



Bulletin

Environmental Crimes Section

October 2022

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“Stopping the illegal commercialization of native reptiles, and the inhumane treatment of these animals in transit, is a high priority for the U.S. Fish and Wildlife Service,” said the Office of Law Enforcement’s Assistant Director Edward J. Grace. “We will continue to work closely with our partners including the U.S. Department of Justice to investigate and prosecute these important cases.” From [press release](#) of sentencing in *U.S. v. Guan*. See, [below](#), for more details on this case.



District/Circuit	Case Name	Statutes
Southern District of Alabama	<u>United States v. Cuong Duc Bui</u>	Fish Trafficking/Lacey Act
Central District of California	<u>United States v. Amplify Energy Corp., et al.</u>	Pipeline Discharge/CWA
Eastern District of California	<u>United States v. Carson S. Wilhite</u>	Marijuana Grow/Drugs, Firearms
Southern District of California	<u>United States v. Otilio Rodriguez Toledo, et al.</u>	Pesticide Sales/FIFRA Vessel/APPS
	<u>United States v. Cesar Ramirez, et al.</u>	
	<u>United States v. New Trade Ship Management S.A., et al.</u>	
Southern District of Florida	<u>United States v. Ka Yeung Marvin Chan, et al.</u>	Reptile Smuggling/Conspiracy, Lacey Act, Smuggling
	<u>United States v. Jose Miguel Ortega Molina</u>	Bird Sales/Lacey Act
Middle District of Georgia	<u>United States v. Chad Gunter, et al.</u>	Hazardous Waste Transportation/ False Statement, RCRA Fuel Spill/CWA
	<u>United States v. Jaron Coleman</u>	
Eastern District of Louisiana	<u>United States v. Great Lakes Dredge & Dock Company, LLC, et al.</u>	Pipeline Rupture/CWA
Northern District of Mississippi	<u>United States v. James L. Freeman, et al.</u>	Paddlefish Harvesting/Lacey Act



District/Circuit	Case Name	Statutes
Southern District of Mississippi	<u>United States v. Robert D. Douglas</u>	Industrial Waste Discharge/CWA
District of New Jersey	<u>United States v. Mario Maldonado</u>	Hawk Killing/MBTA
Eastern District of New York	<u>United States v. Chu Sen Guan, et al.</u>	Turtle Trafficking/Conspiracy, Smuggling
Southern District of Ohio	<u>United States v. Nathan Knox</u>	Hunting Lease Sales/Wire Fraud
Middle District of Pennsylvania	<u>United States v. First Capital Insulation, Inc., et al.</u>	Asbestos Abatement/CAA
Western District of Pennsylvania	<u>United States v. James Paprocki, et al.</u>	Drinking Water Plant/Conspiracy, CWA
District of South Dakota	<u>United States v. Michael Pomani</u>	Failure to Appear/Bird Feather Sales
Western District of Tennessee	<u>United States v. DiAne Gordon</u>	Environmental Consultant Fraud/False Statement
Eastern District of Virginia	<u>United States v. Connell S. Stukes Sr., et al.</u>	Dog Fighting/Animal Welfare Act, Conspiracy



Indictments

***United States v. Otilio Rodriguez Toledo, et al.*, No. 3:22-CR-01965 (S. D. Calif.), ECS Senior Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On September 28, 2022, prosecutors unsealed an indictment charging Otilio Rodriguez Toledo and Alicia Aispuro Hernandez with conspiracy and smuggling illegal Mexican pesticides (18 U.S.C. §§ 371, 545, 2).

Between December 2018 and July 2022, Toledo and Hernandez conspired with others to illegally smuggle Mexican pesticides (Taktic and Bovitraz) into the United States. Taktic and Bovitraz are used to treat bees for mites, but are not registered with the Environmental Protection Agency and are illegal to purchase in the United States.

As part of the conspiracy, the defendants arranged with others to obtain self-storage units in Calexico, California, where co-conspirators delivered the pesticides after smuggling them from Mexico. Defendants retrieved the pesticides from the storage unit and sold them to others in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division, Homeland Security Investigations, and the U.S. Food and Drug Administration conducted the investigation.

