



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.

May– June, 2023

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California Man Admits to Fraud Scheme Involving Renewable Fuel Credits

On May 19, 2023, Ijomah Oputa, 54, of Los Angeles, California, pleaded guilty and was sentenced by a U.S. District Judge to 40 months' imprisonment for wire fraud in connection with the generation and sale of fraudulent renewable fuel credits, from 2017 through 2021.

The Energy Independence and Security Act of 2007 created or extended several federally-funded programs to incentivize production of renewable fuels, including biodiesel, and to encourage the use of such fuels in the United States. Authorized biodiesel producers and importers could generate and attach credits – known as renewable identification numbers (RINs) – to biodiesel they produced or imported. Because certain companies need RINs to comply with regulatory obligations, RINs have significant market value.



Oputa created a fake renewable fuel importing company and fraudulently generated RINs on volumes of bio-fuel that he claimed to have imported from foreign biofuel producers. No such imports had actually occurred. Oputa generated false documentation of the alleged imports, including fake classified correspondence with a branch of the United States military. He then sold the fraudulent RINs to a RIN trading company for approximately \$426,000, which he deposited in a bank account he opened using a stolen identity. Judge McFadden also ordered restitution in the amount of approximately \$462,200 to ACT Fuels and \$33,600 to RIN Alliance, two of the victims of the wire fraud scheme.



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

Miami Companies and Owners Sentenced for Conspiring to Tamper with Diesel Truck Monitoring Devices Required by the Clean Air Act

On May 8, 2023, Vivian Machado, 62, Eric Flaquer, 39, and the Miami-based companies Quick Tricks Automotive Performance, Inc., and Kloud9Nine, LLC were sentenced in federal district court for conspiring to tamper with environmental monitoring devices on diesel vehicles, in violation of the Clean Air Act (CAA).

Flaquer was sentenced to three months imprisonment followed by three years of supervised release, with a special condition of six months home detention with electronic monitoring. Machado was sentenced to time served followed by three years of supervised release, with a special condition of ten months of home detention with electronic monitoring. Both companies, Quick Tricks and Kloud9Nine, were sentenced to probation. The defendants were further sentenced to publish a public apology and statement regarding their crimes at the 2023 Specialty Equipment Market Association (SEMA) trade show.

The purpose of the CAA, among other things, is “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” Motor vehicles, including those with heavy duty diesel engines, cause or contribute to air pollution which may endanger public health or welfare and are thus regulated, including the requirement that manufacturers design and install emissions control systems to treat their exhausts. Those systems are monitored by an on-board diagnostic system (OBD). The OBD is software and sensors that monitor emissions-related engine systems and components. It is a felony to tamper with CAA-required monitoring devices.

Knowing the conduct was illegal, the defendants would often warn customers by e-mail not to tell anyone about the purchases and to take steps to avoid detection by EPA and “stay under the radar.”

Between January 2018 and December 2020, defendants Machado, Flaquer, and Quick Tricks were paid approximately \$230,830.61 for 1,100 transactions for the sale of “delete tune files” that tamper with or disable the OBDs on heavy-duty diesel motor vehicles that were required under the CAA to have OBD systems to monitor their emissions control systems. Similarly, between October 2019 and March 2021, Machado, Flaquer, and Kloud9Nine were paid \$141,162.70 for an additional 657 “tuner” transactions. The defendants would customize the delete tune files based on the vehicle identification number and desired parameters and would conduct active customer service for the device customers. Knowing the conduct was illegal, the defendants would often warn customers by e-mail not to tell anyone about the purchases and to take steps to avoid detection by the U.S. Environmental Protection Agency (EPA), and “stay under the radar.”

