



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. Unless otherwise noted, all photos are provided by EPA-CID.

June—July 2018

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DYNO-NOBEL, INC. ORDERED TO PAY \$250,000 FOR FAILING TO NOTIFY FEDERAL AUTHORITIES OF ANHYDROUS AMMONIA DISCHARGES

On June 4, 2018, Dyno Nobel, Inc., the owner of a urea plant near St. Helens, Oregon, was ordered to pay \$250,000 for violating the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Dyno Nobel pleaded earlier to a series of large-scale ammonia discharges in July and August 2015. Dyno Nobel will also serve a two-year term of probation for the class-E felony.

discharged more than six tons of anhydrous ammonia vapor—a hazardous substance—into the air over the course of a three-day period

According to Dyno Nobel's plea agreement with the government, the company's St. Helens plant discharged more than six tons of anhydrous ammonia vapor—a hazardous substance—into the air over the course of a three-day period starting on July 30, 2015. A subsequent investigation revealed that several failed attempts to restart the urea plant had caused a series of massive discharges from the facility, triggering numerous complaints of foul odors, eye irritation, and difficulty breathing from citizens of nearby Columbia City, Oregon.

Although Dyno Nobel personnel knew that excessive ammonia emissions were occurring, no effort was made to alert the authorities at the National Response Center until August 7, 2015—more than a week after the first discharge. Federal law requires such reports to be made “immediately.”

Dyno Nobel, Inc. is a Delaware corporation and wholly owned subsidiary of IPL Group. The company previously pleaded guilty to the violation on February 23, 2018.

This case was investigated by EPA's Criminal Investigation Division and prosecuted by the U.S. Department of Justice.

Biodiesel Fuel Company Pleads Guilty to Releasing Over 45,000 Gallons of Wastewater Into the Arthur Kill

Fuel Bio One LLC, an Elizabeth, New Jersey, biodiesel fuel company pleaded guilty on June 5, 2018, to one count of violating the Clean Air Act after discharging over 45,000 gallons of wastewater from its commercial biodiesel fuel production into the Arthur Kill, a narrow waterway that separates New Jersey from Staten Island, New York.

According to court documents, Fuel Bio One generated wastewater that included methanol, biodiesel and other contaminants, as a byproduct of its biodiesel fuel production at its Elizabeth, New Jersey, plant. On September 6, 2013, and November 9, 2013, employees of Fuel Bio One released a total of approximately 45,000 gallons of wastewater into a storm water pit at the Elizabeth plant, causing the pump to operate and, as a result, wastewater to be discharged into the Arthur Kill. A representative of Fuel Bio One admitted to this conduct in court.

Fuel Bio One has agreed, as part of its plea agreement, to pay \$100,000 and to be placed on a probationary term of five years. During the probation, the company will be required to provide to the court biannual reports of any waste it generates and the steps taken to properly dispose of such waste. Fuel Bio One will also be required to develop an employee training program to ensure that all storage, treatment and disposal of wastewater complies with the Clean Water Act and any other applicable laws. The company will also be required to provide the U.S. Environmental Protection Agency full access to all offices, warehouses and facilities.



“Staten Island Sound (also known as the Arthur Kill) is a vital waterway running between New Jersey and Staten Island. Once heavily polluted and nearly devoid of marine life, this waterbody is making a comeback and again provides habitat to many species of fish and wildlife,” said Acting Assistant Attorney General Jeffrey H. Wood for the Justice Department’s Environment and Natural Resources Division. “Illegal dumping of pollution into the Sound not only violates federal law, but also threatens the environmental recovery of this historic marine channel, which is important to New Yorkers and New Jerseyans alike. The Justice Department will continue to work closely with EPA Criminal Investigation Division to prosecute illegal actions like those in this case.”

“Protecting the environment and our natural resources is one of the many ways this office works to keep New Jersey safe for everyone,” said U.S. Attorney Carpenito for the District of New Jersey. “Today’s prosecution and guilty plea ensures that Fuel Bio One will be punished for its past crimes, and the plea agreement puts into place a plan to make sure they don’t pollute our waterways in the future.”

