

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Crim. No. 18-
 :
 : 42 U.S.C. § 6928(d)(2)(A)
 THOMAS TOY : 18 U.S.C. § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting in Newark,
charges:

1. At all times relevant to this Indictment, unless otherwise indicated:

Superior Barrel and Drum Company, Inc. and Defendant Thomas Toy

a. Superior Barrel and Drum Company, Inc. (hereinafter, "Superior")
was a company that specialized in the cleaning and reconditioning of industrial
drums. Superior was located on a 5.5 acre property at 798 Jacob Harris Lane in
Elk Township, Glassboro, New Jersey (hereinafter, the "Superior Facility").
Superior's business involved receiving used drums from various industrial
customers, cleaning and processing the drums, and then reselling them.

b. Defendant THOMAS TOY was the owner and President of Superior.
As owner and President, defendant THOMAS TOY directed and supervised the
operations of Superior, including the storage and disposal of large amounts of
waste, including hazardous waste, at the Superior Facility.

The Resource Conservation and Recovery Act

c. The Resource Conservation and Recovery Act, as amended, 42
U.S.C. § 6901 *et seq.* (hereinafter, "RCRA"), was enacted in 1976 to address a

growing nationwide problem of industrial and municipal waste contamination. RCRA was designed to protect human health and the environment and provided controls on the management and disposal of hazardous waste.

d. RCRA, and the regulations promulgated thereunder, prohibited the treatment, storage, and disposal of hazardous waste, without a permit issued by the U.S. Environmental Protection Agency (EPA) or by an authorized state.

e. Both federal and state regulations provided that a waste was “hazardous waste” if it exhibited one or more of the characteristics of ignitability, corrosivity, reactivity, or toxicity as defined in 40 C.F.R. §§ 261.21-24 and incorporated by reference in N.J.A.C. 7:26G-5.1.

f. The EPA could authorize states to administer and enforce their own hazardous waste management program in lieu of the federal program. 42 U.S.C. § 6926. The EPA authorized the State of New Jersey to conduct a hazardous waste program administered by the New Jersey Department of Environmental Protection (NJDEP). *See* 50 Fed. Reg. 5260 (1985). The EPA retained enforcement authority over the State’s authorized hazardous waste program.

The Superior Facility

g. Superior did not have a permit issued by EPA or NJDEP to store or dispose of hazardous waste at the Superior Facility.

h. Between on or about September 27, 2013, and on or about September 25, 2014, EPA conducted a removal action of waste stored at the Superior Facility. In total, approximately 1,800 containers of waste were

removed from the Superior Facility. Much of the waste was found to be hazardous. The direct cost to EPA of the removal action was over \$4.2 million.

2. At least as early as in or around September 2013, in the District of New Jersey, and elsewhere, defendant

THOMAS TOY

did knowingly store and dispose, and cause to be stored and disposed, at the Superior Facility, hazardous waste, namely corrosive and ignitable waste, without a permit issued by EPA or NJDEP to store or dispose of such waste.

In violation of Title 42, United States Code, Section 6928(d)(2)(A) and Title 18, United States Code, Section 2.

A TRUE BILL.

Foreperson



CRAIG CARPENITO
United States Attorney
District of New Jersey

JEFFREY H. WOOD
Acting Assistant Attorney General
Environment and Natural
Resources Division
U.S. Department of Justice

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

THOMAS TOY

INDICTMENT FOR

**42 U.S.C. § 6928(d)(2)(A)
18 U.S.C. § 2**

A True Bill,

foreperson

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NEWARK, NEW JERSEY**

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