

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, June 5, 2018

Biodiesel Fuel Company Pleads Guilty to Releasing Over 45,000 Gallons of Wastewater Into the Arthur Kill

An Elizabeth, New Jersey, biodiesel fuel company pleaded guilty today to discharging over 45,000 gallons of wastewater from its commercial biodiesel fuel production into the Arthur Kill, a narrow waterway that separates New Jersey from Staten Island, New York, U.S. Attorney Craig Carpenito and Acting Assistant Attorney General Jeffrey H. Wood announced.

Fuel Bio One LLC pleaded guilty before U.S. District Court Judge William J. Martini to an information charging it with one count of violating the Clean Water Act, a statute that was enacted to prevent, reduce, and eliminate water pollution in the United States.

According to court documents, Fuel Bio One generated wastewater that included methanol, biodiesel and other contaminants, as a byproduct of its biodiesel fuel production at its Elizabeth, New Jersey, plant. On September 6, 2013, and November 9, 2013, employees of Fuel Bio One released a total of 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 today.

Fuel Bio One has agreed, as part of its plea agreement, to pay \$100,000 and to be placed on a probationary term of five years. During the probation, the company will be required to provide to the court biannual reports of any waste it generates and the steps taken to properly dispose of such waste. Fuel Bio One will also be required to develop an employee training program to ensure that all storage, treatment and disposal of wastewater complies with the Clean Water Act and any other applicable laws. The company will also be required to provide the U.S. Environmental Protection Agency full access to all offices, warehouses and facilities.

"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 Acting Assistant Attorney General Jeffrey H. Wood 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. "Today's prosecution and guilty plea ensures that Fuel Bio One will be punished for its past crimes, and the plea agreement puts into place a plan to make sure they don't pollute our waterways in the future."

"Fuel Bio One undercuts a level playing field when they illegally discharge polluted wastewater into the Arthur Kill without any regulatory approval," said Special Agent in Charge Tyler Amon of EPA's Criminal Investigation Division in New Jersey. "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 from the state's natural resources."

U.S. Attorney Carpenito and Acting Assistant Attorney General Wood credited special agents of the U.S. Environmental Protection Agency, under the direction of Special Agent in Charge Tyler Amon, with the investigation leading to today's charges.

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

Topic(s):

Environment

Component(s):

Environment and Natural Resources Division

USAO - New Jersey

Press Release Number:

18-735

Updated June 5, 2018