

that can become friable as a result of demolition or renovation activities. 40 C.F.R. § 61.141.

d. Applicable asbestos work practice standards apply to an owner or operator of a renovation operation where the facility contains at least 260 linear feet of RACM on pipes or at least 15 square meters (160 square feet) on other facility components that is to be stripped, removed, dislodged, cut, drilled, or similarly disturbed. 40 C.F.R. § 61.145(a)(4)(i).

e. An "owner or operator" of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both. 40 C.F.R. § 61.141.

f. "Renovation" means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. 40 C.F.R. § 61.141.

g. "Facility" means any institutional, commercial, public, industrial, or residential structure, installation or building. 40 C.F.R. § 61.141.

h. "Facility component" means any part of a facility including equipment. 40 C.F.R. § 61.141.

i. "Friable asbestos material," as used in this Indictment, means any material containing more than one percent (1%) asbestos, as determined by approved EPA methodologies, that,

when dry, can be crumbled, pulverized or reduced to powder by hand pressure. 40 C.F.R. § 61.141

j. The Clean Air Act's asbestos work practice standards describe the appropriate procedures for the notification and safe handling, stripping, removal and disposal of RACM during renovation to prevent emissions of particulate asbestos material into the air. These work practice standards require, in pertinent part, that:

(i) to determine the requirements for proper building renovation, prior to commencement, the owner or operator must cause the affected facility to be "thoroughly inspected" for the presence of asbestos. 40 C.F.R. § 61.145(a).

(ii) the owner or operator must provide the EPA Administrator with written notice of the intention to renovate a facility containing RACM ten (10) days before the activity begins. 40 C.F.R. § 61.145(b).

(iii) the owner or operator must have present during the renovation project a foreman, management-level person or other authorized representative, trained in compliance with asbestos regulations. 40 C.F.R. § 61.145(c)(8).

(iv) the owner or operator must remove all RACM from a facility being renovated before any activity begins that would break up, dislodge, or similarly disturb the material. 40 C.F.R. § 61.145(c)(1).

(v) RACM must be adequately wetted when being stripped

or cut from facility components. 40 C.F.R. § 145(c)(2)(i) and (3).

(vi) RACM that has been removed or stripped must remain adequately wetted until it is packed and sealed in leak-tight containers or wrappings bearing approved warning labels until it is collected for proper disposal. 40 C.F.R. § 145(c)(6)(i); 40 C.F.R. § 150(a)(1)(iii) and (iv).

k. Any person who "knowingly violates . . . 42 U.S.C. § 7412 . . . including a requirement of any rule . . . promulgated under such section[] . . ." shall commit a federal crime under 42 U.S.C. § 7413(c)(1).

Defendant

1. Defendant VELE BOZINOSKI was a self-employed construction worker who did not possess an asbestos-worker or an asbestos-supervisor permit from the State of New Jersey. Defendant BOZINOSKI was hired by an entity referred to herein as "Company A," a co-conspirator not named as a defendant herein, and its owner, an individual referred to herein as "A.R.," a co-conspirator not named as a defendant herein, and others, to remove insulation from piping at the former site of the Garden State Paper Mill, located at 950 River Road, Garfield, New Jersey (hereinafter, the "Garden State Paper facility"). Defendant BOZINOSKI, in turn, hired and supervised multiple workers to remove the insulation from piping, knowing there was asbestos at the Garden State Paper facility.

The Conspiracy

2. From in or about February 1, 2007 to at least on or about February 23, 2007, in Bergen County, in the District of New Jersey, and elsewhere, defendant

VELE BOZINOSKI

did knowingly and intentionally conspire and agree with Company A, A.R., and others, to violate the Clean Air Act's asbestos work practice standards, contrary to Title 42, United States Code, Sections 7412(b) & (h), and 7413(c)(1).

Object of the Conspiracy

3. It was an object of the conspiracy to conduct a renovation activity, that is, the removal of insulation from piping at the Garden State Paper facility, in violation of the Clean Air Act's asbestos work practice standards.

Manner and Means of the Conspiracy

4. It was a part of the conspiracy that defendant BOZINOSKI, Company A, A.R., and others, failed to thoroughly inspect or cause the thorough inspection of the Garden State Paper facility for the presence of asbestos prior to commencing a renovation activity.

5. It was further a part of the conspiracy that defendant BOZINOSKI, Company A, A.R., and others, caused the commencement of a renovation activity involving a jurisdictional amount of RACM without first providing to, or causing to be provided to, the EPA Administrator, written notice of intention

to renovate the Garden State Paper facility or cause such to occur.

