

# Wiegardt Brothers plead guilty to wastewater violations

## Owner reported problem, complied with investigation

By NATALIE ST. JOHN  
EO Media Group

TACOMA, Wash. — Oyster processing company Wiegardt Brothers Inc., and its president and majority owner, Frederic "Fritz" Wiegardt have been ordered to pay a \$100,000 fine and a \$75,000 community service fee, after pleading guilty to misdemeanor violations of the federal Clean Water Act in U.S. District Court.

In a plea agreement Friday, Wiegardt admitted that, from at least 2012 to 2014, the company violated its National Pollution Discharge Elimination System permit by discharging untested or improperly tested wastewater into Willapa Bay.

According to a press re-

lease, investigators with the federal Environmental Protection Agency's Criminal Investigation Division could not determine whether or not Wiegardt Brothers actually polluted the bay, but concluded that Fritz Wiegardt knew a key employee was not complying with testing requirements and failed to do anything about it for more than a year.

"Here, a company that profits from our region's clean waters failed to take important steps to protect those very resources," said U.S. Attorney Annette L. Hayes in a statement.

Under the terms of the plea agreement, the company will be required to implement an EPA-approved environmental monitoring program. Wiegardt will be jointly responsible for paying the \$100,000 fine, and will also be required to do 75 hours of community service, and publish an apology in the Pacific Coast Shellfish Growers' Association quarterly newsletter.

In a phone interview Mon-

day, Wiegardt's attorney, Bart Freedman, of the Seattle law firm K&L Gates LLP, said Wiegardt took the plea bargain because he and other company staff wanted to invest their energy in fixing the problem rather than focusing on an extended and costly legal battle.

"I think Fritz wanted to take responsibility for this. He wanted to get it done," Freedman said. He described Wiegardt's response to concerns about the company's testing methods as "diligent," and said consultants hired by the company have confirmed that the problems did not cause environmental harm, or affect any of the company's products.

### Testing samples

Under the terms of the discharge permit, the company was required to take monthly samples from a discharge pipe, and submit them to a lab for testing. At some point in about 2012, Wiegardt learned that, due to an equipment

malfunction, the company's general manager was taking samples from a different piece of equipment, known as the "bubbler."

According to the press release, "... sampling from the bubbler — the location where shucked oysters are cleaned — failed to account for the vast majority of wastewater components that were discharged from the facility ..."

According to the EPA-CID, Wiegardt waited until August 2014 to disclose the violations to the state Department of Ecology, which oversees discharge permit-holders in Washington state.

Freedman said the problem arose as a result of Wiegardt's inexperience, rather than from a lack of respect for the environment.

According to Freedman, the company hired a general manager (with previous oyster-processing experience) between 2002-04. Wiegardt, who was not actively involved in managing the day-to-day operations, entrusted the man (who is no longer with the com-

pany) with the monthly testing responsibilities.

It's unclear when the man stopped testing, but in 2012, Wiegardt began to suspect that the manager wasn't complying with the testing rules.

Freedman acknowledged that Wiegardt was to slow act on his suspicions, saying, "He became concerned that something wasn't right, and it took a little bit of time to take that next step and get some advice and take action." But he says as soon as Wiegardt confirmed his suspicions in 2014, he immediately contacted his attorneys and voluntarily reported the violations to the state in short order.

Since then, Freedman said, the company has hired consultants, made facility upgrades and personnel changes.

"They've revamped that whole side of their operations to make sure nothing like this can happen. I think their goal is to put this behind them and move on with their business," Freedman said.

Freedman said that while

the \$175,000 in fees is certainly not pocket change, he believes the feds gave Wiegardt and his company a relatively light penalty because Wiegardt self-reported and cooperated with the investigation.

