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# ENVIRONMENTAL CRIMES SECTION



## MONTHLY BULLETIN

*July 2011*

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### EDITOR'S NOTE:

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



Abandoned hazardous waste by recidivist Johnnie Williams  
See *U.S. v. Williams* inside, for details.

## AT A GLANCE:

► [United States v. Mancuso](#), No. 10-2420, 2011 WL 2580228 (2d. Cir. June 30, 2011).

DISTRICTS	ACTIVE CASES	CASE TYPE/ STATUTES
N.D. Ala.	<a href="#">United States v. Randall T. Boothe</a>	<i>Illegal Baiting/ MBTA</i>
C.D. Calif.	<a href="#">United States v. Charles Yi et al.</a>	<i>Asbestos Abatement/ CAA, Conspiracy</i>
N.D. Calif.	<a href="#">United States v. Dhiren Patel</a>	<i>Beverage Plant Manager/ CWA</i>
S.D. Fla.	<a href="#">United States v. Van Boddenn-Martinez</a> <a href="#">United States v. Clemente DiMuro</a>	<i>Seafood Imports/ Lacey Act</i> <i>Bird Feather Sales/ Lacey Act</i>
N.D. Ga.	<a href="#">United States v. Michael Kelly et al.</a>	<i>Emissions Certificate Fraud/ CAA</i>
C.D. Ill.	<a href="#">United States v. Jeffery B. Foiles et al.</a>	<i>Duck Hunter/ Lacey Act, MBTA</i>
N.D. Ind.	<a href="#">United States v. Charles D. Woodworth</a> <a href="#">United States v. Michael Materna d/b/a Materna Mint Farms</a>	<i>Aluminum Recycler/ CAA Conspiracy</i> <i>Mint Farm/ CWA</i>
S.D. Iowa	<a href="#">United States v. Robert Joe Knapp et al.</a>	<i>Asbestos Removal/ CAA</i>
D. Kans.	<a href="#">United States v. James Bobby Butler et al.</a>	<i>Deer Hunting Guides/ Lacey Act, Conspiracy, Obstruction</i>
E.D. La.	<a href="#">United States v. Edward Hannan</a>	<i>Wastewater Processor/ CWA</i>

DISTRICTS	ACTIVE CASES	CASE TYPE/ STATUTES
W.D. La.	<u><a href="#">United States v. J. Jeffrey Pruett et al.</a></u>	<i>Wastewater Treatment Business/ CWA, CWA Misdemeanor</i>
D. Md.	<u><a href="#">United States v. Dimitrios Grifakis</a></u>	<i>Vessel/ Obstruction</i>
D. Mass.	<u><a href="#">United States v. Daniel B. Birkbeck</a></u>	<i>Striped Bass Fishing/ Lacey Act</i>
D. Md.	<u><a href="#">United States v. Cephus Murrell</a></u>	<i>Lead-Based Paint Disclosure/ TSCA, CAA</i>
E.D. Mich.	<u><a href="#">United States v. Douglas V. Mertz</a></u> <u><a href="#">United States v. MoReno Taylor et al.</a></u>	<i>CFC Refrigerant Sale/ CAA</i> <i>Lead Inspector/ Mail Fraud, False Statement, Interstate Transportation of Money Acquired by Fraud</i>
W.D. Mo.	<u><a href="#">United States v. Oak Mill, Inc., et al.</a></u>	<i>Soybean Oil Reclamation/ CWA</i>
D. Mont.	<u><a href="#">United States v. William E. Hugs, Sr., et al.</a></u> <u><a href="#">United States v. Darin Fromdahl</a></u>	<i>Trafficking of Bird Parts/ MBTA, BGEPA</i> <i>Abandoned Drums/ RCRA</i>
D. Nev.	<u><a href="#">United States v. Gary Smith</a></u>	<i>Vehicle Emissions Scam/ CAA</i>
D.N.J.	<u><a href="#">United States v. Albert Roach</a></u>	<i>Turtle Purchases/ Lacey Act</i>
N.D.N.Y.	<u><a href="#">United States v. Julius DeSimone et al.</a></u>	<i>Massive Asbestos Dumping/ Conspiracy, CWA, CERCLA, Wire Fraud, Obstruction</i>
W.D.N.Y.	<u><a href="#">United States v. Roy S. Larson</a></u>	<i>Hunting Guide/ MBTA</i>
W.D.N.C.	<u><a href="#">United States v. Kaara Doolin-Smith</a></u>	<i>Hazardous Waste Transporter/ RCRA</i>
N.D. Ohio	<u><a href="#">United States v. Stricker Refinishing Company et al.</a></u>	<i>Metal Plating Business/ CWA</i>

DISTRICTS	ACTIVE CASES	CASE TYPE/ STATUTES
S.D. Ohio	<a href="#"><u>United States v. Cardington Yutaka Technologies, Inc., et al.</u></a>  <a href="#"><u>United States v. John A. Anderson</u></a>  <a href="#"><u>United States v. Donald Meadows</u></a>	<i>Auto Parts Manufacturer/ Conspiracy, False Statement, False Records</i>  POTW Operator/ CWA  <i>Coal Mine Wastewater/ CWA misdemeanor</i>
W.D. Okla.	<a href="#"><u>United States v. William Creepingbear et al.</u></a>	<i>Bald Eagle Sales/ BGEPA, MBTA, Lacey Act</i>
W.D. Tenn.	<a href="#"><u>United States v Johnnie Williams</u></a>	<i>Recidivist Drum Recycler/ RCRA</i>
E.D. Tex.	<a href="#"><u>United States v. Billy Powell</u></a>	<i>Deer Breeder/ Smuggling, False Statement</i>
S.D. Tex.	<a href="#"><u>United States v. Noka Shipping Company, Ltd.</u></a>	<i>Vessel/ APPS, PWSA</i>
E.D. Va.	<a href="#"><u>United States v. Marine Environmental Services et al.</u></a>	<i>Ship Dismantler/ CWA, Refuse Act</i>
D. Vt.	<a href="#"><u>United States v. Mace Security International, Inc.</u></a>	<i>Tear Gas Manufacturer/ RCRA</i>
W.D. Wash.	<a href="#"><u>United States v. Darigold, Inc., et al.</u></a>	<i>Dairy Cooperative/ CWA misdemeanor, ESA</i>

### *Additional Quick Links:*

- ◇ [Significant Environmental Decisions](#) p. 5
- ◇ [Informations and Indictments](#) pp. 6 - 9
- ◇ [Plea Agreements](#) pp. 9 - 13
- ◇ [Sentencings](#) pp. 15 – 25

## *Significant Environmental Decisions*

### *Second Circuit*

#### **United States v. Mancuso, No. 10-2420, 2011 WL 2580228 (2d. Cir. June 30, 2011).**

On June 30, 2011, the Second Circuit Court of Appeals affirmed the convictions of both Paul and Steven Mancuso, finding that overwhelming evidence existed on all counts to sustain a conviction. The court further stated that many of the claimed bases for the appeal were without merit. The Second Circuit did, however, remand for sentencing on the basis of the trial court's application of both the "discharge without a permit" and "obstruction" guidelines. The Second Circuit instructed the trial court to build a factual record supporting its findings.