6. It was further a part of the conspiracy that defendant BOZINOSKI, Company A, A.R., and others, failed to have present during the renovation activity a foreperson, management-level person, or other authorized representative, trained in compliance with asbestos regulations.

7. It was further a part of the conspiracy that defendant BOZINOSKI, Company A, A.R., and others, failed to remove all RACM from the Garden State Paper facility being renovated before any activity began that would break up, dislodge, or disturb the RACM.

8. It was further a part of the conspiracy that defendant BONZINOVSKI, Company A, A.R., and others, failed to ensure that RACM was adequately wetted when it was stripped and cut from facility components at the Garden State Paper facility.

9. It was further a part of the conspiracy that defendant BOZINOSKI, Company A, A.R., and others, failed to ensure that RACM that had been removed or stripped at the Garden State Paper facility remained adequately wetted until it was packed and sealed in leak-tight containers and wrappings bearing approved warning labels until it was collected for proper disposal.

Overt Acts

10. In furtherance of this conspiracy and to effect

the object thereof, defendant BOZINOSKI and his co-conspirators committed, and caused to be committed, the following overt acts, among others, within the District of New Jersey, and elsewhere:

a. On or before February 23, 2007, defendant BOZINOSKI, entered into an agreement with Company A, A.R., and others, to remove insulation from piping at the Garden State Paper facility.

b. On various dates from on or about February 11, 2007 through on or about February 23, 2007, defendant BOZINOSKI, Company A, A.R., and others, began to remove insulation from piping at the Garden State Paper facility prior to thoroughly inspecting or causing the thorough inspection of the Garden State Paper facility for the presence of asbestos.

c. On various dates from on or about February 11, 2007 through on or about February 23, 2007, defendant BOZINOSKI, Company A, A.R., and others, began to remove insulation from piping at the Garden State Paper facility prior to notifying EPA of their intention to do so before the activity began.

d. On various dates from on or about February 11, 2007 through on or about February 23, 2007, defendant BOZINOSKI, Company A, A.R., and others, failed to have present during the removal of insulation from piping at the Garden State Paper facility a foreman, management-level person or other authorized representative, trained in compliance with asbestos regulations.

e. On various dates from on or about February 11, 2007 through on or about February 23, 2007, defendant BOZINOSKI, Company A, A.R., and others, failed to remove all RACM from the Garden State Paper facility being renovated before any activity began that would break up, dislodge, or disturb the RACM.

f. On or about February 23, 2007, defendant BOZINOSKI, Company A, A.R., and others, failed to adequately wet RACM when it was being stripped and cut from facility components at the Garden State Paper facility.

g. On or about February 23, 2007, defendant BOZINOSKI, Company A, A.R., and others, failed to ensure that RACM that had been removed or stripped remained adequately wetted until it was packed and sealed in leak-tight containers and wrappings.

h. On or about February 23, 2007, defendant BONZINOVSKI, Company A, A.R., and others, by storing RACM in unlabeled black plastic bags, failed to ensure that RACM that had been removed or stripped was packed and sealed in leak-tight containers and wrappings bearing approved warning label until they were collected for proper disposal.

In violation of Title 18, United States Code, Section 371.

Count 2 - CLEAN AIR ACT
(42 U.S.C. §§ 7412(b) & (h) and 7413(c)(1);
18 U.S.C. § 2; 40 C.F.R. § 61.145(a))

1. The allegations contained in Paragraphs 1 and 3 through 10 of Count 1 are realleged as if set forth in full herein.

2. On or about February 23, 2007, in Bergen County, in the District of New Jersey, and elsewhere, defendant

VELE BOZINOSKI,

who was an operator of the Garden State Paper facility, a facility being renovated, and at which a renovation activity was occurring, did knowingly violate the EPA's work practice standards by failing, and causing the failure, to thoroughly inspect the Garden State Paper facility for the presence of asbestos prior to commencement of renovation activity.

In violation of Title 42, United States Code, Sections 7412(b) & (h) and 7413(c)(1), and Title 18, United States Code, Section 2.

Count 3 - CLEAN AIR ACT
(42 U.S.C. §§ 7412(b) & (h) and 7413(c) (1); 18 U.S.C. §
2; 40 C.F.R. § 61.145(b))

1. The allegations contained in Paragraphs 1 and 3 through 10 of Count 1 are realleged as if set forth in full herein.

2. On or about February 23, 2007, in Bergen County, in the District of New Jersey, and elsewhere, defendant

VELE BOZINOSKI,

who was an operator and supervisor of the Garden State Paper facility, which contained RACM on at least 160 square feet or 260 linear feet of piping and other facility components, and which was a facility being renovated, and at which a renovation activity was occurring, did knowingly violate the EPA's work practice standards by failing to provide the EPA Administrator with written notice of the intention to renovate the Garden State Paper facility or cause such to occur.

