



Monthly

Bulletin

Environmental Crimes Section

March 2019

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“Sayers’s knowing, illegal storage of waste cyanide, highly corrosive wastes, toxic chromium waste, and reactive wastes posed a significant danger and threat to nearby communities and the environment. He and his company continued their illegal and poor handling despite many years of warnings by environmental regulators, and they are now being held accountable for their willful refusal to comply with the law,” said Jeffrey Bossert Clark, Assistant Attorney General for the Environment and Natural Resources Division. [From [press release](#) in *U.S. v. Sayers et al.* [See inside](#), for more details on this case.]

District/Circuit	Case Name	Case Type/Statutes
District of Arizona	United States v. Donald J. Davis et al.	Wolf Killing/ESA
Eastern District of California	United States v. Maximiliano Farias-Martinez et al.	Marijuana Grow/Conspiracy, Drugs, Depredation to Natural Resources
Central District of California	United States v. Wiley Sanders Truck Lines Inc.	Battery Waste Shipments/HMTA
Northern District of California	United States v. James P. Lucero	Wetlands/CWA
██████████ ██████████	██ ██	██ ██
Middle District of Florida	United States v. Jianguo Zhong	Hazardous Product Shipments/ Federal Hazardous Substances Act
Southern District of Florida	United States v. Alfredo Sardinias-Garcia	Lobster Harvesting/Lacey Act
Northern District of Iowa	United States v. Steven A. Weaver et al.	Asbestos Abatement/CAA
Southern District of Iowa	United States v. Etcher Family Farms, LLC, et al.	CAFO/CWA
Western District of Louisiana	United States v. Interorient Marine Services Limited, et al.	Vessel/ APPS, Conspiracy, Obstruction
Eastern District of Michigan	United States v. Gary Sayers, et al.	Electroplating Wastes/RCRA
██████████ ██████████	██ ██	██
Eastern District of Missouri	United States v. Missouri Green Materials et al. United States v. Richard McKinnon et al.	Hazardous Waste Storage/CAA, Conspiracy, RCRA Timber Sales/ Theft of Government Property
District of Montana	United States v. Mark Hurst et al.	Truck Explosion/CAA
District of New Jersey	██ United States v. Fuel Bio One	██ ██ Wastewater Discharge/CWA
Eastern District of Pennsylvania	United States v. David Sommers	Turtle Trafficking/Lacey Act
District of South Carolina	United States v. William Fischer et al.	Reptile Smuggling/Conspiracy, Lacey Act
██████████	██	██
Eastern District of Virginia	United States v. James R. Casey	Crabmeat Sales/Conspiracy, Lacey Act
Eastern District of Wisconsin	United States v. Christopher Hietpas	Deer Hunting/Lacey Act
Western District of Wisconsin	United States v. Darren Johnson et al.	Mountain Lion Hunt/Accessory After -the-Fact, Conspiracy, Lacey Act

Guilty Pleas

United States v. Mark Hurst et al., No. 17-CR-00143 (D. Mont.), AUSA Bryan Duke and SAUSA Eric Nelson.

On February 27, 2019, Mark Hurst pleaded guilty to a Clean Air Act (CAA) negligent endangerment violation in connection with a tanker truck explosion in 2012 (42 U.S.C. § 7413(c)(4)).

Co-defendant Peter Margiotta, a Canadian citizen, acted as the president and director of Custom Carbon Processing, Inc. (CCP), a company that constructed and operated a slop oil reclamation and saltwater injection well disposal facility near Wibaux, Montana. The facility began operating during the summer of 2012. Hurst (also a Canadian citizen), reported directly to Margiotta as the company's Montana Program Manager, overseeing the facility's operations.

In July 2012, Hurst warned Margiotta of dangers posed by deficiencies at the facility, including the failure to employ explosion proof wiring for control panels, stating "[w]e also run the risk of killing someone, not only our operators but also customers." Later in July 2012, CCP accepted shipments of highly volatile and flammable natural gas condensate, also known as "drip gas", in a purported effort to help thin and process the slop oil during reclamation operations. In November 2012, Hurst warned Margiotta again about outstanding deficiencies at the facility, including the need to better ventilate hydrocarbon vapor releases.

