ENVIRONMENTAL CRIMES SECTION

MONTHLY BULLETIN

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EDITOR'S NOTE:

If you have other significant updates and/or interesting photographs from a case, you may email these to Elizabeth Janes: [redacted]. If you have information concerning state or local cases, please send it directly to the Regional Environmental Enforcement Associations' website: www.regionalassociations.org

Money belts strapped to defendant's body concealing 12 live reptiles during an international flight. See *U.S. v. Plank* inside, for details.

AT A GLANCE:

- United States v. Peter X. Lam et al., 2011 WL 2878009 (9th Cir. 2011).
- [redacted]

DISTRICTS	ACTIVE CASES	*CASE TYPE/* STATUTES
N.D. Ala.	United States v. David Langella	*Reptile Sales/* Lacey Act, Conspiracy, Obstruction
D. Alaska	United States v. Michael Duby United States v. Michael E. Smith	*Animal Sales/* MBTA, Lacey Act *Sea Otter Pelt Sales/* Lacey Act
C.D. Calif.	United States v. Chau-Shin Lin et al. [redacted] United States v. Michael Plank United States v. Joseph Yoon et al.	*Fish Mislabeling/* Lacey Act, FDCA [redacted] *Reptile Smuggling/* Smuggling *Condo Renovation/* CAA, Conspiracy
M.D. Fla.	United States v. Guy Gannaway et al.	*Condo Renovation/* CAA, Conspiracy, False Statement
N.D. Calif.	United States v. James Dickson	*Wildlife Trade/* Lacey Act
S.D. Calif.	United States v. Nathan Lee et al.	*Fishing in Int'l Waters/* Lacey Act
S.D. Fla.	United States v. Brendan Clery United States v. Richard Stowell et al.	*Importing Ozone Depleting Substances/* Smuggling *Mislabeled Shrimp/* Lacey Act, FDCA
[redacted]	[redacted]	[redacted]
N.D. Ga.	United States v. Michael Kelly et al. United States v. Corey Beard et al.	*Emissions Certificate Fraud/* CAA *ODS Release/* CAA, Conspiracy

DISTRICTS	ACTIVE CASES	*CASE TYPE/* STATUTES
S.D. Iowa	United States v. William Coco et al.	*Building Renovation/* CAA, Conspiracy
E.D. La.	United States v. Stolthaven New Orleans, LLC United States v. Freddy Langford United States v. Stanships, Inc. (Marshall Islands), et al.	*Bulk Storage Terminal/* CWA Misdemeanor *Fish Transport/* Lacey Act *Vessel/* APPS, Obstruction, PWSA
W.D. La.	United States v. Byron Hamilton	*Crude Oil Refinery/* CAA Negligent Endangerment
D. Md.	United States v. Cephus Murrell	*Lead-Based Paint Disclosure/* TSCA, CAA
E.D. Mich.	United States v. Brian Waite et al.	*Asbestos Removal/* CAA, Conspiracy
D. Mont.	United States v. Daniel Vanacker et al. United States v. Steven Augare	*Pond Construction/* CWA Misdemeanor *Drinking Water Operator/* False Statement
E.D.N.Y.	United States v. Victor Gordon	*Ivory Smuggling/* Lacey Act, Conspiracy, Smuggling
S.D.N.Y.	United States v. Peter Ward	*Recidivist Asbestos Inspector/* CAA
E.D.N.C.	United States v. Freedman Farms, Inc., et al.	*CAFO/* CWA
W.D.N.C.	United States v. Stephen Dickinson et al.	*Emissions Certificate Fraud/* CAA Conspiracy
S.D. Ohio	United States v. Columbus Steel Castings	*Steel Foundry/* CWA
E.D. Pa.	United States v. Debbie Wanner et al.	*Laboratory Testing/* CWA
M.D. Pa.	United States v. Matthew R. Lentz	*Electroplating Business/*CWA Misdemeanor
E.D. Tex.	United States v. Clinton Promise	*Truck Wash Business/* RCRA
D.V.I.	United States v. GEM Manufacturing LLC United States v. Juan O. Garcia	*Jewelry Business/* Lacey Act, ESA *Turtle Egg Sales/* ESA

Additional Quick Links:

Significant Environmental Decisions

Ninth Circuit

United States v. Peter X. Lam et al., 2011 WL 2878009 (9th Cir. 2011).

On June 29, 2011, the Ninth Circuit entered a memorandum affirming the convictions of Peter X. Lam for selling illegally imported fish (Vietnamese catfish falsely labeled as sole, among other things) in violation of 18 U.S.C. §545, and for introducing misbranded fish into interstate commerce with the intent to defraud in violation of 21 U.S.C. §§ 331 and 333. The court found that venue was appropriate in the Central District of California, that the evidence was sufficient to support the convictions, and that, if there were any inappropriate arguments during closing (which the court did not find), it would have been harmless error. The court remanded for resentencing, though, due to a procedural error in the district court's calculation of the loss value; however, the Ninth Circuit noted that regardless of the error, the sentence was reasonable.

Lam and co-defendant Arthur Yavelberg were sentenced in May 2009 after being convicted by a jury in October 2008 for their roles in a scheme to import misbranded Vietnamese catfish (*Pangasius hypophthalmus*). Lam was sentenced to serve 63 months' incarceration and was ordered to forfeit more than $12 million. Yavelberg was ordered to complete a one-year term of probation. Lam was found guilty of conspiring to import mislabeled fish in order to avoid paying federal import tariffs. He also was convicted on three counts of dealing in fish that he knew had been illegally imported. Yavelberg was convicted of a misdemeanor conspiracy for trading in misbranded food.

Two Virginia-based companies, Virginia Star Seafood Corp., of which Lam was president, and International Sea Products Corporation, illegally imported more than ten million pounds, or $15.5 million worth, of frozen fish fillets from Vietnamese companies Binh Dinh, Antesco, and Anhaco between May 2004 and March 2005. These companies were affiliated with Cafatex, one of the largest producers in Vietnam of Vietnamese catfish. Although the fish imported by Virginia Star and International Sea Products was labeled and imported as sole, grouper, flounder, snakehead, channa and conger pike (a type of eel), DNA tests revealed that the frozen fish fillets were in fact *Pangasius hypophthalmus*, aka catfish.

