
ENVIRONMENTAL CRIMES SECTION



MONTHLY BULLETIN

November 2012

EDITOR'S NOTE:

If you have other significant updates and/or interesting photographs from a case, please email them to Elizabeth Janes, [REDACTED]. If you have information concerning state or local cases, please send it directly to the Regional Environmental Enforcement Associations' website: www.regionalassociations.org.





Hazardous waste abandoned in unsecured electroplating facility. See [U.S. v. Arville O. Thomas](#), below, for more details.

AT A GLANCE:

- [Meras v. Sisto](#), 676 F.3d 1184 (9th Cir. 2012).

DISTRICT	CASES	CASE TYPE/ STATUTES
[REDACTED]	[REDACTED]	[REDACTED]
N.D. Ala.	United States v. David Langella	<i>Reptile Distribution/ Lacey Act, Conspiracy</i>
D. Alaska	United States v. Victor A. Buchanan	<i>Wastewater Discharges/ CWA, Refuse Act</i>
C.D. Calif.	United States v. Jin Zhao Feng et al.	<i>Rhino Horn Smuggling/ Lacey Act, Money Laundering, Smuggling, Conspiracy, Tax Fraud</i>
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
D. Hawaii	United States v. Jeffrey S. Grundhauser et al.	<i>Sheep and Deer Hunting/ Lacey Act</i>
[REDACTED]	[REDACTED]	[REDACTED]

DISTRICT	CASES	CASE TYPE/ STATUTES
D. Mass.	<u>United States v. John Tetreault</u>	<i>Municipal Water Operator/ False Statement</i>
E.D. Mo.	<u>United States v. Michael Terry et al.</u>	<i>Vehicle Emissions and Document Falsification/ Mail Fraud</i>
W.D. Mo.	<u>United States v. William M. Threatt, Jr., et al.</u>	<i>Asbestos Removal/ CAA</i>
E.D.N.Y.	<u>United States v. Victor Gordon</u>	<i>Elephant Ivory Imports/ Smuggling</i>
N.D.N.Y.	<u>United States v. Dominick Mazza et al.</u>	<i>Asbestos Dumping in Wetlands/ CWA, CERCLA, Conspiracy, False Statement, Obstruction, Wire Fraud</i>
W.D.N.Y.	<u>United States v. Sean P. Doctor et al.</u>	<i>Asbestos Abatement and Insurance Fraud/ Clean Air Act, Mail Fraud, Conspiracy</i>
E.D.N.C.	<u>United States v. Clinton J. Matthews et al.</u>	<i>Vehicle Emissions Testing/ CAA Conspiracy, False Statement</i>
W.D.N.C.	<u>United States v. Linda Allen Knox</u>	<i>Water Sampling Business/ Mail Fraud</i>
S.D. Ohio	<u>United States v. Sheila Kendrick et al.</u>	<i>Pesticide Registration/ FIFRA, False Statement</i>
D.S.D.	 <u>United States v. Charles M. Ross d/b/a/ ScatterGun Lodge</u>	 <i>Hawk Killings/ MBTA</i>
E.D. Tenn.	<u>United States v. Watkins Street Project, LLC, et al.</u> <u>United States v. Arville O. Thomas</u>	<i>Demolition Project/ CAA, False Statement, Obstruction, Conspiracy</i> <i>Electroplating Facility/ RCRA</i>

DISTRICT	CASES	CASE TYPE/ STATUTES
E.D. Tex.	United States v. David Overdorf United States v. Loren Willis et al.	<i>Hazardous Waste Transportation/ RCRA</i> <i>Alligator Gar Transportation/ Lacey Act, Conspiracy</i>
N.D. Tex.	United States v. Ngan Tien Tran et al.	<i>Vehicle Emissions Testing/ CAA, False Statement</i>
W.D. Wash.	United States v. James Barber United States v. Brian Stowe et al.	<i>Wastewater Plant Operator/ CWA</i> <i>Storm Water Pollution/ CWA</i>
N.D.W.V.	United States v. Chesapeake Appalachia LLC	<i>Illegal Filling of Streambed/ CWA</i>
E.D. Wis.	United States v. Daniel Evanoff	<i>Aluminum Processor/ CAA</i>

Additional Quick Links:

- ◇ [Significant Non-Environmental Decisions](#) p. 5
- ◇ [Trials](#) p. 6
- ◇ [Informations/Indictments](#) p. 7
- ◇ [Plea Agreements](#) pp. 7 - 11
- ◇ [Sentencings](#) pp. 11 – 20

Significant Non-Environmental Decisions

Ninth Circuit

Meras v. Sisto, 676 F.3d 1184 (9th Cir. 2012).

Investigating a homicide, a criminologist performed DNA analysis on a bloodstained pair of jeans and produced a laboratory report concluding that the blood belonged to the defendant. The criminologist was busy during the defendant's trial in state court, so her supervisor was called to testify as to the contents of the report. The defendant objected to the testimony, arguing that introducing the report through the supervisor violated his right to confront his accusers. His objection was overruled by the trial court, which held that the report was admissible under the business records exception to the hearsay rule. The defendant was found guilty by a jury of robbery, burglary, and assault with a deadly weapon.

The defendant appealed the Confrontation Clause ruling, but the California Court of Appeals affirmed, holding that the report was not "testimonial." The California Supreme Court summarily denied review. The defendant did not file a petition for certiorari, but subsequently filed a habeas petition in federal court. The district court denied that petition, but the Ninth Circuit granted a certificate of appealability on the right to confrontation issue.

Held: The Ninth Circuit affirmed the judgment of the district court, holding that the decision by the state appellate court had not been an unreasonable application of U.S. Supreme Court precedent at the time that it rendered its decision. At that time Crawford, but not Melendez-Diaz and Bullcoming, had been decided by the Supreme Court. Crawford did not "clearly establish" that laboratory reports are testimonial; that issue was not resolved until Melendez-Diaz (by a deeply divided Court). Moreover, it was not until Bullcoming that the Supreme Court decided that the right of confrontation could be satisfied only by the live testimony of a declarant.

