



Monthly

# Bulletin

## Environmental Crimes Section

March 2017

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Send your federal case updates  
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*“This case involved egregious violations of U.S. and international laws that are key to protecting the oceans from pollution, and deliberate efforts to mislead Coast Guard officials about these criminal acts,” said Acting Assistant Attorney General Wood. “Now these defendants have been held accountable under the law by a jury of their peers. The Department of Justice will continue to aggressively prosecute criminal acts that pollute the oceans.” [From [press release](#) announcing the jury verdict.] [See inside](#) for more information on the case.*

| District/Circuit                | Case Name   | Case Type/Statutes   |
|---------------------------------|---|--|
| Middle District of Alabama      | <a href="#">United States v. Darin Lewis</a>  | Water Testing/Conspiracy, Wire Fraud                         |
| ██████████                      | ██████████<br>██████████  | ██████████<br>██████████                                     |
| Eastern District of California  | <a href="#">United States v. Audencio Pineda-Gaona</a><br><a href="#">United States v. Rich Xiongpaio</a> | Marijuana Grow/Depredation, Drugs                            |
| Northern District of California | <a href="#">United States v. Peiwen Zhou</a>  | Chemical Sales/Conspiracy, HMTA, Smuggling, TSCA             |
| District of Colorado            | <a href="#">United States v. Tor Olson</a>  | E-Waste/Wire Fraud   |
| District of Delaware            | <a href="#">United States v. International Petroleum Corporation of Delaware</a>                          | Used Oil Processor/CWA, Conspiracy, Obstruction, RCRA        |
| ██████████<br>██████████        | ██████████  | ██████████   |
| Eastern District of Kentucky    | <a href="#">United States v. Kenneth Gravitt</a>  | E-Waste/Conspiracy, RCRA                                     |
| Western District of Kentucky    | <a href="#">United States v. Daniel L. Couch</a>  | Mine Maintenance/False Statement, Falsifying a Safety Record |
| Northern District of Iowa       | <a href="#">United States v. Gary A. Christianson</a>   | Demolition/CAA   |
| Eastern District of Louisiana   | <a href="#">United States v. Wood Group PSN</a>   | Oil Platform Explosion/CWA                                   |
| Western District of Louisiana   | <a href="#">United States v. Wood Group PSN</a>   | Oil Platform Explosion/CWA                                   |
| ██████████<br>██████████        | ██████████  | ██████████<br>██████████                                     |

| District/Circuit                   | Case Name   | Case Type/Statutes  |
|------------------------------------|---|---|
| Southern District of Mississippi   | <a href="#"><u>United States v. Travis Butler</u></a>   | Black Bear Killing/ESA, Obstruction   |
| District of New Jersey             | <a href="#"><u>United States v. Lydell Harris</u></a><br><a href="#"><u>United States v. Robert Arellano</u></a>      | Dog Fighting/ Animal Fighting Venture, Conspiracy   |
| Southern District of New York      | <a href="#"><u>United States v. Jacob Chait</u></a>   | Rhino Horn Sales/Conspiracy   |
| Eastern District of North Carolina | <a href="#"><u>United States v. John Roberts</u></a><br><a href="#"><u>United States v. Christopher D. Miller</u></a> | Striped Bass Harvesting/Lacey Act<br>Municipal Employee/False Statements                            |
| Northern District of Ohio          | <a href="#"><u>United States v. Adam D. Boylen</u></a>  | Wastewater Discharges/CWA   |
| ██████████                         | ████████████████████  | ████████████████████  |
| District of South Carolina         | <a href="#"><u>United States v. Panagiotis Koutoukakis</u></a>  | Vessel/APPS, Destruction of Records, Obstruction  |
| Southern District of Texas         | <a href="#"><u>United States v. Lam Ngoc Tran</u></a>   | Veterinary Products/Conspiracy, Mail Fraud, Smuggling, Trafficking in Counterfeit Goods, Wire Fraud |
| ██████████<br>██████████           | ████████████████████  | ████████████████████<br>████████████████████  |
| ██████████<br>██████████           | ████████████████████  | ████████████████████<br>██████████  |

## Trials

***United States v. Panagiotis Koutoukakis***, No. 2:16-CR-00551 (D.S.C.), ECS Trial Attorney Christopher Hale, ECS Senior Trial Attorney Ken Nelson, AUSA Matt Austin, and ECS Paralegal Christopher Kopf.

