



Office of Criminal Enforcement, Forensics and Training

Identifying and Prosecuting Pretreatment Criminal Violations

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EPA CRIMINAL ENFORCEMENT RESOURCES **(all environmental crimes)**

- **12 Legal Counsel Division Attorneys**
 - 7 headquarters, 5 field
- **~ 30 RCECs in 10 Regional Offices**
- **~ 150 Special Agents (SAs)**
- **~ 120 SAs with active case loads**
- **ASSISTANCE FROM EPA/STATE/LOCAL PARTNERS**



Enforcement Authority

- 33 U.S.C. 1319(c)(1) Negligent Violations - ***Misdemeanor***
 - (A) criminal penalties for negligent violations of permit conditions or limits
 - (B) criminal penalties for negligently introducing into a sewer system or POTW any pollutant...which causes such treatment works to violate any effluent limit or condition in any permit issued to that treatment works
- 33 U.S.C. 1319(c)(2) Knowing Violations - ***Felony***



Why Criminal Prosecutions?

- **There's a criminal violation of the CWA – See Section 1319**
- **Program Integrity**
- **Unlike civil penalties can't pass on prison time as cost of doing business**
- **General Deterrence**
 - **Others less likely to commit violations**
- **Specific Deterrence**
 - **Person fined or incarcerated stopped from illegal conduct**



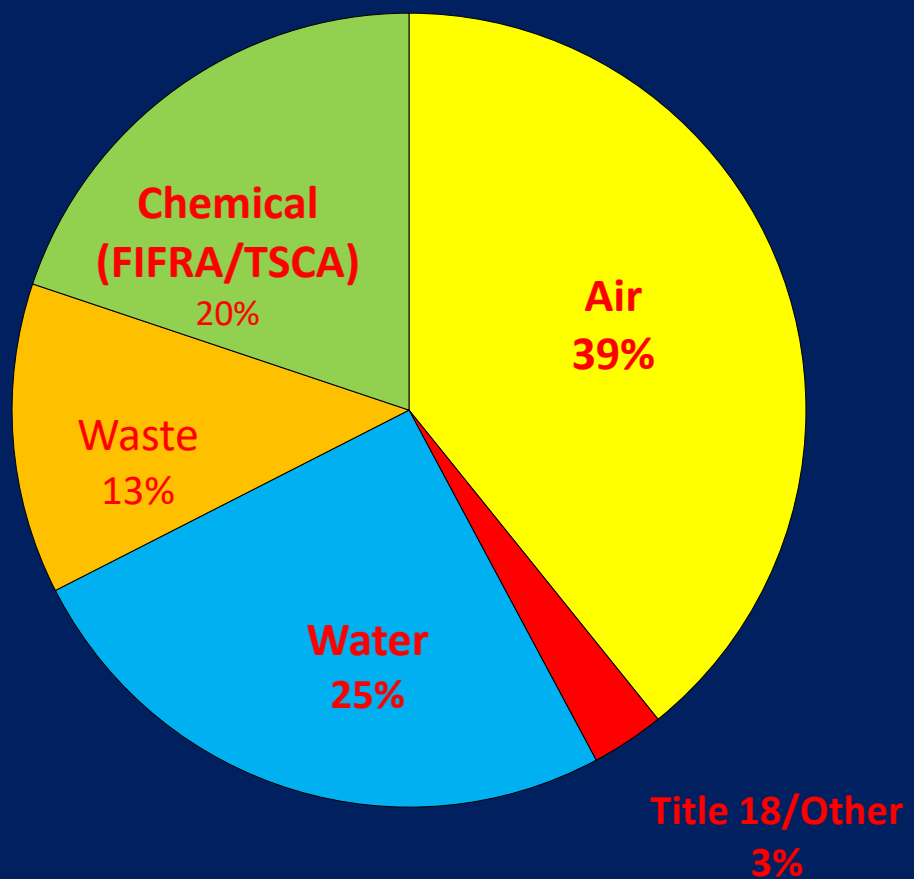
18 U.S.C. (United States Code)

