



## *Department of Justice*

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### **Roanoke Chemical Distributor Sentenced for Illegally Storing and Transporting Hazardous Waste**

#### **Chem-Solv Inc. Agrees to Pay \$1.5 Million in Penalties**

ROANOKE, VIRGINIA – A Roanoke-based chemical distributing company, which previously pleaded guilty to illegally storing hazardous waste and to transporting hazardous waste from its facility in Roanoke to another facility, was sentenced today in the United States District Court for the Western District of Virginia in Roanoke, United States Attorney John P. Fishwick Jr., announced.

Chem-Solv, formerly known as Chemicals and Solvents Inc., entered into a plea agreement with the United States in December 2015 in which it agreed to pay a \$1million criminal fine for these violations, as well as an additional \$250,000 to fund environmental community service projects. Chem-Solv has agreed to serve five years' probation, during which time it must develop and implement an environmental compliance plan and be subjected to yearly independent environmental audits. In conjunction with the criminal settlement, the U.S. Environmental Protection Agency reached a civil settlement with Chem-Solv and the company paid a \$250,000 penalty to settle alleged violations of improper hazardous waste storage at Chem-Solv's Roanoke facility. Today in District Court, Chem-Solv was sentenced as described in the Plea Agreement.

“This prosecution should send a clear and consistent message to all business operating in the Western District of Virginia, that this United States Attorney's Office, along with our partners on the Blue Ridge Environmental Crimes Task Force, will not allow profits and corporate bottom lines to harm our environment,” United States Attorney Fishwick said today. “When we find environmental violations, we will pursue righteous cases, both criminally or civilly, to protect our natural resources.”

"Today's sentencing of Chem-Solv, Inc. stemming from illegal transportation and storage of hazardous waste is a clear signal that such illegal acts will not be tolerated," said Floyd Sherman, US DOT-OIG regional Special Agent-in-Charge. "Working with our law enforcement and prosecutorial colleagues, we will continue to protect the public's safety from those that would seek to circumvent DOT-related laws and regulations."

"Laws for storing and transporting hazardous waste and toxic chemicals are designed to protect public health and safety," said Jennifer Lynn, Assistant Special Agent in Charge of EPA's criminal enforcement program in Virginia. "Today's sentence sends a strong message that violators who ignore those laws, putting workers and the public at risk, can expect to face the consequences in court."

Chem-Solv operates a chemical blending and distribution facility on Industry Avenue S.E. in Roanoke as well as distribution facilities in Colonial Heights, Virginia, Rock Hill, South Carolina, and Piney Flats, Tennessee. Chem-Solv is in the business of purchasing chemicals and then reselling them to customers, either directly or after repackaging. Occasionally, Chem-Solv generated hazardous waste. A hazardous waste is waste which, because of its designation, quantity, concentration, or characteristics, poses a substantial present or potential hazard to human health or the environment.

Count One of the Information is based on a spill of several hundred gallons of ferric chloride – a hazardous substance – on the Chem-Solv facility in Roanoke in June 2012. Although most of the waste was cleaned up using vacuum trucks, some of the ferric chloride flowed from the Chem-Solv facility onto an adjoining property both before, and during, the cleanup. The pleadings allege that the adjoining property owner was not notified that ferric chloride had leaked onto their property. Chem-Solv then employed a waste transportation company to transport the waste to a disposal facility. Hazardous waste may only be transported by permitted carriers, and it must be properly placarded and be accompanied by a hazardous waste manifest identifying the waste and its characteristics. The pleadings allege that, although Chem-Solv was aware of the hazardous nature of ferric chloride, it did not properly test the waste and instructed the transporter to transport the waste as non-hazardous, without the proper placards and manifests.

Count Two of the Information charges Chem-Solv with the improper storage of hazardous waste. Chem-Solv was given advance notice of an EPA inspection in December 2013. At the time the advance notice was given, Chem-Solv was storing numerous containers of chemical waste on its facility that should have been disposed of properly. The pleadings allege that Chem-Solv directed its employees to load three trailers with the chemical waste in an attempt to prevent EPA inspectors from discovering it. Two of the three trailers were taken offsite. The third trailer, which was not road worthy, was stored on the Chem-Solv property for almost a year and its contents were discovered by law enforcement officers on Nov. 19, 2014, while executing a search warrant. That trailer was found to contain hazardous waste that Chem-Solv did not have a permit to store on its facility.

The investigation was conducted by Special Agents of EPA's Criminal Investigation Division and the U.S. Department of Transportation's Office of Inspector General. Assistance in the investigation was

provided by the Roanoke Fire-EMS Department, the Virginia Department of Environmental Quality, Roanoke City Police Department, and other members of the Blue Ridge Environmental Task Force. The prosecution was handled by Assistant U.S. Attorney Jennie L. M. Waering, Senior Trial Attorney James B. Nelson of the Department of Justice's Environmental Crimes Section, and Special Assistant United States Attorney and EPA Regional Criminal Enforcement Counsel David Lastra.

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