Brothers Paul and Steven were convicted by a jury in October 2010 on all counts, with their father Lester Mancuso pleading guilty on the eve of trial to conspiracy to defraud the United States, violate the Clean Air Act, violate CERCLA, and commit mail fraud. Paul and Steven were convicted of conspiracy and substantive CAA and CERCLA violations for the illegal removal of asbestos from numerous locations throughout central and upstate New York.

Paul Mancuso previously was convicted of CAA violations related to illegal asbestos removal and disposal in 2003, and he was convicted in 2004 of insurance fraud also related to his asbestos business. As a result of those prior convictions, he was prohibited from either directly or indirectly engaging in any asbestos abatement activities or associating with anyone who was violating any laws. Evidence from the recent case proved that Paul Mancuso set up companies in the names of relatives and associates to hide his continued involvement with asbestos removal. He and his father thereafter engaged in numerous illegal asbestos abatement activities that left a variety of businesses and homes contaminated with asbestos. On multiple occasions Paul also dumped asbestos from his removal jobs on roadsides and in the woods.

Attorney Steven Mancuso aided his family in its illegal asbestos enterprises by preparing false and fraudulent documents to make it appear that their activities were legal and that they were entitled to payment for their work. Paul Mancuso and his family operated their illegal asbestos business from the offices of Steven Mancuso's law firm. Another brother, Ronald Mancuso, was sentenced to complete a three-year term of probation on July 29, 2010, after pleading guilty to a conspiracy to violate CERCLA. He admitted to taking part in the dumping of asbestos in the woods in September and October 2005.

[Back to Top](#)

## ***Informations and Indictments***

### **United States v. Cardington Yutaka Technologies, Inc., et al., No. 2:11-CR-00140 (S.D. Ohio), ECS Trial Attorney Richard J. Powers [REDACTED] and AUSA Mike Marous [REDACTED]**

On June 30, 2011, a superseding indictment was returned adding maintenance manager James Carroll as a defendant, as well as an additional false statement violation. Cardington Yutaka Technologies, Inc. (CYT), its executive vice president Muhammed Razavi, human resources administrator Carl Wolf, and Carroll are now charged in a 13-count indictment with conspiracy, false statement, and false records violations.

CYT is an auto parts manufacturer located in Cardington, Ohio, and is a wholly-owned subsidiary of Yutaka Giken Company, Ltd., based in Japan. The indictment alleges that, over an eight-year period, Razavi, Wolf, Carroll and the company conspired to make and made false statements and false records in order to conceal the existence, nature, and volume of the company's discharge of industrial wastewater to the local POTW. These falsified records were submitted to the Ohio EPA and to the Village of Cardington.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the Ohio Environmental Protection Agency Office of Special Investigations, and the Ohio Bureau of Criminal Identification and Investigation.

[Back to Top](#)

### **United States v. William E. Hugs, Sr., et al., Nos. 1:11-CR-00054 and 55 (D. Mont.), AUSAs Mark Steger Smith [REDACTED] and Kris McLearn [REDACTED]**

On June 24, 2011, and June 14, 2011, six individuals were arrested following a multi-year investigation into the illegal trafficking of eagle and migratory bird feathers and remains.

William E. Hugs, Sr., William E. Hugs, Jr., Ernie L. Stewart, Harvey A. Hugs, Marc J. Little Light, and Gilbert G. Walks, Jr., are variously charged in two multi-count indictments with conspiracy and the unlawful trafficking in migratory birds and eagles from December 2010 through February 2011.

These cases were investigated by the United States Fish and Wildlife Service Office of Law Enforcement, with assistance from the Bureau of Indian Affairs and the United States Marshals Service.

[Back to Top](#)

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

On June 23, 2011, Douglas V. Mertz was indicted for a violation of the Clean Air Act for knowingly selling and offering for sale and distribution a Class II substance for use as a refrigerant to a person who could not legally purchase it.

In August 2009, EPA received an e-mail complaint regarding an advertisement that had been placed on the Internet offering to sell refrigerants. Specifically, the complaint stated that someone had posted an ad on Craigslist in the Metro-Detroit area, offering to sell refrigerants to un-certified

individuals. Investigation revealed that Mertz and his company, Frontier Mechanical Systems, were responsible for the posting.

In November 2009, Mertz is alleged to have sold ten containers of “R-22” refrigerant to a person who was not a technician certified to handle such substances and without meeting any of the required conditions for a legal sale.

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

[Back to Top](#)

**United States v. Edward Hannan, No. 2:11-CR-00148 (E.D. La.), AUSA Dee Taylor** [REDACTED]

On June 14, 2011, an information was filed charging Edward Hannan with a felony violation of the Clean Water Act.

Hannan was the manager of St. Bernard Well Service, a company in the business of handling process waste water from other facilities. One of these facilities was Linder Oil Company, an offshore oil and gas platform operator.

In July 2007, an Louisiana Department of Environmental Quality inspector observed two discharges from the Linder facility. Further investigation disclosed that the facility accumulated approximately 600 barrels per month of process wastewater, which was illegally discharged in the Breton Sound once a month for approximately six months through an unpermitted discharge pipe. Linder previously was sentenced to pay a \$50,000 fine and \$20,000 in community service after pleading guilty to a violation of the Rivers and Harbors Act. Hannan is scheduled for trial to begin on August 22, 2011.

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

[Back to Top](#)

**United States v. Cephus Murrell, No. 1:11-CR-000330 (D. Md.), AUSA Michael Cunningham** [REDACTED]

On June 10, 2011, a three-count information was filed charging Cephus Murrell with Clean Air Act and Toxic Substances Control Act violations for failing to disclose the presence of lead-based paint to apartment tenants in Baltimore and for conducting improper lead abatement.

Murrell is the president and owner of C. Murrell Business Consultants, Inc. Through his company, the defendant owns and manages approximately 68 rental properties (175 rental units) throughout the city of Baltimore. Murrell has been a landlord in Baltimore since 1974 and has taken lead-based paint training, earning accreditation as a “Lead-Based Paint Visual Inspector” and a “Lead-Based Paint Residential and Commercial Building Contractor.”

The information alleges that, in May 2008, Murrell and his company failed to disclose to tenants the presence of lead-based paint hazards found in units with a history of lead-based paint problems. Inspection records have been maintained by the Maryland Department of the Environment over several years that document lead-based paint violations and children with elevated lead blood levels in many of the properties owned by Murrell. It is further alleged that proper procedures were not followed during two lead abatement projects in 2010.

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

[Back to Top](#)

**United States v. Daniel B. Birkbeck, No. 1:11-CR-10224 (D. Mass.), ECS Trial Attorneys Gary Donner [REDACTED] and Jim Nelson [REDACTED]**

On June 8, 2011, Daniel B. Birkbeck was charged with trafficking in and falsifying records for illegally harvested Atlantic Striped Bass (*Morone saxatilis*), in violation of the Lacey Act.

Commercial fishing for striped bass in both Massachusetts and Rhode Island is governed by a quota system overseen by the Atlantic States Marine Fisheries Commission. This quota system was enacted in response to declining striped bass populations. Since 2003, Rhode Island's commercial striped bass quota has been 243,625 pounds and Massachusetts's commercial striped bass quota has been 1,159,750 pounds. As a result, the Massachusetts commercial striped bass season is open longer than the Rhode Island season.