- **Aiding and Abetting (§ 2)**
- **Conspiracy (§ 371)**
- **False Statements (§ 1001)**
- **Mail Fraud (§ 1341)**
- **Wire Fraud (§ 1343)**
- **Obstruction of Justice (§§ 1501-1520)**
- **Perjury (§ 1621)**



WHAT WE INVESTIGATE

Approximately Two-Thirds of our cases are Water and Air Pollution





Pretreatment Universe

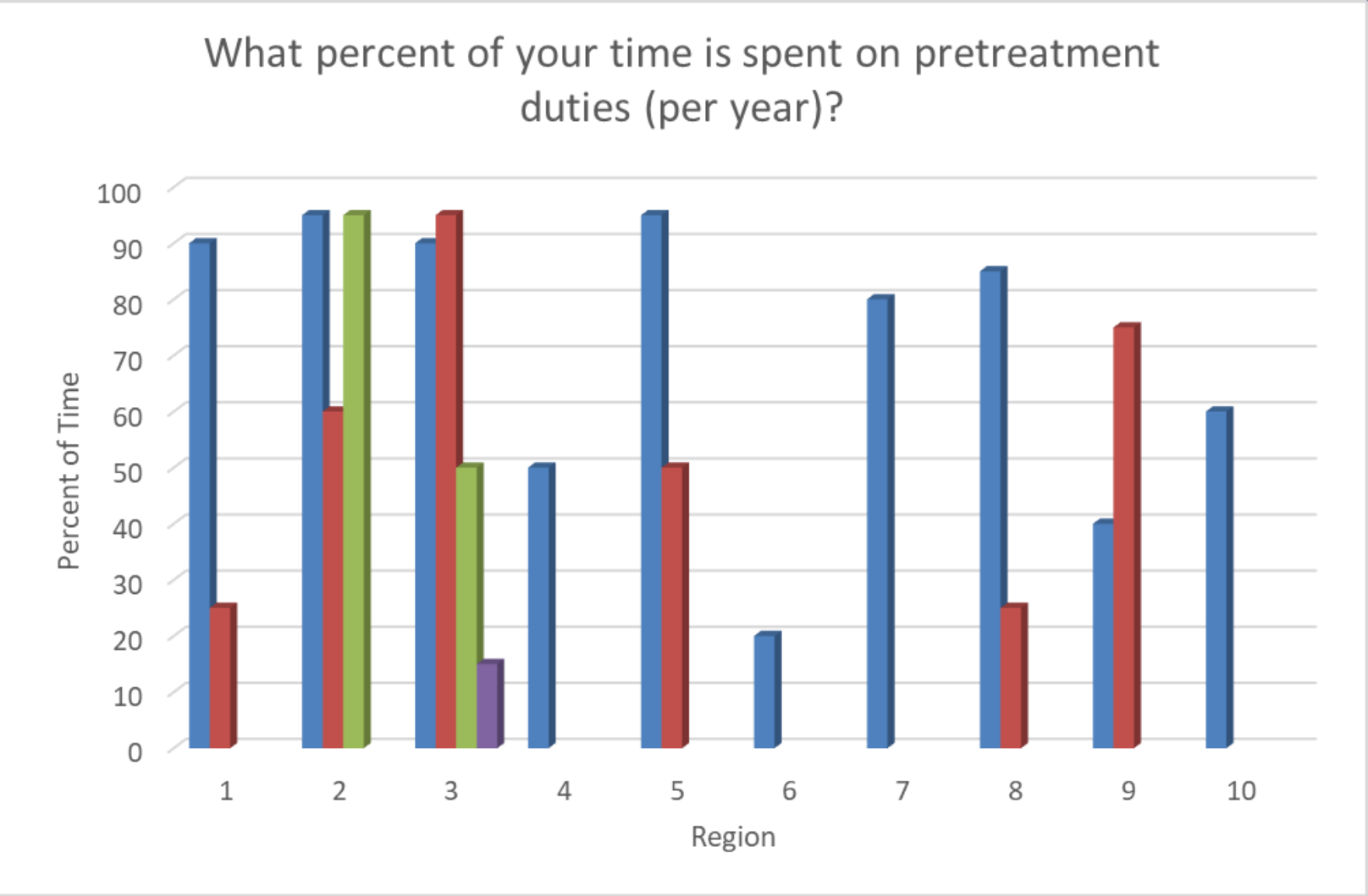
- ~1,540 POTWs with approved pretreatment programs which account for more than 80% of national wastewater flow
- ~ 20,000 Significant Industrial Users (SIUs) discharge to POTWs with approved programs
- ~13,500 POTWs do not have approved programs but do receive industrial wastewater
- ~ 2,000 known SIUs discharge to POTWs w/o approved programs
- ~ 30% of all industrial wastewater in the U.S. is discharged to POTWs, rather than via direct discharge to surface waters



