
ENVIRONMENTAL CRIMES SECTION



MONTHLY BULLETIN

July 2012

EDITOR'S NOTE:

Please mark your calendars for the upcoming Environmental Crimes Seminar scheduled for May 7-10, 2013.


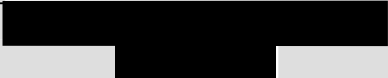


See [*U.S. v. Blachford*](#) for details regarding this case involving Whooping Cranes.

AT A GLANCE:

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Significant Environmental Decisions***Supreme Court*****Southern Union Co. v. United States, ___ S. Ct. ___, 2012 WL 2344465 (June 21, 2012).**

On June 21, 2012, the Supreme Court reversed the criminal fine imposed upon Southern Union and remanded the case for further proceedings. The case must now be sent back to the district court for resentencing. A number of issues are likely to be disputed at resentencing, including the maximum fine and whether the Supreme Court's decision impacts the community service portion of the original sentence.

Southern Union was convicted of storing liquid mercury, a RCRA hazardous waste, without a permit. The company argued at sentencing that the maximum fine was \$50,000 (the daily fine amount) unless the facts supporting an alternative fine were alleged in the indictment and determined by a jury. The government argued that since the company violated the law for 762 days, the maximum fine was \$38 million and that this could be determined by the sentencing judge rather than the jury. The district court agreed with the government, and ordered the company to pay a \$6 million fine and \$12 million in community service payments. The Court of Appeals affirmed the sentence and the defendants appealed.

The Supreme Court reversed, and remanded the case to the district court. The Court held that criminal fines should be treated the same as sentences of incarceration, and that the rule of Apprendi v. New Jersey, 530 U.S. 466 (2000), therefore was applicable. Apprendi held that the Sixth Amendment's jury trial guarantee requires that any fact (other than the fact of a prior conviction) that increases the maximum punishment authorized for a crime must be proved to a jury beyond a reasonable doubt.

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Fifth Circuit

United States v. Pruett et al., 681 F.3d 232 (5th Cir. 2012).

On May 15, 2012, the Fifth Circuit Court of Appeals affirmed the Clean Water Act convictions and sentences entered against J. Jeffrey Pruett and his two corporations (the Louisiana Land & Water Co., and LWC Management Co.,).

Pruett owned and operated several small wastewater treatment plants (“WWTPs”) in northwestern Louisiana. The jury convicted Pruett of: six Clean Water Act counts of knowingly failing to provide access to monitoring records during inspections at six WWTPs, one count of knowingly discharging effluent in violation of permit limits at the “Love Estates” WWTP, and one count of negligently failing to maintain and operate the “Pine Bayou” WWTP. On the recordkeeping counts, Pruett argued that he had provided access to records, as required by the permits, by informing inspectors that the records had been subpoenaed in a civil action and were with his attorney. The court rejected Pruett’s claim that the “rule of lenity” controlled interpretation of the relevant permit requirement and found the evidence sufficient to support the guilty verdicts, principally because Pruett failed to follow-up on inspectors’ requests.

As to the knowing discharge violation, Pruett argued that the government’s evidence consisted almost entirely of sampling results from samples that Pruett himself collected and self-reported on discharge monitoring reports. The Fifth Circuit deemed this evidence sufficient to prove that Pruett knowingly discharged in violation of permit limits, given the near constancy of the violations during a three-year period and Pruett’s knowledge of operational conditions. As to the negligence count, the court followed the Ninth and Tenth Circuits in holding that the standard for misdemeanor convictions under the CWA is ordinary negligence. Although the Fifth Circuit has held that the CWA is not a “public welfare” statute, the court found this ruling to be irrelevant for interpreting the misdemeanor provision of the CWA, because Congress expressly provided a mental state standard (“negligently”) that unambiguously refers to ordinary negligence. The court also affirmed various evidentiary rulings and the district court’s application of the sentencing guidelines, including the granting of an enhancement, under the sentencing Guidelines.

