



Environmental Crimes Case Bulletin

U.S. Environmental Protection Agency
Office of Criminal Enforcement, Forensics and Training

This bulletin summarizes publicized investigative activity and adjudicated cases conducted by OCEFT Criminal Investigation Division special agents, forensic specialists, and legal support staff.

August 2014

In This Edition:

- **Roberts Chemical Company, Inc. — Region 1**
- **Ronen Bakshi — Region 2**
- **Rai Johnson, Ernest Johnson, Evan Harnden, Brian Scott — Region 2**
- **Ronald A. Wright — Region 3**
- **Action Manufacturing Company — Region 3**
- **Scott William Farmer — Region 4**
- **Steven A. Murray, Bio-Tech Management, Inc. — Region 4**
- **Alvin C. Sowinski, Paul A. Sowinski — Region 5**
- **Benedict W. Lupo — Region 5**
- **Michael G. Johnson — Region 6**
- **Henry Alberto Batista — Region 9**
- **Raul Antonio Gonzalez Lopez — Region 9**

Quick Links

[Defendant Summary](#)

[Sentencings](#)

[Plea Agreements](#)

[Indictments/
Informations](#)

Defendant Summary

Region	Defendants	Case Type/Status
Region 1	Roberts Chemical Company, Inc.	CAA/Failure to develop and implement a risk management plan
Region 2	Ronen Bakshi	CAA/Falsifying records, wire fraud in connection with asbestos removal project
Region 2	Rai Johnson, Ernest Johnson, Evan Harnden, Brian Scott	CAA/Violations of asbestos work practice standards
Region 3	Action Manufacturing Company	RCRA/Improper storage of explosive hazardous waste
Region 3	Ronald A. Wright	SDWA/Making false statements related to permits
Region 4	Scott William Farmer	CAA/Knowing endangerment by release of asbestos



Defendant Summary

Region	Defendants	Case Type/Status
Region 4	Steven A. Murray, Bio-Tech Management, Inc.	FIFRA/Misapplication of pesticides at nursing homes
Region 5	Alvin C. Sowinski, Paul A. Sowinski	FIFRA/Illegal animal poisoning
Region 5	Benedict W. Lupo	CWA/Illegal dumping of fracking waste into river tributary
Region 6	Michael G. Johnson	CAA/Wire fraud, making false statements
Region 9	Henry Alberto Batista	CAA/Falsifying vehicle emission test records
Region 9	Raul Antonio Gonzalez Lopez	RCRA/Illegal disposal of hazardous waste

Wisconsin Father-Son Sentenced for Animal Poisonings –On August 4, 2014, **ALVIN C. SOWINSKI**, and his son **PAUL A. SOWINSKI**, both of Rhinelander, Wisconsin, were sentenced in federal district court for the Western District of Wisconsin for conduct relating to the possession of an American bald eagle. Alvin Sowinski received a \$30,000 fine, a seven-year ban on his hunting, fishing and trapping privileges, \$100,000 in restitution, and one year of probation and four months of home confinement. Paul Sowinski received a \$10,000 fine, a five-year ban on his hunting, fishing and trapping privileges, \$100,000 in restitution, and one year of probation. Both men pleaded guilty to the charge on May 14, 2014.

Law enforcement discovered that the pesticide, Carbofuran, was being used to kill wildlife on the Sowinski property in Sugar Camp. The use of the chemical killed several species of birds and mammals between May 2007 and March 2010, including a black bear, bobcat and at least two American bald eagles.

Alvin and Paul Sowinski live in separate residences in the Town of Sugar Camp. Their family owns approximately 8,000 acres in Oneida County, with about 4,000 acres consisting of an active farming operation.

In May 2007, a Wisconsin Department of Natural Resources warden initiated an investigation into potential poisoning of animals on property owned by Sowinski Real Estate LLC. This property is approximately four miles west of Alvin's homestead property. The DNR warden found dead: a bald eagle, a crow, a gray squirrel, and a bobcat, within one hundred yards of a deer carcass that the warden suspected to contain a poisonous substance.

The deer carcass was tested by the U.S. Fish and Wildlife Service (USFWS) Forensic Laboratory and found to contain the insecticide Carbofuran. The bald eagle, crow, gray squirrel, and bobcat were also tested by the lab and lab personnel concluded that the animals died as a result of ingesting Carbofuran.