On December 29, 2012, during the offloading of a shipment of drip gas into processing equipment at the facility, flammable vapors were released into and outside of the CCP facility, spreading to a tanker truck delivering the materials. The vapors ignited and exploded destroying the entire facility and injuring three employees. The truck continued to burn for over a week despite firefighting efforts to extinguish the fire.

This case represents the third prosecution related to this incident. Kelly Steen, a truck driver for Woody's Trucking, LLC, pleaded guilty to violating the Hazardous Materials Transportation Act (HMTA) for failing to post hazardous materials placards on his truck. In May 2018, a jury convicted Woody's Trucking and owner Donald E. Woody, Jr., on 13 of the 14 counts for HMTA, wire fraud, mail fraud, and obstruction of justice offenses. Evidence proved that the defendants failed to secure proper hazmat shipping papers and didn't post proper placards on numerous shipments of drip gas to CCP. They also submitted false claims to the Occupational, Safety and Health Administration, the U.S. Environmental Protection Agency, and its insurance company, stating that Woody's Trucking only hauled non-hazardous slop oil and water.

In November 2018, the court sentenced Woody to 12 months and one day imprisonment, followed by three years supervised release. His company will complete a four-year term of probation and pay a \$644,690 forfeiture judgment to its insurer, Great West Casualty Company (Great West). Both Woody and Woody's Trucking are jointly and severally liable for restitution to Great West in the same amount.

Prosecutors charged CCP, Hurst, and Margiotta in December 2017, with conspiracy and CAA violations (18 U.S.C. §§ 371; 42 U.S.C. §§ 7413(c)(1), 7412(r)(1), and 7413(c)(5)). Margiotta is scheduled for trial to begin on June 19, 2019. Prosecutors dropped

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Guilty Pleas

(Continued from page 4)

charges against CCP following its corporate dissolution.

These cases were investigated by the U.S. EPA Criminal Investigation Division and the Department of Transportation Office of Inspector General, with assistance from the U.S. Occupational Safety and Health Administration.

United States v. Wiley Sanders Truck Lines Inc., No. 2:19-CR-00035 (C.D. Calif.), AUSAs Mark Williams and Joe Johns.

On February 25, 2019, Wiley Sanders Truck Lines Inc. (Wiley Sanders) pleaded guilty to three violations of the Hazardous Materials Transportation Act (49 U.S.C. § 5124(a)). Sentencing is scheduled for May 6, 2019.

Trucking company Wiley Sanders operates in 47 states. For several years, it transported recycled automotive battery cases from the EXIDE battery recycling and secondary lead smelting facility in Vernon, California, to a hazardous waste treatment, storage, and disposal facility in Bakersfield, California. The EXIDE facility annually received and recycled tens of thousands of lead



Contaminated battery chips spilling from back of truck onto road

acid automotive batteries shipped from all over the country. As part of the battery recycling process, the facility generated a variety of hazardous wastes including corrosive lead, cadmium, arsenic, antimony, zinc, and chromium.

On August 10, 2013; November 1, 2013; and March 13, 2014; the company transported more than 40,000 pounds of lead-contaminated plastic battery chips from a battery recycling facility in a semi-truck trailer without authorized packaging. Wiley Sanders trucks illegally transported approximately 129,000 pounds of this hazardous material.

The semi-trailers lacked lining to prevent the contents from escaping through cracks. The trucks transported wet loads, dripping lead and acid hazardous wastes on public roads, between Vernon and Bakersfield.

This case was investigated by the U.S. Department of Transportation Office of Inspector General, the U.S. Environmental Protection Agency, and the California Department of Toxic Substances.

Guilty Pleas

***United States v. Gary Sayers et al.*, No. 2:19-CR-20016 (E.D. Mich.), ECS Senior Counsel Kris Dighe and AUSA Sara Woodward.**

On February 14, 2019, Gary Sayers and Electro-Plating Services, Inc., pleaded guilty to violating the Resource Conservation and Recovery Act for illegally storing wastes at the company's premises in Madison Heights, Michigan (42 U.S.C. § 6928(d)(2)(A)).

