

# Environmental Crimes Case Bulletin



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

**June 2013**

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

## **Defendants in this edition:**

- **Edward Palmer — Region 2**
- **Maracle Industrial Finishing, John Maltese — Region 2**
- **Cross Nicastro, Dominick Mazza, Mazza & Sons, Inc. — Region 2**
- **Omega Protein, Inc. — Region 3**
- **Werner Transportation Services, Inc. — Region 4**
- **Brent Roland Feickert — Region 5**
- **Anthony Michael Davis — Region 5**
- **Jonathan Isaac Shokrian, Elias Shokrian — Region 6**
- **RAM Environmental Services, Inc., Raymond Marcel, Jr., Cyril D. Robicheaux — Region 6**
- **Bruce Raymond Morris — Region 7**
- **Michael J. Redding, Jr. — Region 7**

## ***DEFENDANT SUMMARY:***

REGION	DEFENDANTS	CASE TYPE/STATUTES
Region 2	<a href="#"><u>Maracle Industrial Finishing, John Maltese</u></a>	CWA/Illegal discharge of process wastewater into village sewer system which connects into lake
Region 2	<a href="#"><u>Edward Palmer</u></a>	CAA/Improper asbestos removal
Region 2	<a href="#"><u>Cross Nicastro, Dominick Mazza, Mazza &amp; Sons, Inc.</u></a>	CWA/Illegal dumping of asbestos-contaminated waste, obstruction of justice, making false statements
Region 3	<a href="#"><u>Omega Protein, Inc.</u></a>	CWA/Discharging of oily wastewater directly into the sea
Region 4	<a href="#"><u>Werner Transportation Services, Inc.</u></a>	CAA/Negligent release of hazardous substance

## ***DEFENDANT SUMMARY:***

REGION	DEFENDANTS	CASE TYPE/STATUTES
Region 5	<a href="#">Brent Roland Feickert</a>	CWA/Making false statements
Region 5	<a href="#">Anthony Michael Davis</a>	CAA/Improper asbestos removal
Region 6	<a href="#">Jonathan Isaac Shokrian, Elias Shokrian</a>	CAA/Improper asbestos removal
Region 6	<a href="#">RAM Environmental Services, Inc., Raymond Marcel, Jr., Cyril D. Robicheaux</a>	SDWA and Conspiracy to Defraud EPA/Illegal discharge of industrial wastewater
Region 7	<a href="#">Bruce Raymond Morris</a>	CWA/Submitting false water samples for testing
Region 7	<a href="#">Michael J. Redding, Jr.</a>	RCRA/Transportation and abandonment of hazardous waste

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

**Fish Processing Company Sentenced for CWA Violations** -- On June 4, 2013, **OMEGA PROTEIN, INC.**, headquartered in Houston, Texas, with operations in Reedsville, Virginia, was sentenced in federal district court for the Eastern District of Virginia, for two violations of the Clean Water Act stemming from its activities in the menhaden fishing industry. Omega was sentenced to three years of probation and financial penalties totaling \$7.5 million. Omega Protein, Inc., is a public company with stock traded on the New York Stock Exchange. According to its website, Omega is one of the world's leading producers of fish oil and the United States' leading manufacturer of fish meal. Omega's products derive from menhaden, a small, oily, Omega-3 rich fish that live off the east coast of the United States.

According to court documents, from May 2008 through September 2010, Omega Protein violated the Clean Water Act through the operation of its fish processing facility in Reedsville, Va. and through the operation of its fishing fleet, also based in Reedsville. Specifically, Omega's processing facility generated a fish waste known as "Bail" water, the court records indicate. This Bail water consisted of water mixed with fish waste and was permitted to be discharged at a point beyond three nautical miles from the shore, provided it was not mixed with any other chemicals or wastes. According to the statement of facts, Omega combined the Bail water with pollutants generated by the processing operations and a caustic substance. This material was then discharged into the Chesapeake Bay at a point less than three nautical miles from the shore.

Court records further reveal that from April 2009 through September 2010, Omega's fishing fleet was operated in violation of the Clean Water Act. Omega's fishing fleet was configured in such a way that permitted the overboard discharge of oily wastewater directly into the sea. The vessels contained pumps in the bilge that were connected directly to the skin of the ship so that the oily waste from the bilge could be pumped overboard. The court records indicate it was the common practice for the Omega vessels to discharge oily wastewater in this manner while on their voyages.