The vehicles at issue in this case were driven in the Southern District of Florida and throughout the United States on public roads and highways. Diesel exhaust contains a mix of acidic and hydrocarbon gases that are harmful to human health. Excess emissions from illegally tampered vehicles can have important environmental justice implications for overburdened communities near major roads and highways. A 2021 study concluded that communities within high vehicle traffic areas are at greater risk of adverse health effects from exposure to diesel emissions. A 2020 study by EPA showed that an average fully deleted diesel truck emits approximately one ton of extra NOx in its lifetime and is equivalent to roughly 16 additional diesel trucks being driven on the road; or put another way, the over 1,700 trucks and engines in this case were akin to ap-

proximately 27,000 additional trucks on the road.

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

Charlotte Auto Repair Auto Shop Owner Is Sentenced And Fined For Violating The Clean Air Act

On May 1, 2023, U.S. District Judge Frank D. Whitney sentenced Jamal Saymeh, 59, of Charlotte, N.C., to 12 months and one day in prison followed by two years of supervised release for violating the Clean Air Act, by fraudulently coding over 15,000 vehicles that would have otherwise failed the required State emissions inspection, announced Dena J. King, U.S. Attorney for the Western District of North Carolina. Judge Whitney also ordered Saymeh to pay a \$1,202,288.50 fine and \$82,026 in restitution to the State of North Carolina.

The Defendant
Fraudulently
Coded over
15,000 Vehicles to
Avoid Emissions Inspections

Michael Sparks, Special Agent in Charge of the Environmental Protection Agency's Office of Inspector General (EPA-OIG), Charles Carfagno, Special Agent in Charge of the Environmental Protection Agency's Criminal Investigation Division (EPA-CID), and Colonel Michael Oates of the North Carolina Department of Transportation License and Theft Bureau (NCDOT) join U.S. Attorney King in making the announcement.

Saymeh is the owner and operator of Friendly Auto Repair (FAR) shop, located in Charlotte. In addition to auto repairs, in 2017, FAR became licensed by the North Carolina Department of Transportation to perform emissions inspections. According to filed documents and court proceedings, between 2017 and 2022, Saymeh used his business to execute a scheme to violate the Clean Air Act by falsely changing the information of vehicles that would have otherwise failed the required State emissions testing, so that they were no longer required by the State's registration system to have a passing emissions test.

According to court records, in some instances Saymeh executed the scheme by doing "county swaps," meaning by falsifying in the system the county of registration for 11,568 vehicles from a county that required an emissions test to a county where no emissions testing was required. In other instances, Saymeh changed in the system the characterization of 3,622 trucks, from light duty trucks that require emissions inspections to heavy duty trucks that do not require such testing. During the relevant time period, court documents show that Saymeh falsified the information for at least 15,190 vehicles that would have otherwise failed their State emissions inspections.

In exchange for falsifying vehicle information, Saymeh received cash payments from customers that far exceeded what customers would have paid to have an emissions inspection. In addition, Saymeh paid the State of North Carolina only \$0.85 per non-emissions/safety inspection, instead of the \$6.25 per vehicle charge he should have paid for an inspection.

"Vehicle emissions testing is required to protect the health and safety of our communities," said U.S. Attorney King. "As part of my Office's Environmental Justice Initiative, we will hold polluters accountable for their actions and protect communities harmed by environmental violations."

"...Jamal Saymeh faced the consequences of knowingly and intentionally making false material statements affecting an EPA program," said Special Agent in Charge Sparks. "Fraudulent activities like these harm our fellow Americans and diminish the public's trust in EPA programs and operations. The EPA Office of Inspector General will continue to diligently protect both."

"Mr. Saymeh was sentenced ... for conspiring to violate the Clean Air Act and for fraudulent vehicle emissions testing," said Special Agent in Charge Carfagno. "The defendant's criminal activity intentionally increased air pollution in communities where these vehicles operate further exacerbating respiratory illnesses and environmental degradation. (This) sentence serves as a reminder that EPA and our partners are steadfast in our commitment to protect human health and the environment." In making the announcement, U.S. Attorney King thanked the EPA-OIG, EPA-CID, and NC DOT for their coordination and investigation of the case.

On December 14, 2022, Saymeh pleaded guilty to one count of conspiracy to defraud the Clean Air Act, and two counts of violating the Clean Air Act. Saymeh will be ordered to report to the federal Bureau of Prisons upon designation of a federal facility.