Sayers acted as the president and owner of this electroplating business since the late 1990s and stored the vast majority of wastes onsite. He also stored hazardous wastes at the Detroit facility, where local environmental authorities repeatedly warned him not to. Sayers pleaded guilty in 2005 to state hazardous waste transportation violations. During the ensuing years, the Michigan Department of Environmental Quality (MDEQ) issued numerous Letters of Warning and Violation Notices to the company and Sayers, without effect.

In 2016, MDEQ identified more than 5,000 containers of liquid and solid wastes at the Madison Heights location. That same year, the City of Madison Heights revoked the company's occupancy permit. In January 2017, the U.S. Environmental Protection Agency initiated a Superfund removal action (at a cost of approximately \$1,444,500) that was completed in January 2018.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Michigan Department of Environmental Quality.



Pit in basement containing chromium waste

Guilty Pleas

[REDACTED]

Sentencings

United States v. Jianguo Zhong, No. 6:18-CR-00193 (M.D. Fla.), AUSA Shawn Napier.

On February 27, 2019, a court sentenced Jianguo Zhong to pay a \$5,000 fine and complete a six-month term of probation. Zhong, the owner of Zhong Supply LLC, pleaded guilty to illegally introducing a misbranded hazardous material into interstate commerce, in violation of the Federal Hazardous Substances Act (15 U.S.C. §§ 1263(a), 1264(a)).

Zhong offered bottles of Coppertone aerosol spray, a hazardous material, to a third-party freight forwarder for shipment to China. The aerosol ships as a hazardous waste as the contents are flammable and under pressure. The investigation revealed that Zhong repackaged the material in unmarked containers, re-labelled the shipment as lotion and lip balm, and re-wrapped the containers with black shrink wrap to disguise the actual contents.

This case was investigated by the Department of Transportation Office of Inspector General, with assistance from Homeland Security Investigations and the Federal Aviation Administration.

United States v. Darren Johnson et al., Nos. 3:18mj-00156, 157, 158 (W.D. Wisc.), AUSA Daniel Graber.

On February 26, 2019, a court sentenced four hunters for their involvement in an illegal mountain lion hunt in 2017. Robert Peters and Steven Reindahl will pay \$5,000 fines and complete two-year terms' of probation. David Johnson will pay a \$25,000 fine and complete a three-year term of probation, and Darren Johnson will pay a \$30,000 fine and complete a four-year term of probation. They are all banned from hunting for two years and must forfeit guns, vehicles, tracking equipment, and animal trophies.

On January 6, 2017, the defendants hunted for mountain lions in Mosby, Montana. Only Darren Johnson and Reindahl possessed valid licenses to hunt mountain lions. Despite not having a valid license, David Johnson used Darren Johnson's rifle to shoot and kill a mountain lion. Darren then used his tag to tag the animal, advising the group that they all needed to stick to the story that Darren Johnson killed the mountain lion. On January 10, 2017, the men drove back from Montana to Wisconsin, and Darren Johnson and Reindahl transported the mountain lion hide. A few days later, Darren Johnson delivered the hide to David Johnson's home.

In late May 2018, prosecutors subpoenaed Peters and Reindahl to testify before a federal grand jury in June 21, 2018. On June 17, 2018, the four men met at Peters' home



Boxes disguised in black shrink wrap

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Sentencings

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where Darren Johnson reminded them to stick to the story that he killed the mountain lion.

After testifying before the grand jury, Peters and Reindahl admitted that they lied and agreed to cooperate. They recanted their prior testimony and told the truth about what happened. Peters and Reindahl pleaded guilty to accessory-after-the-fact for hindering a federal grand jury investigation (18 U.S.C. § 3). Darren and David Johnson pleaded guilty to violating the Lacey Act and conspiracy (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)2(A), 3373 (d)(2)).

This case was investigated by the U.S. Fish and Wildlife Service, Office of Law Enforcement; the Wisconsin Department of Natural Resources Bureau of Law Enforcement; and the Montana Department of Fish, Wildlife and Parks.

