



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Criminal Enforcement: U.S. Department of Justice Announces Sentencing for Elizabeth, New Jersey, Biodiesel Fuel Company for Alleged Violation of the Clean Water Act

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The United States Department of Justice (“DOJ”) issued a February 8th news release stating that Fuel Bio One, LLC (“FBO”) had been sentenced for an alleged violation of the Clean Water Act.

The Elizabeth, New Jersey, biodiesel fuel company was sentenced for allegedly discharging more than 45,000 gallons of wastewater from its commercial biodiesel fuel production facility into the Arthur Kill waterway.

FBO is stated to have been sentenced by United States District Judge William J. Martini to pay a fine of \$100,000. Further, the company was also sentenced to probation for a period of five years, during which it must:

1. provide biannual reports to the court and the government documenting its waste generation, handling, and disposal practices;
2. develop, implement, and fund an employee training program to ensure that all employees are aware of proper waste handling and disposal practices and to ensure that all storage, treatment, and disposal of wastewater complies with the Clean Water Act; and
3. allow the United States Environmental Protection Agency full access to all offices, warehouses, and facilities owned or operated by the company.

The DOJ news release states that court documents/statements indicate FBO generated wastewater that included methanol, biodiesel, and other contaminants as a byproduct of biodiesel fuel production at its Elizabeth, New Jersey, plant. It further states that:

... On Sept. 6, 2013, and Nov. 9, 2013, employees of Fuel Bio One released approximately 45,000 gallons of wastewater into a storm water pit at the Elizabeth plant, causing the pump to operate and, as a result, wastewater to be discharged into the Arthur Kill. A representative of Fuel Bio One admitted to this conduct in court yesterday.

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