



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. To subscribe to this monthly bulletin you may [sign up for email alerts](#) on our publications page.

April-May, 2017

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New Jersey Feedstock Processor Sentenced to Five Years in Prison for Conspiracy to Commit Biofuel Fraud — Employee Sentenced for Destroying Documents

The owner of a New Jersey feedstock collector and processor was sentenced on April 7, 2017 for his role in a scheme that generated over \$7 million in fraudulent tax credits and renewable fuels credits (RIN credits) connected to the purported production of biodiesel fuel, as well as his subsequent attempts to obstruct a Grand Jury investigation into the fraud.

Malek Jalal, 52, was sentenced to 60 months in prison to be followed by three years of supervised release. He was also sentenced to pay \$1,017,087 in restitution, and a \$12,500 fine.

Acting Assistant Attorney General Jeffrey H. Wood for the Department of Justice's Environment and Natural Resources Division, U.S. Attorney Benjamin C. Glassman for the Southern District of Ohio, Acting Special Agent in Charge Frank S. Turner II for the Internal Revenue Service Criminal Investigation, and Acting Special Agent in Charge John Gauthier of EPA's Criminal Enforcement Program in Ohio announced the sentence handed down today by Senior U.S. District Court Judge James L. Graham.

The RFS program is a national policy, authorized under the Energy Policy Act of 2005 and expanded under the Energy Independence and Security Act of 2007, which requires a certain volume of renewable fuel to be produced to replace or reduce the quantity of petroleum-based transportation fuel, heating oil or jet fuel. Tax credits incentivize businesses to produce renewable fuel like biodiesel.

Jalal, who owned Unity Fuels of Newark, New Jersey, engaged in a scheme with other co-conspirators to fraudulently claim tax credits and RIN credits multiple times on the same fuel... Letona helped destroy documents following receipt of the subpoena

produced to replace or reduce the quantity of petroleum-based transportation fuel, heating oil or jet fuel. Tax credits incentivize businesses to produce renewable fuel like biodiesel.

According to his plea, Jalal, who owned Unity Fuels of Newark, New Jersey, engaged in a scheme with other co-conspirators to fraudulently claim tax credits and RIN credits multiple times on the same fuel. Jalal did this by buying fuel from a New York-based company, blending it with other materials, and selling it back to the same New York-based company.

Jalal also admitted to obstruction of justice. According to his plea, Jalal knowingly modified and destroyed records after receiving a Grand Jury subpoena from the Southern District of Ohio. Jalal also directed an employee of Unity Fuels to fabricate false records that were provided to the Grand Jury in an attempt to hide the fraud scheme.

On May 12, 2017 William Letona was sentenced to six months' community confinement, followed by six months' home detention, and three years' supervised release. He also will perform 100 hours of community service. Letona previously pleaded guilty to conspiring to obstruct a grand jury investigation. In June 2014, after Jalal was served a subpoena *duces tecum*—a subpoena to produce pertinent documents, Letona helped Jalal destroy documents.

"Unlawful acts like those at issue in this case defraud the U.S. Government, harm American taxpayers and consumers, and undermine energy and environmental laws enacted by Congress," said Acting Assistant

Attorney General Wood. "As today's plea demonstrates, the Department of Justice will continue to pursue and prosecute those who seek to line their own pockets through RFS fraud."

"Environmental programs are not immune from fraud," U.S. Attorney Glassman said. "The surest way to deter this and all fraud is to catch the criminal and ensure that he is punished for the crime. That's what we're doing here."

"At the IRS, protecting taxpayer money is a matter we take extremely seriously. An integral part of the agency's mission involves detecting and catching those who claim fraudulent tax credits," stated Frank S. Turner II, Acting Special Agent in Charge, IRS Criminal Investigation, Cincinnati Field Office. "The object of these schemes is to defraud the government and the taxpaying public."

"Violations of renewable fuels laws can have serious impacts on the marketplace and hurt companies that play by the rules," said Larry Starfield, Acting Assistant Administrator for the Office of Enforcement and Compliance Assurance at EPA. "EPA and its law enforcement partners are committed to ensuring a level playing field for businesses that follow the rules by pursuing those who blatantly violate the law."

