

Environmental Crimes Case Bulletin



U.S. Environmental Protection Agency Office of Criminal Enforcement, Forensics and Training

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This bulletin summarizes publicized investigative activity and adjudicated cases conducted by OCEFT Criminal Investigation Division special agents, forensic specialists, and legal support staff.

NOTE: A special thanks goes to DOJ's Environmental Crimes Section (ECS), in particular Elizabeth Janes, who is the author of the ECS Monthly Bulletin and influenced the format of this document.

Defendants in this edition:

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- Jon Goodrich - Region 1
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DEFENDANT SUMMARY:

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Region 1	Jon Goodrich	Plea Agreement / RCRA-Storage
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DEFENDANT SUMMARY:

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North Carolina Corporate Farm Fined \$1.5 Million, President Imprisoned For Illegal Hog Waste

Discharge – On February 13, 2012, **FREEDMAN FARMS, INC.**, a hog farm located in Columbus County, N.C., was sentenced in Federal district court for the Eastern District of North Carolina for violating the Clean Water Act when they discharged hog waste into a stream that leads to the Waccamaw River. Freedman Farms was ordered to pay \$1.5 million in fines, restitution, and community service and placed on probation for five years. The company is also required to implement a comprehensive environmental compliance program and an annual training program. **WILLIAM B. FREEDMAN**, President of Freedman Farms Inc., was sentenced to six months in prison to be followed by six months of home confinement. Freedman Farms discharged hog waste into Browder's Branch, a tributary to the Waccamaw River that flows through the White Marsh, a large wetlands complex. The company's Columbus County farm had some 4,800 hogs on it. Hog waste was required to be directed to two lagoons for proper treatment and disposal. In December 2007, hog waste was discharged from Freedman Farms directly into Browder's Branch.



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California Shipping Company Sentenced to Pay \$1.5 Million for Falsifying Records to Conceal

Discharges – On February 15, 2012, **HORIZON LINES** was sentenced to pay a \$1 million criminal fine, ordered to make a \$500,000 community service payment to the National Fish and Wildlife Foundation to be used to improve the environment, watersheds and ecosystems in the Northern District of California, and was placed on probation for three years. During that time, Horizon is required to comply with the terms of a USAO/USCG-authored Environmental Compliance Plan. The company plead guilty to providing federal authorities with false vessel oil record-keeping entries on a container ship in an effort to conceal repeated discharges of oily wastewater into the Pacific Ocean. The charges stem from the illegal use of an oily water separator (OWS) and the falsification of records on the Horizon Enterprise, an American-flag containership that sails between Tacoma, Oakland and Honolulu. The crew was instructed to bypass the OWS and to trick the OWS' meter by running clean sea water through the meter rather than processed oily water. The clean sea water masked the fact that the crew was allowing unprocessed oily water to discharge into the ocean instead of into the sludge tank.

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New York Businessman Fined for Illegal Asbestos Removal

— On January 11, 2012, **LEONARD PUGH**, of Oriskany, N.Y., was fined \$5,000 and placed on probation for one year in Federal district court for the Northern District of New York following his guilty plea to a violation of the Clean Air Act. Pugh is an owner of a limited liability corporation known as the 44 Mohawk Street LLC. Mohawk owned a building located at 44 Old Mohawk Street in Whitesboro, N.Y., which contained approximately six thousand square feet of asbestos. Pugh admitted to hiring an unlicensed individual to demolish the building with knowledge that he would not first notify EPA of the demolition activity, maintain the asbestos in a wet condition during removal activities, and dispose of the asbestos in a landfill authorized by law to accept asbestos contaminated materials.

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Two Shipping Corporations Fined \$1.2 Million for Obstruction of Justice and Environmental Crimes

— On January 25, 2012, two shipping corporations, ***EFPLOIA SHIPPING AND AQUAROSA SHIPPING***, pleaded guilty at separate hearings in Federal district court for the District of Maryland for their role in managing and owning a ship engaged in deliberate discharges of waste oil and plastic garbage. The companies were sentenced to pay a total of \$1.2 million. From that amount, each defendant was ordered to pay \$275,000 in organizational community service payments to the National Fish & Wildlife Foundation, a total of \$550,000 earmarked for restoration and related projects involving the Chesapeake Bay.

