

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

UNITED STATES OF AMERICA : **CRIMINAL NO:** _____

v. : **DATE FILED:** _____

MATTHEW BROZENA : **VIOLATIONS:**
MAB ENVIRONMENTAL
SERVICES, INC. : **18 U.S.C. § 371 (conspiracy – 1 count)**
: **33 U.S.C. § 1319(c)(2) (violation of**
: **permit – 4 counts)**
: **33 U.S.C. § 1319(c)(4) (tampering with**
: **required monitoring method – 4**
: **counts)**
: **33 U.S.C. § 1319(c)(4) (false reporting**
: **– 6 counts)**
: **18 U.S.C. § 2 (aiding and abetting)**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

THE DEFENDANTS AND RELEVANT PERSONS AND ENTITIES

1. Defendant MAB ENVIRONMENTAL SERVICES, INC. was a company located in Telford, Pennsylvania that contracted to operate, maintain, and manage wastewater treatment facilities for its customers.

2. Defendant MATTHEW BROZENA was certified to operate sewage treatment plants and water treatment plants and was part-owner, president, and a responsible corporate officer of defendant MAB ENVIRONMENTAL SERVICES, INC.

3. From in or about August 2009 to in or about February 2011, James Wetzel, charged elsewhere, was certified to operate sewage treatment plants and was employed by defendant MAB ENVIRONMENTAL SERVICES, INC.

4. From in or about May 2011 to in or about January 2012, James Crafton, charged elsewhere, was certified to operate sewage treatment plants and was employed by defendant MAB ENVIRONMENTAL SERVICES, INC.

5. Company No. 1, a company known to the grand jury, was a company located in Harleysville, Pennsylvania, that contracted to operate, maintain, and manage wastewater treatment facilities for its customers. Defendant MATTHEW BROZENA was part-owner, president, and a responsible corporate officer of Company No. 1.

6. From in or about January 2012 to in or about June 2012, James Crafton was certified to operate sewage treatment plants and was employed by Company No. 1.

7. From at least in or about March 2010 to in or about October 2011, Person No. 1, whose identity is known to the grand jury, was employed by defendant MAB ENVIRONMENTAL SERVICES, INC.

8. From at least in or about August 2010 to in or about January 2012, Person No. 2, whose identity is known to the grand jury, was employed by defendant MAB ENVIRONMENTAL SERVICES, INC.

9. BC Natural Chicken (“BC Natural”) was a chicken processing plant located in Bethel Township, Lebanon County, Pennsylvania, with a wastewater treatment plant.

10. Buckingham Valley Nursing Center (“Buckingham”) was a nursing home located in Buckingham Township, Bucks County, Pennsylvania, with a wastewater treatment plant.

THE CLEAN WATER ACT

11. 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. 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 for the use of such waters for public drinking water, agricultural, and industrial purposes. 33 U.S.C. § 1252(a).

12. Title 33, United States Code, Section 1311 of the CWA, prohibits the discharge of any pollutant by any person, except in compliance with provisions of the CWA, including 33 U.S.C. § 1342.

13. The CWA defines a “person” as an individual and a corporation, 33 U.S.C. § 1362(5), and “any responsible corporate officer,” 33 U.S.C. § 1319(c)(6); “discharge of a pollutant” as any addition of any pollutant to navigable waters from any point source, 33 U.S.C. § 1362(12); “pollutant” as, among other things, solid waste, sewage, sewage sludge, chemical wastes, and industrial and agricultural waste discharged into water, 33 U.S.C. § 1362(6); “navigable waters” as waters of the United States, 33 U.S.C. § 1362(7); and “point source” as any discernible, confined, and discrete conveyance from which pollutants are discharged, including any pipe, ditch, channel, conduit, and discrete fissure, 33 U.S.C. § 1362(14).

14. Title 33, United States Code, Section 1342 of the CWA authorizes the discharge of pollutants in compliance with a permit issued under the National Pollution Discharge Elimination Systems ("NPDES") by the U.S. Environmental Protection Agency ("EPA") or a

federally authorized state agency, including the Pennsylvania Department of Environmental Protection (“PADEP”).