This case was investigated by EPA's Office of Inspector General and Criminal Investigation Division. Prosecution was handled by a DOJ litigation team.



Ex-Signal Peak Mine Safety Manager Sentenced for Conspiring to Make False Reports about Coal Mine Injury

On May 23, 2023, the former safety manager at the Signal Peak Energy LLC underground coal mine near Roundup, Montana was sentenced for conspiring to make false reports about a mine accident in which an employee had his fingers crushed, resulting in partial amputation.

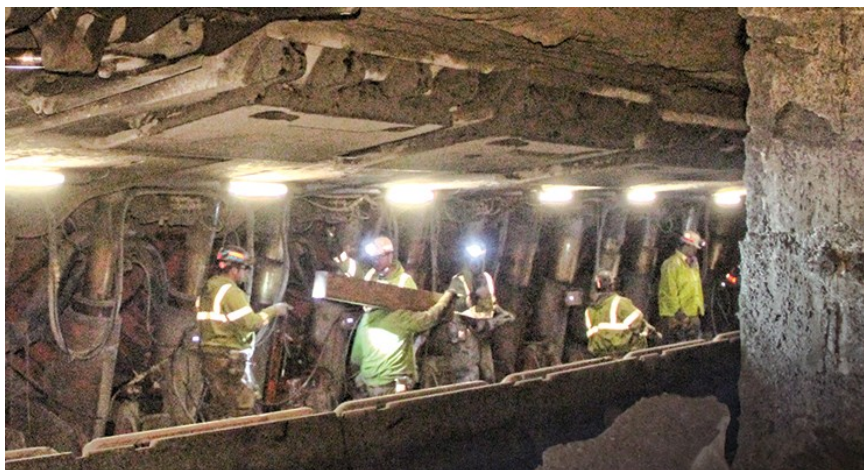
Curtis Floyd, 47, of Billings, was sentenced to two years of probation and fined \$2,000. Floyd pleaded guilty in January to an information charging him with conspiracy to submit false statements in mine records.

In a plea agreement reached in the case, the parties agreed that a term of probation was appropriate.

“As Signal Peak Energy’s safety manager, Floyd had a duty to make sure miners were safe and protected and to document and report accidents. Floyd not only failed the miners, but he also flaunted mandatory mine health and safety reporting regulations. We expect mines and their managers to operate in compliance with all regulations, and when they don’t, they will be held accountable,” U.S. Attorney Laslovich said.

“The Mine Safety and Health Administration relies on accurate and timely reporting data to inform our investigations and address safety and health hazards. These reports also help mine operators uphold their legal obligation to keep miners safe and healthy by advising the industry of necessary changes to prevent future incidents. Floyd’s failure to report this data undercuts this system and puts miners at risk. We thank the Department of Justice for its vigorous enforcement of the Mine Act and helping MSHA protect the nation’s miners,” said Assistant Secretary for Mine Safety and Health Chris Williamson.

“Protecting the health and safety of our nation’s miners requires a team effort, which starts with mine operators following crucial safety and health laws and regulations. When mine operators violate their obligations or attempt to cheat the system, the Department of Labor will not hesitate to use every available tool to uphold the law, including partnering with other agencies. We are grateful for the Department of Justice’s critical partnership to keep all our nation’s miners safe,” said Solicitor of Labor Seema Nanda.



The government alleged in court documents that in 2018, Floyd was the safety manager at the Signal Peak Energy coal mine and was responsible for overseeing safety-related accidents and injuries, ensuring that all such incidents were properly reported as required by federal law. Instead, the government alleged, Floyd went along when management needed an accident covered up. Floyd dropped off injured miners at the hospital instead of escorting them inside or let them go home, knowing they would lie to doctors about how they got hurt, and he let required safety reports disappear instead of making sure the reports were filed.

