

Environmental Crimes Case Bulletin



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

August 2013

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:

- **Jonathan Deck — Region 2**
- **Diana Shipping Services, S.A., Ioannis Prokakis, Antonios Boumpoutelos — Region 3**
- **Bobby Joe Silvers, John Coleman Carver III, Joseph Kyle Orr — Region 4**
- **Jassim Juburi — Region 4**
- **Tennie White — Region 4**
- **Lamont P. Pryor — Region 5**
- **Kennedy Mint, Inc., Teresina Montorsi — Region 5**
- **Calvin Hall — Region 5**
- **Roy C. Bradley Sr., Gerald A. Essex, Rudolgo Rodriguez — Region 5**
- **William “Bill” Lafon Musgrove — Region 6**
- **Frederick De La Houssaye, Southwest Rice Mill, Inc. — Region 6**
- **Sean Clark, Devorah Lopez — Region 8**
- **Bradley Eberhart, Douglas Greiner — Region 10**

DEFENDANT SUMMARY:

| REGION | DEFENDANTS | CASE TYPE/STATUTES |
|---------------|--|--|
| Region 2 | Jonathan Deck | CWA/Wire fraud connected to the dumping of asbestos-contaminated debris onto property by a river |
| Region 3 | Diana Shipping Services, S.A., Ioannis Prokakis, Antonios Boumpoutelos | Act to Prevent Pollution from Ships/Conspiracy, failure to maintain oil record book, falsification of records, concealment of tangible objects |
| Region 4 | Bobby Joe Silvers, John Coleman Carver III, Joseph Kyle Orr | CWA/Illegally discharging a pollutant into navigable U.S. waters |
| Region 4 | Jassim Juburi | CAA/Fraudulent vehicle emission inspections |
| Region 4 | Tennie White | CWA/Faking laboratory results and lying to federal investigators |
| Region 5 | Lamont P. Pryor | CAA/Improper handling of asbestos during demolition |

DEFENDANT SUMMARY:

| REGION | DEFENDANTS | CASE TYPE/STATUTES |
|-----------|--|---|
| Region 5 | Kennedy Mint, Inc., Teresina Montorsi | CWA/Dumping of liquid cyanide into storm drain |
| Region 5 | Calvin Hall | Conspiracy to defraud the U.S. |
| Region 5 | Roy C. Bradley Sr., Gerald A. Essex, Rudolgo Rodriguez | CAA/Illegal asbestos removal. Witness tampering, false statements |
| Region 6 | William "Bill" Lafon Musgrove | CAA/Negligent release of extremely hazardous substance |
| Region 6 | Frederick De La Houssaye, Southwest Rice Mill, Inc. | CWA/Negligent discharge of hazardous materials |
| Region 8 | Sean Clark, Devorah Lopez | CWA/Allegedly discharging a pollutant into U.S. waters |
| Region 10 | Bradley Eberhart, Douglas Greiner | CAA/Violations of asbestos work practice standards |

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North Carolina Man Gets 18 Month Prison Term for Vehicle Emissions Fraud – On August 9, 2013, **JASSIM JUBURI**, of Charlotte, North Carolina, was sentenced in federal district court for the Western District of North Carolina to serve 18 months in prison for conducting over 530 false vehicle emission in-

spections. He was also ordered to stay under court supervision for three years following the prison term, and to pay a \$15,000 fine, which, if paid in full, can reduce Juburi's term of supervised release to two years.

According to court records and yesterday's sentencing hearing, Juburi worked at Central Auto Inspection & Repair (Central Auto) in Charlotte, as a mechanic and a vehicle emissions inspector licensed by the state of North Carolina. As a state-licensed emissions inspector, Juburi conducted onboard diagnostic (OBD) inspections to test federally mandated vehicle emissions. Court records show that from August 2010 to March 2012, and while employed at Central Auto, Juburi conducted 534 illegal vehicle emissions inspections, using surrogate ve-



The emissions analyzer used by Juburi to conduct fraudulent inspections.

hicles to falsely pass those that would have failed emissions inspections. The illegal practice of utilizing substitute vehicles for emissions testing is referred to in the industry as “clean scanning.” Court records indicate that Juburi charged as much as \$100 to clean scan a vehicle. Law enforcement agents were able to obtain a fraudulent vehicle emissions certificate from Central Auto without ever producing a vehicle to be inspected. The fraudulent emissions test and certificate were generated by Juburi.