Further evidence presented at trial showed that Kich Nguyen, the head of Cafatex, imported the fish to his son, Henry Nguyen, who oversaw Virginia Star, International Sea Products, and a third company, Silver Seas, of which Yavelberg was president. Lam then knowingly marketed and sold millions of dollars worth of the falsely labeled and illegally imported fish to seafood buyers in the United States as basa, a trade name for a more expensive type of Vietnamese catfish, *Pangasius bocourti*, and also as sole. All of the fish sold was invoiced to match the false labels that were still on the boxes.

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District Courts

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Trials

United States v. Freedman Farms, Inc., et al., No. 7:10-CR-00015 (E.D.N.C.), ECS Trial Attorney Mary Dee Carraway [redacted], AUSA J. Gaston Williams [redacted], and ECS Paralegal Rachel Van Wert [redacted]

Hog waste discharged to Browder's Branch

On July 6, 2011, after a week of trial, the defendants pleaded guilty to a Clean Water Act violation. Specifically Freedman Farms, Inc., pleaded guilty to a felony CWA violation and William B. Freedman pleaded guilty to a misdemeanor CWA charge. The two had been charged in a four-count indictment with Clean Water Act, false statement, and obstruction violations related to the illegal discharge of hog waste.

William Freedman and the family-owned Freedman Farms are in the business of raising hogs for market. This particular Freedman Farms hog operation consists of six hog houses that hold more than 4,800 hogs. The waste from the hogs is directed to two nearby lagoons for treatment and disposal.

On December 19, 2007, witnesses observed hog waste in the stream known as Browder's Branch that leads from the farm. State officials were notified and pumps and tanker trucks were brought in to remove approximately 169,000 gallons of hog waste from the stream. Investigators determined that more than 332,000 gallons of waste had been discharged into Browder's Branch over a five-day period. Officials did not find evidence of pumping system failure, vandalism, or accidental discharge. Documents provided by Freedman falsely stated that he had properly disposed of the waste during some of this period using the approved methods of applying treated hog waste to crops located on other parts of Freedman Farms' land.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, and the North Carolina State Bureau of Investigation, with assistance from the Environmental Protection Agency Science and Ecosystem Support Division.

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Informations and Indictments

United States v. Victor Gordon, No. 1:11-CR-00517 (E.D.N.Y.), AUSAs Vamshi Reddy [redacted] and Claire Kedeshian [redacted]

On July 15, 2011, Victor Gordon, the owner of a Philadelphia African art store, was charged with conspiracy, smuggling, and Lacey Act violations related to the illegal importation and sale of African elephant ivory. Federal agents seized approximately one ton of elephant ivory, one of the largest U.S. elephant ivory seizures on record.

Seized ivory carvings

As alleged in the ten-count felony indictment, between May 2006 and April 2009, Gordon paid a co-conspirator to travel to Africa to purchase raw elephant ivory and have it carved to Gordon's specifications. In advance of the trips, Gordon provided the co-conspirator with photographs or other depictions of ivory carvings, which served as templates for the carvers in Africa. He further directed the co-conspirator to stain or dye the elephant ivory so that the specimens would appear old. The defendant then planned and financed the illegal importation of the ivory from Africa to the United States through JFK Airport and sold the carvings to customers at his store in Philadelphia.

This case was investigated by the United States Fish and Wildlife Service.

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United States v. David Langella, No. 5:11-CR-00302 (N.D. Ala.), ECS Senior Counsel Rocky Piaggione [redacted] and AUSA Henry Cornelius [redacted].

On July 25, 2011, a seven-count indictment was returned charging David Langella with conspiracy to violate the Lacey Act, substantive Lacey Act violations, and obstruction, relative to his travelling to Arizona to illegally obtain reptiles to sell in Alabama and other states.

The indictment alleges that Langella and others conspired to obtain Gila Monsters and Ridge-nosed rattlesnakes from Arizona in September 2009, with Langella providing guiding and tracking services to his co-conspirators. The charges further allege that in 2006, 2008, and 2009 the defendant made trips between Alabama and Arizona and Alabama and Georgia with illegally obtained reptiles. The obstruction charge alleges that in August 2009, Langella and co-conspirators moved some of these reptiles to a vacant building to thwart the efforts of law enforcement officials in their investigation.

This case was investigated by the United States Fish and Wildlife Service Office of Law Enforcement, and the Alabama Wildlife and Freshwater Fisheries Division Special Operations Unit.

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United States v. Brian Waite et al., No. 2:11-CR-20433 (E.D. Mich.), AUSA Jennifer Blackwell [redacted] and SAUSA Jim Cha [redacted]

On July 19, 2011, Brian Waite and Daniel Clements were charged in a three-count indictment with conspiracy to violate the Clean Air Act and with substantive violations of the Clean Air Act for the illegal removal of regulated asbestos-containing materials (RACM) from December 2010 through February 2011 at a former Ford plant in Utica, Michigan.

According to an asbestos survey of the plant, the building contained over 60,000 linear feet of RACM. During the removal, the defendants allegedly directed workers to tear down the RACM while it was dry and to place it into plastic bags without wetting it. To speed things up Waite and Clements allegedly instructed workers to meet a daily goal of removing 1,000 feet of RACM. In response, workers sometimes kicked or threw the RACM to the ground and broke-up larger pieces of the material to make it fit into the bags.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Stolthaven New Orleans, LLC, No. 2:11-CR-00169 (E.D. La.), AUSA Dorothy Taylor [redacted].

On July 12, 2011, an information was filed charging Stolthaven New Orleans, LLC, with a misdemeanor Clean Water Act violation (33 U.S.C. §1319(c)(1)(A)) for the negligent discharge of acid into the Mississippi River on March 17, 2008.

Stolthaven operates a bulk liquid storage and transfer terminal located adjacent to the Mississippi River. It receives and stores a variety of both hazardous and non-hazardous products in fixed-roof tanks. In 2005, the company contracted to store fluorosilicic acid (FSA), a toxic chemical used in the manufacture of circuit boards and chips. Due to its corrosivity, the owners of the FSA advised Stolthaven that the chemical must be stored in a quarter-inch rubber-lined stainless steel tank. Additionally, all hosing, tubes, valves, and couplings were to be lined with high-density polyethylene. Stolthaven altered the contract, however, and used a tank lined with Plastite 4100 instead of a rubber-lined tank. The Plastite product was supposed to be comparable to rubber, but cheaper. As a result, however, numerous intermittent releases of FSA were recorded from the Stolthaven facility in 2007 and continued until the tank experienced a catastrophic rupture in March 2008, causing the spill of approximately 468,000 gallons of the chemical into the Mississippi River.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Debbie Wanner et al., Nos. 5:11-CR-00259, 00264 (E.D. Pa.), AUSA Thomas Moshang [redacted].

