



Monthly

Bulletin

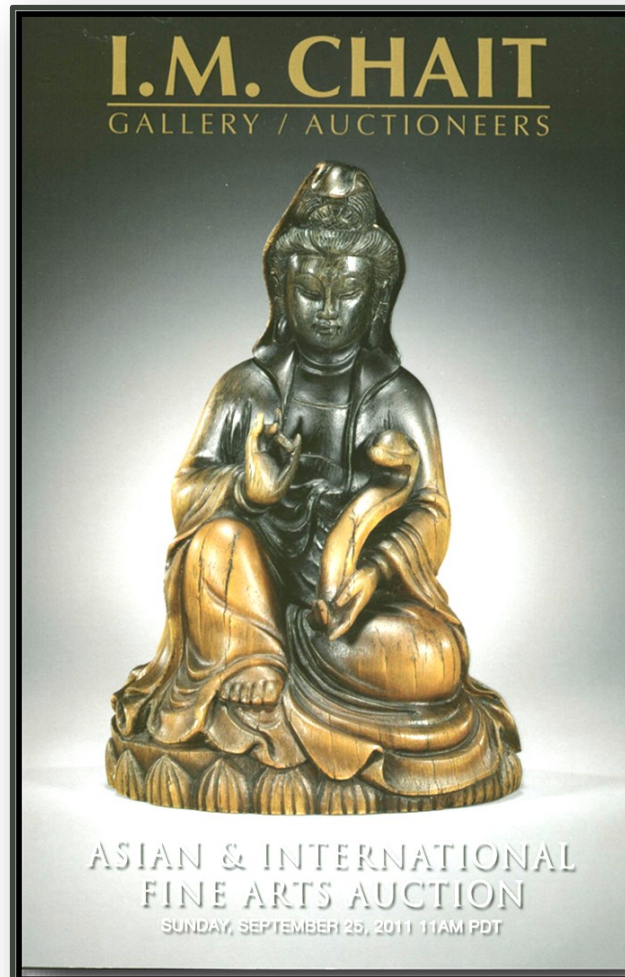
Environmental Crimes Section

July 2016

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“Conspiring in the trafficking endangered wildlife is a serious crime, and those involved in the auction industry should take note that facilitating this trade can result in prison,” said Assistant Attorney General Cruden. “The African Elephant, the rhinoceros, and coral are all deeply threatened species that have undergone dramatic losses in recent decades as the trade in them has become highly lucrative. We must stop this trade, and we will vigorously investigate and prosecute those engaged in it.” [From [press release](#) for the sentencing in *U.S. v. Chait*].

District/Circuit	Case Name	Case Type/Statutes
Sixth Circuit Court of Appeals	United States v. Mark Sawyer	NESHAP, Asbestos, Restitution
██████████	██████████	██████████
██████████ ██████████	██████████	██████████
Southern District of California	United States v. Kyle Vestermark	Sewage Disposal/Conspiracy, SDWA
██████████	██████████	██████████
Middle District of Florida	United States v. Thomas Davanzo	RINS Fraud/Conspiracy to Commit Wire Fraud, Money Laundering Conspiracy
██████████ ██████████	██████████	██████████ ██████████
Southern District of Florida	United States v. Dan Q. Lin	Lobster Exports/Lacey Act
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Northern District of Iowa	United States v. Randy Less	Ethanol Producer/ CWA, Employment Taxes
Eastern District of Louisiana	United States v. So Yi Chan	Turtle Shipments/Smuggling
██████████ ██████████	██████████	██████████
District of New Jersey	United States v. Anthony Gaines	Dog Fighting/Conspiracy, Animal Fighting Venture
Eastern District of New York	United States v. James Kaminsky	Fish Overharvesting/False Statements
Southern District of New York	United States v. Joseph Chait	Wildlife Smuggling/Conspiracy, Lacey Act
Western District of New York	United States v. Anastasios Kolokouris	Asbestos Disposal/CAA

