

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

ANDREW WALKER

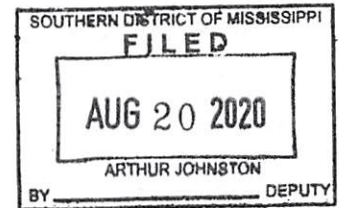
CRIMINAL NO. 3:20CR109DPJ-LRA

18 U.S.C. § 371

33 U.S.C. § 1319(c)(2)(A)

**The United States Attorney charges:**

Introduction



At all times relevant to this Information, in the Northern Division of Southern District of Mississippi and elsewhere:

1. The defendant, **ANDREW WALKER**, was the owner and operator of Walker Environmental Services d/b/a Rebel High Velocity Sewer Services (“Rebel”), which was registered to do business in Mississippi. Since 1990, Rebel has been located at 333 Wilmington Street in Jackson, Mississippi.

2. Rebel collected and disposed of a variety of waste material including sewage and grease trap waste, cleared out blocked sewer pipes and storm drains, and performed maintenance inspections of sewer lines. Rebel transported customers’ wastes to the Jackson sewage treatment plant and to landfills and other disposal sites but its 333 Wilmington Street location was not a permitted waste disposal location.

3. Company A was an industrial manufacturer that has operated in a suburb of Jackson since in or around the early 1980s. Its production facility is connected to the Jackson

municipal wastewater treatment plant through the sewer system of the town in which it is located. Company A is permitted by the sewer authority to discharge to the system only domestic sewage, not industrial waste.

4. Individual A-1 was the president of Company A and its part owner. He has managed the company's production and finances since in or around the early 1980s.

5. Individual A-2 is the vice president of Company A and its part owner. He has managed the company's production and finances since in or around the early 1980s.

6. Individual A-3 is the plant manager of Company A and has, with and at the direction of Individuals A-1 and A-2, managed and overseen all production and waste disposal at Company A since in or around the early 1980s.

7. Company B was a waste management and transportation company based in Mississippi.

8. Individuals B-1, B-2, and B-3 were employees of Company B involved in the management, transportation, and disposal of waste.

9. The City of Jackson, Mississippi owned and operated the Jackson Wastewater Treatment System ("JWTS") which was permitted under the authority of the United States Environmental Protection Agency ("EPA"), as prescribed by the Federal Water Pollution Control Act, Title 33, United States Code (hereafter "U.S.C."), Sections 1251 *et. seq.*, commonly known as the Clean Water Act. JWTS was a publicly owned wastewater treatment system subject to the conditions and pollutant limitations established in permits issued by the Mississippi Department of Environmental Quality ("MDEQ") under the authority of the Clean Water Act.

10. JWTS was comprised of three wastewater treatment facilities and a sewer system serving Jackson and parts of surrounding counties. For many years, JWTS has suffered from

increased input and inadequate maintenance and upgrades. This caused thousands of sewage overflows throughout the Jackson area and numerous bypasses of the treatment works. JWTS operated under a series of consent decrees with EPA, requiring the expenditure of hundreds of millions of dollars to repair and improve the collection and treatment systems.

#### The Clean Water Act

11. The Clean Water Act regulates the discharge of pollutants to waters of the United States. Title 33 U.S.C. § 1311(a) prohibits the release from a point source of any pollutant to waters of the United States except in compliance with a permit issued by the EPA or by a delegated state under the authority of the Clean Water Act, 33 U.S.C. § 1342. The State of Mississippi through the MDEQ was delegated by EPA to issue and enforce pollutant discharge permits under the Clean Water Act.

12. To enable public wastewater treatment plants to comply with their Clean Water Act permits, industrial users of public wastewater systems could not discharge industrial waste into the system without a permit establishing pretreatment requirements and pollutant limits. 40 Code of Federal Regulations (“C.F.R.”) 122; 11 Miss. Admin. Code Pt. 6, Ch. 1.

