

**UNITED STATES ATTORNEY'S
OFFICE
Western District of Washington**



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**DARIGOLD PLEADS GUILTY TO CLEAN WATER ACT
VIOLATION
2009 Release of Ammonia Solution into East Fork of
Issaquah Creek Caused Fish Kill**

DARIGOLD, Inc., the nation's fourth largest dairy cooperative, pleaded guilty today in U.S. District Court in Seattle to violations of the Clean Water Act, in connection with an October 2009, discharge of an ammonia solution from the company's dairy processing plant at Issaquah, Washington into the East Fork of Issaquah Creek. The release killed a significant number of fish, including several adult Chinook salmon, a species listed as threatened under the Endangered Species Act. Under the terms of the plea agreement entered today, the government and DARIGOLD will jointly recommend imposition of a sentence to include development and implementation of a corporate environmental compliance plan covering thirteen processing facilities located in five western states, payment of a \$10,000 criminal fine, and payment of a \$60,000 community service payment targeted toward protecting and restoring vital natural resources in the Issaquah Creek watershed. DARIGOLD also agreed to publicly apologize for its criminal conduct by publishing a statement in the Issaquah Press newspaper. Sentencing is scheduled for September 13, 2011.

"Issaquah Creek is a place where children learn the importance of protecting our small creeks and watersheds. To protect our heritage, corporations must make environmental protection a priority," said U.S. Attorney Jenny A. Durkan. "The corporate environmental compliance plan to which Darigold has committed will require the company to address not only the conduct that led to this spill, but other business practices impacting our environment."

According to the facts in the plea agreement, on October 7, 2009, members of the Washington State Department of Fish and Wildlife were conducting a fish survey on the East Fork of Issaquah Creek when they detected a strong odor of ammonia and noticed dead fish in the water. The section of the creek was in the vicinity of the Darigold plant. Further investigation revealed that during a repair of a refrigeration unit at the plant, an ammonia solution had been discharged to the roof of the building, and no steps were taken to keep the ammonia solution contained. The solution was allowed to run into an open roof drain which emptied into storm drains. The storm drains discharged directly into the East Fork of Issaquah Creek. Gerald N. Marsland, the Engineering Manager for DARIGOLD's Issaquah plant directed the repairs and failed to take steps to prevent the ammonia spill. Marsland is charged with negligently discharging a pollutant. He is scheduled for a plea hearing on June 16, 2011.

According to Tyler Amon, EPA Region 10, Criminal Investigation Division, Special Agent-In-Charge, the Darigold case was a study in negligence. "This wasn't just about an individual breaking the law," said Amon. "This was about a completely avoidable chain of events that caused serious environmental harm. When your business is a next-door-neighbor to threatened and endangered species, dumping toxic chemicals brings prosecution and penalties."

In October 2010, the Washington State Department of Ecology fined DARIGOLD \$10,000 for the discharge.

The \$60,000 community service payment will go to the United States Fish and Wildlife Service's Puget Sound Marine Conservation Fund. The funds will be directed towards projects directly impacting the Issaquah Creek watershed.

The case was investigated by the Environmental Protection Agency and the National Oceanic and Atmospheric Administration's Office of Law Enforcement with assistance from the Washington State Department of Ecology and the Washington State Department of Fish and Wildlife.

The case is being prosecuted by Assistant United States Attorney Jim Oesterle. Mr. Oesterle leads the U.S. Attorney's Office Working Group on Environmental Crimes.

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