be given to NEW BEDFORD HOUSING AUTHORITY, owner of land included in the taking and to all other persons who may be interested, that the City Council will hold a public hearing on said layout and acceptance in City Council Chambers, on Second Floor of City Hall, on TUESDAY, NOVEMBER 20, 2012 at 7:00 P.M.

Adopted. (#1991)

EXHIBIT N

EPA/ESD/R10-04/710
2004

EPA Superfund
Explanation of Significant Differences:

PUGET SOUND NAVAL SHIPYARD COMPLEX
EPA ID: WA2170023418
OU 02
BREMERTON, WA
02/19/2004

EXPLANATION OF SIGNIFICANT DIFFERENCES
BREMERTON NAVAL COMPLEX
OPERABLE UNIT B MARINE

February 2004

SUPP-CD-PUBCOM000832

EXPLANATION OF SIGNIFICANT DIFFERENCES
BREMERTON NAVAL COMPLEX
OPERABLE UNIT B MARINE

I. INTRODUCTION

A. Purpose

The Record of Decision (ROD) for Bremerton Naval Complex (BNC) Operable Unit (OU) B Marine was signed June 13, 2000. The selected remedy for the cleanup of marine sediments included a combination of dredging with disposal in a Confined Aquatic Disposal (CAD) pit, capping, enhanced natural recovery, monitored natural recovery and institutional controls. The purpose of this Explanation of Significant Differences (ESD) is to:

(1) identify a change in the boundary of OU B Marine to address additional sediment cleanup areas,
(2) modify action levels for the response action on Washington State Owned Aquatic Lands (SOAL) adjacent to the Navy's CAD pit, and
(3) address institutional control requirements on SOAL.

This ESD will not change any of the remedial action objectives stated in the ROD.

B. Lead and Support Agencies

Department of the Navy (Navy) – Lead Agency

U.S. Environmental Protection Agency (EPA) – Regulatory oversight agency

Washington State Department of Ecology (Ecology) –Regulatory oversight agency

C. Statutory Authority

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 117(c) and National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Section 300.435(c)(2)(i).

II. BACKGROUND

A. Site Name, Location, and History

The BNC is located in the City of Bremerton, in Kitsap County, Washington. The Complex includes the Puget Sound Naval Shipyard (PSNS) and Naval Station Bremerton (NSB). The Navy controls a total of 1,350 acres of property located along the shoreline and approximately 230 acres of subtidal land within Sinclair Inlet, an arm of Puget Sound. The primary role of NSB is to serve as a deep draft home-port for aircraft carriers and supply ships. The primary role of PSNS is to provide overhaul, maintenance, conversion, refueling, defueling, and repair services to the naval fleet.

The BNC was proposed for inclusion on the National Priorities List (NPL) on May 10, 1993, and formally listed on May 31, 1994. The BNC has been assigned the facility identification number WA2170023418. BNC is divided into operable units, OU A, OU B, OU C, OU D and OU NSC. Decision documents are complete for OU A and OU NSC and the remedy is in place for these OUs. OU C is a petroleum site managed under the state cleanup program. A separate decision document will be completed for OU D.

The OU B Remedial Investigation (RI) was initiated to address both the marine and terrestrial portions of the OU. The Navy, EPA, and Ecology agreed to accelerate the cleanup of the marine portion of OU B to seize the opportunity to coordinate cleanup with a planned navigational dredging project. The OU B Marine ROD was completed as an early action ROD to address cleanup of marine sediment within OU B.

SUPP-CD-PUBCOM000833

The OU B Marine Proposed Plan was issued on March 13, 2000 and the OU B Marine ROD was signed on June 13, 2000. The ROD for the terrestrial portion of OU B, OU B Terrestrial, is pending signature.

B. Relevant Elements of the OU B Marine ROD

OU B Marine Boundary

OU B Marine includes approximately 230 acres of subtidal land within Sinclair Inlet and extends up to 1,500 feet offshore of the terrestrial portions of the BNC to depths of approximately 40 feet below mean lower low water (MLLW). OU B Marine, as described in the ROD, is bounded to the north by the Sinclair Inlet shoreline and is bounded to the south by the Navy property line as shown in Figure 1.

OU B Marine Remedial Action Objectives

The OU B Marine ROD established the following remedial action objectives for the OU:

- Reduce the concentration of polychlorinated biphenyls (PCBs) in sediments to below the minimum cleanup level of 3 mg/kg OC in the biologically active zone (0- to 10-cm depth) within OU B Marine, as a measure expected to reduce PCB concentrations in fish tissue
- Control shoreline erosion of contaminated fill material at Site 1
- Selectively remove sediment with high concentrations of mercury collocated with PCBs

Marine Sediment Response Actions and Action Levels

The ROD established action levels to define areas of sediment for active remediation and to develop remedial action alternatives. They were developed based on relative risk reduction, consistency with action levels for other regional marine sediment cleanups, implementability, and cost-effectiveness. The sediment action level triggered a particular response action. The ROD action levels for OU B Marine sediments are summarized in Table 1.

Table 1: Action Levels for OU B Marine Sediments

Chemical of Concern	Response Action[a]	Action Level[b]	Basis of Determination
PCBs	Dredging and disposal or in situ capping	>12 mg/kg OC PCBs	Relative risk reduction Sediment quality standard
PCBs	Enhanced natural recovery	>6 mg/kg OC PCBs	Resource agency concern and Relative risk reduction
Mercury	Dredging and disposal	>6 mg/kg OC PCBs and >3 mg/kg mercury	Resource agency concern and Practicability

[a] Exceptions are noted in the OU B Marine ROD, Section 10.
[b] Action levels based on composite samples
Notes: mg/kg OC - milligram per kilogram organic carbon
PCB - polychlorinated biphenyl

Though a wide variety of marine studies completed during the RI indicate little or no ecological or human health risk from mercury, additional information available at the time of the OU B Marine ROD suggested that mercury concentrations could have an impact on human health. Mercury sediment concentrations did not trigger remedial action; however, remedial action levels were adjusted to include coincidental removal of mercury with PCBs.

Selected Remedy Components

The selected remedy for OU B Marine included the following components:

- Dredge and dispose in on-site excavated CAD pit approximately 200,000 cubic yards (cy) of sediment containing PCBs from an area of approximately 32 acres. Cap CAD pit with a 1-foot sand cap followed by a 2-foot native sediment cap.

SUPP-CD-PUBCOM000834

- Place clean sediment over approximately 13 acres in a combination of thick-layer sediment cap (3-feet of material) and enhanced natural recovery (20 cm of material).
- Shoreline stabilization in areas at Site 1 to minimize the potential for erosion of contaminated fill material into the marine environment.
- Monitoring of marine tissue and sediments to document progress toward and attainment of the cleanup goals.
- Implementation of land-use restrictions by the Navy to maintain the integrity of the CAD pit and the shoreline stabilization measures.

C. Construction of the CAD Pit and Related Monitoring Results

The CAD pit was created on Navy property with the southwestern edge on the border between Navy property and SOAL. Removed sediment from the creation of the pit was stockpiled adjacent to the CAD for use as final capping material. Following construction of the CAD pit, dredged contaminated sediment was placed in 1,500-cy capacity split-hull bottom-dump barges, towed to the CAD pit by tugboat, positioned over the CAD pit, and released through the hydraulically powered split-hull. A total of approximately 400,000 cy of dredged sediment, including both CERCLA and unsuitable navigational dredging sediments, were placed inside the CAD pit.

After placement of a nominal 1-foot-thick imported sand cap on the CAD pit and prior to placement of the final sediment cap, sediment samples were collected approximately 20 feet from the perimeter of the CAD pit and the results were compared to pre-construction sediment samples. The data indicated elevated concentrations of PCBs and mercury in the sediment beyond the CAD pit boundary on Navy property and SOAL compared to the baseline samples. The Navy notified the Washington State Department of Natural Resources (DNR), the manager of SOAL, and the Suquamish Tribe of the impact to non-Navy property.

