The Impacts of Criminal Enforcement

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Impacts

* Headlines
* Pretreatment Program implications
* Industrial User impacts
* Positive Press? Negative Press?
* Positive impacts on support for the program...or
Some viewers may find this disturbing, viewer discretion is advised.
“They showed complete disregard for the regulations”

“Routinely (and intentionally) bypassed an acid neutralization tank and pumped highly acidic, untreated wastewater directly to the sewer”

“Dumped more ... lead and copper into sewers than permit allowed”
“Three brothers and an associate pleaded guilty in federal court....”

“They are believed to be the first suspects in North Carolina who will go to jail for violating the Clean Water Act”
“A Federal jury convicted both men of trying to reap greater **profits**...by pumping oils and other untreated waste straight into sewers...”

“sentenced to more than 4 years in prison for secretly dumping toxic waste into the city sewers”

The defendants said “they were victims of prosecutors and FBI Agents out to advance their careers.” They called the government’s case “something the prosecutor dreamed up”.

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Pollution sentences set record

Charlotte businessmen say they will appeal 51-month terms for dumping toxic waste into sewers.

**By Carol D. Leonnig**

Staff Writer

Two Charlotte executives said their oil-recycling business protected the environment, but on Tuesday a federal judge sentenced both to more than four years in prison for secretly dumping toxic waste into the city sewers.

The jail time sets a national record for punishing polluters, federal prosecutors say.

Cherokee Resources President Keith Eidson and Vice President Gabe Hartsell next month begin their 51-month sentences — the longest anyone in the country has received for fouling public sewers in violation of the Clean Water Act. Both were ordered to pay fines: Eidson $5,000, Hartsell $10,000. The corporation, which operated...
A Federal judge...sentenced two business executives convicted of dumping pollution into the sewer system to more than four years in prison.

...the fact that the judge took the crime seriously enough to impose hefty prison time is a welcome event...

...an investigation four years ago found numerous municipal treatment plants throughout the region repeatedly violating their waste treatment permits...

“We applaud the utility and the US Attorney’s office for taking pollution seriously enough to press criminal charges.”
Zeal should not outrun discretion - Aesop

zeal (noun)
1. The fervor or tireless devotion for a person, cause, or ideal and determination in its furtherance; diligent enthusiasm; powerful interest.
What is Criminal Enforcement meant to Accomplish?

- Above all - Compliance
- Demonstrate the ultimate commitment to the Federal Pretreatment Program
- Education and understanding of the Program - sometimes through the news media
- Criminal Punishment aspect is really a function of EPA/EPA CID/DOJ
REALITY CHECK AHEAD

WELCOME TO REALITY
What Criminal Enforcement may point to:

* Technically Based Local Limits improperly calculated or distributed
* Challenges to your permitting process
* The Utility needs more treatment capacity for growth and/or industrial discharges
* City Pretreatment Program inadequately funded or supported
* Operation of the treatment plant may come into question
* SIU Compliance is a “reflection” of your program
* Over-reaching is embarrassing
* Your Program will be “on trial” first
What it Requires

- Discretion is Advised
- Time
- Commitment to the process - development of partnership with EPA/DOJ/FBI
- Permission or buy-in by all management and all levels locally
* Have your program in shape first (Not necessarily perfect)

* Be involved in the process, you are the expert

* Be selective - It is not “can you - but should you”

* Judge the attitude and cooperation of the IU

* Remember it is not your job to put companies out of business but it is your ultimate responsibility to protect the wastewater treatment plant
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