The indictment charges that Birkbeck, who is licensed as a commercial fisherman in both Rhode Island and Massachusetts, harvested striped bass in Rhode Island waters after the Rhode Island commercial fishing season had closed and transported those fish to a fish dealer in Massachusetts for sale during the 2009 and 2010 commercial fishing seasons. The defendant is further alleged to have falsely reported to the Massachusetts Division of Marine Fisheries that he had legally harvested the striped bass in Massachusetts waters. The indictment states that Birkbeck illegally harvested and sold 12,140 pounds of striped bass.

This case was investigated by the National Oceanic and Atmospheric Administration Office of Law Enforcement and the United States Fish and Wildlife Service Office of Law Enforcement.

[Back to Top](#)

**United States v. Julius DeSimone et al., Nos. 1:11-CR-00142 and 5:11-CR-00264 (N.D.N.Y.), ECS Trial Attorney Todd Gleason [REDACTED] and AUSA Craig Benedict [REDACTED]**

On June 2, 2011, a seven-count indictment was filed charging the owner of a New Jersey solid waste management company and three of his associates with conspiring to transport and dump thousands of tons of asbestos-contaminated debris at an upstate New York farm containing wetlands. Julius DeSimone, Donald Torriero, Cross Nicastro II, and Dominick Mazza are named along with Mazza's New Jersey-based company Mazza & Sons, Inc.

The indictment describes a multi-year scheme to illegally dump thousands of tons of asbestos-contaminated, pulverized construction and demolition debris that was processed at Eagle Recycling's and Mazza & Sons, Inc.'s, New Jersey-based solid waste management facilities. This debris then was transported to and dumped at Nicastro's farm in Frankfort, much of which contained federally-regulated wetlands. The dumping and excavating operations were managed on-site by DeSimone.

According to court documents, Torriero and other conspirators concealed the illegal dumping by fabricating a New York State Department of Environmental Conservation (DEC) permit and forging the name of a DEC official on the fraudulent permit. Once the conspirators learned that they were under investigation, they began a systematic pattern of document concealment, alteration, and destruction by destroying and secreting documents responsive to Grand Jury subpoenas and falsifying and submitting environmental sampling to the U.S. Environmental Protection Agency.

The indictment charges the defendants with conspiracy to defraud the U.S., violate the Clean Water Act and CERCLA, and to commit wire fraud. Torriero also is charged with wire fraud for his fabrication and transmission of the fake permit the conspirators used to conceal the dumping. Mazza & Sons and Dominick Mazza are charged with violating the CERCLA requirement to report the release of toxic materials, along with obstruction of justice. Mazza and DeSimone are additionally

charged with making false statements to EPA special agents. Lieze Associates, d/b/a Eagle Recycling, recently pleaded guilty to conspiracy to violate the Clean Water Act and to defraud the U.S.

This case was investigated by the New York State Environmental Conservation Police, Bureau of Environmental Crimes; the United States Environmental Protection Agency Criminal Investigation Division; the Internal Revenue Service; the New Jersey State Police, Office of Business Integrity Unit; the New Jersey Department of Environmental Protection; and the Ohio Department of Environmental Protection.

[Back to Top](#)

**United States v. William Creepingbear et al., Nos. 5:11-CR-00166 - 00168 (W.D. Okla.), AUSA Robert Gifford [REDACTED].**

On May 17, 2011, indictments were returned variously charging William Creepingbear, Tuhtaka Neshoba Wilson, Michael J. Yount, and Brandon Roberts with attempting to transport and sell a bald eagle carcass and feathers, in violation of the Bald and Golden Eagle Protection Act, the Lacey Act, and the Migratory Bird Treaty Act.

Wilson is accused of stealing a bald eagle carcass in June 2008 from his sister and brother-in-law and then selling it to Creepingbear for \$300. Wilson and Creepingbear are further alleged to have conspired to transport the carcass and sell its feathers. Yount and Roberts are alleged to have taken possession of those feathers and to have transported them for sale.

These cases were investigated by the United States Fish and Wildlife Service.

[Back to Top](#)

## *Plea Agreements*

**United States v. Jeffery B. Foiles et al., No. 3:10-CR-30100 (C.D. Ill.), ECS Trial Attorney Colin Black [REDACTED], AUSA Gregory Gilmore [REDACTED], and ECS Paralegal Rachel Van Wert [REDACTED].**



**Jeff Foiles**

On June 23, 2011, professional duck hunter Jeffrey Foiles pleaded guilty to violations stemming from the illegal sale of guided waterfowl hunts. Foiles pleaded guilty to a misdemeanor Lacey Act violation for the unlawful sale of wildlife, as well as one misdemeanor count of unlawfully taking migratory game birds in violation of the Migratory Bird Treaty Act. The company that operates Foiles' hunting club, the Fallin' Skies Strait Meat Duck Club, LLC, also pleaded guilty to one felony count of unlawful sale of wildlife in violation of the Lacey Act and one felony count of making false writings in a matter within the jurisdiction of the U.S. Fish and Wildlife Service.

Between 2003 and 2007, for \$250 per day, Foiles sold and guided waterfowl hunts at the club for the purpose of illegally hunting ducks and geese in excess of hunters' individual daily bag limits. Foiles and others at the club also falsified hunting records in order to conceal the

excesses.

Foiles is scheduled to be sentenced on September 21, 2011, and the company is scheduled for October 27, 2011.

This case was investigated by the United States Fish and Wildlife Service, with assistance from the Illinois Department of Natural Resources, the Iowa Department of Natural Resources, and the Canadian government.

[Back to Top](#)

**United States v. Van Bodden-Martinez, No. 9:11-CR-80056 (S.D. Fla.), AUSA Tom Watts-FitzGerald** [REDACTED]

On June 15, 2011, Van Bodden-Martinez, a Bahamian national residing in Palm Beach County, Florida, pleaded guilty to a Lacey Act violation for importing and attempting to import into the United States fish and wildlife possessed and transported in violation of Bahamian laws.

On or about February 19, 2011, Bodden-Martinez attempted to import spiny lobster, queen conch, and yellowtail snapper, all of which had been harvested without the necessary permits and in violation of the possession limits for each of these species as specified in Bahamian regulations. At sentencing, scheduled for September 2, 2011, the government will pursue the forfeiture of the illegal catch, which consisted of approximately 45 spiny lobster tails, 42 yellowtail snapper, and 343 pounds of queen conch.

This case was investigated by the National Oceanic and Atmospheric Administration Office for Enforcement, Immigration and Customs Enforcement; United States Customs and Border Protection; the Florida Fish and Wildlife Conservation Commission; the United States Coast Guard; and the Palm Beach County Sheriff's Office.

[Back to Top](#)

**United States v. Darigold, Inc., et al., Nos. 2:11-CR-00196 and 00199 (W.D. Wash.), AUSA Jim Oesterle** [REDACTED].

On June 15, 2011, Darigold, Inc., the nation's fourth largest dairy cooperative, pleaded guilty to a misdemeanor violation of the Clean Water Act, in connection with an October 2009, discharge of an ammonia solution from the company's dairy processing plant at Issaquah, Washington, into the East Fork of Issaquah Creek. The company further pleaded guilty to an Endangered Species Act violation as the release killed a significant number of fish, including several adult Chinook salmon, a species listed as threatened under the ESA. Former plant engineer, Gerald Marsland pleaded guilty on June 16<sup>th</sup> to one misdemeanor CWA violation.