Northern District of Ohio	<u>United States v. David N. Jenkins</u> <u>United States v. Lizandro Orellana</u> <u>United States v. Robert A. Shaw, Sr.</u>	Oil and Gas Industry/CWA Bribes/TSCA, Conspiracy to Commit Bribery Garbage Hauling Business/ Conspiracy to Commit Wire Fraud
Southern District of Ohio	<u>United States v. Donald Hercher</u>	Oil and Gas Industry/CWA
Western District of Pennsylvania	<u>United States v. Mark Ventresca</u>	Wastewater Operator/CWA
District of South Carolina	<u>United States v. Panagiotis Koutoukakis</u>	Vessel. APPS, Falsifying Federal Records
Northern District of Texas	<u>United States v. Southco Enterprises, Inc.</u>	Waste Transportation/RCRA
Eastern District of Washington	<u>United States v. Thomas Davanzo</u>	RINS Fraud/Conspiracy to Commit Wire Fraud, Money Laundering Conspiracy
Western District of Washington	<u>United States v. Angelakos (Hellas) S.A.</u>	Vessel/ APPS, False Statements, Falsification of Records

Decisions

***United States v. Mark Sawyer*, ___ F.3d___ 2016 WL 3125986 (6th Cir. June 3, 2016), ECS Senior Trial Attorney Todd Gleason and AUSA Matt Morris.**

On June 3, 2016, the Sixth Circuit affirmed the sentence and restitution order against Mark Sawyer.

In 2014, Sawyer pleaded guilty to conspiring to violate the Clean Air Act and knowing violations of the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) for handling and disposal of asbestos at a salvage site in Tennessee. Sawyer was sentenced to 60 months in prison and held jointly and severally liable, along with his co-defendants, for \$10,288,576.71 in restitution. On appeal, Sawyer challenged his sentence on the grounds that it was substantively unreasonable for the court to sentence him to the statutory maximum because he was an individual with no criminal history and had pleaded guilty. He also challenged the district court's restitution award on various grounds.

The court rejected Sawyer's unreasonable sentence argument because he had entered into a plea agreement that stipulated that he waived his right to appeal from a sentence that didn't exceed the sentencing guideline range. The court also rejected the defendant's challenges to the restitution award. Sawyer contended that the district court incorrectly determined that the award was mandatory under the Mandatory Victim's Restitution Act (MVRA) and that the EPA cannot be a victim under the Act, because it does not have a possessory interest in the salvage site. The court held that the mishandling of asbestos at the salvage site qualified as an "offense against property" within the meaning of the MVRA. The court also held that government agencies can be victims to whom restitution is owed without having a possessory interest in the affected property.

Sawyer also challenged the restitution award on grounds that the government failed to show that all of the EPA's losses were directly and proximately caused by his offense of conviction. The court rejected this argument, but did subtract \$300,000 that was incurred by the EPA in cleanup that did not involve asbestos. Sawyer also challenged the amount of restitution imposed arguing that the district court erred in making him and his co-defendants jointly and severally liable for the total losses when it should have instead assessed an amount tied to his specific role in the crime. The court rejected this argument, relying on the MVRA which states that if someone is convicted of a conspiracy, the court can order restitution for damages resulting from any conduct that was part of the conspiracy. Sawyer participated in all of the fundamental aspects of the conspiracy and therefore could be held liable for the total losses.

Sawyer further challenged that a report prepared by EPA and submitted by the government was insufficient to establish the government's losses, because the report contained summary accounting tables that previous courts have found to be insufficient. The Sixth Circuit held that although this report alone may not have been sufficient, the government also established its losses through the testimony of the on-site EPA supervisor. Sawyer also claimed that the district court erred in its failure to submit the restitution claim to a jury because facts of the case increased the penalty of the crime beyond the prescribed statutory maximum. The court rejected this argument and held, consistent with *Churn*, 800 F.3d 768 (6th Cir. 2015), that the issue does not require that the restitution claim be sent to a jury.

