



# 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.

January—February 2022

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## Former Project Manager of the El Reno Wastewater Treatment Plant Sentenced After Pleading Guilty to Violating The Clean Water Act

On February 23, 2022, Kenneth Fulton, of Bartlesville Oklahoma, was sentenced after pleading guilty to knowingly falsifying, tampering with, and rendering inaccurate, a monitoring device and method required to be maintained under the Clean Water Act.

On March 24, 2021, Fulton was charged by Information with violating the Clean Water Act. The Clean Water Act was enacted by Congress to restore and maintain the chemical, physical, and biological quality of the Nation's waters. In addition, the Clean Water Act was enacted to prevent, reduce and eliminate water pollution in the United States and to conserve the waters of the United States for the protection and propagation of fish and aquatic life and wildlife, for recreational purposes, and for the use of such waters for public drinking water, agricultural, and industrial purposes.

The Clean Water Act prohibits the discharge of any pollutant by any person from a point source into navigable waters except in compliance with a permit issued under the National Pollutant Discharge Elimination System ("NPDES") by the United States Environmental Protection Agency ("EPA") or a state approved by the EPA to administer the NPDES program. NPDES permits include conditions that will ensure compliance with the Clean Water Act, such as effluent limitations, water-quality standards, and monitoring and reporting requirements. The Clean Water Act's permitting system requires individuals and companies that have been issued NPDES permits to self-monitor and self-report whether their discharges comply with pollution limits set forth in their permits. Permit holders must regularly collect discharge samples and test those samples for pollutants that are covered by the permits. The results of these tests must be reported by the permit holder to the EPA and/or delegated state regulatory agency on a routine basis.

In 1996, the EPA delegated authority to administer and enforce the NPDES program to the State of Oklahoma. Pursuant to that delegated authority, the Oklahoma Department of Environmental Quality ("DEQ") issued a permit to the City of El Reno in 2015 that authorized the El Reno Wastewater Treatment Plant ("WWTP") to discharge properly treated municipal and industrial wastewater into the North Canadian River, a water of the United States. The permit set limits upon the levels of concentration for various pollutants being discharged into the North Canadian River, including total suspended solids, ammonia, and E. coli, which are "pollutants" within the meaning of the Clean Water Act. The permit also established specific monitoring requirements for each pollutant.

In 2017, the City of El Reno hired Veolia North America, LLC ("Veolia") to operate the El Reno WWTP. Fulton was employed by Veolia as the Project Manager of the El Reno WWTP. His duties included overall management and supervision of the operations at the El Reno WWTP.

Fulton admitted that between September 2019 and February 2020, he employed fraudulent testing and reporting procedures at the El Reno WWTP that were designed to deceive the EPA and the Oklahoma DEQ. Specifically, Fulton would collect grab (individual) samples of treated wastewater from near the El Reno WWTP effluent discharge point to have the wastewater analyzed for the presence of E. coli. Fulton would mix the grab sample with a bleach/water mixture and then let the mixture sit for longer than the maximum

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holding time to allow the bleach to effectively kill off or significantly reduce the amount of E. coli present in the sample. Fulton would then pour out half of the contents of the bleached and diluted wastewater sample before adding deionized water to help neutralize the sample and hide the presence of bleach. Fulton then transferred the sample contents into an official plastic container provided by the certified laboratory. Fulton would then seal the container and provide it to the laboratory for analysis.

Fulton submitted the fraudulent samples to the laboratory knowing that the laboratory would only detect levels of E. coli well below the approved limits in the permit. Fulton would then report the laboratory results to the EPA and the Oklahoma DEQ on the false premise that the test results were representative of the El Reno WWTP's treated wastewater with respect to E.coli.

At the hearing, United States District Judge Charles Goodwin sentenced Fulton to 2 years of probation and a \$10,000 fine.

"Cutting corners and falsifying tests potentially exposed citizens and the environment to harmful contaminants," said U.S. Attorney Troester. "This case should remind all who may be involved in treating wastewater that disregarding the Clean Water Act and federal environmental laws can result in serious consequences. I commend the investigation by the Oklahoma Environmental Crimes Task Force, including the EPA Criminal Investigation Division and the Oklahoma DEQ Criminal Investigation Unit, and the entire prosecution team for their work here."