***United States v. Ka Yeung Marvin Chan, et al.*, Nos. 1:22-CR-20460, 20025, 1:21-CR-20513 (S.D. Fla.), ECS Senior Trial Attorney Banu Rangarajan, AUSA Tom Watts-FitzGerald, and ECS Paralegal Claudia Garin.**

On September 27, 2022, prosecutors charged Ka Yeung Marvin Chan with conspiracy to violate the Lacey Act and to smuggle goods out of the United States, and a Lacey Act false labeling violation for smuggling protected reptiles (18 U.S.C. §§ 371, 554; 16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(i)).

Chan was an international reptile dealer associated with a reptile business located in MongKok, Kowloon, Hong Kong. Through his business, Chan sold, among other reptiles, ball pythons, common iguanas, argentine tegus, and common tegus, all of which are protected under Appendix II of the Convention on International Trade in Endangered Species (CITES). Chan secured a significant portion of his reptile inventory from individuals and businesses in the United States.

Prior to 2019, Chan travelled to the United States to attend reptile shows and purchase reptiles, working with convicted co-conspirators Diasuke Miyauchi and Chun Ku to smuggle the reptiles out of the country under Ku's CITES Master File permit. After 2019, Chan relied on Ku to, among other things: (1) receive, pack, and export CITES Appendix II species purchased from others in the United States; and (2) smuggle these animals out of the country by using false export declarations and accompanying CITES permits. These documents certified the reptiles as bred and hatched from parental stock maintained at

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Indictments

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Ku's business. The retail market value for the CITES Appendix II protected species smuggled by Chan exceeded \$680,000.

Ku previously pleaded guilty and is scheduled for sentencing on November 18, 2022. A court sentenced Miyauchi to 13 months' incarceration, followed by two years' supervised release, and ordered him to pay a \$10,000 fine.

The U.S. Fish and Wildlife Service conducted the investigation.

***United States v. Cesar Ramirez, et al.*, No. 3:22-mj-03473 (S.D. Calif.), ECS Senior Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On September 23, 2022, prosecutors filed a complaint charging Cesar Ramirez and Marielos T. Hinnaoiu with conspiracy and smuggling (18 U.S.C. §§ 2, 371, 545).

On September 19, 2022, authorities apprehended Ramirez and Hinnaoiu as they entered the United States from Mexico with five bottles of undeclared Mexican pesticides. Specifically, the smuggled items were 2 one-liter bottles of "Oberon," 2 one-liter bottles of "Biomec," and 1 one-liter bottle of "Tetrasan."

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

***United States v. Chad Gunter, et al.*, Nos. 1:22-CR-00031 - 00032 (M.D. Ga.), AUSA Leah McEwen.**

On September 13, 2022, prosecutors charged Chad Gunter and his corporations, Advanced Environmental Technologies (AET), and Horizon Environmental Services (HES), with violating the Resource Conservation and Recovery Act (RCRA) for illegally transporting hazardous waste without a manifest (42 U.S.C. § 6928(d)(5)). Brian Wallace, a civilian employee of the U.S. Marine Corps Logistics Base in Albany, Georgia, was charged separately with making a false statement (18 U.S.C. § 1001).

Marine Corps Logistics Base Albany (MCLBA) rebuilds and repairs ground combat and combat-support equipment. Refurbishing and repairing equipment requires stripping the paint, which generates waste processed by the MCLBA's industrial wastewater treatment plant (IWTP). The IWTP discharges treated wastewater to the City of Albany under the terms of its permit. The sludge is treated and stored as an F109 RCRA-listed waste.

The IWTP operates a rake-style clarifier (or settling tank) that separates liquids from solids. In May 2021, the rake malfunctioned, requiring the removal of both liquid and semi-solid wastes for repair. MCLBA contracted with Diversified Service Contracting, Inc., which then contracted with Gunter's companies AET and HES to remove the material in order to make the repairs. Neither AET or HES are authorized or permitted to handle hazardous waste.

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Indictments

(Continued from page 5)

Employees pumped 30,000 gallons of the liquid layer down a manhole rather than routing it back through the IWTP. They pumped the sludge from the tank into sludge boxes, and transported it to the HES facility, without properly manifesting the shipment. They stored the sludge boxes at HES for approximately 10 days. During this time, Gunter attempted to arrange for a properly licensed company to take the sludge boxes. But since AET and HES were not permitted to handle the waste, this other company could not legally take the waste. Gunter directed employees to take the sludge back to MCLBA, where it was abandoned.