Trials

United States v. Angelakos (Hellas) S.A., No. 2:16-CR-00062 (W.D. Wash.), AUSAs Seth Wilkinson and Matthew Diggs, and USCG SAUSA Stephen Bor.

On June 20, 2016, two shipping companies and two engineers were convicted by a jury, after an eight-day trial, of crimes related to the illegal discharge of oily wastewater from the cargo ship *M/V Gallia Graeca*. The ship's operator, Angelakos (Hellas) S.A., its owner, Gallia Graeca Shipping, Ltd., and engineers Konstantinos Chrysovergis and Tryfon Angelou were each found guilty of the three counts charged: APPS, false statements, and falsification of records violations (33 U.S.C. § 1908(a); 18 U.S.C. §§ 1001(a)(1), 1519).

In October 2015, the *Gallia Graeca* travelled from China to Seattle. Over several days during the voyage, the defendants discharged more than 5,000 gallons of contaminated waste water overboard while the oil water separator (OWS) was inoperable. They concealed these discharges from the Coast Guard by making false statements to inspectors, and by making false statements and/or omissions in the ship's oil record book. When Coast Guard inspectors asked the engineers to operate the OWS, they did so in such a way to make it appear that the equipment was working properly.

This case was investigated by the U.S. Coast Guard and the U.S. EPA Criminal Investigation Division.



Oily overboard valve from soot tank

Unpermitted septic tank connection to leach lines

Indictments/Informations

United States v. David N. Jenkins, No. 4:16-CR-00190 (N.D. Ohio), RCEC SAUSA Brad Beeson.

On June 13, 2016, David N. Jenkins was charged with violating the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)) by directing another employee to dump fracking waste into a tributary of the Mahoning River.

Jenkins was an employee of Hardrock Excavating, LLC. The company provided services to the oil and gas industry in Ohio and Pennsylvania, including the storage of brine and oil-based drilling mud used in hydrofracturing, or fracking. There were approximately 58 mobile storage tanks on site, with each holding approximately 20,000 gallons. On a number of occasions, company owner Benedict Lupo directed employees to use a hose to empty some of this stored waste into a nearby stormwater drain over a several-month period. On occasion, Lupo told Jenkins to direct the employees to dump these wastes into the storm drain at night.

Lupo was sentenced to 28 months' incarceration and will pay a \$25,000 fine. Hardrock was sentenced to pay a \$75,000 fine and to make a \$25,000 community service payment to be divided between Friends of the Mahoning River and Midwest Environmental Enforcement Association. The company also will complete a two-year term of probation. Employee Michael Guesman was sentenced to complete a three-year term of probation.

This case was investigated by the Ohio Environmental Protection Agency, the Ohio Department of Natural Resources, the U.S. EPA Criminal Investigation Division, the Ohio Bureau of Criminal Investigation, the Youngstown Department of Public Works, and the Youngstown Fire Department.



Stormwater drain used for illegal discharges

This case was investigated by the U.S. Coast Guard.

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Indictments/Informations

(Continued from page 9)

allegedly facilitated these ventures by transporting and delivering dogs between dog fighters in various states. The undercover investigation disclosed the defendants discussing graphic accounts of prior dog fights they and their associates had staged. They also exchanged information concerning dog-fighting bloodlines, training methods, fighting techniques, and the market for buying and selling dogs.

Evidence of dog fights included: scarred dogs and dogs stacked in crates; paraphernalia, such as dog treadmills and “flirt” poles used to build jaw strength and increase aggression; and animal pelts. Also found were medical devices such as syringes and other tools used to treat the dogs in lieu of seeking veterinary attention.

This case is part of Operation Grand Champion, a coordinated effort across numerous federal judicial districts to combat organized dog fighting. The phrase “Grand Champion” is used by dog fighters to refer to a dog with more than five dog-fighting “victories.” This is a continuing investigation by the U.S. Department of Agriculture, Office of the Inspector General; Department of Homeland Security, Homeland Security Investigations; and the Federal Bureau of Investigation.

