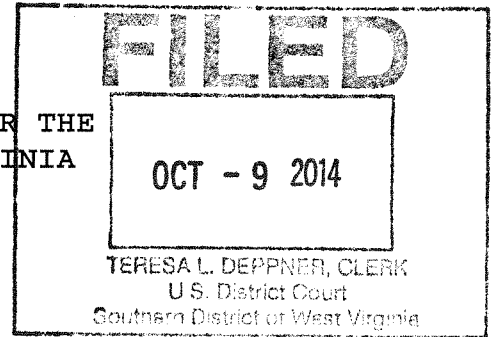


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:14-00216
33 U.S.C. § 1319(c)(4)

BONITA WITT-HIRD

I N F O R M A T I O N

The United States Attorney Charges:

BACKGROUND

At all relevant times herein:

1. The West Virginia Department of Environmental Protection ("WV DEP"), located in Charleston, Kanawha County, West Virginia was the designated state agency for implementation of the Federal Clean Water Act ("CWA").

2. Throughout the State of West Virginia, all Waste Water Treatment Plants ("WWTPs") were required by the CWA and the WV DEP to obtain National Pollution Discharge Elimination System ("NPDES") permits that set forth limits on the pollutants discharged by the WWTPs.

3. To ensure compliance with the NPDES permit limits, the WV DEP required filings that reported water sampling from the WWTPs. One of the forms required to be filed with the WV DEP was

a Discharge Monitoring Report ("DMR"). WWTPs were required to submit DMRs on a periodic basis to the WV DEP.

4. The CWA and NPDES permits specifically required water testing results from a certified lab to be submitted with DMRs. WV DEP set up a website where WWTPs could file sampling results to facilitate reporting.

5. Richmorr and Associates ("Richmorr") was an environmental engineering firm located in Elkview, Kanawha County, West Virginia. Richmorr designed, installed, operated and tested WWTPs to ensure compliance with the NPDES permits.

6. Richmorr provided wastewater sampling services to WWTPs clients to ensure compliance with the NPDES permits. Richmorr sent the wastewater samples from WWTPs to a laboratory operated by Sturm Environmental Services to perform the actual wastewater analysis.

7. Defendant BONITA WITT-HIRD was employed at Richmorr from April 1984 to 2013. One of defendant BONITA WITT-HIRD's responsibilities was to file DMR's with WV DEP as required by the NPDES permit. Defendant BONITA WITT-HIRD was a registered user of the WV DEP website on behalf of Richmorr's clients.

8. From on or about April 2012 to on or about June, 2013, defendant BONITA WITT-HIRD falsely certified in DMRs that she subsequently filed with the WV DEP that testing results were within acceptable CWA parameters and that a certified lab had provided the testing results when, in fact, the testing results provided were copied by defendant BONITA WITT-HIRD from the previous year's testing results and a certified laboratory had not provided the most recent test results that were submitted.

9. In total, defendant BONITA WITT-HIRD filed, on behalf of Richmorr's client's WWTPs, approximately 80 false and fraudulent DMR reports.

CRIMINAL VIOLATION

10. On or about May 2, 2012, at or near Elkview and Charleston, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant BONITA WITT-HIRD knowingly made a false material statement and representation in a record, report, and document required to be filed pursuant to Title 33, United States Code, Chapter 26, that is, defendant BONITA WITT-HIRD filed a DMR with false analytical testing results, when in fact, defendant BONITA WITT-HIRD knew the testing results were not true and accurate in that the defendant BONITA WITT-HIRD provided test result numbers that were copied from the previous year's results and also had not been provided by a certified laboratory.

In violation of Title 33, United States Code, Section
1319(c)(4).

UNITED STATES OF AMERICA

R. BOOTH GOODWIN II
United States Attorney

By:



ERIK S. GOES
Assistant United States Attorney