

2009 REPORT

NEW JERSEY DIVISION OF CRIMINAL JUSTICE

ENVIRONMENTAL CRIMES PROSECUTIONS

For over two decades, the Division of Criminal Justice has investigated and prosecuted violations of the State's water pollution, air pollution, hazardous waste and solid waste laws, as well as traditional crimes that have an impact on public health and safety and the environment. During 2009, in addition to responding to pollution incidents statewide, the Division, working closely with the Department of Environmental Protection (DEP) and local officials, focused its efforts on identifying and prosecuting those who illegally dispose of hazardous or solid waste in vulnerable urban areas, or who endanger surrounding communities and workers by the way they operate, or who submit false information to the DEP.

In 2009, the Division obtained fourteen (14) indictments and accusations. Successful Division prosecutions in FY 2009 secured close to \$200,000 in fines and restitution. The Division also coordinates the criminal enforcement efforts of the County Prosecutors and the DEP and the Marine Bureau of the State Police, and provides technical and legal assistance to the Prosecutors' Offices, as well as to local law enforcement.

Environmental Fraud

1. In State v. Albert Taylor (Indictment No. 09-04-0060-S), the State Grand Jury returned a four count indictment against

defendant charging him with racketeering, second degree, and racketeering conspiracy, second degree, contrary to N.J.S.A. 2C:41-2c & d; and theft, third degree, contrary to N.J.S.A. 2C:20-4, (2 counts). Defendant is charged with defrauding clients who had hired him to provide services relating to determining the integrity of underground storage tanks.

2. In State v. A&S Trading (Accusation No. 09-07-1530A), the State filed an Accusation against defendant charging it with fourth degree Falsifying Records, contrary to (N.J.S.A. 2C:21-4a) for submitting a falsified Cathodic Protection survey to the DEP. Defendant pled guilty and the Court sentenced defendant to pay a \$6,000 fine.
3. In State v. Lisa Cornely-Gatone (Accusation No. 09-08-05021), the State filed an Accusation against defendant charging her with tampering with public records, contrary to N.J.S.A. 2C:28-7 for submitting false information to DEP to secure a "No Further Action" letter for a site. Defendant pled guilty to the charge.
4. In State v. DiNardi (Indictment No. 09-05-00100-S), the State Grand Jury returned a three count indictment against the defendant charging him with fourth degree uttering a forged document for submitting forged Solid Waste application documents to the DEP.

Water Pollution

1. In State v. R.D. Secaucus, Crowne Plaza (Indictment No. 09-09-00183-S), the State Grand Jury returned a one count indictment charging defendant corporation with unlawfully discharging sewage into the Hackensack River, contrary to N.J.S.A. 58:10A-10f(2). The indictment charges the hotel with regularly pumping sewage contaminated wastewater into the river.
2. In State v. Ramon Pena Diaz (Indictment No. 09-10-00258-S), the State Grand Jury returned a one count indictment charging defendant with third degree water pollution, contrary to N.J.S.A. 58:10A-10f for dumping drums of waste paint into a stream in Bergen County.
3. In State v. Peter Dominski and State v. Accurate Analytical Laboratories, Inc. (Accusation No. 08-12-00534 and Accusation No. 08-12-00535), in 2008, the State filed Accusations charging defendants with falsifying records, fourth degree, contrary to N.J.S.A. 2C:21-4 for submitting false laboratory report information to the DEP, as well as to community water systems and private well owners for Safe Drinking Water Act water quality testing. In 2009 the Court sentenced defendant Dominski to pay a \$10,000 fine and defendant corporation to pay a \$5,000 fine.
4. In State v. Salem Packing Company (Indictment No. 09-02-00033-S), the State Grand Jury returned a one count indictment against defendant charging it with a fourth degree violation

of the Water Pollution Control Act, N.J.S.A. 58:10A-10f(3), for discharging bloody wastewater from its meat processing operation into a stream.

