



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

NOV 01 2012

Via First Class Mail and Electronic Mail

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

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

Dear Mr. Gill-Austern:

Enclosed please find a copy of the executed Fifth Modification of Effective Date of Unilateral Administrative Order for Remedial Design, Remedial Action, and Operation and Maintenance, U.S. EPA Docket No. CERCLA-01-2012-0045 (“Order”). This is the fifth modification to the effective date of the Order. This fifth modification changes the Order’s effective date from November 1, 2012 to January 2, 2013.

On October 10, 2012, a proposed Supplement Consent Decree with Defendant AVX Corporation was lodged with the U.S. District Court for the District of Massachusetts that would resolve the dispute between the United States and the Commonwealth of Massachusetts and AVX, including AVX’s liabilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, at the Site. On October 17, 2012, notice of the proposed Supplement Consent Decree was published in the Federal Register, which began the 30-day public notice-and-comment period. EPA is now extending the effective date of the Order to provide time for the consideration of public comments, if any, and the Court’s review of the proposed settlement. Please contact Man Chak Ng, EPA Senior Enforcement Counsel, at (617) 918-1785, with any questions.

Sincerely,

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

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

Enclosure

cc (via email only):

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