

# Environmental Crimes Case Bulletin



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

**March 2012**

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

## **Defendants in this edition:**

- **Vele Bozinowski—Region 2**
- **Joe Parrish, Gregory A. Scott — Region 3**
- **Timothy Terrell Smither — Region 4**
- **Giuseppe Bottiglieri Shipping Company, Vito La Forgia — Region 4**
- **Daniel R. Olson - Region 5**
- **William Morgan — Region 5**
- **North American Green, Inc. — Region 5**
- **Lorne J. Elbert, Jr., Elbert Building Company — Region 5**
- **John Tuma — Region 6**
- **Ilios Shipping Company — Region 6**
- **Belvan Corporation — Region 6**
- **Cenac Towing — Region 6**
- **Michael Terry, Sedrix Blumingsburg — Region 7**
- **We Lend More, Inc., Marc Vogel — Region 9**
- **William Holdner — Region 10**

## ***DEFENDANT SUMMARY:***

REGION	DEFENDANTS	CASE TYPE/STATUTES
Region 2	<a href="#">Vele Bozinowski</a>	Indictment / CAA-Asbestos
Region 3	<a href="#">Joe Parrish, Gregory A. Scott</a>	Plea Agreement /Bribery-CAA-Asbestos
Region 4	<a href="#">Timothy Terrell Smither</a>	Plea Agreement / FIFRA-Mail & wire fraud
Region 4	<a href="#">Giuseppe Bottiglieri Shipping Company and Vito La Forgia</a>	Indictment /APPS-vessel, conspiracy, obstruction of justice
Region 5	<a href="#">Daniel R. Olson</a>	Plea Agreement / CWA-Failure to file & falsifying reports
Region 5	<a href="#">William Morgan</a>	Plea Agreement / CAA-False reporting & bribery
Region 5	<a href="#">North American Green, Inc.</a>	Plea Agreement / FIFRA-Illegal pesticide use
Region 5	<a href="#">Lorne J. Elbert, Jr. &amp; Elbert Building Company</a>	Indictment / CAA-Asbestos

## ***DEFENDANT SUMMARY:***

REGION	DEFENDANTS	CASE TYPE/STATUTES
Region 6	<a href="#">John Tuma</a>	Guilty Verdict / CWA-Discharging without a permit
Region 6	<a href="#">Ilios Shipping Company</a>	Sentencing / APPS-Vessel
Region 6	<a href="#">Belvan Corporation</a>	Sentencing / CAA- Failure to notify or report
Region 6	<a href="#">Cenac Towing</a>	Plea Agreement / CWA-Failure to file DMRs
Region 7	<a href="#">Michael Terry &amp; Sedrix Blumberg</a>	Indictment / CAA-Vehicle document falsification
Region 9	<a href="#">We Lend More, Inc. &amp; Marc Vogel</a>	Trial Conviction / Unlawful transportation, disposal of hazardous waste
Region 10	<a href="#">William Holdner</a>	Sentencing / CAFO-Discharge of hazardous waste

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## Sentencings [\(Back to Quick Links\)](#)

### **Greek Shipping Company Sentenced in New Orleans to Pay \$2 Million Criminal Fine for Intentional Cover-Up of Oil Pollution and Obstruction of Justice** — On March 27, 2012, **ILIOS SHIPPING COMPANY S.A.**, was sentenced in federal court in New Orleans for violating the Act to Prevent Pollution from Ships and obstruction of justice.