Over the next several months, additional samples were collected at points approximately 50, 95, 100, 125, 155, 200, and 300 feet from the perimeter of the CAD pit in order to delineate the extent of the elevated levels of PCB and mercury concentrations outside the CAD pit boundary. The PCB concentrations of the sediment ranged from <2 mg/kg OC to 40.7 mg/kg OC and mercury concentrations ranged from 0.5 to 3.3 mg/kg. To address the contamination beyond the CAD pit boundary on Navy property, the Navy extended the CAD cap by placing approximately 2-feet of clean sediment up to 100 feet from the CAD pit boundary on the three sides of the CAD pit (Figure 2). The CAD pit remedial design originally included a 20-foot buffer zone around the pit boundary. Extending this buffer zone to 100 feet was determined an acceptable response action consistent with the remedial design. The placed material was from stockpiled material excavated from the CAD pit. No action was taken for the SOAL bordering the CAD pit, pending further study. DNR requested additional evaluation and characterization of the material prior to remedial decisions being made on SOAL.

Further evaluation of collected data was completed to determine if the source of the contamination outside the CAD pit could be identified. There had been no deviations from the approved work plan and water quality protocols. EPA conducted a Sediment Profile Imaging (SPI) study radiating out from the CAD pit boundary to determine the lateral extent of sediment deposition beyond the CAD pit boundary on SOAL. The study confirmed that recently deposited sediment existed beyond the CAD pit footprint and extended up to 600 feet on SOAL from the edge of the CAD pit (Figure 2). The area of impacted sediment on SOAL is approximately 13.2 acres. Based on discussions with the SPI contractor, the likely cause for the deposition beyond the CAD pit boundary was the instantaneous movement of material along the mudline surface, a "wave" of turbid material originating from the deposited material as it made contact with the bottom of the pit. The SPI data indicated several layers of deposition; however, SPI cannot differentiate between contaminated or clean material.

The Navy, EPA and Ecology developed a detailed sampling analysis plan to identify the extent of contamination within the deposited material and support subsequent remedial action decisions for SOAL. DNR and the Suquamish Tribe participated in the development of the plan. A total of 31 discrete sample locations were identified in the impacted area. The discrete sampling strategy, as opposed to the composite

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strategy used during development of the OU B Marine action levels, provides greater resolution and allows spatial evaluation of the data. Samples were collected in September 2003.

Results of the sampling on the SOAL indicated that total PCB concentrations ranged from undetected to 17.3 mg/kg OC and mercury concentrations ranged from 0.29 mg/kg dry weight to 2.2 mg/kg dry weight. Spatial interpolation of the PCB organic carbon normalized data was conducted using two-dimensional spherical kriging to estimate PCB concentrations and develop contour lines. Contour lines were drawn for PCB concentrations of 12 mg/kg OC, 9 mg/kg OC and 6 mg/kg OC. The contours are included in Figure 3. Based on these results, it appears that previous placement of the clean sediment cap on and around the CAD pit on Navy property served to significantly lower the concentrations immediately adjacent to the CAD pit on SOAL. The results indicated that coincidental remediation of sediments on SOAL occurred at approximately 120 to 210 feet beyond the perimeter of the CAD pit. This conclusion was drawn based on a comparison of the SOAL characterization results to results obtained prior to placement of clean sediment on and around the CAD pit on Navy property.

Based on the contour lines, the area with PCB concentrations greater than or equal to 12 mg/kg OC equates to 12 percent of the total SOAL impacted area. The area with PCB concentrations greater than or equal to 9 mg/kg OC equates to 29 percent of the total area, and for concentrations greater than or equal to 6 mg/kg OC, the area is 51 percent.

III. Description of Significant Differences

The remedial construction for OU B Marine resulted in the unplanned release of contaminated material on to SOAL. The Navy has completed characterization of the impacted area, evaluated the potential response actions, and selected a response action to address the contaminated material. The significant changes from the OU B Marine ROD are identified in the subsections below.

OU B Marine Boundary

The boundary of OU B Marine is extended to include the area of impacted sediment on SOAL. The revised boundary of OU B Marine in the area of the CAD pit is depicted in Figure 3.

OU B Marine Remedial Action Objectives

This ESD does not change the established remedial action objectives for OU B Marine.

Response Actions and Action Levels

The Navy is adjusting the action levels for the SOAL portion of the OU B Marine ROD to address sediment contamination. The action level for SOAL marine sediments is summarized in Table 2.

Table 2: Action Levels for SOAL Marine Sediments

Chemical of Concern	Response Action	Action Level	Basis of Determination
PCBs	Enhanced natural recovery	≥9 mg/kg OC PCBs	Relative risk reduction, implementability, and cost

As indicated in Table 1, the OUB Marine ROD required dredging or thick-layer capping for PCBs greater than 12 mg/kg OC. For this action, dredging was eliminated as a response action where concentrations exceed 12 mg/kg OC because the deposited sediments are surficial and dredging of less than 2 feet of contaminated sediments is not a cost effective means of risk reduction. This is due to the fact that the volume of material actually requiring removal is substantially less than what would be dredged and the costs associated with dredging and disposal of the non-impacted material would be substantial and disproportionate to the benefit gained from removal of the surficial material. Thick-layer capping was also eliminated as a response action because this area falls within the no-capping boundary defined in the OU B Marine ROD. Therefore, enhanced natural recovery (i.e., placement of 1-foot of clean material) was selected as the appropriate response action for sediments on SOAL with PCB concentrations greater than 12 mg/kg OC.

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The OU B Marine ROD also required enhanced natural recovery if PCBs were greater than 6 mg/kg OC. For this action, areas with sediment PCB concentrations greater than or equal to 9 mg/kg OC will be remediated using enhanced natural recovery. Areas with sediment PCB concentrations between 6 and 9 mg/kg will not be specifically targeted because:

- Placement of 1-foot of clean material in the areas with PCB concentrations greater than or equal to 9 mg/kg OC is anticipated to coincidentally remediate areas greater than 6 mg/kg OC. (The SOAL characterization documented coincidental remediation of sediment on SOAL between 120 and 210 feet beyond the perimeter of the CAD pit. The approximate distance between the 6 and 9 mg/kg OC contour lines range from approximately 30 to 120 feet).

- A portion of the impacted area has already been successfully capped by incidental coverage from the CAD capping activities.

- The revised action levels are based on discrete sample data. The discrete sampling strategy generally provides a more conservative determination of action when compared to action levels generated based on composite sampling.

- Following the remedial action, the SOAL is expected to meet the overall area-weighted average ROD OU B Marine cleanup level of 3 mg/kg OC for sediments.

This action applies only to SOAL. As noted in above, the Navy completed a response action to address contamination on Navy property as a result of CAD filling activities.

Remedy Components
The response action selected to address contaminated sediment on SOAL includes:

- Placement of 1-foot of clean material (enhanced natural recovery) in areas with sediment PCB concentrations of 9 mg/kg OC or greater.

- Clean material will come from undredged navigational turning basins that were previously characterized and approved for open-water disposal by the Dredged Material Management Office (DMMO). This material was beneficially used as capping material on the CAD pit. Figure 4 shows the proposed Dredged Material Management Units (DMMUs) that will be dredged to provide the sediment to complete the enhanced natural recovery. The turning basins are considered "on-site" in accordance with the "on-site" definition of NCP Section 300.5. The turning basins are immediately adjacent to OU B Marine and less than 1/3 of a mile from the impacted SOAL and meet the requirements of the definition to be "in very close proximity to the contamination" and "necessary for implementation of the response action."

- Verification of sediment placement through performance of pre- and post-bathymetric surveys on the impacted area on SOAL. Dredged volume calculations will also be performed to verify placement of 1-foot of material.

- Monitoring through the OU B Marine Monitoring program. As part of OU B Marine, contaminant concentrations in the SOAL impact area are included in the OU B Marine area-weighted average calculations to determined attainment of the established cleanup goal.

No land use restrictions will be required on the SOAL portion of OU B Marine. This ESD does not change the ROD specified land use restrictions.

DNR and the Suquamish Tribe support this remedial action. Both agencies have been closely involved in the design, review and analysis of the data.

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Expected Outcomes
Completion of the remedial construction using the revised action levels will effectively reduce the concentration of contaminants on SOAL consistent with the post-remedial construction goal for OU B Marine. Combined with the remedial construction activities, natural recovery is expected to reduce the OU B Marine area-weighted average PCB concentrations to below the minimum cleanup level within 10 years. This action is not anticipated to impact the 10-year natural recovery window. The 10-year natural recovery window, however, does not commence until completion of remedial construction and this response action. The total time to meet the clean up goal is therefore extended.

