



# Who We Are in CID

A team of diverse professionals within EPA who work to protect human health and the environment by investigating environmental and related crimes

- Created in 1982—initially <25 agents
- 1990 Pollution Protection Act increased agents to 200
- Currently ~150 Special Agents, in ~39 offices across US
- Approximately 800 open cases on National Docket





# CID Special Agents are Federal Law Enforcement Officers

- Special Agents are sworn law enforcement officers authorized to carry weapons, execute search warrants and make arrests for federal offenses against the United States.



# Criminal Investigation Division

- The Criminal Investigation Division is the law enforcement branch of the EPA. The Division serves the American public by dedicating its resources to enforcement of federal laws protecting our environment; specifically, our air, water, and land resources.
- The Division works closely with:
  - U.S. Attorney's offices across the country
  - U.S. Department of Justice, Environmental Crimes Section
  - Attorneys within EPA dedicated to working on criminal cases
  - Other federal, state, and local law enforcement partners

# *CID Offices*

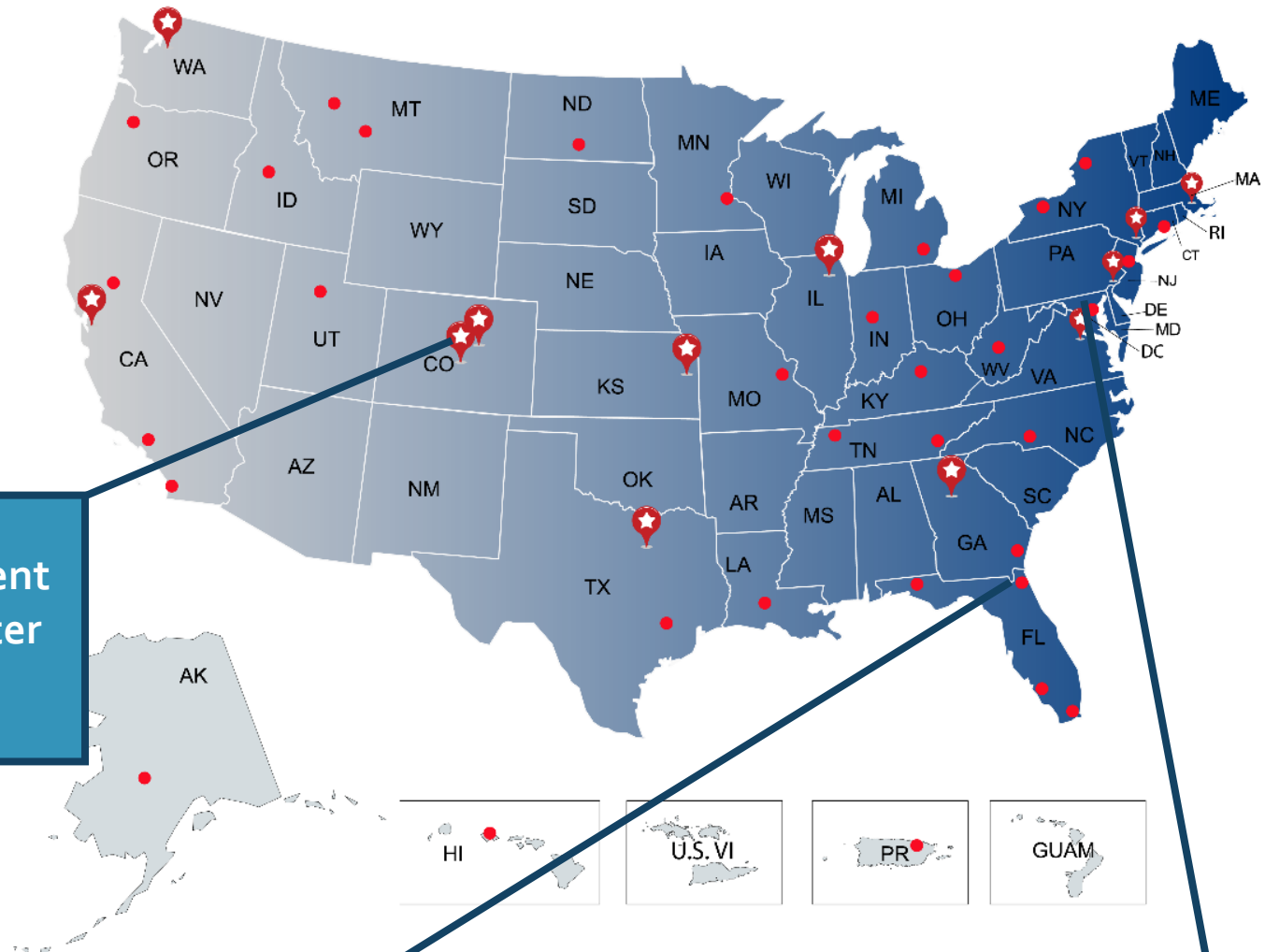
CID is a Division of the  
Office of  
Criminal Enforcement+  
Forensics, and  
Training (OCEFT)