Under the terms of the plea agreement, both parties will jointly recommend imposition of a sentence to include the development and implementation of a corporate environmental compliance plan covering 13 processing facilities located in five western states, the payment of a \$10,000 criminal fine, and an additional \$60,000 community service payment targeted toward protecting and restoring vital natural resources in the Issaquah Creek watershed. The cooperative also has agreed to publicly apologize for its criminal conduct by publishing a statement in the Issaquah Press newspaper. The company is scheduled to be sentenced on September 13, 2011.

This case was investigated by the Environmental Protection Agency and the National Oceanic and Atmospheric Administration's Office of Law Enforcement with assistance from the Washington State Department of Ecology and the Washington State Department of Fish and Wildlife.

[Back to Top](#)

**United States v. Darin Fromdahl, No. 4:11-CR-00033 (D. Mont.), AUSA Kris McLean** [REDACTED]

On June 14, 2011, Darin Fromdahl pleaded guilty to RCRA storage and transportation violations stemming from the discovery of 45 drums found to contain hazardous waste. In June 2010, a rancher discovered the drums on property he was leasing from the Ft. Peck tribe. The owner of the property stated that Fromdahl (the owner of an electroplating business) paid him \$500 in 2009 to store the drums, but did not indicate that the drums contained anything hazardous.



**Abandoned drums**

Sentencing is scheduled for October 17, 2011. This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

[Back to Top](#)

**United States v. Billy Powell, No. 6:11-CR-00059 (E.D. Tex.), AUSA James Noble** [REDACTED]

On June 14, 2011, after a four-year investigation, licensed deer breeder Billy Powell pleaded guilty to illegally transporting wildlife and to lying about it to a federal agent.

Powell pleaded guilty to smuggling approximately 37 whitetail deer from Indiana, Illinois, and Ohio, into Texas, over a three-year period. Powell also admitted that he made a false statement and submitted a false document to a U.S. Fish and Wildlife agent.

On at least four separate occasions between October 2006 and June 2008, Powell illegally imported the deer, many of which came from captive deer farms in Indiana, to his deer breeding facility in Cherokee County Texas. Powell was aware that Texas law prohibits any person from possessing a deer acquired from an out-of-state source. The fair market value of these deer exceeded approximately \$800,000, with the additional value of the semen and the progeny estimated to exceed \$1.25 million. The defendant also lied to a Fish and Wildlife agent regarding the actual number of deer that he had brought into the state.

As an unfortunate consequence of Powell's actions, all 334 deer at his facility were euthanized to facilitate testing for chronic wasting disease (CWD) and bovine tuberculosis (BT), as there currently is no live-animal test for CWD. This was necessary to ensure that neither disease was present in Powell's deer breeding facility or in any deer breeding facility that had received deer from Powell's facility since October 2004. Once these diseases become established in wild populations, they are extremely difficult, if not impossible, to eradicate.

The Texas Parks and Wildlife Department has undertaken an intensive CWD surveillance program since 2002, and neither CWD nor BT has yet been detected in the Texas deer population. However, illegal entry of white-tailed deer from other states poses a serious risk of introducing these diseases and others into Texas. One detrimental result would be the impact on the longtime cultural tradition of deer hunting, which generates an estimated \$1.2 billion in retail sales and adds more than \$2 billion to the Texas economy each year.

This case was investigated by the Special Operations Unit of the Texas Parks and Wildlife and United States Fish and Wildlife Service.

[Back to Top](#)

**United States v. Kaara Doolin-Smith, No. 11-CR-00146 (W.D.N.C.), AUSA Steven Kaufman**



**Abandoned drums in public storage unit**

On June 14, 2011, Kaara Doolin-Smith pleaded guilty to a RCRA storage violation, stemming from the abandonment of hazardous waste in public storage units.

In October 2010, investigators received information regarding the discovery of more than 150 containers of waste (determined to be hazardous) found in four units at a public storage facility in Charlotte, North Carolina. The four storage units were leased by Dove Environmental Management, Inc., a registered hazardous waste transportation company. Several generators listed on the containers

advised that Dove contracted to remove and dispose of waste as far back as 2007. The company owners, a husband and wife, Brian Smith and the defendant, are believed to be separated and to be living in Florida and Illinois, respectively.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the North Carolina State Bureau of Investigation's Drug Diversion and Environmental Crimes Unit.

[Back to Top](#)

**United States v. John A. Anderson, No. 2:11-CR-00145 (S.D. Ohio), AUSA Michael Marous ( ) and SAUSA Brad Beeson ( )**

On June 9, 2011, John A. Anderson pleaded guilty to a Clean Water Act false statement violation related to the operation of the sewage treatment plant that services the Village of Pomeroy.

Anderson was the village administrator from approximately 1989 to 2009. He was responsible for the operation of Pomeroy's wastewater treatment plant, including the filing of monthly reports with the State of Ohio.

At various times between 2006 and 2009, Anderson failed to collect and/or analyze required samples of discharge water from the plant. Instead he fabricated numbers for several pollutants, including solids and fecal coliform bacteria, and he submitted those numbers to the Ohio EPA. Additionally, during site visits to the plant in 2007 and 2008, state inspectors found that large quantities of solids had been discharged into the Ohio River.

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

[Back to Top](#)

**United States v. Roy S. Larson, No. 1:11-mj-02046 (W.D. N.Y.), AUSA Aaron Mango** [REDACTED]

On June 7, 2011, Roy S. Larson pleaded guilty to a misdemeanor charge of violating the Migratory Bird Treaty Act, and he was sentenced to pay a \$100 criminal fine. As part of the plea, Larson also will have his Coast Guard Merchant Mariner credential revoked for three years and his hunting and fishing license will be revoked for one year. The defendant forfeited his 1998 19-foot Lund motorboat and his boat trailer, valued at approximately \$5,000, to the New York State Department of Environmental Conservation (DEC).



**Forfeited fishing boat**

On December 31, 2010 and January 2, 2011, while operating in his capacity as a commercial waterfowl hunting guide on the Niagara River and Lake Ontario, Larson allowed and encouraged clients to violate the MBTA by shooting long-tailed ducks, a protected migratory bird, from a motorboat while the boat was operated under the power of its engine. Officers with the DEC Police observed this activity, and subsequently conducted interviews with the defendant's clients. In 2007, Larson was issued violation notices by the United States Fish and Wildlife Service for similar activity.

This case was investigated by the United States Fish and Wildlife Service, and the New York State Department of Environmental Conservation Police.

[Back to Top](#)

**United States v. Clemente DiMuro, No. 1:11-CR-20268 (S.D. Fla.), ECS Senior Trial Attorney Georgiann Cerese** [REDACTED] **and AUSA Tom Watts-FitzGerald** [REDACTED]

On June 3, 2011, Clemente DiMuro pleaded guilty to a one-count information charging him with a felony Migratory Bird Treaty Act violation. As part of an undercover investigation into the unlawful sale of migratory bird feathers, an agent covertly purchased aninga feathers from an individual in early 2009. After the execution of a search warrant at this person's residence, evidence was obtained suggesting that DiMuro was the source for those feathers. The defendant admitted to illegally selling feathers from aningas (also known as waterbirds or snakebirds) between December 2008 and March 2009. DiMuro is scheduled to be sentenced on August 15, 2011.

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

[Back to Top](#)

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

On June 2, 2011, Charles D. Woodworth pleaded guilty to a Clean Air Act conspiracy charge. Woodworth, the maintenance manager for Jupiter Aluminum Corporation, had been charged with conspiring to violate the CAA and to make false statements, as well as with substantive false statement violations.

