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The state of New Hampshire is suing Shell Oil Co. for allegedly taking money that it wasn't entitled to for oil spill cleanups and then suing its own insurance company for costs the state already had paid.

Attorney General Joseph Foster announced the suit, filed in Merrimack County Superior Court in Concord on Tuesday. It claims that the state spent more than \$2.4 million from the Oil Discharge and Disposal Cleanup Fund more than 25 years to reimburse gas station owners, including several in Nashua, who it thought were uninsured after oil and fuel leaks.

The money, which is generated from a fee on gas sold in the state, is earmarked to reimburse only stations that do not have insurance. The suit claims that Shell failed to tell the state that it was insured.

Four of the roughly dozen sites the state claims it paid for cleanup work at are in Nashua, including 7 Harris Road, 275 Amherst St., 160 Broad St. and 270 Main Dunstable Road, according to Assistant Attorney General Evan Mulholland.

The suit is asking the court to order Shell to repay the \$2.4 million plus interest, costs and other damages, and charges the company with fraud, breach of contract and unjust enrichment.

Aside from not disclosing that it had insurance coverage for the underground storage tank leaks, the state claims that Shell took the state's money as reimbursement and then sued hundreds of its insurance providers, eventually settling for more than \$400 million between 1994-98, according to the suit.

A call to Shell Oil's media relations division was not immediately returned Tuesday.

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