

American Prosecutors Research Institute

The research, technical assistance and program affiliate of the National District Attorneys Association

LOCAL PROTECTION OF THE ENVIRONMENT

AN AGENDA FOR THE MID-1990'S

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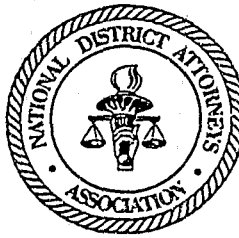
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CELEBRATING TWENTY YEARS OF FEDERAL AND STATE REGULATION FOR USE IN THE LOCAL CRIMINAL COURTROOM

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AMERICAN PROSECUTORS RESEARCH INSTITUTE
NATIONAL ENVIRONMENTAL CRIME PROSECUTION CENTER
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NATIONAL ENVIRONMENTAL CRIME PROSECUTION CENTER

THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION has responded to the concerns of prosecutors faced with the expanding need to enforce complex environmental laws by creating, through its affiliate, the American Prosecutors Research Institute (APRI), the National Environmental Crime Prosecution Center.

The Center is based on the model used successfully by APRI to create the National Center for the Prosecution of Child Abuse and the National Drug Prosecution Center. The objectives of the National Environmental Crime Prosecution Center are as follows:

- Review and utilize relevant environmental crime enforcement literature.
- Conduct a review and analysis of relevant statutes and case law not otherwise available through other sources such as the Environmental Protection Agency (EPA) and the National Association of Attorneys General (NAAG).
- Conduct a national survey of environmental crime prosecution at the local level.
- Conduct an organizational analysis of five promising approaches to the prosecution of environmental crime.
- Identify topics for possible development of model statutes on environmental crime as well as monitor and evaluate changes in legislation from various states from the prosecutors' perspective.
- Disseminate information of immediate and practical importance on environmental crime prosecution to local prosecutors through appropriate training and publications including newsletters, bulletins, alerts, monographs, articles and books based on the work of the center.

During its first year, the Center will survey the field of environmental law prosecution to 1) identify the needs of local prosecutors in regard to environmental offenses; 2) synthesize these needs into a report; 3) use this information to form the basis of a local environmental crime prosecution training curriculum; 4) develop a plan for the administration of this training; 5) design a technical assistance delivery process; 6) provide training technical assistance; and 7) schedule technical assistance and publications schedules for the second year of the program.

CREATION OF THE NATIONAL ENVIRONMENTAL CRIME PROSECUTION CENTER comes as the nation enters an era of expanding challenges for environmental enforcement and with recognition by the EPA that local prosecutors have an

increasingly important role to play. In fact, EPA's publication, *Enforcement in the 1990s*, encourages vigorous local prosecution of environmental offenses to meet the anticipated surge in small facility violations. EPA expects that the sheer numbers of these violations will be too large for EPA or even state enforcement agencies to deal with. At the same time, the authors of *Enforcement in the 1990's* indicate they understand that local prosecutors will need federal support if they are to make a substantial impact on the environmental crime problem. This requires enhanced training and technical resources.

Despite prosecutors' growing responsibility for and involvement in environmental crime enforcement, only a small number of prosecutors and their assistants have been trained in techniques and procedures required for successful prosecution of environmental crimes. Current training capacity is limited and access to courses often is difficult. There is also a severe shortage of adequate and technical resources. Private labs too often are prohibitively expensive and local health departments rarely have the forensic facilities and procedures to test and preserve evidence properly.

Finally, there is no present system for a nationwide exchange of information on local environmental prosecutions, nor is there currently any federal support for the dissemination of such information to provide assistance in local prosecutions of these crimes. Indeed, local convictions are not even systematically documented, catalogued or analyzed.

In an independent study of these problems, researchers found that the most frequently expressed prosecution-related problems in environmental law enforcement involve interpretations of complex criminal laws and regulations by judges as well as jurors. This was found to be particularly true in Ohio, Pennsylvania, Vermont and Virginia where juror and judicial uncertainty of interpretation of relevant laws and regulations was thought to have jeopardized prosecutors' chances of attaining guilty verdicts. "There have been some indications", the study says, "that local prosecutors have avoided the prosecution of clearly criminal environmental violations out of fear of losing the cases because of their highly technical nature".

It is because of all the reasons mentioned above that the National Environmental Crime Prosecution Center is being created and, it appears, none too soon.

**National Environmental Crime
Prosecution Center**

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LOCAL PROTECTION OF THE ENVIRONMENT

AN AGENDA FOR THE MID-1990'S

ADAPTING TWENTY YEARS OF FEDERAL AND STATE REGULATION FOR USE IN THE LOCAL CRIMINAL COURTROOM

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I. INTRODUCTION:

Prior to the 1970's, most environmental enforcement, if there was any, was done through civil remedies of injunctions and penalties. By the 1970's, the first series of modern federal environmental laws were passed and the EPA was created. Despite this, only 25 criminal cases were prosecuted by the federal government during the entire 1970's.¹ In 1976, EPA launched its first attempt to promulgate guidelines for criminal sanctions. Nonetheless, it was not until the early 1980's that the Department of Justice and the EPA finally created units devoted solely to criminal environmental enforcement.

As can be seen by a 1984 Department of Justice poll,² it is clear that environmental crimes should be a national priority and a similar assault launched against environmental criminals as launched in the "War on Drugs". The poll asked 60,000 people to rank the severity of certain crimes. The results showed that Americans rank environmental crimes higher than heroin smuggling, bank robbery, and attempted murder.³

Results of such polls have not been lost on local district attorneys. By focusing more on public safety and not on the minutia requirements of federal regulations, D.A.'s have enlisted local agencies such as police, fire, and health departments to tackle, head-on, the environmental issues that concern their constituents. Consequently, D.A.'s have integrated environmental prosecutions into the routine function of law enforcement at the local level rather than allowing federal and state agencies, which are isolated and insensitive to local issues, to retain control of local environmental enforcement.

This report will highlight some novel

methods that D.A.'s have adopted to facilitate their efforts to prosecute criminal environmental offenders. Several state D.A.'s have focused their attention on felony littering laws, and at least one has experimented with attempted homicide offenses, in order to circumvent the rigid regulatory framework of environmental statutes that have tied the hands of prosecutors. These states can serve as a legislative model for other states hoping to eliminate the regulatory and scientific hurdles that are so typical of environmental regulation. These models should help to bring environmental enforcement into the same evidentiary league as any other criminal enforcement cases.

Additionally, this report compares current state environmental statutes in a matrix format in Appendix A. Finally, each state environmental statute code is listed in Appendix B. These Appendices are intended to facilitate prosecutors in finding out how other prosecutors have worked within similar or dissimilar regulatory framework.

Endnotes

1. F. Henry Habicht II, *The Federal Perspective on Environmental Crime Enforcement: How to Remain on the Civil Side*, 17 ENVTL. L. REP. 10478, 10479 (1987).
2. UNITED STATES DEPT. OF JUSTICE, BUREAU OF JUSTICE STATISTICS BULLETIN (Jan. 1984).
3. *Id.* at 2.

**II. FROM IVORY TOWER TO
COURTROOM REALITY -
Using Circumstantial
Evidence in
Environmental Prosecutions**

**By Jerry Johnston
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In the past two decades, the area now known as Environmental Law has evolved into an immense and seemingly incomprehensible morass of statutes, regulations and rules. Of the various federal statutory frameworks in this area, one of the most important to prosecutors is the Resource Conservation and Recovery Act¹ (RCRA) which regulates the treatment, storage, transportation and disposal of hazardous waste. Congress in enacting RCRA provided that states would not be prevented from enacting their own laws regulating hazardous waste provided "that they are at least as stringent as RCRA."² Many states have accepted this invitation and promulgated into their own codes a variety of statutes and regulations which recreate, incorporate, and occasionally surpass the requirements of RCRA. Unfortunately, despite the dizzying array of state and federal laws regulating hazardous waste, relatively few published opinions provide a meaningful interpretation of these laws. Such is the case with regard to offering circumstantial evidence to prove the hazardous nature of a waste in a prosecution for unlawful disposal.

The use of circumstantial evidence to prove criminal activity has been with us as long as the concept of jurisprudence. Prosecutors regularly rely on this type of proof to establish the commission of virtually every class of crime. Indeed, it is rare to find a case which doesn't involve, to

some degree, the offering of circumstantial evidence to prove an element of the offense. However, one area where prosecutors have felt less confident in applying this principle has been the introduction of circumstantial evidence, in lieu of definitive chemical test results, to prove the identity or characteristics of a controlled substance.

The first successful attempts at offering circumstantial evidence for this purpose began in the late nineteenth century in alcoholic beverage control and revenue cases. Courts accepted evidence such as the presence of United States revenue stamps on kegs,³ witness testimony as to the color or appearance of a suspect substance,⁴ container labels,⁵ lay opinion based on an adequate foundation of expertise⁶ and the conduct of participants in an allegedly illegal transaction⁷ as sufficient basis for establishing the identity of a substance.

All of these circumstantial factors came into play in *People v. Minter*.⁸ In a prosecution for selling whiskey without a license the defendant contended that it could not be proven that what he sold was, in fact, whiskey since no one had opened the bottles to examine their contents. The court disagreed, emphasizing the defendant's response to a request to sell some whiskey. The defendant produced a bottle on which a whiskey label and unbroken government revenue stamps were affixed, the contents of which appeared to be whiskey. The court found the circumstantial evidence adequate to sustain the conviction.

More recently, circumstantial evidence has been offered to show that untested substances are contraband in drug and narcotic prosecutions. In *People v. Sonleitner*⁹ the defendant was convicted of possession of cocaine despite the fact that he flushed the material down the toilet prior to being apprehended. The court stated:

[T]he nature of a substance, like any other fact in a criminal case, may be proved by circumstantial evidence. (citations omitted) It may be proved for example, by evidence that the substance was a part of a larger quantity which was chemically analyzed (citations omitted), by the expert opinion of the arresting officer (citations omitted), and by the conduct of the defendant indicating consciousness of guilt.¹⁰

In *People v. Marinos*¹¹ the court accepted a police officer's opinion that a substance was marijuana based on the officer's expertise as to the look and smell of marijuana and the defendant's disposal of the evidence on perceiving the officer's presence.