"The defendant's willful acts of falsifying required effluent samples and the associated releases of untested effluent into the North Canadian River placed both the environment and local community water systems at risk of contamination," said Todd "Tony" Adams, Assistant Special Agent in Charge of the EPA's Southwest Office criminal enforcement program. "EPA and its state partners are committed to holding accountable companies and individuals that place communities and the environment at risk."

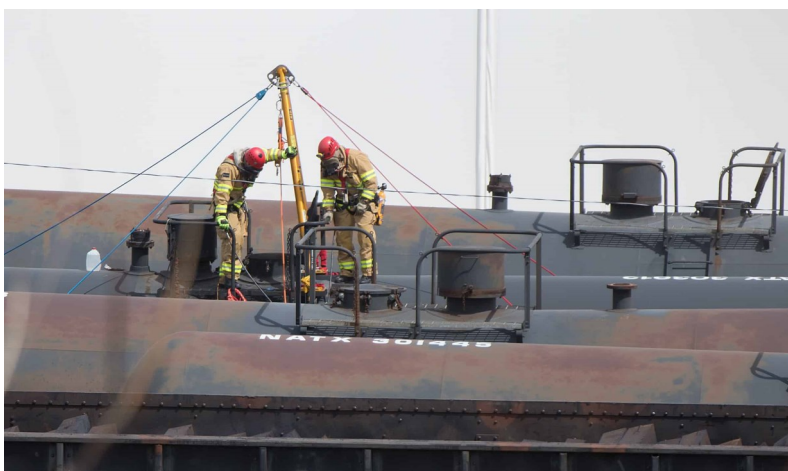
"The Clean Water Act and the Safe Drinking Water Act rely on self-monitoring and self-reporting in order to protect our water resources. Individuals who tamper with the process potentially jeopardize public health and erode trust in our system. It is imperative that those who would take such actions be held accountable," said Oklahoma DEQ Executive Director Scott Thompson.

This investigation was conducted by the Oklahoma Environmental Crimes Task Force, which includes EPA's Criminal Investigation Division and the Oklahoma DEQ Criminal Investigation Unit. The case was prosecuted by a DOJ litigation team.

## Omaha Railcar Cleaning Company and its Owners Sentenced for Violating Environmental and Worker Safety Laws Resulting in Workers' 2015 Deaths

On January 14, 2022, Steven Michael Braithwaite, Adam Thomas Braithwaite and their company Nebraska Railcar Cleaning Services LLC (NRCS) were sentenced in Omaha, Nebraska, for willful violations of worker safety standards that resulted in two worker deaths, knowing violations of the Resource Conservation and Recovery Act (RCRA) involving hazardous waste and knowing endangerment to others, knowing submission of false documents to the Occupational Safety and Health Administration (OSHA) and perjury. Steven Braithwaite will serve 30 months in prison and pay \$100,000 in restitution for his role in the offenses. Adam Braithwaite will serve one year and one day in prison and pay \$100,000 in restitution. In addition, NRCS and the individual defendants must serve five years of probation and pay a \$21,000 fine.

According to court documents, on April 14, 2015, NRCS workers were inside and on top of a rail tanker car, removing petroleum residue from inside the tank, when flammable gases in the tanker car ignited and exploded. Two workers died and another was injured in the blast. NRCS took the job after receiving an inquiry from one of its customers in January 2015. The inquiry included a Safety Data Sheet (SDS) for the product in the railcar, describing it as “natural gasoline” with a “severe” class four flammability rating (the highest rating). The SDS went on to indicate that the natural gasoline would ignite at zero degrees Fahrenheit and that it contained benzene, a “cancer hazard.”



Despite no test for benzene and an unacceptably high explosive gas level test at the beginning of the job, NRCS sent two of its employees into the tanker car. The employees began removing the toxic, ignitable residue, with a third employee helping from outside. The third employee pulled bucket loads of waste up through the top hatch and dumped them into a regular dumpster to be taken to a municipal landfill, even though the residue was hazardous waste. Approximately one hour after the cleaning began, a spark caused the deadly explosion.

Steven Braithwaite was the president and majority owner of NRCS and was responsible for all phases of the business, including both environmental and worker safety issues. Adam Braithwaite was the vice president and a minority owner of NRCS. He too handled both environmental and worker safety issues.

