



Monthly

Bulletin

Environmental Crimes Section

October 2019

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Firefighters responding to uncontrolled fires set by defendant, Lloyd Robl. Robl paid methamphetamine addicts to illegal remove asbestos-containing materials. At sentencing, Judge Conley noted that Robl “has a lack of any moral compass,” and that while Robl may have been a victim to his own methamphetamine addiction, “the gravity of his ways, and his use of other addicts, shows a depth of conduct not typically seen by other persons acting under the influence of drugs.” Judge Conley added that Robl exposed people to a cancer-causing substance without their knowledge or consent. “His willful conduct caused harm to society and the environment, and countless others who will never be known.” See [inside](#), for more information on *U.S. v. Roble*.

District/Circuit	Case Name	Case Type/Statutes
Eastern District of California	United States v. Cornelio Morales Rodriguez et al.	Marijuana Grow/Drugs, Depredation to Natural Resources, Firearms
Southern District of California	United States v. Luis Alberto Vargas	Pesticide Imports/Smuggling
Northern District of Florida	United States v. Shane Sprague et al.	Dog Fighting/Animal Fighting, Conspiracy
Southern District of Florida	United States v. Tracey J. Sellers	Government Employee Ethics Violation/False Statement
Middle District of Georgia	United States v. Jaron Coleman	Fuel Spill/CWA
Central District of Illinois	United States v. Rick A. Hamm et al.	Wildlife Hunting/Lacey Act
Northern District of Indiana	United States v. Kenneth R. Morrison	Bridge Dismantling/Stolen Property
District of Kansas	United States v. Arthur Wolfe	Drinking Water Sampling/False Statement
Eastern District of Michigan	United States v. Emanuele Palma	Emissions Fraud/CAA, Conspiracy, False Statements, Wire Fraud
District of Montana	United States v. Peter Margiotta et al.	Explosion/CAA
District of Nebraska	United States v. Phong T. Duong et al. United States v. Crete Core Ingredients, LLC	Fish Sales/Conspiracy, Lacey Act Pet Food Manufacturer/CWA
District of Nevada	United States v. Bobby Babak Khallili et al. [REDACTED]	Asbestos Removal/CAA [REDACTED]
District of New Jersey	United States v. d'Amico Shipping Italia S.p.A. et al.	Vessel/APPS, Conspiracy
Eastern District of North Carolina	United States v. Capt. Neill's Seafood, Inc., et al.	Crabmeat Mislabeling/Lacey Act
Northern District of Ohio	United States v. Anthony Gray	Drum Reconditioning/Conspiracy
Southern District of Ohio	United States v. Mark Harris	Building Renovation/CAA
District of South Carolina	United States v. Maurice Avent	Sewage Discharge/CWA
Western District of Wisconsin	United States v. Lloyd Roble	Asbestos Removal/CAA, Wire Fraud

Trials

***United States v. Peter Margiotta et al.*, No. 17-CR-00143 (D. Mont.), AUSA Bryan Dake and SAUSA Eric Nelson.**

On September 27, 2019, after a five-day trial, a jury convicted Canadian citizen Peter Margiotta, the President and Director of Custom Carbon Processing, Inc. (CCP), of conspiracy, violating the Clean Air Act (CAA) General Duty Clause, and CAA knowing endangerment charges (18 U.S.C. §§ 371; 42 U.S.C. §§ 7413(c)(1), 7412(r)(1), and 7413(c)(5)). Sentencing is scheduled for January 30, 2020.

Under Margiotta's direction, CCP 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. Mark 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 December 2012, Hurst once again warned Margiotta of outstanding deficiencies at the facility relating to improper ventilation.

On December 29, 2012, during the offloading of a shipment of drip gas 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 did not 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



Burning truck

(Continued on page 4)

Trials

(Continued from page 3)

Protection Agency, and the Great West Casualty Company (its insurance provider), 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.

