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.

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Defendant Summary

Region	Defendants	Case Type/Status
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Anchorage Man and Two Anchorage-Based Companies Sentenced for Criminal Violations of the Clean Air Act

On February 26, 2021, Tae Ryung Yoon, aka Thomas Yoon, Yoo Jin Management Company, Ltd. and Mush Inn Corporation were sentenced for asbestos work violations under the Clean Air Act.

Yoo Jin Management Company Ltd. and Mush Inn Corporation were sentenced to 3 years of probation and ordered to jointly and severally pay $30,000 in restitution and a $35,000 fine. The government will be seeking an additional $27,081.14 in restitution for the medical monitoring costs of the victims exposed to asbestos at an upcoming restitution hearing.

Tae Ryung Yoon, aka Thomas Yoon, was a contracted employee for the Northern Lights Center and was was sentenced to a term of 2 years of probation and ordered to complete 100 hours of community service.

A 10-count indictment was filed in September 2019, which alleged that from January 2015 through March 2015, Thomas Yoon, Yoo Jin Management Company, Ltd., and Mush Inn Corporation knowingly violated Clean Air Act asbestos work practice standards and asbestos disposal standards with regard to the renovation of a an old boiler room at the Northern Lights Center, located at 1200 W. Northern Lights Blvd. in Anchorage. Further, the owners and operators of the facility failed to submit notification to the U.S. Environmental Protection Agency (EPA) as required when renovating 393 square feet of Regulated Asbestos Containing Material.

According to Court Documents, Yoo Jin Management Company Ltd. and Mush Inn Corporation, (now known as NLSC Investments, Inc.) jointly owned Northern Lights Center since 2006. In November of 2014, they entered into a contract with a handyman/contractor to remove insulation, pipe, pump, electric power lines and the unused boilers located in the old boiler room at the facility. The contractor was not a certified asbestos abatement contractor. Despite having knowledge that there had been asbestos discovered during prior renovation projects, they failed to have an asbestos survey completed prior to the renovation commencing in January 2015 and failed to inform the contractor of the possibility of asbestos in the old boiler room. Between January and March 2015, the contractor began removing the insulation that surrounded the pipes and boilers. During the months the contractor was engaged in work, three workers were required to enter the boiler room to replace filters for the heating and ventilation system (HVAC). The work in the boiler room was eventually halted when two of the HVAC workers raised concerns about asbestos. The EPA was notified, and an inspector surveyed the boiler room. The EPA inspector discovered white dust and flakes throughout the boiler room. Samples taken from the boiler room were later confirmed by the EPA laboratory to contain 2%, 5%, 7% and 17% asbestos respectively.

The EPA and Congress have determined there is no safe exposure limit for asbestos. In 1971, asbestos became the first hazardous air pollutant listed under the Clean Air Act. Because there is no concentration of

asbestos that is considered safe, the EPA disseminated work practice standards for renovations and demolition projects that direct the handling and disposal of regulated asbestos containing material.

“The defendants’ illegal practices for the removal of asbestos containing material exposed four workers to asbestos and these workers now face extended periods of medical monitoring,” said Special Agent in Charge Scot Adair of EPA’s criminal enforcement program in Alaska. “EPA is taking action to hold the defendants accountable for their actions.”

Ice Company Criminally Fined, Required to Remedy Clean Air Act Violations

J.P. Lillis Enterprises, Inc., D/B/A Cape Cod Ice, a cold storage warehouse and ice manufacturing facility that stores over 10,000 pounds of anhydrous ammonia at its facility on the banks of the Seekonk River, in Rhode Island was fined $90,000 and placed on federal probation for three years by a federal court judge in Providence on March 22, 2021 for repeatedly failing to implement a Risk Management Plan (RMP) to be executed in the event of an accidental release of anhydrous ammonia, an extremely hazardous substance.

The facility, located in an industrial area adjacent to residential area, and in the vicinity of an elementary school, was assessed civil penalties by the Environmental Protection Agency as far back as 2012 for failing to develop and submit an RMP, and since has repeatedly been found to contain equipment in need of repair to avoid a potential release of anhydrous ammonia.

Subsequent inspections by EPA, OSHA, and the East Providence Fire Department found the existence of corrosion on ammonia-carrying pipes and on the facility's high- pressure ammonia receiver; the failure of corrosion-preventing insulation on the pipes; and inadequate inspection, testing, and maintenance of the ammonia piping and receiver.

Acting United States Attorney Richard B. Myrus and Tyler Amon, Special Agent in Charge of the Environmental Protection Agency Criminal Investigation's Division Boston Area Office announced that in addition to a $90,000 fine imposed by U.S. District Court Chief Judge John J. McConnell, Jr., Cape Cod Ice will, within 90 days, engage a qualified independent ammonia refrigeration consultant to conduct an audit that (1) evaluates Cape Cod Ice's compliance with the Clean Air Act and address deficiencies identified by the EPA, OSHA, and East Providence Fire Department and (2) includes a required maintenance inspection program.

Acting United States Attorney Myrus said, "The United States Attorney's Office is committed to working with EPA to ensure that companies doing business in Rhode Island fully comply with the Clean Air Act. Exposure to anhydrous ammonia can cause serious health issues. The resolution will help to mitigate the risk of accidental release of ammonia by ensuring that Cape Cod Ice conducts a thorough third-party audit of its ammonia refrigeration system and implements an appropriate Risk Management Plan under the Clean Air Act."

"Protecting Rhode Island communities from hazardous chemical releases is a priority for EPA" said Tyler Amon, Special Agent in Charge of EPA's Criminal Investigation Division. "The sentence emphasizes the importance of companies abiding by Risk Management Plans (RMP), put in place to protect workers, emergency responders and the surrounding residents."

Cape Cod Ice is required to submit to the United States Attorney's Office and to United States Probation within 30 days of the completion of the audit an action plan to address the findings of the audit and a timeline of completion of actions to be taken by the company.

Background

In January of 2017, EPA sent a letter to Cape Cod Ice, urging Cape Cod Ice to ensure compliance with the RMP requirements. In April of 2017, EPA inspected the facility and again observed numerous violations of the RMP and PSM regulations, including the existence of corrosion on ammonia-carrying pipes and on the facility's high-pressure ammonia receiver, and the failure of corrosion-preventing insulation on the pipes. In June of 2017, EPA also issued an Administrative Compliance Order to Cape Cod Ice.

In May of 2017, the East Providence Fire Department inspected the facility and issued a Notice of Violation finding, among other things, that ammonia piping was rusted and showed signs of excessive corrosion, with areas that had moldy insulation or no insulation; and that the ammonia receiver was corroded. The Fire Department ordered the facility to come into compliance. Cape Cod Ice has submitted reports to the East Providence Fire Department and to EPA indicating that it has taken steps to bring the facility into compliance.

The matter was investigated by the EPA's Criminal Investigation Division and prosecuted by a joint EPA/DOJ litigation team

Former Vice President of Recycling Company Sentenced to 5 Months for Illegally Storing Hazardous Waste

The United States Attorney for the Western District of Wisconsin, announced that Bonnie Dennee was sentenced on January 26, 2021 by U.S. District Judge William M. Conley to five months in federal prison, followed by a three-year term of supervised release, for conspiracy to store and transport hazardous waste without required permits and manifests, in violation of the Resource Conservation and Recovery Act (RCRA). Dennee pleaded guilty to this charge on October 22, 2020.

Dennee's co-defendant, James Moss, pleaded guilty on September 1, 2020, and was sentenced to 18 months in prison. Co-defendant Thomas Drake signed a plea agreement on December 31, 2019, which was filed on May 21 ,2020. Finally, co-defendant Kevin Shibilski was indicted by a grand jury on September 10, 2020. The indictment against Shibilski included a hazardous waste storage charge, as well as eight counts of wire fraud, and conspiracy to defraud the IRS by not paying over employment taxes and income taxes.

Dennee worked for 5R Processors Ltd. (5R) based in Ladysmith, Wisconsin. 5R was a Wisconsin-based corporation involved in recycling electronic equipment, appliances, and other assets. Dennee pleaded guilty to a criminal information charging that from 2011 to 2016, Dennee, Moss, Drake and others conspired to (1) knowingly store hazardous waste (i.e., broken and crushed CRT glass that contained lead) at unpermitted facilities in Catawba, Wisconsin, 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 (R2).