*The M/V Agios Emilianos, operated by Ilios Shipping Company, that routinely discharged oily bilge waste.*

Ilios was ordered to pay an overall criminal penalty of \$2 million dollars. The National Fish and Wildlife Foundation will receive \$250,000 to fund projects aimed at the restoration of marine and aquatic resources in the Eastern District of Louisiana. Ilios is also required to implement an environmental compliance plan, which will ensure that any ship operated by Ilios complies with all maritime environmental requirements established under applicable international, flag state, and port state laws. The plan ensures that

Ilios' employees and the crew of any vessel operated by Ilios are properly trained in preventing maritime pollution. An independent monitor will report to the court about Ilios' compliance with its obligations during the period of probation. Ilios operated the M/V Agios Emilianos, a 738- foot, 36,573 ton bulk carrier cargo ship that hauled grain from New Orleans to various ports around the world. From April 2009 until April 2011, oily bilge waste and sludge was routinely discharged from the vessel directly into the sea without the use of required pollution prevention equipment. During that time, the crew intentionally covered up the illegal discharges of oil waste by falsifying the vessel's oil record book. The master of the vessel, **VALENTINO MISLANG**, previously pleaded guilty to conspiracy to obstruct justice for his role in destroying evidence and instructing crewmembers to lie to the Coast Guard during an inspection of the vessel in April 2011. The chief engineer of the vessel, **ROMULO ESPERAS**, previously pleaded guilty to conspiracy to obstruct justice for his role in falsifying the vessel's oil record book and directing the discharge of oily bilge waste and sludge directly into the sea.



*The M/V Agios Emilianos*

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## Texas Corporation to Pay \$500,000 for Criminal Violations of the Clean Air Act —

On March 23, 2012, **BELVAN CORPORATION** was sentenced to pay a \$500,000 criminal fine and serve five years probation following its guilty plea to a one-count Clean Air Act felony, specifically failure to notify or report. The judge also ordered the company to institute an annual environmental training program including refresher courses in environmental compliance. Belvan admitted that it failed to notify the appropriate authorities, including the EPA and the Texas Commission on Environmental Quality, of the plant's



release of noxious pollutants into the air. Belvan Corporation owned the Belvan Midway Lane Gas Processing Plant, a natural gas processing facility in Crockett County, Texas. In January 2012, three executives at Belvan Corporation admitted to violating the Clean Air Act. **MICHAEL DAVIS**, vice-president of engineering and operations, **DANIEL VALMER MEACHAM**, operations manager, and **ROBERT MARK STEWART**, environmental coordinator, each pleaded guilty to one count of negligent endangerment under the Clean Air Act. In accordance with the terms of their plea agreements, Davis paid a \$50,000 fine; Meacham paid a \$22,000 fine and Stewart paid a \$15,000 fine. In addition, they were each sentenced to serve a one-year term of probation during which they must complete an eight-hour environmental awareness training program. From October 15, 2005, through December 12, 2008, an environmental control called the Sulfur Recovery Unit (SRU), which is designed to recover sulfur from gaseous hydrogen sulfide, was shut down at the Belvan Midway Lane Gas Processing Plant. During that time, acid gas was diverted from the SRU to the flair system, combusting the acid gas and releasing dangerous substances, including hydrogen sulfide, sulphur dioxide and other noxious pollutants into the air. The defendants did not report these dangerous emissions and thus placed people in imminent danger of death and serious bodily injury. In fact, Belvan only reported the dangerous emissions years after they began.

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## Oregon Man Sentenced for Twenty-Seven State Criminal Counts of Water Pollution (Conviction previously reported in the last bulletin) —

On March 21, 2012, **WILLIAM HOLDNER** was sentenced to five days incarceration, a \$300,000 criminal fine, and three years probation after being 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) provided information to EPA's criminal program regarding Holdner Farms being an unpermitted Concentrated Animal Feeding Operation (CAFO) routinely discharging 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 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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**Shreveport Wastewater Owner Found Guilty on Criminal Charges of Discharging Pollutants Into the Red River** —

On March 22, 2012, a jury in the Western District of Louisiana found **JOHN TUMA**, 53, guilty of three Clean Water Act felony violations, obstructing justice, and conspiracy. Tuma was the owner of Arkla Disposal Services, Inc., (“ARKLA”). The Arkla facility, located in Shreveport, Louisiana, was a centralized wastewater treatment facility that received wastewater from industrial processes and oilfield exploration and production facilities. Arkla contracted to treat the wastewater through a multi-step treatment process and then discharge the treated wastewater to the City of Shreveport publicly owned treatment works, or to the Red River. In April



