
ENVIRONMENTAL CRIMES SECTION



MONTHLY BULLETIN

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EDITOR'S NOTE:

If you have other significant updates and/or interesting photographs from a case, please email them to Elizabeth Janes: [REDACTED]. If you have information concerning state or local cases, please send it directly to the Regional Environmental Enforcement Associations' website: www.regionalassociations.org



Old ammunition stored in defendant's backyard caused the evacuation of neighborhood after a major explosion. See [U.S. v. Wyman](#), inside, for more details.

AT A GLANCE:

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| D. Ore. | <u>United States v. A.E. Nomikos Shipping Inv. Ltd et al.</u> | <i>Vessel/ APPS, False Statement</i> |
| E.D. Va. | <u>United States v. Julie Jennings</u> | <i>Striped Bass Fishing/ Magnuson-Stevens Act</i> |
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Informations and Indictments

United States v. Reid Johnston, No. 1:11-CR-05539 (W.D. Wash.), AUSA Matthew Diggs.



On November 10, 2011, Reid Johnston was charged in a two-count indictment in connection with the theft of maple, cedar, and Douglas fir trees from the Olympic National Forest, from between October 2007 and January 2010. Specifically, Johnston is charged with theft of government property and damage to government property (18 U.S.C. §§ 641, 1361).

In January 2010, officials seized multiple large Douglas fir logs that had been illegally harvested from the area, one of which with a trunk that was approximately eight feet in diameter, and estimated to have been more than 300 years-old. Some of the

maple trees that were stolen were cut into blocks and sold for the manufacture of musical instruments such as cellos and guitars. Trial is scheduled to begin on January 17, 2012.

This case was investigated by the United States Forest Service.

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United States v. Acquest Transit, LLC, et al., No. 1:11-CR-00347 (W.D.N.Y.), ECS Trial Attorney Todd Gleason, AUSA Aaron Mango, and ECS Paralegal Lisa Brooks.

On November 9, 2011, a New York developer and his companies were charged with violations stemming from the illegal filling of wetlands in Amherst, New York. William L. Huntress and his companies, Acquest Transit, LLC, and Acquest Development, LLC, are charged in a seven-count indictment with conspiracy to defraud the United States and to violate the Clean Water Act, substantive CWA counts violations, obstruction of justice, false statements, concealment of material

facts, and contempt of court (18 U.S.C. §§ 371, 1001(a)(2), 1519, and 401(3); 33 U.S.C. §§ 1319(c)(2)(A) and 1311).

The indictment describes a five-year scheme to illegally fill wetlands situated on a 96-acre parcel sitting upstream from Tonawanda and Ransom Creeks. As alleged in the indictment, the defendants purchased the property with the intent to commercially develop the site and were aware of the presence of the wetlands at the time of that purchase. After the sale, and despite knowing that wetlands were present, the defendants filled a portion of these wetlands by installing both a roadway and a "fill pad" on the site.

Huntress and other co-conspirators are further alleged to have covered-up the illegal filling by concealing documents from the Environmental Protection Agency, making false statements to federal law enforcement officers, and disregarding both administrative and judicial orders instructing the defendants from further earth-moving activities on the site.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Rodney R. Hailey, No. 1:11-CR-00540 (D. Md.), AUSA Stefan Cassella and RCEC David Lastra.

On November 8, 2011, a 45-count indictment was returned charging Rodney R. Hailey with eight wire fraud counts, 32 money laundering violations, and five Clean Air Act counts (18 U.S.C. §§ 1343, 1957; 42 U.S.C. § 7413(c)(2)(A)), stemming from the fabrication of documentation related to the production of bio-diesel fuel.

In March, 2009, Hailey registered his business, Clean Green Fuel (CGF), with the EPA as a producer of bio-diesel fuel, claiming that CGF would produce bio-diesel fuel in a production facility located in Maryland. The registration was part of EPA's Renewable Fuel Standards regulations mandated by the Energy Policy Act of 2005. This Act amended the Clean Air Act to require EPA to promulgate regulations to increase the amount of renewable fuels used in motor vehicles in the United States.

Among other things, the Energy Policy Act required oil companies that market petroleum products in the United States to either (1) produce a given quantity of renewable fuel themselves or (2) purchase credits called renewable identification numbers (RINs) from producers of renewable fuels to satisfy their renewable fuel quota requirements. Pursuant to the RIN credit program, when a producer of renewable fuel produces a given quantity of product, it can generate a RIN (a unique 38-digit number that identifies the production of a specific quantity of renewable fuel by a specific producer). When the producer distributes the renewable fuel the producer is entitled to sell the RIN to a broker or a major oil company, which could then use the RIN to satisfy its EPA obligation.

