

SUPERIOR COURT OF N.J.
FILED

JUL 23 2007

Thomas J. Hagan
Clerk

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ546-07-1

Superior Court

Docket Number 07-07-00097-S

STATE OF NEW JERSEY)

v.)

SEYMOUR BERKOWITZ)

and)

BERKOWITZ FAT CO., INC.,)

doing business as)

INDICTMENT

AMERICAN RENDERING CORP.,)

doing business as)

HARRY BERKOWITZ)

INDUSTRIES, INC.)

The Grand Jurors of and for the State of New Jersey, upon
their oaths, present that:

COUNT ONE

(Violation of the Water Pollution
Control Act - Third Degree)

SEYMOUR BERKOWITZ

and

BERKOWITZ FAT CO., INC.,

doing business as

AMERICAN RENDERING CORP.,

doing business as

HARRY BERKOWITZ INDUSTRIES, INC.

between on or about November 30, 2006 and on or about May 23, 2007,

in the City of Newark, in the County of Essex, elsewhere, and

within the jurisdiction of this Court, purposely, knowingly, or recklessly did violate the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., by unlawfully discharging a pollutant into a municipal treatment works, specifically the Passaic Valley Sewerage Commission sewer system, in violation of an industrial pretreatment permit issued by the Passaic Valley Sewerage Commission, in that SEYMOUR BERKOWITZ and BERKOWITZ FAT CO., INC., doing business as AMERICAN RENDERING CORP., doing business as HARRY BERKOWITZ INDUSTRIES, INC., did purposely, knowingly, or recklessly release, spill, leak, pump, emit, empty or dump industrial waste or solid waste, specifically fat-contaminated waste water, into the sewer system that leads to the Passaic Valley Sewerage Commissioner's Treatment Works, without monitoring said waste water, as required by its industrial pretreatment permit issued by the Passaic Valley Sewerage Commission, by bypassing the sampling point and not pre-treating the waste water prior to its release into the sewer system at the BERKOWITZ FAT CO., INC. facility, located at 38-42 Bay Avenue, Newark, New Jersey contrary to the provisions of N.J.S.A. 58:10A-10f(2), N.J.S.A. 58:10A-6a, N.J.S.A. 2C:2-7 and N.J.S.A. 2C:2-6 and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Violation of the Air Pollution
Control Act - Third Degree)

SEYMOUR BERKOWITZ
and
BERKOWITZ FAT CO., INC.,
doing business as
AMERICAN RENDERING CORP.,
doing business as
HARRY BERKOWITZ INDUSTRIES, INC.

between on or about October 16, 2006 and on or about May 1, 2007,
at the City of Newark, in the County of Essex, elsewhere, and
within the jurisdiction of this Court, knowingly did violate
regulations promulgated pursuant to the Air Pollution Control Act,
N.J.S.A. 26:2C-1 et seq., in that SEYMOUR BERKOWITZ and BERKOWITZ
FAT CO., INC., doing business as AMERICAN RENDERING CORP., doing
business as HARRY BERKOWITZ INDUSTRIES, INC., knowingly did violate
N.J.A.C. 7:27-8.3(e) by failing to operate the Venturi Scrubber at
all times while the BERKOWITZ FAT CO., INC. facility, 38-42 Bay
Street, Newark, was operating, in violation of its Department of
Environmental Protection certificate no. PCP030001 to operate
control apparatus and/or equipment, contrary to N.J.S.A. 26:2C-
19f(1), N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace
of this State, the government and dignity of the same.

COUNT THREE

(Violation of the Air Pollution
Control Act - Third Degree)

SEYMOUR BERKOWITZ
and
BERKOWITZ FAT CO., INC.,
doing business as
AMERICAN RENDERING CORP.,
doing business as
HARRY BERKOWITZ INDUSTRIES, INC.

between on or about April 7, 2005 and on or about June 5, 2007, at the City of Newark, in the County of Essex, elsewhere, and within the jurisdiction of this Court, knowingly did violate regulations promulgated pursuant to the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., in that SEYMOUR BERKOWITZ and BERKOWITZ FAT CO., INC., doing business as AMERICAN RENDERING CORP., doing business as HARRY BERKOWITZ INDUSTRIES, INC., knowingly did violate N.J.A.C. 7:27-5.2, by causing, suffering, allowing or permitting to be emitted into the outdoor atmosphere substances which shall result in air pollution, as defined in N.J.A.C. 7:27-5.1, that is the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be injurious to human health or welfare, animal or plant life or property or would unreasonably interfere with the enjoyment of life or property, at or near the BERKOWITZ FAT CO., INC. facility, 38-42 Bay Street, Newark, contrary to N.J.S.A. 26:2C-19f(1), N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.


COUNT FOUR

(Violation of the Air Pollution
Control Act - Third Degree)

SEYMOUR BERKOWITZ
and
BERKOWITZ FAT CO., INC.,
doing business as
AMERICAN RENDERING CORP.,
doing business as
HARRY BERKOWITZ INDUSTRIES, INC.

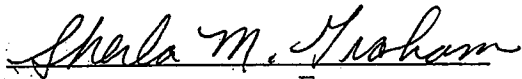
on or about January 29, 2007, at the City of Newark, in the County of Essex, elsewhere, and within the jurisdiction of this Court, knowingly did violate regulations promulgated pursuant to the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., in that SEYMOUR BERKOWITZ and BERKOWITZ FAT CO., INC., doing business as AMERICAN RENDERING CORP., doing business as HARRY BERKOWITZ INDUSTRIES, INC., knowingly did violate N.J.A.C. 7:27-1.31 by refusing to allow Department of Environmental Protection inspectors to conduct an inspection of the BERKOWITZ FAT CO., INC. facility, located at 38-42 Bay Street, Newark, to ascertain compliance with the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., regulations promulgated pursuant thereto, the facility Air Pollution certificate to operate control apparatus and/or equipment, and Department of Environmental Protection Orders issued pursuant to the Air Pollution Control Act, contrary to N.J.S.A. 26:2C-19f(1),

N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.



Gregory Pary, Director
Division of Criminal Justice

A TRUE BILL:



Foreperson

7-23-07

SUPERIOR COURT OF N.J.
FILED

JUL 23 2007

Handwritten signature
Clerk

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ546-07-1

Superior Court

Docket Number 07-07-00097-S

STATE OF NEW JERSEY)

v.)

SEYMOUR BERKOWITZ)

and)

BERKOWITZ FAT CO., INC.)

doing business as

AMERICAN RENDERING CORP.)

doing business as

HARRY BERKOWITZ)

INDUSTRIES, INC.

ORDER OF VENUE

CLERK OF SUPERIOR COURT
SUPERIOR COURT OF N.J.
MERCER COUNTY
RECEIVED AND FILED

JUL 23 2007

Handwritten signature: Sue Regan
SUE REGAN
DEPUTY CLERK OF SUPERIOR COURT

An Indictment having been returned to this Court by the
State Grand Jury in the above captioned matter,

IT IS ORDERED on this 23rd day of JULY, 2007,
pursuant to paragraph 8 of the State Grand Jury Act, that the
County of Essex be and hereby is designated as the County of venue
for the purpose of trial.

IT IS FURTHER ORDERED that the Clerk of the Superior Court
shall transmit forthwith the Indictment in this matter and a
certified copy of this Order to the Criminal Division Manager of
the County of Essex for filing.

Handwritten signature: Neil H. Shuster

Neil H. Shuster, J.S.C.