

STATE OF NEW YORK

COUNTY OF

Albany

Albany City Criminal

COURT

City

OF

Albany

PEOPLE OF THE STATE OF NEW YORK

VS.

Thomas A. French II dob [redacted]/81

Defendant(s)

[INFORMATION] [COMPLAINT]

4/17/18

BE IT KNOWN THAT, by this [Information] [ Complaint], Investigator Linda Escobar Shield 366 as the Complaint herein, [stationed] [residing] at stationed at 1115 State Route 86, Ray Brook, New York accuses Thomas A. French II residing at 19 Lake View Terrace, Bolton Landing, New York 12814 the above Defendant(s), having committed the [violation] [misdemeanor] [felony] of class E felony of offering a false instrument for filing in the first degree

in violation of section 175.35, subdivision 1 of the Penal Law of the State of New York.

that on or about the Sixteenth day of June, 2017 at about 11 AM [a.m.] [p.m.] in the [City] [Town] [Village] of Albany City, County of Albany

the Defendant(s) did [intentionally] [knowingly] [recklessly] [with criminal negligence] and unlawfully intentionally and unlawfully submit to the New York State Department of Environmental Conservation aka DEC, with its Central Office located at 625 Broadway, Albany, New York, written instruments containing false statements or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offered or presented it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation. He filed such report in June 2017 for work activities of April 2017.

To Wit: defendant, Chief Operator and Superintendent of the Town of Bolton Wastewater Treatment Facility, at the above mentioned time, date and place, caused to be filed with New York State Department of Environmental Conservation (DEC) written instruments known as Facility Operating Reports (FORs) with false information or statements regarding sampling, and with intent to defraud the state he presented it to the state knowing it would be filed

The above allegations of fact are made by the complainant [on direct knowledge] [and/or upon information and herein belief, with the sources of Complainant's information and the grounds for belief being.]

on direct knowledge and information and belief, with the sources being my investigation, statements made by the defendant to the complainant, interviews and supporting depositions of wastewater and water plant employees, interviews of consulting Cedarwood engineers at the Bolton facility, examination of FOR and DMR reports submitted to the D.E.C, interviews of DEC Water and Wastewater Program Specialists, review of the Cedarwood Final Engineering Report, and review of the Lake George Waterkeeper Study.

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ALBANY CITY COURT  
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Information/Complaint  
Section 100.15 CPL

ENVIRONMENTAL CONSERVATION POLICE

STATE OF NEW YORK

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VS.

Thomas A. French II dob [redacted]/81

Defendant(s)

[INFORMATION] [COMPLAINT]   
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BE IT KNOWN THAT, by this [Information] [ Complaint], Investigator Linda Escobar Shield 366 as the Complainant herein, [stationed] [~~residing~~] at stationed at 1115 State Route 86, Ray Brook, New York accuses Thomas A. French II residing at 19 Lake View Terrace, Bolton Landing, New York 12814 the above Defendant(s), having committed the [~~violation~~] [~~misdemeanor~~] [felony] of class E felony of offering a false instrument for filing in the first degree in violation of section 175.35, subdivision I of the Penal Law of the State of New York.

that on or about the sixteenth day of June, 2017 at about 11 AM [a.m.] [~~p.m.~~] in the [City] [~~Town~~] [~~Village~~] of Albany City, County of Albany

the Defendant(s) did [intentionally] [~~knowingly~~] [~~recklessly~~] [~~with criminal negligence~~] and unlawfully intentionally and unlawfully submit to the New York State Department of Environmental Conservation aka DEC, ( its central Office located at 625 Broadway, Albany, New York), written instruments containing false statements or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offered or presented it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation.

To Wit: defendant, Chief Operator and Superintendent of the Town of Bolton Wastewater Treatment Facility, at the above mentioned time date and place caused to be filed with New York State Department of Environmental Conservation (DEC) written instruments known as Discharge Monitoring Reports (DMRs) with false information or statements and with intent to defraud the state he presented it to the state knowing it would be filed. He filed such false report in June 2017 for work activities done in April 2017.

