



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.

April—May 2020

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Former Johnstown, New York Tannery Owner Ordered to Pay Restitution for Clean-up of Hazardous Waste

On May 15, 2020, Robert Carville, age 57, formerly of Johnstown, New York, was ordered to pay \$369,693.58 in restitution to the U.S. Environmental Protection Agency (EPA) to reimburse the agency for expenses incurred in removing hazardous waste that Carville stored without a permit at the former Carville National Leather Corporation building in Johnstown.

The announcement was made by United States Attorney Grant C. Jaquith and Tyler Amon, Special Agent in Charge of the EPA's Criminal Investigation Division (EPA-CID) in New York.

Carville National Leather Corporation was a family owned tannery business that operated in Johnstown, New York, from 1976 until it closed in September 2013. Robert Carville owned and operated the business for approximately 10 years prior to its closure.

Carville pled guilty in December 2018 to one felony count of illegally storing hazardous waste without a permit. As part of his guilty plea, Carville admitted that as the owner and manager of the tannery, he was responsible for the materials stored there when it ceased operations. Following the closure of the business, Carville moved out of state, leaving hundreds of containers of hazardous



chemicals inside the abandoned tannery building. Some of these were labeled as “corrosive,” “acidic,” and “hazardous.” Carville did not have a permit to store hazardous materials. Chemicals began leaking from the tannery building approximately two years after Carville abandoned it. In light of the tannery’s proximity to multiple residences and to a local creek, EPA deemed it a Superfund site and incurred substantial expenses in cleaning up and removing the chemicals over a several-month period.

On July 22, 2019, Carville was sentenced to serve a 2-year term of probation and the Court deferred until May 15, 2020 a determination on any restitution Carville owed EPA as part of the sentence. The parties presented evidence and testimony regarding restitution at an evidentiary hearing in December 2019. After reviewing that evidence and considering legal briefs filed by the parties, Carville was ordered to pay \$369,693.58 in restitution to EPA.

This case was investigated by EPA’s Criminal Investigation Division and prosecuted by a DOJ Assistant U.S. Attorney.

Two Atchison Kansas Companies Fined \$1 Million Each

Harcros Chemicals, Inc., and MGP Ingredients, Inc., were fined \$1 million each for violating the federal Clean Air Act when a cloud of toxic chlorine gas was released over Atchison, Kansas, in 2016. Both companies have paid the fines.

The companies were sentenced during a hearing in federal court On May 27, 2020 in Topeka, Kansas. Both companies pleaded guilty to negligently violating the Clean Air Act, which is a Class A misdemeanor.

In their pleas, they admitted that on Oct. 21, 2016, a greenish-yellow chlorine gas cloud formed at MGP Ingredients' facility in Atchison 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 Harcos Chemicals sought medical attention.



“The chemicals involved in this case posed serious public health and environmental dangers,” said Assistant Special Agent in Charge Cate Holston 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.”

The case was investigated by EPA’s Criminal Investigation Division and prosecuted by a DOJ Assistant U.S. Attorney.

California Firm Ordered to Pay More Than \$150,000 for Hazardous Waste Violations

Curtis Technology Inc., a San Diego firm that makes specialized coatings, was sentenced in federal court on May 13, 2020 to pay a \$45,000 fine and \$114,297 in clean-up costs for illegally transporting hazardous waste from its facility without a manifest.

Curtis Technology Inc. (CTI) pleaded guilty in February, admitting that it conducted metal finishing operations at its location on Sorrento Valley Road, which generated various wastes, including ferric chloride, alkaline, waste filter cake, solvents and other chemicals. The company admitted that between December 12, 2015 and August 22, 2019, the CTI owner and a maintenance employee transported chemicals, including waste ferric chloride, waste filter cake, waste alkaline, waste solvents and other chemical wastes, from the CTI location on Sorrento Valley Road to the CTI owner's three residences located on Wrelton Drive, Corte Morea, and Bourgeois Way, without an accompanying hazardous waste manifest.