On July 5, 2011, an information was filed charging Debbie Wanner, a former Blue Marsh Laboratory manager, with three counts of making false statements under the Clean Water Act.

Blue Marsh and company president Michael McKenna were charged in April of this year in an 84-count indictment with charges stemming from the falsification of environmental laboratory testing from 2005 through 2007. Among the tests allegedly falsified were results from Hurricane Katrina flood water samples that were to be tested for a variety of contaminants, including cyanide. Other tests allegedly falsified were those required by the USDA for fruit imported from South America suspected

of being contaminated with pesticides. The pending charges include conspiracy, Clean Water Act tampering, obstruction, wire fraud, and false statement violations.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Michael Duby, No. 1:11-CR-00010 (D. Alaska), ECS Senior Counsel Bob Anderson [redacted] and AUSA Aunnie Steward [redacted]

On June 23, 2011, Michael Duby was charged in a seven-count indictment with felony violations of the Migratory Bird Treaty Act for the illegal sale of migratory birds and a Lacey Act violation for the sale of an illegally taken bear. From October 2007 through approximately June 2009, the defendant allegedly posted on Ebay a variety of migratory birds and bird parts for sale. In February 2008, Duby allegedly was warned by Ebay that he might be in violation of federal law. Over the following year, however, he continued to sell migratory birds on the auction website.

The indictment further charges that, between February 2009 and June 2009, the defendant transported and sold parts of a black bear between Alaska and the state of Washington, when he should have known that the bear had been taken illegally, contrary to Alaska law, and in violation of the Lacey Act.

This case was investigated by the United States Fish and Wildlife Service.

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Plea Agreements

United States v. Chau-Shing Lin et al., No. 2:11-CR-00297 (C. D. Calif.), ECS Assistant Chief Elinor Colbourn [redacted] AUSA Joe Johns [redacted] and ECS Paralegal Kathryn Loomis [redacted]

On July 25, 2011, Chau-Shing (aka Duke) Lin, Christopher Scott Ragone, and Seafood Solutions, Inc., pleaded guilty to criminal charges stemming from their involvement in sales of a fish in the catfish family that were misleadingly labeled as "Paradise Grouper" and "Falcon Baie Grouper." Duke Lin is the president and founder of Ocean Duke Corporation, a seafood importer located in Torrance, California. Ragone purchased, marketed, and sold frozen seafood products, including frozen *Pangasius* (a type of catfish) fillets. Seafood Solutions, Inc., is affiliated with Ocean Duke Corporation.

In approximately June 2004, Lin's company began to sell a fish it declared to customs as "ponga." The fish being imported at this time as ponga was *Pangasius hypophthalmus*, a species in the catfish family. The fish was then sold under the brand names and in boxes labeled in part as "Paradise Grouper" and "Falcon Baie Grouper" with a sole listed ingredient of "ponga."

Between July 2005 and February 2006, a wholesale distributor that had purchased the fish returned approximately $411,000 worth of the product labeled as "Paradise Grouper" and "ponga" or "Falcon Baie Grouper" and "ponga" after it was determined that the product was, in fact, not grouper. Seafood Solutions agreed to be invoiced for and received the returned product, knowing that it had been inaccurately labeled. Defendants Lin, Ragone and Seafood Solutions, resold and transported the

fish in interstate commerce even after its return from the customer, knowing that it was misleadingly labeled. From February 2006 to April 2006, Ragone sold approximately $2,000,000 worth of *Pangasius* fillets knowing that the product bore the "Paradise Grouper" and "ponga" labels and thus was misleadingly labeled.

Lin pleaded guilty to a Lacey Act trafficking violation (16 U.S.C. §§3372(a)(1), 3373(d)(2)) and to a misbranding violation (21 U.S.C. §§331(c)(a), 333(a)(1)). Ragone pleaded guilty to two misbranding violations, with Seafood Solutions pleading guilty to a Lacey Act trafficking violation.

This case was investigated by the National Oceanic and Atmospheric Administration Office of Law Enforcement and the Department of Homeland Security Immigration and Customs Enforcement.

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United States v. Columbus Steel Castings, No. 2:11-CR-00180 (S.D. Ohio), AUSA Michael Marous [redacted]

On July 21, 2011, Columbus Steel Castings (CSC) pleaded guilty to an information charging six counts of violating the Clean Air Act.

CSC owns and operates a steel foundry in Columbus, Ohio, that manufactures steel castings for various industries, including the railroad industry. The company has a Title V permit for several emission sources that require air pollution control devices. In 2007, the Central Ohio Environmental Crimes Task Force began investigating the company due to the significant number of NOVs issued to the facility, the repeated nature of the violations, and the significant number of complaints being made to the Ohio EPA regarding emissions from the facility.

The company admitted to, among other things, knowingly failing to report malfunctions of air pollution control equipment; knowingly operating emission units on one or more occasion while the associated air pollution control technology was not in operation; knowingly failing to submit an accurate annual compliance certification or a revised annual compliance certification for the previous year that did not accurately state its compliance status; and knowingly failing to conduct emission testing within six months prior to the permit expiration.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Cephus Murrell, No. 1:11-CR-000330 (D. Md.), AUSA Michael Cunningham [redacted]

On July 19, 2011, Cephus Murrell pleaded guilty to three misdemeanor TSCA violations (15 U.S.C. §§ 2615(b), 2689) for failing to disclose the presence of lead-based paint to apartment tenants in Baltimore and for conducting improper lead abatement.

Murrell is the president and owner of C. Murrell Business Consultants, Inc. Through his company, the defendant owns and manages approximately 68 rental properties (175 rental units) throughout the City of Baltimore. All of these properties were built before 1978 and are subject to regulations relating to the risks associated with lead-paint exposure. Murrell has been a landlord in Baltimore since approximately 1974.

In May 2008, Murrell and his company failed to disclose to tenants the presence of lead-based paint hazards found in units with a history of lead-based paint problems. Inspection records have been maintained by the Maryland Department of the Environment over several years that document lead-based paint violations and children with elevated lead blood levels in many of the properties owned by

Murrell. More than 20 notices of violation and compliance orders have been issued against Murrell and/or his company for lead-based paint violations.

