



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 at <http://www2.epa.gov/enforcement/criminal-enforcement-policy-guidance-and-publications>.

June 2016

In This Edition:

- **Anastasios “Taos” Kolokouris — Region 2**
- **Mark Ventresda — Region 3**
- **Thomas Davanco, Rovbert Fedyna — Region 4**
- **Donald E. Hercher — Region 5**
- **James Todt, Lizandro Orellana, Chris Peterson, Modern Construction Group LLC — Region 6**
- **Southco Enterprises — Region 6**
- **Randy Less — Region 7**
- **Kyle Vestermark, Dunes Edge Storage — Region 9**
- **Angelakos (Hellas) S.A., Gallia Graeca Shipping LTD, Konstantinos Chrysovergis, Tryfon Angelou — Region 10**

Quick Links

[Defendant Summary](#)

[Sentencing](#)

[Plea Agreements](#)

[Indictments/
Informations](#)

Defendant Summary

Region	Defendants	Case Type/Status
Region 2	Anastasios Taso” Kolokouris	CAA/Violating asbestos work practice standards involving asbestos removal and disturbance
Region 3	Mark Ventresca	CWA/Tampering with required monitoring methods and submitting false statements
Region 4	Thomas Davanco, Robert Fedyna	Energy Policy Act /Fraudulently selling biodiesel credits and fraudulently claiming tax credits
Region 4	Donald E. Hercher	CWA/Unpermitted weekly discharges of oily brine water into a ditch that leads to a river
Region 5	James Todt, Lizandro Orellana, Chris Peterson, Modern Construction Group LLC	Toxic Substances Control Act (TSCA)/Improper lead abatement practices, bribes, kick backs
Region 6	Southco Enterprises	RCRA/Treating, storing, or disposing of hazardous waste without a permit
Region 6	Randy Less	CWA/Knowingly illegally discharging or causing to be discharged ethanol into a tributary of a river without a permit; failure to pay employment taxes
Region 7	Kyle Vestermark, Dunes Edge Storage	SDWA/Illegal disposal of sewage underground
Region 10	Angelakos (Hellas) S.A., Gallia Graeca Shipping LTD, Konstantinos Chrysovergis, Tryfon Angelou	Act to Prevent Pollution from Ships (APPS) violations, falsification of records in a federal investigation, and engaging in a scheme to defraud the United States.

Texas Corporation Ordered to Pay Penalties and Fines After Admitting it Unlawfully Stored Hazardous Waste

-- On June 8, 2016, Southco Enterprises, Inc. of Sherman, Texas, was sentenced in federal district court for the Northern District of Texas to pay \$250,000 in monetary penalties consisting of: 1) a \$150,000 criminal fine payable to the U.S. District Clerk; 2) \$50,000 payable to the Southern Environmental Enforcement Network Training Fund in Birmingham, Alabama; and 3) \$50,000 payable to Hutchins Fire and Rescue. The payments to Hutchins Fire and Rescue are to be used specifically to acquire, purchase, lease, contract for, maintain, calibrate, test, transport, stage or store specialized equipment and gear used exclusively for actions related to spills, leaks, emissions or release of toxic or hazardous materials constituting, or possibly leading to, environmental pollution in North Texas. Southco is also subject to suspension and disbarment at the discretion of the U.S. Environmental Protection Agency.

James Alexander, the president and chief executive officer of Southco Enterprises, Inc. of Sherman, Texas, pleaded guilty earlier on behalf of the corporation to a one-count information charging treating, storing or disposing of hazardous waste without a permit.



Box Trailer at Southco Facility

According to documents filed in the case, Southco Enterprises, Inc. operated several waste transportation vehicles in the Dallas area that were stored at facilities including Al-Kel Chemical in Hutchins, Texas. In December 2007, Al-Kel Alliance, Inc., (Al-Kel) received a Notice of Violation from the Texas Commission on Environmental Quality for storing numerous 55-gallon drums and 350-gallon totes that contained unknown chemicals. The Notice of Violation also noted two stationery “box trailers” with totes and fiber pack 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 an appropriate facility.

From approximately October 1, 2010, through August 1, accumulated hazardous wastes were again stored in several box trailers owned by Southco and located at the Al-Kel facility. Southco knew the accumulated hazardous waste in the box trailers should have been disposed of at an appropriate facility.

The case was investigated by EPA’s Criminal Investigation Division and the Texas Commission on Environmental Quality. It was prosecuted by Assistant U.S. Attorney Errin Martin and Deputy Criminal Chief Assistant U.S. Attorney Lisa J. Dunn.