In March 2012, Juburi pleaded guilty to one count of conspiracy to violate the Clean Air Act by conducting false vehicle emissions inspections. Court records indicate that Juburi continued to conduct false inspections, even after entering a guilty plea on the charge. According to filed documents, between March and April 2012, Juburi conducted an additional 11 clean scans at Central Auto. Court records show that Juburi was unable to continue clean scanning vehicles after the North Carolina Department of Motor Vehicle's License and Theft Bureau suspended Central Auto's license to conduct emissions inspections. Central Auto's license has been suspended for a period of 10 years.

Juburi has been in local federal custody since October 2012, following a court-ordered bond revocation for continuing the fraudulent conduct after entering a guilty plea. Juburi will remain in the custody of the U.S. Marshals Service pending placement by the Federal Bureau of Prisons. All federal sentences are served without the possibility of parole.

The investigation of this case was conducted by the EPA's Criminal Investigation Division, the North Carolina SBI's Diversion and Environmental Crimes Unit, and the North Carolina Department of Motor Vehicle's License and Theft Bureau, with assistance from the North Carolina Division of Air Quality, Mobile Sources Compliance Branch. The prosecution was handled by Assistant U.S. Attorney Steven R. Kaufman of the U.S. Attorney's Office in Charlotte.

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Two Idaho Men Sentenced to Prison for Asbestos Violations -- On August 12, 2013, **BRADLEY EBERHART**, of Garden Valley, Idaho, and **DOUGLAS GREINER**, of Eagle, Idaho, were sentenced in federal district court for the District of Idaho for violating the asbestos work practice standards of the Clean Air Act. Eberhart was sentenced to six months in prison plus six months of home confinement, followed by six months of supervised release, 200 hours of community service, and was order to pay restitution of \$3.98 million, in joint and several liability. Greiner was also sentenced to six months in prison and six months of home confinement, to be followed by six months of supervised release. The amount of restitution by Greiner will be the subject of further briefing by the parties. Both defendants previously pleaded guilty on February 26, 2013.



Pieces of the old cement asbestos pipe that was improperly handled by Greiner and Eberhart.

Boise-based Owyhee Construction, Inc., was the successful bidder on a \$2.1 million waterline renovation project in Orofino, Idaho, a rural community in north central Idaho. Greiner was the project superintendent and Eberhart was the onsite supervisor of the project.

The contract documents warned Owyhee Construction that the company may encounter up to 5,000 linear feet of cement asbestos pipe (CAP) during the renovation. CAP is a non-friable form of asbestos that is encapsulated in a cement matrix. When the CAP is broken or crushed by heavy equipment or subjected to cutting and grinding by machinery it becomes subject to regulation because of the threat to public health from airborne fibers.

Eberhart and Greiner failed to properly supervise the renovation. Eberhart supervised employees who were not properly trained in asbestos work and were not properly outfitted with protective gear while

cutting CAP with saws. While working in the trenches to replace pipe, workers would remove CAP from the trenches, crush it and then place it back in the trenches. Large quantities of CAP were also removed from the trenches and ended up as fill material on sixteen properties around Orofino. Greiner pleaded guilty to orchestrating one of the disposals. The EPA cleanup cost just under \$4 million.

The case was investigated by EPA's Criminal Investigation Division.



Superfund contractor wetting suspected asbestos containing material from the dump site.

It was prosecuted by Assistant U.S. Attorney D. Marc Haws from the District of Idaho and Senior Trial Attorney J. Ronald Sutcliffe of the Justice Department's Environmental Crimes Section of the Environment and Natural Resources Division.