The Jupiter Aluminum Corporation is an aluminum recycling facility. Over the course of the five-year conspiracy, Woodworth directed and caused workers to illegally falsify baghouse reports, which reflect operation of the company's pollution control equipment. During an extended period of time, the mechanics ignored the condition of the baghouses and falsified the reports to give the impression that they were operating properly. Woodworth is scheduled to be sentenced on November 1, 2011.

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

[Back to Top](#)

**United States v. Marine Environmental Services et al., No. 4:10-CR-00012 (E.D. Va.), AUSA Brian Samuels [REDACTED] and RCEC David Lastra [REDACTED]**



*USS Pawcatuck*

On May 16, 2011, tank cleaning company Marine Environmental Services (MES) and manager Jerry R. Askew, Sr., pleaded guilty to a Clean Water Act and a Refuse Act violation stemming from the decommissioning of the *USS Pawcatuck*, a Navy tanker vessel.

In October, 2005, a ship dismantling company was hired to break down and dispose of the

*Pawcatuck*, which was transferred to the company's facility in Chesapeake,

Virginia, adjacent to the Elizabeth River. Tanks on board the vessel held approximately two million gallons of ballast water contaminated with a variety of pollutants, including oil, grease, bacteria, and heavy metals. In order to properly dispose of the vessel, the dismantling company hired MES to remove this ballast water and to clean the tanks. MES was required to analyze the volume and contents of the tanks to determine whether it would transport the liquids to a waste treatment facility or discharge them to the sanitary sewer, after notifying and obtaining approval from POTW officials.

Askew directed, however, that MES employees discharge a portion of the dirty ballast water overboard into the River. The overboard discharges occurred on different occasions between October, 2005, and July, 2006. The defendants pleaded guilty to the knowing discharge of 500,000 gallons of dirty ballast water from a vessel into the Elizabeth River in Chesapeake, Virginia, without a permit and to the discharge of refuse matter into navigable waters of the United States. Sentencing is scheduled for August 24, 2011.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the Defense Criminal Investigative Service, the Naval Criminal Investigative Service, the Coast Guard Investigative Service, and the United States Department of Transportation Office of Inspector General.

[Back to Top](#)

## *Sentencings*

### **United States v. Gary Smith, No. 2:10-CR-00010 (D. Nev.), ECS Senior Trial Attorney Ron Sutcliffe [REDACTED] and AUSA Roger Yang [REDACTED]**

On June 27, 2011, Gary Smith was sentenced to serve four months' home confinement as a condition of a two-year term of probation. Smith also must perform 125 hours of community service. Smith is one of ten individuals who pleaded guilty to a Clean Air Act violation for falsifying vehicle emissions tests.

The "clean scanning" scheme involved using vehicles the testers knew would pass emissions tests for the actual test, but entering into the computerized system the vehicle identification number (VIN) for a vehicle that would not pass. The testers did not realize that the computer generated an electronic VIN from the car actually tested which was easily compared with the real vehicle's VIN that was entered in the report. The falsifications were performed in exchange for varying amounts of money over and above the usual emissions testing fee.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Nevada Division of Motor Vehicles Compliance Enforcement Division.

[Back to Top](#)

### **United States v. MoReno Taylor et al., No. 2:10-CR-20584 (E.D. Mich.), AUSAs Jennifer Blackwell [REDACTED] and Lynn Helland (on detail).**

On June 23, 2011, MoReno Taylor was sentenced to serve three months' home confinement followed by two years' supervised release. A fine was not assessed. Taylor, a certified lead inspector, and co-defendants Anthony Sharpe and Sharpe Environmental Testing & Consulting, Inc., were variously charged in a 14-count indictment with mail fraud, false statement violations, and the interstate transportation of money acquired by fraud.

From September 2004 through December 2007, lead testing consultant Anthony Sharpe, owner of Sharpe Environmental, falsified lead sample results for a multi-unit apartment building located in the City of Detroit, as well as for several other multi-family dwellings in the Detroit metro-area and in Ohio. These reports were subsequently either submitted to EPA officials, HUD, and/or delegated HUD authorities in order to prove compliance with the various lead-based paint regulations. The buildings were then cleared as being free of lead hazards, despite the fact that necessary sampling in fact had not been performed.

During this period, Sharpe also served as the City of Detroit's Childhood Lead Poisoning Prevention Program Manager. Some of the buildings for which the falsified reports were generated are known to have families with children under the age of six residing there as well as children with confirmed elevated blood lead levels.

Taylor pleaded guilty in January 2011 to one false statement violation for his role in the submittal of false lead based paint inspection reports as a subcontractor to Sharpe Environmental. Specifically, Taylor was hired by Sharpe in 2007 to test an apartment building for the presence of lead. Sharpe asked Taylor to obtain "clean" dust wipe samples for the report Sharpe was preparing. Taylor complied by obtaining samples from a different building with surfaces he knew were not likely to

result in positive lead results. Sharpe and his company pleaded guilty to a mail fraud violation for using the mail to submit false lead test results in furtherance of a scheme to defraud a local agency that received federal grant money to perform lead paint inspections. Sharpe is scheduled to be sentenced on August 2, 2011.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the United States Department of Housing and Urban Development.

[Back to Top](#)

**United States v. Robert Joe Knapp et al., No. 4:10-CR-00025 (S.D. Iowa), ECS Trial Attorneys Gary Donner [REDACTED] and Mark Romley [REDACTED] AUSA Debra Scorpiniti [REDACTED] SAUSA Kristina Gonzales (913) 551-7121, and ECS Paralegal Lisa Brooks [REDACTED]**

On June 22, 2011, Robert Joe Knapp was sentenced to serve 41 months' incarceration, followed by two years' supervised release. Knapp also must pay a \$2,500 fine and perform 300 hours of community service. Knapp pleaded guilty to one count of conspiracy to violate the Clean Air Act and to one count of failing to remove all regulated asbestos-containing material (RACM) from the Equitable Building before commencement of a three-year renovation project. Co-defendant William Coco pleaded guilty to the same charges and is scheduled to be sentenced on July 13, 2011.

Knapp, as the owner of the Equitable Building, which was located in downtown Des Moines, oversaw its renovation from 2006 through February 2008. The renovation included the disturbance of asbestos-containing pipe insulation and tile as workers gutted several floors of the building while converting the floors into luxury residential condominium units and additional commercial space.

Knapp admitted to conspiring with Coco, his construction manager, to illegally remove more than 260 feet of RACM from steam pipes and more than 160 square feet of floor tile containing RACM from the building, which subsequently was illegally disposed of in an uncovered dumpster. None of the workers involved in the project were properly trained to perform asbestos abatement work.

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

[Back to Top](#)

**United States v. Donald Meadows, No. 2:11-CR-00049 (S.D. Ohio), AUSA Mike Marous [REDACTED] RCEC Dave Mucha [REDACTED] and SAUSA Robert Cheugh [REDACTED]**

On June 22, 2011, Donald Meadows was sentenced to complete a one-year term of probation and will perform 156 hours of community service. He previously pleaded guilty to a one-count information charging him with a negligent Clean Water Act violation.

Meadows was a manager for the Ohio Valley Coal Company (OVCC). The process of removing coal from underground produces wastewater that is collected in an impoundment, allowing solids to settle and the wastewater to be discharged via a decant pipe.

