

<b>UNITED STATES OF AMERICA</b>	<b>*</b>	<b>CRIMINAL NO.: 11-212</b>
<b>V.</b>	<b>*</b>	<b>SECTION: “L” (3)</b>
<b>CLIFTON P. KARR</b>	<b>*</b>	

## FACTUAL BASIS

A representative from the Jefferson Parish Department of Environmental Affairs (“JPEA”) would testify that the defendant **CLIFTON P. KARR** was the operator of OAKMONT ENVIRONMENTAL, INC., (“OAKMONT”) a company located at 646 Peters Road, Harvey, Louisiana, that operated as a centralized waste treatment facility (“Facility”). Oily water from local shipyards, boat bilges, slop oil and fuel tanks, tank farms and oil clean up operations, was delivered by vacuum trucks to the Facility.

The Facility was issued a pretreatment permit on or about July 2005 from Jefferson Parish through JPEA. The permit allowed OAKMONT to discharge wastewater into the parish publicly owned sewerage treatment plant (“POTW”) after it had been pretreated by OAKMONT.

OAKMONT was supposed to separate the oil from the water through an oily water separator (“OWS”) system. The separated oil was to be shipped to a recycling plant while the pretreated wastewater was to be discharged through the Jefferson Parish’s POTW.

The JPEA witness would further testify that in August 2007, JPEA conducted an annual inspection. Based upon deficiencies, JPEA issued a Notice of Noncompliance to OAKMONT in November 2007 ordering OAKMONT to either fix or replace their pre-treatment system and OWS. On December 17, 2007, the defendant **KARR** delivered plans to Jefferson Parish to install additional equipment to the treatment system to assist in meeting its effluent limitations.

In April 2008, JPEA conducted an unannounced visit to OAKMONT. During the visit, OAKMONT was in the process of receiving 5000 gallons of oily wastewater from a company not known to JPEA. The defendant **KARR** immediately admitted to JPEA and later to federal authorities that OAKMONT was receiving waste from five companies instead of two as originally known and that OAKMONT had discharged over 800,000 gallons of treated oily wastewater into the Harvey Canal since January 2008 and another 400,000 gallons from September 2007 to January 2008. **KARR** stated that the Facility did not have the ability to process the waste properly because the original owner had not installed the proper equipment and **KARR** had no place to store the waste. **KARR** was aware that the Facility lies adjacent to the Harvey Canal, which is part of the Gulf Intra-Coastal Waterway, a water of the United States.

**KARR** acknowledges that OAKMONT did not have a permit to discharge directly into the Harvey Canal and that he was guilty of negligently discharging the waste without a permit and without it being properly treated.

A representative from the Environmental Protection Agency would testify that in the Federal

Water Pollution Control Act, commonly referred to as the Clean Water Act (“CWA”), 33 U.S.C. §1321, Congress declared that there should be no discharges of oil, or hazardous substances, into or upon the navigable waters of the United States. The CWA defines the term “discharge of a pollutant” to mean the addition of any pollutant to navigable waters from any point source. 33 U.S.C. § 1362(12). The term “pollutant” includes, among other things, solid waste, chemical wastes, and industrial waste. 33 U.S.C. §1362(6). The term has been broadly interpreted to encompass virtually anything added to water other than pure water. The negligent discharge, such as any spilling, leaking, pumping, pouring, emptying or dumping, of untreated oily industrial waste waters delivered to the Facility fall under the definition of discharge of a pollutant.

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DOROTHY MANNING TAYLOR  
Assistant United States Attorney

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CLIFTON P. KARR  
Defendant

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Date

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G. PATRICK HAND, JR.  
Attorney for defendant

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Date

UNITED STATES OF AMERICA	*	CRIMINAL NO.: 11-213
V.	*	SECTION: “F” (5)
OAKMONT ENVIRONMENTAL, INC.	*	

## FACTUAL BASIS

A representative from the Jefferson Parish Department of Environmental Affairs (“JPEA”) would testify that **OAKMONT ENVIRONMENTAL, INC., (“OAKMONT”)** was a company located at 646 Peters Road, Harvey, Louisiana, that operated as a centralized waste treatment facility (“Facility”). Oily water from local shipyards, boat bilges, slop oil and fuel tanks, tank farms and oil clean up operations, was delivered by vacuum trucks to the Facility.