As the defendants admitted in their plea agreements, prior to the explosion, OSHA officials conducted regulatory inspections of NRCS, and cited NRCS and its principals for violating OSHA safety regulations concerning confined space entries. Rail tanker cars are “confined spaces” under the Occupational Safety and Health Act. Confined spaces are dangerous because they may be filled with toxic, explosive, or unbreathable gases, among other reasons. After an inspection of NRCS, Steven Braithwaite entered into a Feb. 5, 2015, written agreement in which he represented that NRCS had been testing for benzene since July 2014. That was a lie.



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OSHA returned to NRCS in March 2015 to conduct a follow-up inspection, but Steven Braithwaite turned away the inspectors. Afterwards, Adam Braithwaite submitted falsified documents to OSHA purporting to show that NRCS had been purchasing equipment to test the contents of railcars for benzene and had taken other required safety precautions. NRCS had not been taking those steps. Adam Braithwaite also falsely testified under oath in an OSHA hearing that NRCS had been purchasing the benzene testing equipment.

Although they knew what was required, the defendants failed to implement worker safety standards, mishandled hazardous wastes violating the RCRA and knowingly submitted false documents to OSHA during inspections as a cover up. Their decisions led to the deaths of two of their workers. On July 12, Steven Braithwaite pleaded guilty to counts 2-4 of the indictment. Adam Braithwaite pleaded guilty to counts 2-3, 8-9 and 22. NRCS pleaded guilty to counts 1-21.

“Every worker, including every worker doing a dangerous job, has a right to a safe workplace,” said Assistant Attorney General Todd Kim of the Justice Department’s Environment and Natural Resources Division.

“Tragically, two workers suffered preventable deaths at Nebraska Railcar Cleaning Services because of the defendants’ failure to follow the law. These sentences provide a measure of justice for them and their families.”

“Violations of worker safety and environmental standards are sometimes belittled as merely regulatory crimes, but this case demonstrates how much those regulations do matter,” said U.S. Attorney Jan W. Sharp of the District of Nebraska. “If the defendants had followed regulations they were well aware of, no one would have been inside a rail tanker with toxic gases at explosive concentrations. If they had followed regulations, buckets of hazardous waste would not have been dumped in regular dumpsters. If they had followed regulations, two men would have gone home at the end of their workdays.”

“The defendants’ decision to ignore environmental and worker safety regulations led to the tragic death of two workers,” said Acting Assistant Administrator Larry Starfield for the Environmental Protection Agency (EPA)’s Office of Enforcement and Compliance Assurance. “These sentencings send a clear message that individuals who intentionally violate these laws will be held responsible for their crimes.”

“Steven and Adam Braithwaite disregarded OSHA regulations, ignored safety protocols, and provided false information to OSHA, which resulted in the tragic loss of two lives,” said Special Agent-in-Charge Steven Grell of the Department of Labor’s Office of Inspector General Dallas Region, which includes Nebraska. “We will continue to work with OSHA and our law enforcement partners to hold accountable those who obstruct Department of Labor agencies from fulfilling their missions.”

“Steven and Adam Braithwaite chose to protect themselves by providing false documentation to OSHA after the death of two employees, making it appear they had followed safety requirements, but in fact, willfully ignored warnings indicating a risk of explosion and sent these two men into a deadly situation,” said Regional Solicitor Christine Heri of the U.S. Department of Labor- Chicago. “The Department of Labor is committed to bring justice to the families of these workers and to hold employers responsible to their legal obligation to protect workers on the job.”

The case was investigated by the EPA’s Criminal Investigation Division and the Department of Labor’s Office of Inspector General. The case was prosecuted by a DOJ litigation team.



### Signal Peak Energy Fined \$1M and Sentenced to Three Years of Probation for Violating Environmental and Worker Safety Regulations at Roundup Coal Mine

On January 24, 2022, Signal Peak Energy LLC, which admitted to willful violation of health and safety standards at its underground coal mine near Roundup by failing to report injuries to workers and improperly disposing mine waste, was sentenced to pay a \$1 million criminal fine and to three years of probation, U.S. Attorney Leif M. Johnson said.

Signal Peak Energy pleaded guilty in October, 2021 to four counts of willful violation of health and safety standard, a misdemeanor.

U.S. Magistrate Judge Timothy J. Cavan presided. Judge Cavan followed the terms of a plea agreement by imposing the statutory maximum \$250,000 fine for each count of conviction and ordering probation. Judge Cavan also ordered \$400 restitution to be paid to one of the injured workers.

