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HESSMER, LA CANNING COMPANY SENTENCED IN FEDERAL COURT ON A CHARGE OF NEGLIGENT ILLEGAL DISCHARGE OF POLLUTANTS

Defendant ordered to pay \$175,000 fine

ALEXANDRIA, LOUISIANA. . . ALLENS, INC. (FORMERLY KNOWN AS ALLEN CANNING COMPANY) was sentenced this week by United States District Judge Dee D. Drell to pay a \$175,000.00 fine, followed by three years of supervised release for the negligent discharge of pollutants in violation of the Clean Water Act, United States Attorney Donald W. Washington announced. In addition, ALLENS, INC. was ordered to dredge Containment Ponds One and Two located at the company's facility in Hessmer, Louisiana, within six months of sentencing; provide food products in the amount of \$75,000.00 to hurricane relief efforts through a recognized hurricane relief organization; publish its standards, protocols and internal control measures relating to the facility; and contract with an independent consulting firm to establish formal training relating to the handling and treatment of pollutants.

ALLEN CANNING COMPANY's Hessmer, La. facility processed sweet potatoes, okra, and jalapeno peppers. In past years, ALLEN CANNING COMPANY also processed refried beans and kidney beans. The company's operations are subject to the requirements of its National Pollutant Discharge

Elimination System (NPDES) permit which sets limits on the outflowing water from the facility, including limits on Biological Oxygen Demand (BOD), Total Suspended Solids (TSS) and pH level.

ALLEN CANNING COMPANY's environmental permit allows the facility to discharge certain quantities and/or qualities of wastewater into waters of the United States subject to specific limitations and monitoring requirements set forth by Louisiana Department of Environment Quality (LDEQ). ALLEN CANNING COMPANY was required to monitor BOD, TSS and pH levels of its outfall and report the monthly average and daily maximum for the facilities to LDEQ through a Discharge Monitoring Report (DMR).

On or about October 20, 2003, ALLEN CANNING COMPANY was responsible for negligently discharging treated peel wastewater, wash soak and blanched water, treated sanitary wastewater and storm water into the German Bayou, then to Choctaw Bayou, which flowed into the Red River via local drainage from the company's Hessmer, La. plant. This discharge was in violation of conditions specified in ALLEN CANNING COMPANY's Louisiana Pollutant Discharge Elimination System (LPDES) permit #LA0003344. The company violated the LPDES permit parameters and reported 2.015 million gallons of flow into the German Bayou. The canning company's permit limit for BOD's is 339 lbs. for the average and 463 lbs. for the maximum. ALLEN CANNING COMPANY's sample results tested BOD's at more than 555 lbs. for the average and more than 555 lbs. for the maximum, all in violation of its permit.

U.S. Attorney Washington stated: "The protection of the environment is among our highest priorities," said Donald W. Washington, U.S. Attorney for the Western District of Louisiana. "We will not allow corporations or their employees to escape liability for failing to do their part in preventing harm to the environment. We fully intend to use all the tools at our disposal, including criminal prosecution, to punish those who pollute our air and water."

ALLENS, INC. faced a maximum penalty of not more than five years probation and/or a fine of at least \$2,500.00, but not more than \$25,000.00 per day of violation, or up to \$500,000.00, or twice the gain or loss that resulted from the offense, whichever is greater, and a mandatory special assessment of \$150,00 payable at the time of the plea.

Sentencing in federal court is determined by the discretion of the federal judges and the governing statute. United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission are only used as guidelines by the judge in determining the appropriate sentence. Parole has been abolished in the federal system.

This prosecution is the result of an investigation conducted by EPA and LDEQ, and is being prosecuted by Assistant United States Attorney Stephanie A. Finley.

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