Remedy Costs
Construction of the remedial components identified in this ESD is estimated to cost $879,000.

IV. SUPPORT AGENCY COMMENTS

Ecology supports this remedial action.

V. AFFIRMATION OF THE STATUTORY DETERMINATION

Since the remedy selected in this ESD will meet the remedial action objectives for OU B Marine, this selected remedy is protective of human health and the environment; complies with Federal, State and Tribal requirements that are applicable, or relevant and appropriate to this remedial action as identified in the ROD; and is cost-effective. This remedy utilizes permanent solutions and alternative treatment technologies to the maximum extent practicable for this site. However, because treatment was not found to be practicable, this remedy does not satisfy the statutory preference for treatment as a principle element. Consistent with the OU B Marine ROD, since the remedy will result in hazardous substances remaining onsite above health-based levels, a review will be conducted within five years after commencement of the remedial action to ensure that the remedy continues to provide adequate protection of human health and the environment.

VI. PUBLIC PARTICIPATION ACTIVITIES

A public notification on the availability of this ESD will be published in the local newspaper in accordance with NCP Section 300.435(c)2(i).

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From:	Korrin Petersen
To:	ENRD, PUBCOMMENT-EES (ENRD)
Subject:	Buzzards Bay Coalition Comments United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2 Attachment 8 Email No. 10
Date:	Monday, December 17, 2012 4:54:48 PM
Attachments:	Attachment 8.pdf

Email No. 10 of 10
Buzzards Bay Coalition Comments on United States and Massachusetts v. AVX Corporation, D.J. Ref. No. 90-11-2-32/2.
Attached to this email is Attachment 8 and is the final email attachment in the Coalition's submission.

Thank you.
Korrin

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA and
STATE OF WISCONSIN,

Plaintiffs,

v. Case No. 10-C-910

NCR CORP. and
APPLETON PAPERS INC. et al.,

Defendant.

DECISION AND ORDER ON THE PROPRIETY OF THE REMEDY

In this CERCLA enforcement action, the United States and State of Wisconsin have moved for summary judgment on the question of the propriety of the remedy they imposed in a Unilateral Administrative Order issued with respect to the Lower Fox River Superfund site. This Court has already ruled that the administrative record pertaining to the remedy is sufficient to allow the deferential review required by statute. Although other rulings have found that limited additional trial testimony could be relevant, I am persuaded that summary judgment in favor of the Plaintiffs is appropriate at this time. Accordingly, the Plaintiffs' motion for summary judgment will be granted. The Defendants have also filed motions for summary judgment; these will be denied.[1]

[1] Several of the documents referred to herein have several page numbers and/or Bates stamp numbers on them. Where possible, citations in this opinion are to the ECF page number added by the Court's computer system.

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I. Background

As recounted elsewhere, the Lower Fox River Site has been the subject of intense governmental scrutiny since it was revealed that significant quantities of sediment containing PCBs exist in the riverbed in both Little Lake Butte des Morts and in the Fox River itself. Because PCBs are now known to cause significant health problems for those who are exposed to the water or who eat fish caught in the river, the Site has been selected for remediation; a herculean and expensive cleanup effort has been underway for several years.

A companion case has focused on a struggle between the various potentially responsible parties ("PRPs") over which of them should bear the brunt of the cost of cleaning up the River. By contrast, this case is not about money so much as it is about action: here, the United States and the State of Wisconsin have sought to enforce the selected remedy against the PRPs.

The remedy—a combination of dredging and capping the riverbed—was selected as the result of a partnership between the Environmental Protection Agency and the Wisconsin Department of Natural Resources ("WDNR"), which was designated as the lead agency in developing the remedial project. The WDNR began investigating the Site in 1998. During its Remedial Investigation, the WDNR noted (among many other things) that the risks to human health relating to PCB's arising out of the consumption of fish were greater than the acceptable levels (despite the fact that eating fish has other health benefits). (ECF No. 507-2 at 5-6.) An extensive feasibility study considered all of the conceivable options. These included everything from "no action" and active monitoring to dredging and capping. (ECF No. 507-5 and 6.) Each alternative was assessed based on a number of criteria, which included key considerations such as effectiveness, feasibility, and cost. The agencies did not rely exclusively on paper analyses,

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however: they also undertook two studies of the River and removed some 88,000 cubic yards of sediment to determine whether the sediment could be dredged safely.

In addition to the feasibility and health studies, the governments also created models of what they call "fate and transport" of PCBs within the river system. In brief, the PCBs were introduced into the river in a number of different locations, and the vicissitudes of the River's current, dams, weather, and proximity to release sites all played (and continue to play) a role in where the PCBs ultimately ended up. The governments' models were used in an effort to establish how the PCBs were transported throughout the river and Green Bay. The result was a 2,500-page report explaining the models, their use, and the conclusions drawn therefrom. (ECF No. 439-14 at 8.) A summary of the model's use is also part of the administrative record. (ECF No. 439-15.)

The remedy ultimately selected is documented in a number of lengthy public documents, including two Records of Decisions ("RODs"), two ROD Amendments, and an Explanation of Significant Differences. These decisions followed health assessments and feasibility studies designed to link resource expenditures with measurable public impact results. For example, the ROD issued in June 2003 addressed the remedy for areas known as OU3 through OU5, or roughly the part of the Fox River between Little Rapids and Green Bay. (ECF No. 404-2.) The ROD, a 154-page document that is typical of the other public documents addressing the remedy, explains that the remedy selected was the culmination of several years of study, remedial investigations and feasibility studies, many of which were subjected to public comment and input from the PRPs themselves. The ROD concluded that the remedy for OU3-5 would involve dredging some 6.5 million cubic yards of contaminated sediment and taking it to a landfill for disposal. This is what the parties refer to as an "all-dredging" remedy.

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The "remedial action level" ("RAL") that would trigger the need for sediment removal was established at 1 part per million, meaning that sediment containing that amount or more would be targeted for removal. (*Id.* at 14.) Other action levels considered were 0.125 ppm, 0.25 ppm, 0.5 ppm, 5 ppm, and, of course, the "no action" alternative that would leave the PCBs untouched. Naturally, the action level would dictate how much sediment needed to be removed—a higher action level would require much less dredging than a more stringent threshold. The governments determined that 1 ppm was an appropriate benchmark. For example, at a concentration of 1 ppm, walleye would be safe for consumption within one year, whereas at the 5 ppm level they would not be safe to eat for 29 years. (ECF No. 439-12 at 98-100.) On the other side of the coin, the ROD observed that concentrations *lower* than 1 ppm would have only marginal reductions on PCBs in fish tissue, and thus concluded that "there is limited risk reduction achieved by selecting an RAL of less than 1 ppm." (*Id.* at 99; ECF No. 404-2 at 155.)[2]

The 2003 ROD estimated that the cost of the dredging remedy would be approximately $325 million, with an understanding that the estimate could be off by as much as minus-30 percent and plus-50 percent. (ECF No 404-2 at 151.) On a per-unit basis, this figure was actually lower than might otherwise be expected. In response to public comments, the agencies explained that the lower-than-expected costs would arise out of economies of scale; the theory was that a project as large as this one would produce efficiencies not present in smaller dredging projects, and of course almost *every* other project had been smaller than this one. (ECF No. 439-5 at 24.)

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[2] The selection of the remedy was immensely complicated and data-intensive, and it varied in different portions of the Site. This background section is merely a thumbnail sketch of the process, which is explained in much more detail in the RODs and other record documents themselves.

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Circumstances changed after NCR and Georgia-Pacific (two of the key PRPs) undertook extensive sampling work, the upshot of which was that the governments determined that a much larger volume of sediment would need to be removed in order to achieve the PCB reductions set out in the earlier RODs. The two companies proposed a new remedy that incorporated a hybrid approach to the problem, namely, a mixture of dredging, sand covering, and capping. Their proposal indicated that the new cost estimate would reach some $432 million (in 2009 dollars). Following public comment, the agencies issued a ROD Amendment in 2007 that incorporated the proposed changes. (ECF No. 404-3.) A hybrid remedy for OU1 was also adopted in a later ROD. In response to comments questioning the viability of capping, the agencies observed that capping could effectively contain sediments and would improve water quality.