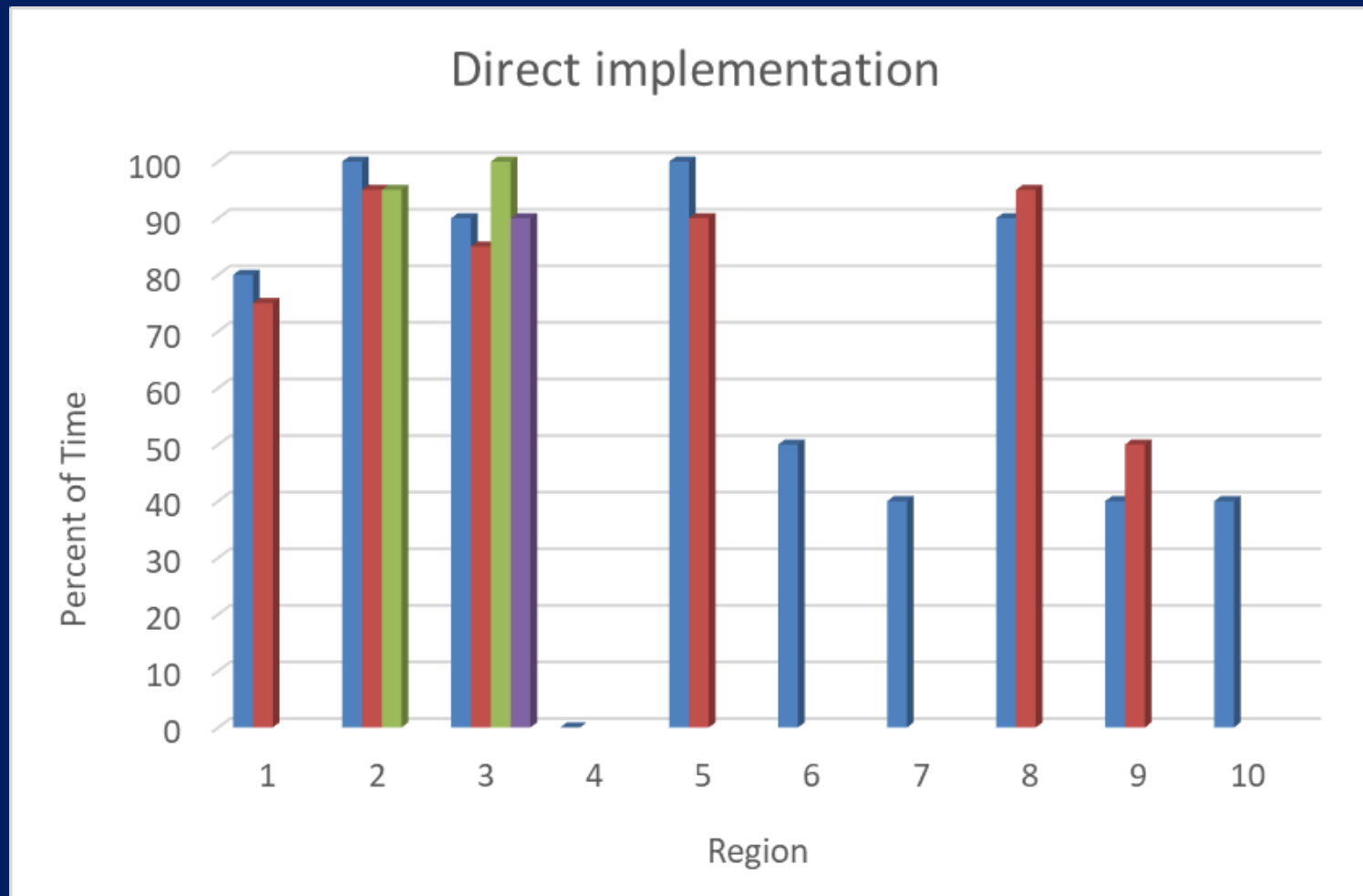
EPA Regional Pretreatment Resources/Obligations (not including contract support)