Efploia Shipping, a Marshall Islands corporation based in Greece, was the technical manager of the *M/V Aquarosa*, a 33,005 gross-ton newly built cargo ship, constructed in China and registered in Malta. Aquarosa Shipping, a company based in Denmark, was the owner of the vessel. Both corporations pleaded guilty to obstruction of justice, making material false statements, and the environmental crimes of knowingly failing to maintain an accurate oil record book and knowingly failing to maintain an accurate garbage record book, both in violation of the Act to Prevent Pollution from Ships. According to papers filed in court, senior ship engineers started dumping oil-contaminated bilge waste on the ship's very first voyage after it was completed in June 2010 in China. One method involved removing the blocking mechanism inside a valve so that waste could be pumped overboard. Another method involved a so-called "magic pipe" consisting of a long rubber hose and metal flanges welded together on-board to bypass required pollution prevention equipment.

The investigation began after an engineer complained to the U.S. Coast Guard when the ship arrived in Baltimore in February 2011. The crew member's cell phone contained 300 photographs showing how a magic pipe was being used to discharge sludge and oily waste overboard and to bypass the ship's oily water separator, a required piece of pollution prevention equipment. Plastic garbage bags containing oil soaked rags were also dumped overboard. Under MARPOL, ships must maintain an oil record book and a garbage record book in which all such discharges are recorded. Both defendants admitted to deliberately falsifying these required logs. The ship's chief engineer, Andreas Konstantinidis, is currently incarcerated for his role. He pleaded guilty in December 2011 to obstruction of justice charges and was sentenced to three months in prison.

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Florida Septic Hauler Imprisoned for Illegal Waste Discharge

On January 23, 2012, ***DANIEL PARKER***, of Ft. Lauderdale, Fla., was sentenced in Federal district court for the Southern District of Florida for dumping pollutants into the city of Ft. Lauderdale's sanitary sewer. Parker was sentenced to 15 months imprisonment and one year of supervised release. He had previously pled guilty to a felony violation of the Federal Water Pollution Control Act. Parker was the principal operator of a septic hauling truck for a Broward County plumbing company and regularly pumped septic and grease trap waste for commercial and residential customers for discharge into the Broward County water and wastewater services facility. Parker also participated in the process of converting sections of Ft. Lauderdale from a septic system to the city's sanitary sewer system, which required pumping out and then abandoning the septic system before connecting to the city's sanitary sewer system. During this conversion process, Parker also completed side jobs which were not revealed to his employer. Although Parker's employer had an account with the Broward County water and wastewater services facility in Pompano Beach, where the septic and grease trap waste was supposed to be discharged, Parker discharged sewage originating from his side jobs into the city of Ft. Lauderdale sanitary sewer system to avoid detection of his off-the-books work by his employer.



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Korean Shipping Company Given \$1.1 Million Criminal Fine for Illegal Oily Waste Dump —



On January 10, 2012, **KEOJE MARINE CO.** Ltd., and two engineers from the *M/T Keoje Tiger*, pleaded guilty in Federal court for the District of Hawaii to dumping oily waste into Hawaiian waters, obstruction of justice, and covering up oil pollution. The company was sentenced to pay a \$1,150,000 criminal penalty, \$250,000 of which will go to the National Fish and Wildlife Foundation as a community service payment for projects aimed at protecting and restoring marine resources in the District of Hawaii. Keoje Marine will also be required to implement an environmental compliance plan.

Keoje Marine owned and operated the *M/T Keoje Tiger*, a 4,228 gross ton oil tanker that brought fuel and supplies to fishing vessels in the South Pacific as a "floating gas station." During a voyage to Hawaii that ended in Honolulu on October 12, 2011, certain crew members from the vessel knowingly discharged oil in the form of oily bilge waste into the exclusive economic zone of the United States in quantities that may have been harmful to the natural resources of the United States. This was accomplished through the use of a bypass or "magic hose" that was connected from pumps in the engine room to a valve that lead directly overboard into the sea, bypassing the oil water separator, a required piece of pollution prevention equipment. Oily bilge waste was discharged from the vessel routinely from March to October 2011. The practice onboard the vessel was uncovered by U.S. Coast Guard inspectors after receiving a tip from a crew member. All discharges of oily bilge waste from a vessel are required to be recorded in the vessel's oil record book. However, none of the illegal discharges were recorded in the oil record book for the *M/T Keoje Tiger*.

BONG SEOB BAG, the vessel's chief engineer, pleaded guilty to falsifying the vessel's oil record book and failing to record that oily bilge waste had been directly discharged into the sea and was sentenced to three years probation during which he is banned from entering the United States. First Assistant Engineer **DWINTORO** also pleaded guilty for his role in causing the oil record book to be false. Dwintoro was in charge of the daily operations in the engine room and on numerous occasions directed that the "magic hose" be hooked up to discharge oily waste directly into the sea. He was sentenced to three years probation during which he is banned from entering the United States.