The court sentenced Hurst on October 3, 2019, to pay a \$5,000 fine and complete a two-year term of probation. Hurst previously pleaded guilty to a CAA negligent endangerment violation (42 U.S.C. § 7413(c)(4)).

The U.S. Environmental Protection Agency Criminal Investigation Division and the Department of Transportation Office of Inspector General investigated this case, with assistance from the U.S. Occupational Safety and Health Administration.

Indictments/Informations

***United States v. Luis Alberto Vargas*, No. 3:19-mj-03901 (S.D. Calif.), AUSA Melanie Pierson.**

On September 26, 2019, prosecutors filed a complaint charging Luis Alberto Vargas with smuggling pesticides into the United States from Mexico (18 U.S.C. § 545).

On September 19, 2019, Vargas smuggled three containers with 2.25 liters of Mexican pesticides into the United States. The pesticides contained chlorpyrifos and abamectin, chemicals deemed restricted-use pesticides in the United States. Labelled only in Spanish, the containers imported by Vargas also bore no Environmental Protection Agency registration numbers.

The U.S. Environmental Protection Agency Criminal Investigations Division, Homeland Security Investigations, and the California Department of Toxic Substances Control Office of Investigations investigated this case.

***United States v. Shane Sprague et al.* 3:19-CR-00119 (N.D. Fla.), ECS Trial Attorney Ethan Eddy, AUSA Ryan Love, and ECS Law Clerks Fred Ingraham and Amanda Backer.**

On September 25, 2019, prosecutors unsealed a 44-count indictment following the arrests of Shane Sprague, Derek Golson, Haley Murph, David Moser, and James Peek for violating the animal fighting prohibitions of the federal Animal Welfare Act, and conspiring to do the same (18 U.S.C. §§ 371, 49; 7 U.S.C §§ 2156(a)(1),(b),(c)).

Sprague and Golson operated “C Wood Kennels,” a dog fighting operation that arranged dogfights, filmed their dogs attacking and killing “bait” animals, and trafficked in fighting dogs with people outside of Florida, including Moser. Trial is scheduled to begin on November 18, 2019.

Murph acted as the makeshift “veterinarian” for the kennels without any veterinary training or license. This enabled the operation to attempt to salvage injured fighting dogs without the scrutiny of an actual veterinarian. She surgically removed dogs’ ears prior to fights, stitched and stapled the wounds of injured fighting dogs, and provided live “bait” animals for the operation. Two of Sprague’s injured fighting dogs under Murph’s “care” suffered from horrific injuries for days before dying. Peek’s involvement in dog fighting extends back to the 1980s. Peek supplied fighting dogs for the kennels, and is featured in an infamous dogfighting book frequently seized by law enforcement.

The U.S. Department of Agriculture Office of Inspector General investigated this case, rescuing 52 dogs.

Indictments/Informations

***United States v. Emanuele Palma*, No. 2:19-CR-20626 (E.D Mich.), ECS Senior Trial Attorney Todd Gleason, AUSA Timothy Wyse, Criminal Division Fraud Section Prin. Asst. Dep. Chief Henry P. Van Dyck, Crim. Div. Trial Attorneys Kyle W. Maurer and Jason M. Covert, and ECS Law Clerks Maria Wallace and Amanda Backer.**

On September 24, 2019, prosecutors unsealed an indictment charging a Fiat Chrysler Automobiles (FCA) senior manager for his role in a lengthy vehicle emissions software fraud scheme. Emanuele Palma, an Italian citizen, is charged with one count of conspiracy to defraud the United States, to violate the Clean Air Act, and to commit wire fraud. Palma also is charged with violating the Clean Air Act, wire fraud, and making false statements (18 U.S.C. §§ 371, 1001(a), 1343; 42 U.S.C. § 7413(c)(2)(A)).