*Piping that was removed from Arkla's river outfall pipeline. This was the only place where the otherwise underground pipeline was exposed. The section of piping was removed by a contractor at John Tuma's request as part of a cover story created by Tuma claiming that the facility was incapable to discharge to the river because the line was capped.*

2007, EPA and Louisiana Department of Environmental Quality officials conducted an inspection at Arkla. The inspectors determined that the facility was incapable of treating the incoming wastes. In December 2007, current facility owners, CCS Energy Services, Inc., self-disclosed to EPA that under the direction of Tuma, employees were discharging untreated wastewaters directly to the Red River. The other defendant in this case is Tuma's son, **CODY TUMA**. Cody Tuma, 28, pled guilty on February 28, 2012 to negligently discharging untreated wastewater directly into the Red River without a permit, in violation of the Clean Water Act. Cody Tuma was plant operator in 2005 and night shift supervisor in 2006 at Arkla. Cody Tuma will be sentenced June 20, 2012. Sentencing for John Tuma is scheduled for July 25, 2012.

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*This pipe is the first underwater extension of Arkla's river outfall. The underwater piping prevented the detection of the illegal river discharges.*



*This is the second underwater extension of Arkla's river outfall. The blue piping was added in Sept 2007, shortly before the welded bypass was added at the facility. The piping was added to hide the illegal river discharges.*



## California Pawn Shop and Owner Convicted of Illegal Hazardous Waste Crimes —



*Some of the hazardous waste recovered at the Miramar Landfill, including potassium cyanide and nitric acid.*

On March 1, 2012, **WE LEND MORE, INC.**, a National City, California, pawn shop, and its owner, **MARC VOGEL**, were convicted in federal district court for the Southern District of California of several environmental crimes related to their dumping of lethal hazardous wastes at the Miramar Landfill in March, 2011. Vogel and his company were found guilty of unlawful transportation of hazardous waste, unlawful disposal of hazardous waste, and transportation of hazardous waste without a manifest, based on their role in dumping of potassium cyanide – a poisonous toxin that is lethal to humans in very small doses – and concentrated nitric acid. According to testimony presented at trial, if these two chemicals had combined during their disposal, the mixture

would have created deadly hydrogen cyanide gas, threatening the life of anyone in the immediate vicinity. On March 12, 2011, Vogel contacted a trash hauler and asked for a truck to be sent to We Lend More to dispose of some “junk.” Vogel did not inform the trash hauling company that “junk” included cyanide and acids. Later that day, co-defendant Raul Gonzalez-Lopez arrived at We Lend More with a truck, negotiated with Vogel for a price of \$100 to remove the “junk,” and tossed the discarded items into the truck – including two seven-pound containers of potassium cyanide and one-gallon of nitric acid. Waste manifests were not prepared for either of these hazardous wastes. The following day, Gonzalez-Lopez disposed of the potassium cyanide and nitric acid, along with other trash, at the Miramar Landfill which does not have a permit to accept such hazardous waste. Fortunately, landfill workers promptly discovered the hazardous wastes and took precautionary measures, including hiring a hazardous waste disposal company to properly deal with the dangerous items. Vogel later admitted to investigators that he knew that the chemicals he was seeking to dispose of could not be removed as ordinary trash. We Lend More had previously obtained an EPA “generator” number in connection with the disposition of some other chemicals, but never prepared a manifest for this shipment of hazardous waste. Co-defendant Gonzalez-Lopez is currently a fugitive on the same charges that were brought against Vogel and We Lend More. Sentencing for Vogel and We Lend More is set for May 29, 2012.



