



Department of Justice

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Former Indiana Water Treatment Plant Superintendent Pleads Guilty to Falsifying Reports

Herbert L. Corn, the former superintendent of the city of Rochester Wastewater Treatment Plant in Rochester, Ind., pleaded guilty today in U.S. District Court in South Bend, Ind., to falsifying monthly discharge monitoring reports that concealed violations of the Clean Water Act at the Rochester plant.

Corn pleaded guilty to a five-count felony information charging him with making false statements in discharge monitoring reports submitted to the Indiana Department of Environmental Management (IDEM). He admitted that from September 2004 and continuing through May 2007, he submitted at least five reports containing false data for treated water that is discharged from the Rochester plant into Mill Creek, a tributary of the Tippecanoe River.

Under the federal Clean Water Act, which is administered and enforced by IDEM as well as the U.S. Environmental Protection Agency (EPA), before discharging the waste water it collects to Mill Creek, the Rochester plant must treat the water to meet concentration limits on certain pollutants as set forth in its permit. Three pollutants in the permit that have concentration limits are Escherichia Coli bacteria (E. Coli), Ammonia NH₃-N and Carbonaceous Biological Oxygen Demand-5 (CBOD). The discharge of pollutants above the concentration limits for these pollutants is a violation of the permit and the Clean Water Act. The Rochester plant is required to report and certify the results of its discharge sampling on a monthly basis to IDEM.

As part of the plea agreement, Corn admitted that on at least five separate occasions from September 2004 and continuing through May 2007 he reported levels in the discharge reports submitted to IDEM that indicated the levels of E. Coli, Ammonia NH₃-N, and CBOD-5 were in compliance with the permit concentration limits when he knew in fact they were not.

"All citizens should be confident that their civil servants are providing accurate reports and abiding by laws meant to protect the environment," said John C. Cruden, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "The prosecution in this case demonstrates the coordinated effort of federal, state and local officials to investigate and prosecute those violating the nation's environmental laws."

"Accurate information about a community's water quality is essential to protect the public health and the environment," said Randy Ashe, Special Agent-in-Charge of EPA's criminal enforcement program in Chicago. "Those who submit false reports or bogus data undermine those efforts and they will be vigorously investigated and prosecuted."

"Certified wastewater operators are entrusted with the public health and must be held fully accountable to fulfill their duties, including honest and accurate reporting," said IDEM Commissioner Thomas Easterly. "IDEM inspectors work hard to identify and correct problems, and coordinate with our state and federal partners to ensure the protection of Hoosiers and our environment. We thank the staff of the U.S. Attorney's

Office, the U.S. Department of Justice, and the U.S. EPA's criminal enforcement division in Chicago for their help in this case."

As a result of the felony conviction, Corn could be sentenced up to two years in prison and fined up to \$250,000 for each count.

The criminal charges arose from a criminal investigation jointly undertaken by the Criminal Investigation Division of the EPA and the IDEM Office of Criminal Investigation, which are part of the Northern District of Indiana Environmental Crimes Task Force. Members of the task force include:

- U.S. Attorney's Office for the Northern District of Indiana
- Environmental Crimes Section of the Department of Justice
- EPA – Criminal Investigation Division
- Department of Homeland Security - U.S. Coast Guard Investigative Service
- Federal Bureau of Investigation
- U.S. Fish and Wildlife Service
- U.S. Department of Transportation – Office of Inspector General
- U.S. Department of Labor – Office of Inspector General
- Indiana Department of Environmental Management – Office of Criminal Investigations
- Indiana Department of Natural Resources – Law Enforcement Division
- Indiana Attorney General's Office
- Indiana State Police

The Task Force encourages citizens in the Northern District of Indiana to report environmental crimes to 312-886-9872 or at the Web site <http://www.epa.gov/compliance/complaints/index.html>.

The case is being prosecuted by Assistant U.S. Attorney Toi Denise Houston, Special Assistant U.S. Attorney David P. Mucha and Environmental Crimes Section Trial Attorney Gary N. Donner.

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