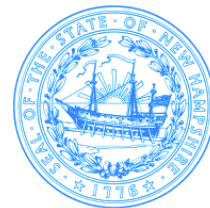




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

EMAIL ONLY

January 8, 2021

Gary Raddatz
NEMR of Madbury, New Hampshire LLC
c/o Prolerized New England Company, LLC
69 Rover Street
Everett, MA 02149

Subject: **Madbury** - New England Metal Recycling (NEMR), 290 Knox Marsh Road
DES Site #**198705022**, Project #8795, EPA ID #**NHD986483337**

NEMR of Madbury Variance Petition, prepared by Tetra Tech, Inc. (TTI), dated October 16, 2020, on behalf of New England Metal Recycling of Madbury, LLC

Supplemental Information to NEMR of Madbury Variance Petition (Laboratory Analytical Report), prepared by TTI, dated December 10, 2020, on behalf of New England Metal Recycling of Madbury, LLC

Dear Mr. Raddatz:

The New Hampshire Department of Environmental Services (NHDES) has determined that the variance petition from applicable land disposal restriction (LDR) standards, submitted on NEMR's behalf by TTI, is complete.

After a review of the petition, the New Hampshire Hazardous Waste Rules, and relevant federal guidance, NHDES has made a preliminary decision to grant the variance with the modifications described below. Additional modifications may result from public comment.

1. If NEMR has to add more than 15% by weight of TerraBond[®]Mg to treat the waste, NEMR shall notify NHDES via email within three days.
2. NEMR shall not retreat the waste solely to lower the concentration of polychlorinated biphenyls (PCBs).
3. The variance will be effective until October 30, 2022, and NEMR may petition for additional time if necessary.
4. NHDES reviewed the LDR variance issued to CITGO Corporation in the October 22, 1996, Federal Register ([61 FR 55718](#)) as well as Appendix D of the [Final BDAT Background Document for Quality Assurance/Quality Control Procedures and Methodology](#) (BDAT Document) and determined that Equation 1 in Appendix D of the BDAT Document is appropriate to determine alternative treatment standards. NHDES developed the alternative treatment standards specified below by using Equation 1 and the sample standard deviation of the log transformed data. In addition, when two results were provided for a given sample, NHDES used the results that were not flagged by the lab for quality assurance issues.

Alternative Treatment Standards

Constituent	Standard (mg/kg)
bis(2-Ethylhexyl)phthalate (BEHP)	897.1
Di-n-octyl phthalate (DNOP)	155.0
PCBs	43.7

www.des.nh.gov

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Env-Hw 1202 incorporates by reference 40 CFR 268.44 with regard to LDR variance petitions from treatment standards. 40 CFR 268.44(h)(5) requires public notice and the opportunity for public comment on NHDES' preliminary decision to grant the petition. NHDES will ensure that a legal notice to solicit public comments is published in both a local newspaper (Foster's Daily Democrat) and a statewide newspaper (Union Leader). The Public Comment Period will close on the date specified in the public notice. Any person may comment or request a public hearing on the preliminary decision. A request for a hearing must state the issues to be raised and explain why written comments would not suffice to communicate the person's views.

NHDES will review any requests for a public hearing and determine whether a hearing is warranted. If so, the hearing will be held virtually on February 22, 2021, at 10:00 AM and announced on NHDES' public comment page at <https://www.des.nh.gov/public-comment-opportunities?category=Waste>. After the public comment period and hearing (if held), NHDES will prepare a summary of comments and responses for the public comments received and make a final decision to grant or deny the petition.

If you have any questions, please feel free to contact Zachary Lorch at (603) 271-5328 or Zachary.D.Lorch@des.nh.gov.

Sincerely,



Wendy S. Bonner, Interim Administrator
Hazardous Waste Management Bureau
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