

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

) **JUDGMENT IN A CRIMINAL CASE**

)

v.

) Case Number: **3:21-CR-00223-KAD(1)**) USM Number: **N/A****MARMON UTILITY LLC**

)

) **Harold H. Chen**

) Assistant United States Attorney

)

) **David T. Grudberg**

) Defendant's Attorney

THE DEFENDANT: plead guilty to Count One of the Information.

Accordingly, the defendant is adjudicated guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
33:1319.F Enforcement - Criminal Penalties Clean Water Act - 33 U.S.C § 1319(C)(2)(A)		09/29/2016	1

The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

PROBATION

The defendant shall be placed on probation for a term of 3 years as to Count One.

The Mandatory and Standard Conditions of Probation as attached, are imposed. In addition, the following Special Conditions are imposed:

1. All conditions contained in Appendix A. See attached.
2. You must pay any restitution that is imposed by this judgment, in a lump sum immediately.
3. You must pay the fine that is imposed by this judgment by May 7, 2022. Statutory interest on the fine shall begin to accrue on May 8, 2022, if the fine is not paid.
4. If the fine, restitution payment, and the civil penalty contemplated in Appendix A at section 4 are not paid by June 8, 2022, you must provide the probation officer access to any requested financial information and authorize the release of any financial information. The Probation Office may share financial information with the U.S. Attorney's Office.

Judgment in a Criminal Case

Judgment -- Page 2 of 4
Local Form Rev.7/19/2021

DEFENDANT: MARMON UTILITY LLC
CASE NUMBER:3:21-CR-00223-KAD(01)

CRIMINAL MONETARY PENALTIES

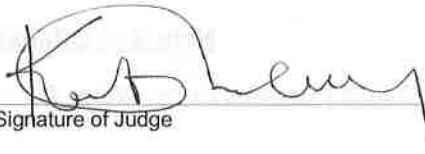
The defendant must pay the total criminal monetary penalties under the schedule of payments (as follows) or (as noted on the restitution order).

Special Assessment: \$400.00
Fine: \$800,000.00
Restitution: \$7,538.00 to Veolia North America

It is further ordered that the defendant will notify the United States Attorney for this district within 30 days of any change of name, residence or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are paid.

April 7, 2022

Date of Imposition of Judgment



Signature of Judge

KARI A. DOOLEY
UNITED STATES DISTRICT JUDGE

Name and Title of Judge

4/11/2022

Date

Judgment in a Criminal Case

Judgment -- Page 3 of 4
Local Form Rev.7/19/2021DEFENDANT: MARMON UTILITY LLC
CASE NUMBER:3:21-CR-00223-KAD(01)**CONDITIONS OF PROBATION**

In addition to the Standard Conditions listed below, the following indicated (■) Mandatory Conditions are imposed:

MANDATORY CONDITIONS

- (1) You must not commit another federal, state or local crime.
- (2) You must not unlawfully possess a controlled substance.
- (3) You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
- (4) ☐ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
- (5) ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
- (6) ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
- (7) ■ You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
- (8) You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
- (9) If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
- (10) You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

STANDARD CONDITIONS

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- (1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- (2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- (3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- (4) You must answer truthfully the questions asked by your probation officer.
- (5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- (6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- (7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- (8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- (9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- (10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- (11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

Judgment in a Criminal Case

Judgment -- Page 4 of 4
Local Form Rev.7/19/2021DEFENDANT: MARMON UTILITY LLC
CASE NUMBER:3:21-CR-00223-KAD(01)

- (12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- (13) You must follow the instructions of the probation officer related to the conditions of supervision.

Upon a finding of a violation of probation, I understand that the court may (1) revoke supervision and impose a term of imprisonment, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant_____
Date_____
U.S. Probation Officer/Designated Witness_____
Date

CERTIFIED AS A TRUE COPY ON THIS DATE: _____

By: _____
Deputy Clerk

Judgment received by U.S. Marshal at _____ on _____

Lawrence Bobnick
Acting United States Marshal

By _____

Deputy Marshal

SPECIAL CONDITIONS OF PROBATION — APPENDIX A

I. General Terms

Marmon Utility LLC (“the defendant”) shall cooperate fully with federal and state environmental officials by complying with all reasonable and lawful requests for inspection, verification, and monitoring of all practices relating to the compliance with environmental laws and the discharge of industrial wastewater at the Kerite Power Cable & Pump Cable (“Kerite”) facility at 49 Day Street in Seymour, Connecticut. The defendant understands that if it sells the Kerite facility to another party, the purchaser or successor-in-interest shall be bound by these Special Conditions of Probation.

II. Environmental Compliance Program

The defendant shall submit all evidence of its existing environmental regulatory compliance program to the Probation Office and the United States within 30 days after sentencing. If the defendant does not have an environmental regulatory compliance program, or if, in the judgment of the Probation Office and the government, its existing program is inadequate, the defendant agrees to develop and implement such a program sufficient to satisfy the requirements of U.S.S.G. Chapter 8 concerning effective programs to prevent and detect violations of the law.

III. Environmental Compliance Audit

The defendant shall hire an independent outside consultant to perform an environmental audit of its Connecticut facilities. The defendant shall comply with the following requirements concerning the audit:

- A. It shall retain the consultant within 90 days from the date of sentencing. The consultant will follow generally accepted environmental auditing techniques, procedures, and policies in designing, implementing, and executing the audit, including the reporting of deficiencies and corrective measures. The audit will cover all applicable regulated environmental matters at the defendant’s Connecticut facilities.
- B. Within 120 days from the date of sentencing, the defendant shall have the consultant prepare a final report of its findings and recommendations which the defendant will furnish to the Probation Department and the United States Attorney’s Office within 10 days of its receipt of the final report.
- C. The defendant shall submit a written response to the consultant’s recommendations to the Probation Office and the United States Attorney’s Office no later than 60 days after receiving the consultant’s written report. The response will specify what action the defendant will take to correct any noted deficiencies and regulatory violations.

- D. The defendant shall identify a specific environmental manager for its Connecticut facilities and will ensure that this person has sufficient training, background, and expertise for the job. The job responsibilities of the environmental manager must include environmental compliance. The defendant's environmental manager must have authority to report noncompliance directly to the defendant's corporate leadership.

IV. Resolution of Issues Raised by Connecticut Department of Energy and Environmental Protection in Consent Order No. CO WR IN 17002

Within 120 days of sentencing, the defendant shall resolve with the State of Connecticut, Office of the Attorney General, the issues first raised by the Connecticut Department of Energy and Environmental Protection in Consent Order No. CO WR IN 17002. The defendant further agrees that the resolution will include payment of a \$100,000 civil penalty.