At her plea hearing, Dennee admitted to attempting to conceal the illegal storage and transport of the crushed leaded glass from state regulators by various means, including: (1) changing the date labels on the containers; (2) hiding the containers by putting them inside semi-trailers and locking the trailer doors; (3) 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; (4) storing the containers at a warehouse on Artisan Drive in Glen Flora, Wisconsin (known as the "Sunshine Building"), and not disclosing the existence of this warehouse, or its contents, to state regulators or R2 auditors; (5) 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 (6) providing the state regulators with inaccurate inventory and shipping records for the leaded glass.

At the sentencing, Judge Conley told Dennee that once she left 5R in 2016, she could have reported the criminal conduct to regulators at the Wisconsin Department of Revenue, but she chose not to make such a disclo-

sure. Judge Conley pointed out that her inaction, “let the community down.” Dennee agreed with the Court’s assessment, adding that she could not provide a good reason why she did not come forward after she left the company.

Nonetheless, Judge Conley praised Denee for ultimately doing the right thing and cooperating with the government to help explain and unravel the criminal conspiracy, but noted that Dennee, “still needed to pay a price.” Judge Conley added, “I hope this sentence also delivers a message to others who wish to commit this same conduct.”

The charges against Dennee were the result of an investigation conducted by the Wisconsin Department of Natural Resources, Bureau of Law Enforcement, EPA’s Criminal Investigation Division, and IRS Criminal Investigation. The prosecution of the case was handled by DOJ.

Ohio Lab Analyst Sentenced for Falsifying Test Results

On March 9, 2021, former environmental laboratory analyst Andrew Ecklund was sentenced to two years of probation and ordered to pay a $2,500 fine for falsifying laboratory test results.

Andrew K. Ecklund pleaded guilty in November of 2020 to nine counts of wire fraud stemming from a scheme to falsify laboratory analysis reports in order to improve work efficiency.

“Regulations are critically important to ensuring the health and safety of the environment and the general public," said Acting U.S. Attorney Bridget M. Brennan. “When any person subverts quality control procedures and then misrepresents test results identifying levels of hazardous substances, they will be held accountable for their actions."

“Both environmental regulators and the regulated community rely on accurate laboratory results to make important decisions on the protection of human health and the environment,” said Special Agent in Charge Jennifer Lynn of EPA’s Criminal Investigation Division in Ohio. “Quality control is one of the most important aspects of sample analysis. This sentencing demonstrates that analysts who cover up failed quality control measures and then misrepresent test results will be held accountable.”

“The sentencing confirms that the Defense Criminal Investigative Service (DCIS) is committed to protecting the integrity of the procurement process,” stated Special Agent in Charge Patrick J. Hegarty, DCIS Northeast Field Office. “The DCIS will continue to work with its partner agencies to ensure that similar conduct is thwarted and that the U.S. Department of Defense is made whole.”

According to court documents, Ecklund was previously employed as a laboratory analyst with an environmental testing company operating in Northeast Ohio. The company was paid to analyze environmental samples for organizations and government agencies across the United States and to do so according to U.S. EPA regulations. As a laboratory analyst, Ecklund was responsible for testing samples for the presence and concentration of hazardous substances and unacceptable levels of pollutants using industry standards, methodology and quality control measures.

On nine separate occasions between on or about January 3, 2012, and on or about July 25, 2015, Ecklund took steps to make it appear that certain samples had passed quality control testing measures, when in fact, they had failed. In particular, Ecklund failed to properly calibrate and tune the quality control instruments, which was the foundation of the quality control process. This failure resulted in unreliable measurements of pollutants and hazardous substances, and therefore invalidated the testing process.

By disguising these invalid tests and making them appear valid, Ecklund was able to increase his productivity by avoiding having to shut down his instruments for repair and not retesting the samples, as required by EPA regulations. As a result of his actions, the test results provided by the company to their customers were invalid.

After the laboratory testing was complete, the company was required to submit an analysis report to their customers. Each report identified the laboratory analyst who conducted the testing and described any deviations from the testing methodology, including the quality control measures. Ecklund failed to disclose on

these reports that the samples had failed the quality control measures and the actions he took to make it appear that they had passed.

The investigation preceding the indictment was conducted by the Ohio EPA, Ohio Attorney General's Office, Army Criminal Investigation Command, Department of Defense, Office of Inspector General, and U.S. EPA's Criminal Investigation Division, all of which are members of the Northeast Ohio Environmental Crimes Task Force. The case was prosecuted by DOJ.

Menifee Resident Sentenced to 70 days Custody and Ordered to pay $20,000 for Smuggling Pesticides

On March 26, 2021, Beatriz Santillan of Menifee, California, was sentenced to 70 days in prison and ordered to pay $20,079 restitution, following her plea of guilty to the charge of smuggling involving illegal pesticides on March 26, 2020. The restitution order is to cover the cost of disposal of the pesticides. Santillan was ordered to surrender to begin serving her sentence on June 16, 2021.

In pleading guilty in July of 2020, Santillan admitted that she entered the United States at the Otay Mesa Port of Entry driving a Toyota Camry. Santillan twice advised the primary inspector she was not bringing anything from Mexico. The inspector, however, found 56 containers of illegal Mexican pesticides in the vehicle, including three liters of Qufuran, five liters of Bayfolan, two liters of Metaldane, two liters of Biomec, one container of Ridomil Gold, 16 containers of Fosfuro de Zinc and 27 containers of Rodentox.

According to sentencing documents, a subsequent search of Santillan's phone revealed photographs and videos of marijuana plants, both outside and in greenhouses, beginning August 10, 2019, and ending two days before her stop at the border. Phone chats between Santillan and an associate disclosed discussions about caring for marijuana plants and the use of the pesticides for growing marijuana, and included photos of pesticides and marijuana plants. The sentencing documents also noted that receipts for the purchase of pesticides in Mexico on three separate occasions, a medical marijuana prescription for an associate, and records of the purchase of items used for growing plants were found in Santillan's car, along with records of the transfer of over $4,000 in the three months before her stop at the border.

Methamidophos is one of the most acutely toxic organophosphate pesticides, and is similar to a class of chemicals that were originally manufactured as chemical warfare nerve agents.

The pesticides imported by Santillan were labeled in Spanish and did not bear any EPA registration number, as required by law for pesticides intended for use in the United States. Pesticides with the active ingredients found in the Qufuran and Metaldane imported by Santillan are cancelled pesticides in the United States, and may not be legally imported, sold, or distributed in the United States. Pesticides with the active ingredients found in Biomec, Fosfuro de Zinc and Rodentox are restricted use pesticides and may be purchased and applied only by certified pesticide applicators. Santillan holds no such certificate. Moreover, the lawful importation of pesticides requires a Notice of Arrival to be provided to U.S. Customs, and Santillan provided no such Notice of Arrival for the pesticides in question.

The pesticides involved are acutely toxic. The active ingredient in Metaldane is methamidophos, which has been cancelled in the United States since 2009. Methamidophos is one of the most acutely toxic organophosphate pesticides, and is similar to a class of chemicals that were originally manufactured as chemical warfare nerve agents. Carbofuran, the active ingredient in Qufuran, is classified by the EPA as Toxicity Category I, the highest toxicity category, based upon its lethal potency from absorption by ingestion, contact with skin, and inhalation. Zinc phosphide, the active ingredient in Fosfuro de Zinc and Rodentox, is extremely toxic, and the ingestion of small amounts can cause death in animals and humans. Ingestion of 7 drops to 1 teaspoon of zinc phosphide would likely kill a 150-pound person. After it is ingested, the zinc phosphide reacts with acid in

the stomach, producing phosphine gas, which blocks cells from making energy, killing the cells. Phosphine gas can also be produced in the stomach if zinc phosphide dust is inhaled and swallowed after clearing from the lungs. The use of these chemicals poses a danger to humans and wildlife that might come in contact with them, as well as cannabis users who ingest products treated with them. Moreover, these chemicals are known to have injured law enforcement officers engaged in the eradication of illegal marijuana cultivation sites in California.

"The illegal importation and use of cancelled and restricted pesticides, like the ones this defendant was smuggling into the United States, pose a serious health threat to anyone that comes into contact with them. They also threaten wildlife in the areas where they are being illegally used. The Department of Justice remains committed to working with Homeland Security Investigations and the Environmental Protection Agency to ensure that those who smuggle these dangerous chemicals into the United States are held accountable under the law for their crimes," said Jean E. Williams, Acting Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice.

