ENVIRONMENTAL CRIMES SECTION

MONTHLY BULLETIN

February 2014

Photo of Denali National Park, Alaska. See *U.S. v. Deric Hart, et al*., below, for details on this illegal moose hunting case.

EDITOR'S NOTES:

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

REMINDER: We are now producing a *separate* public version of the ECS Monthly Bulletin. When submitting details about your case developments please bear in mind that the information you provide could be disclosed to the public. As such, it would be very helpful if you would include a press release whenever possible to help ensure that the facts we are using are publically available. If a press release was not issued, then please only provide facts that are appropriate to disclose to the public.

The Environmental Crimes Intranet Site is available to those who have access to USDOJ-operated sites.

Glossary for February Edition of the Bulletin:

The following Table of Cases is organized by District, the name of the case, the type of case, and the statutes. The Districts are spelled out within the chart, but they will be abbreviated within the summary of the case. For example: District of Alaska will be noted as D. of Ak. The case name will be noted as United States v. John Jones. The statutes are cited within the body of each case summary. The statutes will be abbreviated as follows:

CAA = Clean Air Act
CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act
CWA = Clean Water Act
MMPA = Marine Mammal Protection Act
RCRA – Resource Conservation and Recovery Act
SDWA- Safe Drinking Water Act
WWTP = Wastewater Treatment Plant

OTHER ABBREVIATIONS:

NOAA = National Oceanic and Atmospheric Administration
EPA = Environmental Protection Agency
USDOJ = United States Department of Justice
ECS = Environmental Crimes Section

AT A GLANCE:

- **United States v. Duane O'Malley, ___F.3d___ 2014 WL 60454 (7th Cir. 2014).**
- **United States v. Alejandro Gonzalez, ___Fed. Appx.___, 2014 WL 128654 (11th Cir. 2014)**

DISTRICT	CASES	*CASE TYPE/* STATUTES
District of Alaska	United States v. Jay Conrad et al. United States v. Charlie Hart et al. United States v. Jessie Arnariak et al.	*Narwhal Tusk Smuggling*/Conspiracy, Lacey Act, Smuggling *Moose Hunt/* Lacey Act Walrus Hunt/MMPA, Felon in Possession of Firearm
Northern District of California	United States v. Patty Chen United States v. Nancy Black	*Marine Wildlife Imports/* Lacey Act, False Statement *Whale Feeding/* MMPA
Southern District of California	United States v. Eric Russell	*Sewage Dumping*/CWA
District of Colorado	United States v. Christopher Loncarich et al.	*Mountain Lion and Bobcat Hunts*/Lacey Act, Conspiracy
District of Connecticut	United States v. Conopco, Inc. d/b/a Unilever Home and Personal Care USA	*Wastewater Discharges*/CWA
Northern District of Florida	United States v. Thomas Z. Breeding	*Illegal Fishing*/False Statement, Obstruction
Southern District of Florida	United States v. Patty Chen United States v. Jerrold Tieder et al.	*Marine Wildlife Imports/* Lacey Act, False Statement *Marine Wildlife Sales/* Lacey Act
Northern District of Georgia	United States v. Ieka Jones, et al.	*Vehicle Emissions Tests*/CAA, Conspiracy, Wire Fraud

Western District of Kentucky	**United States v. Logsdon Valley Oil Company, Inc., et al.**	***Oil Well Operator/*Conspiracy, SDWA**
Eastern District of Louisiana	**United States v. Anthony Badalamenti**	***Oil Spill/*Evidence Destruction**
District of Maine	**United States v. Jay Conrad et al.**	***Narwhal Tusk Smuggling/*Conspiracy, Lacey Act, Smuggling**
Western District of Montana	**United States v. Z-Group, LLC**	***Label Manufacturer/* RCRA**
District of Nevada	**United States v. James Jariv et al.**	***Biodiesel Fuel Credit Fraud/* Conspiracy, Wire Fraud, Money Laundering, CAA, Obstruction**
District of New Jersey	**United States v. D.C. Air & Seafood Inc., et al.**	***Scallop Harvesting/* Conspiracy, Lacey Act, Obstruction**
Eastern District of New York	**United States v. Joel Rakower et al.** **United States v. Michael Slattery, Jr.**	***Piranha Imports/*Lacey Act** ***Rhino Horn Sales/*Conspiracy**
Northern District of New York	**United States John Mills et al.** **United States v. Upstate Laboratories, Inc.**	***Asbestos Removal/*Conspiracy, CERCLA** ***Fraudulent Lab Tests*/Mail Fraud**
Western District of North Carolina	**United States v. Mohammed Hafeez Awan et al.** **United States v. Brent Fox et al.**	***Vehicle Emissions Tests*/CAA, Conspiracy** ***Black Bear Hunts/*Lacey Act**
Southern District of Ohio	**United States v. Lamont P. Pryor**	***Asbestos Removal/*CAA**
District of Puerto Rico	**United States v. Roberto Guzman-Herpin et al.**	***Turtle Part Sales/*Lacey Act**
Eastern District of Texas	**United States v. Steve Barclay et al.**	***Alligator Hunts/*Lacey Act**
District of Utah	**United States v. Slade E. Barnett, Jr.**	**Biodiesel Manufacturer/*CWA***

Western District of Washington	**United States v. James Barber** **United States v. Nathaniel Swanson, et al.**	***WWTP Discharge/*CWA** ***Reptile Import/Export/* Conspiracy, Smuggling**

Additional Quick Links:

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Significant Environmental Decisions

Seventh Circuit

United States v. Duane O'Malley, ___F.3d___ 2014 WL 60454 (7th Cir. Jan. 8, 2014).

On January 8, 2014, the Seventh Circuit Court of Appeals affirmed the defendant's conviction and sentencing.

Duane O'Malley was convicted by a jury on all five Clean Air Act (Act) counts charged stemming from his involvement in an illegal asbestos abatement of a five-story commercial warehouse building. In the summer of 2009, O'Malley, who had been hired to install a fire suppression system in the building, convinced the building's owner to pay him approximately $12,500 in cash to remove pipe insulation that contained asbestos. The defendant hired others to cut and tear off the dry pipe insulation, which was placed into approximately 120 garbage bags and dumped in an open field in a residential area.

On appeal, the defendant raised two arguments. First, he argued that the evidence introduced at trial was insufficient to prove that he had "knowingly" violated the Act, contending that the government had failed to prove that O'Malley knew the pipe insulation was "regulated asbestos-containing material" (RACM) (i.e., material that contained more than one percent of one of the six types of asbestos regulated under the Act's asbestos regulations). Second, O'Malley argued that his sentence of 120 months should be vacated, claiming that the district court had violated Fed. R. Crim. Proc. 11(c) by impermissibly participating in plea negotiations when the judge offered to extend the deadline for him to plead guilty and remain eligible to receive credit for "acceptance of responsibility" under the sentencing guidelines.

The Seventh Circuit rejected both arguments. On the first issue, the court stated that O'Malley's argument amounted to a challenge to the jury instructions relating to mens rea. The court found that O'Malley had waived this argument, inasmuch he had affirmatively stated that he had no objection to instructions relating to knowledge. The court also noted that the jury instructions, which required proof that the defendant knew that "asbestos-containing material" was present, rather than "regulated asbestos-containing material," correctly set forth the knowledge requirement.

