

NEWS RELEASE

Released by: Gordon J. MacDonald, Attorney General

Subject: Auto Shredder Site in Madbury Settlement Directs \$2.7 Million to Hazardous Waste Fund

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Concord, NH-- Attorney General Gordon J. MacDonald and New Hampshire Department of Environmental Services (NHDES) Commissioner Robert Scott announce that a settlement with New England Metal Recycling, Inc. (NEMR) has been sent to the Strafford County Superior Court for improper disposal of hazardous waste at a facility located at 290 Knox Marsh Road in Madbury, New Hampshire.

The settlement requires NEMR to pay a civil penalty of \$2.7 million to the State by November 16, 2020. The penalty is the largest ever in New Hampshire for hazardous waste violations. NEMR must also remediate and properly dispose of all of the remaining material by October 30, 2021. By statute, the penalty must be deposited in the State's Hazardous Waste Fund, which is dedicated for use on hazardous waste sites.

The facility processes used automobiles by salvaging valuable components, then shreds the remainder into what is called "Auto Shredder Residue," also called "ASR" or "fluff." A previous owner of the facility, Madbury Metals, unlawfully disposed of ASR at the site during the 1980's, which resulted in significant remediation efforts. Madbury Metals ceased operation in 1996.

NEMR began operating the Facility in 1998. In July of 2006, due to continued groundwater contamination, NHDES told NEMR to excavate and properly dispose of 21,500 cubic yards of previously buried ASR. On December 21, 2006, the Facility wrote to NHDES stating that it had taken the ASR to a landfill; however, during a subsequent inspection of the facility, NHDES noticed what appeared to be small pieces of ASR in an adjacent field. After a full inspection and subsequent excavation, NHDES determined that up to 20,000 cubic yards of ASR had never

been removed but instead covered to look like clean fill. Some of the material qualified as hazardous waste. The site had no method for properly containing the material and various constituents migrated to groundwater, damaging the City of Dover's water supply.

The false statements occurred during a period of transition between prior and current ownership and the employees responsible no longer work for NEMR. NEMR has increased oversight of the facility and has stated a commitment to responsible environmental stewardship going forward.

Assistant Attorney General Heather Neville of the Environmental Protection Bureau is the lead attorney on this case.

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