[Back to Top](#)

Trials

United States v. Dominick Mazza et al., No. 5:11-CR-00264 (N.D.N.Y.), ECS Trial Attorneys Todd Gleason and Gary Donner, AUSA Craig Benedict, Paralegal Puja Moozhikkattu, and OLS Lab Tech Elga Ozols.



Asbestos-contaminated debris

On October 16, 2012, a jury convicted the owner of a New Jersey solid waste management company and two of his associates on charges stemming from the transportation and dumping of thousands of tons of asbestos-contaminated debris into wetlands at an upstate New York farm.

Cross Nicastro II, owner of the property in Frankfort, New York, along with Mazza & Sons Inc., and its owner, Dominick Mazza, were found guilty of conspiracy to defraud the United States, to violate the Clean Water Act, and CERCLA (18 U.S.C. § 371). In addition, Nicastro, Dominick Mazza, and Mazza & Sons were

convicted of obstruction of justice and failure to report the release of a hazardous substance under CERCLA (18 U.S.C. § 1519; 42 U.S.C. § 9603(b)). Mazza also was convicted of making false statements to EPA agents (18 U.S.C. § 1001).

From 2006 through 2011, the defendants illegally dumped thousands of tons of asbestos-contaminated construction and demolition debris that had been processed at Eagle Recycling's and Mazza & Sons Inc.'s, solid waste management facilities in New Jersey. This debris was then transported and dumped at Nicastro's farm in Frankfort, much of which contained wetlands. The defendants concealed the dumping by fabricating a New York State Department of Environmental Conservation (DEC) permit and forging the name of a DEC official on the fraudulent permit. Once the conspirators learned that they were under investigation, they began a systematic pattern of document concealment, alteration, and destruction, including destroying and secreting documents responsive to grand jury subpoenas, falsifying certifications submitted to the Grand Jury, and submitting falsified sampling data to EPA.

Co-defendant Donald Torriero pleaded guilty to conspiracy and wire fraud violations, and is scheduled to be sentenced on February 1, 2013. Julius DeSimone pleaded guilty to conspiracy and to making a false statement and is scheduled to be sentenced on February 22, 2013. The three defendants who were just convicted are currently scheduled for sentencing on February 15, 2013.

This case was investigated by the New York State Environmental Conservation Police, Bureau of Environmental Crimes; the United States Environmental Protection Agency, Criminal Investigation Division; the Internal Revenue Service; the New Jersey State Police, Office of Business Integrity Unit; the New Jersey Department of Environmental Protection; and the Ohio Department of Environmental Protection.

[Back to Top](#)

Informations/Indictments

United States v. Sean P. Doctor et al., No. 1:12-CR-00308 (W.D.N.Y), AUSA Aaron Mango.

On September 27, 2012, Sean P. Doctor, Raj Chopra, and their companies S.D. Specialty Services, LLC (S.D. Specialty) and Comprehensive Employee Management, Inc. (CEM), were charged in a 16-count indictment with conspiracy to defraud the United States, to violate the Clean Air Act, and to commit mail fraud; and with substantive mail fraud violations (18 U.S.C. §§ 371, 1341, 1349; 42 U.S.C. §§ 7412, 7413). Doctor and S.D. Specialty also were charged with substantive violations of the Clean Air Act relating to three asbestos abatement projects conducted in Buffalo, New York.

The indictment alleges that from July 2009 to May 2011, the defendants conspired to defraud the EPA and to violate the CAA by transporting asbestos waste without proper documentation, and then illegally storing the waste. Substantive CAA charges stem from abatement projects where asbestos was improperly removed, handled, or stored.

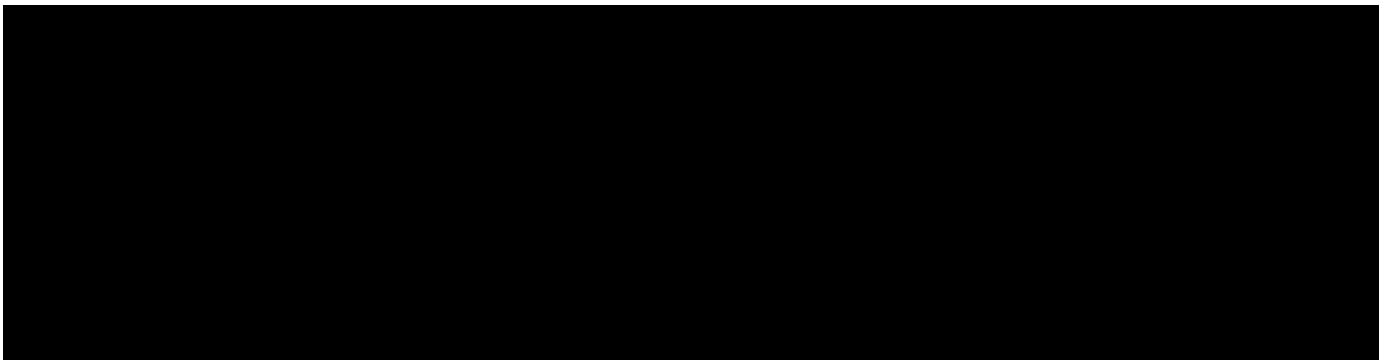
In a separate conspiracy, the defendants are charged with conspiring to defraud the New York State Insurance Fund (Fund) by failing to properly classify S.D. Specialty employees as asbestos workers for calculation of Workers' Compensation premiums. Employees were improperly classified as clerical workers to justify lower premium payments to the Fund, effectively defrauding the Fund of approximately \$195,000 in premiums. Substantive mail fraud charges stem from checks that were mailed to the Fund as payment for Workers' Compensation coverage for the improperly classified workers.