Between December 2001 and April 2017, Palma and his co-conspirators calibrated the emissions control functions (ECF) to produce lower NOx emissions under conditions when the subject vehicles would be undergoing testing on the federal test procedures or driving “cycles,” and higher NOx emissions under actual driving conditions. They used this software in approximately 100,000 FCA diesel vehicles.

Palma and his co-conspirators referred to the manner in which they manipulated one method of emissions control as “cycle detection.” By calibrating the ECF on the subject vehicles to produce lower NOx emissions while the vehicles were on the driving “cycle,” (and higher NOx emissions when the vehicles were off the driving “cycle” or “off cycle”) Palma and his co-conspirators intentionally misled FCA’s regulators by making it appear that the subject vehicles were producing less NOx emissions than during actual driving. Palma and his co-conspirators calibrated the subject vehicles’ emission control systems to make them more attractive to FCA’s potential customers, *i.e.*, by increasing fuel economy and reducing the frequency of a required emissions control system service interval, rather than to maximize the reduction of NOx emissions.

Palma and his co-conspirators made and caused others to make false and misleading representations to FCA’s regulators about the vehicles’ ECF to ensure that FCA obtained regulatory approval to sell their vehicles in the United States.

The Federal Bureau of Investigation and the U.S. Environmental Protection Agency Criminal Investigation Division investigated this case.

***United States v. Bobby Babak Khalili et al.*, No. 2:19-CR-00242 (D. Nev.), ECS Trial Attorney Cassie Barnum and AUSA Nadia Janjua Ahmed.**

Bobby Babak Khalili operated in whole or in part Las Vegas Apartments, LLC; West Coast Real Estate, LLC; and 601 S 11th 2 St., LLC. The companies owned and operated a 16-unit apartment building in downtown Las Vegas. Khalili hired contractor Gonzalo Aguilar Doblado to assist with the building renovations.

The U.S. Environmental Protection Agency Criminal Investigation Division investigated this case.

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[REDACTED]

Indictments/Informations

United States v. Anthony Gray, No. 1:19-CR-00556 (N.D. Ohio), AUSA Brad Beeson.

On September 18, 2019, prosecutors charged Anthony Gray with conspiracy related to the improper operation of an incinerator (18 U.S.C. § 371). Trial is scheduled to begin on November 18, 2019.

Gray co-owned Lomack Drum Company (LDC), also known as L. Gray Barrel & Drum Company, and Gray Container LLC. This Cleveland-based company reconditioned metal drums. Gray worked as the operations manager and sales manager, while another person, (referred to as Owner 2) was the environmental manager and maintenance manager.

As part of the reconditioning process, some drums passed through an incinerator to burn away the contents. To reduce the level of pollutants, the incinerator must operate at no less than 1,400 degrees. In July 2009, officials issued a temporary restraining order for LDC to cease operating the incinerator, for violating a number of its permit requirements, including visible emissions.

As a result, Gray and Owner 2 agreed to comply with a number of new permit conditions, including testing the incinerator in the presence of an inspector demonstrating it could maintain and operate above 1,600 degrees Fahrenheit. The incinerator, however, failed to maintain this operating temperature. To date, LDC has failed to demonstrate that the incinerator works according to its permit. In 2013 and 2014, the defendants operated the incinerator at night, and lied to authorities upon questioning.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Ohio Bureau of Criminal Investigation, and the Ohio Environmental Protection Agency, investigated this case, with assistance from the Cleveland Division of Police, Cleveland Fire Department, and Cleveland Division of Air Pollution Control.

United States v. Cornelio Morales Rodriguez et al., Nos. 2:19-CR-00158, 00159 (E.D. Calif.), AUSA Adrian T. Kinsella.

On September 12, 2019, a grand jury returned two indictments charging seven defendants with conspiracy to cultivate marijuana, marijuana cultivation, and depredation of federal lands (21 U.S.C. § 846, 841(a)(1); 18 U.S.C. § 1361).