Back to Defendant Summary

Ohio Oil Company Owner Sentenced for Illegally Dumping Brine Water Into Ditch Leading to River -- On June 14, 2016, **Donald E. Hercher**, of Sycamore Valley, Ohio, was sentenced in federal district court for the Southern District of Ohio to a \$70,000 fine, four days in prison and two years of probation for violating the Clean Water Act.

According to court documents, the defendant owned Hercher Oil Company in Monroe County, which operates approximately 30 oil and gas wells. He was discharging 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.

Hercher pleaded guilty on January 12 to unpermitted discharge under the Clean Water Act. He was also sentenced to pay \$5,000 to the National Fish and Wildlife Foundation, and complete 104 hours of community service in Monroe County.

Hercher will be required to submit a statement 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. Likewise, he has been ordered to prepare an article to be published in at least three trade journals in which he educates the readers on the “Mississippian Exemption” and how it has no application to the Waterways of the United States.

Hercher must register all of his wells and ensure they are within compliance with state laws within 90 days.

The case was investigated by EPA’s Criminal Investigation Division, the Ohio EPA and BCI. It was prosecuted by Assistant United States Attorney J. Michael Marous, who is representing the United States in this case.

He was discharging approximately 50 gallons of oily brine water per week from oil and gas wells into a roadside ditch... which eventually flows into the Ohio River.

[Back to Defendant Summary](#)

New York Property Developer Sentenced for Exposing Workers to Asbestos During Removal Operations --

On June 20, 2016, **ANASTASIOS “TASO” KOLOKOURIS**, of Avon, New York, who was convicted of violating the Clean Air Act asbestos work practice standards involving asbestos removal and disturbance, was sentenced in federal district court for the Western District of New York to two years’ probation, 150 hours of community service, and fined \$15,000. He must also pay restitution to the victims in the case.

Assistant U.S. Attorney Craig R. Gestring, who handled the case, stated that the defendant was one of the owners of a warehouse located at 920 Exchange Street in Rochester. Acting on a complaint, an inspector from the New York State Department of Labor, Asbestos Control Bureau visited the Exchange Street warehouse on December 13, 2011. Upon arrival, the inspector observed people, including a 16 year old child, working in a large dumpster next to a loading dock. The inspector observed large quantities of white fibrous material, later confirmed to be asbestos, in and around the dumpster. He also noted that the people working in the dumpster did not have proper personal protective equipment, and that there were no asbestos warning signs on the dumpster.

The warehouse at 920 Exchange Street sits directly adjacent to residential homes on both the Exchange Street and Violetta Street sides, and there is a school bus stop directly outside its main gate.

When the Asbestos Control Bureau inspector made contact with the workers, they called Kolokouris to tell him about the inspection. However, the defendant told the workers not to speak with the inspector, and instead directed them to leave the area and lock the gate, which they did. While on site, however, the inspector took samples of the white fibrous material from in and around the dumpster. A lab later confirmed these samples to contain high levels of friable asbestos.

Criminal investigators from the United States Environmental Protection Agency and the New York Department of Environmental Conservation were notified and responded to secure the scene. A federal search warrant was obtained and federal and state agents entered the property wearing full containment suits. When agents entered the warehouse, they discovered over 90 bags of dry, friable asbestos inside the loading dock area. Agents also discovered evidence of unlawful abatement inside the warehouse involving asbestos contamination of more than 150,000 square



Photos of Dumpster at Exchange Street Warehouse.

feet. Agents took multiple samples from in and around the warehouse. These samples were analyzed by a lab, and they all tested positive for high levels of asbestos. Additional evidence located inside the warehouse connected Kolokouris to the illegal asbestos activities.

During the investigation, workers were interviewed and indicated that they knew Kolokouris from other odd jobs he had hired them to perform at other properties he is connected to. They reported that the defendant told them that he would pay cash to remove asbestos from the dumpster outside the warehouse because the container company would not remove the dumpster while it was full of asbestos. None of the workers that Kolokouris used were certified or trained to work with asbestos. They also confirmed that one of the workers was only 16 years old; and that Kolokouris had picked the child and his mother up from home and drove them to Rochester where he paid them to remove asbestos from the dumpster. Kolokouris never provided any of the workers with proper masks, protective suits, or other personal protective equipment. Instead Kolokouris only gave them simple dust masks.

