



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.

December 2019 through January 2020

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Washington, D.C. Property Renovator Sentenced for Violating the Toxic Substances Control Act

On January 16, 2020, Mohammad Sikder was sentenced to 60 days' incarceration, two years of supervised release, a \$50,000 fine and 300 hours of community service for violating the Toxic Substances Control Act in the course of renovating a Washington, D.C., property without following lead-safe work practices and lead disclosure requirements.

Sikder, 60, had previously pled guilty to the offenses on June 20, 2019. Sikder's solely held company, District Properties LLC, also pled guilty to making false statements, at Sikder's direction, in 25 building permit applications to the District of Columbia Department of Consumer and Regulatory Affairs (DCRA). These applications understated the age of the homes being renovated, with the intent to avoid regulatory scrutiny of inadequate lead-based paint safety measures at those properties. Judge Jackson sentenced District Properties LLC to a \$150,000 fine and two years' probation with special condition of funding 3 lead-paint awareness seminars for real estate developers and contractors.

"Skirting laws that govern the use of toxic substances puts the public's health at risk, and doing so will get you investigated and prosecuted," said Jeffrey Bossert Clark, Assistant Attorney General for the Environment and Natural Resources Division. "Lead-safe work practices and disclosure requirements provide essential protections from lead exposure, and this case shows that business owners and individuals who violate them will get jail time and pay a substantial penalty."

"The defendant is being held accountable for providing false information on the permit application concerning the age of the building and using untrained workers to remove lead paint from the property," said Jennifer Lynn, Special Agent in Charge of EPA's criminal enforcement program in the District of Columbia. "Today's sentencing sends a clear signal that EPA and its law enforcement partners are committed to enforcing environmental laws that protect the health and safety of our communities."



In 2018, the U.S. Environmental Protection Agency (EPA), U.S. Department of Housing and Urban Development (HUD), and U.S. Health and Human Services (HHS) launched the Trump Administration's Federal Lead Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts. EPA and the Justice Department are working together to investigate and prosecute those who violate lead-safe work practices and lead disclosure requirements under the Toxic Substances Control Act (TSCA).

Lead poisoning continues to be a major environmental health problem in the United States, although it is completely preventable. The most common source of childhood lead poisoning is lead-based paint in older homes, and the primary exposure pathway is ingestion of lead-contaminated dust. Lead is a toxic substance that can cause permanent damage, and is regulated under the Toxic Substances Control Act. Under the Renovation, Repair and Painting Rule (RRP Rule), contractors performing renovation, repair and painting projects

that disturb lead-based paint in homes, childcare facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination.

According to a statement of offense filed along with the plea agreements, Sikder and District Properties LLC purchased and renovated a property in Washington, D.C., without following the requirements of the RRP Rule. In 2014, the company submitted a building permit application to DCRA for addition, alteration, and repair of the property. At Sikder's instruction, the employee submitting the permit application, under the section of the application titled "Lead Abatement," falsely indicated that the property was built after 1978. During the summer and fall of 2014, a contractor conducted demolition at the property without following RRP Rule safe work practices. The demolition work included removing windows, removing interior and exterior painted surfaces, and removing floor and ceiling joists.

A Sept. 24, 2015, Occupational Safety and Health Administration inspection revealed multiple hazards, including employees performing manual demolition on a wall surface that had paint containing lead; the lack of an employee exposure assessment to determine actual employee exposure; the lack of lead training to employees; and proper sanitation practices not being followed. Sampling analysis showed lead present on the dump truck and employees' hands. When the property was properly remediated and sold, Sikder and District Properties LLC did not provide the purchasers with this information and with a report documenting the prior existence of lead-based paint at the property.

Between 2011 and 2017, District Properties LLC submitted 25 renovation permit applications for properties in Washington, D.C., on which the company falsely represented that the properties had been built after 1978, thereby circumventing additional permitting requirements and avoiding EPA oversight with respect to RRP Rule compliance, which would be triggered by an accurate permit application.

The investigation was handled by EPA's Criminal Investigation Division, in partnership with the Metropolitan Police Department Environmental Crimes Unit. The case is being prosecuted by DOJ.