In the winter of 2010 and continuing through April 13, 2010, Alvin Sowinski placed several bait sites on the Sowinski property near his homestead for the purpose of killing predators, such as fishers, bobcats, coyotes, and gray timber wolves. Law enforcement personnel found at least nine bait sites on the Sowinski property during this time period. These bait sites contained the remains of beavers and white-tailed deer, and processed meats. One of the bait sites found by law enforcement contained antifreeze in a coffee container.

Law enforcement located the following animals which died on or near these bait sites on the Sowinski property: 18 crows and ravens, three chickadees, one nuthatch, one turkey vulture, one blue jay, five coyotes, one bobcat, one skunk, one red squirrel, and three ermine. The bait at certain of these sites was analyzed by the USFWS Forensic Laboratory and found to contain the insecticide Carbofuran.

The USFWS Forensic Laboratory also examined some of the dead wildlife (22 animals), and lab personnel concluded they died as a result of ingesting Carbofuran, except for one of the chickadees, the blue jay, and the ermine. In addition, law enforcement found the remains of two bald eagles and one rough-legged hawk in another area of the property which they believed to be located near a bait site from the previous winter (2009), and in the vicinity of a deer stand used by Paul Sowinski. However, the USFWS lab was unable to confirm the presence of Carbofuran or any other poison in the two eagles, rough legged hawk, or suspected bait site.

Paul Sowinski was aware that his father was placing poison bait sites on the Sowinski property in 2010, but was not aware what chemical Alvin was using to mix with the bait material. In 2009, Paul Sowinski found two dead eagles near his deer stand and threw them in the woods. Two eagles were later recovered by law enforcement. He also admitted that he found another bald eagle, which had been placed on the prop-

erty by law enforcement as part of its investigation, and burned it in a brush pile because he did not want authorities to find it, and he did not want anyone to get into trouble.

On May 12, 2010, federal search warrants were executed by law enforcement from the Wisconsin Department of Natural Resources, Oneida County Sheriff's Department, U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service, on seven different locations on the Sowinski property in Sugar Camp, looking for evidence of wildlife poisoning on the property. Law enforcement located the following additional animals that died on or near bait sites on the Sowinski property: one bald eagle, 21 crows and ravens, four coyotes, one hawk, two songbirds, one weasel and two small unidentified mammals. Several other dead animals were found in another area, but where bait materials were not in the immediate vicinity: two bald eagles, a black bear, two ravens, and a coyote. The animals seized during execution of the search warrants were not tested in the lab, but the circumstances surrounding their deaths and location is similar to those animals found by law enforcement earlier in 2010 which tested positive for Carbofuran poisoning.

The case was investigated by EPA's Criminal Investigation Division, the Wisconsin Department of Natural Resources, and the U.S. Fish and Wildlife Service. The prosecution of this case has been handled by Assistant U.S. Attorney Peter M. Jarosz.

[Back to Defendant Summary](#)

South Carolina Man Sentenced for Knowing Endangerment by Release of Asbestos -- On August 20, 2014, **SCOTT WILLIAM FARMER**, of Anderson, South Carolina, was sentenced in federal district court for the District of South Carolina, to 41 months imprisonment and three years of supervised release for Knowing Endangerment by Release of Asbestos.



Closeup of asbestos containing material (ACM) applied to cinderblocks that had been demolished at Haynsworth Mill.

Evidence presented at the change of plea hearing established that between November 2012 and April 2013, Farmer and others working for Farmer demolished portions of Haynsworth Mill, located in Anderson, SC, in order to sell scrap metal from the building. The materials in the building contained hazardous levels of asbestos. Farmer was repeatedly warned by South Carolina Department of Health and Environmental Control to stop his demolition efforts because of the danger. Farmer continued tearing down the building and failed to take required precautions to safeguard his workers, individuals to whom he sold the metal from the Mill, and the public. On March 14, 2013, an emergency order was issued against Farmer to cease

all activities on the site due to the hazardous levels of asbestos. In April of 2013, DHEC inspectors again located Farmer and another conducting demolition work on the contaminated site.

The case was investigated by EPA's Criminal Investigation Division and the Department of Health and Environmental Control of South Carolina. It was prosecuted by Assistant United States Attorney Jamie Lea Schoen of the Greenville office.

[Back to Defendant Summary](#)



Rear view of Haynsworth Mill where steel removal operations occurred, causing asbestos to become disturbed.



