



The United States Department of Justice

District of Montana

FOR IMMEDIATE RELEASE

Wednesday, August 24, 2011

T.P. CONSTRUCTION, INC. SENTENCED IN U.S. DISTRICT COURT

The United States Attorney's Office announced that during a federal court session in Great Falls, on August 23, 2011, before U.S. Magistrate Judge Keith Strong, T.P. CONSTRUCTION, INC. received a \$25,000 fine.

T.P. CONSTRUCTION, INC. was sentenced after having pled guilty to negligent disposal of sewage.

In an Offer of Proof filed by Assistant U.S. Attorney Kris A. McLean, the government stated it would have proved at trial the following:

In November, 2009, a Fort Belknap Indian Reservation Environmental Program Office Specialist reported to the United States Environmental Protection Agency that a reservation citizen had complained that a septic waste hauler pumped several residents' septic systems and discharged the waste on their properties without their permission. The complainant identified the septic waste hauler as T.P. Construction, Inc. of Havre.

When interviewed by the Environmental Protection Agency - Criminal Investigation Division (EPA-CID), the complainant explained that to reduce costs, several neighbors collectively hired T.P. Construction to pump their septic tanks and properly dispose of the waste. The families anticipated cutting costs associated with mileage and the dumping fee by coordinating the multiple pumpings at one time. The complainant explained that the T.P. Construction septic pumping truck arrived at his property to pump his septic tank on November 18, 2009. The complainant was not at home when the T.P. Construction truck pumped his septic tank. Upon arriving home and inspecting his property, the complainant discovered a large amount of septic waste dumped next to his horse corral where his children often played. The septic waste trail was approximately 100 yards long. It appeared to the complainant that the driver opened the valve on the septic truck and dumped the waste as the truck moved forward. The complainant had not given permission for the septic waste to be dumped on his property.

Investigation by EPA-CID identified five additional residential properties on the Fort Belknap Reservation that T.P. Construction pumped the septic tank on November 18, 2009 and illegally disposed of the septic waste by dumping the waste on the property. Investigation also identified the T.P. Construction employee/driver of the septic truck as William Hinkle. When interviewed by EPA-CID, Hinkle admitted dumping the septic waste without permission and/or without obtaining signed permission slips.

A review of T.P. Construction business records by EPA-CID revealed that the permission slip for land application of septic waste utilized by the company differs substantially from Montana Department of Environmental Quality regulations or requirements. This review also revealed that the company had no signed permission slips for the work it performed on the Fort Belknap Reservation on November 18, 2009. In addition, the log of such work maintained by the company had no entries for the work it had performed on the Fort Belknap Reservation on November 18, 2009.

EPA-CID's investigation determined that T.P. Construction did not comply with the federal regulations applicable to septic waste land application as required in 40 CFR part 503 or the State of Montana's Solid Waste Section Requirements for Septage Land Applications.

The improper disposal of septic waste can present a serious threat to people's health and the environment," said Lori Hanson, Special Agent in Charge of EPA's criminal enforcement program in Montana. "EPA is committed to protecting communities from criminal activity that threatens public health, particularly in low-income and minority communities. Today's sentence demonstrates that those who put human health and the environment at risk will be prosecuted."

The conduct of this defendant was deplorable. There is no justification for the illegal dumping of human waste by T.P. Construction on the Fort Belknap Indian Reservation. I applaud the diligent investigation in this case by the Fort Belknap Indian Reservation Environmental Program Office and the United States Environmental Protection Agency - Criminal Investigation Division." Michael W. Cotter, U.S. Attorney for the District of Montana.

The investigation was conducted by the United States Environmental Protection Agency - Criminal Investigation Division.