Upon questioning, Wallace, as the MCLBA compliance official, denied knowing employees pumped the liquids down the manhole despite the fact he directed them to do so.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

***United States v. Connell S. Stukes, Sr., et al.*, No. 3:22-CR-00132 (E.D. Va.), ECS Senior Trial Attorney Banu Rangarajan, ECS Trial Attorney William Shapiro, AUSA Stephen Anthony, and ECS Law Clerk Amanda Backer.**

On September 7, 2022, a grand jury returned a 39-count indictment charging Connell S. Stukes, Antonio T. Ruffin, Herman T. Washington, and Jerome D. Smith with conspiracy and violating the Animal Welfare Act for participating in dog fighting ventures (18 U.S.C §§ 371, 49; 7 U.S.C. §§ 2156 (a)(1), (a)(2), (b)).

Between December 2017 and August 2021, the defendants travelled to North Carolina, South Carolina, and other states to fight dogs. Authorities rescued 91 pit-bull type dogs as a result of this drug and dog fighting investigation.

The Federal Bureau of Investigation conducted the investigation, with assistance from the Office of the Attorney General for the Commonwealth of Virginia.



Guilty Plea

United States v. Carson S. Wilhite, No. 1:20-CR-00106 (E.D. Calif.), AUSA Karen Escobar.

On September 30, 2022, Carson S. Wilhite pleaded guilty to conspiring to manufacture, distribute, and possess marijuana and possessing a firearm in furtherance of drug trafficking for his involvement in a large marijuana cultivation operation located in the Sierra National Forest (21 U.S.C. §§ 846, 841; 18 U.S.C. § 924). Wilhite is scheduled for sentencing on January 13, 2023.

Wilhite operated a marijuana cultivation at his residence on private land in the Carter Creek watershed drainage network in the Sierra National Forest and on public land adjacent to his residence. While executing a search warrant in the summer of 2019, law enforcement officers located marijuana growing inside and outside of Wilhite's residence and 2,261 marijuana plants growing on the adjacent public land. They also found highly toxic organophosphate pesticides, including methamidophos, (see *photo*), within the marijuana cultivation complex.



Methamidophos

In exchange for \$3,000 in cash and an additional \$300 per month, Wilhite allowed other individuals to pass through his property to the public land so that they could grow marijuana there. Upon harvest, Wilhite arranged to be paid with marijuana and an additional \$10,000. In total, officers located 2,353 marijuana plants.

While serving the warrant in Wilhite's residence, officers found three firearms, including an AR-15 type assault rifle (without a serial number) and a Springfield .40 caliber semi-automatic pistol with a live round chambered. In a second residence on the property, officers located a safe, under Wilhite's control, that held an additional 11 guns.

The U.S. Forest Service, the California Department of Fish and Wildlife, and the Madera County Sheriff's Office conducted the investigation, with assistance from The Integral Ecology Research Center.



Guilty Plea

***United States v. Jaron Coleman*, No. 7:19-CR-00043 (M.D. Ga.), AUSA Robert McCullers.**

On September 29, 2022, Jaron Coleman pleaded guilty to violating the Clean Water Act and Oil Pollution Act for knowingly discharging 3,000 gallons of diesel fuel into a water of the United States (33 U.S.C. §§ 1319(c)(2)(A), 1321 (b)(3)). Sentencing is scheduled for January 11, 2023.

A court previously sentenced Coleman in December 2019 to 18 months' incarceration, and to pay a \$5,000 fine. In December 2020, Coleman appealed to the Eleventh Circuit. The Court vacated and remanded, citing a lack of factual basis demonstrating impact to navigable waters of the United States. Prosecutors refiled the indictment in September 2021.

On April 19, 2018, Coleman, working for Eco Energy, dumped the fuel on the ground near a gas station in Thomasville, Georgia, after he realized he had loaded the wrong product for delivery. The fuel migrated to an adjacent storm water drainage system that flows directly into a creek. The unnamed creek is a tributary of Good Water Creek that flows into Oquina Creek and the Ochlockonee River, a traditionally navigable water of the United States. The U.S. Environmental Protection Agency initiated a cleanup. Officials evacuated a nearby elementary school after discovering large amounts of diesel fuel nearby.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



Fuel spill

***United States v. Mario Maldonado*, No. 22-po-08319 (D.N.J.), ECS Senior Trial Attorney Ethan Eddy and AUSA Kathleen O'Leary.**

On September 20, 2022, Mario Maldonado pleaded guilty to violating the Migratory Bird Treaty Act for killing a Red-Tailed Hawk (16 U.S.C. §§ 703, 707(a)). Sentencing is scheduled for January 25, 2023.

