

## POLLUTER GIVEN 30-MONTH PRISON SENTENCE

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STAFF WRITER U.S. District Judge Elizabeth Hallanan sentenced a Boone County man to 30 months in federal prison on Wednesday for violating the Clean Water Act.

U.S. Attorney Rebecca Betts said the sentence Hallanan imposed on Donald Jarrell of Van "is the longest ever imposed in West Virginia for an environmental crime." Jarrell, 43, owned and operated a sewage treatment plant for the residents of Holly Hills Acres and Kelly subdivisions in Fairdale, a few miles northwest of Beckley in Raleigh County.

Assistant U.S. Attorney **Mike Callaghan**, who prosecuted Jarrell, said, "He took people's money and never operated the plant. Mr. Jarrell caused tremendous amounts of sewage to be discharged into Marsh Creek, which flows into the Coal River." During the hearing, which lasted more than an hour, Hallanan warned, "Others should be forewarned that similar conduct will result in similar consequences." Jarrell, represented by federal public defender Ed H. Weis, had already pleaded guilty to one of seven counts in his indictment.

The sewage treatment site was the first in the nation that the U.S. Environmental Protection Agency designated as an Emergency Superfund site.

"They came in and expended more than \$500,000 to clean it up and get it running," Callaghan said. "It is the first time ever that the Superfund cleaned up a sewage site. Most are toxic waste cleanups." Callaghan said sewage was flowing through people's yards in the two subdivisions in Fairdale. Water and Waste Treatment Co., Jarrell's company, began operating in April 1992.

Fecal coliform, a byproduct of improperly treated sewage, polluted water flowing from a pipe out of the treatment plant. During Wednesday's hearing, Hallanan noted fecal coliform recently caused a death of a resident who lived near the New River Gorge.

The federal indictment also charged Jarrell failed to submit regular discharge monitoring reports, as federal law requires, to the West Virginia Division of Environmental Protection.

The indictment also revealed Jarrell submitted false water treatment reports in January and February 1993. He submitted at least one laboratory analysis of discharges from another sewage treatment facility.

Hallanan did not fine Jarrell, since he has no assets. He is currently working as a water treatment supervisor for the Van Public Service District in Boone County.

After the sentencing, Betts said, "We cannot and will not tolerate the dumping of pollutants into West Virginia's rivers and streams by individuals or businesses.

"This office will continue to investigate and prosecute, if necessary, all those responsible for unlawful discharges into our rivers and streams," Betts said. "Judge Hallanan's sentence should serve as a warning to those who violate our environmental laws." Betts praised the work of Michael Zeto, chief inspector for DEP, and Marty Wright, an agent from EPA's office in Wheeling.