



JEANNINE M. PACIONI
District Attorney

PRESS RELEASE
SETTLEMENT OF ENVIRONMENTAL PROTECTION CASE
INVOLVING MORO COJO SLOUGH
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People v. Calcagno; Case No. 19CV000046

Monterey County District Attorney Jeannine M. Pacioni announced today that her office has settled a civil environmental protection case against Louis Calcagno, the owner of Moon Glow Dairy located on Dolan Road in Monterey County. At this location, Calcagno stores green waste, consisting primarily of material derived from apple pulp, which is used as feed for his dairy cows. He also owns and maintains an agricultural drainage canal and pump located on that portion of his property which abuts Moro Cojo Slough. Over a period of approximately two days, some of the green waste stored by Calcagno spilled over into the run-off water in the agricultural drainage canal and was pumped into Moro Cojo Slough. Samples of the agricultural water containing this green waste were tested and found to contain levels of unionized ammonia which are deleterious to fish, plant life, mammals and bird life. Moro Cojo Slough is a Marine Protected Area and a State Marine Reserve.

Calcagno cooperated with the prosecution in resolving this case. The terms of the judgment provide for a permanent injunction. He also agreed to pay more than \$33,000.00 in civil penalties and costs, including \$5,000 towards a supplemental environmental project to benefit Moro Cojo Slough. There was no evidence of any intentional misconduct on Calcagno's part. The penalties were based on strict liability.

There were mitigating factors which the prosecutor took into consideration in determining a fair and just amount in penalties. Among other things, Calcagno had no prior record of environmental violations. After learning of the problem, he took prompt action to stop the discharge. Also, within a short time after the incident, he had the agricultural drainage canal cleaned. Calcagno ultimately expended approximately \$25,000 for improvements and repairs to prevent future occurrences. It was also found that he has a documented history of taking numerous actions beneficial to the slough. The prosecutor received input from several scientists who monitor the slough, and it appears there is no persuasive biological evidence or data to conclude that this discharge had any measurable impact on the environment. Calcagno has also agreed to pay (subject to confirmation) an additional \$19,500.00 in administrative penalties to the Central Coast Water Board as a result of this same incident.

This case was investigated by Wardens Jacob Juarez and Tyson Quintal of the Department of Fish and Wildlife, and District Attorney Investigator John Ferreria. The District Attorney's Office brings actions such as these to make sure that businesses comply with their legal responsibilities to safeguard the environment.