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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

THE STATE OF WASHINGTON,

Plaintiff,

v.

CHARLES EDWIN PILLON ,

Defendant.

NO. 16-1-05983-6 KNT

STATE'S SENTENCING
MEMORANDUM

I. STATEMENT OF THE CASE

The defendant, Charles Edwin Pillon, has owned the 10-acre property located at 15753 S.E. Renton-Issaquah Road, Renton, Washington for decades. During this time, the defendant has accumulated a staggering volume of solid waste on the site. For more than two decades, various agencies have worked to address the defendant's activities. The defendant either ignored these efforts or met them with recalcitrance. A 2007 criminal conviction for Wrecking Vehicles without a License also failed to curb the defendant's activities. The mountain of waste has continued to grow and has reached more than 613,000 cubic feet—one of the waste fields extends further than a football field and is four to five stories deep at some places.

The defendant is now before the Court for sentencing having been again convicted of Wrecking Vehicles without a License as well as Violation of the Hazardous Waste Management Act—Placing the Natural Resources of the State in Imminent Danger of Harm and Unlawful

1 Dumping of Solid Waste without a Permit. The first two offenses are unranked class C felonies
2 and the latter is a gross misdemeanor.

3 **II. OFFENDER SCORE/STANDARD RANGE**

4 The two felony offenses are unranked class C felonies, so it is not necessary to “score”
5 the defendant’s criminal history. The standard range is 0 to 12 months of confinement and a
6 fine of up to \$10,000. The gross misdemeanor carries a maximum punishment of 364 days and
7 a fine of \$5,000.

8 **III. STATE’S SENTENCING RECOMMENDATION**

9 The first four primary purposes of the Sentencing Reform Act are most applicable in
10 this case. They are:

- 11 (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness
12 of the offense and the offender’s criminal history;
- 13 (2) Promote respect for the law by providing punishment which is just;
- 14 (3) Be commensurate with the punishment imposed on others committing similar
offenses;
- 14 (4) Protect the public;

15 RCW 9.94A.010. The defendant’s actions have demonstrated repeatedly that he will not comply
16 with orders or cooperate with efforts to clean up his property. After having heard from
17 representatives from King County, the Washington State Department of Ecology and the United
18 States Environmental Protection Agency that his practices are unsafe and pose a grave
19 environmental danger, the defendant stated in open court that he did not intend to alter his
20 behavior.

21 The evidence presented at trial painted a clear picture of the conditions on the Pillon
22 property. Undisputed testimony established that the environmental hazard posed by the site is
23 substantial. This Court found beyond a reasonable doubt that the defendant’s storage and
24 disposal of hazardous waste on the property places the resources of the State of Washington in
25 danger of imminent harm. Trial testimony revealed that three of nine containers selected at
26 random from the estimated 2000 readily observable containers on the property held hazardous

1 waste. Two of those hazardous waste containers held liquids that were determined to be
2 hazardous because of their extreme ignitability. Consider now that while the zoning of the
3 property may indicate a more rural location, development has brought subdivisions of homes,
4 shopping and schools within close proximity of the property—the Apollo Elementary School is
5 approximately 2000 feet from the largest of the defendant’s trash piles.

6 This sentencing is an opportunity to begin to address the mess the defendant has created.

7 Initially the defendant must be held accountable for his decades-long refusal to comply
8 with efforts of various regulators to stop his environmentally dangerous activities. The State
9 requests that he be sentenced to 30 days in jail on Counts I and II to run concurrently. The State
10 asks that this time not be converted to community service or any other type of non-jail
11 alternative. The defendant was given that benefit when previously sentenced for Wrecking
12 Vehicles without a License, he is before the Court convicted of violating the identical statute
13 and should not again be given the opportunity to avoid incarceration. The State requests that
14 364 days be suspended on Count III for a period of 2 years on condition that the defendant
15 comply with the law and the conditions set forth in the Court’s sentence aimed at cleaning up
16 the property. The State asks the court to impose fines totalling \$15,000—\$5,000 on each of the
17 three counts.

18 Steps must be taken to mitigate the damage the defendant has done and he must be
19 compelled to cooperate with those efforts. Such cooperation should begin with a total cessation
20 of his activities on the property—not accepting new materials of any kind, not crushing,
21 processing, recycling or rearranging any existing materials. The defendant should be ordered to
22 allow unfettered access to the property for purposes of monitoring compliance and cleanup
23 efforts (including but not limited to site surveying, soil testing, water testing, boring and/or
24 digging required to determine the extent of contamination, and removal/recycling/disposal of
25 any material determined to be either hazardous or solid waste).

1 The costs of cleanup will be high. The defendant should be ordered to not financially
2 encumber the property in any manner and to provide copies of any current notes, mortgages,
3 liens, lines of credit and/or other financial encumbrances. The defendant should be ordered to
4 provide copies of any insurance policies related to the property as they may reveal potential
5 sources of remediation for the financial burden of cleanup. The defendant should be ordered to
6 provide any business records he has that would aid in the determination of who contributed to
7 the accumulation of waste on his property as some liability might lay with those parties.

8 IV. RESTITUTION

9 The State requests that a restitution hearing in this matter be set out approximately 6
10 months. The cleanup of the property will be a multistep process and likely involve many
11 different agencies. The Unlawful Dumping of Solid Waste without a Permit conviction sets
12 forth a mandatory "litter cleanup restitution payment." *See* RCW 70.95.240(3)(c)(ii). This
13 payment is mandated by the statute to be the greater of either twice the actual cost to remove
14 and properly dispose of the solid waste or \$100.00 per cubic foot of solid waste. Clearly this
15 cleanup restitution calculation will be exceedingly large. Providing the Court the appropriate
16 guidance on the actual amount to impose will take time and the work of County, state, and
17 federal agencies.

18 V. CONCLUSION

19 The state asks the court to sentence the defendant to 30 days of confinement on counts
20 I and II, suspend 364 additional days of confinement for 2 years on condition that the defendant
21 comply with the Court's orders regarding cleanup of the property on count III, a fine of

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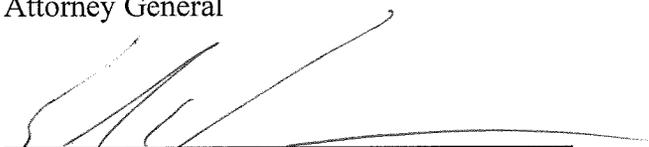
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1 \$15,000, and set a restitution hearing to determine the amount of the litter cleanup restitution
2 payment.

3 DATED this 14th day of June, 2018.

4
5 ROBERT W. FERGUSON
6 Attorney General

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8 
9 SCOTT A. MARLOW, WSBA #25987
Assistant Attorney General
Attorney for the State of Washington