The primary entrance used by defendant to conduct removal operations.

Ohio Company Owner Sentenced to More Than Two Years in Prison for Discharging Fracking Waste into River Tributary

-- On August 5, 2014, **BENEDICT W. LUPO**, of Poland, Ohio, the owner of a Youngstown, Ohio-based company, was sentenced in federal district court for the Northern District of Ohio to 28 months in prison and fined \$25,000 for violating the Clean Water Act by dumping fracking waste into a tributary of the Mahoning River. Lupo was found guilty earlier of one count of making an unpermitted discharge. The illegal dis-

charges took place more than 30 times between Nov. 1, 2012 and Jan. 31, 2013, according to court documents.

According to the indictment and related court documents, Lupo owned Hardrock Excavating LLC located in Youngstown. The company provided services to the oil and gas industry in Ohio and Pennsylvania, including the storage of brine and oil-based drilling mud used in hydrofracturing, or fracking.

On or about Nov. 1, 2012, Lupo directed employees to empty some of the waste liquid stored at the facility into a nearby wastewater drain. There were approximately 58 mobile storage tanks at the facility and each holds approximately 20,000 gallons. Lupo directed the employ-



The storm sewer outfall in which Lupo directed an employee to discharge waste liquid. The outfall ultimately flows into the Mahoning River.

ees to conduct this activity only after no one else was at the facility and only after dark. On numerous occasions over the next several months, Lupo directed employees to empty some of the waste liquid into a nearby stormwater drain using a hose. The drain flowed into a tributary of the Mahoning River and ultimately into the Mahoning River. The last time an employee emptied some of the waste liquid into the drain was on or about Jan. 31, 2013. The waste liquid that night included brine and drill cuttings. A sample of the discharge taken that night was black in color and a subsequent analysis showed the presence of several hazardous pollutants, including benzene and toluene.

The case was investigated by EPA's Criminal Investigation Division, the Ohio EPA, the Ohio Department of Natural Resources, the Ohio Bureau of Criminal Investigation, the Youngstown Department of Public Works and the Youngstown Fire Department. It is being prosecuted by Special Assistant U.S. Attorney Brad Beeson.

[Back to Defendant Summary](#)

Texas Man Sentenced to Prison in EPA Fraud Case -- On August 20, 2014, **MICHAEL G. JOHNSON**, formerly of Fort Worth, Texas, was sentenced in federal district court for the Northern District of Texas, to 28 months in federal prison and ordered to pay \$354,529 in restitution, following his guilty plea in January 2014 to felony offenses stemming from an investigation EPA into violations of the Clean Air Act. Specifically, Johnson pleaded guilty to one count of wire fraud and one count of making false statements under the Clean Air Act. He has been in federal custody since his arrest in July 2013 in the Billings, Montana area.

From 2007 through 2009, Johnson owned and operated System Launch Associates from an apartment in Fort Worth. After 2009, Johnson conducted business from Austin, Texas; Dallas, Texas; Sterling Heights, Michigan; and Miles City, Montana. Pursuant to the Clean Air Act, manufacturers are prohibited from selling a vehicle or engine that is subject to emission standards unless the vehicle or engine is covered by an EPA-issued Certificate of Conformity. System Launch purported to arrange testing of new vehicles and new vehicle engines for U.S. distributors of foreign-made vehicles. System Launch itself, however, did not perform the testing. In fact, the testing was never done, and Johnson fabricated the testing data.



Example of a vehicle owned by victim distributors. The vehicles were "tested" by Systems Launch and issued certificates of conformity. EPA officially informed the distributors that the tests were falsified and that they cannot sell them in the U.S.

Johnson instructed his clients to have the vehicles delivered to him or to a test lab he chose, instructing them to pay half of the testing/application fee to him upfront and the remainder when the testing was completed. After Johnson submitted the completed Certificate of Conformity application to the EPA, he provided a copy of the fraudulent vehicle test data to his clients.

From August 2009 through June 2012, Johnson submitted multiple Certificates of Conformity applications containing fraudulent vehicle test data to the EPA and delivered that data to more than a dozen clients. The applications Johnson submitted were approved, and the EPA issued Certificates of Conformity based on fraudulent data he provided.

The case was investigated by EPA's Criminal Investigation Division and the Texas Commission on Environmental Quality- Environmental Crimes Unit. Assistant U.S. Attorney Errin Martin was in charge of the prosecution.

