



Environmental Crimes Case Bulletin

U.S. Environmental Protection Agency
Office of Criminal Enforcement, Forensics and Training

This bulletin summarizes publicized investigative activity and adjudicated cases conducted by OCEFT Criminal Investigation Division special agents, forensic specialists, and legal support staff. To subscribe to this monthly bulletin you may [sign up for email alerts](#) on our publications page. Unless otherwise noted, all photos are provided by EPA-CID.

August—September 2020

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Defendant Summary

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Crystal Geyser Water Bottler Ordered to Pay \$5 Million Criminal Fine for Illegal Storage and Transportation of Arsenic-Laced Waste

On August 5, 2020, the company that produces “Crystal Geyser Natural Alpine Spring Water” was sentenced to three years of probation and ordered to pay criminal fines totaling \$5 million for illegally storing and transporting hazardous waste created from filtering arsenic out of spring water at its facility in Olancha, California.

United States District Judge Dolly M. Gee also ordered CG Roxane LLC to implement a compliance program within 90 days to ensure it complies with federal and state environmental laws and implement that program within 180 days of the sentencing hearing. The compliance program includes the company’s retention of a qualified and experienced third-party environmental auditor to conduct annual audits of CG Roxane’s Olancha facility.

The company pleaded guilty on January 9 to one count of unlawful storage of hazardous waste and one count of unlawful transportation of hazardous material. The financial penalty Judge Gee imposed consisted of a \$2.5 million criminal fine for each count.

CG Roxane obtained water by drawing groundwater from the eastern slope of the Sierra Nevada mountains that contained naturally occurring arsenic. The company used sand filters to reduce the concentration of arsenic so the water would meet federal drinking water standards. To maintain the effectiveness of the sand filters, CG Roxane back-flushed the filters with a sodium hydroxide solution, which generated thousands of gallons of arsenic-contaminated wastewater.

For approximately 15 years, CG Roxane discharged the arsenic-contaminated wastewater into a manmade pond – known as “the Arsenic Pond” – at its Olancha facility along Highway 395 in Inyo County.

In March 2013, the Lahontan Regional Water Quality Control Board took a sample from the Arsenic Pond and in 2014 informed CG Roxane that the sample had an arsenic concentration that was more than eight times the hazardous waste limit, creating a risk to the area’s groundwater and wildlife. The water board referred the matter to the California Department of Toxic Substances Control (DTSC), which took its own samples that showed the Arsenic Pond had an arsenic concentration almost five times the federal hazardous waste limit. Subsequent sampling and testing by CG Roxane and its retained laboratory confirmed a similar arsenic concentration in the Arsenic Pond.

DTSC officials met with CG Roxane representatives in April 2015, presented a list of preliminary violations, and instructed the company to arrange for the removal of the Arsenic Pond.

In May 2015, CG Roxane hired two Los Angeles-area entities to remove the hazardous waste and transport it – which was done without the proper manifest and without identifying the wastewater as a hazardous material, according to court documents. The arsenic-contaminated wastewater was ultimately transported to a Southern California facility that was not authorized to receive or treat hazardous waste. As a result, more than 23,000 gallons of the wastewater from the Arsenic Pond allegedly was discharged into a sewer without appropriate treatment.

The two companies hired to transport and treat the wastewater – United Pumping Services, Inc. and United

Storm Water, Inc., both located in the City of Industry – each pleaded guilty on June 10 to four counts of negligently causing a violation of a pretreatment program requirement. On July 29, Judge Gee ordered each company to pay a \$375,000 criminal fine.

The investigation in this case focused on alleged violations involving the handling, storage and transportation of CG Roxane’s wastewater, not the safety or quality of CG Roxane’s bottled water.

The investigation was conducted by EPA’s Criminal Investigations Division and the US Department of Transportation’s Office of Inspector General, and the California Department of Toxic Substances Control. The US Attorney’s Office for the Eastern District of California also assisted in the investigation. The case was prosecuted by a DOJ litigation team.

Wyoming Dentist and Office Renovation Contractor Sentenced for Illegal Asbestos Removal

Federal courts imposed final judgments on two defendants in connection with the unlawful release of asbestos during a commercial renovation project in Cheyenne, Wyoming in 2015. The project involved the building at 2100 Pioneer Avenue, which Dr. Richard S. Cutler had purchased for use as a dental office. Despite a prior inspection that confirmed the presence of asbestos in the building, Dr. Cutler's contractor, Jacob Lee Davis, began renovation work at the building without conducting proper abatement or taking various other measures required by federal law and regulations. A subsequent investigation by the EPA's Criminal Investigation Division confirmed several workers had been exposed or potentially exposed to asbestos during the renovation project.

