ENVIRONMENTAL CRIMES SECTION

MONTHLY BULLETIN

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EDITOR'S NOTE:

If you have other significant updates and/or interesting photographs from a case, please email them 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

Photos from *U.S. v. Garcia*, below, involving the illegal smuggling of ozone depleting substances.

AT A GLANCE:

DISTRICT	CASES	*CASE TYPE/* STATUTES
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D.D.C.	United States v. Rolando Ong Vano et al.	*Vessel/* APPS, Obstruction, Conspiracy
S.D. Fla.	United States v. Carlos A. Garcia et al.	*ODS Sales/* Smuggling
N.D. Ind.	[redacted] United States v. Daniel Olson	[redacted] *Treatment Plant Operator/* CWA
S.D. Ind.	United States v. North American Green, Inc.	*Pesticide Application/* FIFRA
D. Kan.	United States v. Hugh A. Barker	*Building Demo/* CAA
W.D. Ky.	United States v. Daniel Evanoff	*Aluminum Products/* CAA, Conspiracy
E.D. La.	United States v. Cedyco Corporation United States v. Donald Hudson	*Oil and Gas Facilities/* CWA Misdemeanor *Drilling Rig Tests/* False Statement
M.D. La.	United States v. CTCO Shipyard of Louisiana, LLC	*Barge Repair Facility/* CWA
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DISTRICT	CASES	*CASE TYPE/* STATUTES
E.D. Mich.	United States v. Jose "Joey" Ramos et al.	*Asbestos Removal/* CAA
[redacted]	[redacted]	[redacted]
W.D. Mo.	United States v. Indian Ridge Resort, Inc., d/b/a Indian Ridge Resort Community et al.	*Construction Site/* CWA
D. Mont.	United States v. Steven Patrick Garcia, Jr.	*Feather Sales/* MBTA, Lacey Act
D.N.J.	United States v. James Robert Durr	*Turtle Habitat Destruction/* ESA
E.D.N.C.	United States v. Angel Dario Rodriguez Nunez	*Emissions Tests/* CAA, Conspiracy
E.D. Okla.	United States v. Integrated Production Services, Inc., et al.	*Oil and Gas Driller/* CWA
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D.S.D.	United States v. Tilden Reddest	*Eagle and Hawk Sales/* MBTA, BGEPA
E.D. Va.	United States v. Steven E. Avery et al.	*Ship Scrapping/* Refuse Act
E.D. Wash.	United States v. Tom David White et al.	*Wolf Killing/* Lacey Act, ESA, Conspiracy
W.D. Wash.	United States v. Stowe Construction et al.	*Construction Site/*CWA
W.D. Wis.	United States v. Faling Yang et al.	*Duck Hunting/* Lacey Act

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Informations/Indictments

United States v. Cedyco Corporation, No. 12-CR-00167 (E.D. La.), ECS Trial Attorney Christopher Hale, AUSA Dee Taylor, and ECS Paralegal Ben Laste.

On April 20, 2012, a three-count information was filed charging Cedyco Corporation with three misdemeanor Clean Water Act violations (33 U.S.C. §§ 1319(c)(1)(A), 1321 (b)(3)) for negligent discharges of oil.

Cedyco was in the oil and gas business and operated several hydrocarbon facilities. According to the information, on several occasions between February and May 2008, the defendant allegedly discharged oil from its Bayou Dupont facility into navigable waters of the U.S.

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

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United States v. Steven Patrick Garcia, Jr., No. 12-CR-00039 (D. Mont.), ECS Senior Trial Attorney Georgiann Cerese, AUSA Mark Smith, and ECS Paralegal Christina Liu.

On April 18, 2012, a two-count indictment was returned charging Steven Patrick Garcia, Jr., with violations of the Lacey Act and Migratory Bird Treaty Act (16 U.S.C. §§ 3372 (a)(1), 3373 (d)(1)(B), 707(a), 707(b)(2)) for offering for sale golden eagle and hawk feathers in December 2008 and for selling golden eagle feathers in February 2009.

