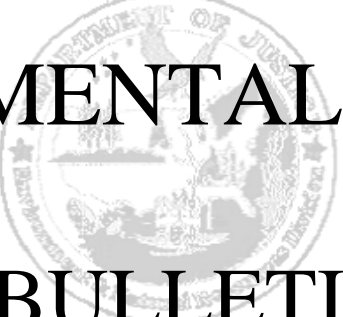


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# ENVIRONMENTAL CRIMES

## MONTHLY BULLETIN

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*March 2008*

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*EDITOR'S NOTE:*

Please continue to submit information on relevant case developments in federal prosecutions for inclusion in the Bulletin. If you have any significant and or interesting photographs from the case, you may email these, along with your submission, to Elizabeth Janes: (██████████). Material also may be faxed to Elizabeth at (202) 305-0396. If you have information to submit on state-level cases, please send this to the Regional Environmental Enforcement Associations' website: <http://www.regionalassociations.org>.

You may navigate quickly through this document using electronic links for *Active Cases*, *Additional Quick Links* and *Back to Top*. Just hold down the ctrl key while clicking on the link.

## AT A GLANCE

☞ [United States v. Robert Lucas et al., \\_\\_\\_ F.3d \\_\\_\\_, 2008 WL 274401 \(5<sup>th</sup> Cir. Feb. 1, 2008\).](#)

Districts	Active Cases	Case Type / Statutes
S. D. Calif.	<a href="#"><u>United States v. Damon Silva</u></a>	<i>Discharges from Docked Vessel/ CWA</i>
D. Colo.	<a href="#"><u>United States v. Esteban Lopez Estrada</u></a> <a href="#"><u>United States v. Jorge Caraveo et al.</u></a> <a href="#"><u>United States v. Wang Hong</u></a> <a href="#"><u>United States v. Leon Butt Jr. d/b/a Outdoor Adventures et al.</u></a>	<i>Int'l Trade of Exotic Skin Products/ Conspiracy, Smuggling, Money Laundering</i>  <i>Deer, Elk and Black Bear Hunts/ Lacey Act</i>
S.D. Fla.	<div></div> <a href="#"><u>United States v. Stanley Saffan et al.</u></a>	<div></div> <i>Undersized Sailfish Harvest/ Lacey Act, Forfeiture</i>
N. D. Ga.	<a href="#"><u>United States v. Deryl Parker</u></a>	<i>Paint Waste Transported/ RCRA, Prior RCRA Conviction</i>
E. D. Ky.	<a href="#"><u>United States v. David Bowling, Jr., et al.</u></a>	<i>Septic Waste Discharged/ CWA</i>
D. Md.	<a href="#"><u>United States v. Patrick Brown</u></a> <a href="#"><u>United States v. Stephen Karas</u></a>	<i>Vessel/ Conspiracy, False Statement</i>
S. D. Miss.	<a href="#"><u>United States v. Dennie Pridemore</u></a>	<i>Sham Recycling Facility/ RCRA, False Statement</i>
D. Nev.	<a href="#"><u>United States v. Cody Bartolini</u></a>	<i>Interstate Sale of Reptiles/ Lacey Act</i>

Districts	Active Cases	Case Type / Statutes
S. D. N.Y.	<a href="#">United States v. Miritello</a>	DEP Employee/ False Statement
S.D. Ohio	<a href="#">United States v. James Schaffer</a>	Deer Hunting Business/ Conspiracy, Lacey Act
W.D. Okla.	<a href="#">United States v. Guy Hylton et al.</a>	Railroad Depot Renovation/ CAA Negligent Endangerment, False Statement
E. D. Pa.	<a href="#">United States v. George Chittenden</a> <a href="#">United States v. Moshe Rubashkin et al.</a>	Paint Waste/ RCRA Storage Textile Waste/ RCRA Storage, False Statement
D. P. R.	<a href="#">United States v. Ramallo Bros. et al.</a>	Waste Ink Discharges/ Misdemeanor CWA, False Statement
E.D. Tex.	<a href="#">United States v. William Stoner</a> <a href="#">United States v. Site Concrete, Inc.</a>	Importation of Harmful Fish/ Lacey Act Drinking Water Contamination/ False Statements
N.D. Tex.	<a href="#">United States v. Robert Potts et al.</a>	Paint Waste/ CWA misdemeanor
S. D. Tex.	<a href="#">United States v. B. Navi Ship Management Services et al.</a>	Vessel/ APPS, False Statement
D. V. I.	<a href="#">United States v. Cleve-Allan George</a>	Demolition Project/ CAA, False Statement

