

U.S. Attorney's Report to the District

Protecting Our Environment

Our office plays an important role in protecting the forests, waterways, and other parts of our natural environment from harm so that all in our community can enjoy healthy lives. We prosecute those who, to grow marijuana in our national parks and forests, cut down trees, divert water, and use dangerous pesticides that spoil ecosystems and kill wildlife. We prosecute arsonists who intentionally set forest fires that burn federal land, and we pursue civilly those whose negligence starts other forest fires that damage federal land, recovering money damages and fire suppression costs to address the harm caused. And, earlier this month, we concluded a criminal case involving pollution to a public waterway in which we obtained criminal convictions of, and a fine and restitution order against, the responsible corporation and employees.

American Biodiesel, registered in San Joaquin County as Commercial Fuels, commercially manufactures biodiesel fuel at a plant in Stockton. The manufacturing process generates large amounts of wastewater that constitutes a pollutant under the federal Clean Water Act because it contains methanol, glycerin, oils and fats, and acids. During the time period involved in the case, from 2009 to 2016, American Biodiesel had permits from the City of Stockton allowing it to discharge a limited amount of its wastewater into the city's sewer system so long as it met limitations on the acidity of and the concentration of methanol in the wastewater. Because American Biodiesel didn't have the ability to clean the wastewater its manufacturing process produced, it represented to the city that any wastewater exceeding the limitations in the permits would be shipped at company expense to an appropriate disposal facility in Oakland.

American Biodiesel and two employees—Christopher Young, the director of operations at its Stockton plant, and Jeremiah Young, an employee at the plant and Christopher Young's younger brother—admitted as part of their later guilty pleas that they discharged polluted wastewater in violation of federal law and the permits. At Christopher Young's direction, employees at the plant discharged wastewater that the company represented would be shipped for disposal in Oakland. Also at his direction, employees tampered with and rendered inaccurate the monitoring devices the permits required the company to maintain to monitor the amount and pH level of wastewater it discharged into the city's sewer system.

In one instance in 2016, the city conducted a surprise inspection and found plant employees engaged in a procedure that misreported the pH level data and the flow rate of wastewater being discharged into the Stockton sewer system. The city issued an immediate cease and desist order. Christopher Young then met with city inspectors and told them that the discharge was an accident and that employees had been disciplined for it. However, he later sent

an email instructing Jeremiah Young to restart the dumping of wastewater into the sewer after hours when the inspectors were unlikely to reappear.

On October 4, 2021, U.S. District Court Chief Judge Kimberly J. Mueller sentenced Christopher Young to 18 months in prison and a \$50,000 fine for his plea of guilty to charges of conspiracy, tampering with monitoring equipment, and unlawful discharge of wastewater. Earlier, the district court sentenced American Biodiesel to a three-year term of probation including various reporting and monitoring conditions. The district court also fined the company \$401,000 and ordered it to pay restitution to the Port of Stockton and the City of Stockton in the amount of \$256,206. The district court further ordered the company to develop and implement an effective compliance and ethics program, to be submitted to the court for review. Separately, the district court sentenced Jeremiah Young to a three-year term of probation for his role.

The American Biodiesel case demonstrates that violating the environmental laws of the United States can carry criminal consequences, potentially including time in prison for culpable individuals. Our case work, both criminal and civil, shows that we will work hard to ensure that those who engage in conduct that harms our shared natural resources and otherwise violate our environmental laws will be held accountable. We plan to continue our office's efforts in this area. The Eastern District is home to beautiful expanses of forests and mountains, fertile agricultural land that is farmed to feed us and much of the rest of the nation, and water and air we all rely on to drink and breathe. It is critical that we, as a society, protect the environment for our community and for future generations.

If you would like to communicate with our office, please contact the main number in Sacramento, or submit a suggestion by clicking on the button below. Thank you.

Acting United States Attorney

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