

Day 3

# Inspector Discussion Groups

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## Group Exercise

Break up into groups

- Group 1 : Inspection Horror or Success Stories
- Group 2 : New Technology for Inspections
- Group 3: Juggling numerous responsibilities
- Group 4: Virtual Inspections

Spend 45 min. in discussion groups  
Reconvene and discuss each group's report

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### Group 1 (Horror/Success Stories) Inspection Success Stories

As a senior inspector, describe either successful or horror inspections?

Can your success stories be replicated by other inspectors? If so how?

As a group, identify two areas that inspectors should spend more time evaluating during the inspection in order to have a "successful inspection".

What training would make you a more successful inspector?

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### Group 2 New Technology for Inspections

- During the past 2 years has your agency implemented any new technology for conducting inspections? If so, what were they?
- Do you see any new technologies that will work to improve the efficiency or effectiveness of the inspection program?
- Please provide examples.

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### Group 3

## Juggling numerous responsibilities

- How do you juggle the numerous responsibilities of your job?
- What training could make you more successful?

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### Group 4

## Virtual Inspections

- Did you conduct virtual inspections during COVID-19?
- If so, how was it and did you use a state developed SOP? If you did not use an SOP, what procedures did you use to conduct the virtual inspections?

Do you think virtual inspections are useful?

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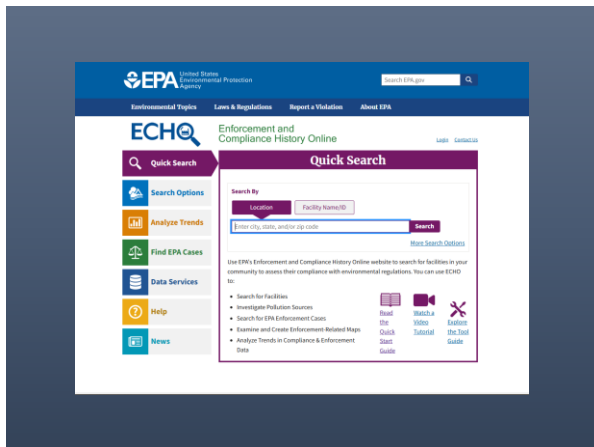
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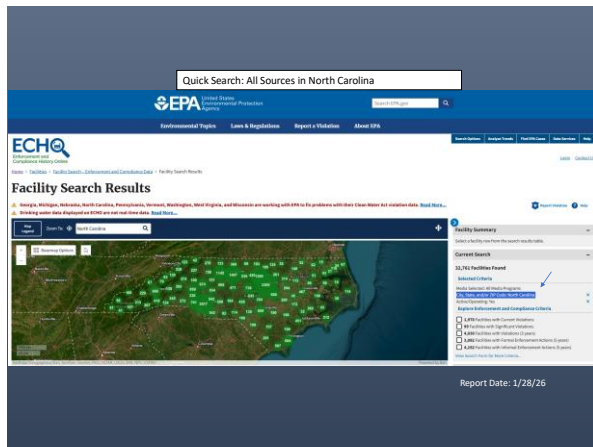
<https://echo.epa.gov>