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Informations/Indictments

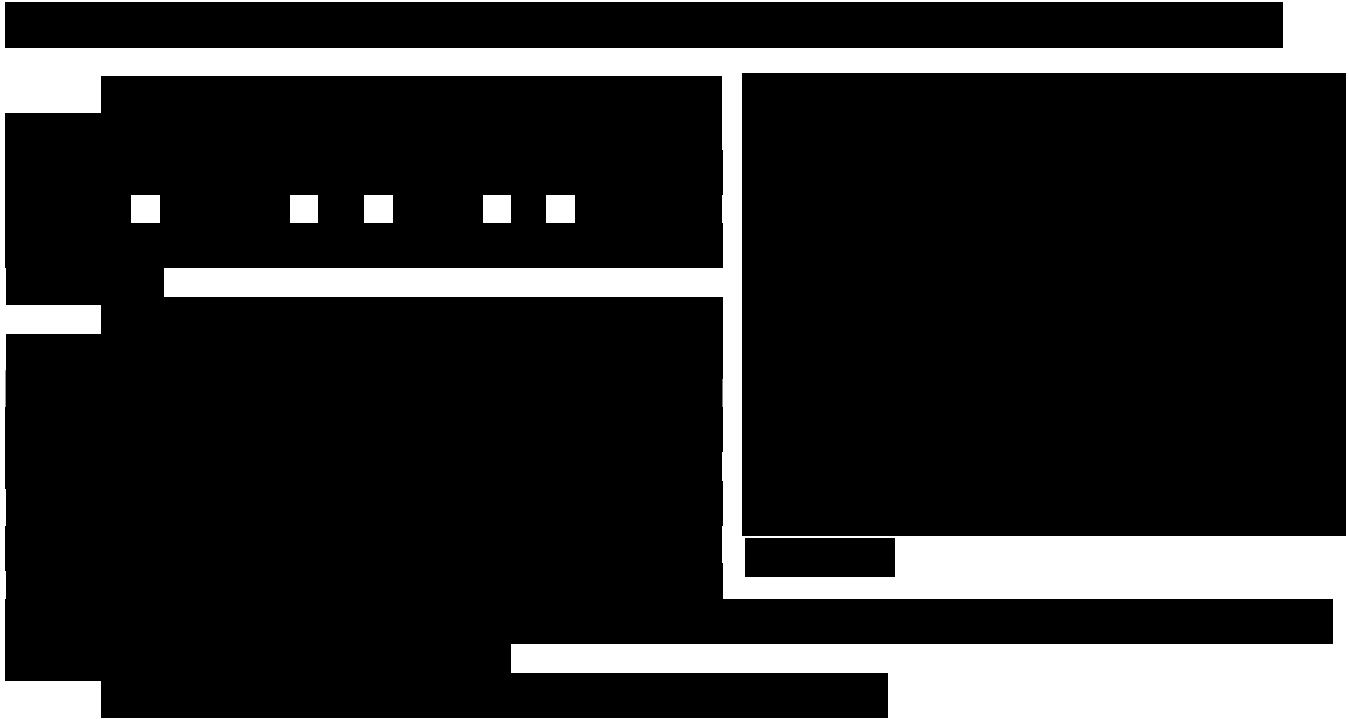
United States v. House of Raeford Farms, Inc., et al., No. 1:12-CR-00248 (M.D.N.C.), ECS Trial Attorney Mary Dee Carraway and ECS Senior Trial Attorney Daniel Dooher.

On June 26, 2012, a second superseding indictment was returned, charging House of Raeford (HOR) and Gregory Steenblock with 14 felony Clean Water Act violations (33 U.S.C. § 1319(c)(2)(A)). The court dismissed the previous indictment without prejudice after finding a technical violation of the Speedy Trial Act.

HOR is a turkey slaughtering and processing facility located in Raeford, North Carolina. The facility processes approximately 40,000 turkeys per day and its operations generate approximately 1,000,000 gallons of wastewater each day. On 14 occasions in 2005 and 2006, the company and plant manager Steenblock knowingly caused employees to bypass the facility's pretreatment system and send untreated wastewater directly to the local POTW in violation of its pretreatment permit. Trial is scheduled to begin on August 13, 2012.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the North Carolina State Bureau of Investigation.