In violation of Title 42, United States Code, Sections 7412(b) & (h) and 7413(c) (1), and Title 18, United States Code, Section 2.

Count 4 - CLEAN AIR ACT
(42 U.S.C. §§ 7412(b) & (h) and 7413(c) (1); 18 U.S.C. §
2; 40 C.F.R. § 61.145(c) (8))

1. The allegations contained in Paragraphs 1 and 3 through 10 of Count 1 are realleged as if set forth in full herein.

2. On or about February 23, 2007, in Bergen County, in the District of New Jersey, and elsewhere, defendant

VELE BOZINOSKI,

who was an operator and supervisor of the Garden State Paper facility, which contained RACM on at least 160 square feet or 260 linear feet of piping and other facility components, and which was a facility being renovated, and at which a renovation activity was occurring, did knowingly violate the EPA's work practice standards by failing, and causing the failure, to have present during the renovation activity a foreman, management-level person or other authorized representative, trained in compliance with asbestos regulations.

In violation of Title 42, United States Code, Sections 7412(b) & (h) and 7413(c) (1), and Title 18, United States Code, Section 2.

Count 5 - CLEAN AIR ACT
(42 U.S.C. §§ 7412(b) & (h) and 7413(c)(1); 18 U.S.C. §
2; 40 C.F.R. § 61.145(c)(1))

1. The allegations contained in Paragraphs 1 and 3 through 10 of Count 1 are realleged as if set forth in full herein.

2. On or about February 23, 2007, in the District of New Jersey, and elsewhere, defendant

VELE BOZINOSKI,

who was an operator and supervisor of the Garden State Paper facility, which contained RACM on at least 160 square feet or 260 linear feet of piping and other facility components, and which was a facility being renovated, and at which a renovation activity was occurring, did knowingly violate the EPA's work practice standards by failing, and causing the failure, to remove all RACM from the Garden State Paper facility before activity began that would break up, dislodge, or similarly disturb the material.

In violation of Title 42, United States Code, Sections 7412(b) & (h) and 7413(c)(1), and Title 18, United States Code, Section 2.

Count 6 - CLEAN AIR ACT

(42 U.S.C. §§ 7412(b) & (h) and 7413(c)(1); 18 U.S.C. § 2; 40 C.F.R. § 61.145(c)(2)(i) and (3))

1. The allegations contained in Paragraphs 1 and 3 through 10 of Count 1 are realleged as if set forth in full herein.

2. On or about February 23, 2007, in the District of New Jersey, and elsewhere, defendant

VELE BOZINOSKI,

who was an operator and supervisor of the Garden State Paper facility, which contained RACM on at least 160 square feet or 260 linear feet of piping and other facility components, and which was a facility being renovated, and at which a renovation activity was occurring, did knowingly violate the EPA's work practice standards by failing, and causing the failure, to adequately wet RACM when it was being stripped and cut from facility components.

In violation of Title 42, United States Code, Sections 7412(b) & (h) and 7413(c)(1), and Title 18, United States Code, Section 2.

Count 7 - CLEAN AIR ACT

(42 U.S.C. §§ 7412(b) & (h) and 7413(c)(1); 18 U.S.C. § 2; 40 C.F.R. § 145(c)(6)(i); 40 C.F.R. § 150(a)(1)(iii) and (iv))

1. The allegations contained in Paragraphs 1 and 3 through 10 of Count 1 are realleged as if set forth in full herein.

2. On or about February 23, 2007, in Bergen County, in the District of New Jersey, and elsewhere, defendant

VELE BOZINOSKI,

who was an operator and supervisor of the former Garden State Paper facility, which contained RACM on at least 160 square feet or 260 linear feet of piping, and which was a facility being renovated, and at which a renovation activity was occurring, did knowingly violate the EPA's work practice standards by failing, and causing the failure, to ensure that the RACM remained wet until properly collected and contained in leak-tight containers or wrappings bearing approved warning labels until it was collected for proper disposal.

In violation of Title 42, United States Code, Sections 7412(b) & (h) and 7413(c)(1), and Title 18, United States Code, Section 2.

A TRUE BILL *a.o.*

U.V.
FOREPERSON

Paul J. Fishman

PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

VELE BOZINOSKI

INDICTMENT FOR

**18 U.S.C. § 371
42 U.S.C. §§ 7412(b) & (h), and 7413(c)(1)
18 U.S.C. § 2**

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