In September 2010, workers conducting lead-paint abatement under Murrell's direction did not follow proper procedures by, among other things, working without a supervisor on site despite Murrell's submission of certifications to local authorities that a supervisor would be present.

Sentencing has been scheduled for November 4, 2011. This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the Maryland Department of the Environment, and the Maryland Attorney General's Office.

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United States v. GEM Manufacturing LLC, No. 2:11-CR-00019 (D.V.I.) ECS Trial Attorney Christopher Hale and AUSA Nelson Jones

Black coral cufflinks

On July 15, 2011, GEM Manufacturing LLC (GEM) pleaded guilty to a seven-count information charging two felony Lacey Act false labeling violations (16 U.S.C. §§ 3372(d), 3373(d)(3)(A)) as well as five misdemeanor Endangered Species Act counts (16 U.S.C. §§ 1538(c), 1540(b)). The defendant utilizes the black coral in the manufacture of high-end jewelry and art figurines. The charges stem from the company's purchase of thousands of pounds of CITES Appendix II black coral in 2009 that were falsely labeled and lacked required CITES certificates.

Black coral is one of the several types of precious corals that may be polished to a high sheen, worked into artistic sculptures, and used in inlaid jewelry. Black coral is typically found in deep waters, and many species have long life spans and are slow-growing. Using deep sea submersibles, scientists have observed that fish and invertebrates tend to accumulate around the black coral colonies. Thus, black coral communities serve important habitat functions in the mesophotic and deepwater zones. In the last few decades, pressures from overharvesting, due in part to the wider availability of diving gear, and the introduction of invasive species have threatened this group of coral.

The plea was taken before the magistrate judge, who in turn recommended that the chief judge formally accept the defendant's guilty plea. Sentencing is set for October 26, 2011. If the court imposes the agreed-upon sentence, GEM will pay a $2 million fine, make a community service payment of $500,000, and forfeit raw black coral and jewelry valued at over $2.09 million. The aggregate financial penalty of $4.59 million would be the largest involving the illegal trade in coral and the largest non-seafood wildlife trafficking financial penalty to date.

This case was investigated by the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, with support from United States Immigration and Customs Enforcement and United States Customs and Border Protection.

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United States v. Stephen Dickinson et al., No. 3:11-CR-00101 (W.D.N.C.) AUSA Stephen Kaufman

On July 14, 2011, former service technician Jin Sung Chang pleaded guilty to a Clean Air Act conspiracy violation (42 U.S.C. §7413 (c)(2)(A) and to making a false statement (18 U.S.C. §1001) for his involvement in a scheme to bypass the state of North Carolina's vehicle emissions program.

Several former service technicians who worked for Hendrick BMW used an illegally purchased OBDII simulator that enabled them to falsify emissions test results. The illegal simulator allowed the technicians to access the state's computerized emission program and print out falsified emissions certificates without actually testing a car. Illegal inspections were performed on the defendants' personal vehicles and those of family and friends, often with cash payments to the defendants.

Former technicians Stephen Dickinson and Alexander Edwards each pleaded guilty in April 2011 to a CAA charge. Car salesman Chuck Yee Cheung was arrested in May 2011 for violating supervised release after having been charged with a CAA violation. On June 7, 2011, Cheung pleaded guilty to this new charge while under supervised release for a prior drug conviction. Thanh Long Quoc Nguyen, owner of a used car dealership, pleaded guilty on July 6, 2011, to a CAA violation.

The investigation is ongoing and is being conducted by the United States Environmental Protection Agency Criminal Investigation Division, the North Carolina State Bureau of Investigation, and the North Carolina Division of Motor Vehicles License and Theft Bureau.

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United States v. Byron Hamilton, No. 2:11-CR-00130 (W.D. La.), ECS Senior Trial Attorney Richard Udell [redacted] ECS Trial Attorney Christopher Hale [redacted], ECS Senior Counsel Rocky Piaggione [redacted] AUSA Stephanie Finley [redacted], and Paralegal Ben Laste [redacted]

On July 6, 2011, Byron Hamilton pleaded guilty to two Clean Air Act negligent endangerment violations. From approximately January 2005 to the present, Hamilton served as the vice president and general manager of Pelican Refining Company (PRC), a crude oil and asphalt refining facility located in Lake Charles, Louisiana. Hamilton was viewed as the one in charge and the highest level managers at the facility, including two refinery managers, reported directly to him.

Pelican Refinery

From approximately August 2005 through December 2006, PRC sporadically processed crude oil and was required by its permit to maintain and utilize certain pollution prevention equipment to mitigate the release of harmful air pollutants. Much of the equipment, however, was not functioning and/or poorly maintained such that there were significant releases of pollutants into the atmosphere and at the refinery. Crude oil contains benzene, ethyl benzene, toluene, and xylene (collectively known as "BTEX") and each is a listed hazardous air pollutant.

In 2005 and 2006, PRC processed "sour" crude with high concentrations of hydrogen sulfide, also known as "H2S." H2S is a highly toxic, colorless, and flammable gas inherent to sour crude refining. It is classified as an "extremely hazardous substance" with a characteristic odor of rotten eggs at low concentrations. Refinery workers reported smelling H2S as well as having their personal H2S monitors periodically alarm. PRC had no procedure to record, track, report, or mitigate H2S releases. At higher concentrations H2S disables the sense of smell so that its odor is no longer perceived. At very high concentrations it paralyzes the respiratory center of the brain causing the exposed individual to stop breathing.

Sources of H2S and BTEX emissions at the Pelican Refinery included the main refinery stack, leaks at pipes and joints, the barge loading dock, and tanks with roofs that were improperly certified

and fitted and which also had failed. For the periods from August through December of 2005, and from January through December of 2006, Hamilton admitted that he was responsible for the release of hazardous air pollutants including benzene, ethylbenzene, toluene, and xylene, along with hydrogen sulfide, negligently placing other persons in imminent danger of death or serious bodily injury.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Louisiana State Police, with assistance from the Louisiana Department of Environmental Quality.

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United States v. Clinton Promise, No. 9:11-CR-00017 (E.D. Tex.), AUSA Jim Noble [redacted]

On July 5, 2011, Clinton Promise pleaded guilty to a RCRA disposal violation (42 U.S.C. § 6928 (d)(2)) for unlawfully disposing of hazardous wastes.

In March 2006, Promise was an employee at QualaWash, a truck washing and cleaning business. He was paid by HOT Transport, a chemical transportation company, to illegally dispose of approximately 45,000 pounds of tank wash wastewater that exhibited hazardous waste characteristics.