On February 22, 2017, a jury returned guilty verdicts against Chief Engineers Panagiotis Koutoukakis and Herbert Julian. The jury acquitted Second Engineer Nikolaos Bounovas on all counts charged. Koutoukakis was found guilty of violating APPS and destruction of records (33 U.S.C. § 1908(a); 18 U.S.C. § 1519). Julian was convicted of APPS and obstruction charges (33 U.S.C. § 1908(a); 18 U.S.C. § 1505).

In late August 2015, the Coast Guard began an investigation into the bypass of pollution prevention equipment, including the use of a “magic device,” on the *T/V Green Sky*. Members of the ship’s engine room crew, including a senior officer, participated in the illegal overboard discharge of wastes.

This is the first conviction of a Chief Engineer who was not actually on the vessel when it entered port, but who was later arrested for his prior conduct on the vessel when he entered the country on a different ship.

This case was investigated by the U.S. Coast Guard.



*Hoses used to bypass oily water separator*

Indictments

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[REDACTED]

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[REDACTED]

[REDACTED]

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## Indictments

***United States v. Lydell Harris*, No. 3:17-CR-00050 (D.N.J.), ECS Trial Attorney Ethan Eddy and AUSA Jihee Suh.**

On February 16, 2017, Lydell Harris was charged with one count of conspiracy to sponsor or exhibit a dog in an animal fighting venture, and eight counts of possession of a dog intended to be used in an animal fighting venture (18 U.S.C. §§ 49, 371; 7 U.S.C. § 2156(b)). According to the indictment, Harris and an un-named resident of Washington, D.C. fought a dog owned by Harris against a dog owned by the unidentified co-conspirator, on October 25, 2015. Agents recovered the dog used by Harris, and seven other dogs from Harris's property during the execution of a search warrant on June 1, 2016. (Harris had previously been charged by criminal complaint in the related matter *United States v. Anthony "Monte" Gaines, et al.*, which was reported in the [July 2016](#) Bulletin.)

This case was investigated by the U.S. Department of Agriculture Office of Inspector General, Homeland Security Investigations, and the Federal Bureau of Investigations.

***United States v. Robert Arellano*, No. 3:17-CR-00051 (D.N.J.), ECS Trial Attorney Ethan Eddy and AUSA Jihee Suh.**

On February 16, 2017, Robert Arellano was charged with one count of conspiracy to sell, buy, transport, deliver and receive two dogs intended for use in an animal fighting venture (18 U.S.C. § 371). According to the indictment, Arellano, a resident of Albuquerque, New Mexico, sold and shipped two dogs intended for use in an animal fighting venture by air cargo, to New Jersey residents who subsequently used them in dog fights. The investigation revealed that Arellano had been an active dog fighter since the early 1980s, who capitalized on his reputation as a dog fighter to sell dogs from his renowned dog fighting bloodlines to purchasers across the country, often shipping them by air. (Arellano had been previously charged by criminal complaint in the related matter *United States v. Anthony "Monte" Gaines, et al.*, which was reported in the [July 2016](#) Bulletin.)

This case was investigated by the U.S. Department of Agriculture Office of Inspector General, Homeland Security Investigations, and the Federal Bureau of Investigations.

***United States v. Peiwen Zhou*, No. 4:17-CR-00091 (N.D. Calif.), AUSA Waqar Hasib.**

On February 16, 2017, Peiwen Zhou and his company, AK Scientific, were charged in an 11-count indictment with conspiring to defraud the United States, smuggling materials into the United States, and illegally transporting chemicals within the United States by mislabeling and improperly packaging them (18 U.S.C. §§ 371, 545; 15 U.S.C. §§ 2614, 2615; 49 U.S.C. § 5124).

