

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**Criminal Case No.**

**UNITED STATES OF AMERICA,  
Plaintiff,**

**v.**

**JAMES ROBERT SOYARS, JR.  
Defendant.**

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**INDICTMENT  
42 U.S.C. § 7413(c)(1)  
42 U.S.C. § 7412(i)(3)(A)  
18 U.S.C. § 2**

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The Grand Jury charges that:

**INTRODUCTION**

At all times material to this indictment:

1. The defendant, James Robert Soyars, Jr., owned and operated Talon Environmental, Inc. Talon Environmental was an abatement company; the defendant was a certified asbestos abatement supervisor.

2. Asbestos was a “hazardous air pollutant”, subject to regulation under the Clean Air Act. Title 42 United States Code, Section 7412(b)(1).

3. The Clean Air Act required the Environmental Protection Agency to establish emission standards or work practice standards to control the release of hazardous air pollutants, including asbestos. To minimize the release of hazardous asbestos fibers into the air, the work practice standards, set forth at 40 C.F.R. Part 61, Subpart M, established safe practices relating to asbestos.

**COUNT 1**  
**(Failure to Deposit as Soon as Practical)**

Between the approximate dates of September 9, 2005 and August 28, 2006, in the District of Colorado, the defendant, James Robert Soyars, Jr., the owner, operator, and waste generator of the renovation activity at the facility located at 807 17<sup>th</sup> Street, Greeley, Colorado, (“the former bowling alley”), did knowingly violate the work practice standard set forth at 40 C.F.R. § 61.150(b) by storing and directing Talon Environmental, Inc. employees to store asbestos-containing waste material that had been removed from that facility, at Public Storage, 5500 W. Hampden, Denver, Colorado, which was not a regulated waste disposal or conversion site authorized to receive asbestos-containing waste material, and thereby failing to comply with the requirement to deposit asbestos-containing waste material from that activity as soon as was practical at a regulated waste disposal or conversion site, all in violation of Title 42, United States Code §§ 7413(c)(1) and 7412(i)(3)(A), and Title 18, United States Code § 2.

**COUNT 2**  
**(Failure to Label Containers)**

Between the approximate dates of September 9, 2005 and October 13, 2005, the defendant, James Robert Soyars, Jr., the owner and operator of a renovation activity, namely, the renovation of the facility located at the 807 17<sup>th</sup> Street, Greeley, Colorado (“the former bowling alley”), did knowingly violate the work practice standard set forth at 40 C.F.R. § 61.150(a)(1)(v) by failing to comply with the requirement to label containers of asbestos-containing waste material which were to be transported off the facility site with the name of the waste generator and the location at which the waste had been generated, all in violation of Title 42, United States Code §§ 7413(c)(1) and 7412(i)(3)(A), and Title 18, United States Code § 2.

**COUNT 3**  
**(Failure to Mark Vehicle)**

Between the approximate dates of September 9, 2005 and October 13, 2005, in the District of Colorado, the defendant, James Robert Soyars, Jr., the owner and operator of a renovation activity, namely, the renovation of the facility located at 807 17<sup>th</sup> Street, Greeley, Colorado, (“the former bowling alley”), did knowingly violate the work practice standard set forth at 40 C.F.R. § 61.150(c) by failing to comply with the requirement to mark a vehicle used to transport asbestos-containing waste material with a visible warning sign during the unloading of the waste at Public Storage, 5500 W. Hampden, Denver, Colorado, all in violation of Title 42, United States Code §§ 7413(c)(1) and

7412(i)(3)(A), and Title 18, United States Code § 2.

**COUNT 4**  
**(Failure to Deposit as Soon as Practical)**

Between the approximate dates of April 22, 2006, and August 28, 2006, in the District of Colorado, the defendant, James Robert Soyars, Jr., the owner, operator, and waste generator of the renovation activity at the facility located at 121 E. Vermijo Street, Colorado Springs, Colorado, (“the Transamerica Title building”), did knowingly violate the work practice standard set forth at 40 C.F.R. § 61.150(b) by storing and directing Talon Environmental, Inc. employees to store asbestos containing waste material that had been removed from that facility at Public Storage, 5500 W. Hampden, Denver, Colorado, which was not a regulated waste disposal or conversion site authorized to receive asbestos-containing waste material, and thereby failing to comply with the requirement to deposit asbestos-containing waste material from that activity as soon as was practical at a regulated waste disposal or conversion site, all in violation of Title 42, United States Code §§ 7413(c)(1) and 7412(i)(3)(A), and Title 18, United States Code § 2.

**COUNT 5**  
**(Failure to Label Containers)**

Between the approximate dates of April 22, 2006 and July 20, 2006, the defendant, James Robert Soyars, Jr., the owner and operator of a renovation activity, namely, the renovation of the facility located at 121 E. Vermijo Street, Colorado Springs, Colorado, (“the Transamerica Title building”), did knowingly violate the work practice standard set

forth at 40 C.F.R. § 61.150(a)(1)(v) by failing to comply with the requirement to label containers of asbestos-containing waste material which were to be transported off the facility site with the name of the waste generator and the location at which the waste had been generated, all in violation of Title 42, United States Code §§ 7413(c)(1) and 7412(i)(3)(A), and Title 18, United States Code § 2.

