



Monthly

Bulletin

Environmental Crimes Section

May/June 2020

Inside this Issue:

Decisions	3-4
Indictments	5-8
Extraditions	9
Guilty Pleas	10-11
Sentencings	12-17
Announcements	18-19
ECS Contacts	20

Send your federal case updates
to:



“This case demonstrates that those who pollute our oceans and deliberately mislead Coast Guard officials will be brought to justice,” said Assistant Attorney General Jeffrey Bossert Clark of the Justice Department’s Environment and Natural Resources Division. “The Department of Justice will continue to support the important work of the Coast Guard to deter deliberate vessel pollution.” [From press release following conviction of Nikolaos Vastardis, Evridiki Navigation Inc., and Liquimar Tankers Management Services Inc., by a jury this past December. See [inside](#) for sentencing update.]

District/Circuit	Case Name	Case Type/Statutes
Supreme Court	<u>County of Maui, Hawaii v. Hawaii Wildlife Fund, et al.</u>	CWA Discharges
District of Alaska	<u>United States v. Walter Earl</u>	Walrus Ivory/Lacey Act, Tax Evasion
Southern District of California	<u>Pesticide Smuggling Initiative</u> <u>United States v. Curtis Technology Inc.</u>	Pesticides/Conspiracy, FIFRA, Smuggling Metal Finishing Waste/RCRA
District of Delaware	<u>United States v. Evridiki Navigation Inc. et al</u>	Vessel/ APPS, False Statements, Obstruction
Northern District of Georgia	<u>United States v. Rong Sun</u>	Pesticide Sales/FIFRA
District of Kansas	<u>United States v. Harcross Chemicals Inc., et al.</u>	Toxic Gas Release/CAA
Eastern District of Kentucky	<u>United States v. Robert Taylor et al.</u>	Ginseng Sales/Lacey Act
District of Nebraska	<u>United States v. Jordan Cook</u>	Big Game Hunts/Lacey Act
Northern District of New York	<u>United States v. Robert J. Carville</u>	Tannery Waste Disposal/RCRA
██████████ ██████████	████████████████████	██████████
Middle District of Pennsylvania	<u>United States v. Bruce Evans, Sr., et al.</u>	POTW/CWA, Wire Fraud
District of South Dakota	████████████████████ <u>United States v. Kevin Dieter</u> <u>United States v. David Meyer</u>	Eagle Killings/BGEPA, FIFRA, MBTA
Western District of Texas	<u>United States v. John Slattery et al.</u>	Rhino Horn Trafficking/Conspiracy, Lacey Act
Western District of Wisconsin	<u>United States v. Thomas Drake, et al.</u>	Ewaste/Conspiracy, RCRA

Decisions

***County of Maui, Hawaii v. Hawaii Wildlife Fund, et al.*, – U.S.–, 140 S. Ct. 1462 (2020).**

On April 23, 2020, in a 6-3 decision, the Supreme Court addressed unpermitted discharges of treated sewage water made by the County of Maui (County), which eventually reached the Pacific Ocean. In its opinion, the Supreme Court held that the correct standard for determining whether a Clean Water Act (CWA) permit is required for discharges of pollutants to a navigable water is whether there has been the “functional equivalent” of a direct discharge from a point source to a navigable water.

The County owns and operates four wells at the Lahaina Wastewater Reclamation Facility on the island of Maui, Hawaii. After the facility receives sewage from the surrounding communities, it pumps approximately four million gallons of treated wastewater directly into groundwater via in-ground wells on a daily basis. From there, the wastewater travels roughly half a mile through the groundwater system, including an aquifer, and enters the Pacific Ocean.

Hawaii Wildlife Fund and a number of environmental groups brought a citizens’ suit under the CWA in district court against the County in 2012. The Hawaii Wildlife Fund maintained that the discharges violated the CWA because they were unpermitted. Under the CWA’s National Pollutant Discharge Elimination System (NPDES) program, a permit is required if a pollutant is discharged from a point source into navigable water. The County argued that because the discharges traveled through groundwater on their way from the point source (the County’s wells) to the navigable water (the Pacific Ocean), the discharges did not require a NPDES permit. The district court held that the discharges from the County’s wells into the nearby groundwater was “functionally one into navigable water,” and therefore, did require a NPDES permit.