In the first case, between July 19 and August 17, 2019, Cornelio Morales Rodriguez, Kevin Humberto Quijada Colocho, and Damian Isaac Rios grew approximately 1,800 marijuana plants in Six Rivers National Forest. Law enforcement seized about 100 pounds of processed marijuana. The defendants are also charged with depredation of federal lands and resources.

The Trinity County Sheriff's Department, the U.S. Forest Service, the California Department of Fish and Wildlife, and the California Highway Patrol Northern Division Air Operations investigated this case.

Between May 23 and August 28, 2019, Timothy Charles Wilson, Filemon Padilla Martinez, Oscar Francisco-Diego, and Francisco Gomez Sanchez illegally cultivated more than 1,000 marijuana plants in the Shasta-Trinity National Forest.

The U.S. Forest Service, the Tehama County Sheriff's Department, and the California Department of Fish and Wildlife with assistance from the Amador County Sheriff's Office, investigated this case.

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Guilty Pleas

[REDACTED]

[REDACTED]

[REDACTED]

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Guilty Pleas

***United States v. Arthur Wolfe*, No. 6:18-CR-10136 (D. Kansas), AUSA Alan Metzger.**

On September 16, 2019, Arthur Wolfe pleaded guilty to falsifying drinking water quality reports (18 U.S.C. § 1001). Sentencing is scheduled for December 2, 2019.

The city of Garden Plain, Kansas, operates a “community water system” that provides drinking water for close to 1,000 residents. As the Water System Agent for the City, Wolfe falsified bacteriological summary reports for a number of months in 2017. Specifically, Wolfe certified that he took samples from the required sampling areas, when in fact he took them from the water treatment plant.

The U.S. Environmental Protection Agency Criminal Investigation Division investigated this case.

***United States v. Maurice Avent*, No. 2:19-CR-00337 (D.S.C.), AUSAs Winston Holliday and Emily E. Limehouse.**

On September 13, 2019, Maurice Avent pleaded guilty to violating the Clean Water Act for negligently discharging raw sewage (33 U.S.C. § 1319(c)(1)(A)).

Avent worked as the maintenance man for the Rodeway Inn in Georgetown, South Carolina. Raw sewage accumulated in a wet well on the property, which was discharged into the City of Georgetown’s sewer system.

In August 2018, the well’s pumps stopped working, causing the well to overflow with raw sewage. Avent installed a sump pump and a hose that allowed him to drain the overflowing well into a marsh behind the building, which he did over a week’s time. After being approached by state officials, Avent redirected the hose from the sump pump into the city’s sewer system.

The U.S. Environmental Protection Agency Criminal Investigation Division, the South Carolina Department of Health and Environmental Control, and the City of Georgetown investigated this case.

Guilty Pleas

United States v. Jaron Coleman, No. 7:19-CR-00043 (M.D. Georgia), AUSA Robert McCullers.

On September 10, 2019, Jaron Coleman pleaded guilty to violating the Oil Pollution Act and the Clean Water Act for dumping thousands of gallons of diesel fuel and causing a nearby school to shutdown (33 U.S.C. §§ 1319(c)(2) (A), 1321(b)(3)).

On April 19, 2018, Coleman, working for Eco Energy, dumped approximately 3,000 gallons of fuel on the ground near a gas station in Thomasville, Georgia, after he realized he had loaded the wrong product for a delivery. The fuel migrated to an adjacent storm water drainage system that flows directly into a creek. The unnamed creek is



Diesel fuel spill

that flows into Oquina Creek and then into the Ochlockonee River, a traditionally navigable water of the United States. The U.S. Environmental Protection Agency initiated a cleanup. Officials evacuated the Garrison Pilcher Elementary School after discovering large amounts of diesel fuel nearby.

The U.S. Environmental Protection Agency Criminal Investigation Division investigated this case.

Guilty Pleas

United States v. Capt. Neill's Seafood, Inc., et al., No. 2:19-CR-00112 (E.D.N.C), ECS Trial Attorney Gary Donner and AUSA Banu Rangarajan.

