

# ***DEPARTMENT OF JUSTICE***

**United States Attorney Anne M. Tompkins  
Western District of North Carolina**

**FOR IMMEDIATE RELEASE  
WEDNESDAY, SEPTEMBER 28, 2011**

CONTACT: Lia Bantavani  
704.338.3140

**TWO PLEAD GUILTY TO HAZARDOUS WASTE FELONIES** Defendants Stored the Hazardous Materials in Public Rental Storage Units CHARLOTTE, NC – Brian K. Smith, 46, of Wood River, IL, pled guilty today before U.S. Magistrate Judge David S. Cayer to a charge of unlawful storage and disposal of a hazardous waste, announced Anne M. Tompkins, U.S. Attorney for the Western District of North Carolina. Kaara Doolin-Smith, 40, of Sanford, FL, who was charged separately, entered a plea of guilty to the same charge on June 14, 2011.

Joining U.S. Attorney Tompkins in making today's announcement are Special Agent in Charge Maureen O'Mara of the U.S. Environmental Protection Agency, Criminal Investigation Division (EPA-CID) of the Atlanta Area Office, and Donnie Varnell, Special Agent in Charge of the Diversion and Environmental Crimes Unit of the North Carolina State Bureau of Investigation (NC SBI).

According to the criminal bill of information filed in September 2011 and related court proceedings, from July to November 2010 the defendants, who were married at the time, were the owner-employees of Dove Environmental Management ("Dove"), a licensed hazardous waste transporter. During that time, contrary to the Resource Conservation and Recovery Act (RCRA), the defendants unlawfully stored more than 90 containers of regulated hazardous waste materials in public rental storage units. The containers were discovered during an inspection in October 2010 by the rental facility, after Dove failed to make numerous monthly payments. North Carolina's Department of Environment and Natural Resources (NC DENR), Hazardous Waste Section, was notified and the investigation prompted an emergency response by EPA

Superfund's Emergency Response and Removal Branch. Several generators listed on the hazardous waste containers advised that they had contracted with Dove to remove and dispose of the waste as far back as 2007. "The illegal storage of hazardous materials by the defendants in a location that was not designed for such material posed a serious risk to our environment and the public. Our office is committed to prosecuting violators who ignore environmental laws and regulations and endanger the environment and the health of our community," stated U.S. Attorney Tompkins. "Hazardous waste must be handled and disposed of safely and legally in order to protect both the public and the environment," said Special Agent in Charge O'Mara. "Using storage units as an alternative to a licensed hazardous waste disposal site is illegal and dangerous and required a costly cleanup at the expense of others. Those who break the law rather than dispose of hazardous waste properly will be prosecuted."

The defendants remain free on bond pending their sentencing dates, which have not been set yet. The defendants face a maximum sentence of five years imprisonment, a \$50,000 fine per day of violation, and a term of supervised release. Ms. Tompkins commended the investigative efforts of the EPA-CID, NC SBI Diversion and Environmental Crimes Unit, and NC DENR's Hazardous Waste Section. The case is prosecuted by Assistant United States Attorney Steven Kaufman of the U.S. Attorney's Office in Charlotte.

United States v. Doolin-Smith; Case Number 3:11-cr-146-RJC; and  
United States v. Smith; Case Number 3:11-cr-280-RJC.