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United States v. Jeff Blachford, No. 3:12-30075 (D.S.D.), AUSA Meghan Dilges.



Whooping Cranes

On June 18, 2012, Jeff Blachford was charged in a three-count indictment with Migratory Bird Treaty Act violations and allegations of witness tampering (16 U.S.C §§ 703 and 707(a); 18 U.S.C. § 1512(b)(3)).

The indictment states that in April 2012, Blachford shot and killed an endangered Whooping Crane and a hawk approximately 17 miles southwest of Miller, South Dakota. He is further alleged to have persuaded a witness to withhold information when questioned by law enforcement officials. Whooping Cranes are one of the rarest bird species in the world with a known population of approximately 600 birds. The Whooping Crane killed in this investigation was

one of approximately 300 endangered cranes that migrate from wintering grounds along the gulf coast of Texas to the Woods Buffalo State Park located in Alberta and the Northwest Territories of Canada. This population of Whooping Cranes is the only self-sustaining population in the world.

This case was investigated by the United States Fish and Wildlife Service and South Dakota Game Fish and Parks.

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Plea Agreements

United States v. Jarrod Wade Steffen et al., No. 2:12-CR-00202 (C.D. Calif.), ECS Trial Attorney Shennie Patel and AUSAs Joseph Johns and Dennis Mitchell.

On June 14, 2012, Jarrod Wade Steffen pleaded guilty to four counts charging conspiracy, smuggling, Lacey Act trafficking, and money laundering violations (16 U.S.C. §§ 3372(a)(1), 3373 (d)(1)(b); 18 U.S.C. §§ 371, 554, and 1956(a)(1)(A)(i)).

Steffen was involved in the West Coast arm of “Operation Crash,” a trafficking ring that focused primarily on the illegal trade and export of endangered or CITES-protected rhinoceros horn. There are six co-defendants who remain charged in a 32-count superseding indictment: Jin Zhao Feng, a Chinese national who allegedly oversaw dozens of rhino horn shipments from the United States to China; Vinh Chuong Kha, Felix Kha, Nhu Mai Nguyen, Jin Zhao Feng, and the Win Lee Corporation are named as West Coast buyers. They are scheduled for trial to begin on September 11, 2012.

In the plea agreement, Steffen stipulated to the market value of the wildlife as being between \$1 million and \$2.5 million. He also will be required to forfeit items including two trucks and approximately \$500,000 in cash. Steffen is scheduled to be sentenced on October 15, 2012.

This case was investigated by the United States Fish and Wildlife Service, with assistance from other federal and local law enforcement agencies including Immigration and Customs Enforcement Homeland Security Investigations, and the Internal Revenue Service.

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United States v. Blue Marsh Labs et al., Nos. 5:11-CR-00259, 00364 (E.D. Pa.), AUSA Thomas Moshang.

On June 11, 2012, Blue Marsh Labs and owner Michael McKenna each pleaded guilty to conspiracy, a false statement, and a Clean Water Act false statement violation (18 U.S.C. §§ 371, 1001; 33 U.S.C. §1391(c)(4)) for causing environmental test reports to be prepared and mailed falsely stating that the proper EPA methods for analysis had been performed.

The defendants were previously charged in an 84-count indictment with charges stemming from the falsification of environmental laboratory testing from 2005 through 2007. Among the tests



Evidence seized in Operation Crash—USFWS photo

falsified were results from Hurricane Katrina flood water samples that were to be tested for a variety of contaminants, including cyanide. Other tests falsified included those required by the USDA for fruit imported from South America that was suspected of being contaminated with pesticides. Former lab manager Debbie Wanner previously pleaded guilty to three counts of making false statements under the Clean Water Act.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the United States Food and Drug Administration Office of Criminal Investigations, and the Department of Defense Criminal Investigative Service.

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United States v. A-1 Barrel Company, LLC, No. 2:12-CR-20067 (D. Kansas), AUSA Scott Rask.