“This case holds Signal Peak Mine accountable for its utter disregard for environmental and worker health and safety standards. Mine owners provided little in the way of meaningful oversight of mine operations as long as the mine’s managers could meet reported safety and production goals. That lax oversight fostered a climate of fraud, which cost the mine \$1 million in fines. In addition, mine managers lied about the mine’s expenses, its safety record, and other matters, which separately resulted in individual criminal convictions and charges for nine persons, including former mine vice presidents and their associates, on crimes ranging from embezzlement, tax evasion and bank fraud to money laundering, drugs and firearms violations. I want to thank Assistant U.S. Attorneys Colin M. Rubich, Zeno B. Baucus and Timothy Tatarka along with the IRS, FBI, Department of Labor and Environmental Protection Agency for investigating and prosecuting this case and bringing wrongdoers to justice,” U.S. Attorney Johnson said.

“The IRS, along with our law enforcement partners, will vigorously pursue corporate officers who victimize their investors and violate the public trust,” said Andy Tsui, Special Agent in Charge of the Denver Field Office, IRS Criminal Investigation. “High-ranking corporate officials hold positions of trust not only in their companies but also in the eyes of the public. That trust is broken when such officials abuse their power and commit crimes.”

“Signal Peak, under the direction of its former corrupt top executives, perpetuated an unsafe work environment for several years,” said Special Agent in Charge Dennis Rice of the Salt Lake City FBI. “Federal law entitles everyone to a safe workplace, and we encourage the public to report hazardous working conditions or any wrongdoing so a proper investigation can take place.”

“The provisions of the Mine Safety and Health Act are essential to keeping miners safe on the job, and operators have a responsibility under the law to ensure those protections are in place at all times,” said Department of Labor Regional Solicitor John Rainwater. “We are pleased that our Department of Justice and Environmental Protection Agency partners take mine safety and health seriously and will not hesitate to use all available tools to make mines safer through prosecutions like these.”

“Signal Peak Energy violated mandatory health and safety standards by pumping mine water waste down

bore holes without the required permits,” said Special Agent in Charge Lance Ehrig of EPA’s Criminal Investigation Division in Montana. “This sentencing demonstrates that EPA and its partners will hold corporations accountable when they ignore environmental regulations and put worker’s health at risk.”

In the Signal Peak Energy case, the government alleged in court documents that from 2013 through 2018, Signal Peak Energy habitually violated mandatory health and safety standards in the Mine Safety and Health Act during the mine’s operation. These violations included both environmental safety and worker safety standards. The violations occurred with the full knowledge, direction and participation of the mine’s most senior management during that period, including the president and CEO, the vice president of surface operations, the vice president of underground operations and the safety manager.

The government further alleged that senior managers directed mine employees to improperly dispose of mine waste by pumping the waste, known as slurry, into abandoned sections the mine and failed to report as required injuries to employees while pressuring injured workers not to report injuries as work related. One worker suffered a crushed finger that later required amputation and a second worker suffered a severe head laceration.

The case was investigated by EPA’s Criminal Investigation Division, IRS Criminal Investigation, FBI, and the Department of Labor. The case was prosecuted by a DOJ litigation team.



## Former Contract Mail Carrier Sentenced to Prison for Vehicle Smuggling Scheme and Possession of Images of Child Rape and Abuse

### Used Mail Carrier ID to avoid inspection and sold illegal and dangerous vehicles to other mail carrier

A 48-year-old Tacoma, Washington resident was sentenced on January 28, 2022 in U.S. District Court in Tacoma to 30 days in custody for three federal felonies related to a smuggling scheme and possession of child pornography, announced U.S. Attorney Nick Brown. In September 2021, Christopher M. Cox pleaded guilty to: smuggling goods into the U.S.; making false statements related to the Clean Air Act; and possession of child pornography. At the sentencing hearing, U.S. District Judge Robert J. Bryan ordered Cox to register as a sex offender and placed him on five years of supervised release following his incarceration. Prosecutors asked the court to sentence Mr. Cox to two years in prison.

“Mr. Cox was a danger to the community on multiple fronts. He abused a position of trust and endangered his colleagues by selling unsafe vehicles and ignoring air pollution control efforts,” said U.S. Attorney Nick Brown. “The vehicles he imported and sold did not meet safety or air quality standards. These crimes, along with his possession of images of child rape and abuse, demonstrate he poses serious safety concerns. We advocated for a lengthier punishment for Mr. Cox to best protect the community and are disappointed by this sentence.”