Region	Total FTE	States Where EPA is Approval Authority	Number Approved Oversight States	Total States Overseen
I	2	MA, NH (2)	4	6
II	3	NY, PR, VI (3)	1	4
III	4	DC, DE, PA (3)	3	6
IV	1	--	8	8
V	2	IL, IN (2)	4	6
VI	1	NM (1)	4	5
VII	1	KS (1)	3	4
VIII	2	CO, MT, WY (3)	3	6
IX	1	NV (1)	3	4
X	1	--	4	4
Total	18	16	37	53

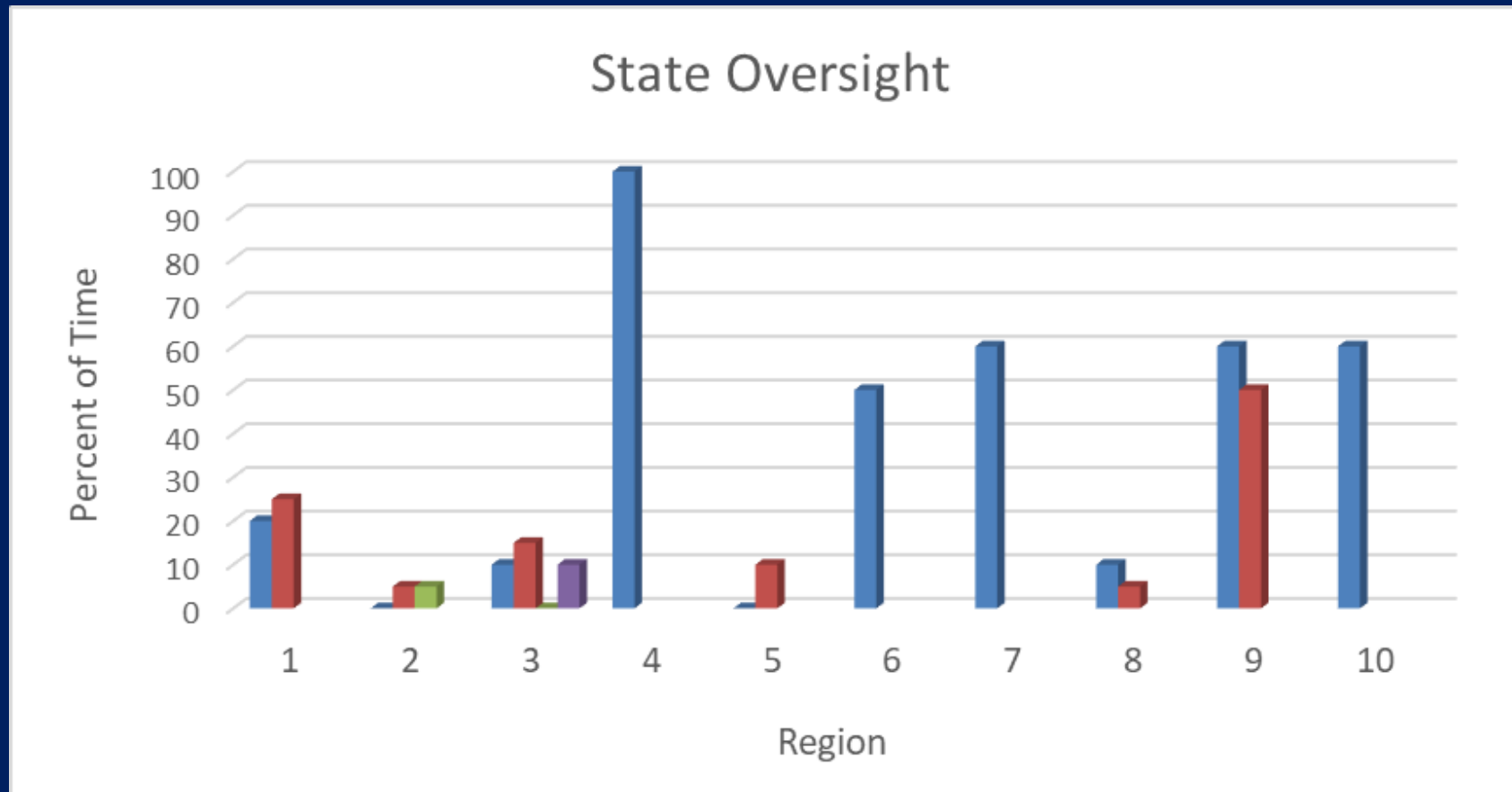
Time Spent on Pretreatment Duties (Per Year), Percent Spent on:



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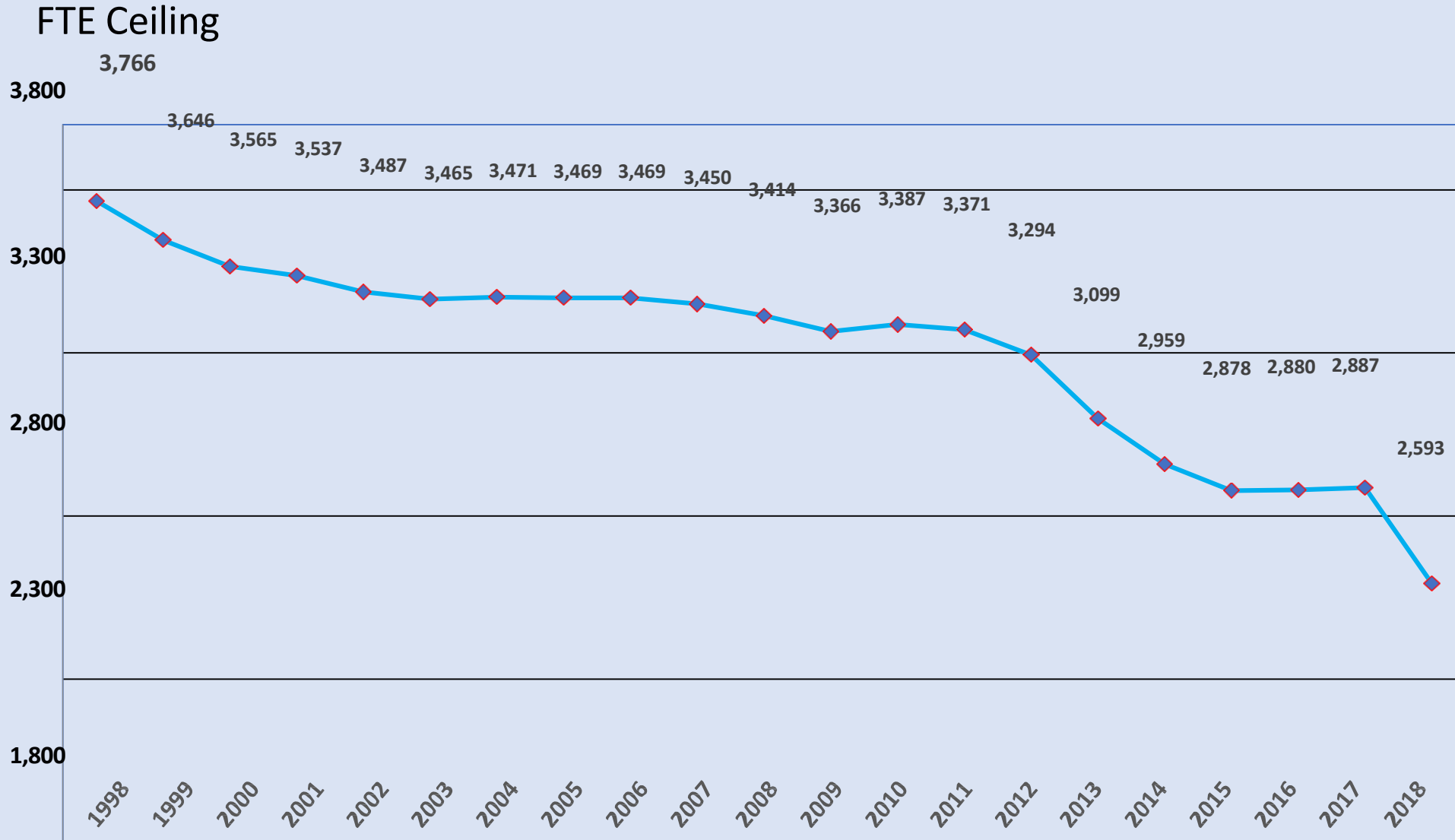