QualaWash was not permitted to receive, treat, or dispose of hazardous wastes. QualaWash management had no knowledge of the disposal, but another employee was terminated for allowing Promise to dispose of the wastes at the site.

David Overdorf, the former HOT Transport president, also pleaded guilty to a RCRA disposal violation. He admitted to directing HOT employees to wash out the interiors of trailer-mounted tanks at HOT's place of business knowing that these tanks contained hazardous wastes.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the Texas Commission on Environmental Quality, and the Texas Environmental Enforcement Task Force.

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United States v. Freddy Langford, No. 2:11-CR-00158 (E.D. La.), AUSA Jordan Ginsberg [redacted]

On July 5, 2011, Freddy Langford pleaded guilty to a felony Lacey Act violation (16 U.S.C. §3372(a)(2)(A)) for knowingly transporting and selling tilapia, a species of fish not native to Louisiana.

Langford was the president of the company Langford Aquatics, based in Lakeland, Florida, which was in the business of raising and selling fish for stocking private ponds. In July 2006, Langford sold and transported a truck-load of tilapia from Florida to a buyer in Louisiana when he should have known that doing so violated Louisiana state regulations.

This case was investigated by the United States Fish and Wildlife Service and Louisiana Department of Wildlife and Fisheries.

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Sentencings

United States v. Brendan Clery, No. 1:11-CR-20280 (S.D. Fla.), SAUSA Jodi Mazer [redacted] and AUSA Tom Watts-FitzGerald[redacted]

On July 29, 2011, Brendan Clery was sentenced for illegally importing HCFC-22 into the United States. Clery will serve 18 months' imprisonment, followed by two years' supervised release. He also will pay a $10,000 fine and was ordered to forfeit $935,240, which represents the proceeds from his illegal conduct.

Clery previously pleaded guilty to a one-count information charging him with a smuggling violation (18 U.S.C. §545) for knowingly importing more than 270,000 kilograms of illegal hydrochlorofluorocarbon - 22 (HCFC-22) into the United States. HCFC-22 is a widely used refrigerant for residential heat pump and air-conditioning systems.

In 2005, Clery formed Lateral Investments for the purpose of importing merchandise, including refrigerant gas. Between June and August 2007, the defendant illegally imported approximately 20,460 cylinders of restricted HCFC-22, with a market value of $1,438,270. At no time did Clery or his company hold unexpended consumption allowances that would have allowed them to legally import the HCFC-22.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, United States Immigration and Customs Enforcement Homeland Security Investigations, and the Florida Department of Environmental Protection Criminal Investigation Bureau.

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United States v. Stanships, Inc. (Marshall Islands), et al., No. 11-CR-00057 (E.D. La.), ECS Senior Trial Attorney Richard Udell[redacted] and AUSAs Emily Greenfield[redacted] and Dorothy Taylor[redacted].

Overboard pipe with oil stain above

On July 28, 2011, Stanships, Inc. (Marshall Islands), Stanships, Inc. (New York), Standard Shipping, Inc. (Liberia), and Calmore Shipping (British Virgin Islands) were collectively sentenced to pay a $1 million penalty and will be banned from doing business in the U.S during a five-year term of probation. Of the $1 million, $250,000 will be used to fund community service projects in the Eastern District of Louisiana.

The defendants previously pleaded guilty to an eight-count information charging them with obstruction, APPS oil record book violations, and Ports and Waterways Safety Act violations (33 U.S.C. § 1908(a), 33 U.S.C. § 1232(b)(1), 18 U.S.C. §§ 1505 and 1519) for failing to notify the Coast

Guard of a hazardous condition on the *M/V Americana*, a Panamanian-registered cargo vessel operated by Stanships, Inc. (Marshall Islands).

An investigation was initiated after a crew member made allegations of illegal overboard discharges of oily waste and sludge and provided the Coast Guard with cell phone photos showing the use of a bypass pipe. The ship's oil record book was falsified to conceal the discharges. Additionally, in November 2011, the ship arrived at the port of New Orleans with a variety of unreported hazardous conditions, including an inoperable and unreliable generator and a hole between a fuel tank and a ballast tank. Prior to arriving in New Orleans, the ship had been adrift for approximately three to four days without engine power.

Stanships, Inc. (Marshall Islands) is a repeat offender, having been sentenced in September 2010 in the Eastern District of Louisiana to pay a $700,000 fine, make a $175,000 community service payment, complete a three-year term of probation, and implement an environmental compliance plan. In that case, the company pleaded guilty to an APPS ORB charge and a Clean Water Act violation for a knowing discharge of oil in the Gulf of Mexico from the *M/V Doric Glory*. In April 2011, the previous term of probation was revoked based upon the new violations. As a result, the *M/V Americana* and the *M/V Doric Glory* are banned from entering U.S. waters.

This case was investigated by the United States Coast Guard Investigative Service and the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Richard Stowell et al., No. 1:11-CR-20256 (S.D. Fla.), AUSA Norman O. Hemming, III [redacted].

On July 27, 2011, Richard Stowell and United Seafood Imports, Inc. (USI) were sentenced after previously pleading guilty to charges stemming from the sale of mislabeled shrimp. Stowell will complete a two-year term of probation to include six months' home confinement. He also will perform 200 hours of community service to include writing an article describing his conduct in this case and holding two seminars addressing the seafood industry about Country of Origin Labeling regulations and Lacey Act requirements. USI will pay a $200,000 fine and will complete a two-year term of probation.

The defendants previously pleaded guilty to conspiracy to falsely label and misbrand seafood, Lacey Act false labeling, and Food, Drug, and Cosmetic Act (FDCA) misbranding violations (18 U.S.C. §371; 16 U.S.C. §3372(d)(2); 21 U.S.C. §331(a)).

Stowell is USI's owner, president, and sole shareholder. He and other co-defendants conspired to violate the Lacey Act and the FDCA by mislabeling and misbranding approximately one million pounds of shrimp. USI purchased the shrimp in boxes labeled "Product of Thailand," "Product of Malaysia," and "Product of Indonesia." The defendants then re-packaged and re-labeled the shrimp as "Product of Panama," "Product of Ecuador," and "Product of Honduras." The shrimp, valued at between $400,000 and $1,000,000, was ultimately sold to supermarkets in the northeastern United States.

This case was investigated by the National Oceanic and Atmospheric Administration Office of Law Enforcement and the Florida Department of Agriculture and Consumer Services.