By 2009, however, it became clear that even the recently-increased cost estimates had been overly optimistic. New estimates, based on "real world" bids from contractors, showed that the remedy would now cost some $701 million dollars, roughly 62 percent more than estimated in the 2007 ROD. Estimates prepared by defense expert Jeffrey Zelikson demonstrate how the cost estimates of capping-versus-dredging remedies changed over time. (ECF No. 501-1 at 21.) By 2009, it had become clear that capping, which was estimated to cost $484 million, would have been much cheaper than the $701 million hybrid remedy. (Had the agencies pressed for the full dredging remedy, that cost had now skyrocketed to $957 million, or almost one billion dollars.)

Despite the 62 percent cost increase, the agencies decided not to issue an ROD amendment, as they had in 2007. An ROD amendment is a formal process requiring reevaluation of circumstances and opening up the process to public comment; it is required when a new approach fundamentally changes a remediation project. Instead of issuing an ROD, the agencies issued an

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"Explanation of Significant Differences" ("ESD"), which is a more streamlined approach. *See* 40 C.F.R. § 300.435. The 2010 ESD noted the large increase in cost, but found that because the increase was close to the 50 percent overrun already built into the original estimate, the cost increase did not pose a "fundamental" change to the project and thus did not require an ROD amendment. (ECF No. 147-1 at 15.) The ESD, along with a Criteria Analysis Memorandum, explained several areas on which the original estimates proposed by Georgia-Pacific and NCR understated the actual costs. These included increased costs for site support costs, residual dredging, and shoreline caps. (*Id.* at 13-14.) The ESD also noted the complexities inherent in such a project, given the lengthy time span and the combination of capping, dredging and sand covering. (*Id.* at 14.) The remedy described in the 2010 ESD is the essence of the remedy the governments are now seeking to impose.

II. Analysis

At issue are four separate motions for summary judgment: one filed by the United States and the State of Wisconsin, and three filed by the Defendants. Because the burden is on the Defendants, I concentrate my focus on their arguments.

A. Arbitrary and Capricious Standard

Section 113(j) of CERCLA provides that judicial review of response actions is based on the administrative record and is limited to determining whether the response action is arbitrary and capricious. 42 U.S.C. § 9613(j). Specifically, it provides that "the court shall uphold the President's decision in selecting the response action unless the objecting party can demonstrate, on the administrative record, that the decision was arbitrary and capricious or otherwise not in accordance with law." *Id.* at (j)(2). This means that the government's selected response action is

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presumed valid unless the Defendants can meet their burden to demonstrate otherwise. *United States v. Burlington Northern R. Co.*, 200 F.3d 679, 692 (10th Cir. 1999).

As I concluded in a previous ruling, arbitrary and capricious are terms that describe the *manner* of remedy selection more than they do the result, although the two are often intertwined. "Arbitrary means the Government simply threw darts or flipped a coin, selecting the remedy without a basis in reason or science. Capricious means it rushed through the process or made a sudden, knee-jerk decision without hearing enough evidence." (ECF No. 498 at 7.) Of course no one expects that government officials are actually flipping coins or throwing darts; the point is that courts give the government agency significant discretion to select a remedy and will only overturn that remedy if it appears to be outside the bounds of what is reasonable. Moreover, the statute requires the challenging party to show that the remedy is arbitrary *and* capricious. This is perhaps a technical point, as the two often go hand-in-hand, but it underscores Congress' sensible policy of leaving decisions like remedy selection to agencies that have the technical expertise and experience to render them. As this particular administrative record reveals, no court in the land has the ability or expertise to even scratch the surface of the detail and study needed to craft a remedy in the first instance. Instead, judges are asked merely to provide a check on what would otherwise be the largely unrestrained power of the executive agency. I now turn to the motions filed by three separate groups of defendants.[3]

[3] Although NCR filed a motion on its own, there is substantial overlap between those joining the briefs supporting the other two motions. The arguments are divided in part because some parties participated in the remedy selection process and thus have a somewhat compromised ability to effectively challenge it.

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B. NCR

Defendant NCR focuses its remedy challenge on the process the agencies used to impose its most recent remedy changes. Specifically, it argues that the changes imposed in 2010 were "fundamental" changes that required the issuance of a formal ROD amendment rather than the Explanation of Significant Differences the agencies used.

As suggested above, the applicable regulations provide for two alternatives when a remedy requires significant changes:

> (2) After the adoption of the ROD, if the remedial action or enforcement action taken, or the settlement or consent decree entered into, differs significantly from the remedy selected in the ROD with respect to scope, performance, or cost, the lead agency shall consult with the support agency, as appropriate, and shall either:
>
> (i) Publish an explanation of significant differences when the differences in the remedial or enforcement action, settlement, or consent decree significantly change but do not fundamentally alter the remedy selected in the ROD with respect to scope, performance, or cost. To issue an explanation of significant differences, the lead agency shall:
>
> (A) Make the explanation of significant differences and supporting information available to the public in the administrative record established under §300.815 and the information repository; and
>
> (B) Publish a notice that briefly summarizes the explanation of significant differences, including the reasons for such differences, in a major local newspaper of general circulation; or
>
> (ii) Propose an amendment to the ROD if the differences in the remedial or enforcement action, settlement, or consent decree fundamentally alter the basic features of the selected remedy with respect to scope, performance, or cost.

40 C.F.R. § 300.435.

Thus, under subsection (ii), an amendment to the ROD is required if the differences "fundamentally alter the basic features of the selected remedy." *Id.* In a previous decision and order

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addressing the governments' motion for a preliminary injunction, I agreed with the governments that the cost increases adopted in the ESD likely did not amount to a fundamental change in the basic features of the remedy and thus found that the Defendants had a low likelihood of success on that argument. Little has changed since then.

NCR argues that a 62 percent increase over prior estimates—more than a quarter of a billion dollars—is a fundamental enough change to require issuance of a ROD amendment. In fact, the cost of the *increase* is itself greater than the cost for almost every CERCLA cleanup ever undertaken, and, according to NCR's expert, the increase exceeds that of *all* cost increases combined on Superfund sites between 2004 and 2005. (ECF No. 501-1 at 10 n.25.) In Mr. Zelikson's opinion, based on more than 25 years at EPA, a cost increase of this magnitude would require an ROD amendment, public comment, and review of other remedial options. The EPA's own guidance suggests that an amendment would be required when there was "an appreciable change or changes, in the scope, performance, and/or cost."[4] In fact, he suggests, the governments implicitly conceded as much when they issued an ROD amendment in 2007, which had the same 62 percent cost increase.

Although the experts Jeffrey Zelikson and Paul Fuglevand add more context to the issue, I remain satisfied than an ROD amendment was not required and that genuine issues of material fact do not exist. (ECF No. 501-1; 519-2.) First, the key language in the regulation uses not one but two stark and related terms: "fundamental" and "basic." For an amendment to "fundamentally alter the

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[4] "A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents"; EPA 540 R 98 031, July 1999, at 7.2, available at http://www.epa.gov/superfund/policy/remedy/rods/pdfs/guide_decision_documents_071999.pdf (last visited November 16, 2012).

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basic features" of a remedy, the change must be so drastic that the *essence* of the remedy—its *basic* features—has been "fundamentally" changed. Such a change is not just significant or even crucial, but must go to the very core or definition of what the remedy is. When something is merely more expensive than predicted, it does not change the "basics" of the remedy unless the change is truly a drastic one.