The case was investigated by EPA's Criminal Investigation Division and the Coast Guard Investigative Service. Assistant U.S. Attorneys Joseph L. Kosky and Olivia Norman, and Special Assistant U.S. Attorney David Lastra prosecuted the case on behalf of the United States.

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**Georgia Transportation Company Pleads Guilty and is Sentenced for Chemical Leak that Killed One Woman, Sent Seven People to the Hospital in South Carolina** -- On June 18, 2013, **WERNER TRANSPORTATION SERVICES, INC.**, of Gainesville, Georgia, pled guilty and was sentenced to pay a



*Hoses that were used during the anhydrous ammonia product transfer*

\$100,000 fine. Werner admitted to violating the Clean Air Act for letting hazardous air pollution leak into the environment at an ammonia plant near Swansea, South Carolina.

In July 2009, Werner Transportation Services negligently released anhydrous ammonia, a hazardous substance, and “negligently placed another person in imminent danger of death and serious bodily injury” in violation of federal law. Unaware of the leak, motorist Jacqueline Ginyard died after driving through a toxic ammonia cloud in front of the Tanner Industries, Inc. plant in Swansea. The leak occurred after a hose blew out while ammonia was being transferred between the Tanner plant and a Werner tanker truck. Some 7,000 pounds of poi-

sonous ammonia leaked after the wrong type of hose was used to make the transfer, according to state regulators. The spreading ammonia, which can burn people’s lungs, sent at least seven people in the Swansea area to the hospital and caused others to flee from the toxic threat. Leaking ammonia blackened trees and other vegetation for hundreds of yards around the Tanner Industries plant.

The South Carolina Department of Health and Environmental Control fined Tanner \$91,000 in 2010 for a series of emergency preparedness failures connected to the spill. Tanner officials have said they were relying on the trucking company to use the right hose. The state labor department also has fined Tanner \$23,625 for workplace safety violations.

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**Missouri Man Sentenced for Abandoning Hazardous Waste** -- On June 4, 2013, **MICHAEL J. REDDING, JR.**, was sentenced to complete a three-year term of probation with a special condition of six months’ home detention. He also was ordered to pay \$9,000 in restitution for clean-up costs.

Redding previously pleaded guilty to two RCRA violations stemming from the transportation and abandonment of hazardous waste. In early 2010, the defendant acquired equipment and assets from a bankrupt printing business. In April, he directed a five-man crew to remove items from the buildings, including drums containing hazardous waste. Those drums were then transported, without manifests, to another facility that was not permitted to store hazardous waste.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division. It is being prosecuted by Assistant U.S. Attorney Dianna Collins.

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*Containers of hazardous waste stored in this trailer then abandoned by Redding*

**Missouri Man Sentenced for Submitting False Water Samples** – On June 12, 2013, **BRUCE RAYMOND MORRIS**, of Taney County, Missouri, was sentenced in federal district court in the Western District of Missouri to three months home confinement and one year of probation for submitting false water samples for testing from a wastewater treatment facility that dumped raw, untreated sewage into Table Rock Lake for much of 2008 in violation of the Clean Water Act. Morris pled guilty to this charge in January 2013.

Morris was employed by Light Environmental, Inc., which provides environmental and waste treatment services. Landmarc Estates, a Taney County subdivision, hired Light Environmental to operate its wastewater treatment facility, to conduct wastewater sampling at the facility, and to submit wastewater sample results to the Missouri Department of Natural Resources as required by its federal permit. Morris was responsible for operating the wastewater treatment facility serving Landmarc Estates from March 2008 to January 2009.

The Landmarc Estates wastewater treatment facility was located less than 100 yards from Table Rock Lake. It discharged into a roadside ditch, and from there the discharged materials flowed downhill into Table Rock Lake. From March 2008 to January 2009, the Landmarc Estates facility did not properly treat its wastewater. Its electrically-operated motor, providing the only source of operating power for the facility, was inoperable for this entire period. As a result, raw, untreated sewage was released into the roadside ditch, and that untreated sewage flowed directly into Table Rock Lake.

