



# U.S. EPA's Office of Criminal Enforcement, Forensics and Training



# America's Environmental Crime Fighters



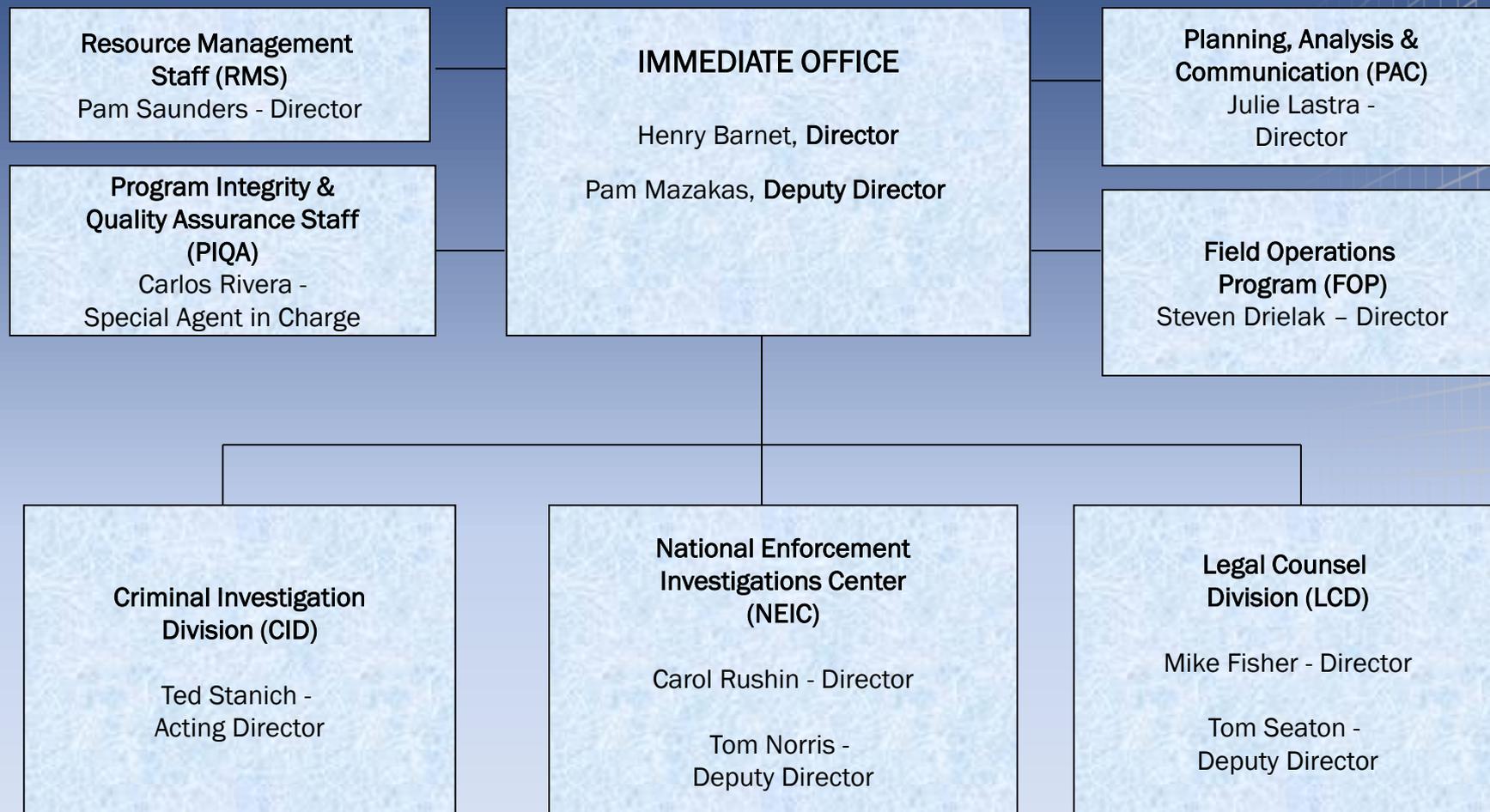


## Who We Are in OCEFT

A team of 331 professionals who work with Federal, state and tribal partners to investigate environmental and related crimes including:

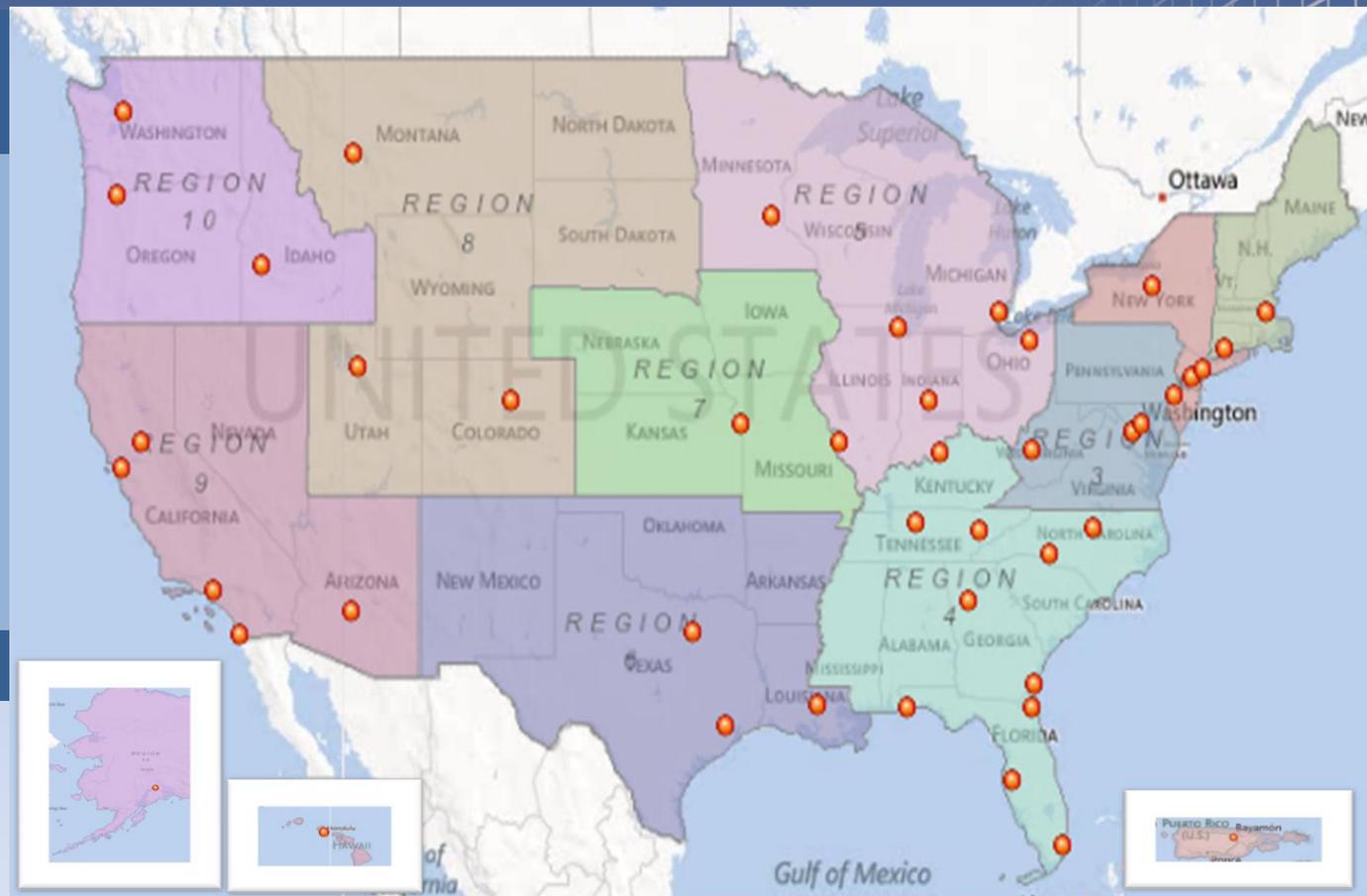
- ◆ 200 special agents in more than 47 offices nation-wide
- ◆ 86 scientists, engineers, and regulatory experts at the National Enforcement Investigations Center (NEIC), a fully accredited forensics center that supports both civil and criminal cases
- ◆ 12 attorneys in HQ and approximately 25 attorneys in EPA Regions with particular expertise in environmental crimes

# OCEFT's Organization

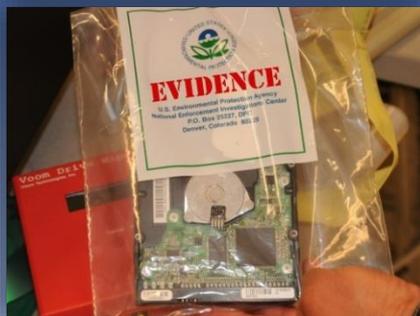


# Where We Are in OCEFT

- OCEFT Headquarters
- 10 CID Area Offices
- 31 CID RAC Offices
- NEIC, FOP, and LCD Support in Denver
- NCFL - TEC Support in Jacksonville
- FLETC Training Center
- Nat'l Secure Storage Facility



# Criminal Investigation Division (CID)



Conducts criminal investigations of violations of federal environmental statutes



Refers cases to DOJ and/or state prosecutors and provides full investigative support during prosecution



Plans, develops, and coordinates investigative activities and oversees all operational aspects of criminal investigations:

*Includes interviewing witnesses, reviewing documents, serving of federal search and arrest warrants, collecting evidence, and testifying in judicial proceedings*

# Special Agents



Special Agents are Criminal Investigators with full federal law enforcement authority to:

- *Conduct investigations*
- *Carry firearms*
- *Execute and serve any warrant*
- *Make arrests for any offense against the United States*

# National Enforcement Investigations Center (NEIC)



**NEIC is OECA's environmental forensics center, comprised of field forensics specialists and a highly sophisticated laboratory utilizing a wide variety of analytical techniques to support criminal and civil investigations by:**

- *Conducting complex on-site forensic investigations to determine compliance with environmental regulations*
- *Identifying and quantifying pollutants as supporting evidence to evaluate alleged violations of permit or regulatory limits under the CWA, CAA, RCRA, TSCA, FIFRA, SDWA, CERCLA, and EPCRA*
- *Associating pollutants with sources by using techniques such as particle morphology, isotope ratios and chemical signatures*
- *Conducting applied research to improve or expand the scope of existing compliance-related analytical methods*

# EPA-NEIC Menu of Services

## Media Specialities

### Water

Centralized waste treatment (CWT)  
Energy extraction  
Coal mining  
Pretreatment  
Wastewater treatment plant analysis, assessment, and modelling  
Municipal infrastructure/Wet weather (CSO/SSO)  
Watershed assessments  
Safe Drinking Water Act (SDWA)

### RCRA

Surface impoundments  
Centralized waste treatment (CWT)  
Treatment storage and/or disposal facility (TSDF)  
Coke plants  
Hazardous waste recycling facilities  
Incinerator waste analysis plan  
Waste brokers  
Zinc secondary materials  
Mercury handlers/recyclers  
Air emission regulations (RCRA)  
-Subparts AA/BB/CC

### Air

Energy extraction  
National emissions standards for hazardous air pollutants (NESHAP) rules (Parts 61 and 63)  
New source performance standards (NSPS) regulations  
Major source applicability for maximum achievable control technology (MACT) sources  
Refinery consent decree follow-up  
Leak detection and repair (LDAR) comparative monitoring  
LDAR electronic data review  
Other electronic data review (COMs & CEMs)  
112R  
Infrared (IR) camera survey  
Air toxics sampling and analysis

### EPCRA

Toxic release inventory (TRI) (Section 313)  
Spill report review

## Other Services

### Laboratory

Evaluation of solid or liquid waste to determine compliance with RCRA, CWA, and CAA  
Single and multi-layer asbestos analysis  
Determination of type, amount, and source of contaminants in soil  
Confirmation of pesticide formulation and content  
RCRA characteristic testing  
Determination of composition and potential source of abandoned waste  
Determination of composition of incinerator ash  
Analysis to determine compliance with land disposal restriction treatment standards  
Analysis of wastewater and environmental water samples for chemical content  
Ozone depleting chemicals analysis  
PCB analysis  
Identification of pharmaceuticals/personal care products  
Identification of unknown substances  
Expert services, consultation, reports, testimony

### Field

Criminal investigation, field measurement and sampling  
Process-based industrial facility inspections  
Multi-media inspections  
Sampling and analysis to support inspection observations (examples: CWT, TSDF, and hazardous waste incinerators)  
Strategic planning from national perspective (examples: coal mining, energy extraction, CWT, and TSDF)  
Expert services, consultation, reports, testimony, & field sampling plans

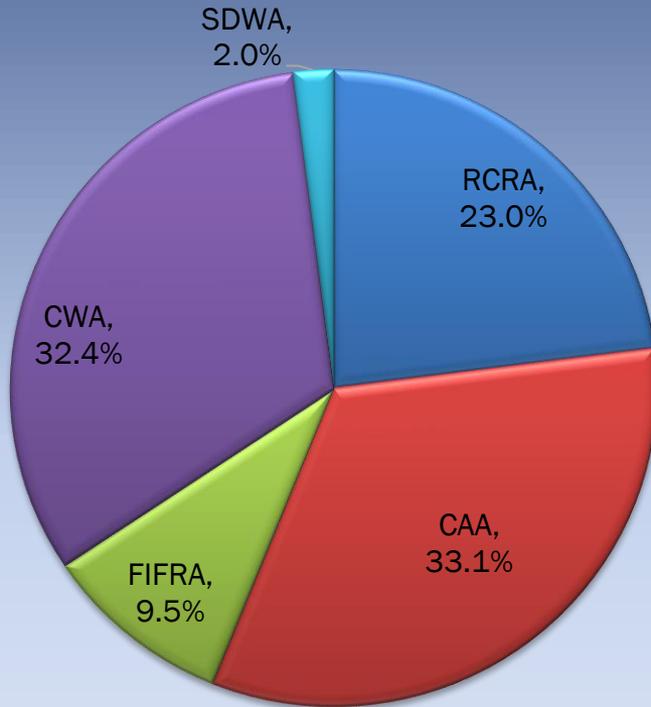
### General

Statistical analysis  
Electronic data analysis  
Remote sensing and geospatial analysis  
Source attribution assessments