In 1971, EPA designated asbestos as a hazardous air pollutant. There is well established scientific data documenting the harmful effects of asbestos. Exposure to asbestos can cause a debilitating lung disease called asbestosis; a rare cancer of the chest and abdominal lining called mesothelioma; and cancers of the lung, esophagus, stomach, colon, and other organs. Congress has found independently that "medical science has not established any minimum level of exposure to asbestos fibers which is considered safe to individuals exposed to fibers."

The case was investigated by EPA's Criminal Investigation Division, the New York State Department of Environmental Conservation Police, BECI, the New York State Department of Labor, Asbestos Control Bureau, and Officers from the City of Rochester Police Department. It was prosecuted by Assistant U.S. Attorney Craig R. Gestring.

[Back to Defendant Summary](#)

The warehouse at 920 Exchange Street sits directly adjacent to residential homes on both sides, and there is a school bus stop directly outside its main gate.

Iowa Businessman Pleads Guilty to Failing to Pay Employment Taxes and Violating CWA -- On June 15, 2016, **RANDY LESS**, of Hopkinton, Iowa, an Iowa businessman, pleaded guilty in federal district court for the Northern District of Iowa to failing to pay employment taxes and violating the Clean Water Act. Less was charged in an indictment in January 2016 with multiple counts of willfully failing to collect, truthfully account for and pay federal income, social security and Medicare taxes that were withheld from the wages of employees of Permeate Refining Inc., an ethanol production business in Hopkinton.

At his guilty plea proceeding, Less admitted that as the majority owner, general partner and general manager of Permeate Refining, he had the responsibility to collect, truthfully account for and pay over to the IRS the taxes withheld from his employees' wages.

Less also pleaded guilty to an information charging him with violations of the Clean Water Act. Less admitted that in July 2013, he knowingly discharged or caused to be discharged ethanol, a pollutant, from Permeate Refining Inc. into an unnamed tributary of the Maquoketa River without a permit to do so.

A sentencing date has not yet been set. Less faces a statutory maximum sentence of five years in prison and a fine of up to \$250,000 for the tax charge and a statutory maximum sentence of three years in prison and a fine of up to \$250,000 on the Clean Water Act charge.

The case was investigated by EPA's Criminal Investigation Division, the FBI, agents of the IRS-Criminal Investigation, FBI, and the U.S. Postal Inspection Service. It is being prosecuted by Assistant U.S. Attorney Tim Vavricek of the Northern District of Iowa and Trial Attorney Matthew Hoffman of the Tax Division.

[Back to Defendant Summary](#)

“Iowa’s waterways are not dumping grounds...”

This case demonstrates that EPA takes seriously its commitment to protect our natural resources and the communities that rely upon them.”

-EPA Assistant Special Agent in Charge Justin Oesterreich

Two Florida Men Plead Guilty to Multi-State Biodiesel Fraud Scheme — **Thomas Davanzo**, of Estero, Florida, and **Robert Fedyna**, of Naples, Florida, pleaded guilty in federal district court for the Middle District of Florida for their participation in a multi-state scheme to defraud biodiesel buyers and U.S. taxpayers by fraudulently selling biodiesel credits and fraudulently claiming tax credits.

Davanzo and Fedyna operated several shell companies that were used to facilitate the scheme. As part of the scheme, Davanzo and Fedyna operated entities that purported to purchase renewable fuel, on which credits had been claimed and which was ineligible for additional credits, produced by their co-conspirators at Gen-X Energy Group (Gen-X), headquartered in Pasco, Washington, and its subsidiary, Southern Resources and Commodities (SRC), located in Dublin, Georgia. They then used a series of false transactions to transform the fuel back into feedstock needed for the production of renewable fuel, and sold it back to Gen-X or SRC, allowing credits to be claimed again. This cycle was repeated multiple times.

In addition, both Davanzo and Fedyna laundered the proceeds of the scheme through various shell entities. Davanzo and Fedyna established bank accounts in the names of shell entities. Funds were cycled through these shell companies' bank accounts to perpetuate the fraud scheme and conceal its proceeds.

Davanzo and Fedyna also directed and participated in the generation of false paperwork designed to create the façade that the renewable identification number (or RIN, a serial number used to track biodiesel credits) created and claimed by co-conspirators were legitimate. The paperwork included false invoices from Gen-X or SRC to shell entities, which purported to show sales of renewable fuel, false invoices from shell entities to Gen-X and SRC, which purported to show the purchase of feedstock and false bills of lading, which purported to show the transportation of fuel and feedstock by tanker truck.

