



Department of Justice

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Middle District of Florida

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January 28, 2011			PHONE: (813) 274-6171	
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THREE PINELLAS COUNTY MEN CONVICTED OF ASBESTOS MISHANDLING CRIMES

Tampa, Florida - U.S. Attorney Robert E. O'Neill announces that late yesterday a federal jury found Stephen J. Spencer (49, Clearwater), Guy Gannaway (54, Safety Harbor), and Keith McConnell (55, Largo) guilty of conspiracy to violate the Clean Air Act and various Clean Air Act charges related to the mishandling of asbestos. Gannaway was also convicted of making a false statement. The defendants each face a maximum penalty of five years in federal prison on each count. A sentencing date has not been scheduled. The jury acquitted John Loder (44 years old, Redington Beach) on five counts and could not reach a verdict on two remaining counts.

The individuals were indicted on February 3, 2010. The Indictment alleged numerous violations of the work practice standards for asbestos, developed as part of the National Emission Standards for Hazardous Air Pollutants (NESHAPs).

According to evidence presented during the eleven-day trial, from approximately November 2004 through September 2005, the defendants participated in the renovation of a large condominium conversion project in Indian Shores called Barefoot Beach Resort. Gannaway was the owner of Gannaway Builders, Inc., the general contractor on the project. McConnell was the Gannaway Builders superintendent for renovation operations

at Barefoot Beach. Spencer was a partner in Sun Vista Indian Pass, LLC, the developer of the project and was also the architect for the project.

The evidence showed that asbestos containing materials located throughout the property were not handled properly by the defendants, despite repeated warnings from the Pinellas County Air Quality Division and various asbestos consultants and contractors. Asbestos has been defined by Congress as a hazardous air pollutant. Medical science has established no safe level of exposure to asbestos fibers.

During the course of the renovations of Barefoot Beach Resort, the defendants caused asbestos containing material to be disturbed without following the work practice standards for asbestos, which are specifically designed to prevent people and the environment from being exposed to hazardous asbestos fibers. Photographs admitted during trial showed wide-ranging disturbances of asbestos containing material as well as improper disposal of those materials in general construction debris dumpsters. Photographs also showed Gannaway Builders, Inc., employees dry sweeping debris, resulting in clouds of dust in the areas where asbestos disturbances were found.

Additionally, Gannaway was convicted of making a false statement in a December 14, 2005, response letter to a notice of violation for work at Barefoot Beach Resort, issued by the Pinellas County Air Quality Division.

"These types of crimes have both an immediate and future negative impact on the environment and its citizens," said U.S. Attorney Robert O'Neill. "Where found, they must be investigated and prosecuted without hesitation."

Maureen O'Mara, Special Agent-in-Charge, Region Four, of the Environmental Protection Agency, Criminal Investigation Division, said, "Asbestos is a proven cause of

various respiratory illnesses. That is why it is essential that developers and contractors use licensed workers who have been specially trained in asbestos removal. Today's conviction should serve notice that the EPA takes the removal of asbestos seriously. Anyone who cuts corners by avoiding the costs of handling or disposing of it properly will be prosecuted."

This case was investigated by the Environmental Protection Agency, Criminal Investigation Division with assistance from the Florida Department of Law Enforcement. It was prosecuted by Assistant United States Attorney Cherie Krigsman and Trial Attorney Lana Pettus from the Environmental Crimes Section of the Environment and Natural Resources Division of the Department of Justice.