[Back to Defendant Summary](#)

Alabama Pest Control Company and Its Owner Sentenced for Unlawful Application of Pesticides at Georgia Nursing Homes -- On August 27, 2014, **STEVEN A. MURRAY**, of Pelham, Alabama, and his company, **BIO-TECH MANAGEMENT INC.**, were sentenced in federal district court for the Middle District of Georgia after pleading guilty to charges of conspiracy, unlawful use of pesticides, false statements and mail fraud in connection with the misapplication of pesticides in Georgia nursing homes. Murray was sentenced to two years in prison, one year of supervised release and to pay a fine of \$7,500. Bio-Tech was sentenced to three years of probation and to pay a fine of \$50,000.

From October 2005 to June 2009, Murray and Bio-Tech provided monthly pest control services to hundreds of nursing homes in several southern states including Georgia, South Carolina, North Carolina and Alabama by spraying pesticides in and around their clients' facilities. Bio-Tech employees routinely applied the pesticide Termidor indoors, contrary to the manufacturers label instructions, and then created false service reports to conceal that illegal use. After the Georgia Department of Agriculture made inquiries regarding Bio-Tech's illegal use of Termidor and other pesticides, Murray directed several of his Bio-Tech employees to alter company service reports with the intent to obstruct the investigation.

The case was investigated by EPA's Criminal Investigation Division. It was prosecuted by Trial Attorneys Richard J. Powers and Adam Cullman of the Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division, with assistance from the U.S. Attorney's Office Middle District of Georgia.

[Back to Defendant Summary](#)



Georgia Department of Agriculture Inspector taking samples to be tested for the presence of Termidor inside the nursing homes.

Nevada Man Receives Federal Prison Sentence for Falsifying Vehicle Emissions Test Records – On August 6, 2014, **HENRY ALBERTO BATISTA**, of Las Vegas, Nevada, was sentenced in federal district court for the District of Nevada to six months in prison, three years of supervised release, and six months of home confinement for falsifying vehicle emission test results for over 1,000 vehicles.

Batista pleaded guilty in March to one count of making a false statement to a government agency. Batista's brother, Luis Batista, also pleaded guilty to making a false statement to a government agency, and was sentenced in May to time served and three years of supervised release. Luis Batista served approximately seven months in prison and is now on home confinement.

According to the plea agreement, Batista was a licensed Nevada emissions inspector. Between July 2009 and Dec. 19, 2012, while he was working for a company in Las Vegas that was licensed by the Nevada Department of Motor Vehicles to conduct emissions testing, he knowingly made false material statements, representations, or certifications in approximately 1600 records. Batista falsified emissions certificates for vehicles that could not pass the emissions tests by using substitute vehicles that would pass the test or by using a computer programmed emulator to deceive the emissions analyzer into accepting data for the vehicle that could not pass the test.

The case became a priority in 2008 when the DMV hired a contractor to build a vehicle identification database to find possible emissions testing fraud. DMV discovered that in 2008 alone, there were over 4,000 false vehicle emissions certificates issued in Las Vegas. The database allows investigators to check the vehicle identification number that the emissions tester enters against the vehicle actually tested. The Clean Air Act requires Las Vegas and the surrounding Clark County, as part of their State Implementation Plan, to have emissions testing because the area is in serious non-attainment for carbon monoxide and ozone. The Batista case presented new challenges to Nevada DMV because of the sophisticated technology used by the Batistas which allowed them to use computer software to simulate the presence of a real vehicle and transmit false information to the emissions analyzer equipment.

The case was investigated by EPA's Criminal Investigation Division, the Nevada Department of Motor Vehicles, and the FBI. It was prosecuted by Assistant United States Attorney Roger Yang and Senior Trial Attorney J. Ronald Sutcliffe of the Justice Department's Environmental Crimes Section.

[Back to Defendant Summary](#)



A photo of the emulator seized from Eddie Batista during the service of a search warrant.

Pennsylvania Company Sentenced for Improper Storage of Explosive Hazardous Waste -- On August 27, 2014, **ACTION MANUFACTURING COMPANY**, headquartered in Bristol, Bucks County, Pennsylvania, was sentenced in federal district court for the Eastern District of Pennsylvania to a five-year term of probation



Stockpiled explosive hazardous waste at Action Manufacturing's Atglen facility.

and to pay a fine of \$1.2 million for storing explosive hazardous waste illegally at its facility in Atglen, Chester County, Pennsylvania. The company agreed to install a new president and chief executive officer, and the company will comply with a schedule for disposing of the backlog of waste built up over many years. It was also ordered to pay an \$800 special assessment.