Although a narcotics expert needn't be produced to identify drugs, a witness offering such evidence must have some familiarity with the substance. In *State v. Watson*¹² the court ruled that circumstantial evidence used to identify cocaine, including lay testimony by a person familiar with the drug, could sustain a conviction. The *Watson* court identified several factors which should be considered in determining whether circumstantial evidence could establish the identity of a drug. These factors included: the secretiveness of the transaction, references made to the drug by the defendant and others, lay testimony by witnesses familiar with the drug, sensory identification of the drug, the defendant's familiarity with drug transactions and corroborating expert testimony as to the identification of the substance or effects likely to be produced in users. In *Slettvet v.*

*State*¹³ the court reversed a conviction for possession of LSD where the identification of the drug was based solely on the testimony of a lay witness lacking prior experience with LSD.¹⁴ To affect a conviction in an area of criminal activity where jury members would not be expected to have personal experience with the substance in issue, an identification based on lay opinion requires supporting expert testimony.¹⁵

To date there has been no published opinions discussing the use of circumstantial evidence to prove the hazardous nature of a waste in a criminal prosecution for unlawful disposal. RCRA's prohibition against unlawful disposal of hazardous waste and the parallel statutes of most states share three basic elements:

- (1) A person disposed of a waste;
- (2) The waste was hazardous; and
- (3) The person knowingly (some states require only a showing of ordinary negligence) disposed of the waste at an unpermitted location or one otherwise prohibited by law.

The only published opinion, although not a RCRA action, that discusses the use of circumstantial evidence when there are no chemical tests is *Lackawanna Refuse Removal v. Commonwealth*.¹⁶ This case involved an administrative action by the Pennsylvania Department of Environmental Resources suspending Lackawanna's sanitary landfill permit for accepting and burying hazardous wastes improperly. Although no samples of the hazardous wastes disposed of at the landfill were obtained, evidence was introduced through the testimony of truck drivers that they would regularly dispose of

55-gallon drums at the landfill. Markings on the drums included: "hazardous," "poison," "flammable," or a death's head. Deliveries were made at night. The drivers were instructed to call the landfill owner before entering the landfill and had to turn off their lights as they left the main road to approach the facility. The drivers also testified that during and following their deliveries to the landfill they experienced headaches, shortness of breath, eye irritation and faintness.

Chemical analysis of leachates emanating from the landfill revealed the presence of hazardous substances, including carcinogens. The Environmental Hearing Board of the Department of Environmental Resources concluded that the drivers had, in fact, delivered and disposed of hazardous wastes at the landfill. Lackawanna appealed the finding and resulting suspension of its solid waste permit, claiming that no "substantial evidence" of the hazardous nature of the wastes disposed of had been shown. Lackawanna argued that only chemical tests of the wastes prior to disposal could provide adequate proof. The reviewing court disagreed, writing:

The petitioners first fault DER (Department of Environmental Resources) for not having made tests of the materials in the few drums which had been exhumed before the EHB (Environmental Health Board) hearings but which the DER, on the ground of safety, declined to break into on the site. The petitioners say that the failure to make tests of the contents of a few drums somehow produces an

absence of any evidence of illegal dumping. Of course, this is not so. *The clandestine circumstances of the dumping, the legends on the drums, the symptoms of the drivers and the presence of carcinogenic chemicals in the leachate amply prove that hazardous wastes were placed in the petitioners' landfill. Even a judgment of sentence for first degree murder may be founded on wholly circumstantial evidence.*¹⁷

*Milliman v. State*¹⁸ is an unpublished opinion involving Milliman's appeal of his criminal conviction for unlawful storage and disposal of hazardous waste. Despite being unpublished, this case is significant because the reviewing court approved of the use of human observation instead of chemical tests to establish a portion of the hazardous waste criteria.

Among the issues raised in *Milliman* was the State's failure to prove that wastes located on the defendant's facility were hazardous. There are four broad categories for characterizing a waste as hazardous: Ignitability, Corrosivity, Reactivity and Toxicity.¹⁹ The state showed evidence of ignitability, which requires that a waste be a nonaqueous liquid containing less than 24 percent alcohol by volume, with a flashpoint less than 60 degrees Celsius (140 degrees Fahrenheit).²⁰ Although the wastes were clearly flammable, Milliman contested the validity of the evidence since no chemical test results were introduced to show the wastes were nonaqueous. The court held that such tests were not required because circumstantial evidence had adequately characterized the wastes. Without

characterized the wastes. Without conducting tests, an environmental consultant had rendered an opinion that the wastes were nonaqueous. He based his opinion on the smell and appearance of the materials. The court stated:

At the time of trial, Gross (the consultant) had been in hazardous waste management for nearly 15 years, having worked for a chemical company, a state university hazardous waste management program and for a state program. Gross held a bachelor's degree in chemistry and biology and a master's degree in environmental toxicology. Gross testified that, based on his experience, the wastes stored on Milliman's property *had a smell and appearance indicative of solvent-based substances*. Based on his experience Gross appears fully qualified to distinguish nonaqueous substances by smell and sight.²¹

Recently, in California, the case of *People v. Hale*²² was tried by this author in the Orange County Superior Court. This was a criminal prosecution involving five counts of unlawful disposal of hazardous waste where one count alleging over two years of daily illegal disposal was proven solely through circumstantial evidence without the introduction of chemical test results.

W.C. Richards Company is a Chicago based paint manufacturer which operated a production facility in Anaheim,

California. Bruce Hale was a company Vice-President and the plant manager for the California operation. In April of 1990, an anonymous informant contacted the Anaheim Fire Department and claimed that Hale was directing employees to mix used solvent and paint sludge with sawdust and then disposing of the mixture as ordinary garbage. Based on this information, the Orange County Hazardous Materials Strike Force²³ initiated an investigation.

A surveillance team engaged in a three day stake-out behind the fence in the back corner of the company property. Each morning the investigators observed company workers shovelling large amounts of sawdust into a large, metal bin. The workers would then decant liquid materials from several 55-gallon drums into the bin and thoroughly mix the materials. During the second day, the surveillance team observed Hale enter the mixing area, speak to the workers, point at some of the drums and the metal bin, and then watch the decanting and mixing process. After the materials were mixed the workers placed a three cubic yard commercial dumpster by the metal bin and proceeded to shovel the mixture into the dumpster. When the dumpster was two thirds full, the workers filled the remaining space with empty sacks and paper which hid the sawdust mixture from view. The dumpster was then placed in the front of the facility for pick up as ordinary refuse by the municipal waste hauling company.

During the three day surveillance period, arrangements were made with the waste hauling company to send empty garbage trucks to W.C. Richards Company for the pick up. The loads were then taken directly to the waste hauler's transfer station where Strike Force members obtained samples of the waste for analysis. Preliminary laboratory tests of the sawdust

sludge mixture showed extremely high concentrations of chlorinated hydrocarbons (such as 1,1,1,-Trichloroethane [TCA] and Perchloroethylene) and heavy metals. The day following the third observed disposal from the company, the Strike Force executed a search warrant ant the facility. More sawdust sludge mixture had been put out for disposal that morning. Company employees who were contacted by the interview teams indicated that Hale had been ordering the daily disposal of solvent wastes and sludge by mixture with sawdust for several years.

The waste hauling company revealed that garbage from the facility had been taken to the same county landfill for at least the last decade. Based on the amounts observed by the Strike Force and interviews with company employees, we concluded that Hale was responsible for the disposal of over 100,000 gallons of toxic and carcinogenic waste at the landfill. The regulatory agencies responsible for water quality control conducted studies of the leachate emanating from the landfill and found high levels of the same type of solvents detected in the W.C. Richards Company sawdust mixture. This was particularly worrisome because of the dependence of the region on underground water reserves.

After all the evidence had been organized and reviewed, it became clear that Hale and W.C. Richards Company could be charged with unlawful disposal on the four days on which the Strike Force had obtained samples. But, the only evidence of prior disposal was statements of employees about observations, odor and appearance of wastes which now lay buried somewhere in the landfill. Further investigation turned up two drivers from the waste hauling company who between them had picked up the W.C. Richards Company garbage every day for

the five years preceding our investigation. Based on the anticipated testimony of two company employees and the truck drivers, a fifth count was filed against both Hale and the company alleging daily disposal from January 1, 1988, until the day before the Strike Force began the surveillance and sample collecting.

Prior to trial, W.C. Richards Company pled guilty and paid \$250,000 toward the creation of a leachate control system to address the pollution at the landfill. Hale proceeded to trial.

At trial, the testimony with regard to this fifth count began with the company's production supervisor. He indicated that his duties took him into the back portion of the facility on a daily basis. In January of 1988, he first noticed the sawdust and sludge mixing operation and detected an odor that he had learned to associate with the solvent TCA. Over the next two-and-a-half years, he witnessed this operation several times a week. With regard to his ability to identify TCA by odor, he indicated that he had for several years worked around the variety of solvents used by the company for the manufacture of paint and had found TCA to have its own, unique smell. He stated that every time he passed by the mixing operation he would detect the odor of TCA and other solvents coming from the materials in the drums and metal bin.

The company chemist next testified that he had witnessed the mixing operation two or three times over a several year period and had detected the odor of TCA coming from the wastes. Both the production supervisor and the chemist related that they had approached Hale in 1988 and 1989 and asked him to stop the illegal disposal process. Hale told them to mind their own business and that, "if anyone was going to jail it would be him (Hale)."

The two truck drivers from the waste hauling company said that every day for years there had been a strong solvent smell coming from the sawdust present in the W.C. Richards Company trash. They claimed that they frequently experienced strong headaches and dizziness from those vapors. These headaches were most pronounced when the workers would enter the back trash compartment of the trucks at the end of the day in order to clear out residual garbage. One driver also testified that occasionally he would have to pull to the side of the road after picking up the W.C. Richards Company trash because the vapors would cause him to feel intoxicated.