Assistant Attorney General Wood and U.S. Attorney Glassman commended the cooperative investigation by law enforcement, as well as the Department of Justice Trial Attorneys who represented the United States in this case.

Willmax Capital Management, Inc. and a Senior Corporate Manager Sentenced for Charges Related to Illegal Asbestos Release

Willmax Capital Management, Inc. (Willmax Capital) and a senior corporate manager John Tom Williams, of Dallas, Texas, were sentenced May 19, 2017 by Senior U.S. District Court Judge Lewis T. Babcock for crimes related to an illegal release of asbestos during a renovation project at a Willmax Capital-managed residential complex known as The Overlook at Mile High at 3190 West 14th Avenue in Denver, Colorado. The release, which affected more than a hundred individuals, occurred in early 2014.

Willmax Capital was ordered to spend 5 years on probation. Chief Judge Babcock ordered that as a condition of probation, the company must pay for and comply with a medical monitoring program for individuals who were exposed to asbestos as a result of the offense. The program will be conducted at National Jewish Health in Denver.



The judge will hold a hearing on August 7, 2017, to determine the amount of restitution the corporation must pay. Williams was sentenced to serve 8 months in federal prison, followed by 1 year on supervised release. Williams was also ordered to pay a \$100,000 fine.

The sentences were announced by the U.S. Attorney's Office and the Environmental Protection Agency (EPA) Office of Criminal Investigations.



Asbestos dust covering items inside apartments

Willmax Capital Management was charged on November 16, 2016, with violating an EPA rule requiring it to inspect facilities for asbestos prior to renovation. Williams was charged the same day with negligently releasing asbestos into the air and thereby negligently placing other persons in imminent danger of death or serious bodily injury. The defendants entered guilty pleas to those counts on December 14, 2016.

According to the stipulated facts in the defendants' plea agreements, Willmax Capital failed to conduct an inspection to determine whether asbestos was present before starting the renovation. Williams's plea agreement described him as the ultimate decision-

maker for renovation activities at the Overlook, including the abatement of asbestos-containing materials, and noted that his subordinates relied on him to alert them when such activities might disturb asbestos.

"EPA did an exceptional job with this investigation and, together with our prosecutor, crafted a resolution that properly punishes dangerous activity at the same time it brings tangible relief to the real people who suffered the asbestos exposure," said Acting U.S. Attorney Bob Troyer.

"The defendants' negligence in this case exposed more than 100 people to asbestos and jeopardized their health and safety," said Special Agent in Charge Jeffrey Martinez, who oversees EPA's Criminal Enforcement

Program in Colorado. “This plea agreement was negotiated to provide the victims with restitution and medical assistance they would not otherwise have received, and this case serves as a warning that violating rules that protect against public endangerment can have serious consequences.”

This case was investigated by EPA’s Criminal Investigation Division and was prosecuted by the U.S. Attorney’s Office’s Economic Crimes Section, part of the Criminal Division.

Two Individuals and Company Plead Guilty to Violations of Clean Air Act Involving Asbestos

On May 15, 2017, Sean P. Doctor, of Buffalo, NY pleaded guilty to making a false statement under the Clean Air Act. The charge carries a maximum penalty of two years in prison and a fine of \$250,000. Raj Chopra, 53, of Grand Island, NY, pleaded guilty to accessory after the fact to a false statement under the Clean Air Act, which carries a maximum penalty of one year in prison and a fine of \$125,000. Chopra's company, Comprehensive Employee Management, (CEM), located on Grand Island, pleaded guilty to making a false statement under the Clean Air Act. That charge carries a maximum penalty of five years' probation and a \$500,000 fine.