On the second issue, the Seventh Circuit held that the district court did not violate Rule 11(c). The conduct which the defendant characterized as a Rule 11(c) violation arose after O'Malley filed a motion to exclude a witness that the government had added to its list of witnesses before trial. During a hearing on the motion, the district court asked defense counsel how the defendant would be prejudiced by inclusion of this witness. O'Malley responded that he had made the decision to go to trial based on the government's original witness list, and that the deadline for pleading guilty and remaining eligible for the downward adjustment for "acceptance of responsibility" had passed. After noting that the deadline had passed before the government's initial witness list was due, the district court nonetheless stated that it would extend the deadline for O'Malley to plead guilty and remain eligible for the acceptance of responsibility credit if he wished to change his plea.

The Seventh Circuit noted that it was O'Malley who first raised the issue of acceptance of responsibility. The appellate court found that the district court's response actually was a hypothetical statement, and that the district court "was merely responding to the alleged prejudice-O'Malley's ability to choose whether to go to trial-and attempting to cure it." The Seventh Circuit ultimately held that the district court's conduct did not affect the defendant's substantial rights, and affirmed his conviction and sentence.

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Eleventh Circuit

United States v. Alejandro Gonzalez, ___Fed. Appx.___, 2014 WL 128654 (11th Cir. 2014).

On January 15, 2014, in an unpublished decision, the Eleventh Circuit affirmed the convictions of a marine surveyor who lied to the U.S. Coast Guard in interviews, in documentation, and in false safety certificates issued for defective equipment. He was convicted of three false statement counts and one count of obstructing an agency proceeding.

Operating as a marine surveyor, with authority from the flag-states of Panama and Bolivia, Gonzalez gave multiple false accounts of the *M/V Cala Galdana* and the *M/V Cosette*, which were oceangoing vessels, regulated under provisions of the International Convention for the Safety of Life at Sea (SOLAS). Under SOLAS, the U.S. Coast Guard, exercising port-state authority, routinely examines foreign vessels to determine, among other things, that they have operational equipment that will allow the vessel to navigate safely. Those conditions also are required to be documented through safety certificates and inspection paperwork, issued by the vessel's flag-state and by surveyors.

Two weeks after the defendant issued an interim safety certificate for the *Cosette*, the vessel was stopped in New York harbor with myriad failing systems, several of which could have left it without power or steering. Coast Guard inspectors observed atomized fuel spraying in the main engine room and the ship's steering system was leaking hydraulic fluid. The Coast Guard ordered the vessel to be shut down in the middle of New York harbor. According to one of the government's expert witnesses, these conditions could not have arisen after Gonzalez supposedly had inspected the ship.

Gonzalez's arguments on appeal concerned constructive amendment, constitutional vagueness, good faith jury instructions, and sufficiency of the evidence. All were rejected by the court.

First, Gonzalez argued: (1) that he was charged under 18 U.S.C. § 1001(a)(2), a section that deals only with false statements made orally; (2) the evidence involved statements written in certifications; and (3) he thus was convicted through an improper constructive amendment. Applying plain error review, the court ruled that Gonzalez misunderstood the law of constructive amendment. That law is implicated when trial evidence proves something other than what was charged or when jury instructions broaden the possible bases for conviction beyond what was charged. The court found that neither prong could be shown. Instead, the court characterized Gonzalez's argument as one involving the statutory interpretation of 18 U.S.C. § 1001. Gonzalez claimed that written false statements do not state an offense under section 1001(a)(2). The court disagreed. Applying rules of statutory construction, the court found that the phrase "any materially false, fictitious, or fraudulent statement or representation" could apply to written communications.

Second, Gonzalez argued that the SOLAS certification standard was unclear, and that charges related to it therefore were unconstitutionally vague. On plain error review, the court ruled that Gonzalez had failed to show error that was "plainly contrary to explicit statutory provisions or to on-point, binding precedent." Essentially, the court ruled that there was no law suggesting that 18 U.S.C. § 1001(a) or 18 U.S.C. § 1505 was unconstitutionally vague, so that he could not survive plain error review. And, with respect to SOLAS itself, the court noted in a footnote that to find a false statement or obstruction of an agency proceeding, the jury had no need to address the "precise contours of the SOLAS certification requirements." The court also noted that the certificates that Gonzalez issued to a vessel in the United States, or to a vessel traveling to the United States, are statements "in any matter within the jurisdiction" of the United States.

Third, Gonzalez had requested a "good faith" jury instruction, which was not given. The court found that other instructions the court did give were "more than sufficient" to substantially cover the defendant's request. The instructions addressed "willful" and "corrupt" mens rea in several places.

Finally, the court found no merit to any of the defendant's arguments regarding the sufficiency of the government's evidence.

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Trials

United States v. James Barber, No. 3:13-CR-005288 (W.D. Wash.), AUSAs Matthew D. Diggs and Katheryn Frierson.

On December 9, 2013, James Barber was convicted after a six-day trial on felony Clean Water Act violations (33 §§ U.S.C. 1311(a), 1319(c)(2)(A)). Barber had pleaded guilty in 2012 to a misdemeanor violation, but withdrew his plea.

The defendant was the operator of the wastewater treatment plant in Mount Rainier National Park. According to evidence at trial, Barber stopped discussing maintenance issues at the plant with the certified plant operator after having had an argument with her. He routinely failed to note problems in the

Sewage discharged to creek

plant's logbook and never brought them up in staff meetings, even as the plant began to malfunction and clog because of a lack of maintenance and heavy usage due to the summer tourist season.

Before going home for the weekend on August 27, 2011, Barber closed a large valve, and opened another, allowing minimally treated sewage and sewage sludge to discharge for three days directly into a small creek that empties into the Nisqually River. The incident was discovered when other employees arrived to find sewage, sewage sludge and toilet paper pouring into the unnamed creek. Investigators determined that more than 200,000 gallons had been released.

Sentencing is scheduled for March 13, 2014. This case was investigated by the U.S. EPA Criminal Investigation Division and the National Park Service Criminal Investigation Division.

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Informations/Indictments

United States v. James Jariv et al., No. 2:14-CR-0006 (D. Nev.), ECS Senior Trial Attorney Wayne Hettenbach, Deputy Criminal Chief AUSA Crane Pomerantz, Asset Forfeiture and Money Laundering Section Trial Attorney Darren McCullough, and ECS Paralegal Lauren DiFilippo.

On January 8, 2014, James Jariv was named in a 57-count indictment, along with Australian national Nathan Stoliar, on charges of conspiracy to defraud the government, conspiracy to launder money, wire fraud, Clean Air Act false statements, and obstruction of justice violations (18 U.S.C. §§371, 1956(h), 1343, 1519; 42 U.S.C. § 7413(c)(2)(A)). The indictment also seeks the forfeiture of a variety of items including four properties, the contents of four Canadian and several domestic bank accounts, two vehicles, and $37 million in cash. The government also seized approximately $4 million in assets located in the U.S. and in Canada. The government is working to determine Stoliar's whereabouts and has initiated extradition proceedings.

