

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL NO.** \_\_\_\_\_  
**v.** : **DATE FILED:** \_\_\_\_\_  
**NUPRO INDUSTRIES CORPORATION :** **VIOLATION:**  
**PETER SHTOMPIL** :  
: **33 U.S.C. § 1319(c)(4) (tampering with**  
: **required monitoring method - 1 count)**  
: **18 U.S.C. § 2 (aiding and abetting)**

**INFORMATION**

**COUNT ONE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

At all times material to this information:

**THE DEFENDANTS**

1. Defendant NUPRO INDUSTRIES CORPORATION was located in an industrial area at 2925 East Ontario Street, at the corner of East Ontario and Bath Streets, in Philadelphia, Pennsylvania. Nupro has been in business since approximately 1873 and was incorporated in approximately 1981.

2. Defendant PETER SHTOMPIL was the Director of Operations at defendant NUPRO INDUSTRIES CORPORATION from at least 2006 to June 2007.

3. Defendant NUPRO INDUSTRIES CORPORATION operated two manufacturing plants at its Ontario Street address: Neatsfoot Oil Refineries Corporation (“Neatsfoot”) and Advance Technologies.

4. Defendant NUPRO INDUSTRIES CORPORATION d/b/a Neatsfoot manufactured oils by mixing soaps with sulfuric acid. The wastewater generated from the manufacturing of the oils was acidic and, at times, constituted a hazardous waste. The wastewater required treatment in order to neutralize the wastewater before it was discharged into the sewer system.

5. Defendant NUPRO INDUSTRIES CORPORATION d/b/a Advance Technologies manufactured esters. The wastewater generated from the manufacturing of the esters contained xylene and its by-products, including ethylbenzene, which are hazardous substances. The wastewater required treatment by passing through a carbon filtration system in order to remove the xylene and its by-products, including ethylbenzene, before it was discharged into the sewer system.

#### THE CLEAN WATER ACT

6. The Clean Water Act (“CWA”), 33 U.S. C. § 1251, et seq., is the Nation’s comprehensive water pollution control statute. The purpose of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s water.” 33 U.S.C. § 1251(a). In addition, the CWA was enacted to prevent, reduce, and eliminate water pollution in the United States and to conserve the waters of the United State for the protection and propagation of fish and aquatic life and wildlife, recreational purposes, and use for public drinking water, agricultural, and industrial use. 33 U.S.C. § 1252(a).

7. Pursuant to the CWA, National Pollutant Discharge Elimination Systems (“NPDES”) permits are issued by the U.S. Environmental Protection Agency (“EPA”) or a federally authorized state agency, including the Pennsylvania Department of Environmental

Protection (“PADEP”). NPDES permits authorize the discharge of pollutants into surface waters under specified conditions, and impose limits on the type and amount of pollutants that can be discharged into the waters of the United States. 33 U.S.C. §§ 1311(a) and 1342.

8. The City of Philadelphia operates a publicly owned treatment works (“POTW”) that is subject to the terms and conditions of an NPDES permit.

9. POTWs, such as the City of Philadelphia’s POTW, receive domestic sewage, as well as industrial wastewater sent through the sewer system. POTWs, such as the City of Philadelphia’s POTW, are generally designed to treat conventional pollutants in domestic sewage before discharging the treated wastewater into surface waters. POTWs, such as the City of Philadelphia’s POTW, do not have the capacity to treat every type industrial wastewater, particularly industrial wastewater containing corrosive and hazardous substances.

10. The CWA’s Pretreatment Program regulates the discharge of industrial wastewater going into surface waters through sewer systems connected to POTWs. Under the CWA’s Pretreatment Program, a POTW’s NPDES permit can require the POTW to institute pretreatment requirements that must be met by industrial users before they discharge pollutants to the POTW. 40 C.F.R. § 403.8(f).

11. The City of Philadelphia has adopted pretreatment requirements, City of Philadelphia Water Department Wastewater Control Regulations (“Philadelphia’s WCR”), set forth at Sections 501.0 et seq. Pursuant to the CWA’s Pretreatment Program and Philadelphia’s WCR, the Philadelphia Water Department (“PWD”) issues pretreatment permits to industrial users of the City of Philadelphia’s POTW.

12. Industrial users that have been issued pretreatment permits are subject to self-monitoring requirements. The self-monitoring requirements require the industrial users to regularly collect wastewater discharge samples and report to government regulators the levels of pollutants discharged from their facilities into the local sewer lines. 40 C.F.R. § 403.12.