United States v. Etcher Family Farms, LLC, et al., No. 3:18-CR-00089 (S.D. Iowa), AUSA Melisa Zaehring.

On February 26, 2019, a court sentenced Etcher Family Farms, LLC, owner Scott Allen Etcher, and site manager Benjamin Allen McFarland for violating the Clean Water Act (33 U.S.C. §§ 1311(a), 1319(c)(1)(A),(c)(2)(A)). The farm will pay a \$50,000 fine and complete a five-year term of probation. It also will implement an environmental compliance plan and publish a public notice about the case in a national trade publication serving the concentrated animal feeding operation (CAFO) industry. Etcher will complete a five-year term of probation and McFarland will complete two years.



Illegal silage runoff discharge

Etcher Family Farms operates a large dairy CAFO. In 2015, the facility lacked a National Pollution Discharge Elimination System permit that would allow for the discharge of pollutants into the waters of the United States.

In addition to a manure lagoon, a retention pond collected silage runoff and other agricultural wastes from the facility's cattle enclosures. Pursuant to the facility's manure management plan, workers periodically pumped the runoff water from the lagoon to a truck for disposal or land application. On July 22, 2015, seeking to short-cut the process, McFarland pumped the runoff water onto the facility's fields via a hose and tractor setup. Representatives from the Iowa Department of Natural Resources witnessed the incident after issuing the facility a notice of violation for the same activity a month prior. The discharge was sampled and tested positive for ammonia.

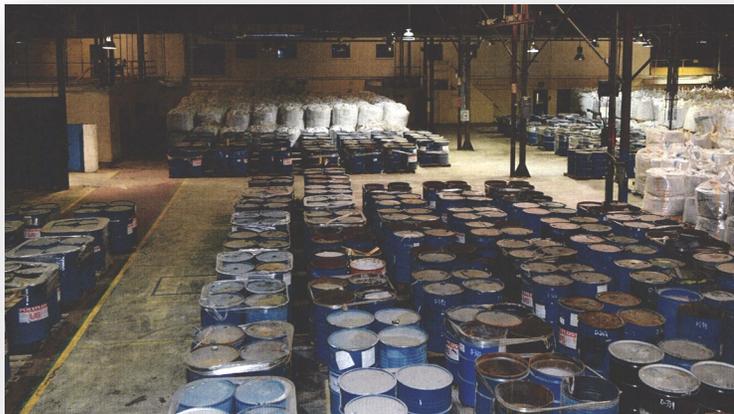
This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division and the Iowa Department of Natural Resources.

Sentencings

[REDACTED]

Sentencings

United States v. Missouri Green Materials et al., No. 4:17-CR-00189 (E.D. Mo.), AUSAs Dianna Collins and Hal Goldsmith.



Illegal hazardous waste storage

On February 20, 2019, a court sentenced Missouri Green Materials (MGM) to complete a two-year term of probation and held it jointly and severally liable for \$1.5 million in restitution to the U.S. Environmental Protection Agency (EPA). This is the final

defendant in this case involving the illegal transportation of millions of pounds of hazardous waste. A court sentenced MGM owners Penny and Daryl Duncan in October 2018 to complete five year terms of probation and pay the restitution to EPA.

Raymond Williams acted as the president, owner, and CEO of U.S. Technology Corporation (UST). The company leased blasting material for use in the removal of paints and other substances. Military bases and agencies often require the use of abrasives to remove paint from tanks, planes, and other equipment. The paint often contains heavy metals such as cadmium, chromium, and lead, which get mixed in with the blasting material that is returned to the company.

In October 2013, Williams contacted Daryl Duncan for help in arranging for the disposal of almost ten million pounds of hazardous waste located in Yazoo City, Mississippi, at the former Hydromex site. (In 2008, the owner of the Hydromex facility pleaded guilty to illegal storage of hazardous waste and making false statements).