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Louisiana Mill Owner Pleads Guilty and Is Sentenced for Failing to Report Waste Oil Discharge into

Bayou -- On August 14, 2013, **FREDERICK MARQUE DE LA HOUSSAYE** of Crowley, Louisiana, president and owner of **SOUTHWEST RICE MILL, INC.**, pleaded guilty in federal district court for the Western District of Louisiana to one count of negligent discharge of hazardous materials. De La Houssaye



Waste oil discharged from Southwest Rice Mill, Inc., into Bayou Blanc.

was sentenced to serve 24 months of probation and 160 hours of community service. He was also ordered to pay a \$2,500 fine. Southwest Rice Mill was ordered to pay restitution of \$1,012,401.

According to evidence presented at the guilty plea, from May 27, 2011 to May 31, 2011, De La Houssaye and Southwest Rice Mill, Inc. negligently discharged waste oil into navigable waters. Mill laborers were performing routine maintenance on May 27, 2011 on a railroad spur, which in part the mill leased from Acadiana Railroad, in an effort to maintain drainage ditches for the mill and Acadiana Railroad. While performing the spur maintenance near the mill with an excavator, a laborer negligently struck the valve of an above-ground storage tank containing waste oil, which is a hazardous substance.

After the valve was struck, oil began to shoot 10 to 15 feet from the tank. The tank was near a drainage ditch, and the oil spilled and accumulated in the ditch. The laborer who struck the valve called his supervisor, De La Houssaye. About an hour later, De La Houssaye arrived at the scene. An unknown amount of oil had spilled from the tank and flowed into Bayou Blanc. De La Houssaye ignored his duty to report the spill, and he and the laborers later left the site.

Robert Burke, the Crowley District Fire Chief, received a call May 28, 2011, from a resident reporting an oil spill on Bayou Blanc. Burke traced the oil spill back to the drainage ditch at the mill. De La Houssaye told investigators he planned to deal with it after the Memorial Day holiday, which was May, 31, 2011. Environmental authorities were called to the scene to investigate and began cleanup efforts. The U.S. Coast Guard, U.S. Environmental Protection Agency, Louisiana Department of Environmental Quality, and others conducted an operation that cost federal, state, and local authorities \$1, 012,401.

The case was investigated by EPA's Criminal Investigation Division, the U.S. Coast Guard, the Louisiana Department of Environmental Quality, and the Crowley District Fire Department. Assistant U.S. Attorney Myers P. Namie prosecuted the case.

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Ohio Company and Owner's Wife To Pay More Than \$330,000 in Fish Kill Case -- On August 29, 2013, **KENNEDY MINT, INC.**, of Strongsville, Ohio, a company that specializes in collectible coins, but previously conducted metal plating and printing operations, was ordered in federal district court for the Northern District of Ohio to make a community service payment of \$300,000 to the Cleveland Metroparks and to pay restitution in the amount of \$30,893 for violating the Clean Water Act. The company and the company owner's wife plead guilty to their roles in the dumping of a drum of liquid cyanide into a storm drain that flowed into the Rocky River, resulting in the death of more than 30,000 fish.

TERESINA MONTORSI, the wife of the company's owner, was sentenced to one year of probation and ordered to pay a fine of \$5,000. She had pleaded guilty to obstruction of justice. Company owner Renato Montorsi was indicted last year, but those charges were dismissed after he was found to be incompetent to stand trial. Kennedy Mint will pay restitution of \$30,893 -- \$1 for every fish killed by the illegal discharge. The money will be paid to the Ohio Department of Natural Resources and used to restock the river with steelhead trout under the terms of the plea agreement. Kennedy Mint will also pay \$300,000 as part of community service. The \$300,000 will be paid to the Cleveland Metroparks.

Renato Montorsi owned and operated Kennedy Mint, which is located in Strongsville. The East Branch of the Rocky River is near the Kennedy Mint facility and storm water from that location's parking lot flows into the East Branch of the Rocky River, according to court documents.

On April 16, 2012, Montorsi, with assistance from an employee, put two drums into a dumpster outside Kennedy Mint. On April 17, the waste hauling company declined to dispose of the contents of the dumpster because of the two drums inside, according to court documents. On April 18, Montorsi moved the drums from the dumpster and placed them next to the storm drain in the Kennedy Mint parking lot, according to court documents. Later that day, Montorsi used a hammer and sharp metal tool to punch a hole near the bottom of a drum that included a poison label featuring a skull and cross bones. After punching the hole, liquid cyanide in the drum was discharged into the storm drain and eventually the East Branch of the Rocky River, according to court documents.

