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EAST BAY BUSINESSMAN SENTENCED TO TEN MONTHS IMPRISONMENT FOR VIOLATING THE CLEAN AIR ACT

SAN FRANCISCO – United States Attorney Joseph P. Russoniello announced that Wassim Mohammad Azizi was sentenced yesterday to 10 months in prison for illegally demolishing a building that contained significant amounts of asbestos.

Mr. Azizi, 37 of Tracy, CA, was convicted on May 13, 2008 for three violations of the Clean Air Act by a jury after a six day trial. During the trial, evidence showed that Mr. Azizi failed to comply with the federal Clean Air Act regulating the removal of asbestos-containing material when he demolished a building that contained significant amounts of asbestos. 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.

"Exposure to asbestos can cause cancer or other serious respiratory diseases, and the government will not tolerate illegal and unsafe asbestos removal practices that put the public health at risk," said Nick Torres, Special Agent in Charge of the Environmental Protection Agency's Criminal Investigation Division 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 sentence was handed down by U.S. District Court Judge Maxine M. Chesney following a jury trial on three counts in violation of the Clean Air Act, 42 C.F.R. §§7412 and 7413(c)(1). Judge Chesney also sentenced the defendant to a two year period of supervised release. The defendant is currently released on his own recognizance and will begin serving the sentence on December 1, 2008.

Stacey Geis and Derek Owens are the Assistant U.S. Attorneys who are prosecuting the case with the assistance of Ana Guerra and Rayneisha Booth. 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 06-548 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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