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

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Plea Agreements

United States v. Tom David White et al., No. 2:11-CR-00094 (E.D. Wash.), AUSA Timothy Ohms.

Defendant with deceased wolf

On April 17, 2012, Tom David White and his wife, Erin Jill White, pleaded guilty to violations stemming from their attempting to ship a gray wolf pelt via FedEx in December 2008. Tom White pleaded guilty to the taking of two gray wolves in violation of the Endangered Species Act (16 U.S.C. § 1538(a)(1)(B)). Erin pleaded guilty to conspiracy to export an endangered species and to a substantive count of export of an endangered species (18 U.S.C. § 371; 16 U.S.C. § 1538(a)).

Authorities were contacted after a woman dropped off a package for shipment that was leaking blood and found to contain a fresh hide from a gray wolf. Investigation confirmed that Erin White had dropped off the package, and her husband subsequently admitted to agents that he had killed a gray wolf approximately one week prior to their attempting to ship the skin to Canada.

William White, Tom White's father, pleaded guilty on April 4th to conspiracy to take an endangered species, conspiracy to export an endangered species, and to illegally importing wildlife that had been unlawfully taken in Canada. (18 U.S.C. § 371; 16 U.S.C §§ 1538(a)(1)(B), 1538 (a)(1)(A), 3372(a)(2)(A)). A Canadian hunting associate pleaded guilty to charges in Canada relating to his participation in William White's illegal taking of a deer and moose.

Public hunting or trapping of wolves is not allowed in Washington. Gray wolves remain on the endangered species list in Central and Western Washington.

Sentencing is scheduled for July 11, 2012. This case was investigated by the United States Fish and Wildlife Service, the Washington Department of Fish and Wildlife, the Washington Department of Agriculture, Immigrations and Customs Enforcement, and the United States Forest Service.

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United States v. Rolando Ong Vano et al., No. 1:11-CR-00352 (D.D.C.), ECS Trial Attorney Ken Nelson, AUSA Fred Yette, and ECS Paralegal Jessica Egler.

On April 17, 2012, Rolando Ong Vano pleaded guilty to an APPS violation for concealing overboard discharges of oily bilge waste from the *F/V San Nikunau*. Sanford Ltd., the New Zealand-based owner and operator of the vessel, and another chief engineer remain charged with APPS, obstruction, and conspiracy violations (18 U.S.C. §§ 371, 1505, 1519; 33 U.S.C. §§ 1907(a), 1908(a)) and are awaiting trial.

Vano admitted to making fraudulent entries in the oil record book and to telling Coast Guard inspectors that the oil water separator was in use on the ship, when in fact, it was not. Officials discovered the violations during an inspection of the vessel in American Samoa in July 2011. Vano is scheduled to be sentenced on September 7, 2012.

This case was investigated by the United States Coast Guard.

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United States v. Steven E. Avery et al., No. 2:11-CR-00190 (E.D. Va.), AUSAs Joseph Kosky and Melissa O'Boyle.

Vessel with boom to absorb oil spill

On April 13, 2012, a Chesapeake-based ship-scrapping company, its vice president, and its treasurer pleaded guilty to charges related to the scrapping of the M/V Snow Bird while it was docked on the Elizabeth River, in Chesapeake, Virginia, in 2010.

Steven E. Avery and Billy J. Avery operated Sea Solutions, Inc. In February 2010, the company purchased the M/V Snow Bird for the purpose of scrapping with the knowledge that it contained petroleum products and other pollutants. Despite this knowledge, the defendants commenced scrapping operations with the pollutants onboard. Over the course of several months, witnesses complained of chemicals leaking from the ship. In October 2010, the

defendants caused a major spill from the ship of oil, oily water, and other pollutants into the Elizabeth River. During the ensuing cleanup, several thousand gallons of oily waste was removed from the Elizabeth River and the shoreline at a cost of over $66,000.