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“Fuel Bio One undercuts a level playing field when they illegally discharge polluted wastewater into the Arthur Kill without any regulatory approval,” said Special Agent in Charge Tyler Amon of EPA’s Criminal Investigation Division in New Jersey. “This judicial action demonstrates EPA’s commitment to protecting New Jersey’s environment and ensuring that all companies play by the rules to keep pollutants from the state’s natural resources.”

The case was investigated by EPA’s Criminal Investigation Division and prosecuted by the U.S. Attorney’s Office Health Care and Government Fraud Unit in Newark and the Environmental Crimes Section of the United States Department of Justice.



Explo Vice President Pleads Guilty to Conspiracy Charge

On June 14, 2018, Explo Systems Inc. Vice President, William Terry Wright, 64, of Bossier City, Louisiana, pleaded to a criminal conspiracy at Camp Minden that led to an explosion.

Explo Systems Inc. is a private company whose primary business operation involved the demilitarization of military munitions and the subsequent resale of the recovered explosive materials for mining operations. According to the guilty plea, Wright was the vice president of operations at Explo and oversaw the demilitarization operations.

The U.S. Army awarded Explo a contract on March 24, 2010 to dispose of 450,000 155mm artillery propelling charges designated as M119A2 for \$2,902,500. The Army and Explo officials later amended

the contract on March 6, 2012 to dispose of 1,350,000 propellant charges for \$8,617,500. The contract required Explo to properly store and dispose of the demilitarized M6 propellant, which is a solid, granular, explosive material. The contract also required Explo to document the sale of the demilitarized M6 propellant by completing an End User Certificate (EUC). On the EUC, the purchaser of the demilitarized M6 propellant certified the purchase and compliance with applicable federal laws. Once the EUCs were certified, Explo submitted the EUCs to the Army.



Wright and other Explo officials and representatives conspired from January 2010 to November 2012 to defraud the United States by submitting false EUCs to the U.S. Army Joint Munitions Center (JMC) to dispose of hazardous waste at unpermitted facilities and improperly store explosives. This caused the government to pay money to the conspirators to which they were not entitled. They also moved and improperly stored M6 propellant in order to prevent government officials from discovering the improperly stored M6 propellant. Wright and others also instructed lower-level employees to hide and conceal improperly stored demilitarized M6 propellant and reactive hazardous waste from government officials during inspections.

Additionally, from June 2011 and continuing to October 2012, Explo officials submitted false EUCs to the JMC showing sales of demilitarized M6 propellant to third parties, when the sales did not occur. Explo officials, including Wright, also did not inform or notify the third-party EUC certifiers that Explo would submit the executed EUCs to the JMC as proof of sale of demilitarized M6. Wright submitted and caused to be submitted EUCs with forged and or fabricated signatures. The submission of false EUCs further concealed Explo's inability to perform the requirements of the contract.

On October 15, 2012, an explosion occurred at a munitions storage igloo on Camp Minden. The explosion

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contained approximately 124,190 pounds of smokeless powder and a box van trailer containing approximately 42,240 pounds of demilitarized M6 propellant. The damage destroyed the igloo and trailer, shattered windows of dwellings within a four-mile radius, and derailed 11 rail cars near the storage igloo.

Wright faces five years in prison, three years of supervised release and a \$250,000 fine. As part of the plea agreement, Wright agreed that he owes \$149,032.80 restitution. Sentencing is set for August 30, 2018.

“I thank our federal and state law enforcement partners for their commitment to protecting Louisiana’s citizens and environment,” Joseph stated. “Those who try to cheat the taxpayers while endangering the well-being of our community will be held accountable.”



“The guilty pleas entered by the defendants in this case are the results of the uncompromising work by DCIS, our investigative partners, and the U.S. Attorney’s Office to ensure the integrity of the Department of Defense procurement process by penalizing government contractors who choose profit over quality and safety,” commented John F. Khin, Special Agent in Charge, Southeast Field Office, Defense Criminal Investigative Service. “DCIS remains committed to pursuing and bringing to justice anyone who uses fraud and deception to undermine our critical warfighting missions and the safety of our communities that support DoD activities.”