According to records filed in the case, between approximately 2015 and January 2019, Cox falsified the required paperwork on two dozen vehicles he imported from overseas. Many of the vehicles were extremely light vehicles imported from Japan that did not meet U.S. safety standards. Cox sold some of the vehicles to contract mail carriers he knew from his job. Cox falsified the forms that claimed the vehicles met both safety standards and Environmental Protection Agency (EPA) Clean Air Act standards. Cox used his identification as a contract mail carrier to circumvent inspections at the Port of Tacoma and took the vehicles from the Port without proper inspections. The total value of the imported vehicles exceeds \$55,000. Those who bought the vehicles were not told that they failed to meet federal safety and pollution standards.



“The defendant’s intentional disregard for the law included an attempt to deceive law enforcement” said Scot Adair, Special Agent in Charge of the EPA’s criminal enforcement program in Washington. “The American public relies on accurate information on products being imported into this country to help protect the environment and the consumer.”

When law enforcement officers served search warrants on Cox’s electronic accounts, they observed images of child pornography. Some of the images are known series of images of child rape and abuse manufactured outside the State of Washington. When officers executed search warrants on Cox’s residence and obtained his electronic devices, they located 142 images and 2 videos of child molestation, rape and abuse.

“Mr. Cox thrived through deceitful actions. He prioritized personal profit over the environment all while tak-

ing gratitude in the sexual exploitation of children,” said Special Agent in Charge (SAC) Robert Hammer, who oversees HSI operations in the Pacific Northwest. “We’re thankful to our partners at the EPA, CBP and U.S. Attorney’s Office for investigating and prosecuting the case.”

The case was investigated by EPA’s Criminal Investigation Division, the United States Postal Inspection Service, the Department of Transportation, and Homeland Security Investigations with critical assistance from U.S. Customs and Border Protection (CBP). The case was prosecuted by DOJ.

### **Big Lake Gas Ordered to Pay \$3 Million Fine—Hydrogen Sulfide Release Kills One Employee and Injures Co-Worker who Attempted Rescue**

On February 17, 2022, Big Lake Gas was ordered to pay a \$3 million criminal fine, announced U.S. Attorney for the Northern District of Texas Chad E. Meacham.

Big Lake Gas Plant L.P., a subsidiary of West Texas Gas, Inc., pleaded guilty in September 2021 to one count of negligent endangerment and one count of violating the Clean Air Act. The company, represented by counsel, was sentenced by U.S. District Judge James Wesley Hendrix.

In plea papers, the company admitted that in April 2018, the plant negligently released approximately 525 pounds of hydrogen sulfide into the ambient air. (Hydrogen sulfide is a toxic gas that can compromise the human nervous system and respiratory tract and can cause life-threatening health effects if not handled properly.)

One employee, identified in court documents by the initials C.T., died as a result of exposure sustained while working at the plant. Another employee, identified by the initials G.T., was injured while trying to assist C.T.

The company further admitted that it knowingly failed to properly update its risk management plan following the incident, an update required by law.

“Big Lake’s flagrant disregard of federal clean air regulations had calamitous consequences,” said U.S. Attorney Chad Meacham. “Our prayers are with the family of the employee killed in the 2018 hydrogen sulfide incident. We hope this sentencing brings them a measure of peace.”

“The defendant’s willful and knowing disregard for federal safety regulations and industry practices placed both workers and the public at grave risk, resulting in a tragic and preventable fatality and release of dangerous gasses.” said Todd “Tony” Adams, Assistant Special Agent-in-Charge of the EPA’s Southwest Office criminal enforcement program. “EPA and its state partners continue to hold accountable companies that place workers, local communities, and the environment at risk.”

In a related civil case, five subsidiaries of Big Lake’s parent company, West Texas Gas, agreed to pay more than \$3 million in civil penalties and to spend up to \$5 million on compliance measures in order to resolve claims that it violated federal Clean Air Act chemical accident prevention requirements at plants in Texas and New Mexico.

The case was investigated by EPA’s Criminal Investigation Division, the Texas Commission on Environmental Quality’s Environmental Crimes Unit and the FBI. Prosecution was handled by DOJ litigation teams.