In May 2000, the company was issued a NPDES permit for discharges from several outfalls, with number 001 going into Captina Creek, a water of the U.S. The permit required this outfall to utilize a 24-hour automatic sampling station to obtain composite and representative samples. In 2007, outfall number 001 was moved to a different location in the impoundment. The change was permitted with the requirements that the old outfall be sealed and that automatic sampling had to resume at the new outfall, with results to be submitted monthly to regulatory officials.

From January 2008 through February 2008, Meadows ordered employees to discharge waste water from the impoundment through new outfall 001 to Captina Creek without the required

monitoring or sampling. Meadows ordered employees to install a pump that ran continuously from the impoundment through the outfall into Perkins Run, which discharges to Captina Creek, for 21 days without any sampling. This discharge turned the creek black, prompting a call to authorizes from a concerned citizen.

David Bartsch, the company environmental coordinator, previously was sentenced to complete a one-year term of probation and to perform 104 hours of community service (two hours per week over the term of probation). Bartsch previously pleaded guilty to a one-count information charging him with a negligent CWA violation.

This case was investigated by the United States Environmental Protection Agency Criminal Investigative Division, the Ohio Environmental Protection Agency, and the Ohio Bureau of Criminal Identification and Investigation.

[Back to Top](#)

**United States v. James Bobby Butler, Jr., et al., No. 6:10-CR-10089 (D. Kansas), ECS Trial Attorney Colin Black [REDACTED] and AUSA Matt Treaster [REDACTED].**

On June 21, 2011, James Bobby Butler, Jr., was sentenced to serve 41 months' incarceration, followed by three years' supervised release during which he will be banned from all hunting and guiding. He also was ordered to pay a \$25,000 fine to the Lacey Act reward fund and \$25,000 restitution to the Kansas Department of Wildlife and Parks. Butler pleaded guilty in March 2010 to one count of conspiracy to violate the Lacey Act, one Lacey Act interstate trafficking count, and one count of obstruction of justice. His brother, Marlin Jackson Butler, previously pleaded guilty to one count of conspiracy to violate the Lacey Act and one Lacey Act count. Marlin Butler was sentenced on June 24<sup>th</sup> to serve 27 months' incarceration, followed by three years' supervised release. He was ordered to pay a \$10,000 fine and make a \$10,000 restitution payment.



**Confiscated deer mounts**

The brothers operated a guiding service and hunting camp near Coldwater, Kansas, where they sold guiding services to out-of-state hunters for the purpose of illegally hunting and killing white-tailed and mule deer. Hunters guided by the Butler brothers killed deer in excess of annual bag limits, hunted deer without permits or with permits for the wrong deer management unit, killed deer using illegal equipment, and hunted using prohibited methods, such as spotlighting.

The guided hunts were sold for between \$2,500 and \$5,500, and in several instances resulted in the killing of trophy-sized buck deer. The Butlers admitted to knowingly selling guided hunts for the illegal taking of 25 buck deer for which hunters paid them a total of \$77,500 in guiding fees plus tips. In addition to selling guiding services, the brothers also arranged for transport of the deer, in particular the antlers and capes, from Kansas to Texas and Louisiana. James Butler further admitted to instructing another person to conceal or destroy evidence during the investigation.

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

[Back to Top](#)

**United States v. Dhiren Patel, No. 3:10-CR-00724 (N.D. Calif.), AUSA Stacey Geis** [REDACTED]

On June 21, 2011, Dhiren Patel was sentenced to serve four months' incarceration followed by one year of supervised release. Patel was further ordered to perform 100 hours of community service related to the environment. He also was ordered to give a minimum of four talks to at least 100 other environmental managers explaining the circumstances leading to his incarceration. The court has required Patel to report back in December 2011 on the status of the presentations. Patel previously pleaded guilty to one Clean Water Act violation for diluting required effluent samples submitted in discharge monitoring reports (DMRs) to city officials.

The defendant was the environmental affairs manager for AMCAN Beverages bottling plant, a subsidiary of Coca-Cola Company. In 2007, the plant produced approximately 18 million bottles and cans of various beverage products and generated 150,000 gallons of wastewater. Patel was responsible for the operation of the facility's WWTP, which processed this wastewater.

From January 2006 until August 2007, Patel diluted and ordered others to dilute samples of the effluent with up to 50 percent water. These results were then submitted on DMRs to local city officials, in accordance with company's pretreatment permit. Investigation revealed that the plant was frequently and significantly violating both the total suspended solids and the biological oxygen demand parameters permitted.

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

[Back to Top](#)

[REDACTED]

[Back to Top](#)

**United States v. Dimitrios Grifakis, No. 1:11-CR-00011 (D. Md.), ECS Counsel Tom Ballantine**  
**AUSA Justin Herring** [REDACTED], **and ECS Paralegal Jessica Egler** [REDACTED]

On June 16, 2011, Dimitrios Grifakis was sentenced to serve six months' incarceration followed by two years' supervised release. Grifakis, a former chief engineer for the *M/V Capitola*, pleaded guilty to obstructing a Coast Guard inspection that took place aboard the ship in May 2010. Grifakis had been charged in an eight-count indictment with maintaining a false oil record book (ORB), making false statements, tampering with witnesses, and obstructing justice.

Grifakis admitted to ordering his subordinates on several occasions between March 2009 and May 2010, to illegally pump oil-contaminated bilge waste by using a bypass hose and other means directly into the ocean without processing it through the pollution prevention equipment. The investigation began on May 3, 2010, at the Port of Baltimore, after a crew member informed a clergyman, who was on board the ship for a pastoral visit, that a bypass pipe had been used to illegally dump waste oil overboard. The crew member asked the minister to alert the Coast Guard and to pass on a flash drive containing a video taken in the ship's engine room. The video showed a black hose tied in several places to overhead piping, which connected one of the vessel's waste oil tanks to a valve that opened directly to the ocean.

Grifakis further obstructed the investigation by denying the existence of a Daily Sounding Record (DSR) and by withholding the document from officials. The DSR is where daily measurements of the contents of the ship's waste tanks are noted. Access to the DSR would have assisted inspectors as to tank-level fluctuations and could have been used to compare to ORB entries. The defendant also directed other members of the engine room crew to lie to investigators and claim that the *Capitola* did not have a DSR.

After pleading guilty to an APPS violation and to obstructing an agency proceeding, Cardiff Marine, a Liberian corporation and the operator of the *Capitola*, was sentenced to pay a \$2.4 million fine, to complete a three-year term of probation, and to implement an environmental compliance plan.

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

[Back to Top](#)

#### **United States v. Michael Kelly et al., No. 1:11-CR-00068 (N.D. Ga.), AUSA Stephen McClain**

On June 15, 2011, Michael Kelly was sentenced to serve two years' incarceration, followed by one year of supervised release, for violating the Clean Air Act by fraudulently issuing emissions certificates to cars that otherwise would have failed the inspection. Kelly previously pleaded guilty to a single CAA violation along with co-defendants Jackie Baker and James Hinton.

The defendants were licensed emissions inspectors working at a "Stop N Shop" inspection station in College Park, Georgia, through May 2009. From January to May 2009, the defendants issued over 1,400 fraudulent emissions certificates to car owners that falsely stated that their cars had passed the required emissions test. Kelly personally issued 476 fraudulent certificates. All three defendants have had their licenses revoked.