Daryl and Penny Duncan subsequently created MGM for the sole purpose of receiving the hazardous waste in Berger, Missouri. Williams and UST illegally shipped the waste to the Duncans over a three-month period. Williams, UST, and MGM pleaded guilty to conspiring to transport hazardous waste (18 U.S.C. § 371). The Duncans pleaded guilty to violating the Clean Air Act for placing a person in imminent danger by releasing hazardous waste into the air (42 U.S.C. § 7413(c)(4)).

A court sentenced UST and Williams to complete five-year terms of probation and pay the restitution. In a separate criminal case from the Middle District of Georgia, a court sentenced Williams in January 2019 to 60 months' incarceration for bribing a public official. Williams was further ordered to pay restitution of \$870,000 to the U.S. Department of Defense in that matter.

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

Sentencings

***United States v. Donald J. Davis et al.*, Nos. 3:19-CR-08032, 3:18-CR-08315 (D. Ariz.), AUSA Camille Bibles.**

On February 19, 2019, a court sentenced Donald J. Davis to complete a two-year term of probation and pay \$2,500 in restitution to the U.S. Fish and Wildlife Service. Davis pleaded guilty to helping his co-defendant kill a wild born, female Mexican gray wolf in December 2017. Specifically, Davis pleaded guilty to being an accessory-after-the-fact to a violation of the Endangered Species Act (18 U.S.C. § 3, 16 U.S.C. §§ 1533, 1538(A)(1); 1539, 1540).

In December 2017, during a bull elk hunt, Jason W. Kunkel shot and killed the wolf in the Apache-Sitgreaves National Forest. Davis told Kunkel where the wolf was located, retrieved the rifle for Kunkel, and then took pictures of the animal after Kunkel shot it. Both defendants knew the difference between a coyote and a wolf, and knew that the animal was a Mexican gray wolf when Kunkel killed it. Davis admitted that he assisted Kunkel in order to hinder or prevent his apprehension for the crime of killing an endangered species.

A court sentenced Kunkel in November 2018 to pay \$7,500 in restitution to the U.S. Fish and Wildlife Service, and complete a five-year term of unsupervised probation. He also forfeited a Remington Model 770 bolt action rifle with scope.

This case was investigated by the U.S. Fish and Wildlife Service, with assistance from the Arizona Game and Fish Department.

***United States v. Interorient Marine Services Limited, et al.*, Nos. 2:18-CR-00335, 00366 (W.D. La.), ECS Trial Attorney Steve DaPonte and AUSA Daniel McCoy.**

On February 13, 2019, a court sentenced Interorient Marine Services Limited (Interorient) to pay a \$2 million fine and complete a four-year term of probation, requiring all vessels operated by the company and calling on U.S. ports to implement a robust environmental compliance plan. The company pleaded guilty to violating the Act to Prevent Pollution from Ships (33 U.S.C. § 1908(a)).

Interorient operated the *M/T Ridgebury Alexandra Z.* Between June and September 2017, crew members dumped oil cargo residues and oily bilge water directly into the ocean without processing it through the pollution prevention equipment. The crew also falsified oil record book (ORB) entries to conceal the illegal dumping. Senior ship officers flushed fresh water into the pollution prevention equipment thereby tricking the sensors, and allowing illegal oily discharges. The officers also falsified the ORB noting that the crew properly discharged 87,705 gallons of oily wastewater through the pollution prevention equipment.

Prosecutors charged ship master Vjaceslavs Birzakovs with conspiracy, failing to maintain an accurate Oil Record Book (ORB), falsification of records, and obstruction of justice charges (18 U.S.C §§ 371, 1505, 1519; 33 U.S.C. § 1908(a)). He is scheduled for trial to begin on June 17, 2019.