On appeal, the Ninth Circuit also held that a NPDES permit was required, but applied a different standard, holding that a permit is required when pollutants are “fairly traceable from a point source to a navigable water.” The County appealed the Ninth Circuit’s decision to the Supreme Court, arguing that NPDES permits are only required if a point source – or series of point sources – is the means of delivering a pollutant to navigable water, and in this case, it was groundwater (which is not a point source) that delivered the pollutant to the navigable water. The U.S. Solicitor General argued as *amicus curiae* in support of the County, citing a recent Environmental Protection Agency Interpretive Statement which stated that all releases of pollutants to groundwater are excluded from the NPDES permitting program. (The Solicitor General argued that some indirect discharges of pollutants to navigable water may require NPDES permits, but not those that travel through groundwater).

The Court rejected the arguments of the County and the Solicitor General, finding their interpretations too narrow, noting these would create a large “loophole” in a key provision of the CWA. But the Court also rejected the Ninth Circuit’s interpretation as too broad, noting that it would infringe too heavily on the states’ authority to regulate groundwater.

In rejecting all of the parties’ interpretations, the Court set forth its own, holding that “the statute requires a permit when there is a direct discharge from a point source into

(Continued on page 4)

Decisions

(Continued from page 3)

navigable waters or when there is the functional equivalent of a direct discharge.” *Cty. of Maui, Hawaii v. Hawaii Wildlife Fund*, 140 S. Ct. 1462, 1476 (2020). To determine when a discharge into a nonpoint source is the functional equivalent of a direct discharge, the Court explained that several factors could be considered. The Court provided the following seven-factor test for determining whether a discharge through a nonpoint source was in fact the functional equivalent of a direct discharge: transit time, distance traveled, nature of the nonpoint source material, amount of pollutant entering navigable waters relative to the amount of pollutant that left the point source, manner by or area in which pollutant enters the navigable waters, extent to which the pollutant becomes diluted, and the amount of pollutant to reach a navigable water. The Court placed the greatest significance on time and distance.

The Court vacated the Ninth Circuit’s decision and remanded the case for further proceedings consistent with the Court’s majority opinion. Justice Kavanaugh filed a concurring opinion, stating the Court’s majority opinion was consistent with Justice Scalia’s plurality opinion in *Rapanos v. United States*. Justice Thomas, joined by Justice Gorsuch, and Justice Alito filed dissenting opinions rejecting the majority’s “functional equivalent” standard. Both dissents stated that NPDES permits are only required when a point source directly discharges into a navigable water.

Indictments/ Informations

Pesticide Smuggling Initiative:

The U.S. Attorney's Office for the Southern District of California, the U.S. Department of Justice Environmental Crimes Section, the U.S. Environmental Protection Agency Criminal Investigation Division, and Homeland Security Investigations launched an enforcement initiative focused on the illegal smuggling of cancelled, restricted use, and/or unregistered pesticides. These pesticides include carbofuran and methamidophos.

Carbofuran is a systemic insecticide and mammalian endocrine disruptor with acute oral and dermal toxicity. The EPA canceled the use of carbofuran in May 2009 based on ecological, occupational, and dietary risks. In September 2009, the EPA cancelled Methamidophos, a systemic insecticide and cholinesterase inhibitor with acute oral and dermal toxicity. Investigators have linked these pesticides to illegal marijuana cultivation on public and private land.

Currently, 23 individuals (listed below) face charges related to their illegal importation of pesticides into the United States. Potential charges include smuggling goods into the United States (18 U.S.C. § 545), failure to declare (19 U.S.C. §§ 1433, 1461), prohibited sale and/or distribution of an unregistered pesticide (7 U.S.C. § 12(a)(1)(A)), illegal manufacture of marijuana (21 U.S.C. § 841(a)(1)), and conspiracy (18 U.S.C. § 371).

U.S. v. MIGUEL ANGEL PARAMO-AMBRIZ
U.S. v. DALIA MARTINEZ BAUTISTA
U.S. v. ERIKA JANEL CHACON
U.S. v. YULIANA SOLIS-REYES
U.S. v. LUIS ALBERTO VARGAS
U.S. v. CESAR ALBERTO GARCIA
U.S. v. SANTIAGO CONTRERAS-JUAREZ
U.S. v. DANIEL WEBSTER MARTIN
U.S. v. VERONICA PEREZ
U.S. v. NELLY IVANNA ROMERO
U.S. v. SELENE ELIZABETH BARRAZA
U.S. v. MARIA ELENA MACIAS AND MANUEL MACIAS MENDOZA
U.S. v. BEATRIZ "BETTY" SANTILLIAN
U.S. v. HUBER ORTIZ-HERRERA
U.S. v. NICOLE GARCIA-GOMEZ
U.S. v. FELIX GUTIERREZ VALENCIA
U.S. v. SAUL FLORES-BANUELOS
U.S. v. MIRNA PRISCILLA VELASCO-TAPIA
U.S. v. URIEL EVERARDO MEDINA
U.S. v. NORMA ALICIA TAPIA-HARRISON
U.S. v. CHRISTIAN NOEL CUEVAS
U.S. v. JOSE AMBRIZ GONZALEZ
U.S. v. YVETTE SARAVIA