Maldonado shot and injured the hawk in the back yard of his residence. After injuring the bird, Maldonado boiled it in a large pot on his stove, likely while the bird was still alive. Evidence in the case indicated that the defendant routinely live-trapped and tortured small animals.

The U.S. Fish and Wildlife Service Office of Law Enforcement conducted the investigation.



Guilty Plea

United States v. Robert D. Douglas, No. 3:22-CR-00096 (S.D. Miss.), AUSA Gaines Cleveland, ECS Senior Trial Attorney Jeremy Korzenik, and RCEC Keith Weisinger.

On August 31, 2022, Robert D. Douglas pleaded guilty to violating the Clean Water Act for illegally discharging industrial waste into the Jackson, Mississippi, sewer system (33 U.S.C. § 1319(c)(1)(B)). Sentencing is scheduled for November 9, 2022.

Douglas co-owned a fat and oil recycling business called Gold Coast Commodities, Inc. (Gold Coast). Between December 2016 and October 2017, Douglas authorized payments on behalf of Gold Coast to transport and dispose of industrial waste at a commercial entity in Jackson. Douglas caused others to transport the waste and discharge it to a facility that was not a designated discharge point for the Jackson Wastewater Treatment System.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Federal Bureau of Investigation, the Brandon Police Department, and the Mississippi Department of Environmental Quality, conducted the investigation, with assistance from the City of Brandon and the City of Jackson municipal governments.



Gold Coast Commodities facility



Sentencing

United States v. Chu Sen Guan, et al., No. 1:19-CR-00463 (E.D.N.Y.), AUSA Jonathan Siegel.

On September 29, 2022, a court sentenced Chu Sen Guan to one year of incarceration, followed by one year of supervised release, and pay a \$15,000 fine, for conspiring to smuggle more than 600 turtles. His brother, Chu Wei Guan, was sentenced on September 19, 2022, to two concurrent one-year-and-a-day sentences, one year of supervised release, and a \$10,000 fine. A forfeiture order states the market value of approximately 638 turtles is \$1,043,000 on the black market. Both pleaded guilty to conspiracy and smuggling violations (18 U.S.C. §§ 371, 554).

Between November 2017 and August 2018, the brothers shipped more than 600 native North American turtles — including eastern box turtles, Florida box turtles, and wood turtles (all protected species) — from the United States to Hong Kong. They bound the animals with tape and stuffed them inside socks, mislabeling the boxes as either toys or clothes. In late 2017, wildlife inspectors intercepted a parcel at the International Mail Facility at John F. Kennedy International Airport. Discovering turtles not toys, investigators followed a paper trail that led them to the brothers.

Other individuals prosecuted as a result of the investigation include North Carolina resident Jesse James Freeman. Freeman supplied turtles to the Guans. Freeman was sentenced in May of 2022 to 18 months' incarceration. He admitted smuggling close to 722 eastern box turtles, 122 spotted turtles, and three wood turtles.

Kang Juntao bought turtles from the brothers in Hong Kong. In December of 2020, authorities extradited Juntao to the United States. A court sentenced him in October 2021 to 38 months' incarceration, one year of supervised release, after pleading guilty to money laundering. Juntao financed smugglers who shipped approximately 1,500 native turtles abroad.

The U.S. Fish and Wildlife Service Office of Law Enforcement conducted the investigation, with assistance from multiple partners, including the U.S. Postal Inspection Service, and Homeland Security Investigations.



Defendants stuffed turtles inside socks after wrapping them in tape.



Sentencings

United States v. First Capital Insulation, Inc., et al., No. 1:20-CR-00020 (M.D. Pa.), ECS Senior Litigation Counsel Howard Stewart, AUSA William Behe, SAUSA Patricia Miller, and ECS Paralegal Claudia Garin.

On September 27, 2022, a court sentenced Ty Allan Barnett to complete a two-year term of probation, after pleading guilty to violating the Clean Air Act (42 U.S.C. § 7413(c)(1)). Barnett participated in an illegal asbestos abatement project at a former weaving mill property located in Berwick, Pennsylvania. The Berwick Area School District (BASD) purchased the property to demolish and build a new elementary school.