OCEFT is an office under  
the Office of Enforcement  
and Compliance  
Assurance (OECA)

National Enforcement  
Investigations Center  
(NEIC)

National Computer Forensic  
Lab (NCFL)

CID HQ & OCEFT HQ



# Typical Enforcement Areas

Illegal disposal of  
hazardous waste

Illegal discharges to  
waters of the U.S.

Illegal emissions into  
the air

False statements to the  
government associated  
with environmental  
reporting

Illegal import and  
misuse of pesticides

# Criminal vs. Civil

## REGULATORY INSPECTOR'S CENTRAL MISSION:

- Examine compliance status
- Collect and report facts, collect and preserve evidence
- Work with legal counsel, when needed, to initiate legal action to compel compliance which may involve fines or penalties

## CRIMINAL INVESTIGATOR'S CENTRAL MISSION:

- Collect and report facts, collect and preserve evidence for PROSECUTION of a crime
- Preponderance of the evidence versus beyond a reasonable doubt
- Criminal Case involves more court activity
- Identify, locate, attempt to interview individuals alleged to be responsible for conduct

# Distinctions Between Civil and Criminal Enforcement

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## Civil Judicial and Administrative

- Strict liability violations
- Burden of Proof: Preponderance of the evidence
- Results:
  - civil penalties
  - injunctive relief
  - SEPs

## Criminal

- Knowing/intentional violations
- Burden of Proof: Beyond a reasonable doubt
- Results:
  - incarceration
  - conditions of probation
  - restitution
  - criminal fines
  - community service

Note: If both programs are looking at a subject, neither can direct the other's investigative activities, and stringent grand jury secrecy rules apply.



# Environmental Crimes

Knowing or negligent behavior

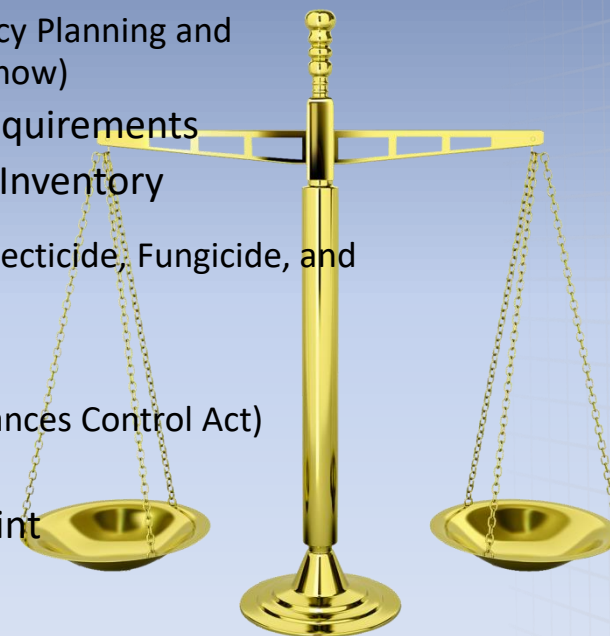
Significant, deliberate, egregious conduct