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## Significant Opinions

### Fifth Circuit

**United States v. Robert Lucas et al., \_\_\_ F.3d \_\_\_, 2008 WL 274401 (5<sup>th</sup> Cir. Feb. 1, 2008).**

On February 1, 2008, the Fifth Circuit affirmed the criminal convictions of three individuals and two corporations for conspiracy, mail fraud, and Clean Water Act (“CWA”) violations under CWA sections 402 and 404, 33 USC §§ 1342 and 1344. The defendants sold house lots and installed septic systems in wetlands, while representing that the properties were dry. The septic systems failed, rendering the properties uninhabitable and causing sewage discharges into the wetlands and adjacent waters. In this post-*Rapanos* appeal, the court of appeals: (1) rejected the defendants’ challenges to CWA jurisdiction, noting that they did not challenge the instruction as inconsistent with *Rapanos*; (2) found the evidence was sufficient to satisfy the CWA jurisdictional standards set forth in the plurality, concurring, and dissenting opinions in *Rapanos*; and (3) rejected an unconstitutional vagueness challenge based on abundant evidence that the defendants should have known the wetlands might be regulated. Regarding the section 402 violations, the court held that the septic systems were subject to NPDES permit requirements and the defendants were liable pursuant to 18 U.S.C. § 2 (aiding and abetting) for pollutant discharges from the septic systems even though the systems were operated by the homeowners and not the defendants. The court rejected numerous criminal-law based challenges, including: (1) a claim that the defendants were subjected to double jeopardy by the district court’s handling of their motion for acquittal; (2) challenges to the jury instruction and sufficiency of the indictment and evidence on the mail fraud counts, the sufficiency of the indictment and evidence on the conspiracy count for one defendant, and several evidentiary rulings including refusal to allow telephonic deposition of a witness and denial of a motion for severance of the defendants; and (3) various challenges to the sentencing decisions.

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## **Trials**

[REDACTED]

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## Indictments

### **United States v. William Stoner, No. 5:08-CR-00024 (E.D. Tex.), AUSA Jim Noble**

On February 5, 2008, William Stoner was charged with one felony and two misdemeanor Lacey Act violations of 16 U.S.C. § 3372(a)(2)(A), the importation of harmful fish without a permit across state lines. The indictment alleges that, on three separate occasions in 2006 and 2007, Stoner transported unsterilized Asian Grass Carp from Arkansas to Texas without securing the required permits in violation of Texas state law. The carp were to be delivered to the Quail Creek Country Club golf course and placed in the ponds to keep down the weeds. Stoner would scuba dive in the depths of the six ponds at the club, raking through weeds and algae to find as many as 3,000 balls each time for which he was paid ten cents a ball. He bought the carp so that he could more easily locate the golf balls.

Acting on a tip from an Arkansas fish farmer, federal agents stopped Stoner in Texarkana and arrested him with what they said was a load of 50 unsterilized Asian grass carp, which devour marine vegetation and other fish so aggressively that they can alter an entire ecosystem. Fish and Wildlife agents ultimately were forced to recover and destroy the carp from five different water hazards at the country club, due to the risk that a flood event on the San Marcos River would allow the fish to escape the golf course and threaten native vegetation, including endangered Texas wild rice.

This case was investigated by Arkansas Game and Fish Commission, Texas Parks and Wildlife, and the United States Fish and Wildlife Service.

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### **United States v. George Chittenden, No. 2:08-CR-00063 (E.D. Pa.), AUSA Cathy Votaw**

On February 1, 2008, an information was filed against George Chittenden, the owner of Spra-Fin, Inc., a powder-coating and painting facility, charging him with a RCRA violation for storage of hazardous waste in 2004 and 2005.

After closing Spra-Fin in mid-2004, Chittenden left behind a variety of wastes at the facility, including hazardous solvents, paints and finishes. The wastes were stored in places such as unlocked trailers, a fenced area, and outdoors on a concrete pad for more than a year until they were discovered by EPA investigators in April 2005. In the summer of 2005, Chittenden attempted to complete an EPA-supervised clean up, but EPA had to finish the job in the fall of 2005.

The case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the National Enforcement Investigations Center.

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## Pleas

**United States v. Patrick Brown**, No. 1:07-CR-00339-WMN (D. Md.), ECS Trial Attorney David Joyce [REDACTED], ECS Senior Trial Attorney Richard Udell [REDACTED] and AUSA Tanya Kowitz [REDACTED]



### **M/V Fidelio**

employees under his supervision to repeatedly discharge this unprocessed waste. He further was aware that the entries made in the oil recordbook under his supervision were falsified in order to conceal the illegal bypasses.

Brown is the fifth chief engineer to be prosecuted in this investigation. PGM previously was sentenced to pay \$1.5 million after pleading guilty to circumventing the oily water separator on four giant "car carrier" ships it operated.

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

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**United States v. Damon Silva**, No. 3:08-CR-00491(S.D. Calif.), AUSA Melanie Pierson [REDACTED]

On February 21, 2008, Damon Silva pleaded guilty to three misdemeanor CWA violations in connection with three oil-pollution incidents involving a vessel docked in San Diego Harbor.

Silva admitted that, between September 14, 2006 and December 2, 2006, he lived aboard the *FV Kathryn Ann*, which was docked at the G Street pier in San Diego Harbor. On September 18, 2006, Silva spilled diesel fuel from the vessel onto the pier and used a hose to rinse the fuel into the harbor. The second incident occurred on November 14, 2006, when Silva used a hose to pump oily bilge water from the *Kathryn Ann*, allowing the oily bilge water to be discharged from the hose into the water. The third incident transpired on December 2, 2006, when the defendant transferred diesel fuel aboard the boat and allowed the fuel to overflow from the deck into the water.

As part of the plea agreement, Silva has agreed to reimburse the United States Coast Guard \$12,203.64 and the California Department of Fish and Game Oil Spill Response Trust Fund \$2,404.20

for the costs incurred in responding to these three incidents. Silva is scheduled to be sentenced on May 20, 2008.

