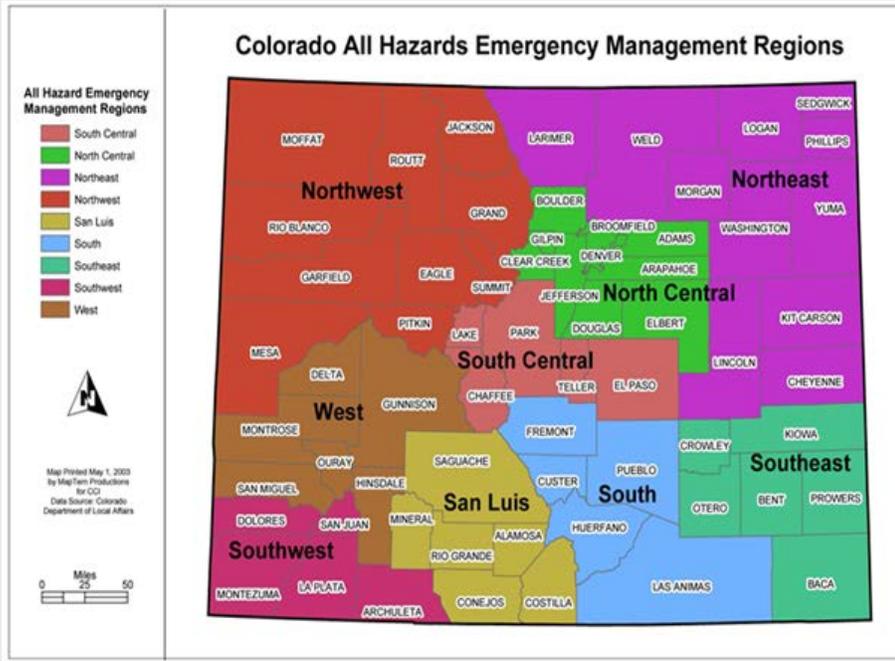




# The Spill Report

Colorado Environmental Crimes Task Force

Summer 2017



The Colorado Environmental Crime Regional Task Forces are broken up into regions based on the CO All Hazards Emergency Management Regions – see map. The idea behind the regional task forces is to facilitate and encourage networking among the members of each region. If you have any questions or need additional information regarding the task force please contact Colorado Attorney General Investigator Troy Arnold at [troy.arnold@coag.gov](mailto:troy.arnold@coag.gov)

## CASE UPDATES

### Civil Matters

On May 31, 2017, the Colorado Department of Public Health and Environment obtained a permanent injunction from an El

The injunction prohibits Jaynes from engaging in any future waste tire hauling activities.

Paso County District Court judge against Victor Miguel Jaynes for violating Colorado's waste tire regulations. The injunction prohibits Jaynes from engaging in any future waste tire hauling activities, including those conducted pursuant to a another party's legally-issued Certification of Registration. CDPHE's allegations against Jaynes included: transporting tires without a valid Certificate of Registration

on multiple occasions in 2015 as cited by the Colorado Springs Police Department; conducting waste hauling services using another party's Certificate; and failing to submit annual reports and tire manifests in 2014 while operating as Nature's Return, LLC. The Court deemed all allegations admitted after Jaynes' failed to respond in the case. Prior to the judicial action, CDPHE issued an administrative enforcement order in early 2015 assessing an \$11,000 penalty against Jaynes and Nature's Return for violating the waste regulations. Jaynes has not paid the penalty to date. If you become aware of tire hauling by Victor Jaynes, please contact Shana Baker at CDPHE at 303-692-3305.

## **Criminal Matters**

### **United States v. WillMax Capital Management, Inc. and Tom Williams**

On December 14, 2016, WillMax Capital Management, Inc., pleaded guilty to violating the Clean Air Act for releasing asbestos into the air during a renovation project. Specifically, the company knowingly failed, prior to the commencement of the renovation, to thoroughly inspect the part of the facility where the renovation operation was to occur for the presence of asbestos. Tom Williams pleaded guilty to a CAA negligent endangerment violation for his role in the illegal asbestos removal. Williams was an employee of WillMax and is also a member of the partnership that owns the Overlook.

Sentencing took place in May, during which, Willmax Capital was ordered to spend 5 years on probation. As a condition of probation, the company must pay for and comply with a medical monitoring program for individuals who were exposed to asbestos as a result of the

offense. The program will be conducted at National Jewish Health in Denver. Tom Williams was sentenced to serve 8 months in federal prison, followed by 1 year on supervised release and was also ordered to pay a \$100,000 fine. A restitution hearing will take place on August 7, 2017 in front of Senior U.S. District Court Judge Lewis T. Babcock.