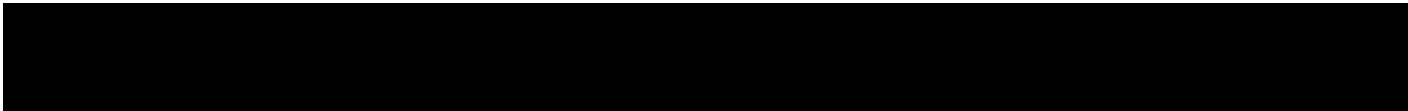
This case was investigated by the United States Environmental Protection Agency, Criminal Investigation Division; the New York State Department of Environmental Conservation Police, Bureau of Environmental Crimes Investigations; with assistance provided by the New York State Department of Labor, Asbestos Control Bureau.

The allegations in the indictment are mere accusations and all persons are presumed innocent until and unless proven guilty beyond a reasonable doubt in a court of law.

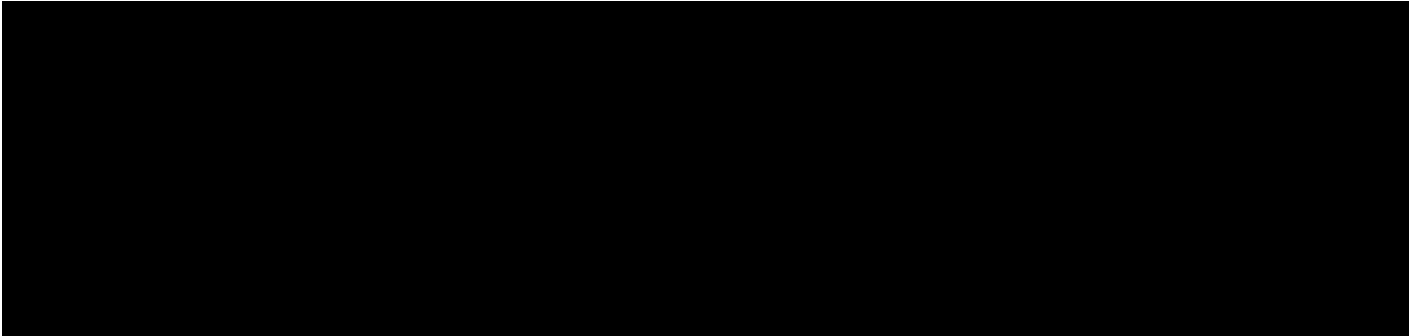
[Back to Top](#)

Plea Agreements





[Back to Top](#)



[Back to Top](#)

United States v. Victor A. Buchanan, No. 3:12-CR-00036 (D. Alaska), AUSA Retta Randall.

On October 12, 2012, Victor A. Buchanan pleaded guilty to a two-count indictment charging him with Clean Water Act and Refuse Act violations (33 U.S.C. §§ 407, 411, 1319(b)(2)(A), 1321(b)(3)) stemming from the illegal discharge of pollutants into St. Paul Harbor in Kodiak, Alaska.

Buchanan is the owner of the *F/V Chisik Island*, an 86-foot commercial fishing vessel. Between September 30 and October 4, 2011, the defendant discharged oily bilge water and raw sewage into the harbor.

This case was investigated by the United States Coast Guard.

[Back to Top](#)

United States v. Chesapeake Appalachia LLC, No. 5:12-CR-00030 (N.D.W.V.), AUSA David Perri and SAUSA Perry McDaniel.

On October 9, 2012, Chesapeake Appalachia LLC pleaded guilty to three misdemeanor violations of the Clean Water Act (33 U.S.C. §§ 1311 (a), 1319(c)(1)(A), 1344), for discharging 60 tons of crushed stone and gravel into a stream on at least three different occasions in December 2008, without a Section 404 permit. In the process of establishing gas drilling sites throughout Wetzel County, West Virginia, the company filled in a stream and created a road to improve access to Marcellus Shale drilling sites without the proper permits.

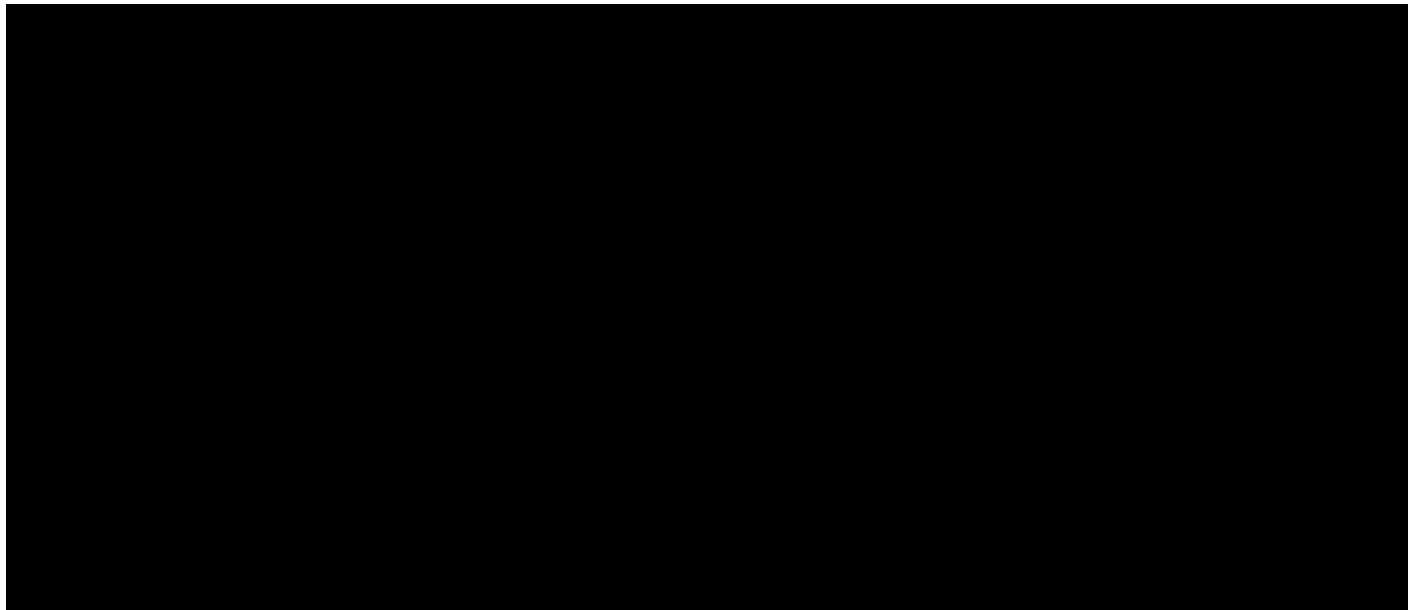
The company was fined in Pennsylvania in 2011 for more than \$1 million for natural gas drilling-related violations.