On September 11, 2019, Capt. Neill's Seafood, Inc., (Capt. Neill's) pleaded guilty to violating the Lacey Act (16 U.S.C. §§ 3372(d), 3373(d)(3)(A)). Company president, owner, and CEO, Phillip R. Carawan entered a similar plea for falsely labelling millions of dollars' worth of foreign crabmeat as "Product of USA." Both are scheduled for sentencing on January 8, 2020.

Capt. Neill's is a North Carolina company engaged in the business of purchasing, processing, packaging, transporting, and selling seafood and seafood products, including crabmeat from domestically harvested blue crab. Between January 2012 and June 2015, Carawan directed employees of Capt. Neill's to substitute foreign crabmeat for domestic blue crab, which was repacked into containers labeled "Product of USA," and sold to customers as jumbo domestically harvested blue crab. Employees mislabeled close to 180,000 pounds of crabmeat with a retail market value of \$4,082,841. They primarily sold the falsely labeled crabmeat to wholesale membership clubs, but also to other retailers.

Carawan admitted that he and his company could not process sufficient quantities of domestic blue crab to meet customer demands. To make up the shortfall, they used foreign crabmeat to fulfill customer orders. During the periods when the company did not have a sufficient supply of domestic crab, Carawan and Capt. Neill's purchased crabmeat (not live crabs) from South America and Asia.

This case is part of an ongoing effort by NOAA's Office of Law Enforcement, in coordination with the Food and Drug Administration and the Department of Justice to detect, deter, and prosecute those engaged in the false labeling of crabmeat.

United States v. Rick A. Hamm et al., No. 1:18-CR-10023 (C.D. Ill.), AUSA Katherine Legge.

On September 5, 2019, Outfitter Rick A. Hamm pleaded guilty to violating the Lacey Act and is scheduled to be sentenced on January 9, 2020 (16 U.S.C. §§ 3372(a)(2)(A), 3373 (d)(1)(A)).

Hamm owned the "Show Me Your Snows," waterfowl outfitting service. In December 2015, he and his assistant guides used electronic callers to lure and kill geese while guiding two hunter clients, knowing it was unlawful under the Migratory Bird Treaty Act and Illinois conservation regulations. U.S. Fish and Wildlife Service agents working undercover posed as the clients.

This is the second time Hamm has been federally prosecuted for wildlife crimes. In 2000, he pleaded guilty to violating the Migratory Bird Treaty Act for shooting waterfowl over the bag limit, transporting untagged waterfowl, and hunting with lead shot. In that case, Hamm paid a \$5,000 fine.

Assistant Guides Trent Gustafson, Zachary Entwistle, James Schupp, and J. Weston Schupp, previously pleaded guilty and are scheduled to be sentenced on January 16, 2020.

The U.S. Fish and Wildlife Service, with assistance from the Illinois Department of Natural Resources investigated this case.

Sentencings

United States v. Phong T. Duong et al., No. 8:17-CR-00312 (D. Neb.), AUSA Donald Kleine.

On September 27, 2019, a court sentenced Phong T. Duong and Oanh T. Pham for illegally selling fish. Duong pleaded guilty to conspiracy and Pham pleaded guilty to violating the Lacey Act (16 U.S.C. §§ 3372(a)(2)(a); 3373(d)(2); 18 U.S.C. § 371). Both will complete two-year terms of probation and pay \$16,000 in restitution (jointly and severally) to be divided between the Kansas Department of Wildlife, Parks, and Tourism and the National Fish and Wildlife Foundation.



Illegal fish processing activity at Duong and Pham's residence

Between May 2013 and July 2016, Duong and Pham obtained fish, including crappie, white bass, and wiper, from the Kirwin National Wildlife Refuge, and other reservoirs within the State of Kansas. To evade law enforcement, they routinely changed fishing locations, stashed fish at off-site locations, and utilized "straw fishermen" including minor children and others to conceal fish taken in excess of the regulatory limits. Duong and Pham regularly transported the illegally taken fish from Kansas to Nebraska where they would clean, bag, and sell the fish from their home.