Greenville, Mississippi Lab Director Sentenced to Prison for Falsifying Lab Results Concerning Water Quality

On January 17, 2020, a Greenville, Mississippi lab operator hired to test water samples to help insure water quality for dozens of towns throughout the Mississippi Delta was sentenced to 18 months in prison for submitting false statements and lab results to the Mississippi Department of Environmental Quality. William C. Lamar, U.S. Attorney for the Northern District of Mississippi, together with Charles Carfagno, Acting Special Agent in Charge of the Environmental Protection Agency's criminal enforcement program in the Southeast, announced the sentence.

John H. Couey, 44, of Greenville was sentenced by Senior U.S. District Judge Glen Davidson, in Oxford following a guilty plea to five felony counts of knowingly making false material statements in documents required to be maintained under the Clean Water Act.

Couey is the owner and lab director of Davis Research, Inc., an environmental analytical laboratory located in Avon, Mississippi. Davis Research performed analytical testing services for more than 100 cities, towns, state and federal agencies, and businesses in the Mississippi Delta. Couey, as lab director, falsified over 1000 laboratory reports that were submitted to the Mississippi Department of Environmental Quality to demonstrate compliance under the Clean Water Act.

Judge Davidson sentenced Couey to 18 months incarceration on each of the five counts of conviction, to run concurrently. Upon release from prison, Couey will be placed on supervised release for a term of one year. Couey is scheduled to report to prison on March 16, 2020.

William C. Lamar, U.S. Attorney for the Northern District of Mississippi, said, "One of our top priorities is to protect the environment from those who would disregard our environmental regulations and laws, placing in jeopardy the well-being of our citizens."

"The defendant in this case is alleged to have falsified thousands of water test results, including results used to confirm the safety of drinking water," said Charles Carfagno, acting Special Agent in Charge of EPA's criminal enforcement program in Mississippi. "This case demonstrates that EPA will hold accountable those who violate laws designed to protect the health and safety of our communities."

This case was investigated by EPA's Criminal Investigation Division and the Mississippi Department of Environmental Quality. The case was prosecuted by DOJ.

Chemist Sentenced for Illegally Abandoning Laboratory Full of Hazardous Chemicals in St. Clair County, Illinois

On December 6, 2019, Lawrence D. Rutledge, 57, of Belleville, Illinois, was sentenced to five years of federal probation and ordered to pay restitution in the amount of \$335,934.87 to the U.S. Environmental Protection Agency for clean-up expenses associated with his illegal storage of hazardous waste in St. Clair County, Illinois. Rutledge pleaded guilty to the charge in July, 2019.

In 1997, Rutledge started a business called Advanced Asymmetrics, Inc., to synthesize specialty chemicals for the pharmaceutical industry. The business was located inside a commercial building at 109 South Kossuth Street in Millstadt, Illinois, in close proximity to a residential area and a senior living home. Over time, Rutledge accumulated numerous containers of chemicals and chemical waste at the Millstadt facility. Sometime around 2011, Rutledge stopped paying the county property taxes on the Millstadt facility, and over the next few years, the electrical service and the water service (both water supply and sewer) to the facility were shut off.

In August 2015, employees of the Illinois Environmental Protection Agency (“Illinois EPA”) and the U.S. EPA entered the facility and discovered hundreds of containers with labels indicating the presence of acids, caustics, and other chemicals, as well as hazardous waste. Some of the metal containers had rusted, and crystallization had started to occur on metal surfaces. Some had even fallen over and broken open. Sodium cyanide, which is extremely toxic, was stored within one inch of a container containing acid, presenting the potential formation of cyanide gas. Investigators also discovered a container labelled as a shock-sensitive picric acid, which is highly explosive.



“The defendant’s abandonment of hazardous chemicals created a highly dangerous situation,” said Special Agent in Charge Jeffrey Martinez of EPA’s criminal enforcement program in Illinois. “Companies should take notice that EPA and our law enforcement partners will enforce our hazardous waste laws that protect our communities and the environment.”

The investigation was conducted by the EPA’s Criminal Investigation Division and the Illinois EPA – Collinsville Field Office. The case was prosecuted by a DOJ litigation team.