This case was investigated by U.S. EPA Criminal Investigation Division Special Agents Tara Donn and Tamara Solari and Colorado Attorney General's Environmental Crimes Investigator Troy Arnold. The case was prosecuted by AUSA Thomas O'Rourke and SAUSA Linda Kato. Task force members who assisted in the investigation include Ben Siller and Stacey Guillaume, Denver Environmental Health and Laura Shumpert and Curtis Burns, CDPHE Indoor Air Unit. (See press release below in news section.)

### **State of Colorado v. Martin Flores dba Environmental Solutions Group**

Martin Flores and his company, Environment Solutions Group, was indicted by the Colorado State Grand Jury on several felony counts including Causing and/or



Contributing to a Hazardous Substance Incident, Violation of the Air Quality Control Act – Knowing Endangerment, Forgery, Theft and Insurance Fraud.

Martin Flores, the owner of Environmental Solutions Group, engaged in the illegal sampling and abatement of asbestos for

33 homes owners in the Denver metro area. Flores failed to obtain the proper asbestos abatement permits and failed to obtain licensure to lawfully sample and remove asbestos as required by state law. Likewise, Flores, Environmental Solutions Group and their employees also failed to follow proper asbestos disposal procedures.

In addition to the illegal asbestos abatement, Flores presented forged asbestos certifications and other documents to home owners and their insurance companies and in fact, deceived homeowners and insurers into believing he had remediated asbestos when he had not.

Flores pled guilty on June 23<sup>rd</sup> and his sentencing hearing will take place on August 28, 2017 in Denver District Court.

This case was investigated by U.S. EPA CID Special Agent Matt Dehart , Colorado Attorney General’s Environmental Crimes Investigator Troy Arnold and National Insurance Crime Bureau Special Agent Gary Clyman. The case was prosecuted by Colorado Senior Assistant Attorney Generals Michael Melito and Crystal Littrell. Task force member Curtis Burns, CDPHE Indoor Air Unit, assisted with the investigation.

## **Upcoming Trainings and Meetings**

The Colorado Environmental Crimes Task Force will be holding three sessions of “Investigation of Environmental Crimes” along the Western Slope. The meetings are open to any local, state or federal government employee – no RSVP required. Choose the location that is closest for you to attend:

July 31, 2017 from 1:00 PM to 4:00 PM at the Garfield County Sheriff’s Office - 106 County Road 333A, Rifle, CO 81650

August 1, 2017 from 9:00 AM to 12:00 PM at the Persigo Treatment Plant - 2145 River Road, Grand Junction, CO 81505.

August 2, 2017 from 9:00 AM to 12:00 PM at the Durango/La Plata Emergency Communications Center - 221 Turner Drive, Durango, CO 81303

Contact Troy Arnold for information: [troy.arnold@coag.gov](mailto:troy.arnold@coag.gov)

Western States Project – Introduction to Environmental Crimes Enforcement  
September 5-8, 2017 San Diego, CA Contact [Sepulveda-Martinez.Eunice@azdeq.gov](mailto:Sepulveda-Martinez.Eunice@azdeq.gov) for information

### AGENDA

- Introductions and discussion of the task force mission
- Discuss available resources, technical support , legal resources and trainings designed to combat environmental crimes
- Case studies - Provide an overview of environmental crimes statutes and explain the “how to” of investigating and charging such crimes



### **Spill Report Newsletter Tip: Dealing with Angry People**

Need to diffuse the situation when dealing with an angry person. Here’s an article that gives some good tips - [Dealing with angry people](#)

“Verbal Judo for Regulators”, sponsored by The Western States Project, is a great training course to learn more techniques for dealing with angry people. Keep an eye out for upcoming classes in Colorado.

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**Useful contact info:**

Troy Arnold - Investigator  
CO AG's Office  
Environmental Crimes Unit  
720-508-6728  
troy.arnold@coag.gov  
Click [here](#) to report an  
environmental crime.

Matt Dehart - Special Agent  
U.S. EPA - Criminal Division  
303-312-6482  
dehart.matthew@epa.gov

CDPHE Spill Line:  
877-518-5608

US EPA Region 8 On Duty  
On-Scene Coordinator --  
Technical support for  
hazmat and oils spills:  
303-293-1788



**Interesting Environmental News**

[Kansas City Area Laboratory Owner Charged for Illegally Storing  
Hazardous Waste and Obstructing Environmental Protection Agency](#)

[Mercury Spill Responses](#)

[EPA fines Colorado hydroponics shop for sale of unlabeled pesticides](#)

[Overlook Apartments Asbestos Case](#)

\*\*Do you have anything you would like to share with the task force? An interesting article, training announcements or a short case update to highlight your great work. Send them to [troy.arnold@coag.gov](mailto:troy.arnold@coag.gov) so they can be included in the next edition of The Spill Report.