False statements, obstruction, fraudulent gains

Potential for fines and/or incarceration

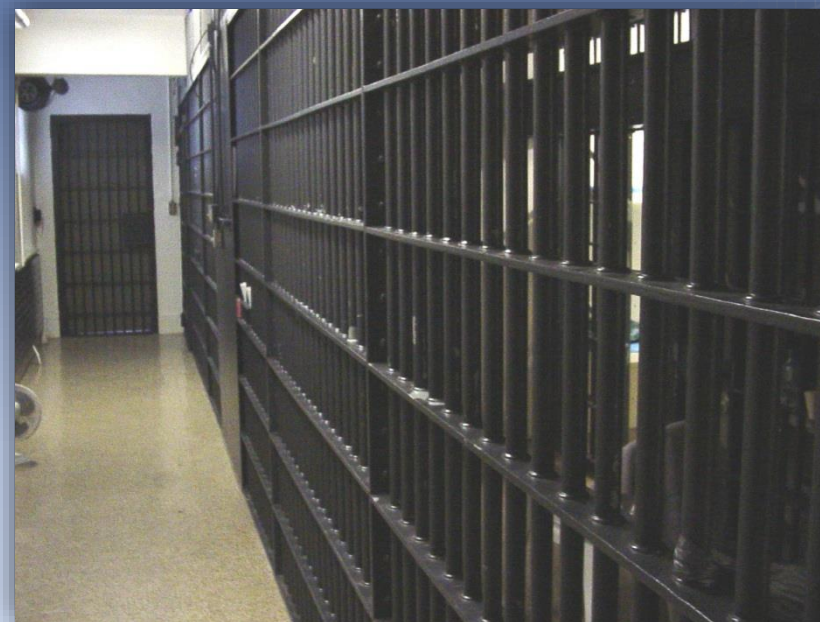
# Enforcing Environmental Laws

- **RCRA** (Resource Conservation and Recovery Act)
  - Hazardous waste treatment, storage and disposal
- **CERCLA** (Comprehensive Environmental Response, Compensation and Liability Act – aka Superfund)
  - Unreported releases of hazardous substances
- **CWA** (Clean Water Act)
  - Surface waters
  - Sewers and POTWs
  - Wetlands
- **SDWA** (Safe Drinking Water Act)
  - Public drinking water systems
  - Underground injection wells
- **CAA** (Clean Air Act)
  - 112r
  - Asbestos
  - Stationary sources
  - Ozone depleting substances
  - RINs
- **EPCRA** (Emergency Planning and Community Right to Know)
  - Notification Requirements
  - Toxics Release Inventory
- **FIFRA** (Federal Insecticide, Fungicide, and Rodenticide Act)
  - Pesticides
- **TSCA** (Toxic Substances Control Act)
  - PCBs
  - Lead-based paint



## ...and Associated Violations of Title 18, the U.S. Criminal Code

- Obstruction of Justice/Obstruction of Agency Proceeding (§1501 et seq.)
- Conspiracy (§371)
- Mail Fraud (§1341)/Wire Fraud (§1343)
- Aiding and Abetting (§2)
- Smuggling (§545)
- False Statements/Concealment (§1001)
- Money Laundering (§1956)
- Public Corruption (§201)



# Investigative Process





# Investigative Process Cont.

- Tips/Leads
- Surveillance
- Tools: Samplers, Dye Tests, Vehicle Trackers, Pole Cameras, A/V Recordings
- Interviews
- Search Warrants/Subpoenas
- Indictments
- Pleas/Convictions
- Parallel Proceedings
- Sentencing Guidelines





# Challenges

- Cases take persistence to make
- Significant Interaction with the public
- Prosecution not guaranteed
- Goal of Criminal Prosecution –  
PROTECT THE PUBLIC WELL  
BEING



# The EPA TEAM SUPPORTING CID



# Regional Criminal Enforcement Counsel

- Employees of the Office of Regional Counsel
- Provide Special Agents and prosecutors with legal advice on environmental law
- Assist in developing investigative strategy focused on elements of the crime and sentencing requirements
- Sometimes serves as a Special Assistant United States Attorney (co-counsel) with the Department of Justice





# National Enforcement Investigations Center

- Produces unbiased forensic evidence that enables appropriate, defensible enforcement outcomes
- Develops and deploys innovative and integrated field and laboratory expertise and tools to identify pollutants
- Employs scientists and engineers who are trained and prepared to serve as expert and fact witnesses in the courtroom



# National Computer Forensics Laboratory



- Jacksonville, Florida
- Specialize in the seizure, review, and analysis of electronic evidence and advanced undercover surveillance operations
- Electronic evidence large part of criminal investigations



# THE CRIMES AND RECENT CASES



## The CWA Crime:

33 U.S.C. §1319(c)(1)  
and (2)

(c)(1) = Negligently

(c)(2) = Knowingly

### (A) Negligently or knowingly violates:

- §§1311, 1312, 1316, **1317 (national pretreatment standards, ie. pass through, interference, etc.)**, 1318, 1321(b)(3), 1328, or 1345, or
- Conditions or limitations of an NPDES permit, or
- **Requirements of an approved pretreatment program**, or
- Requirements of a 404 permit

## The CWA Crime:

33 U.S.C. §1319(c)(1)  
and (2)

(c)(1) = Negligently

(c)(2) = Knowingly

### (B) Negligently or knowingly:

- introduces to a sewer system or POTW any pollutant or hazardous substance that the person knew or reasonably should have known could cause personal injury or property damage or which causes the POTW to violate its NPDES permit.