BASD hired Lobar, Inc., as the general contractor. Lobar assigned Dennis Lee Charles, Jr., an experienced construction superintendent, as the on-site manager. Lobar also hired two subcontractors: John A. Sidari, Jr., and his company, M & J Excavation, Inc., to conduct the demolition after abating the asbestos and First Capital Insulation, Inc. (FCI), and Francis Richard Yingling, Jr., to handle the abatement. Yingling assigned Barnett as the on-site asbestos crew supervisor. FCI has a history of asbestos violations with the U.S. Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration.

In February 2015, EPA received information regarding illegal asbestos removal activity at the Berwick facility. Inspectors observed a number of work practice violations on-site. FCI and Yingling pleaded guilty to violating the CAA on the eve of trial; Lobar and Barnett previously pleaded guilty. A jury acquitted Charles, M & J, and Sidari. Yingling and FCI are scheduled for sentencing on January 19, 2023.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

United States v. Cuong Duc Bui, No. 1:22-CR-00100 (S.D. Ala.), ECS Trial Attorney Christopher Hale, AUSA Michael Anderson, and ECS Paralegal Chloe Harris.

On September 23, 2022, a court sentenced Cuong Duc Bui to pay a \$25,000 fine, complete a five-year term of probation, and perform 300 hours of community service for illegally buying and selling fish across state lines. Bui pleaded guilty to violating the Lacey Act for trafficking in fish (16 U.S.C. §§ 3372(a)(2)(A), (a)(4), 3373(d)(1)(B)).

In 2018, Bui operated a grocery store in Columbus, Georgia, known as “S Mart.” Bui sold a variety of items, including seafood, without proper licensing.

Bui sold live blue crabs and finfish. In order to obtain a supply of fish for his store, he purchased fish from recreational or otherwise unlicensed, fishermen. Agents working for the National Oceanic and Atmospheric Association (NOAA) initiated an undercover investigation after learning about Bui’s activities.

From February through July 2018, a confidential informant sold Bui, either directly or through an employee, hundreds of pounds of red snapper that Bui knew were caught by

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Sentencings

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unlicensed fishermen. Bui knew he was engaged in illegal activity, going so far as to joke about going to jail, and advising an undercover agent, if he was pulled over by authorities, to tell the police that he was bringing fish to a relative's party.

Six of the undercover sales took place in a parking lot in the Southern District of Alabama. After transferring the red snapper to his van, Bui drove it back to the S Mart in Columbus, Georgia.

The National Oceanic and Atmospheric Administration conducted the investigation.

United States v. James L. Freeman, et al. Nos. 4:22-CR-00036, 00037 (N.D. Miss.), AUSA Robert Mims.

On September 19, 2022, a court sentenced a second commercial fishermen in this case involving illegal harvesting of paddlefish and paddlefish roe from closed waters in the Mississippi River. James L. Freeman and Marcus S. Harrell pleaded guilty to conspiring to violate the Lacey Act (18 U.S.C. § 371; 16 U.S.C. § 3372(a)(2)(A)). Freeman will serve six months' incarceration, followed by three years' supervised release, and pay a \$20,000 fine. Harrell was sentenced in July 2022 to complete a five-year term of probation, and pay a \$7,500 fine. Both are banned from fishing for a five-year period.

Between November 2018 and January 2019, Freeman and Harrell travelled from Kentucky to Mississippi on multiple occasions to harvest paddlefish from Moon Lake in Coahoma County, which was closed to paddlefish harvesting. Freeman or Harrell would take the harvested paddlefish roe back to Kentucky to sell to commercial processors, falsely claiming that the paddlefish had been caught in the Ohio River or other places in or near Kentucky where harvesting paddlefish was legal.

The U.S. Fish and Wildlife Service conducted the investigation, with assistance from the Mississippi Department of Wildlife, Fisheries, and Parks.



Processed roe from illegally harvested paddlefish



Sentencings

***United States v. DiAne Gordon*, No. 2:21-CR-20239 (W.D. Tenn.), ECS Senior Trial Attorney Banu Rangarajan, Principal Deputy Criminal Chief Carroll Andre, former AUSA Dean DeCandia, and ECS Paralegal Claudia Garin.**

On September 12, 2022, a court sentenced DiAne Gordon to 36 months' incarceration, followed by two years' supervised release, for fabricating discharge monitoring reports and submitting those reports to state regulators in Tennessee and Mississippi (18 U.S.C. § 1001(a)(3)). The court further ordered Gordon to pay \$222,388 in restitution. On the false statement count, Gordon was sentenced to 26 months in prison, with an additional ten months' incarceration on the related probation revocation for engaging in the criminal conduct while under supervision.

