



Office of Criminal Enforcement, Forensics and Training
September 30, 2006

DEFENDANT: McWane, Inc. N.D. Alabama CR 04-PT-199-S
DEFENDANT: Charles Robinson N.D. Alabama CR 04-PT-199-S
DEFENDANT: James Delk N.D. Alabama CR 04-PT-199-S
DEFENDANT: Mike Devine N.D. Alabama CR 04-PT-199-S

FACTS: The defendants discharged industrial wastewater through storm drains into Avondal Creek in Birmingham, Alabama, violating their permit. McWane, Inc. is a Delaware Corporation, headquartered in Birmingham, which operates iron foundries at various locations across the country. Delk is a former vice president and general manager at the McWane Cast Iron Pipe Company and worked at a McWane facility in New York. Robinson is the vice president for Environmental Affairs at McWane. Devine is a former plant manager at McWane Cast Iron Pipe Company and now works for McWane in New York.

DATE: 05/26/2004	The defendants were charged with conspiracy, a violation of 18 U.S.C. 371; violating the CWA {33 U.S.C. 1311(a) & 33 U.S.C. 1319(c)(2)(A) - illegal discharge of a pollutant into the waters of the United States}; and making a false statement, a violation of 18 U.S.C. 1001.
STATUTE:	18 U.S.C. 1001, 18 U.S.C. 371, 33 U.S.C. 1311(a), 33 U.S.C. 1319(c)(2)(A)
DATE: 05/11/2005	Robinson was convicted on all 23 counts. The other defendants were all convicted at trial of 20 of 23 counts charged.
DATE: 12/05/2005	McWane was sentenced to 60 months probation, ordered to pay a \$5 million criminal fine and perform \$2.7 million in community service projects and pay a \$8,000 special assessment. Delk was sentenced to 36 months probation, six of those to be served in home detention and ordered to pay a \$90,000 fine and a \$1,900 special assessment. Devine was sentenced to 24 months probation, including 3 of those to be served as home detention and ordered to pay a \$35,000 fine and a \$800 special assessment. Robinson was sentenced to 24 months probation and ordered to pay a fine in the amount of \$2,500.