

JUSTICE NEWS

Department of Justice

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Biodiesel Fuel Company Sentenced for Releasing Over 45,000 Gallons of Wastewater Into the "Arthur Kill" Waterway

Yesterday, an Elizabeth, New Jersey, biodiesel fuel company was sentenced for discharging more than 45,000 gallons of wastewater from its commercial biodiesel fuel production facility into the Arthur Kill, a waterway separating New Jersey from Staten Island, New York, announced the Department of Justice and the U.S. Environmental Protection Agency (EPA). The company had pleaded guilty in June 2018 to one count of violating the Clean Water Act.

Fuel Bio One LLC was sentenced by U.S. District Judge William J. Martini to pay a criminal fine of \$100,000. The company was also sentenced to probation for a period of five years, during which the company 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 EPA full access to all offices, warehouses, and facilities owned or operated by the company.

"Staten Island Sound (also known as the Arthur Kill) is a vital waterway running between New Jersey and Staten Island. Once heavily polluted and nearly devoid of marine life, this waterbody is making a comeback and again provides habitat to many species of fish and wildlife," said Assistant Attorney General Jeffrey Bossert Clark for the Justice Department's Environment and Natural Resources Division. "Illegal dumping of pollution into the Sound not only violates federal law, but also threatens the environmental recovery of this historic marine channel, which is important to New Yorkers and New Jerseyans alike. The Justice Department will continue to work closely with EPA Criminal Investigation Division to prosecute illegal actions like those in this case."

"Protecting the environment and our natural resources is one of the many ways this office works to keep New Jersey safe for everyone," said U.S. Attorney Carpenito for the District of New Jersey. "The sentence imposed yesterday as a result of Fuel Bio One's previous guilty plea ensures that the company will be punished for its past crimes, and the plea agreement puts in place a plan to ensure they don't pollute our waterways in the future."

"Fuel Bio One undercut a level playing field when they illegally discharged polluted wastewater into the Arthur Kill," Special Agent in Charge Tyler Amon of EPA's Criminal Investigation Division in New Jersey said. "This judicial action demonstrates EPA's commitment to protecting New Jersey's environment and ensuring that all companies play by the rules to keep pollutants out of the state's natural resources."

According to court documents filed in this case and statements made in court, Fuel Bio One generated wastewater that included methanol, biodiesel, and other contaminants as a byproduct of biodiesel fuel production at its Elizabeth, New Jersey, plant. 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.

Assistant Attorney General Clark and U.S. Attorney Carpenito credited special agents of the EPA, under the direction of Special Agent in Charge Amon, with the investigation leading to yesterday's sentence.

The Government is represented by Trial Attorney Adam Cullman of the Environmental Crimes Section and Assistant U.S. Attorney Kathleen P. O'Leary of the U.S. Attorney's Office Health Care and Government Fraud Unit in Newark.

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