CEM, an environmental consulting company located on Grand Island provided consulting services to Sean Doctor and his asbestos abatement company, SD Specialty Services, LLC. Pursuant to federal regulations, all owners or operators of an asbestos abatement project regulated under the Clean Air Act, must maintain a waste shipment manifest to include the name of the owner/operator; the name of the generator; and the date the asbestos was transported. The information enables the Environmental Protection Agency's, which enforces the Clean Air Act and associated regulations, to properly and timely investigate suspected violations of the Clean Air Act.

From December 2009, to January 2010, employees of SD Specialty performed asbestos abatement work at the Roosevelt Park Shelter in Buffalo, which was subject to regulations of the Clean Air Act. During the project, S.D. Specialty employees removed asbestos from the Roosevelt Park Shelter and transported the material to a waste container at CEM on Grand Island.

On March 11, 2010, Sean Doctor and CEM executed an asbestos waste manifest which falsely indicated that asbestos had been transported to CEM from the Roosevelt Park Shelter on that date. In fact, the asbestos had been transported to, and stored at the Grand Island location prior to March 11, 2010. As such false statement was included in the shipping manifest created when a local waste disposal company retrieved the waste container at CEM on March 11, 2010, such false statement became part of a record required to be maintained under the Clean Air Act.

In addition, on April 28, 2011, an inspection of the Roosevelt Park Shelter revealed asbestos was improperly left behind by employees of SD Specialty.

The plea is the result of an investigation by EPA's Criminal Investigation Division, and Investigators of the New York State Department of Environmental Conservation Police. Additional assistance was provided by the New York State Department of Labor, Asbestos Control Bureau. Sentencing is scheduled for August 28, 2017.



Asbestos-containing material left on ground outside Doctor's office

Gas Station Operator Pleads Guilty in Mississippi to Discharge of Hazardous Pollutant into City Sewage Treatment System

On May 3, 2017, Mahant Singh, operator of a convenience store and gas station in Yazoo City, Mississippi, pleaded guilty to a criminal violation of the Clean Water Act. Singh admitted to discharging the contents of an underground fuel storage tank into a sewage line connected to the Yazoo City wastewater treatment system, which created a fire or explosion hazard and risked contaminating local water supplies, announced Acting Assistant Attorney General Jeffrey H. Wood for the U.S. Department of Justice Environment and Natural Resources Division and Acting U.S. Attorney Harold Brittain for the Southern District of Mississippi.

As charged in the criminal information, at the end of April 2016, water from rainstorms leaked into one of the underground gasoline storage tanks at the 49 Quick Stop though an inadequately maintained tank cap. The presence of water in the fuel storage tank triggered an automatic shut off, preventing the dispensing of gasoline. When there had been a similar water leak into a Quick Stop tank about a year earlier, in March 2015, defendant Singh arranged for a commercial tank service company to remove the water and gasoline mixture from his tank and to dispose of it properly, by separating the water and gasoline.

Instead of removing the gasoline and water mixture from his tank, as he had a year earlier, on or about April 28, 2016, defendant Singh pumped some of the content of the contaminated Quick Stop tank into an opening in the sewage line. Singh did so by extending a hose to the bottom of the tank where water might collect underneath the lighter gasoline. The other end of the hose he placed into the sewer pipe. Singh turned on a pump connected to the hoses, forcing liquid from the tank into the sewer line while he waited on customers at the Quick Stop store. In so doing, defendant Singh discharged liquid from the gasoline storage tank into the Yazoo City wastewater treatment system, thereby negligently introducing a pollutant into the system which created a fire or explosion hazard.

“The unpermitted discharge of gasoline-laden water into a community’s water treatment system is illegal, dangerous, and can also place the health of the community at risk,” said Acting Assistant Attorney General Wood. “These Clean Water Act charges, along with the guilty plea, should send a strong message that these unlawful acts, which place the public at risk, harm the environment, and damage local infrastructure, will not be tolerated.”

