



Department of Justice

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TIPTON COMPANY CONVICTED FOR ENVIRONMENTAL CRIMES

Susan W. Brooks, U. S. Attorney for the Southern District of Indiana, and the Indiana Inter-Agency Environmental Crime Task Force for the Southern District of Indiana announced today the guilty plea and sentencing of the MIDWEST SHEETS COMPANY, LLC of Tipton, Indiana, for three counts of criminal violations of the Clean Water Act arising from its July 22, 2002 discharge of high strength caustic soda that caused a fish kill in Cicero Creek and disrupted the operations of the Tipton waste water treatment plant.

The criminal charges arose from joint investigation undertaken by the Criminal Investigation Division of the U.S. Environmental Protection Agency, the Indiana Department of Natural Resources and the FBI, as part of the Indiana Inter-Agency Environmental Crime Task Force for the Southern District of Indiana.

MIDWEST SHEETS admitted it negligently discharged approximately 1,479 gallons of a caustic soda solution because of an overflow of a storage tank. A MIDWEST SHEETS employee then negligently discharged another 320 gallons of this waste later that same day. The pH of both discharges was nearly 14, well over the required local limited of 9.5 or less for such discharges. In both instances, MIDWEST SHEETS failed to notify the Tipton, Indiana waste water treatment plant of the discharges. The discharges resulted in disrupting the operation of the treatment plant for seven days and caused the discharges to pass through to Cicero Creek, which then suffered a fish kill of about 2,000 fish.

According to Assistant U. S. Attorney Steven DeBrotta and Special Assistant U. S. Attorney David Mucha, who prosecuted the case for the government, United States District Judge David F. Hamilton sentenced MIDWEST SHEETS to: 1) pay a \$600,000 criminal penalty (\$150,000 suspended pending probation compliance); 2) Implement an employee training program for environmental compliance; 3) Implement a corporate environmental compliance program requiring company-wide compliance with environmental laws; 4) Conduct an environmental audit; 5) Comply with all federal, state and local environmental laws; and 5) Make

a public apology in the Tipton, Indiana newspaper and a trade journal. MIDWEST SHEETS cooperated with the criminal investigation and paid full restitution for the damaged caused by these offenses prior to the hearing.

Judge Hamilton stated at sentencing that this type of case presents a public health issue and that, when using dangerous chemicals by industries, there must be careful training of the employees involved, careful design of related facilities, and effective management and oversight for compliance with environmental laws.

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