According to the indictment, Hailey, who claimed to be a bio-diesel fuel producer, only generated false RINs on his computer and marketed them to brokers and oil companies. Hailey allegedly sold more than 32 million RINs to a variety of companies for more than \$9 million. The RINs that Hailey sold to the brokers were resold as often as two or three times at increased prices.

When investigators attempted to inspect his facility they were directed to an empty warehouse containing no biodiesel production equipment. The defendant further claimed that he had sold all of his biodiesel equipment but was unable to identify the equipment buyer or produce any records of the sale.

This case was investigated by the United States Environmental Criminal Investigation Division, EPA Office of the Inspector General, the Internal Revenue Service Criminal Investigation Division, the United States Postal Inspection Service, and the United States Marshalls Service.

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United States v. NH Environmental Group, Inc. d/b/a Tierra Environmental and Industrial Services, Inc. et al., No. 2:11-CR-00177 (N.D. Ind.), ECS Senior Counsel James Morgulec, AUSA Toi Houston, and SAUSA RCEC David Mucha.

On November 3, 2011, a seven-count indictment was returned charging NH Environmental Group, Inc. d/b/a Tierra Environmental and Industrial Services, Inc. (Tierra), company owner Ronald Holmes, and project manager Stewart J. Roth, with conspiracy to violate the Clean Water Act and six substantive CWA counts (18 U.S.C. § 371; 33 U.S.C. § 1319 (c)(2)(A)) for illegally discharging wastes to the local POTW without a permit or authorization from the POTW.

Tierra was in the business of collecting liquid wastes from customers, treating the wastes, and then transporting them to proper disposal facilities. Between January and June 2008, to avoid the expense of lawfully treating and disposing of these wastes, the defendants are alleged to have hauled them to a closed-down treatment facility and dumped the wastes into the sewer system that led to the POTW.

This case was investigated by the Northern District of Indiana Environmental Crimes Task Force, including the United States Environmental Protection Agency Criminal Investigation Division, the Indiana Department of Environmental Management Office of Criminal Investigations, the United States Department of Transportation, Office of Inspector General, and the United States Coast Guard Criminal Investigative Service.

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Plea Agreements

United States v. Jack B. Haney et al., Nos. 3:11-CR-00340 and 00342 (W.D.N.C.), AUSA Steven Kaufman.

On November 17, 2011, Jack Bard Haney and Ronald Eugene Kinard each pleaded guilty to informations charging them with conspiracy to violate the Clean Air Act (18 U.S.C. § 371; 42 U.S.C. § 7413 (c)(2)(A)), stemming from false vehicle emission inspections. Haney also pleaded guilty to a false statement violation (18 U.S.C. § 1001).

Kinard is the owner and operator of Autoworks where Haney was employed. From approximately January 2010 through August 2011, the defendants submitted false vehicle emissions test results on almost 1,300 occasions, by connecting a different vehicle to the onboard diagnostics system, an activity referred to as “clean scanning.” When questioned by investigators, Haney claimed to have only given 20 “clean scanning scores” to family and friends, when in fact he had conducted more than 100.

As of April 2011, nine individuals have been prosecuted in this district for conducting false emissions inspections.

These cases were investigated by the United States Environmental Protection Agency Criminal Investigation Division and the North Carolina State Bureau of Investigation Environmental Crimes Unit.

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United States v. Douglas V. Mertz, No. 2:11-CR-20403 (E.D. Mich.), AUSA Jennifer Blackwell and SAUSA James Cha.

On November 9, 2011, Douglas V. Mertz pleaded guilty to knowingly making and delivering a false writing (18 U.S.C. § 1018), after being charged with a Clean Air Act violation for illegally selling and offering for sale a Class II substance for use as a refrigerant.

In August 2009, EPA received an e-mail complaint regarding an advertisement that had been placed on the Internet offering refrigerants for sale. Specifically, the complaint stated that someone had posted an ad on Craigslist in the Metro-Detroit area, offering to sell refrigerants to un-certified individuals. Investigation revealed that Mertz and his company, Frontier Mechanical Systems, were responsible for the posting.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Oakmont Environmental, Inc., No. 2:11-CR-00213 (E.D. La.), AUSA Dorothy Taylor.