On November 8, 2019, a maintenance worker for CTI told the FBI that beginning in 2017, at the direction of the company owner, he transported various chemicals (both unused and waste) to be stored at the owner's three residences in San Diego. The employee stated that the chemicals were hazardous, and that some could react with others stored at the same location if they were to come in contact with each other, potentially resulting in explosion. The employee further stated that he had been to the residences prior to 2017 with the owner and had observed containers of unknown chemicals at the residences prior to his first deliveries at each location. The chemicals he delivered were stored in five-gallon buckets with lids and jars with lids, and included selenium, cesium, ferric chloride, alkaline and filter cake (solids strained from liquids or sludges). All three residences where the chemicals were stored were unoccupied, and none of the chemicals were labeled as hazardous waste. None of the chemicals transported to the residences by the employee were accompanied by a hazardous waste manifest.



On November 14, 2019, federal search warrants were executed at the three residences identified by the employee as places where the hazardous waste was being stored. Collectively, at the three sites, over 300 containers of waste chemicals were discovered. At one of the locations, chemicals deemed too unstable to transport were discovered. The area was evacuated, the San Diego Fire Department Bomb Squad arrived, and the chemicals were detonated on site. The remaining chemicals were removed from the sites and disposed of as hazardous waste through the EPA Superfund program at a cost of approximately \$114,000. The illegal activity occurred after the company had been subject to an adverse administrative action relating to its management of its hazardous waste.

“This company was so cavalier and irresponsible about the storage of chemicals that it knowingly put an entire neighborhood at risk,” said U.S. Attorney Robert Brewer. “This sentence holds the company accountable

for its illegal actions.” Brewer also commended the prosecution team headed by AUSA Melanie Pierson for their diligence in this case.

“The illegal transportation and storage of dangerous chemicals and hazardous waste could have easily resulted in a serious injury or death,” said San Diego FBI Acting Special Agent in Charge Omer Meisel. “Today’s conviction demonstrates the FBI’s commitment to working with our law enforcement partners to hold accountable those individuals who do not follow proper hazardous waste protocol and put the community at risk.”

“The defendant illegally stored chemicals in a residential area that were too unstable to safely transport for disposal,” said Acting Special Agent in Charge Scot Adair of EPA’s criminal enforcement program in California. “These actions required the evacuation of a neighborhood to allow local law enforcement officials to detonate the chemicals safely. EPA and our law enforcement partners are committed to addressing these risks and enforcing our environmental laws.”

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

North Dakota Man Sentenced for Wildlife Violations involving Bald Eagle Deaths

David Alan Meyer, 58, of Flasher, North Dakota was convicted of Unlawful Taking of Bald Eagles, Unlawful Taking of Migratory Birds, and Unlawful Use of a Restricted Use Pesticide. Meyer was sentenced on April 2, 2020 and ordered to pay a total of \$58,800 in restitution, \$9,800 per eagle, a \$50,000 fine, and a special assessment to the Federal Crime Victims Fund in the amount of \$50.

"Today's sentencing is a testament to the commitment of federal, tribal and state law enforcement agencies to protect our nation's bald eagles," said Edward Grace, Assistant Director of the Office of Law Enforcement. "Illegal poisoning can have a significant impact on their populations. Working with our tribal, state and federal partners, the U.S. Fish and Wildlife Service is dedicated to protecting our nation's fish and wildlife resources."

Meyer was charged on January 16, 2020. He pled guilty to the Information on January 30, 2020.

In March and April 2016, a joint Standing Rock Sioux Tribe Game and Fish Department, U.S. Fish and Wildlife Service, and Environmental Protection Agency investigation revealed that David Meyer, owner of Meyer Buffalo Ranch on the Standing Rock Sioux Indian Reservation had supervised the misapplication of 39,000 pounds of Rozol prairie dog bait, a restricted use pesticide, on over 5,400 acres of his property.