## The CWA Crime:

33 U.S.C. §1319(c)(4)

### False Statements & Tampering

- Knowingly making a **false material statement**, representation, or certification in an **application, record, report, plan, or other document** filed or required to be **maintained** under the CWA  
or  
Knowingly **falsifying, tampering with, or rendering inaccurate** a monitoring device or **method** required to be maintained under the Act.

Note also... TITLE 18 FALSE STATEMENTS

# U.S. v Partidge Sibley Industrial Services, et al. (S.D. Miss) 2023

Trucked or Hauled  
Pollutants/  
Criminal Negligence

- PSI is a wastewater hauling business . Working for Company A, it transported and disposed of Company A's industrial wastewater into a holding tank that it had installed at another commercial entity (Company B).
- PSI said it believed that the wastewater in the holding tank was going into Company B's wastewater treatment system.
- Instead, the holding tank connected to a pipe that led to the Jackson, Mississippi WWTS.
- PSI and employee William Roberts were charged with negligent violations of the CWA for discharging trucked or hauled pollutants at locations not designated by the POTW.
- PSI was sentenced to pay a \$200,000 criminal fine and Roberts a \$1000 fine, along with a term of probation.



# **U.S. v ASP Plating Company Milwaukee (W.D. Mich.) 2023**

## **Bypass/Zinc Violations Knowing Violations of Approved Pretreatment Program**

- ASP, an electroplater, violated its industrial use permit by: dumping zinc in excess of permit limits; releasing batches without notice; and bypassing the pretreatment system altogether.
- The Sewer Authority monitored the company's discharge, but ASP managers instructed employees to discharge the high levels of zinc when the monitor wasn't present.
- President Gary Rowe was sentenced to 3 months and 1 day of incarceration, a \$20,000 fine and \$13,500 restitution payment to the Sewer Authority.
- Vice President Stephen Rowe was sentenced to 14 days of incarceration, and a \$10,000 fine.

# **U.S. v Starlite Reclamation Env. Services (C.D. Calif.) 2022/2023**

**Knowing Violation of  
National Pretreatment  
Standard (pH in 2.9-  
3.66) and tampering  
with a monitoring  
devices (pH probe and  
ISCO)**

- Startlite treats and disposes of others' wastewater.
- Starlite and employees Torres, Hucks, Conn and Jaramillo routinely discharged acidic wastewater into a POTW operated by Inland Empire Utilities Agency which then flowed to the POTW for Los Angeles County.
- The defendants tampered with monitoring devices by, among other things, putting a pH probe in buckets of clean water and tampering with a 24-hour ISCO sampler that the POTW required be maintained.
- Starlite was sentenced to pay a \$100,000 criminal fine and put on 3 years of probation. Conn (knowing plea), Hucks (negligence plea), and Jaramillo (knowing plea) were sentenced to periods of probation and/or criminal fines. Torres awaits sentencing.

# **U.S. v Seattle Barrel and Cooperage Company (W.D. Wash) 2023**

**Knowing Violation of an Approved Pretreatment Program by discharging caustic wastewater, also submitted false information in permit application, and made other false statements**

- Seattle Barrel reconditioned drums and submerged barrels in a high pH caustic solution.
- The POTW had conducted covert sampling and determined that the company regularly discharged high pH wastewater in violation of permit. The POTW fined the company and required installation of a pretreatment system and monitoring.
- After that system was installed, plant manager and owner Sanft submitted reports saying Seattle Barrel reused all of its wastewater.
- A State inspection found problems during an inspection which led EPA to conduct covert sampling. That covert sampling showed continuous discharges of high pH wastewater.
- EPA then conducted real time monitoring to determine when company was discharging and executed an immediate Search Warrant
- Employees were using a pump to discharge the caustic wastewater to a hidden drain.
- There was a THREE WEEK TRIAL....

## U.S. v Seattle Barrel and Cooperage Company (W.D. Wash) 2023 (cont...)

Knowing Violation of an  
Approved Pretreatment  
Program by discharging  
caustic wastewater,  
also submitted false  
information in permit  
application, and made  
other false statements

- The Company and Sanft found GUILTY!
- **Sanft** was sentenced to 18 months followed by 3 years of supervised release, and a \$250,000 fine
- Seattle Barrel was put on probation for 5 years.