

United States v. Tonawanda Coke Corporation & Mark L. Kamholz
10-CR-219-S

VICTIM QUESTIONNAIRE

I. Background

On March 28, 2013, Tonawanda Coke Corporation (“Tonawanda Coke”) and its environmental manager Mark L. Kamholz were convicted on eleven counts of violating the Clean Air Act (“CAA”) and three counts of violating the Resource Conservation and Recovery Act (“RCRA”). In addition, Mark Kamholz was also convicted of one count of obstruction of justice for instructing another Tonawanda Coke employee to adjust the setting of a pressure relief valve (“PRV”) in the by-products department of the plant to prevent discovery of the existence of the PRV during an announced U.S. EPA and New York State Department of Environmental Conservation inspection. Specifically, both defendants were found guilty of Counts 1 through 5 (violations of the CAA by emitting coke oven gas from an unpermitted emission source), Count 9 (violation of the CAA by operating the western quench tower without baffles), Counts 11 through 15 (violations of the CAA by operating the eastern quench tower without baffles), and Counts 17 through 19 (violations of the RCRA). Defendant Mark Kamholz was additionally found guilty of Count 16 (obstruction of justice).

If you lived or worked near the Tonawanda Coke facility located at 3875 River Road, Tonawanda, NY during the time periods of the defendants’ criminal conduct, you may have been a victim of the defendants’ criminal conduct. Any victim of a crime has certain rights under federal law including the right to be reasonably heard at sentencing and the right to restitution as provided by law. 18 U.S.C. §§ 3771(a).

The United States Department of Justice is obligated to use the best efforts to locate and notify the victims of these crimes and to inform them of their rights. 18 U.S.C. § 3771 (c). Please respond to the questions below and return this form in the envelope provided, or to Sharon Knope, 138 Delaware Avenue, Buffalo, NY 14202, or to sharon.knope2@usdoj.gov, or to fax number 716-551-3052 attention Sharon Knope.

II. Questionnaire

If you lived or worked near the Tonawanda Coke facility located at 3875 River Road, Tonawanda, NY sometime between January 2005 and December 2009, and believe you are a victim of the criminal operation of the unpermitted pressure relief valve which illegally discharged coke oven gas that contained semi-volatile and volatile organic compounds that included benzene, toluene, and xylene (known human carcinogens), and/or the operation of two quench towers that released particulate matter into the air, please respond to the following questions:

Name: _____ DOB: _____

Current Address: _____

Former Addresses (from 2005 to 2009):

Home Phone: _____ Cell Phone: _____

Current Employment: _____

Former Employment (from 2005 to 2009):

- 1) If you believe you have been affected by this crime, please explain how the criminal conduct of the defendants described above has affected you.

- 2) If you believe your health has been affected by emissions from the defendant's coke manufacturing facility, please explain how your health has been affected.
- a. Have you sought medical treatment for these health effects? **Yes / No**
- b. If you answered "Yes" to question 2a, please list the names of your medical treatment providers.
- c. Would you be willing to sign a medical release waiver so that a copy of your medical records could be obtained: **Yes / No**
- 3) If you believe your property, or use of property, has been affected by the criminal conduct of the defendants described above, please explain how.
- a. Have you spent any money to make repairs to your property as a result of the conduct of the defendants described above? **Yes / No**
- b. If you answered "Yes" to question 3a, please list the repairs you have made to your property and the cost of those repairs.

4) If you believe you have suffered some other type of financial loss from the defendants' illegal conduct, please list your financial losses from this crime and how the defendants' criminal conduct caused your loss. List only those items for which you have not been, or do not expect to be repaid. Please attach receipts or records if possible.

5) If you believe you have suffered any psychological or emotional injury/problems because of the defendants' criminal conduct, please describe those psychological or emotional injuries/problems and please explain how the criminal conduct of the defendants may have caused your psychological or emotional injuries/problems.

a. Have you sought any type of counseling or treatment for the psychological or emotional injuries/problems described above? **Yes / No**

b. If you answered "Yes" to question 5a, please list the names of your treatment providers.

c. Would you be willing to sign a treatment release waiver so that a copy of your treatment records could be obtained: **Yes / No**

- 6) Did insurance cover any of the expenses you incurred as a result of the defendants' illegal conduct? **Yes / No**
- a. If you answered "Yes" to question 6a, please specify the amount and nature of any reimbursement.
- 7) Have you or anyone on your behalf initiated a civil action against any party as a result of the defendants' illegal conduct or any other activity at Tonawanda Coke? **Yes / No**
- a. If you answered "Yes" to question 7, please explain the nature of the civil action including the case name, docket number, and court jurisdiction.

8) Additional Comments:

9) If permitted, do you want to testify at sentencing? **Yes / No**

I declare under penalty of law that the above information is true and correct.

Signature

Date

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