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FRIDAY, JUNE 3, 2011  
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## **NEW JERSEY WASTE MANAGEMENT COMPANY, OWNER AND THREE OTHERS ARRESTED FOR ILLEGAL DUMPING CONSPIRACY IN UPSTATE NEW YORK**

### ***60 Million Pounds of Asbestos Contaminated Material Dumped at Frankfort, N.Y. Farm***

WASHINGTON – The owner of a New Jersey solid waste management company and three of his associates were arrested today on federal charges that they conspired to transport and dump thousands of tons of asbestos contaminated debris at an upstate New York farm containing wetlands, announced Ignacia S. Moreno, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division and Richard S. Hartunian, United States Attorney for the Northern District of New York.

Julius DeSimone, 69, of Rome, N.Y., Donald Torriero, 54, of Utica, N.Y., Cross Nicastro II, 59, of Frankfort, N.Y., and Dominick Mazza, 60, of Tinton Falls, N.J., were arrested for the illegal dumping in Frankfort, N.Y. in 2006, detailed in the seven count indictment. Dominick Mazza's New Jersey-based company, Mazza & Sons Inc., was also indicted. Arrests were made at residences in New York, New Jersey and Florida early today. The defendants made their initial appearances in Federal courts in the Northern District of New York, Southern District of Florida, and District of New Jersey. The arraignment has tentatively been set for June 13, 2011 in Syracuse, New York.

The indictment describes a scheme to illegally dump thousands of tons of asbestos-contaminated, pulverized construction and demolition debris that was processed at Eagle Recycling's and Mazza & Sons Inc.'s, New Jersey-based solid waste management facilities. That asbestos-contaminated debris was then transported to and dumped at Cross Nicastro II's farm in Frankfort, N.Y. – much of which contained federally-regulated wetlands. Dumping and excavating operations were managed on-site by Julius DeSimone.

According to court documents, Donald Torriero and other conspirators concealed the illegal dumping by fabricating a New York State Department of Environmental Conservation (DEC) permit and forging the name of a DEC official on the fraudulent permit. Once the conspirators learned that they were under investigation, they began a systematic pattern of document concealment, alteration, and destruction by destroying and secreting documents responsive to Grand Jury subpoenas and falsifying and submitting environmental sampling to the EPA.

The indictment charges the defendants with conspiracy to defraud the United States, violate the Clean Water Act and Superfund laws, and commit wire fraud. Donald Torriero is also charged with wire fraud associated with his fabrication and transmission of the fake permit the conspirators used to conceal the dumping. Mazza & Sons Inc., and its owner, Dominick Mazza, are charged with violating the Superfund law's requirement to report the release of toxic materials and obstruction of justice. Dominick Mazza and Julius DeSimone are charged with making false statements to special agents of the U.S. Environmental Protection Agency (EPA). This indictment is related to the guilty pleas entered by Jonathan Deck and Eagle Recycling on September 3, 2009 and April 11, 2011 respectively.

The conspiracy and substantive Clean Water Act, Superfund, and false statements counts of the indictment each carry a maximum possible term of incarceration of five years and a fine of \$250,000, twice the gross gain to the defendants, or twice the gross loss to a victim. The obstruction of justice and wire fraud counts of the indictment each carry a maximum possible term of incarceration of twenty years and similar fines.

An indictment is a mere accusation and all defendants are presumed innocent until and unless convicted in a court of law.

This case was investigated by Criminal Investigators with the New York State Environmental Conservation Police, Bureau of Environmental Crimes; Special Agents from the EPA's Criminal Investigation Division and the Internal Revenue Service; investigators from the New Jersey State Police, Office of Business Integrity Unit; the New Jersey Department of Environmental Protection; and the Ohio Department of Environmental Protection. The case is being prosecuted by Assistant U.S. Attorney Craig A. Benedict, of the Northern District of New York, and Todd W. Gleason of the Environmental Crimes Section of the Environment and Natural Resources Division of the U.S. Department of Justice.

For more information, contact Assistant U.S. Attorney Craig Benedict at 315-448-0672 or the Office of Public Affairs at 202-514-2007.

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