This case was investigated by the United States Coast Guard, the United States Environmental Protection Agency Criminal Investigation Division, the California Department of Fish and Game, and the San Diego Harbor Police.

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**United States v. Stanley Saffan et al., No. 1:07-CR-20553 (S.D. Fla.), AUSA Tom Watts FitzGerald**

On February 20, 2008, Stanley Saffan, Adam Augusto, Therapy Charter Fishing Yacht, Inc., (“Therapy Charter”) and Duchess Charter Fishing Yacht, Inc., (“Duchess Charter”) pleaded guilty to charges stemming from the illegal harvest of sailfish. The defendants, along with Sean Lang, Brian Schick and Ralph Pegram were initially charged in July of last year with conspiracy, wire fraud, obstruction of justice, and fisheries offenses.

Between October 2003 and May 2005, the defendants operated two charter fishing vessels, both named THERAPY-IV, from Haulover Inlet in North Miami Beach. Lang, Schick, and Saffan (who owned both



**Undersized Sailfish**

corporations) were licensed by the U.S. Coast Guard to carry passengers for hire on charter trips. The indictment charges that undersized billfish were caught and landed, and that the landings were not reported to federal authorities. The indictment further charged that an undisclosed deal existed between the charter operation and a local taxidermy company to pay the crew and boat owners for inducing anglers to sign contracts for mounting the sailfish that were caught.

Saffan pleaded guilty to two Lacey Act violations and Augusto and both corporations pleaded guilty to one Lacey Act violation. As part of the corporate plea agreement with Duchess Charter, the company has agreed to recommend that the vessel be forfeited to the United States at sentencing. Therapy Charter has agreed to forfeit 125 per cent of the appraised value of the boat to the United States at sentencing.

On February 29<sup>th</sup>, co-defendants Schick and Pegram were sentenced after previously pleading guilty to a Lacey Act violation. Pegram was sentenced to serve one year and a day of incarceration and Schick will complete a three-year term of probation. Saffan, Augusto, and the companies are scheduled for sentencing on May 21, 2008, and Lang is scheduled for May 23<sup>rd</sup>.

This case was investigated by the NOAA Office of Enforcement, the Florida Fish and Wildlife Conservation Commission, and the United States Fish and Wildlife Service.

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**United States v. Eric Leon Butt, Jr., d/b/a Outdoor Adventures et al., No. 1:07-CR-00331 (D. Colo.), No. 1:07-CR-000331, ECS Senior Trial Attorney Bob Anderson ( ), Trial Attorney Jim Nelson ( ) and AUSA Linda McMahan ( )**

On February 15, 2008, Eric Leon Butt, Jr., d/b/a *Outdoor Adventures*, pleaded guilty to conspiracy to violate the Lacey Act stemming from the interstate sale and transport of deer, elk and black bear killed unlawfully in Colorado between 2002 and 2005. Butt and co-defendant Paul Ray Weyand, d/b/a *Memories on the Wall Taxidermy*, were charged in August 2007 with conspiracy and seven Lacey Act violations.

Butt was a registered outfitter who provided guided hunts for big game animals in Colorado, and Weyand was a taxidermist who received business from Butt's clients. Butt encouraged hunters who did not possess the appropriate big-game license to kill animals that Butt later falsely tagged using his license or another hunter's. Butt referred clients to Weyand who was aware that the carcasses he received for mounting had been illegally killed.

Weyand remains scheduled for trial to begin on April 14, 2008, and Butt is scheduled to be sentenced on May 27<sup>th</sup>.

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**United States v. Robert Potts et al., No. 3:07-CR-00112 (N.D. Tex.), AUSA Marcus Busch ( )**

On February 12, 2008, guilty pleas were taken from all defendants in this case stemming from the illegal storage, transportation and disposal of hazardous paint waste at an unpermitted facility.

The Store Decor Company, Inc.-Retailgraphics Inc. ("Store Decor") company president Robert Potts, plant manager Willie Thames, and store employee James Epting were variously charged in June of last year with conspiracy to violate RCRA, plus three substantive RCRA violations.

The Store Decor is a retail graphics business that used paint, solvents and inks and did not have a permit to store the resultant hazardous waste. The indictment states that, from January 2002 until early May 2004, the defendants allegedly conspired to illegally store, transport, and dispose of paint waste. In May 2004, Store Decor, Potts and Thames are further charged with transporting seven 55-gallon drums of hazardous waste paint without a manifest and then disposing of these drums at an unpermitted facility. The company pleaded guilty to a RCRA violation and the three individuals each pleaded guilty to one CWA misdemeanor violation.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division with assistance from the Kaufman County Sheriff's Office.

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**United States v. Esteban Lopez Estrada, No. 07-CR-00358 (D. Colo.), ECS Senior Trial Attorney Robert Anderson ( ), ECS Trial Attorney Colin Black ( ) and AUSA Linda McMahan ( )**

On February 8, 2008, Esteban Lopez Estrada, a Mexican national, pleaded guilty to one felony count of smuggling and one felony count of money laundering in connection with the smuggling of sea turtle and other exotic skins and skin products into the United States from Mexico. Six of the seven defendants detained in the case have now pleaded guilty: Chinese nationals Fu Yiner and Wang Hong; Mexican national Carlos Leal Barragan; Oscar Cueva of McAllen, Texas; and Jorge Caraveo of El Paso, Texas [SEE below for additional information on Barragan, Caraveo and Hong.]