On November 9, 2011, Oakmont Environmental, Inc. pleaded guilty to a one-count information charging this waste treatment facility with knowingly violating the Clean Water Act (33 U.S.C. § 1319 (c)(2)(A)).

Oakmont was in the business of receiving waste oil from a variety of sources and was responsible for separating the water from the oil, shipping the oil to a recycling plant, and discharging the treated waste water to the local POTW. From September 2007 through May 2009, the company discharged approximately 3.6 million gallons of oily waste water directly into the Harvey Canal, a navigable water.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Jason Bruno, No. 6:10-CR-00244 (W.D. La.), AUSA Myers P. Namie.

On November 3, 2011, Jason Bruno, the former owner and manager of One Low Price Cleaners, pleaded guilty to a one-count information charging a misdemeanor violation of the Clean Water Act (33 U.S.C. § 1319 (c)(1)(B)) stemming from the dumping of a chemical into the local POTW.

In May 2009, the local fire department responded to an emergency call regarding individuals who were overcome by noxious fumes emanating from a local shopping center, several of whom were transported to a local emergency room. Investigators subsequently determined that tetrachloroethylene (also known as PERC) had been dumped into the drains from Bruno's cleaners business, which was located in this shopping center, from December 2007 through May 2009.



Equipment with hose draining PERC into bucket

At one point in time, the cleaners had been using a hazardous waste disposal company to properly dispose of the wastewater; however, it stopped using the service to avoid paying the pickup and disposal fees.

This case was investigated by the Louisiana Environmental Crimes Task Force, which includes the United States Environmental Protection Agency Criminal Investigation Division, the Louisiana Department of Environmental Quality Criminal Investigation Division, and the Louisiana State Police.

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United States v. Michael Duby, No. 1:11-CR-00010 (D. Alaska), ECS Senior Counsel Bob Anderson and AUSA Aunnie Steward.

On October 31, 2011, Micheal Duby pleaded guilty to a felony Migratory Bird Treaty Act violation (16 U.S.C. §§ 703(a), 707(b)(2)) admitting that he illegally sold Magpie feathers and skins on Ebay and by other means for a number of years.

From October 2007 through approximately June 2009, the defendant posted on Ebay a variety of migratory birds and bird parts for sale. In February 2008, Duby was warned by Ebay that he might be in violation of federal law. Over the following year, however, he continued to sell migratory birds on the auction website. Sentencing is scheduled for January 6, 2012.

This case was investigated by the United States Fish and Wildlife Service.

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United States v. Daniel Parker, No. 11-CR-60226 (S.D. Fla.), AUSA Jose Bonau.



Defendant pumping into sewer using car to block view

On October 26, 2011, Daniel Parker pleaded guilty to a CWA violation (33 U.S.C. § 1317(d), 1319(c)(2)(A)) for discharging wastewater into a POTW at an unlawful location.

Parker was employed by a Broward County septic hauling and plumbing contractor from late 2008 through October 2009, as the company's primary septic hauling truck driver. Parker regularly pumped commercial grease traps and septic tanks, and residential septic tanks for customers.

The company was licensed to discharge the septic hauling truck's contents at the Broward County Water and Wastewater Services facility in Pompano Beach, which was the only lawful discharge point in Broward County. Parker was also working side jobs side jobs of which the company was unaware. To ensure that his primary employer did not know about these other jobs, Parker would dump those loads directly into the City of Ft. Lauderdale's sewer system. In September 2009, a detective conducting surveillance of the defendant's activities witnessed Parker pumping out the contents of a septic truck into the sewer.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the City of Ft. Lauderdale Police Department, the Broward County Sheriff's Office, and the State of Florida Department of Environmental Protection.

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Sentencings

United States v. Julie Jennings, No. 1:11-mj-00928 (E.D. Va.), ECS Trial Attorney Susan L. Park and AUSA G. Zachary Terwilliger.

On November 22, 2011, Julie Jennings pleaded guilty to, and was sentenced for, a violation of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1857(1)(I), 1859(a)(1)). Jennings gave false information to a NOAA agent when questioned about whether a charter boat captain took her into the Exclusive Economic Zone where it is illegal to catch Atlantic Striped Bass. She was sentenced to pay a \$1,000 fine, perform 100 hours of community service, and will complete a one-year term of probation.

This case was investigated by the National Oceanic and Atmospheric Administration Office of Law Enforcement.

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United States v. Columbus Steel Castings, No. 2:11-CR-00180 (S.D. Ohio), AUSA Michael Marous.

