



## U.S. Department of Justice

**Marcos Daniel Jiménez**  
**United States Attorney for the**  
**Southern District of Florida**

99 N.E. 4th Street  
Miami, FL 33132  
(305) 961-9001

### PRESS RELEASE

FOR IMMEDIATE RELEASE

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For Information Contact Public Affairs

Carlos B. Castillo, Special Counsel for Public Affairs,  
(305) 961-9425

Yovanny Lopez, Public Affairs Specialist, (305)  
961-9316

### [DEFENDANT PLEADS GUILTY TO FILLING FLORIDA BAY](#)

Marcos Daniel Jiménez, United States Attorney for the Southern District of Florida; Ricky Langlois, Special Agent in Charge, Environmental Protection Agency; Robert E. Harris, Special Agent in Charge, United States Department of Defense, Defense Criminal Investigative Service; and James Duck, Special Agent in Charge, United States Army, Criminal Investigation Division, Florida Resident Office, announced today that on September 29, 2004, defendant, Jeffrey A. Balch, pleaded guilty before United States District Court Judge K. Michael Moore in Key West, Florida, to charges that in 2002, he knowingly discharged pollutants into Florida Bay, waters of the United States, without a permit, in violation of the Clean Water Act, Title 33, United States Code, Section 1319(c)(2)(A).

According to statements made in court, Balch, who resides in Marathon, signed an agreement with Felix Equities, a contractor for the Little Venice Sewerage Project in Marathon, that allowed Felix Equities to dump excavated fill on his bay-front property in Marathon. After Felix Equities began to dump the excavated fill, composed of sand, dirt, rocks and asphalt, on the Balch property in early 2002, Balch and others acting at his direction, used heavy equipment to place fill material in the surface waters of Florida Bay. The filling process continued throughout February and March, 2002, progressively expanding into Florida Bay. Eventually, the fill came to impact an area approximately a quarter acre in size.

Balch's sentencing hearing is scheduled for January 10, 2005. The plea agreement requires that Balch, within thirty (30) days, submit applications for all necessary permits to remove the illegally placed fill and take all steps necessary to secure contracts for the removal of the material and the restoration of the shoreline. Furthermore, the plea agreement requires Balch to

recommended to the court that he serve a term of five (5) months' imprisonment, followed by a one (1) year term of supervised release, to include five (5) months of house arrest, and to pay a criminal fine in the amount of \$15,000 and restitution in the amount of \$66,122 to the Florida Keys Environmental Restoration Trust Fund for damage to the bay bottom.

Mr. Jiménez commended the investigative efforts of the Environmental Protection Agency, the United States Department of Defense, Defense Criminal Investigative Service, and the United States Army, Criminal Investigation Division. The case is being prosecuted by Assistant United States Attorney Jose A. Bonau.

A copy of this press release may be found on the website of the United States Attorney's Office for the Southern District of Florida at [www.usdoj.gov/usao/fls](http://www.usdoj.gov/usao/fls). Related court documents and information may be found on the website of the District Court for the Southern District of Florida at [www.flsd.uscourts.gov](http://www.flsd.uscourts.gov) or on <http://pacer.flsd.uscourts.gov>.

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