The testimony clearly indicated that TCA, and probably other solvents, were present in W.C. Richards Company refuse on a regular basis. But, since we had no samples, how could we show that the concentrations were "hazardous?" The solution lay in the RCRA²⁴ (and California²⁵) general definition of hazardous waste:

"Hazardous Waste" means either of the following:

- (1) A waste of combination of wastes which because of its quantity, concentration, chemical or infectious characteristics *may* either:
 - (A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or
 - (B) *Pose a substantial present or potential hazard to human health or the environment when improperly treated,*

stored, transported, or disposed of, or otherwise managed.

As part of the prosecution's case, a toxicologist discussed the general nature and danger of chlorinated solvents, including TCA. He indicated that such solvents pose a significant threat to human health when present in a confined space, such as the back compartment of a garbage truck. He said that workers who might enter a confined space where solvent vapors are concentrating would first experience a headache and dizziness which would progress, with further exposure, to intoxication, disorientation, unconsciousness and ultimately, death. The toxicologist also testified that burying chlorinated solvents poses a threat to human health and the environment because of the tendency of such solvents to travel through the soil and contaminate underground drinking water supplies.

In summary, the circumstantial evidence offered to identify the wastes as hazardous included the covert method of disposal by hiding the sawdust with sacks of paper, the continuing disposal by the defendant despite warnings from his employees, the defendant's personal knowledge and experience with handling solvents as hazardous materials, the employee identification of TCA by odor, the symptoms experienced by the truck drivers and the testimony of the toxicologist about the expected symptoms from exposure.

It was important to note that the RCRA definition of "hazardous waste" only requires a showing that a waste *pose a present or potential hazard to human health or the environment*. In *Hale*, the company witnesses established that some amount of a chlorinated solvent was in the waste and the

truck drivers' accounts, supported by expert testimony, showed that there was a sufficient concentration present to cause symptoms of acute toxic exposure.

Subsequently, Hale was sentenced to three years in state prison on the fifth count,²⁶ the longest prison term yet given to an environmental offender in California. He has appealed his conviction.

Although no higher court has yet ruled on the sufficiency of the evidence used to convict Hale on count 5, it is clear that with regard to juries, presentation of such evidence may be well received. It is also to be hoped that reviewing courts will view environmental cases based on circumstantial evidence as they have those involving alcohol and drugs.

By its very nature, the crime of illegal disposal of hazardous waste involves an attempt to dilute, make inaccessible or conceal the evidence before authorities learn of its existence. As environmental polluters become more sophisticated and covert in their disposal activities, prosecutors will have to develop techniques to detect and prove these crimes even when there is no waste to sample. One of the best methods is using the mandated paperwork, such as manifests, which are created to trace the movement of wastes from the point of generation to that of disposal. In cases such as *Hale*, where no paperwork was ever created, observations of employees or other witnesses combined with some toxicological testimony may be enough. The key to success in such cases will lie in laying an adequate foundation for the identification of the waste through a combination of paperwork, or in the absence thereof, odor, appearance, labelling and any other reliable indicators which may tend to show the hazardous nature of a material.

Endnotes

1. 42 U.S.C. §§ 6901 *et seq.* (West 1989).
2. 42 U.S.C. § 6929 (West 1989).
3. *State v. Wright*, 44 A. 519 (N.H. 1895).
4. *Munn v. State*, 114 P. 272 (Okla. Crim. App. 1911).
5. *Fowler v. State*, 157 P.2d 222, 223 (Okla. Crim. App. 1945).
6. *Lewisohn v. United States*, 278 F. 421 (7th Cir. 1922) ("Before one can give opinion evidence he must show his qualifications. One who has drunk whisky, who is familiar with its taste and smell, can give opinion evidence as to whether the beverage sold and drunk was whisky").
7. *Id.* at 426 ("The purchaser, upon entering the place, inquired about the price of whisky, put his money on the bar, and asked for whisky. Defendant poured out some beverage and gave it to the customer. Presumably the purchaser received what he ordered and paid for."), *see also Tompkins v. State*, 58 S.E. 1111 (Ga. Ct. App. 1907) ("[The jury] can infer that a liquid, though not imbibed, is whisky where the purchaser plainly asks for whisky and the seller furnishes it in compliance with his request").
8. 167 P.2d 11 (Cal. Ct. App. 1946).
9. 228 Cal. Rptr. 96 (Cal. Ct. App. 1986).
10. *Id.* at 99.
11. 67 Cal. Rptr. 452 (Cal. Ct. App. 1968).
12. 437 N.W.2d 142 (Neb. 1989).

13. 280 N.E.2d 806 (Ind. 1972).

14. See also *People v. Kenny*, 320 N.Y.S.2d 972, 973 (N.Y. App. Div. 1971) (holding the opinion of a lay witness as to the identity of an alleged illegal substance inadmissible. The court stated, "The complainant could properly describe the appearance, taste, smell and effect of the substance, but he was not qualified to identify it as the narcotic, marijuana.", accord *People v. McLean*, 16 Cal. Rptr. 347 (1961) (overturning a conviction based on the drug's identification by an adolescent witness inexperienced with the substance).

15. *People v. Kenny*, 320 N.Y.S.2d at 974 ("[J]urors are familiar with the appearance, taste, smell and effect of alcohol, but jurors are generally not familiar with the various types and properties of narcotics and other dangerous drugs. Some additional evidence is required if they are to make the necessary factual decision for conviction").

16. 442 A.2d 423 (Pa. 1982).

17. *Id.* at 425 (emphasis added).

18. No. C7-91-2081, WL 130477 (Minn. Ct. App. 1992).

19. 42 U.S.C. § 6921(a) (West 1989), see also, Minn. R. 7045.0131, subpt. 1 (1987).

20. Minn. R. 7045.0130, subpt. 2, A (1987).

21. *Milliman v. State*, No. C7-91-2081, WL 130477 at *2 (emphasis added).

22. No. C-84385 (Cal. Super. Ct. June 6, 1992).

23. Comprised of local, state and federal environmental agencies operating within the jurisdiction and chaired by the District Attorney's Office.

24. 42 U.S.C. § 6903(5) (West 1989) (emphasis added).

25. CAL. HEALTH & SAFETY CODE § 25117 (West 1992).

26. *People v. Hale*, No. C-84385 (Cal. Super. Ct. July 17, 1992).

**III. REASON OVER TECHNICALITY
Bringing Prosecutions
Under Historical Criminal
Laws in Environmental
Crimes**

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During the 1980's, more and more local prosecutors became engaged in the ever-expanding prosecution of environmental offenses. Into this arena of mainly regulatory enforcement, they brought with them their traditional arsenal of common law crimes, with which they were most familiar. Indeed, many prosecutors entered the field of environmental crime by simply applying old concepts of criminal law to situations of toxic endangerment, injury or death, without even alleging environmental violations .

There are excellent reasons for local prosecutors, who enforce environmental statutes, to utilize the entire spectrum of the traditional criminal law to supplement environmental prosecutions. In appropriate situations, statutes involving violent crimes,

financial crimes and property damage crimes should be invoked as additional and effective deterrents to environmental misconduct. The stigma attached to being charged with an environmental offense may be considerable. However, if the same charging instrument alleges homicide, battery, assault, theft or bribery, that stigma increases dramatically, and therefore its deterrent effect also increases.

The public educational value thus obtained increases proportionately. People know that the misuse of guns kills and maims. They understand that the abuse of drugs does also. Hazardous wastes are poisons. Their unlawful use leads to human endangerment. By linking traditional crimes to environmental violations, the public can readily see that toxic exposure is not just a minor nuisance. Such crimes endanger the health and safety of our entire population and generations yet unborn. Linkage of common law and environmental offenses illustrates clearly exactly to whom hazardous wastes are hazardous.

Prosecutors entering the environmental field are more familiar and more comfortable with common law crimes. They are their bread and butter. Prosecuting attorneys understand how to focus resources on that area while learning new environmental litigation techniques. Also, there is a well established body of case law for traditional crimes upon which local prosecutors can draw. This is in stark contrast to the yet somewhat undefined and complex issues found in environmental law.

Finally, linking traditional crimes to environmental crimes may help dispel the apparent disparity of justice the public sometimes perceives between the two types of offenses. Mandatory prison sentences for some common law crimes, many of which injure no one, seem out of balance with

regulatory crimes that potentially poison entire communities but for which only a fine may be imposed. The addition of common law sanctions to environmental penalties may help alleviate this perception.

The application, by local prosecutors, of historical criminal laws to toxic crimes arose initially in cases of worker exposure. This was seen in cases of most egregious conduct and injury. Hence, in 1983, murder charges were brought in Illinois against five executives of the Film Recovery Systems Inc., in the cyanide poisoning death of a Polish immigrant worker.¹ Soon after, in Michigan, General Dynamics Corporation was charged with involuntary manslaughter in the freon exposure death of one of its workers.² Also, in Michigan, involuntary manslaughter charges were placed against cable company executives in the carbon monoxide death of a lineman.³

Later, criminal actions were brought in worker exposure cases not resulting in death. In New York, charges of assault, reckless endangerment, conspiracy and falsifying business records were placed against Pymm Thermometer Corporation and two of its executives in the mercury poisoning and resultant brain damage of a Pymm worker.⁴ In Illinois, charges of aggravated battery, reckless conduct and conspiracy arose from the poisoning of forty workers due to exposure to phenols, xylene, trichloroethylene and other chemicals at the Chicago Magnet Wire Corporation.⁵

While these somewhat novel prosecutions met with varying degrees of success, they proved that the many factual, philosophical and legal challenges encountered could be overcome. Over time, what once seemed to be fairly unusual prosecutions gained public acceptance.

More recently, historical common law crimes have been used to supplement

environmental regulatory crimes. Two New York cases illustrate this point.