BC NATURAL PERMIT

15. Under the CWA’s NPDES permit program for industrial wastewater facilities, PADEP issued to BC Natural Chicken, NPDES Permit No. PA 0024228 (the “BC Natural Permit”), authorizing BC Natural to discharge pollutants from the chicken plant located in Bethel Township, Lebanon County, Pennsylvania, to Deep Run in Watershed 7-D in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the BC Natural Permit and in compliance with federal and state laws and regulations.

16. Deep Run flowed into navigable waters of the United States.

17. The BC Natural Permit required that the permittee at all times maintain in good working order and properly operate and maintain all facilities and systems which were installed and used by the permittee to achieve compliance with the terms and conditions of the BC Natural Permit.

18. The BC Natural Permit set discharge limits for pollutants, including ammonia-nitrogen (“NH3-N”) and total suspended solids (“TSS”).

19. The BC Natural Permit set the discharge limit for NH3-N for two time frames. For the period from May 1 to October 31, the daily maximum concentration limit was 3.0 mg of NH3-N per liter of effluent. For the period from November 1 to April 30, the daily maximum concentration limit was 9.0 mg of NH3-N per liter of effluent. The BC Natural Permit required that NH3-N be monitored and measured in a 24-hour composite sample of effluent once a week.

20. The BC Natural Permit set the discharge limit for TSS as a daily maximum concentration limit of 50 mg of TSS per liter of effluent, to be monitored and measured in a 24-hour composite sample of effluent once a week.

21. The BC Natural Permit required that: samples and measurements taken for the purpose of monitoring be representative of the monitored activity; each sample and each measurement taken pursuant to the requirements of the BC Natural Permit be recorded; approved test procedures for the analysis of the pollutants be used; Discharge Monitoring Reports (“DMRs”), which required the reporting of samples and measurements taken pursuant to the BC Natural Permit, be properly completed; if the permittee monitored any pollutant using the analytical methods described in the BC Natural Permit more frequently than the BC Natural Permit required, the results of the monitoring be incorporated into the calculations on the DMR; properly completed DMRs be submitted to the PADEP within 28 days after the end of the monthly reporting period; and all instances of noncompliance be reported.

22. From in or about August 2009 to in or about February 2011, BC Natural contracted with defendant MATTHEW BROZENA and defendant MAB ENVIRONMENTAL SERVICES, INC. to operate and manage BC Natural’s wastewater treatment plant with respect to the regulations and limitations specified in the BC Natural Permit.

23. From in or about January 2006 through in or about December 2009, BC Natural violated the pollutant limits for NH3-N, TSS, and other pollutants in the BC Natural Permit and received notices of violations. On or about August 2, 2010, BC Natural entered into a Consent Order and Agreement with the Pennsylvania Department of Environmental Protection for the violations.

BUCKINGHAM PERMIT

24. Under the CWA's NPDES permit program for non-municipal sewage treatment works, PADEP issued to Buckingham Valley Nursing Center, NPDES Permit No. PA0052761 (the "Buckingham Permit"), authorizing Buckingham to discharge pollutants in wastewater to the unnamed tributary to Mill Creek in Watershed 2F in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the Buckingham Permit and in compliance with federal and state laws and regulations.

25. Mill Creek flowed into navigable waters of the United States.

26. The Buckingham Permit required that the permittee at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which were installed and used by the permittee to achieve compliance with the terms and conditions of the Buckingham Permit.

27. The Buckingham Permit set discharge limits for pollutants, including total residual chlorine ("TRC"), dissolved oxygen ("DO"), pH, and fecal coliform.

28. The Buckingham Permit set the monthly average discharge limit for TRC of 0.1 mg of TRC per liter of effluent and the instantaneous maximum discharge limit for TRC of 0.25 mg of TRC per liter of effluent, to be monitored and measured at the minimum in a daily grab sample of effluent.

29. The Buckingham Permit set the instantaneous minimum discharge limit for DO of 5.0 mg of DO per liter of effluent, to be monitored and measured at the minimum in a daily grab sample of effluent.