The scheme involved using the test results from cars that already had passed emissions tests in lieu of testing the owners' real cars. During the tests, the computer system automatically transmitted emissions testing data to a statewide database accessible by the Georgia Environmental Protection Division. The defendants manually entered other information into the system, such as the make, model, and VIN, to make it appear that they were testing the actual cars, many of which had already failed an emissions test or had equipment malfunctions. The defendants charged \$100 to \$125 for a fraudulent emissions test, far more than the usual \$20 charged for a legitimate inspection. Georgia law prohibits inspection stations from charging more than \$25 for an emissions test.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, and the Georgia Department of Natural Resources Environmental Protection Division.

[Back to Top](#)

**United States v. Johnnie Williams, No. 2:10-CR-20174 (W.D. Tenn.), AUSA John Fabian**



**Abandoned drums**

On June 8, 2011, Johnnie Williams was sentenced to serve 37 months' incarceration followed by three years' supervised release. He further was ordered to pay \$322,749 in restitution for cleanup costs to the Environmental Protection Agency for an emergency cleanup at his drum recycling business, American Drum and Pallet.

Investigation revealed that many containers onsite were leaking pesticides onto the ground as well as releasing vapors into the air. Among the chemicals found was methyl parathion. Of particular concern was the proximity of the business to nearby residential properties and an absence of fencing around the property.

Williams previously was convicted by a jury in January 1997 on two counts of illegal storage and disposal of hazardous waste in a low-income minority neighborhood in Memphis. At the time, he owned and operated W & R Drum, Inc., another used drum reclamation business, which was closed in July 1994 and designated as a Superfund site. There were 30,000 drums at this site, 1,100 of which contained ignitable and corrosive hazardous waste that saturated the soil with hydrocarbons and heavy metals to a depth of two to three feet. Williams was sentenced in March 1997 to serve 41 months' incarceration followed by two years of supervised release.

This case was investigated by United States Environmental Protection Agency Criminal Investigation Division and Federal Bureau of Investigation.

[Back to Top](#)

**United States v. J. Jeffrey Pruett et al., No. 09-CR-00112 (W.D. La.), AUSA Earl Campbell and SAUSA Tom Walsh**

On June 8, 2011, Jeffrey Pruett was sentenced to serve 21 months' incarceration, followed by two years' supervised release. Pruett was further ordered to pay a \$310,000 fine. Louisiana Land & Water Co., (LLWC) and LWC Management Co. (LWC), were ordered to pay fines of \$300,000 and \$240,000, respectively.

Pruett and his public water and wastewater treatment businesses were convicted by a jury of multiple CWA violations for improperly operating and maintaining the treatment facilities and for failing to submit discharge monitoring reports. The wastewater treatment facilities served seven residential subdivisions in Ouachita Parish from approximately 2004 through 2008.



**Bucket 'treatment' system**

Pruett is the president of LLWC and the chief executive of LWC. The businesses operated more than 30 water and wastewater treatment systems in northeastern Louisiana. The defendants

allowed the wastewater treatment facilities to overflow in several residential subdivisions, discharging effluent on the ground without proper treatment; allowed suspended solids and fecal coliform to exceed effluent limitations in state discharge permits; and discharged raw sewage into several residential neighborhoods.

Pruett and LLWC were convicted of six felony CWA violations for failure to maintain and provide records pertaining to all of the impacted subdivisions. Pruet and LLWC also were convicted of one felony count for effluent violations at one specific subdivision. Pruet additionally was found guilty of a misdemeanor CWA violation for failure to properly operate and maintain one of the facilities, and LWC was found guilty of one count of failure to provide records.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the Louisiana Department of Environmental Quality, and the Louisiana Department of Health and Hospitals.

[Back to Top](#)

**United States v. Noka Shipping Company, Ltd., No. 2:11-CR-00534 (S.D. Tex.), ECS Trial Attorney David O'Connell [REDACTED] and AUSA Jeffrey Miller [REDACTED]**

On June 7, 2011, Greek ship management company Noka Shipping Company Ltd., (Noka) pleaded guilty to, and was sentenced for, deliberately concealing wastewater discharges from the *M/V Florin*, which bypassed pollution control equipment, and for failing to notify the Coast Guard of numerous safety hazards on board the vessel.

Noka pleaded guilty to an APPS oil record book (ORB) violation and to a violation of the Ports and Waterways Safety Act for failing to report a hazardous condition on board, which included excessive amounts of oil in the vessel's machinery spaces and bilges, significant oil leaks from the vessel's main engine and generators, and oil in the vessel's fire suppression system.

The company was sentenced to pay a \$750,000 fine along with a \$150,000 community service payment to the National Marine Sanctuary Foundation. The money will be designated for use in the Flower Garden and Stetson Banks National Marine Sanctuary, headquartered in Galveston, Texas, to support the protection and preservation of natural and cultural resources located in and adjacent to the sanctuary. Noka also will complete a five-year term of probation, a condition of which is the barring of all ships owned or managed by Noka from U.S. ports and territorial waters during the period of probation.

From approximately June 2010 until September 2010 engineers onboard the *Florin* used the ship's fixed piping system and fire main pump to bypass pollution prevention equipment to discharge oily bilge waste directly overboard. The crew neglected to record these discharges in the ORB and made false entries to conceal those illegal discharges.

During a Coast Guard inspection at the Port of Houston in June 2010, numerous hazardous conditions were brought to the crews' attention and required to be corrected. These deficiencies, however, were not corrected and Noka failed to report these conditions upon the vessel returning to the port of Corpus Christi in September 2010.

This case was investigated by the United States Coast Guard and the Coast Guard Investigative Service.

[Back to Top](#)

**United States v. Albert Roach, No. 3:11-mj-04511 (D.N.J.), ECS Trial Attorney Jeremy Peterson**



**Confiscated Spotted Turtles**

On June 7, 2011, Albert Roach was sentenced to pay a \$5,000 fine and will complete a one-year term of probation. Roach pleaded guilty to a two-count information charging Lacey Act violations for the unlawful purchase of wildlife in interstate commerce.

The defendant was the owner/operator of an online reptile website called “reptastic.com.” The website allowed other individuals to buy, sell, and trade in turtles. In May 2008, Roach was contacted via email by an undercover wildlife officer in Pennsylvania. In June 2008, after several email exchanges, Roach agreed to purchase a North American Wood Turtle from the agent in exchange for two Spotted Turtles.

This was *after* Roach contacted a federal Fish and Wildlife Service agent and was told that it was illegal to buy or sell wild-caught turtles in Pennsylvania. In October 2008, the defendant purchased three more North American Wood Turtles from the undercover agent for \$375.

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

[Back to Top](#)

**United States v. Charles Yi et al., Nos. 2:10-CR-00575 and 00793 (C.D. Calif.), ECS Senior Trial Attorney David Kehoe [REDACTED], AUSA Bayron Gilchrist [REDACTED], and ECS Paralegal Kathryn Loomis [REDACTED].**

On June 6, 2011, Charles Yi was sentenced to serve 48 months’ incarceration, followed by two years’ supervised release. John Bostick was sentenced to serve six months of home confinement as a condition of a three-year term of probation. Bostick also will complete 150 hours of community service.

Yi was convicted by a jury after a two-week trial on a conspiracy violation and five Clean Air Act counts stemming from his involvement in the renovation of a 200-plus-unit apartment building in January and February of 2006. Co-defendants Joseph Yoon and Bostick previously pleaded guilty to a Clean Air Act conspiracy violation.