Explo owner David Alan Smith, 62, of Winchester, Kentucky; Program Manager Kenneth Wayne Lampkin, 65, of Haughton, Louisiana; Traffic and Inventory Control Manager Lionel Wayne Koons, 59, of Haughton; and Director of Engineering and Environmental Control Charles Ferris Callihan, 68, of Shreveport, were all charged in the conspiracy. Smith pleaded guilty December 14, 2017 to the conspiracy count and one count of making a false statement; Koons pleaded guilty on April 24, 2018 to one count of making a false statement; Lampkin pleaded guilty May 14, 2018 to one count of making a false statement; and Callihan pleaded guilty on June 8, 2018 to a one-count bill of information charging false representations under the Resource Conservation and Recovery Act (RCRA). Sentencings are set for August 30, 2018.

The case was investigated EPA’s Criminal Investigation Division, U.S. Army Criminal Investigation, Department of Defense Criminal Investigative Service, FBI and Louisiana State Police-Emergency Service Unit investigated the case. A DOJ litigation team is prosecuting the case.

South Carolina Man Admits Illegally Storing Hazardous Waste At Camden, New Jersey, Chemical Company

Former president and CEO of Concord Chemical Co. Inc. (Concord), Miguel Castillo, 63, of Hilton Head, South Carolina, pleaded guilty on June 6, 2018, to one count of storing hazardous waste at Concord's Camden, New Jersey, facility in violation of the Resource Conservation and Recovery Act (RCRA).the former president and CEO of Concord Chemical Co. Inc. (Concord) admitted illegally storing hazardous waste.

During its operation, Concord manufactured, repackaged and distributed a wide variety of chemical products, including cresylic acid, soaps, waxes, pipe lubricants and emulsions. Some of Concord's products and the raw materials used to make them were hazardous. Castillo was Concord's president or CEO from at least 2004 through August 2011.

As president and CEO, Castillo's responsibilities included making decisions about the disposal of waste at the Camden facility. From at least 2005 through August 2010, Castillo knew that there were containers that stored hazardous waste at the Camden facility and that Concord did not have a permit to store such waste.



In August 2010, the U.S. Environmental Protection Agency (EPA) conducted a site visit of the Camden facility and discovered that the facility was devoid of employees, abandoned in a deteriorated condition and filled with drums containing corrosive and ignitable hazardous waste. From October 2010 through March 2011, the EPA removed the hazardous substances from the facility.



The illegal storage of hazardous waste charge carries a maximum penalty of five years in prison and a \$250,000 fine, or twice the gain or loss caused by the offense. Castillo's sentencing is set for Sept. 10, 2018.

The case was investigated by EPA's Criminal Investigation Division and prosecuted by the U.S. Attorney's Office

Health Care and Government Fraud Unit in Newark.

Several Individuals and Corporation Plead Guilty to Shipping Hazardous Waste

On June 20, 2018, Raymond Williams, Daryl Duncan, Penny Duncan, and U.S. Technology Corporation pled guilty to charges involving the transportation of 9 million pounds of hazardous waste from Yazoo City, Mississippi to Berger, Missouri between October 2013 and December 2013.

According to court documents, Raymond Williams was the President, owner, and Chief Executive Officer of U.S. Technology Corporation (“UST”). UST was a registered corporation in the State of Ohio, with headquarters in Canton, Ohio. UST was a company that leased blasting material to various consumers for use in removal of paints and other materials. The consumers were often military bases and agencies, using the blasting materials to remove paints from things such as tanks and planes. The paints used often



contained numerous heavy metals including cadmium, chromium, and lead. During the blasting process, heavy metals from the paint become imbedded in the material. Since the consumers leased the blasting material, consumers returned the heavy metal rich blasting material to UST upon completion.

In or around October 2013, Raymond Williams contacted Darryl Duncan in need of his assistance. Raymond Williams explained that he was in possession of over 9 million pounds of hazardous waste located in Yazoo City, Mississippi at the former Hydromex site. Williams asked Darryl Duncan to receive the hazardous waste in Berger, Missouri. Darryl Duncan agreed and worked with Penny Duncan to create Missouri Green Materials (“MGM”) for the sole purpose of receiving the hazardous waste from Yazoo City, Mississippi.