According to the indictment, Zhou is the founder, owner, and chief executive officer of AK Scientific. Zhou and AK Scientific were in the business of purchasing and selling research and specialty chemicals to customers that included universities, research laboratories, and other entities. AK Scientific purchased chemicals from chemical supply companies in South Korea, Poland, India, and New Zealand.

(Continued on page 7)

This case was investigated by the U.S. EPA Criminal Investigation Division, the U.S. Department of Transportation Office of Inspector General, and the U.S. Department of Homeland Security Homeland Security Investigations.

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March 2017

This matter is part of Operation Crash, a continuing nation-wide investigation by the U.S. Fish and Wildlife Service and the Department of Justice into illegal trafficking in rhinoceros horns and other wildlife crimes.

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## Indictments

### ***United States v. Daniel L. Couch, Jr., No. 4:17-CR-00003 (W.D. Ky.), AUSA Randy Ream.***

On February 8, 2017, Daniel L. Couch, Jr., the Chief of Maintenance at Paradise #9 Mine, was charged with falsifying a safety record and lying to federal inspectors (18 U.S.C. § 1001(a)(2); 30 U.S.C. § 820(f)).

Couch is responsible for weekly equipment inspections, specifically for the belt drive for coal seam 11. According to the indictment, on May 17, 2016, a mine inspector reviewed the record book for fire suppression checks conducted on the belt drives for coal seam 11 (which contains seven separate belt drives at seven different locations) and found that no fire suppression checks had occurred for the week of May 1 through May 7, 2016. The inspector returned two days later and re-examined the record book for inspections for the belt drives for coal seam 11, at which time the book revealed that the belt drives had been examined on May 7, 2016, by “D. Couch,” and that no hazards had been observed.

Couch is further charged with making a false statement for telling the inspector that he had in fact inspected the belt drives of coal seam 11 on May 7, which was untrue. Trial is scheduled to begin on July 25, 2017.

This case was investigated by the U.S. Department of Labor Mine Safety and Health Administration.

### ***United States v. Adam D. Boylen, No. 1:17-CR-00050 (N. D. Ohio), AUSAs Ben Gullo and Brad Beeson.***

On February 7, 2017, Adam D. Boylen was charged in a four-count indictment with violating the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)) for dumping wastewater into tributaries of the Tuscarawas River.

Boylen was a driver employed by an Ohio-based trucking company. Boylen was responsible for loading wastewater generated from corporate facilities into a tanker truck and driving the wastewater to a designated facility located in Pennsylvania for proper disposal. The wastewater contained surfactants capable of killing vegetation and fish.

According to the indictment, instead of delivering the wastewater to Pennsylvania, Boylen drove the truck to remote locations in Tuscarawas County and elsewhere in central-eastern Ohio and emptied the wastewater containing surfactants into waters of the United States. He is charged with dumping into two different tributaries of the Tuscarawas River, a wetland



*Foam created by wastewater discharge*

*(Continued on page 10)*

## Indictments

(Continued from page 9)

adjacent to the river, and the Beach City Reservoir, on numerous occasions between April 18 and May 4, 2016.

White foam flowed down tributaries and streams as a result of Boylen's actions. In one instance, the foam traveled four miles downstream, destroying vegetation at all the locations. Approximately 700 fish were killed in one of the tributaries, and collectively, approximately 3,230 minnows, crayfish, frogs, and tadpoles were killed.

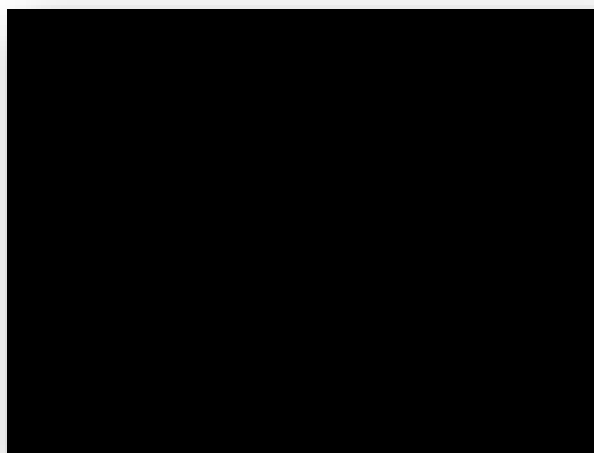
Trial is scheduled to begin on April 17, 2017.