Indictments/Informations

***United States v. Bruce Evans, Sr., et al.*, No. 3:19-CR-00009 (M.D. Pa.), AUSA Michelle Olshefski.**

On May 28, 2020, prosecutors charged Bruce Evans, Sr., in a 36-count superseding indictment with additional violations of the Clean Water Act (CWA). Prosecutors previously charged Evans, Sr. and his son, Bruce Evans, Jr., in January 2019, in a 13-count indictment with numerous violations of the CWA. Evans, Sr., also is charged with wire fraud (33 U.S.C. §§ 1319(c)(2)(A)), (c)(4) 18 U.S.C. § 1343).

Evans, Sr., was a Greenfield Township Supervisor, Greenfield Township Sewer Authority Board Member, and Manager of the Greenfield Township Sewer Authority (Authority). His son worked for both Greenfield Township and the Authority. On various dates between April 2013 and December 2017, the defendants failed to properly operate and manage the municipality's waste water treatment plant, as required by the permit. Among the violations are: dumping the contents of the chlorine contact tank (including sewage and sludge) onto the ground; discharging sewage solids into an unnamed tributary below the outfall pipe; and exceeding permit limits for total suspended solids.

Evans, Sr., further defrauded the Authority by using Authority funds and property for his and his family's personal benefit, including making cell phone payments, fuel and paying other personal expenses.

The superseding indictment charges Evans, Sr. with additional violations of the CWA specifically related to the Greenfield Township Sewer Authority's pump station located at State Route 106 (Station 106). Despite lacking proper certifications, Evans, Sr., chose to operate the entire treatment plant (including managing and operating sewer lines and pump stations) instead of allowing the licensed operator hired by the Authority to do his job. As a result, a number of violations associated with Station 106 involve multiple unlawful bypasses of sewage, sanitary sewage overflows, and Evans, Sr.'s failure to report these violations to the Pennsylvania Department of Environmental Protection (PADEP).

Evans, Sr. also failed to notify the PADEP of the actual amount of waste dumped directly into Station 106 by an outside hauler. Only after receiving complaints about odors and sewage overflows, did the agency learn about the hauled-in waste.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Pennsylvania Department of Environmental Protection, and the Federal Bureau of Investigation conducted the investigation.

Indictments/Informations

***United States v. Thomas Drake, et al.*, Nos. 3:20-CR-00054, 0055, 0056 (W.D. Wisc.), AUSA Dan Graber and RCEC James Cha.**

On May 21, 2020, prosecutors charged Thomas Drake, James Moss, and Bonnie Dennee with conspiracy to illegally store and transport hazardous waste in violation of the Resource Conservation and Recovery Act. Moss is further charged with conspiracy to evade the payment of employment taxes and income taxes to the Internal Revenue Service (IRS) (18 U.S.C. § 371).

5R Processors Ltd. (5R) recycled electronic equipment and appliances, operating numerous facilities and warehouses in Wisconsin, and one in Morristown, Tennessee. Drake founded the company in 1988, serving as the Chief Executive Officer and Chairman of the Board of Directors. He oversaw all aspects of the company's operations, including environmental and worker safety compliance. Moss joined 5R in 2007, and became its president in 2010, managing all plant operations. Dennee started in 1997, working in various positions, including executive vice president and director of environmental, health, safety and certifications.

Workers at the company manually broke down parts from electronic components (including computer monitors and televisions) for resale. They separated lead-containing cathode ray tubes (CRTs) from clean glass, that they then sold. Until 2011, 5R paid for shipment of the lead-containing CRT glass for proper disposal.

Between 2011 and 2016, the defendants and others conspired to store broken, crushed, and hazardous CRT glass at unpermitted facilities in Catawba and Glen Flora, Wisconsin, and Morristown, Tennessee. They transported the hazardous waste without required manifests, and concealed their activities from regulators by, among other things: changing the dates on containers, hiding containers inside semi-trailers, stacking pallets in front of containers making it impossible for regulators to inspect them, giving regulators inaccurate shipping records, and storing containers in warehouses without electricity kept deliberately dark.

Moss further conspired to defraud the IRS in the collection of employment taxes and income taxes for 5R and two other related companies, Wisconsin Logistic Solutions and Pure Extractions. In total, Moss and others failed pay the IRS \$858,100 in federal income taxes withheld from employees and Federal Insurance Contributions Act taxes.