Morris knew the Landmarc Estates facility did not properly treat its wastewater, and was in violation of its permit. As operator of the facility, Morris was responsible for its upkeep and repair; however, Morris did not repair the facility. Knowing that wastewater samples taken from the facility would not pass state tests, Morris substituted test samples from another wastewater treatment facility. Morris submitted those substituted test samples for biochemical analysis, falsely certified on the quarterly Wastewater Discharge Monitoring Reports that the test samples and laboratory test results were for the Landmarc Estates facility, and caused those false reports to be submitted to the state. A state inspector found at least 10 violations by the wastewater treatment facility, the most egregious of which was that raw, untreated sewage was released directly into the environment.

The case was investigated by EPA's Criminal Investigation Division and the Missouri Department of Natural Resources. It is being prosecuted by Assistant U.S. Attorney Steven M. Mohlhenrich.

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**New York Landowner and New Jersey Solid Waste Company Sentenced for Illegal Dumping in Upstate New York** -- On June 18 and 19, 2013, **CROSS NICASTRO, DOMINICK MAZZA**, and his company, **MAZZA & SONS, INC.**, were sentenced in federal district court for the Northern District of New York for conspiring to violate the Clean Water Act's Superfund statute, and to defraud the United States by illegally dumping thousands of tons of asbestos-contaminated construction debris on a 28-acre piece of property on the Mohawk River in upstate New York. In addition, the Mazza defendants were also sentenced on charges of obstructing justice and making false statements to law enforcement.

Dominick Mazza was sentenced to 51 months in prison to be followed by three years of supervised release, and was ordered to pay a \$75,000 criminal fine and \$492,000 in restitution. In addition, Mazza & Sons, Inc., was sentenced to pay a \$100,000 criminal fine and \$494,000 in restitution and cleanup costs, and was imposed five years corporate probation. The court also ordered that Mazza & Sons' recycling facility fund and implements an environmental compliance plan to prevent future environmental violations at its Tinton Falls, N.J., operation. The compliance plan is to be administered by a third party auditor. On June 18, Cross Nicastro was sentenced to 33 months in prison and three years of supervised release and was ordered to pay \$492,494 in restitution and a \$25,000 criminal fine.

The defendants were convicted in October 2012 after a three week trial in Utica. According to the trial evidence, the defendants conspired to fill in the entire property over the course of five years with pulverized construction and demolition debris that was processed at New Jersey solid waste management facilities (to include Mazza & Sons, Inc.) and then transported to Cross Nicastro's property in Frankfort, N.Y. The plot was uncovered by law enforcement just months after the defendants began the operation, having already dumped at least 400 truckloads of debris at the site. Much of the material that was dumped



*The illegal landfill where asbestos-contaminated construction debris was being dumped. The site borders the Mohawk River.*

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



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*A tractor trailer dumping asbestos-contaminated construction debris at the site.*

The case was investigated by EPA's Criminal Investigation Division, the New York State Environmental Conservation Police, Bureau of Environmental Crimes, 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. The case is being prosecuted by Assistant U.S. Attorney Craig A. Benedict

of the Northern District of New York, and Trial Attorneys Todd W. Gleason and Gary Donner of the Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division.

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**Michigan Businessman Sentenced to Prison for Clean Air Act Violation** -- On June 20, 2013, ANTHONY MICHAEL DAVIS, of Canton, Michigan, was sentenced in federal district court for the Western District of Michigan to 12 months in prison for violating the federal Clean Air Act and was ordered to pay \$168,029.59 in restitution to EPA and serve two years of supervised release following his release from prison.

Davis purchased a former paper mill in Otsego, Michigan to salvage valuable scrap material from a powerhouse building containing large boilers and turbines. Davis knew that asbestos-containing insulation was present in the powerhouse because certain insulation carried warning labels stating: "Hazardous Substance Asbestos." A representative of the former owner of the Otsego paper mill also warned Davis of the asbestos in the powerhouse and recommended an asbestos inspection before removing anything from the structure. Despite those warnings, and in an effort to cut costs, Davis failed to conduct a thorough asbestos inspection. Additionally, he paid laborers to scrap materials from the powerhouse without following basic rules of asbestos removal, such as wetting the asbestos with water prior to its removal until it is collected and contained for proper disposal. The salvage operation resulted in the release of a significant quantity of asbestos-containing insulation onto multiple floors of the building, which was open to the outside environment.