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Louisiana City Sentenced in Illegal Discharge Case —

On January 4, 2012, the **CITY OF PINEVILLE, LA.**, was given a \$15,000 fine and placed on one year of supervised probation in Federal district court for the Western District of Louisiana after pleading guilty in October, 2011 to charges stemming from an illegal discharge from a pumping station. In September 2008, following heavy rainfall from Hurricane Gustav, Pineville's Huffman Creek Pumping Station illegally discharged hydraulic fluid over the levee and into Bayou Maria, which empties into the Red River. An investigation conducted by the Louisiana Environmental Crimes Task Force, including EPA's CID, DEQ's CID, Louisiana State Police, and the FBI revealed that the discharge was a result of damaged pumps at the pumping station, which were known by city personnel to be in disrepair and leaking diesel fuel and hydraulic fluid. In addition to the fine and probation, the city was ordered to put in place an environmental management system to detect and prevent future violations, install a complaint hotline for employees, provide ongoing employee training in federal, state and local environmental regulations, and publish an apology in 'The Alexandria Town Talk' newspaper.

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Illegal discharge from Pineville pumping station

Two Michigan Men Sentenced for Illegal Asbestos Removal — On February 13 and 17, 2012, **DANIEL**



CLEMENTS AND BRIAN WAITE, both from the Bay City, Michigan area, were sentenced for criminal violations of the CAA. Daniel Clements, who previously pled to one count of knowingly violating the Clean Air Act and the federal asbestos regulations was sentenced on February 13 to two years' probation, six months' home confinement, and a \$3,000 criminal fine. Brian Waite pled guilty to knowingly violating the CAA and the federal asbestos regulations. On February 17, Waite was sentenced to one year and one day in prison and three years of supervised release. The men participated in the illegal removal of asbestos-containing materials at a former automotive plant in Utica, Michigan, which contained over 60,000 linear feet and

30,000 square feet of asbestos-containing materials. They directed workers to tear down the asbestos-containing material while it was dry and to place into plastic bags without wetting it. To facilitate removing the asbestos-containing material rapidly, Clements instructed workers to "let it fly" and "let 'er rip," and both defendants ordered workers to remove "one-thousand feet" of asbestos-containing materials each day. In attempting to meet these demands, workers sometimes kicked or threw the asbestos-containing materials from the lifts, rather than carefully lowering the materials to the ground. Some of the workers broke larger pieces of dry asbestos-containing materials, in order to fit them into the bags. The manner in which the asbestos material was removed and handled violated the CAA's asbestos regulations.

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Well Service Manager Fined, Given Home Detention for Illegal Wastewater Dump —

On February 9, 2012, **EDWARD HANNAN** was fined \$15,000, placed on probation for three years, and given six months of home detention for not properly off-loading "produced water," the water brought to the surface along with oil or gas and for releasing the wastewater from the Linder Oil Co. platform into Breton Sound. Linder Oil had contracted with St. Bernard Well Service to perform day-to-day production functions, including the on-site handing of the produced water, a pollutant, for off-site disposal. Sometime before July 2007, a Linder Oil employee



noticed what she believed to be a typographical error in the reports from St. Bernard Well Service. She contacted her supervisor and showed him that the reports from July 2006 reflected no produced water. Her supervisor contacted Hannan but Hannan told the supervisor that the well was producing "clean oil." Hannan had been telling Linder Oil there was no contaminated wastewater, allegedly to help maintain his contract with the company. Under proper procedure, the wastewater should have been loaded onto a barge and taken to a disposal site onshore.

Hannan, who was the St. Bernard Well Service on-site manager, admitted to violating the federal Clean Water Act by ordering an employee to discharge the pollutant into Breton Sound. Hannan's sentence was reduced because he helped the government obtain a plea deal against Linder in 2009. While St. Bernard Well Service was responsible for the decision to discharge the wastewater, and actually discharged it, Linder Oil did not implement sufficient safeguards to detect and prevent that discharge. Linder Oil paid a \$50,000 fine and a community service payment of \$20,000 to the Southern Environmental Enforcement Network and the Louisiana State Police Right to Know Fund.