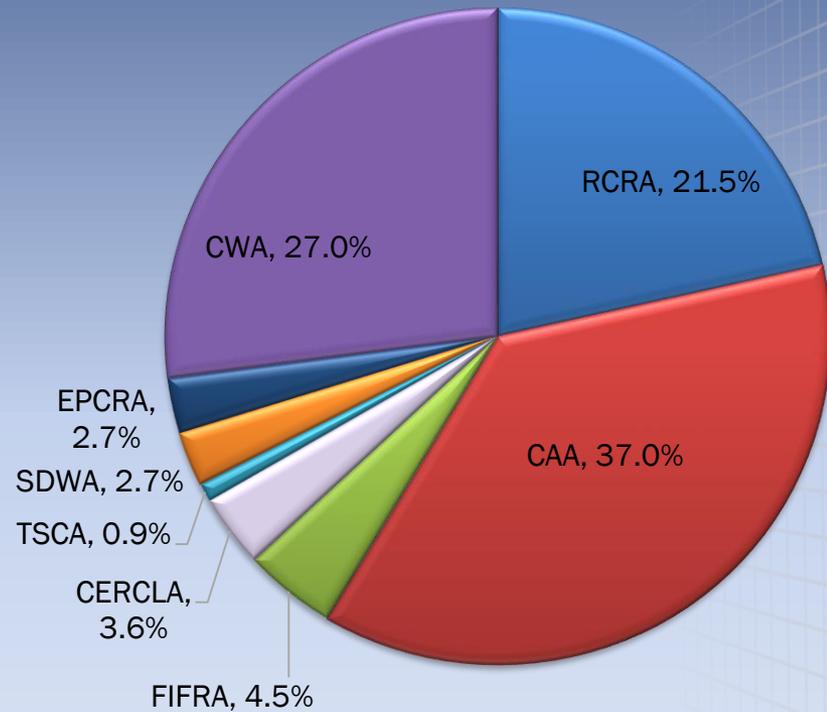
# NEIC Civil Enforcement Support

- Support requests for on-site investigations, statistical/data analysis, and analytical support are made by HQ and the Regions during an annual solicitation process
- Additional requests to be submitted at any time of the year
- Civil support requests usually involve technically complex work that falls outside the scope of Regional capabilities

**FY 2015 NEIC Criminal Projects**  
Percent of Total Criminal Accepted Projects



**FY 2015 NEIC Civil Projects**  
Percent of Total Civil Accepted Projects





# Field Operations Program (FOP)



- Forensic evidence collection and all hazards sampling support for the investigation and prosecution of environmental crimes;
- CSI certified crime scene investigators;
- Protective Services for the EPA Administrator;
- Management and preparedness of the National Criminal Enforcement Response Team (NCERT);
- Force Protection for EPA personnel and contractors within a contaminated zone;
- Law enforcement liaison between EPA emergency response assets and other federal, state, local and tribal law enforcement agencies;
- Program management of OECA's emergency preparedness and National Security Information programs.

# Additional OCEFT Personnel

- The **Planning, Analysis, and Communications (PAC)** Staff is responsible for all external and internal communications, including media-related issues
- The **Program Integrity and Quality Assurance (PIQA)** Staff is responsible for assessing the integrity, economy, and efficiency of OCEFT's operations
- The **Resource Management Staff (RMS)** provides financial, human resources, and administrative support for OCEFT

# Distinctions Between Civil and Criminal Enforcement

## Civil Judicial and Administrative

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

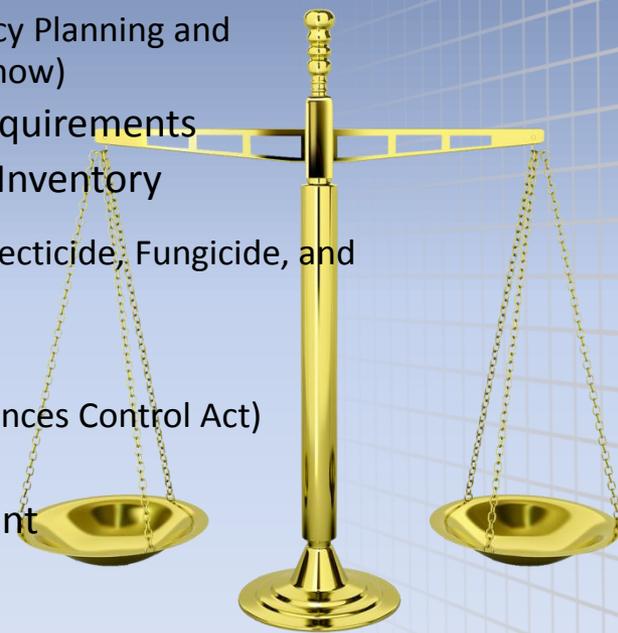
## Criminal

- 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.