"The highly toxic chemicals that the defendant smuggled across the border pose a significant danger to unknowing consumers, law enforcement, wildlife and the environment in California," said Acting United States Attorney Randy S. Grossman. "The illegal importation, distribution, and application of such dangerous chemicals will not be tolerated."

"Illegal pesticides contain very dangerous and toxic chemicals, and their use jeopardizes public safety, pollutes the environment, and puts people's health at risk," said Cardell T. Morant, Special Agent in Charge of Homeland Security Investigations (HSI). "These unregistered substances can be very harmful, and HSI and our partners at the Environmental Protection Agency, California Department of Toxic Substances Control, Customs and Border Protection, and the U.S. Attorney's Office are committed to working together to stop these deadly pesticides from entering the United States."

"The pesticides involved in this case pose serious public health and environmental dangers," said Special Agent in Charge Scot Adair of EPA's Criminal Investigation Division in California. "The sentence in this case demonstrates that individuals who intentionally violate smuggling and environmental protection laws will be held responsible for their crimes."

The case was investigated by EPA's Criminal Investigation Division and Homeland Security Investigations. Prosecution was handled by a DOJ litigation team.

Idaho Dairy Farm and Its Owner Sentenced for Clean Water Act Violation

4 Brothers Dairy, Inc. (4 Bros.) and its owner, Andrew Fitzgerald were sentenced in U.S. District Court on March 15, 2021 for unlawful discharge of pollutant into a water of the United States, a misdemeanor violation of the Clean Water Act, announced Acting U.S. Attorney Rafael M. Gonzalez, Jr.

U.S. Magistrate Judge Candy W. Dale ordered 4 Bros. to pay a $95,000 fine and ordered Fitzgerald to pay a $35,000 fine. As part of its plea agreement entered in the case, 4 Bros. also agreed to obtain a National Pollution Discharge Elimination System (NPDES) permit issued under the Clean Water Act by the United States Environmental Protection Agency (EPA). NPDES permits are designed to control water pollution by regulating point sources, such as large dairies, that discharge pollutants into waters of the United States. Judge Dale also imposed one year of probation on 4 Bros.

According to court records, 4 Bros. is a dairy and concentrated animal feeding operation operating in Shoshone with at least 1,000 head of cattle. It maintains waste-water lagoons that are adjacent to the Milner-Gooding Canal, which flows to the Malad River and on to the Snake and Columbia Rivers. In the winter season of 2017, record precipitation, record snowpack, and flooding occurred, leading to extreme runoff at the 4 Bros. property. In February 2017, during this period of flooding, 4 Bros. and Fitzgerald negligently caused discharges of manure-laden water into the Milner Gooding Canal at three locations.

Specifically, on February 10, 2017, a catchment area on the east side of the dairy overtopped, inadvertently breached, and discharged snowmelt along with manure into the canal. 4 Bros. and Fitzgerald were aware of the discharge during that time but did not attempt to repair the lagoon until February 23, 2017. 4 Bros. and Fitzgerald admitted that failing to repair the discharge for 14 days was criminally negligent under the circumstances.

Two other discharges occurred between February 19 and February 22, 2017. On the west side of the dairy, 4 Bros. used earth-moving equipment to cut open a berm and lined it with plastic to cause manure-laden wastewater from a lagoon to flow into the canal. At the central portion of the dairy, 4 Bros. mechanically pumped manure-laden wastewater from a wastewater lagoon into the canal. 4 Bros. additionally admitted that these discharges were negligent under the circumstances.

“The United States Attorney’s Office takes seriously any business, corporation, or individual that violates federal environmental laws. Even the negligent discharge of pollutants into the waters of the United States is simply unacceptable,” said Acting U.S. Attorney Gonzalez. “The sentence holds the defendants accountable for their actions in violating the Clean Water Act, and our office will continue to work with the EPA and our state and local partner agencies in the State of Idaho to hold offenders of the Clean Water Act accountable,” he concluded.

“The defendants’ conduct led to a serious impact to water quality in the state of Idaho,” said Scot Adair, Special Agent in Charge of EPA’s Criminal Investigation Division in the Northwest. “EPA and the Department of

Justice hold accountable companies and individuals that pollute our waterways."

As part of the plea agreement, 4 Bros. also agreed to commit no further Clean Water Act violations and to provide the EPA and state regulators with full access to 4 Bros.' operations as well as books and records upon reasonable notice to ensure compliance with the Clean Water Act.

Acting U.S. Attorney Gonzalez commended the cooperative investigation by the Environmental Protection Agency's Criminal Investigation Division, Idaho Department of Environmental Quality, Idaho Department of Agriculture, and the Lincoln County Sheriff's Office, which led to the charges.

Iowa Man Sentenced to Four Years Probation, Six Months Home Confinement for Illegal Storage of Hazardous Waste

On February 19, 2021, Russell Allen McKeehan, Sr. appeared before a United States District Court Judge and was sentenced to four years of probation for storage of hazardous waste without a permit. The sentence includes a six-month term of home confinement. McKeehan pleaded guilty to this offense on October 14, 2020.

McKeehan, doing business as Chrome Reflections, operated a chrome and metal plating and polishing business. He ceased chrome and metal processes at the East 14th Street facility around March 2013. After, he continued to store over 3,800 kilograms of hazardous wastes, including corrosive chemicals and reactive cyanide at the location. Cleanup of the site began in September 2016 and concluded in November 2017 and cost $79,926. The Court ordered McKeehan pay restitution in the amount of $49,926 toward the cleanup costs.

"Hazardous wastes pose serious public health and environmental dangers, so it's imperative they be handled and disposed of safely and legally," said Special Agent in Charge Lance Ehrig of the EPA's criminal enforcement program in Iowa. "The sentencing sends a clear signal that EPA and its law enforcement partners are committed to holding individuals accountable who violate the environmental laws that protect the health of our communities."

"Our office will continue to aggressively enforce these important environmental laws to protect the citizens of the Southern District of Iowa," said Acting United States Attorney Richard D. Westphal. "This case demonstrates the committed partnership between the EPA and the United States Attorney's Office to protect the environment and ensure individuals and companies follow the law."

This matter was investigated by the Environmental Protection Agency's Criminal Investigation Division (EPA-CID). The case was prosecuted by the United States Attorney's Office for the Southern District of Iowa.

Utah-based Company Sentenced for False Claims that Mold Inhibitor Can Kill COVID-19 Virus in the State of Washington

On February 22, 2021, Attorney General Bob Ferguson announced that PurEnvironment, a Utah-based mold remediation company, pleaded guilty to environmental crimes charges regarding the company's false claims that its products could provide "90+ day protection" against COVID-19. King County Superior Court Judge Gregg H. Hirakawa sentenced the company to a year of probation, ordered to pay a $15,000 fine, and come into compliance with state and federal regulations.

As the COVID-19 pandemic began, the company claimed on its website and in statements to the press that one of its mold-inhibiting pesticides could "completely rid" homes and businesses of COVID-19 and protect against it for 90 days. In reality, the Environmental Protection Agency (EPA) has only approved this pesticide for inhibiting the growth of mold, mildew and odor-causing bacteria. It is not approved for any use against viruses, let alone "90-day protection" against them.

"Throughout the pandemic, my office has been policing COVID-related scams," Ferguson said. "False claims undermine recommendations from public health experts and endanger the community. We will hold corporations and individuals that engage in coronavirus-related scams accountable."

Ferguson filed criminal charges against the company in King County District Court, alleging improper application of a pesticide under the Washington Pesticide Application Act. The company pleaded guilty to this misdemeanor charge and must pay a $15,000 fine. The company must also comply with Washington state and federal pesticide registration requirements.

The standard fine for a violation of the Washington Pesticide Application Act is $1,000. PurEnvironment faces a much higher fine thanks to the 2019 Corporate Crime Act, sponsored by then-state representative Mike Pellicciotti. Under this law, any corporation found guilty of a crime faces harsher monetary penalties. This legislation amended a Washington law that capped fines for corporate crimes at $10,000, no matter how serious the crime.

"PurEnvironment knowingly persisted in their false assertions that their pesticide application provided protection against COVID-19," said Special Agent in Charge Scot Adair of EPA's criminal investigation program in Washington. "As this case demonstrates, EPA and its State of Washington law enforcement partners are committed to holding responsible parties accountable for false claims that put entire communities at risk."