Second, the EPA's own guidance document, relied on by Zelikson, does not suggest that the recent changes were fundamental. In a non-exclusive set of examples, the document lists only as "significant" a situation involving a "large increase in cost." *Id.* (*see* footnote 2) at Highlight 7-1. For example, if "[s]ampling during the remedial design phase indicates the need to significantly increase the volume of contaminated waste material to be incinerated . . . thereby increasing the estimated cost of the remedy," that would constitute a "significant" but not "fundamental" change. By contrast, the guidance lists a number of examples of "fundamental" changes, but none of these are based solely on cost overruns. Instead, the examples of fundamental changes tend to involve changes to the *nature* of the remedy, for example, from a soil-washing or natural attenuation remedy to an excavation remedy. *Id.* Thus, when in 2007 the EPA decided to issue an amendment rather than an ESD, it likely did so because it had changed from a purely dredging remedy to a hybrid remedy employing capping as well. The fundamentals of the remedy *were* changed in 2007. Here, by contrast, there were no material changes to the nature of the remedy, the changes only went to estimates of what the remedy would cost. Thus, the very guidance NCR relies on does not support its argument that the cost increase was *per se* a fundamental change. Ultimately, it is doubtless true that the *cost* of the remedy is everything if you're the one paying for it, and 62 percent is undeniably a very expensive change. But cost is hardly dispositive of the triggers set forth in the applicable

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regulations, which consider many things other than cost, including the method of remediation, the public impact, feasibility, and the like. After all, these are the sorts of other factors that might be amenable to public comment, which is the very purpose of the ROD amendment procedures in the first place. Public comments on increased cost are likely to be limited to the predictable and well-known protests from the companies who have to shoulder the burden.

United States v. Burlington Northern is not to the contrary. There, the Tenth Circuit determined that a cost overrun of roughly 60% fundamentally altered the remedy and that the EPA should have issued an ROD amendment. 200 F.3d 679, 694 (10th Cir. 1999). But once again, the remedy change there was not a "mere" cost increase but a change in the nature of the remedy itself. For example, instead of remediating tar sludge, the sludge was incinerated at an increased cost of roughly one million dollars. Incineration had been part of the original ROD, but it was eliminated in an amendment after it proved too costly. Thus, the change to the incineration remedy that had already been rejected, was, in the district court's words, a "significant deviation from the selected remedy." *Id.* at 692. The Tenth Circuit agreed: "[t]he EPA acted arbitrarily and capriciously by failing . . . to propose an amendment regarding the significant cost increase associated with the additional boxes of liners and the tar heels and by failing to propose an amendment regarding the decision to incinerate rather than remediate a significant amount of the impoundment sludge." *Id.* Thus, the change in *Burlington Northern* involved not just cost but a fundamental change in the nature of the remedy itself—just as in 2007, when the agencies in this action issued a ROD amendment.

Finally, as I found in a previous decision, the 62 percent cost increase does not stand in a vacuum. Recall that the original estimates had already built in a very large "fudge factor" that

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would account for as much as a 50 percent cost overrun. The original 2007 estimate was $432 million in 2009 dollars. (ECF No. 501-1 at 18, Table 1.) Adding 50 percent onto that figure results in a maximum estimate of $648 million. In the 2010 Explanation of Significant Differences, the new estimate was $701 million, "only" $53 million more than the original estimate, or about eight percent.[5] Thus, when we include the original fudge factor into the comparison, the 2010 cost increase was only eight percent higher than originally proposed. NCR has not cited any cases or guidance that would even come close to suggesting that an eight-percent overrun constituted a "fundamental" change in the project.

Perhaps recognizing that the math is against it, NCR argues that by 2007 the remediation process had become much more concrete and thus it was not reasonable to build such a large amount of wiggle room into the estimates. The estimate, in its view, should have only included a +15 percent figure, not +50 percent. But that is nothing more than Monday morning quarterbacking. The fact is that, by NCR's own admission, this is a project of unique scale and complexity, and the +50 percent range *was* built into the 2007 estimates. The question in 2010 was not what the estimate range in 2007 *should* have been, it was whether the new estimates were fundamental changes to the estimate that *had* actually been provided in 2007. When we are reviewing changes to estimates to determine how large the change is, it does not make sense to go back and reexamine the original estimate to determine what it should have been. The only salient question is what that original estimate *was*. In sum, the language of the regulations and the EPA's own guidance suggests

[5] NCR is correct in some sense that a 62 percent increase is 24 percent higher than a 50 percent increase, but the salient comparison here is not between the two percentages of increase but between the increases *plus* the original amounts. Thus, we compare 162% (the actual estimate) to 150% (the original estimate) to find that the 2010 figure was only eight percent higher than the estimate (12 divided by 150).

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that a cost increase, even a "significant" one, does not necessarily trigger the need to issue a ROD. And the fact that the applicable estimate included a very large amount of flexibility brings the changes proposed in 2010 much closer to that estimate. In sum, I conclude that the EPA did not err in issuing an ESD rather than an amendment to the ROD.

C. Glatfelter and Other Defendants

1. Delegation to the WDNR

Some Defendants, led by Glatfelter, argue that the EPA failed to properly delegate authority to the Wisconsin DNR to conduct the remedial investigation and feasibility study ("RI/FS"). CERCLA itself allows the EPA to designate a state to take the lead in a remediation project like this one, but in this case the EPA did not formally do so. "Absent an express delegation by the EPA, a state has no CERCLA authority." *W.R. Grace & Co.-Conn. v. Zotos Intern., Inc.*, 2005 WL 1076117, *4 (W.D.N.Y. 2005). Section 104(d)(1) of CERCLA provides:

> A State or political subdivision thereof or Indian tribe may apply to the President to carry out actions authorized in this section. If the President determines that the State or political subdivision or Indian tribe has the capability to carry out any or all of such actions in accordance with the criteria and priorities established pursuant to section 9605(a)(8) of this title and to carry out related enforcement actions, the President may enter into a contract or cooperative agreement with the State or political subdivision or Indian tribe to carry out such actions. The President shall make a determination regarding such an application within 90 days after the President receives the application.

42 U.S.C. § 9604(d)(1).

Because there is no formal contract or cooperative agreement in the administrative record, Glatfelter argues that the State of Wisconsin lacked the authority to conduct the remedial investigation and feasibility study. Without a formal delegation of authority, state officials answered to the Governor, not to the President, and it was thus arbitrary and capricious for EPA to

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have relied on the state's RI/FS in selecting the remedy. Although CERCLA grants a great deal of authority and deference to the EPA in such matters, Glatfelter argues that it does *not* do so to state agencies that have no formal contractual relationship with EPA.

The agencies argue that there was, in fact, a cooperative agreement in place. In 1998, the WDNR submitted s "Superfund Fox River Cooperative Agreement Application" to the EPA, and it was quickly approved in February 1998. The agreement provided as follows:

> The purpose of this Superfund Cooperative Agreement is to develop a scientifically sound and defensible risk assessment (RA), remedial investigation / feasibility study (RI/FS) and to afford the appropriate levels of public participation for this part of the federal Superfund process. . . . The goal is to compile the data necessary to select an approach for site remediation and then to use this information in a well-supported Record of Decision (ROD).

(ECF No. 620-1 at 21.) Among other things, the Cooperative Agreement noted that "CERCLA section 104(c) requires that CERCLA-funded actions provide a cost-effective response, balancing the need for protection of public health, welfare, and the environment against the availability of amounts from the fund to respond to other sites." (*Id.* at 11, ¶ 6.) It further provided that "[a]ll activities conducted under this Agreement shall not be inconsistent with the revised National Contingency Plan (NCP)." (*Id.* at 12, ¶ 13.) The agreement was signed by George Meyer, DNR Secretary, and William Muno, Director of the EPA Superfund Division, Region 5. (ECF No. 620-2.)

The Defendants argue that this "Cooperative Agreement" is not actually a cooperative agreement. A number of their arguments apparently resulted from some confusion in the record, however, which a corrective letter from the government has now explained. (*See* ECF No. 621.)

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The Cooperative Agreement refers to CERCLA's requirements and was signed by appropriate government officials. All of the correspondence refers to the document as a cooperative agreement, and the cover letter from the DNR Secretary describes it as a "Superfund Fox River Cooperative Agreement." (ECF No. 620-1 at 1.) The agreement refers to the "goal" of producing a Record of Decision by conducting a feasibility study and risk assessment. (*Id.* at 21.) The fact that the DNR was motivated to become the point agency on the project by certain local political considerations does not change the fact that this was a cooperative agreement. Presumably in every case in which a state agency takes the lead, it does so because its governor has determined that his state's public is best served if the state is involved. That the governor might not have the specific nine CERCLA criteria in mind when directing his DNR to take the lead is hardly surprising.[6]

The Defendants also argue that even if the agreement is considered a proper cooperative agreement, its absence from the administrative record means that it cannot be considered at this stage of review. But a cooperative agreement between a state and the federal government is not part of the decision-making process that a court reviews. It is a legal precursor to that process, perhaps, but its substance will be reviewed (if at all) *de novo*, rather than with "deference" to the agency. If a proper agreement exists, it does not need to be part of the administrative record in order for a court to conclude that the lead agency actually had the authority to conduct the remedial project.