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Seattle Business Owner Convicted Of Environmental Crimes and Witness Tampering In Industrial Dumping Incident

— On January 27, 2012, **PATRICK DOOLEY**, owner of Bargains Inc., aka AAA Liquidating Services Inc., was convicted in Federal district court for the Western District of Washington of three counts of Clean Water Act violations and one count of witness tampering related to an August 2010 hazardous materials dumping incident. A jury convicted Dooley following a four day trial. He faces up to three years in prison on each CWA violation and ten years in prison on the felony witness tampering count. Sentencing is scheduled for April 27, 2012. In August 2010, Dooley directed a juvenile employee to dispose of surplus commercial chemical cleaning products by dumping them down a toilet at the company's South Seattle warehouse. Acting under Dooley's supervision, the juvenile employee proceeded to dispose of multiple five-gallon containers of liquid bleach and an acidic laundry solution. Dooley failed to provide any personal protective equipment or instruct the juvenile employee to take any precautions. The two chemicals reacted in the toilet bowl to produce chlorine gas of a sufficient concentration to cause immediate physical symptoms. Once exposed to the chlorine gas, the juvenile employee got out of the warehouse. He continued experiencing breathing difficulties, nausea and other symptoms of chlorine gas exposure. Emergency medical personnel responded and transported the employee to a nearby hospital where he was treated and released. Dooley instructed another employee to falsely characterize his employment status and compensation arrangement to law enforcement officers in an attempt to obstruct the federal investigation. At various times following the incident, Dooley claimed that the 17 year old juvenile had simply decided to clean the toilet on his own, and had not been acting on instructions to dispose of the chemicals.



Chemical containers that Dooley ordered illegally dumped.

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Three Men and Company Convicted of Conspiracy in Illegal Asbestos Demolition Work — On January 30, 2012, **DAVID WOOD, DONALD FILLERS, JAMES MATHIS AND WATKINS STREET PROJECT LLC** were convicted by a federal jury in Federal district court for the Eastern District of Tennessee of environmental crimes including the Clean Air Act, and obstruction of justice charges related to illegal demolition. David Wood, Donald Fillers, James Mathis and Watkins Street Project LLC, salvaged and demolished a Chattanooga factory containing large amounts of the toxic air pollutant asbestos. Mathis was found not guilty of one of the Clean Air Act charges, but guilty of conspiracy and three other substantive Clean Air Act counts.

Evidence presented during the three week trial proved that the defendants entered into a year-long scheme, from August 2004 to September 2005, in which the former Standard Coosa Thatcher Plant was illegally demolished while still containing large amounts of asbestos. Any asbestos that was removed from the plant prior to demolition was removed illegally, scattered in open debris piles and left exposed to the elements. During the course of these illegal operations, visible emissions engulfed surrounding businesses, residences and a daycare center, potentially exposing the surrounding community to substantial quantities of asbestos. The evidence also showed the defendants tried to cover up their illegal activities by falsifying documents and lying to federal authorities. Sentencing is set for June 7.

The conspiracy, substantive Clean Air Act and false statements counts of the indictment each carry a maximum possible term of 5 years in prison and a fine of \$250,000, twice the gross gain to the defendants, or twice the gross loss to a victim. The obstruction of justice charge carries a maximum possible term of 20 years in prison and related fines.

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Oregon Man Found Guilty of Twenty-Seven State Criminal Counts of Water Pollution — On February 27, 2012, ***WILLIAM HOLDNER***, of Oregon, was convicted of twenty-seven counts of illegally discharging cattle waste into Mud Creek and South Scappoose Creek, both tributaries of the Columbia River. The evidence showed that Holdner also ran a cattle operation without proper permits. The Oregon Department of Agriculture (ODA) brought information to the attention of EPA-CID about Holdner Farms being an unpermitted CAFO that routinely discharged animal waste into South Scappoose Creek. Oregon has a federally delegated water quality program administered by the Oregon Department of Environmental Quality (ODEQ); under Oregon law, ODA administers the water quality program for CAFO's on behalf of the ODEQ. In 2009, ODA tested the water in South Scappoose Creek and found it to have high levels of fecal coliform. ODA also witnessed Holdner Farms using a manure gun to discharge manure directly into South Scappoose Creek. ODA requested assistance from the EPA-CID and the Oregon State Police to address the pollution and permitting issues associated with Holdner Farms after being unable to enforce against Holdner's many years of non-compliance.