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

Sentencings

***United States v. William Fischer et al.*, No. 5:18-CR-00205 (D.S.C.), AUSA Winston Holliday.**

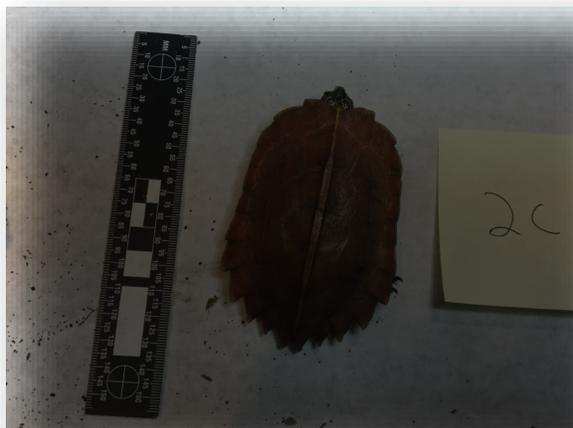
On February 13, 2019, a court sentenced William Fischer and Matthew Fischer for their roles in an international wildlife smuggling ring. William Fischer will pay a \$1,000 fine and complete a two-year term of probation. His son, Matthew, will complete a two-year term of probation, to include six month's home detention.

Between January and June 2016, ringleader Steven V. Baker obtained protected turtles from Hong Kong that were then shipped to the United States and then to Asia. William Gangemi collected turtles that he provided to Baker, shipped turtles domestically, and exchanged text messages with Baker regarding various shipments.

Joseph L. Brooks took delivery of international packages containing protected turtles, including Reeves' Turtles, Indian Roofed Turtles, and South American River Turtles. Matthew Fischer gave Baker access to his bank account to receive international wire transfers. Matthew H. Kail conducted a number of transactions involving the purchase and sale of a variety of protected turtles. William Fischer negotiated for the purchase of Indian Star Tortoises. The defendants used the Facebook text messaging feature to conduct the transactions. Inspectors intercepted several packages at the John F. Kennedy International Airport Mail Facility.

In many instances, Baker and his cohorts shipped or received rare turtles in boxes labeled as snacks. Inside the boxes, the turtles were covered in candy wrappers or stuffed in socks. The value of the wildlife has been estimated at approximately \$410,000. Baker, Brooks, Kail and Matthew Fischer pleaded guilty to conspiracy, and William Fischer pleaded guilty to a Lacey Act trafficking violation (18 U.S.C. § 371; 16 U.S.C. § 3372(a)).

To date, prosecutors have charged nine individuals, with four remaining under seal. This case was investigated by the U.S. Fish and Wildlife Service, the U.S. Postal Inspection Service, and the South Carolina Department of Natural Resources.



Black-breasted leaf turtle

Sentencings

United States v. Steven A. Weaver et al., No. 18-CR-03039 (N.D. Iowa), AUSAs Timothy Vavirek and Matthew Cole.

On February 13, 2019, a court sentenced Steven A. Weaver to pay a \$10,000 fine, complete a two-year term of probation, and pay \$1,573 for prosecution costs. Weaver pleaded guilty to violating the Clean Air Act Work Practice Standards (42 U.S.C. § 7413(c)(l)).

Weaver is an experienced home inspector in the North Iowa area. In November 2013, he purchased a property he intended to renovate into apartments. Weaver hired co-defendant Gary Christianson to supervise the project. During the renovation, workers removed pipes in the basement of the building without following the National Emission Standards for Hazardous Air Pollutants procedure for asbestos removal. Weaver also failed to inspect the property for the presence of asbestos.

In October 2014, as the renovation was underway, the Environmental Protection Agency conducted a search and determined that pipes and floor tiles were covered with regulated asbestos-containing material. Investigators advised Weaver that he was required to file documents notifying both local and federal environmental officials about the asbestos, but he declined to do so and continued with the renovation through the end of 2014.

A court sentenced Christianson in May 2017 to complete a three-year term of probation and perform 40 hours' community service.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division.

United States v. James P. Lucero, No. 4:16-CR-00107(N.D. Calif.), AUSA Philip J. Kearney.

On February 11, 2019, a court sentenced James P. Lucero to 30 months' incarceration, followed by one year of supervised release. A restitution hearing is scheduled for May 28, 2019.

A jury convicted Lucero in February 2018 on three Clean Water Act (CWA) violations for the unpermitted discharge of fill material into waters of the United States (33 U.S.C. §§ 1311, 1319(c)(2)(A), 1344). The wetland area is adjacent to the Don Edwards San Francisco Bay National Wildlife Refuge.

