



Environmental Crimes Case Bulletin

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

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

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Defendant Summary

Region	Defendants	Case Type/Status
Region 3	Ronald A. Wright	SDWA/Making false statements related to permits
Region 3	Patrick Henry Procino	RCRA/Illegal storage of hazardous waste without a permit
Region 4	Charles L. Stinson, Ralph Dowell	SDWA/Conspiracy to inject brine water fluids without a permit into sinkholes and wells
Region 4	Richard A. Bunnell	Rivers and Harbors Act/Illegal construction of structures, including docks and piers
Region 5	Alvin C. Sowinski, Paul A. Sowinski	Bald & Golden Eagle Protection Act/Illegal possession of bald eagles



Defendant Summary

Region	Defendants	Case Type/Status
Region 6	Citgo Petroleum Corporation, Citgo Refining and Chemicals Company LLP	CAA, Migratory Bird Treaty Act/Illegal operation of refinery tanks
Region 6	Jonathan Isaac Shokrian, Califco, LLC	CAA/Illegal asbestos removal
Region 9	Pacific Tank Cleaning, Inc., Jorge Luquin	CWA/Failure to report release of unlawful discharge of pollutant
Region 9	Julio Cesar Villanueva Cornejo	FIFRA/Illegal firearms possession and illegal pesticides distribution



Citgo Sentenced to Pay More than \$2 Million for Environmental Crimes at Corpus Christi Refinery -- On February 5, 2014, **CITGO PETROLEUM CORPORATION** and **CITGO REFINING AND CHEMICALS COMPANY LLP**



Aerial view of Citgo depicting the two open top tanks that were the source of the harmful emissions

(CITGO) were sentenced in federal district court for the Southern District of Texas for violations of the Clean Air Act related to its illegal operation of two massive tanks at their Corpus Christi East Plant Refinery as oil water separators without the required emission control equipment. The failure to equip the tanks with emission controls exposed numerous residents in the Oak Park and Hillcrest communities to chemical emissions.

CITGO Petroleum Corporation was ordered to pay a fine of \$500,000 on each of the two Clean Air Act counts of conviction. CITGO Refining and Chemicals Company LLP was ordered to pay a fine of \$500,000 on each of the federal Clean Air Act counts of conviction plus \$15,000 on each of the three misdemeanor Migratory Bird Treaty Act conviction, for a total of \$45,000. The judge deferred his ruling on victim restitution and a remedial order and will issue a written order on those issues within the next 90 days. Approximately 80 victims appeared in the full court room.

In June 2007, a jury convicted CITGO for illegally operating the two tanks at its Corpus Christi East Plant Refinery between January 1994 and May 2003. The open top tanks were the source of emissions including benzene, a known carcinogen, and other volatile organic compounds, which affected persons in the surrounding communities. Texas state investigators testified at the trial that they traced emissions that caused burning eyes, sore throat, difficulty breathing and other acute health effects back to the tanks on several occasions. The emissions from the tanks were detected in Oak Park and Hillcrest in the form of strong gaseous type odors.

The Department of Justice, the U.S. Attorney's Office Victim Witness Section, the U.S. Environmental Protection Agency Criminal Investigation Division (EPA/CID), the Texas Commission on Environmental Quality Environmental Crimes Unit and the Federal Bureau of Investigation assisted by the Texas Environmental Crimes Task Force (which also includes agents from U.S. Fish and Wildlife Service and Texas Parks and Wildlife Department) held three days of community meetings in Corpus Christi on October 25-27, 2012, to identify area residents who suffered immediate negative health effects from emissions from the CITGO refinery in order to comply with an order from the district judge to make members of the community aware of their potential victim rights, and followed similar meetings held in 2007. Individuals who suffered acute health effects from the emissions prepared victim impact statements for submission to the district court.

On October 11-13, 2013, the same government agencies assisted approximately 90 of the identified victims who were permitted to address the judge as a part of the sentencing process, which occurred over a three week period. During the hearing, victims told the judge of the difficulty of living in Hillcrest and Oak Park during the time the tanks were being operated illegally. Residents spoke of the sore throats, difficulty breathing, burning eyes, skin rashes and damage to property caused by the chemical emissions that were coming from the tanks.