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New Hampshire Foundry and Its President Plead Guilty to Felony Hazardous Waste Violations

— On January 9, 2012, **JOHN R. WIEHL**, **President of FRANKLIN NON-FERROUS FOUNDRY, INC.**, of Franklin, N.H., plead guilty along with the company to illegally storing hazardous waste under the Resource Conservation and Recovery Act. The company manufactures a variety of metal parts for various industrial applications. A byproduct of the foundry's operation is the generation of waste containing hazardous or toxic concentrations of lead and cadmium. Exposure to lead and cadmium can cause or contribute to a range of health effects, including behavioral problems, learning disabilities and kidney disease.

In April and August 2009, two workplace inspections conducted by the Occupational Safety and Health Administration found the illegal storage. After receiving results of the inspections, EPA executed a search warrant in December 2009 and discovered hazardous waste drums on company premises. In August 2010, a federal grand jury indicted Wiehl and the company for unlawfully accumulating and storing lead and cadmium hazardous waste at the foundry site since July 2005. Neither Wiehl nor the company had been issued a permit to store hazardous waste for more than 90 days. The company was cited by EPA for similar violations in 2002 and 2005, but neither the company nor Wiehl previously faced criminal charges. Wiehl faces a possible maximum sentence of two years in prison and a maximum fine of \$250,000. Under the terms of a plea agreement filed with the court, the United States Attorney's Office has agreed to recommend that he serve two years of probation, six months of house arrest, and that he publish a public apology. Franklin Non-Ferrous Foundry, Inc is facing a possible maximum fine of \$500,000.

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Photo by Alexander Cohn / Monitor staff Franklin Non-Ferrous Foundry owner John Wiehl looks over cast bronze valves cooling

Criminal Wetlands Violations Draw Felony Guilty Plea — On February 17, 2012, **JULIUS DESIMONE** pleaded guilty to two felony counts for conspiring to violate the Clean Water Act's prohibition on filling wetlands, then lying to federal agents in an attempt to conceal his crimes. According to the charges, DeSimone and other co-conspirators engaged in a multi-year scheme to illegally dump eight thousand one hundred tons of pulverized construction and demolition debris that was processed at New York and New Jersey solid waste management facilities and then transported to a farmers property in Frankfort, N.Y. DeSimone and other conspirators concealed the illegal dumping by fabricating a New York State Department of Environmental Conservation permit and forging the name of a DEC official on the fraudulent permit. DeSimone admitted in the plea agreement that once DEC and the EPA learned of the illegal dumping, he lied to federal agents in an effort to conceal the crimes.

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Former Vermont Defense Company President Pleads Guilty to Illegal Hazardous Waste Storage —

On January 10, 2012, **JON GOODRICH**, of Bennington, Vermont, former President of the Bennington Operations of Mace Personal Defense, Inc. in Bennington, pled guilty in Federal district court for the District of Vermont to unlawfully storing hazardous waste at the Bennington facility without a permit. If the terms of the plea agreement are accepted, Goodrich would be required to pay a \$100,000 criminal fine and will receive a probationary sentence. A sentence hearing is set for May 2.

The Bennington facility of Mace produces tear gas and pepper spray products and produces hazardous waste as part of its manufacturing process. The federal charges stem from an emergency removal action conducted by the EPA and Vermont Department of Environmental Conservation beginning in January 2008.

Mace had pled guilty previously and paid a separate \$100,000 fine in federal court involving allegations that Mace and Goodrich knowingly stored hazardous waste at the Vermont Mill Properties facility for several years in excess of the amounts allowed under the hazardous waste regulations. Specifically, the allegations state that the majority of the hazardous waste was stored outside the facility in shipping containers in close proximity to the Walloomsac River. The charges also alleged that Mace and Goodrich received multiple estimates for removing the hazardous waste beginning in the autumn of 2006 but did not take any action. According to court records, these original removal estimates were for approximately \$70,000.

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Kansas Man Pleads Guilty to Failing to Notify EPA of Demolition Plan — On January 23, 2012, **HUGH BARKER**, from Harper, Kansas., pleaded guilty in Federal district court for the District of Kansas to failing to file notification of demolition with EPA. In his plea, Barker admitted that on October 8, 2008, his company, Barker Sand and Gravel, began demolishing the Buckeye Building in Harper. Barker, had a contract with the city of Harper for the demolition, but knowingly failed to file 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. Sentencing is set for April 9.

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Kansas City Developer and Operator Plead Guilty to Improperly Handling Asbestos —



Demolition activity at an asbestos-ridden home

On February 1, 2012, **WILLIAM M. THREATT**, Jr., of Kansas City, Mo., pleaded guilty in Federal district court for the Western District of Missouri to improperly removing and disposing of asbestos-containing materials at The Citadel Plaza Redevelopment Site in midtown Kansas City.