At sentencing, the court stated that the defendant's offense was "serious" and that his actions endangered the health of those who live and work near the paper mill in Otsego. The court also found troubling the defendant's misrepresentations to state investigators when he initially claimed that he did not know he was dealing with asbestos in the powerhouse. The investigation of the case was the result of a confidential tip.

The case was investigated by the EPA's Criminal Investigation Division and the Michigan Department of Natural Resources Environmental Investigation Section. Assistant U.S. Attorney Christopher O'Connor prosecuted the case on behalf of the United States.

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### **New York Businessman Pleads Guilty to Improper Asbestos Removal Activities** -- On June 6, 2013,



*The pipe room where employees were directed to store pipes containing asbestos contaminated materials after illegally taking them down.*

**EDWARD PALMER**, of Phoenix, New York, pled guilty in federal district court for the Northern District of New York to a felony violation of the Clean Air Act. He faces a maximum penalty of five years in prison and a \$250,000 fine.

Palmer is the owner of Carbonsted, LLC a company that owns the former Nestles Plant in Fulton, New York. The plant contains pipes with more than 2,000 feet of friable asbestos insulation. Palmer engaged in asbestos renovation; activities without filing a notification with EPA. He directed unlicensed individuals to perform asbestos removal without wetting the asbestos and keeping it wet and without properly disposing of the asbestos at a state-approved landfill.

The case was investigated by EPA's Criminal Investigation Division and the New York State Department of Environmental Conservation, with assistance from the New York Department of Labor. It is being prosecuted by Assistant U.S. Attorney Craig A. Benedict.

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### **Minnesota Man Pleads Guilty to Making False Statements to EPA** -- On June 13, 2013, **BRENT RO-**

**LAND FEICKERT**, of Hanover, Minnesota, pleaded guilty in federal district court for the District of Minnesota to making false statements to EPA regarding the levels of toxic pollutants in the industrial wastewater discharged by Anodize, Inc., the Buffalo-based machine shop where he worked. Feickert faces a potential maximum penalty of five years in federal prison.

Anodize's operations include metal plating, a process which yields industrial wastewater containing heavy metals and toxic pollutants. Anodize discharges the industrial wastewater into the sanitary sewer system pursuant to limits set forth in its discharge permit. Under the conditions of its permit, the concentration of toxic pollutants, including nickel and zinc, must be below specified limits set by EPA. The Minnesota Pollution Control Agency monitors the permit and requires companies to submit quarterly reports.

At Anodize, Feickert was responsible for receiving and reviewing the results of tests performed on the company's industrial wastewater and then entering those results on the quarterly discharge reports submitted to the MPCA. In his plea agreement, Feickert admitted that on five occasions between 2009 and 2011, he submitted false quarterly discharge reports to the MPCA. In each report, Feickert falsely represented that the levels of nickel or zinc in Anodize's industrial wastewater discharge were within permit limits. In each instance, testing had revealed and Feickert knew that the levels of nickel or zinc were in excess of permit limits.

The case was investigated by EPA's Criminal Investigation Division and the Minnesota Pollution Control Agency. It is being prosecuted by Assistant U.S. Attorney David M. Genrich.

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**Two Property Manager Executives in Texas Plead Guilty to Improper Asbestos Removal** -- On June 7, 2013, **JONATHAN ISAAC SHOKRIAN**, who served as a regional director at Califco, LLC, with oversight of the company's business operations in Texas, pleaded guilty in federal district court for the Northern District of Texas to an Information charging one count of failure to notify under the Clean Air Act, related to an asbestos removal project. In addition, on behalf of the corporation, Califco's president and CEO, **ELIAS SHOKRIAN**, who is Jonathan Shokrian's father, pleaded guilty to the same offense.