Over a dozen workers were interviewed and confirmed they were supposed to put the poison in the holes, but due to the high demand on the amount of poison that needed to be dispensed and the large land tract, workers got sloppy and the poison was not dispensed as required by the label. Because of the misapplication, the EPA emergency response team was dispatched to oversee the cleanup of the ranch land by Meyer. During the course of the investigation, six bald eagles were recovered and confirmed to have died as a result of the poison.

"The defendant put the health of workers and wildlife at risk by illegally obtaining and using a restricted-use pesticide," said Acting Special Agent in Charge Lance Ehrig of the EPA's Denver Area Office. "This case serves as a stark reminder that restricted use pesticides must be applied by certified personnel and as intended. Those who circumvent and ignore the laws that protect public health and wildlife will be held accountable by the EPA and our law enforcement partners."

This case was investigated by the U.S. Fish and Wildlife Service, EPA's Criminal Investigation Division, the

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Standing Rock Sioux Tribe Game and Fish Department, and the North Dakota Department of Agriculture. A DOJ Assistant U.S. Attorney prosecuted the case.



Fayetteville, Georgia Woman Pleads Guilty to COVID-19 Related Federal Offense for Selling Unregistered Pesticides on eBay

Rong Sun, who sold an unregistered pesticide as protection against viruses such as COVID-19, pleaded guilty on May 29, 2020, to violating the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

“We will act quickly and decisively to protect the health of our community,” said U.S. Attorney Byung J. “BJay” Pak. “As Georgia and the country battle a global pandemic, we need safe and effective treatments, not ones that threaten the health of our citizens.”

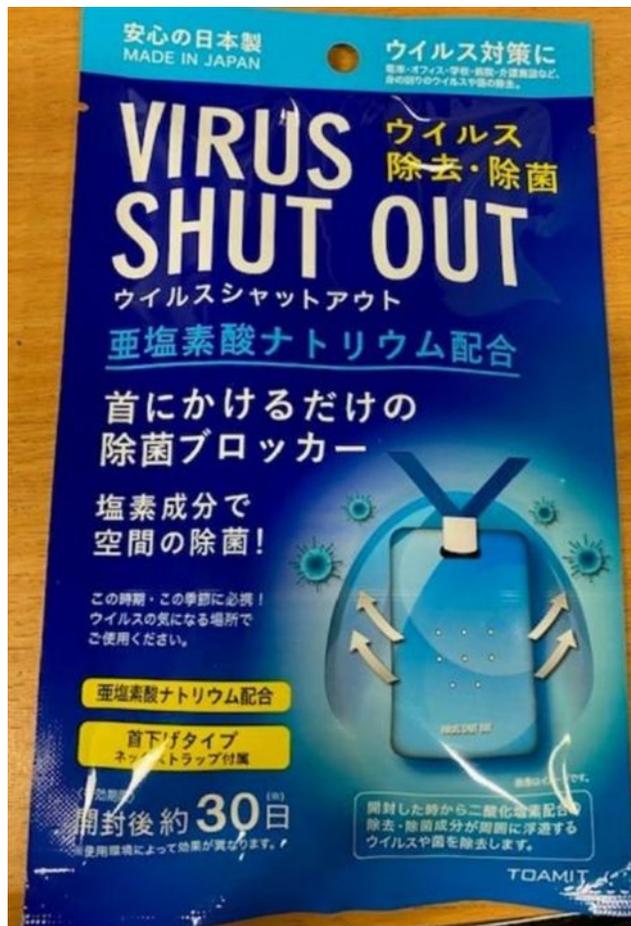
“Registration under FIFRA helps ensure that pesticides sold in the U.S. work and are safe for humans. The trafficking in snake-oil remedies outside of FIFRA is a criminal act and anyone who does so, especially during this pandemic, will find federal law enforcement ready to stop them,” said Assistant Attorney General Jeffrey Bossert Clark for the Justice Department’s Environment and Natural Resources Division. “The U.S. Department of Justice will not stand by while criminal conduct risks people’s health and safety.”

