

News Releases from Region 1

MULTI-MILLION DOLLAR SETTLEMENT REACHED IN NH SUPERFUND CASE

Release Date: 03/14/2000

Contact Information: Alice Kaufman, EPA Community Affairs Office, (617) 918-1064 Chuck Knox, NH DES Public Affairs Office (603) 271-3710

BOSTON - The U.S. Environmental Protection Agency and the State of New Hampshire reached a multi-million dollar agreement today with 31 defendants in connection with a Londonderry, NH, Superfund site. The settlement at the **Auburn Road** Landfill, which was achieved through mediation, requires Exxon Corporation, Lockheed-Martin Corporation, and Waste Management to clean groundwater at the site. The town of Londonderry, which completed the landfill cap in 1994, will maintain the cap and other associated drainage systems. The other 27 defendants, including, including the owner of the land as well as those who generated or transported waste, have helped pay for the cleanup.

According to the settlement, the federal government will be reimbursed for \$5.84 million and the state government for \$54,000 already spent at the site. In addition, the parties responsible for doing the work must pay for state and federal costs of overseeing the project. This amount will not exceed \$920,000 if the groundwater is cleaned through natural methods, or 15 percent of cleanup costs if the water is pumped and treated. The entire cleanup will cost about \$22 million or \$35 million, depending on what is needed to achieve groundwater standards at the site.

It will cost \$4 million to let the groundwater clean naturally, which involves monitoring the site and making sure the groundwater is not used for drinking water. A more active groundwater remedy, which might be necessary, involves pumping and treating the water at a cost of about \$17 million.

"When negotiations broke down, the parties suggested mediation as a way to begin to trust each other and move towards settlement," said Mindy Lubber, EPA New England acting regional administrator. "It worked. This settlement will fund the Superfund cleanup of contaminated groundwater, soil, and sediments that threaten the public health, and will ultimately restore the aquifer to beneficial use."

New Hampshire Attorney General Philip T. McLaughlin added, "This office has worked hard to ensure that restoration and reuse of the **Auburn Road** Landfill would occur and that those responsible for the contamination would be held accountable. This settlement, which was reached without the need for protracted litigation, achieves both ends."

New Hampshire Department of Environmental Services Commissioner Robert Varney agreed. "Our biggest concern is that the groundwater is brought back to drinking water quality, and we will continue to monitor progress at this site to make certain that it does," he said. "We now have commitments from reliable companies that they will put their own resources into addressing this site so that the public does not have to absorb the cost of restoring this aquifer."

Other aspects of the settlement follow:

- Capping the municipal landfill and transferring 120 acres of land at or adjacent to the site to the town of Londonderry will pave the way for beneficial reuse of the site. Under the terms of the settlement, the town cannot sell the 13 acres over the capped landfill for 30 years. These 13 acres must be used for public recreational purposes for the first 15- year period; during the second 15-year period, the property must be used for a public purpose approved by EPA in consultation with the State of New Hampshire. The remaining acres cannot be sold for a 10-year period, during which the land also must be used for public recreational purposes.

- Workplace Systems Inc. voluntarily replaced its wet paint system with a dry powder paint system, a project that eliminated most paint waste from its manufacturing process and was valued at \$700,000. This Supplemental Environmental Project provides environmental benefits beyond those required by law.
- Workplace Systems Inc. will also pay a penalty of \$25,000 for not complying with an administrative order issued by EPA in 1990.
- Peter Johnson will pay \$100,000 as a penalty for not complying with an administrative order issued by EPA in 1990.

The **Auburn Road** Landfill Superfund Site consists of three separate areas: the former Londonderry Town Dump, which operated during the 1960s and was the disposal site for over 1,000 drums of chemical waste; a tire disposal areas where tires and demolition debris and several hundred drums of chemical waste were dumped; and a solid waste landfill. Soils, surface water and groundwater have been found to be contaminated with Volatile Organic Compounds, PCBs (polychlorinated biphenyls), and other toxic chemicals.

Last updated on 9/29/2016