“We are fortunate that the illegal disposal of contaminated gasoline did not cause an explosion or injury,” said Director Chris Sanders of the Mississippi Department of Environmental Quality’s (MDEQ) Office of Pollution Control. “A quick response by Yazoo City and MDEQ officials to identify the source of the discharge limited the risk of harm to the public and to the city’s sewage treatment system. However, numerous buildings, including a school, had to be evacuated when gasoline fumes were detected in several areas throughout the city. Cooperation between EPA’s Criminal Investigation Division and MDEQ to this illegal disposal was essential to these charges announced today. The State of Mississippi, through MDEQ, works closely with EPA in pursuing criminal enforcement of pollution prevention statutes.”

Federal law authorizes a Class A misdemeanor under the Clean Water Act for any person who negligently introduces into a publicly owned treatment works any pollutant or hazardous substance which the defendant

person knew or reasonably should have known could cause personal injury or property damage or to introduce into the system any material other than in compliance with all applicable Federal, State, or local requirements or permits. Under the Clean Water Act, defendant Singh faces up to one year in prison; a term of supervised release of not more than five years; and a fine of up to \$100,000. Sentencing is scheduled for July 17, 2017.

Acting Assistant Attorney General Wood and Acting U.S. Attorney Brittain commended the efforts of the Environmental Protection Agency and state regulatory agencies for their diligent work in the investigation of this matter.

Former CEO Pleads Guilty for Role in Actions Leading to Explosion which Injured Employees and First Responders

Douglas Brian Edwards pleaded no contest on April 14, 2017 to misdemeanor violations for improperly storing incompatible chemicals, failing to provide proper personal protective devices to employees, and failing to update a hazardous materials inventory. Edwards was the former chief executive officer and chairman of the board of Santa Clara Waste Water Company (SCWWC) and Green Compass Environmental Solutions LLC. He was indicted for his role in events uncovered by the investigation into the explosion that occurred on November 18, 2014, at the SCWWC facility located at 815 Mission Rock Road, Santa Paula. The investigation revealed the blast was caused by the mixing and disposal of hazardous chemicals into a vacuum truck not rated to transport chemicals. Numerous employees, first responders, and others were injured either by the explosion or by inhaling toxic vapors which developed onsite shortly afterwards.



Explosion at SCWCC facility in Santa Paula, California

In November 2015, a search warrant was conducted at the SCWWC facility in Santa Paula which led to the discovery of approximately 5,500 gallons of sodium hydroxide, also known as Petromax, stored within a locked shipping container. This chemical was required by law to be reported into the California Environmental Reporting System (CERS), yet company officials had not reported their possession of Petromax since 2013. As CEO, Edwards was directly involved in acquiring the 5,500 gallons of Petromax on behalf of SCWWC.

Edwards was placed on three years' probation and ordered not to be employed by any company that performs environmental services in California. In addition, Edwards paid \$350,000 in restitution at the time of his plea. The Ventura County District Attorney's Office and California Attorney General's Office will coordinate the distribution of funds to victims.

Saltwater Disposal Well Operator Pleads Guilty to Multiple Felony Charges in Connection with Operation of Well

On April 12, 2017, Jason A. Halek of Southlake, Texas, pleaded guilty in federal court in Bismarck, North Dakota, to three felony charges stemming from the operation of a saltwater disposal well near Dickinson, in Stark County, North Dakota, the Justice Department announced. Halek pleaded guilty to three counts of violating the Safe Drinking Water Act.

The well, named the Halek 5-22, received “produced water” constituting “brine and other wastes” commonly and generically referred to as “saltwater.” “Saltwater” in this context covers a wide array of drilling waste fluids, including hydraulic fracturing fluid, which is water combined with chemical additives such as biocides, polymers and “weak acids.”

According to an agreed upon factual statement filed in court, Halek admitted to injecting saltwater into the well without first having the state of North Dakota witness a test of the well’s integrity, which is necessary to protect drinking water. Halek also admitted injecting fluids down the “annulus” or “backside” of the well in violation of the well’s permit which required that fluids be injected through the tubing. Finally, Halek also admitted to failing to provide written notice to the state of the date of first injection into the well.

Previously, on Sept. 26, 2014, Nathan R. Garber pleaded guilty to various charges related to the operation of the well. Sentencing for Halek and Garber is scheduled for July 31, 2017.