The Wisconsin Department of Natural Resources Bureau of Law Enforcement, the U.S. Environmental Protection Agency Criminal Investigation Division, and Internal Revenue Service Criminal Investigation conducted the investigation.

Indictments/Informations

United States v. Walter Earl, No. 20-CR-00034 (D. Ak.), AUSA Aunnie Steward.

On April 23, 2020, prosecutors charged Walter Earl with violating the Lacey Act for illegally buying and selling walrus ivory, and for tax evasion for failing to report any of his income to the Internal Revenue Service (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B); 26 U.S.C. § 7201).

Earl, the owner of “The Antique Gallery”, routinely trafficked in the purchase and retail sale of illegal walrus ivory. As part of his business, he bought walrus ivory from sellers knowing it was illegal for him to do so and then, for many years, illegally sold the walrus ivory at a significant profit through the Antique Gallery.

Specifically, on three separate occasions in 2017, Earl illegally purchased and sold walrus ivory head mounts (skull and ivory tusks), falsified documents, and lied to the buyers about the ivories’ source. Earl falsely claimed the ivory was “Pre-Act” (the Marine Mammal Protection Act does not apply to marine mammal parts or products taken or created prior to the passage of the Act in 1972.) He further asserted that he could legally purchase the ivory since he employed Alaska Natives. Earl purchased more than 50 walrus tusks he intended to sell illegally, with an approximate total market value of close to \$30,000.

Between 2013 and 2017, Earl failed to file individual income tax returns. During this period, his antique store grossed \$679,245. To evade paying taxes, he structured transactions at various financial institutions to avoid reporting requirements, instructed his employees not to report the income they earned, kept inadequate business records, and used cash.

The U.S. Fish and Wildlife Service Office of Law Enforcement, and the Internal Revenue Service Criminal Investigation conducted the investigation, with assistance from the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Extraditions

***United States v. John Slattery et al.*, No. 14-CR-00108 (W.D. Tex.), ECS Trial Attorney Gary Donner, AUSA Greg Gloff, and ECS Supervisory Paralegal Lisa Brooks.**

On May 26, 2020, authorities returned John Slattery to the United States following his extradition from Ireland. Responding to a request from the United States, officials in Ireland arrested Slattery in August 2019, for his role in trafficking horns from black rhinos. A grand jury in the Western District of Texas charged Slattery and co-defendant Patrick Sheridan in May 2014, with conspiring to traffic in horns from black rhinoceros and substantive Lacey Act violations (16 U.S.C. §§ 3372(d)(2); 3373(d)(1)(B), (d)(3)(A); 18 U.S.C. § 371).

Slattery, Sheridan, and Michael Slattery, Jr., used a “straw buyer” to purchase two black rhinoceros horns from a taxidermist in Texas, which the group then transported to New York for sale. As part of their scheme, the defendants falsified documents in an attempt to make their horn purchases appear legal.

In September 2015, authorities extradited Sheridan to the United States from the United Kingdom. A court sentenced him in January 2016 to 14 months’ incarceration and to pay a \$1,000 fine. A court sentenced Michael Slattery, Jr., in January 2014 to serve 14 months’ incarceration and to pay a \$10,000 fine. He also forfeited \$50,000 of proceeds from his illegal trade in rhinoceros horns.

The U.S. Fish and Wildlife Service conducted the investigation as part of Operation Crash. The Criminal Division’s Office of International Affairs assisted with Slattery’s extradition and arrest.

Guilty Pleas

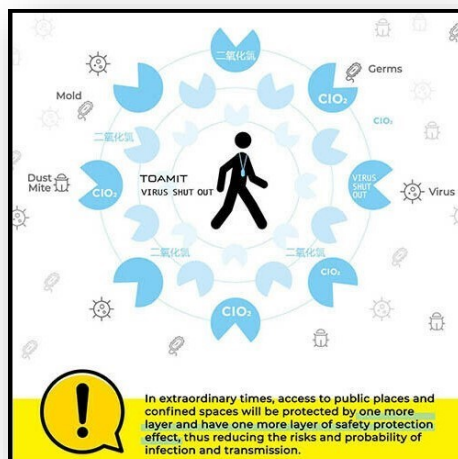
***United States v. Rong Sun*, No. 1:20-mj00289 (N.D. Ga.), ECS Senior Counsel Kris Dighe and AUSA Christopher Huber.**

On May 29, 2020, Rong Sun, aka Vicky Sun, pleaded guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for illegally importing and selling an unregistered pesticide (7 U.S.C. §§ 136j(a)(1)(A), 136j(a)(1)(E), and 136l(b)(1)(B)).