Gordon co-owned and worked as the chief executive officer for Environmental Compliance and Testing (ECT). ECT claimed to offer full-service environmental consulting services, including, among other things, sampling and testing of storm water, process water, and wastewater. A federal investigation began in late March 2021 when, during a review of discharge monitoring reports, the Mississippi Department of Environmental Quality (MDEQ) noticed several discrepancies in the data submitted by Gordon through ECT. Law enforcement officials subsequently determined that, since 2017, Gordon created and submitted, or caused the submission of, approximately 400 falsified lab reports and chain of custody forms provided to Mississippi and Tennessee state regulators.

Customers, typically concrete companies, hired ECT to take samples and analyze them to ensure they complied with the Clean Water Act general National Pollutant Discharged Elimination System permit requirements. Gordon claimed to gather and send the samples to a full-service environmental testing laboratory, and to submit the results to the MDEQ and Tennessee Department of Environment and Conservation. In reality, Gordon fabricated the test results and related reports, and even forged documents from the reputable testing laboratory. She then billed her clients for the sampling and analysis.

The U. S Environmental Protection Agency Criminal Investigation Division conducted the investigation, with assistance from Mississippi Department of Environmental Quality and the Tennessee Department of Environment and Conservation.



Sentencings

***United States v. New Trade Ship Management S.A., et al.*, No. 3:22-CR-01802 (S.D. Calif.), ECS Senior Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On September 9, 2022, a court sentenced vessel operating company New Trade Ship Management S.A. (New Trade) and Chief Engineer Dennis Plasabas. New Trade will pay a \$1.1 million fine, complete a four-year term of probation, and hire an independent monitor to help implement and audit environmental compliance during the period of probation. Plasabas was sentenced to 12 months' incarceration. Both pleaded guilty to violating the Act to Prevent Pollution from Ships for failing to accurately maintain the bulk carrier vessel *Longshore's* oil record book (ORB) relating to illegal oily bilge water discharges (33 U.S.C. § 1908, 18 U.S.C. § 2).

On two separate occasions between October and December 2021, Plasabas ordered lower-ranking crew members to use a portable pneumatic pump and hose to bypass pollution prevention equipment (PPE) by transferring oily bilge water from the vessel's bilge holding tank to the vessel's sewage tank, and then directly overboard into the ocean. Plasabas failed to record these improper transfers and overboard discharges in the vessel's ORB. Additionally, in order to create a false and misleading electronic record (as if the crew properly used the PPE) Plasabas directed the crew to pump clean sea water into the vessel's bilge holding tank in the same quantity as the amount of oily bilge water transferred to the sewage tank. Plasabas then processed the clean sea water through the vessel's PPE to create the appearance it was properly operated. Electronic records indicate the crew ran approximately 9,600 gallons of clean sea water through the PPE.

The U.S. Coast Guard Sector Investigative Service conducted the investigation.

***United States v. Great Lakes Dredge & Dock Company, LLC, et al.*, Nos. 2:21-CR-00008, 00056 (E.D. La.), AUSA Nicholas Moses.**

On September 8, 2022, a court sentenced James Tassin, an employee with Great Lakes Dredge & Dock Company, LLC, (Great Lakes) to pay a \$2,500 fine and complete a two-year term of probation. Tassin pleaded guilty to negligently violating the Clean Water Act for his role in an oil spill (33 U.S.C. § 1319(c)(1)(A)). Great Lakes, the nation's largest dredging company, was ordered to pay a \$1 million fine, pleading guilty to negligently causing the discharge of a harmful quantity of oil into a navigable water of the United States (33 U.S.C. §§ 1319(c)(1)(A), 1321(b)(3)).

On September 5, 2016, Tassin negligently discharged 6,000 gallons of oil into Bay Long near the Chenier Ronquille barrier island. The spill took place after Tassin's supervisors instructed him to perform unauthorized digging with a marsh buggy near a pipeline. Great Lakes failed to alert federal authorities or the pipeline company in spite of working near the pipelines for several months.