The case was investigated by the U.S. Environmental Protection Agency’s Criminal Investigation Division. Significant cooperation was provided by the State of North Dakota and the North Dakota Industrial Commission (NDIC). The case is being prosecuted by the United States Attorney’s Office for the District of North Dakota and the Environmental Crimes Section of the Justice Department’s Environment and Natural Resources Division.

Captain Pleads Guilty to Clean Water Act Violation after Failure to Report Diesel Fuel Spill

On May 16, 2017, Mark Bowers pleaded guilty to a negligent violation of the Clean Water Act for failing to report the discharge of oil into waters of the United States.

Bowers is the captain of the *F/V Emerald Sea*. The boat was moored at the commercial fishing vessel docks on the east bank of the Skipanon River in Oregon, which is a navigable tributary of the Columbia River. In the early morning hours of August 29, 2016, while moored and transferring fuel between two tanks, the vessel



spilled approximately 150 gallons of diesel fuel into the river, leaving an expansive and visible sheen. Crew members advised Bowers of the spill when he arrived that morning, but he did not disclose or report the spill to federal authorities until confronted by U.S. Coast Guard investigators approximately three hours after the *Emerald Sea* left the dock.

This case was investigated by the U.S. Coast Guard and the EPA's Criminal Investigation Division.

Hazardous Waste Company , Owner, And Employees Indicted For Illegally Abandoning Hazardous Waste In Trailers

A Charlotte, North Carolina hazardous waste company, its owner, and two employees were indicted on May 17, 2017 for illegally abandoning more than 10,000 gallons of liquid hazardous waste and more than five tons of solid hazardous waste in trailers on the company's property in Charlotte.

The criminal bill of indictment was returned by a grand jury which charged Parts Cleaning Technology of North Carolina (PCT), its owner, David Russ Crandell of Novi, Michigan, and two employees, Timothy Michael Connelly of Concord, N.C. and Vincent Edward Peters, Sr. of York, SC, with one count of conspiracy to illegally store hazardous waste, one count of illegal storage of hazardous waste without a permit, and one count of illegal storage of hazardous waste in violation of a permit. Connelly and Peters are also each charged with making false official statements to regulators.

According to allegations contained in the indictment, PCT, was a business engaged in the collection and transportation of hazardous waste in Charlotte, N.C. From at least as early as in or about 2011, the defendants allegedly stored hazardous waste on unpermitted trailers on PCT's property at 3114 and 3124 Cullman Avenue, in Charlotte. The indictment alleges that the defendants had ongoing difficulty paying the disposal companies, which were refusing to accept hazardous waste from PCT. As alleged in the indictment, on July 7, 2014, PCT was evicted from the Cullman Avenue facilities, the defendants did not remove the hazardous waste and did not notify anyone that the waste had to be removed.

The indictment also alleges that on August 19, 2015, North Carolina State regulators executed a search warrant and located hazardous waste for which 43 customers had paid PCT for disposal. The indictment further alleges that regulators also located hazardous waste in the building located at 3124 Cullman Avenue, which was not permitted to store any hazardous waste. It is also alleged that over the course of the criminal conduct, defendants Connelly and Peters made false official statements to regulators about the contents of the trailers.

The conspiracy charge carries a maximum sentence of five years of imprisonment and a fine of \$250,000. The RCRA violations carry a maximum sentence of five years of imprisonment and a fine of \$50,000 per day of violation. The false official statements charges carry a maximum sentence of five years of imprisonment and a fine of \$250,000.



55-Gallon drums of hazardous waste stored in trailer

The U.S. Attorney thanked EPA's Criminal Investigation Division and The North Carolina State Bureau of Investigation for leading the investigation. The Assistant U.S. Attorney's Office in Charlotte, NC is in charge of the prosecution.

An indictment is only a charge and is not evidence of guilt. The defendants are presumed innocent and are entitled to a fair trial at which the government must prove them guilty beyond a reasonable doubt.