This case was investigated by the U.S. EPA Criminal Investigation Division, the Ohio EPA, the Ohio Attorney General's Bureau of Criminal Investigation, the Stark County Sheriff's Offices, the Tuscarawas County Sheriff's Offices, the Ohio Department of Natural Resources, and the Ohio Department of Rehabilitation and Correction.

### ***United States v. Kenneth Gravitt, No. 5:17-CR-00019 (E.D. Ky.), AUSAs Ken Taylor and Erin Roth***

On February 2, 2017, Kenneth Gravitt was charged with conspiracy and RCRA violations (18 U.S.C. § 371, 42 U.S.C. §§ 6928(d)(1), (d)(2)(a), (d)(5)).

Gravitt was the owner and operator of Global Environmental Services (GES) with facilities in Georgetown, Cynthiana, and Winchester, Kentucky. In 2013, GES began recycling Cathode Ray Tubes (CRTs), which contain a great deal of lead. According to the indictment, between April 2013 and October 2015, GES accepted too many loads for recycling and was unable to properly process them. As a result, the defendant and others allegedly transported the CRTs to a



*Warehouse filled with e-waste*

Georgetown landfill that did not have a permit to handle hazardous waste; stored ground-up CRT glass containing excessive amounts of lead in large, open, outdoor piles; and placed thousands of CRTs and glass in a large hole that had been dug behind the Georgetown facility.

This case was investigated by the U.S. EPA Criminal Investigation Division.

## **Guilty Pleas**

### ***United States v. Audencio Pineda-Gaona*, No. 1:16-CR-00156 (E.D. Calif.), AUSA Karen Escobar.**

On February 27, 2017, Mexican nationals Audencio Pineda-Gaona and Calendario Jimenez-Ramirez pleaded guilty to drug violations (21 U.S.C. § 841) for growing marijuana in the Sequoia National Forest.

In August and September 2016, the defendants and others were found trimming marijuana buds in the grow site in the Giant Sequoia National Monument in Tulare County. Agents found close to 6,000 plants and 200 pounds of processed marijuana. They also found a large box of 9 mm ammunition, a holster and a shoulder rig for a 9 mm handgun.

The operation caused extensive damage to the land and natural resources. Native trees and shrubs were cut down to make room for the marijuana plants. Water was diverted from a tributary of the Kern River, which supports Kern River Rainbow Trout. Banned pesticides and large amounts of trash also were found. Sentencing is scheduled for May 22, 2017.

This case was investigated by the U.S. Forest Service, the California Department of Justice's Campaign Against Marijuana Planting, the California Department of Fish and Wildlife, and the Tulare County Sheriff's Office.

### ***United States v. Darin Lewis*, No. 1:16-CR-00571 (M.D. Ala.), AUSA Jonathon Ross.**

On February 16, 2017, Darin Lewis pleaded guilty to conspiring to commit wire fraud (18 U.S.C. §§ 371, 1343).

On December 14, 2016, Billy Ray Roberson, Sr., Roberson Excavation, Inc., and Lewis were charged with conspiring to commit wire fraud stemming from a scheme to falsify water samples during the testing of new water lines in the Marley Mill area of Dale County, Alabama.

In 2014, the Dale County Water Authority hired Roberson Excavation (and Roberson as its owner) to replace a neighborhood's water lines. By February of 2015, the company was three months behind schedule and paying daily penalties of \$500 for each day that the project wasn't finished. At that time, Roberson allegedly instructed Lewis, his site supervisor, to falsify the testing required before the lines went into operation. Among the tests falsified were those used to determine whether harmful bacteria were present in the water.

This case was investigated by the U.S. EPA Criminal Investigation Division.