Yi was the owner of the now-defunct Millennium-Pacific Icon Group, which owned the apartment complex that was being converted into condominiums in 2006. Knowing that asbestos was present in the apartment ceilings, Yi and his co-conspirators hired a group of workers who were not trained or certified to conduct asbestos abatements. The workers scraped the ceilings of the apartments without knowing about the asbestos and without wearing any protective gear. The illegal scraping resulted in the repeated release of asbestos-containing material throughout the complex and the surrounding area. After the abatement project was shut down, the asbestos was cleaned up at a cost of approximately \$1.2 million. Yi was further ordered to pay \$5,400 in restitution to cover the cost of medical monitoring for three workers involved in the illegal asbestos removal. Yoon remains scheduled for sentencing in July 2011.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the California South Coast Air Quality Management District.

[Back to Top](#)

**United States v. Michael Materna d/b/a Materna Mint Farms, No.11-CR-00069 (N.D. Ind.), AUSA Donald Schmid [REDACTED].**

On June 6, 2011, Michael Materna, d/b/a Materna Mint Farms, pleaded guilty to a Clean Water Act violation for knowingly discharging pollutants without a permit, stemming from the discharge of water into a stream at a temperature hot enough to scald a dog to death, which happened in front of the dog's owner last summer.

Materna is a mint farmer who operates a still that boils down mint leaves into mint oil using water heated to temperatures between 160 and 190 degrees. The wastewater discharged was not cooled before it was discharged from the facility into a roadside ditch, which then flowed into the stream.

After the dog's owner brought the incident to the attention of authorities it was found that Materna was operating the still without a permit and discharging water well over the 90 degree standard set by the state. Sentencing is scheduled for September 1, 2011.

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

[Back to Top](#)

**United States v. Stricker Refinishing Company et al., No. 1:10-CR-00505 (N.D. Ohio), SAUSA Brad Beeson [REDACTED]**

On June 3, 2011, Stricker Refinishing Company (SRC), Thomas Stricker, and Gregory Stricker were all sentenced after previously pleading guilty to a Clean Water Act pretreatment violation for illegally discharging wastewater into the City of Cleveland's sewer system in 2007. All three defendants were ordered to pay \$30,000 fines. Thomas and Gregory Stricker also will complete three-year terms of probation, perform 500 hours of community service, and each will pay \$25,000 in community service payments to Ducks Unlimited, a wetlands and waterfowl conservation organization. The company will complete a two-year term of probation and make an additional \$20,000 community service payment to Ducks Unlimited.

SRC, Thomas Stricker, and Gregory Stricker were the owner/operators of this metal plating company located in Cleveland, Ohio. During the plating process, rinse waters from the processing of copper, nickel, silver, zinc, and cyanide were generated. The facility's permit required that this rinse water be pretreated prior to its discharge into the sewer system. On numerous occasions between March and August 2007, the defendants bypassed or directed SRC employees to bypass the facility's pretreatment system. Some of the rinse waters were pH treated while others were discharged directly to the sewer system without treatment.

This case was investigated by members of the Northeast Ohio Environmental Crimes Task Force, which includes the Northeast Ohio Regional Sewer District, the Ohio Bureau of Criminal Identification and Investigation, the Ohio Environmental Protection Agency, the Department of Defense Criminal Investigative Service, and the United States Environmental Protection Agency Criminal Investigation Division.

[Back to Top](#)

**United States v. Oak Mill, Inc., et al., No. 5:08-CR-06016 (W.D. Mo.), AUSA Jane Brown [REDACTED] and SAUSAs Anne Rauche [REDACTED] and Kristina Gonzales [REDACTED]**

On June 2, 2011, Oak Mill, Inc., and company vice president Robert Arundale were sentenced for illegally discharging pollutants into the city of St. Joseph's POTW in violation of the Clean Water

Act. Both defendants will complete a five-year term of probation and were held jointly and severally liable for the payment of a \$50,000 fine. They also will pay \$4,000 in restitution to the city of St. Joseph.

Oak Mill is a company that reclaims soybean oil for resale and uses acid in the process of removing vegetable oils from tanker trucks. Arundale admitted that Oak Mill violated the provisions of its permit, which limits levels of pollutants that may be discharged to the POTW. The defendants admitted that, on October 5 and 12, 2006, they violated pretreatment standards relating to the zinc and nickel levels they were permitted to discharge. The permit limits were 3.00 mg/l for zinc and .99 mg/l for nickel. On October 5<sup>th</sup> the zinc levels discharged were measured at 20.9 mg/l, and nickel was measured at 2.47 mg/l. On October 12<sup>th</sup> the zinc levels discharged were 19.6 mg/l, and nickel was 2.94 mg/l. Arundale pleaded guilty to a negligent CWA violation and Oak Mill pleaded guilty to two felony CWA violations.

This case was investigated by the United States Environmental Protection Criminal Investigation Division, the Missouri Department of Natural Resources, and the City of St. Joseph.

[Back to Top](#)

**United States v. Randall T. Boothe, No. 7:10-CR-00478 (N.D. Ala.), AUSA Henry Cornelius** [REDACTED]

On May 26, 2011, Randall T. Boothe was sentenced pay a \$2,000 fine and will complete a three-year term of probation for illegally baiting waterfowl, in violation of the Migratory Bird Treaty Act. Boothe also will complete 20 hours of community service and is prohibited from hunting while on probation.

In the weeks prior to the 2009/2010 waterfowl season, Boothe admitted to placing corn in an area of flooded timber on his hunting lease in Pickens County to attract ducks and other wildlife to the area. In December 2009, wildlife officers apprehended four juveniles hunting wood ducks over the baited area.

This case was investigated by the United States Fish and Wildlife Service, with assistance from the Alabama Division of Wildlife and Freshwater Fisheries.

[Back to Top](#)

**United States v. Mace Security International, Inc., No. 5:10-CR-00147 (D. Vt.), AUSA Joseph Perrella** [REDACTED]

On May 26, 2011, Mace Security International, Inc. (Mace), a pepper spray and tear gas manufacturer, was sentenced to pay a \$100,000 fine and will remain on probation until January 2012 or until the fine is paid.

Mace previously pleaded guilty to a RCRA violation for storing hazardous waste without a permit at its Bennington facility. The company and its president, Jon Goodrich, were charged with illegally storing hazardous waste from 1998 to 2008. Goodrich is not yet scheduled for trial.

The indictment states that containers labeled as “toxic” were located behind the facility close to the Walloomsac River. In July 2006, Federal Emergency Management Agency officials notified the Town of Bennington that the shipping containers were too close to the river and might be in the flood plain. In April 2007, the town issued a zoning violation to Goodrich and ordered the containers to be removed. In January 2008, Goodrich hired a contractor to move the drums of waste from the shipping containers to mill buildings on the property.

During a January 2008 inspection, Environmental Protection Agency and Vermont Department of Environmental Conservation officials found more than 80 drums of unlabeled chemicals in factory

mill buildings. There were no signs posted indicating the storage of hazardous waste. Inspectors ultimately identified more than 2,200 pounds of hazardous waste in the buildings, which included spent solvents, 2-chlorobenzalmalononitrile or chloroacetophenone, and oleoresin capsicum.

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

[Back to Top](#)