13. The CWA's Pretreatment Program relies upon the honesty of industrial users to comply with the self-monitoring requirements. The CWA's pretreatment regulations and Philadelphia's WCR require that wastewater samples collected for purposes of compliance monitoring must be representative of the normal discharges occurring during the reporting period. 40 C.F.R. § 403.12, and Philadelphia's WCR Section 501.5.

14. Under the CWA's Pretreatment Program and Philadelphia's WCR, the PWD issued to Neatsfoot Industrial User's Wastewater Discharge Permit No. NEAT00010552OM. The permit authorized defendant NUPRO INDUSTRIES CORPORATION d/b/a Neatsfoot to discharge industrial wastewater to the City of Philadelphia sewer system in compliance with the terms and conditions of the permit and with federal, state and local laws and regulations. The terms and conditions of the permit included that the pH of the wastewater that defendant NUPRO INDUSTRIES CORPORATION d/b/a Neatsfoot discharged could not be less than 5.5 or greater than 12.0, that defendant NUPRO INDUSTRIES CORPORATION d/b/a Neatsfoot monitor its wastewater for pH either continuously or by a monthly grab, that the samples taken for purposes of the monitoring be representative samples, and that defendant NUPRO INDUSTRIES CORPORATION d/b/a Neatsfoot submit to the PWD monitoring reports on a bi-annual basis, in which it reports its sample results.

15. Under the CWA's Pretreatment Program and Philadelphia's WCR, the PWD issued to Advance Technologies Industrial User's Wastewater Discharge Permit No. ADVA 00011128OM. The permit authorized defendant NUPRO INDUSTRIES CORPORATION d/b/a Advance Technologies to discharge industrial wastewater to the City of Philadelphia sewer system in compliance with the terms and conditions of the permit and with federal, state and local laws and regulations. The terms and conditions of the permit included that defendant NUPRO INDUSTRIES CORPORATION d/b/a Advance Technologies had specific limits with regard to specified pollutants in its wastewater, including the pollutant ethylbenzene, that defendant NUPRO INDUSTRIES CORPORATION d/b/a Advance Technologies monitor its wastewater for the specified pollutants, including ethylbenzene, and that defendant NUPRO INDUSTRIES CORPORATION d/b/a Advance Technologies submit to the PWD monitoring reports on a bi-annual basis, in which it reports its sample results. Under 40 C.F.R. §§ 122.48(b) and 403.12(b)(5)(ii) and Philadelphia's WCR Section 501.5, the samples must be representative of the daily operations.

#### CWA VIOLATIONS

16. Defendant PETER SHTOMPIL and employees of defendant NUPRO INDUSTRIES CORPORATION, under the direction of management, routinely tampered with the monitoring required under defendant NUPRO's industrial wastewater discharge permits by obtaining samples of wastewater discharged from Neatsfoot and Advance Technologies and illegally adding water to and diluting the samples before submitting the samples for testing for pH and the specified pollutants. The dilution rendered the samples non-representative of the Neatsfoot and Advance Technologies operations for purposes of pretreatment compliance testing.

17. Defendants NUPRO INDUSTRIES CORPORATION and PETER SHTOMPIL routinely added water to the samples of the wastewater discharged from Neatsfoot to reduce the acidic concentration, and thus increase the pH, of the wastewater in order to appear to be in compliance with the pH limits under the Neatsfoot permit.

18. Defendants NUPRO INDUSTRIES CORPORATION and PETER SHTOMPIL routinely added water to the samples of the wastewater discharged from Advance Technologies to reduce the concentration of specified pollutants listed in the permit, including ethylbenzene, in order to appear to be in compliance with the limits for the specified pollutants, including ethylbenzene, under the Advance Technologies permit.

19. Defendants NUPRO INDUSTRIES CORPORATION and PETER SHTOMPIL submitted the test results for the diluted samples to the PWD knowing the test results to be false.

20. From in or about November 2006, to in or about June 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**NUPRO INDUSTRIES CORPORATION  
and  
PETER SHTOMPIL**

knowingly tampered with and rendered inaccurate, and caused to be tampered with and rendered inaccurate, monitoring devices and methods required to be maintained under the CWA, by diluting wastewater samples with water, thus increasing the pH and reducing the concentration of specified pollutants, including the ethylbenzene, in the wastewater at the sampling points.

All in violation of Title 33, United States Code, Section 1319(c)(4), and Title 18,  
United States Code, Section 2.

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**ZANE DAVID MEMEGER**  
**United States Attorney**