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In early 2018, John Doe 1, a miner, had his fingers crushed while loading mining materials. The injury eventually required partial amputation. As Floyd was taking John Doe 1 to the hospital, Dale Musgrave, the former vice president of underground operations, called the injured miner and directed him to falsely claim that the injury was unrelated to his work. Musgrave told John Doe 1 that he would make it worth his while. Floyd told John Doe 1 he would support whatever decision was made. The injured miner agreed to not report the incident. Floyd and Musgrave were required to complete a U.S. Department of Labor Mine Safety and Health Administration Mine Accident, Injury and Illness report, but they never completed or submitted a report for this incident. They also failed to report John Doe 1's injury on another MSHA quarterly report.

This prosecution was part of a broad corruption investigation into Signal Peak Energy's management and operations that resulted in criminal misdemeanor convictions of the company for willful violation of health and safety standards and felony convictions of some former mine managers and associates for embezzlement, tax evasion, bank fraud, money laundering, drugs and firearms violations. Musgrave was sentenced to probation and fined \$20,000 for his conviction in the case.

The case was investigated by the Department of Labor, EPA's Criminal Investigation Division, the FBI, and IRS Criminal Investigations. Prosecution was handled by a DOJ litigation team.

Idaho Business Owner Sentenced to Probation for Criminal Clean Air Act Violation Involving Asbestos Contamination

On June 27, 2023, Vanessa R. Waldref, the United States Attorney for the Eastern District of Washington, announced that Alexander Borys Mischenko, age 76, of Priest River, Idaho, was sentenced to three years of probation and a fine of \$12,060 for criminal violation of the Clean Air Act in connection with asbestos contamination at a site in Spokane in 2018. Senior District Judge Rosanna Malouf Peterson announced the sentence.

According to the plea agreement and other information disclosed during court proceedings, in October 2017, Mischenko and his company, Buck Creek Sales, signed a contract to dismantle a legacy industrial building located on Magnesium Road in North Spokane and known as “Building 5.” Mischenko’s contract included funding to commission an asbestos survey to determine whether and to what extent Building 5 contained asbestos.

Asbestos is a naturally occurring mineral that, due to its insulating and fire-resistant properties, was a commonly-used material in buildings constructed prior to 1980, such as Building 5. Because inhalation of asbestos fibers has been linked to various dangerous lung conditions, including mesothelioma, asbestosis, and lung cancer, asbestos-containing material is regulated by the Environmental Protection Agency (EPA) and, in Spokane County, by the Spokane Regional Clean Air Agency (SRCAA).

According to court documents and information discussed in court, in late 2017, a certified asbestos inspector did perform an asbestos survey of Building 5. The survey showed significant quantities of asbestos-containing material in Building 5, including approximately 2,600 linear feet of asbestos-containing material known as thermal systems insulation (TSI). The survey noted that the asbestos-containing TSI was “friable” (that is, easily crumbled with hand pressure), and, therefore, “will require removal by a licensed asbestos contractor prior to any renovation or demolition activity that would directly impact these materials.” Mischenko was provided a copy of the survey report on or about December 4, 2017.

Subsequent to receiving the survey results, Mischenko, who was not a licensed asbestos contractor, and at least one employee, cut the asbestos-containing TSI off of the pipe and disposed of the pipe. Mischenko then placed the asbestos-containing TSI into 14 unsealed sacks and one open-top wooden crate, and moved the sacks and the crate to a nearby building, where they remained until they were found by inspectors from SRCAA and, later, EPA. Mischenko did not notify SRCAA or EPA prior to engaging in the work, which, due to



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the work methods employed by Mischenko, released significant quantities of asbestos fibers into the air as well as scattered on the floor of Building 5.

In September 2022, U.S. Attorney Waldref, who previously served as Trial Attorney with DOJ's Environment and Natural Resources Division and an environmental law professor at Gonzaga University's School of Law, was selected to lead the Environmental Justice & Environmental Issues Subcommittee for the Attorney General's Advisory Committee. As the subcommittee chair, U.S. Attorney Waldref plays a key role in leading and coordinating DOJ's criminal and civil environmental enforcement efforts.