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Sort by County Name

State	EPA Region	Number of Facilities	Facilities in Violation	Facilities with Current Violations	Facilities with Significant Violations (3 years)	Facilities with Multiple Violations (3 years)	Facilities with Violations (Monitoring 3 years)	Facilities with Violations (Monitoring 3 years)	Facilities with Violations (Monitoring 3 years)	Facilities with Violations (Monitoring 3 years)	Facilities with Violations (Monitoring 3 years)	Total Facilities (3 years)
Alabama	04	108	0	0	0	0	0	0	0	0	0	108,004
Alaska	05	0	0	0	0	0	0	0	0	0	0	0
Arizona	06	209	0	0	0	0	0	0	0	0	0	212,960
Arkansas	07	42	0	0	0	0	0	0	0	0	0	52,008
California	08	62	0	0	0	0	0	0	0	0	0	148,291
Colorado	09	121	0	0	0	0	0	0	0	0	0	154,900
Connecticut	10	126	0	0	0	0	0	0	0	0	0	152,006
Delaware	11	102	0	0	0	0	0	0	0	0	0	148,204
District of Columbia	12	0	0	0	0	0	0	0	0	0	0	0
Florida	13	227	0	0	0	0	0	0	0	0	0	228,970
Georgia	14	207	0	0	0	0	0	0	0	0	0	248,488
Hawaii	15	0	0	0	0	0	0	0	0	0	0	0
Idaho	16	0	0	0	0	0	0	0	0	0	0	0
Illinois	17	200	0	0	0	0	0	0	0	0	0	242,004
Indiana	18	0	0	0	0	0	0	0	0	0	0	0
Iowa	19	0	0	0	0	0	0	0	0	0	0	0
Kansas	20	0	0	0	0	0	0	0	0	0	0	0
Kentucky	21	0	0	0	0	0	0	0	0	0	0	0
Louisiana	22	0	0	0	0	0	0	0	0	0	0	0
Maine	23	0	0	0	0	0	0	0	0	0	0	0
Maryland	24	0	0	0	0	0	0	0	0	0	0	0
Massachusetts	25	0	0	0	0	0	0	0	0	0	0	0
Michigan	26	0	0	0	0	0	0	0	0	0	0	0
Minnesota	27	0	0	0	0	0	0	0	0	0	0	0
Mississippi	28	0	0	0	0	0	0	0	0	0	0	0
Missouri	29	0	0	0	0	0	0	0	0	0	0	0
Montana	30	0	0	0	0	0	0	0	0	0	0	0
Nebraska	31	0	0	0	0	0	0	0	0	0	0	0
Nevada	32	0	0	0	0	0	0	0	0	0	0	0
New Hampshire	33	0	0	0	0	0	0	0	0	0	0	0
New Jersey	34	0	0	0	0	0	0	0	0	0	0	0
New Mexico	35	0	0	0	0	0	0	0	0	0	0	0
New York	36	0	0	0	0	0	0	0	0	0	0	0
North Carolina	41	100	0	0	0	0	0	0	0	0	0	100,000
North Dakota	38	0	0	0	0	0	0	0	0	0	0	0
Ohio	39	0	0	0	0	0	0	0	0	0	0	0
Oklahoma	40	0	0	0	0	0	0	0	0	0	0	0
Oregon	42	0	0	0	0	0	0	0	0	0	0	0
Pennsylvania	43	0	0	0	0	0	0	0	0	0	0	0
Rhode Island	44	0	0	0	0	0	0	0	0	0	0	0
South Carolina	45	0	0	0	0	0	0	0	0	0	0	0
South Dakota	46	0	0	0	0	0	0	0	0	0	0	0
Tennessee	47	0	0	0	0	0	0	0	0	0	0	0
Texas	48	0	0	0	0	0	0	0	0	0	0	0
Utah	49	0	0	0	0	0	0	0	0	0	0	0
Vermont	50	0	0	0	0	0	0	0	0	0	0	0
Virginia	51	0	0	0	0	0	0	0	0	0	0	0
Washington	52	0	0	0	0	0	0	0	0	0	0	0
West Virginia	53	0	0	0	0	0	0	0	0	0	0	0
Wisconsin	54	0	0	0	0	0	0	0	0	0	0	0
Wyoming	55	0	0	0	0	0	0	0	0	0	0	0

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Sort by any Column Heading, for example: Counties w/ Current Violations