5. In State v. James and Megen, Inc. (Indictment No. SGJ558-08-5), in 2009, defendant corporation pled guilty to the indictment, fourth degree Water Pollution, contrary to N.J.S.A. 58:10A-10f. In 2009, the Court sentenced the defendant corporation to pay a \$15,000 fine for unlawfully discharging septic waste water from the Waterfront Café restaurant in Carlstadt into the Hackensack River.

Public Safety

1. In State v. Kenneth Fox and Presto Pest Control (Indictment No. 09-05-00087-S), the State Grand Jury returned a five count indictment against defendants charging them with three different violations of the Pesticides Control Act, third degree, contrary to N.J.S.A. 13:1F-10f, one count of third degree tampering with public records, contrary to N.J.S.A. 2C:28-7, and one count of fourth degree falsifying records, contrary to N.J.S.A. 2C:21-4. Defendants were charged with misapplying outdoor pesticides in restaurants and in hotel rooms and falsifying DEP required records to conceal this conduct. Defendants pled guilty to violating the Pesticides Control Act and were sentenced to pay a \$60,000 fine and are permanently debarred from the pesticides business.

2. In State v. Wank (Accusation No. 690-09), the State filed an Accusation against defendant charging him with fourth degree Abandonment of Regulated Medical Waste, a box of syringes, in Union City (N.J.S.A. 13:1E-48.20h). Defendant pled guilty to the charge.
3. In State v. Ulatoski (Indictment No. 09-12-00309-S), the State Grand Jury returned a two count indictment against defendant charging him with a third degree violation of the Asbestos Control and Licensing Act, contrary to N.J.S.A. 34:5A-36, and fourth degree Uttering a Forged Document, contrary to N.J.S.A. 2C:21-1 for performing asbestos abatement work at a Fort Lee apartment complex without the requisite Division of Labor license and using a forged document.

Urban Initiative

1. In State v. John Yannuzzi and Yannuzzi and Sons, Inc. (Indictment No. 08-09-00223-S), in 2008, the State Grand Jury charged defendants with third degree Unlawful Disposal of Solid Waste, contrary to N.J.S.A. 13:1E-9.6 and third degree Criminal Mischief, contrary to N.J.S.A. 2C:17-3 for causing a 45 foot trailer filled with solid waste to be abandoned on a Newark street. In 2009, the Court admitted defendant into Pre-Trial Intervention conditioned upon defendant paying \$60,000 to DEP for monies expended for the clean up of the contents of the trailer.

2. In State v. Ortega (Indictment No. 09-10-00259-S), the State Grand Jury returned an indictment against defendant charging him with third degree unlawful disposal of solid waste, contrary to N.J.S.A. 13:1E-9.6 and third degree criminal mischief, contrary to N.J.S.A. 2C:17-3 for dumping truckloads of demolition debris at a yard in Belleville.
3. In State v. Earl Henriquez - Gil (Accusation No. 09-02-0177), the State filed an Accusation against defendant charging him with third degree unlawful collection of solid waste, contrary to N.J.S.A. 13:1E-9.6d for unlawful collection of demolition debris from a site in Newark. Defendant pled guilty to the charge.
4. In State v. Anthony Curto (Accusation No. 09-12-1333-A), the State filed an Accusation against defendant charging him with fourth degree unlawful collection of solid waste, contrary to N.J.S.A. 13:1E-9.6d for unlawfully collecting loads of demolition debris in Newark.

OTHER ACTIVITIES

1. EC completed the 2009 Environmental Crimes Handbook for law enforcement officers. The handbook contains all of the new environmental crimes established by the 2008 Environmental Crimes Enhancement bill that the EC helped to draft.
2. EC has established a Community Environmental Policing pilot program with the New York/New Jersey Baykeeper and Hackensack

Riverkeeper. Under this program, selected volunteers from these groups, will conduct regular patrols of waterways that we have identified as having potential water pollution issues.

3. EC Staff provided environmental crimes training to law enforcement and health officers in counties throughout the State.
4. EC Staff have been involved in drafting stronger criminal statutes to deal with workers and communities being exposed to dangerous chemicals.
5. EC created and arranged for the distribution of the "Environmental Crimes Guide to Beach Wash Ups" pamphlet for Shore communities to assist them in responding to the washing up of floatable debris on beaches.