Case Background: PurEnvironment is a Utah-based mold remediation company. For its two-step mold removal process, the company uses two pesticides that it brands as "InstaPURE" and "EverPURE." Since it began operating in Washington in 2018, the company has used these two products without properly registering them for use with the State of Washington.

At the onset of the COVID-19 pandemic in March 2020, PurEnvironment began making claims that its mold-remediation services could "completely rid your home and business's surfaces of the COVID-19." The company's website told consumers that EverPURE, one of its mold-inhibiting products, could protect against COVID-19 for 90 days.

The products that PurEnvironment branded as EverPURE were never approved to treat any virus, let alone COVID-19. Those pesticides are mold inhibitors, only approved to inhibit the growth of odor- and stain-causing bacteria, mold, mildew and algae. There is no evidence that this anti-mold product can provide protection against viruses for 90 days.

In April 2020, the company reached out to a KIRO-7 news reporter and arranged to provide its "COVID disinfecting services" to a local gym, to be covered in the reporter's story. The KIRO-7 broadcast covered the disinfecting process and included an interview with PurEnvironment's co-owner, Brent Allenbach. Allenbach claimed in the interview that EverPURE is antiviral, stating, "there's a positive charge in there, now bacteria, viruses and mold all have negative charges, so as they come in and land on these surfaces, it will puncture it, denature it and kill it."

In July 2020, EPA sent a Notice of Advisement to PurEnvironment that the claims associated with their COVID-19 advertisements were likely false and misleading. At least as recently as December 2020, PurEnvironment still had a page on its website claiming that EverPURE will "protect your surfaces for up to 90 days from all viruses, including COVID-19."

The EPA Air and Toxics Enforcement Section issued a warning to the company in July to stop its false COVID-19 protection claims. The company continued making these claims on its website for months after it received this warning.

No individuals or businesses are known to have actually hired PurEnvironment for these services. The gym featured in the KIRO-7 story has refused to pay for the illegal services it received.

Ferguson has made prosecuting environmental crimes a priority of his administration. Since 2013, he has brought environmental prosecutions leading to 36 criminal convictions and restitution orders totaling in excess of $4.9 million.

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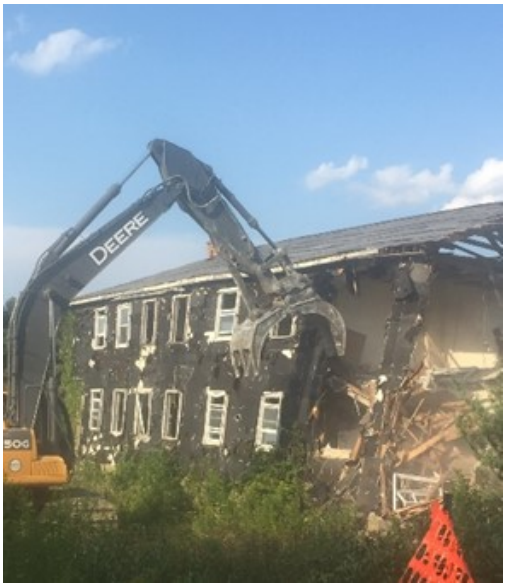
The Attorney General's Office Environmental Protection Division investigated the case with EPA's Criminal Investigation Division. The Attorney General's Office prosecuted the case at the request of the King County Prosecutor's Office.

Former New Windsor Town Official And Contractor Plead Guilty To Negligent Release Of Asbestos

On February 18, 2021, the United States Attorney for the Southern District of New York announced that James Petro, the former Planning and Zoning Coordinator and Property Development Manager for the Town of New Windsor, New York, and Richard McGoey, the former Town Engineer by contract for the Town of New Windsor, each pled guilty to one count of negligently causing the release of asbestos into the ambient air, thereby negligently placing other persons in imminent danger of death and serious bodily injury. Petro and McGoey pled guilty before United States Magistrate Judge Judith C. McCarthy in White Plains federal court.

U.S. Attorney Audrey Strauss said: "As they admitted in court, James Petro and Richard McGoey decided to cut corners and do things on the cheap, soliciting bids for demolition work without disclosing that the property contained asbestos. The contract was awarded to a contractor unqualified to do asbestos abatement work, and as a result Petro and McGoey jeopardized the health and safety of the people they had a responsibility to protect."



According to the allegations in the Informations to which Petro and McGoey pled guilty and other court documents:

In or about 1999, the Town of New Windsor (the "Town") acquired 250 acres adjacent to Stewart Airport from the Department of the Army. The property contained dozens of military barracks and other buildings that the Army had constructed in or about the 1940's, when the property was part of an Army Air Force base. These buildings included 10 buildings contained on the parcel of land bordered by International Boulevard to the south, Reed Street to the north, Aviation Avenue to the east and Raz Avenue to the west (the "10 Buildings"). The 10 Buildings contained asbestos.

After it acquired the 250 acres, the Town entered into an agreement with a real estate developer (the "Developer") pursuant to which the Developer would lease the land and develop it. From in or about 2006 through in or about 2009, the Town applied for various government grants to abate the asbestos in some of the buildings on the 250 acres and to demolish those buildings. Petro and McGoey participated with others in preparing and submitting the grant applications.

In or about May 2008, the Developer obtained a report from an asbestos inspector that indicated the 10 Buildings had asbestos-containing material. The report stated that any disturbance or abatement of the asbestos was required to be performed by a licensed contractor in accordance with federal and state regulations. Petro and McGoey knew of the existence of this report prior to August 2015.

In or about June 2012, Petro, McGoey and others discussed the need to prepare a written request for bids to

abate the asbestos in, and demolish, the 10 Buildings. The Town initially requested bids from asbestos inspectors to conduct asbestos surveys of the 10 Buildings. Petro, McGoey and others decided asbestos surveys were unnecessary because the 10 Buildings had already been surveyed in May 2008.

From May 2015 to June 2015, Petro, McGoey and others drafted a request for proposals to demolish the 10 Buildings. This request for proposals did not disclose the presence of asbestos containing materials in the 10 Buildings but said only that the demolition materials were to be disposed of in accordance with all federal, state, and local regulations. The Town published this request for proposals on or about June 5, 2015.

In July 2015, the Town awarded the contract to demolish the 10 Buildings to Contractor-1, who had submitted the lowest bid of $262,000. Contractor-1 was not a licensed asbestos contractor and had limited experience with asbestos. Although Contractor-1 did not submit a plan to abate the asbestos in the 10 Buildings or an asbestos clearance letter to the Town, the Town gave Contractor-1 permits to demolish the 10 Buildings.

From August 11, 2015 through August 16, 2015, Contractor-1 and his crew demolished the 10 Buildings without removing the asbestos contained therein by knocking the buildings down with a backhoe, thereby releasing the asbestos to the open air. During this period, both Petro and McGoey visited the site while the buildings were being knocked down. On August 19, 2015, an official with the Asbestos Control Bureau of the New York State Department of Labor suspended work on removing the debris piles resulting from the demolition of the 10 Buildings.

PETRO, 68, of New Windsor, New York, and McGoey, 71, of Monticello, New York, each pled guilty to one count of negligently causing the release of asbestos into the ambient air, thereby negligently placing other persons in imminent danger of death and serious bodily injury. This offense carries a maximum sentence of one year in prison. The maximum potential sentences in this case are prescribed by Congress and are provided here for informational purposes only, as any sentencing of Petro and McGoey will be determined by a judge.

Ms. Strauss praised the outstanding investigative work of the U.S. Environmental Protection Agency and Special Agents of the United States Attorney's Office for the Southern District of New York.

The prosecution of this case is being handled by a DOJ litigation team.

Maintenance Supervisor at a NY State Facility Pleads Guilty To Violating The Clean Air Act

On February 10, 2021 James S. Marshall pleaded guilty before a U.S. District Judge to negligent endangerment under the Clean Air Act. The charge carries a maximum penalty of one year in prison and a $125,000 fine.

"The very essence of the Clean Air Act is to protect people from dangerous, and potentially deadly, hazardous air pollutants," stated U.S. Attorney Kennedy. "As maintenance supervisor for the property owner where work was being done, the defendant had an obligation to look out for the safety of the hired contractors. Unfortunately, his failure to do what he should have, put their health at risk."