Former Garden Plain, Kansas Water Operator Sentenced for Making False Report

The former operator of the water system in Garden Plain, Kansas, was sentenced on December 2, 2019, to a year of federal probation and ordered to pay a \$1,000 fine for falsifying a report on the quality of the city's drinking water.

Arthur Wolfe, 64, Norwich, Kansas, pleaded guilty to one count of making a false statement in a report to the Kansas Department of Health and Environment that was required by the Environmental Protection Agency. Wolfe certified a bacteriological report that falsely represented water samples taken at the water treatment plant as samples taken at other locations.

The case was investigated by EPA's Criminal Investigation Division and prosecuted by a DOJ litigation team.

Fishing Vessel Owner and Operator Plead Guilty and Fined \$1 Million for Discharging Oily Waste into Coastal Waters of the United States

Sea Harvest Inc., operator of the fishing vessels Enterprise and Pacific Capes, along with Fishing Vessel Enterprises Inc., the vessels' owner, pleaded guilty on December 16, 2019 to violating the Clean Water Act for both knowing and negligent discharges of oily bilge water from the vessels' engine rooms. The companies were sentenced to pay a \$1 million criminal fine and serve a five-year term of probation. As a special condition of probation, the companies will be required to implement a robust environmental compliance plan at their own expense that will cover 36 commercial fishing vessels that are owned or operated by the defendants.

"The laws that govern the discharge of oily bilge waste from vessels have been on the books for decades," said Assistant Attorney General Jeffrey Bossert Clark of the Justice Department's Environment and Natural Resources Division. "Today's plea should send the message that we will no longer tolerate the routine discharge of oily bilge waste into New Bedford Harbor and its surrounding waters. Vessel owners and operators can either voluntarily comply with laws that protect the nation's waters or face criminal prosecution."

"The defendants intentionally discharged pollutants from their fishing vessels into New Bedford Harbor," said Special Agent in Charge Tyler Amon of EPA's Criminal Investigation Division for New England. "It is important that we all treat our nation's resources with respect and comply with our laws. EPA will continue to work with our enforcement partners with the State of Massachusetts and U.S. Coast Guard to investigate environmental crimes like this one that threaten marine life and the coastal waters of New England."

According to court documents, the defendants owned and operated multiple vessels engaged in commercial fishing operations out of New Bedford, Massachusetts. From at least early 2017 until late 2018, as a result of insufficient supervision, fishing vessels owned and operated by the defendants discharged oily bilge waste from the vessels into the sea on multiple occasions. Count one of the information charged that, on Sept. 20, 2017, the New Bedford Massachusetts Police Port Security Unit traced an oil sheen in the Acushnet River to the F/V Enterprise, which was owned and operated by the defendants. When questioned about the sheen, the vessel's manager confirmed that he had illegally pumped oily bilge water from the Enterprise's engine room bilge overboard into the Acushnet River.

Previously, the vessel had been subject to several enforcement actions related to their improper management of oily bilge waste on the vessel. On Nov. 19, 2016, the U.S. Coast Guard issued a Letter of Warning to the vessel for pumping oily bilge waste into the Acushnet River. In addition, on or about Jan. 26, 2017, the Coast Guard issued a Captain of the Port Order requiring the vessel to return to port and discharge oily bilge water to a shore side facility. On Aug. 22, 2017, the U.S. Coast Guard held a community outreach meeting aimed at informing the commercial fishing community about the problem of discharging oily bilge water into New Bedford Harbor. Defendant's representatives did not attend this meeting. Nevertheless, U.S. Coast Guard representatives went to the vessel to meet with the defendant's representative after the meeting and provided handouts and information that detailed the prohibition of discharging oily bilge water into the sea. Less than a month later, the vessel made the illegal discharge that forms the basis of count one.

In a second incident that forms the basis of count two, on July 3, 2018, the Captain of the F/V Pacific Capes attempted to discharge water from a fish hold into New Bedford Harbor in Fairhaven, Massachusetts. In do-

ing so, the Captain negligently failed to ensure that the valve alignment on the vessel's bilge manifold was in the proper configuration to prevent the bilge pump from pumping oily bilge water overboard. Oil contamination was discovered alongside the Pacific Capes, as well as approximately 1,000 yards north of the vessel along the beach.