Around April 22, the Ohio Department of Natural Resources received reports of dead fish in the East Branch of the Rocky River. Nearly every fish was dead downstream for the next three miles, according to the court documents. The Ohio DNR counted approximately 30,893 dead fish in that three-mile stretch of the river, due to the discharge of cyanide, according to court documents.

On April 25, personnel from the Ohio Environmental Protection Agency asked to enter the Kennedy Mint facility to look for the drums, which they did not locate. After they left, Renato Montorsi, with help from Teresina Montorsi, moved two drums from Kennedy Mint to their residence so they would not be discovered if investigators returned, according to court documents.

On June 22, Teresina Montorsi gave permission to U.S. EPA agents and Ohio EPA investigators to search their home without a warrant, at which point the agents found the punctured drum and another drum that contained cyanide, according to court documents.

The case was investigated by EPA's Criminal Investigation Division; Ohio Bureau of Criminal Identification and Investigation; the Northeast Ohio Regional Sewer District; the Ohio Environmental Protection Agency, Office of Special Investigations; the Ohio Department of Natural Resources, Division of Wildlife, and the Cleveland Metroparks Rangers, all members of the Northeast Ohio Environmental Crimes Task Force. It is being prosecuted by Special Assistant U.S. Attorney Brad J. Beeson.



Two drums of cyanide discovered at the Montorsi residence. The contents of the red, white, and blue were discharged into a storm drain at Kennedy Mint, which led to the death of 30,983 fish in the East Branch of the Rocky River.

New Jersey Man Sentenced for Dumping Thousands of Tons of Asbestos Contaminated Debris Into River -- On August 29, 2013, JONATHAN DECK, of Norwood, New Jersey, was sentenced in federal district court for the Northern District of New York to 15 months in prison for conspiring to commit wire

fraud in connection with the illegal dumping of thousands of tons of asbestos-contaminated construction debris on a 28-acre piece of property on the Mohawk River in upstate New York.

Deck was the last individual sentenced in a series of prosecutions that involved at least two companies and five individuals including Eagle Recycling, Mazza & Sons Inc., Julius DeSimone, Donald Torriero, Dominick Mazza, and Cross Nicastro. The investigation of this conspiracy spanned more than five years and resulted in more than 10 years of incarceration and more than \$1 million in criminal fines, restitution, and cleanup costs to remediate a site now contaminated with more than 400 truckloads of asbestos-contaminated wastes.



Property on the Mohawk River where thousands of tons of asbestos-contaminated construction and demolition debris was illegally dumped.

Deck was sentenced to serve 15 months in prison, followed by three years of supervised release. He was further ordered to pay \$492,000 in restitution for, among other things, cleanup expenses at the site. Given the ongoing nature of the cleanup, the judge in the case further authorized the United States to recoup additional, future cleanup costs from the conspirators as well.

Deck pleaded guilty to conspiring to violate the wire fraud statute. According to the evidence, Deck and others conspired to fill in the entire property over the course of five years with pulverized construction and demolition debris that was processed at New Jersey solid waste management facilities and then transported to open property in Frankfort, N.Y. The plot was uncovered by law enforcement just months after the operation began, but not before the conspirators had already dumped at least 400 truckloads of debris at the site.



Piles of illegally dumped asbestos-contaminated debris at the site.

Much of the material that was dumped was placed in and around waters of the United States and some of the material was found to be contaminated with asbestos. The conspirators then concealed the illegal dumping and recruited others to join in the illegal dumping by fabricating a New York State Department of Environmental Conservation (DEC) permit and forged the name of a DEC official on the fraudulent permit.



Sample taken from a pile of debris at the site.