Threatt, the president and owner of the site, was previously indicted on June 29, 2010. A co-defendant, **ANTHONY CROMPTON** of Kansas City, also pleaded guilty. Crompton was an operator for the site and a real estate director for Community Development Corporation of Kansas City. He directed the workers who performed demolition work at the Citadel Plaza site. Both men admitted they violated the Clean Air Act in the process of removing and disposing of regulated asbestos-containing materials from numerous

structures during the demolition and renovation of the Citadel Plaza site from April 2001 to July 2006. Threatt and Crompton failed to properly inspect the site for asbestos, remove asbestos materials prior to commencing work that could disturb the materials, ensure that asbestos materials were adequately wetted or otherwise captured in a ventilation system to reduce dust prior to disposal, ensure that asbestos materials were placed in leak-tight containers bearing warning labels, ensure that proper shipment records were maintained, ensure that a properly trained person in asbestos removal procedures was present at all times, ensure that asbestos waste was transported off-site in properly labeled containers, and ensure that asbestos waste was disposed of at approved disposal sites. They are subject to up to five years in federal prison without parole, plus a fine up to \$250,000.

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Scotts Miracle-Gro Company Pleads Guilty to Multiple Criminal Pesticide Violations —

On February 21, the **SCOTTS MIRACLE-GRO COMPANY** pleaded guilty in Ohio to eleven FIFRA violations. Scotts admitted to illegally applying an insecticide to its wild bird food products that is toxic to birds, falsifying pesticide registration documents, distributing pesticides with misleading and unapproved labels, and distributing unregistered pesticides, all in violation of FIFRA. Scotts also admitted that in an effort to protect its bird food from insect infestation, the company applied to its line of wild bird foods the pesticides Storcide II and Actellic 5E, neither of which were approved by EPA for use in bird foods, the former bearing the warning, “Storcide II is extremely toxic to fish and toxic to birds and other wildlife.” Scotts continued to sell the products for six months after employees warned management of the dangers of these pesticides. Until its voluntary recall of these treated bird foods in March 2008, Scotts illegally sold over seventy million units of insecticide-treated bird food.

Scotts also pleaded guilty to the fraudulent conduct of its Federal Registration Manager who submitted false documents to EPA and to state regulatory agencies in an effort to deceive them into believing that the pesticides were registered with EPA, when in fact they were not. Scotts pleaded guilty to having illegally sold these unregistered pesticides. In another set of charges, Scotts entered pleas of guilty to counts of having marketed pesticides bearing labels containing false and misleading claims not approved by EPA. Under the terms of the plea agreement, both Scotts and the Department of Justice recommend that Scotts pay a criminal fine of \$4 million to the federal government and that it perform community service by contributing \$500,000 to organizations that protect bird populations and habitats through conservation, research, and education. If the court approves of the plea agreement, Scotts will contribute \$100,000 to each of the following five organizations and programs: (1) Ohio Audubon’s Important Bird Area Program; (2) Ohio Department of Natural Resources’ Urban Forestry Program; (3) Columbus Metro-Parks Bird Habitat Enhancement Program; (4) Cornell University Ornithology Laboratory; and (5) The Nature Conservancy of Ohio.

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Philadelphia Co. Employee Charged with Felony Wastewater Sample Tampering — On January 11, 2012, **NUPRO INDUSTRIES CORPORATION**, a manufacturer of oils and esters in Philadelphia, and **PETER SHTOMPIL**, of Mt. Pleasant, S.C., an employee, were charged with watering down samples of wastewater from the plant before the wastewater was discharged into the Philadelphia sewer system. Under environmental pretreatment permits that Nupro had with the city of Philadelphia, the company was required to monitor the pollutants in its industrial wastewater by taking representative samples and submitting the samples for testing for specified pollutants, such as pH and ethylbenzene. The information charges that from November 2006 to June 2007, Nupro and Shtompil watered down the samples, making them nonrepresentative, in order to dilute the pollutants and to appear to be in compliance with the pollutant limits. If convicted, Nupro faces a maximum possible sentence of five years' probation, a mandatory minimum of one year probation, a fine of \$500,000, and a \$400 special assessment. Shtompil faces a possible sentence of two years' imprisonment, a one year period of supervised release, a \$250,000 fine, and a \$100 special assessment.

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