Lopez Estrada and 10 others were indicted in Denver in August 2007, following a multi-year U.S. Fish and Wildlife undercover investigation named "Operation Central." Lopez Estrada was charged in two separate indictments for his role in the smuggling. He operated a business in Leon, Mexico, named *Botas Exoticas Canada Grande*, through which he bought and sold exotic leathers, including sea turtle, caiman, ostrich and lizard skins; manufactured boots and belts from the skins; and sold the skins, boots, and belts to customers in the United States. After arranging sales to customers in the U.S., Lopez Estrada sent the exotic leathers and leather products to co-defendants Caraveo and Cueva in Mexico for illegal importation into the United States. As payment for the skins, boots, and belts, he received international wire transfers from Colorado to his Mexican bank account.

Lopez Estrada is scheduled to be sentenced on April 30, 2008. This case was investigated by the United States Fish and Wildlife Service.

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**United States v. James Schaffer, No. 2:08-CR-00022 (S.D. Ohio), AUSA Mike Marous**

On February 8, 2008, James Schaffer pleaded guilty to a Lacey Act conspiracy and two Lacey Act violations stemming from his illegal operation of a hunting business in South Carolina. Schaffer's company, Graham's Turnout Hunt Company, attracted hunters from states such as South Carolina, Florida and Georgia. Between August and November 2005, Schaffer worked with a co-conspirator in Ohio to transport a total of 54 white tail deer from Ohio to South Carolina, without the proper documentation and without proper testing.

Through a series of transactions, the defendant and others falsified invoices stating that the deer were being transported to Florida. Schaffer also never obtained the proper state permits to allow the deer to be transported into South Carolina. Without proper testing for diseases, the imported deer could infect the local deer population in South Carolina.

As part of the plea agreement, the defendant has agreed to pay \$50,000 to the National Wildlife Trust Fund and \$50,000 to the South Carolina Harry Hampton Wildlife Fund. He also could be sentenced to complete 500 hours community service in a South Carolina park picking up trash or a comparable activity.

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**United States v. B. Navi Ship Management Services et al., Nos. 4:08-CR-00032 and 00033 (S.D. Tex.), ECS Trial Attorney Jim Nelson, ECS Senior Litigation Counsel Howard Stewart and AUSA William Miller**

On February 7, 2008, Italian shipping company B. Navi Ship Management Services ("B. Navi Ship Management") and Chief Engineer Dushko Babukchiev, pleaded guilty to charges stemming from the illegal dumping of oily sludge, bilge wastes and oil contaminated ballast water from the *M/V Windsor Castle*, a 27,000 gross-ton bulk carrier vessel.

On August 17, 2007, the *Windsor Castle* was boarded by Coast Guard inspectors when it arrived at port in Houston, Texas. During the boarding, inspectors learned that the chief engineer had ordered crew members to dump oil sludge and bilge wastes into the ocean and had falsified the ship's oil record book to conceal these discharges. With assistance from several lower level crew members, inspectors discovered and seized the bypass hose and pipes used to dump the oil sludge, bilge waste, and contaminated ballast water overboard.

B. Navi Ship Management pleaded guilty to a two-count criminal information charging it with an APPS violation and a false statement violation. Chief Engineer Babukchiev pleaded guilty to a

false statement violation for presenting the oil record book to inspectors during the August 2007 boarding. Babukchiev is scheduled to be sentenced on February 15, 2008, and the company will be sentenced on April 23, 2008.

This case was investigated by the United States Coast Guard.

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**United States v. Moshe Rubashkin et al., No. 07-CR-00498 (E.D. Pa.), SAUSA Joe Lisa [REDACTED] and AUSA Michelle Morgan-Kelly [REDACTED]**

On February 4, 2008, Moshe Rubashkin pleaded guilty to illegally storing hazardous waste generated from the Montex Textile plant. His son, Sholom Rubashkin previously pleaded guilty to a false statement related to the ownership and operation of the family's textile dyeing, bleaching and weaving business when it was declared a superfund site.

After being in operation for 12 years, the plant closed in 2002 with numerous containers of hazardous waste left behind. After local authorities responded to two fires at the plant, EPA and the city of Allentown initiated a major clean-up of the property in October 2005. In responding to a CERCLA 104(e) letter sent in February 2006 regarding the parties responsible for cleanup at the site, Sholom Rubashkin denied that his family had owned and operated the plant during the relevant time periods.

The plea agreement requires both defendants to be jointly and severally liable for \$450,000 in restitution to be shared between USEPA and the city of Allentown. Sentencing for Sholom Rubashkin is scheduled for March 18, 2008, and his father is scheduled for July 16<sup>th</sup>.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the National Enforcement Investigations Center, and the Environmental Protection Agency Office of Inspector General.