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Citgo failed to use nets to prevent birds from landing in the open top tanks

Kentucky Oil Well Operators Sentenced for Safe Drinking Water Act Violations -- On January 16, 2014, **CHARLES L. STINSON**, of Horse Cave, Kentucky, and **RALPH DOWELL**, of Edmonton, Kentucky, operators of Logsdon Valley Oil Co. Inc., were sentenced in federal district court for the Western District of Kentucky to



The residue of illegal discharge at the Carter-Cheney Lease owned by Charles Stinson

two years' probation. Stinson and Logsdon Valley Oil Co. Inc., were ordered to pay fines for the continued conspiracy to inject fluids, without a permit, into sinkholes and wells, located in Hart County, Kentucky, from March 13, 2008, through July 18, 2012, in violation of the Safe Drinking Water Act.

According to the plea agreement, Stinson and Logsdon Valley Oil Co. Inc., agreed to a fine of \$45,000 to be paid at sentencing. According to the terms, Stinson was to pay the fine personally, with \$25,000 paid to the Commonwealth of Kentucky, \$10,000 to EPA, and \$10,000 to the United States. Also, as part of the terms, Stinson agreed to provide adequate documentation to EPA that the Stinson #6 (the well used for illegal injection) is plugged and abandoned in such a manner that protects underground sources of drinking water from contamination.

Stinson and Dowell were charged in an eight count federal Superseding Indictment, on August 15, 2012, with conspiring to violate the Safe Drinking Water Act. They pleaded guilty to violating a requirement of an applicable underground injection control program. Specifically, they configured piping to inject produced brine water (fluids brought to the surface in connection with oil production) from the tank battery to sinkholes, and injected produced brine water into a sinkhole, and conveyed fluids into sinkholes, in violation of the Safe Drinking Water Act, Title 42, United States Code, Section 300h-2(b)(2) and Title 40, Code of Federal Regulations, Section 144.11.

In furtherance of the conspiracy, on May 24, 2010, the defendants improperly conveyed fluids into a sinkhole at the Carter-Cheney (McGee) lease; and on May 24, 2010, they improperly conveyed fluids into sinkholes on Payton #7 East lease, both located in Hart County, Kentucky.

The case was investigated by EPA's Criminal Investigations Division and the Kentucky Department of Environmental Protection. It was prosecuted by Assistant United States Attorney Joshua Judd.



The actual discharge witnessed at the Carter-Cheney lease

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Mexican National Sentenced for Firearms Possession and Illegal Pesticides Distribution in Connection with A Forest Marijuana Cultivation Operation

-- On February 24, 2014, **JULIO CESAR VILLANAUEVA CORNEJO**, of Michoacán, Mexico, was sentenced in federal district court for the Eastern District of California to six years in prison for possessing a firearm and distributing illegal rat poison and insecticides in connection with a large marijuana cultivation operation in the Lilly Canyon area of the Sequoia National Forest. Villanueva was also ordered to pay \$4,294 in restitution to the U.S. Forest Service for the damage to public land and natural resources caused by the cultivation operation. He is subject to deportation after he serves his prison sentence. Villanueva's sentence follows his guilty plea last December.

According to court documents, Villanueva delivered chemicals and supplies to a marijuana cultivation operation in the Lilly Canyon area of the Sequoia National Forest. The cultivation operation caused extensive environmental damage. Native oak trees and other vegetation were killed or cut down to make room for the 9,746 marijuana plants planted there. The soil was tilled, and fertilizers, and illegal pesticides, and rodenticides containing zinc phosphide and carbofuran were spread throughout the site. In addition to the illegal pesticides, two firearms, marijuana seeds, and other items associated with the cultivation operation were found.

EPA has designated zinc phosphide as a restricted use pesticide that may only be purchased and used by, or under the supervision of, a certified applicator. In 2011, EPA announced that it would ban zinc phosphide for residential sale due to its acute toxicity.

Zinc phosphide is highly toxic to humans and wildlife. A single swallow can be fatal to a small child. Carbofuran is highly toxic to vertebrates and particularly toxic to birds. In granular form, a single grain will kill a bird; for humans, one quarter of a teaspoon is a sufficient dose to be fatal. Effective December 31, 2009, EPA cancelled all food tolerances for carbofuran and determined carbofuran is no longer eligible for re-registration.

The case was investigated by EPA's Criminal Investigation Division, the U.S. Forest Service, U.S. Drug Enforcement Administration, U.S. Immigration and Customs Enforcement's Homeland Security Investigations, and the Kern County Sheriff's Department. It was prosecuted by Assistant United States Attorney Karen Escobar.

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Smuggled Mexican pesticides involved in this investigation

Delaware Man Sentenced for Illegal Storage of Hazardous Waste -- On February 27, 2014, **PATRICK HENRY PROCINO**, of Laurel, Delaware, was sentenced in federal district court for the District of Delaware to one year probation, a \$50,000 fine and a \$100 special assessment for one count of illegal storage of hazardous waste without a permit.