### ***United States v. Gary A. Christianson*, No. 3:16-CR-03055 (N.D. Iowa), AUSAs Tim Vavricek and Matthew Cole.**

On February 15, 2017, Gary A. Christianson pleaded guilty to violating the Clean Air Act (42 U.S.C. § 7413(c)(2)(B)).

Between November 2014 and January 2015, Christianson was an owner/operator of a demolition and renovation operation that removed asbestos from a facility known as the former Kossuth County Home. The facility had pipes covered with regulated asbestos-

*(Continued on page 12)*

## Guilty Pleas

(Continued from page 11)

containing material (RACM) and floor tiles containing RACM. Christianson failed to provide authorities with written notice of his intention to demolish and renovate the building and remove the RACM.

This case was investigated by the U.S. EPA Criminal Investigation Division.

**United States v. John Roberts, No. 4:15-CR-00003 (E.D.N.C.), ECS Trial Attorney Lauren Steele, AUSA Banu Rangarajan, and ECS Paralegal John Jones.**

On February 7, 2016, John Roberts pleaded guilty to Lacey Act violations (16 §§ 3372 (a)(1), 3373 (d) (1)) for the illegal harvest and sale of Atlantic Striped Bass from federal waters off the coast of North Carolina in 2010.

In February 2010, a NOAA agent received information that commercial trawlers were illegally fishing for Atlantic Striped Bass in federal waters off the coast of North Carolina. Since 1990, there has been a ban on harvesting Atlantic Striped Bass from the United States' Exclusive Economic Zone (EEZ), which includes waters located three to 200 miles seaward of the U.S. coastline.

Upon receiving the information, NOAA engaged the assistance of the U.S. Coast Guard. A Coast Guard patrol vessel in the area intercepted one of 17 commercial trawlers in the EEZ, the fishing vessel *Lady Samaira*, boarded the vessel and found 173 Atlantic Striped Bass. The captain later admitted to taking the fish from the EEZ.

Due to other commercial trawlers in the same area, NOAA conducted an analysis of electronic data and written reports from those vessels. Based on the review, NOAA determined that on January 20, 2010, and February 2, 2010, Roberts, as the Captain of the fishing vessel *Wonder Woman*, harvested approximately 6,884 pounds of Atlantic Striped Bass from the EEZ, which he later sold to a seafood dealer in Engelhard, North Carolina. Roberts also made false statements on his federal trip reports to conceal the true location of the harvest. Additionally, on one of his fishing trips, Roberts exceeded the North Carolina catch limit for Atlantic Striped Bass, making multiple landings and filing multiple trip reports to make it appear that the fish had been caught during separate outings. The estimated fair market retail value of the 6,884 pounds of illegally harvested fish exceeds \$55,000.

Roberts is one of 13 commercial fishermen who were indicted in 2014 and 2015, for selling Atlantic Striped Bass harvested from the EEZ.

This case was investigated by NOAA Office of Law Enforcement, with assistance from the U.S. Coast Guard Investigative Service, the North Carolina Marine Patrol, and the Virginia Marine Police.

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## Sentencings

***United States v. Travis Butler*, No. 3:14-CR-00110 (S.D. Miss.), AUSA Darren LaMarca.**

On February 28, 2017, Travis Butler was sentenced to complete a five-year term of probation with a special condition of five months' home confinement for the illegal taking of a black bear. Butler also was ordered to pay restitution in the amount of \$3,333 to the Mississippi Department of Wildlife, Fisheries, and Parks. Co-defendants David L. Wimberly and Chester B. Williams were each sentenced in July of 2015 to pay a \$1,000 fine and complete a one-year term of probation. Williams was further placed on home confinement for four months.

On January 4, 2014, Butler arranged for a taxidermist to mount an illegally killed Louisiana Black Bear. Butler and Williams transported the bear to Wimberly's Taxidermy business, and concealed it from an investigator.

All defendants pleaded guilty to violating the Endangered Species Act (16 U.S.C. §§ 1538(a)(1)(D), 1540(b)(1)). Butler also pleaded guilty to obstructing the federal investigation (18 U.S.C. § 1512(b)(2)(B)). The Louisiana Black Bear was a protected species under the Endangered Species Act until March of 2016, when it was delisted.