Penalties for violating the Clean Water Act vary widely from case to case, depending on the level of environmental damage caused, and whether the defendant acted willfully, or was merely neglectful. For example, in April 2014, Ray Caldwell, the owner of a Longview, Wash., septic service business, was found guilty of 33 violations of the Clean Water Act, after he was caught dumping raw sewage into the city's sewer system. Because investigators believed Caldwell willfully and knowingly violated environmental laws, he was charged with felonies, rather than misdemeanors. He was sentenced to 27 months in prison plus probation, fined \$250,000 and ordered to pay about \$635,000 in restitution.

## Home invasion suspects remain as co-defendants

The Daily Astorian

Six suspects connected to an Astoria home invasion in April will continue to be tried as co-defendants.

Judge Cindee Matyas granted the prosecution's request to consolidate the individual cases during a hearing in Clatsop County Circuit Court Wednesday.

The hearing was in re-

sponse to an objection filed by the defense lawyer for Anthony V. Lane, the first suspect arrested in the home invasion.

Thomas Freedman, Lane's defense lawyer, argued against the consolidation based on the fact that the defendants are not charged with the same crimes and there is "substantial prejudice to defendant and/or defense counsel."

Judge Matyas did allow

the defense to ask for the cases to be severed at a later date.

Five of the suspects — Lane, Joseph V. Armstrong, Kevin J. Morse, Amanda M. Preston and Tasha Van Dolah — are each charged with 13 counts. The charges involve four counts of first-degree robbery, two counts of second-degree assault, first-degree burglary, unlawful use of a weapon against another, two

counts of first-degree theft, menacing, and two counts of fourth-degree assault.

The sixth suspect, Leticia V. Westfall, who acted as an alleged lookout, is facing two counts of hindering prosecution.

"We just want them together for now to try to get those cases resolved," Clatsop County Deputy District Attorney Ron Brown said.

## Capture the Flag at Parks After Dark

The Daily Astorian

Astoria Parks and Recreation's next Parks After Dark event is Capture the Flag at 8 p.m. Saturday at Shively Park.

The event is open to ages 14 and older. There is a \$5

entry fee to play.

Beer is being provided by Buoy Beer Co. Food is being catered by the North Coast Food Web and will include gourmet hot dogs, corn on the cob and strawberry shortcake.

All proceeds go to the

Astoria Parks Recreation and Community Foundation to support scholarship programs that provide low-income families access to health and wellness opportunities. For information, call 503-325-7275.

## Health advisory lifted at Tolovana Beach

The Daily Astorian

The Oregon Health Authority lifted the health advisory for Tolovana State Park Beach Wednesday after lab results indicated that marine fecal bacterial levels fell to acceptable levels.

The state had issued an advisory against direct water contact at the beach Tuesday when monitoring showed higher than normal levels of fecal bacteria in the ocean.

The advisory did not apply to recreational activities that did not involve water.

## Caterpillars infest Tillamook County trees

The Associated Press

TILLAMOOK — Tillamook County trees will look less verdant this summer as tent caterpillars, larval moths that live in gauzy tents stretched between tree branches, are eating their leaves.

The Oregonian reported that state forestry offi-

cials said the native Pacific Northwestern moth has descended on the county, feasting on the leaves of broadleaf trees and shrubs.

Officials say the hungry caterpillars are unlikely to kill most trees, but they strip trees bare of foliage, making them appear dead or diseased. Young or unhealthy trees could be at

risk. The caterpillars enter their cocoons in midsummer, allowing most trees to recover.

Insecticides are not necessary to combat the insects. Removing tents from trees by pruning infested branches or blasting them with water is an effective way to minimize outbreaks.

### On the record

#### DUII arrest

• At 8:05 p.m. Wednesday, Warrenton Police arrested Scott Andrew Smotherman, 56, Warrenton, for driving under the influence of intoxicants near Anchor Avenue and First Street in Warrenton.

#### Disorderly conduct

• At 9:43 p.m. Wednesday, Warrenton Police arrested Titus Jay Cooper, 24, transient, for second-degree criminal trespass and disorderly conduct after Cooper reportedly refused to leave

a fitting room inside Ross.

He was in the fitting room

for 45 minutes, according to police.

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In honor of July 4th,  
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