*The emergency response, including the Hazardous Incident Response Team, the day they found the hazardous waste at the Miramar Landfill.*

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### **Two Former D.C. Department of the Environment Officials Plead Guilty to Criminal Bribery**

**Charges**— On March 13, 2012, **JOE PARRISH** and **GREGORY A. SCOTT**, former inspectors at the District of Columbia Department of the Environment, Air Quality (DDOE), pled guilty to federal charges in a scheme where they demanded and received \$20,000 in cash as bribes for not reporting serious environmental infractions and assessing fines and penalties. Parrish and Scott were responsible for ensuring that contractors removing asbestos did so in a manner that protected the health and safety of asbestos workers, building occupants, and the public, and that all work was performed in accordance with D.C. regulations and the federal Clean Air Act. The charges involve dealings by Parrish and Scott with a general contractor and management company at a D.C. apartment building. The management company had hired the contractor to perform demolition and renovation work at the site. On August 16, 2011, Parrish and Scott advised the general contractor that serious issues involving asbestos needed to be addressed. In the days that followed, the defendants showed photographs to the general contractor and detailed infractions that they said could result in significant fines. The inspectors then reached a preliminary agreement that the general contractor would pay them \$10,000 each to avoid the asbestos-related fines. On August 23, 2011, a cooperating witness who worked for the management company that hired the general contractor called Parrish to set up a meeting with Parrish and Scott. That day, just minutes after an earthquake hit the Mid-Atlantic area, Parrish and Scott met with the cooperating witness at the apartment building. The inspectors said they were prepared to submit a report that could lead to proceedings against the management company to collect \$280,000 to \$300,000 in fines. They also warned that the infractions could be punishable by jail sentences. The inspectors said they were willing to “burn” their report and not inform DDOE attorneys of the infractions, provided they were paid \$20,000. The cooperating witness, who was working with law enforcement, then paid bribes of \$2,500 cash each as down payments to Parrish and Scott. The defendants agreed that they would not file their written report and other evidence of infractions with the DDOE. On September 2, 2011, Parrish and Scott once again met with the cooperating witness at the apartment building to pick up the final \$15,000 payment for their agreement to overlook the asbestos-related infractions. During the meeting, the cooperating witness paid Parrish and Scott the \$15,000, at which time the two inspectors were arrested. Sentencing is scheduled for May 21, 2012. The charge carries a maximum penalty of fifteen years in prison and potential fines of up to \$50,000. As part of their plea agreements, both men agreed to resign from DDOE and to never seek employment with any federal or local government agency in the future.

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### **Former Indiana Water Treatment Plant Superintendent Pleads Guilty to Criminal Charges of Falsifying Reports**

— On March 20, 2012, **DANIEL R. OLSON**, the former Superintendent of the J.B. Gifford Wastewater Treatment Plant in Michigan City, Indiana, pled guilty to knowingly failing to file and falsifying reports that concealed violations of the Clean Water Act at the Michigan City Plant. Olson knowingly failed to make a required report of a bypass of a treatment process before discharging raw sewage into Trail Creek, a tributary of Lake Michigan. The second count charged Olson with selectively reporting only some sample results regarding discharges to create the false impression of compliance with Michigan City’s permit limits when, in fact, other deliberately unreported sample results showed non-compliance. The third count charged Olson with creating the false impression of compliance with Michigan City’s permit limits regarding E. coli discharges by inappropriately and selectively taking the samples only at a point in the treatment process where E. Coli concentrations are at lower levels. All of the charged conduct occurred from July 2007 through June 2010. As a result of the felony conviction, Olson could be sentenced up to two years in prison and fined up to \$250,000 for each count. According to EPA personnel, there have been a significant number of the Washington Park beach closures due to high bacteria. Washington Park beach is located adjacent to where Trail Creek enters Lake Michigan.