The defendants had been charged with conspiracy, negligent and knowing violations of both the Clean Water Act and the Oil Pollution Act, and Refuse Act violations. Steven Avery had also been charged with making a false statement. The company pleaded guilty to a felony Clean Water Act violation (33 U.S.C. §§ 1311(a), 1319(c)(2)(A)) and the individuals pleaded guilty to a Refuse Act violation (33 U.S.C. § 407).

Sentencing is scheduled for July 12, 2012. This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the United States Coast Guard Investigative Service, the Virginia Department of Environmental Quality, and the Chesapeake Fire Marshal's Office.

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United States v. Angel Dario Rodriquez Nunez, No. 5:12-CR-00083 (E.D.N.C), AUSA Banu Rangarajan.

On April 9, 2012, Angel Dario Rodriquez Nunez pleaded guilty to conspiring to violate the Clean Air Act, and a CAA violation (18 USC § 371; 42 USC § 7413(c)(2)(A)), stemming from the falsification of vehicle emissions tests.

Nunez worked as a licensed North Carolina emissions inspector for two different dealerships. From May 2009 to July 2010, the defendant conspired with others to pass more than 800 vehicles that would normally have failed the emissions inspection in exchange for $150 to $225 per car. Nunez personally passed more than 350 vehicles.

The scheme involved entering the VIN for the vehicle to be inspected but then another car was scanned, generally one that was manufactured between 1996 and 1999 and would not generate a VIN when connected to the analyzer.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division; the North Carolina State Bureau of Investigations; and the North Carolina Department of Motor Vehicles, License, and Theft Bureau.

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United States v. Donald Hudson, No. 2:12-CR-00115 (E.D. La.), AUSAs Dorothy Manning Taylor and Emily K. Greenfield.

On April 5, 2012, Donald Hudson pleaded guilty to a one-count information charging him with a false statement violation (18 U.S.C. §1001). Hudson admitted that he lied to agents about blowout preventer system testing on a drilling rig located in the Gulf of Mexico.

In May 2010, the Bureau of Safety and Environmental Enforcement (BSEE) was notified that a crew on a rig operated by Helmerich & Payne, Inc., had falsified the rig's blowout preventer system tests by falsely reporting that every valve on the choke manifold was successfully pressure tested. From January through May of 2010, however, the crew supervised by Hudson deliberately did not test a number of valves on the choke manifold because they knew that the valves would leak. During this period, the defendant was aware of what his crew was doing on a few occasions and personally authorized those few falsified test results.

The BSEE is one of three agencies created after the Minerals Management Service was reorganized in April 2010. The MMS is now known as the Bureau of Ocean Energy Management, Regulation, and Enforcement, with the BSEE acting as its environmental enforcement arm.

Sentencing is scheduled for August 8, 2012. This case was investigated by the Department of Interior Office of Inspector General, in cooperation with the BSEE.
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United States v. Daniel Olson, No. 2:12-CR-00045 (N.D. Ind.), ECS Trial Attorney Richard Powers and AUSA Wayne Ault.

On April 5, 2012, Daniel Olson pleaded guilty to a three-count information charging him with Clean Water Act false statement violations and tampering with a monitoring method (33 U.S.C. § 1319(c)(4)).

From October 2000 through June 2010, Olson was the superintendent and certified operator of the J.B. Gifford Wastewater Treatment Plant, which is owned and operated by the Michigan City Sanitary District. From February 2002 through June 2010, the defendant variously failed to report bypasses, recorded false chlorine sample test results, and tampered with sampling methods, specifically for *E. coli* levels. Sentencing is scheduled for June 20, 2012.

Treatment plant clarifiers

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division
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United States v. Stowe Construction et al., Nos. 3:11-CR-05567, 3:12-CR-0521 (W.D. Wash.), AUSAs Matthew Diggs and Jim Oesterle.