30. The Buckingham Permit set the instantaneous minimum discharge limit for pH of 6.0 and the instantaneous maximum discharge limit for pH of 9.0, to be monitored and measured at the minimum in a daily grab sample of effluent.

31. The Buckingham Permit required that: samples and measurements taken for the purpose of monitoring be representative of the monitored activity; each sample and each measurement taken pursuant to the requirements of the Buckingham Permit be recorded; approved test procedures for the analysis of the pollutants be used; DMRs, which required the reporting of samples and measurements taken pursuant to the Buckingham Permit, be properly completed; if the permittee monitored any pollutant using the analytical methods described in the Buckingham Permit more frequently than the Buckingham Permit required, the results of the monitoring be incorporated into the calculations on the DMR; properly completed DMRs be received by the PADEP within 28 days after the end of the monthly reporting period; and all instances of noncompliance be reported.

32. The Buckingham Permit required the permittee to employ an operator certified in compliance with Water and Wastewater Systems Operators Certification Act for the proper operation and maintenance of the Buckingham wastewater treatment plant.

33. From in or about September 2001 to at least in or about February 2012, Buckingham contracted with defendant MATTHEW BROZENA and defendant MAB ENVIRONMENTAL SERVICES, INC. to operate and maintain Buckingham's wastewater treatment plant with respect to the regulations and limitations specified in the Buckingham Permit.

34. From in or about November 2008 to in or about 2012, Buckingham received notices of violations for exceeding pollutant limits for fecal coliform and other pollutants, and for other violations.

CONSPIRACY TO VIOLATE CWA

35. From at least in or about 2009 to at least in or about 2012, in the Eastern District of Pennsylvania and elsewhere, defendants

**MATTHEW BROZENA
and
MAB ENVIRONMENTAL SERVICES, INC.**

conspired and agreed, together and with James Wetzel, James Crafton, and others known and unknown to the grand jury, to commit an offense against the United States, that is, to:

a. Knowingly violate permit conditions and limitations implementing sections in permits issued under 33 U.S.C. § 1342, in violation of 33 U.S.C. § 1319(c)(2);

b. Knowingly falsify, tamper with, and render inaccurate monitoring devices and methods required to be maintained under the CWA, in violation of 33 U.S.C. § 1319(c)(4); and

c. Knowingly make false material statements, representations, and certifications in records, reports, and other documents filed and required to be maintained under the CWA, in violation of 33 U.S.C. § 1319(c)(4).

Manner and Means

It was part of the conspiracy that:

36. Defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., and others known and unknown to the grand jury, knowingly failed to properly

operate and maintain the facilities and systems of treatment and control that were installed at the wastewater treatment plants and used to achieve compliance with the terms and conditions of the NPDES permits.

37. Defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., and others known and unknown to the grand jury, knowingly discarded effluent samples when they believed that the measurements of pollutants in the samples exceeded the pollutant limits in the NPDES permits, and resampled.

38. Defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., and others known and unknown to the grand jury, knowingly failed to take samples and measurements for the purpose of monitoring that were representative of the monitored activity.

39. Defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., and others known and unknown to the grand jury, knowingly falsely reported sampling and test results for pollutants that were required to be measured and reported under the NPDES permits.

Overt Acts

In furtherance of the conspiracy and to accomplish its objects, defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC. and others committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. From in or about August 2009 to in or about February 2011, at the direction of defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., James

Wetzel discarded composite samples of effluent at BC Natural and resampled because defendant BROZENA believed that the composite samples would exceed the pollutant limits for TSS in the BC Natural Permit.

2. From in or about August 2009 to in or about February 2011, at the direction of defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., James Wetzel discarded composite samples of effluent at BC Natural and resampled because defendant BROZENA believed that the composite samples would exceed the pollutant limits for NH3-N in the BC Natural Permit.

3. On or about September 14, 2010, defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC. directed James Wetzel to possibly delay composite sampling of effluent until later in the week at BC Natural because defendant BROZENA believed that the composite sample would exceed the pollutant limit for NH3-N in the BC Natural Permit.