Commercial fishing vessels, such as the F/V Enterprise and F/V Pacific Capes, generate oily bilge water in their machinery spaces. This oily bilge water is the result of fuel, lubrication oil, fresh water, and sea water entering the bilge of the vessel and comingling. These leakages may originate from the main engines, generators, fuel lines, stern-tube packing glands and other piping, valves and machinery in the vessel.

There are two lawful means of disposing of oily bilge water from commercial fishing vessels such as the F/V Enterprise and F/V Pacific Capes. First, the oily bilge water may be retained onboard the vessel and then discharged ashore to a properly licensed reception facility. Second, the oily bilge water may be discharged offshore if it has been processed through an Oily Water Separator (OWS) that ensures that the oily bilge water discharged contains no more than 15 parts per million of oil to water. At all times relevant to the information, neither the F/V Enterprise nor the F/V Pacific Capes had onboard an OWS. Therefore, the only lawful manner in which oily bilge water could have been discharged from either vessel was to land the oily bilge water ashore and dispose of it through a properly licensed reception facility.

New Bedford Harbor, a busy commercial seaport, works to support its surrounding communities as it did through the whaling and industrial times. The harbor environment struggles from a more recent past of electrical device production which caused it to be one of EPA's largest Superfund cleanup sites. The harbor continues to require significant time and funding to clean up.

The case was investigated by EPA's Criminal Investigation Division and prosecuted by a DOJ Environmental Crimes Section litigation team.

Washington State Couple and Companies Sentenced for Fraud and False Statement in Connection with Renewable Energy Fraud Scheme

A Richland, Washington couple and their companies, HTG Trucking LLC and Freedom Fuel Inc., were sentenced on January 24, 2020, in federal court in Richland, Washington for fraud and false statement charges in connection with a renewable energy fraud scheme, announced Assistant Attorney General Jeffrey Bossert Clark of the Justice Department's Environment and Natural Resources Division and U.S. Attorney for the Eastern District of Washington William D. Hyslop.

Hector Garza Jr., 49, was sentenced to two years in prison to be followed by a three-year term of supervised release. Tammy Garza, 38, was sentenced to four months in prison and one year of supervised release. HTG Trucking LLC and Freedom Fuel Inc. were placed on probation for three years. All of the defendants were ordered to pay restitution to the U.S. Treasury of \$284,546 and a \$100,000 fine. The defendants had previously pled guilty on June 6, 2019, before the Honorable Salvador Mendoza Jr.

Hector and Tammy Garza and their companies, HTG Trucking and Freedom Fuel, were participants in a conspiracy involving Gen-X Energy Group Inc. (Gen-X), a renewable energy company formerly located in Pasco and Moses Lake, Washington. Between January 2013 and April 2013, Hector Garza and his co-conspirators falsely claimed the production of hundreds of thousands of marketable renewable energy credits, which they then sold for more than \$296,000, and filed false claims with the IRS for \$284,546 in excise credit refunds. Throughout this period, much of the renewable fuel claimed to be produced at the Gen-X facilities was either not produced or it was re-processed multiple times.

Hector Garza, HTG Trucking and Freedom Fuel pled guilty to conspiring to defraud the United States with respect to the false claims made to the IRS, through the use of the Garzas' companies, which were used to "round" supposed renewable fuel by driving the same material back and forth between Gen-X's Moses Lake facility and the Garzas' businesses in Othello, Washington. This activity enabled the conspirators to generate fraudulent renewable energy credits and tax credits each time the material was "rounded." Tammy Garza pled guilty to a separate offense of aiding and abetting the use of false statements in connection with the renewable energy credits that were claimed and sold as part of the scheme.

Several conspirators have previously pled guilty and been sentenced in connection with their role in the fraud. In June 2017, Scott Johnson, the former CEO of Gen-X, was sentenced to 97 months in prison in connection with his role in the fraud scheme. In December 2017, Donald Holmes, the former vice president of Gen-X, was sentenced to 78 months of imprisonment. In June 2018, Jin Chul "Jacob" Cha of Tustin, California, was sentenced to 51 months in prison in connection with his role in the fraud.