## Dillsburg Pennsylvania Company Pleads Guilty to Clean Air Act Violation After Illegal Asbestos Removal for Elementary School Building Project

On February 9, 2022, the United States Attorney's Office for the Middle District of Pennsylvania announced that Lobar, Inc., of Dillsburg, Pennsylvania entered a plea of guilty to beginning a demolition project of a former weaving mill prior to removing regulated asbestos containing material as required in 40 C.F.R. § 61.145 (c)(1) and 42 U.S.C. § 7413(c)(1).

Asbestos was designated a hazardous air pollutant in 1971 which can become airborne and can be inhaled into the lungs. There is no known safe amount of exposure.

The criminal charge was the result of Lobar's activity, as the general contractor, on the Berwick Area School District project, to demolish the former weaving mill in Berwick Pennsylvania and construct a new elementary school.

Prior to purchasing the mill in January 2014, the Berwick Area School District obtained an environmental assessment report that identified hazardous substances, including asbestos, located in the old facility. The existence of asbestos was confirmed by an environmental consultant. The findings of both assessments were shared with Lobar, and its subcontractors responsible for asbestos removal and demolition. Despite this, the demolition went forward before the asbestos was properly removed until stopped by the United States Environmental Protection Agency.

"The defendant was responsible for the integrity of the work site and failed to ensure safe and legal removal of asbestos," said Special Agent in Charge Jennifer Lynn of EPA's criminal enforcement program in Pennsylvania. "The defendant placed public health at risk and is being held accountable."

A ten-count indictment filed in January 2020, charged Lobar Inc., First Capital Insulation, Inc., Francis Richard Yingling, Jr., Dennis Lee Charles, Jr., M&J Excavation, Inc., John August Sidari, Jr., and Ty Allen Barnett, with various violations of the federal Clean Air Act arising from disturbing and removing asbestos in violation of the National Emission Standards for Hazardous Air Pollutants regulations. The remaining defendants have pleaded not guilty and are currently scheduled for trial in June 2022 before U.S. District Court Judge Jennifer P. Wilson.

The case was investigated by EPA's Criminal Investigation Division. Prosecution was handled by a DOJ litigation team.

## Plant Manager of Seattle Barrel Reconditioning Company Pleads Guilty to Conspiracy and Lying to Investigators

### Investigation uncovers ten-year scheme to conceal illegal dumping of caustic solution into sewer system

John Sanft, the plant manager of Seattle Barrel and Cooperage Company, a barrel cleaning and reconditioning operation, pleaded guilty on January 27, 2022, in U.S. District Court in Seattle to conspiracy and making a false statement to the Environmental Protection Agency. John Sanft, 51, formerly of Issaquah, Washington, was the company's plant manager during a conspiracy to illegally dump caustic waste into the King County sewer system, which ultimately empties into Puget Sound. The company used a hidden drain, and, over ten years, lied to regulators to carry out their illegal dumping. In December, 2021, the company and its owner, Louie Sanft, were found guilty by a jury of participating in the dumping scheme. John Sanft will be sentenced by U.S. District Judge Richard A. Jones on April 22, 2022.

Seattle Barrel's business involves collecting used industrial and commercial drums and reconditioning and reselling them. Between 2009 and March of 2019, part of the reconditioning process involved washing the barrels in a highly-corrosive chemical solution. The caustic solution had a very high pH level. Since at least 2009, Seattle Barrel operated under a discharge permit that prohibits it from dumping effluent with a pH exceeding 12 to the sewer system. Effluent above pH 12 will corrode the sewer system and treatment plant, and potentially cause pass-through pollution to Elliott Bay and Puget Sound.



In 2013, King County conducted covert monitoring of Seattle Barrel, and discovered the company was illegally dumping effluent with a pH above 12 in violation of its permit. King County fined the company \$55,250, but later agreed to reduce the fine when Seattle Barrel installed a pretreatment system for its wastewater.

However, in 2018 and 2019, additional covert monitoring

by the EPA inspectors revealed that Seattle Barrel was continuing to routinely dump wastewater with a pH above 12 into the sewer system despite telling local regulators that no industrial wastewater was being discharged. Agents then installed real-time monitoring equipment that allowed them to determine when the dumping was taking place and obtained a search warrant.