In 1990, Domermuth Environmental Services and a number of its executives were indicted for violating waste management regulations and endangering public health, safety and the environment.⁶ These charges arose from an incident where, in 1988, an explosion killed an employee. In addition to the environmental charges, the defendants were indicted for criminally negligent homicide, reckless endangerment, falsifying business records and violating East Syracuse, New York zoning laws.⁷ Although this case arose from the mismanagement of hazardous wastes, it demonstrates the wide range of traditional tools available to the environmental prosecutor.

Also in New York, in 1991, Mr. James Polvino contracted with Carl Witherel, Sr. to illegally dispose of hazardous wastes, which included sodium sulfide, sodium hydroxide and acids.⁸ When Witherel dumped the substances, they mixed creating hydrogen sulfide gas which turned his lungs into the consistency of leather and resulted in his death. Polvino was indicted for unlawful dealing in hazardous wastes and endangering public health, safety and the environment. He was also charged with manslaughter, assault and conspiracy arising from his dealings with his accomplice Witherel.

From the above discussed cases, it can be seen that there is no limit to the imaginative approaches that may be used in prosecuting the environmental offender. In the future, the environmental prosecutor must look to the "big picture" in environmental litigation.

When dumping occurs and does damage to real, personal or state owned property, criminal damage and trespass

charges are ideal addendums to typical environmental violations. So-called "paper crimes", such as failure to report, false filing, falsifying records and perjury must be considered with regard to legally required documents such as manifests. Public integrity crimes, such as bribery, obstruction of justice and conspiracy, in appropriate circumstances, should also be investigated.

In cases where legitimate businesses are deceived into believing they are hiring proper disposal services, but instead find themselves liable for clean-up costs due to the illegal disposal of their hazardous wastes, fraud charges, such as theft by deception, may be warranted. Basically, the environmental prosecutor should bring any and all charges that reflect an adequate factual basis.

The environmental crisis of our century widens. More individuals choose to avoid environmental regulations because of the more costly legitimate disposal methods. It is imperative to enlist as many members of our communities as possible to defeat the continued contamination of our world. Local prosecutors have played, and will continue to play, a vital role in this struggle. Invoking the full force of historical criminal law to augment environmental regulatory sanctions is but one, albeit effective, method to achieve the goal of environmental health. The local prosecutor's innovative use of all the tools available promotes that goal. Our citizens expect such innovation, imagination and effort. They deserve no less. cause, J. Pine, dissenting.

Endnotes

1. *People v. Film Recovery Systems*, No. 83C-11091 (Cook County Cir. Ct. June 15, 1985) *rev'd and rem. People v O'Neil*, 550 N.E.2d 1090 (Ill. App. Ct. 1990).

2. *People v. General Dynamics Corp.*, No. 84-1158 (Mich. Cir. Ct. May, 1992).

3. *People v. Hegedus*, 443 N.W.2d 127 (Mich. 1989).

4. *People v. Pymm*, 546 N.Y.S.2d 133 (N.Y. App. Div. 1989) *aff'd* 563 N.E.2d 1 (N.Y. 1990) *cert. denied Pymm v. New York*, 111 S. Ct. 958 (1991).

5. *People v. Chicago Magnet Wire Corp.*, 534 N.E.2d 962 (Ill. 1989).

6. *People v. Roth*, N.Y.S.2d 968 (N.Y. App. Div. 1990).

7. *Id.* (The appellate court upheld the trial court's dismissal of the criminally negligent homicide and reckless endangerment charges citing the unforeseeable and speculative nature of the explosion's triggering cause, J. Pine, dissenting).

8. *People v. Polvino*, 580 N.Y.S.2d 616 (Co. Ct. 1991).

**IV. ESTABLISHING AN
ENVIRONMENTAL STRIKE FORCE
A Local Substitute for
Federal and State Resources**

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I. Introduction

In metropolitan urban areas, efforts have been made to form Environmental Strike Forces under the direction of local prosecutors. These efforts are at a stage of development comparable to where Narcotics

Task Forces were five to ten years ago. Though Environmental Strike Forces present unique problems, the experience with Drug Forces may provide a useful template on which to construct an Environmental Force.

**II. Common Features of Narcotic and
Environmental Strike Forces**

- A. Require the participation of representatives of numerous agencies.
- B. Present a DA administrator with a common objective, to make such an "unnatural set-up" work.
- C. Constitute relatively new crime areas providing wide latitude to explore a variety of surveillance and enforcement strategies.
- D. Involve criminal groups that operate in seclusion to avoid detection, necessitating reliance on undercover operations, night surveillance, wire taps and other proactive investigative techniques. In addition, the likelihood of joint criminal enterprises is great for both crime forms. Clandestine drug lab operators cannot legally dispose of the waste from their manufacturing processes without drawing attention to themselves. It is therefore likely that close coordination between Drug and Environmental Strike Forces will enhance the effectiveness of both Forces.
- E. Reflect areas of increasing public awareness and concern. Effective programs require some attention be paid to public awareness programs, informing

recognize a possibly illegal operation and how to inform the Strike Force. An "Eyes & Ears Program," exploiting the reporting potential of citizens and public interest groups enhances the effectiveness of both Forces.

F. Require the cooperation of different agencies of the Federal, State and Local level. Problems inherent in such arrangements include:

- i) the accountability of agency representatives to Strike Force leaders.
- ii) divided loyalties frustrating the development of a "team mentality."

These problems are more pronounced in Environmental Strike Forces where agency orientation varies both vertically and horizontally.

Vertically - Federal versus State versus Local regulatory agencies may not work together well.

Horizontally - Within a given agency a dichotomy may exist between the compliance and the law enforcement branches, frustrating interbranch communication.

G. Comparable caretaker roles may be imposed. Clandestine drug labs and abandoned hazardous waste sites may require some management and control by Strike Forces to abate any public health hazards posed. This may lead to long-term liability problems if properties engaged in the criminal enterprise are forfeited to the Strike Force.

H. Often victimize the same communities;

urban, poor and politically powerless. Exclusionary local zoning practices help to turn low-income drug infested areas into toxic wastelands as well. Such practices have the effect of concentrating Locally Unwanted Land Uses (LULU's) in poverty-stricken areas. Studies by the GAO and the EPA find a strong relationship between economic status and the siting of landfills and waste disposal sites.

The prevalence of abandoned warehouses and buildings facilitates drug and hazardous waste criminal enterprises. In addition, awareness of the hazards posed and the community's faith in the ability of authorities to correct the problems presented may be low.

Targeting areas for special Awareness and Control Programs may lead to a Community "Eyes & Ears" component of a Strike Force, educating the community to recognize the signs of likely offenses and encouraging community members to report concerns to the Strike Force Hotline. An environmental "Weed & Seed" Program may be established, where targeted areas receive a program of tough enforcement followed by comprehensive public awareness efforts managed by experienced Strike Force staff.

Environmental Strike Forces may incorporate the aid of environmental organizations into the community outreach component of their program. Environmental activists aren't all kooks and may prove a valuable asset in mobilizing an enthusiastic force of volunteers to facilitate efforts at community awareness and involvement.

A recently filed federal prosecution in San Francisco arose from evidence of midnight dredging collected by an environmentalist in a kayak.

III. Role of the Local DA in Organizing an Environmental Strike Force

Environmental Strike Force Coordinators should incorporate the lessons learned designing Drug Strike Forces.

A. Clarify the Strike Force Goal and Vision. Define the scope and character of the problem to be addressed. Express the vision of the Strike Force in terms of clear limited goals (targeting small waste generators, Ocean Disposal, Midnight Dumping, Dumping in low income areas, etc.) The successful Drug Strike Forces are those that clearly and accurately identified the drug problem to be addressed (Crack Trafficking, Methamphetamine Labs, all drug problems). The proper tactic needed will depend on the target goal to be achieved. Strike Force drifting and low morale result where goals are fuzzy. In addition, a clearly defined objective facilitates the selection of Strike Force staff members, leading to a more efficient and pronounced effect on the target problem.

B. Actively engage locals in the early stages of Strike Force formation to promote the Strike Force vision and goals. Special cognizance must be taken of three important factors:

1. **Screening Standards** - "Having the Right People for the Job." The highly technical nature of environmental

problems coupled with the dichotomous orientation commonly found in environmental regulatory agencies (see outline Section II. F) makes this a particularly critical factor in environmental Strike Forces. Staff members require:

- i) Technical skills and abilities to reach Strike Force goals and objectives.
 - ii) Complimentary personnel characteristics to facilitate collaboration among participating agencies.
 - iii) Planning and organization skills, particularly for urban Strike Forces, to prioritize and manage activities within Strike Force deadlines.
 - iv) A proper mix of "Tactical" versus "Creative Resolution" abilities. Tactical abilities relate to an action oriented, Crisis Response capability. Creative Resolution abilities emphasize reflecting on the heart of the problem and assessing new strategies for correction. Unlike Drug Strike Forces where the focus can be on either perspective, Environmental Strike Forces need a combination of abilities. Strike Force members must be ready to respond to crises with explosive potential, yet be flexible enough to explore new enforcement methods and long-term plans to achieve Strike Force objectives.
2. **Orientation** - The early assimilation of Strike Force staff members to accepting the goals and objectives of the Force. Developing a Strike Force identity can be complicated for Environmental Forces where staff members may be "On Loan" from agencies with philosophical goals

diverging from those of the Strike Force. A three-step orientation method is suggested.

- i) Engage local agency heads in early discussions of Strike Force goals and objectives. Identify three supportive agency heads and select one as the Strike Force leader. This step is especially important if the Strike Force is punishment oriented yet draws a significant portion of staff members from agencies with a compliance based perspective.
- ii) Give current personnel a voice in hiring new staff members. This facilitates the orientation process and can be particularly important if political factors require the Strike Force leader to involve representatives with opposing enforcement philosophies.
- iii) Initiate an expeditious orientation process. This facilitates the adoption of new staff members from separate agencies and instills in new members a sense of identity with the Strike Force and assimilation of the Force's goals and objectives. This need is particularly acute with the creative resolution perspective due to the likelihood that creative methods may seem alien to Strike Force members newly arrived from agencies committed to a more traditional orientation.

An expeditious orientation process should include a rigorous training component to incorporate awareness of the unique goals and abilities of the Strike Force to new members. An internship period where new members rotate to different areas of specialty

within the Force is highly recommended.