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[6] There has been some late wrangling about the Cooperative Agreement, due to its very recent inclusion in *this* record (ECF No. 620-1) by the United States. Some Defendants have protested the new document the government filed. (ECF No. 623.) Given the flurry of activity in advance of trial and the lateness of the submission, the Defendants may take any additional discovery on the document they reasonably need after the trial. If it appears that there is some basis to question the document's legitimacy, they may ask for reconsideration on this point as part of their post-trial submissions.

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Any other result (for which there is no precedent) would needlessly elevate technical minutiae over substance.[7]

2. WDNR's Assumptions About Dredging and Reliance on WDNR's RI/FS

Glatfelter and some of the Defendants also argue that the WDNR made overly optimistic assumptions about the efficacy and cost of dredging. For example, the WDNR assumed that the cleanup would result in a SWAC (surface weighted average concentration) of 0.25 ppm, a level that had never been obtained in river dredging projects. When assumptions about the effectiveness of a given remedy are overly optimistic, it skews that remedy selection process by placing too much weight on that remedy, regardless of cost. These Defendants also argue that the cost estimates were optimistic as well. Thus, when the remedy is deemed more effective and less expensive than it actually is, the resulting selection is doubly skewed.

The government argues that the SWAC estimates were reasonable. Although the initial estimates of a 0.25 ppm have proved unattainable, that was one of the reasons the ROD was amended in 2007. The ROD Amendment explained:

> Recent experience with dredging in OU1 and other projects has shown that dredging equipment cannot completely remove contaminated sediment from dredged areas. Thus, residual contaminant concentrations often remain after dredging is completed in an area. For that and related reasons, the dredging remedy selected by the 2003 ROD probably would not achieve the PCB Surface Weighted Average Concentration (SWAC) goals established by the 2003 ROD.

(ECF No. 404-3 at 8, ¶ 5.)

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[7] Even if such a document *were* required to be part of the administrative record, that would present a suitable opportunity to supplement the record to include it. Unlike the "supplements" proposed by the Defendants, which consisted of *new* information and opinions, this document was actually in existence and is a proper candidate for supplementation.

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The ROD Amendment further explained that experience had shown that, even if the dredging had been done down to the 1.0 ppm level, the dredging process re-deposits some PCB-containing sediment in a this layer on top of the dredged area. That amount of residual PCBs would increase the SWAC calculation. In addition, experience had shown that there would remain a small amount of PCBs on the surface of *un*dredged areas (areas with less than the 1.0 ppm RAL). This small amount of residual PCBs, which had not been expected, would also impact the final SWAC estimate. (ECF No. 404-3 at 16.) These factors influenced the governments' decision to adopt the amended remedy, which included a significant use of capping (3.3 million cubic yards) and no longer relied exclusively on dredging. (ECF No. 404-3.)

The Defendants also argue that in 2007 the governments should have gone back to the drawing board and reevaluated the remedy from a fresh perspective. Although they determined that the new hybrid remedy was more efficacious than the 2003 all-dredging remedy, they failed to consider a more extensive capping remedy once they learned, through experience, that their estimates about the virtues of dredging had proven overly rosy. This is especially true given that the Plaintiffs acknowledged in 2010 that capping, sand covering and dredging would all meet minimum requirements for long-term protectiveness and permanence.

Yet even if the governments took a more favorable view towards capping in 2010 than they did in 2003, it does not show that the dredging-plus-capping remedy was arbitrary and capricious. As the 2010 Criteria Analysis Memorandum explains, there were other considerations. Primary among these is the fact that dredging actually *removes* the toxic PCBs from the River for all time and places them in a secure off-site facility. (ECF No. 147-2 at 3.) Even if caps provide an adequate solution, they will require maintenance in the long-term, and these long-term costs are less

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certain than dredging (although OU1 capping costs might have provided some guidance). Caps can also affect the navigability of the River in shallow areas or shipping channels, which adds further uncertainty especially if the water levels would decline. The CAM further explained that sand covering, like capping, reduces PCB concentrations but does not remove the PCBs from the River. Finally, as the original ROD noted, capping could be susceptible to catastrophic events like floods. (ECF No. 404-2 at 124.)

Ultimately the Defendants do a convincing job of showing that capping was not as unfavorable an option as it seemed in 2003. They also have explained that dredging was not as effective at lowering PCB levels as had been hoped. But that is a far cry from showing that the remedy actually imposed was arbitrary and capricious. The documents cited above reveal that the agencies conceded that their original SWAC estimates had not borne out, and they show that they adapted by choosing a remedy that included more capping in order to save costs. The agencies also conceded throughout this process that dredging was not a panacea: it could disrupt long-dormant PCBs and redistribute them, which would result in some resuspension of the PCBs. (*See, e.g.*, ECF No. 404-2 at 142.) Similarly, the agencies found that many of the risks of capping could be mitigated. (*Id.* at 124.) The Defendants have suggested throughout that the agencies had an irrational bias in favor of dredging, but the documents show that the agencies frankly and extensively considered the costs and benefits of *both* methods of remediation. It was not as though the agencies believed dredging was an "A+" solution and capping was an "F"—instead, it was clear that they adopted a mild preference for the benefits of dredging and viewed these as being worth their added expense. It is of course natural that those who have to bear the expense would disagree, but the agencies explained that the hybrid remedy selected was the most cost-effective because it

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balanced the permanence of dredging with the cost savings of capping and sand covering in places that were more amenable to those remedies, such as areas with deposits of sediment covered by clean sediment. (ECF No. 147-2 at 4-5.) Their explanations are common-sense ones: removal of PCBs is inherently better than trying to contain them, even if the dredging solution is not perfect. This solution speaks to more than the mechanical cost-benefit ratio that the Defendants rely on. That is, although the Defendants can cite the virtues of capping versus dredging, these cannot overcome the inherent advantages of dredging, namely the "permanence" of the solution, which has not just a scientific but common-sense appeal as well. The "insurance" provided by actually removing the toxic PCBs from the River is not an insignificant consideration. The NCP says that the "purpose of the remedy selection process is to implement remedies that *eliminate*, reduce, or control risks to human health and the environment." 40 C.F.R. § 300.430(a). That the agencies chose a remedy that eliminates much of the risk in some parts of the river and reduces it in others is not irrational.

3. Reliance on 1 ppm Remedial Action Level

Finally, Glatfelter argues that reliance on the 1 ppm RAL was arbitrary and capricious because it adopted a "one size fits all" approach to the River. PCBs are harmful only inasmuch as humans are exposed to them. Exposure risks differ depending on which part of the River we are talking about. For example, sediment that is buried deep in the riverbed is much less risky to humans than sediment near the surface because the buried sediment is less likely to be ingested by fish. As such, the Defendants argue that requiring a 1 ppm level for each type of PCBs is arbitrary because it treats differing risks in an identical manner.

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This objection was raised and addressed ten years ago. In a White Paper, the DNR explained that the RAL is only one factor used in achieving an appropriate "healthy" level of PCBs in the water. (ECF No. 578-9.) It was not as though the government actually believed all PCBs were equally dangerous; instead, it used the 1 ppm level as a metric that would impact the other thresholds such as sediment quality and SWAC. In other words, removing sediments that had 1 ppm or greater was deemed crucial in achieving the sediment quality and SWAC numbers the government deemed important for public health. (*See, e.g.*, ECF No. 439-12 at 96.) "Studies conducted as part of the Lower Fox River and Green Bay RI/FS indicate that a 1 ppm RAL shows the greatest decrease in projected surface water concentrations relative to the other action levels." (*Id.* at 97.) Nowhere does any agency suggest that it believed all PCBs, wherever buried, were equally dangerous. Accordingly, Glatfelter's motion will be denied.