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United States v. Juan O. Garcia, No. 1:10-CR-00041 (D.V.I.), AUSA Rhonda Williams-Henry [redacted]

On July 21, 2011, Juan O. Garcia was sentenced to serve six months of home confinement as a condition of a one-year term of probation. He also will perform 100 hours of community service.

Garcia previously pleaded guilty to an Endangered Species Act violation (16 U.S.C. §1538 (a)(1)(B)) for the illegal take of more than 140 eggs from a Hawksbill sea turtle nest. A concerned citizen contacted authorities in June 2009, when the defendant was seen selling eggs from a bucket at a gas station. Garcia freely admitted that they were turtle eggs, and that he had removed 146 from a nest. Analysis confirmed that they were from a Hawksbill sea turtle, an endangered species.

Immediately after the eggs were recovered, a wildlife biologist reburied them in another location in St. Croix with all 146 of the eggs eventually hatching.

This case was investigated by the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

Biologist with sea turtle hatchlings

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United States v. Guy Gannaway et al., Nos. 8:10-CR-00013, 00059 (M.D. Fla.), ECS Trial Attorney Lana Pettus [redacted] AUSA Cherie Krigsman [redacted], and ECS Paralegal Rachel Van Wert [redacted]

On July 21, 2011, Guy Gannaway was sentenced to serve 90 days' incarceration, followed by six months' home detention, as conditions of a three-year term of supervised release. A fine was waived, but Gannaway also will perform 30 hours of community service to focus on speaking to contractor-related groups about asbestos removal. Stephen Spencer will pay a $10,000 fine, complete a five-year term of probation, and will perform 30 hours of community service addressing contractor/architecture-related groups about asbestos removal.

Gannaway and Spencer were convicted by a jury in January of this year of conspiracy to violate the Clean Air Act and various CAA charges related to the mishandling of asbestos (18 U.S.C. § 371, 42 U.S.C. §7413.) Gannaway also was convicted of making a false statement (18 U.S.C. § 1001.) The jury acquitted co-defendant John Loder on five counts and could not reach a verdict on two remaining counts. Defendant Keith McConnell died earlier this year of an extended illness, and the case against him was dismissed.

From approximately November 2004 through September 2005, the defendants were involved in the purchase and renovation of apartment complexes for the purpose of converting them to condominiums. Gannaway was the owner of Gannaway Builders, Inc. (GBI), the general contractor on the project. McConnell was the GBI superintendent for renovation operations. Spencer was a partner in Sun Vista Indian Pass, LLC, the developer of the project and also was the architect for the project.

Evidence at trial showed that asbestos-containing materials were mishandled by the defendants, despite repeated warnings from the Pinellas County Air Quality Division and various asbestos consultants and contractors. In at least two of the complexes slated for renovation and conversion, the ceilings within the buildings were coated with a "popcorn" ceiling mixture that contained significant amounts of asbestos. During the course of the renovations, the defendants disturbed and caused others to disturb large quantities of this material without notifying regulators and without following the work practice standards for asbestos. Photographs showed wide-ranging disturbances of asbestos-containing material as well as improper disposal of those materials in general construction debris dumpsters. GBI employees were also depicted dry sweeping debris, resulting in significant clouds of dust in areas where asbestos was found. Co-defendant James Roger Edwards previously pleaded guilty to being an accessory-after-the-fact for his failure to notify or report an improper removal of asbestos.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, with assistance from the Florida Department of Law Enforcement.

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United States v. William Coco, et al., No. 4:10-CR-00025 (S.D. Iowa), ECS Trial Attorneys Gary Donner [redacted] and Mark Romley [redacted], AUSA Debra Scorpiniti [redacted] SAUSA Kristina Gonzales [redacted], and ECS Paralegal Lisa Brooks [redacted].

On July 13, 2011, William Coco was sentenced to complete three years' probation and will perform 200 hours of community service that must be geared toward either environmental or homeless/low economic housing issues. Coco pleaded guilty to conspiracy and to a Clean Air Act violation (18 U.S.C. § 371; 42 U.S.C. §7413 (c)(1)) for his involvement in an illegal asbestos abatement project. Co-defendant Robert Joe Knapp recently was sentenced to serve 41 months' incarceration, followed by two years' supervised release. Knapp also must pay a $12,500 fine and perform 300 hours of community service. Knapp pleaded guilty to one count of conspiracy to violate

the CAA and to one CAA count for failing to remove all regulated asbestos-containing material (RACM) from the Equitable Building before commencement of a three-year renovation project.

Knapp, as the owner of the Equitable Building (located in downtown Des Moines), oversaw its renovation from 2006 through February 2008. The renovation included the disturbance of asbestos-containing pipe insulation and tile as workers gutted several floors of the building while converting the floors into luxury residential condominium units and additional commercial space.

Knapp admitted to conspiring with Coco, his construction manager, to illegally remove more than 260 feet of RACM from steam pipes and more than 160 square feet of floor tile containing RACM from the building, which subsequently was illegally disposed of in an uncovered dumpster. None of the workers involved in the project were properly trained to perform asbestos abatement work.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Iowa Department of Natural Resources.

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United States v. Matthew R. Lentz, No. 1:11-CR-00066 (M.D. Pa.), AUSA Bruce Brandler [redacted]

On July 12, 2011, Matthew R. Lentz was sentenced to pay a $2,500 fine and will complete a one-year term of probation.

Lentz previously pleaded guilty to a one-count information charging him with a misdemeanor Clean Water Act violation (33 U.S.C. § 1319(c)(1)(A)) for illegal wastewater discharges made to the City of Lebanon's POTW.

Between 1996 and 2009, the defendant was the president and co-owner of Lebanon Finished Products (LFP), an electroplating company. During this period the company repeatedly violated its permit requirements, primarily by exceeding its zinc effluent limitations. After the issuance of numerous notices of violation by the local sewer authority, the company was placed under a consent order and, in May 2005, Lentz agreed to upgrade the pretreatment system in accordance with a compliance agreement. After assuring local authorities that new equipment had been installed, the company remained in significant non-compliance with its permitted zinc levels from September 2005 through November 2009.

In 2008, the EPA received additional information that company employees were tampering with a monitoring device in an attempt to conceal permit violations by placing the intake hose into a clean bucket of water.