On October 15, 2013, as the owner/operator of Procino Plating, Inc., Procino entered a guilty plea on behalf of that corporation to one count of violating the Clean Water Act. Procino was also sentenced on the Clean Water Act violation to five years' probation, and ordered to pay a \$400 special assessment.

According to statements made at the plea hearing and documents filed in court, Procino owned and operated Procino Plating, Inc. in Blades, Delaware. Until the fall of 2007, the facility was utilized for plating and electroplating-related operations.

The Resource Conservation and Recovery Act (RCRA) defines hazardous waste to include chemical waste which due to its chemical characteristics presents a hazard to human health or the environment. RCRA mandates that producers of hazardous wastes may not store such wastes without first obtaining a storage permit from EPA. From December 2007 through May 2010, Procino stored a tank containing approximately 450 gallons of liquid hazardous waste which originally had been used at the facility on its decorative chrome plating line. This chemical waste had a pH of 0.8 and, therefore, was a corrosive waste under RCRA.

As to Procino Plating, in the course of its operations it produced wastewater, and pursuant to a pre-treatment industrial wastewater permit issued by Sussex County, Procino Plating was permitted to discharge its industrial wastewater to the Seaford, Delaware, treatment plant which, in turn, discharges into the Nanticoke River. Pursuant to the Clean Water Act, the permit set limits on the amount of various pollutants that Procino Plating could discharge in its industrial wastewater to the Seaford treatment plant, including limits on various metals.

On or about June 1, 2009, Sussex County modified Procino Plating's industrial user permit to specifically prohibit the discharge of wastewater generated as a result of electroplating operations, and any waste or bi-products of the electroplating processes then in storage at the facility. This modification was made based upon statements and representations by Procino Plating to Sussex County officials, indicating that the business has ceased electroplating-related operations at the facility. However, from June 2009 through March 2010, Procino Plating processed, through its wastewater treatment plant, stored drums of chemicals which were leftover from its former electroplating operations and, in violation of its Clean Water Act mandated permit, discharged resulting wastewater to the Seaford treatment plant.

The case was investigated by EPA's Criminal Investigation Division and the Department of Natural Resources and Environmental Control-Criminal Investigations. It was prosecuted by Assistant United States Attorney Edmond Falgowski and Special Assistant United States Attorney Joseph Lisa.

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Inside Procino Plating, Inc.

Texas Property Management Company Official Sentenced for Improper Asbestos Removal -- On February 28, 2014, **JONATHAN ISAAC SHOKRIAN**, who served as a Regional Director at **CALIFCO, LLC**, with oversight of the company's business operations in Texas, was sentenced in federal district court for the Northern District



Fazio's department store where the defendants used day laborers to illegally remove asbestos

of Texas on a felony conviction related to an asbestos removal project to 12 months and one day in federal prison and was ordered to pay a \$25,000 fine following his guilty plea in June 2013 to one count of failure to notify under the Clean Air Act. His father, Elias Shokrian, Califco's President and CEO, appeared on behalf of the corporation, which has paid a \$500,000 fine, for the same offense. Both defendants were ordered to pay for medical monitoring for victim-workers. During the pronouncement of sentencing, the chief judge acknowledged the danger to the public health from asbestos exposure and the importance of adherence to EPA standards for its proper removal.

Califco is a property management company headquartered in Beverly Hills, California; it has a regional office in Irving, Texas. Califco owns and operates several commercial properties in the Dallas area.

In 2008, Califco and Jonathan Shokrian contracted with a specialized asbestos abatement contractor to remove asbestos from an old movie theater in the Crest Plaza Shopping Center. That abatement was conducted in compliance with all federal, state and local regulations and was completed in October 2008.

Approximately one month later, Jonathan Shokrian decided to conduct a renovation of the abandoned former Fazio's department store in the Plymouth Park Shopping Center. Rather than hiring a professional asbestos abatement contractor, as Califco had done on its Crest Plaza Project, Shokrian attempted to save money by employing two day laborers to remove ceiling tile and floor tile and mastic from the Fazio's building, even though he knew these materials contained asbestos.

While Califco provided the day laborers with masks, respirators and other tools to facilitate the removal of the asbestos-containing material, the masks and respirators were not adequate to protect the workers from the asbestos fiber. Shokrian did not inform the day laborers on the site, or the Califco-employed maintenance worker, that there was asbestos in the tile and mastic being removed. Neither Shokrian nor any other Califco employee notified any of the other commercial tenants of the Plymouth Park Shopping Center that asbestos-containing materials were being removed from the Fazio's building.