"Environmental Justice is a critical public health priority," said U.S. Attorney Waldref. "When businesses or individuals cut corners to save money, and fail to take seriously the public health risk posed by dangerous contaminants like asbestos, the entire community is harmed, but the harm falls disproportionately on marginalized and disadvantaged members of our community who are more likely to be affected and less likely to have access to health care and other services."

"The defendant was responsible for the safe – and legal – removal of material containing asbestos," said Acting Special Agent in Charge Benjamin Carr of EPA's criminal enforcement program in Washington. "The defendant has been sentenced for doing just the opposite and put workers and the general public at risk."

Senior District Judge Peterson sentenced Mischenko to 3 years of federal probation, during which time he will be supervised by the court and is prohibited from engaging in, performing, or supervising any asbestos-related work as well as other salvage work. Judge Peterson also imposed a \$12,060 fine to ensure that Mischenko did not financially profit from his misconduct.

"I commend the exceptional work by SRCAA in uncovering this dangerous situation and quickly working to protect our community, as well as the stellar investigative work by EPA's Criminal Investigation Division," continued U.S. Attorney Waldref. "We will continue to work with our state and federal law enforcement partners to protect public health and our precious natural resources."

This case was investigated by EPA's Criminal Investigation Division. Prosecution was handled by a DOJ litigation team.

Portland Area Diesel Repair Shop and Shop Owner Plead Guilty to Clean Air Act Violations - Shop ordered to pay fine; owner to serve six months in federal prison.

On June 20, 2023, a Portland area diesel repair shop and its owner pleaded guilty in federal court to knowingly and intentionally tampering with monitoring devices on more than 200 vehicles after removing their emissions controls in violation of the Clean Air Act.

Pure Addiction Diesel Performance, LLC, located in Hillsboro, Oregon, pleaded guilty to tampering with pollution monitoring devices and was ordered to pay a fine of \$148,733 to the Environmental Protection Agency (EPA). The company was also sentenced to three years' probation.

Pure Addiction's owner and operator, Travis Turner, 38, a resident of Forest Grove, Oregon, pleaded guilty to being an accessory to the tampering of monitoring devices and was sentenced to six months in federal prison.

"By disabling the emissions control systems of hundreds of diesel vehicles, Pure Addiction and its owner, Travis Turner, favored their own financial interests above the health and safety of our community, said Ethan Knight, Chief of the Economic Crimes Unit for the U.S. Attorney's Office. "We will continue working closely with our partners at the EPA to ensure all businesses and business owners play by the rules."

"The defendants installed emissions defeat equipment on hundreds of diesel trucks, resulting in substantial increases in pollution from each individual vehicle," said Scot Adair, Special Agent in Charge of EPA's Criminal Investigation Division (CID) in Oregon. "EPA CID will continue to focus on stopping the usage of illegal defeat devices that contribute to serious health problems and put our communities at risk."

According to court documents, beginning in at least 2018 and continuing through 2020, Pure Addiction tampered with and disabled the emissions control systems of approximately 245 diesel vehicles for paying customers in violation of the Clean Air Act. Pure Addiction charged its customers approximately \$2,000 each for the emissions modification and collected more \$400,000 in total for the unlawful services over an approximately two-year period.

As owner of Pure Addiction, Turner took action to assist the company in evading detection by federal environmental authorities by issuing, maintaining, and subsequently providing to investigators sales invoices that included inaccurate or incomplete information about the company's illegal vehicle modifications. 46 of the service invoices Turner provided to investigators reflected "parts only" transactions when, in fact, those transactions included additional service work that violated the Clean Air Act.

On June 1, 2023, Pure Addiction was charged with one count of Clean Air Act tampering. In the same information, Turner was charged with one count of being an accessory after the fact to Clean Air Act tampering.

This case was investigated by EPA's Criminal Investigation Division. Prosecution was handled by a DOJ litigation team.