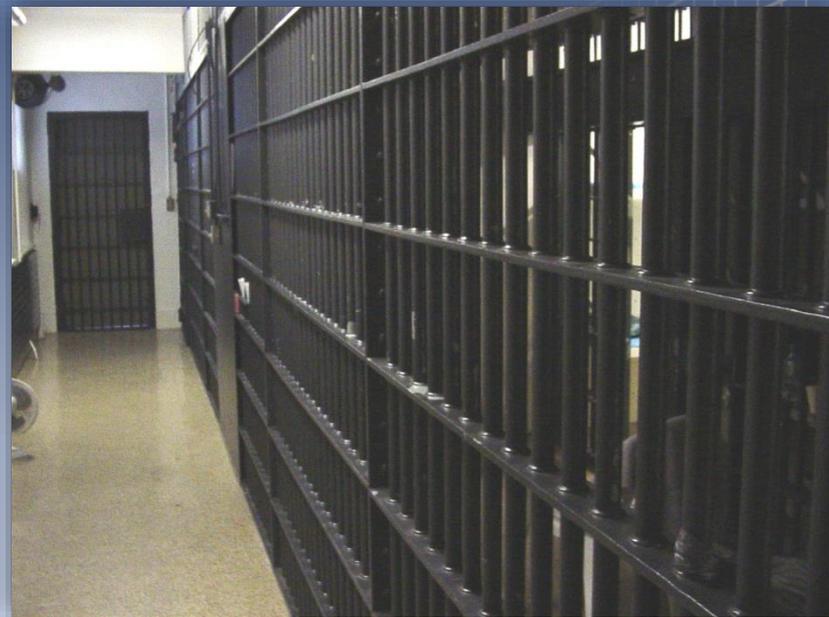
# Enforcing Environmental Laws

- **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 Leads: Where Do They Come From?

- EPA Enforcement Officials and Program Offices
- Concerned Citizens
- Anonymous callers to EPA (hotline or [www.epa.gov](http://www.epa.gov))
- Former/current employees or business partners
- State/Local Environmental Officials and Regulators
- Other ongoing investigations and analyses
- Investigative Task Forces (Federal, State, Local)



# Investigative Process



Use: Interviews, Records Review, Surveillance, Electronic Surveillance, Monitoring, Search Warrants, Cooperating Witnesses, Sampling, Forensic Analysis