In mid to late February 2009, day laborers, under Shokrian's supervision, began using large amounts of gasoline to remove the remaining asbestos-containing floor tile mastic in the Fazio's building. On February 27, 2009, after responding to a call regarding the overwhelming smell of gasoline in the area around the Plymouth Park Shopping Center, the Irving Fire Department ordered the evacuation of the shopping center and a portion of a nearby residential neighborhood because of the concentration of gasoline fumes in the Fazio's building.

The case was investigated by EPA's Criminal Investigation Division and the Texas Department of State Health Services. It was prosecuted by Assistant U.S. Attorney Errin Martin. Assistant U.S. Attorney Melissa Childs coordinated the fine collection.

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Florida Businessman Sentenced for Violating the Federal Rivers and Harbors Act -- On February 26, 2014, **RICHARD A. BUNNELL**, of Coconut Grove, Florida, was sentenced in federal district court for the Southern District of Florida for violations of federal law involving the illegal construction of structures, including docks and piers, in the navigable waters of the United States in violation of the Rivers and Harbors Act. He was sentenced on two counts of knowingly placing and erecting structures, docks, and piers within navigable waters of the United States, without, or in violation of, valid permits from the United States Army Corps of Engineers authorizing such conduct. Bunnell previously pled guilty to the charges on December 26, 2013.

Bunnell was sentenced to six months home detention with electronic monitoring as well as concurrent probationary terms of five years on each of the counts of conviction. Bunnell was also ordered to pay a criminal fine of \$175,000 and an additional payment of \$50,000 to the South Florida National Parks Trust for management, restoration, and research. Finally, pursuant to the terms of the plea agreement in the case, Bunnell must file any necessary permit applications for six Miami-area installations involved in the case, and commence any corrective action required by the Army Corps of Engineers to modify or alter the installations to comply with Federal law, including the payment of mitigation for damage to natural resources.

The case was investigated by EPA's Criminal Investigation Division and the U.S. Army Corps of Engineers. It was prosecuted by Special Assistant U.S. Attorney Jodi A. Mazer and Assistant U.S. Attorney Thomas Watts-FitzGerald.

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One of the docks Bunnell illegally constructed into navigable waters of the U.S.

California Tank Cleaning Firm and Manager Plead Guilty to Acid Spill - On February 21, 2014, **PACIFIC TANK CLEANING, INC.**, a San Diego, California, company and one of its managers pleaded guilty in federal district court for the Southern District of California to environmental crimes in relation to an acid spill that occurred

at its facility on March 28, 2011. The company faces a maximum penalty of five years probation and a \$500,000 fine.

In pleading guilty, Pacific Tank Cleaning, Inc. admitted that a valve on a 275 gallon container of acidic tank cleaning solution failed, causing the contents of the tank to leak onto the ground, and down a nearby alley and street. The company admitted that although an employee advised management of the spill, the employee in charge of the facility failed to notify the National Response Center. Pacific Tank Cleaning Production Manager **JORGE LUQUIN** pleaded guilty to the unlawful discharge of pollutants. In his plea agreement, he admitted that

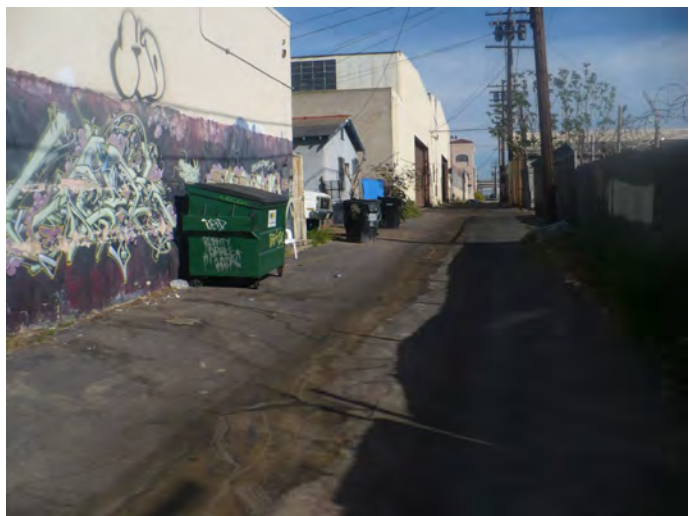
although he was aware that the tank had leaked, he made no effort to contain the spill outside the facility, which allowed the acid to enter the storm drain system and ultimately the waters of the United States.

