

[Fax rec'd 2:47 PM 2-2-07]

[Filed Feb. 2, 2007, 2:28 PM]

THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

STATE OF IOWA (99AG45000)

CRIMINAL NO. AGCR138474

vs.

TRIAL INFORMATION

RED GIANT OIL COMPANY AND
SEARLE PETROLEUM COMPANY,
Defendants.

2007 FEB -2 PM 2:28
CLERK OF DISTRICT COURT
POTTAWATTAMIE COUNTY
IOWA

FILED

COMES NOW A. Patricia Houlihan as Prosecuting Attorney, and in the name
and by the authority of the State of Iowa accuses **RED GIANT OIL COMPANY AND
SEARLE PETROLEUM COMPANY** of the crimes of **DISCHARGE OF A POLLUTANT
INTO A WATER OF THE STATE** (fourteen counts), each an Aggravated Misdemeanor
and committed as follows:

Count One: Defendants Red Giant Oil Company and Searle Petroleum Company on
or about April 29, 2004 in the County of Pottawattamie and State of
Iowa did unlawfully and knowingly discharge pollutants, to wit: lube
oil, a petroleum residuum, or similar materials, into a water of the
State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2)
of the Iowa Criminal Code.

Count Two: Defendants Red Giant Oil Company and Searle Petroleum Company on

or about May 23, 2004 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B.191 (2) of the Iowa Criminal Code.

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Count Three:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about May 28, 2004 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

Count Four:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about June 16, 2004 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

Count Five:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about July 9, 2004 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

Count Six:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about August 4, 2004 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

Count Seven:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about March 5, 2005 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

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Count Eight:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about March 23, 2005 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

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Count Nine:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about April 13, 2005 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

Count Ten:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about June 17, 2005 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of

section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

Count Eleven:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about July 11, 2005 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

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Count Twelve:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about July 29, 2005 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

Count Thirteen:

Defendants Red Giant Oil Company and Searle Petroleum Company on or about August 12, 2005 in the County of Pottawattamie and State of Iowa did unlawfully and knowingly

discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

Count Fourteen: Defendants Red Giant Oil Company and Searle Petroleum Company on or about September 15, 2005, in the County of Pottawattamie and State of Iowa did unlawfully and knowingly discharge pollutants, to wit: lube oil, a petroleum residuum, or similar materials, into a water of the State of Iowa in violation of section 455B.186 (1) and 455B. 191 (2) of the Iowa Criminal Code.

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IOWA

FILED

A TRUE INFORMATION

A. Patricia Houlihan
A. PATRICIA HOULIHAN, ASSISTANT
ATTORNEY GENERAL

I have made a full and careful investigation of the facts upon which this information is based and have determined under the authority of section 13.4 of the Code of Iowa and pursuant to rule 5(1) of the Rules of Criminal Procedure that a criminal prosecution is warranted in this matter.

A. Patricia Houlihan
A. Patricia Houlihan AT0003736
Assistant Attorney General
Attorney General's Office
Hoover State Office Building
Des Moines, IA 50319
(515) 281-3648
FAX: (515) 281-8894

Names of Witnesses:

- Holly Anderson Vandemark, Iowa Dept. Natural Resources - Atlantic, IA
- Patrick Lelker, START Project Manager, Tetra Tech EM Inc. - Lenexa KS
- Larry Melville, Special Agent Environmental Protection Agency - Ankeny, IA
- Mitch Mortvedt, Special Agent Iowa Department of Criminal Investigations - Council Bluffs, IA
- Jeff Pritchard, Seagull Environmental

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OTTAWA COUNTY
IOWA

REVIEWED BY JUDGE

On the 2nd day of February, 2007, I find that the evidence contained in the within Trial Information and Minutes of Evidence, if unexplained, would warrant a conviction by the trial jury, and being satisfied from the showing made herein that this case should be prosecuted by Trial Information the same is approved.

_____ Clerk of Court shall issue an arrest warrant.

Clerk of Court shall issue a summons for Defendant to Appear.

Bond is set in the amount of \$_____.

Bond may be unsecured.

Bond must be cash.

10% cash may be posted.

Bond previously set shall continue.

Defendant is released on personal recognizance.

THE DEFENDANT IS ORDERED TO APPEAR FOR ARRAIGNMENT AT:

place Pottawattamie County Courthouse

date March 5, 2007

time 9:30 ~~A~~ M. ^{Wakula}

DISTRICT JUDGE
FOURTH JUDICIAL DISTRICT

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JUDICIAL DISTRICT