Guilty Pleas

***United States v. Thomas Davanzo*, Nos. 15-CR-00141, 15-CR-06047 (M.D. Fla., E.D. Wash.), ECS Trial Attorney Adam Cullman, AUSAs Sara Sweeney, Megan Kistler, and Scott Jones, and RCECs Karla Perrin and Jennifer Lewis.**

On June 24, 2016, Thomas Davanzo and Robert Fedyna pleaded guilty to conspiracy to commit wire fraud and to a money laundering conspiracy charge (18 U.S.C §§ 1349, 1956(h)). Nancy Bush-Estes and Richard Estes each previously pleaded guilty to a money laundering conspiracy charge. The pleas stem from the defendants' involvement in a RINS fraud scheme, whereby they defrauded the government of approximately \$66.5 million and laundered the money.

Davanzo, Fedyna, Estes, and Bush-Estes worked with Gen-X Energy Groups (and its subsidiary, Southern Resources and Commodities), a Washington state biofuels company, to orchestrate the crimes in 2013 and early 2014. Davanzo and Fedyna set up several shell companies throughout the country, including two in Florida. The three worked with Gen-X to cycle the same batch of renewable biofuels through the shell companies. With each cycle of the old product, Gen-X falsely claimed it had generated new biofuels, thereby generating fraudulent RINs and receiving new alternative fuel tax credits from the IRS. Afterwards, the shell companies would transform the "fuel" back into "feedstock." Gen-X reaped a \$57 million profit from those illegal sales, with about \$42 million tied to Davanzo, Fedyna, Estes, and Bush-Estes. Another \$9.5 million in IRS tax credits were generated from the scheme. Gen-X CEO and founder, Scott Johnson, and Gen-X Vice President and COO, Donald Holmes, each previously pleaded guilty to conspiracy to commit wire fraud, and to conspiracy to defraud the government by obtaining fraudulent claims for income tax refunds (18 U.S.C. §§ 286, 1349).

This case was investigated by the U.S. Secret Service, the U.S. EPA Criminal Investigation Division, and the Internal Revenue Service Criminal Investigations.

***United States v. Lizandro Orellana*, No. 1:16-CR-00186 (N.D. Ohio), RCEC SAUSA Brad Beeson.**

On June 21, 2016, Lizandro Orellana and Modern Construction Group LLC pleaded guilty to violations stemming from their involvement in taking cash bribes and kickbacks, in addition to the illegal abatement of lead-based paint. Specifically, Orellana pleaded guilty to conspiracy to commit bribery concerning programs receiving federal funds, as well as a TSCA violation. Modern pleaded guilty to the TSCA charge (15 U.S.C. §§ 2615(b), 2689; 18 U.S.C. §§ 371, 666(a)(1)(A), (a)(1)(B)).

Cleveland Housing Network (CHN), a recipient of HUD funding, awarded contracts for rehabilitating abandoned homes in Cleveland, Ohio. As a manager at CHN, James Todt requested and received items of value in exchange for approving and steering CHN contracts to Orellana and James Peterson. Todt also submitted false invoices to CHN that were deposited into his personal bank account.

Between October 2010 and October 2012, under Orellana's direction, Modern employees gutted houses without following proper lead-based paint abatement

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Guilty Pleas

(Continued from page 11)

procedures. Orellana was aware that these employees were not licensed to perform this work. Peterson and Todt previously pleaded guilty to the conspiracy violations; Todt also pleaded guilty to two charges of theft concerning program receiving federal funds (18 U.S.C. §§ 371, 666(a)(1)(A), (a)(1)(B)). Sentencing is scheduled for October 13, 2016.

This case was investigated by the FBI, the Office of Inspector General Housing and Urban Development, U.S. EPA Criminal Investigation Division, Ohio EPA, Ohio Bureau of Criminal Investigation, Ohio Department of Health Environmental Compliance Program, and the Cleveland Division of Police.