3. **Intelligence Forum Implementation**
The glue that holds the team together. Routine, structured exchanges which overcome petty animosities and permits a sense of team identity should be held at regular intervals. These forums have to be run right to enhance and extend the Strike Force identity.
 - i) Provide staff input as to forum topics.
 - ii) Avoid "Group Think" by encouraging free expression, allowing staff to voice complaints and concerns or ideas for new strategies.
 - iii) Provide a means of blowing off steam and resolving internal disputes.
 - iv) Build consensus as to team issues and keep members interested and informed.

IV. Conclusion

A sharp growth of local Environmental Strike Forces is anticipated, especially in metropolitan areas. The demand for effective enforcement action will grow as urban community groups become increasingly aware of the hazards posed by environmental crimes. Environmental Strike Forces may be the best method for addressing these concerns.

Though based on the model used for Drug Strike Forces, an Environmental Force presents the added complication of demanding staff expertise in a number of

technical specialty areas. An ideal staff member of an Environmental Strike Force would combine the attributes of an environmental scientist with those of a criminal investigator and an expert on environmental law. When operational, such a Strike Force will be akin to medical specialists brought together to halt a disease epidemic.

The challenge for a DA is to ensure the Force operates as a "team," rather than as so many fragmented parts of the representative agencies of which the Force is composed. The Strike Force manager's goal is to use the expertise and authority of the available agencies making up the Force and apply these tools, not as they have been applied in the past, but as they could be to achieve Strike Force objectives. Recognizing the pitfalls likely to frustrate this purpose is the first step in minimizing the risks presented.

Appendix A

Matrix of Environmental Statutes in the United States

The following matrixes were created to assist prosecutors in identifying the bodies of environmental law within the United States. Citations and interpretations contained herein should be used to begin a study of the actual statutes and not as a substitute for such a study.

AIR POLLUTION STATUTES:

	A	A	A	A	C	C	C	D	F	G	H	I	I	I	I	K	K	L	M	M	M	M	M	M	M
	L	K	Z	R	A	O	T	E	L	A	I	D	L	N	A	S	Y	A	E	D	A	I	N	S	O
knowingly: -violates provisions	F													F			F	M		M			F		
-fails to report/provide information								M																	
-fails to take corrective action					M																				
-violation causes: imminent danger of death or serious bodily injury				F														F							
-falsified documents	F				M		M	M	M					M			F		M	M					
-altered monitoring device/method							M	M	M					M			F		M	M					
-operates, sells, leases, rents, or transfers tampered motor vehicle																									
willfully:¹ -violates provisions							M	M	M			M		F				M							
-violation causes: imminent danger of death or serious bodily injury				F					F ²									F							
knowingly and willfully: -violates provisions																									
-tampering with air control equipment on motor vehicles									M																
recklessly: -violates provisions																F									
-violation causes: imminent danger of death or serious bodily injury				F					M ²																
negligently: -violates provisions		M			M		M	M				M		F											
no mens rea cited: -violates provisions			M	M ³	M	M		M										M		M	M		M		
-owner/generator of source that causes injury to health or safety of considerable number of persons/public					M																				
-alters or fails to install/maintain monitoring devices																									
-fails to submit plans/specifications or monitoring requirements or information																									
-sells, exposes, or offers for sale chlorofluorocarbon products																									
-uses leaded fuel in unleaded fuel motor vehicles																									
-falsified documents																									

F = felony; M = misdemeanor

¹ includes intentionally and purposefully.

² willfully, reckless indifference, or gross careless disregard to harm or injure human health or welfare, animal, plant, or aquatic life or property.

³ Felony: if violator leaves the state.

AIR POLLUTION STATUTES:

	M	N	N	N	N	N	N	N	N	O	O	O	P	R	S	S	T	T	U	V	V	W	W	W	W
	T	E	V	H	J	M	Y	C	D	H	K	R	A	I	C	D	N	X	T	T	A	A	V	I	Y
knowingly: -violates provisions			M		F		M											M	M						
-fails to report/provide information																									
-fails to take corrective action																									
-violation causes: imminent danger of death or serious bodily injury								F																	
-falsified documents			M					M	M	M					M			M							M
-altered monitoring device/method								M	M						M										M
-operates, sells, leases, rents, or transfers tampered motor vehicle										M															
willfully: -violates provisions			M		F		M		M						M			M	M			M		M	
-violation causes: imminent danger of death or serious bodily injury																									
knowingly and willfully: -violates provisions		M						F									M								M
-tampering with air control equipment on motor vehicles																									
recklessly: -violates provisions					F		M																		
-violation causes: imminent danger of death or serious bodily injury																									
negligently: -violates provisions								M	M						M										
no mens rea cited: -violates provisions	M		M ⁴	M ⁵		M ⁶		M			M	M	M	M						M	M	M	M		
-owner/generator of source that causes injury to health or safety of considerable number of persons/public																									
-alters or fails to install/maintain monitoring devices										M									M						M
-fails to submit plans/specifications or monitoring requirements or information										M															
-sells, exposes, or offers for sale chlorofluorocarbon products										M															
-uses leaded fuel in unleaded fuel motor vehicles										M															
-falsified documents																			M						

F = felony; M = misdemeanor

⁴ regarding motor vehicles

⁵ Misdemeanor if natural person; Felony if any other person.

⁶ Felony if regulation regards commercial or industrial incineration.

WATER POLLUTION STATUTES:

	A L	A K	A Z	A R	C A	C O	C T	D E	F L	G A	H I	I D	I L	I N	I A	K S	K Y	L A	M E	M D	M A	M I	M N	M S	M O
knowingly: -violates provisions/permit/contingency plan/authorization/order			F		A	M		M		F	F		F	F	M		F	M				F	F		
-fails to monitor/sample/report/pay fees/notify/supply required information/comply			F		M					F									M				M		
-conducts business without permit/license/authorization [discharges without permit]						M							F												
-falsified/misrepresented/misstated material facts in documents/reports	M				A	M	M	M	M	F	F		M	M	M		F		M	M	M				M
-altered monitoring device/methods	M				F	M	A	M	M	F	F		M	M	M		F		M	M	M		M		M
-discharges/permits/causes to be discharged any sewage/oil/oil products/pollution/ other harmful substance into/onto any waters/shorelines within state [surface or groundwaters]			F ¹		M																				
-throws/places/drops/dumps/permits to be dropped on public/private property which is not a lawful dump any litter/destructive material and does not remove it			A																						
-violation causes/places another in imminent danger of death or serious/great bodily injury/significant environmental effect				F	F					F	F						F ²								
-violation manifests extreme indifference for human life			F																						
-fails to begin clean-up/abatement/removal of spilled oil					M																				
-violates Federal Water Pollution Control Act					F																		F		
-introduces into sewer system/POTW any pollutant/hazardous substance which knew/reasonably should have known could cause personal injury/property damage					F					F	F				M								F		
-introduces any pollutant/hazardous substance into sewer system/ POTW, causing it to violate waste discharge requirements					F					F	F				M										
-introduces pollutants into POTW violating pretreatment/toxic effluent standards																									
-cuts/takes water/ice for domestic purposes from waters polluted with sewage/other substance deleterious/dangerous to life/health, or from condemned waters																									
-violates Safe Drinking Water Act/pollutes/threatens to pollute public water system																									
-distributes/sells/offers/exposes for sale/uses/introduces/applies in sewage system/surface/groundwater in restricted area any sewage system cleaner containing chemical material in excess of 1 part per 100																									
-discharges any radiological/chemical/biological/warfare agent/high-level radiological waste into waters of state					F																				
-makes discharge into waters of state substantially impairing anchorage/navigation																									

F = felony; M = misdemeanor; A = alternates between felony and misdemeanor - based on facts

¹ If quantity exceeds 300 lbs or 100 cubic feet or any quantity for commercial purposes

² violation: tampering with water supply, purification plant or distribution system

WATER POLLUTION STATUTES

	M	N	N	N	N	N	N	N	O	O	O	P	R	S	S	T	T	U	V	V	W	W	W	W
	T	E	V	H	J	M	Y	C	D	H	K	R	A	I	C	D	N	X	T	A	A	V	I	Y
knowingly: -violates provisions/permit/contingency plan/authorization/order					P ³		A	F ⁴			M						M			A				M ⁴
-fails to monitor/sample/report/pay fees/notify/supply required information/comply				A													M							
-conducts business without permit/license/authorization (discharges without permit)						A																		
-falsified/misrepresented/misstated material facts in documents/reports	M	M	M	A	A			M	M		M			M	M ⁵	A ⁴	M	M	M	F			M	M
-altered monitoring device/methods	M	M	M	M	A			M	M		M			M	M ⁵		M	M	M	F			M	M
-discharges/permits/causes to be discharged any sewage/oil/oil products/pollution/ other harmful substance into/onto any waters/shorelines within state (surface or groundwaters)							M	F ⁴								F ⁴	M			F ⁴				
-throws/places/drops/dumps/permits to be dropped on public/private property which is not a lawful dump any litter/destructive material and does not remove it																								
-violation causes/places another in imminent danger of death or serious/great bodily injury/significant environmental effect					F			F									F			F				
-violation manifests extreme indifference for human life																								
-fails to begin clean-up/abatement/removal of spilled oil																								
-violates Federal Water Pollution Control Act ¹								F																
-introduces into sewer system/POTW any pollutant/hazardous substance which knew/reasonably should have known could cause personal injury/property damage								F																
-introduces any pollutant/hazardous substance into sewer system/ POTW, causing it to violate waste discharge requirements								F																
-introduces pollutants into POTW violating pretreatment/toxic effluent standards								F																
-cuts/takes water/ice for domestic purposes from waters polluted with sewage/other substance deleterious/dangerous to life/health, or from condemned waters				A																				
-violates Safe Drinking Water Act/pollutes/threatens to pollute public water system				A																				
-distributes/sells/offers/exposes for sale/uses/introduces/applies in sewage system/surface/groundwater in restricted area any sewage system cleaner containing chemical material in excess of 1 part per 100							M																	
-discharges any radiological/chemical/biological/warfare agent/high-level radiological waste into waters of state							F																	
-makes discharge into waters of state substantially impairing anchorage/navigation							F																	