The indictment alleges that, between late 2009 through the end of 2013, the defendants generated and sold credits known as RINS (renewable identification numbers). Because certain companies need RINs to comply with regulatory obligations, RINs have significant market value. The defendants claimed to have imported biodiesel fuel, when in reality they did not import biodiesel and were not eligible to create more than 6.3 million RINS worth approximately $7 million. They also exported more than 23 million gallons of biodiesel from the U.S. and failed to acquire and retire over 30 million RINS, as the law required.

This case was investigated by the U.S. EPA Criminal Investigation Division and the FBI, with assistance from the U.S. Secret Service and the Department of Homeland Security Immigration and Customs Enforcement.

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United States v. Christopher Loncarich et al., No. 1:14-CR-00018 (D. Colo.), ECS Trial Attorney Mark Romley.

On January 7, 2014, Christopher Loncarich and Nicholaus Rodgers were charged with conspiracy to violate the Lacey Act, interstate felony transportation and sale of unlawfully taken wildlife, and making false records for wildlife sold in interstate commerce (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(2)(A), (d)(2), 3373(d)(1)(B), (d)(3)(A)(ii)). The 17-count indictment alleges that, between

2007 and 2010, the defendants illegally captured and maimed mountain lions and bobcats as part of a scheme to make it easier for their clients to hunt the cats.

Loncarich is a big game outfitter and hunting guide who operates mainly in western Colorado on the border with Utah. He outfits and guides hunts for mountain lions and bobcats in the Bookcliffs Mountains, which span the Colorado-Utah border. Hunting Mountain lions and bobcats is labor-intensive. The hunting season for the cats runs from November to March when snow is likely to be on the ground. After the dogs discover a cat's track in the snow, they follow the cat until they corner it, enabling the hunter to kill it.

The indictment alleges that Loncarich and his assistant guides devised a scheme whereby they would trap the cats in cages prior to hunts and release them when the client was nearby. They allegedly resorted to shooting the cats in the paws or legs or placing leghold traps on them to keep the cats from moving. Despite knowing that many of these hunters did not have proper tags or licenses to take the animals in Utah, the defendants helped them bring the cats back to Colorado and provided falsified seals for the hides. Trial is scheduled to begin on April 7, 2014.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, the Colorado Parks and Wildlife, and the Utah Division of Wildlife Resources.

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Plea Agreements

United States v. Joel Rakower et al., No. 13-CR-00696 (E.D. N.Y.), ECS Trial Attorney Cassie Barnum.

On January 29, 2014, Joel Rakower, and his solely-owned corporation, Transship Discounts Ltd., pleaded guilty to violating the Lacey Act (16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(B)) for mislabeling imported piranhas in 2011.

Rakower and his company purchased piranhas from a Hong Kong tropical fish supplier and imported them to Queens, New York. In March 2011, shortly after New York City prohibited possession of piranhas, Rakower instructed his foreign supplier to falsely label the piranhas on packing lists as silver tetras, a common aquarium fish. During 2011 and 2012, Transship submitted packing lists to the U.S. Fish and Wildlife Service containing false identifications for 39,548 piranhas, worth approximately $37,376, which Transship then sold to fish retailers in several states.

Due to their extremely aggressive and territorial nature, piranhas are either banned or regulated in 25 states, making them illegal to own or sell. As an injurious species, they could pose a serious risk if they escaped into native water systems, potentially damaging ecosystems through aggressive predation or injuring people or animals. Sentencing is scheduled for April 24, 2014.

This case was investigated by the U.S. Fish and Wildlife Service, with assistance from the New York State Department of Environmental Conservation Division of Law Enforcement.

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United States v. John Mills et al., No. 8:12-CR-00125 (N.D. N.Y.), ECS Senior Trial Attorney Lana Pettus, ECS Trial Attorney Gary Donner, and ECS Paralegal Puja Moozhikkattu.

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On January 22, 2014, the eve of trial, John Mills and Terrance Allen pleaded guilty to conspiracy to violate CERCLA and substantive CERCLA counts (18 U.S.C. § 371; 42 U.S.C. § 9603) for the illegal removal, handling, and disposal of asbestos from properties owned and operated by Mills.

Bags containing pipe wrap

Mills, the owner of an asbestos abatement company, and Allen, his chief supervisor, admitted that they knowingly failed to report the release of asbestos (in the form of thermal system insulation, or "pipe wrap") in a timely manner to the National Response Center. Between November 2011 and February 2012, the defendants illegally removed and disposed of more than 260 linear feet of pipe wrap containing asbestos from the basement of Mills' buildings. They directed an employee to remove this material without warning him or giving him adequate personal protective equipment. They transported and caused others to transport the material (in open bags in the uncovered bed of a truck) where it was ultimately deposited in a U-Haul-style box truck owned by Mills as well as a shed maintained by the Malone Department of Public Works in an effort to conceal the material from authorities.

This case was investigated by the U.S. EPA Criminal Investigation Division and the New York State Department of Labor Asbestos Control Bureau, with assistance from the New York State Department of Environmental Conservation, the Malone Police Department, and the Malone Department of Public Works.

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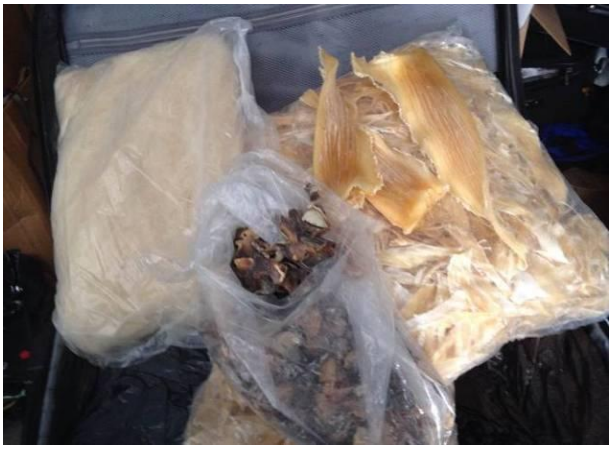
United States v. Patty Chen, Nos. 13-CR-00771, 13-CR-20544 (N.D. Calif.), S.D. Fla.), AUSAs Maureen Bessette and Tom Watts-FitzGerald.



Conch, shark fins, and shark pieces inside luggage used by defendant to smuggle wildlife from Ecuador

On January 17, 2014, Patty Chen pleaded guilty to false statement and Lacey Act violations (18 U.S.C. § 1001(a)(3); 16 U.S.C. §§ 3372d1, 3373(d)(3)(A)) for illegally importing wildlife products (including shark fins, shark fin noodles, sea horses, dried conch, dried fish, and eel maw) into the United States from Ecuador. These items have been valued at nearly $30,000. In November 2009 and October 2011 Chen illegally brought wildlife into the United States by falsifying customs documentation, denying that she had any wildlife in her possession.

The case was charged in South Florida and then transferred to California. Sentencing is scheduled for May 9, 2014. This case was

investigated by the NOAA Office for Law Enforcement, with assistance from Homeland Security Investigations.