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

[Back to Top](#)



Blake Fork before and after it was filled



[Back to Top](#)

United States v. Clinton J. Matthews et al., Nos. 5:12-CR-00083, 193, 263 (E.D. N.C.), AUSA Banu Rangarajan.

On October 1, 2012, Clinton J. Matthews pleaded guilty to conspiring to violate the Clean Air Act, and to a CAA false statement violation (18 U.S.C. § 371, 42 U.S.C. § 7413(c)(2)(A)) stemming from his involvement in a scheme to falsify vehicle emissions tests.

Matthews worked as a licensed North Carolina emissions inspector at both Express Auto Sales and Services and Car Care Express Auto Sales and Services. The scheme involved entering the VIN into the analyzer from a car built between 1996 and 1999 as a surrogate vehicle. (Cars from this period generally would not automatically generate a VIN). The emissions report run for the surrogate vehicle would then be provided to the customer paying to receive a “clean scan.” From March, 2010, through July, 2010, Matthews was responsible for scanning 135 vehicles, and was paid between \$150 and \$225 per car.

Codefendants Angel Nunez and Milton Smith are scheduled to be sentenced on February 19, 2013, and December 3, 2012. Matthews is scheduled to be sentenced on January 14, 2013.

These cases were investigated by the United States Environmental Protection Agency, Criminal Investigation Division; North Carolina State Bureau of Investigations; and the North Carolina Department of Motor Vehicles, License and Theft Bureau.

[Back to Top](#)

United States v. James Barber, No. 12-CR-005398 (W.D. Wash.), AUSA Matthew D. Diggs.

Untreated sludge

On September 28, 2012, James Barber pleaded guilty to an information charging him with a misdemeanor Clean Water Act violation (33 U.S.C. §§ 1311, 1319 (c)(2)(A)).

Barber was the operator of the wastewater treatment plant in Mount Rainier National Park. During the spring and summer of 2011, the defendant failed to address the build-up of solid waste in the treatment plant. Instead of fixing the problem, he bypassed a portion of the treatment system, causing minimally treated sewage to dump directly into a drainage ditch that flowed into a waterfall and into the Nisqually River. Barber did not record this event in a log book, as required, nor inform coworkers. As a result, from August 27 through August 30, 2011,

approximately 200,000 gallons of sewage flowed into the river.

Under the terms of the plea agreement, Barber relinquished his certification to operate a wastewater facility and has resigned from the Park Service. He is scheduled to be sentenced on December 14, 2012.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the National Park Service Investigative Services Branch.

[Back to Top](#)

United States v. Victor Gordon, No. 1:11-CR-00517 (E.D.N.Y.), AUSAs Darren LaVerne, Vamshi Reddy and Claire Kedeshian.

On September 18, 2012, Victor Gordon, the owner of a Philadelphia African art store, pleaded guilty to smuggling African elephant ivory into the United States (18 U.S.C. § 545). At the time of his arrest in June 2011, agents seized approximately one ton of elephant ivory, one of the largest U.S. elephant ivory seizures on record.

Between May 2006 and April 2009, Gordon paid a co-conspirator to travel to Africa to purchase raw elephant ivory and have it carved to Gordon's specifications. In advance of the trips, Gordon

provided the co-conspirator with photographs or other depictions of ivory carvings, which served as templates for the African carvers. He further directed the co-conspirator to stain or dye the elephant ivory so that the specimens would appear old. Gordon planned and financed the illegal importation of the ivory from Africa to the United States through JFK Airport and sold the carvings to customers at his store in Philadelphia. As part of the plea, Gordon will forfeit \$150,000, and all of the seized ivory valued in excess of \$400,000. Sentencing is scheduled for April 23, 2013.

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

[Back to Top](#)



Seized elephant ivory

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Sentencings

United States v. Daniel Evanoff, No. 2:12-CR-00150 (E.D. Wis.), ECS Trial Attorney Mary Dee Carraway, AUSA Tracy Johnson, and RCEC Dave Mucha.

On October 24, 2012, Daniel Evanoff was sentenced to serve one day in jail followed by one year of supervised release, and will pay a \$5,000 fine. Evanoff previously pleaded guilty to a Clean Air Act tampering violation (42 U.S.C. § 7413 (c)(2)).

Evanoff was a vice president of Allotech International, a subsidiary of J.L. French, a manufacturer of die-cast aluminum products for the automobile industry. Aluminum processing is a source of air emissions that is subject to regulation under the Clean Air Act Title V permit requirements.

As company vice president, Evanoff's duties included overseeing environmental compliance and the supervision of engineers who were responsible for daily monitoring reports and other pollution control records. Evanoff admitted that from 2007 through 2009, he directed employees to alter the baghouse leak detection and temperature readings in order to create charts with falsified readings, so that the plant would appear to be operating within permitted emissions levels.

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

[Back to Top](#)

United States v. David Overdorf, No. 9:11-CR-00018 (E.D. Tex.), AUSA Jim Noble.



Tank used to hold hazardous waste

On October 24, 2012, David Overdorf was sentenced to pay a \$50,000 fine and will complete a five-year term of probation to include six months' home confinement. Overdorf previously pleaded guilty to a RCRA violation (42 U.S.C. § 6928(d)(2)(A)) for disposing of hazardous wastes without a permit.

The defendant was the former owner and president of H.O.T. Transport, Inc. (H.O.T.), a chemical company in the business of commercial transportation of industrial liquids such as caustics, ethanol, methanol, cresol, and formaldehyde.