Sun sold an unregistered pesticide, Toamit Virus Shut Out, through eBay, claiming that it would help protect individuals from viruses. She marketed the pesticide as “Virus Shut Out” and “Stop The Virus.” Additionally, the listing stated, “its main ingredient is ClO₂, which is a new generation of widely effective and powerful fungicide recognized internationally at present. Bacteria and viruses can be lifted up within one meter of the wearer’s body, just like a portable air cleaner with its own protective cover.” It also stated that “In extraordinary times, access to public places and confined spaces will be protected by one more layer and have one more layer of safety protection effect, thus reducing the risks and probability of infection and transmission.”

FIFRA regulates the production, sale, distribution, and use of pesticides in the United States. A pesticide is any substance intended for preventing, destroying, repelling, or mitigating any pest. The term “pest” includes viruses. Toamit Virus Shut Out was not registered with the Environmental Protection Agency and it is illegal to distribute or sell unregistered pesticides.

The U.S. EPA Criminal Investigation Division, Homeland Security Investigations, and the U.S. Postal Inspection Service conducted the investigation.



From Sun’s eBay listing for “Virus Shut Out”

Guilty Pleas

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sentencings

United States v. Harcros Chemicals, Inc., et al., No. 5:19-CR-40021 (D. Kansas), AUSA Rich Hathaway.

On May 27, 2020, a court sentenced Harcros Chemicals, Inc., and MGP Ingredients, Inc., (MGPI) to each pay \$1 million fines for violating the Clean Air Act for causing the release of a toxic chlorine gas cloud over Atchison, Kansas, in 2016 (42 U.S.C. § 7413(c)(4)).



Toxic chlorine gas cloud

Harcros is a subsidiary of MGPI. Harcros manufactures and distributes industrial chemicals throughout the United States. It supplies sulfuric acid, sodium hydroxide, sodium hypochlorite, and propylene oxide to MGPI, which it uses for processing specialty wheat proteins and starches into food grade alcohol.

On October 21, 2016, a Harcros driver delivered a load of sulfuric acid to MGPI's facility in Atchison, Kansas. An MGPI operator helped the driver access the transfer equipment. A greenish-yellow chlorine gas cloud formed when the employees mistakenly combined 4,000 gallons of sulfuric acid with 5,800 gallons of sodium hypochlorite. The toxic cloud covered the city for close to an hour until emergency personnel arrived. Local officials ordered community members to shelter in place and evacuate in some areas. Approximately 140 individuals sought medical attention.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

Sentencings

United States v. Jordan Cook, No. 8:19-CR-00409 (D. Neb.), AUSA Donald Kleine.

On May 26, 2020, a court sentenced Jordan Cook to pay a \$50,000 fine, complete a five-year term of probation, and pay \$39,150 in restitution to the Nebraska Game and Parks Commission.

Cook worked as a guide and outfitter for Hidden Hills Outfitters (HHO), a commercial big game guiding and outfitting business. Between May 2014 and May 2017, Cook guided and assisted HHO clients in unlawful hunting activities that included hunting and taking white-tailed deer, mule deer, and wild turkey within baited areas, from a public roadway, at night, without a valid permit, in excess of the bag limit, and with prohibited weapons, all of which are in violation of Nebraska state regulations and the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(3)).



Cook (center) from April 2015 turkey hunt

In April 2015, Cook guided a customer from Virginia on a turkey hunt. Cook helped his client kill three turkeys despite knowing his client's permit only allowed him to kill one. In November 2015, Cook a client from New York on a deer hunting trip that included numerous baited areas. The client took a trophy-sized white-tailed deer from an elevated tree stand placed less than 50 yards from an illegally baited site. In January 2017, Cook transported antlers and hides from two trophy-sized mule deer and one trophy-sized white-tailed deer that had been illegally taken by his clients. He transported parts from deer taken during the 2016 season from Nebraska to a taxidermist in Colorado. The hunters killed the deer using prohibited weapons during night-time closed season hours, from the roadway.

Cook gave the taxidermist hunting permits from other HHO hunters, to conceal the fact that his clients illegally killed the mule deer.

The investigation of HHO is ongoing. To date, a court has sentenced 25 defendants to pay a total of \$240,548 in fines and restitution for hunting violations, including: deer taken within baited areas; deer, pronghorn, and wild turkeys taken with weapons or firearms prohibited during their respective hunting seasons; deer taken during closed season hours, from the road, or without a valid permit; and mule deer taken within the Mule Deer Conservation Area.