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Sentencings

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After digging for multiple days, Tassin removed the mud cover from the top of the underwater pipeline before eventually striking it, causing it to rupture. The ensuing oil spill resulted in a cleanup overseen by the Coast Guard that included more than 140 workers, 36 boats, 11 skimmers, and 12,000 feet of spill containment boom.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Department of Transportation Office of Inspector General, and the Department of Commerce Office of Inspector General conducted the investigation.

United States v. James Paprocki, et al., Nos. 2:21-CR-00259, 2:20-CR-00360, 2:22-CR-00342 (W.D. Pa.), AUSA Michael Ivory and SAUSA Martin Harrell.

On September 8, 2022, a court sentenced James Paprocki to pay a \$500 fine and complete a one-year term of probation.

Paprocki worked as a supervisor at the Pittsburgh Water and Sewer Authority's (PWSA) Aspinwall Drinking Water Production Plant. At various times between 2010 and 2017, Paprocki and plant supervisor, Glenn Lijewski, illegally discharged clarifier sludge into the Allegheny River in violation of the plant's National Pollutant Discharge Elimination System (NPDES) permit. They also directed plant employees to discharge sludge into the river.

The court sentenced Lijewski in August 2022 to pay a \$1,500 fine, and complete a three-year term of probation, with a special condition that he participate in creating public service announcements about his criminal activity. Both Paprocki and Lijewski pleaded guilty to conspiring to violate the Clean Water Act (18 U.S.C. § 371).

In addition to the NPDES permit, regulators required the Aspinwall plant to comply with an Industrial User permit (IU). The IU permit allowed the plant to discharge one million gallons of sludge per day to the publically owned treatment works (Allegheny County Sanitary Authority (ALCOSAN)). Following the breakdown of five sludge flow monitors, Lijewski and other plant employees began using estimated sludge-flow figures (using round numbers such as 25,000 gallons for every four hours). They also diverted sludge discharges to an outfall that flowed directly into the Allegheny River. They included the estimated sludge data on reports to ALCOSAN certified as "true, accurate, and complete" meter readings. Over time, an island formed in the river out of this sludge, that a number of plant employees referred to as "Glenn's Island."

A court sentenced PWSA in September 2021 to complete a three-year term of probation, to include a comprehensive environmental compliance plan funded by PWSA for \$500,000. The company pleaded guilty to violating a condition of its NPDES permit (under the Clean Water Act) and making a false statement (33 U.S.C. §§ 1319(c)(4), 1311, 1342, 1319(c)(2)).

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



Sentencings

***United States v. Amplify Energy Corp., et al.*, No. 8:21-CR-00226 (C.D. Calif.), AUSAs Matthew O'Brien and Brian R. Faerstein.**

On September 8, 2022, a court sentenced a Texas-based oil company and two of its subsidiaries for discharging approximately 25,000 gallons of crude oil into San Pedro Bay in October 2021. Amplify Energy Corp., Beta Operating Co., LLC (a wholly owned subsidiary of Amplify doing business as Beta Offshore), and San Pedro Bay Pipeline Co. (a wholly owned subsidiary of Amplify), were each held joint and severally responsible for paying a \$7.1M fine and completing four-year terms' of probation requiring they perform a series of actions and make operational improvements, including:

- reimbursing governmental agencies and entities that incurred direct and indirect expenses as the result of their response, including the U.S. Coast Guard and the Oil Spill Liability Trust Fund;
- improving training for all operational employees and related management personnel in identifying and responding to potential pipeline leaks;
- installing a new leak detection system for the pipeline;
- requiring notification to regulators of all leak detection alarms;
- contracting with an oil spill response organization capable of detecting oil on the surface of the water at night or in low-light conditions that will promptly deploy upon request;
- conducting visual underwater inspections of the pipeline semiannually; and
- making modifications to their pipeline-related procedures that will require financial investment of at least \$250,000.

The San Pedro Bay Pipeline, which transferred crude oil from several offshore facilities to a processing plant in Long Beach, began leaking on the afternoon of October 1, 2021. In response to multiple leak detection alarms, the defendants' employees shut down the pipeline several times, but then repeatedly and incorrectly assessed there was no leak and started pumping crude oil through the pipeline again. As a result, their actions caused the discharge of close to 600 barrels of crude oil from a crack in the pipeline approximately 4.7 miles west of Huntington Beach.