California Man Admits to Fraud Scheme Involving Renewable Fuel Credits

Ijomah Oputa, 54, of Los Angeles, California, pleaded guilty and was sentenced on May 19, 2023, by U.S. District Judge Trevor N. McFadden to 40 months' imprisonment for wire fraud in connection with the generation and sale of fraudulent renewable fuel credits, from 2017 through 2021.

The Energy Independence and Security Act of 2007 created or extended several federally funded programs to incentivize production of renewable fuels, including biodiesel, and to encourage the use of such fuels in the United States. Authorized biodiesel producers and importers could generate and attach credits – known as renewable identification numbers (RINS) – to biodiesel they produced or imported. Because certain companies need RINs to comply with regulatory obligations, RINs have significant market value.

Oputa created a fake renewable fuel importing company and fraudulently generated RINs on volumes of bio-fuel that he claimed to have imported from foreign biofuel producers. No such imports had actually occurred. Oputa generated false documentation of the alleged imports, including fake classified correspondence with a branch of the United States military. He then sold the fraudulent RINs to a RIN trading company for approximately \$426,000, which he deposited in a bank account he opened using a stolen identity. Judge McFadden also ordered restitution in the amount of approximately \$462,200 to ACT Fuels and \$33,600 to RIN Alliance, two of the victims of the wire fraud scheme.

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

Project Manager Sentenced for False Statements Regarding Lead Contamination at City Park, Firm Pays \$2 Million Restitution

A project manager was sentenced in federal court for misleading federal authorities about lead contamination in a Granby, Missouri, city park after he was hired to conduct remediation at the site.

Lynn Eich, 65, of Dewitt, Iowa, was sentenced by U.S. Chief District Judge Beth Phillips on June 1, 2023, to five years of probation and ordered to pay a \$40,000 fine.

Eich's employer, Environmental Quality Management, has paid more than \$2 million in restitution in two federal civil settlements. Environmental Quality Management paid \$1,708,748 in a federal civil settlement agreement related to violations of the Comprehensive Environmental Response, Compensation, and Liability Act, and \$338,119 in a federal civil settlement agreement related to violations of the False Claims Act. These settlement agreements, executed on April 24, 2023, fully compensates the government for its costs to remove lead contamination from the Granby park.

On July 28, 2022, Eich pleaded guilty to one count of making a false statement relating to a federal environmental remediation contract.

Eich was employed by Environmental Quality Management as the project manager for a soil remediation project in Newton County, MO. The remediation company was awarded a contract from the U.S. Army Corps of Engineers and the Environmental Protection Agency, which ultimately totaled nearly \$12 million, to perform mine waste remediation at the Newton County Mine Waste Remediation Superfund Site in and around Granby. This area had been previously contaminated with lead in the surface soil deposited through historical mining and smelting operations in the area.

The contract required the removal of contaminated soil and backfilling some areas, including Granby City Park, using clean fill material. According to court documents, Eich caused further contamination of the site then misled federal administrators about the extent of the contamination.

Approximately one month before it was awarded the contract for the Newton County project, the remediation company was also awarded an EPA contract in Oronogo, Mo., to complete a similar but larger soil remediation project. The receipt of both contracts was not expected and caused Eich to request a personnel change to the Newton County project's Quality Assurance, Quality Control (QAQC) Manager in order to complete both contracts. Eich represented to the Corps of Engineers that the replacement for the QAQC Manager had comparable experience as the person listed on the original application and that the replacement was qualified to fulfill the duties of a QAQC Manager on the Newton County project. In fact, the replacement QAQC Manager was not qualified and had little to no experience testing soil for hazardous materials.

Between Sept. 12 and Oct. 19, 2016, the QAQC Manager failed to properly test fill material that was used to remediate Granby City Park.

On Oct. 14, 2016, the site superintendent, who reported to Eich, received laboratory analysis of two samples taken from the offsite borrow source. One sample indicated lead levels of 640 mg/kg and the other indicated a lead level of 720 mg/kg, both in excess of the contractual requirement of less than 100 mg/kg. The results

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of these samples were not reported to the EPA or the Corps of Engineers as required by federal environmental laws.