The case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. James Dickson, No. 3:11-CR-00165 (N.D. Calif.), AUSA Stacey Geis

Wildlife mounts

On July 12, 2011, James Dickson was sentenced to serve six months' incarceration followed by three years' supervised release, stemming from his participation in the illegal trade of protected wildlife. Dickson also was ordered to forfeit numerous wildlife taxidermy mounts worth thousands of dollars.

Dickson pleaded guilty in April of this year to a felony Lacey Act violation (16 U.S.C. § 3372(a)(1) and (a)(4)) for knowingly selling numerous endangered and otherwise protected species on the Internet for tens of thousands of dollars, including a juvenile bald eagle that he sold to an undercover agent for $2,200. Other protected big game animals that Dickson illegally sold or offered to sell on Craigslist included taxidermy mounts of a Siberian tiger for $15,000, a Kodiak bear for $14,000, a polar bear for $6,500, a black panther for $4,500, a black bear for $3,800, and a cheetah rug for $900. Dickson admitted that he knew it was illegal to sell these protected wildlife and that he could face jail time if apprehended. As part of his sentence the defendant reimbursed the United States Fish and Wildlife Service $2,200 in restitution for the undercover transactions.

This case was investigated by the United States Fish and Wildlife Service, with assistance from the California Department of Fish and Game.

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United States v. Michael E. Smith, No. 1:11-CR-00004 (D. Alaska) AUSA Steven Skrocki

On July 8, 2011, Michael E. Smith was sentenced to serve six months' imprisonment, followed by one year of supervised release, for illegally selling two tanned sea otter pelts to an undercover officer in violation of the Lacey Act (16 U.S.C. §3372 (a)(1)).

Smith, an Alaska native and an employee with the Sitka Tribal Tannery, illegally sold two whole sea otter pelts to an undercover agent for $800. The tanned pelts were then shipped outside of Alaska to the undercover agent in violation of the Lacey Act. The case is a result of an 18-month undercover investigation targeting illegal sea otter hunting and trafficking in Southeast Alaska, Anchorage, and Fairbanks. At sentencing the court expressed particular concern that Smith broke the law despite holding the position of a village police officer.

This case was investigated by the United States Fish and Wildlife Service, with assistance from the Division of Alaska Wildlife Troopers.

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United States v. Peter Ward, No.11-CR-00196 (S.D.N.Y.), AUSA Janis Echenberg [redacted] and former AUSA Anne Ryan.

On July 7, 2011, Peter Ward, formerly a licensed asbestos investigator, was sentenced to serve 27 months' incarceration, followed by three years' supervised release. He also will pay a $2,000 fine. Ward previously pleaded guilty to violating the conditions of his supervised release imposed following his 2006 conviction for asbestos-related violations of the Clean Air Act. Ward specifically pleaded guilty to a 17-count information charging him with filing 17 false reports with the Probation Office regarding his employment.

From the early 1990s until July 2005, Ward held a New York City Asbestos Investigator's license. In July 2005, his license was revoked, after which he held no licenses to perform asbestos-related work. Ward operated two companies, TUC Environmental Group, Inc., and Oak Drive Enterprises, Inc. Since April 2002 neither company has been licensed to perform asbestos-related work.

In June 2006, Ward was sentenced to serve 27 months' incarceration, followed by three years' supervised release, for improperly removing asbestos from a police precinct building in Queens and an apartment building in Brooklyn. Ward had pleaded guilty to one CAA charge, admitting that in 2001 he improperly removed the asbestos from the apartment building, and had attempted to conceal his actions by not notifying the EPA.

While under supervision, Ward was prohibited from engaging in any employment that involved asbestos material. He was further required to submit truthful and complete monthly reports to his probation officer concerning, among other things, his employment and sources of income.

Ward completed his term of incarceration in February 2008, and by the spring of 2008 through July 2010, he was back working in the asbestos industry through his two companies. During this time, he submitted monthly reports to the probation office that mischaracterized his employment and omitted earnings documentation that would have signaled that he was still working in the asbestos industry.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Michael Plank, No. 2:09-CR-01278 (C.D. Calif.), AUSA Dennis Mitchell [redacted]

On July 6, 20111, Michael Plank was sentenced to serve 15 months' incarceration followed by three years' supervised release, and will pay a $2,000 fine. Plank pleaded guilty to a smuggling violation (18 U.S.C. §545) for smuggling 15 juvenile lizards from Australia into the United States, all of which were concealed in money belts on his body when he attempted to pass through United States Customs at the Los Angeles International Airport in November 2009.

Juvenile lizards found in money belts

Plank pleaded guilty to smuggling two Geckos, two Monitor lizards, and 11 Skink lizards from Australia. Monitor lizards are listed on Appendix II of the Convention on International Trade in Endangered Species (CITES), which means that the species may become threatened with extinction unless trade is closely controlled.

This case was investigated by the United States Fish and Wildlife Service and United States Customs and Border Protection.

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United States v. Joseph Yoon et al., Nos. 2:10-CR-00575 and 00793 (C.D. Calif.), ECS Senior Trial Attorney David Kehoe [redacted] AUSA Bayron Gilchrist [redacted] and ECS Paralegal Kathryn Loomis [redacted]

On July 6, 2011, Joseph Yoon was sentenced to complete a two-year term of probation and will be held jointly and severally liable with his co-defendants for $5,400 in restitution to cover the cost of medical monitoring for three workers involved in the illegal removal of asbestos during a condo renovation project. Charles Yi previously was sentenced to serve 48 months' incarceration, followed by two years' supervised release. John Bostick was sentenced to serve six months of home confinement as a condition of a three-year term of probation. Bostick also will complete 150 hours of community service.

Yi was convicted by a jury after a two-week trial on a conspiracy violation and five Clean Air Act counts stemming from his involvement in the renovation of a 200-plus-unit apartment building in January and February of 2006. Co-defendants Yoon and Bostick previously pleaded guilty to a CAA conspiracy violation.

Yi was the owner of the now-defunct Millennium-Pacific Icon Group, which owned the apartment complex that was being converted into condominiums in 2006. Knowing that asbestos was present in the apartment ceilings, Yi and his co-conspirators hired a group of workers who were not trained or certified to conduct asbestos abatements. The workers scraped the apartments' ceilings without knowing about the asbestos and without wearing any protective gear. The illegal scraping resulted in the repeated release of asbestos-containing material throughout the complex and the surrounding area. After the abatement was shut down, the asbestos was cleaned up at a cost of approximately $1.2 million.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the California South Coast Air Quality Management District.