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

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The cleanup of the acid spill outside Pacific Tank Cleaning, Inc.



Stains on the ground caused by the acid spill

Pennsylvania Man Charged with Falsifying Documents on Well Plugging -- On February 11, 2014, **RONALD A. WRIGHT**, of Pleasantville, Pennsylvania, was indicted by a federal grand jury in federal district court for the Western District of Pennsylvania, on charges of making false statements in matters relevant to permits issued under the Safe Drinking Water Act.

According to the indictment presented to the court, between in and around September 2009, to in and around April 2011, Wright falsified Certificates of Well Plugging, falsely claiming that he had properly plugged abandoned oil wells, when he had not properly done so. These forms were relied upon by the EPA in regard to permits issued for Class II injection wells. The approval process for these injection wells required all abandoned wells within a quarter mile of the injection well site to have first been properly plugged.

The law provides for a maximum total sentence of 15 years in prison, a fine of \$750,000 or both. Under the Federal Sentencing Guidelines, the actual sentence imposed would be based upon the seriousness of the offenses and the prior criminal history, if any, of the defendant.

The case was investigated by EPA's Criminal Investigation Division, the Pennsylvania Office of Attorney General's Environmental Crimes Section, and the U.S. Forest Service's Law Enforcement and Investigations. Assistant United States Attorney Marshall J. Piccinini is prosecuting this case on behalf of the government. An indictment is an accusation. A defendant is presumed innocent unless and until proven guilty.

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Charges Filed in Wisconsin Wildlife Poisoning Investigation -- On February 13, 2014, **ALVIN C. SOWINSKI**, and **PAUL A. SOWINSKI**, both of Sugar Camp, Oneida County, Wisconsin, were charged in federal district court for the Western District of Wisconsin with illegal possession of bald eagles. The men each face a maximum penalty of one year in prison and a \$100,000 fine.

The charges are the result of a cooperative federal and state investigation of the use of the highly regulated pesticide Carbofuran to kill as many as six eagles and other wildlife (more than 70 animals total) on the Sowinski property in Oneida County between 2007 and 2010. The Bald and Golden Eagle Protection Act, 16 U.S.C. § 668, prohibits the possession or taking of eagles and provides criminal penalties for such acts. While the sentencing judge will determine the amount of any prison time or fines for the defendants, the plea agreement calls for the pair to pay \$100,000 in restitution and lose all rights and privileges to hunt, fish and trap for at least 5 years. Under that agreement, prosecutors reserved the right to seek a longer revocation of these privileges. Guilty plea hearings have been scheduled for May 8, 2014.

Alvin and Paul Sowinski, father and son, live in Oneida County, where the family owns some 8,000 acres, which include farm fields as well as prime habitat for both wildlife and hunting. The elder Sowinski baited multiple sites on the property with wildlife carcasses or processed meats treated with Carbofuran, hoping to attract and kill bobcats, coyotes, wolves, fishers and other species that prey on the deer and game birds that he and his son routinely hunted on their land.

During the first four months of 2010, federal and state officers documented Sowinski's placement of poison-laced bait at least nine sites and the nearby deaths of 24 federally protected migratory birds and other species. Investigators also found the remains of two bald eagles and a rough-legged hawk on another part of the property near the location of a deer stand used the previous winter by Paul Sowinski. Tests conducted by the U.S. Fish and Wildlife Service National Wildlife Forensics laboratory confirmed that many of the animals recovered by investigators had died from ingesting Carbofuran.

The execution of federal search warrants in May 2010 yielded more evidence of wildlife poisoning. Carcasses recovered from seven different sites on the Sowinski property included those of three additional bald eagles.

Paul Sowinski admitted knowing that his father was setting out poisoned bait but was not aware of the chemical being used. He told investigators that he had found and discarded the two eagles that were recovered near his deer stand in 2010 and acknowledged that he destroyed a third carcass to conceal it from authorities.

Law enforcement officers first became aware of potential poisoning of wildlife on the Sowinski property in the spring of 2007 when a State warden recovered a dead eagle and three other animals within 100 yards of a deer carcass. Both the wildlife and deer tested positive for Carbofuran.

The charges against Paul and Alvin Sowinski are the result of a joint investigation conducted by EPA's Criminal Investigation Division, the Wisconsin Department of Natural Resources, U.S. Fish and Wildlife Service, and the Oneida County Sheriff's Department. The case is being prosecuted by Assistant U.S. Attorney Peter M. Jarosz.

A charge is merely an accusation and a defendant is presumed innocent until and unless proven guilty.

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