Roadway cleanup after mudslide

On April 12, 2012, a prominent developer and his construction company pleaded guilty to felony violations of the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)). Bryan Stowe and Stowe Construction are the first defendants to be charged with criminal storm water pollution violations in this district.

Between 2007 and 2011, the defendants failed to prepare and implement practices as required under the construction general storm water permit that would minimize storm water discharges to nearby waters. These permit violations led to significant discharges of pollutants from the site to adjacent wetlands and streams, as well as contributing to two major landslides at the project site in the winter of 2011, forcing the closure of the West Valley Highway. Employee Timothy Barger previously pleaded guilty to false statement violations. All defendants are scheduled to be sentenced on September 14, 2012.

This case was investigated by the United States Environmental Protection Agency Criminal Investigations Division, with assistance from the Washington State Department of Ecology and the City of Sumner, Washington.

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United States v. Carlos A. Garcia et al., No. 1:11-CR-20653 (S.D. Fla.), AUSA Tom Watts-FitzGerald and SAUSA Jodie Mazer.

On April 11, 2012, Carlos A. Garcia pleaded guilty to a smuggling violation (18 U.S.C. § 545) for his involvement in the illegal transport, sale, and receipt of ozone-depleting substances (ODS). Garcia's case previously went to trial, but a mistrial was declared after a juror refused to deliberate. Prior to a re-trial, the defendant entered his guilty plea.

Ozone depleting substances in warehouse

Garcia was the Senior Vice President for the Heating and Cooling Division of Mar-Cone Appliance Parts Co. Between July 2007 and April 2009, Garcia negotiated the sale and transport of approximately 55,480 kilograms of black market HCFC-22, with a fair market value of approximately $639,458.

The company previously pleaded guilty to and was sentenced for a smuggling violation. Mar-Cone was ordered to pay a $500,000 fine, plus a $400,000 community service payment, and forfeited $190,534 in illegal proceeds. To date, a dozen defendants have been prosecuted as a result of this investigation. Sentencing is scheduled for June 26, 2012.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, Immigration and Customs Enforcement Office of Investigations, the Florida Department of Environmental Protection Criminal Investigation Bureau, and the Miami-Dade Police Department Environmental Investigation Unit.

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United States v. Daniel Evanoff, No. 1:11-CR-00022 (W.D. Ky.), AUSA Joshua Judd.

Furnace used for melting aluminum

On April 11, 2012, Daniel Evanoff pleaded guilty to conspiracy and to a Clean Air Act violation (18 U.S.C. § 371; 42 U.S.C. § 7413(c)(2)(C)) for tampering with a monitoring device.

Evanoff was the North American alloy manager for J.L. French, a Wisconsin-based company that makes die-cast aluminum products for the automobile industry. In February, 2010, the defendant admitted that he installed equipment to make it appear that the plant was operating in compliance with its permit, when in fact it was not. Sentencing is scheduled for July 2, 2012.

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

Investigation Division.
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United States v. CTCO Shipyard of Louisiana, LLC, No. 2:12-CR-00139 (M.D. La.), AUSA Dorothy Taylor.

On March 27, 2012, CTCO Shipyard of Louisiana, LLC, pleaded guilty to violating the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)) for failing to properly sample discharges, as well as for failing to submit monthly reports to the Louisiana Department of Environmental Quality.

The defendant owned and operated a marine towing and barge repair facility. Under its permit, it was required to monitor its effluent discharges, take samples, and provide discharge monitoring reports to local regulators. Investigation confirmed that between June 2008 and January 2010, the company failed to do any of this and was responsible for the discharge of raw sewage into the facility's storm water system, which ultimately discharged into the Intracoastal Waterway Canal, a water of the United States.

Sentencing is scheduled for June 28, 2012. This case was investigated by the Louisiana Department of Environmental Quality and the United States Environmental Protection Agency Criminal Investigation Division.
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United States v. Faling Yang et al., No. 3:12-mj-00019 (W.D. Wis.), AUSA Paul W. Connell.