F = felony; M = misdemeanor; A = alternates between felony and misdemeanor - based on facts

³ felony if knew at time another placed in imminent danger of death or serious bodily injury

⁴ knowingly and willfully

⁵ maximum imprisonment = 2 years

WATER POLLUTION STATUTES:

	A L	A K	A Z	A R	C A	C O	C T	D E	F L	G A	H I	I D	I L	I N	I A	K S	K Y	L A	M E	M D	M A	M I	M N	M S	M O
willfully: ⁶ -violates provisions/permit/contingency plan/authorization/order	M					M	M	M	M			M		F				M				M	M		M
-fails to monitor/sample/report/pay fees/notify/supply required information/comply					M				M																
-conducts business without permit/license/authorization [discharges without permit]						M			M																
-falsified/misrepresented/misstated material facts in documents/reports						M																	F		
-altered monitoring device/method																							F		
-discharges/permits/causes to be discharged any sewage/oil/oil products/pollution/other harmful substance into/onto any waters/shore-lines within state [surface or groundwaters]																									
-acts/aids/abets in the destruction/injury of any pipe/conductor of water/other property pertaining to water usage/attempts to/threatens to/tampers with public water system									M ⁷													F ⁷			
-violation causes/places another in imminent danger of death or significant/great bodily injury/significant environmental effect				F					F																
-introduces pollutants into POTW violating pretreatment/toxic effluent standards																									
-discharges radiological/chemical/biological/warfare agent/high-level radioactive waste of the waters of the state																									
-cuts/takes water/ice for domestic purposes from any waters which are polluted with sewage/other substance deleterious/dangerous to life/health, or from waters which have been condemned																									
-dumps any material into ocean water within state, or into waters outside state which enters the ocean waters in state																									
-after notice from environmental protection department, takes/diverts/draws/makes use of waters/boundary waters in which state has proprietary rights																									
-violates Safe Drinking Water Act																									
-violates Federal Water Pollution Control Act																									
-alters/changes/obstructs drainage ditch/canal/drain/watercourse									F																
-makes discharge into waters of state substantially impairing anchorage/navigation																									

F = felony; M = misdemeanor; A = alternates between felony and misdemeanor - based on facts

⁶ includes intentionally and purposefully.

⁷ Florida: or maliciously; Massachusetts: and maliciously

WATER POLLUTION STATUTES

	M	N	N	N	N	N	N	N	N	O	O	O	P	R	S	S	T	T	U	V	V	W	W	W	W
	T	E	V	H	J	M	Y	C	D	H	K	R	A	I	C	D	N	X	T	T	A	A	V	I	Y
willfully: -violates provisions/permit/contingency plan/authorization/order	M	M	M	M	F ³		A ³	F ³	M		M	M	M	F	M ³			M	M		M	M	M	M	M ⁴
-fails to monitor/sample/report/pay fees/notify/supply required information/comply		M									M				M		A	M	X						
-conducts business without permit/license/authorization [discharges without permit]		M	M				A ³																		
-falsified/misrepresented/misstated material facts in documents/reports					F		F								M		A ⁴	M			F		M		
-altered monitoring device/method					F		F											M							
-discharges/permits/causes to be discharged any sewage/oil/oil products/pollution/other harmful substance into/onto any waters/shorelines within state [surface or groundwaters]				A			M	F ⁴									F ⁴	M			F ⁴				
-acts/aids/abets in the destruction/injury of any pipe/conductor of water/other property pertaining to water usage/attempts to/threatens to/tampers with public water system															M										
-violation causes/places another in imminent danger of death or significant/great bodily injury/significant environmental effect					F													F							
-introduces pollutants into POTW violating pretreatment/toxic effluent standards							F ³													X					
-discharges radiological/chemical/biological/warfare agent/high-level radioactive waste of the waters of the state			M				F ³																		
-cuts/takes water/ice for domestic purposes from any waters which are polluted with sewage/other substance deleterious/dangerous to life/health, or from waters which have been condemned				A																					
-dumps any material into ocean water within state, or into waters outside state which enters the ocean waters in state					F																				
-after notice from environmental protection department, takes/diverts/draws/makes use of waters/boundary waters in which state has proprietary rights							M																		
-violates Safe Drinking Water Act																M									
-violates Federal Water Pollution Control Act							F ³																		
-alters/changes/obstructs drainage ditch/canal/drain/watercourse																									
-makes discharge into waters of state substantially impairing anchorage/navigation							F ³																		

F = felony; M = misdemeanor; A = alternates between felony and misdemeanor - based on facts; X = unknown if felony or misdemeanor

WATER POLLUTION STATUTES:

	A L	A K	A Z	A R	C A	C O	C T	D E	F L	G A	H I	I D	I L	I N	I A	K S	K Y	L A	M E	M D	M A	M I	M N	M S	M O
recklessly -violates provisions/permit/contingency plan/authorization/order						M									F	M						M			
-fails to monitor/sample/report/pay fees/notify/supply required information/comply																									
-conducts business without permit/license/authorization (discharges without permit)						M																			
-discharges/permits/causes to be discharged any sewage/oil/oil products/pollution/other harmful substance into/onto any waters/shorelines within state (surface or groundwaters)																									
-violation causes/places another in imminent danger of death or serious/great bodily injury/significant environmental effect				F					M ¹																
-violation manifests extreme indifference for human life			F																						
-falsified/misrepresented/misstated material facts in documents/reports																									
-altered monitoring device/method																									
-operating/navigating/piloting tank vessel thereby causing release or hazardous substance that causes serious physical injury to another/damage to property of another		F																							
negligently -violates provisions/permit/contingency plan/authorization/order	M	A	F		M	M	M	M			M	M	M	F								M			M
-fails to monitor/sample/report/notify/supply required information/comply		A	F				M _p																		
-conducts business without permit/license/authorization (discharges without permit)			F			M							M												
-discharges/permits/causes to be discharged any sewage/oil/oil products/pollution/ other harmful substance into/onto any waters/shorelines within state (surface or groundwaters)							M _p																		
-falsified/misrepresented/misstated material facts in documents/reports																									
-altered monitoring device/method																									
-operating/navigating/piloting tank vessel thereby causing unjustifiable risk of release of hazardous substance/harm to person/property	M																								
-violates Federal Water Pollution Control Act						M																			
-introduces into sewer system or POTW any pollutant/hazardous substance which knew or reasonably should have known could cause personal injury or property damage						M					M				M										
-introduces any pollutant/hazardous substance into sewer system or POTW, causing treatment works to violate waste discharge requirements						M					M				M										
-discharges any radiological/chemical/biological/warfare agent/high-level radioactive waste into waters of state						M																			
-makes discharge into waters of state substantially impairing navigation/anchorage																									
-introduces pollutants into POTW violating pretreatment/toxic effluent standards																									

F = felony; M = misdemeanor; A = alternates between felony and misdemeanor - based on facts; p = paired elements

¹ reckless indifference or gross careless disregard

WATER POLLUTION STATUTES

	M	N	N	N	N	N	N	N	N	O	O	O	P	R	S	S	T	T	U	V	V	W	W	W	W
	T	E	V	H	J	M	Y	C	D	H	K	R	A	I	C	D	N	X	T	A	A	V	I	Y	
recklessly -violates provisions/permit/contingency plan/authorization/order					F		M																		
-fails to monitor/sample/report/pay fees/notify/supply required information/comply				A																					
-conducts business without permit/license/authorization [discharges without permit]							M																		
-discharges/permits/causes to be discharged any sewage/oil/oil products/pollution/other harmful substance into/onto any waters/shorelines within state [surface or groundwaters]							M																		
-violation causes/places another in imminent danger of death or serious/great bodily injury/significant environmental effect					F													A							
-violation manifests extreme indifference for human life																									
-falsified/misrepresented/misstated material facts in documents/reports				A	F																				
-altered monitoring device/method					F																				
-operating/navigating/piloting tank vessel thereby causing release or hazardous substance that causes serious physical injury to another/damage to property of another																									
negligently -violates provisions/permit/contingency plan/authorization/order	M	M	M	M	F		M	M				M	M	F	M ²				X		M		M	M	
-fails to monitor/sample/report/notify/supply required information/comply		M																	X						
-conducts business without permit/license/authorization [discharges without permit]		M	M				M																		
-discharges/permits/causes to be discharged any sewage/oil/oil products/pollution/ other harmful substance into/onto any waters/shorelines within state [surface or groundwaters]							M														M				
-falsified/misrepresented/misstated material facts in documents/reports					F																				
-altered monitoring device/method					F																				
-operating/navigating/piloting tank vessel thereby causing unjustifiable risk of release of hazardous substance/harm to person/property																									
-violates Federal Water Pollution Control Act							M																		
-introduces into sewer system or POTW any pollutant/hazardous substance which knew or reasonably should have known could cause personal injury or property damage							M																		
-introduces any pollutant/hazardous substance into sewer system or POTW, causing treatment works to violate waste discharge requirements							M																		
-discharges any radiological/chemical/biological/warfare agent/high-level radioactive waste into waters of state				M			M																		
-makes discharge into waters of state substantially impairing navigation/anchorage							M																		
-introduces pollutants into POTW violating pretreatment/toxic effluent standards							M													X					

F = felony; M = misdemeanor; A = alternates between felony and misdemeanor - based on facts