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## **Tug Boat Company Pleads Guilty to Felony Clean Water Act Crime in Louisiana** —

On March 27, 2012, **CENAC TOWING** pleaded guilty to one felony Clean Water Act count; specifically, failure to file Discharge Monitoring Reports (DMRs) as required by their permit. In November 2010, Enterprise Marine Services (EMS) purchased a barge cleaning facility in Houma, Louisiana, from Cenac Towing. After purchasing the facility, EMS discovered Cenac had either no sewage treatment systems or inadequate sewage treatment systems for the various buildings located throughout the grounds. The investigation revealed the facility



*Aerial view of Cenac Towing*



*Wastewater holding tank that, at times, would bypass treatment and discharge directly to the Intracoastal Waterway Canal.*

failed to submit DMRs for multiple outfalls over a two-year period, in violation of its permit. Further investigation revealed Cenac discharged raw sewage from at least six unpermitted points directly into the facility's storm water system, which ultimately discharged into the Intracoastal Waterway Canal, a water of the United States. Pursuant to a binding plea agreement, Cenac will pay a criminal fine of \$375,000, a community service payment of \$150,000 to Louisiana Department of Environmental Quality's Environmental Trust Fund and serve three years of organizational probation.

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## **Supervisor of Township in Michigan Pleads Guilty to Criminal Conspiracy to Accept Bribes, to Defraud HUD, and to File False Statements to EPA** —

On March 26, 2012, the supervisor of Royal Oak Township, **WILLIAM MORGAN**, pleaded guilty to two counts of conspiracy. Morgan admitted to conspiring to accept a \$10,000 bribe, to defraud the U.S. Department of Housing and Urban Development (HUD), and to making a false statement, in violation of the federal Clean Air Act. Morgan admitted to accepting a \$10,000 bribe in an unsuccessful attempt to steer a HUD contract for the demolition of a property to the company whose owner gave him the bribe. Morgan also admitted that he conspired with the owner of that company and others to submit a false report regarding asbestos abatement in an abandoned theater on Eight Mile Road which was to be demolished, so that they could submit a false change order to obtain approximately \$170,000 in federal funds. The HUD federal funds were intended to be used by communities for the improvement of blighted areas via the removal of dilapidated buildings, pursuant to the Neighborhood Stabilization Program (NSP). Morgan, in addition to being Township supervisor, was the Township coordinator for NSP. Both conspiracy counts have a maximum sentence of five years imprisonment and a \$250,000 fine. Morgan's sentencing is scheduled for August 2, 2012.

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## **Former Manager of North Carolina Pesticide Company Pleads Guilty to Pesticide Crimes –**

On March 14, 2012, **TIMOTHY TERELL SMITHER**, pleaded guilty to conspiring to commit mail fraud and wire fraud and to violating federal pesticide law. Beginning in 1995, Steve Miller (now deceased), the owner and operator of the Miller Trophy Room, began to focus the business on treating animal trophy mounts. In 2001, the company began advertising on the Internet and claimed to engage in business in forty-eight different states. In 2000, Miller decided to use Termidor SC to treat indoor mounts and began purchasing large quantities of the product. Termidor SC is a pesticide that is not authorized for indoor use except for applications into wall voids. In 2002 and again in 2005, Miller and another co-conspirator purchased thousands of labels with the company's name and address printed on them. From the initial purchase through 2009, Smither and co-conspirators relabeled the containers of Termidor SC with the company labels. From 2004 to 2009, the conspirators shipped the relabeled Termidor SC to independent contract employees in other states for application and treatment of indoor trophy mounts. Because of the conspiracy, customers who were unaware that the product sent to them contained Termidor SC, treated large trophy mounts indoors by mixing the pesticide with water, and saturating the mounts as they sat on tarps. The mounts would then be left to air dry. During the application process, some customers were directly exposed to Termidor. Several customers reported holding the mounts while they were being sprayed and that the chemical made contact with their arms and hands. Another customer reported that his wife ran a day care center out of their home and that the children played on and petted the mounts from time to time after the treatments. Customers were told that the chemical being applied was completely safe, would not hurt them, and was a Miller Trophy Room "secret" chemical. To conceal the use of Termidor SC, the conspirators created false Material Safety Data Sheets that stated in Section II – Hazardous Ingredients/Identity Information, "Ingredients are considered a 'TRADE SECRET'". Smither faces up to five years imprisonment followed by up to three years of supervised release and a fine of up to \$250,000.