The case was investigated by EPA's Criminal Investigation Division and IRS Criminal Investigation Division. The case was prosecuted by a joint DOJ/EPA litigation team.

Chemical Company Responsible for Formation of Toxic Chlorine Gas Cloud Over Atchison, Kansas Pleads Guilty to Clean Air Act Violation

On January 31, 2020, Harcros Chemicals, Inc., of Kansas City, Kan., pleaded guilty to violating a federal clean air law in connection with a toxic chlorine gas cloud that formed over Atchison, Kan., in 2016, U.S. Attorney Stephen McAllister said.

According to the company's plea agreement, Harcros is expected to pay a \$1 million fine. The co-defendant in the case, MGP Ingredients, Inc., of Atchison pleaded guilty in November in the same case. That company also is expected to pay a \$1 million fine.

Harcros pleaded guilty to negligently violating the federal Clean Air Act. In its plea, the company admitted that on Oct. 21, 2016, a greenish-yellow chlorine gas cloud formed when 4,000 gallons of sulfuric acid were mistakenly combined with 5,800 gallons of sodium hypochlorite. The Atchison County Department of Emergency Management ordered community members to shelter in place and to evacuate in some areas. Approximately 140 individuals including members of the public, first responders, employees of MGP Ingredients and Harcros Chemicals sought medical attention.



“The chemicals involved in this case posed serious public health and environmental dangers,” said Assistant Director Justin Oesterreich of EPA’s Criminal Investigation Division in Kansas. “EPA and its law enforcement partners are committed to holding responsible parties accountable for actions that put an entire community at risk.”

Sentencing is scheduled for May 27, 2020.

The case was investigated by EPA’s Criminal Investigation Division. The case is being prosecuted by a DOJ litigation team.

Bottler of Crystal Geyser Water Pleads Guilty to Illegally Storing and Transporting Hazardous Wastewater Contaminated with Arsenic

The company that produces “Crystal Geyser Natural Alpine Spring Water” pleaded guilty on January 9, 2020 to federal charges of illegally storing and transporting hazardous waste created from filtering arsenic out of spring water at its facility in Olancho, California.

CG Roxane, LLC pleaded guilty to one count of unlawful storage of hazardous waste and one count of unlawful transportation of hazardous material. In a plea agreement recently filed in United States District Court, CG Roxane agreed to pay a criminal fine of \$5 million.

According to court documents, CG Roxane obtained water by drawing groundwater from the eastern slope of the Sierra Nevada mountains that contained naturally occurring arsenic. The company used sand filters to reduce the concentration of arsenic so the water would meet federal drinking water standards. To maintain the effectiveness of the sand filters, CG Roxane back-flushed the filters with a sodium hydroxide solution, which generated thousands of gallons of arsenic-contaminated wastewater.

For approximately 15 years, CG Roxane discharged the arsenic-contaminated wastewater into a manmade pond – known as “the Arsenic Pond” – at its Olancho facility along Highway 395.

In March 2013, the Lahontan Regional Water Quality Control Board took a sample from the Arsenic Pond and in 2014 informed CG Roxane that the sample had an arsenic concentration that was more than eight times the hazardous waste limit, creating a risk to the area’s groundwater and wildlife. The water board referred the matter to the California Department of Toxic Substances Control (DTSC), which took its own samples that showed the Arsenic Pond had an arsenic concentration almost five times the federal hazardous waste limit. Subsequent sampling and testing by CG Roxane and its retained laboratory confirmed a similar arsenic concentration in the Arsenic Pond.

DTSC officials met with CG Roxane representatives in April 2015, presented a list of preliminary violations, and instructed the company to arrange for the removal of the Arsenic Pond.

In May 2015, CG Roxane hired two Los Angeles-area entities to remove the hazardous waste and transport it – which was done without the proper manifest and without identifying the wastewater as a hazardous material, according to court documents. The arsenic-contaminated wastewater was ultimately transported to a Southern California facility that was not authorized to receive or treat hazardous waste. As a result, more than 23,000 gallons of the wastewater from the Arsenic Pond allegedly was discharged into a sewer without appropriate treatment.