United States v. Randy Less, No. 6:16-CR-02002 (N.D. Iowa), AUSA Timothy Vavricek and SAUSA Matthew Hoffman.

On June 14, 2016, Randy Less pleaded guilty to violating the Clean Water Act and to failing to pay employment taxes (33 U.S.C. §§ 1311, 1319(c)(2)(A), 26 U.S.C. § 7202).

Less was the majority owner of Permeate Refining Inc., an ethanol production business. Less had been charged, along with co-defendant Darrell Smith, with multiple counts of willfully failing to collect, truthfully account for and pay federal income, social security, and Medicare taxes that were withheld from employee wages. Less pleaded guilty to failing to collect \$45,926 in taxes owed in January 2011. He also admitted to knowingly discharging or causing ethanol to be discharged from the facility into an unnamed tributary of the Maquoketa River in July 2013, without a permit.

This case was investigated by the U.S. EPA Criminal Investigation Division, the Federal Bureau of Investigation, the IRS Criminal Investigations, and the U.S. Postal Inspection Service.



Aerial view of Permeate Refining

Guilty Pleas

***United States v. Mark Ventresca*, No. 1:16-CR-00017 (W.D. Pa.), AUSA Marshall Piccinini.**

On June 10, 2016, Mark Ventresca pleaded guilty to violating the Clean Water Act by tampering with monitoring methods and submitting false statements (33 U.S.C. § 1319(c) (4)). Sentencing is scheduled for November 21, 2016.

Ventresca was a certified wastewater operator employed by the Lake City Borough Wastewater Treatment Plant. Between December 2008 and December 2012, Ventresca provided false information on discharge monitoring reports submitted to the Pennsylvania Department of Environmental Protection. He operated the plant until his resignation in March 2014.

This case was investigated by the U.S. EPA Criminal Investigation Division.

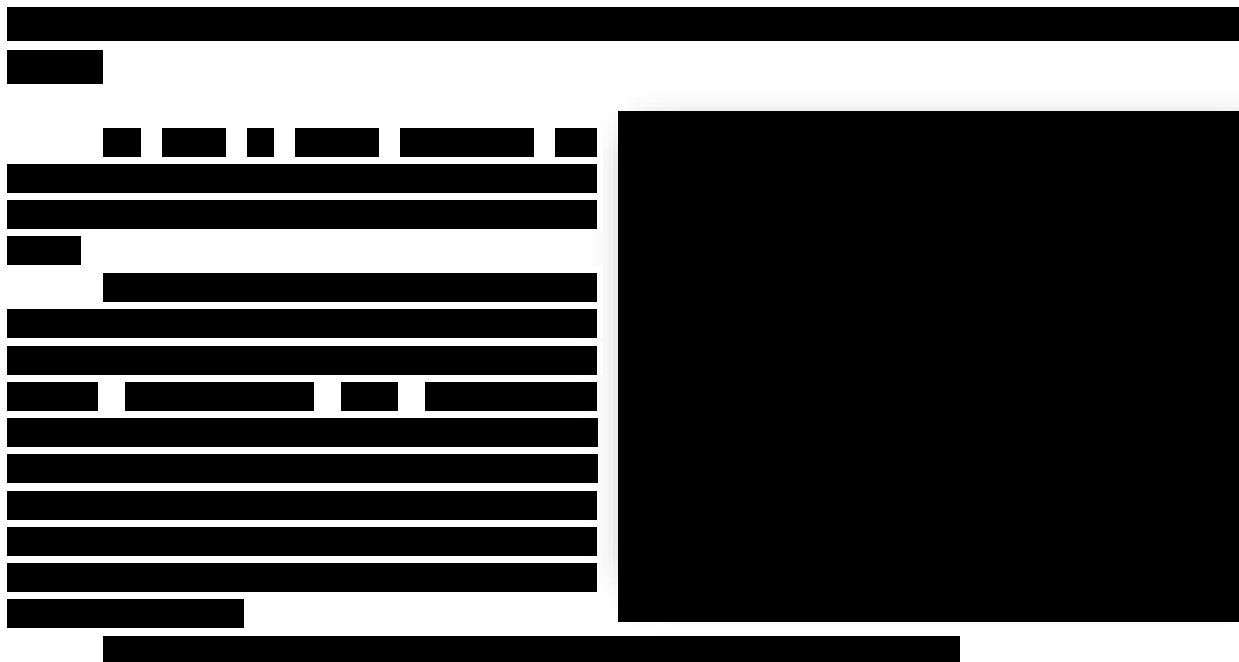
***United States v. Robert A. Shaw, Sr.*, No. 14-CR-00353 (N.D. Ohio), RCEC SAUSA Brad Beeson.**