"Defendant Marshall's negligence was not without consequence," said Tyler Amon, Special Agent-in-Charge of the EPA's Criminal Investigation Division in New York. "Following his failure to properly identify regulated asbestos containing material, he continued to place workers at risk of being exposed to asbestos."

Assistant U.S. Attorney Aaron J. Mango, who is handling the case, stated that 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 was involved in the cleanout of the Hillcrest Building, a building owned by OPWDD and located on E. Maple Avenue in Newark, NY. In November 2014, the OPWDD solicited public bids for the cleanout of the Hillcrest building, and in December 2014, a third-party contractor was awarded the contract. The defendant was not involved in the awarding of the bid, nor was Marshall involved with the approval of contract documents.

In April 2015, during the cleanout of the Hillcrest Building, asbestos was released into the ambient air, which negligently placed other individuals in imminent danger of death or serious bodily injury. On April 9, 2015, the defendant responded to the Hillcrest Building and told the workers that a licensed third-party testing company had conducted the sampling at the Hillcrest Building and that such sampling yielded negative results for asbestos. However, based on Marshall's prior experience with the Hillcrest building, and other buildings on the Newark campus, he should have been aware of the possibility of asbestos-containing material throughout the Hillcrest building. Following the defendant's conversation with the workers, some of the workers chose to continue to work in the building on April 9 and 10, 2015, and during such work, asbestos was released into the ambient air. Marshall failed to take any further measures to protect the health of the work crew.

The plea 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.

NY Asbestos Abatement Supervisor Pleads Guilty to Illegally Removing Asbestos

On March 26, 2021, a New York asbestos abatement supervisor pleaded guilty to illegally removing and disposing of large quantities of asbestos-containing materials. According to court documents, during the summer of 2016, Gunay Yakup, 31, of Newburgh, New York joined an existing conspiracy to illegally remove asbestos from a former IBM site in Kingston, New York. The facility in question contained over 400,000 square feet of regulated asbestos-containing material (RACM), as well as an additional 6,000 linear feet of RACM pipe wrap. Yakup, who had special asbestos abatement training, was hired as a worker and supervisor by an asbestos abatement company. On the job, he was pressured by other conspirators to expedite the removal of asbestos at the site. Doing so meant that Yakup and his crew violated the Clean Air Act's "work practice standards," which address how asbestos can be stripped, bagged, removed, and disposed of with relative safety. Yakup is scheduled to be sentenced on July 27 at 10 a.m. and faces a maximum penalty of five years in prison.

"Nowadays, it can be no surprise that asbestos is present in older commercial and industrial buildings," said Acting Assistant Attorney General Jean E. Williams of the Justice Department's Environment and Natural Resources Division. "What is surprising is that criminals still try to deal with that problem in dangerous ways to save a little cash. This prosecution serves to remind everyone of the real, personal risks of cutting those corners."

"Yakup had the supervisory responsibility to ensure his workers properly removed hazardous asbestos material on this large project yet he knowingly broke the law," said Special Agent Tyler Amon of the Environmental Protection Agency (EPA)'s Criminal Investigation Division in New York. "Impeding inspectors from discovering the full scale and scope of the illegal conduct is underscored in the serious federal charges plead to."

Yakup admitted that he and his co-conspirators removed substantial amounts of RACM from the former IBM site in violation of these work practice standards, oftentimes dry and in a way that produced visible emissions. They also stored bulk quantities of RACM waste on site in open containers. Yakup and his crew were also pressured to do work in areas that were not properly prepped to prevent the release of RACM to the outside air. Upon finding Yakup's crew working on Aug. 1, 2016, New York State Department of Labor (NYSDOL) inspectors documented bulk quantities of uncontained RACM inside and outside of containment, dry debris, and evidence of sweeping and other dry removal abatement techniques. NYSDOL inspectors then "red-tagged" the site and prohibited further abatement work.

The site was later deemed to be contaminated by the EPA and other municipal authorities. Cleanup costs

associated with asbestos contamination at the site are estimated to be in the millions. Asbestos has been determined to cause lung cancer, asbestosis, and mesothelioma, an invariably fatal disease. The EPA has determined that there is no safe level of exposure to asbestos.

The case was investigated by EPA's Criminal Investigation Division and the New York Departments of Labor and Environmental Conservation. A DOJ litigation team is handling the prosecution.

Owner of Mississippi Business Pleads Guilty to Illegally Discharging Industrial Waste into Jackson's Sewer System

Andrew Walker pled guilty on January 27, 2021 in Federal District Court to having illegally discharged industrial waste into the Jackson Sewer System, announced Jean E. Williams, Deputy Assistant Attorney General of the Department of Justice's Environmental and Natural Resources Division, Acting United States Attorney Darren J. LaMarca, Special Agent in Charge Charles Carfagno with the U.S. Environmental Protection Agency, Region 4; and Special Agent in Charge Michelle A. Sutphin with the Federal Bureau of Investigation in Mississippi. Walker was charged in a two count criminal Information filed by the United States Attorney's Office in September 2020.

Andrew Walker, the owner of Rebel High Velocity Sewer Services of Jackson, Mississippi, ("Rebel") admitted to having entered into a conspiracy with the generators and transporters of industrial waste illegally to discharge the waste into the Jackson Sewer System in order to avoid the expense of treating the waste to reduce pollutant concentrations, as required by law, and to evade sewer usage fees and the cost of disposing of the waste at legal off-site facilities.

According to the two counts of the Information and statements made in open court, in October, 2016, state and municipal authorities discovered that a local manufacturing company had been discharging large quantities of its industrial waste directly into the sewer serving its facility. Government agencies ordered the company to stop this illegal dumping and to ship the waste off site for legal treatment and disposal. Yet, from November 2016 through October 2017, Mr. Walker and his coconspirators evaded this order, arranging for the illegal disposal of this untreated industrial waste, first by misrepresenting the industrial waste to be domestic waste and dumping it at Jackson's treatment plant, and then by discharging hundreds of truckloads of industrial waste into a city sewer pipe they excavated at Rebel. By the time this illegal waste disposal was discovered by state officials, the defendant and his coconspirators had discharged over three million gallons of untreated industrial waste into the same Jackson sewer system to which they had already been prohibited from dumping.

"Those who disregard the health and safety of our community to pollute our natural resources and waterways for easy profit will find themselves standing before a court of law to answer for their wrongs," said Acting U.S. Attorney LaMarca.

"The defendant illegally disposed of more than 3.5 million gallons of industrial waste into the City of Jackson's sewer system in violation of the Clean Water Act," said Special Agent in Charge Charles Carfagno of EPA's Criminal Investigation Division in Atlanta, GA. "The charges demonstrate that anyone who intentionally disregards the laws designed to protect the environment will be held responsible for their actions."

"The Clean Water Act is in place to not only protect the environment, but to safeguard our communities and residents from the risks of industrial waste," said FBI Special Agent in Charge Michelle Sutphin. "Circumventing the law to improperly dispose of waste in order to make a profit is a crime that the FBI and our partners take seriously. Criminal investigations into those who benefit from putting our communities' health at risk will remain a priority for the FBI."

Walker appeared for the change of plea hearing before United States District Judge Kristi H. Johnson in Jack-

son. He remains released on conditions of bond pending a sentencing hearing, which has not yet been scheduled. Walker faces maximum penalties of 5 years in prison for the count of conspiracy, and 3 years in prison for the count of discharging industrial waste. Each count also can merit a fine of up to $250,000.

Acting United States Attorney Darren J. LaMarca commended the work of the Special Agents of the United States Environmental Protection Agency, and the FBI's Jackson Division, as well as the Mississippi Department of Environmental Quality, who investigated the case. The case is being prosecuted by a DOJ litigation team.

Owner of Oil Chem, Inc Pleads Guilty to Violating the Clean Water Actin Connection with Discharges of Landfill Leachate into Flint Michigan Sewer System

On January 14, 2021, Robert J. Massey, the president and owner of Oil Chem, Inc., pleaded guilty in federal court in Flint, Michigan, to a criminal charge of violating the Clean Water Act stemming from illegal discharges of landfill leachate—totaling more than forty-seven million gallons—into the City of Flint sanitary sewer system over an eight and one-half year period, the Justice Department announced.