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*Animal trophy prior to treatment with Termidor SC*



*Same animal trophy after Termidor SC was applied*



*Termidor SC bottles re-labeled by Miller Trophy Room*



**Indiana Business Faces Nearly \$1 Million in Criminal Fines After Admitting Misuse of Pesticides** – On March 21, 2012, ***NORTH AMERICAN GREEN, INC.***, a business with operations in Evansville and Poseyville, Indiana, agreed to plead guilty to 150 counts of using a registered pesticide in violation of federal law. As part of its guilty plea, the company has been ordered to take remedial action and faces criminal fines of \$910,000.

North American Green, Inc. (NAG) is an agricultural materials company with a business office located in Evansville and a manufacturing plant located in Poseyville. In the course of selling erosion control mats, multiple states and countries require the products to be fumigated to rid them of pests. To accomplish this, NAG fumigates using a product called “Meth-O-Gas,” which is a registered pesticide that has been found to cause serious acute illness, lung or nervous system damage, or even death for those exposed to it in dangerous quantities. The chemical is heavily regulated by both the U.S. EPA and the Indiana Department of Natural Resources (IDNR). IDNR certifies the fumigation process through local licensed applicators.

Between May 2006 and April 2007, NAG has admitted to violating federal pesticide law by knowingly misusing Meth-O-Gas. This admission was preceded by federal authorities receiving information from a “whistle blower” who was a licensed applicator employed by NAG at the time of the offenses. The whistleblower told federal authorities that NAG had been signing his name on IDNR certificates related to the fumigations without his knowledge or consent. Subsequent investigation revealed a number of other instances in which Meth-O-Gas had been used in a manner inconsistent with its labeling, including plant personnel advising they never wore a full face mask or were supplied air during fumigations; and never testing the air for excess chemicals before or after fumigation, as required by the chemical’s labeling. Personnel also advised that NAG did not even possess a device that would have allowed them to perform the requisite testing. Some personnel performed the fumigations alone instead of with another person, as required by the chemical’s labeling. Personnel performed fumigations in structures without heat and without the ability to measure the temperature in the structure, which is also required by the chemical’s labeling.

NAG faces a number of remedial requirements as a result of its guilty plea. In addition to the criminal fine of \$910,000, the company has agreed to: (1) institute an employee training program; (2) develop a corporate environmental compliance policy; (3) submit to an independent audit of their ongoing compliance with federal regulations; and (4) issuance of a public apology in local newspapers. The company has also agreed to be placed on probation for a period of three years.

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### **Two Missouri Men Indicted for Falsifying Documents for Vehicle Owners –**

On March 2, 2012, **MICHAEL TERRY** and **SEDRIX BLUMINGBURG** were indicted in federal district court for the Eastern District of Missouri for allegedly falsifying documentation for vehicle owners regarding titling of vehicles, and auto emissions tests and sales tax during their employment at Sure Start Battery & Tire Company (Sure Start) in St. Louis. According to the indictment, the legitimate business of Sure Start was general vehicle



repair, including safety and auto emissions testing. The indictment alleges that Terry and Blumingburg conducted false safety and auto emissions tests and provided false safety documentation to vehicle owners in exchange for monetary compensation, and they bypassed the Missouri state laws associated with vehicle safety and EPA regulations. Additionally, the indictment states that Terry and Blumingburg created false documents showing vehicle insurance; false bill of sale documents on motor vehicles reducing the actual sales price to lower the amount of state sales tax due; and paid personal property tax receipts for vehicle

owners to register their vehicles, all of which they personally delivered to the Missouri Department of Revenue office in St. Louis. Terry and Blumingburg received illegal payments from the vehicle owners for these services. These documents were processed by fee/contract clerks as true and correct and sent to the Missouri Department of Revenue, depriving Missouri of fees and taxes.