The above allegations of fact are made by the complainant [on direct knowledge] [and/or upon information and herein belief, with the sources of Complainant's information and the grounds for belief being.]

on direct knowledge and information and belief, with the sources being my investigation, statements made by the defendant to the complainant, interviews and supporting depositions of wastewater and water plant employees, interviews of consulting Cedarwood engineers at the Bolton facility, examination of FOR and DMR reports submitted to the D.E.C, Bolton SPDES Permit NY 0093688, interviews of DEC Water and Wastewater Program Specialists, review of the Cedarwood Final Engineering Report, and review of the Lake George Waterkeeper Study.

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Albany City Criminal COURT City OF Albany

PEOPLE OF THE STATE OF NEW YORK

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Thomas A. French II dob [redacted] 81

Defendant(s)

[INFORMATION] [COMPLAINT] - 4/17/18

BE IT KNOWN THAT, by this [Information] [ Complaint], Investigator Linda Escobar Shield 366 as the Complainant herein, [stationed] ~~[residing]~~ at stationed at 1115 State Route 86, Ray Brook, New York accuses Thomas A. French II residing at 19 Lake View Terrace, Bolton Landing, New York 12814 the above Defendant(s), having committed the [violation] ~~[misdemeanor]~~ [felony] of class E felony of offering a false instrument for filing in the first degree in violation of section 175.35, subdivision 1 of the Penal Law of the State of New York. that on or about the twentysixth day of January, 2018 at about 11 AM [a.m.] ~~[p.m.]~~ in the [City] ~~[Town]~~ ~~[Village]~~ of Albany City, County of Albany

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To Wit: defendant, Chief Operator and Superintendent of the Town of Bolton Wastewater Treatment Facility, at the above mentioned time, date and place, caused to be filed with New York State Department of Environmental Conservation (DEC) written instruments known as Facility Operating Reports (FORs) with false information or statements regarding sampling, and with intent to defraud the state he presented it to the state knowing it would be filed

The above allegations of fact are made by the complainant [on direct knowledge] [and/or upon information and herein belief, with the sources of Complainant's information and the grounds for belief being.] on direct knowledge and information and belief, with the sources being my investigation, statements made by the defendant to the complainant, interviews and supporting depositions of wastewater and water plant employees, interviews of consulting Cedarwood engineers at the Bolton facility, examination of FOR and DMR reports submitted to the D.E.C., interviews of DEC Water and Wastewater Program Specialists, review of the Cedarwood Final Engineering Report, and review of the Lake George Waterkeeper Study.

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Defendant(s)

[INFORMATION] [COMPLAINT]

- 4/17/18

BE IT KNOWN THAT, by this [Information] [ Complaint], Investigator Linda Escobar Shield 366  
 as the Complaint herein, [stationed] [residing] at stationed at 1115 State Route 86, Ray Brook, New York  
 accuses Thomas A. French II residing at 19 Lake View Terrace, Bolton Landing, New York 12814  
 the above Defendant(s), having committed the [violation] [misdemeanor] [felony] of  
 class E felony of offering a false instrument for filing in the first degree  
 in violation of section 175.35, subdivision 1 of the  
 Penal Law of the State of New York.  
 that on or about the twentyfirst day of June, 2017 at about 11 AM [a.m.] [p.m.] in  
 [City] [Town] [Village] of Albany City, County of Albany  
 the Defendant(s) did [intentionally] [knowingly] [recklessly] [with criminal negligence] and unlawfully  
 intentionally and unlawfully submit to the New York State Department of Environmental Conservation aka DEC, ( its central  
 Office located at 625 Broadway, Albany, New York), written instruments containing false statements or false information, and  
 with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he  
 offered or presented it to a public office, public servant, public authority or public benefit corporation with the knowledge or  
 belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public  
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To Wit: defendant, Chief Operator and Superintendent of the Town of Bolton Wastewater Treatment Facility, at the above mentioned time date and place caused to be filed with New York State Department of Environmental Conservation (DEC)written instruments known as Discharge Monitoring Reports (DMRs)with false information or statements and with intent to defraud the state he presented it to the state knowing it would be filed. He filed such false report in June 2017 for work activities done in May 2017.