Time Spent on Pretreatment Duties (Per Year), Percent Spent on:





OECA's FTE History





State Environmental Crime Enforcement Resources

- **19 states have dedicated environmental criminal investigators, (covering all environmental crimes) totaling 61 persons - of these 61, almost one-half (29) are in 4 states (CA-9, DE-9, LA-5, and PA-6)**
- **18 states have dedicated environmental crimes enforcement attorneys, (covering all environmental crimes) totaling 31 persons - of these 31, over one-half (16) are in 4 states (CA-8, NH-2, PA-3, and SC-3)**

United States v. Carl Zeiss Vision, Inc.

- Carl Zeiss Vision, Inc. (Zeiss) a multi-billion-dollar international corporation, operates an eyeglass manufacturing facility in Clackamas, Oregon.
- Beginning in 2008, Zeiss routinely discharged industrial wastewater having exceedingly high and exceedingly low pH levels to the Kellogg Creek Wastewater Treatment Plant. These substances require pretreatment before being discharged. Zeiss never notified the county of such discharges and claimed to only be discharging 200 gallons per day of “green lens cleaner,” which did not require pretreatment.
- Based on a tip from an employee, in March and June 2015, the EPA installed pH probes in the sewer line coming from the facility, confirming that Zeiss had been regularly discharging a cadmium-and-lead alloy as well as a lens polish with a pH between 3.0 and 4.2 (i.e., too acidic to be discharged without pretreatment).

United States v. Carl Zeiss Vision, Inc.

- The company did not obtain a waste discharge permit until after agents executed a search warrant at the facility in September 2015.
- By failing to disclose its discharges to Clackamas County, the company operated completely outside pretreatment regulations for approximately seven years.
- On April 23, 2018, Zeiss was ordered to pay a \$750,000 fine for violating a condition of an approved pretreatment program (33 U.S.C. § 1319(c)(1)(A)).

United States v. Robert J. Massey

- Robert Massey owned Oil Chem Inc., a company that reclaims and blends petroleum wastes into usable product. Oil Chem received a pretreatment permit allowing it to discharge its liquid waste stream to the City of Flint POTW. The pretreatment permit prohibited the discharge of organic waste, including landfill leachate.
- Starting in 2007, Massey contracted for Oil Chem to receive leachate from several Michigan landfills. Workers offloaded the leachate from incoming tanker trucks to a tank onsite. Oil Chem employees daily connected a hose to the tank, discharging untreated landfill leachate overnight into the sanitary sewer. That practice continued until Flint intervened in 2015.
- Authorities were tipped off when officials with one of the landfills contacted the POTW directly about discharging to the sanitary sewer (to bypass Oil Chem) and disclosed that their leachate contained PCBs. Oil Chem received an estimated \$1.2 million in payments from illegally discharging close to 48 million gallons of leachate into the sewer.