Oil Chem, located in Flint, processed and discharged industrial wastewaters to Flint's sewer system. The company held a permit issued by the City of Flint under the auspices of the Clean Water Act, which allowed it to discharge certain industrial wastes within permit limitations. The City's sanitary sewers flow to its municipal wastewater treatment plant, where treatment takes place before the wastewater is discharged to the Flint River. The treatment plant's discharge point for the treated wastewater was downstream of the location where drinking water was taken from the Flint River in 2014 to 2015.

According to an agreed upon factual statement in the plea agreement filed in federal court, Oil Chem's permit prohibited the discharge of landfill leachate waste. Landfill leachate is formed when water filters downward through a landfill, picking up dissolved materials from decomposing trash. Massey signed and certified Oil Chem's 2008 permit application, and did not disclose that his company had been and planned to continue to receive landfill leachate, which it discharged to the sewers untreated. Nor did Massey disclose to the City when Oil Chem started to discharge this new waste stream, which the permit also required. Massey directed employees of Oil Chem to begin discharging the leachate at the close of business each day, which allowed the waste to flow from a storage tank to the sanitary sewer overnight.

From January 2007 through October 2015, Massey arranged for Oil Chem to receive approximately 47,824,293 gallons of landfill leachate from eight different landfills located in Michigan. One of the landfills was found to have polychlorinated biphenyls (PCBs) in its leachate. PCBs are known to be hazardous to human health and the environment.

The charges carry penalties of up to three years in prison and a fine of up to $5,000 - $50,000 per day of violation. 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.

"The Clean Water Act is our Nation's law for protecting the quality of the waters of the United States, and the health of people who rely on those waters. The criminal conduct here violated the Act and Oil Chem's permit," said Jonathan D. Brightbill, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "Robert Massey ignored clear legal prohibitions and requirements in the interest of generating more revenue for his company. He knew better and should have done better. The out-

come of this case will deter others, and hopefully chart a new course for this company."

"Protecting Michigan's water is one of the most important and sacred things we can do," stated United States Attorney Matthew Schneider. "The actions of the defendant were done with total disregard for the Flint River and the environment. Fortunately for the people of Flint, these contaminants did not end up in their drinking water, because the discharge point was several miles downstream of the drinking water intake. This case should stand as a warning to other businesses that they will face criminal charges for this kind of pollution."

"The defendant knowingly ordered the discharge of over 40 million gallons of landfill wastewater, ultimately to the Flint River, putting the environment at risk," said Special Agent in Charge Jennifer Lynn of EPA's Criminal Investigation Division in Michigan. "The plea demonstrates that anyone who intentionally violates the law will be held responsible for their actions."

"We are very happy with the cooperation and partnership with the EPA and the U.S. Attorney's Office," stated Lt. Vence Woods, Michigan Department of Natural Resources Law Enforcement Division; Environmental Investigation Section.

Principal Deputy Assistant Attorney General Jonathan Brightbill and U.S. Attorney Matthew Schneider thanked the U.S. Environmental Protection Agency's Criminal Investigation Division as well as the Michigan Department of Natural Resources-Law Enforcement Division-Environmental Investigations Section ("MDNR-EIS"), and Coast Guard Investigative Service ("CGIS") for their work in this investigation.

Prosecution is being handled by a DOJ litigation team.

Lyon County, Minnesota Men Fire Multiple Shots into Pipeline Causing Rupture and Diesel Fuel Spill of Nearly 3,900 Gallons into Medicine River

On March 9, 2021, an Acting U.S. Attorney announced the guilty pleas of Eric Jay Weckworth-Pineda and Tanner John Sik to one count each of negligent discharge of a pollutant. Weckworth-Pineda and Sik, who were charged by misdemeanor information on October 8, 2020, pleaded guilty in U.S. District Court in Minnesota.

"The reckless behavior of these defendants led to significant damage to the Magellan Pipeline and subsequent release to the Yellow Medicine River," said Jennifer Lynn, Special Agent in Charge of the EPA's criminal enforcement program in Minnesota. "EPA will continue to hold individuals responsible for their environmental violations and the resulting harm."

According to the defendants' guilty pleas and documents filed with the court, on April 24, 2019, Weckworth-Pineda and Sik traveled to the northwest side of Cottonwood Lake in Lyon County, Minnesota, to a bridge that spans a dam between Cottonwood Lake and a creek called Judicial Ditch 24, which flows into the Yellow Medicine River. Weckworth-Pineda and Sik took guns to the bridge to shoot. Sik used a DPMS AR-15 rifle to fire multiple shots at a diesel fuel pipeline that runs perpendicular across Judicial Ditch 24. Weckworth-Pineda used the scope on his own rifle to spot SIK's shots. Weckworth-Pineda and Sik admit that multiple shots hit the pipeline and one shot ruptured the pipe. Later that day, Weckworth-Pineda and Sik returned to the area and saw that the pipeline was leaking and reported the leak to the authorities.

According to the defendants' guilty pleas and documents filed with the court, the owner of the pipeline, Magellan Midstream Partners, L.P., claimed that the pipe's rupture caused at least 3,906 gallons of diesel fuel to spill into Judicial Ditch 24 at a cost of approximately $1,122,617.64 to clean up the spill and repair the pipeline. The Environmental Protection Agency also expended $16,154.42 in assisting in the clean-up operation. Weckworth-Pineda and Sik each face up to one year in prison and are liable for up to $1,138,772.06 in restitution.

This case is the result of an investigation conducted by EPA's Criminal Investigation Division, the Department of Transportation Office of the Inspector General, the Lyon County Sheriff's Office, and the Lyon County Attorney's Office.

Louisiana Man Pleads Guilty to Clean Water Act Violation From 2016 Oil Spill

The United States Attorney's Office announced that James Tassin pled guilty on March 18, 2021 to violating the Clean Water Act in connection with an oil spill in 2016.

According to court documents, Tassin was a marsh buggy operator working on the Chenier Ronquille Barrier Island Restoration Project, which was overseen by contractors working for the National Oceanic and Atmospheric Administration ("NOAA"). The project took place where Louisiana's coastal wetlands meet the Gulf of Mexico, near several oil and gas pipelines, including Bay Marchand-to-Ostrica-to-Alliance ("BOA") pipelines, which ran underneath and parallel to the dike on northern side of the island.

Months after the project began, the site manager at the project instructed Tassin to dig an access channel for crew boats that was different from the access channel in the project plans provided by NOAA. This new access channel ran directly over the BOA pipelines, which were clearly marked at the time. Tassin worked on that new access channel over multiple days.

On September 5, 2016, Tassin drove his marsh buggy through the newly deepened access channel and struck one of the BOA pipelines, causing it to leak oil that created a sheen in the surrounding water in Bay Long. When Tassin reported the spill to his supervisors, the site manager instructed Tassin to use his marsh buggy to obscure the evidence that he had been deepening the unauthorized access channel, and Tassin did so.

"The defendant in this case recklessly violated regulations designed to protect the environment and then tried to hide his actions," said Christopher Brooks, Special Agent in Charge of EPA's Criminal Enforcement Program in Louisiana. "The guilty plea demonstrates that we will hold violators responsible for breaking our environmental laws."

"The announcement is a clarion call for stewardship and accountability in the pipeline transportation system," said Todd Damiani, Special Agent-in-Charge, Southern Region, Department of Transportation Office of Inspector General. "Together with our law enforcement and prosecutorial partners, we will continue our vigorous efforts to pursue those who knowingly disregard laws and regulations intended to protect our Nation's natural resources."

"The Department of Commerce OIG is dedicated to working with our partners to curb fraud, waste and abuse, especially when projects receiving NOAA funding result in environmental hazards," said Duane Townsend, Special Agent in Charge, U.S Department of Commerce, Office of Inspector General.Tassin faces up to one year in prison, a fine of up to $100,000, and up to one year of supervised release following any term of imprisonment.

The case was investigated by EPA's Criminal Investigation Division, the Department of Transportation's Office of Inspector General, and the Department of Commerce's Office of Inspector General. A DOJ litigation team is handling the prosecution.

public with bogus and unsubstantiated claims of virus protection products, such as this one. Consumers should be skeptical of any device, elixir, lotion or potion claiming to prevent or cure COVID-19 because to date, there is no such product. Postal Inspectors are working hard to stop these fraudsters in their tracks," stated USPIS Inspector-in- Charge Bartlett.