# EPA's Criminal Case "Pipeline"



Get Leads from EPA offices, other federal, state, local agencies and citizens

Open about 20% of leads as criminal cases



Between 650-700 open cases at a time



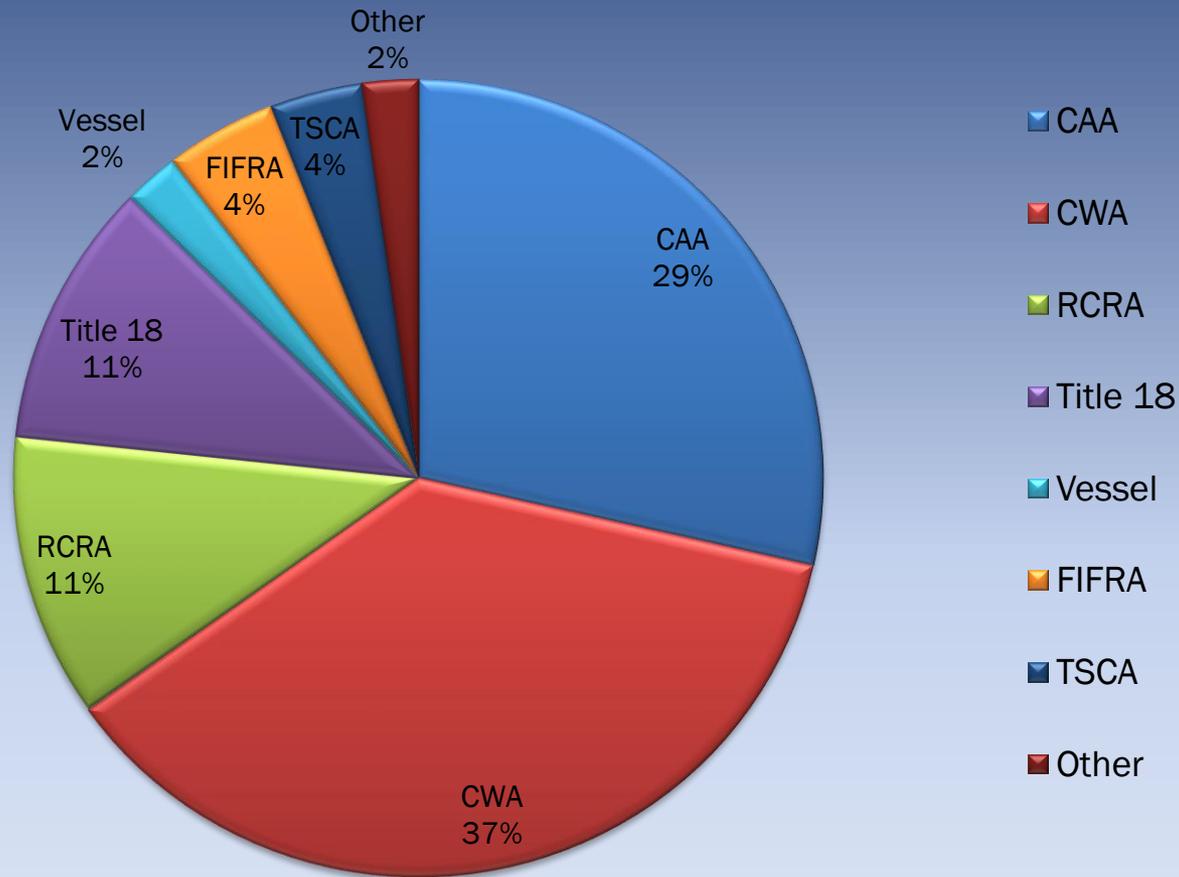
95% of charged defendants are convicted

Evaluate over 1,500 leads/year

Refer other leads for civil, administrative, or state/ local prosecution

# OCEFT Criminal Investigations

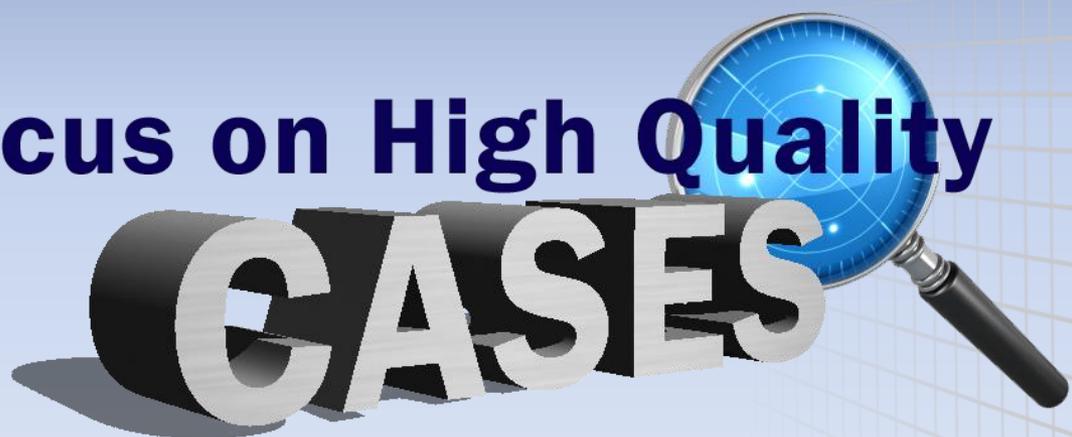
Over 75% of our cases are in Air, Water and Waste



- We focus our resources on the most pressing environmental crimes, targeting cases involving:
  - Death or serious injury
  - Hazardous substances and wastes
  - Human exposure or other threats to community health
  - Repeat offenders/multiple violations
  - A large or significant corporate enterprise
- Increasing numbers of more complex cases

**Focus on High Quality**

**CASES**



**We work with EPA's other programs** (air, water, waste, civil enforcement, etc.)

- Use their subject matter and legal experts.
- Get leads, referrals, data and expertise.

**We investigate cases for Federal, State, and tribal prosecution, by:**

- U.S. Attorneys offices
- DOJ's Environmental Crimes Section (ECS), and
- State and Tribal prosecutors.

**We work with Federal, State, local and international law enforcement agencies, such as:**

- Other "specialized" Federal investigators, such as FDA, NOAA, Fish and Wildlife, Park Service, etc.
- INTERPOL, Canada, Mexico
- FBI, ATF, as well as State, local and tribal police.

**We use Environmental Crime Task Forces to organize joint efforts**



# Strong Results

On average:

- 95% conviction rate
- 79% individual defendants / 21 % corporate
- 75% of cases from CAA, CWA and RCRA violations (with associated Title 18 – U.S. criminal code violations)

# EPA-CID Statistics 2012-2016



Year	Case Carrying Agents	Cases Initiated	% of Cases with Most Significant Impacts	# of Defendants Charged	Years of Incarceration	Total Fines Collected	Restitution Paid	Court Ordered Environmental Projects
2012	133	320	44%	233	79	\$33,627,428	\$10,624,327	\$13,735,500
2013	130	297	44%	281	161	\$1,430,999,069	\$113,002,925	\$3,071,952,080
2014	129	271	48%	191	157	\$28,727,615	\$35,004,253	\$16,363,175
2015	120	213	62%	188	129	\$88,200,407	\$112,373,607	\$3,939,723,645
2016	118	170	69%	181	95	\$14,052,700	\$193,120,634	\$775,000