CG Roxane pleaded guilty to the two felony offenses before United States District Judge S. James Otero, who scheduled a sentencing hearing for February 24.

The two companies hired to transport and treat the wastewater – United Pumping Services, Inc. and United Storm Water, Inc., both located in the City of Industry – were charged along with CG Roxane in this case in 2018. Both of those companies are scheduled to go on trial on April 21. If convicted, each company would face a statutory maximum fine of \$8 million.

Plea Agreements

This case was investigated 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 was prosecuted by a DOJ litigation team.

Note: The investigation in this case focused on alleged violations involving the handling, storage and transportation of CG Roxane's wastewater, not the safety or quality of CG Roxane's bottled water.

Buffalo, NY Maintenance Supervisor Charged with Violating The Clean Air Act and Making False Statements

On January 9, 2020, a federal grand jury returned an indictment charging James S. Marshall, 67, of Farmington, NY, with violation of the Clean Air Act, negligent endangerment under the Clean Air Act, and making a false statement. The charges carry a maximum penalty of five years in prison and a \$250,000 fine.

According to the indictment, the defendant was a maintenance supervisor with the Finger Lakes Office for People with Developmental Disabilities (OPWDD), Developmental Disabilities Services Office. As part of his duties, Marshall controlled and supervised facilities being demolished or renovated.

On October 7, 2014, the defendant requested that asbestos testing be conducted at the Hillcrest Building, a building owned by the OPWDD, located on E. Maple Avenue in Newark, NY. On October 8, 2014, Marshall directed an inspector for the asbestos testing company to take four samples from two locations within the 300,000 square foot Hillcrest Building. The results of the four samples came back negative for asbestos.

On November 10, 2014, the OPWDD began soliciting public bids for the cleanout of the Hillcrest building. The specifications for the project stated that swipe testing for asbestos and lead was conducted and the findings for the substances were within normal limits.

On December 2, 2014, the defendant led a mandatory walkthrough of the Hillcrest Building for any individuals seeking to bid on the project. On December 24, 2014, a third-party contractor was awarded the contract for the cleanout of the Hillcrest Building.

The contractor conducted the cleanout between April 6 and April 10, 2015. On April 16, 2015, Marshall sent an e-mail to the OPWDD business office stating that the cleanout of the Hillcrest Building had been completed to his satisfaction.

On April 30 and May 28, 2015, regulated asbestos was found at the Hillcrest Building in a dry condition and was not in any container. According to the indictment, the defendant failed thoroughly to inspect the affected facility for the presence of asbestos prior to the commencement of a renovation activity; failed to ensure that regulated asbestos was adequately wetted during removal activity; failed to ensure that regulated asbestos remained wetted until placed in leak-tight containers; and failed to ensure that all regulated asbestos stripped and removed was disposed of timely. Marshall is also accused of negligently releasing into the ambient air a hazardous air pollutant, and placing another person in imminent danger of death and serious bodily injury during the cleanout of the Hillcrest Building. In addition, the defendant is accused of making a false statement by stating that the asbestos sampler walked through the entire building during testing, as it is alleged that the defendant knew that the asbestos sampler had not walked through the entire building.

The indictment is the result of an investigation by the U.S. Environmental Protection Agency, Criminal Investigation Division, under the direction of Special Agent-in-Charge Tyler Amon. Additional assistance was also provided by the New York State Department of Labor, Asbestos Control Bureau.

An indictment is merely an accusation. Defendants are presumed innocent until and unless proven guilty.

Seattle, Washington Barrel and Cooperage Company and Owner Indicted for Ten-Year Water Pollution Scheme—

Used hidden drain, pump, and repeated lies to regulators to routinely dump highly caustic pollutants into sewer system

On Wednesday, December 18, 2019, a federal grand jury in Seattle, Washington, returned a 36-count indictment charging Seattle Barrel and Cooperage Company, its owner, Louie Sanft, and its plant manager, John Sanft, with a ten-year scheme to illegally dump caustic waste into the King County sewer system, which ultimately empties into Puget Sound. The company allegedly used a hidden drain and lied to regulators to carry out their illegal dumping. The defendants are scheduled to appear in U.S. District Court in Seattle on the indictment on January 9, 2020.