The U.S. Fish and Wildlife Service; the Nebraska Game and Parks Commission; and the Kansas Department of Wildlife, Parks, and Tourism investigated this case.

United States v. Crete Core Ingredients, LLC, No. 8:19-CR-00106 (D. Neb.), AUSA Donald Kleine.

On September 26, 2019, a court sentenced Crete Core Ingredients, LLC, (CCI) to pay a \$100,000 fine for violating the Clean Water Act (33 U.S.C. § 1319(c)(1)(a)).

CCI specializes in processing animal materials and byproducts for the pet food industry. On August 5, 2014, flow data from CCI to the City of Crete Publically Owned Treatment Works showed that the company negligently exceeded its wastewater discharge permit levels for a number of parameters, including biochemical oxygen demand and total suspended solids.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Nebraska Department of Environmental Quality investigated this case.

Sentencings

***United States v. Tracey J. Sellers*, No. 1:19-CR-20327 (S.D. Fla.), AUSA Jaime Raich.**

On September 19, 2019, a court sentenced biologist Tracey J. Sellers to time-served, followed by two years' supervised release, with a special condition of six month's home detention. Sellers, a former Army Corps of Engineers (ACOE) employee, pleaded guilty to making false statements to law enforcement agents (18 U.S.C. § 1001(a)(2)).

Sellers worked as a civilian employee for the ACOE's Jacksonville District. Part of Seller's responsibilities included planning and coordinating environmental requirements related to Corps projects and reviewing projects from environmental consulting companies.

Federal regulations prohibit federal employees from engaging in outside employment that conflicts with employees' official duties. Between 2014 and February 2019, while employed with the Corps, Sellers worked with a consulting company despite being part of a team that oversaw that company's work for the Corps in relation to large dredging projects in South Florida.

Unbeknownst to her colleagues and Corps management, Sellers accepted offers of part-time employment from the consulting company. In November 2014, October 2018, and January 2019, the consulting company offered Sellers part-time work on three different projects. She accepted the offers, and worked on their projects. In a February 2019 interview, Sellers misled federal agents about her outside involvement with the consulting company.

The Defense Criminal Investigative Service, the National Oceanic and Atmospheric Administration, the U.S. Environmental Protection Agency Criminal Investigation Division, and the U.S. Army Criminal Investigation Division, investigated this case, with assistance from the Army Corps of Engineers.

Sentencings

***United States v. Lloyd Robl*, No. 3:18-CR-00136 (W.D. Wisc.), AUSA Daniel Graber.**

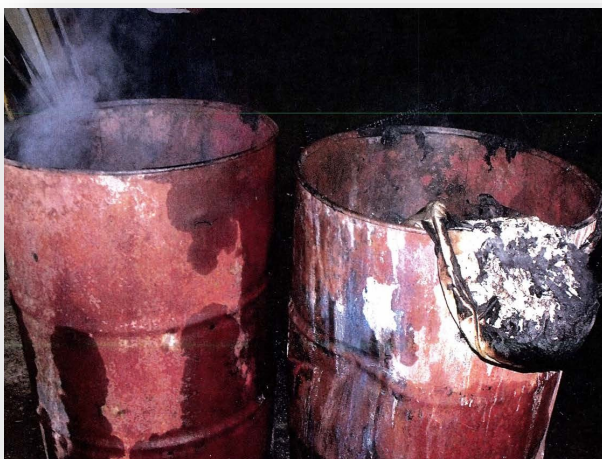
On September 12, 2019, a court sentenced Lloyd Robl to 72 months' incarceration, to run consecutively for each count of wire fraud and violating the Clean Air Act (18 U.S.C. § 1343; 42 U.S.C. § 7413 (c)(5)).