Califco is a property management company headquartered in Beverly Hills, California; it has a regional office located on North Story Road in Irving, Texas. Califco owns and operates several commercial properties in the Dallas area, including Plymouth Park Shopping Center on North Story Road in Irving and Crest Plaza Shopping Center on South Lancaster Road in Dallas.

Jonathan Shokrian faces a maximum statutory penalty of two years in federal prison, a \$250,000 fine and restitution. If the court accepts the term of the government's plea agreement with the corporation, Califco will pay a \$500,000 fine and will be placed on a five year term of probation. Sentencing is set for September 27.

According to documents filed in the case, Elias Shokrian hired another individual, "B.M.," to be Califco's Director of Development and supervise construction and renovation and provide oversight of asbestos abatement work. In 2008, Califco, Jonathan Shokrian and B.M. 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. Neither Shokrian nor B.M. informed 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 B.M. 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 investigation was conducted by EPA's Criminal Investigation Division and the Texas Department of State Health Services. Assistant U.S. Attorney Errin Martin is in charge of the prosecution.

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

**Louisiana Corporation and Two Owners Convicted in Scheme to Illegally Dispose of Industrial Wastewater** -- On June 24, 2013, **RAM ENVIRONMENTAL SERVICES, INC.**, an entity incorporated in the State of Louisiana and doing business in Morgan City, Louisiana; **RAYMOND MARCEL, JR.**, of Berwick, Louisiana; and **CYRIL D. ROBICHEAUX**, of Morgan City, Louisiana, were convicted in federal district court for the Middle District of Louisiana in connection with a wide ranging and ongoing federal and state investigation into corruption and fraud surrounding federal environmental laws. Each had pleaded guilty to bills of information charging them with a conspiracy to defraud EPA and to violate the Safe Drinking Water Act.

Marcel and Robicheaux each face up to five years imprisonment, a \$250,000 fine, a term of supervised release following imprisonment up to three years, and restitution. As part of its plea agreement, RAM has agreed to be sentenced to a three year term of probation, a \$50,000 fine, and restitution as determined by the Court. The defendants admitted that, in 2011 and 2012, they conspired with themselves and others to illegally discharge industrial wastewater at locations in Belle River, Louisiana, and Baton Rouge, Louisiana, and to otherwise obstruct the enforcement of the federal environmental laws through kickbacks, the creation and use of false documents, and other fraudulent means.

With regard to the Baton Rouge conduct, the defendants admitted that, in September 2012, they and others caused the illegal disposal of industrial wastewater at a site in Baton Rouge and concealed such activity through the creation and use of false documents. They admitted further that they undertook such fraudulent activity with the owner of the Baton Rouge site and further schemed with the site owner to lie to investigators regarding the disposals.

With regard to the Belle River conduct, the defendants admitted that, during 2011 and 2012, they paid over \$22,000 in kickbacks to Michael J. Vaughn, the operations manager of FAS Environmental Services, a transportation and disposal company, in exchange for illegally using FAS's injection well in Belle River to dispose of over 380,000 gallons of industrial wastewater. As part of the scheme, the defendants admitted that they and their fellow conspirators created and used over 100 false documents, including manifests and work orders, in addition to submitting false reports to regulators in Baton Rouge. Such false and fraudulent documents were designed to conceal the scheme from federal and state government officials, as well as the defendants' unsuspecting clients.

Vaughn, the former FAS operations manager, had pleaded guilty on May 29, 2013, to a bill of information charging him with conspiracy to defraud EPA and to violate the Safe Drinking Water Act, making false statements within the jurisdiction of the federal government, and forfeiture. FAS ownership was unaware of the scheme involving the FAS injection well, which resulted in the misuse of FAS resources. FAS has cooperated fully throughout the investigation.

The ongoing investigation is being conducted by EPA's Criminal Investigation Division, the Criminal Investigation Division of the Louisiana Department of Environmental Quality, and the U.S. Attorney's Office of the Middle District of Louisiana. The case is being prosecuted by Assistant United States Attorney Corey R. Amundson who serves as the Senior Deputy Chief of the Criminal Division of the Middle District of Louisiana.