On November 18, 2011, Columbus Steel Castings (CSC) was sentenced to pay a \$660,000 fine and \$165,000 in community service payments to the Grange Insurance Audubon Center and the Physicians Free Clinic. One project will fund a program that provides environmental education to students. The other project will provide medical services for residents of the south side of Columbus with ailments related to respiratory illnesses. The company also will complete a one-year term of probation and was further ordered to install interlock devices designed to shut down emission sources when the associated air pollution control equipment is not in operation.

CSC owns and operates a steel foundry in Columbus, Ohio, that manufactures steel castings for various industries, including the railroad industry. The company has a Title V permit for several emission sources that require air pollution control devices. In 2007, the Central Ohio Environmental Crimes Task Force began investigating the company due to the significant number of NOVs issued to the facility, the repeated nature of the violations, and the significant number of complaints being made to the Ohio EPA regarding emissions from the facility.

In pleading guilty to six Clean Air Act violations (42 U.S.C. § 7413(c)), the company admitted to, among other things, knowingly failing to report malfunctions of air pollution control equipment; knowingly operating emission units on one or more occasion while the associated air pollution control technology was not in operation; and knowingly failing to conduct emission testing within six months prior to the permit expiration.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Edward Wyman, No. 09-CR-00577 (C.D. Calif.), AUSAs Mark Williams and Dorothy Kim.

On November 15, 2011, Edward Wyman was sentenced to serve 60 months' incarceration, followed by three years' supervised release, stemming from a RCRA conviction for the storage of explosive hazardous wastes in his backyard, including thousands of rounds of corroded ammunition and hundreds of pounds of decades-old gunpowder.

A jury convicted Wyman of a RCRA storage violation (42 U.S.C. § 6928(d)(2)) after a fire at his residence in June 2009 caused the evacuation of the surrounding community. The jury further made a

special finding that the defendant's conduct knowingly placed nearby residents in imminent danger of death or serious bodily injury (42 U.S.C. § 6928(e)). He was ordered to pay \$800,000 to the United States Environmental Protection Agency for costs associated with the 47-day clean-up response.

Due to the ammunition that was being "cooked off" in the fire, first responders had to wear bullet proof vests upon arrival to the defendant's residence as the blast sent thousands of bullets into nearby yards and burned down a neighbor's barn. Wyman, a self-described former shooting enthusiast, had stored an estimated 1 million rounds of corroded ammunition dating back to World War II in four sea-cargo containers, as well as multiple five-gallon buckets throughout his jumbled yard. He had also packed two refrigerators full of gunpowder, including powder for military howitzers, and stored hazardous industrial solvents that contained 1,1,1-trichloroethane and tetrachloroethylene without a permit.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the Los Angeles Police Department, the California Department of Toxic Substances Control, and the Los Angeles Department of Building and Safety. Emergency Responders included the Los Angeles City Fire Department, the Los Angeles Police Department Bomb Squad, and the Federal Bureau of Investigation.

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United States v. Vassili Samoilenko et al., Nos. 3:11-CR-00786, 00828 (N.D. Calif.), AUSA Stacey Geis.

On November 15, 2011, Dianik Bross Shipping Corp., S.A., (Dianik Bross) and chief engineer Vassili Samoilenko, were sentenced after pleading guilty to obstruction and APPS violations (18 U.S.C. § 1519; 33 U.S.C. § 1908(a)) stemming from the illegal overboard discharge of oily bilge waste from the *M/V Kostas N*. The company was ordered to pay \$650,000, with \$150,000 to be paid as community service in support of environmental projects in the Bay Area, and will implement an environmental compliance plan. Samoilenko was sentenced to serve approximately three months of community confinement, with credit for time served. He was sent back to his home in Estonia to complete a three-year term of unsupervised probation.



Defendant's backyard

Specifically, Samoilenko pleaded guilty to two counts of obstructing justice arising from his falsification of an oil record book that was presented to Coast Guard inspectors. Dianik Bross pleaded guilty to an APPS violation for the ORB falsification.

Investigation began in August 2011, after a crew member passed a note to a Coast Guard inspector during an inspection alleging that the ship's chief engineer had caused the dumping of oily bilge wastewater and sludge without proper treatment. It was further determined that the chief engineers aboard the ship, including Samoilenko, regularly tricked the pollution control equipment to facilitate the illegal overboard discharges. It also was determined that Samoilenko caused the discharge of sludge directly into the ocean. None of these unlawful discharges were recorded in the ORB.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and United States Coast Guard Investigative Service.