4. On or about September 15, 2010, defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC. directed James Wetzel to discard the composite sample of effluent at BC Natural that defendant BROZENA believed exceeded the pollutant limit for NH3-N in the BC Natural Permit, and to resample later in the week.

5. On or about September 15, 2010, at the direction of defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., James Wetzel discarded the composite sample of effluent at BC Natural because defendant BROZENA believed that the composite sample would exceed the pollutant limit for NH3-N in the BC Natural Permit.

6. On or about October 28, 2010, defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC. and James Wetzel did not report the composite

sampling at BC Natural on or about September 15, 2010, in BC Natural's September 2010 DMR that was submitted to PADEP.

7. From at least in or about July 2010 to in or about February 2012, defendant MATTHEW BROZENA directed employees of defendant MAB ENVIRONMENTAL SERVICES, INC. and Company No. 1 to report test results for the pollutant TRC in grab samples of effluent at Buckingham as 0.0.

8. From at least in or about July 2010 to in or about 2012, defendant MATTHEW BROZENA directed employees of defendant MAB ENVIRONMENTAL SERVICES, INC. that when the test results for the pollutant TRC were not 0.0 in the grab samples of effluent at Buckingham, to discard the samples, add dechlorination tablets, resample, and retest.

9. From at least in or about July 2010 to in or about October 2011, at the direction of defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., Person No. 1 discarded grab samples of effluent at Buckingham when the test results for the pollutant TRC in the samples were not 0.0, added dechlorination tablets, resampled, and retested.

10. From at least in or about July 2010 to in or about October 2011, at the direction of defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., Person No. 1 falsely reported test results for TRC in grab samples of effluent at Buckingham as 0.0.

11. From in or about August 2010 to in or about January 2012, at the direction of defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., Person No. 2 discarded grab samples of effluent at Buckingham when the test results for the pollutant TRC in the samples were not 0.0, added dechlorination tablets, resampled, and retested.

12. From in or about August 2010 to in or about January 2012, at the direction of defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., Person No. 2 falsely reported test results for TRC in grab samples of effluent at Buckingham as 0.0.

13. From in or about August 2010 to in or about January 2012, at the direction of defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., Person No. 2 discarded grab samples of effluent at Buckingham when the test results for the pollutants DO and pH in the samples were not within limits that defendant BROZENA required, added chemicals, and retested.

14. From in or about August 2010 to in or about January 2012, at the direction of defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., Person No. 2 falsely reported test results for DO and pH in grab samples of effluent at Buckingham to be within the limits that defendant BROZENA required.

15. From in or about May 2011 to in or about February 2012, at the direction of defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC., James Crafton falsely reported test results for TRC in grab samples of effluent at Buckingham as 0.0.

16. On or about January 20, 2012, defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC. caused to be reported false test results for TRC of 0.0 at Buckingham in Buckingham's December 2011 DMR that was submitted to PADEP.

17. On or about February 22, 2012, defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC. caused to be reported false test results for TRC of 0.0 at Buckingham in Buckingham's January 2012 DMR that was submitted to PADEP.

18. On or about March 22, 2012, defendants MATTHEW BROZENA and MAB ENVIRONMENTAL SERVICES, INC. caused to be reported false test results for TRC of 0.0 at Buckingham in Buckingham's February 2012 DMR that was submitted to PADEP.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 9, and 11 through 23 of Count One are incorporated here.
2. On or about September 15, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

MATTHEW BROZENA

knowingly caused the violation of a permit condition and limitation implementing Title 33, United States Code, Section 1311 in the permit issued under Title 33, United State Code, Section 1342, that is, defendant BROZENA knowingly caused James Wetzel to discard a composite sample of effluent and resample at BC Natural when defendant BROZENA believed that the measurement of the pollutant NH3-N in the discarded sample exceeded the BC Natural Permit limit for NH3-N, thereby rendering the sampling non-representative of the monitored activity, in violation of the BC Natural Permit.