From October 2013 until December 2013, UST and Raymond Williams shipped approximately 9 million pounds of hazardous waste from Yazoo City, Mississippi to MGM and the Duncans in Berger, Missouri in violation of state and federal laws.

Williams and U.S. Technology Corporation each pled guilty to conspiring to transport hazardous. The Duncans each pled guilty to placing a person in imminent danger by releasing hazardous waste into the air before Sentencing has been set for September 20, 2018.

This case was investigated by the EPA’s Criminal Investigation Division and the Missouri Department of Natural Resources. The case is being prosecuted by the U.S. Attorney’s Office in the Eastern District of Missouri.

Developer of Oread Hotel Indicted for Clean Air Act Violations and Collection of \$400,000+ in Fraudulent Tax Refunds

On June 26, 2018, the developer of the Oread Hotel and his bookkeeper were indicted on federal charges of scheming to collect more than \$400,000 in fraudulent tax refunds from the City of Lawrence, Kansas.

Thomas S. Fritzel, 52, Lawrence, Kan., and Keela Lam, 46, Lawrence, Kan., are charged with one count of conspiracy to defraud the city and one count of interstate transportation of stolen funds. Also named as defendants are companies controlled by Fritzel including Oread Construction LC, Oread Wholesale LC, Oread Inn LC and R6 LC.

The indictment alleges that in 2008 Fritzel signed an agreement with the City of Lawrence to develop the Oread Hotel in Lawrence, a seven-story hotel with restaurants, bars and a gift shop.

The city set up a Tax Increment Financing District and a Transportation Development District around the hotel and agreed to reimburse Fritzel for his development costs. The funds to pay Fritzel were to come from property tax and sales taxes collected inside the redevelopment district.

The indictment alleges Fritzel and Lam conspired to defraud the city by seeking reimbursement for hundreds of transactions that were not generated within the redevelopment district. The indictment alleges the defendants fraudulently sought refunds for taxes paid on furniture and appliances, work on houses Fritzel owned in Lawrence and Colorado, landscaping materials, party tent rentals, car batteries, equipment for a car wash and other items.

A separate indictment alleges Fritzel and others violated the requirements of the Clean Air Act for disposal of asbestos.

The indictment charges Fritzel, Casey Stewart, 38, Lawrence, Kan., Wesley Lynch, 60, Lawrence, Kan. and Tucker Fritzel, 25, Lawrence, Kan., with one count of conspiracy (count one), one count of failing to notify the Environmental Protection Agency of the removal of asbestos materials (count two), one count of failing to wet materials that contained asbestos during demolition (count three) and one count of failing to dispose of asbestos waste in leak-tight containers (count four).

Also named as defendants in the second indictment are DFC Company of Lawrence, LC; Eagle 1968, LC of Lawrence and R&R Supply Company, LC of Lawrence.

If convicted on the Clean Air Act violation charges, the defendants face up to five years in federal prison and a fine up to \$250,000 on count one, up to two years and a fine up to \$250,000 on count two and up to five years and a fine up to \$250,000 on counts three and four.

If convicted on the fraud charges, the defendants face up to five years in federal prison and a fine up to \$250,000 on the conspiracy count, and up to 10 years and a fine up to \$250,000 on the count charging interstate transportation of stolen funds.

EPA's Criminal Investigation Division is investigating the Clean Air Act violations; The FBI and the Lawrence Police Department are investigating the Oread Hotel indictment charges. A DOJ Assistant U.S. Attorney is prosecuting both cases.

An indictment contains allegations that a defendant has committed a crime. Every defendant is presumed to be innocent until and unless proven guilty in court.