“This case shows that consumers need to be cautious of products that make unsubstantiated claims of controlling viruses,” said Environmental Protection Agency (EPA) Assistant Administrator for Enforcement and Compliance Assurance Susan Bodine. “EPA and our law enforcement partners continue to work to stop the sale of these illegal products. Consumers can help protect themselves by visiting epa.gov/coronavirus for a list of approved products.”

“Playing on people’s fears during this pandemic by offering false hope and the empty promise of protection is not only dangerous, it’s also reprehensible and illegal,” said acting Special Agent in Charge Robert Hammer, who oversees Homeland Security Investigations (HSI) operations in Georgia and Alabama. “HSI and its partners are working diligently to investigate and arrest those criminals that are trying to take advantage of Americans during this pandemic.”

“A large part of the U.S. Postal Inspection Service mission is to ensure public trust in the mail,” said Tommy D. Coke, Inspector in Charge of the U.S. Postal Inspection Service Atlanta Division. “When individuals challenge that mission, Postal Inspectors will aggressively investigate those seeking to deceive during this crisis for their own financial gain.”

According to U.S. Attorney Pak, the charges and other information presented in court: The defendant sold an unregistered pesticide, Toamit Virus Shut Out, through eBay, claiming that it would help protect individuals from viruses. The pesticide was marketed as “Virus Shut Out” and “Stop The Virus.” The eBay listing depict-



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ed the removal of viruses by wearing the “Virus Shut Out” and “Stop The Virus” product. Additionally, the listing stated that “its main ingredient is ClO₂, which is a new generation of widely effective and powerful fungicide recognized internationally at present. Bacteria and viruses can be lifted up within 1 meter of the wearer’s body, just like a portable air cleaner with its own protective cover.” It also stated that “In extraordinary times, access to public places and confined spaces will be protected by one more layer and have one more layer of safety protection effect, thus reducing the risks and probability of infection and transmission.” The listing further claimed that Toamit is “Office and home essentials during viral infections reduce transmission risk by 90%.”

Under FIFRA, the Environmental Protection Agency regulates the production, sale, distribution and use of pesticides in the United States. A pesticide is any substance intended for preventing, destroying, repelling, or mitigating any pest. The term “pest” includes viruses. Pesticides are required to be registered with the EPA. Toamit Virus Shut Out was not registered and it is illegal to distribute or sell unregistered pesticides. Sun imported the pesticide from Japan and later sold it to individuals around the United States.

EPA has taken steps to block the importation and sale of Toamit Virus Shut Out in the United States: <https://www.epa.gov/newsreleases/epa-administrator-wheeler-talks-retailers-and-third-party-marketplace-platforms-discuss> and <https://www.epa.gov/newsreleases/us-epa-acts-protect-public-unregistered-virus-shut-out-product-imported-honolulu-and>.

The charges carry penalties of up to one year in prison and a \$100,000 fine. In determining the actual sentence, the Court will consider the United States Sentencing Guidelines, which are not binding but provide appropriate sentencing ranges for most offenders. Sentencing for Rong Sun is set for June 29, 2020.

This case is being investigated by the EPA’s Criminal Investigation Division, Homeland Security Investigations, and U.S. Postal Inspection Service. A DOJ litigation team is prosecuting the case.

Officials of Waste Recycling Company Charged with Conspiring to Commit Environmental Crimes

The United States Attorney for the Western District of Wisconsin announced the filing of three Informations and plea agreements on May 21, 2020 charging Thomas Drake, 80, Jasper, Georgia; James Moss, 61, Ladysmith, Wisconsin; and Bonnie Dennee, 66, Phillips, Wisconsin, with conspiracy to store and transport hazardous waste without the required permits and manifests, in violation of the Resource Conservation and Recovery Act (RCRA). The Information filed against Moss also charged him with conspiracy to evade the payment of employment taxes and income taxes to the Internal Revenue Service.