In violation of Title 33, United States Code, Section 1319(c)(2)(A), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 9, and 11 through 23 of Count One are incorporated here.
2. On or about September 15, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

MAB ENVIRONMENTAL SERVICES, INC.,

through its agents defendant MATTHEW BROZENA and James Wetzel, knowingly violated and caused the violation of a permit condition and limitation implementing Title 33, United States Code, Section 1311 in the permit issued under Title 33, United State Code, Section 1342, that is, defendant MAB ENVIRONMENTAL SERVICES, INC. knowingly discarded a composite sample of effluent and resampled, and caused James Wetzel to discard a composite sample of effluent and resample, at BC Natural when defendant MAB ENVIRONMENTAL SERVICES, INC. believed that the measurement of the pollutant NH3-N in the discarded sample exceeded the BC Natural Permit limit for NH3-N, thereby rendering the sampling non-representative of the monitored activity, in violation of the BC Natural Permit.

In violation of Title 33, United States Code, Section 1319(c)(2)(A), and Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 9, and 11 through 23 of Count One are incorporated here.
2. On or about September 15, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

MATTHEW BROZENA

knowingly caused to be falsified, tampered with, and rendered inaccurate, a monitoring device and method required to be maintained under the CWA, that is, defendant BROZENA knowingly caused James Wetzel to discard a composite sample of effluent and resample at BC Natural when defendant BROZENA believed that the measurement of the pollutant NH3-N in the discarded sample exceeded the BC Natural Permit limit for NH3-N, thereby rendering the sampling non-representative of the monitored activity.

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

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 9, and 11 through 23 of Count One are incorporated here.
2. On or about September 15, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

MAB ENVIRONMENTAL SERVICES, INC.,

through its agents defendant MATTHEW BROZENA and James Wetzel, knowingly falsified, tampered with, and rendered inaccurate, and caused to be falsified, tampered with, and rendered inaccurate, a monitoring device and method required to be maintained under the CWA, that is, defendant MAB ENVIRONMENTAL SERVICES, INC. knowingly discarded a composite sample of effluent and resampled, and caused James Wetzel to discard a composite sample of effluent and resample, at BC Natural when defendant MAB ENVIRONMENTAL SERVICES, INC. believed that the measurement of the pollutant NH3-N in the discarded sample exceeded the BC Natural Permit limit for NH3-N, thereby rendering the sampling non-representative of the monitored activity.

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

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 2, 4 through 8, 10 through 14, and 24 through 34 of Count One are incorporated here.
2. From at least in or about April 2011 to in or about February 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

MATTHEW BROZENA

knowingly violated and caused the violation of a permit condition and limitation implementing Title 33, United States Code, Section 1311 in the permit issued under Title 33, United State Code, Section 1342, that is, defendant BROZENA knowingly caused employees of defendant MAB ENVIRONMENTAL SERVICES, INC. and Company No. 1 to discard grab samples of effluent and resample, at Buckingham when the measurements of the pollutant TRC in the discarded samples were not 0.0, and knowingly falsely reported and caused the false reporting of test results for the pollutant TRC in grab samples of effluent at Buckingham as 0.0, thereby rendering the sampling and measurements non-representative of the monitored activity, in violation of the Buckingham Permit.

In violation of Title 33, United States Code, Section 1319(c)(2)(A), and Title 18, United States Code, Section 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 2, 4 through 8, 10 through 14, and 24 through 34 of Count One are incorporated here.
2. From at least in or about April 2011 to in or about February 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

MAB ENVIRONMENTAL SERVICES, INC.,

through its agents defendant MATTHEW BROZENA and James Crafton, knowingly violated and caused the violation of a permit condition and limitation implementing Title 33, United States Code, Section 1311 in the permit issued under Title 33, United State Code, Section 1342, that is, defendant MAB ENVIRONMENTAL SERVICES, INC. knowingly discarded grab samples of effluent and resampled, and caused employees of defendant MAB ENVIRONMENTAL SERVICES, INC. to discard grab samples of effluent and resample, at Buckingham when the measurements of the pollutant TRC in the discarded samples were not 0.0, and knowingly falsely reported and caused the false reporting of test results for the pollutant TRC in grab samples of effluent at Buckingham as 0.0, thereby rendering the sampling and measurements non-representative of the monitored activity, in violation of the Buckingham Permit.