This case was investigated by the U.S. Fish and Wildlife Service and the Mississippi Department of Wildlife, Fisheries and Parks.



## Sentencings

### ***United States v. Rich Xiongpaop*, No. 2:15-CR-00285 (E.D. Calif.), AUSA Daniel Griffin.**

On February 27, 2017, Rich Xiongpaop was sentenced to serve 60 months' incarceration, followed by four years' supervised release. Restitution is to be determined at a later date.

Thai national Rich Xiongpaop was convicted by a jury in November 2016 of manufacturing more than 100 marijuana plants, and depredation of federal land (18 U.S.C. § 1361, 21 U.S.C. § 841). This particular grow site was located in the Ansel Adams Wilderness Area, (originally protected as wilderness by the 1964 Wilderness Act) between Yosemite National Park and Mammoth Lakes.



*Aerial view of marijuana plants in Wilderness Area*

Xiongpaop was arrested in September 2015 after he was observed by U.S. Forest Service agents tending the site where they found approximately 428 marijuana plants. Multiple species of natural vegetation had been cut to accommodate the cultivation operation and spring water had been diverted from a nearby riparian area. A large amount of trash and numerous containers of chemicals and fertilizers also were found throughout the area.

This case was investigated by the U.S. Forest Service.

### ***United States v. Wood Group PSN*, Nos. 2:15-CR-00197, 6:16-CR-00192 (E.D. La., W.D. La.), ECS Senior Trial Attorney Ken Nelson, and AUSAs Emily Greenfield and Myers Namie.**

On February 23, 2017, Wood Group PSN was ordered to pay \$7 million for falsely reporting over several years that personnel had performed safety inspections on facilities in the Gulf of Mexico, and \$1.8 million for negligently discharging oil into the Gulf of Mexico both in violation of the Clean Water Act. Wood Group also was ordered to pay \$700,000 in community service to projects in the areas where the offense conduct took place.

The company previously entered into a global plea agreement in the Western District of Louisiana to resolve criminal activity in both the Western and Eastern Districts of Louisiana. Wood Group pleaded guilty to a negligent Clean Water Act violation for the illegal discharge of oil into the Gulf of Mexico in the E.D of Louisiana (33 U.S.C. §§ 1319(c)(1)(A), 1321(b)(3)).

*(Continued on page 16)*

This case was investigated by the DOI Bureau of Safety and Environmental Enforcement and the U.S. EPA Criminal Investigation Division.

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## Sentencings

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### ***United States v. Tor Olson*, No. 1:11-CR-00376 (D. Colo.), AUSAs Suneeta Hazra and Valeria Spencer.**

On February 17, 2017, Tor Olson was resentenced to six months' incarceration, followed by three years' supervised release, after pleading guilty to a wire fraud conviction (18 U.S.C. § 1343). Olson also will pay a \$2,500 fine plus \$2,065 in restitution to the City of Boulder. After a jury trial in 2012 and sentencing in 2013, in July 2015 the 10<sup>th</sup> Circuit reversed all convictions against the individual defendants except for an obstruction count against Brandon Richter.

On December 21, 2012, Executive Recycling (ER), its president Richter, and former vice president Olson, were convicted of mail and wire fraud, smuggling, obstruction of justice, and a RCRA violation (18 U.S.C. §§ 554, 1341, 1343, 1519; 42 U.S.C. § 6928(d)(4)). From February 2005 through January 2009, ER operated as a recycling company in Denver, Colorado, that specialized in environmentally-friendly recycling of e-waste. The company assured customers that it would properly and completely dispose of e-waste in the United States. The e-waste collected included Cathode Ray Tubes (CRTs), which are the glass video display component of electronic devices. CRTs are potentially hazardous waste because they contain lead.