Owners of Biofuels Company Indicted on Conspiracy and False Statement Charges

A Pennsylvania biofuel producer and two of its officers were indicted on May 4, 2017 for conspiracy and false statements charges for participating in a scheme that generated over \$10 million in U.S. Environmental Protection Agency (EPA) renewable fuels credits (RIN credits) at Keystone Biofuels, Inc., a company that purported to produce and sell biodiesel for use as transportation fuel.

Ben Wootton, 52, of Enola, Pennsylvania; Race Miner, 48, of Buena Vista, Colorado; and Keystone Biofuels, Inc. were indicted by a grand jury in Harrisburg, Pennsylvania yesterday, announced U.S. Attorney Bruce D. Brandler for the Middle District of Pennsylvania, Acting Assistant Attorney General Jeffrey H. Wood for the Department of Justice's Environment and Natural Resources Division, Acting Special Agent in Charge Jennifer Lynn for the Philadelphia Office of the EPA's Criminal Investigation Division, and Acting Special Agent in Charge Steven L. McQueen of the FBI's Philadelphia Field Office.

According to the indictment, Wootton and Miner were co-owners of Keystone Biofuels, Inc. located in Shiremanstown, Pennsylvania and later in Camp Hill, Pennsylvania. Wootton, serving as President of Keystone Biofuels and Miner, serving as Chief Executive Officer, are alleged to have participated in a scheme with other coconspirators to fraudulently claim RIN credits on non-qualifying renewable fuel. Although the credits required that the fuel pass standards set by the American Society for Testing and Materials (ASTM), the fuel produced by Keystone did not meet this standard, the grand jury alleges, and was placed into commerce despite being "off-spec." The conspirators also allegedly generated fraudulent documentation and manipulated samples to be sent to laboratories for testing as part of their scheme. Keystone, Wootton and Miner also allegedly made false entries into an EPA tracking system in violation of the Clean Air Act.

The crime of conspiracy is punishable by up to five years in prison. The crime of False Statements is punishable by up to five years in prison. A fine of up to \$250,000 for an individual and \$500,000 for a corporation may also be imposed.

Under the Federal Sentencing Guidelines, the Judge is also required to consider and weigh a number of factors, including the nature, circumstances and seriousness of the offense.

The investigation was conducted by the EPA's Criminal Investigation Division and FBI Investigators, and is being prosecuted by DOJ attorneys.

An indictment is only a charge and is not evidence of guilt. The defendants are presumed innocent and are entitled to a fair trial at which the government must prove them guilty beyond a reasonable doubt.

Cabool Business Owner Indicted for Dumping Grease into Big Piney River

SPRINGFIELD, Mo. – Tom Larson, Acting United States Attorney for the Western District of Missouri, announced that a Cabool, Mo., man and his grease recycling company were indicted by a federal grand jury today for violating the Clean Water Act by dumping grease into the Big Piney River.

Brian Dale Fleming, 50, of Cabool, and BF Byproducts, LLC, were charged in an indictment returned by a federal grand jury in Springfield, Mo.

BF Byproducts (formerly Fleming Recycling) is a grease-recycling business owned by Fleming. BF Byproducts uses trucks to collect used grease from hundreds of restaurants in Missouri, Arkansas and elsewhere. The grease is transported to the Cabool facility, where it is recycled for resale and a profit.

BF Products and Fleming allegedly discharged spent cooking oil, a pollutant, into the Big Piney River in March and April 2015.

Larson cautioned that the charge contained in this indictment is simply an accusation, and not evidence of guilt.

This case is being prosecuted by Assistant U.S. Attorney Abram McGull II. It was investigated by the Environmental Protection Agency – Criminal Investigation Division, the U.S. Coast Guard, the Missouri Department of Natural Resources, the Texas County, Mo., Sheriff's Department and the Cabool, Mo., Police Department.



Wastewater spill

An indictment is only a charge and is not evidence of guilt. The defendants are presumed innocent and are entitled to a fair trial at which the government must prove them guilty beyond a reasonable doubt.