WATER POLLUTION STATUTES

	A L	A K	A Z	A R	C A	C O	C T	D E	F L	G A	H I	I D	I L	I N	I A	K S	K Y	L A	M E	M D	M A	M I	M N	M S	M O
no mens rea: -violates provisions/permit/contingency plan/authorization/order		M	M	A	M		M	M	M	M							M		M	M	M	M		M	
-fails to monitor/sample/report/pay fees/notify/supply required information/comply		M			M	M		M		M						M					M				
-conducts business without permit/license/authorization [discharges without permit]						M	M																	M	M
-discharges/permits/causes to be discharged any sewage/oil/oil products/pollution/other harmful substance into/onto any waters/shorelines within state [surface or groundwaters]		M	M					M ⁹	M					M											
-causes/does construction/enlargement/deepening of a canal/natural stream in such a manner as to permit salt water to move inland of established saltwater barrier line									M																
-falsified/misrepresented/misstated material facts in documents/reports																									
-altered monitoring device/methods																									M
-violation causes/places another in imminent danger of death or serious/great bodily injury/significant environmental effect																		F				F			
-acts/aids/abets in the destruction/injury of any pipe/conductor of water/other property pertaining to water usage/attempts to/threatens to/tampers with public water system						F															M				
-as owner/operator of vessel which is equipped with marine sanitation device having any type of operational bypass connection, sewage is discharged into waters of state or such device/equipment is inoperable							M																		
-unlawfully obstructs free passage/use in customary manner of any navigable lake/river/bay/stream/canal/basin					M																				
-introduces into sewer system/POTW any pollutant/hazardous substance which knew/reasonably should have known could cause personal injury/property damage										M															
-introduces any pollutant/hazardous substance into sewer system/ POTW, causing it to violate waste discharge requirements										M															
-introduces pollutants into POTW violating pretreatment/toxic effluent standards								M																M	
-causes release of oil while navigating tank vessel/piloting a tank vessel/exercising control of tank vessel's motion/direction/speed																									
-diverts water from natural watershed/prevents water from following specific ² course/interferes with/fills up/alters/changes/obstructs drainage ditch/canal/drain/watercourse									F																
-causes drinking water supply system to fail standards						M																			
-throws/places/drops/dumps/permits to be dropped on public/private property which is not a lawful dump any litter/destructive material and does not remove it			M																						
-deposits/permits/allows deposit in any waters of state any rubbish/filth/poisonous/deleterious substance liable to affect health of persons/fish/livestock, or place/deposit any such substance in any place where it may be washed/infiltrated into such waters									M																

F = felony; M = misdemeanor; A = alternates between felony and misdemeanor - based on facts

⁹ and fails to report

WATER POLLUTION STATUTES:

	M	N	N	N	N	N	N	N	N	O	O	O	P	R	S	S	T	T	U	V	V	W	W	W	W
	T	E	V	H	J	M	Y	C	D	H	K	R	A	I	C	D	N	X	T	T	A	A	V	V	Y
NO MENS REA: -violates provisions/permit/contingency plan/authorization/order	M		M	A		M	M			M	M	M	M		M	M	M	M		M	M	M	M		
-fails to monitor/sample/report/pay fees/notify/supply required information/comply				A		M					M						M						M		
-conducts business without permit/license/authorization [discharges without permit]				M		M					M												M		
-discharges/permits/causes to be discharged any sewage/oil/oil products/pollution/other harmful substance into/onto any waters/shorelines within state [surface or groundwaters]			M			M					M					M	M	M					M		
-causes/does construction/enlargement/deepening of a canal/natural stream in such a manner as to permit salt water to move inland of established saltwater barrier line																									
-falsified/misrepresented/misstated material facts in documents/reports											M				M	M									
-altered monitoring device/methods																M									
-violation causes/places another in imminent danger of death or serious/great bodily injury/significant environmental effect																	M								
-acts/aids/abets in the destruction/injury of any pipe/conductor of water/other property pertaining to water usage/attempts to/threatens to/tampers with public water system															M										
-as owner/operator of vessel which is equipped with marine sanitation device having any type of operational bypass connection, sewage is discharged into waters of state or such device/equipment is inoperable																									
-unlawfully obstructs free passage/use in customary manner of any navigable lake/river/bay/stream/canal/basin																									
-introduces into sewer system/POTW any pollutant/hazardous substance which knew/reasonably should have known could cause personal injury/property damage																									
-introduces any pollutant/hazardous substance into sewer system/ POTW, causing it to violate waste discharge requirements																									
-introduces pollutants into POTW violating pretreatment/toxic effluent standards																									
-causes release of oil while navigating tank vessel/piloting a tank vessel/exercising control of tank vessel's motion/direction/speed																							F		
-diverts water from natural watershed/prevents water from following specified course/interferes with/fills up/alters/changes/obstructs drainage ditch/canal/drain/watercourse							M																		
-causes drinking water supply system to fail standards																									
-throws/places/drops/dumps/permits to be dropped on public/private property which is not a lawful dump any litter/destructive material and does not remove it				A																			M		
-deposits/permits/allows deposit in any waters of state any rubbish/filth/poisonous/deleterious substance liable to affect health of persons/fish/livestock, or place/deposit any such substance in any place where it may be washed/infiltrated into such waters																									

F = felony; M = misdemeanor; A = alternates between felony and misdemeanor - based on facts

HAZARDOUS WASTE STATUTES:

	A L	A K	A Z	A R	C A	C O	C T	D E	F L	G A	H I	I D	I L	I N	I A	K S	K Y	L A	M E	M D	M A	M I	M N	M S	M O
knowingly: -authorizes/directs/conspires/solicits/aids/performs/etc a violation of provisions/permit/license/manifest/orders/disclosure requirements	F		F	F	M	A	F	M	F	F	F	M	F	F	M	F	F	A	F		F	F _p	F	M	M
-documents/records destroyed/not maintained/not provided/etc	F				M	F			F	F			F		M										M
-fails to report release					M						M										F		F		
-falsifies documents/records or omits material information or conceals disposal	F			F	M	F	M	M	A	F		M	A	F	M	A	F			M					M
-alters monitoring/testing/pollution control device							M	M	M		M									M					M
-DTST ¹ without permit/interim status/license/authorization	F		F	F	C	F	F		F	F	M		F		M				F		F		F		M
-transports/receives without manifest/ID# or with altered/falsified manifest			F						F	F				F		F							F		
-allows waste to contaminate groundwater without permit/in violation of permit	F																								
-violation causes/likely to cause imminent danger of harm/serious bodily injury/death					F		F			F			F					F				F _p	F		
-creates unreasonable risk of fire/explosion/human or environmental endangerment/serious injury/death or manifests extreme indifference to human life			F		C																	F	F _p		
-transports without permit/documents on person/motor vehicle																						F			
-operates incinerator without permit/in violation of permit													F												
willfully: ² -authorizes/directs/conspires/solicits/aids/performs/etc a violation of provisions/permit/license/manifest/orders/disclosure requirements	F			F		A	M	M	M		M			F				A				M			
-documents/records destroyed/not maintained/not provided/etc	F						M																		
-falsifies documents/records or omits material information or conceals disposal	F																						F		
-alters monitoring/testing/pollution control device																							F		
-alters hazardous waste warning signs/site boundary markers																							M		
-DTST without permit/interim status/license/authorization	F					A			M																
-transports/receives without manifest/ID# or with altered/falsified manifest																									
-allows waste to contaminate groundwater without permit/in violation of permit	F																								
-violation causes/likely to cause imminent danger of harm/serious bodily injury/death									F																

F = felony; M = misdemeanor; A = alternate felony/misdemeanor - based on facts; p = paired elements combine to make one crime; C = charged as felony/misdemeanor at discretion of prosecutor

¹ disposes, transports, stores, or treats
² includes intentionally and purposefully

HAZARDOUS WASTE STATUTES:

	M	N	N	N	N	N	N	N	N	O	O	O	P	R	S	S	T	T	U	V	V	W	W	W	W
	T	E	V	H	J	M	Y	C	D	H	K	R	A	I	C	D	N	X	T	T	A	A	V	I	Y
knowingly: -authorizes/directs/conspires/solicits/aids/performs/etc a violation of provisions/permit/license/manifest/orders/disclosure requirements	M	F		F	F	M	M	F ²	M			M	F ³	F			F	F	F	F	F _p	F _p	F		M ²
-documents/records destroyed/not maintained/not provided/etc	F					M		F										F					M		
-fails to report release																									
-falsifies documents/records or omits material information or conceals disposal	F	F	M	F	F	M		F	M			M	F		F	M		F		F		A		M	
-alters monitoring/testing/pollution control device			M	F																					M
-DTST without permit/interim status/license/authorization	F				F	M	D ⁴	F ²				M	F		F		F	F		F		F			
-transports/receives without manifest/ID# or with altered/falsified manifest	F					M		F											F						
-allows waste to contaminate groundwater without permit/in violation of permit							D ⁵																		
-violation causes/likely to cause imminent danger of harm/serious bodily injury/death						F	D ⁶	F										F	F		F _p	F _p	F _p		
-creates unreasonable risk of fire/explosion/human or environmental endangerment/ serious injury/death or manifests extreme indifference to human life							F															F _p			
-transports without permit/documents on person/motor vehicle																									
-operates incinerator without permit/in violation of permit																									
willfully: -authorizes/directs/conspires/solicits/aids/performs/etc a violation of provisions/permit/license/manifest/orders/disclosure requirements		F	M		F		D ⁷	F ²				M	F ¹								M		F	M ²	
-documents/records destroyed/not maintained/not provided/etc								F																M	
-falsifies documents/records or omits material information or conceals disposal		F						F																M	
-alters monitoring/testing/pollution control device																		M							
-alters hazardous waste warning signs/site boundary markers																									
-DTST without permit/interim status/license/authorization			M				D	F ²															F		
-transports/receives without manifest/ID# or with altered/falsified manifest								F																	
-allows waste to contaminate groundwater without permit/in violation of permit																									
-violation causes/likely to cause imminent danger of harm/serious bodily injury/death							F											F							

F = felony; M = misdemeanor; A = alternate felony/misdemeanor - based on facts; p = paired elements combined to make one crime; C = charged as felony/misdemeanor at discretion of prosecutor; D = ranges from misdemeanor to felony depending on the chemical substance and the quantity involved.