The United States Fish and Wildlife Service Office of Law Enforcement and the Nebraska Game and Parks Commission Law Enforcement Division are conducting the investigation.

Sentencings

***United States v. Robert B. Taylor et al.*, No. 6:19-CR-00054 (E.D. Ky.), AUSA Emily Greenfield.**

On May 19, 2020, a court sentenced Robert B. Taylor to pay a \$75,000 fine and complete a three-year term of probation for making and submitting false records regarding ginseng sales, in violation of the Lacey Act (16 U.S.C. § 3372 (d)(2), 3373(d)(3)(A)). The court further prohibited Taylor from engaging in ginseng dealing as an agent or dealer in any state during the term of his probation. His son, Billy A. Taylor, was sentenced to complete a one-year term of probation and perform ten hours of community service, after pleading guilty to purchasing illegally harvested ginseng (16 U.S.C. §§ 3372 (a)(2)(B), 3373 (d)(1)(B)).

Robert Taylor owned and operated Taylor's Roots and Herbs and Taylor's Fresh Ginseng, in Middlesboro, Kentucky. His son, Billy Taylor, worked with him. Both possessed licenses to deal in wild American ginseng in Kentucky, Tennessee, and Virginia.

Between November 2012 and August 2016, Robert Taylor falsified Kentucky Ginseng Purchase Forms for multiple purchases of wild ginseng, including failing to include the correct weight of purchases, not keeping records of all his purchases, and purchasing ginseng harvested from another state, but not properly certified before entering Kentucky. Robert Taylor also stored 54 pounds of dry ginseng, despite telling law enforcement that he had not stored any, and possessing ginseng improperly harvested out of season.

In September 2014, Billy Taylor purchased wild ginseng from an undercover agent. The agent told Taylor that it came from Tennessee and lacked proper certifications. Billy Taylor also bought ginseng from Virginia harvesters without requesting any paperwork to prove certification. Billy Taylor failed to complete any paperwork to document these transactions with the state of Kentucky.

The United States Fish and Wildlife Service, the Kentucky Department of Agriculture, and the Kentucky Department of Fish and Wildlife Resources conducted the investigation.

Sentencings

***United States v. Robert J. Carville*, No. 1:18-CR-00081 (N.D.N.Y.), AUSA Michael F. Perry and RCEC Jason Garelick.**

On May 15, 2020, a court ordered Robert Carville to pay \$369,693 in restitution to the U.S. Environmental Protection Agency (EPA) in clean-up costs for removing hazardous wastes illegally stored at a former tannery.

Carville owned and managed the Carville National Leather Corporation for ten years prior to its closure. The family run business operated from 1976 until September 2013. Carville knowingly stored hundreds of gallons of hazardous waste on site (including chromium, lead, and both ignitable and corrosive chemicals) after it went out of business. Following the closure, Carville moved out of state, abandoning hundreds of containers of hazardous chemicals, many of which were labeled “corrosive,” “acidic,” and “hazardous. Carville lacked a permit to store the chemicals.

Given the proximity of the tannery to multiple residences and a creek, EPA deemed it a Superfund site. The court sentenced Carville in July 2019, after he pleaded guilty to violating the Resource Conservation and Recovery Act (49 U.S.C. § 6928(d)(2)(A)). The court deferred determination on restitution until now.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



Abandoned chemicals

***United States v. Curtis Technology, Inc.*, No. 3:20-CR-00715 (S.D. Calif.), AUSA Melanie Pierson.**

On May 13, 2020, a court sentenced metal finishing company Curtis Technology, Inc. (CTI) to pay a \$45,000 fine and \$114,297 in clean-up costs for illegally transporting hazardous waste from its facility without a manifest.

Between December 2015 and August 2019, CTI owner Alex Jvirblis (deceased) and a maintenance employee transported chemicals, including waste ferric chloride, filter cake, solvents, and other chemicals, from the CTI plant to three residences in San Diego owned by Jvirblis. None of these shipments were accompanied by hazardous waste manifests, as required by the Resource Conservation and Recovery Act (42 U.S.C. § 6928(d)(5)).

Agents executed search warrants at the residences in November 2019. At one of the homes, they deemed the chemicals too unstable to safely transport for disposal. After evacuating the surrounding area, the local sheriff’s department bomb squad detonated them on site.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Federal Bureau of Investigation conducted the investigation.

Sentencings

United States v. Kevin Dieter, No. 3:20-CR-30065 (D.S.D.), AUSA Meghan Dilges.

