

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * CRIMINAL NO.: 12-107

V. * SECTION: “R” (1)

TEOFILO “PHIL” DAGSAAN *

* * *

FACTUAL BASIS

The United States Attorney's Office for the Eastern District of Louisiana and the defendant **TEOFILO "PHIL" DAGSAAN**, hereby agree that this Joint Factual Statement is a true and accurate statement of the Defendant's criminal conduct, that it provides a sufficient basis for the Defendant's plea of guilty to the charges contained in the Bill of Information in the above-captioned matter and as set forth in the plea agreement signed this same day, and had this matter proceeded to trial, the following facts would be established beyond a reasonable doubt through competent evidence and testimony.

Company A was a company located in Harahan, Louisiana, that operated crew boats and supply boats from mile marker 130 to mile marker 170 in the Mississippi River. These boats were used to transport crew members and bring food and supplies to large tankers and vessels anchored in the Mississippi River.

Company A had a 1000 gallon slop oil tank located on shore next to its Grandview Launch office which was used to store oily waste water generated by the operation of the crew boats. The stored oily waste water was supposed to be removed from the slop oil tank by a vacuum truck and properly disposed of.

The Defendant **DAGSAAN** was the manager of Company A's Grandview Launch located in the Eastern District of Louisiana. The defendant was responsible for managing the captains and crew on the boats out of that launch, as well as the maintenance of the boats and disposal of oily waste accumulated through the operation of the boats. The Defendant **DAGSAAN** was responsible for making the arrangements for a vacuum truck to haul off the oily waste water deposited in the slop oil tank.

On or about April 8, 2008, in the Eastern District of Louisiana, the defendant, **TEOFILO "PHIL" DAGSAAN**, instructed crew members to discharge bilge and engine waste water directly into the Mississippi River, a navigable water of the United States, after the crew had completed washing out and cleaning the engine rooms of a small crew boat at the launch because the slop oil tank was full. The crew boat was powered by two diesel engines which each has a capacity to hold seven gallons of oil. The crew never discharged engine oil only oily waste water. The defendant's instruction was to pump the bilge down until the crew saw a sheen on the river and to stop immediately at that point. The Defendant **DAGSAAN** ordered employees to negligently pump the oily waste water into or upon the navigable waters of the United States, that is the Mississippi River.

The government would also introduce into evidence the disposal records from the vacuum truck company reflecting only one removal of oily waste water from the slop oil tank in the previous year.

DOROTHY MANNING TAYLOR
Assistant United States Attorney Date

TEOFILO "PHIL" DAGSAAN
Defendant

Date

MICHAEL CIACCIO, ESQ.
Attorney for defendant

Date