



EFO

Tulsa, OK

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Environmental Crimes Investigation



Objective

- Familiarize you with environmental crimes investigation
- How it fits into the overall DEQ regulatory system
- Discuss some common environmental crimes
- Tips on how to avoid being the subject of a criminal investigation
- Copper wire burning



**Oklahoma Department of
Environmental Quality**

What is DEQ?

- State **regulatory** agency with responsibility for promulgating and enforcing rules and regulations to ensure environmental protection in Oklahoma
- Authority is delegated by US EPA and Oklahoma Legislature
- Approximately 550 employees
- Offices in OKC, Tulsa, and approximately 25 counties
- State Environmental Laboratory in OKC

Regulatory system

- DEQ relies heavily on responsible corporate environmental citizenship
- Regulated facilities self-monitor and self-report compliance and non-compliance with DEQ and EPA rules
- Agencies conduct periodic inspections and audits to verify compliance
- DEQ's #1 concern is achieving compliance, staying in compliance, and returning to compliance
- People and the environment are at risk if it fails
- Administrative and civil enforcement options
- Criminal enforcement is reserved for the most egregious and intentional offenses

Regulatory system

- Sometimes a violation is so far outside the regulatory scheme that it becomes criminal
- Sometimes the violator has been given multiple opportunities to comply and chooses not to
- Sometimes a violator commits fraud against DEQ
- Sometimes a violator alters sample results or creates and submits fictitious results
- Sometimes a violator threatens DEQ employees
- The above situations cannot be addressed through the regulatory scheme



Criminal Investigation Unit

- Three full-time DEQ Criminal Investigators
- 10 part-time Reserve Investigators
- CLEET-certified, commissioned law enforcement officers
- Statewide jurisdiction
- Work cases, serve search warrants, surveillance, make arrests, etc.; same thing as every other police officer
- Protect DEQ assets
- Chair the Oklahoma Environmental Crime Task Force

What is environmental crime?

- Criminal violations of environmental statutes and rules
- Most violations of DEQ rules can be prosecuted as criminal misdemeanors under Title 27A, Oklahoma Statutes
- Many environmental offenses are statutory felonies found in Titles 27A and 21.
- In every situation, the act is “unpermitted” by DEQ – outside the regulatory scheme

Sometimes people make mistakes

Sometimes they do it on purpose

It is my job to know the difference

Is criminal investigation appropriate?

- Actual or high potential for environmental harm
- Culpable conduct
- Recalcitrant violator
- Breakdown or undermine regulatory scheme
- Violator involved with other criminal activity
- Other LE agencies investigating the violator
- Lie, cheat, steal
- Threaten DEQ employee

Common environmental crimes

- Solid waste
- Hazardous waste
- Air pollution
- Water pollution
- Radiation
- Fraud
- Tampering with samples or equipment



Solid waste - Illegal landfill

Solid waste – meth lab dump



09/09/2009



Water pollution— chemicals
dumped into creek



**Water pollution— raw sewage
dumped into creek**

05/03/2006

An aerial photograph capturing a massive fire at an industrial chemical plant. A thick, dark black plume of smoke billows upwards and across the sky, partially obscuring the blue sky. The smoke originates from a cluster of white storage tanks and industrial buildings on the right side of the frame. In the background, a cityscape is visible, with a river or canal winding through it. The foreground shows green fields and some infrastructure. The overall scene conveys a sense of a major industrial disaster.

Air pollution – chemical plant fire



Abandoned asbestos waste

Hazardous waste – abandoned chemical drums





The background of the slide is a photograph showing several hands of different skin tones gripping vertical metal bars, likely from a prison cell. The bars are out of focus, and the hands are the primary focus, conveying a sense of being trapped or incarcerated.

Operator Ethics: **How to stay out of jail**

Oklahoma Water Pollution Control Conference

“Ethics”

- Moral principles that govern a person's behavior or the conducting of an activity
- The moral correctness of a specified conduct
- Doing your job in a morally (and environmentally) correct and responsible way
- Doing what is right, every time, even when nobody is watching

Avoiding problems

- TELL THE TRUTH
- Self-report violations
- DO NOT certify results that you cannot personally substantiate
- Maintain circle charts, graphs, etc., showing readings
- Photos on cell phone showing readings
- Whatever it takes to prove authentic results
- Write in ink, not pencil
- Always work as if someone is watching or listening
- Ask for help – call DEQ

Avoiding problems

- If monitoring is computerized, use a reputable program
- SCADA system; calibration; maintenance
- Preserve the raw data, not just the reports
- DEQ or EPA may ask for and analyze the raw data
- Maintain calibration records per manufacturer spec
- Practice good data Quality Control
- Technology changes, keep up
- Some meters store data upstream of the SCADA
- Possibly multiple storage points, SD cards, etc.

Chain of custody

- Required by lab when accepting samples
- Fill out the form completely and correctly
- It takes time to travel between collection points
- You are certifying the sample was correctly obtained
- You are certifying the validity of the sample during the entire time it was in your possession
- Do not leave samples unattended
- If you must, place them in a sealed and locked container
- Do not ask somebody else to handle or watch them
- Treat them like your wallet or purse

Copper wire burning

11/27/2007

Copper wire theft

- Dave Smith special request
- Thieves commonly steal wire from construction sites for the copper value: currently \sim \$4 per pound
- Stripping insulation is time consuming
- Quickest option is to burn it off
- Recyclers are not allowed to buy burned wire
- Thieves drag ball of wire behind a vehicle to get back that “new” copper shine



Copper wire burning

- Hydrocarbons and toxins released into air
- Insulation contains lead which remains in the ash
- Lead TCLP in excess of 5 ppm is extremely common and 200 ppm + is not uncommon
- Thieves will never admit they stole the wire, but will readily admit to burning it and give consent for a sample of the ash
- TCLP >5ppm lead plus an admission from the suspect equals a hazardous waste felony abandonment charge

Conclusion

- Discussed common environmental crimes and investigation
- Discussed decision making for a criminal investigation
- Discussed the overall DEQ regulatory system
- Provided tips on how to avoid being the subject of a criminal investigation
- Discussed copper wire burning

Thank You !!

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