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United States v Jay Conrad et al., Nos. 1:12-CR-00188, 3:11-CR-00091 (D. Maine, D. Ak.), ECS Trial Attorney Todd Mikolop, AUSA Steven Skrocki, and ECS Paralegal Casey Layman.

On January 7, 2014, Jay Conrad pleaded guilty to conspiracy to smuggle narwhal tusks, conspiracy to launder monetary instruments, and one substantive count of smuggling narwhal tusks (18 U.S.C. § 371; 18 U.S.C. § 1956(h); 18 U.S.C. § 545). Co-defendant Eddie Dunn pleaded guilty in the District of Alaska to conspiring to traffic in narwhal tusks, and a substantive Lacey Act trafficking violation (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(b)).

Beginning in approximately 2003, Dunn and Conrad bought more than 100 narwhal tusks from a Canadian resident who had illegally imported the tusks from Canada into Maine. After receiving them in Tennessee, Dunn and Conrad marketed and sold the tusks using a combination of Internet sales via the "Ebay" auction website, and direct sales to known buyers and ivory collectors across the United States. Throughout the conspiracy, the defendants made payments to the Canadian tusk supplier by sending money to a mailing address in Bangor, Maine, or directly to the supplier in Canada. Dunn sold approximately $1.1 million worth of narwhal tusks and Conrad sold between $400,000 and $1 million worth.

Conrad is not yet scheduled for sentencing, but Dunn is set for March 20, 2014. Co-defendant Andrew J. Zarauskas is set for trial to begin in Maine on February 12, 2014. Co-defendant Gregory R. Logan is pending extradition from Canada to Maine.

These cases were investigated by the NOAA Office of Law Enforcement and the U.S. Fish and Wildlife Service Office of Law Enforcement, with assistance from Environment Canada Wildlife Enforcement.

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United States v. Charlie W. Hart, et al., No. 3:13-CR-00123 (D. Ak.), AUSA Steven Skrocki.

On December 16, 2013, three hunters pleaded guilty to Lacey Act violations (16 U.S.C. §§ 3372(a)(1), 3373(d)(2)) and were sentenced for the illegal hunting, take, and transportation of two bull moose shot in Denali National Park in September 2012. Charlie W. Hart, Deric C. Hart, and Michael J. Barth were ordered jointly and severally responsible for $15,000 in restitution to Denali National Park. They also will each pay a $2,500 fine, complete two-year terms of probation, forfeit parts from the moose, and are banned from hunting for one year.

During a hunt that took place over several days in September 2012, all members of the group hunted for bull moose on park property. They used electronic moose cow calls (which is illegal under state law) and hunted the lands well outside the boundary of the approved area, including the mountainsides above. Co-defendant James Riggs is charged with a Lacey Act violation and is scheduled for trial to begin on February 24, 2014.

This case was investigated by the National Park Service and the U.S. Fish and Wildlife Service, with assistance from the Bureau of Land Management.

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United States v D.C. Air & Seafood Inc., et al., Nos. 2:13-CR-00783, 00786 (D N.J.), AUSA Kathleen O'Leary.

On December 11, 2013, seafood wholesaler D.C. Air & Seafood Inc., and company owner Christopher Byers pleaded guilty to conspiring to falsify records and to obstruct justice (18 U.S.C. §§ 371, 1519; 16 U.S.C. §§ 3372(d), 3373(d)(3)(a)) to conceal the overfishing of close to 80,000 pounds of Atlantic Sea Scallops harvested off the coast of New Jersey and Cape Cod

The defendants admitted to conspiring with four fishing boat operators (George Bamford, Robert E. Hersey, Jr., Daniel Mahoney, and Michael McKenna) for the purpose of preparing false reports that concealed the overharvesting that took place between March 2007 and March 2008.

Byers and the company purchased the scallops harvested by federally-permitted vessels in a large sea scallop fishing ground managed by NOAA off the mid-Atlantic coast that was open to limited scallop fishing by permitted vessels for two-week periods. During those times, individual vessels are restricted to harvesting no more than 400 pounds of scallops per vessel per trip.

During two-week periods in 2007 and 2008, vessels operated by the four fishermen harvested thousands of pounds of scallops over the legal limit, which were subsequently purchased by D.C. Air & Seafood. The scallops were off-loaded in Atlantic City, New Jersey, from the vessels to trucks used by Byers and his company. The defendants then concealed the overharvesting by preparing reports that falsely represented the amount of scallops harvested. Sentencing is scheduled for March 18, 2014.

This case was investigated by NOAA.

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United States v. Z-Group, LLC, No. 4:13-CR-00420 (W.D. Mo.), AUSA Jane Pansing Brown.

Hazardous waste

On December 9, 2013, Z-Group, LLC, pleaded guilty to a RCRA violation (42 U.S.C. § 6928(d)(1)) for illegally transporting hazardous waste.

Z-International, Inc. specialized in the labeling industry for companies around the world, using large quantities of ink and ink-related products. Z-Group was established to serve as the property owner while Z-International operated its business.

Between July 2010 and April 2012, the company hired people to transport hazardous waste to a separate location. Z-International employees authorized the transportation of 23 containers holding liquid hazardous waste to Studer Container Service in Kansas City. In April 2012, EPA officials conducted a compliance inspection at Studer, finding several containers with materials that tested positive for ignitability and/or toxicity. Studer did not have a permit to receive hazardous waste and was unaware that these materials had been dumped on the property. The ensuing Superfund cleanup cost was $36,871. The plea agreement required Z-Group to pay a $50,000 fine and the $36,871 cleanup costs at the time the plea was taken. Z-International was closed in July 2010. Sentencing is scheduled for April 3, 2014.

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

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United States v. Conopco, Inc. d/b/a/Unilever Home and Personal Care USA, No. 3:13-CR-00223 (D. Conn.), AUSA Ray Miller and SAUSA Peter Kenyon.

On December 5, 2013, Conopco, Inc., doing business as Unilever Home & Personal Care USA, (Unilever) pleaded guilty to two felony violations of the Clean Water Act (33 U.S.C. §§ 1319(c)(2)(A), 1342). The charges stem from the illegal discharge of industrial wastewater at a manufacturing site in Clinton, Connecticut, in December 2008, and the company's failure to report the discharge in a timely manner.

On December 5, 2008, an employee noted that a hose was being used to bypass the industrial process wastewater treatment system by allowing the contents of a 4,500 gallon tank to discharge directly to a storm drain pipe that led to Hayden Creek. The hose was shut off shortly afterwards; however, Connecticut Department of Energy and Environmental Protection (DEEP) was not notified within two hours of the detection, as required.

On December 8, 2008, a DEEP compliance inspector was on-site at the Clinton facility for an unrelated reason. Unilever failed to notify the on-site DEEP representative of the bypass that had occurred. Around December 10, Unilever notified the DEEP for the first time of the discharge that occurred five days earlier. This written notification occurred within the required five-day time period for the mandatory written report. Unilever also disclosed the discharge to the U.S. EPA in a written submission dated December 16, 2008.