Three Companies, Including “Crystal Geyser,” Charged with Illegally Transporting Hazardous Waste Containing Arsenic

On July 19, 2018, a federal grand jury returned a 16-count indictment charging three companies, including the company that produces bottled water under the name “Crystal Geyser,” with violating the Resource Conservation and Recovery Act (“RCRA”) and the Hazardous Materials Transportation Act (“HMTA”). The charges center on the alleged failure of the defendants to disclose information regarding arsenic in wastewater transported from Crystal Geyser’s Olancho, California, facility in March and May 2015.

The indictment charges three companies:

- CG Roxane, LLC (“Crystal Geyser”), a limited liability corporation that does business under the name “Crystal Geyser” and produces bottled drinking water in Olancho, California;
- United Pumping Services, Inc. (“United Pumping”), a corporation located in the City of Industry that provides transportation services for customers needing transportation of hazardous and nonhazardous waste; and
- United Storm Water, Inc. (“United Storm Water”), a corporation located in the City of Industry that provided environmental and lake draining services.

The investigation and indictment in this case focused on alleged violations involving Crystal Geyser’s wastewater, not the safety or quality of Crystal Geyser’s bottled water.

According to the indictment, in producing its bottled water, Crystal Geyser would draw water from natural sources that contained naturally occurring arsenic. Crystal Geyser would use sand filters to reduce the concentration of arsenic so that the water met federal drinking water standards. To maintain the effectiveness of the sand filters, Crystal Geyser would regenerate them by back-flushing a hydroxide and water solution through the sand filters, causing the filters to release arsenic into the hydroxide and water solution. This process would generate thousands of gallons of arsenic-contaminated wastewater.

The indictment alleges that Crystal Geyser discharged the arsenic-contaminated wastewater into a nearby manmade pond which Crystal Geyser called “the Arsenic Pond.” In September 2014, testing by the California Department of Toxic Substances Control (“DTSC”) showed that the wastewater stored in the Arsenic Pond constituted a hazardous waste. In October 2014, DTSC testing also showed that arsenic-contaminated wastewater generated by the regeneration process was a hazardous waste. After October 2014, Crystal Geyser stopped discharging regeneration wastewater into the Arsenic Pond.

The indictment further alleges that, in March 2015, Crystal Geyser regenerated and back-flushed the sand filters and, it hired United Pumping and United Storm Water to transport the resulting several thousand gallons of high pH, arsenic-contaminated wastewater to a hazardous waste facility in Los Angeles County. In transporting that hazardous wastewater, the defendants utilized manifests that did not disclose any infor-

mation about the arsenic content of the wastewater, contrary to law.

According to the indictment, after that March regeneration, in April 2015, DTSC informed Crystal Geyser that the wastewater in the Arsenic Pond constituted a hazardous waste and instructed Crystal Geyser to remove that wastewater from the Arsenic Pond and to transport it, using a hazardous waste manifest, to an authorized facility permitted to accept that specific type of hazardous waste.

In May 2015, Crystal Geyser again hired United Pumping and United Storm Water, this time to drain and transport the Arsenic Pond. United Pumping and United Storm Water transported the contents of the Arsenic Pond to a facility in Fontana, California despite the fact that that facility was not permitted to treat hazardous waste. According to the indictment, Crystal Geyser, United Pumping, and United Storm Water transported the contents of the Arsenic Pond using non-hazardous waste manifests and did not identify the arsenic in the wastewater, even though they knew that the water constituted arsenic hazardous waste.

“Our nation’s environmental laws are specifically designed to ensure that hazardous wastes are properly handled from beginning to end – from the point of generation to the point of disposal,” said United States Attorney Nick Hanna. “The alleged behavior of the three companies charged in this indictment undermines that important objective and jeopardizes the safety of our community.”

Each of the defendants faces a statutory maximum fine of \$8 million if convicted on all of the 16 counts in the indictment.

“EPA and its law enforcement partners are committed to the protection of public health and safety,” said Special Agent-in-Charge Jay M. Green of EPA’s criminal enforcement program in California. “This case was opened due to the hazards posed by illegal management and transportation of hazardous wastes. Today’s charges demonstrate that those who refuse to comply with the law will be held to account and prosecuted.”

An indictment contains allegations that a defendant has committed a crime. Every defendant is presumed to be innocent until and unless proven guilty in court.