On May 13, 2020, a court sentenced Kevin Dieter to pay a \$5,000 fine and \$29,400 in restitution to the U.S. Fish and Wildlife Service. Dieter previously pleaded guilty to violating the Bald and Golden Eagle Protection Act, the Migratory Bird Protection Act, and the Federal Insecticide, Fungicide, and Rodenticide Act (16 U.S.C. §§ 703, 707(a), 668(a); 7 U.S.C. §§ 136j(a)(2)(G), 136l(b)(2)).

Between October 2016 and March 2017, Dieter killed bald eagles after laying out carbofuran on his fields. After local game officials notified US Fish and Wildlife Service about the discovery of dead eagles, they determined that Dieter owned the land where they were found. In the area where the eagles were recovered law enforcement also found a dead skunk, a dead mink, egg shells, and blue latex gloves. Dieter admitted he used poisoned eggs to kill skunks and minks because they were destroying his silage bags.

The U.S. Fish and Wildlife Service; the South Dakota Department of Game, Fish, and Parks; and the Faulk County Sheriff's Department conducted the investigation.



Deceased Bald Eagle recovered by local game officials.

United States v. Evridiki Navigation, Inc., et al., No. 1:19-CR-00066 (D. Del.), ECS Trial Attorney Joel La Bissonniere, ECS Senior Litigation Counsel Richard Udell, ECS Senior Trial Attorney Ken Nelson, AUSA Edmund Falgowski, ECS Law Clerk Nate Borrelli and ECS Paralegal Chloe Harris.

On May 7, 2020, a court sentenced Nikolaos Vastardis to pay a \$7,500 fine and complete a three-year term of probation. Evridiki Navigation, Inc. and Liquimar Tankers Management Services, Inc. are not yet scheduled for sentencing.

A jury convicted the defendants in December 2019 for failing to keep an accurate oil record book (ORB) (in violation of the Act to Prevent Pollution from Ships), falsifying records, obstructing justice, and making false statements ((33 U.S.C. § 1908(a); 18 U.S.C. §§ 1001, 1505, 1519).

In March 2019, chief engineer Vastardis presented the ORB for the *M/T Evridiki* to Coast Guard inspectors that failed to record illegal overboard discharges of oily bilge water between December 2018 and March 2019. Evidence proving that the ORB contained fraudulent information, included: Vastardis' inability to properly operate the oily water separator (OWS) and the fact that soot and oil clogged the OWS' filters.

The United States Coast Guard conducted the investigation.

Sentencings

United States v. David Meyer, No. 1:20-CR-10006 (D.S.D.) AUSA Meghan Dilges.

On April 28, 2020, a court sentenced David Meyer to pay a \$50,000 fine and \$58,000 in restitution to the U.S. Fish and Wildlife Service. Meyer previously pleaded guilty to violating the Bald and Golden Eagle Protection Act; the Migratory Bird Protection Act; and the Federal Insecticide, Fungicide, and Rodenticide Act (16 U.S.C. §§ 668(a), 703, 707(a); 7 U.S.C. §§ 136j(a)(2)(G), 136/(b)(1)(B)).

In March and April 2016, Meyer arranged for delivery of 22 1,800-pound sacks of Rozol Prairie Dog Bait, a restricted pesticide, to his ranch. The label clearly indicates the product should only be used underground under the supervision of a certified applicator. Meyer supervised workers as they misapplied 39,000 pounds of poison both inside prairie dog holes, and on the ground nearby, over approximately 5,400 acres of the Meyer Ranch. After a Standing Rock Sioux tribe game warden found a dead eagle, he notified the U.S. Fish and Wildlife Service, who notified the Environmental Protection Agency (EPA). Officials dispatched an EPA emergency response team to oversee the cleanup of the ranch land. Investigators recovered a total of six dead bald eagles confirmed poisoned by Rozol.

The U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency Criminal Investigation Division, the Standing Rock Sioux Tribe Game and Fish Department, and the North Dakota Department of Agriculture conducted the investigation.



Bait placed around prairie dog holes

Announcements

Victim Assistance Program:

The Environment and Natural Resources Division (ENRD)/U.S. Environmental Protection Victim Assistance Team announces a first-of-its-kind victim assistance program dedicated to support victims of federal environmental crimes. Regulations entitle all crime victims to the services and rights set forth in the Victims' Rights and Restitution Act (34 U.S.C. § 20141) and the Crime Victims' Rights Act (18 U.S.C. § 3771), respectively.

To ensure environmental crime victims are aware of these services and rights and provide information to state and local victim assistance professionals, ENRD launched the [Environmental Crime Victim Assistance website](#). Victims gain access to case updates via the website. If an USAO would like its environmental crime victim notification webpage posted on the ENRD website, please send [REDACTED] the USAO webpage URL. EPA has a complementary [website](#) to provide resources for victims of environmental crime.