At sentencing the court made the following statement: "The defendant is in primary state custody serving [30 months' incarceration on two cases involving felony possession of methamphetamines]. The sentences the defendant is currently serving did not consider the long-running criminal conduct embodied in those offenses of conviction. Accordingly,...the federal sentence...will run consecutively to the remainder of the sentences in those state cases..."

Robl operated an asbestos abatement business under the name AAS Incorporated. Between 2011 and 2016, Robl falsely advertised that he was licensed to perform asbestos abatement in Minnesota and Wisconsin. He provided falsified documents to AAS clients, including insurance policies, asbestos abatement licenses, air sampling results, and asbestos waste manifests. Robl removed insulation containing asbestos from a building in St. Paul, Minnesota, and burned it in barrels and pits at his home. Robl spread the ashes along the tree line and in the field behind his home.

At sentencing, a number of victims testified against Robl, including four methamphetamine addicts hired by Robl to do asbestos removal jobs. They described how Robl paid them with drugs, and failed to properly train them or equip them with respirators, suits, or cleaning materials. Two fire fighters testified about fires they put out at Robl's home involving out-of-control fires in burn pits and in 55-gallon drums. The fire fighters were never told there was asbestos waste in these fires.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Wisconsin Department of Natural Resources, the St. Croix County Sheriff's Office, and the New Richmond Police Department investigated this case.



Asbestos material burning in drums

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Sentencings

***United States v. d'Amico Shipping Italia S.p.A. et al.*, No. 19-CR-00284 (D.N.J.), former ECS Trial Attorney John Cashman and AUSA Kathleen O' Leary.**

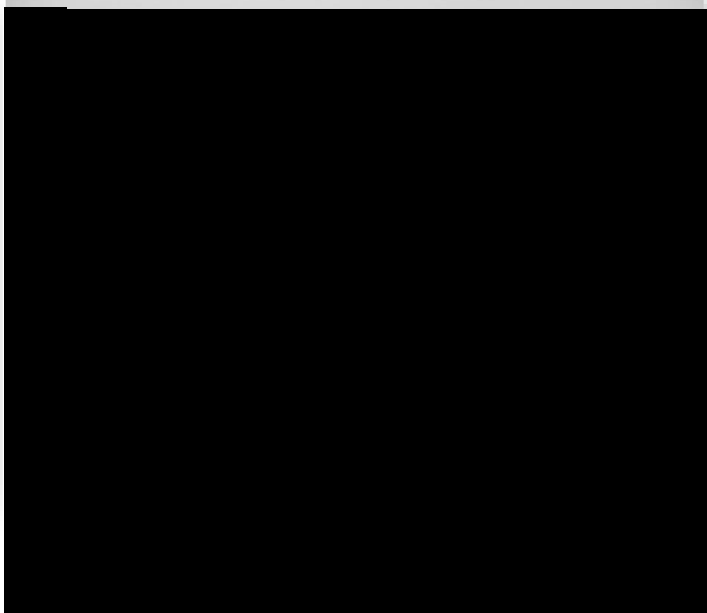
On September 5, 2019, a court sentenced ship owner d'Amico Shipping Italia S.p.A. (DSI) to pay a \$3 million fine, make a \$1 million community service payment to the National Fish and Wildlife Fund, and complete a four-year term of probation, to include implementation of an environmental compliance plan.

The company previously pleaded guilty to violating the Act to Prevent Pollution from Ship (APPS) for the illegal dumping of oily bilge wastes from the *M/T Cielo di Milano* (33 U.S.C. § 1908(a)).

Between August 2014 and January 2015, DSI, through engine room crewmembers, failed to maintain an accurate oil record book (ORB) regarding oily waste discharges from the vessel. The crew presented this falsified ORB to Coast Guard inspectors during a port call in New Jersey in January 2015. They discharged oily wastes overboard without the use of a properly functioning oil water separator or oil monitoring equipment.