On June 6, 2012, A-1 Barrel Company, LLC, (A-1 Barrel) pleaded guilty to a misdemeanor violation of the Clean Water Act (33 U.S.C. §§ 1317, 1319 (c)(1)(A)) for discharging effluent to the local POTW that exceeded permitted levels for pH.

A-1 Barrel was in the business of refurbishing used industrial barrels and drums, some of which contained residual liquid that had to be rinsed out. Over the course of several days in May and June of 2007, officials sampled wastewater that had been discharged from the facility into the sewer and found that pH levels were not within permitted limits.

The company is scheduled to be sentenced on September 6, 2012. This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Cheng Yan Huang et al., Nos. 1:12-CR-00032 and 1:11-CR-01100 (S.D.N.Y.), AUSA Janis Echenberg.



Misleadingly labeled pesticide

On May 14, 2012, Cheng Yan Huang pleaded guilty to a FIFRA violation for his involvement in the distribution and sale of more than 2,000 packages of unregistered and unauthorized pesticides in the New York City area.

The pesticides, which were seized from dozens of locations throughout Manhattan, were particularly dangerous because the packaging could lead people to mistake them to contain cookies or cough medicine. The chemicals were not registered with the EPA

and were missing required label warnings, thus providing consumers no way of knowing how

dangerous the products were or how best to protect themselves from harmful exposure. A woman was hospitalized after accidentally ingesting one of the pesticides, believing it to be a medicine.

Jai Ping Chen, a delivery driver charged with Huang, previously pleaded guilty to a FIFRA charge. An additional ten people were charged in state court. Chen is scheduled for sentencing on August 8 and Huang is scheduled for August 14, 2012.

These cases were investigated by the United States Environmental Protection Agency Criminal Investigation Division, the New York State Department of Environmental Conservation, United States

Immigration and Customs Enforcement's Homeland Security Investigations, and the United States Postal Inspection Service.

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Sentencings

United States v. Carlos A. Garcia et al., No. 1:11-CR-20653 (S.D. Fla.), AUSA Tom Watts-FitzGerald and SAUSA Jodie Mazer.

On June 26, 2012, Carlos A. Garcia was sentenced to serve 13 months' incarceration followed by four months' home detention and two years of supervised release, after previously pleading guilty to a smuggling violation (18 U.S.C. § 545). A fine was not assessed.

Garcia was the Senior Vice-President for the Heating and Cooling Division of Mar-Cone Appliance Parts Company. Between July 2007 and April 2009, Garcia negotiated the sale and transport of approximately 55,488 kilograms of black market HCFC-22, with a fair market value of approximately \$639,460.

Mar-Cone previously pleaded guilty to and was sentenced for a smuggling violation. Mar-Cone was ordered to pay a \$500,000 fine, plus a \$400,000 community service payment, and forfeit \$190,534 in illegal proceeds. To date, a dozen defendants have been prosecuted as a result of this investigation.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, Immigration and Customs Enforcement Office of Investigations, the Florida Department of Environmental Protection Criminal Investigation Bureau, and the Miami-Dade Police Department Environmental Investigation Unit.

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Mar-Cone Appliance Parts Company

United States v. We Lend More, Inc., et al., No. 3:11-CR-003327 (S.D. Calif.), AUSA Melanie Pierson.



Hazardous waste

On June 25, 2012, We Lend More, Inc., a pawn shop, and its owner, Marc Vogel, each were sentenced to complete three-year terms of unsupervised probation. Vogel also will pay a \$25,000 fine.

The defendants were convicted by a jury in March of this year of violations stemming from the dumping of hazardous wastes at a local landfill in March 2011. They were convicted of RCRA transportation and disposal violations (42 U.S.C. §§ 6928 (d)(1), (d)(2)(A), (d)(5)), along with transportation of hazardous waste without a

manifest for the dumping of potassium cyanide and concentrated nitric acid. When these two chemicals are combined they create a deadly hydrogen cyanide gas.

