

Regular Highlights

Enforcement and Compliance Assurance Issues

Non-confidential items:

Vice-President and Company Plead Guilty To Making False Statements; United States v. Scott A. Forster and General Environmental Management

On November 5, 2008, Scott A. Forster and General Environmental Management (“GEM”) pled guilty to all counts of an information charging them with making false statements. Mr. Forster was the Vice-President of GEM, an Ohio limited liability company. GEM was an industrial wastewater treatment facility. GEM processed industrial wastewater and discharged the treated wastewater into the Northeast Ohio Regional Sewer District (“NEORS”) sewer system which serviced the City of Cleveland and many of the surrounding suburbs.

The information alleged that in 2004 GEM received industrial wastewater from a facility in Columbus, Ohio. All wastewater processed by GEM by must be pre-approved by NEORS. GEM was not approved to process the wastewater from Columbus. The NEORS asked about the wastewater from Columbus and was told by Mr. Forster that the wastewater was not processed by GEM. However, Mr. Forster knew that GEM had processed the unapproved wastewater and discharged it into the NEORS sewer system. The information charged Mr. Forster and GEM for making a false statement to NEORS concerning the processing of the Columbus wastewater.

The information further alleged that some of the industrial wastewater received by GEM was hazardous waste. While GEM was allowed to process hazardous wastewater, it was illegal for GEM to store hazardous wastewater at its facility. Beginning in 2002, GEM began the practice of storing hazardous waste at its facility. The practice ended in July 31, 2005. The information charged that GEM employees falsified documents to make it appear that hazardous waste was not being stored at the GEM facility.

The information also alleged that GEM had a permit from the NEORS which limits the concentration of pollutants which can be discharged into the sewer system. In addition, GEM is required to regularly report the concentration of pollutants discharged into the sewer system to the NEORS. Between January 2004, and March 2005, on approximately a weekly basis, employees for GEM discharged wastewater into the sewer system that was above GEM’s limit for methyl ethyl ketone, a toxic substance. The information charged that GEM employees sent false information to the NEORS showing that the wastewater discharged to the sewer system was in compliance with GEM’s permit limit, when the wastewater discharged into the sewer system was above the permitted limit for methyl ethyl ketone.

This case was investigated, in a joint investigation, by the Ohio Bureau of Criminal Identification and Investigation, the Ohio Environmental Protection Agency, the Northeast Regional Sewer District, and the U.S. EPA CID, all members of the Northeast Ohio Environmental Crimes Task Force.

Contact: Brad Beeson (440) 250-1761