"The results in these cases demonstrate the Department of Justice's commitment to protecting public health and safety," said U.S. Attorney Mark A. Klaassen. "The defendants in these cases caused asbestos to be released, which presented a serious health threat to workers," said Assistant Special Agent in Charge Lance Ehrig of EPA's Criminal Investigation Division, Denver Area Office. "The prosecutions in these cases further demonstrate EPA's commitment to the protection of human health and the environment," Ehrig said.

The United States Attorney's Office for the District of Wyoming prosecuted Davis and Dr. Cutler in related federal cases. Ultimately, Davis pled guilty to knowingly violating and causing others to violate asbestos work practice standards, in violation of 18 U.S.C. § 2(b) and 42 U.S.C. § 7413(c)(1). On June 9, 2020, the Honorable Scott W. Skavdahl sentenced Davis to three years of supervised probation, a \$9,000 fine, and a \$100 special assessment. On September 8, 2020, the court amended Davis' judgment to reflect his agreement to pay \$2,225 restitution. Meanwhile, Dr. Cutler pled guilty to negligently causing the release of asbestos, in violation of 18 U.S.C. § 2 and 42 U.S.C. § 7413(c)(4). On August 26, 2020, the Honorable Kelly H. Rankin sentenced Dr. Cutler to three years of supervised probation, a \$25,000 fine, \$2,225 restitution, and a \$25 special assessment. As a condition of probation, each defendant must perform 120 hours of community service.

Asbestos is a hazardous air pollutant, and even short-term exposure can increase a person's risk of health complications. Federal law and regulations impose various obligations on persons responsible for a demolition or renovation project at a facility containing asbestos, depending on the type and quantity of asbestos involved. In Wyoming, these obligations may include providing written notice to the Wyoming Department of Environmental Quality (DEQ) at least 10 working days before disturbing material that contains asbestos. Any owner or contractor with questions about an asbestos-related project is encouraged to contact DEQ for more information.

Former Sidney, Nebraska Man Sentenced for Disposing of Hazardous Waste Without a Permit

Edward Miller, age 44, formerly of Sidney, Nebraska, was sentenced on August 10, 2020 to 33 months' imprisonment for the disposal of hazardous waste without a permit. There is no parole in the federal system. After his release from the Bureau of Prisons, Miller will serve a three-year term of supervised release. Miller was also ordered to pay \$25,471 in restitution.



The Resource Conservation and Recovery Act (RCRA) is the primary federal law regulating the generation, treatment, storage, and disposal of hazardous waste. Objectives of RCRA include, among others things, protection of human health and the environment through stringent regulating guidelines. The disposal of hazardous waste is prohibited except in accordance with a RCRA permit.

An investigation conducted by the EPA Criminal Investigation Division determined that on October 24, 2017, Miller loaded a truck and flatbed trailer with various chemicals, which included pesticides, from a warehouse at Renkoski Property Development located in Sidney, Cheyenne County, Nebraska. The containers of chemicals were hazardous wastes due to their corrosivity and ignitability characteristics. Later that day, Miller drove the truck and flatbed trailer with the hazardous wastes through the District of Nebraska, where defendant, without a RCRA permit, disposed of the hazardous wastes by dumping, spilling, and placing the hazardous wastes at three undeveloped sites along South T Road approximately three miles south of Aurora, Hamilton County, Nebraska.

“The defendant’s disregard for the law created serious human health and environmental hazards,” said Assistant Special Agent in Charge Cate Holston of EPA’s Criminal Investigation Division in Kansas. “EPA and its law enforcement partners are committed to holding responsible parties accountable for violations that endanger our communities, first responders and the environment.”

This case was investigated by the EPA’s Criminal Investigation Division.

Waste Management Companies Enter Resolutions to Pay \$4.3 Million for Clean Air Act Violations

On September 28, 2020, The United States Attorney's Office for the Middle District of Pennsylvania announced that two companies have entered resolutions with the government requiring the payment of a combined \$4.3 million in monetary penalties, and an enhanced environmental compliance program, for their involvement in Clean Air Act violations.