In March 2011, Vogel contracted with a trash hauler to dispose of items from the pawn shop that included cyanide and acids. Co-defendant Raul Gonzalez-Lopez brought a truck to the shop and removed various objects including two seven-pound containers of potassium cyanide and a gallon of nitric acid. No manifests were prepared for either of these hazardous wastes. Gonzalez-Lopez subsequently disposed of this load including the chemicals at a landfill that was not permitted to receive hazardous waste. Workers at the landfill promptly discovered the chemicals and took precautionary measures, including hiring a hazardous waste disposal company. Vogel admitted that he knew that these chemicals could not be disposed of as ordinary waste. Gonzalez-Lopez is currently a fugitive (believed to be in Mexico) and remains charged with three RCRA violations.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Federal Bureau of Investigation.

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United States v. Gregory K. Dupont d/b/a Louisiana Hunters, Inc., No. 3:10-CR-00140 (M.D. La.), ECS Trial Attorneys Shennie Patel and Sue Park, and former ECS former Paralegal Christina Liu.

On June 21, 2012, Gregory Dupont was sentenced to serve six months' incarceration, followed by four months in a half-way house and two years' supervised release. Dupont also will pay a \$3,000 fine. He previously pleaded guilty to a Lacey Act violation (16 U.S.C. §§ 3372(a)(1), 3373(d)(2)). This is the first ever felony conviction and prison sentence resulting from the illegal hunting of American alligators, in violation of the Lacey Act, the Endangered Species Act, and Louisiana state law.



In September 2006, Dupont, a licensed alligator hunter and owner of Louisiana Hunters, Inc., guided clients to an area for which he did not have the appropriate CITES tags. During this illegal hunt, the defendant took his clients to a property where one of his clients killed an American alligator. Dupont tagged the alligator illegally with a tag for another hunting area.

Alligator hunting is a highly regulated activity in Louisiana since alligators were over-hunted years ago. The state's regulations set up a strict system which allocates alligator hide tags (also known as CITES tags) to licensed alligator hunters every year. The tags are property specific and hunters may only hunt in the areas designated by the tags. Louisiana regulations also prohibit alligator hunters, like Dupont, from purchasing alligators from anyone; only designated fur buyers and fur dealers are allowed to purchase alligators.

This case was investigated by the Louisiana Department of Wildlife and Fisheries and the United States Fish and Wildlife Service.

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United States v. Cody Tuma et al., No. 5:11-CR-00031 (W.D. La.), ECS Trial Attorney Leslie Lehnert and AUSA Mignonne Griffing.

On June 20, 2012, Cody Tuma was sentenced to complete a five-year term of probation. Tuma previously pleaded guilty to a misdemeanor Clean Water Act violation (33 U.S.C. §§ 1311,

1319(c)(1)(A)), for negligently discharging pollutants into the Red River. John Tuma, Cody's father, was convicted by a jury in March of this year of discharging untreated wastewater directly into the river without a NPDES permit, discharging untreated wastewater into the City of Shreveport sewer system in violation of its industrial user's permit, and of obstructing an Environmental Protection Agency inspection (18 U.S.C. §§ 371, 1505; 33 U.S.C. §§ 1311(a), 1319(c)(2)(A)). These discharges were made from the Arkla Disposal Services facility from 2005 through 2007. The Arkla facility received off-site wastewater from oilfield exploration and production operations and other industrial processes for treatment.

John Tuma is scheduled to be sentenced on August 28, 2012. This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

United States v. Daniel Olson, No. 2:12-CR-00045 (N.D. Ind.), ECS Trial Attorney Richard Powers and AUSA Wayne Ault.

On June 20, 2012, Daniel Olson was sentenced to complete a two-year term of probation, with a special condition of 12 months' home confinement. He also was ordered to pay a \$15,000 fine. Olson previously pleaded guilty to a three-count information charging him with false statement violations and tampering with a monitoring method in violation of the Clean Water Act (33 U.S.C. § 1319(c)(4)).

From October 2000 through June 2010, Olson was the superintendent and certified operator of the J.B. Gifford Wastewater Treatment Plant, which is owned and operated by the Michigan City Sanitary District. From February 2002 through June 2010, the defendant variously failed to report bypasses, recorded false chlorine sample test results, and tampered with sampling methods, specifically for *E. coli* levels.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division

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United States v. Ronald Monsen, No. 3:12-CR-00027 (D. Alaska), RCEC Karla Perrin and AUSA Kevin Feldis.