United States v. Robert J. Massey

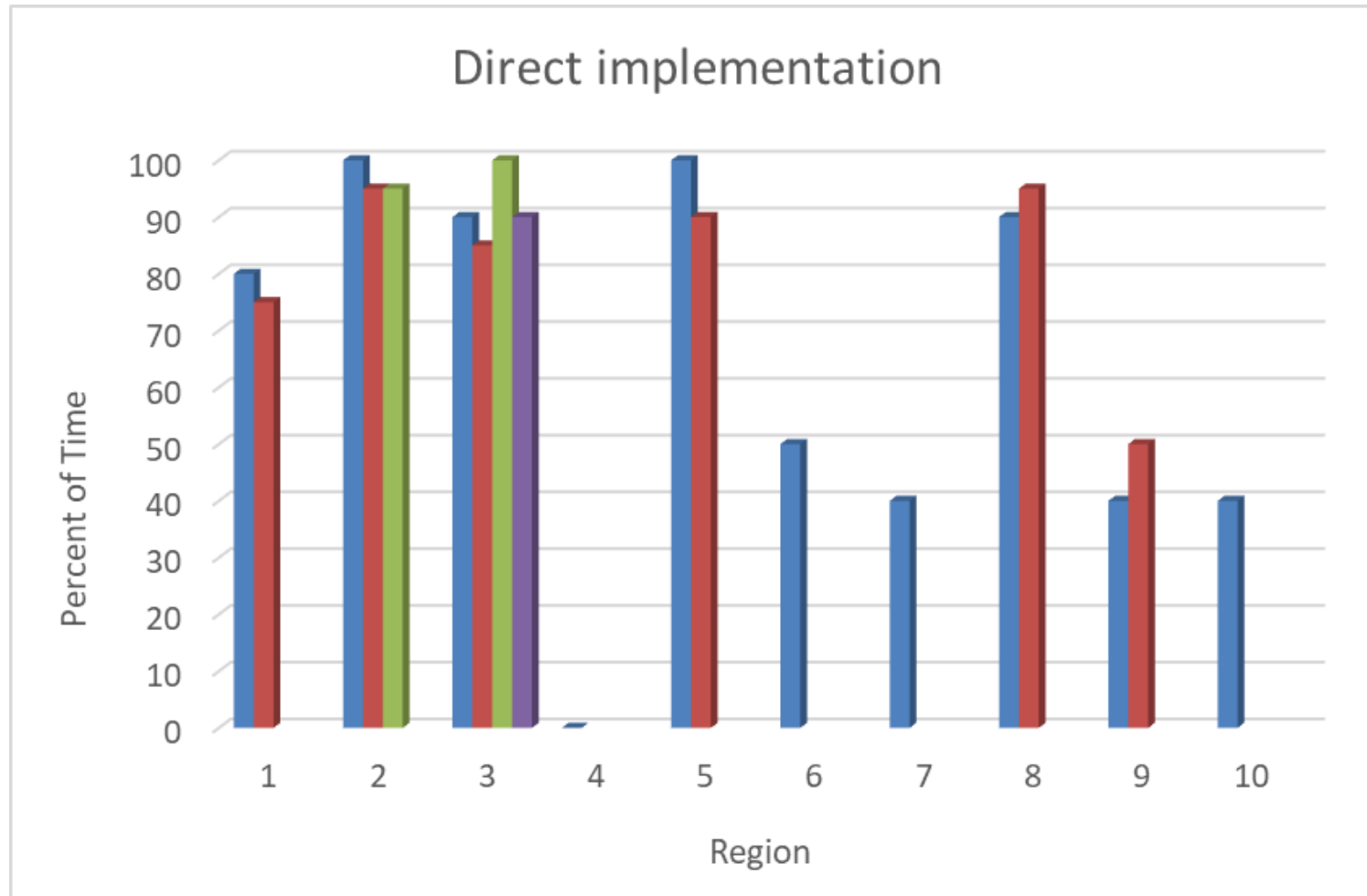
- Massey pleaded guilty to violating the Clean Water Act for illegally discharging landfill leachate (totaling almost 48 million gallons) into the Flint, Michigan, POTW for more than eight years (33 U.S.C. § 1319(c)(2)(A)).
- The court sentenced Robert J. Massey to 12 month's incarceration, followed by one year of supervised release and he was further ordered to pay a \$5,000 fine.



QUESTIONS? COMMENTS?

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Of the time spent on pretreatment duties (per year), what percent is spent on:



1	Justin Pimpare
2	Alexandre Remnek
3	Maggie Green
4	David Phillips
5	Newton Ellens
6	Rudy Molina
7	Paul Marshall
8	Al Garcia
9	Amelia Whitson
10	Michael Le
1	Sarah Connors
2	Christy Arvizu
3	Ryan Shuart
5	Jodie Opie
8	Emilio Llamozas
9	Jim Polek
2	Alia Roufaeal
3	Natalie Sanchez-Gonzalez
3	Lisa Trakis