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MAN CONVICTED OF ILLEGAL DEMOLITION OF ASBESTOS-FILLED COMMERCIAL BUILDING IN HAYWARD

Seven Day Jury Trial Ends In Guilty Verdict

SAN FRANCISCO – United States Attorney Joseph P. Russoniello today announced that Wassim Mohammad Azizi, 37, of Tracy, CA, was convicted by a jury of three felony counts of violating the Clean Air Act. Mr. Azizi was found guilty of illegally demolishing a building that contained significant amounts of asbestos. The Honorable Maxine M. Chesney presided over the jury trial.

Evidence at trial showed that Mr. Azizi purchased a commercial building in Hayward, California with the intent to demolish it and construct a new building. Following the purchase, Mr. Azizi discovered the building contained asbestos, and hired an unlicensed handyman to commence demolition. In demolishing the building, Mr. Azizi failed to comply with the federal Clean Air Act regulating the removal of asbestos-containing material. He was convicted of violating several work practice standards, including failing to properly notify the Air District, failing to wet the asbestos-containing material, failing to keep it in leak-tight containers, and failing to dispose of it at an unauthorized location.

“The defendant not only risked exposing the public and any workers at the site to asbestos, a known carcinogen, but also tried to cover up his crime by lying to the local enforcement agency,” said Nick Torres, Special Agent in Charge of the United States Environmental Protection Agency’s (“EPA”) criminal enforcement office in San Francisco.

The Clean Air Act requires that any activity involving asbestos-containing material, a hazardous air pollutant, must be in compliance with "work practice" standards. Among other things, these standards require that the owner and operator: (a) contact the EPA or its delegate, here, the Bay Area Air Quality Management District, at least 10 days prior to beginning any activity; (b) properly label bags containing regulated asbestos-containing material; (c) manage the asbestos-containing material so that there is no discharge of visible emissions; (d) keep the asbestos-containing material wet and sealed in leak-tight containers, so that it does not generate airborne dust; and (e) deposit the asbestos-containing material at an authorized and approved disposal site. 40 C.F.R. §§ 61.140-157.

The maximum statutory penalty for each count of violating the Clean Air Act is five years imprisonment, a \$250,000 fine, plus restitution. Sentencing is currently scheduled for August 27, 2008. Any sentence following conviction will be imposed by the court after

consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553.

AUSAs Stacey Geis and Derek Owens are the Assistant U.S. Attorneys who are prosecuting the case with

the assistance of Paralegal Specialist Lillian ArauzHaase and Legal Technicians Beth Margen and Hui Chen. The prosecution is the result of a one year investigation by the Criminal Investigation Division of the U.S. Environmental Protection Agency.

Further Information:

Case #: CR 06-0548 MMC

A copy of this press release may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Joshua Eaton at (415) 436-6958 or by email at Josh.Eaton@usdoj.gov.

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