According to United States Attorney David J. Freed, Rockwater Northeast LLC, a Pennsylvania-based company that provides water management services to companies in the oil and gas industry, was charged in a criminal information on September 24, 2020, with 31 counts of violating the Clean Air Act, for tampering with the emissions systems on 31 heavy-duty diesel trucks owned by the company, and installing "defeat devices" that disabled emissions diagnostic systems on the trucks. Rockwater Northeast LLC also is alleged to have caused the trucks to pass annual vehicle safety inspections by the Department of Transportation (DOT), despite the modified emissions systems.



Separately, Select Energy Services, Inc., a Texas-based company and the successor in interest to Rockwater Energy Solutions, Inc., parent company of Rockwater Northeast LLC, entered a three-year non-prosecution agreement with the United States. The agreement resolves Clean Air Act violations for modified emissions systems on 29 additional heavy-duty diesel trucks that were owned by Rockwater Energy Solutions, Inc. Select Energy Services, Inc. has cooperated with the investigation since its acquisition of Rockwater Energy Solutions, Inc. in 2017.

Rockwater Northeast LLC agreed to pay a monetary resolution of \$2 million, and Select Energy Services, Inc. agreed to pay a monetary resolution of \$2.3 million. Under the terms of the non-prosecution agreement, Select Energy Services, Inc. agreed to continue cooperating with the government, and to implement an environmental compliance program designed to prevent future Clean Air Act violations. Select Energy Services, Inc. also is required to conduct annual audits during the three-year term of the agreement, to ensure Clean Air Act compliance.

Six individuals have been prosecuted in connection with this investigation; four of whom are current or former employees of Rockwater Northeast LLC, and two of whom are former third-party vendors of Rockwater Northeast LLC. All six individuals pleaded guilty to conspiring to impede the lawful functions of the Environmental Protection Agency (EPA) and DOT, and to violate the Clean Air Act:

Brian Mellot, of Cumberland, Maryland, was sentenced to six months of imprisonment and one year of supervised release;

Gavin Rexer of Jersey Shore, Pennsylvania, pleaded guilty and is awaiting sentencing;

- Dennis Paulhamus of Jersey Shore, Pennsylvania, pleaded guilty and is awaiting sentencing;

Plea Agreements

- Joseph Powell of Hickory, Pennsylvania, pleaded guilty and is awaiting sentencing;
- John Joseph of Canonsburg, Pennsylvania, pleaded guilty and is awaiting sentencing; and
- Timothy Sweitzer of Jersey Shore, Pennsylvania, pleaded guilty and is awaiting sentencing.

“We take seriously our job of protecting the environment in Pennsylvania, and we won’t hesitate to prosecute individuals committing environmental crimes,” said United States Attorney Freed.

“The defendants in this case knowingly and repeatedly installed ‘defeat devices’ to remove emissions controls in dozens of diesel trucks in violation of the Clean Air Act,” said Environmental Protection Agency (EPA) Special Agent in Charge Jennifer Lynn of EPA’s Criminal Investigation Division in Pennsylvania. “Today’s announcement demonstrates that EPA and our law enforcement partners are committed to enforcing our environmental laws.

Businessmen and companies that intentionally falsify records in order to circumvent federal laws and regulations will be held accountable for their actions,” said Douglas Shoemaker, Regional Special Agent-In-Charge, U.S. Department of Transportation Office of Inspector General. “This multi-million dollar settlement demonstrates our continuing effort to combat transportation-related fraud and abuse in the “State of Pennsylvania and throughout the country.”

The matter was investigated by the EPA’s Criminal Investigations Division and the DOT’s Office of the Inspector General, with the assistance of the Pennsylvania State Police and other law enforcement agencies. The case was prosecuted by Assistant United States Attorneys Phillip J. Caraballo and Sean Camoni, and by Special Assistant United States Attorney Patricia C. Miller.

Former New Orleans, Louisiana Asbestos Contractor Pleads Guilty To Theft of Federal Program Funds

On September 2, 2020, U.S. Attorney Peter G. Strasser announced that Marc A. Victoriano, age 46, of Covington, Louisiana, pleaded guilty to one count of theft from a program receiving federal funds.

According to court documents from 2015 to 2017, Victoriano and his company, Professional Safety Consultants, LLC, (PSC) provided asbestos inspections for the Terrebonne Parish School Board (TPSB) as mandated by the Asbestos Hazard Emergency Response Act (AHERA). Victoriano submitted 56 invoices to TPSB with fraudulent asbestos laboratory reports including false air monitoring and false asbestos testing reports. Victoriano also submitted nine invoices to TPSB for AHERA reports with forged signatures and accreditation information. As a result, TPSB paid Victoriano approximately \$212,618.26 to which he was not entitled, in violation of Title 18, United States Code, Section 666(a)(1)(A).