On March 23, 2012, Faling Yang and Corrie Korn pleaded guilty to Lacey Act violations (16 U.S.C. § 3372) stemming from their operation of a commercial guiding company located on a National Wildlife Refuge near the Mississippi River.

Undercover investigation confirmed that Yang and Korn, both local police officers, illegally killed and transported ducks in October 2009, by exceeding the permissible bag limits. The officers were placed on administrative leave pending resolution of the case. Sentencing is scheduled for May 16, 2012.

This case was investigated by the United States Fish and Wildlife Service and the Wisconsin Department of Natural Resources.
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Sentencings

United States v. Integrated Production Services Inc., et al., Nos. 6:11-CR-00050 and 00068 (E.D. Okla.), ECS Senior Trial Attorney Dan Dooher and AUSA Doug Horn.

On April 26, 2012, Integrated Production Services Inc. (IPS), a Houston-based natural gas and oil drilling contractor, was sentenced to pay a $140,000 fine for violations of the Clean Water Act (33 U.S.C. § 1319(c)(1)(A)) at its hydraulic fracturing operation in Atoka County, Oklahoma. Crew supervisor Gabriel Henson will pay a $2,500 fine and will complete a two-year term of probation.

Cleanup of acid spill

In 2007, IPS was performing work at a natural gas well site. A tank leaked hydrochloric acid near the site, which was flooded due to recent heavy rains. In order to remove the rainwater, Henson drove a truck through an earthen berm, causing the discharge of an estimated 400-700 gallons of hydrochloric acid into Dry Creek, a tributary of Boggy Creek and a navigable water.

The company also was ordered to make a $22,000 community service payment to the Oklahoma Department of Wildlife Conservation for ecological studies and remediation of Boggy Creek. IPS will complete a two-year term of probation, during which it will be required to implement an environmental compliance program to include employee training on the proper handling of hazardous waste and spill response procedures.

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

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United States v. Jose "Joey" Ramos et al., No. 2:11-CR-20433 (E.D. Mich.), AUSA Jennifer Blackwell and SAUSA James Cha.

On April 20, 2012, Jose "Joey" Ramos was sentenced after previously pleading guilty to knowingly violating the Clean Air Act (42 U.S.C. § 7413(c)(1)) for his role in an illegal asbestos removal project. Ramos will complete a two-year term of probation with a special condition of four months' community confinement.

Ramos worked as an on-site foreman under the supervision of co-defendant Brian Waite on the renovation of a former Ford Motor Company plant, which took place from December 2010 through February 2011. The defendants directed workers to tear out more than 60,000 square feet of asbestos-containing material while it was dry and put it into plastic bags without wetting it.

Waite and co-defendant Daniel Clements pleaded guilty to and were sentenced for similar violations. Jeffrey Walworth and his company Bonus Environmental, LLC, previously pleaded guilty to making a false statement under the CAA and are scheduled to be sentenced on June 1, 2012.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.
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United States v. James Robert Durr, No. 1:10-CR-00098 (D.N.J.), ECS Assistant Chief Elinor Colbourn, ECS Trial Attorney Mary Dee Carraway, and ECS Paralegal Rachel Van Wert.

On April 17, 2012, James Robert Durr was sentenced to pay a $1,000 fine, complete a one-year term of probation, and will perform 50 hours of community service. The court reserved ruling on mandatory restitution, setting it for hearing on July 17, 2012.

Durr previously pleaded guilty to an Endangered Species Act violation (16 U.S.C. § 1538) stemming from his clear-cutting trees near a stream, which impacted the habitat area of the bog turtle, a threatened species. The defendant purchased property in December 2005, that he knew contained habitat for a significant population of the bog turtle. Upon taking possession of the property, the defendant clear cut the buffer zone around the stream and ditched it just upstream of, and including part of, the turtle's habitat. Subsequent surveys for bog turtles revealed that there is no longer a viable population in this area.