On June 15, 2012, Captain Ronald Monsen was sentenced to complete a three-year term of probation, including six months' home confinement. Monsen also will pay a \$15,000 fine and perform 50 hours of community service.

In December 2009, Monsen was the captain for the *Pathfinder*, a 136-foot tugboat that ran aground on Bligh Reef in Prince William Sound, Alaska. One of the vessel's fuel tanks was ruptured when the defendant powered it off the reef, causing approximately 6,000 gallons of diesel fuel to be spilled into the Sound. He previously pleaded guilty to a Clean Water Act violation (33 U.S.C. §§ 1319(c)(1)(A); 1321 (b)(3)) for discharging oil into a water of the United States.

This case was investigated by the United States Coast Guard and the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Spectro Alloys Corporation, No. 12-CR-00110 (D. Minn.), AUSA David Genrich, and RCEC James Cha.



Spectro Alloys facility

On June 7, 2012, Spectro Alloys Corporation (Spectro) pleaded guilty to two false statement violations (18 U.S.C. § 1001) stemming from its failure to disclose emissions violations. The company was sentenced to pay a \$500,000 fine, complete a two-year term of probation, and will implement an environmental compliance plan.

Spectro, a secondary aluminum processing facility, processes large quantities of scrap metal, which are melted in two large industrial furnaces before being processed into aluminum alloys. In May 2007, the defendant submitted a compliance report claiming that

the facility was in compliance with all pollution limits, failing to disclose that its own testing revealed excessive dioxin/furans emissions. In a letter sent to the EPA in March of 2007 (which was submitted in response to a notice of violation) the company also failed to disclose its knowledge of those emissions.

Under the terms of a parallel civil settlement, Spectro is further required to install additional pollution-control equipment relating to its emissions.

The criminal case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Cephus Murrell, No. 1:11-CR-000330 (D. Md.), AUSA Michael Cunningham.

On June 6, 2012, Cephus Murrell was sentenced to serve 12 months and one day of incarceration followed by six months' home detention and one year of supervised release. A fine was not assessed.

Murrell, the owner of several rental units, previously pleaded guilty to three misdemeanor TSCA violations (15 U.S.C. §§ 2615(b), 2689) for failing to disclose the presence of lead-based paint to apartment tenants in Baltimore and for conducting improper lead abatement in May 2008.

Murrell is the president and owner of C. Murrell Business Consultants, Inc., and has been a Baltimore-area landlord since approximately 1974. Through his company, the defendant owns and manages approximately 68 rental properties (175 rental units) throughout the City of Baltimore. All of these properties were built before 1978 and are subject to regulations relating to the risks associated with lead-paint exposure.

In May 2008, Murrell and his company failed to disclose to tenants the presence of lead-based paint hazards found in units with a history of lead problems. Inspection records maintained by the Maryland Department of the Environment over several years document lead-based paint violations and children with elevated lead blood levels in many of the properties owned by Murrell. More than 20 notices of violation and compliance orders have been issued against Murrell and/or his company for these violations.

In September 2010, workers conducting lead-paint abatement under Murrell's direction did not follow proper procedures by, among other things, working without a supervisor on site despite Murrell's submission of certifications to local authorities that a supervisor would be present.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the Maryland Department of the Environment, and the Maryland Attorney General's Office.

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United States v. Bruce Haffner, No. 1:11-CR-00176 (S.D. Ohio), ECS Trial Attorney Jim Nelson, AUSA Laura Clemmens, and former ECS Paralegal Rachel Van Wert.

Bruce Haffner was sentenced on June 6, 2012, to complete an 18-month term of probation with a special condition of six months' home detention. Haffner also will perform 80 hours of community service. The defendant previously pleaded guilty to Lacey Act trafficking violations (16 U.S.C. § 3372) stemming from illegal hunts of Canadian geese and Mourning Doves.