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**New Jersey Man Charged With Asbestos Removal Crimes** – On March 2, 2012, **VELE BOZINOSKI**, of Elmwood Park, New Jersey, was charged with violating the federal Clean Air Act's asbestos work practice standards while removing insulation from piping at the former Garden State Paper Mill in Garfield, N.J., and with conspiring with others to commit that offense. According to the indictment, Bozinowski hired workers in February 2007 to remove insulation at the former paper mill, which contained more than 160 linear feet of asbestos-containing material. Bozinowski is charged with failing to follow Clean Air Act regulations which required him to thoroughly inspect the facility for the presence of asbestos before removing insulation, and to notify EPA of his intention to do so. He also allegedly failed to wet asbestos containing material before stripping it off pipes and other facility components, and to seal the asbestos-containing debris in leak-tight containers until it was collected for disposal, as required by law. The indictment charges Bozinowski with six counts of knowingly violating the Clean Air Act's asbestos work practice standards, and one count of conspiracy to commit that offense. Each charge carries a maximum potential penalty of five years in prison and a \$250,000 fine.

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**Italian Shipping Company and Chief Engineer Charged with Environmental Crimes and Obstruction of Justice**

– On March 5, 2012, Italian-based shipping company **GIUSEPPE BOTTIGLIERI SHIPPING COMPANY, S.P.A.**, owner and operator of the motor vessel *Bottiglieri Challenger*, and **VITO LA FORGIA**, the vessel’s chief engineer, were charged with the illegal dumping of waste oil and oil-contaminated waste water in violation of the Act to Prevent Pollution from Ships, conspiracy, and two counts of obstruction of justice. According to the indictment, on or about January 25, 2012, the *Bottiglieri Challenger* arrived in Mobile, Alabama, and was boarded by Coast Guard officials who conducted an inspection to determine the vessel’s compliance with U.S. and international law. The Coast Guard’s inspection uncovered evidence that Giuseppe Bottiglieri Shipping Company, acting through its agents and employees and chief engineer La Forgia, conspired to and failed to maintain an accurate oil record book that reflected all disposals of oil residue and discharges overboard, in violation of federal law. Giuseppe Bottiglieri Shipping Company and La Forgia are also charged with obstructing the Coast Guard’s inspection by allegedly ordering that an illegal bypass pipe, also referred to as a “magic pipe,” that was used to transfer oil-contaminated waste overboard, be removed prior the vessel’s arrival in Mobile. The indictment also alleges that the shipping company and La Forgia obstructed the inspection by having one of the waste tanks rinsed out with sea water before reaching the port in Mobile. If convicted, Giuseppe Bottiglieri Shipping Company faces a fine and other possible penalties. La Forgia faces a maximum penalty of twenty years in prison for the obstruction of justice charge.

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**Ohio Demolition Company and Its President Indicted for Asbestos Crimes** – On March 2, 2012, **LORNE J. ELBERT, JR.**, and **ELBERT BUILDING COMPANY, INC.**, a construction and demolition company in Elyria, Ohio, were indicted in federal district court for the Northern District of Ohio for the illegal removal of asbestos from the former Builders Square building in Lorain, Ohio. Elbert, president of the company, purchased the Builders Square building in 2007 with the intent of demolishing it and redeveloping the property. The boiler room of the building contained approximately eight hundred square feet of asbestos. It is alleged that on July 19, 2007, Elbert notified the Ohio Environmental Protection Agency that a licensed asbestos contractor would be removing the asbestos from the building prior to demolition. However, shortly after the notice was sent, Elbert hired an unlicensed individual to remove the asbestos from the boiler room of the building. On or about August 7, 2007, this individual removed the asbestos from the boiler room of the building. This person was not licensed to remove asbestos and his work was not supervised by a properly trained manager, according to the indictment. The indictment charges in the first count that Elbert and Elbert Building Company falsely stated to Ohio EPA that a licensed asbestos removal contractor would be removing the asbestos from the boiler room of the building, when in fact Elbert hired an unlicensed individual to remove the asbestos from the boiler room of the building. In the second count of the indictment Elbert is charged with failing to have a properly trained manager on-site when the asbestos was removed from the boiler room of the building.

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