From March 2013 to March 2014, the co-conspirators generated at least 60 million RINs that were based on fuel that was either never produced or was merely re-processed at the Gen-X or SRC facilities. The co-conspirators received at least \$42 million from the sale of these fraudulent RINs to third parties. In addition, Gen-X received approximately \$4,360,724.50 in false tax credits for this fuel.

[Back to Defendant Summary](#)

Ship Owner, Operator and Engineers Found Guilty of Violating Pollution Laws, Falsifying Records and Scheming to Defraud

-- On June 20, 2016, the companies that own and operate a Greek shipping vessel and two engineers from the ship were convicted in federal district court for the Western District of Washington of 12 felony counts related to their dumping of oily waste at sea. The ship operator, **ANGELAKOS (HELLAS) S.A.**, the ship owner, **GALLIA GRAECA SHIPPING LTD**, the chief engineer, **KONSTANTINOS CHRYSOVERGIS**, and second engineer, TRYFON ANGELOU, were found guilty of violating the Act to Prevent Pollution from Ships, falsification of records in a federal investigation, and engaging in a scheme to defraud the United States. Sentencing is scheduled for September 16.

According to records filed in the case and testimony at trial, a cargo ship named the M/V Gallia Graeca travelled from China to Seattle in October 2015. During the voyage, a pollution-control device known as an oil water separator was inoperable. On October 16, 26 and 27, 2015, the defendants bypassed safeguards that prevent the discharge of oily water and discharged overboard approximately 5,000 gallons of oily bilge water. The defendants concealed these incidents from the Coast Guard by making false statements to inspectors, and making false statements and omissions in the ship's oil record book. When Coast Guard inspectors asked the engineers to operate the oil water separator during the inspection, the engineers did so in such a way that the equipment appeared to be working properly even though it was not.



When Coast Guard inspectors examined the oil water separator they found its filters were clogged with oil and found oil residue in the overboard discharge piping. Records indicated the oil water separator had not been serviced for months prior to the voyage from China. According to the official oil record book presented to the Coast Guard, bilge water had not been discharged during the voyage to Seattle. However, the Coast Guard investigation discovered evidence that oily water had been discharged into the sea three times on its voyage from China.

Calling it “a voyage of deception and pollution,” prosecutors argued that the engineers tried to hide the pollution from the Coast Guard to avoid having the ship detained in Seattle. Keeping the ship on schedule was a benefit to the owners and operators who had a contract to move \$25 million in goods out of Seattle. Shipping company executives had been in contact with the engineers about how they should present the log book for the Coast Guard inspection.

Falsification of records in a federal investigation is punishable by up to 20 years in prison. Violating the Act to Prevent Pollution from Ships is punishable by up to six years of imprisonment. Scheming to

defraud the United States is punishable by up to five years in prison. Each count of conviction is also punishable by a \$500,000 fine against each corporation, and \$250,000 against each individual defendant.

The case is being investigated by EPA's Criminal Investigation Division and the U.S. Coast Guard. It is being prosecuted by Assistant United States Attorneys Seth Wilkinson and Matthew Diggs and by Special Assistant Attorney Stephen Bor. Mr. Bor is an attorney with the United States Coast Guard specially appointed to prosecute criminal cases in federal court.

[Back to Defendant Summary](#)

Former Pennsylvania Borough Wastewater Treatment Plant Operator Pleads Guilty to CWA Violation -- On June 20, 2016, **MARK VENTRESCA**, a resident of Girard, Pennsylvania, pleaded guilty in federal district court for the Western District of Pennsylvania to a charge of violating the Clean Water Act by tampering with required monitoring methods and submitting false statements. Sentencing is scheduled for November 21. The law provides for a total sentence of two years in prison, a fine of \$10,000, or both. Under the Federal Sentencing Guidelines, the actual sentence imposed is based upon the seriousness of the offense and the prior criminal history, if any, of the defendant.