The investigation in this matter is being conducted by EPA’s Criminal Investigations Division and the United States Department of Transportation’s Office of Inspector General, with assistance from the California Department of Toxic Substances Control.

This case is being prosecuted in the Central District of California by DOJ’s Environmental and Community Safety Crimes Section team.

Kansas City Area Laboratory Owner Convicted of Illegally Storing Hazardous Waste: Lab Used Radioactive Material and Solvents

On July 27, 2018, Ahmed el-Sherif, the owner, operator, and radiation safety officer for Beta Chem Laboratory in Lenexa, Kansas, was found guilty of illegally storing hazardous waste in violation of the Resource Conservation and Recovery Act. A federal judge issued a written verdict following the trial, which took place in February 2018. El-Sherif wanted, and was permitted, to waive his right to a jury trial and the case was heard in what is known as a “bench trial.”

El-Sherif, a trained chemist of Leawood, Kansas, started Beta Chem in the mid-1990s after having worked at several other radioactive synthesis laboratories. He used radioactive Carbon-14 and solvents in his operation, under license by the Kansas Department of Health and Environment (KDHE). KDHE has assumed regulatory authority for these purposes from the U.S. Nuclear Regulatory Commission under the Atomic Energy Act.

After Beta Chem was unable to provide KDHE with the required financial assurances regarding decommissioning the lab in the event that it was closed, KDHE inspected Beta Chem and discovered extensive radioactive contamination throughout the laboratory, including some parts of the lab with levels so high their instruments could not accurately read them. The radioactive contamination extended to the laboratory furniture, the equipment, including refrigerators, and containers of chemicals that were supposed to be non-radioactive. The next day, KDHE issued an Emergency Order of Suspension of License.

EPA conducted a hazardous waste inspection the same month, and subsequently notified el-Sherif of hazardous waste violations under the Resource Conservation and Recovery Act (RCRA). EPA also informed el-Sherif of his legal obligation to properly manage hazardous waste under RCRA. During the ensuing years, KDHE communicated with el-Sherif about the radioactive contamination at Beta Chem and they entered into a consent agreement in which he agreed to come up with a plan to remediate and dispose of the radioactive waste. While he engaged a number of consultants, el-Sherif never took any action to actually clean up the lab.

On October 4, 2013, after issuing an Emergency Order to Seize and Secure Radioactive Materials, KDHE took control of Beta Chem and secured the facility. EPA’s Criminal Investigation Division, assisted by the Federal Bureau of Investigation, executed a search warrant at Beta Chem on January 22, 2014, where agents discovered numerous containers containing hazardous wastes and contaminated with radiation. EPA determined there to be 1,138 containers at the lab, of which 886 had intact manufacturer labels with no handwriting, which showed many of those to be hazardous. The other containers were field tested for hazardous characteristics before being disposed of. In total, EPA determined there to be over two hundred pounds of hazardous waste, some of which was acute hazardous waste. All of the containers tested were radioactive, and forty-five percent of the contents tested were radioactive.

EPA’s Superfund program spent over \$760,000 to remove and dispose of the hazardous waste.

“The public expects and deserves that those in the business of using dangerous radioactive materials do so in compliance with law,” said Acting Assistant Attorney General Jeffrey H. Wood for the Justice Department’s Environment and Natural Resources Division. “This defendant breached that trust, deliberately disobeyed

the law, and ignored requests by KDHE and EPA to bring his laboratory into compliance with statutes and regulations designed to protect the public and the environment.”

“For years, the defendant knowingly stored hazardous waste with no regard to the serious public health and environmental dangers it posed,” said Special Agent in Charge of EPA’s criminal enforcement program for the EPA Regions covering Kansas Jeff Martinez. “Even when told to stop his dangerous practice, Mr. el-Sherif continued to ignore the risks. Yesterday’s guilty verdict should send a clear message that EPA will hold accountable those who willfully violate the law.”

The case was investigated by EPA’s Criminal Investigation Division and the FBI. This case is being prosecuted by the Environmental Crimes Section of the Department of Justice.