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**United States v. Jorge Caraveo et al., No.07-CR-00358 (D. Colo.), ECS Senior Trial Attorney Robert Anderson [REDACTED], ECS Trial Attorney Colin Black [REDACTED] and AUSA Linda McMahan [REDACTED]**

On January 29, 2008, Jorge Caraveo of El Paso, Texas, and Carlos Leal Barragan, a Mexican national, pleaded guilty to felony charges in connection with the smuggling of sea turtle and other exotic skins and skin products into the United States from Mexico. Caraveo pleaded guilty to three counts of smuggling, and Leal Barragan pleaded guilty to one smuggling count and one count of money laundering.

Caraveo, Leal Barragan and nine others were charged in Denver in August 2007, following a multi-year United States Fish and Wildlife undercover investigation named "Operation Central." Chinese nationals Fu Yiner and Wang Hong, and Oscar Cueva of McAllen, Texas, pleaded guilty to smuggling charges earlier this month.

Caraveo and Leal Barragan were charged along with co-defendants Maria de los Angeles Cruz Pacheco, Octavio Munoz, and Esteban Lopez Estrada, all Mexican nationals. Caraveo received sea turtle and other exotic skins, boots, and other products from his co-defendants in Juarez, Mexico, and brought the skins, boots and other products into the United States in violation of U.S. and international law. Leal Barragan admitted to buying sea turtle skins in Mexico and then selling them to customers in Mexico and undercover agents in the United States. He then sent the skins to Caraveo for smuggling

across the border into the United States. As payment for the skins, Leal Barragan received international wire transfers from Colorado to his Mexican bank account.

It is estimated that Caraveo smuggled wildlife parts and products into the United States with a total fair market value of between \$200,000 and \$400,000. Both defendants are scheduled to be sentenced on April 25, 2008.

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

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**United States v. Cody Bartolini, No. 2:07-CR-00237 (D. Nev.), AUSA Christina Brown**

On January 23, 2008, Cody Bartolini pleaded guilty to three felony counts of attempted unlawful interstate sale of wildlife, specifically, seven Green Mamba snakes, two Forest Cobras, one Black-Neck Spitting Cobra, and five different breeds of rattlesnakes.

According to the indictment, between December 2006 and March 2007, Bartolini attempted to sell the snakes on the Internet, even though he knew he had captured some of the snakes in violation of Nevada state law. Under Nevada law, it is illegal to possess certain non-indigenous snakes without proper licensing and permits. It also is illegal to possess indigenous snakes (such as the rattlesnakes charged in the indictment) without proper permits, even those designated under state law as "unprotected," when the snakes are possessed for a commercial purpose.

Wildlife agents were notified by an Ohio game warden that Bartolini was offering to sell and trade venomous reptiles via the Internet. Agents were able to determine that Bartolini had been offering venomous snakes for sale or trade via the Web from his residence in Las Vegas since at least September of 2004. A search warrant executed at the defendant's residence resulted in the seizure of 48 snakes of various species, as well as a caiman, a Gila monster, and an alligator snapping turtle.

Bartolini is scheduled to be sentenced on April 24, 2008. This case was investigated by the United States Fish and Wildlife Service.

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## **Sentencings**

**United States v. Stephen Karas et al., No. 1:06-CR-00299 (D. Md.), ECS Trial Attorney Malinda Lawrence ( ), ECS Senior Trial Attorney Richard Udell ( ) and AUSA Tonya Kowitz ( )**

On February 28, 2008, Stephen Karas was sentenced to serve a two-year term of probation to include 60 days' community service and will pay a \$500 fine. This former chief engineer provided significant cooperation during the investigation and testified as a government witness at Mark Humphries' trial. Karas pleaded guilty in March 2007 to a conspiracy to violate APPS, to make false statements, and to obstruct a Coast Guard proceeding, as well as to a substantive false statement violation.

Karas and Humphries, former chief engineers of the PGM-managed *M/V Tanabata*, were charged in June 2006 with violations related to the illegal dumping of bilge waste. The criminal investigation began in September 2003 after the U.S. Coast Guard inspected the ship in Baltimore. During the September inspection both engineers denied involvement in any illegal conduct. Evidence

at Humphries' trial indicated that the pipe used to bypass the oily water separator was thrown overboard by Humphries after the Coast Guard had inspected the vessel in Baltimore.

Karas admitted to using the bypass pipe and to concealing it during U.S. port calls. He also admitted to making false entries in the oil record book which stated that discharges were being made through the oily water separator, when it was bypassed entirely.

Humphries was convicted in October 2007 of conspiracy as well as two false statement violations. He was sentenced to serve six months' incarceration followed by two years' supervised release.

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

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**United States v. Ramallo Brothers Printing, Inc. et al., No. 3:07-CR-00449 (D.P.R.), ECS Senior Litigation Counsel Howard Stewart**

On February 27, 2008, Angel Ramallo was sentenced to pay a \$25,000 fine and to serve three years' probation stemming from waste ink discharges onto property owned by Ramallo Brothers Printing, Inc. ("Ramallo Bros."). Guilty pleas taken in October 2007 from the company and Angel Ramallo resolved three separate matters. Ramallo Bros. pleaded guilty to two false statement counts and Angel Ramallo pleaded guilty to a misdemeanor violation for the negligent discharge of wastes into the Loiza River.