Upcoming Financial Investigations Seminar:

The Environmental Crime Victim Assistance Team, comprised of professionals from DOJ's Environment & Natural Resources Division, EPA's Office of Criminal Enforcement, Forensics and Training, EPA's Regional Counsels' Offices, and U.S. Attorneys' Offices, is partnering with the Money Laundering and Asset Recovery Section of the DOJ's Criminal Division to conduct a Financial Investigations Seminar. The seminar, with some of the focus on environmental crimes, is scheduled to be held on **September 15-17, 2020**, in EPA's Region 5 headquarters in Chicago, Illinois.

The seminar's objective is to apply investigative techniques and methods to unravel the financial aspects of a criminal investigation, including identifying assets and money flows, and to make charging and forfeiture decisions. This practical, innovative, and interactive seminar is designed to introduce participants to financial investigations, money laundering, and asset forfeiture.

During the seminar, participants will analyze financial documents to establish links among the targets, assets, and the illegal activities. The course program will help agents and prosecutors to incorporate financial investigations, money laundering, and asset forfeiture into environmental crimes cases, and seek restitution for crime victims.

The EPA meeting space in Chicago will allow for us to implement CDC COVID-19 recommendations for large gatherings, such as physical distancing.

Announcements

Materials from Postponed Environmental Crimes Seminar:

The 2020 Environmental Crimes Seminar, originally scheduled at the National Advocacy Center this past May, was postponed with a new date yet to be determined. A significant number of attorneys who registered for the seminar were new to environmental crimes' prosecutions. In light of that, we assembled some materials that might be helpful to new practitioners, as well as resources that may be of interest to more experienced practitioners. Links to these materials can be found in the Spotlight slide pdf included with this email.

Attorneys who are new to environmental crimes prosecutions or to certain types of environmental crimes' prosecutions, may be interested in the following material included in the Spotlight slide:

Recorded presentations from previous NAC Environmental Crimes Seminars:

- Mine Safety & Health Act Explained.
- Introduction to the Clean Water Act, Parts 1 and 2.
- The Resource Conservation and Recovery Act.
- Introduction to the Environmental Crimes Section PowerPoint presentation.

Also included on the Spotlight slide is a presentation on Victims' Rights in Environmental Crimes that touches on new, practical issues and resources for vindicating victims' rights in environmental crimes cases and a link to the *March 2020 DOJ Journal of Federal Law and Practice* that covers our worker safety program in depth. We also provide a link to the Environmental Crimes DOJNet page where you will find reference materials, contact information, and other resources that may be helpful in your environmental crimes' prosecutions.

Unfortunately, only DOJ employees will be able to link to the materials. They may do so by clicking on the wording in each box of the Spotlight .pdf. If you have trouble, see instructions for "Viewing the Videos" pdf included in the email. Please feel free to forward this email and the attachments to others in DOJ who may benefit from these materials.

Environmental Crimes Section Attorneys: (Main # 202-305-0321)

Position	Name	Phone
Chief	Deborah Harris	
Deputy Chief	Joseph Poux	
Assistant Chief	Thomas Ballantine	
Assistant Chief	Wayne Hettenbach	
Assistant Chief	Lana Pettus	
Assistant Chief	Jennifer Whitfield	
Senior Litigation Counsel	Howard P. Stewart	
Senior Litigation Counsel	Richard Udell	
Senior Counsel for Wildlife	Elinor Colbourn	
Senior Counsel	Kris Dighe	
Senior Trial Attorney	Jennifer Blackwell	
Senior Trial Attorney	Christopher Costantini	
Senior Trial Attorney	Daniel Dooher	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
Trial Attorney	Cassandra Barnum	
Trial Attorney	Mary Dee Carraway	
Trial Attorney	Ryan Connors	
Trial Attorney	Adam Cullman	
Trial Attorney	Stephen DaPonte	
Trial Attorney	Gary Donner	
Trial Attorney	Patrick Duggan	
Trial Attorney	Ethan Eddy	
Trial Attorney	Matthew Evans	
Trial Attorney	Stephen Foster	
Trial Attorney	Christopher Hale	
Trial Attorney	Joel LaBissonniere	
Trial Attorney	Samuel (Charlie) Lord	
Trial Attorney	Shennie Patel	
Trial Attorney	Erica Pencak	
Trial Attorney	Richard Powers	
Trial Attorney	Leigh Rende	
Trial Attorney	Lauren Steele	