Haffner is the owner and operator of Face to Face Outdoors Guide Service. He admitted to guiding Canada goose hunts in January 2010, and Mourning Dove hunts in September 2010. During those hunts, Haffner directed and encouraged hunters to take quantities of both geese and doves that exceeded daily bag limits.

This case was investigated by the United States Fish and Wildlife Service and the Ohio Department of Natural Resources Division of Wildlife.

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United States v. Robert Fortunato et al., No. 9:12-CR-80037 (S.D. Fla.), AUSAs Norman O. Hemming, III, and Antonia Barnes.

On June 5, 2012, Robert Fortunato was sentenced to serve a one-year term of probation to include 50 hours of community service. No fine was assessed. Fortunato previously pleaded guilty to conspiracy and to a Lacey Act violation (18 U.S.C. § 371; 16 U.S.C §§ 3371(a)(2)(A), 3373(d)(1)(A)) for importing queen conch into the United States that was taken in violation of Bahamian law. As part of his plea, Fortunato will forfeit approximately 1,500 pounds of queen conch and a 26-foot vessel.

In February 2012, the defendant and a co-conspirator attempted to import 53 bags of queen conch, which the Coast Guard found after searching the vessel. Neither defendant possessed the required documents to legally export this seafood from the Bahamas.

This case was investigated by the National Oceanic and Atmospheric Administration, the United States Coast Guard, Customs and Border Protection, Immigration and Customs Enforcement, and the Florida Fish and Wildlife Conservation Commission.

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United States v. Jeff Walworth et al., No. 2:11-CR-20433 (E.D. Mich.), AUSA Jennifer Blackwell and SAUSA James Cha.

On June 1, 2012, Jeff Walworth was sentenced to serve a two-year term of probation. His company, Bonus Environmental, will pay a \$25,000 fine. Walworth is the final defendant to be sentenced in this case stemming from an illegal asbestos removal project at a former Ford Motor Company plant in Utica, Michigan.

According to an asbestos survey of the plant, the building contained more than 60,000 linear feet of regulated asbestos-containing material (RACM). During renovation of the plant, the defendants directed workers to tear out the material while it was dry and to place it into plastic bags without wetting it. To speed up the process they instructed workers to meet a daily goal of removing 1,000 feet of material. The workers sometimes kicked or threw the material to the ground, causing larger pieces to break apart.

Site foreman Joey Ramos was previously sentenced to serve four months in a community corrections facility, followed by two years' probation, and will pay a \$2,000 fine. Supervisor Brian Waite was sentenced to serve a year and a day of incarceration and supervisor Daniel Clements was sentenced to pay a \$3,000 fine, and will complete a two-year term of probation that includes six months' home confinement. All defendants pleaded guilty to a Clean Air Act violation (42 U.S.C. § 7413(c)(1)).

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Robert H. Block, Jr., et al., No. 3:11-CR-00164 (D. Ore.), AUSA Stacie Beckerman and SAUSA Patrick Flanagan.

On May 31, 2012, David Dober, Sr., was sentenced after pleading guilty to violating the Rivers and Harbors Act and the Endangered Species Act (16 U.S.C. §§ 1538(a)(1)(G) and 1540(b)(1); 33 U.S.C. §§ 407 and 411). He will pay a \$250 fine and will make a \$250 community service payment to the Oregon Governor's Fund for the Environment (Fund).

In October 2009, Dober and co-defendant Robert H. Block, Jr., used heavy machinery to divert Gales Creek, causing the destruction of Upper Willamette River Steelhead habitat. Block, the property owner, was previously sentenced to complete a five-year term of probation, pay a \$1,250 fine, and make a \$1,250 community service payment to the Fund. He pleaded guilty to a misdemeanor Clean Water Act violation and to an ESA charge (16 U.S.C. §§ 1538(a)(1)(G) and 1540(b)(1); 33 U.S.C. §§ 1311(a), 1319(c)(1)(A)).

Block owns property abutting Gales Creek. In October 2009, he used an excavator to move earthen materials within the creek, diverting the flow of the stream. This activity impacted an area approximately 700 feet long and 50 to 90 feet wide. Block and Dober moved approximately 100,000 pounds of material in and around the creek. The alteration of the stream channel significantly modified and degraded the trout's habitat.