Overdorf routinely directed company employees to wash out the interiors of trailer-mounted tanks at their place of business knowing that the tanks contained hazardous wastes. He also directed employees to pump the hazardous wash wastewater from a catch basin into a trailer-mounted tank labeled "wastewater" located on site.

As part of the sentence, Overdorf must hire an independent environmental engineering firm to determine the full extent of soil contamination at H.O.T.'s former business site. He also must also spend approximately \$250,000 for cleanup costs. The company is no longer in business.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Texas Commission on Environmental Quality.

[Back to Top](#)

United States v. Linda Allen Knox, No. 1:10-CR-00086 (W.D.N.C), AUSA Steven Kaufman.

On October 23, 2012, Linda Allen Knox was sentenced to serve 33 months' incarceration followed by three years' supervised release after previously pleading guilty to mail fraud (18 U.S.C. § 1341). She was further ordered to pay \$22,056 to victims.

In 1988, Knox founded a company called If Its Water, which was in the business of collecting water samples, arranging for sample analysis with a state-certified lab, and submitting the required paperwork to regulatory agencies on behalf of customers.

Investigation revealed that from approximately 2005 until May 2010, Knox frequently did not collect water samples for which she billed customers and, in some instances, customers were fined by the state for failure to submit sample analysis results which they had paid Knox to handle. In other cases, Knox substituted ordinary tap water for samples taken on behalf of customers who paid for their collection and analysis. In 2007, approximately 100 such samples were submitted to a state-certified lab, all of which were found to have identical levels of chlorine.

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

[Back to Top](#)

United States v. William M. Threatt, Jr., et al., No. 4:10-CR-00191(W.D. Mo.), AUSA David Ketchmark.

On October 15, 2012, William M. Threatt, Jr., was sentenced to pay a \$10,000 fine and complete a five-year term of probation. As special conditions of probation, Threatt is required to serve the first three months in community confinement and perform 250 hours of community service. Co-defendant Anthony Crompton was previously sentenced to complete a three-year term of probation, with a special condition of five months' community confinement. A fine was not assessed.

Threatt was the president and owner of the Citadel Plaza Redevelopment Site, a 250,000 square foot tract of land. From April 2001 to July 2006, the defendants violated the Clean Air Act by illegally removing and disposing of asbestos from more than two hundred structures, most of which were older, dilapidated residences. As a site operator, Crompton directed the workers who performed the demolition work. The defendants previously pleaded guilty to a CAA violation (42 U.S.C. § 7413(c)(1)).

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

[Back to Top](#)

United States v. Jin Zhao Feng et al., No. 12-CR-00202 (C.D. Calif.), ECS Trial Attorney Shennie Patel, AUSAs Joseph Johns and Dennis Mitchell, and ECS Paralegal Lisa Brooks.

Jin Zhao Feng was sentenced on October 12, 2012, to time served (eight months), followed by one year of supervised release. Feng previously pleaded guilty to a smuggling violation (18 U.S.C. § 554), related to the black market trade in Rhino horn. He forfeited the Black Rhino horn in his possession and was immediately deported to China.

Feng, Vinh Chuong "Jimmy" Kha, Felix Kha, and the Win Lee Corporation were all involved in a U.S.-based trafficking ring that operated in the black market trade of endangered Rhinoceros horn. The defendants admitted to purchasing White and Black Rhinoceros horns, knowing that the animals were protected by federal law as endangered and threatened species. The defendants admitted that they purchased the horns to export them overseas so they could be sold and made into libation cups or traditional medicine. The Khas each acknowledged making payments to Vietnamese customs officials to ensure clearance of horns sent to that country. They also admitted to failing to pay income taxes for 2009 and 2010.

Jarrold Wade Steffen, who used money provided by the Khas to purchase horns for them, pleaded guilty to conspiracy, smuggling, wildlife trafficking, and money laundering (16 U.S.C. §§ 3372(a)(1), 3373 (d)(1)(b); 18 U.S.C. §§ 371, 554, and 1956(a)(1)(A)(i)). The Khas are scheduled to be sentenced on December 10, 2012, and Steffen is scheduled to be sentenced on April 15, 2013.

Operation Crash is a continuing investigation 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.

[Back to Top](#)

United States v. Sheila Kendrick et al., Nos. 2:12-CR-00024, 00101 (S.D. Ohio), ECS Senior Trial Attorney Jeremy Korzenik and AUSA Mike Marous.

On October 12, 2012, Sheila Kendrick was sentenced to serve 90 days' incarceration followed by three years' supervised release. She previously pleaded guilty to a FIFRA violation and to a false

statement violation (7 U.S.C. § 136j (a)(2); 18 U.S.C. § 1001) for falsifying pesticide registration documents.

Kendrick was the manager of federal registration for the Scotts Miracle-Gro (Scotts) regulatory affairs department. She admitted to fabricating registrations for five different pesticide products between August 2004 and October 2007. Scotts was recently sentenced to pay a \$4 million criminal fine and will pay an additional \$500,000 in community service projects, along with \$8 million more in civil penalties. The company pleaded guilty to 11 FIFRA counts after admitting to illegally applying pesticides toxic to birds to wild bird food products, falsifying pesticide registration documents, distributing pesticides with misleading and unapproved labels, and distributing unregistered pesticides.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division; and the Environmental Enforcement Unit of the Ohio Attorney General's Office, Bureau of Criminal Identification and Investigation.

[Back to Top](#)

United States v. Michael Terry et al., No. 4:12-CR-00082 (E.D. Mo.), AUSAs Dianna Collins and Michael Reap.

On October 11, 2012, Michael Terry was sentenced to serve 13 months' incarceration followed by three years' supervised release. Terry was held jointly and severally liable for \$10,725 in restitution. Co-defendant Sedrix Blumingburg was previously sentenced to complete a three-year term of probation and was also held liable for the restitution.