The company conducted its own internal investigation of the December 2008 incident. In subsequent conversations and written communications with federal and state authorities throughout 2009 and 2010, Unilever claimed it was unable to conclusively determine who was responsible for the bypass, mischaracterizing the incident as an isolated incident that may have been the work of unknown "vandals."

The ensuing federal investigation, however, concluded that for an extended period of time, perhaps as long as two years prior to December 2008, the wastewater treatment operators routinely bypassed the system on a weekly basis, discharging approximately 1,500 gallons of partially treated wastewater at a time to the storm drain that led to the creek. These bypasses were concealed from Unilever management; however, management was aware of several key factors indicating that the operators were not properly overseeing the wastewater treatment system and that the system was not properly functioning.

Unilever ceased manufacturing operations at the Clinton facility in December 2012. Sentencing is scheduled for March 3, 2014.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Connecticut Department of Energy and Environmental Protection.

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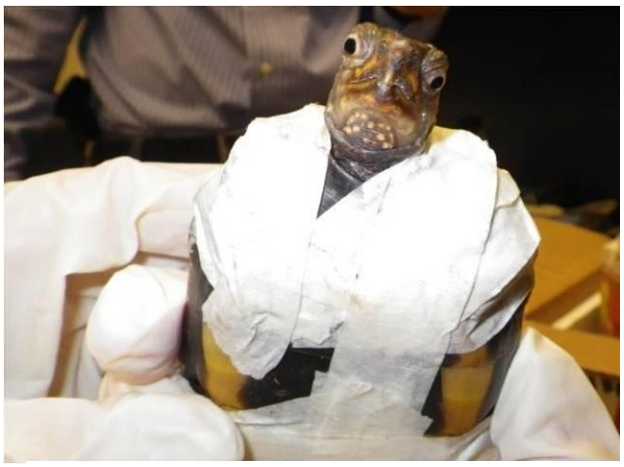
Sentencings

United States v. Nathaniel Swanson, et al., 13-CR-00138 (W.D. Wash.), AUSAs Jim Oesterle and Matthew Diggs.



Rescued turtle

On January 24 and 17, 2014, Cheuk Yin Ko, Nathaniel Swanson, and Tak Ming Tsang were sentenced after previously pleading guilty to conspiracy to smuggle goods from the U.S. (18 U.S.C. §§ 371, 554). Swanson will serve one year and one day of incarceration, followed by three years' supervised release. Tsang and Ko will serve six and five months' incarceration, respectively. Tsang also will be subject to two years' supervised release. All three defendants were held jointly and severally liable for $28,583 in restitution to be paid as follows: $16,029 to the Sarvey Wildlife Care Center and $12,554 to the Woodland Park Zoo.

Working with two foreign nationals residing in the United States, including Tsang, Swanson illegally exported species including Eastern box turtles, North American wood turtles, and ornate box turtles to buyers located in Hong Kong. Swanson also was involved in importing several protected species from Hong Kong, including black-breasted leaf turtles, Chinese striped-necked turtles, big-headed turtles, fly river turtles, and an Arakan forest turtle. The Arakan forest turtle is critically endangered, having once been presumed extinct. The illegal trafficking spanned approximately four years.

As part of the sentencing, Ko was ordered to forfeit almost 150 reptiles, including 40 eastern box turtles, ten ball pythons, four Gila monsters, and one boa constrictor. Ka Ho Cheng, Toni Ngai, and Leung Yan Fai remain under indictment. Animals that survived and were seized by law enforcement have been receiving care from wildlife rehabilitation centers and local zoos.

This case was investigated by the U.S. Fish and Wildlife Service with assistance from the U.S. Postal Inspection Service.

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United States v. Mohammed Hafeez Awan et al., Nos. 3:12-CR-00079, 00084 (W.D. N.C.), AUSA Steven R. Kaufman.

On January 22, 2014, Mohammed Hafeez Awan was sentenced to serve six months' incarceration, followed by three years' supervised release (with a special condition of six month's home confinement) for producing a fraudulent vehicle emissions certificate for undercover agents. Awan also will pay a $1,000 fine and perform 50 hours of community service.

Awan is the former owner of Prestige Car Care (Prestige), an automobile repair shop and state-licensed vehicle emissions station. As a result of a state investigation in 2005 into illegal emissions inspections, Awan and his employees were caught conducting fraudulent inspections, commonly referred to as "clean scanning." At that time, Prestige's safety/emissions inspection license was revoked for a period of 11 years.

In September 2011, Awan conspired with Jassim Juburi, a former employee of Central Auto Inspection & Repair, to continue the emissions scheme. Undercover agents paid Awan $150 in exchange for a fraudulent vehicle emissions certificate that he gave them without having a vehicle to test. The fraudulent test and certificate were generated by Juburi who was sentenced to serve an 18-month prison term for conducting more than 530 illegal "clean scan" inspections. Awan previously pleaded guilty to conspiracy to violate the Clean Air Act (18 U.S.C. § 371; 42 U.S.C. § 7413(c)(2)(A)).

This case was investigated by the U.S.EPA Criminal Investigation Division, the N.C. SBI's State Bureau of Investigation Diversion and Environmental Crimes Unit, and the N.C. DMV License & Theft Bureau, with assistance from the N.C. Division of Air Quality, Mobile Sources Compliance Branch.

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United States v. Anthony Badalamenti, No. 13-CR-000204 (E.D. La.), Deepwater Horizon Task Force, including ECS Trial Attorney Colin Black.

On January 21, 2014, former Halliburton Energy Services manager Anthony Badalamenti was sentenced to pay a $1,000 fine, complete a one-year term of probation, and perform 100 hours of community service. Badalamenti previously pleaded guilty to destruction of evidence (18 U.S.C. § 1030(a)(5)(A)).

After the Macondo well blowout and the massive oil spill in the Gulf of Mexico, Halliburton established an internal working group to examine the well in depth. This examination included the development of computer simulations in May 2010, the results of some of which were ordered deleted by a Halliburton supervisor despite legal obligations to retain information related to the blowout and spill. Similar evidence also was destroyed in June 2010 after an additional simulation program was run. Efforts to forensically recover the data were unsuccessful.

Haliburton was sentenced in September of last year for destroying evidence pertaining to the 2010 *Deepwater Horizon* disaster. The company paid a $200,000 fine, the statutory maximum fine.

This case was investigated by the Deepwater Horizon Task Force, which included the FBI, the U.S. EPA Criminal Investigation Division and the Office of Inspector General, the Department of Interior Office of Inspector General, the NOAA Office of Law Enforcement, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, and the Louisiana Department of Environmental Quality.

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United States v. Slade E. Barnett, Jr., No. 2:12-CR-00378 (D. Utah), AUSA Jared Bennett.

On January 16, 2014, Slade E. Barnett, Jr., was sentenced to complete a four-year term of probation and pay $15,000 in restitution. Barnett previously pleaded guilty to a felony violation of the Clean Water Act (33 U.S.C. § 1319(c)(2)(B)) for illegally discharging grease into a sewer system.