On June 7, 2016, Robert A. Shaw, Sr., pleaded guilty to conspiracy to commit wire fraud (18 U.S.C. § 1343) for his role in defrauding a financial company out of approximately \$1.2 million. Sentencing is scheduled for August 30, 2016.

Shaw was the chief financial officer for several garbage hauling companies owned and operated by Christopher L. Gattarello. Gattarello and Shaw defrauded AIM Business Capital, LLC, (a company in the business of purchasing accounts receivable) of approximately \$1.2 million in 2012. The indictment also charged Gattarello with directing William S. Jackson to demolish the former National ACME building in Cleveland without first abating the asbestos from the facility during 2012. Gattarello previously pleaded guilty to Clean Air Act, money laundering, wire fraud, and conspiracy to commit wire fraud violations (18 U.S.C. §§ 1349, 1957; 42 U.S.C. § 7413 (c)(1)). Jackson is scheduled for trial to begin on July 28, 2016.

This case was investigated by the U.S. EPA Criminal Investigation Division, the Ohio Bureau of Criminal Identification and Investigation, the Ohio Environmental Protection Agency, the Federal Bureau of Investigation, and the Internal Revenue Service .

Guilty Pleas



United States v. James Kaminsky, No. 2:16-CR-00273 (E.D.N.Y.), ECS Trial Attorney Christopher Hale and ECS Paralegal Casey Rybak.

On June 2, 2016, fisherman James Kaminsky pleaded guilty to violations stemming from his role in systematically covering up the landing and sale of illegal fluke (summer flounder), scup, and black sea bass that were overharvested in violation of New York state quotas and the federal Research Set-Aside (RSA) Program. Kaminsky pleaded guilty to one count of aiding and abetting false writings and making false statements (18 U.S.C. §§ 1001(a)(3) and 2, (a)(2)).

Between May and August 2011, Kaminsky utilized the RSA Program as a tool to mask unlawful quota overages. He then sold his illegal catch to Mark Parente, a federal fish dealer and a defendant in a related case. Federal fish dealers are required to accurately report their purchases to the National Oceanic and Atmospheric Administration regardless of whether the fish originated from a state or federal fishery. NOAA utilizes these reports to assess fish stocks and to set quotas in conjunction with regional fisheries councils. False information inputted into fisheries statistical models reduces their effectiveness, and could result in unexpected and inaccurate quota reductions.

In order to conceal the illegal harvest and transactions, Kaminsky and Parente agreed to falsify documents filed with the government. Kaminsky falsified approximately 30 fishing vessel trip reports, and Parente falsified a corresponding number of dealer reports. To further obscure the illicit conduct, almost all of the payments were made in cash. The scheme omitted or misidentified approximately 6,900 pounds of fluke, 50,000 pounds of scup, and 12,000 pounds of black sea bass. The wholesale value of the fish was stipulated

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This case was investigated by NOAA National Marine Fisheries Service.

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This case was prosecuted by the U.S. Fish and Wildlife Service as part of Operation Crash.

