

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA San Diego, California

***United States Attorney
Karen P. Hewitt***

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For Immediate Release

NEWS RELEASE SUMMARY - November 29, 2007

United States Attorney Karen P. Hewitt announced today that an El Cajon man was arraigned today in federal court in San Diego before Magistrate Judge Anthony J. Battaglia for criminal environmental violations. Guillermo Garcia was arraigned on charges of conspiracy, unlawful discharge of pollutants, unlawful disposal of hazardous waste, and failure to report a release of a hazardous substance, in connection with a spill of toluene to Slaughterhouse Canyon Creek in March 2005. Garcia entered a not guilty plea.

The indictment alleges that on March 30, 2005, Garcia and his co-defendant agreed to dispose of Plasti-Kote acrylic containing toluene by dumping the contents of approximately five 55-gallon drums into Slaughterhouse Canyon Creek and onto the ground near the creek at night, in order to save the time and money required by lawful disposal. According to the indictment, the defendants allegedly agreed that they would make no report of any spill and if they were ever questioned about the dumping by the authorities, they would falsely state that there had been an accidental spill of a very small quantity of the material on the site in order to conceal the dumping. It is further alleged that on March 31, 2005, Guillermo Garcia falsely stated

to authorities responding to the incident that it had been an accidental spill of approximately 20-30 gallons of Plasti-Kote on the site.

Guillermo Garcia is scheduled to appear before the Honorable Irma E. Gonzalez on January 7, 2008, at 2:00 p.m. for a hearing on all motions and trial setting. Ivan Garcia Oliver will be arraigned at a later date.

DEFENDANTS

Criminal Case No. 07cr3192-IEG

Guillermo Garcia
Ivan Garcia Oliver

SUMMARY OF CHARGES

Counts: Four

Conspiracy, in violation of Title 18, United States Code, Section 371
Maximum Penalties: Five years in custody, and/or \$250,000 fine

Unlawful Discharge of Pollutants, in violation of Title 33, United States Code, Sections 1311, 1342 and 1319(c)(2)(A)
Maximum Penalties: Three years in custody, and/or a fine of \$50,000 per day of violation
Minimum Penalty: \$5,000 fine per day of violation

Unlawful Disposal of Hazardous Waste, in violation of Title 42, United States Code, Section 6928(d)(2)
Maximum Penalties: Five years in custody and/or a \$50,000 fine per day of violation

Failure to Report the Release of a Hazardous Substance, in violation of Title 42, United States Code, Section 9603(b)
Maximum Penalties: Three years in custody and/or a \$250,000 fine

AGENCIES

U.S. Environmental Protection Agency, Criminal Investigations Division
Federal Bureau of Investigation
San Diego County Department of Environmental Health Services

An indictment itself is not evidence that the defendants committed the crimes charged. The defendants are presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.