



# National Enforcement Investigations Center

## Case Results – Grimmel Industries

### Clean Water Act Illicit Discharge Criminal Case

#### Field Technical Support Capabilities

#### NEIC's Support:

- Forensics-based field investigations accredited under ISO/IEC: 17025
- CWA expertise

#### NEIC's Other Capabilities:

- Laboratory analyses accredited under ISO/IEC: 17025, General Requirements for the Competence of Testing and Calibration Laboratories
- Interpretation of analytical results
- Statistical services
- Toxicological expertise
- Analytical consultations
- CAA, 112r, EPCRA and RCRA expertise
- Training

**Background:** The former Grimmel Industries, Inc. (Grimmel) facility in Portsmouth, New Hampshire, operated until 2014 as a scrap metal recycling yard that stored metal before it was loaded onto ships for transport. Grimmel had been subject to civil enforcement in 2011 for discharging mercury, polychlorinated biphenyls (PCBs) and other contaminants into the Piscataqua River from this site. This civil action resulted in a \$75,000 fine and over \$500,000 in injunctive relief. As a result, Grimmel stopped discharging wastewater from this site and instead collected process water within a bermed area, pumped it into a tanker truck, then reused the wastewater to spray the scrap piles to keep rust dust from polluting the air in the area. On June 25, 2013, the harbormaster observed a tanker truck on the Grimmel site discharging water through a large hose into the Piscataqua River and notified authorities. EPA's Criminal Investigation Division (CID) agents had the remaining contents of the tanker truck analyzed; the tanker truck's contents were found to contain sodium and calcium, along with various metals, including aluminum, barium, copper, nickel, iron, lead, and zinc.



**NEIC's support:** CID requested NEIC assistance, as the defendant had claimed that the water discharged from the tanker would not reach the river because it would be filtered out while flowing over land. In June 2015, NEIC experts who specialize in Clean Water Act civil investigations conducted a field demonstration using a tank and hoses to

replicate the alleged discharge. A flow-rate test was conducted to estimate the flow rate of the alleged discharge. A discharge test was conducted using green dye to determine if a discharge to the river could be readily observed. The field demonstration team observed dye flowing into the river approximately 8 minutes after flow began from the tank.

**Enforcement results:** Christopher Garrity, the Grimmel site manager, pleaded guilty to one felony count of discharging a pollutant into the navigable waters of the United States without a permit. Mr. Garrity was sentenced in February 2016 to pay a \$5,000 fine and to serve 12 months probation. Grimmel ceased operations at the Portsmouth site on December 31, 2014, when its lease was not renewed.

*"The analytical and field work we conducted this past summer in Portsmouth, New Hampshire turned the tide in this case and as a direct result of such the defendant was left with no other option, but to plead guilty."*—CID Special Agent Kevin Gaul

#### How to obtain NEIC's support

NEIC provides environmental forensics support for criminal and civil enforcement cases. If you would like more information on NEIC or to request laboratory analysis, toxicological support, an investigation, technical assistance, or training from NEIC, please contact us at [neic\\_project\\_requests@epa.gov](mailto:neic_project_requests@epa.gov). You may also contact your regional enforcement coordinator for more information on requesting NEIC's support on civil projects and EPA's Criminal Investigation Division (CID) for support on criminal projects.