



The United States Department of Justice

## District of South Dakota

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**United States Department of Justice  
Office of the United States Attorney  
District of South Dakota**

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### **NEWS RELEASE**

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FOR IMMEDIATE RELEASE

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## **Dakota Pork Pleads Guilty to Dumping Wastewater into James River**

March 7, 2008

Sioux Falls, South Dakota

United States Attorney Marty J. Jackley announced that Dakota Pork Industries, Inc. (DPI), formerly of Mitchell, appeared by Carl Kuehne, its President, before US Magistrate John E. Simko in Sioux Falls on March 7, 2008, and pled guilty to an information which charged the corporation with tampering with a monitoring device required under the Clean Water Act. The charge carries a maximum sentence of up to five years of probation and/or a fine of up to \$500,000 or twice the gross gain or gross loss resulting from the offense, whichever is greatest. DPI, a Delaware corporation, formerly operated a meat processing plant in Mitchell. DPI discharged wastewater into the City of Mitchell's sewer system which was then treated at the City's wastewater treatment place. As part of the City's permit to discharge wastewater into the James River, DPI was required to pretreat its wastewater to reduce or eliminate pollutants or alter the properties of the pollutants before sending the wastewater to the treatment works. Under the terms of its permit with the City, DPI was required to monitor the pH levels of its wastewater that was being discharged into the City's treatment works by use of a monitoring device with a probe which was placed into the stream of wastewater flowing from DPI's plant into the City's sewer system. This probe constantly monitored pH levels with the results being recorded on graph paper. Additionally, there was an audible alarm which alerted operators when the wastewater was exceeding permitted pH limits. Beginning at an unknown date until about October 2004, employees of DPI would at times readjust the calibration screw on the pH monitor after

hearing the alarm which indicated the effluent discharge was exceeding permit limits, causing the recorded results to falsely indicate the discharge was within limits. After observing that effluent was exceeding permit limits, employees, at times, also would remove the monitoring probe from the effluent water stream and place it in a beaker of clean water or buffering solution for extended periods of time, causing the recorded monitoring results to falsely indicate that the discharge was within limits. Employees also on occasion inaccurately recorded the pH data on the log sheets and submitted false pH data to the City in its monthly reports. US Attorney Jackley stated, "This case is an effort to ensure accountability among those who fail to comply with laws designed to protect our environment." Jackley further stated, "An important case consideration has been the corporate defendant's decision to cooperate, once its wrongful conduct was uncovered, with both the investigatory agency and the City of Mitchell, and ultimately accept responsibility ." The investigation was conducted by the Environmental Protection Agency, Criminal Investigation Division. "Dakota Pork tried to conceal the fact that its wastewater discharges contained pollutants that could harm the City's wastewater treatment plant," said Lori Hanson, Special Agent in Charge of EPA Criminal Investigation Division's Denver Area Office. "Local governments need accurate data in order to protect citizens and the environment." The case is being prosecuted by Assistant United States Attorney Dennis R. Holmes. A presentence investigation was ordered. A sentencing date was not set. # # #