Beginning in July 2014, and continuing until his illegal operation was shut-down in September 2014, Lucero (a self-described "dirt broker") dumped approximately 1,800 industrial-sized truckloads of dirt and construction debris (e.g., metal, asphalt, concrete, and plastic) into more than 13 acres of wetland and tributary areas on a 560-acre undeveloped parcel that he neither owned nor had permission to enter. After receiving a tip from an environmental watchdog organization, local police and the landowners' representatives arrived at the property to find a cut padlock, dump trucks actively dumping dirt on the property, and a bulldozer mixing the illegal fill into existing soil.

The U.S. Army Corps of Engineers previously determined that the wetlands and

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Sentencings

(Continued from page 16)

tributary areas, separated from navigable waters by a man-made levee, were subject to CWA jurisdiction, a determination that the landowners did not challenge.

In March 2014, Lucero pleaded guilty to conspiracy and bribery violations in California state court, after bribing Santa Clara County landfill employees to allow truckloads of intentionally misclassified waste to be dumped in a county landfill at a reduced rate, resulting in a loss to Waste Management Corporation of more than \$13 million, and lost tax revenue for the City of San Jose. The court sentenced him in December 2014 to serve a three-year term of incarceration.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division and the Federal Bureau of Investigation.

United States v. Richard McKinnon et al., No. 4:18-CR-00227 (E.D. Mo.), AUSA Gwen Carroll.

On February 8, 2019, a court sentenced Richard McKinnon to 18 months incarceration, followed by three years' supervised release. Between September and December of 2016, McKinnon and co-defendants, Dale Connour and Delmar Connour, felled walnut trees within the Mark Twain National Forest. They removed close to 40 trees and sold the stolen timber at a walnut sawmill. They damaged an additional 20 trees by driving prohibited vehicles onto restricted areas of the forest to remove the walnut trees.

A court previously sentenced Delmar Connour to four months' incarceration, followed by three years' supervised release, and 40 hours' community service. Dale Connour will complete a five-year term of probation and perform 100 hours' community service. All three pleaded guilty to theft of government property and are jointly and severally responsible for \$35,862, the estimated timber value plus forest rehabilitation costs (18 U.S.C § 641).

This case was investigated by the Department of Agriculture Forest Service.

United States v. Fuel Bio One LLC, No. 2:18-CR-00335 (D.N.J.), ECS Trial Attorney Adam Cullman and AUSA Kathleen O' Leary.

On February 7, 2019, a court sentenced biodiesel fuel company Fuel Bio One LLC to pay a \$100,000 fine. The company also will complete a five-year term of probation during which it must (1) provide biannual reports to the court and the government documenting its waste generation, handling and disposal practices; (2) develop, implement, and fund an employee training program to ensure that all employees are aware of proper waste handling and disposal practices and to ensure that all storage, treatment and disposal of wastewater complies with the Clean Water Act (CWA); and, (3) allow the U.S. Environmental Protection Agency full access to all offices, warehouses, and facilities owned or operated by the company.

The company pleaded guilty to violating the CWA for discharging thousands of gallons of wastewater into the Arthur Kill, a narrow waterway that separates New Jersey from Staten Island, New York (33 U.S.C. §§ 1311, 1319(c)(2)(A)).

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Sentencings

(Continued from page 17)

Fuel Bio One generated wastewater that included methanol, biodiesel, and other contaminants, as a byproduct of its biodiesel fuel production at its Elizabeth, New Jersey, plant. On September 6, 2013, and November 9, 2013, company employees released a total of approximately 45,000 gallons of wastewater into a storm water pit at the plant, leading to the illegal discharge.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division.

United States v. Alfredo Sardinias-Garcia, No. 18-CR-20768 (S.D. Fla.), AUSA Tom Watts-FitzGerald

On February 7, 2019, a court sentenced Alfredo Sardinias-Garcia to complete a two-year term of probation, to include six months' home confinement, for illegally harvesting spiny lobster from the waters of Biscayne National Park (16 U.S.C. §§ 3372(a)(1), 3373 (d)(1)(B)). Co-defendant Deep Atlantic, Inc., forfeited the 34-foot commercial fishing vessel "Silvita" after entering into a consent decree.