This case was investigated by EPA's Criminal Investigation Division, the New York State Environmental Conservation Police, Bureau of Environmental Crimes, Internal Revenue Service, New Jersey State Police Office of Business Integrity Unit, New Jersey Department of Environmental Protection, and Ohio Department of Environmental Protection. It was prosecuted by Assistant U.S. Attorney Craig A. Benedict of the Northern District of New York, and Trial Attorneys Todd W. Gleason and Gary Donner of the Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division.

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Mississippi Lab Operator Sentenced to 40 Months for Fabricating Industrial Wastewater Results --

On August 27, 2013, **TENNIE WHITE**, the owner and operator of an environmental laboratory in Jackson, Mississippi, was sentenced in federal district court for the Southern District of Mississippi to 40 months in prison in connection with her conviction for faking laboratory testing results and lying to federal investigators. White also was sentenced to three years of supervised release to follow her prison sentence and was ordered to pay a \$1,000 fine and a \$100 special assessment.

White, owner, operator and manager of Mississippi Environmental Analytical Laboratories, Inc., was found guilty in May 2013 of two false statement counts and one count of obstructing proceedings. Evidence at trial established that White was hired to perform laboratory testing of a manufacturer's industrial process waste water samples and then to use those results to complete monthly discharge monitoring reports for submission to the Mississippi Department of Environmental Quality. However, for the months October to December 2008, White created discharge monitoring reports (DMRs) that falsely represented that laboratory testing had been performed on samples when, in fact, such testing had not been done. White further created a fictitious laboratory report and presented it to her client for use in preparing another DMR for January 2009. White made false statements to a federal agent during a subsequent criminal investigation.

The case was investigated by EPA's Criminal Investigation Division. It was prosecuted by Trial Attorney Richard J. Powers of the Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division, and Assistant U.S. Attorney Gaines Cleveland of the U.S. Attorney's Office for the Southern District of Mississippi.

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Texas Man Pleads Guilty to Negligent Release of Extremely Hazardous Substance -- On August 7, 2013, **WILLIAM “BILL” LAFON MUSGROVE**, of Quinlan, Texas, pleaded guilty in federal district



Interior of facility where many of the metal recovery operations took place.

court for the Eastern District of Texas to negligently releasing an extremely hazardous substance and placing another person in danger of imminent death or serious bodily injury. He faces up to one year in prison and a \$250,000.00 fine. A sentencing date has not been scheduled.

Musgrove admitted that in June of 2011, as the vice president and operations manager of Industrial Precious Metals Recovery, Incorporated (IPMR), in Royse City, Texas, he allowed the company’s metal recovery process to release approximately ten pounds of Nitrogen Oxides, or “NOx” within a 24 hour time period into the ambient air at ground level through an open doorway, instead of utilizing the company’s air scrubber which was broken at the time. Musgrove admitted that he should have known that releasing NOx in that manner would place people in imminent danger of death or serious bodily injury. Federal environmental regulations characterize Nitrogen Oxides as an “extremely hazardous substance.” At the time, the IPMR facility in Royse City was adjacent to other commercial facilities with employees that were present during the NOx emissions. The facility has since closed. The case was investigated by EPA’s Criminal Investigations Division, and the Texas Commission on Environmental Quality’s Environmental Crimes Unit. It was prosecuted by Assistant U.S. Attorney Jim Noble.



Building with heavily stained exterior as a result of the nitrogen oxide fumes.

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Ohio Demolition Company Owner Pleads Guilty to Violating CAA -- On August 8, 2013, **LAMONT P. PRYOR**, of Lima, Ohio, pleaded guilty in federal district court for the Southern District of Ohio to violating the Clean Air Act in connection with his company’s handling of asbestos during the demolition of the former Piqua Medical Center in 2008.

According to court documents, Pryor and his company, Avalon Commonwealth, Inc., removed scrap metal from the hospital as part of the demolition process. The scrap metal was removed and sold, but the rest of the demolition debris, including friable asbestos, was piled in areas around the hospital, exposed to the wind and elements. Pryor knew that he was not supposed to leave the friable asbestos outside the hospital, exposed to the elements, but instead was supposed to properly deposit the asbestos that was generated as result of his renovation and demolition activities at the hospital at a licensed asbestos waste disposal facility. Pryor knowingly failed to do so. A representative of the Regional Air Pollution Control Agency (RAPCA), the local air pollution control agency serving Miami County and the city of Piqua, inspected the site in December 2008, saw the damaged asbestos outside the hospital, and asked that demolition be halted while the investigation took place.