A court previously sentenced chief engineer Girolamo Curatolo to eight months' incarceration, and ordered him to pay a \$5,000 fine, after pleading guilty to conspiracy and violating APPS (18 U.S.C. § 371; 33 U.S.C. § 1908(a)). Curatolo admitted that the crew intentionally bypassed pollution prevention equipment by discharging oily waste from the engine room through its sewage system into the sea, and that he falsified the ORB. Curatolo also made false statements to the Coast Guard during the ship's inspection in January 2015, instructing lower-level crewmembers to make false statements. First assistant engineer Danilo Maimone admitted to concealing the discharge of oily waste, as well as causing a false ORB to be presented to the Coast Guard during the inspection. He admitted to making false statements and instructing lower-level crewmembers to do the same during the January 2015 inspection. Maimone previously pleaded guilty to conspiring to obstruct justice and is scheduled to be sentenced on November 5, 2019.

The U.S. Coast Guard investigated this case.



Sentencings

United States v. Kenneth R. Morrison, No. 2:17-CR-00130 (N.D. Ind.), ECS Trial Attorney Richard Powers and AUSA Toi Houston.

On September 5, 2019, a court sentenced Kenneth Morrison to 24 months' imprisonment, followed by two years' supervised release, and ordered him to pay more than \$54,000 in restitution to the City of Hammond, Indiana.

A jury convicted Morrison in December 2018 of interstate transportation of stolen property after he stole a railroad bridge that spanned the Grand Calumet River for more than 105 years (18 U.S.C. § 2314).

Morrison approached the City of Hammond in November 1991 and asked to purchase the bridge, dismantle it, and scrap the metal, but Hammond denied the request. In September 2014, Morrison again asked the city if he could buy the bridge, but he told the city the bridge was on railroad company land and he was negotiating with that company to purchase and remove the bridge.

Between December 2014 and January 2015, Morrison hired laborers to dismantle the bridge and then transported and sold the cut plate and structural metal to a scrap yard across the state line in Burnham, Illinois.

A number of entities cited Morrison for not possessing the proper permits and leaving potentially contaminated material in the river.

The U.S. Environmental Protection Agency Criminal Investigation Division and Office of Inspector General, together with the U.S. Coast Guard Investigative Services, investigated this case, with assistance from the Indiana Department of Natural Resources, the Indiana Department of Environmental Management, and other members of the Indiana Environmental Crimes Task Force.



Dismantled railroad bridge

Sentencings

United States v. Mark Harris, No. 1:19-CR-00001 (S.D. Ohio), AUSA Kyle J. Healey.

On September 3, 2019, a court sentenced Mark Harris to two days time- served, followed by two years' supervised release, with the first two months in home detention. Harris also will perform 200 hours of community service. Harris previously pleaded guilty to violating the Clean Air Act for failing to properly remove asbestos during the renovation of a power plant (42 U.S.C. § 7413 (c)(1)).

Harris owned and operated South Point Biomass Generation LLC. He acquired the coal burning electric power plant to convert it to a power generating plant that would use renewable energy. The plant

contained seven dormant coal-burning boilers along with their associated piping. Harris commissioned an asbestos survey on the boiler room in 2008, which revealed nearly 224,000 square feet of materials containing asbestos.

Beginning in 2011 through October 2013, Harris and others removed approximately two and a half million pounds of metal from the facility and sold it as scrap. Harris knew asbestos covered significant portions of the metal removed. He directed others to help him cut through the asbestos labeling on several pipes in order to obtain the scrap metal underneath. Workers stripped dry asbestos from the metal, which was strewn throughout the six-floor facility.

The U.S. Environmental Protection Act Criminal Investigation Division, the Ohio Environmental Protection Act, and the Ohio Bureau of Criminal Investigation, investigated this case.



Asbestos-wrapped pipe

Announcements

We redesigned [The Environmental Crimes Website](#). We arranged information by subject matter, 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](#).

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.

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	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	██████