This case was investigated by the United States Fish and Wildlife Service.
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United States v. Lisa Naumu et al., Nos. 2:12-CR-00014, 00123, 00173 (C.D. Calif.), AUSAs Rupa Goswami and Amanda Miller Bettinelli.

On April 12, 2012, Lisa Naumu was sentenced to pay a $4,000 fine and ordered to complete a two-year term of probation after pleading guilty to an Endangered Species Act (ESA) violation (16 U.S.C. § 1538). The court further stated that $2,500 of the fine will be waived if the defendant pays $1,500 immediately, and performs 500 hours of community service during the first 18 months of probation. Naumu sold an $8,000 leopard skin coat after placing an ad on Craigslist that offered three of such coats for sale.

Leopard skin coat

On March 21, 2012, George Lovell was sentenced after previously pleading guilty to an ESA violation. Lovell attempted to sell a pair of Loggerhead sea turtle leather boots on Craigslist for $1,000. He was ordered to pay a $1,000 fine and to complete a one-year term of probation.

Hawksbill shell

On March 15, 2012, Kamipeli Piuleini pleaded guilty to an ESA violation for selling a Hawksbill sea turtle shell on eBay. Piuleini was sentenced on the same day to pay a $500 fine and to complete a two-year term of probation.

These cases are a result of Operation Cyberwild, a task force that focused on Internet advertisements placed by sellers of wildlife in Southern California and Southern Nevada. During the investigation, officials recovered live endangered fish, protected migratory birds, an elephant foot, and pelts from a tiger, a polar bear, a leopard and a bear. A total of nine people have been charged.

These cases were investigated by the United States Fish and Wildlife Service and the California Fish and Wildlife Game, with substantial assistance from the Humane Society.

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United States v. Hugh A. Barker, No. 6:11-CR-10160 (D. Kan.), AUSA Alan Metzger.

On April 9, 2012, Hugh A. Barker was sentenced to pay a $1,000 fine and will complete a one-year term of probation. Barker previously pleaded guilty to one count of violating the NESHAPS provisions for asbestos under the Clean Air Act (42 U.S.C. § 7413(c)(2)(B)).

In October 2008, Barker and his company, Barker Sand and Gravel, began demolishing a building in Harper, Kansas. The defendant failed to file a required notification of plans for the demolition. An inspection by the Kansas Department of Health and Environment determined that debris from the building included floor tile containing asbestos.

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

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United States v. Byron Hamilton et al., No. 2:11-CR-00227 (W.D. La.), ECS Senior Counsel Rocky Piaggione, ECS Senior Trial Attorney Richard Udell, ECS Trial Attorney Christopher Hale, USA Stephanie Finley, and ECS Paralegal Ben Laste.

On April 4, 2012, Pelican Refining Co. (PRC) vice president Byron Hamilton and manager Mike LeBleu were sentenced. Hamilton will serve one day in jail, followed by one year of supervised

release. He also was ordered to pay a $5,000 fine. LeBleu will serve one day in jail, followed by 90 days' home confinement, and one year of supervised release. He was ordered to pay a $4,000 fine.

From August 2005 to March 2007, PRC operated the Pelican Refinery in Lake Charles, Louisiana, without properly functioning pollution prevention equipment. As a result, pollutants including benzene, toluene, ethylbenzene, xylene, and hydrogen sulfide, were illegally released into the atmosphere from a variety of sources, including the main refinery stack, leaks at pipes and joints, the barge loading dock, and tanks with roofs that were improperly certified and fitted.

Hamilton previously pleaded guilty to two Clean Air Act negligent endangerment violations, and LeBleu pleaded guilty to a single CAA negligent endangerment count (42 U.S.C. § 7413(c)(4)). The company was sentenced to pay a $10 million fine plus $2 million in community service payments and is further required to implement an environmental compliance plan during a five-year term of probation. The company previously pleaded guilty to two felony Clean Air Act violations and one obstruction charge (42 U.S.C. §§ 7661a (a) and 7413 (c)(1)); 18 U.S.C. § 1519.)