# Involving the Public Through the Web

EPA's Enforcement & Compliance Website: <http://epa.gov/enforcement>

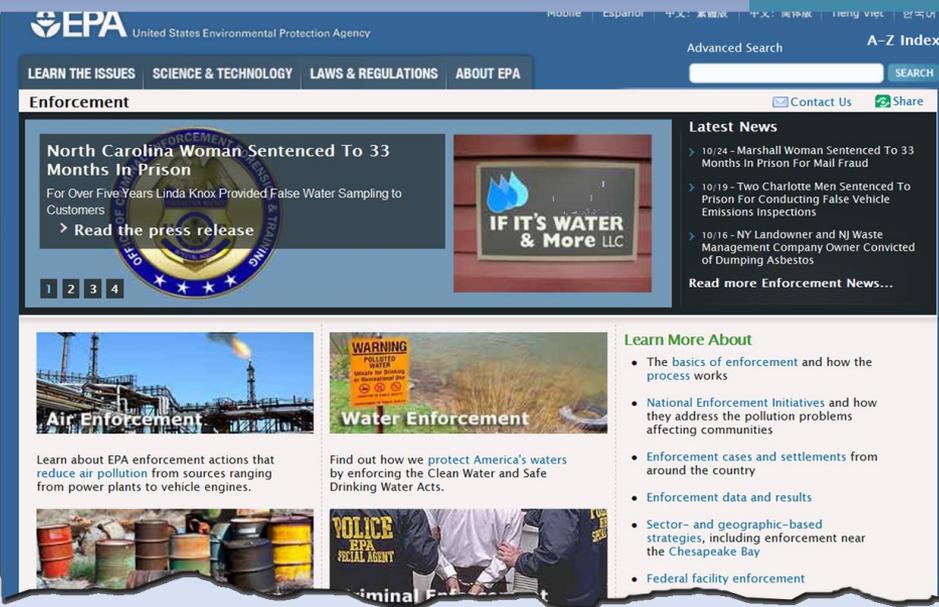
EPA's Office of Criminal Enforcement, Forensics and Training <http://www.epa.gov/enforcement/criminal>

EPA's Report an Environmental Violations Website <http://www.epa.gov/tips>

EPA's fugitive website: <http://www.epa.gov/fugitives>



Enforcement Contact Us Share



You are here: EPA Home » Enforcement » EPA Fugitives

## EPA Fugitives



Learn more about:

[Criminal Enforcement](#)  
[Criminal Prosecutions](#)

Defendants charged with environmental crimes or violations of the U.S. Federal Criminal Code sometimes flee the court's jurisdiction and/or the USA rather than face prosecution or to serve a sentence. When these circumstances occur, the defendants become fugitives from justice. The following wanted posters identify fugitives sought by the EPA's Criminal Investigation Division. Each one provides a brief case summary and instructions on how to report information related to their identity and/or current location. You may also report the information to your local police or if you are outside the United States, to the nearest U.S. Embassy.



A. GIORDANO

**Do not attempt to apprehend any of these individuals.**

# Additional Information & Resources

Visit our Website: <http://www2.epa.gov/enforcement/criminal-enforcement>

Sign up for our monthly Environmental Crimes Case Bulletin and Publications

Contact us anytime



## EPA Targets Clean Water Act Crimes - Illegal Pollution by Animal Confinement Operations Punished by Fines and Incarceration

One of EPA's national enforcement initiatives is reducing animal waste pollution from livestock and poultry operations that impair our nation's waters, threaten drinking water sources, and adversely impact vulnerable communities by illegally discharging manure, litter, or process wastewater into waters of the U.S.

Concentrated animal feeding operations (CAFOs) are a subset of livestock and poultry animal feeding operations (AFOs) that meet the regulatory thresholds of number of animals for various animal types. These operations generate significant volumes of animal waste which, if improperly managed, can result in environmental and human health risks such as water quality impairment, fish kills, algal blooms, contamination of drinking water sources, and transmission of disease-causing bacteria and parasites associated with food and waterborne diseases.

The Clean Water Act (CWA) provides criminal penalties for persons who knowingly or negligently discharge manure or other pollutants into waters of the United States without (or in violation of) a permit. As part of EPA's ongoing enforcement initiative, the Agency's Criminal Investigation Division, together with the Department of Justice and state partners, has pursued numerous criminal enforcement actions against illegal discharges of animal wastes. Courts in North Carolina and Oregon recently handed down prison terms along with six- and seven-figure fines following criminal convictions for illegal manure discharges.

The intent of this EPA Criminal Enforcement Alert is to increase public awareness of the consequences of knowing or negligent CWA violations by animal confinement operations.

### Important Points to Remember

Criminal enforcement is reserved for the most serious violations of environmental laws. Owners or operators of animal confinement operations can be criminally prosecuted under the CWA if they knowingly or negligently discharge pollutants from a point source (such as lagoons, tanks, pipes, or other conveyances) into waters of the United States without a permit.

EPA and state partners work together to identify, investigate, and prosecute criminal violations of the CWA.

CWA criminal convictions result in fines, restitution, and/or incarceration.

