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U.S. DISTRICT COURT

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DISTRICT OF UTAH

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JOHN W. HUBER, United States Attorney (#7226)  
JARED C. BENNETT, Assistant United States Attorney (#9097)  
LAKE DISHMAN, Assistant United States Attorney (Provisionally admitted in VA)  
185 South State Street, #300  
Salt Lake City, Utah 84111  
Telephone: (801) 524-5682

Attorneys for the United States of America

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IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH  
NORTHERN DIVISION

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UNITED STATES OF AMERICA,  
  
Plaintiff,

vs.

DAVID J. CHRISTENSEN; SC UTAH  
ENTERPRISES, LLC, d.b.a. A-ONE  
SALVAGE AND PIC A PART;  
  
Defendants.

Case: 1:15-cr-00102  
Assigned To : Benson, Dee  
Assign. Date : 12/23/2015  
Description: USA v.

**INDICTMENT**

**Count I:** 33 U.S.C. §1319(c)(2)(A)  
(Knowing Discharge of a Pollutant  
Without a Permit); **Count II:** 18 U.S.C.  
§ 1001(a)(3) (Knowingly and Willfully  
Making or Using any Materially False  
Writing or Document within the  
Jurisdiction of the Executive Branch)

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The Grand Jury charges:

1. At all times relevant to this Indictment, Defendant David Jason Christensen (“Christensen”) was the manager of Defendant SC Utah Enterprises, LLC, (“S-C Utah”) and the operator of A-One Salvage and Pic a Part (“A-One Salvage”).
2. At all times relevant to this Indictment, A-One Salvage was an automobile salvage yard and auto parts recycling facility located at 555 West 17th Street, Ogden, Utah.
3. On October 23, 2008, Christensen, on behalf of S-C Utah, submitted a Notice of Intent (“NOI”) for A-One Salvage to the Utah Department of Environmental Quality (“UDEQ”) seeking

coverage under the Utah Pollutant Discharge Elimination System (“UPDES”) general multi-sector storm water permit for discharges associated with industrial activity (“UPDES permit”). UDEQ has received authority from the United States Environmental Protection Agency (“EPA”) to administer the provisions of the Clean Water Act in Utah. 33 U.S.C. §§ 1251 to 1387.

4. Christensen signed the NOI and listed himself as an officer and the general manager of S-C Utah. Directly above the signature block where Christensen signed, the NOI provides: “I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

5. The NOI stated that the start-up date of the facility was March 2008.

6. The NOI listed the Ogden River as the receiving water body and specified that the facility was required to do analytical and visual monitoring and to submit monitoring data. The Ogden River is a water of the United States under the Clean Water Act. 33 U.S.C. § 1362.

7. On February 13, 2009, UDEQ issued a letter to Christensen stating that the NOI was for both A-One Salvage and S-C Utah, both of which were listed at the same address. The letter conferred coverage under the UPDES permit and gave A-One Salvage a facility number of UTR009915. Additionally, the letter provided monitoring forms for Christensen and A-One Salvage on which to provide the required quarterly reports.

8. The UPDES permit required each facility to develop a storm water pollution prevention plan (“SWP3”). Implementation of the provisions of the SWP3 is required under the UPDES permit.

9. Christensen and S-C Utah developed the SWP3 in accordance with the UPDES permit.

The SWP3 recognized that the following types of discharges were “non-permissible sources of non-storm water discharges,” which are not covered by the UPDES permit: Drains from inside processing or fluid storage areas; runoff from outside storage areas; runoff from oil/fluid storage and dispensing areas; runoff from parking lots, building roofs, and roadways; runoff from parts/vehicles washing areas; and runoff from past spill and leak sites.

10. From on or about March 1, 2011 to June 30, 2011, Christensen periodically ordered employees to pump runoff into the Ogden River that contained oil, gasoline, and antifreeze, among other substances, which had spilled or leaked onto the grounds of A-One Salvage.

11. On or about October 19, 2011, UDEQ inspected A-One Salvage for compliance with the UPDES permit.

12. During that inspection, inspectors asked Christensen to provide them with the monitoring forms and sampling data that the UPDES permit required Christensen and A-One Salvage to maintain relating to storm water discharges.

13. Christensen stated that there were no monitoring reports because A-One Salvage had not discharged anything into the Ogden River. Christensen claimed that A-One Salvage had pumped standing water into a truck and sprayed it on other areas of the property.

14. On or about January 18, 2012, Christensen submitted discharge monitoring reports (“DMRs”) to UDEQ on behalf of S-C Utah’s facility at A-One Salvage. Christensen signed the DMRs and dated them December 20, 2011. Each DMR provided for the calendar year 2011:

This facility has been constructed and designed as a zero discharge facility with no discharge point and with the intensions [sic] to retain all storm water on site to dissipate and disperse throughout in order to evaporate or self filter. Primarily by means of grading or berming, structural BMP’s have been used to prevent all

surface waters from entering receiving waters or other sensitive area[s]. No water, whether by qualified or unqualified storm event, was notice[d] to be leaving the site boundaries within this reporting quarter.

**COUNT I**

18 U.S.C. §1319(c)(2)(A)  
(Knowing Discharge of a Pollutant Without a Permit)

15. The United States incorporates paragraphs 1-14 herein.

16. On a date unknown to the Grand Jury between March 1, 2011 and June 30, 2011 in the Northern Division of the District of Utah,

**DAVID J. CHRISTENSEN, S-C UTAH, and A-ONE SALVAGE,**

defendants herein, knowingly discharged a pollutant into a water of the United States without a permit by pumping runoff containing oil, gasoline, and antifreeze, among other substances, that had spilled or leaked onto the grounds of A-One Salvage to be pumped into the Ogden River, all in violation of 33 U.S.C. § 1319(c)(2)(A); 18 U.S.C. § 2(a).

**COUNT II**

18 U.S.C. § 1001(a)(3)  
(Knowingly and Willfully Making or Using any Materially False Writing or Document within the Jurisdiction of the Executive Branch)

17. The United States incorporates paragraphs 1-14 herein.

18. On or about January 18, 2012, in the Northern Division of the District of Utah,


**DAVID J. CHRISTENSEN, S-C UTAH, and A-ONE SALVAGE,**

defendants herein, knowingly and willfully made and caused to be made and used and caused to be used, in a matter within the jurisdiction of the executive branch of the United States (to wit: the EPA) a false document (to wit: DMRs from January 1, 2011 to December 31, 2011), knowing the same to contain a materially false, fictitious, and fraudulent statement all in violation of 18 U.S.C.

§ 1001(a)(3) and 18 U.S.C. § 2(a). Specifically, the above-referenced Defendants falsely stated in the 2011 DMRs that:

This facility has been constructed and designed as a zero discharge facility with no discharge point and with the intensions [sic] to retain all storm water on site to dissipate and disperse throughout in order to evaporate or self filter. Primarily by means of grading or berming, structural BMP's have been used to prevent all surface waters from entering receiving waters or other sensitive area[s]. No water, whether by qualified or unqualified storm event, was notice[d] to be leaving the site boundaries within this reporting quarter.

A TRUE BILL:

  
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Foreperson of the Grand Jury

JOHN W. HUBER  
United States Attorney

  
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JARED C. BENNETT  
LAKE DISHMAN  
Assistant United States Attorneys