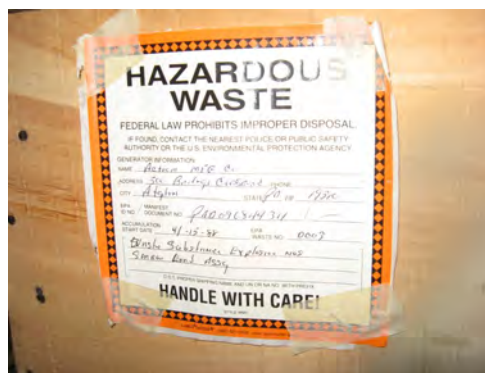
Action Manufacturing makes timing and arming devices for munitions and explosives. In its manufacturing process, Action Manufacturing mixes explosive powders, and also fills boosters, detonators and other items with explosive powders. Its production process generates explosive solid waste, and the law requires that it be disposed of in accordance with the Resource Conservation and Recovery Act. The company admitted that, instead of sending its waste to an approved treatment, storage and disposal facility, it stockpiled explosive hazardous waste at its Atglen facility without a permit. In November 2011, civil inspectors from EPA's Land and Chemicals Division and the Pennsylvania Department of Environmental Protection inspected the Atglen site, and found the illegally stored waste, including scrap parts and components that were years or even decades overdue for disposal.

The company also admitted that it violated Department of Transportation recordkeeping regulations for transporting explosive material on the public roads.

The case was investigated by the EPA's Criminal Investigations Division and the U.S. Department of Transportation Office of Inspector General. It was prosecuted by Assistant United States Attorney Elizabeth Abrams.

The case was investigated by the EPA's Criminal Investigations Division and the U.S. Department of Transportation Office of Inspector General. It was prosecuted by Assistant United States Attorney Elizabeth Abrams.

[Back to Defendant Summary](#)



Labels on boxes of explosive hazardous waste illegally stored at Action Manufacturing

Four New York Men Sentenced for Violating CAA Asbestos Work Practice Standards -- On August 19, 15, 14, and 8, respectively, four New York men were sentenced separately in federal district court for the Western District of New York for violating the Clean Air Act Asbestos Work Practice Standards. **RAI JOHNSON**, of Buffalo, New York, was sentenced to time served, 160 days, and two years of supervised release. **ERNEST JOHNSON**, also of Buffalo, was sentenced to two years of probation. **EVAN HARNDEN**, of North Tonawanda, New York, and **BRIAN SCOTT**, also of North Tonawanda, were each convicted of a misdemeanor charge of being an accessory after the fact to a false statement under the Clean Air Act, and each was sentenced to one year probation.



Aerial view of the six buildings at the Kensington Towers Apartment complex where asbestos was illegally abated. The area includes a school, hospital, and residences nearby.

Harnden and Scott were employed by JMD Environmental, Inc., as air sampling technicians and as project monitors, and were certified by the New York State Department of Health to conduct asbestos project monitor and air sampling duties. Rai Johnson and Ernest Johnson worked for Johnson Contracting of WNY, Inc., an asbestos abatement company that was hired to conduct asbestos abatement activities at six buildings at the Kensington Towers Apartment Complex, located in Buffalo, New York. Ernest Johnson was president of the company. In a pre-abatement asbestos survey, each building at Kensington Towers was found to contain 63,000 square feet of regulated asbestos containing material. The asbestos abatement project lasted from June 2009 to January 2010.

During the asbestos abatement work, the men violated the Clean Air Act asbestos work practice standards by: (i) failing to adequately wet regulated asbestos during stripping and removal operations; (ii) failing to ensure that regulated asbestos remained wetted until placed in leak-tight containers; and (iii) causing regulated asbestos to be dropped down holes cut through the floors in Building A-1. The men aided and abetted in the violations by conducting visual inspections and final clearance air sampling that indicated no violations of the asbestos work practice standards had occurred. Rai Johnson wrote in his daily project log that all asbestos-containing floor tile had been removed from the building, when in truth, all asbestos floor tile had not been removed. Thereafter, on July 7, 2009, Rai Johnson conducted a visual inspection of building A-1 for floor tile and issued a satisfactory visual inspection, when in truth, he was aware that all asbestos-containing floor tile had not been removed. In doing so, he acted as an accessory after the fact to the false statements made by the other defendants.