Pryor pleaded guilty to three counts of violating the asbestos removal provisions of the Clean Air Act. The plea agreement includes an agreed-to sentence of 13 months in prison. The court will review the terms of the agreement before determining whether or not to accept all the terms, including the sentence.

The case was investigated by the U.S. EPA’s Criminal Investigation Division, Bureau of Criminal Investigation’s Environmental Enforcement Unit in the Ohio Attorney General’s Office, the Ohio EPA Office of Special Investigations and RAPCA. It was prosecuted by Assistant U.S. Attorney Alex Sistla and Special Assistant U.S. Attorney Brad Beeson with the U.S. EPA.

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Michigan Businessman Pleads Guilty to Conspiracy to Defraud the U.S. -- On August 19, 2013, CALVIN HALL, the former vice president of Detroit, Michigan-based XCEL Construction Services, Inc., a construction management firm, entered a plea of guilty in federal district court as part of the ongoing federal investigation and prosecution involving the Garden View Estates public housing project in Detroit.

According to court documents, Hall and others prepared and submitted a proposal for XCEL Construction Services, Inc. which included false information. Based upon the false documents, XCEL Construction Services, Inc. was awarded a contract worth more than \$11 million to act as the construction manager of the infrastructure phase of the Garden View Estates public housing project, which was funded by a \$24 million grant from the U.S. Department of Housing and Urban Development (HUD). At the time, Hall was the vice president of XCEL Construction Services.

During the plea hearing, Hall stated that he conspired with Michael Woodhouse, the president of XCEL Construction Services, Inc., and Bobby W. Ferguson, the founder and original owner of XCEL Construction Services, Inc.

Under the plea agreement, Hall faces up to 18 months of imprisonment, as well as a fine of up to \$40,000. In addition, Hall agreed to forfeit more than \$2.2 million in assets, including multiple bank accounts and certificates of deposit seized from XCEL Construction Services, Inc. during the course of the federal investigation.

The case was investigated by EPA's Criminal Investigation Division. It is being prosecuted by Assistant U.S. Attorneys J. Michael Buckley, Bruce Judge and Rita Foley.

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Mountains of soil brought to the HUD site.

International Shipping Corporation and Two Engineers Convicted in ‘Magic Pipe’ Case in Virginia

-- On August 8, 2013, **DIANA SHIPPING SERVICES, S.A.**, a Panamanian corporation headquartered in Greece, **IOANNIS PROKAKIS** and **ANTONIOS BOUMPOUTELOS**, both citizens of Greece,



The “magic pipe” that would bypass the oily water separator and discharge oil-contaminated waste water.

were convicted in federal district court for the Eastern District of Virginia after an 12-day bench trial on charges related to the illegal discharge of waste oil and oil-contaminated waste water from the *M/V Thetis*, a cargo vessel operated by Diana Shipping Services. All the defendants were convicted of conspiracy, knowing failure to fully maintain an oil record book, falsification of records and concealing tangible objects in a federal investigation. In addition, Prokakis was also convicted of obstruction of justice for ordering crewmembers to lie to U.S. Coast Guard inspectors on board the ship. The guilty verdicts were handed down by U.S. District Judge Mark S. Davis of the Eastern District of Virginia.

Diana Shipping Services, S.A. faces a maximum fine of \$5.5 million and five years of probation. Prokakis and Boumpoutelos face a maximum sentence of five years for the conspiracy conviction, six years per failure to maintain an oil record book conviction, and 20 years per falsification of record conviction. Prokakis faces an additional five year sentence for obstruction of justice. All three defendants will be sentenced on November 8.