State	EPA Region	Number of Facilities	Facilities in Violation	Facilities with Current Violations	Facilities with Significant Violations (3 years)	Facilities with Multiple Violations (3 years)	Facilities with Violations (Monitoring 3 years)	Facilities with Violations (Monitoring 3 years)	Facilities with Violations (Monitoring 3 years)	Facilities with Violations (Monitoring 3 years)	Facilities with Violations (Monitoring 3 years)	Total Facilities (3 years)
North Carolina	41	100	0	117	0	0	0	0	0	0	0	100,000
North Dakota	38	0	0	0	0	0	0	0	0	0	0	0
Ohio	39	0	0	0	0	0	0	0	0	0	0	0
Michigan	26	0	0	0	0	0	0	0	0	0	0	0
Illinois	17	0	0	0	0	0	0	0	0	0	0	0
Georgia	14	0	0	0	0	0	0	0	0	0	0	0
Arizona	06	0	0	0	0	0	0	0	0	0	0	0
California	08	0	0	0	0	0	0	0	0	0	0	0
Colorado	09	0	0	0	0	0	0	0	0	0	0	0
Connecticut	10	0	0	0	0	0	0	0	0	0	0	0
District of Columbia	12	0	0	0	0	0	0	0	0	0	0	0
Florida	13	0	0	0	0	0	0	0	0	0	0	0
Georgia	14	0	0	0	0	0	0	0	0	0	0	0
Hawaii	15	0	0	0	0	0	0	0	0	0	0	0
Idaho	16	0	0	0	0	0	0	0	0	0	0	0
Illinois	17	0	0	0	0	0	0	0	0	0	0	0
Indiana	18	0	0	0	0	0	0	0	0	0	0	0
Iowa	19	0	0	0	0	0	0	0	0	0	0	0
Kansas	20	0	0	0	0	0	0	0	0	0	0	0
Kentucky	21	0	0	0	0	0	0	0	0	0	0	0
Louisiana	22	0	0	0	0	0	0	0	0	0	0	0
Maine	23	0	0	0	0	0	0	0	0	0	0	0
Maryland	24	0	0	0	0	0	0	0	0	0	0	0
Massachusetts	25	0	0	0	0	0	0	0	0	0	0	0
Michigan	26	0	0	0	0	0	0	0	0	0	0	0
Minnesota	27	0	0	0	0	0	0	0	0	0	0	0
Mississippi	28	0	0	0	0	0	0	0	0	0	0	0
Missouri	29	0	0	0	0	0	0	0	0	0	0	0
Montana	30	0	0	0	0	0	0	0	0	0	0	0
Nebraska	31	0	0	0	0	0	0	0	0	0	0	0
Nevada	32	0	0	0	0	0	0	0	0	0	0	0
New Hampshire	33	0	0	0	0	0	0	0	0	0	0	0
New Jersey	34	0	0	0	0	0	0	0	0	0	0	0
New Mexico	35	0	0	0	0	0	0	0	0	0	0	0
New York	36	0	0	0	0	0	0	0	0	0	0	0
North Carolina	41	100	0	117	0	0	0	0	0	0	0	100,000
North Dakota	38	0	0	0	0	0	0	0	0	0	0	0
Ohio	39	0	0	0	0	0	0	0	0	0	0	0
Oklahoma	40	0	0	0	0	0	0	0	0	0	0	0
Oregon	42	0	0	0	0	0	0	0	0	0	0	0
Pennsylvania	43	0	0	0	0	0	0	0	0	0	0	0
Rhode Island	44	0	0	0	0	0	0	0	0	0	0	0
South Carolina	45	0	0	0	0	0	0	0	0	0	0	0
South Dakota	46	0	0	0	0	0	0	0	0	0	0	0
Tennessee	47	0	0	0	0	0	0	0	0	0	0	0
Texas	48	0	0	0	0	0	0	0	0	0	0	0
Utah	49	0	0	0	0	0	0	0	0	0	0	0
Vermont	50	0	0	0	0	0	0	0	0	0	0	0
Virginia	51	0	0	0	0	0	0	0	0	0	0	0
Washington	52	0	0	0	0	0	0	0	0	0	0	0
West Virginia	53	0	0	0	0	0	0	0	0	0	0	0
Wisconsin	54	0	0	0	0	0	0	0	0	0	0	0
Wyoming	55	0	0	0	0	0	0	0	0	0	0	0

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### What to Know about Criminal Investigations



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### U. S. EPA and State Criminal Enforcement

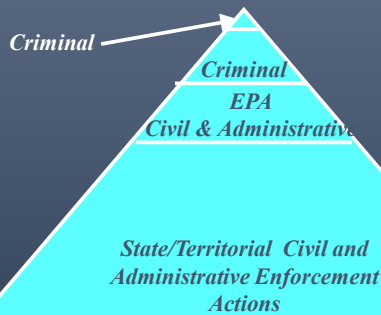


- Compliance Activities
- Administrative Enforcement
- Civil Enforcement
- Criminal Enforcement



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### Environmental Enforcement In the United States



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### What Makes a Case Criminal?

**LYING**      \$\$\$      **CHEATING**  
**STEALING**

It is the decision of the federal, state and/or local prosecutor whether to file a criminal case

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## Federal Statutes with Criminal Penalties

- RCRA
  - Haz waste mgmt.
- CERCLA
  - Superfund
- CWA
  - Surface waters
  - Sewers
- FIFRA
- SDWA
- CAA
  - Asbestos
  - Stationary sources
- EPCRA
- TSCA
- Miscellaneous
  - False Statements
  - Conspiracy
  - Mail Fraud
  - Wire Fraud

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## Criminal Enforcement

- Knowing or negligent behavior
- Significant and most egregious violators
- Involve lengthy, complex investigations
- Potential for fines and/or incarceration



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## Factors in Case Selection for Criminal Investigation

- Concealment of misconduct
- Data falsification
- Tampering with monitoring equipment
- Threatening witnesses
- Deliberate misconduct and financial gain
- Ongoing/continuous/repetitive discharges
- Prior criminal or civil actions

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- Criminal investigators cannot direct a civil inspection
- Information may be shared by civil and criminal with appropriate conditions (see parallel proceedings notes in later slides)
- More severe penalties
  - Loss of freedom, i.e. JAIL TIME



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### "RED FLAGS" That May

#### Indicate Criminal Activities

- **Conflicting stories** - management/workers
  - Interviewed separately during warrant
  - Motive (management makes money from event, not workers)
- **Unsubstantiated data or no data**
  - "It was hauled off site".....MANIFESTS?
  - Sample results to back up data
  - Bench sheets to back up data
  - Lab SOPs to back up data (calibration)
  - Requirement to maintain data??