The defendants were employees of Sure Start Battery & Tire Company, a vehicle repair shop that also offered safety and auto emissions testing. In December 2010, they conducted false safety and auto emissions tests and provided erroneous safety documentation to the vehicle owners for a fee. In September and October 2011, they also falsified other documents including titles, bills of sale, and insurance documents. The defendants each previously pleaded guilty to a mail fraud violation (18 U.S.C. § 1341).

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

[Back to Top](#)

United States v. Brian Stowe et al., Nos. 3:11-CR-05567, 3:12-CR-05121 (W.D. Wash.), AUSAs Matthew Diggs and Jim Oesterle.

On October 10, 2012, a prominent developer was sentenced to serve six months' home confinement followed by one year of supervised release. He also will pay a \$300,000 fine and make a \$100,000 community service payment to the National Fish and Wildlife Foundation. Brian Stowe and his company Stowe Construction are the first defendants to be charged with criminal storm water pollution violations (33 U.S.C. § 1319(c)(2)(A)) in this district.

Between 2007 and 2011, the defendants violated the Clean Water Act by failing to prepare



Hillside development with signs of unchecked erosion.

and implement practices as required under the construction general storm water permit that would minimize storm water discharges to nearby waters. These permit violations led to significant discharges of pollutants from the site to adjacent wetlands and streams, and contributed to two major landslides at the project site in the winter of 2011, forcing the closure of the West Valley Highway.

Employee Timothy Barger previously pleaded guilty to false statement violations and was sentenced to complete a one-year term of probation. Stowe Construction was previously sentenced to pay a \$350,000 fine and will complete a three-year term of probation. The company and Brian Stowe are further required to fund a storm water compliance plan and publish a public apology in a widely circulated news publication.

This case was investigated by the United States Environmental Protection Agency Criminal Investigations Division, with assistance from the Washington State Department of Ecology and the City of Sumner, Washington.

[Back to Top](#)

United States v. David Langella, No. 5:11-CR-00302 (N.D. Ala.), ECS Senior Counsel Rocky Piaggione and AUSA Henry Cornelius.



Ridge-nosed rattlesnake

illegally captured reptiles back to his residence for his own collection and distributed other animals to co-conspirators. In addition, he provided guiding services to others for the capture of Arizona protected reptiles, including Gila Monsters and Ridge-nosed rattlesnakes.

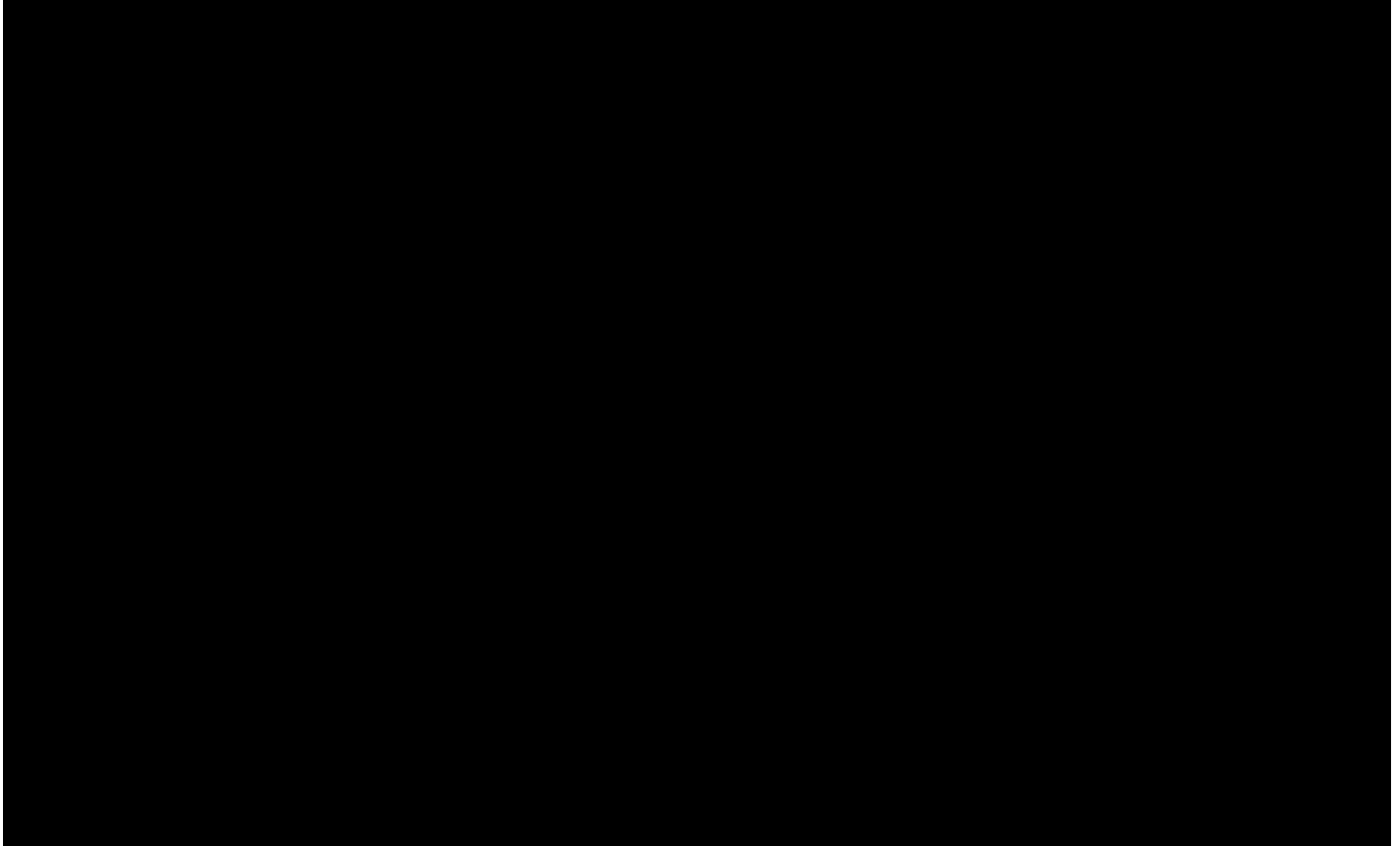
This case was investigated by the United States Fish and Wildlife Service Office of Law Enforcement, and the Alabama Wildlife and Freshwater Fisheries Division Special Operations Unit.