Sentencings

***United States v. Dan Q. Lin*, No. 4:16-CR-10006 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On June 21, 2016, China native Dan Q. Lin was sentenced to complete a three-year term of probation. A fine was not assessed. Lin previously pleaded guilty to a Lacey Act violation for illegally exporting approximately a half ton of lobsters from August 2010 to September 2010 (16 U.S.C. § 3372 (a)(2)(A)).

Lin was vice president, director, and co-owner of a Florida corporation engaged in the export of live Florida spiny lobsters to markets in China. Neither the corporation nor any of the officers and directors held a valid Florida Wholesale Dealer's license. Eric Burman was the company president. Burman and the company allowed Lin to package and ship spiny lobster harvested in Monroe County to China. The lobster was transported from the Florida Keys to the corporate business premises in Pompano Beach, and subsequently transferred to a commercial airfreight carrier at Miami International Airport for export to Hong Kong, China.

Burman was sentenced in August 2014 to pay a \$250,000 fine and to complete a three-year term of probation

This case was investigated by the National Oceanic and Atmospheric Administration.

***United States v. Anastasios Kolokouris*, No. 6:12-CR-06015 (W.D.N.Y.), AUSA Craig Gestring.**

On June 20, 2016, Anastasios Kolokouris was sentenced to pay a \$15,000 fine, complete a two-year term of probation, and perform 150 hours of community service. He also was ordered to pay \$250 in restitution (or \$50 to five victims). Kolokouris previously pleaded guilty to violating the Clean Air Act asbestos work practice standards (42 U.S.C. §§ 7412, 7413(c)(1)).

Acting on a complaint in December 2011, a state inspector visited the defendant's warehouse and observed people working in a large dumpster next to a loading dock, with significant quantities of what appeared to be asbestos-containing material in and around the dumpster. Further investigation resulted in the seizure of more than 90 bags of dry, friable asbestos from inside the warehouse. Kolokouris hired several civilian workers (including a 16 year-old child) without any asbestos training or experience to clean out the dumpster and load it into bags. The dumpster was near a school bus stop and several homes.

During the investigation, workers were interviewed and indicated that they knew Kolokouris from working for him at other odd jobs. They reported that the defendant told them that he would pay cash to remove asbestos from the dumpster, because the container company would not remove it while it was full of asbestos.

This case was investigated by the U.S. EPA Criminal Investigation Division, the N.Y. State Department of Environmental Conservation Police Bureau of Environmental Crimes Investigation, the N.Y. State Department of Labor Asbestos Control Bureau, and the City of Rochester Police Department.

Sentencings

***United States v. So Yi Chan*, No. 15-CR-00028 (E.D. La.), AUSA David Haller.**

On June 16, 2016, two individuals were sentenced for their role in a turtle smuggling ring. So Yi Chan was sentenced to pay a \$5,000 fine after previously pleading guilty to a smuggling violation (18 U.S.C. § 554). Siu Fan Chu will pay a \$2,000 fine after pleading guilty to misprision of a felony (18 U.S.C. § 4). Both will complete five-year terms' of probation.

Between 2011 and 2014, the defendants conspired to smuggle turtles from the United States, using false labels and names. They captured North American Wood turtles (a threatened species) from the wild in Pennsylvania, shipped them by mail through



Turtles wrapped in tape for shipping

the United States, and exported them to Hong Kong. Co-defendant Jon Tokosh participated in the capture of the animals and helped ship them to a middleman, using the alias “Jay Rockington.” Tokosh was sentenced in March 2016 to 24 months’ incarceration, followed by three years’ supervised release. A fine was not assessed. He pleaded guilty to conspiracy and to using a fictitious name and address in a mailing (18 U.S.C. §§ 371, 1342; 16 U.S.C. §§ 3372(d), 3373(d)(3)(A)).

Tokosh has a prior conviction in Pennsylvania for the same violations. He was sentenced in 2006 to serve one year of incarceration and paid \$25,000 in restitution to the Pennsylvania State Game Agency. Trial is pending against the remaining defendant, Ho Yuen Barry Wong.

