



Department of Justice

United States Attorney Sally Quillian Yates
Northern District of Georgia

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CONTACT: Patrick Crosby

(404)581-6016

FAX (404)581-6160

HUSBAND AND WIFE SENTENCED FOR ILLEGALLY DUMPING HAZARDOUS WASTE

Illegal Disposal of 1000 Pounds of Napthalene From Military "Napalm"

ATLANTA, GA - JOHN DUFFEY, 39, and JENNIFER DUFFEY, 39, formerly of Locust Grove, Georgia, and now living in Macon, Georgia, were sentenced today by United States District Judge Story to federal prison on charges of illegally disposing of a hazardous waste.

United States Attorney Sally Quillian Yates said of the case, "Businesses that refuse to pay for proper disposal of hazardous waste, choosing instead to illegally dump the waste, endanger the community and create potential health and safety risks. An employer who orders an employee to commit an environmental crime is also guilty of the crime and faces the same prosecution."

"Hazardous wastes must be disposed of safely and legally in order to protect workers, the community, and the environment," said Maureen O'Mara, Special Agent-in-Charge of the Environmental Protection Agency's Criminal Enforcement program in Atlanta. "Those who 'cut corners' rather than obey the law put the public and the environment at risk."

JOHN DUFFEY and JENNIFER DUFFEY were each sentenced to 1 year, 1 day in federal prison. That prison sentence is to be followed by 3 years of supervised release, with the first 6 months of supervised release to be served in home confinement. They were both ordered to pay restitution in the amount of \$41,238. JOHN DUFFEY and JENNIFER DUFFEY pleaded guilty to the charges on December 17, 2009.

According to United States Attorney Yates, the charges and other information presented in court: JOHN DUFFEY and JENNIFER DUFFEY operated "Joint Military Development Services" (JMDS), a company engaged in conducting military training exercises for the United States armed forces. In their work with the military, JMDS purchased approximately 560 "napalm bursts" for use in military exercises. These

napalm bursts are explosives that contain the federally-listed hazardous waste called naphthalene. After investigating the cost of proper disposal, JENNIFER DUFFEY chose not to pay approximately \$15,000 for lawful disposal. Instead, in mid-October 2008, she instructed an employee to remove the labels from the napalm containers, mix the explosive powder with water and bury it on an adjacent landowner's property in the Locust Grove, Georgia area. JENNIFER DUFFEY assisted in the disposal by mixing the powder with water. The employee who dug the hole and helped bury approximately 500 pounds of the waste later reported intense headaches from dealing with the fine, noxious powder. Then, approximately one month later, in mid-NOVEMBER 2008, JOHN DUFFEY and JENNIFER DUFFEY again instructed employees to dig a hole and bury the remaining 500 pounds of the hazardous waste. On this second occasion, the couple bought masks for the employees to wear due to the headache caused by the earlier dumping. JENNIFER DUFFEY instructed the employees to cover the dump site with leaves and a pallet. JOHN DUFFEY also monitored the two employees who illegally disposed of the hazardous waste in November. JOHN DUFFEY admitted to the charge of obstruction of justice for attempting to tamper with witnesses. He threatened employees that if they told of the disposal they would lose their jobs. JOHN DUFFEY also created a false time line of events and asked an employee to use that false version of events when questioned by investigators.

Napthalene, as a listed hazardous waste, must be disposed in specifically identified hazardous waste disposal facilities. JMDS did not have a permit from EPA to dispose of this hazardous waste. When JMDS was later inspected by Georgia Environmental Protection Division they lied to the State inspector as well. After the illegal disposal, one of the employees who assisted in the dumping came forward to the Environmental Protection Agency to report the illegal disposal. Based on his cooperation he was not prosecuted.

This case was investigated by Special Agents of the Environmental Protection Agency.

Assistant United States Attorney Susan Coppedge prosecuted the case.

For further information please contact Sally Q. Yates, United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.justice.gov/usao/gan.