Sardinias-Garcia worked as the master in charge of the day-to-day operations for the "Silvita," owned and operated by Deep Atlantic.

On August 22, 2018, National Park Service rangers boarded the boat while within the boundaries of Biscayne National Park. The vessel held the correct permits and licenses allowing it to conduct lobstering activities within the Park and to fish commercially.

Rangers observed, however, live spiny lobsters on deck, 28 of which were less than the legally required carapace length of three-inches. Examination of other compartments on the vessel revealed 231 wrung spiny lobster tails (of which 209 were undersized) and two egg-bearing wrung lobster tails. The inspection also revealed 22 Florida stone crab claws on the vessel, that had been taken out of season.

This case was investigated by the National Park Service.



F/V Silvita

Sentencings

United States v. Christopher J. Hietpas, No. 1:18-CR-00200 (E.D. Wisc.), AUSA Daniel R. Humble.

On February 1, 2019, a court sentenced Christopher J. Hietpas to pay a \$5,000 fine for violating the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)). Hietpas also will pay \$5,600 Canadian dollars to the Province of Saskatchewan's "SaskTip" program.

In September of 2015, Hietpas travelled to Saskatchewan, Canada, purportedly to hunt on First Nation Lands located within the province. Hietpas and his hunting party employed Little Pine First Nation guides, which would have allowed them to legally hunt Mule Deer on First Nation Lands. Evidence taken from cell phones, however, showed that Hietpas shot and killed two deer approximately 175 miles from the nearest First Nation boundary, in violation of the Saskatchewan Wildlife Act. Hietpas exported the antlers and capes from the animals from Saskatchewan to his residence in Wisconsin.

As part of sentencing, Hietpas forfeited the mounts to the Saskatchewan Ministry of Environment, along with the rifle and scope.

The case was investigated by the U. S. Fish and Wildlife Service and the Saskatchewan Ministry of Environment.

Correction

CORRECTION:

When we reported the sentencing of James R. Casey in the February issue, we inadvertently neglected to credit NOAA as the primary investigative agency in this case.

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United States v. James R. Casey, No. 4:18-CR-00004 (E.D. Va.), ECS Trial Attorney Gary Donner and AUSA Eric M. Hurt.

On January 9, 2019, a court sentenced James R. Casey to 45 months' incarceration, followed by three years' supervised release, and a \$15,000 fine.

Casey is the owner and president of Casey's Seafood, Inc., located in Newport News, Virginia. From approximately July 2012 through June 2015, Casey conspired to replace Atlantic blue crab with crab meat from Indonesia, China, Thailand, Vietnam, and Central and South America. Casey and his co-conspirators falsely labeled close to 400,000 pounds of crab meat, with a retail value in the millions of dollars, as Atlantic blue crab and "Product of USA."

Casey directed employees to remove foreign crabmeat from the original shipper's packaging containers, blend and combine foreign crab meat from one processor with crab meat from another foreign processor, and place it into different packing containers with a label declaring that the contents were a "Product of USA." Casey also directed employees to place labels with "Product of the USA" on containers that concealed labels marked as "Product of Brazil" or "Product of China." Casey pleaded guilty to conspiring to violate the Lacey Act (18 U.S.C. § 371; 16 U.S.C. §§ 3372 (d), 3373 (d)(3)(A)).

This case was investigated by NOAA's Office of Law Enforcement, with assistance from the FDA Office of Criminal Investigations and ICE Homeland Security Investigations

Announcements

***[The Environmental Crimes Website](#) has been redesigned. Information has been arranged by subject matter, we have added additional images, and generally streamlined the site. The brief bank update is ongoing. For those who have access, we welcome your feedback. ***

When submitting a press release for posting with the Executive Office of U.S. Attorneys <https://www.justice.gov/usao/pressreleases>, please be sure it is tagged for the “Environment/Wildlife” topic. This will help ensure that your case is not overlooked for reporting in the Bulletin.

News from state, local, and Canadian cases is posted on the Regional Environmental Enforcement Associations [website](#) .

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

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

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

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

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

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