*Hong Kong port*

*(Continued on page 18)*

## Sentencings

(Continued from page 17)

The investigation of ER began after a *60 Minutes* story aired in November 2008 that followed a shipping container loaded with used computer monitors from the company's Colorado facility through a port in Tacoma, Washington, to its final destination in Hong Kong in April 2008. Hong Kong customs officers rejected the shipment because used CRTs are considered a hazardous waste under Chinese law. The container was returned to the United States, where it was searched by agents who recovered 296 CRTs, and twenty boxes of broken computer monitor parts. All monitors tested exhibited the hazardous waste characteristic of toxicity for the presence of lead.

Richter and the company were originally held jointly and severally liable for \$70,134 in restitution. The company also was ordered to pay a \$4.5 million fine. Richter had been sentenced to 30 months' incarceration and a \$7,500 fine. Olson had been sentenced to 14 months' incarceration and a \$5,000 fine, in addition to \$17,536 in restitution. A forfeiture order in the amount of \$142,241 also was filed.

On February 25, 2016, Richter pleaded guilty to a wire fraud violation (18 U.S.C. § 1343). He is scheduled to be sentenced on March 30, 2017.

This case was investigated by the U.S. EPA Criminal Investigation Division and U.S. Immigration and Customs Enforcement.

***United States v. Lam Ngoc Tran*, No. 4:15-CR-00372 (S.D. Tex.), Asst. Deputy Chief John H. Zacharia (CCIPS), and AUSAs Jennifer Lowery and Kebharu Smith.**

On February 16, 2017, Lam Ngoc Tran was sentenced to 46 months' incarceration, followed by three years' supervised release. Tran also will pay \$867,150, jointly and severally, in restitution. Allen Smith was sentenced on February 6, 2017, to 37 months' incarceration, followed by three years' supervised release. He was held jointly and severally responsible for the restitution.

Five individuals (Iain Nigel MacKellar, William Humphreys, Chris Martin, Smith and Tran) were charged with conspiracy to commit wire fraud, mail fraud, trafficking in counterfeit labels, and smuggling goods into the United States. MacKellar and Tran also were charged with wire fraud, mail fraud, trafficking in counterfeit labels and smuggling (18 U.S.C. §§ 317, 545, 1341, 1343, 2320(a)). The defendants are suspected members of one of the largest known groups of importers of counterfeit packaged pet products.

Between January 2008 and July 2015, the defendants used false labels to smuggle veterinary products that were not manufactured for the U.S. market into this country for distribution, including Frontline and Frontline Plus pesticides manufactured by Merial Pharmaceutical Company (Merial). In some cases, the defendants imported the products into the U.S. under the pretense that the products were destined for use by charitable organizations, but instead distributed the products to large retail outlets for commercial sale. Merial did not participate in or authorize the alleged unlawful conduct. All known counterfeit veterinary products have been removed from store shelves. Martin, Tran, and

(Continued on page 19)



## Sentencings

(Continued from page 19)

North Carolina State Bureau of Investigation's Drug Diversion and Environmental Crimes Unit.

***United States v. International Petroleum Corporation of Delaware*, Nos. 1:15-CR-00066, 1:16-CR-00040, 00097, 1:17-CR-00013 (D. Del.), AUSA Edmond Falgowski and SAUSA Martin Harrell.**

On February 2, 2017, International Petroleum Corporation of Delaware (IPC) was sentenced to pay a \$1.3 million fine and \$2.2 million in restitution to the City of Wilmington, after pleading guilty to conspiracy to violate the Clean Water Act and a substantive RCRA violation (18 U.S.C. § 371; 42 U.S.C. § 6928(d)(5)(A)).

Between 1992 and 2012, IPC operated a facility that processed used oil and hydrocarbon-containing wastewater, and then sold the reprocessed petroleum for reuse. The facility had two components:

oil recovery and wastewater treatment. Wastewater was generated during petroleum processing and was treated prior to discharge to the local POTW. The facility's pretreatment permit authorized the pollutants within concentration parameters to be discharged, and required IPC to take monthly representative samples of its wastewater that were reported to the city. The company admitted that its monthly samples were not representative, and that it tampered with the samples.