"American consumers continue to be at risk from the illegal sale of products making bogus claims about effectiveness against viruses," stated EPA Special Agent-in-Charge Amon. "EPA and our law enforcement partners will continue focusing our efforts on stopping these illegal sales and holding criminal opportunists accountable for their actions. Consumers can help protect themselves by visiting epa.gov/coronavirus for a list of EPA-approved disinfectant products."

The charge in the complaint is an allegation, and the defendants are presumed innocent unless and until proven guilty. If convicted of the charge, they face up to one year in prison.

The investigation of this matter was conducted by EPA's Criminal Investigation Division. The prosecution is being handled by DOJ's General Crimes Section.

Former Sioux City, Iowa Council Member Pleads Guilty to Environmental Crimes

Aaron Rochester was convicted on March 23, 2021 of one count of unlawful storage of hazardous waste and one count of transportation of hazardous waste.

At the plea hearing, Rochester admitted that beginning on or about June 2015 through about January 2017, as owner and operator of Recycletronics, he knowingly and unlawfully stored and transported hazardous waste, namely CRTs (cathode ray tubes) and leaded glass from televisions and computers at various facilities in and around Sioux City, Iowa.

Sentencing before United States District Court Chief Judge Leonard T. Strand will be set after a pre sentence report is prepared. Rochester remains free on bond previously set pending sentencing. Rochester faces a possible maximum sentence of five years' imprisonment, a maximum fine of up to $50,000 for each day of the violation, and three years of supervised release following any imprisonment.

"If improperly managed, hazardous waste can pose serious risks to human health and the environment," said Lance Ehrig, Special Agent in Charge of EPA's criminal enforcement program in Iowa. "The defendant's illegal transportation and storage practices significantly threatened and burdened nearby communities and the environment. The plea demonstrates that those who knowingly violate our nation's environmental laws will be held responsible for their crimes."

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

Managers Of Queens, New York Business Charged with Selling Ineffective Covid-19 Air Sanitizer

On November 2020, in federal court in Brooklyn, New York, Po Shan Wong and Zhen Wu of JCD Distribution Inc. (JCD) made their initial appearances before a United States Magistrate Judge on a criminal complaint charging the defendants with selling "Virus Shut Out Cards," which they marketed as air sanitizers designed to kill the novel coronavirus (COVID-19), but which have not been demonstrated to be effective in treating or preventing the virus. Specifically, the defendants are charged with conspiring to distribute and sell one or more pesticides that are not registered with the United States Environmental Protection Agency (EPA) and that are adulterated or misbranded. The defendants surrendered to authorities this morning.

Seth D. DuCharme, Acting United States Attorney for the Eastern District of New York, Philip R. Bartlett, Inspector-in-Charge, United States Postal Inspection Service, New York Division (USPIS), and Tyler Amon, Special Agent-in-Charge, United States Environmental Protection Agency, New York Region (EPA), announced the arrests.

As alleged in the complaint, between May 2020 and July 2020, Po Shan Wong served as the General Manager, and Zhen Wu served as Sales Manager at JCD which maintained a business address in College Point, Queens. During that time, the defendants and JCD advertised "Virus Shut Out Cards" on the company's website and Facebook page, and marketed and sold these products to customers by phone, making various untested claims regarding the effectiveness of the cards. For example, JCD's Facebook page claimed that the cards emit chlorine dioxide and, thereby, serve as "portable space disinfection and sterilization cards" with a "sterilization rate at 99%." In fact, chlorine dioxide—a gas—is a bleaching agent and a pesticide as defined by Federal Insecticide, Fungicide and Rodenticide Act.

JCD's Facebook page also contained images that depicted a blue card, approximately the size of a credit card, being used by children and adults. For example, the images showed the blue card worn on a lanyard around a woman's neck, hung from the lapel of a man's suit jacket, hung from the pocket of a medical doctor's white coat, attached to a boy's backpack and a girl's stroller, and attached to computer monitors. JCD's Facebook page also claimed that the cards "replace masks." JCD sold the cards in minimum quantities of 50, charging $9.50 per card.

Random samples of the "Virus Shut Out Cards" were tested by the EPA's National Enforcement Investigations Center and found to contain sodium chlorite in amounts sufficient to convert into chlorine dioxide when exposed to the water vapor and carbon dioxide in the air. Breathing air with sufficiently high concentrations of chlorine dioxide may cause difficulty breathing, irritation in the nose, throat and lungs, shortness of breath, chronic bronchitis and other respiratory problems.

"The brazenly false claims allegedly promoted by the defendants about their product potentially endangered the public not only by claiming to protect against the Covid-19 virus, but also by exposing users to the health hazard posed by a misbranded pesticide," stated Acting U.S. Attorney DuCharme. "The Department of Justice is working closely with its law enforcement partners to protect the public from those who exploit the global pandemic to enrich themselves."

"The COVID-19 pandemic has opened a flood gate of fraudsters whose only goal is to take advantage of the

Kansas Man Indicted for Tampering with Public Water System

Wyatt A. Travnichek was indicted on a federal charge accusing him of tampering with a public water system, Acting U.S. Attorney Duston Slinkard announced on March 31, 2021.

Travnichek 22, of Ellsworth County, Kansas is charged with one count of tampering with a public water system and one count of reckless damage to a protected computer during unauthorized access.

"Our office is committed to maintaining and improving its partnership with the state of Kansas in the administration and implementation of the Safe Drinking Water Act of 1974," said Acting U.S. Attorney Duston Slinkard. "Drinking water that is considered safe is essential to the protection of the public's health."

The indictment alleges that on or about March 27, 2019, in the District of Kansas, Travnichek knowingly accessed the Ellsworth County Rural Water District's protected computer system without authorization. During this unauthorized access, it is alleged Travnichek performed activities that shut down the processes at the facility which affect the facilities cleaning and disinfecting procedures with the intention of harming the Ellsworth Rural Water District No. 1, also known as Post Rock Rural Water District.

"By illegally tampering with a public drinking water system, the defendant threatened the safety and health of an entire community," said Lance Ehrig, Special Agent in Charge of EPA's Criminal Investigation Division in Kansas. "EPA and its law enforcement partners are committed to upholding the laws designed to protect our drinking water systems from harm or threat of harm. Today's indictment sends a clear message that individuals who intentionally violate these laws will be vigorously prosecuted."

Upon conviction, the alleged crimes carry the following penalties:

Tampering with a Public Water System: Up to 20 years in federal prison and a fine up to $250,000.
Reckless Damage to a Protected Computer During Unauthorized Access: Up to 5 years in federal prison and a fine up to $250,000.

EPA's Criminal Investigation Division, The Kansas Bureau of Investigation and Federal Bureau of Investigation conducted the investigation. Assistant United States Attorney Christine E. Kenney is prosecuting the case.

State Charges Brought Against Distillery in Shenandoah County, Virginia for Environmental Violations– 40,000 Gallons of Industrial Waste Dumped into Stream

On January 15, 2021, following a two-year investigation by the Shenandoah County, Virginia Fire Marshal and the Virginia Department of Environmental Quality (DEQ), Filibuster Distillery, LLC, Filibuster Barrels, LLC, and Sid Dilawri have been indicted on 115 counts of violating the State Water Control Law for dumping over 40,000 gallons of industrial waste into a stream in Shenandoah County. Charges were handed down by a grand jury after presentation by the Office of the Attorney General and are the first criminal indictments related to environmental violations brought by the Office of the Attorney General and DEQ.

"All businesses, no matter what size they are, must adhere to state and federal environmental protections, and when they don't, they will be held accountable," said Attorney General Herring. "Not only did this distillery allegedly dump tens of thousands of gallons of industrial waste into a stream, Dilawri also allegedly lied about it to investigators, and that will not be tolerated in Virginia. I want to thank our partners at DEQ and the Shenandoah County Fire Marshal for their help and coordination on this case. I hope these charges will send a message to other businesses that Virginia takes protecting our environment very seriously."

"DEQ unequivocally values Virginia's waterways and works with vigor to protect them every day," said DEQ Director David Paylor. "DEQ took necessary steps to carry out our mission to protect and improve the environment for the health, well-being and quality of life of all Virginians. With cooperation and support from the Office of the Attorney General, DEQ will continue to hold violators accountable."

