

# ***NEWS RELEASE***

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## ***OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA***

***San Diego, California***

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***For Immediate Release***

### **ASGARD ASSOCIATES PLEADS GUILTY TO ILLEGALLY STORING THOUSANDS OF CONTAINERS OF HAZARDOUS CHEMICALS**

#### **NEWS RELEASE SUMMARY - July 18, 2012**

United States Attorney Laura E. Duffy announced that Asgard Associates, LLC, a Delaware corporation, entered a guilty plea today to unlawfully storing hazardous waste before United States Magistrate Judge David H. Bartick. In pleading guilty, the defendant admitted responsibility for maintaining chemicals and biological agents posing a threat of imminent and identifiable harm to the public health and safety in a laboratory located in San Diego.

According to court documents, between January 26, 2010 and March 18, 2010, Asgard Associates knew that numerous containers of chemicals were stored at its Roselle Street laboratory in lieu of disposal. Among other things, the company acknowledged that it was aware that some of the chemicals (stored

without a permit) had the potential to pose a substantial risk to human health and the environment. Nevertheless, the company acknowledged that it refused to provide funds for the disposal of these hazardous chemicals. Due to the company's failure to properly dispose of the chemicals, the San Diego County Department of Environmental Health Services ("DEH"), on May 6, 2010 and June 10, 2010, incurred \$8,693.00 in costs when conducting inspections and sampling of the chemicals. On August 13, 2010, the U.S. Environmental Protection Agency ("EPA") conducted a clean-up (under the authority of Superfund), which included over 2,500 containers of hazardous chemicals. The direct costs of the clean-up to EPA were \$167,718.68.

Some of the hazardous wastes stored at the Roselle laboratory included trimethyl Orthofomate, Propylene Oxide, Benzoyl Peroxide, Diethyl Ether, 1 1 Azobis (cyclohexane carbonitrile), 1 hydroxybenzotriazole hydrate, phenyllithium, tert-butyllithium, 2 2 Azobisisobutyronitrile sodium chlorate, potassium borohydride, calcium hydride, aluminum powder, potassium chlorate, lithium diisopropylamide in tetrahydrofuran, perchloric acid, diisobutylaluminum hydride in dichloromethane, 1 3 butadiene, sodium hydrosulfite, iodotrimethylsilane, dimethylaminosulfur trifluoride and isopropyl dithioglactopyranoside. These chemicals had to be "detonated" by the EPA and the San Diego Fire Department Bomb Squad as they were too unstable for safe transport.

In its felony plea, Asgard Associates agreed to repay the costs incurred by the EPA and DEH, and further agreed that an employee, Michael Conrad, will perform 240 hours of community service. The plea is subject to final acceptance by United States District Court Judge M. James Lorenz. Sentencing is scheduled for September 17, 2012, at 8:30 a.m. before Judge Lorenz.

**DEFENDANT**

Asgard Associates, LLC

**Criminal Case No. 12cr2905-L**

Date of Incorporation: 2006

### **SUMMARY OF CHARGES**

Unlawful Storage of Hazardous Waste, in violation of Title 42, United States Code, Section 6928(d)(2)(A).

Maximum Penalty (for corporation): a fine of up to \$50,000 per day of violation, a term of up to five years of probation, a \$400 penalty assessment and restitution

### **INVESTIGATIVE AGENCIES**

U.S. Environmental Protection Agency, Criminal Investigations Division

Federal Bureau of Investigation

San Diego County Department of Environmental Services, Hazardous Materials Management Division