

Environmental & Land Development ADVISORY

December 19, 2012

Clean Water Act Violations Result in Five-Year Prison Sentence

On December 5, 2012, John Tuma, former general manager of Arkla Disposal Services, was sentenced to 60 months in prison, plus a \$100,000 fine, by the U.S. District Court for the Western District of Louisiana. The sentencing followed a jury conviction earlier this year for violations of the Clean Water Act, conspiracy and obstruction of justice. Arkla had a facility in Shreveport, Louisiana, that treated wastewater received from various industrial processes and oilfield exploration and production facilities. Prior to his conviction, John Tuma supervised the facility's daily operations.

In March 2012, a federal jury convicted John Tuma on five counts, including one count of discharging untreated wastewater from the Arkla facility into Shreveport's publicly owned treatment works, two counts of discharging untreated wastewater directly into the Red River without a permit, one count of conspiracy to violate the Clean Water Act and Shreveport's approved pretreatment program, and one count of obstructing justice with respect to the EPA's inspection of the facility. John Tuma has appealed his conviction and sentencing to the U.S. Court of Appeals for the Fifth Circuit.

The Environmental Protection Agency's Criminal Investigation Division led the investigation of this case. After John Tuma's jury conviction, U.S. Attorney Stephanie Finley said, "The verdict of this jury should send a message that disregarding laws designed to protect citizens will not be taken lightly. Louisiana is a state with precious natural resources which our office, along with the Environmental Protection Agency, will continue to protect." John Tuma's case is *U.S. v. John Emerson Tuma*, Criminal No. 5:11-cr-00031.

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Alston & Bird's Environmental Criminal Defense Team has represented clients in more than 20 states in matters involving numerous governmental agencies, including the U.S. EPA Criminal Investigation Division, FBI, U.S. Department of Justice's (DOJ) Environmental Crimes Section and U.S. Coast Guard. Our team members include a former assistant chief of DOJ's Environmental Crime Section, the former director of California's Department of Toxic Substances Control, a former U.S. attorney and two past chairs of the ABA's Environmental Crimes and Enforcement Committee.

For more information, please contact **Bruce Pasfield** in our Washington, D.C. office at 202-239-3585, or **Doug Arnold** in our Atlanta office at 404-881-7637.

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