Regardless of the size of an animal confinement operation, any person who knowingly or negligently discharges the CWA by discharging pollutants from a point source to waters of the United States without permit authorization faces potential criminal liability.



EPA 310-N-13-013

EPA United States Environmental Protection Agency

Learn the Issues | Science & Technology | Laws & Regulations | About EPA

Enforcement

### North Carolina Woman Sentenced To 33 Months In Prison

For Over Five Years Linda Knox Provided False Water Sampling to Customers

Read the press release

### IF IT'S WATER & More LLC

Latest News

- 10/24 - Marshall Woman Sentenced To 33 Months In Prison For Mail Fraud
- 10/19 - Two Charlotte Men Sentenced To Prison For Conducting False Vehicle Emissions Inspections
- 10/16 - NY Landowner and NJ Waste Management Company Owner Convicted of Dumping Asbestos

Read more Enforcement News...

Air Enforcement | Water Enforcement

Learn More About

- The basics of enforcement and how the process works
- National Enforcement Initiatives and how they address the pollution problems affecting communities
- Enforcement cases and settlements from around the country
- Enforcement data and results
- Sector- and geographic-based strategies, including enforcement near the Chesapeake Bay
- Federal facility enforcement

EPA United States Environmental Protection Agency

## Environmental Crimes Case Bulletin

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

September 2012

This bulletin summarizes publicized investigative activity and adjudicated cases conducted by OCEFT Criminal Investigation Division special agents, forensic specialists, and legal support staff.

Defendants in this edition:

- John C. Scheerer — Region 1
- Donna Howe — Region 1
- Sean P. Doctor, Raj Chopra, S.D. Specialty Services, Inc., Comprehensive Employee Management, Inc. — Region 2
- Cheng Yan Hoang — Region 2
- Blue Marsh Laboratories, Inc. — Region 3
- Francis Zappan — Region 3
- James A. Mikul — Region 3
- Scottie Mirade-Gro Company — Region 5
- Connie M. Knight — Region 6
- Cleopatra Shipping Agency, Inc. — Region 6
- Huy Ngoc Nguyen, Dahn Cong Tran, Bich Dogn Ngai, Naki Cong Tran — Region 6
- Alice H. Gregory — Region 7
- A-I Barrel Company — Region 7
- Charles Donaldson, Carlton Finley, Donaldson Enterprises, Inc. — Region 9
- Hernan Cortez-Villaseor, David Arreola, Homero Pacheco-Rivera, Alfonso Corrajo, Jose Luis Garcia-Villa, Marcelan Isotola Charles, Julio Cesar Villaseca-Corrajo — Region 9
- Fernando Salazar, Juan Carlos Hernandez-Ozguerra - Region 9
- James Barber — Region 10

EPA Bulletin September 2012

**U.S. v. Thomas H. Faria**

**United States District Court,  
District of Connecticut**

- After becoming the XXX LLC's president and chief executive officer in April 2003, FARIA soon learned through his own employees that XXX LLC was discharging pollutants considered toxic under federal environmental law in its industrial wastewater without the required permit.
- He learned that XXX LLC needed to obtain a permit from the Connecticut Department of Energy and Environmental Protection (CT DEEP) before it could discharge its industrial wastewater to the public sewage system aka publicly owned treatment works (POTW).
- Companies such as XXX LLC are also required, among other things, to test and monitor their industrial wastewater monthly to ensure that the chemical levels in the wastewater do not exceed federal and state limitations.

- FARIA also learned that in order to obtain a permit from CT DEEP, the company would have to install, at significant expense, a wastewater pretreatment system that would pretreat its industrial wastewater prior to discharging it to the New London POTW.
- FARIA chose not to do so. FARIA continued this illegal course even when four (4) environmental consulting firms, which the company had hired, and his own employees advised him that the discharge of industrial wastewater to the public sewage treatment system, without a pretreatment system and CT DEEP permit was illegal.
- On April 20, 2011, acting on an anonymous tip the CT DEEP conducted an unannounced inspection of XXX LLX after finding that the company had no wastewater discharge permits.....

# Subsequent EPA CID investigation revealed:

- From approximately 1986 to July 2011 XXX LLC:
- 1) discharged industrial wastewater to the New London POTW without a permit and in violation of Connecticut's approved pretreatment program
- 2) failed to register under the General Permit for the Discharge of Stormwater from Industrial Activities
- The New London POTW discharges to the Thames River

# During this entire time period XXX

## LLC:

- 1) lacked a pretreatment system at its factory to treat its industrial wastewater prior to discharge to the New London POTW
- 2) performed no regular monitoring of its discharges of industrial wastewater
- 3) submitted no monthly monitoring reports to the CT DEEP

- In February 2015 Faria pleaded guilty one federal felony count of violating the Clean Water Act (CWA)
- Sentenced to:
  - - three (3) years of probation
  - - 300 hours of community service
  - - \$30,000 criminal fine