The company also violated RCRA by transporting hazardous waste without a manifest. In June and July 2012, IPC trucked sludge it had removed from its storage tanks (tank bottoms) to a firm in South Carolina for disposal. Approximately 500,000 pounds of tank bottom waste was shipped, without hazardous waste.

Former plant manager Ricky Mitchell pleaded guilty to conspiring to violate the



*Aerial view of International Petroleum facility*

(Continued on page 21)

## Sentencings

*(Continued from page 20)*

CWA, and to a substantive CWA charge (18 U.S.C § 371; 33 U.S.C. § 1319(c)(4)). Plant manager John Lowery is charged with a similar conspiracy and CWA violation. A former branch manager, Lance A. Charen, is charged with RCRA, CWA, and obstruction violations (42 U.S.C. §§ 6928(d)(2)(A),(d)(3),(d)(5), 33 U.S.C. §§ 1319 (c)(2),(c)(4); 18 U.S.C. § 1519.)

This case was investigated by the U.S. EPA Criminal Investigation Division, with assistance from the City of Wilmington Department of Public Works and the Delaware Department of Natural Resources and Environmental Control Solid and Hazardous Waste Management Section.

## Announcements

Please send [REDACTED] any pleadings you believe would be useful for posting in the [Brief Bank](#). Older materials are still available on the [Document Bank Archives](#) page.

If you are in need of sentencing data for your wildlife or pollution cases, please contact [REDACTED] with your search requests.

The public version of the [ECS Bulletin](#) is available for non-law enforcement readers.

Please notify ECS of any appeals taken in your cases, per [section 5-11.118](#) of the U.S. Attorneys' Manual.

| Position                    | Name                   | Phone |
|-----------------------------|------------------------|-------|
| Chief                       | Deborah Harris         |       |
| Deputy Chief                | Joseph Poux            |       |
| Assistant Chief             | Thomas Ballantine      |       |
| Assistant Chief             | Wayne Hettenbach       |       |
| Assistant Chief             | Lana Pettus            |       |
| Assistant Chief             | Jennifer Whitfield     |       |
| Senior Litigation Counsel   | Howard P. Stewart      |       |
| Senior Litigation Counsel   | Richard Udell          |       |
| Senior Counsel for Wildlife | Elinor Colbourn        |       |
| Senior Counsel              | Kris Dighe             |       |
| Senior Trial Attorney       | Jennifer Blackwell     |       |
| Senior Trial Attorney       | Georgiann Cerese       |       |
| Senior Trial Attorney       | Christopher Costantini |       |
| Senior Trial Attorney       | Daniel Dooher          |       |
| Senior Trial Attorney       | Todd Gleason           |       |
| Senior Trial Attorney       | David Kehoe            |       |
| Senior Trial Attorney       | Jeremy Korzenik        |       |
| Senior Trial Attorney       | Ken Nelson             |       |
| Trial Attorney              | Cassandra Barnum       |       |
| Trial Attorney              | Mary Dee Carraway      |       |
| Trial Attorney              | John Cashman (USCG)    |       |
| Trial Attorney              | Ryan Connors           |       |
| Trial Attorney              | Adam Cullman           |       |
| Trial Attorney              | Stephen DaPonte        |       |
| Trial Attorney              | Gary Donner            |       |
| Trial Attorney              | Patrick Duggan         |       |
| Trial Attorney              | Ethan Eddy             |       |
| Trial Attorney              | Stephen Foster         |       |
| Trial Attorney              | Thomas Franzinger      |       |
| Trial Attorney              | Christopher Hale       |       |
| Trial Attorney              | Joel LaBissonniere     |       |
| Trial Attorney              | Samuel (Charlie) Lord  |       |
| Trial Attorney              | Shennie Patel          |       |
| Trial Attorney              | Erica Pencak           |       |
| Trial Attorney              | Richard Powers         |       |
| Trial Attorney              | Mark Romley            |       |
| Trial Attorney              | Brendan Selby          |       |
| Trial Attorney              | Lauren Steele          |       |
| Trial Attorney              | Shane Waller           |       |