In approximately 1985, Ramallo Bros. leased a 47-acre plot of land northwest of the city of Canobanas, Puerto Rico. The site is referred to as "La Finka" (the farm) by company employees and is a former sugar mill. The printing process used by the Ramallo Bros. created a variety of wastes including an oily liquid from the afterburner process, waste ink and solvents. These wastes and by-products were placed in drums and disposed of at "La Finka" on a regular basis. Ramallo Bros. leased the property from Southwire Company and operated at the site until approximately June of 1999.

In September 15, 2000, the EPA issued a request to Ramallo Bros. seeking information about the site pursuant to section 104(e) of CERCLA. The section 104(e) request was related to EPA's investigation of the "La Finka" site. In its response, the company falsely denied knowledge of any disposals.

In a separate inquiry by the Puerto Rico Environmental Quality Board ("EQB"), the company provided EQB with dump tickets purporting to show the proper disposal of ink and waste water at a local POTW. The POTW that was to have received the waste, however, was closed and the environmental manager for the company was aware of the closure.

The company was sentenced in October 2007 to pay a \$500,000 fine for the false statement made to EPA and \$250,000 for the false dump tickets provided to EQB. The company also will complete a four-year term of probation to run concurrently for each false statement.

In a third matter, EQB inspected the Ramallo warehouse located in San Juan. A subsidiary company, Caribbean Forms, shares and operates from the same warehouse space. An EQB inspection of the property behind the warehouse revealed that the ground was saturated with blue ink and other liquid wastes. A pipe had ruptured, but Angel Ramallo, who was responsible for safety and environmental compliance, did nothing to prevent the wastes from reaching the Loiza River.

This case was investigated by the United States Environmental Protection Agency Office of the Inspector General, the United States Environmental Protection Agency Criminal Investigation Division and the Puerto Rico Environmental Quality Board.

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**United States v. Deryl Parker, No. 3:07-CR-00011 (N.D. Ga.), ECS Trial Attorney Lana Pettus and AUSA Susan Coppedge**

On February 26, 2008, Deryl Parker was sentenced to serve 16 months' incarceration followed by one year of supervised release. Parker pleaded guilty in November of last year to one RCRA violation for transporting 17 drums of hazardous and ignitable paint waste without a manifest.

From February 2003 to May 2004, Parker possessed at least 17 drums containing hazardous waste, with each drum holding approximately 55 gallons. These drums contained used lacquer thinner and waste paint which were comprised of xylene, acetone, and toluene - ignitable hazardous waste. Shortly after agents interviewed the defendant about these drums, he transported them to a disposal company without a manifest. Parker has a prior conviction for the storage and transportation of hazardous waste, and a superfund cleanup site already exists in Senoia, Georgia, due to his prior violations.

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

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**United States v. Cleve-Allan George et al., No. 2003-20 (D. V. I.), ECS Chief Stacey Mitchell, ECS Assistant Chief Joseph Poux and AUSA Major Coleman**

On February 26, 2008, Cleve-Allan George was sentenced to serve 33 months' incarceration followed by three years' supervised release. Co-defendant Dylan Starnes received a similar sentence in July of last year. Both were convicted by a jury in June 2005 on all 16 counts, including Clean Air Act and false statement violations, related to a demolition project in a low-income housing neighborhood.

George and Starnes were hired by the Virgin Islands Housing Authority ("VIHA") to remediate asbestos in an old building scheduled for demolition. They filed a work plan with the VIHA which indicated that they would follow all applicable regulations, including EPA and OSHA regulations. The defendants did not follow the asbestos work practice regulations by, among other things, failing to properly wet the asbestos during removal. The defendants also filed false air monitoring documents with the VIHA and falsely labeled the asbestos as non-friable when it was sent to Florida for disposal.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Virgin Islands Department of Planning and Natural Resources with sampling and analysis assistance from the National Enforcement Investigations Center.