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Louisiana State Police, with assistance from the Louisiana Department of Environmental Quality.

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United States v. Everett Blatche et al., Nos. 5:06-CR-00474, 5:08-CR-00171 (N.D.N.Y.), AUSA Craig Benedict.

On April 4, 2012, Everett Blatche was sentenced to serve seven days' incarceration followed by three years of supervised release. A fine was not assessed. Blatche previously pleaded guilty to conspiracy to violate the Clean Water Act, Clean Air Act, and CERCLA (18 U.S.C § 371).

Blatche was a supervisor for Aapex Environmental Services, Inc., (Aapex), an asbestos removal company. From June through November 2006, the defendant supervised numerous individuals who removed approximately 220,000 square feet of fire-proofing asbestos material from a large building. The material was then illegally dumped onto the ground and into nearby storm drains leading to the Erie Canal system. Aapex previously pleaded guilty to conspiracy and to a mail fraud violation (18 U.S.C §§ 371, 1341). It was sentenced to pay a $63,000 fine, $75,000 in restitution, and will complete a two-year term of probation. Co-defendant John Leathley remains scheduled for sentencing on August 21, 2012.

This case was investigated by the United States Environmental Protection Agency and the New York State Departments of Environmental Conservation and Labor, Asbestos Control Bureau.

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United States v. Indian Ridge Resort, Inc., d/b/a Indian Ridge Resort Community et al., No. 3:10-CR-05026 (W.D. Mo.), AUSA Robyn McKee.

On March 29, 2012, Indian Ridge d/b/a North Ridge Resort Community and North Shore Investments, LLC, were sentenced. Indian Ridge Resorts was ordered to pay a $215,000 fine and North Shore will pay a $100,000 fine. Both will complete five-year terms of probation and must comply with the provisions of a consent decree entered into with the state, which includes an erosion control and compliance program.

The two companies previously pleaded guilty to Clean Water Act violations (33 U.S.C. § 1319(c)) stemming from the failure to control storm water runoff from a 600-acre construction site. Between August 2006 and June 2009, the defendants violated their NPDES permit by, among other things, failing to control erosion from the site, which persisted through at least the end of August 2011.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Missouri Department of Natural Resources.
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United States v. North American Green, Inc., No. 3:11-CR-00050 (S.D. Ind.), AUSAs Todd Shellenbarger and Steve DeBrota.

On March 21, 2012, agricultural materials company North American Green, Inc. (NAG) pleaded guilty to and was sentenced for 150 FIFRA violations (7 U.S.C.§ 1361(b)(2)) for the illegal use of a registered pesticide.

The company sold erosion and sediment control mats for use on construction sites. These were routinely fumigated with a product called "Meth-O-Gas," a heavily regulated pesticide that has been found to cause serious acute illness or death. Between May 2006 and April 2007, the company admitted to misusing and misapplying the pesticide in a variety of ways, including using the name of a licensed applicator-turned-whistleblower on documentation related to the fumigations without this person's knowledge.

NAG was ordered to pay a $910,000 fine and will complete a three-year term of probation. It will implement an environmental compliance plan (to include an employee training program) and will issue a public apology in a number of local newspapers.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.
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United States v. Tilden Reddest, No. 5:11-CR-50026 (D.S.D.), AUSA Eric Kelderman.

On February 24, 2012, Tilden Reddest was sentenced to complete a five-year term of probation to include the special condition of community confinement on weekends for one year, plus the performance of 400 hours of community service.

The defendant pleaded guilty to two violations of the Bald and Golden Eagle Protection Act (16 U.S.C. § 668 (a)) after being charged in a 32-count indictment with BGEPA and Migratory Bird Treaty Act violations for unlawfully trafficking in eagles, hawks, and parts from these animals from April 2009 through December 2009.

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