On June 4, 2018, Eich called the Corps of Engineers and indicated that a “hot spot” had been detected in Granby City Park. During the call, Eich misrepresented the scope of the area of contamination at the park by stating that it was less than 1,000 cubic yards. Eich also submitted a map of Granby City Park that showed a limited area of contamination when, as Eich knew, lead contamination was pervasive through the entire park.

Eich admitted that he intentionally made this false statement and provided false information regarding the scope and amount of lead contamination at Granby City Park.

The EPA then conducted its own sampling of Granby City Park, followed by additional sampling by EPA’s National Enforcement Investigations Center, which found Granby City Park was still contaminated by lead in the soil. EPA was required to hire another remediation contractor to conduct a removal project of Granby City Park. The removal project required removal of the contaminated backfill and soil from the park to ensure the health and safety of the community. The removal project was completed in June 2021, resulting in additional costs to EPA.

Criminal Investigation was conducted by EPA’s Office of Inspector General and Criminal Investigation Division; the Department of Defense, Office of Inspector General, Defense Criminal Investigative Service; and the Army Criminal Investigative Division, Major Procurement Fraud Unit.

The civil cases were executed by EPA’s Office of Regional Counsel and the U.S. Attorney’s Office Civil Division.

New Orleans Steamboat Company Charged for Discharging Excess Ballast Material into Industrial Canal

United States Attorney Duane A. Evans announced that New Orleans Steamboat Company (NOSC) was charged on May 26, 2023 with violating the Clean Water Act (CWA) in connection with a discharge of excess ballast material into the Industrial Canal in New Orleans in 2019.

According to the bill of information, NOSC negligently discharged, without the knowledge of the Board of Directors, and caused to be discharged a quantity of a substance into a navigable water of the United States, upon adjoining shorelines, and affecting the United States' natural resources. The discharge took place on or around February 12, 2019, in the Inner Harbor Navigational Canal ("IHNC"), more commonly known as the Industrial Canal.

An employee of NOSC, Matt Dow, was charged with a misdemeanor violation of the CWA, punishable by up to one year in jail and \$100,000 fine.

If convicted, NOSC faces a possible term of probation and a fine of up to \$50,000 or twice the gross gain to the defendant or twice the gross loss to any victim as well as a mandatory \$100 special assessment fee.

The case was investigated by EPA's Criminal Investigation Division and the Department of Transportation's Office of Inspector General. Prosecution is being handled by a DOJ litigation team.

A bill of information is merely a charge, and the guilt of the defendant must be proven beyond a reasonable doubt.

Long Island, New York Man Arrested on Felony Assault Charges for Actions During January 6 Capitol Breach - Defendant Accused of Assaulting Officers and Members of the News Media with Insecticide

On June 6, 2023, a Long Island, New York man was arrested on felony charges, including assaulting a law enforcement officer, for his actions during the breach of the U.S. Capitol on Jan. 6, 2021. His actions and the actions of others disrupted a joint session of the U.S. Congress convened to ascertain and count the electoral votes related to the presidential election.

Peter G. Moloney, 58, of Bayport, New York, is charged in a criminal complaint filed in the District of Columbia with assaulting, resisting, or impeding officers, civil disorder, assault by striking, entering, and remaining in a restricted building or grounds, engaging in physical violence in a restricted building or grounds, disorderly and disruptive conduct in a restricted building or grounds, and other charges. He was arrested today in Bayport. He is expected to make his initial appearance later today in the Eastern District of New York.

According to court documents, on Jan. 6, 2021, Moloney was among the early members of a mob illegally massed on the West Plaza of the Capitol during the initial breach of the Capitol grounds. As the police officers used barricades to attempt to keep the rioters, Moloney put on a helmet, protective eyewear, gloves, and a face covering. At approximately 1:29 p.m., Moloney removed a can of Black Flag® Wasp, Hornet & Yellow Jacket Killer² spray from his backpack and used it on police officers, spraying it in the direction of the officers' faces and bodies. Moloney sprayed police officers with the insecticide on at least one other occasion. Additionally, on two separate occasions, Moloney joined other rioters in surrounding and striking individuals that the mob believed to be members of the news media.