**COUNT 6**  
**(Failure to Mark Vehicle)**

On or about June 15, 2006, in the District of Colorado, the defendant, James Robert Soyars, Jr., the owner and operator of a renovation activity, namely, the renovation of the facility located at 121 E. Vermijo Street, Colorado Springs, Colorado, (“the Transamerica Title building”), did knowingly violate the work practice standard set forth at 40 C.F.R. § 61.150(c) by failing to comply with the requirement to mark a vehicle used to transport asbestos-containing waste material with a visible warning sign during the unloading of the waste at Public Storage, 5500 W. Hampden, Denver, Colorado, all in violation of Title 42, United States Code §§ 7413(c)(1) and 7412(i)(3)(A), and Title 18, United States Code § 2.

**COUNT 7**  
**(Failure to Deposit as Soon as Practical)**

Between the approximate dates of July 12, 2006 and August 28, 2006, in the District of Colorado, the defendant, James Robert Soyars, Jr., the owner, operator, and waste generator of the renovation activity at the facility located at 90 Havana Street,

Aurora, Colorado, (“Gateway Mazda”), did knowingly violate the work practice standard set forth at 40 C.F.R. § 61.150(b) by storing and directing Talon Environmental, Inc. employees to store asbestos containing waste material that had been removed from that facility at Public Storage, 5500 W. Hampden, Denver, Colorado, which was not a regulated waste disposal or conversion site authorized to receive asbestos-containing waste material, and thereby failing to comply with the requirement to deposit asbestos-containing waste material from that activity as soon as was practical at a regulated waste disposal or conversion site, all in violation of Title 42, United States Code §§ 7413(c)(1) and 7412(i)(3)(A), and Title 18, United States Code § 2.

**COUNT 8**  
**(Failure to Label Containers)**

Between the approximate dates of July 12, 2006 and July 19, 2006, the defendant, James Robert Soyars, Jr., the owner and operator of a renovation activity, namely, the renovation of the facility located at 90 Havana Street, Aurora, Colorado, (“Gateway Mazda”), did knowingly violate the work practice standard set forth at 40 C.F.R. § 61.150(a)(1)(v) by failing to comply with the requirement to label containers of asbestos-containing waste material which were to be transported off the facility site with the name of the waste generator and the location at which the waste had been generated, all in violation of Title 42, United States Code §§ 7413(c)(1) and 7412(i)(3)(A), and Title 18, United States Code § 2.

**COUNT 9**  
**(Failure to Mark Vehicle)**

Between the approximate dates of July 12, 2006 and July 20, 2006, in the District of Colorado, the defendant, James Robert Soyars, Jr., the owner and operator of a renovation activity, namely, the renovation of the facility located at 90 Havana Street, Aurora, Colorado, ("Gateway Mazda"), did knowingly violate the work practice standard set forth at 40 C.F.R. § 61.150(c) by failing to comply with the requirement to mark a vehicle used to transport asbestos-containing waste material with a visible warning sign during the unloading of the waste at Public Storage, 5500 W. Hampden, Denver, Colorado, all in violation of Title 42, United States Code §§ 7413(c)(1) and 7412(i)(3)(A), and Title 18, United States Code § 2.

A TRUE BILL.

Ink signature on file in the Clerk's Office  
 Foreperson

DAVID M. GAOUETTE  
 United States Attorney

s/ Linda Kato  
 by: Linda Kato  
 Special Assistant United States Attorney

s/ Linda Kaufman  
 by: Linda Kaufman  
 Assistant United States Attorney

INFORMATION SHEET

DEFENDANT: James Robert Soyars, Jr.

YOB: 1964

ADDRESS: Texas

COMPLAINT FILED? ☐ YES ☒ NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: \_\_\_\_\_  
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? ☐ YES ☒ NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSES:

Counts I, IV, and VII: 42 United States Code, Sections 7413(c)(1) and 7412(i)(3)(A), 40 Code of Federal Regulations Section 61.150(b) - Violation of Work Practice Standard requiring timely deposits of asbestos-containing waste material at an authorized disposal facility.

Counts II, V and VIII: 42 United States Code Sections 7413(c)(1) and 7412(i)(3)(A), and 40 Code of Federal Regulations Section 61.150(a)(1)(v) - Violation of Work Practice Standard requiring labeling of containers of asbestos-containing waste material.

Counts III, VI and IX: 42 United States Code Sections 7413(c)(1) and 7412(i)(3)(A), and 40 Code of Federal Regulations Section 61.150(c) - Violation of Work Practice Standard requiring marking vehicles used to transport asbestos-containing waste material.

LOCATION OF OFFENSES: El Paso County, Colorado Springs, Colorado  
Weld County, Greeley, Colorado  
Arapahoe County, Aurora, Colorado  
Denver County, Denver, Colorado

PENALTY:

Counts I, IV, and VII: For each count: NMT 5 years' imprisonment and/or NMT \$250,000 or both, plus \$100 victim/witness fee per count.

Counts II, V and VIII: For each count: NMT 5 years' imprisonment and/or NMT \$250,000 or both, plus \$100 victim/witness fee per count.

Counts III, VI and IX: For each count: NMT 5 years' imprisonment and/or NMT \$250,000 or both, plus \$100 victim/witness fee per count.



AGENT: S.A. Lance Ehrig

AUTHORIZED BY: Linda Kaufman, Assistant U.S. Attorney

Linda Kato, Special Assistant United States Attorney

ESTIMATED TIME OF TRIAL:

\_\_\_\_\_ five days or less      X   over five days    \_\_\_\_\_ other

THE GOVERNMENT

  X   will seek detention in this case    \_\_\_\_\_ will **not** seek detention in this case

The statutory presumption of detention **is** of **is not** applicable to this defendant. **(Circle one)**

OCDETF CASE:    \_\_\_\_\_ Yes      X      No