



Department of Justice

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NEW YORK LANDOWNER AND NEW JERSEY SOLID WASTE COMPANY SENTENCED FOR ILLEGALLY DUMPING IN UPSTATE, NEW YORK

WASHINGTON – Cross Nicastro, Dominick Mazza, and his company, Mazza & Sons Inc., were sentenced today and yesterday in federal court in Utica, N.Y., for conspiring to violate the Clean Water Act, Superfund statute, and to defraud the United States by illegally dumping thousands of tons of asbestos-contaminated construction debris on a 28-acre piece of property on the Mohawk River in upstate New York. In addition, the Mazza defendants were also sentenced on charges of obstructing justice and making false statements to law enforcement.

U.S. District Judge David N. Hurd sentenced Dominick Mazza to 51 months in prison to be followed by three years of supervised release, to pay a \$75,000 criminal fine and \$492,000 in restitution. In addition, Judge Hurd sentenced Mazza & Sons Inc., to pay a \$100,000 criminal fine and \$494,000 in restitution and cleanup costs, and imposed five years corporate probation. The court also ordered that Mazza & Sons' recycling facility fund and implement an environmental compliance plan to prevent future environmental violations at their Tinton Falls, N.J., operation. The compliance plan is to be administered by a third party auditor. On Tuesday, Cross Nicastro was sentenced to 33 months in prison and three years of supervised release and to pay \$492,494 in restitution and a \$25,000 criminal fine.

The defendants were convicted in October 2012 after a three week trial in Utica. According to the trial evidence, the defendants conspired to fill in the entire property over the course of five years with pulverized construction and demolition debris that was processed at New Jersey solid waste management facilities (to include Mazza & Sons Inc.) and then transported to Cross Nicastro's property in Frankfort, N.Y. The plot was uncovered by law enforcement just months after the defendants began the operation, having already dumped at least 400 truckloads of debris at the site. Much of the material that was dumped was placed in and around waters of the United States and some of the material was found to be contaminated with asbestos. The conspirators then concealed the illegal dumping by fabricating a New York State Department of Environmental Conservation (DEC) permit and forged the name of a DEC official on the fraudulent permit.

“Mazza and his co-conspirators are being held justly accountable for egregious environmental crimes, for putting the public's health at risk, and for lying to federal investigators,” said Robert G. Dreher, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. “Had law enforcement not stopped

their scheme, these conspirators could have dumped thousands of tractor trailer loads of debris in an area that contained wetlands. These laws are intended to protect the environment and the public's health from exposure to toxic materials, and as this case clearly demonstrates, we will vigorously prosecute those who violate them."

"The closure of this case demonstrates that illegal dumping and fraud are serious offenses that will not be tolerated in New York State," said New York State Department of Environmental Conservation Commissioner Joe Martens. "DEC is proud of the collaborative work of our investigators to halt these illegal practices and bring the perpetrators to justice, and will continue to enforce state and federal laws that protect our environment and the health of New Yorkers."

"The defendants illegally dumped thousands of tons of asbestos-contaminated construction debris in and around waterways in upstate New York," said Cynthia Giles, Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance. "This case should serve as notice that EPA and its partner agencies will prosecute people who 'cut corners' by avoiding the costs of handling or disposing of asbestos properly."

This case was investigated by Criminal Investigators with the New York State Environmental Conservation Police, Bureau of Environmental Crimes, Special Agents from the EPA's Criminal Investigation Division and the Internal Revenue Service, investigators from the New Jersey State Police Office of Business Integrity Unit, the New Jersey Department of Environmental Protection, and the Ohio Department of Environmental Protection. The case is being prosecuted by Assistant U.S. Attorney Craig A. Benedict of the Northern District of New York, and Trial Attorneys Todd W. Gleason and Gary Donner of the Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division.