This case is being prosecuted by the U.S. Attorney's Office for the District of Columbia and the Department of Justice National Security Division's Counterterrorism Section. Valuable assistance was provided by the U.S. Attorney's Office for the Eastern District of New York.

The case is being investigated by the FBI's New York Field Office (Long Island Resident Agency) and the FBI's Washington Field Office, which identified Moloney as #199 on its seeking information photos. Valuable assistance was provided by the U.S. Capitol Police, the Metropolitan Police Department, and EPA's Criminal Investigation Division.

In the 29 months since Jan. 6, 2021, more than 1,000 individuals have been arrested in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including over 270 individuals charged with assaulting or impeding law enforcement. The investigation remains ongoing.

Grand Jury Issues Superseding Indictment in \$2.9 million dollar Paycheck Protection Program Fraud and Clean Air Act Conspiracy

On June 8, 2023, a federal grand jury issued a superseding indictment charging Chris Carroll with multiple counts of bank fraud, money laundering, making false statements to a financial institution, conspiracy to violate the Clean Air Act, violations of the Clean Air Act, and witness tampering. The federal grand jury also indicted the company run by Chris Carroll, Whiskey Dix Big Truck Repair, with twenty-one counts of violating the Clean Air Act.

The superseding indictment charges Chris Carroll with three counts of bank fraud, six counts of money laundering, and three counts of making false statements of a financial institution in connection with Carroll's company, Square One Group's, receipt of two fraudulent Paycheck Protection Program (PPP) loans, one in the amount of more than \$1.2 million, and the second loan in the amount of more than \$1.6 million.

The superseding indictment alleges that Carroll and his business partner, George Reed, submitted PPP loan applications in their spouses' names, rather than their own names, to misrepresent and conceal Carroll's status as a paroled felon, which would have precluded his company from receiving PPP funds. It is further alleged, that Carroll and Reed did not use the funds to compensate their employees, but instead, used the funds to start a trucking company called Whiskey Dix Big Truck Repair, and to fund \$660,000 in payments to themselves. The superseding indictment further alleges that the company suspended their employees' pay and health insurance coverage after applying for PPP funds.

The superseding indictment further alleges that Carroll and his company, Whiskey Dix Big Truck Repair, violated the Clean Air Act by unlawfully removing the emissions control systems from more than 30 diesel-fueled trucks, which caused the trucks to release between 30 and 300 more pollutants into the atmosphere. The superseding indictment also alleges that Chris Carroll asked his employees to take the fall for the Clean Air Act violations, and when one of the employees indicated that he was going to talk to federal investigators, Chris Carroll threatened not to pay for the employee's attorney.

"Square One Group received nearly \$3,000,000 in Paycheck Protection Program (PPP) funds intended to sustain their workforce during the COVID-19 pandemic crisis" said Assistant Special Agent in Charge Chris Crocker. "Instead, company owners Chris Carroll and George Reed allegedly used those funds to start new businesses and compensate themselves all while laying off the very staff for whom those funds were intended." "The defendants violated the Clean Air Act by removing devices designed specifically to reduce pollution on more than 20 heavy-duty diesel trucks," said Special Agent in Charge Lance Ehrig of EPA's criminal investigation program in Missouri. "Diesel exhaust not only worsens air quality, but harms people's health, in particular people with respiratory conditions like asthma and COPD, so when these illegal trucks travel through neighborhoods they are creating serious health problems for residents."

The case was investigated by EPA's Criminal Investigation Division and the FBI. Prosecution is being handled by a DOJ litigation team.

Charges set forth in the superseding indictment are merely accusations and do not constitute proof of guilt. Every defendant is presumed to be innocent unless and until proven guilty.