In connection with the guilty plea, the court was advised that from December 2008 to December 2012, Ventresca engaged in violations of the Clean Water Act and a National Pollutant Discharge Elimination System (NPDES) permit by providing false information on the Discharge Monitoring Reports submitted to the Pennsylvania Department of Environmental Protection. According to information provided to the Court, Ventresca, who was a certified wastewater operator licensed by the Commonwealth of Pennsylvania, was employed by the Lake City Borough Wastewater Treatment Plant as the operator of the Plant until he gave up his wastewater operating license on March 25, 2014 and resigned as the Plant operator. The Lake City Borough Wastewater Treatment Plant (the Plant) is located in Lake City, Pennsylvania. The Plant operated pursuant to a National Pollutant Discharge Elimination System (NPDES) permit, effective December 1, 2009 through November 30, 2014. Subject to specific discharge limitations, the permit allowed direct wastewater discharge into the Elk Creek, a water of the United States, which flows 2.08 miles into Lake Erie, an interstate waterway and a navigable-in-fact water of the United States. The Presque Isle State Park and swimming beaches are approximately six miles downstream from the Plant's outfall. The Erie County Health Department conducted inspections of the Plant in August 2012 and January 2013 and found discrepancies between the water sampling test results which were reported by Ventresca and the actual sample test results obtained from a contracted laboratory. The matter was referred to the Pennsylvania Department of Environmental Protection for further inquiry, and a criminal investigation referral was made to the EPA.

According to information presented in court, the Plant permit set discharge limits for pollutants, including Total Suspended Solids (TSS), Fecal Coliform, Total Phosphorus, pH, Dissolved Oxygen (DO), and Total Residual Chlorine (TRC). During the timeframe between December 2008 and December 2012, Ventresca engaged in violations of the Lake City Borough Wastewater Treatment Plant NPDES permit, in part, by 1) failing to treat the wastewater by not adding adequate amounts of chemical reagents to disinfect the pollutants; 2) failing to properly test for pH, Dissolved Oxygen (DO) and/or Total Residual Chlorine (TRC) by taking a daily grab sample as required under the permit; 3) falsifying sampling results for pH, DO and TRC when no daily samples were collected; 4) falsifying analytical laboratory results for the weekly 24-hour composite sample for phosphorus; 5) failing to use a required sampling method by substituting an 8-hour composite sampler for the required 24-hour composite sampler to collect phosphorus samples; 6) falsifying analytical laboratory results for the weekly grab sample for fecal coliform; 7) falsifying weekly 24-hour composite sample for Total Suspended Solids (TSS); and, 8) discharging pollutants into waters of the United States in violation of numerical permit limits. To cover up his failure to properly operate and maintain the Plant in accordance with the permit, Ventresca routinely submitted false sampling results in monthly

Discharge Monitoring Reports (DMRs) to the Pennsylvania Department of Environmental Protection. The NPDES permit required submission of monthly DMRs which were supposed to contain sampling results representative of the monthly discharges. The criminal charge to which Ventresca pleaded guilty specifically identified examples of Ventresca's false statements concerning the testing results for Fecal Coliform and Phosphorus. Based upon the violations of the Lake City Borough Wastewater Treatment Plant NPDES permit, PADEP issued a Consent Order and Agreement (CO&A) to Ventresca. On March 25, 2014, Ventresca signed his CO&A and surrendered his wastewater operator's license. At the same time, he resigned as the Plant operator.

The case was investigated by EPA's Criminal Investigation Division, the Pennsylvania Department of Environmental Protection, Northwest Regional Office; the Pennsylvania Office of Attorney General, and the Erie County, Pennsylvania Health Department. It is being prosecuted by Assistant United States Attorney Marshall J. Piccinini.

[Back to Defendant Summary](#)

Charges Filed Regarding Cash Bribes, Kickback Between Contractors and Cleveland Housing Network

Official, As Well As Improper Lead Abatement -- On June 2, 2016, criminal charges were filed in federal district court for the Northern District of Ohio alleging cash bribes and kickbacks between contractors and a Cleveland Housing Network official, as well as improper lead abatement practices at several renovation projects, law enforcement officials said. Named in the four-count criminal information were **JAMES TODT**, of Brecksville, Ohio; **LIZANDRO ORELLANA**, of Cleveland, Ohio; **CHRIS PETERSON**, of Macedonia, Ohio, and **MODERN CONSTRUCTION GROUP LLC**.

Todt worked at the Cleveland Housing Network between 2005 and 2014, where his duties included supervising inspectors and project managers, as well as awarding CHN contracts on various projects for the non-profit community development organization. Orellana owned and operated Modern Construction Group LLC and Peterson owned and operated Top Notch Construction, according to the information.

Todt corruptly solicited and accepted things of value from Orellana and Peterson between 2009 and 2014. Peterson paid Todt up to \$10,000 in cash in exchange for CHN work that Todt awarded to Top Notch, according to the information. On numerous occasions, Todt provided Orellana with CHN's internal cost projections for various projects, which were used to evaluate a contractor's bid.