[Back to Top](#)

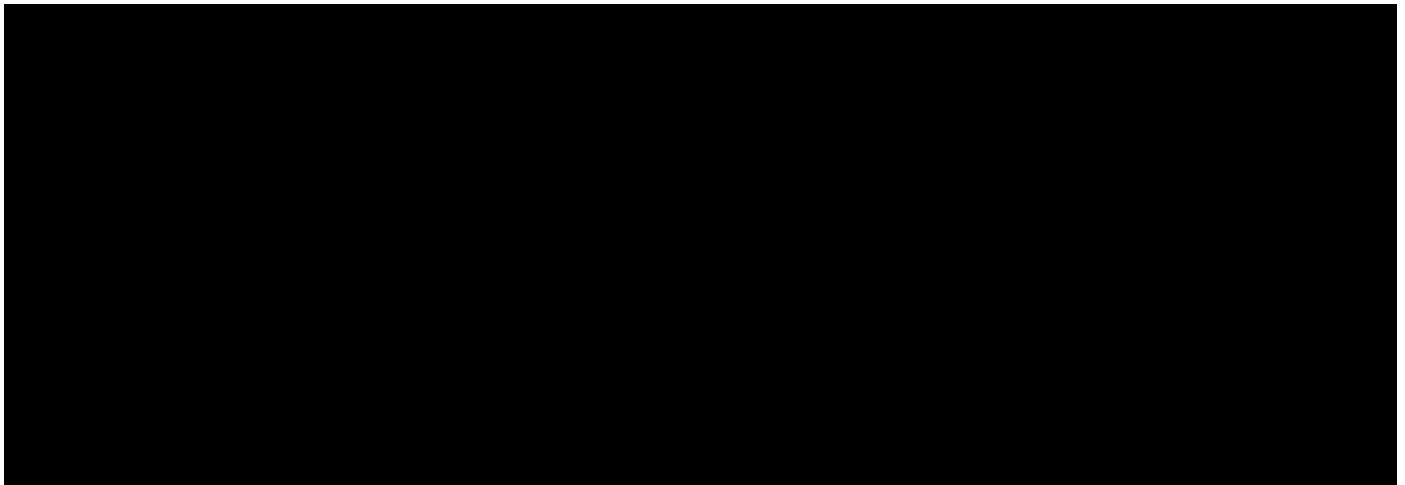
On October 9, 2012, David Langella was sentenced to complete a three-year term of probation to include four months' home confinement. He is barred from collecting reptiles or working with reptile collectors during the period of probation.

Langella previously pleaded guilty to conspiracy to violate the Lacey Act and to Lacey Act violations (18 U.S.C. § 371, 16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)), admitting that he traveled from Alabama to Arizona over a six-year period for the purpose of hunting and capturing protected reptiles.

The defendant transported some of the



[Back to Top](#)



[Back to Top](#)

United States v. John Tetreault, No. 1:12-CR-10146 (D. Mass.), AUSA Anton Giedt.

On October 4, 2012, John Tetreault was sentenced to pay a \$15,000 fine and will complete a one-year term of probation. Tetreault previously pleaded guilty to two false statement violations (18 U.S.C. § 1001 (a)(2)) for submitting falsified drinking water reports to the Massachusetts Department of Environmental Protection.

Tetreault was employed as superintendent of the City of Avon Water Department. In June and November 2010, he submitted monthly reports with falsified data concerning chlorine level readings.

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

[Back to Top](#)

United States v. Watkins Street Project, LLC, et al., No. 1:09-CR-00144 (E.D. Tenn.), ECS Trial Attorney Todd Gleason, AUSA Matthew Morris, and former ECS Paralegal Kathryn Loomis.



Asbestos-contaminated debris

On October 1, 2012, three individuals and a salvage company were sentenced. Donald Fillers will serve 48 months' incarceration followed by three years' supervised release, and will pay a \$20,000 fine; James Mathis will serve 18 months' incarceration followed by three years' supervised release; David Wood will serve 20 months' incarceration followed by three years' supervised release; and Watkins Street Project was ordered to pay a \$30,000 fine. In addition, the defendants were held jointly and severally liable for \$27,899 in restitution to the U.S. Environmental Protection Agency, the Chattanooga Department of Public Works, and the Chattanooga Hamilton County Air Pollution Control Board for costs associated with the emergency response and

clean-up of the former Standard Coosa Thatcher plant in Chattanooga.

The defendants were previously convicted by a jury of charges related to the illegal demolition of this factory that left contaminated debris scattered into piles and exposed to the elements. They were all found guilty of conspiracy, Clean Air Act, obstruction, and false statement violations. Mathis was found guilty of conspiracy and three other substantive CAA counts, and acquitted on one CAA charge (18 U.S.C. §§ 371, 1001, 1519; 42 U.S.C. § 7413(c)). All charges were dismissed against Mathis Companies, Inc.

The evidence proved that, from August 2004 to September 2005, the plant was illegally demolished while still containing large amounts of asbestos. Asbestos that had been removed was left in open piles on the property. During the demolition, visible emissions engulfed surrounding businesses, residences, and a day-care center. The defendants attempted to conceal their illegal activities by falsifying documents, lying to federal authorities, and by using low-paid day laborers to remove the material.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, and the Chattanooga-Hamilton County Air Pollution Control Bureau.

[Back to Top](#)

United States v. Jeffrey S. Grundhauser et al., Nos. 1:12-CR-00841 – 00842, 00997 (D. Hawaii), AUSA Michael C. Song.

On October 1, 2012, an outfitter and a hunter were sentenced after previously pleading guilty to a misdemeanor Lacey Act violation for illegally transporting game animals in interstate commerce. (16 U.S.C. §§ 3372(a)(2)(A) and 3373(d)(2)).