Barnett was the principal agent for Denali Industries, LLC, which was in the business of manufacturing biodiesel fuel from grease, vegetable oil, and other substances. From between March and June 2008, Barnett directed employees to dump grease and other waste oils into the sewer system. On two occasions, the discharges caused sewer system pumps to fail, and a third discharge clogged 300 feet of sewer pipe with grease, requiring that it be replaced.

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

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United States v. Logsdon Valley Oil Company, Inc., et al., No. 1:12-CR-00012 (W.D. Ky.), AUSA Joshua Judd.

On January 16, 2014, Logsdon Valley Oil Company, Inc., operator Charles Stinson, and employee Ralph Dowell, were sentenced for violations stemming from the illegal injection of brine water into sinkholes. The company pleaded guilty to Safe Drinking Water Act violations and the individuals pleaded guilty to conspiracy to violate the SDWA (18 U.S.C. §371, 42 U.S.C. §300h-2(b)(2)). All three defendants will complete two-year terms of probation. The company and Stinson were held jointly and severally accountable for the following fines: $25,000 to be paid to the Commonwealth of Kentucky; $10,000 to the EPA, and $10,000 to the U.S. government.

The violations stem from the injection of brine water (fluids brought to the surface in connection with oil production) from the tank battery to sinkholes and the injection of produced brine water into sinkholes, over an approximately four-year period.

Logsdon Valley Oil, also known as Hart Petroleum, is a Kentucky corporation that owns and operates several oil production wells and tank batteries. From March 2008 to June 2010, the defendants engaged in a practice of illegally injecting fluids into sinkholes on various oil production leases despite administrative actions and orders to cease this activity.

The execution of a search warrant by U.S. EPA in June 2012 revealed the presence of benzene and oil in a sinkhole and a pond on the property. Further investigation confirmed an illegal injection well was actively discharging wastes into an abandoned oil well. The well had been camouflaged by removal of the well head and was covered with a red bucket surrounded by overgrown vegetation.

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

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United States v. Steve Barclay et al., Nos. 9:12-CR-00043, 9:13-CR-00014 (E.D. Tex.), AUSAs Jim Noble and Joe Batte.

On January 14, 2014, hunting and fishing guide Steve Barclay was sentenced to pay a $5,000 fine and complete a three-year term of probation after pleading guilty to violating the Lacey Act (16 U.S.C. §§ 3372(A)(1), 3373(d)(1)(B)) for transporting an alligator that had been illegally killed.

On three separate dates in May 2008, Barclay witnessed his client, John A. McCall, shoot and kill three alligators knowing that Texas law limits hunters to one alligator per hunter per season. Barclay subsequently transported one of these alligators to a taxidermy shop.

McCall previously pleaded guilty to a Lacey Act violation and was sentenced to pay a $3,000 fine and $1,187 in restitution to the Texas Parks and Wildlife Department.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement and the Texas Parks and Wildlife Department Criminal Investigations Division.

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United States v. Jessie Arnariak et al., No. 3:12-CR-00099 (D. Ak.), AUSA Steven Skrocki.

On January 14, 2014, Jessie Arnariak was sentenced to serve 15 months' incarceration (with approximately eight months' credit for time served), followed by three years' supervised release. As a condition of supervision, he will reside in a residential reentry center for four months. A fine was not assessed. Arnariak previously pleaded guilty to a violation of the Marine Mammal Protection Act and to being a felon in possession of a firearm (16 U.S.C. § 1372(a)(4)(A); 18 U.S.C. §§ 922(g)(1), 924(a)(2)).

In May 2011, Arnariak and co-defendant Sixty Arkanakyak approached a herd of walrus that were on a beach and began shooting at the animals, wounding five of them. The herd stampeded and four of the wounded walrus escaped into the sea. The one remaining walrus was trapped against a cliff and killed. The tusks were hacked off and the rest of the animal was abandoned. Arkanakyak previously pleaded guilty to similar charges and was sentenced to serve 30 months' incarceration followed by three years' supervised release. He also will pay $5,000 in restitution.

This case was investigated by the U.S. Fish and Wildlife Service and Alaska Department of Public Safety Wildlife Troopers.

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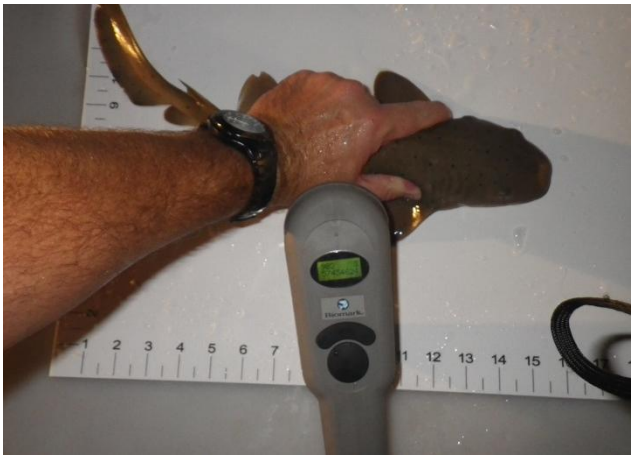
United States v. Jerrold Tieder et al., No. 4:12-CR-10024 (S.D. Fla.), AUSA Tom Watts-FitzGerald.



Tagged Nurse Shark

On January 14, 2014, Jerrold Tieder and Tropical Fish Transhippers, Inc. (TFT) were sentenced after pleading guilty to Lacey Act violations (16 U.S.C. §§ 3372(a)(2)(A), (a)(4), 3373(d)(1)(B)), for transporting and selling wildlife in interstate commerce. Tieder will pay a $1,000 fine, complete a two-year term of probation, and make a $4,000 community service payment to the National Fish and Wildlife Foundation (NFWF). These funds will be distributed to the Mote Marine Laboratory, Summerland Key Branch, to promote research, education, conservation, and restoration of marine life and corals throughout the waters of the Florida Keys National Marine Sanctuary and the Florida Keys. The company will pay a $1,000 fine, complete a three-year term of probation, and make a $1,500 community service payment to the NFWF.

In October 2012, the defendants purchased four juvenile nurse sharks from a supplier located in Monroe County, Florida. The supplier did not hold the required state license or permit to harvest or sell sharks. In early November 2012, the company decided to sell eight juvenile sharks to a buyer outside of Florida. A number of these sharks had been outfitted with an electronic tag that airport officials in Ft. Lauderdale were able to scan and track.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, with assistance from NOAA Fisheries Office of Law Enforcement

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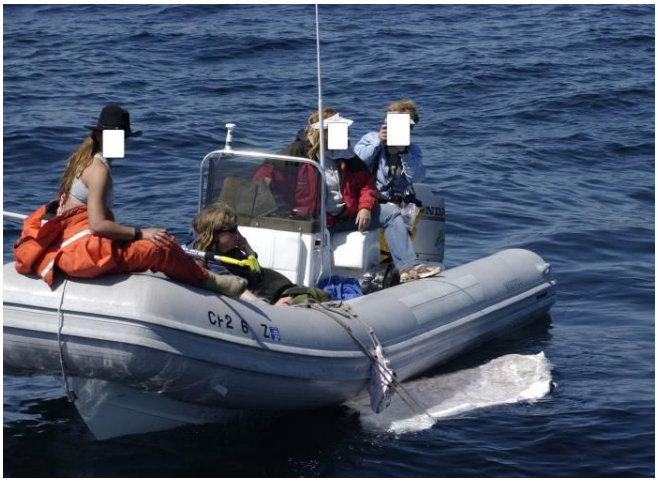
United States v. Nancy Black, No. 5:12-CR-00002 (N.D. Calif.), ECS Trial Attorney Christopher Hale and AUSA Jeffrey Schenk.