As part of their plea agreements with the United States, Drake, Moss, and Dennee agreed to waive their right to be charged by indictment by a grand jury. In these circumstances, federal charges are entered by way of an Information filed with the Court.

According to the Informations, 5R Processors Ltd. (5R) based in Ladysmith, Wisconsin was a corporation involved in recycling electronic equipment, appliances, and other assets. 5R operated numerous facilities and warehouses in Ladysmith, Glen Flora, Catawba and West Bend, Wisconsin, and in Morristown, Tennessee. Drake founded 5R in Wisconsin in 1988 and served as the Chief Executive Officer and Chairman of the Board of Directors. Drake was responsible for overseeing all aspects of 5R's operations, including compliance with OSHA and federal and state environmental laws. Moss joined 5R in 2007, and became its President in 2010. As President of 5R, Moss was responsible for managing all plant operations. Dennee started with 5R in 1997. She worked in various positions at 5R, including director of environmental, health, safety & certifications, and executive vice-president.

According to the Informations, 5R used a de-manufacturing technique whereby electronic equipment was taken apart manually and the parts sorted into commodities which then could be resold. 5R took in computer monitors and televisions that contained cathode ray tubes (CRTs), which were broken down and the glass separated between "clean glass" (which was sold as a commodity) and "funnel glass" that had lead in it. Until 2011, 5R shipped the leaded CRT glass to vendors that were allowed to handle it, and 5R was charged for the disposal.

The Informations allege that from 2011 to 2016, the defendants and others conspired to (1) knowingly store hazardous waste (i.e broken and crushed CRT glass that contained lead) at unpermitted facilities in Catawba and Glen Flora, Wisconsin, and Morristown, Tennessee; (2) knowingly transport the hazardous waste without a required manifest; and (3) conceal the above violations from state regulators in Wisconsin and Tennessee, as well as auditors with a nationwide recycling certification program known as R2.

According to the Informations, the defendants attempted to conceal their illegal storage and transport of the crushed leaded glass by various means, including:

- changing the date labels on the containers;
- hiding the containers by putting them inside semi-trailers and locking the trailer doors;
- moving the containers to the back of the warehouse and stacking other pallets in front of them, making it impossible for regulators to see the boxes or inspect them;

- storing the containers at a warehouse in Glen Flora, and not disclosing the existence of this warehouse, or its contents, to state regulators or R2 auditors;
- storing the containers at 5R's plant in Morristown, Tennessee in two warehouse spaces that did not have electricity or power, and which were referred to by 5R employees as the "dark side" and the "dark-dark side;" and
- providing the state regulators with inaccurate inventory and shipping records for the leaded glass.

The defendants agreed to plead guilty to this conspiracy charge. If convicted, the maximum penalty for this charge is five years in prison, restitution, and a \$250,000 fine. In addition, Moss agreed to plead guilty to a conspiracy to defraud the IRS in the collection of employment taxes and income taxes for 5R and two other related companies, Wisconsin Logistic Solutions (WLS) and Pure Extractions. The Information alleges that Moss and others failed to truthfully account for and pay over to the Internal Revenue Service all of the federal income taxes withheld from employees and FICA taxes due and owing to the United States for 5R, WLS and Pure Extractions, totaling \$858,101.29. The maximum penalty for this charge is also five years in prison, restitution, and a \$250,000 fine.

The charges against Drake, Moss, and Dennee are the result of an investigation conducted by the Wisconsin Department of Natural Resources, Bureau of Law Enforcement; the U.S. Environmental Protection Agency, Criminal Investigation Division; and IRS Criminal Investigation. James Cha with EPA Regional Criminal Enforcement Counsel and Assistant U.S. Attorney Daniel J. Graber are handling the prosecution.

A charge is merely an accusation. Defendants are presumed innocent until and unless proven guilty.