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United States v. Patricia Guzman et al., No. 5:10-CR-00683 (W.D. Tex.), AUSA Tracy Thompson.

On November 8, 2011, the last two defendants were sentenced in this case involving the dumping of thousands of gallons of restaurant grease into local sewer lines from 2005 through 2008. Patricia Guzman and Julie Perez were each sentenced to serve five-year terms of probation and were held jointly and severally liable for \$11,300 in restitution to the San Antonio Water System.

Five employees with now defunct A&F Industrial Services Inc. (A&F) were variously charged in a 12-count indictment with conspiracy, Clean Water Act, falsification of records, and removal of property to prevent seizure charges (18 U.S.C. §§ 371, 1519, and 2232; 33 U.S.C. § 1319). A&F held permits with the San Antonio Water System requiring the company to submit manifests showing it had properly disposed of grease waste collected from restaurants. The company was supposed to take the waste to one of three disposal sites, but instead dumped loads of grease into the sewer lines leading to the local POTW as well as into a local creek.

Investigators videotaped A&F tankers dumping grease into sewer lines in November 2007, December 2007, and April 2008. In March 2008, another truck was videotaped dumping 2,000 gallons of grease into Huebner Creek. Driver Tom Ojeda was sentenced to serve 13 months' incarceration followed by three years' supervised release and driver Ivan Garcia was sentenced to complete a two year term of probation. Ojeda was held jointly and severally responsible for the restitution.

Guzman, the company controller, pleaded guilty to conspiracy to violate the CWA and to a removal of property to prevent seizure charge for attempting to get rid of a rubber stamp used to fabricate dumping manifests during the execution of a search warrant. Perez, the office manager pleaded guilty to the conspiracy charge. Both drivers pleaded guilty to conspiracy and to a felony CWA violation. Charges were dismissed against a fifth defendant.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Seaside Aquaculture Inc. et al., No. 6:11-CR-00031 (S.D. Tex.), AUSA Hugo R. Martinez.

Pelican remains

On November 8, 2011, Seaside Aquaculture Inc., and its owner, Khanh Vu, were each sentenced to complete 18-month terms of probation. They both will pay \$5,000 fines to be deducted from a \$50,000 bond held by the court. The remaining \$40,000 will go to the Texas Parks and Wildlife Foundation to fund programs protecting migratory birds.

The two were convicted by a jury in August 2011 of the single Migratory Bird Treaty Act (MBTA) violation charged (16 U.S.C. §§703, 707(a)), stemming from the killing of approximately 90 brown pelicans in 2010.

Evidence at trial established that in October 2010, the Fish and Wildlife Service received a letter from a former Seaside worker alleging that he had witnessed several employees, including Vu, illegally killing many species of birds. In December 2010, an agent inspected the area around the fish farm and photographed several empty shot gun shells and bird carcasses. As a result of the execution of a search warrant in February 2011, agents seized the carcasses of approximately 90 brown pelicans, 17 great blue herons, five great egrets, four black-crowned night herons, four turkey vultures, two osprey, two gulls and one scaup (a small diving duck). Company employees denied shooting any birds; however, Vu did admit to shooting six pelicans to prevent them from eating his fish. At trial, the defense unsuccessfully attempted to convince the jury that the birds had died as a result of running into power lines.

This case was investigated by the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department.

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United States v. Leslie W. Hardwick, Jr., No. 3:11-CR-00127 (W.D. La.), AUSA Cytheria Jernigen.

On November 7, 2011, Leslie W. Hardwick, Jr., was sentenced to pay a \$5,000 fine and complete a three-year term of probation with a special condition of six months' home confinement. Hardwick previously pleaded guilty to FIFRA and MBTA violations (7 U.S.C. §§ 136j (a)(2)(G) and 136l (b)(1)(B); 16 U.S.C. §§ 703 and 707(a)) stemming from the illegal application of a pesticide resulting in the killing of several animals, including migratory birds.

In January 2011, state wildlife officials were notified that Aldicarb (aka "Temik") had been mixed with meat and illegally used as bait that was then placed around a 600-acre hunting preserve known as Bosco Lodge (Bosco). Investigators determined that Leslie Hardwick, a Bosco employee, was responsible for mixing the pesticide with the meat and for distributing the contaminated meat on Bosco property as well as adjacent property. When questioned, Hardwick stated that he was trying to kill coyotes.