Defendant dragging pieces of blubber in search for killer whales to bait

On January 13, 2014, Nancy Black was sentenced to pay a $12,500 fine and serve a three-year term of probation with the following special conditions: no collecting, possessing, or feeding marine mammals; no selling underwater footage or any items with images taken while on NOAA research; no intentional violations of the Marine Sanctuary Whale-watching Guidelines; and she must obey all applicable permits. Black also will perform 300 hours of community service.

The defendant previously pleaded guilty to a violation of the Marine Mammal Protection Act (16 U.S.C. § 1375(b)) for illegally feeding orca whales in 2004 and 2005. Black is a marine biologist who was conducting research on whales in the Monterey Bay National Marine Sanctuary. She possessed a valid research permit, but it did not authorize her to feed the whales blubber from gray whales that had been killed by orcas. Black also admitted to providing an altered video and to making false statements to a sanctuary officer related to a whale watching expedition involving possible illegal contact with a humpback whale in the bay.

This case was investigated by NOAA.

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United States v. Michael Slattery, Jr., No. 13-CR-00615 (E.D.N.Y.), ECS Trial Attorney Gary Donner, AUSA Julia Nestor, and ECS Paralegal Lisa Brooks.

On January 10, 2014, Michael Slattery, Jr., was sentenced to serve 14 months' incarceration, followed by three years' supervised release. Slattery also will pay a $10,000 fine and forfeit $50,000 of proceeds from his illegal trade in rhinoceros horns. He previously pleaded guilty to conspiracy to violate the Lacey Act (18 U.S.C. § 371).

In 2010, Slattery traveled from England to Texas to acquire black rhinoceros horns. Slattery and others used a day-laborer with a Texas driver's license as a straw buyer to purchase two horns from an auction house in Austin. The defendant and his group then traveled to New York where they presented a fraudulent Endangered Species bill of sale and sold those two and two other horns for $50,000.

This case is related to "Operation Crash," an on-going nation-wide effort led by the U.S. Fish and Wildlife Service and the Justice Department to investigate and prosecute those involved in the black market trade of endangered rhinoceros horns.

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United States v. Ieka Jones et al., No. 1:13-CR-00098 (N.D. Ga.), AUSA Stephen H. McCain.

On January 10, 2014, Ieka Jones was sentenced to serve four months' incarceration, followed by four months' home confinement as a condition of a one-year term of supervised release. Seretha Franklin was recently sentenced to complete a three-year term of probation. Fines were not assessed.

The two pleaded guilty to Clean Air Act violations (42 U.S.C. § 7413(c)(2)(A)) for their roles in a fraudulent emissions testing scheme.

Co-defendant Jerome Barnes was responsible for issuing more than 4,000 fraudulent emissions certificates to car owners in Georgia from September 2011 to September 2012. He worked with other individuals to open emissions inspection stations in their names that he would then use to issue fraudulent certificates. After state authorities closed down two of his inspection stations for fraudulent conduct, Barnes opened additional stations under the name of different owners. Jared Walker, Jones, and Franklin were licensed emissions inspectors who worked with Barnes to issue the fake certificates substituting data from vehicles they knew would pass the test. They charged $100 to $125 for their services, when the cost for a legitimate inspection was $25.

Barnes was sentenced to serve 54 months' incarceration, followed by three years' supervised release, and Walker was sentenced to serve six months' incarceration, followed by one year of supervised release. Fines were not assessed. Barnes pleaded guilty to conspiracy to commit wire fraud (18 U.S.C. § 371), with his sentence enhanced under an "honest services wire fraud theory." Walker pleaded guilty to a CAA violation (42 U.S.C. § 7413(c)(2)(A)).

This case was investigated by the U.S. EPA Criminal Investigation Division and the Georgia Department of Natural Resources Environmental Protection Division.

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United States v. Thomas Z. Breeding, No. 5:13-CR-00034 (N.D. Fla.), AUSA Gayle Littleton.

On January 8, 2014, Thomas Z. Breeding was sentenced to serve 15 months' incarceration followed by two years' supervised release. If Breeding attempts to board any vessel during the term of supervised release, a court hearing must be held to ensure that he understands that he cannot fish in closed areas. A fine was not assessed.

Breeding was the captain of the *F/V Wolf* that was found to be inside a protected fishing area in January 2012. When confronted by authorities, Breeding denied knowing that he was within The Edges, an area of the Gulf of Mexico closed annually to commercial and recreational fishing from January 1 to April 30 to protect the spawning season for gag grouper. This species is managed under the Gulf of Mexico Individual Fishing Quota program. Investigation determined that the defendant altered his GPS device in an attempt to conceal the fact that he was intentionally fishing in the area. He also told investigators that he was in the area by accident, which was false. He pleaded guilty to obstruction and to two false statement violations (18 U.S.C. §§ 1001(a), 1519).

The defendant was cited by NOAA in 2007 for commercial fishing in a long-line and buoy-gear restricted area of the Gulf. He was ordered to pay a $17,500 fine for this violation, but never paid it.

This case was investigated by the NOAA Office of Law Enforcement.

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United States v. Upstate Laboratories, Inc., No. 5:13-CR-00229 (N.D.N.Y.), AUSA Craig Benedict.

On January 6, 2014, Upstate Laboratories, Inc., was sentenced to pay a $150,000 fine and will complete a five-year term of probation. The company was further ordered to develop an environmental compliance plan in the event that it resumes operations in the future. The company pleaded guilty to a mail fraud violation (18 U.S.C. § 1341) stemming from the falsification of more than 3,300 laboratory results between 2008 and 2010.

Upstate Laboratories is a certified laboratory in the business of performing chemical analysis of water and soil samples supplied by public and private clients. The company admitted to routinely

"backdating" samples that were required to be analyzed within a particular time frame to ensure the quality of the samples. Samples requiring a quicker turnaround were billed and invoiced at a more expensive rate. The lab further promised to utilize required procedures to ensure that the samples did not degrade.

Investigation determined that more than 30 clients from the public and private sector received fraudulent sample analysis reports for samples they had paid Upstate to test.

This case was investigated by the U.S. EPA Office of Inspector General and the U.S. EPA Criminal Investigation Division.