D. Menasha and Other Defendants

1. Assumptions about River Temperature

Menasha and some of the other Defendants argue the remedy was arbitrary and capricious because the agencies used an average water temperature of 20 degrees (Celsius) in their model, called the FRFood model. In warmer months, the River might be that warm or even warmer, but in the colder months temperatures are near-freezing and bring the average temperature down much lower than 20 degrees.

Menasha argues that this is not an academic point about water warmth but about the danger of the PCBs as a toxin. As noted above, PCBs are dangerous to humans primarily because fish consume the PCBs and then humans consume the fish. In warmer temperatures, fish consume more food than they do in colder months, which means they ingest more of the PCBs that are lingering

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in the River sediments. According to Menasha, if the temperature is overstated in the model, the model will also overstate the amount of food fish eat and thus the amount of PCBs they ingest. In short, Menasha believes the assumption about a higher river temperature improperly boosted the level of fish toxicity and thus exaggerated the dangers of PCBs overall. And when the dangers are exaggerated, so is the response.

The agencies argue that their FRFood model was tested and provided accurate results of PCB accumulation, and they suggest that the Defendants' focus on a single data point misses the boat entirely given the deferential level of review to be applied here. The agencies note that the model was based on a model developed for Lake Ontario, which has been successfully applied to predicting PCB concentrations in fish elsewhere. The 2002 Final Model Documentation Report explains that, although the Lake Ontario model was developed for use in lake systems, "the mathematical relationships have been successfully applied to predicting fish tissue concentrations in some river systems." (ECF No. 578-13 at 4-5.) "Applications of this model in other systems include derivation of bioaccumulation factors, bioconcentration factors, and food chain multipliers in the development of the Great Lakes Water Quality Initiative criteria." (*Id.*) The Report further explained that although the model had overpredicted PCB concentrations in some fish, in other fish it had underpredicted. Ultimately, the model was deemed suitable based on its prediction of observed fish tissue concentrations in the Fox River as well as the Sheboygan and Hudson Rivers. (*Id.* at 4-6.)

Although the Defendants are undoubtedly correct that 20 degrees is not the actual average temperature of the Fox River, I am satisfied that the figure is not so far off that it materially impacted the choice of remedy. If the summer months are 20 degrees or warmer, that means the

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model actually under-predicted PCB consumption for those months, which would partially balance out any error that occurred during the winter. More importantly, the agencies have explained adequately how the entire model has been used elsewhere in similar climates with success. It cannot be overstated that when a reviewing court is viewing these sorts of issues through arbitrary-and-capricious lenses, it is typically not enough to argue that a single data point or assumption was erroneous or that it could have been more accurate. And when the matter is as complex as predicting fish toxicity based on releases of PCBs into a dynamic river system decades earlier, it will require more to show that the governments' approach was so unreasonable as to render it arbitrary and capricious.

2. Octanol-Water Partitioning Coefficient

Relatedly, Menasha argues that the agencies used an improper value to measure the toxicity of the PCBs in OU1-OU4. In short, not all PCBs are equally harmful. In OU5, for example, the WDNR used an approach to remedy selection that was tailored to the PCBs that were actually in the Site. This produced what is known as a "log K_{ow} value" of roughly 5.6 to 5.7. By contrast, for OU1-OU4, the agencies adopted a log K_{ow} value of 6.6. These values are measured on a logarithmic scale, meaning that an increase in 1 is actually a 10-fold increase.

The log K_{ow} value, according to Menasha, is one of the most important factors affecting how PCBs move through the environment. (ECF No. 557, ¶ 89.) The figure measures a chemical's tendency to dissolve in water, which can be indicative of how the chemical accumulates in the fatty tissue of fish. The 6.6 figure appears to have come from one of the models used in the remediation of Lake Ontario (described above), and because the makeup of PCBs at that Site is different from that of the Fox River Site, the Defendants argue that the figure should not have been used to create

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a remedy. Practically speaking, according to Menasha, the difference in the 5.6 versus 6.6 log K_{ow} values resulted in a dredging remedy for OU1-OU4 but a "monitored natural attenuation" remedy (no dredging) for OU5.

The agencies explain that the 6.6 log K_{ow} value they used in some of the model runs did not exaggerate PCB accumulation in fish tissue. Log K_{ow} values between 4.4 and 8.2 were found in the River, and thus 6.6 was well within the range actually observed. (Aroclor 1242 is listed at 6.3.) (ECF No. 578-15.) And the fact that a 5.6 figure was used in some applications while 6.6 was used in others is not dispositive of anything because the lower value was used to determine the transfer rate of PCBs between blood and water in fish gill tissue, and that value was specific to the species of fish.

I am satisfied once again that the Defendants have not adequately explained why a figure of 6.6 would have been improper, much less arbitrary and capricious. As the agencies note, there is little science behind their argument, and the suggestion that the 6.6 figure actually impacted the remedy selected is wholly speculative. Put another way, there is little scientific basis to conclude that a different figure would even have been more appropriate, and as such it is impossible to find that the use of 6.6 was arbitrary and capricious.

3. Model Calibration

Menasha also argues that the model was not calibrated properly (or at all) because it had failed a key test in the calibration process. According to the 1998 Technical Memorandum 1 (the "Tech Memo"), the model had to be within plus or minus 30 percent of the conditions actually observed in the Fox River. (ECF No. 557-60.) Moreover, the model had to be able to be "hindcast"

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to compare its predictions to the conditions actually observed over time. According to the Defendants, the model failed these calibration tests.

The agencies note, however, that the calibration methods detailed in the Tech Memo were not an exhaustive series of pass-fail tests. That is, the methods and metrics described were to be viewed *in toto* in order to determine whether the model would be adequately predictive. (ECF No. 568-1 at 2-3.) The Tech Memo did not say, in other words, that "failing" a single metric would necessarily disqualify a model.

Even so, according to the Model Development Report, the model did meet the 30 percent threshold for data within the water column, even if it did not do so for data derived from sediment. (ECF No. 568-2 at 1.) The Report elaborates:

> Relative differences for the sediment column were much larger [than plus or minus 30 percent]. Nonetheless, the wLFRM was able to capture the trend and magnitude of inferred PCB concentration changes over time in surface sediments. Given these considerations, the wLFRM calibration was judged to adequately meet the criteria identified in Technical Memorandum 1.

(*Id.*)

The Report further explained that quantification of PCB concentration trends in sediment was a "complex process." (*Id.* at 63.) Addressing the failure to achieve much success with sediment, the Report notes that the sediment samples were not collected with an eye towards estimating PCB trends over time. Moreover, the Report identified a number of "caveats" with sediment data, including "[d]ifferences attributable to spatial heterogeneity, temporal variability, and analytical bias confound direct analysis and makes clear identification of possible trends challenging." (*Id.*)

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The report as a whole indicates that the agencies considered the problems of sediment data and concluded that the prospect of *ever* having adequate results with such data was dim, given the complexities and caveats the Report identified. In actuality, given the obvious complexity of the task, the process was the opposite of arbitrary and capricious. Instead of pretending the problem didn't exist or attempting to obscure it, the agencies explained the issue and further articulated why it wasn't fatal to their adoption of the model. The Report evidences not arbitrariness but care and concern that a record be made identifying the problem and the agencies' response to that problem. And of course the very metrics the Defendants now cite were never intended to be disqualifying in the fashion they suggest. Calibration means running the model through a series of tests and then determining whether the final result warrants approval; it does not mean that performance on a single test would throw the entire model out the window, particularly given the inherent difficulties the agencies identified at the time with that particular metric. The calibration described in the Report could be analogized to a job posting in which the employer identifies a number of criteria it is looking for in a candidate. In some cases a given criterion could be disqualifying, for instance if the applicant lacks a needed license or certification. But others are more flexible and, depending on the circumstances, a weak performance in one area could be overcome by stronger performances in others. The Defendants portray calibration as though it were a pre-launch NASA safety punch list, in which the slightest discrepancy will ground the shuttle. Instead, calibration, as the administrative record itself explains, is a more nuanced process designed to deal with a very complex issue. Focusing very narrowly on a single criterion—which the agencies themselves did not view as disqualifying—does not under these circumstances suffice to generate a genuine issue

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of material fact. Viewing the model calibration as a whole, it is clear that the agencies had ample reasons for believing it to be adequately predictive.

