Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

September 20, 2013

Evan Slavitt, Vice President
AVX Corporation
PO BOX 867 801
17th Avenue South
Myrtle Beach, South Carolina 29578-0867

RE: NEW BEDFORD
Release Tracking Number: 4-0000601
Former Aerovox Inc. – 740 Belleville Avenue
PERMIT APPLICATION & PHASE II SCOPE OF WORK APPROVAL
Transmittal #E586204

Dear Mr. Slavitt:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP or the Department) is tasked with ensuring the cleanup of oil and/or hazardous material (OHM) releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. Chapter 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both M.G.L. c. 21E and the MCP require the performance of response actions to provide for the protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of oil and/or hazardous material at disposal sites.

MassDEP is currently regulating a release (or releases) of OHM that have occurred at property located at 740 Belleville Avenue in New Bedford, Massachusetts (the Site), to which MassDEP has assigned Release Tracking Number (RTN) 4-0000601.

On August 16, 2013, MassDEP received a Phase I Report, a Tier IB Permit Application and a Phase II Scope of Work (SOW) for the Site. These documents were prepared, and submitted on your (for the purposes of this correspondence "you" and "your" refer to AVX Corporation or AVX) behalf, by URS Corporation (URS), in accordance with the requirements established in the MCP and the Administrative Consent Order and Notice of Responsibility negotiated between AVX Corporation and MassDEP, dated June 3, 2010 (ACO-SE-09-3P-016; the ACO). As established in the ACO, written approval from MassDEP is required to continue with response actions at the Site.

As such, the purpose of this notice is to inform you that MassDEP has completed its review of the Tier IB Permit Application and the accompanying documentation, and provides conditional approval, as noted below, to continue with the Phase II Comprehensive Site Assessment at the Site. Please note that the date of this correspondence, September 20, 2013 is the Effective Date of the Tier IB Permit for the Site, and the Permit Number is E586204. This Tier IB Permit will expire on September 20, 2018.

Please be advised that if a Response Action Outcome (RAO), pursuant to 310 CMR 40.1000, or Remedy Operation Status (ROS), pursuant to 310 CMR 40.0893, cannot be achieved at this Site prior to the expiration date of this Permit, an application for a Permit Extension, prepared in accordance with the provisions of 310 CMR 40.0706, must be submitted to the Department prior to the September 20, 2018 expiration date of this Permit.

PHASE II SOW CONDITIONAL APPROVAL

MassDEP hereby conditionally approves the Phase II SOW, as provided below:

1. Provide notice to MassDEP within a minimum of seventy-two (72) hours prior to commencing any field work associated with the implementation of the activities proposed in Phase II SOW;

2. Field activities proposed to define the nature and extent of non-aqueous phase liquid (NAPL) should be sufficient in scope and utilize the appropriate characterization methodologies to define the presence of NAPL (either dense or light, DNAPL or LNAPL) that may be present at the Site resulting from historical release (or releases) of polychlorinated bi-phenyls (PCBs), volatile organic hydrocarbons (VOCs) or a combination thereof;

3. Field activities shall be sufficient in scope to define the Nature and Extent of Contamination, as required by 310 CMR 40.0835(f) and to support an Exposure Assessment and a Risk Characterization, as required by 310 CMR 40.0835(4)(g) and (h), and as more fully described at 310 CMR 40.0900;

4. MassDEP acknowledges that the performance of a Phase II Comprehensive Site Assessment (CSA) is an iterative process, whereby the data collected and observations made during the initial phases of the assessment may require additional assessment and data collection. If it is determined, based on the data and observations generated from the field activities currently proposed, that the Phase II SOW requires significant modification, MassDEP approval is required prior to implementing such modifications;

5. As required by the terms of the ACO, a Phase II Comprehensive Site Assessment (defined at 310 CMR 40.0835 as the Phase II Report) is due to be submitted to MassDEP by **March 19, 2015**. The Phase II CSA, or the Phase II Report, shall be prepared in full accordance with the MCP and the Phase II Performance Standards, listed at 310 CMR 40.0833, and the requirements listed at 310 CMR 40.0835. This shall include, but not limited to, Site History, Site Hydrogeologic Characteristics; Environmental Fate and Transport of Oil and/or Hazardous Material; Nature and Extent of Contamination; and an Exposure Assessment and Risk Characterization, prepared in full accordance with the provisions of 310 CMR 40.0900. The Phase II Report shall include a Conclusions section. In addition, a Phase II Completion Statement, prepared in accordance with the provisions of 310 CMR 40.0836, is to be submitted to MassDEP along with the Phase II Report;

6. Pursuant to 310 CMR 40.0810(8), if, at any time during the performance of response actions under 310 CMR 40.0810, an Imminent Hazard, sudden release, or other time-critical release or site condition is identified, as described at 310 CMR 40.0412, Immediate Response Actions shall be performed as set forth in 310 CMR 40.0400.

MassDEP underscores the need to review and familiarize yourself with the terms and conditions of the Permit, the ACO and the MCP, 310 CMR 40.0000 et seq., in order to complete the required response actions within the timelines set forth therein. **Failure to comply with the deadlines in the Tier 1B Permit, the ACO and the MCP may result in MassDEP taking enforcement actions against you, including, but not limited to, the assessment of Administrative Penalties.**

If you have any questions, please contact Molly Cote at the letterhead address or by calling (508) 946-2792.

Sincerely,

Millie Garcia-Serrano, MPH
Deputy Regional Director
Bureau of Waste Site Cleanup

GS/MC/lg

CERTIFIED MAIL # 7012 1640 0001 4831 1191
RETURN RECEIPT REQUESTED

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ec: Mayor Jon F. Mitchell, City of New Bedford
City of New Bedford, Board of Health

Michele Paul, City of New Bedford, Director of Environmental Stewardship
Michele.Paul@newbedford-ma.gov

Marilyn Wade, LSP – URS Corporation
marilyn.wade@urs.com

Kimberly Tisa, PCB Coordinator - USEPA Region 1
Tisa.Kimberly@epa.gov

DEP-SERO
Lara Goodine, BWSC – Data Entry
Molly Cote, Project Manager – Risk Reduction & Special Projects Branch