Agents located approximately 60 dead animals and birds including 17 coyotes, 16 raccoons, 12 opossums, four Bobcats, and four migratory birds (a hawk, an owl, and two sparrows).

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the United States Fish and Wildlife Service, and the Louisiana Department of Wildlife and Fisheries Law Enforcement Division.

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United States v. A.E. Nomikos Shipping Inv. Ltd. et al., No. 3:11-CR-00439 (D. Ore.), AUSA Stephanie Beckerman, SAUSA Patrick Flanagan, with assistance from ECS Trial Attorney Todd Mikolop.

On November 2, 2011, A.E. Nomikos Shipping Inv. Ltd. (Nomikos) and Lounia Shipping Co. Ltd. (Lounia) the owner and operator of a Cyprus-based ship, pleaded guilty to, and were sentenced for, APPS and false statement violations (33 U.S.C. § 1908(a); 18 U.S.C. § 1001) stemming from the illegal discharge of oily wastes into the ocean. The companies were sentenced to pay a \$750,000 fine with \$375,000 allocated as a community service payment to go into the Oregon Governor's Fund for the Environment. They also will complete three-year terms' of probation and are required to implement an environmental compliance plan.

Nomikos was the operator and technical manager of the *Arion SB*, a bulk carrier that operated under the flag of Cyprus. Nomikos provided management services pursuant to a contract with Lounia, the ship's registered owner. Nomikos is headquartered in Piraeus, Greece, and Lounia is headquartered in Cyprus.

Investigation revealed that, from June 2011 through October 2011, the defendant companies, acting through their employees, caused the ship's crew to trick the oil content meter by piping clean water through it. None of this activity was noted in the oil record book, as required.

This case was investigated by the United States Coast Guard and the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Charles D. Woodworth, No. 2:10-CR-00165 (N.D. Ind.), ECS Trial Attorney Gary Donner, AUSA Toi Houston, SAUSA Dave Mucha, and ECS Paralegal Kathryn Loomis.

On November 1, 2011, Charles D. Woodworth was sentenced to complete a three-year term of probation with a special condition of six months' home detention. He will also pay a \$2,500 fine and perform 100 hours of community service after previously pleading guilty to a Clean Air Act conspiracy charge.

Woodworth was the maintenance manager for Jupiter Aluminum Corporation, an aluminum recycling facility. Over the course of the five-year conspiracy, the defendant directed and caused workers to illegally falsify baghouse reports, which reflect operation of the company's pollution control equipment

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Indiana Department of Environmental Management.

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United States v. Mark Desnoyers, No. 1:06-CR-00494 (N.D.N.Y.), ECS Trial Attorney Colin Black and AUSA Craig Benedict.

On October 28, 2011, Mark Desnoyers was resentenced to serve a five-year term of probation and was held jointly and severally responsible for \$45,398 in restitution to victims. The Second Circuit previously remanded the case to the district court for reinstatement of the verdict, for entry of a judgment of conviction on the conspiracy count, and for resentencing.

Desnoyers was the owner of Adirondack Environmental Associates, an air monitoring company that took samples required to document the purported full and safe removal of asbestos from numerous

commercial buildings and private homes. Evidence at trial established that Desnoyers secretly entered into agreements with the owners of asbestos removal companies to falsify his results. He was convicted in 2008 on five of the six counts charged: conspiring to violate the mail fraud statute and the Clean Air Act, aiding and abetting CAA violations, mail fraud, and two false statement violations. He was acquitted of a remaining false statement charge. Co-defendants John Wood and Curt Collins previously pleaded guilty and were sentenced in this matter.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. George Dongdong Jia, No. 3:11-CR-00002 (D. Alaska), AUSA Steven Skrocki.

On October 26, 2011, George Dongdong Jia was sentenced to pay a \$30,000 fine and will complete a three-year term of probation for illegally selling a polar bear hide, a black rhinoceros foot, and a raw walrus tusk to an undercover agent in 2010. Jia previously pleaded guilty to a felony Lacey Act violation and two misdemeanor Lacey Act counts.

Investigation revealed that in 2008 Jia posted ads on the Internet to purchase and sell whole animals and parts from rhinos, hippos, elephants, tigers, leopards, and polar bears. After wildlife agents were notified, they initiated an undercover

investigation, corresponding with the defendant and ultimately selling a rhino foot (confirmed as being from a black rhino, an endangered species) to the agent for \$1,500.

This case was investigated by the United States Fish and Wildlife Service.



Bear skin