

Environmental Criminal Enforcement: Columbia, Kentucky, Individual Pleads Guilty to Negligent Violation of the Clean Water Act



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The United States Department of Justice (“DOJ”) issued a November 28th news release stating that Joshua M. Franklin has pleaded guilty to a negligent violation of the Clean Water Act.

The charge is stated to stem from an alleged 2018 discharge of oil and brine water into a creek near an oil tank battery that eventually flowed into other downstream creeks.

The Clean Water Act provides for potential criminal penalties if a person negligently or knowingly discharges a pollutant from a point source into a water of the United States without a National Pollutant Discharge Elimination System or 404 permit.

The news release cites court documents stating that the individual was:

. . . an operator at an oil lease tank battery in Columbia. His duties included ensuring that brine water, a waste product from oil production, was separated from the oil before it was sold to customers. On Aug. 22, 2018, the oil/water separator at the tank battery used to remove brine water from a tank holding oil ready for sale was not functioning. To separate the brine water from the oil tank, Franklin instead attached a conduit to the oil tank’s discharge valve, opened the valve and left the site. As a result, approximately 100 barrels (4,000 gallons) of oil were discharged into a nearby tributary, which led to other creeks. The oil could be seen in a downstream creek, Brush Creek, over a mile away from the tank battery.

The individual is stated to have entered into a plea agreement that requires a restitution payment of \$10,000 to EPA and the Kentucky Department of Environmental Protection for cleanup costs. Further, the individual is stated to be scheduled to be sentenced on March 1, 2023 and faces a maximum penalty of one year in prison and a fine of \$100,000.

A copy of the news release can be downloaded [here](#).