The defendants also paid \$656,500 of the estimated \$5.8 million in costs incurred by the Coast Guard and the Oil Spill Liability Trust Fund. The companies pleaded guilty to negligently violating the Clean Water Act (33 U.S.C. §§ 1321(b)(3), 1319(c)(1)(A)).

The Coast Guard Investigative Service, the U.S. Environmental Protection Agency Criminal Investigation Division, the Federal Bureau of Investigation, and the U.S. Department of Transportation, Office of Inspector General conducted the investigation.



Sentencings

***United States v. Michael Pomani*, No. 3:22-CR-30049 (D.S.D.), AUSA Meghan Dilges.**

On September 6, 2022, a court sentenced Michael Pomani to two months' time served, followed by a year of supervised release, to include two months' home confinement. Pomani also will pay \$16,800 in restitution to the U.S. Fish and Wildlife Service as a result of his illegal sale of bald eagle feathers, hawk wings, and owl feathers.

In May 2022, prosecutors charged Pomani with failure to appear, to which he pleaded guilty in June 2022. Prosecutors charged Pomani in October 2017 with violating the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. After posting bond, Pomani failed to appear for trial and then prosecutors charged him with failure to appear (18 U.S.C. §§ 3146(a)(1) and 3146(b)(1)(A)(iii)).

This case was investigated by the U.S. Fish and Wildlife Service and the U.S. Marshals Service.

***United States v. Nathan Knox*, No. 2:22-CR-00039 (S.D. Ohio), ECS Senior Trial Attorney Adam Cullman, SAUSAs Mike Marous and Sally Montell, and ECS Paralegal Jillian Grubb.**

On September 6, 2022, a court sentenced Nathan Knox to 12 months and one day of incarceration, followed by three years' supervised release. Knox also will pay \$18,037 in restitution, after pleading guilty to wire fraud (18 U.S.C. § 1343.)

Throughout 2019, Knox operated a scheme where he placed online advertisements for hunting leases purportedly available on several parcels of land in Ohio. Knox actually had no right to sell leases to the properties in question and was fully aware of this fact. He placed the advertisements on at least 38 different Facebook pages, including "Hunt Florida," "Ohio Hunting Lease," "Bow Hunting PA," and "Alabama Deer Hunters." Knox solicited payment in exchange for these hunting leases. He charged prices ranging between \$400 and \$5,000. In total, Knox solicited payment from close to 70 different individuals, nearly all of whom resided outside of Ohio. At least 59 of these individuals sent Knox initial payments, totaling more than \$34,000.

The Ohio Department of Natural Resources Division of Wildlife, and the U.S. Fish and Wildlife Service conducted the investigation.



Sentencings

United States v. Jose Miguel Ortega Molina, No. 1:22-CR-20362 (S.D. Fla.), AUSA Tom Watts-FitzGerald.

On September 1, 2022, a court sentenced Jose Ortega Molina, a Spanish national, to 37 days' time-served, a three-year term of supervised release, and ordered his surrender for deportation. Molina pleaded guilty to violating the Lacey Act for importing and attempting to import six Budgerigars, an avian species popular with hobbyists, who collect, buy, and sell the birds known as "budgies," (16 U.S.C. § 3372 (a) (1), 3373(d)(1)(A)

In July 2022, Ortega Molina took a flight from Madrid, Spain, to Miami, Florida, with the birds. Spain is classified as a "high risk" country for High Pathogenic Avian Influenza (H5N1) and Exotic Newcastle Disease.

When questioned by Custom's officers, Ortega Molina denied having anything to declare. Selected for secondary inspection, he attempted to hide a small duffel bag under a table. When agents examined the bag, they found six undeclared birds inside. The defendant tried to claim the birds were pets, then later said they were gifts for a friend. He subsequently admitted he intended to use them to barter for other birds to take back to Spain. He did not possess any appropriate permits or paperwork.

The U.S. Fish & Wildlife Service, U.S. Customs & Border Protection, and Homeland Security Investigations conducted the investigation.



Budgerigar



Environmental Crimes Section Attorneys: (Main # 202-305-0321)

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Assistant Chief	Wayne Hettenbach	
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Senior Trial Attorney	Ethan Eddy	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
Senior Trial Attorney	RJ Powers	
Senior Trial Attorney	Banu Rangarajan	
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Trial Attorney	Joel LaBissonniere	
Trial Attorney	Samuel (Charlie) Lord	
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