This case was investigated by the United States Fish and Wildlife Service.

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United States v. Riccelli Fulton LLC, No. 5:12-CR-00228 (N.D.N.Y), AUSA Craig Benedict.

On May 24, 2012, Riccelli Fulton LLC pleaded guilty to a negligent Clean Water Act violation (33 U.S.C. §§ 1311, 1319(c)(1)(A)) for allowing rock salt to contaminate land and water surrounding its storage area in Volney, New York.

The company stores rock salt for another company that sells it to municipalities to treat their roads. Despite being notified by state officials that there was a run-off problem, the company failed to have a leak-proof barrier around the salt storage area at its facility from November 2009 to May 2010. As a result, during heavy rain and snow run-off, salt leached from the storage area into nearby wetlands and ponds.

Riccelli Fulton was sentenced to pay a \$250,000 fine; however, all but \$10,000 was suspended on the condition that it spend the balance on cleaning the contaminated water and land, which the company has already initiated. The company also will complete a two-year term of probation and implement an environmental compliance plan.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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United States v. Nature's Broom of America, Inc., No. 4:12-CR-00043 (N.D. Miss.), AUSA Robert Mims.

On May 14, 2012, Nature's Broom of America, Inc. (Nature's Broom) pleaded guilty to a one-count information charging it with a negligent Clean Water Act violation (33 U.S.C. §§ 1311, 1319(c)(1)(A)). The company was sentenced to pay a \$12,000 fine and will complete a one-year term of probation, during which it must comply with an Expedited Removal Plan and a Best Management Practices Plan.

Nature's Broom is a commercial manufacturer of cellulosic absorbent materials that are used to absorb oil spills and other hydrocarbons.

During the manufacturing process, the company screened out materials that were not suitable for use in its final product. It then stockpiled those materials on property adjacent to the Yazoo National Wildlife Refuge (YNWR). In August 2011, the company began pushing those materials onto YNWR property and into Steele Bayou, a water of the United States.



Yazoo National Wildlife Refuge

The YNWR is a 12,940-acre wildlife refuge located in the Mississippi River Delta Region and is an important winter habitat for migratory birds, especially ducks and geese.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, with assistance from the United States Fish and Wildlife Service and the Mississippi Department of Environmental Quality.

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United States v. Sun H. Park et al., Nos. 3:09-CR-00020, 00543, and 3:10-CR-00253, (N.D.N.Y., D.N.J.), AUSA Craig Benedict.

On April 27, 2012, Sun Park was sentenced to serve 14 months' incarceration followed by two years' supervised release. Park also will pay more than \$5 million in restitution. The defendant previously pleaded guilty to mail fraud and to preparing false income tax returns in the Northern District of New York (18 U.S.C. § 1341, 26 U.S.C. § 7206(2)), and to conspiracy to commit bank fraud in the District of New Jersey (18 U.S.C. § 1349).

Park provided assistance to individuals and companies within the New York City Korean community (which supplied temporary asbestos abatement workers to other abatement companies) in falsifying insurance applications and in defrauding insurance carriers by understating the number of workers involved, and by deleting all mention of involvement with asbestos. As a result, insurance carriers were defrauded out of \$1.6 million in premiums. She also prepared false tax returns for numerous individuals over a period of years. In the District of New Jersey, Park used her accounting skills to aid others in obtaining millions of dollars in home equity and business lines of credit, depriving lenders of security for the credit.

Chong Mun Chae (aka Charlie Brown) was previously prosecuted in Syracuse for his company's involvement in asbestos projects without having obtained the required permits. Park assisted Chae in obtaining fraudulent insurance policies needed for workers to participate in asbestos related work. Chae was sentenced to serve 46 months' incarceration, followed by three years' supervised release, and was ordered to pay more than \$1.6 million in restitution.

The defendant provided substantial assistance to the government that was instrumental to the success of a number of other prosecutions. These cases were investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Internal Revenue Service.