“The Asbestos Hazard Emergency Response Act (AHERA) is designed to protect our schools from hazardous air pollutants”, said Special Agent in Charge Christopher Brooks of EPA’s Criminal Investigation Division in Louisiana. “Today’s guilty plea demonstrates that individuals who intentionally violate federal laws will be held responsible for their crimes.”

Victoriano faces a maximum term of imprisonment of not more than ten years, a fine of \$250,000.00, and up to three years (3) years of supervised release. Sentencing is scheduled for December 16, 2020.

U.S. Attorney Strasser praised the work of EPA’s Criminal Investigation Division, the Louisiana State Police, Louisiana Department of Environmental Quality, Criminal Investigation Section and the Louisiana Environmental Crimes Task Force, for their investigation of the matter. Assistant United States Attorney Julia K. Evans is in charge of the prosecution.

La Porte, Indiana Landlord Pleads Guilty to Distributing Unregistered Pesticides

On August 20, 2020, Cai Feng Yang, aka Kevin Yang, 41, of La Porte, Indiana pleaded guilty to three counts of violating the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) for distributing unregistered pesticides to the tenants and managers of an apartment building he owned. Sentencing was scheduled for Oct. 27, 2020.

According to court records, during trips to China in September 2015 and January 2016, Yang purchased multiple boxes of unregistered pesticides labeled “cockroach killer bait” and “cockroach gum bait,” as well as several small unlabeled bottles of liquid pesticide containing the active ingredient dichlorvos. Yang transported these pesticides to the United States in his checked luggage with the intent to use them in his La Porte apartment buildings to exterminate cockroaches and bed bugs. None of these pesticides were registered with the EPA as required by FIFRA. For that reason, Yang was obligated to submit a Notice of Arrival (NoA) prior to importing these products into the United States, which he failed to do. He also failed to declare this merchandise to Customs upon his return to the United States.

After returning from China, Yang distributed the vials of granular cockroach killer bait and the syringes of gelatinous cockroach gum bait to tenants renting apartments at 701 Maple St. and 606 Tipton Street. Yang also provided his part-time assistant building managers at 701 Maple Street an unlabeled bottle of pesticide containing dichlorvos to be applied in apartments to kill bed bugs. On several occasions, Yang applied the liquid pesticide in tenants’ apartments himself.



This case was investigated by EPA’s Criminal Investigation Division with assistance from the Office of Indiana State Chemist. The case was prosecuted by a DOJ litigation team.

Frederick, Maryland Man Faces Federal Charges Of Fraud Related To COVID-19 after Selling Unregistered and Misbranded Pesticides Online

On August 27, 2020, the United States Attorney's Office for the District of Maryland charged Marek Majtan, age 35, of Frederick, Maryland with committing a scheme to defraud to sell unregistered and misbranded pesticides. Majtan has been charged via criminal complaint with the following federal charges: mail fraud, in violation of 18 U.S.C. § 1341; and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), in violation of 7 U.S.C. § 136j(a)(1)(A), 136j(a)(1)(E), and 136l(b)(1)(B). An initial appearance is set for September 11, 2020 at 2:15 p.m.

The criminal complaint was announced by United States Attorney for the District of Maryland Robert K. Hur; Special Agent in Charge Jennifer Lynn of the Environmental Protection Agency-Criminal Investigation Division; and Postal Inspector in Charge Peter R. Rendina of the U.S. Postal Inspection Service - Washington Division.

"It is particularly egregious to seize on the ongoing pandemic to take advantage of the public," said U.S. Attorney Robert K. Hur. "My office will continue to investigate and prosecute those who commit COVID-19 related frauds, especially those who endanger the public through their actions."

"This case shows that consumers need to be cautious of products that make unsubstantiated claims of controlling viruses," said Environmental Protection Agency (EPA) Special Agent in Charge Jennifer Lynn of EPA's Criminal Investigation Division in Maryland. "EPA and our law enforcement partners continue to work to stop the sale of these illegal products. Consumers can help protect themselves by visiting epa.gov/coronavirus for a list of approved products."

"Protecting American consumers from fraudsters taking advantage of a public health emergency is a top priority for the U.S. Postal Inspection Service. We continue to work with the U.S. Attorney's Office and our partners at the Environmental Protection Agency- Criminal Investigations Division as part of the COVID-19 Anti-Fraud Task Force to bring those seeking to exploit people during this pandemic to justice, said Inspector in Charge Peter R. Rendina of the Washington Division of the U.S. Postal Inspection Service."