In addition to these men, others involved in the case include Chris Coseglia and current and former public officials responsible for certifying the project's compliance with applicable laws and regulations, including Donald Grzebielucha, William Manuszewski, and Theodore Lehmann.

The case was investigated by EPA's Criminal Investigation Division, the FBI, the U.S. Department of Housing and Urban Development, and the New York State Department of Environmental Conservation Police, BECI. Additional assistance was provided by the New York State Department of Labor, Asbestos Control Bureau. It was prosecuted by Assistant U. S. Attorney Aaron J. Mango and Russell T. Ippolito, Jr.

[Back to Defendant Summary](#)

Rhode Island Chemical Firm Admits to Violating Clean Air Act -- On August 18, 2014, **ROBERTS CHEMICAL COMPANY, INC.**, pleaded guilty in federal district court for the District of Rhode Island to violating the Clean Air Act by failing to develop and implement a Risk Management Plan to minimize the chance of release of ethyl ether from its former Pawtucket, R.I., facility, and to protect workers, the community and emergency and first responders in the event of a release or fire involving ethyl ether. EPA regulations require a company's Risk Management Plan include a "worse case" response plan.

Roberts Chemical Company, Inc., now located in Attleboro, Mass., is in the business of storing, distributing and repackaging chemicals, some of which are designated as extremely hazardous. Ethyl ether is a volatile, extremely flammable liquid chemical. EPA regulations require facilities storing more than 10,000 lbs. of ethyl ether to develop and implement a Risk Management Plan. An investigation by EPA determined that in November and December 2008, Roberts Chemical Company, Inc. failed to develop and implement a Risk Management Plan while storing 27,467 lbs. of ethyl ether at their former facility at 258 Pine Street in Pawtucket.

The guilty plea was announced by the United States Attorney's Office in Rhode Island and EPA's Criminal Investigation Division Boston Area Office. A plea agreement filed with the court stipulates that at sentencing the Government and Roberts Chemical Company, Inc. will recommend the court impose a fine of \$200,000. In addition, according to the plea agreement, Roberts Chemical Company, Inc. is required to issue a public apology.

[Back to Defendant Summary](#)



Stored Chemicals identified in an EPA Inspection at Roberts Chemical Company.

Pennsylvania Man Pleads Guilty to Falsifying Certifications Related to Plugging Abandoned Oil Wells -- On August 25, 2014, **RONALD A. WRIGHT**, of Pleasantville, Pennsylvania, pleaded guilty in federal court to a charge of making false statements in matters relevant to permits issued under the Safe Drinking Water Act. Sentencing is scheduled for December 22, 2014. The law provides for a total sentence of five years in prison, a fine of \$250,000, or both. Under the Federal Sentencing Guidelines, the actual sentence imposed is based upon the seriousness of the offense and the prior criminal history, if any, of the defendant.



The photograph is well WT 3775, Lot 11, #18, located in Highland Township, Elk County, PA. It was plugged and abandoned on December 6, 2006. Ron Wright certified this well to have a bottom cement plug at 2,295 feet. S&T Services re-drilled the well and determined that the well was an open hole from 910 feet to bottom. This is one of 95 wells that were plugged by Ron Wright in the Allegheny National Forest, and one of several known wells to have been plugged incorrectly and falsely certified.

In connection with the guilty plea, the court was advised that between in and around September 2009, to in and around April 2011, Wright falsified certificates of well plugging, falsely claiming that he had properly plugged abandoned oil wells, when he had not properly done so. These forms were relied upon by the EPA in regard to permits issued for Class II injection wells. These injection wells were to be used for the injection of oil production brine fluid and for the enhanced recovery process of oil extraction.

The approval process for these injection wells required all abandoned wells within a quarter mile of the injection well site to have first been properly plugged. On January 12, 2012, EPA in-

spectors were on site to conduct a mechanical integrity test of the injection well when it was discovered that injected fluid had entered the bottom of an abandoned well because it had not been properly plugged to the bottom. According to the information presented in court, further investigation revealed that many of the wells that were plugged by Wright were not plugged as he claimed in the certificates of well plugging. In some instances, the certificates of well plugging falsely claimed that wells were properly plugged at depths greater than 2,000 feet when, in fact, the wells were only plugged at depths of less than 1,000 feet. According to the information presented in court, the discovery of Wright's falsification of the plugging reports has required the re-inspection, and likely re-drilling and re-plugging, of 95 wells.