Early on the morning of March 8, 2019, the covert monitors indicated Seattle Barrel was dumping high-pH material into the sewer. Agents immediately executed the warrant and entered the building. Inside, they discovered a portable pump on the floor near the tank of caustic solution. They then discovered that the



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pump was being used to pump the caustic solution to a nearby hidden drain that had never been disclosed to King County. The drain led directly to the sewer system. According to the company, since mid-2019, following the criminal conduct in this case, it no longer uses the caustic solution for barrel cleaning.

As noted in the plea agreement, John Sanft knew of the existence of the hidden drain, and further knew that Seattle Barrel was regularly discharging the contents of the caustic tank through the hidden drain. John Sanft did not personally engage in the discharges or tell the employee to cause the discharges. However, Sanft admits he was part of the conspiracy to hide the conduct from the King County inspectors and the EPA. John Sanft admitted to lying to federal agents about the dumping during a March 8, 2019 interview. John Sanft faces up to five years in prison for each of the two charges to which he pled guilty.

“The defendant’s intentional disregard for the environment included an attempt to deceive law enforcement and conceal other crimes” said Scot Adair, Special Agent in Charge of the EPA’s criminal enforcement program in Washington. “EPA and the Department of Justice continue to hold accountable companies and individuals that place communities and the environment at risk.”

In December 2021, following a three-week trial, John Sanft’s cousin, Louie Sanft, the owner and operator of Seattle Barrel, was convicted of: conspiracy; 29 violations of the Clean Water Act for discharging pollutants to the sewer; four counts of submission of False Clean Water Act Certifications; and making a false statement to special agents of the EPA. Louie Sanft faces up to 5 years in prison on the conspiracy and false statement counts, and up to three years in prison for each violation of the Clean Water Act.

Under the terms of the plea agreement with John Sanft, prosecutors will recommend he be sentenced to no more than a year and a day in prison. However, the ultimate sentence is up to U.S. District Judge Richard A. Jones. Judge Jones will determine the sentence for both John and Louie Sanft and the company, after considering the U.S. Sentencing Guidelines and other statutory factors.

The case was investigated by EPA’s Criminal Investigation Division with significant assistance from King County Industrial Waste. A joint DOJ/EPA Litigation team is prosecuting the case.

### Washington Attorney General Files 36 Criminal Charges Against Electron Hydro Company and COO for Polluting Puyallup River

On January 10, 2022, the Washington Attorney General filed 36 gross misdemeanor charges against Electron Hydro, LLC and its Chief Operating Officer, Thom A. Fischer. Electron Hydro operates a hydroelectric dam on the Puyallup River. Each of the 36 charges, filed in Pierce County Superior Court, are against both Fischer and the business. The charges include violations of the state's Water Pollution Control Act, Shoreline Management Act and Pierce County Code.

If convicted, Fischer faces a maximum penalty of 90 or 364 days in jail for each count, depending upon the charge. Additionally, Fischer faces fines of up to \$1,000, \$5,000, or \$10,000 for each count, depending upon the charge. As a business entity, Electron Hydro faces a maximum penalty of \$250,000 for each of the 36 counts.

The criminal charges stem from a construction project updating the Electron Dam during the summer of 2020. Electron Hydro, under the supervision of Thom Fischer, placed artificial field turf containing crumb rubber onto the riverbed and dam as part of a temporary bypass channel during the construction. By its own admission, Electron Hydro estimated it placed approximately 2,400 square yards of turf material that contained 16 to 18 cubic yards of crumb rubber in the bypass channel. The company then covered the field turf with a plastic liner and diverted the Puyallup River over it. The company did not receive permission to use the field turf or crumb rubber on the project.

Days later, the liner ruptured and artificial turf and crumb rubber were discharged into the Puyallup River. In early August 2020, the company received a stop work order from Pierce County and the Army Corps of Engineers. The river remained diverted until the end of October 2020.

The court filing notes University of Washington-Tacoma Center for Urban Waters researchers tested samples of recovered field turf and crumb rubber and discovered that it contained chemicals found in tires, including one that is "extremely toxic" to coho salmon.

Assistant Attorneys General Brad Roberts and Robert Grant will handle the case for the Attorney General's Office.

[The affidavit of probable cause](#) filed with the court is available in its entirety. It contains pictures of the Electron Dam and the construction.

*The information contained in the affidavit of probable cause are only allegations. Defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.*