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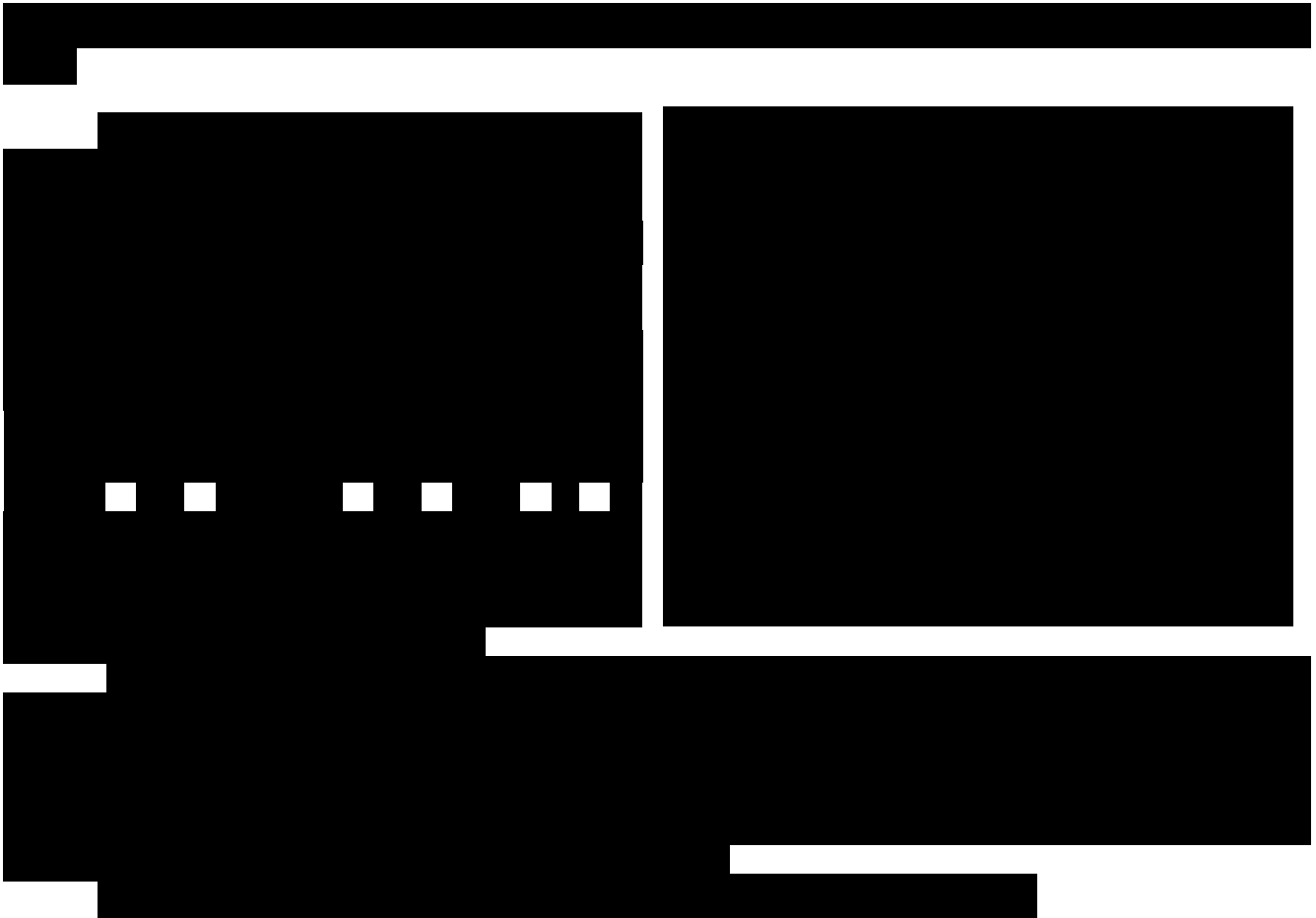
**United States v. David Bowling, Sr., et al., No. 7:07-CR-00013 (E.D. Ky.), AUSA Robert Duncan**

On February 26, 2008, David Bowling, Sr., owner and operator of Dave's Concrete, Inc., was sentenced for violating the Clean Water Act for illegally discharging pollutants into U.S. waters. Bowling will serve a year in prison, followed by one year of supervised release, and pay a \$260,000 fine. The company was sentenced to serve five years' probation and will pay a \$130,000 fine.

Bowling admitted to discharging septic wastes from December 2005 to December 2006 into Burnt Cabin Branch Creek, which feeds into the Big Sandy River.

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

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**United States v. Site Concrete Inc., No. 4:07-CR-00192 (E.D. Texas), AUSA Shamoil Shipchandler** [REDACTED].

On February 19, 2008, Site Concrete Inc., was sentenced to pay a \$50,000 fine for making false statements to EPA to conceal microbiological contamination in new drinking water lines at a construction site in Fairview, Texas.

Site Concrete admitted that, in May 2006, it submitted false water samples to EPA through the Texas Commission for Environmental Quality, concealing the presence of contamination. The company was required to ensure that water in the new lines at the project was free of contamination before being placed in service.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Occupational Safety and Health Administration.

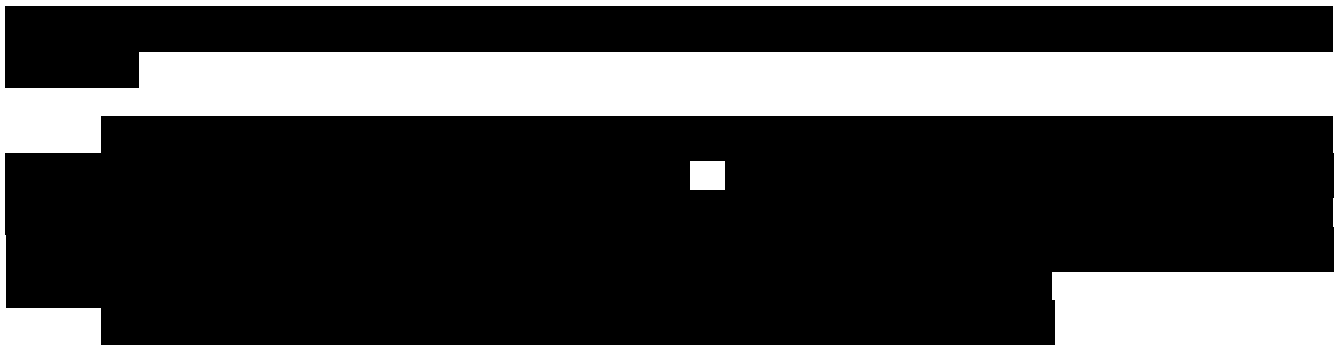
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**United States v. Wang Hong et al., No. 1:07-CR-00357 (D. Colo.), ECS Senior Trial Attorney Bob Anderson [REDACTED] Trial Attorney Colin Black [REDACTED] AUSA Linda McMahan [REDACTED]**

On February 19, 2008, Wang Hong was sentenced to serve 167 days (time served) followed by three years' supervised release. Wang pleaded guilty last month to a smuggling violation for shipping four shipments of Hawksbill sea turtle shell and violin bows decorated with Hawksbill sea turtle shell, valued at a total of over \$5,000, to undercover U.S. Fish and Wildlife agents working in Colorado during 2006 and 2007. The Hawksbill sea turtle is listed as endangered under the Endangered Species Act.