According to the federal criminal complaint, Majtan is alleged to have committed multiple violations of the Federal Insecticide, Fungicide, Rodenticide Act ("FIFRA") by fraudulently selling unregistered and misbranded pesticides. On April 8, 2020, in the midst of the COVID-19 pandemic, Majtan filed a trade name application with the Maryland State Department of Assessment and Taxation for "Capitol Cleaning Solutions" (CCS). It is further alleged that he purchased pesticides of unknown origin from a person he met on Facebook Marketplace and whose last name he did not know. He then repackaged the pesticides at his home, and created his own handmade label and application directions, using EPA registration information from a discontinued product. He then advertised on the internet that the product was "Compliant and Approved" by EPA and the CDC. He falsely claimed that the product "Kills 99.9% Bacterias & Viruses" and "Kills Covid 19 & Seasonal Flu," in an effort to entice people to buy it.

Since May 19, 2020, it is alleged that Majtan sold disinfectant products on eBay without authorization from the EPA. In addition to selling CCS products on eBay, CCS appeared to market and sell products on a website, <http://ccs-box.com>, created by Majtan. He fraudulently claimed that the products were EPA-registered pes-



ticides under FIFRA, that the products were registered with the Centers for Disease Control (CDC), and that these products were on FIFRA's List N: Disinfectants for Use Against SARS-CoV-2. Neither CCS nor Majtan has obtained a company number from EPA as required prior to registering a pesticide. Neither CCS nor Majtan submitted an application for registering a pesticide to the EPA. CCS does not produce any pesticides registered by the EPA pursuant to FIFRA. The CCS website stated that 1,231 CCS product bottles had been sold, and the company has served 323 customers. Majtan admitted to Agents that he falsified those figures to entice buyers.

On May 20, 2020 EPA-CID and USPIS conducted an undercover purchase of two pesticides sold by CCS on eBay, that were delivered to FedEx. Based on the undercover purchase, federal law enforcement agents executed a search warrant at this particular FedEx and seized five additional packages sent by CCS with the undercover purchase intended for customers in Florida, Georgia, Massachusetts, and Illinois.

FIFRA requires that pesticides must display on labels the following information clearly and prominently: name, brand, and trademark under which the product is sold; name and address of the producer or registrant; product registration number and producing establishment's number. Additionally, pesticides must display labels containing a warning or caution statement necessary that, if complied with, is adequate to protect human health and the environment. Majtan failed to include any such labels or to display any such required information.

If convicted, Majtan faces a maximum sentence of 20 years in federal prison and a \$250,000 fine for mail fraud, and up to 1 year in federal prison and a \$25,000 fine for a violation of FIFRA. Actual sentences for federal crimes are typically less than the maximum penalties. A federal district court judge will determine any sentence after taking into account the U.S. Sentencing Guidelines and other statutory factors.

United States Attorney Robert K. Hur commended the EPA's Criminal Investigation Division and the U.S. Postal Inspection Service, for their work in the investigation. Mr. Hur thanked Assistant U.S. Attorneys Sean R. Delaney and Lindsay Kaplan, who are prosecuting the case.

A criminal complaint is not a finding of guilt. An individual charged by criminal complaint is presumed innocent unless and until proven guilty.

Wisconsin Man Charged with Environmental, Fraud & Tax Crimes

A federal grand jury in the Western District of Wisconsin, sitting in Madison, returned an indictment on September 9, 2020 charging Kevin Shibilski, 59, of Merrill, Wisconsin with Environmental, Fraud & Tax Crimes

Shibilski is charged with storing and disposing of hazardous waste without a permit, in his capacity as the Chief Executive Officer of 5R Processors, Ltd., a Wisconsin company involved in the recycling of electronic waste from corporate and institutional clients and from manufacturers that participate in a manufacture-take-back program. The indictment alleges that Shibilski illegally stored and disposed of broken and crushed glass from cathode ray tubes that was hazardous due to lead-toxicity at facilities in Wisconsin and Tennessee.

The indictment also charges Shibilski with eight counts of wire fraud by taking in over \$5.76 million from clients but failing to recycle over 8.3 million pounds of their crushed glass from cathode ray tubes that had lead in them and instead stockpiling it at 5R Processors' warehouses in Wisconsin and Tennessee. The final count of the indictment alleges that Shibilski conspired to defraud the United States by the nonpayment and evasion of more than \$850,000 in employment and income taxes for 5R Processors and its nominee entities.