Diana Shipping Services, S.A., Prokakis, and Boumpoutelos, were indicted on May 22, 2013, in an 11-count superseding indictment alleging the illegal discharging of waste oil and oil-contaminated waste water in violation of the Act to Prevent Pollution from Ships. In September 2012, crewmembers of the *M/V Thetis* reported that the vessel was discharging its bilge waste and sludge illegally by various means, including a “magic pipe” that bypassed the oily water separator. Coast Guard inspectors boarded the vessel when it entered port in Norfolk and discovered the “magic pipe” and that the oily water separator was non-functioning. The inspectors were also presented with an oil record book that contained false entries made by the ship’s Chief Engineer Prokakis and the Second Engineer Boumpoutelos. During the inspection, Prokakis lied to inspectors about the “magic pipe” and told other members of the engineering crew to not disclose its existence to the Coast Guard inspectors.

The case was investigated by EPA’s Criminal Investigation Division and the Coast Guard Investigative Service. Assistant U.S. Attorney Joseph L. Kosky of the Eastern District of Virginia and Trial Attorney Kenneth E. Nelson of the Environmental Crimes Section of the Justice Department’s Environment and Natural Resources Division are prosecuting the case on behalf of the United States.

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Three North Carolina Water Treatment Plant Employees Indicted for Unlawful Pollutant Discharge -

- On August 6, 2013, **BOBBY JOE SILVERS, JOHN COLEMAN CARVER III, and JOSEPH KYLE ORR**, maintenance employees at the town of Robbinsville, North Carolina's water treatment plant, were indicted in federal district court for the Western District of North Carolina for unlawfully, intentionally and knowingly discharging a sludge generated by aluminum sulfate, commonly called "alum sludge", a pollutant, into Long Creek which flows into the Cheoah River, a navigable water of the U.S. in violation of the Clean Water Act's National Pollutant Discharge Elimination System.

According to the indictment, on or about August 8, 2012, Carver and Orr, with the knowledge and consent of Silvers, their supervisor, dumped approximately 4,000 gallons of the alum sludge into a ditch adjacent to Long Creek, using a pump truck owned by the town of Robbinsville. The dumping caused a fish kill along approximately 5,000 feet of Long Creek.

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Three Michigan Men Charged with Asbestos-Related Offenses -- On August 29, 2013, **ROY C. BRADLEY, SR., GERALD A. ESSEX, and RODOLFO RODRIGUEZ**, all of Bay City, Michigan, were

charged in federal district court for allegedly mishandling asbestos at a building used by the Bay City Academy charter school.

Bradley and Essex worked together and with others to convert a former church into Bay City Academy. In the process, prosecutors contend the pair "knowingly failed to remove and cause the removal of all regulated asbestos-containing material from that facility in accordance with the National Emission Standards for Hazardous Air Pollutants." Bradley and Essex were arraigned on four counts of illegally distributing and handling asbestos. Rodriguez was charged as a codefendant on single counts of tampering with witnesses, victims or informants, and making false declarations to a grand jury.

Prosecutors allege Bradley and Essex broke the law during renovations at the Madison Avenue building, a former church, from Aug. 18, 2010, through Sept. 2, 2011. Rodriguez, a carpenter who also worked on the renovations, testified before a grand jury on Jan. 23, 2013. Prosecutors allege he deliberately made false statements regarding the amount of asbestos-containing material that had been removed from the church and gave misleading statements as to the identities of those doing the removal.

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California Man and Woman Charged with Discharge of Pollutant into U.S. Waters -- On August 12, 2013, it was announced that **SEAN CLARK and DEVORAH LOPEZ**, both of Hacienda Heights, California, doing business as Glencoe Camp Resort II, had been indicted in federal district court for the District of South Dakota by a federal grand jury on July 17, 2013, for discharging a pollutant from a point source into a water of the United States. The indictment alleges that in both 2011 and 2012 the defendants discharged fill material into Bear Butte Creek. They appeared before a magistrate judge August 12, 2013, and pled not guilty to the indictment. The maximum penalty upon conviction is three years of imprisonment, not less than \$5,000 nor more than \$50,000 fine per day of violation, or both; one year of supervised release, an additional year of supervised release upon revocation; and a mandatory \$100 each special assessment to the Federal Crime Victims Fund. Restitution may also be ordered. The charge is merely an accusation, and Clark and Lopez are presumed innocent until and unless proven guilty.

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