According to the indictments, the dumping of waste primarily occurred in November 2018, but the distillery continued to discharge industrial water with excessive levels of zinc and copper until at least September 2020. Dilawri initially denied that any dumping occurred and then claimed that there was a one-time accident at the distillery. However, he later admitted that he had given false information to law enforcement authorities and that he had known about the dumping. DEQ staff, along with the Shenandoah County Fire Marshal Dave Ferguson and other authorities, have investigated the impact of the dumping on the stream as well as on the local community and worked with Attorney General Herring's Environmental Section to bring this prosecution.

The Case was investigated by EPA's Criminal Investigation Division, the Shenandoah County Fire Marshal and the Virginia Department of Environmental Quality. Prosecution of the case is being handled by a DOJ Litigation team with support from Major Crimes & Emerging Threats Chief Prosecutor in the Attorney General's Criminal Justice and Public Safety Division.

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

DuPont and former employee charged in 2014 fatal La Porte incident

On January 19, 2021, A Houston, Texas federal grand jury indicted E. I. du Pont de Nemours and Company Inc. (DuPont) and Kenneth Sandel, a former employee ,for knowingly violating requirements of federal safety regulations and negligently releasing an extremely hazardous substance, U.S. Attorney Ryan Patrick announced.

The indictment stems from the Nov. 15, 2014, incident at the LaPorte plant when 24,000 pounds of methyl mercaptan - a highly toxic, flammable gas - were released. The incident resulted in the deaths of four plant employees and injured others, according to the charges.

According to the charges, returned Jan. 7, DuPont is headquartered in Wilmington, Delaware, and owns chemical manufacturing plants around the world, including the La Porte facility. Sandel ran the Insecticide Business Unit (IBU) at that location and was responsible for ensuring IBU employees followed applicable federal safety regulations.

The IBU has since been demolished, but at the time, allegedly produced pesticides called Lannate and Vydate, among other products. The indictment alleges Lannate and Vydate generated annual net income for DuPont of approximately $123 million during 2014.

The safety regulations are part of the Environmental Protection Agency's (EPA) Risk Management Plan, created following 1990 amendments to the Clean Air Act. Congress had directed the EPA to create reasonable regulations to prevent the release of certain hazardous chemicals after such events had resulted in the death or injury to many people in the United States and abroad.

The indictment alleges DuPont and Sandel knowingly failed to implement certain DuPont procedures federal regulations required. Specifically, Sandel and DuPont engineers allegedly devised a plan to divert a large volume of methyl mercaptan gas into a waste gas pipe system during the day before and night of the fatal incident. However, Sandel failed to implement necessary procedures to evaluate safety aspects of that plan and to prohibit workers from opening the pipe to the atmosphere, according to the charges.

If convicted of the federal safety regulations violations, Sandel faces up to five years in federal prison while the negligence charge could result in an additional one-year term. Both convictions also carry a potential fine of $250,000.

The company itself faces potential fines of the greater of $500,000 or twice the gross gain derived from the offense.

The EPA's Criminal Investigation Division conducted the investigation with assistance from the Texas Environmental Enforcement Task Force. The indictment is part of an EPA initiative titled Reducing Risks of Accidental Releases at Industrial and Chemical Facilities. Assistant U.S. Attorneys John R. Lewis and Belinda Beek and Special Assistant U.S. Attorney Kristina Gonzales are prosecuting the case.

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

Oil Company Employee Indicted for Illegal Discharge, False Statements

The United States Attorney for New Orleans, Louisiana announced on January 15, 2021 a grand jury indicted Patrick Huse, of Perkinston, Mississippi, for criminal conduct related to oil extraction in the Gulf of Mexico.

According to the eight-count Indictment, Huse engaged in criminal conduct on an oil platform known as Main Pass 310A ("MP-310A"). In July 2015, workers on MP-310A noticed a sheen on the surface of the surface of the water surrounding the platform. The sheen meant that the platform was discharging oil or other hazardous substances into the Gulf of Mexico. The workers alerted Huse, who was a Person-In-Charge ("PIC") on MP-310A. The workers told Huse that they believed the sheen was the result of sand buildup in filtration equipment on MP-310A. Rather than shutting-in the platform to repair or replace the filtration equipment, Huse ordered certain wells closed but otherwise kept the platform operating. This caused further sheening. The sheening continued for another four days until a worker finally activated an emergency shutdown device to stop the sheening. Huse then instructed the workers to lie to federal regulators about the reason for the emergency shutdown.

The Indictment further alleges that Huse made false statements in an inspection log kept on MP-310A by Company A, the company that employed Huse. Federal regulations and rules required Company A to travel to and inspect an unmanned platform in the same area as MP-310A every day, and to physically board the unmanned platform for inspection at least once a week. Huse told operators to falsely state in the inspection log that they had inspected the unmanned platform when, in reality, no such inspections occurred. Huse also made his own false entries in the inspection records. The misrepresentations in the inspection records gave the artificial impression that Company A and Huse were complying with federal regulations.

Huse is charged in Count 1 of the Indictment with negligently discharging oil and other hazardous substances from MP-310A into the Gulf of Mexico, in violation of Title 33, United States Code, Section 1321(b)(3) and 1319(c)(1)(A). Count 2 charges Huse with knowingly discharging oil and other hazardous substances from MP-310A into the Gulf of Mexico, in violation of Title 33, United States Code, Section 1321(b)(3) and 1319(c)(2)(A). Count 3 charges Huse with failure to immediately report the discharge to the appropriate federal agency, in violation of Title 33, United States Code, Section 1321(b)(5). Counts 4 through 8 charges HUSE with making false statements in inspection logs, in violation of Title 43, United States Code, Section 1350(c)(2). If convicted for Counts 1 through 8, Huse faces a range of imprisonment from one to ten years. Additionally, Huse faces fines ranging from $2,500 to $250,000 per day of violation, maximum terms of supervised release from one year to three years, and mandatory special assessment fees ranging from $25 to $100. The Indictment includes a Notice of Forfeiture against Huse.

United States Attorney Strasser stated that an Indictment is merely an accusation and that the guilt of the defendant must be proven beyond a reasonable doubt.

United States Attorney Strasser praised the work of the United States Environmental Protection Agency and the Department of the Interior Office of Inspector General, Energy Investigations Unit, in investigating this matter. Assistant United States Attorneys Spiro G. Latsis and J. Ryan McLaren are in charge of the prosecution.

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

Oil Company Employee Indicted For Rendering Safety Systems Inaccurate and Resultant Negligent Discharge

On January 15, 2021 a grand jury indicted Brandon Wall for criminal conduct related to oil extraction in the Gulf of Mexico.

According to the Indictment, Wall engaged in criminal conduct on an oil platform known as Grand Isle 43AA ("GI-43AA"). Wall was an area foreman for the area that included GI-43AA. GI-43AA experienced sand buildup problems with its filtration systems. Wall instructed operators that worked on GI-43AA to keep the platform "flowing" instead of shutting it in to repair or replace the filtration systems. Wall also told the operators to bypass the platform's safety systems, which would have automatically shut-in the platform. Operators on GI-43AA were aware that putting safety systems in bypass made the platform less safe and increased the risk of a pollution event.

The Indictment alleges that GI-43AA was one of most prosperous oil platforms for Company A, the company that employed Wall. In January 2018, GI-43AA discharged oil and other hazardous substances into the Gulf of Mexico. Eventually, Wall informed the appropriate federal agency about the discharge. When the regulators arrived at GI-43AA, they saw a sheen emanating from GI-43AA, indicating that the platform had discharged oil and other hazardous substances.

Wall is charged with 2 Counts. Count 1 of the Indictment, charges Wall with rendering safety systems inaccurate, in violation of Title 43, United States Code, Section 1350(c)(3) and Count 2 charges Wall with negligently discharging oil and other hazardous substances into the Gulf of Mexico, in violation of Title 33, United States Code, Section 1321(b)(3) and 1319(c)(1)(A). If convicted for Counts 1 and 2, Wall faces imprisonment from one to ten years, mandatory special assessment fees ranging from $25 to $100, supervised release ranging from one to three years and fines ranging from not more than $100,000 per violation (Count 1) and $2,500 to $25,000 per day of violation (Count 2) **.**

United States Attorney Strasser stated that an Indictment is merely an accusation and that the guilt of the defendant must be proven beyond a reasonable doubt.

United States Attorney Strasser praised the work of the United States Environmental Protection Agency and the Department of the Interior Office of Inspector General, Energy Investigations Unit, in investigating this matter. Assistant United States Attorneys Spiro G. Latsis and J. Ryan McLaren are in charge of the prosecution.

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