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### "RED FLAGS" That May Indicate Criminal Activities

- Data too good to be true
  - What they tell you the data is vs. your observations (i.e. plant effluent)
- Deliberate actions to violate
  - Bypass pipe
  - Mass accumulation of waste

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### "RED FLAGS" That May Indicate Criminal Activities

- Conflicting data
  - 2 sets of books
  - 2 sets of reports (better set sent to regulators)
- Claim ignorance about requirements yet have prior enforcement history

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All environmental laws and requirements are subject to criminal actions

However, violations of other statutes can also be used in a criminal action

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## Federal Title 18 USC Offenses

- **False Statements**
  - Lying to agents
  - False submissions
- **Mail Fraud**
- **Wire Fraud**
- **Conspiracy**
- **Obstruction of Justice**
  - Evidence Destruction
- **RICO**

Many state have state equivalent crimes

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## Where Do Criminal Cases Come From??

- Disgruntled employees
- Citizen complaints
- Fed/state EPA civil personnel
- Other Law Enforcement agencies
- Other regulatory agencies
- Fire Departments

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## LEADS.....

The sooner the information is received,  
the better the case will be.....

- Statute of limitations
- Witnesses forget
- Witnesses disappear
- Evidence lost

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## Prosecution of a Criminal Case

- Federal Prosecution
  - By the United States Attorney in the district where the offense occurred
- State/County Prosecution
  - Attorney General
  - District Attorney

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## Corporate, Individuals, or Both

- Corporations
  - Fines
  - Gov't contract debarment
  - Probation
  - Based upon the actions of upper level mgmt
- Individuals
  - Fines, imprisonment and/or probation
  - Based on participation, supervision, or lack of supervision

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## Some Do's and Don'ts

- Any information obtained during a properly conducted inspection may be shared with the criminal program.
- Inspectors must never promise or state to a subject that evidence obtained by the inspector, including statements made by persons at the site of the inspection, cannot or will not be used in a criminal proceeding, or that the violations that are suspected can or will be addressed by civil enforcement only.

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## Do's & Don'ts

Civil inspectors must never use the threat of criminal investigation to obtain consent or any other benefit in connection with an inspection or a civil enforcement matter.

Criminal investigators should not (and will not) "direct" inspectors as to where to conduct inspections.

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## Role of the Inspector

- Identify potential criminal activity during the normal course of a civil inspection
- Report information to the criminal investigator upon completion of the inspection
- Continue with normal duties unless otherwise assigned

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## F2025 Federal Environmental Criminal Enforcement Results

- 117 Criminal Cases Opened
- 353 Criminal Defendants Charged
- \$7.8 Million of Court Ordered Environmental Projects
- \$149 Million in fines/penalties
- 21 Years of Incarceration

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## Asbestos Case

- Demolition of a Chattanooga textile mill
- 2012: Men convicted of conspiring to violate the CAA in demolition without properly removing asbestos.
- Violations: failure to wet material containing asbestos, & failure to containerize/dispose of material.
- Prosecutors said 2 men fraudulently filed a false 10-day notice vastly underestimating asbestos amount.

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## Owner of Colorado Aircraft Painting Company Sentenced for Unlawfully Treating Hazardous Waste

- Colorado Department of Public Health & Environment (PHE) directed Gold Metal Paint Co (GMP) to dispose waste, & clean tank & close drain to UST.
- Instead GMP told workers to clean tank without PPE.
- GMP treated hazardous waste by pouring it on the floor and letting it evaporate. Then they drilled open the trench drain so that the waste could again flow into the UST.
- GMP owner pled guilty to illegally treating hazardous waste
- Gold Metal Paint Co. owner sentenced to serve 6 months home confinement, pay \$10,000 fine, and 2 years probation.

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## Ice Company Criminally Fined, Required to Remedy Clean Air Act Violations

Company fined \$90,000 and placed on federal probation for 3 years by a federal court judge in Providence on March 22, 2021 for repeatedly failing to implement a Risk Management Plan (RMP) to be executed in the event of an accidental release of anhydrous ammonia, an extremely hazardous substance.

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### Utah-based Company Sentenced for False Claims that Mold Inhibitor Can Kill COVID-19 Virus in the State of Washington

PurEnvironment, a Utah-based mold remediation company, pleaded guilty to environmental crimes charges regarding the company's false claims that its products could provide "90+ day protection" against COVID-19.

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### Law Enforcement Contacts

- Your EPA Region Criminal Investigations Division?
- Contacts for state law enforcement  
Who are yours?

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# QUESTIONS?

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Review the National Air Compliance Training (NACT) Schedule for your State.

**This is the LAST SLIDE!**

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