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**New York Plating Company and Its General Manager Plead Guilty to CWA Violation** -- On June 5, 2013, **MARACLE INDUSTRIAL FINISHING**, located in Webster, New York, and its General Manager **JOHN MALTESE**, of Canandaigua, New York, pleaded guilty in federal district court for the

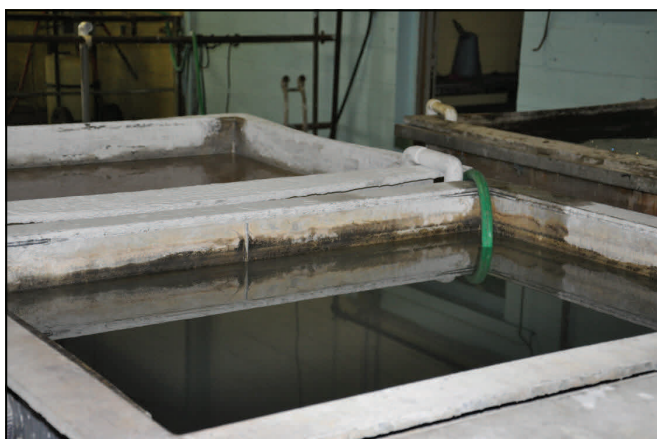


Northern District of New York to violating the Clean Water Act. The corporation faces a maximum fine of \$500,000, while Maltese faces up to three years in prison and a fine of up to \$250,000.

Maracle Industrial Finishing works with phosphorus and chromium products used in the metal and powder production industry. The company operates out of an industrial building which has an area with dipping tanks and a painting area. The dipping tanks are filled with various chemical solutions and parts are dipped into each one in sequence. The parts are then rinsed with other cleaning agents over the tanks. The tanks sit atop a drain system which empties into a holding pit where the material is stored for later disposal. The pit contains a sump pump which is connected directly to the outside sewer line, and this sewer connects to the Webster Publically Owned Treatment Works, which in turn connects to Lake Ontario, a navigable waterway of the United States.



Maracle operated under a Zero Discharge Permit that was issued by the Town of Webster beginning in January 2010. Under the permit, Maracle was not allowed to discharge any process wastewater, only sanitary waste (ie - water coming from sinks, toilets, and showers). Maracle and John Maltese violated this Zero Discharge Permit by repeatedly discharging process wastewater into the sewer system from the facility.



**Inside Maracle Industrial Finishing showing the process lines and rinse tanks**

Concerning the investigation, water samples taken from Maracle in late 2011 tested positive for a wide array of process waste water, including volatile and semi-volatile organics. Officials obtained samples taken from a sewer directly outside Maracle which connected the building to the POTW. These showed that not only was Maracle discharging process waste water, which violated their Zero Discharge Permit, but also that some of the waste water itself posed an explosive hazard due to its low flashpoint. Lab analysis of

the waste water showed a 40.3 degree Celsius flashpoint in violation of POTW limits. The Village of Webster POTW doesn't take any waste water discharges below a 60 degree Celsius flashpoint because the lower flashpoint has an increased risk of explosion or fire at lower temperatures and is more dangerous.

Webster officials and investigators with EPA's Criminal Investigation Division and the New York State Department of Environmental Conservation went to Maracle on several occasions to check for discharges at the sewer outside the company. A manhole directly outside Maracle permitted easy inspection of water leaving the facility and entering the POTW system. At virtually every visit, officials were able to

see process waste water leaving Maracle's building and flowing into the POTW in violation of the Zero Discharge Permit. They confronted General Manager Maltese, who always denied discharging anything other than bathroom water. However, during several of these visits they saw a sump pump running in plain sight which was discharging process waste water from the holding pit area. Workers interviewed during the investigation confirmed that Maltese would order them to turn the discharge pumps on to drain the chemicals in the holding pit.

EPA executed a federal search warrant in March 2012 and conducted extensive testing and analysis. Dye testing was performed to confirm that the material from the holding pit was the same material as that being discharged into the POTW line outside. Samples from the dipping tanks, holding pit, and paint area were also obtained and tested.

The case was investigated by EPA's Criminal Investigation Division, the New York State Department of Environmental Conservation Police, BECI, and the Village of Webster Department of Public Works.

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*Metal finishing process waste water and pollutants were directly discharged into the sewer system/drains from overflows and direct discharges from the Pit area shown above.*