13. Public treatment facilities were authorized to develop their own ordinances, consistent with federal standards, regulating the content, characteristics, and volume of the waste discharged into their collection systems as well as the conditions and locations at which wastes may be discharged. 40 C.F.R. § 403.8

14. JWTS’s sewer ordinance prohibited the discharge of waste containing pollutants exceeding the following limits:

Biological Oxygen Demand (“BOD”)	750 mg/L max.
Suspended Solids (“SS”)	750 mg/L max.
Oil & Grease (“O&G”)	100 mg/L max.

Total Suspended Solids (“TSS”)	300 mg/L max.
pH	5.5 to 9.5

Miss. Admin. Code §§ 122-171 & 122-204.

15. Wastewater treatment systems were required to monitor the pollutants they accept in order to protect the systems from damage and to preserve their ability to treat the wastes they received. The Clean Water Act, therefore, prohibited the discharge to a permitted public sewage system of any trucked or hauled pollutant except at discharge points designated by the treatment authority. Miss. Admin. Code §§ 122-169; 40 C.F.R. § 403.5(b)(8).

16. A responsible corporate officer was a person who may be personally liable for the conduct of the corporation over which he or she had authority. 33 U.S.C. § 1319(c)(6).

17. It was a felony knowingly to violate any regulation authorized under the Clean Water Act that was designed to protect public sewage treatment systems, including the regulations governing the discharge of pollutants to JWTS described above. 33 U.S.C. § 1319(c)(2)(A).

COUNT 1

(Conspiracy Illegally to Discharge Industrial Waste into Jackson’s Sewer System:  
18 U.S.C. § 371)

18. Beginning at a time no later than November 2016, and continuing through 2017, in Hinds County and elsewhere in the Northern Division of the Southern District of Mississippi, defendant **ANDREW WALKER**, Company A, Individuals A-1, A-2, A-3, Company B, and Individuals B-1, B-2, and B-3, and others known and unknown to the United States Attorney, did knowingly and willfully agree and conspire with each other to commit offenses against the United States, namely, to introduce and discharge trucked and hauled pollutants, specifically waste from Company A’s production process, into JWTS at discharge points not designated for

the disposal of such waste, in violation of 40 C.F.R. § 403.5(b)(8), and in violation of 33 U.S.C. § 1319(c)(2)(A).

19. It was the purpose of the conspirators and the objective of their conspiracy to benefit financially by removing Company A's industrial waste from its production facility and trucking it to locations in Jackson where they discharged it into the sewer system of Jackson, Mississippi at unauthorized discharge points, thus avoiding the expense of the pretreatment required by law, sewer usage fees, and the cost of waste disposal at a permitted facility. The conspirators thereby sought to profit by evading the regulations that protect the infrastructure of Jackson's sewer system and the efficacy of its treatment plant.

20. On or about November 28, 2016, Individual A-1 contacted defendant **ANDREW WALKER** and requested that the defendant transport Company A's waste to JWTS's Savanna Street treatment plant for disposal. Individual A-1 told defendant **ANDREW WALKER** that this was necessary because Company A had recently been ordered by local authorities to stop illegally discharging its industrial waste into the JWTS sewer serving its production plant.

21. Between in or around November 28 and December 28, 2016, defendant **ANDREW WALKER** trucked and hauled Company A's wastewater to JWTS's Savanna Street treatment plant and then to his facility, Rebel, where he discharged it into a JWTS sewer.

22. In or around early January 2017, defendant **ANDREW WALKER** agreed with Individual A-1 to dispose of Company A's industrial waste at Rebel and to arrange with Company B for its delivery to Rebel. For almost a year, through October 2017, Company B transported millions of gallons of Company A's industrial waste to Rebel where defendant **ANDREW WALKER**, with the consent and assistance of Individuals A-1, A-2, A-3, B-1, B-2,

and B-3 illegally caused it to be pumped into JWTS, the same publicly owned wastewater treatment system into which Company A had already been prohibited from discharging it.