In sum, viewing the process through the narrow lenses Menasha proposes, it would be hard to imagine a remedy *ever* being satisfactory. Finding answers to problems as complex as the ones at issue here will be never be easy or without controversy. But, as I have emphasized repeatedly above, it is not enough to point out issues here and there that might be arguable—the challenger must point to fundamental flaws in the process that are suggestive of arbitrariness and caprice. The ones identified above do not even come close. In reviewing the administrative record, I have found an almost breathtaking level of scientific detail and careful analysis supported by palpable evidence of the incredible effort brought to bear by countless agency employees and hired scientific advisors.

4. Cost Contingencies and Estimates

Finally, Menasha argues that the remedy selection was arbitrary and capricious because it failed to include important cost contingencies and failed to account for certain dredging costs. Menasha's argument on cost contingencies is supported by little other than misquoted EPA guidance suggesting that cost contingencies may be appropriate in some circumstances. The "guidance" document it relies upon explains on the very first page that "it does not impose legally binding requirements on EPA, States, or the regulated community, and may not apply to a particular situation based upon the specific circumstances." (ECF No. 536-6 at i.) Without citation, and despite this cautionary language (as well as the fact that the document is described merely as "guidance"), Menasha argues that the guidance document says that such contingencies are "required" (ECF No. 557 at ¶¶ 109-110) and "must be included." (*Id.* at 114.) I cannot find any

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basis in law to conclude that a failure to include cost contingencies could be deemed arbitrary and capricious.

Defendants also argue that EPA and WDNR erred by failing to include a cost estimate associated with overdredging in the 2003 ROD. "Over-dredge" is the material dredged several inches below the sediment believed to actually contain PCBs. Several inches of over-dredge adds up to lots of material when we are talking about a massive riverbed. By failing to account for all of the costs associated with dredging this extra material, the 2003 ROD was off by some $176 million, according to the Defendants. In addition, Defendants argue that the agencies underestimated the per-unit costs of dredging in the 2003 ROD, which improperly tipped the scales in favor of a dredging remedy.

The agencies note, however, that the 2003 remedy is not the remedy that was actually adopted. Instead, a hybrid remedy was adopted after the 2007 ROD Amendment and 2010 ESD. When this replacement remedy was ultimately adopted, over-dredge costs were included. In fact, it was this information, along with other information learned about the nature of other PCB deposits, that led to the ROD Amendment in the first place. It is thus unclear how any errors in the original ROD, which was not imposed, could be deemed arbitrary and capricious. As discussed earlier, the point of ROD Amendments and ESDs is to modify earlier models and remedy selections, and as such an original ROD is simply an initial step in the process.

As for the cost estimates themselves, the Defendants argue that the agencies ignored the actual costs incurred for dredging at other sites, including the pilot projects undertaken on the Fox River itself. Other projects cost hundreds of dollars per cubic yard ("cy"), and the average cost per yard on the Fox River itself had been $318 in the pilot projects. Nevertheless, the agencies adopted

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a cost estimate of only $44 per cubic yard. They explain that the vastness of this project would lead to large economies of scale not seen in other, smaller, projects.

Once again, however, it is unclear why any errors made in the earliest cost estimates would result in a finding that the ultimate remedy selected was arbitrary and capricious. Later estimates, which were adopted, accounted for the increased costs that experience had borne out. In fact, it was the increased dredging cost estimates (including large volume increases) that caused the agencies to adopt a hybrid remedy employing much *less* dredging than had originally been planned. (ECF No. 404-3 at 27.) Thus, to focus narrowly on an original estimate of cost on a per-cubic-yard basis does not make sense when the entire project was changing over time and when the ultimate remedy was not based on the offending estimate in the first place. For these reasons, Menasha's motion for summary judgment will be denied.

D. The Plaintiffs

Above I have addressed the reasons why the Defendants' motions for summary judgment will be denied. Although they argue that the governments' motion for summary judgment cannot be granted because genuine issues of material fact remain, they do not elaborate on what those facts might be. After all, the review at this stage is limited to the administrative record (i.e., paper), making the matter amenable to summary judgment (as their own motions on that score appear to concede).[8]

Having found that the Defendants have not met their burden to demonstrate that the remedy was arbitrary and capricious, it follows that the governments' motion for summary judgment will

[8] As noted earlier, I have reviewed the reports of the two experts I allowed to testify on a limited basis regarding costs and conclude they do not raise a genuine issue of material fact requiring a trial. (ECF No. 501-1; 519-2.)

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be granted and the remedy must be upheld. Even so, it is worth fleshing out my conclusion that the governments are entitled to summary judgment. The discussion above only scratches the surface of the complexity involved in crafting a remedy for such a difficult problem and in meeting the demands of the public and the PRPs themselves, many of whom participated in the remedy selection process. The comments received during this process were answered and the concerns were addressed. That the PRPs did not win the day on many of their proposals is not surprising.

Many of the Defendants appear to view their failure in the debate over capping and dredging not as a product of an honest disagreement among professionals and public servants but as the result of some sort of nefarious government plot perpetrated by individuals who put their thumb on the scales in favor of dredging at the very earliest stages and then buried their heads in the sand to avoid coming to grips with dredging's costs and limitations. If there were evidence of such a phenomenon, I would certainly consider granting the Defendants' motions or at least holding a trial on the matter. However, as discussed above, the record is simply devoid of any such evidence. The remedies were crafted by countless individuals—not just in the government but at private environmental contractors—and of course the process spanned more than a decade and involved both state and federal officials. On that score alone, it is simply implausible to believe that so many different individuals could come up with a result that was based solely on an irrational prejudice in favor of dredging.

Of course we do not have to speculate about the agencies' motives because we have an extensive administrative record. Were results fudged? Was data hidden? Were shortcomings glossed over and were successes trumped up? No. The Defendants have cited a few instances where data input (e.g. temperature) was not perfect, or where a model did not perfectly calibrate,

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but in a fantastically complex process like this perfection is unattainable. The record reveals that rather than some kind of irrational bias against capping, the agencies were readily admitting that capping had certain advantages and that dredging was not a perfect solution. The agencies frankly conceded that capping was a "feasible" solution that "can be effective in reducing the risks posed by PCB-contaminated sediments at the Site." (ECF No. 147-2 at 3.) The Defendants point to this clause as though it should end all discussion on the matter, but they ignore the fact that the agencies cited other reasons (on the very same page, in fact) why capping was *not* preferred and why dredging was superior. The record demonstrates that the governments gave an honest assessment of the pros and cons of the different types of remedy, and in fact they *agreed* with the remedy proposed by some of the Defendants when they adopted a remedy that included massive amounts of capping.

In short, the record demonstrates a colossal effort to "get it right" and to consider all options fairly and honestly—without prejudice, without arbitrariness and without caprice. And the Defendants have failed to acknowledge that their argument was always an uphill battle: no matter how one spins it, they were demanding that more poisonous chemicals be allowed to *stay* in the River. Although it is certainly conceivable that some of the Defendants' arguments might have carried the day during the remedy creation process (and some of them *did*), at this stage the only question is whether the governments were operating within the bounds of the law and whether their decisions and processes were rational ones given the array of choices they had to make and the complexity and scope of this unprecedented undertaking. I conclude that they were. For that reason, the governments' motion for summary judgment will be granted.

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III. Conclusion

For the reasons given above, the Defendants' motions for summary judgment on the Fifth Claim for Relief (ECF Nos. 534 and 541) are **DENIED**. The Plaintiffs' motion for summary judgment as to propriety of the remedy (ECF No. 508) is **GRANTED**.

SO ORDERED this 21st day of November, 2012.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court

SUPP-CD-PUBCOM000870

Tashima, Keith (ENRD)

From: Jon [JonB55198@comcast.net]
Sent: Tuesday, November 27, 2012 7:14 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: New Bedford harbor clean up

Include this text in your comments:
I want New Bedford Harbor cleaned to the highest, safest standard. The settlement between the EPA and AVX should include a reopener clause to ensure a full cleanup of the harbor.

Sincerely,
Jonathan Barboza