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United States v. Daniel Vanacker et al., No. 9:11-CR-00019 (D. Mont.), AUSA Mark Steger Smith [redacted].

Discharge from pond to river

On June 30, 2011, Daniel Vanacker was sentenced to serve a one-year term of unsupervised probation and was ordered to pay a $2,500 fine, after previously pleading guilty to a misdemeanor Clean Water Act violation.

In March 2006, contractors Vanacker and Marcus Schmidt were hired by LEMB, a real estate investment company, to construct a large fishing pond on LEMB property. A general permit was issued by the Montana Department of Environmental Quality for stormwater discharges associated with this project and specified that any other discharges would require additional permitting.

In April 2006, several individuals observed a brown, muddy discharge being pumped from the pond on the LEMB property to the nearby Clark Fork River. In May 2006, a neighbor chartered an airplane and flew over the area where he observed a substantial discharge being pumped from LEMB's pond and flowing into the Clark Fork River. Vanacker admitted that he and Schmidt pumped the sediment-laden water from pond to the river in order to continue digging in the pond, which was in violation of the general permit.

Schmidt remains charged with two counts of negligently discharging pollutants into waters of the United States without a permit and is scheduled for trial to begin on September 12, 2011.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Montana Department of Environmental Quality.

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United States v. Steven Augare, No. 6:10-CR-00014 (D. Mont.), AUSA Kris McLean [redacted]

On June 30, 2011, Steven Augare was sentenced to serve a two-year term of probation after pleading guilty to a false statement violation (18 U.S.C. §1001). A fine was not assessed.

Augare was a former water system operator for the East Glacier Water and Sewer District (EGWSD). He pleaded guilty to submitting a monthly report to officials in February 2006 that falsified the chlorine values and turbidity levels for drinking water samples.

The defendant is a member of the Blackfoot Tribe, and the EGWSD services approximately 800 residents (including Blackfoot tribal members) along with public schools, restaurants, hotels, and other commercial consumers.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Michael Kelly et al., No. 1:11-CR-00068 (N.D. Ga.), AUSA Stephen McClain [redacted]

On June 29, 2011, James Hinton and Jackie Baker were sentenced for their involvement in the issuance of fraudulent vehicle emissions certificates, in violation of the Clean Air Act. Hinton will

complete 180 days' home confinement as a condition of a two-year term of probation. He also will perform 50 hours of community service. Baker will serve 120 hours of home confinement as a condition of a two-year term of probation. Co-defendant Michael Kelly was recently sentenced to serve two years' incarceration, followed by one year of supervised release, based on prior criminal history.

The defendants were licensed emissions inspectors working at a "Stop N Shop" inspection station in College Park, Georgia, through May 2009. From January to May 2009, the defendants issued more than 1,400 fraudulent emissions certificates to car owners that falsely stated that their cars had passed the required emissions test. Kelly personally issued 476 fraudulent certificates. All three defendants have had their licenses revoked.

The scheme involved using the test results from cars that had already passed emissions tests in lieu of testing the owners' real cars. During the tests, the computer system automatically transmitted emissions testing data to a statewide database accessible by the Georgia Environmental Protection Division. The defendants manually entered other information into the system, such as the make, model, and VIN, to make it appear that they were testing the actual cars, many of which had already failed an emissions test or had equipment malfunctions. The defendants charged $100 to $125 for a fraudulent emissions test, far more than the usual $20 charged for a legitimate inspection. Georgia law prohibits inspection stations from charging more than $25 for an emissions test.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, and the Georgia Department of Natural Resources Environmental Protection Division.

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United States v. Nathan Lee et al., No. 3:11-02651 (S. D. Calif.), AUSA Melanie Pierson [redacted]

On June 28, 2011, two commercial fishermen pleaded guilty to, and were sentenced for, Lacey Act violations for illegally fishing for albacore tuna in Mexican waters, without the fishing permits required under Mexican law.

Two Captains

Nathan Lee, captain of the *Two Captains*, and Scott Hawkins, Captain of the *Jody H*, admitted that in June 2010, they caught approximately 800 pounds of albacore tuna in Mexican waters without the necessary permits. Lee had been warned in 2008 by the United States Coast Guard that such fishing was unlawful, and both defendants admitted to having functional navigation equipment onboard that informed them of their location. Authorities determined that the vessels were fishing over a hundred miles into Mexican waters near Guadalupe Island when the defendants illegally caught the tuna.

In addition to violating the Lacey Act, Lee further admitted that during this same fishing trip, while anchored off of San Clemente Island, he used a rifle to shoot and injure a sea lion, in violation of the Marine Mammal Protection Act. The defendants were each sentenced to pay a $500 fine and will complete three-year terms of probation.

This case was investigated by the National Oceanic and Atmospheric Administration Fisheries Service Office of Law Enforcement, the United States Coast Guard, and the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Corey Beard et al., No. 2:10-CR-00024 (N.D. Ga.), AUSA Paul Rhineheart Jones

[redacted]

On June 14, 2011, Justin Joyner, Daniel Arnot, and Corey Beard were sentenced. The sentences were ordered concurrent with prior sentencing for state-level charges, resulting in sentences of "time served." Joyner and Arnot were each sentenced to serve 21 months' incarceration followed by 36 months of supervised release. Beard was sentenced to serve 14 months' incarceration, followed by 36 months of supervised release. All three will perform 240 hours of community service and were held jointly and severally liable for the payment of $13,000 in restitution to Dunlap Stainless, Inc.

Beard, Joyner, Daniel Arnot, and Sabrina Westbrooks Arnot, were charged in a 14-count indictment with conspiracy to release ozone-depleting substances into the environment, along with 13 substantive CAA violations. Beginning in early August 2008, the defendants targeted businesses in several counties with commercial-sized air conditioners. Arnot, working with his wife Sabrina or with his other accomplices, dismantled the air conditioning units so that they could steal the copper and aluminum parts. This required that they cut through a copper coil to remove the copper parts, causing the release of hydrochlorofluorocarbon 22 (also known as HCFC-22), into the atmosphere. After dismantling the air conditioners, the defendants sold the copper and aluminum parts to scrap metal recycling businesses. All together, the defendants dismantled 37 air conditioning units from 14 locations. Beard pleaded guilty to conspiracy and to nine CAA counts; Joyner pleaded guilty to conspiracy and to a single CAA charge; Arnot pleaded guilty to all 14 counts and his wife, Sabrina Westbrooks Arnot, remains scheduled for trial to begin on August 8, 2011.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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