The case was investigated by EPA's Criminal Investigation Division, the Pennsylvania Office of Attorney General – Environmental Crimes Section, and the U.S. Forest Service – Law Enforcement and Investigations. It is being prosecuted by Assistant United States Attorney Marshall J. Piccinini.

[Back to Defendant Summary](#)

Dumper of Deadly Cyanide Pleads Guilty in California Case -- On August 12, 2014, **RAUL ANTONIO GONZALEZ LOPEZ** pleaded guilty in federal district court for the Southern District of California to the illegal disposal



The emergency response, including the Hazardous Incident Response Team, the day they found the hazardous waste at the Miramar Landfill.

of hazardous waste. In pleading guilty, Gonzalez Lopez admitted that on March 12, 2011, he drove to We Lend More, a business located in National City, California, to pick up trash. As he was aware, the trash included containers of acid and potassium cyanide. Gonzalez Lopez further admitted that on March 13, 2011, he dumped the trash from We Lend More at the Miramar Landfill, including containers of nitric acid and potassium cyanide, which are federally regulated hazardous wastes. The Miramar Landfill does not possess a permit that would allow it to accept federally regulated hazardous waste for disposal. Gonzalez Lopez was arrested on January 14, 2014, in Mexico and extradited to the United States to face these charges. On July 16, 2014, Gonzalez Lopez appeared in court in San Diego.

According to court documents, Joe Lowry, chief scientist for EPA, advised that when combined, potassium cyanide and acids produce a deadly hydrogen cyanide gas. One breath of pure hydrogen cyanide gas would be enough to kill a person, and 50 parts per million (ppm) of hydrogen cyanide is the level that has been determined to be immediately dangerous to life or health. Lowry viewed the evidence from the case and prepared a dispersion model showing the threat area where the concentration of hydrogen cyanide is greater than or equal to 50 ppm, as

suming a wind of 3 mph. The zone extends approximately 71 yards from the initial point of combination, and anyone within 30 yards when the chemicals combined could have been killed instantly.

In February of 2011, We Lend More and its owner, Marc Vogel, were convicted of aiding and abetting the illegal transportation and disposal of hazardous waste, following a jury trial. The evidence adduced at trial indicated that the acid (in a breakable glass bottle) and cyanide (in aged plastic containers) were disposed of together in the same cardboard box, which was dumped at the landfill. Because the landfill operators use heavy equipment on a regular basis to compact the face of the landfill, such activity would be expected to cause the containers to break and the chemicals (in the same box) to combine, posing grave risk to the landfill operator and anyone else within 30 yards (such as other landfill personnel or customers).



Some of the hazardous waste recovered at the Miramar Landfill, including Nitric Acid and Potassium Cyanide.

[Back to Defendant Summary](#)

New Jersey Man Indicted in Connection with Asbestos Removal -- On August 26, 2014, **RONEN BAKSHI**, of Voorhees, New Jersey, was charged today by indictment in connection with the removal of asbestos-containing material from a former church located in Philadelphia. Bakshi is charged with one count of falsifying records to obstruct or impede the investigation of a matter within the jurisdiction of EPA and one count of wire fraud.

According to the indictment, on or about April 23, 2009, Bakshi submitted a bill to his client, Siloam, via e-mail covering his charges for March 9 through April 23, 2009. The bill totaled \$34,910, and included charges for time that Bakshi claimed that he or his employees had performed asbestos project inspector duties at the church, including taking air samples. According to the indictment, Bakshi made up log book entries and sampling data to correspond with the bill, making it appear that Bakshi had worked at the church on those days monitoring the work of the asbestos abatement contractor when he knew that neither he nor his employees had been present.

If convicted of all charges, Bakshi faces a maximum possible statutory sentence of 40 years in prison, a fine of up to \$500,000, and possible restitution.

The case was investigated by EPA's Criminal Investigation Division, with assistance from the city of Philadelphia's Air Management Services office. The case is being prosecuted by Special Assistant United States Attorneys Martin Harrell and Patricia C. Miller from EPA.

An indictment is an accusation. A defendant is presumed innocent unless and until proven guilty.

[Back to Defendant Summary](#)