This case was investigated by the United States Fish and Wildlife Service and is the result of a joint operation among the Department of Justice; the United States Fish and Wildlife Service, Branch of Special Operations; and Mexican law enforcement authorities.

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**United States v. Dennie Pridemore, No. 5:06-CR-00043 (S.D. Miss.), ECS Senior Trial Attorney Jeremy Korzenik [REDACTED] and Trial Attorney Malinda Lawrence [REDACTED]**



**Drums with Hazardous Waste**

On February 7, 2008, Dennie Pridemore was sentenced to serve 41 months' incarceration followed by three years' supervised release, for illegally storing and disposing of hazardous waste. Restitution will be determined at a later date.

Pridemore pleaded guilty in November 2007 to all six counts in the indictment charging him with four RCRA and two false statement violations stemming from the operation of Hydromex, Inc., a sham recycling facility.

From 2000 through 2003, Pridemore, the former company president and manager, stored and disposed of hazardous waste without a permit with the intent of portraying his company as a recycler and as thereby exempt from RCRA regulation. He specifically caused millions of pounds of spent paint abrasives contaminated with the toxic heavy metals lead,



cadmium, and chromium to be disposed of on the Hydromex site by mixing the hazardous waste with cement to form blocks on the pretext that these blocks were useful, marketable products when, in fact, they were not.

The company never sold any of the construction blocks made from the waste Pridemore claimed to be recycling and the storage pads for heavy equipment that he constructed by pouring hazardous waste into the ground were mere fictions to conceal disposal. Hydromex never made any money from the products it manufactured. The only income it ever received was from the generator, which paid Hydromex to accept its hazardous waste. Pridemore also made false statements to state and federal agencies in his efforts to deceive them into believing in the legitimacy of his recycling operation.

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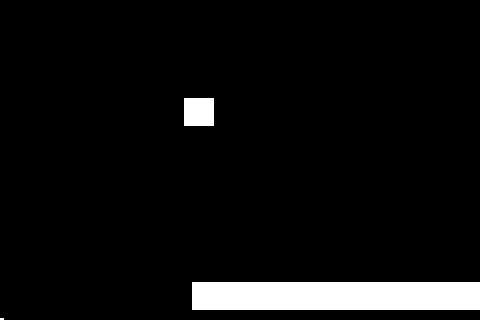
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**United States v. Nicholas Miritello, No. 7:07-CR-00603 (S.D.N.Y.), AUSA Anne Ryan** [REDACTED]

On January 23, 2008, Nicholas Miritello, an employee of the New York City Department of Environmental Protection ("NYDEP"), pleaded guilty to a felony false statement violation. Miritello originally was charged with four felony false statement violations for making false entries in NYDEP records relating to the turbidity levels of drinking water.

NYDEP is required to monitor water for turbidity at four-hour intervals every day at the facility known as the Catskill Lower Effluent Chamber. The defendant was charged with making false entries in the log book, which supposedly reflect numerical results derived by the various tests he was required to run, when in fact he had not performed all of the required steps on four separate occasions in 2005.

Although turbidity itself causes no ill health effects, it can interfere with disinfection and provide a medium for microbial growth. Turbidity further may indicate the presence of disease-causing organisms, including bacteria, viruses, and parasites. Miritello is scheduled to be sentenced on April 24, 2008.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the New York City Department of Investigation, and the Federal Bureau of Investigation.

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**United States v. Guy Hylton et al., No. 5:06-CR-00299 (W.D. Okla.), AUSA Randy Sengel** [REDACTED]  
**and SAUSA Kathleen Kohl** [REDACTED]

On January 10, 2008, Guy Hylton, Jr., was sentenced to serve six months' incarceration and ordered to pay a \$15,000 fine. Co-defendant Chick Little was sentenced to serve eight months' incarceration followed by two years' supervised release. Both are appealing their sentences.

Hylton, Jr., the city manager for Elk City, Oklahoma, and Little, a building superintendent for the city, were found guilty by a jury in August 2007 of a Clean Air Act ("CAA") negligent endangerment charge. Little also was convicted of a false statement violation.

In May 2002, Hylton bought a former railroad depot built in the 1900s that was renovated and used by Elk City. During a five-month period in 2003, inmates from a local work program were used to remove asbestos from the property without being provided the proper protective clothing or equipment.


The defendants originally were charged with a CAA knowing endangerment violation and a CAA violation for causing the waste to be taken to a dump that was not licensed to handle it. Both had been charged with false statements for informing investigators that the waste had been properly disposed. The jury convicted on the lesser negligent endangerment offense.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Oklahoma Attorney General's Office.

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