The above allegations of fact are made by the complainant [on direct knowledge] [and/or upon information and herein belief, with the sources of Complainant's information and the grounds for belief being.]  
 on direct knowledge and information and belief, with the sources being my investigation, statements made by the defendant to the complainant, interviews and supporting depositions of wastewater and water plant employees, interviews of consulting Cedarwood engineers at the Bolton facility, examination of FOR and DMR reports submitted to the D.E.C, Bolton SPDES Permit NY 0093688, interviews of DEC Water and Wastewater Program Specialists, review of the Cedarwood Final Engineering Report, and review of the Lake George Waterkeeper Study.

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Defendant(s)

[INFORMATION] [COMPLAINT]

4/17/18

BE IT KNOWN THAT, by this [Information] [Complaint], Investigator Linda Escobar Shield 366 as the Complainant herein, [stationed] [residing] at [stationed] at 1115 State Route 86, Ray Brook, New York accuses Thomas A. French II residing at 19 Lake View Terrace, Bolton Landing, New York 12814 the above Defendant(s), having committed the [violation] [misdemeanor] [felony] of class E felony of tampering with or knowingly render inaccurate any monitoring device or method required by the SPDES permit in violation of section 71-1933, subdivision (7) of the Environmental Conservation Law of the State of New York that on or about the First day of May, 2017 at about 11 AM [a.m.] [p.m.] in the [City] [Town] [Village] of Albany City, County of Albany

the Defendant(s) did [intentionally] [knowingly] [recklessly] [with criminal negligence] and unlawfully did intentionally and unlawfully tamper and knowingly render inaccurate any monitoring device or method required by the NYSDEC, 625 Broadway, Albany, New York, SPDES permit NY 0093688. Under 71-1933 sub (7) any person who, with intent to deceive, makes any false material statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to title 7 or 8 of Article 17(Water Pollution Control) of this chapter or who intentionally falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained pursuant to title 7 or 8 or article 17 of this chapter shall be guilty of a class E felony.

To Wit: defendant, the Chief Operator and Superintendent of the Town of Bolton Wastewater Treatment Facility, on the above mentioned time date and place, did tamper with and or cause others to tamper with the required SPDES sampling procedure by changing the method-taking multiple or no samples, and/or adding a substance(s) to the effluent, in violation of the SPDES permit, in order to manipulate the testing results and then record the altered results in the submitted DEC reports. He did such tampering each day in April 1 to April 30, 2017. In addition he directed employees to open the bypass valve without DEC authorization in violation of the SPDES permit, which allowed sewage effluent to discharge into the environment. The above allegations of fact are made by the complainant [on direct knowledge] [and/or upon information and herein belief, with the sources of Complainant's information and the grounds for belief being.] on direct knowledge and information and belief, with the sources being my investigation, statements made by the defendant to the complainant, interviews and supporting depositions of wastewater and water plant employees, interviews of consulting Cedarwood engineers at the Bolton facility, examination of FOR and DMR reports submitted to the D.E.C, the Bolton SPDES Permit NY 0093688, interviews of DEC Water and Wastewater Program Specialists, review of the Cedarwood Final Engineering Report, and review of the Lake George Waterkeeper Study.

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Thomas A. French II dob ████████ 81

Defendant(s)

[INFORMATION] [COMPLAINT]

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Under 71-1933 sub (7) any person who, with intent to deceive, makes any false material statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to title 7 or 8 of Article 17(Water Pollution Control) of this chapter or who intentionally falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained pursuant to title 7 or 8 or article 17 of this chapter shall be guilty of a class E felony.

To Wit: defendant, the Chief Operator and Superintendent of the Town of Bolton Wastewater Treatment Facility, on the above mentioned time date and place, did tamper with and or cause others to tamper with the required SPDES sampling procedure by changing the method-taking multiple or no samples, and/or adding a substance(s) to the effluent, in violation of the SPDES permit, in order to manipulate the testing results and then record the altered results in the submitted DEC reports. He did such tampering each day in May 1 to May 31, 2017. In addition, he directed employees to open the bypass valve, without DEC authorization and in violation of the SPDES permit, which allowed sewage effluent to discharge into the environment.

The above allegations of fact are made by the complainant [on direct knowledge] [and/or upon information and herein belief, with the sources of Complainant's information and the grounds for belief being.]

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