In related cases, Thomas Drake, 80, Jasper, Georgia; James Moss, 61, Ladysmith, Wisconsin; and Bonnie Dennee, 66, Phillips, Wisconsin, who all held positions with 5R Processors, have been charged with conspiring to store and transport hazardous waste without the required permits. Moss also has been charged with conspiring to evade the payment of employment taxes and income taxes to the Internal Revenue Service. Drake, Moss, and Dennee have entered into plea agreements with the United States. Moss pleaded guilty on September 1, and his sentencing is scheduled for November 13. Plea hearings for Drake and Dennee have not taken place.

If convicted, Shibilski faces a maximum penalty of five years in federal prison on the charge of storing and disposing of hazardous waste without a permit, 20 years on each wire fraud charge, and five years on the tax charge.

The charges against Shibilski are the result of an investigation by EPA's Criminal Investigation Division; IRS Criminal Investigation; and the Wisconsin Department of Natural Resources, Bureau of Law Enforcement. Assistant U.S. Attorney Daniel J. Graber and James Cha with EPA Regional Criminal Enforcement Counsel are handling the prosecution.

An Indictment is merely an accusation. All individuals charged are presumed innocent unless and until proven guilty.

Brevard, North Carolina Director of Public Works Charged with Illegal Disposal of Hazardous Waste

On September 17, 2020, a federal grand jury in Charlotte, North Carolina returned a criminal indictment, charging David Stuart Lutz, the Director of Public Works (DPW) for the City of Brevard, with environmental crimes related to the handling, transportation, and storage of hazardous waste, announced Andrew Murray U.S. Attorney for the Western District of North Carolina. The charges stem from alleged improper handling, transportation and storage of lead-contaminated soil from the city's firing range.

Chuck Carfagno, Special Agent in Charge of the U.S. Environmental Protection Agency's Criminal Investigation Division (EPA-CID), Atlanta Area Office, and Robert Schurmeier, Director of the North Carolina State Bureau of Investigation (SBI), joined U.S. Attorney Murray in making the announcement.

According to allegations contained in the indictment, Lutz, 64, of Pisgah Forest, N.C., violated the Resource Conservation and Recovery Act by illegally directing DPW employees to dig up soil known to be hazardous for lead, from the backstop of the City of Brevard's (the City) firing range, without the use of any of the required protective equipment or procedural safeguards. The indictment further alleges that Lutz directed the employees to transport the contaminated soil in City-owned vehicles, without the requisite hazardous waste manifest. As alleged in the indictment, Lutz further instructed the employees to move the contaminated soil to the DPW Operations Center and store it there, even though the area is not permitted as a treatment, storage, or disposal location for hazardous waste, such as lead. According to the indictment, the alleged hazardous waste violations occurred from about May 3, 2016, to on or about May 5, 2016.

The charge of illegally transporting hazardous waste without a manifest carries a maximum prison term of two years and a \$50,000 for each day of violation. The illegal transportation of hazardous waste to an unpermitted facility, and the illegal storage of hazardous waste, each carry a maximum prison term of five years. Lutz will have his initial appearance in federal court in Asheville, North Carolina.

U.S. Attorney Murray thanked EPA's Criminal Investigation Division and the SBI for their investigation that led to charges. A DOJ litigation team is prosecuting the case.

An Indictment is merely an accusation. All individuals charged are presumed innocent unless and until proven guilty.

Wamego, Kansas Wastewater Operator Indicted for Clean Water Act Violations

On September 16, 2020, David Schleif, an operator of the Wamego Wastewater Treatment Facility was indicted on federal charges of violating the Clean Water Act.

David Schleif, 47, of Belvue, Kansas was charged with discharging untreated or inadequately treated sewage from the Wamego Wastewater Treatment Facility into the Kansas River. The crime is alleged to have occurred between May 2017 and August 2019.

In addition, he was charged with 19 counts of including falsified data in discharge monitoring reports. The falsified reports showed lower levels of biochemical oxygen demand, total suspended solids and E. coli than indicated by actual tests results.

If convicted, Schleif could face a penalty of up to three years in federal prison. The investigation was conducted by EPA's Office of Criminal Investigation. A DOJ Assistant U.S. Attorney is prosecuting the case.

An Indictment is merely an accusation. All individuals charged are presumed innocent unless and until proven guilty.