“At a time when we are searching for strategies to protect Puget Sound and improve water quality for fish and wildlife, we need companies to do their share – not scheme for ways to pollute in private,” said U. S. Attorney Brian T. Moran. “I commend the investigators of the Environmental Protection Agency who investigated this assault on our natural resources.”

Seattle Barrel’s business involves collecting used industrial and commercial drums and reconditioning and reselling them. Part of the reconditioning process involves washing the barrels in a highly-corrosive chemical solution. The caustic solution has a very high pH level. According to the indictment, since at least 2009, Seattle Barrel has operated under a discharge permit that prohibits it from dumping effluent with a pH exceeding 12 to the sewer system. Effluent above pH 12 will corrode the sewer system and treatment plant, and potentially cause pass-through pollution to the Duwamish Waterway and Puget Sound.

In 2013, King County conducted covert monitoring of Seattle Barrel, and discovered the company was illegally dumping effluent with a pH above 12 in violation of its permit. King County fined the company \$55,250, but later agreed to reduce the fine when Seattle Barrel installed a pretreatment system for its wastewater. Beginning in 2016, Louie Sanft represented to King County in written monthly certifications that the company had become a “zero discharge” facility and was not discharging any industrial wastewater to the sewer.

In fact, in 2018 and 2019 additional covert monitoring by the EPA inspectors revealed that Seattle Barrel was continuing to routinely dump wastewater with a pH above 12 into the sewer system. EPA agents obtained a warrant to search Seattle Barrel. Agents then installed real-time monitoring equipment that allowed them to determine when the dumping was taking place.

Early on the morning of March 8, 2019, the covert monitors indicated Seattle Barrel was dumping high-pH material into the sewer. Agents then executed the warrant and entered the building. Inside, they discovered a portable pump on the floor near the tank of caustic solution. They then discovered that the pump was being used to pump solution to a nearby hidden drain that had never been disclosed to King County. The drain led directly to the sewer system.

“Our nation’s environmental laws are designed to protect our communities and natural resources from hazardous pollutants, said Special Agent in Charge Jeanne Proctor of EPA’s criminal investigation program in

Washington. “This indictment demonstrates that companies that intentionally violate those laws will be held responsible for their crimes.”

Defendants Louie Sanft, 53, of Seattle is the owner and operator of Seattle Barrel. John Sanft, 51, of Issaquah, WA, is the plant manager. The two defendants are cousins. The defendants are charged with criminal conspiracy and 29 counts of violating the Clean Water Act for discharges in 2018 and 2019. The men and the company are also charged with four counts of submitting false Clean Water Act Certifications. Each defendant is also charged with making false statements to special agents of the EPA.

The charges contained in the indictment are only allegations. A person is presumed innocent unless and until he or she is proven guilty beyond a reasonable doubt in a court of law.

Conspiracy is punishable by up to five years in prison. Violation of the Clean Water Act is punishable by up to three years in prison per count. Making a false statement is punishable by up to five years in prison.

The case is being investigated by EPA’s Criminal Investigation Division. The case is being prosecuted by a joint DOJ/EPA litigation team.

Tallmadge, Ohio Chemist Charged with Falsifying Test Results

On December 20, 2019, Andrew K. Ecklund, 57, a chemist who was previously employed at an environmental testing company in Northeast Ohio, was charged in a nine-count indictment for falsifying test results that were sent to customers across the country.

As alleged in the indictment, Ecklund was a laboratory analyst who was responsible for testing environmental samples for the presence of hazardous substances. On numerous occasions between December 15, 2014 and February 25, 2015, Ecklund allegedly took steps to make it appear that deficient samples met quality control standards when, as charged in the indictment, they did not.

The investigation was conducted by the Ohio EPA, Ohio Attorney General's Office, Army Criminal Investigation Division, Department of Defense, Office of Inspector General, and EPA's Criminal Investigation Division, all of which are members of the Northeast Ohio Environmental Crimes Task Force. The case is being prosecuted by a DOJ litigation team.

An indictment is merely an accusation. Defendants are presumed innocent until and unless proven guilty.