

# ***NEWS RELEASE***

---

---



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

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

---

---

***For Further Information, Contact: Assistant U.S. Attorney Melanie K. Pierson (619) 557-5685***

---

---

***For Immediate Release***

**NEWS RELEASE SUMMARY** - November 10, 2008

United States Attorney Karen P. Hewitt announced that Ivan Garcia Oliver was sentenced today in federal court in San Diego by the Honorable Irma E. Gonzalez to serve 15 months in custody for violating the federal hazardous waste law by dumping toluene on the ground at the former Wagner Construction site in Lakeside, California. In his plea, Ivan Garcia Oliver acknowledged that on March 31, 2005, as an employee of Wagner Construction, he operated a forklift in a manner he knew would cause Plasti-Kote, (which contained toluene, a federally regulated hazardous waste), to be spilled onto the ground.

Co-defendant Guillermo Garcia previously pled guilty to being an accessory after the fact to the crime, admitting that he placed dirt over the location of the spill and provided false information to authorities regarding the timing and quantity of the spill to regulators responding to the site. Guillermo Garcia was sentenced to four months' home detention and a \$1000 fine by Judge Gonzalez for his role in the offense on September 15, 2008.

In March 2008, Wagner Construction JV was sentenced in federal court in San Diego to pay a \$20,000 fine for violating the federal Clean Water Act by dumping toluene into Slaughterhouse Canyon Creek. Magistrate Judge Cathy Ann Bencivengo also ordered the company to reimburse the San Diego County Department of Environmental Health Services in the amount of \$7,503 for costs associated with responding to the spill and to pay a \$125 penalty assessment. The company entered its guilty plea on January 3, 2008. Wagner Construction JV has also entered into a compliance agreement with the U.S. Environmental Protection Agency to establish company practices to prevent future environmental problems.

United States Attorney Hewitt said, "Cost and convenience are no justification for criminal acts. The government will respond swiftly to any such threats to public health and the environment."

"Hazardous waste that is not disposed of safely and legally poses a threat to both the public and the environment," said Nick Torres, Special Agent in Charge for EPA's Criminal Investigation Division in San Francisco. "Today's sentence demonstrates that those who commit environmental crimes will be prosecuted."

"Today's sentence exemplifies the seriousness of pollution in our community. The FBI will continue to protect our resources and bring those responsible for such acts before the bar of justice," stated FBI Special Agent in Charge Keith Slotter.

**DEFENDANTS**

**Criminal Case No. 07cr3192-IEG**

Ivan Garcia Oliver

Guillermo Garcia

Wagner Construction, JV

**Case Number: 07-cr-3443-IEG**

## **SUMMARY OF CHARGES**

Ivan Garcia Oliver - Unlawful Disposal of Hazardous Waste, in violation of Title 42, United States Code, Section 6928(d)(2)

Guillermo Garcia - Accessory After the Fact to the Unlawful Disposal of Hazardous Waste, in violation of Title 42, United States Code, Section 6928(d)(2) and Title 18, United States Code, Section 3

Wagner Construction JV - Unlawful Discharge of Pollutants, in violation of Title 33, United States Code, Sections 1311, 1342 and 1319(c)(1)(A)

## **AGENCIES**

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