23. In furtherance of this conspiracy and to effect its objectives, at least one of the conspirators identified above, in the Southern District of Mississippi, committed at least one of the following overt acts:

a. Although JWTS did not allow industrial waste to be discharged to any part of its system without permission and pretreatment, on or about November 28, 2016, Individual A-1 hired defendant **ANDREW WALKER** to transport Company A's industrial waste to JWTS's Savanna Street treatment plant for disposal.

b. On or about December 28, 2016, defendant **ANDREW WALKER** telephoned Individual A-1 and told him that Rebel had a permit allowing him to discharge into the JWTS sewer wastewater he had sent through his grease removal equipment called an ALAR processor. Defendant **ANDREW WALKER** told Individual A-1 that he was not using the ALAR equipment to process Company A's waste but, he said, it could "provide cover" for both of them.

c. On or about January 3, 2017, defendant **ANDREW WALKER** met at Rebel with Individual A-1 and another representative of Company A so defendant **ANDREW WALKER** could show them how he was disposing of Company A's waste.

d. On or about January 4, 2017, Individual A-1 told defendant **ANDREW WALKER** that he had arranged with Individual B-1 for Company B to transport Company A's waste to Rebel for disposal into JWTS sewers.

e. Individual B-3 sent a letter dated January 4, 2017 to Individual A-1, confirming the terms under which Company B would transport Company A's industrial waste to defendant **ANDREW WALKER**'s Rebel facility for disposal.

f. In or around early January 2017, Company A sent to Company B a chemical analysis performed by a certified laboratory of samples of Company A's waste so Company B could find an appropriate disposal site for it. The analytical results showed that the waste contained pollutants in concentrations substantially exceeding limits established by JWTS.

g. In the middle of January 2017, to facilitate the rapid disposal of Company A's waste into the JWTS sewer at Rebel, at the suggestion of Individual B-1 and B-2 and with the consent of defendant **ANDREW WALKER**, Company B delivered a large storage tank to Rebel.

h. On January 25, 2017, defendant **ANDREW WALKER**, with the assistance of Individuals B-2 and B-3 and other employees of Company B, excavated the JWTS sewer line servicing the Rebel facility and inserted into it a pipe they connected to the wastewater storage tank Company B had delivered, thus facilitating the discharge of Company A's waste into the JWTS sewer.

i. From January through October 2017, employees of Company A, as arranged and directed by Individuals A-1, A-2, and A-3, loaded approximately three million gallons of Company A's waste into Company B's tanker trucks for transportation to Rebel for disposal into the JWTS sewer system.

j. From January through October 2017, Company A sent checks signed by Individual A-2, paying Company B for services described as "Transport Non-Haz Wastewater to Rebel High Velocity For Disposal."

k. From on or about November 30, 2016, to October 25, 2017, defendant **ANDREW WALKER**'s company, Rebel, sent invoices to Company A billing it for Rebel's receipt and disposal of approximately three million gallons of Company A's industrial waste.

l. From on or about November 30, 2016 to October 25, 2017, Company A paid Rebel for the disposal of its waste with checks corresponding to Rebel's invoices.


In violation of Title 18, United States Code, Section 371.

COUNT 2

(Illegal Discharge of Industrial Waste into Jackson's Sewer System: 33 U.S.C. §1319(c)(2)(A))

24. From December 2016 through October 2017, defendant **ANDREW WALKER**, in Hinds County in the Northern Division of the Southern District of Mississippi, knowingly caused approximately three millions gallons of industrial waste to be trucked and hauled from Company A and then discharged into a JWTS sewer line at his Rebel facility which was not a legal discharge point designated by the JWTS to receive such waste,

In violation of Title 33, United States Code, Section 1319(c)(2)(A); 40 C.F.R. § 403.5(b)(8).

  
D. MICHAEL NURST, JR.  
United States Attorney