



United States Attorney's Office

District of Rhode Island

News Release

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Southern Union is found guilty of illegally storing mercury at a Pawtucket site

A federal jury in Providence has found the Southern Union Company, the Texas-based former owner of the New England Gas Company, guilty of illegally storing mercury at a Pawtucket site.

United States Attorney Robert Clark Corrente, Ronald J. Tenpas, Assistant Attorney General in charge of the Environment and Natural Resources Division (ENRD), and Michael E. Hubbard, Special Agent in Charge of the Boston Area Office of the Environmental Protection Agency, Criminal Investigation Division (EPA-CID), announced the guilty verdict, which the jury returned today in U.S. District Court, Providence. The verdict followed a twelve-day trial before U.S. District Court Judge William E. Smith.

The jury found the company guilty of one count of illegal storage, not guilty of another, and not guilty of failing to properly notify emergency officials of a release of a hazardous material.

During the trial, Assistant U.S. Attorney Terrence P. Donnelly, Kevin Cassidy, an ENRD trial attorney, and Diane Chabot, an attorney with EPA-CID, presented evidence that Southern Union began a program in 2001 to remove from customers' homes gas regulators that contained mercury. Southern Union employees brought the regulators to a facility on Tidewater Street in Pawtucket, on the edge of the Seekonk River. Southern Union initially hired an environmental services company to remove the mercury from the regulators, and then the gas company shipped it to a facility in Pennsylvania for further processing.

However, the removal contract expired, but gas company technicians continued to remove the regulators from customers' homes, and the company continued to store loose liquid mercury in various containers in the building.

The evidence showed that, in 2002, 2003, and again in 2004 a local gas company official drafted requests for proposals (RFPs) for removal of the mercury that was collecting at the Tidewater facility. However the company never finalized the RFPs or put them out to bid.

By July 2004 various containers of mercury, such as glass jars and a plastic jug, containing a total of more than a gallon of mercury, were stored at the site. There were also regulators still containing mercury stored at the site.

In September 2004 three youths broke into the mercury storage building and took several containers of liquid mercury. They broke some of the containers, spilling mercury around the facility's grounds. They also took some of the mercury to a nearby apartment

complex. For about three weeks, puddles of mercury remained on the ground at the Tidewater facility, and more mercury lay spilled at the apartment complex.

On October 19, 2004, a gas company employee discovered mercury on the ground of the Tidewater facility and evidence that there had been a break-in.

The jury found Southern Union guilty of one count of storing hazardous waste without a permit – the loose liquid mercury stored in containers. It found the company not guilty of illegally storing the regulators that still contained the mercury, and not guilty of failing to notify the appropriate local emergency officials of a hazardous waste spill.

Knowingly storing hazardous waste without a permit carries a maximum fine of \$50,000 for each day of violation. The maximum potential fine for the 760 days of violation is \$38 million. Sentencing is scheduled for February 20.

The investigation that led up to the case was a joint effort of the Environmental Protection Agency, Criminal Investigation Division (EPA-CID) and the Rhode Island Department of Environmental Management (DEM), Office of Criminal Investigation, the DEM Office of Emergency Response, and the DEM Office of Compliance and Inspection.