This case was investigated by the U.S. Fish and Wildlife Service, Homeland Security Investigations, and the U.S. Postal Inspection Service.

Sentencings

United States v. Donald Hercher, No. 2:14-CR-00243 (S.D. Ohio), AUSA Mike Marous and SAUSA RCEC Crissy Pellegrin.

On June 14, 2016, Donald Hercher was sentenced after previously pleading guilty to a Clean Water Act violation for discharging wastewater generated from the operation of his oil and gas company into a ditch (33 U.S.C. § 1319(c)(2)(A)). Hercher will pay a \$70,000 fine and complete a two-year term of probation, to include four days' community confinement and 90 days' home confinement. He also will make a \$5,000 community service payment to the National Fish and Wildlife Foundation, and perform 104 hours of community service. Hercher will be required to submit a statement



Wastewater discharging into roadside ditch

to Southeast Ohio Oil and Gas Producers and Ohio Oil and Gas Association, cautioning others in the oil and gas industry to avoid taking similar actions. He will prepare an article to be published in at least three trade journals to educate readers on the “Mississippian Exemption” and how it has no application to the Waterways of the United States. Lastly, Hercher must register all of his wells and ensure that they are in compliance with state laws within 90 days.

Hercher is the owner of Hercher Oil Company, and the operator of 30 oil and gas wells located in southeastern Ohio. He has operated four of these wells for approximately 30 years. Over this 30-year period, Hercher discharged approximately 50 gallons of oily brine water per week from oil and gas wells into a roadside ditch near Rias Run, which eventually flows into the Ohio River.

This case was investigated by the U.S. EPA Criminal Investigation Division, the Ohio EPA, and the Ohio Bureau of Criminal Investigation.

Sentencings

United States v. Southco Enterprises, Inc., No. 16-CR-00148 (N.D. Tex.), AUSA Errin Martin.

On June 8, 2016, Southco Enterprises, Inc., the owner of PrimePack (d/b/a Al Kel and Southco) was sentenced after pleading guilty to a RCRA storage violation (42 U.S.C. § 6928(d)(2) (B)). Southco will pay a \$150,000 fine and make a \$100,000 community service payment to be paid as follows: \$50,000 to the Southern Environmental Enforcement Network training fund and \$50,000 to Hutchins Fire and Rescue, City of Hutchins, Texas. The Fire Department will use the funds to purchase equipment to be used exclusively for actions related to spill, leaks, emissions, or releases of toxic or hazardous materials.



Hazardous wastes stored in trailers

Southco operated several waste transportation vehicles in the Dallas area. The vehicles were stored at facilities including Al Kel Chemical. In December 2007, the Texas Commission on Environmental Quality (TCEQ) issued a NOV to Al-Kel Alliance for storing numerous 55 gallon drums and 350 gallon totes containing unknown chemicals. The NOV also noted two stationary "box trailers" that held totes and drums.

TCEQ instructed Al-Kel to evaluate all the containers (including the contents of the two trailers), conduct an adequate waste determination, and ship the waste to the appropriate facility.

In October 2010, a former Al Kel employee tipped off TCEQ (which then informed U.S. EPA) of hazardous wastes illegally stored at the facility, with some leaking onto the ground.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Texas Commission on Environmental Quality.

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Announcements

We are in the process of updating the [Brief Bank](#) on the webpage. Older materials are still available on the [Document Bank Archives](#) page. Please send [REDACTED] any pleadings you believe would be useful for posting in the Brief Bank.

Please send information regarding State and local cases to the [Regional Environmental Enforcement Associations' Webpage](#). Updates on federal cases should be sent to [REDACTED]

If you are in need of sentencing data for your wildlife or pollution cases, please contact [REDACTED] with your search requests.

We now post a public version of the [ECS Bulletin](#) that is available for non-law enforcement readers.