In May 2011, as part of an investigation into the inter-island transport of Axis deer and Mouflon sheep, an agent posing as a sport hunter contacted Grundhauser about booking a Mouflon sheep hunt at the defendant's ranch. Grundhauser has been an outfitter for ten years and offers sheep and deer hunts on his property. The agent informed the defendant that he did not have a license to hunt in Hawaii, but the hunt went ahead.

Further investigation confirmed that Maui pilot Thomas Hauptman helped Grundhauser illegally transport Axis deer, via helicopter, from Maui to the island of Hawaii. Hauptman and Grundhauser contacted hunter Daniel Rocha, who offered to sell them Mouflon sheep in exchange for deer and cash. Over two trips, Grundhauser received 14 sheep in exchange for four Axis deer and approximately \$1,000.



Hunter with Axis deer

Grundhauser was sentenced to pay a \$15,000 fine to be paid into the Lacey Act Reward Fund. He also will complete a one-year term of probation and will perform 100 hours of community service with the Maui Invasive Species Committee (Committee). Grundhauser forfeited a Remington hunting rifle and 14 sheep. Rocha was ordered to pay a \$1,000 fine payable to the Fund and will perform 100 hours of community service. Hauptman was sentenced on September 13th to serve a one-year term of probation. As restitution, he was ordered to donate 500 hours of helicopter service to the Committee. The helicopter time is valued at approximately \$300,000.

Axis deer are an invasive species on the Island of Hawaii. More than \$500,000 has been spent in efforts to eradicate the deer, which has caused harm to indigenous species on the island.

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

[Back to Top](#)

United States v. Charles M. Ross, d/b/a ScatterGun Lodge, No. 11-CR-30101 (D.S.D.), AUSA Jay Miller.



Dump/Burn pile

On October 1, 2012, Charles M. Ross, d/b/a ScatterGun Lodge, was sentenced after being convicted in a bench trial of four Migratory Bird Treaty Act violations (16 U.S.C. §§ 703 and 707(a)). Ross was sentenced to pay \$28,000 in *restitution* to the United States Fish and Wildlife Service and will pay a \$1,000 fine. He also will complete a one-year term of unsupervised probation.

The ScatterGun lodge is in the business of offering pheasant hunting on a 3,000 acre property. In his efforts to protect the pheasants that were subsequently hunted by commercial clients, Ross

killed multiple hawks over a three-year period that were buried, placed in the bird "gut" pile, or burned. In ordering the restitution, the court found that the government qualified as a "victim" in that its interests were harmed by Ross killing the hawks "...a protected species of migratory bird... impact[ing] important wildlife resources that the [g]overnment is charged with safeguarding on behalf of the public." Ross has filed a notice of appeal.

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

[Back to Top](#)

United States v. Loren Willis et al., Nos. 9:11-CR-00028, 1:11-CR-20676 (E.D. Tex., S.D. Fla.), AUSAs Reynaldo Morin and Jaime Raiche.

On September 18, 2012, Loren Willis was sentenced to serve nine months' incarceration followed by three years' supervised release. Willis was previously convicted by a jury for his role in a conspiracy to violate the Lacey Act (18 U.S.C. § 371). He was found guilty of conspiring to illegally transport alligator gar in interstate commerce and for conspiring to illegally label this fish.

In September 2010, Willis and one of his co-defendants traveled from Florida to Texas in order to harvest alligator gar from the Trinity River for the purpose of selling the fish in Japan. Alligator gar is a freshwater fish that can grow up to ten feet in length and weigh 200 pounds. Willis did not obtain a non-resident Texas fishing license before harvesting the fish. One co-defendant pleaded guilty to charges he altered the documentation submitted to the United States Fish and Wildlife Service to reflect that the fish were captive bred, rather than harvested in the wild. Captive bred fish are not required to be inspected prior to export. The fish, which were harvested from the Trinity River, were transported by Willis and his co-defendant to Florida, where they were later exported to Japan.

This case was investigated by the United States Fish and Wildlife Service, the Texas Parks and Wildlife Department, and the Florida Fish and Wildlife Service.

[Back to Top](#)

United States v. Ngan Tien Tran et al., No. 3:11-CR-00270 (N.D. Tex.), AUSA Steven Fahey.

Between September 5, 2012, and September 26, 2012, four of six defendants have been sentenced in this case for their involvement in fraudulent vehicle emissions testing: Huy Ngoc Nguyen was sentenced to serve 12 months' probation; Danh Cong Tran was sentenced to serve eight months' home confinement followed by 12 months' probation; Ngan Tien Tran was sentenced to serve 12 months and a day of incarceration, followed by one year of supervised release; and Bich Dong Ngo was sentenced to complete a one-year term of probation. These four emissions inspectors previously pleaded guilty to Clean Air Act false statement violations (42 U.S.C. § 7413 (c)(2)(A)) for their involvement in fraudulent vehicle emissions testing from August 2009 through March 2011.

In June 2010, the Texas Department of Public Safety determined that Mike's Auto Care (a state vehicle inspection station) was generating 300 to 400 fraudulent vehicle emissions tests per month. Further investigation determined that funds from these tests were being paid to the owners of the inspection station.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the Texas Department of Public Safety, and the Texas Commission on Environmental Quality.

[Back to Top](#)

United States v. Arville O. Thomas, No. 3:12-CR-00047 (E.D. Tenn.), AUSA Melissa Kirby.



Abandoned hazardous waste
Investigation Division.
[Back to Top](#)

On August 30, 2012, Arville O. Thomas, the former owner of Deep South Plating, was sentenced to serve a three-year term of probation after pleading guilty to a RCRA storage and disposal violation (42 U.S.C. § 6928(d)(2)(A)).

Thomas abandoned an electroplating facility, which was located in Alabama, and moved to Tennessee. Investigators subsequently found numerous deteriorating drums and open vats containing hazardous liquids on site. Testing of the contents confirmed the presence of copper cyanide, sodium cyanide, sulfuric acid and nickel cyanide.

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