Orellana paid another person to do \$3,650 worth of electrical work at Todt's home in November 2012. In October 2013, Todt asked Orellana for assistance building a deck and installing windows at his home. Orellana provided a crew of six Modern employees to construct the deck, and directed employees to install seven windows. The labor cost related to the deck and windows was valued at approximately \$8,736, according to the information.

In 2012, Peterson repaired the roof of a home in Seven Hills owned by one of Todt's relatives, and performed repairs on a rental property owned by Todt in Brecksville, according to the information. Todt also submitted false invoices and caused two checks totaling \$15,280 to be deposited into his personal account, according to the information.

Additionally, Orellana had a lead abatement contractor license issued by the Ohio Department of Health, which allowed Modern Construction to bid on lead-based paint abatement projects for CHN homes. These projects often required Modern to gut a portion or all of a home's interior, including the removal of doors, windows, walls, moldings and sometimes porches. Orellana understood the work was to be done by workers licensed to perform lead-based paint abatement and comply with federal and state standards, according to the information.

[Back to Defendant Summary](#)

Modern Construction was contracted to conduct lead-based paint abatement on several CHN properties between 2010 and 2012. Orellana, due to his workload and to save time, directed employees to gut homes containing lead-based paint. Items and components covered in lead-based paint were removed without following abatement procedures. The employees directed to gut the homes were not licensed to perform lead-based paint abatement, which Orellana knew, according to the information.

Todt, Orellana and Peterson are named in Count 1 – conspiracy to commit bribery concerning programs receiving federal funds. Count 2 and 3, theft concerning programs receiving federal funds, apply only to Todt. Orellana and Modern Construction are named in Count 4, violation of authorized state lead-based paint program requirements.

The case was investigated by EPA's Criminal Investigation Division, the FBI, HUD-OIG, Ohio EPA, Ohio Bureau of Criminal Investigation, Ohio Department of Health – Environmental Compliance Program and the Cleveland Division of Police. It is being prosecuted by Assistant U.S. Attorney Robert J. Patton and Special Assistant U.S. Attorney Brad Beeson.

If convicted, the defendants' sentences will be determined by the court after a review of the federal sentencing guidelines and factors unique to the case, including the defendant's prior criminal record (if any), the defendant's role in the offense, and the characteristics of the violation. An information is only a charge and is not evidence of guilt. A defendant is entitled to a fair trial in which it will be the government's burden to prove guilt beyond a reasonable doubt.

[Back to Defendant Summary](#)

California Fireman Charged with Illegally Dumping Sewage from Recreational Vehicles -- On June 21, 2016, **KYLE VESTERMARK**, a Long Beach, California, fireman and his firm, **DUNES EDGE STORAGE**, were charged in federal district court for the Southern District of California in an eight count indictment with the illegal disposal of sewage underground, in violation of the Safe Drinking Water Act.

They allegedly discharged sewage illegally from recreational vehicles stored at Dunes Edge Storage location in Brawley, California, as well as another location known as Dunes Toy Storage in Holtville, California, without a permit during the period from October of 2011 through April of 2015.

According to the indictment, Vestermark obtained a permit in 2004 for a 10,000 gallon holding tank for the RV sewage at the Dunes Edge location from the Imperial County Public Health Department which specifically prohibited the installation of underground leach lines (an issue which Vestermark had raised during the permitting process). The indictment further alleges that Vestermark also obtained a Conditional Use Permit from the Imperial County Planning Department in 2005 from the Imperial County Planning Board for the Dunes Toy Storage location in Holtville, which also specifically prohibited the installation of underground leach lines for the disposal of the RV sewage.

The permits required Vestermark to hire a septage firm to pump out the RV sewage from the holding tanks and dispose of it at a wastewater treatment plant. In spite of the specific prohibitions, it is alleged that Vestermark used heavy equipment in 2005 and 2006 to install underground leach lines at both locations which would permit the RV sewage to leach out underground for disposal. According to the indictment, the leach lines were removed in 2015 after Vestermark's actions were discovered by Imperial County authorities. The indictment also seeks the forfeiture of approximately \$380,000, alleged to be the proceeds of the offenses.

The case was investigation by EPA's and the Bureau of Land Management, Office of Law Enforcement.

The charges and allegations contained in the indictment are merely accusations, and the defendants are considered innocent unless and until proven guilty.

[Back to Defendant Summary](#)