The Facility was issued a pretreatment permit on or about July 2005 from Jefferson Parish through JPEA. The permit allowed **OAKMONT** to discharge wastewater into the parish publicly owned sewerage treatment plant (“POTW”) after it had been pretreated by **OAKMONT**. **OAKMONT** was supposed to separate the oil from the water through an oily

water separator (“OWS”) system. The separated oil was to be shipped to a recycling plant while the pretreated wastewater was to be discharged through the Jefferson Parish’s POTW.

The JPEA witness would further testify that in August 2007, JPEA conducted an annual inspection. Based upon deficiencies, JPEA issued a Notice of Noncompliance to **OAKMONT** in November 2007 ordering **OAKMONT** to either fix or replace their pre-treatment system and OWS. On December 17, 2007, **OAKMONT**’s owner delivered plans to Jefferson Parish to install additional equipment to the treatment system to assist in meeting its effluent limitations. On February 15, 2008, JPEA contacted **OAKMONT** for an update on its compliance status. **OAKMONT** assured JPEA that it had not discharged any water. JPEA believed that **OAKMONT** had contracts with only two vacuum truck services. JPEA contacted vacuum truck client Company A to determine how much oily water had been delivered to **OAKMONT**. JPEA knew that **OAKMONT** was only capable of holding 32,000 gallons of treated water onsite before it had to discharge. Company A told JPEA that it had delivered 75,250 gallons of oily wastewater to **OAKMONT** since October 2007.

In April 2008, JPEA conducted an unannounced visit to **OAKMONT**. During the visit, **OAKMONT** was in the process of receiving 5000 gallons of oily wastewater from a third company not known to JPEA. **OAKMONT** admitted that it was receiving waste from five companies instead of two as originally known. **OAKMONT** then also admitted to JPEA that it had discharged over 800,000 gallons of treated oily wastewater into the Harvey Canal since January 2008 and another 400,000 gallons from September 2007 to January 2008. JPEA observed a discharge hose set up in the rear of the Facility for discharge into the Harvey Canal. **OAKMONT** further admitted to JPEA

that it did not have a permit to discharge into the Harvey Canal. **OAKMONT** admitted that discharging into the Harvey Canal was wrong, but it did not discharge into the JPEA system.

In April 2008, JPEA inspected the Facility at which time the owner/operator of **OAKMONT** admitted to her that from September 2007 to March 2008, he had discharged approximately 1,200,000 gallons of wastewater directly into the Harvey Canal.

The Facility lies adjacent to the Harvey Canal, which is part of the Gulf Intra-Coastal Waterway, a water of the United States. **OAKMONT** did not have a permit to discharge directly into the Harvey Canal, which is adjacent to the Facility.

A representative from the Environmental Protection Agency would testify that in the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (“CWA”), 33 U.S.C. §1321, Congress declared that there should be no discharges of oil, or hazardous substances, into or upon the navigable waters of the United States. The CWA defines the term “discharge of a pollutant” to mean the addition of any pollutant to navigable waters from any point source. 33 U.S.C. § 1362(12). The term “pollutant” includes, among other things, solid waste, chemical wastes, and industrial waste. 33 U.S.C. §1362(6). The term has been broadly interpreted to encompass virtually anything added to water other than pure water. The discharge, such as any spilling, leaking, pumping, pouring, emptying or dumping, of untreated oily industrial wastewaters delivered to the Facility fall under the definition of discharge of a pollutant.

The Harvey Canal which is part of the Gulf Intra coastal Waterway, was a navigable water of the United States.

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DOROTHY MANNING TAYLOR  
Assistant United States Attorney

OAKMONT ENVIRONMENTAL, INC.

By: \_\_\_\_\_  
CLIFTON P. KARR, authorized representative  
Defendant

\_\_\_\_\_  
Date

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G. PATRICK HAND, JR.  
Attorney for defendant

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Date