In violation of Title 33, United States Code, Section 1319(c)(2)(A), and Title 18, United States Code, Section 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 2, 4 through 8, 10 through 14, and 24 through 34 of Count One are incorporated here.
2. From at least in or about April 2011 to in or about February 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

MATTHEW BROZENA

knowingly caused to be falsified, tampered with, and rendered inaccurate, a monitoring device and method required to be maintained under the CWA, that is, defendant BROZENA knowingly caused employees of defendant MAB ENVIRONMENTAL SERVICES, INC. and Company No. 1 to discard grab samples of effluent and resample at Buckingham when the measurements of the pollutant TRC in the discarded samples were not 0.0, and knowingly caused the false reporting of test results for the pollutant TRC in grab samples of effluent at Buckingham as 0.0, thereby falsifying, tampering with, and rendering inaccurate the monitoring device and method required to be maintained under the CWA.

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

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 2, 4 through 8, 10 through 14, and 24 through 34 of Count One are incorporated here.
2. From at least in or about April 2011 to in or about February 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

MAB ENVIRONMENTAL SERVICES, INC.,

through its agents defendant MATTHEW BROZENA and James Crafton, knowingly falsified, tampered with, and rendered inaccurate, and caused to be falsified, tampered with, and rendered inaccurate, a monitoring device and method required to be maintained under the CWA, that is, defendant MAB ENVIRONMENTAL SERVICES, INC. knowingly caused employees of defendant MAB ENVIRONMENTAL SERVICES, INC. to discard grab samples of effluent and resample at Buckingham when the measurements of the pollutant TRC in the discarded samples were not 0.0, and knowingly falsely reported and caused the false reporting of test results for the pollutant TRC in grab samples of effluent at Buckingham as 0.0, thereby falsifying, tampering with, and rendering inaccurate the monitoring device and method required to be maintained under the CWA.

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

COUNTS TEN THROUGH TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 2, 4 through 8, 10 through 14, and 24 through 34 of Count One are incorporated here.
2. On or about the dates set forth below, in the Eastern District of Pennsylvania, and elsewhere, defendant

MATTHEW BROZENA

knowingly caused false material statements, representations, and certifications to be made in records, reports, and other documents filed and required to be maintained under the CWA and the regulations promulgated thereunder, that is, defendant BROZENA knowingly caused to be reported in the Buckingham DMRs submitted to PADEP set forth below, false test results for TRC of 0.0 at Buckingham, each DMR submitted constituting a separate count:

COUNT	DATE	DMR
Ten	January 20, 2012	December 2011
Eleven	February 22, 2012	January 2012
Twelve	March 22, 2012	February 2012

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

COUNTS THIRTEEN THROUGH FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 2, 4 through 8, 10 through 14, and 24 through 34 of Count One are incorporated here.
2. On or about the dates set forth below, in the Eastern District of Pennsylvania, and elsewhere, defendant

MAB ENVIRONMENTAL SERVICES, INC.,

through its agents defendant MATTHEW BROZENA and James Crafton, knowingly caused false material statements, representations, and certifications to be made in records, reports, and other documents filed and required to be maintained under the CWA and the regulations promulgated thereunder, that is, defendant MAB ENVIRONMENTAL SERVICES, INC. knowingly caused to be reported in the Buckingham DMRs submitted to PADEP set forth below, false test results for TRC of 0.0 at Buckingham, each DMR submitted constituting a separate count:

COUNT	DATE	DMR
Thirteen	January 20, 2012	December 2011
Fourteen	February 22, 2012	January 2012
Fifteen	March 22, 2012	February 2012

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

A TRUE BILL:

GRAND JURY FOREPERSON

ZANE DAVID MEMEGER
UNITED STATES ATTORNEY