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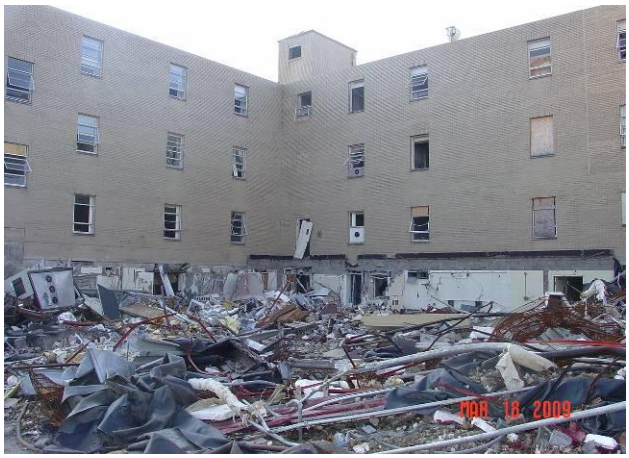
United States v. Lamont P. Pryor, No. 3:13-CR-00042 (S.D. Ohio), AUSA Alex Sistla and SAUSA Brad Beeson.



Demolition debris

On December 18, 2013, Lamont P. Pryor was sentenced to serve 13 months' incarceration, followed by one year of supervised release. A fine was not assessed. Pryor previously pleaded guilty to three Clean Air Act violations (42 U.S.C. § 7413(c)(1)) in connection with his company's mishandling of asbestos during the demolition of a former medical center in 2008.

During the demolition, Pryor and his company, Avalon Commonwealth Inc., removed and sold scrap metal, but left the rest of the demo debris, including friable asbestos, exposed to the elements. After a local air pollution agency inspected the site in December 2008, the demolition was put on hold while the investigation was conducted.

This case was investigated by members of the Southwest Ohio Environmental Crimes Task Force, which includes the U.S. EPA Criminal Investigation Division, the Ohio Attorney General Bureau of Criminal Investigations Environmental Enforcement Unit, the Ohio EPA Office of Special Investigations, and the Regional Air Pollution Control Agency.

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United States v. Roberto Guzman-Herpin et al., Nos. 3:13-CR-00393, 00402 - 00404 (D.P.R.), AUSA Carmen Márquez.

On December 11, 2013, Ricardo de Jesus Alamo was sentenced to serve a one-year term of probation and is banned from fishing during this time. He also will pay a $200 fine. Alamo pleaded guilty to a Lacey Act violation (16 U.S.C. §§ 3372(a)(1), 3373(d)(2)) for selling parts from a hawksbill turtle in September 2011. Miguel Rivera-Delgado was previously sentenced to similar terms for a Lacey Act violation. Cases are pending against six additional defendants who were charged as a result of the newly formed Puerto Rico Environmental Crimes Task Force. The task force is targeting the illegal trade in sea turtles for human consumption. During this investigation, preliminary DNA analysis indicated that 15 individual endangered Hawksbill sea turtles and seven endangered green sea turtles were illegally taken.

The cases against Roberto Guzman-Herpin, Madelyne Montes-Santiago, Edwin Alamo-Silva, Juan Soto-Rodriguez, Jose Javier Rodriguez-Sanchez, and Iris Lebron-Montanez are still pending.

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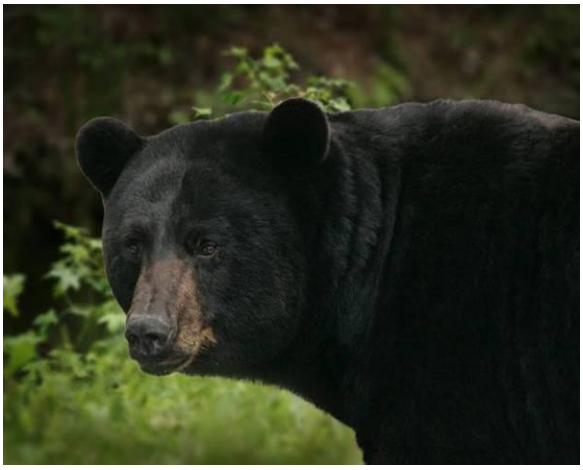
United States v. Brent Fox et al., No. 1:13-mj-00019 (W.D.N.C.), AUSA Richard Edwards.



Black bear photo, *courtesy of the U.S. F&WS*

On December 6, 2013, Brent Fox was sentenced to serve 30 days' incarceration, followed by one year of supervised release. He also was ordered to pay a $1,000 fine, after previously pleading guilty to a Lacey Act violation (16 U.S.C. §§ 3372(a)(1), 3373(d)(2)). Fox was sentenced as a result of Operation Something Bruin, a multi-agency initiative focused on the illegal poaching of bears and other wildlife in North Carolina and Georgia.

In February 2013, state and federal wildlife officials in North Carolina and Georgia announced the results of a four-year undercover investigation focused on illegal activities involving black bears and other wildlife in these two states. The initiative was the largest of its kind in recent years and resulted in the prosecution of more than 80 hunters.

Officers infiltrated poaching circles to document violations of the Lacey Act to include bear baiting, illegal taking of bears, deer, and other wildlife. Other violations noted were the illegal use of dogs, operation of illegal bear enclosures in North Carolina, and guiding hunts on national forest lands without the required permits. Among the defendants sentenced in 2013 were: Chad Burchfield, Patrick Burchfield, Jessie Jenkins, Robert Watson, and Kenneth Collins. All were sentenced to serve 30 days' incarceration and ordered to pay fees. Collins was further ordered to pay $450 in restitution to the U.S. Forest Service. Casey Collins and Ricky Owens were sentenced to serve 15 days' incarceration. Michael Sellers was sentenced to serve a one-year term of probation. Terry Ratliff and Brian Quacca were ordered to pay fines.

The investigation was conducted by the U.S. Forest Service, the North Carolina Wildlife Resources Commission, the U.S. Fish and Wildlife Service, the Georgia Department of Natural Resources, and the National Park Service.

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United States v. Eric Russell, Nos. 3:13-CR-01273, 3:12-CR-05096 (S.D. Calif.), AUSA Melanie Pierson.

On December 2, 2013, Eric Russell was sentenced to time served (approximately six months), followed by one year of supervised release after pleading guilty to a felony Clean Water Act violation (33 U.S.C. §§ 1319(c)(2)(A); 1345(c)) for dumping thousands of gallons of raw sewage on Bureau of

Land Management (BLM) land in Nevada. Russell had been detained since June 2013 after absconding from authorities.

The defendant was a driver for All-in-One Environmental Services. In order to save time during a trip in January 2012, he dumped between 1,500 and 2,000 gallons of domestic sewage onto BLM land alongside a highway. BLM rangers responded, and approached Russell's sewage tanker truck stuck in a wash along a nearby road. Despite the strong stench of sewage, Russell told the rangers that the trunk contained only water. The passenger in the truck advised that they had ended up in the wash after pumping out the holding tanks at a commercial center in the Imperial Sand Dune Recreation Area. The passenger further indicated that Russell's stepfather had directed him to dump the sewage, and it was their practice to routinely do so. Dennis Johnson (Russell's stepfather) previously pleaded guilty to a CWA felony for dumping sewage. He was sentenced to pay a $5,000 fine, complete a two-year term of probation, and perform 200 hours of community service.

Sewage truck being towed

This case was investigated by the U.S. EPA Criminal Investigation Division and the Bureau of Land Management.

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