HAZARDOUS WASTE STATUTES:

	A L	A K	A Z	A R	C A	C O	C T	D E	F L	G A	H I	I D	I L	I N	I A	K S	K Y	L A	M E	M D	M A	M I	M N	M S	M O	
recklessly -authorizes/directs/conspires/solicits/aids/performs/etc a violation of provisions/permit/license/manifest/orders/disclosure requirements	F		F	F		F								F												
-documents/records destroyed/not maintained/not provided/etc	F								F																	
-falsifies documents/records or omits material information or conceals disposal	F								F ^p																	
-DTST without permit/interim status/license/authorization	F		F						F ^p																	
-transports/receives without manifest/ID# or with altered/falsified manifest									F ^p																	
-allows waste to contaminate groundwater without permit/in violation of permit	F																									
-violation causes/likely to cause imminent danger of harm/serious bodily injury/death									M ^p																	
-creates unreasonable risk of fire/explosion/human or environmental endangerment/serious injury/death or manifests extreme indifference to human life			F		C																					
-owner/operator causes/permits/allows emission of particulates/dust/fumes/gas/mist/ smoke/vapor/odorous substance that unreasonably interferes with life/property of persons living or working in vicinity or is injurious to public health																										
-fills/grades/excavates/builds/drills/mines on land of an unauthorized facility																										
negligently : -authorizes/directs/conspires/solicits/aids/performs/etc a violation of provisions/permit/license/manifest/orders/disclosure requirements		M				F		M			M			F										M		
-documents/records destroyed/not maintained/not provided/etc		M																								
-falsifies documents/records or omits material information or conceals disposal		M																								
-DTST without permit/interim status/license/authorization																									M	
-transports/receives without manifest/ID# or with altered/falsified manifest																									M	
-allows waste to contaminate groundwater without permit/in violation of permit																										

F = felony; M = misdemeanor; A = alternate felony/misdemeanor - based on facts; p = paired elements combine to make one crime; C = charged as felony/misdemeanor at discretion of prosecutor; D = ranges from misdemeanor to felony depending on the chemical substance and the quantity involved.

HAZARDOUS WASTE STATUTES:

	M	N	N	N	N	N	N	N	N	O	O	O	P	R	S	S	T	T	U	V	V	W	W	W	W	
	T	E	V	H	J	M	Y	C	D	H	K	R	A	I	C	D	N	X	T	T	A	A	V	I	Y	
recklessly -authorizes/directs/conspires/solicits/aids/performs/etc a violation of provisions/permit/license/manifest/orders/disclosure requirements					F		D						F				M			F						
-documents/records destroyed/not maintained/not provided/etc																										
-falsifies documents/records or omits material information or conceals disposal					F																					
-DTST without permit/interim status/license/authorization					F		D			F																
-allows waste to contaminate groundwater without permit/in violation of permit							D ⁹																			
-violation causes/likely to cause imminent danger of harm/serious bodily injury/death							D											F								
-creates unreasonable risk of fire/explosion/human or environmental endangerment/serious injury/death or manifests extreme indifference to human life							D ¹⁰																			
-owner/operator causes/permits/allows emission of particulates/dust/fumes/gas/mist/smoke/vapor/odorous substance that unreasonably interferes with life/property of persons living or working in vicinity or is injurious to public health										F																
-fills/grades/excavates/builds/drills/mines on land of an unauthorized facility										F																
negligently: -authorizes/directs/conspires/solicits/aids/performs/etc a violation of provisions/permit/license/manifest/orders/disclosure requirements			M				M																			
-documents/records destroyed/not maintained/not provided/etc																										
-falsifies documents/records or omits material information or conceals disposal																										
-DTST without permit/interim status/license/authorization			M				M																			
-transports/receives without manifest/ID# or with altered/falsified manifest																										
-allows waste to contaminate groundwater without permit/in violation of permit							M ¹¹																			

F = felony; M = misdemeanor; A = alternate felony/misdemeanor - based on facts; p = paired elements combine to make one crime; C = charged as felony/misdemeanor at discretion of prosecutor; D = ranges from misdemeanor to felony depending on the chemical substance and the quantity involved

HAZARDOUS WASTE STATUTES:

	A L	A K	A Z	A R	C A	C O	C T	D E	F L	G A	H I	I D	I L	I N	I A	K S	K Y	L A	M E	M D	M A	M I	M N	M S	M O
no mens rea cited ; -authorizes/directs/conspires/solicits/aids/performs/etc a violation of provisions/permit/license/manifest/orders/disclosure requirements					M	A	M	M	A				M			A				A	A	M			
-documents/records destroyed/not maintained/not provided/etc					M	M																			
-fails to report release					M																				
-falsifies documents/records or omits material information or conceals disposal					M	M							F							F		M			F
-alters monitoring/testing/pollution control device														M											
-DTST without permit/interim status/license/authorization						A			F ¹²						M					F					
-transports/receives without manifest/ID# or with altered/falsified manifest						M																			
-violation causes/likely to cause imminent danger of harm/serious bodily injury/death			F ¹¹	F	F														F				F		
-creates unreasonable risk of fire/explosion/human or environmental endangerment/serious injury/death or manifests extreme indifference to human life								F					F												
-transports without permit/documents on person/motor vehicle						M							M												
-refuses entry to authorized personnel																									
-transports hazardous materials by motor vehicle contrary to approved route designation						M																			
-adds/mixes/blends with fuel oil or any other residential consumer fuel or sells blended fuel to residential consumers																M									
-exports without consent of receiving country/not in conformance with applicable international agreement																									
-transporter or treatment, storage, disposal facility accepts waste from generator who has violated any waste rule																									

F = felony; M = misdemeanor; A = alternate felony/misdemeanor - based on facts; p = paired elements combine to make one crime; C = charged as felony/misdemeanor at discretion of prosecutor

HAZARDOUS WASTE STATUTES:

	M	N	N	N	N	N	N	N	N	O	O	O	P	R	S	S	T	T	U	V	V	W	W	W	W
	T	E	V	H	J	M	Y	C	D	H	K	R	A	I	C	D	N	X	T	T	A	A	V	I	Y
no mens rea cited -authorizes/directs/conspires/solicits/aids/performs/etc a violation of provisions/permits/license/manifest/orders/disclosure requirements		M	M			M	M			F	M	M	A	F	M		M	M		M		M	M		
-documents/records destroyed/not maintained/not provided/etc																									
-fails to report release																		M							
-falsifies documents/records or omits material information or conceals disposal		M	M															F							
-alters monitoring/testing/pollution control device														F											
-DTST without permit/interim status/license/authorization			M																						
-transports/receives without manifest/ID# or with altered/falsified manifest					F									F											
-violation causes/likely to cause imminent danger of harm/serious bodily injury/death										F _p															
-creates unreasonable risk of fire/explosion/human or environmental endangerment/serious injury/death or manifests extreme indifference to human life										F _p															
-transports without permit/documents on person/motor vehicle			M																						
-refuses entry to authorized personnel																									
-transports hazardous materials by motor vehicle contrary to approved route designation																									
-adds/mixes/blends with fuel oil or any other residential consumer fuel or sells blended fuel to residential consumers																									
-exports without consent of receiving country/not in conformance with applicable international agreement						M																			
-transporter or treatment, storage, disposal facility accepts waste from generator who has violated any waste rule										F															

F = felony; M = misdemeanor; A = alternate felony/misdemeanor - based on facts; p = paired elements combine to make one crime; C = charged as felony/misdemeanor at discretion of prosecutor

1. If has a substantial likelihood of endangering human health, animal or plant life or property.

2. Knowingly and willfully.

3. Causing pollution, public nuisance or bodily injury.

4. Any involvement of an acutely hazardous waste constitutes a felony.

5. Applicable to any release to the environment, a felony if any hazardous substance enters water.

6. A felony if any quantity of acutely hazardous substances are involved or if a person not participating in the crime is physically injured, regardless of the amount of hazardous materials involved.

7. A misdemeanor for solicitation by the generator, but a felony for solicitation by the disposer or payment by the generator.
3. With reckless disregard or gross careless disregard.
9. Felony if the released hazardous substance enters a primary water supply.
10. Felony requires that an acutely hazardous substance be involved and that a physical injury is suffered by a person not a participant in the crime.
11. Applies to any release of 5 gallons or 50 pounds of a hazardous substance, or any quantity of an acutely hazardous substance into the environment.
12. Included in a pattern of racketeering - real property or enterprise transactions.
13. Tied in with reckless violation of permit/interim status.

Appendix B

Compilation of State Environmental Codifications

The following compilation was created to assist prosecutors in identifying the bodies of environmental law for the United States. Citations and interpretations contained herein should be used to begin a study of the actual statutes and not as a substitute for such a study.

AMERICAN PROSECUTORS RESEARCH INSTITUTE

APPENDIX B

Compilation of State Environmental Statute Codification

Alabama	
Air Pollution	ALA. CODE § 22-28-1 et seq.
Water Pollution	ALA. CODE § 22-22-1 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	ALA. CODE § 22-30-1 et seq.
Solid Waste	ALA. CODE § 22-27-1 et seq.
Littering	ALA. CODE § 13A-7-29
See also	ALA. CODE §§ 33-6-1 et seq., 41-9-490 et seq.
Alaska	
See generally Water, Air, Energy, and Envir. Conservation	ALASKA STAT. § 46.03.010 et seq.
Air Pollution	ALASKA STAT. § 46.03.140 et seq.
Water Pollution	ALASKA STAT. § 46.03.050 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	ALASKA STAT. §§ 46.03.250 et seq., 46.09.010 et seq.
Solid Waste	ALASKA STAT. § 46.06.021 et seq.
See also	ALASKA STAT. § 46.03.050 et seq.
Littering	ALASKA STAT. § 46.06.010 et seq.
Arizona	
See generally	ARIZ. REV. STAT. ANN. §49-101 et seq.
Air Pollution	ARIZ. REV. STAT. ANN. § 49-401 et seq.
Water Pollution	ARIZ. REV. STAT. ANN. §§ 5-348, 49-201 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	ARIZ. REV. STAT. ANN. § 49-901 et seq.
Solid Waste	ARIZ. REV. STAT. ANN. § 49-701 et seq.
Littering	ARIZ. REV. STAT. ANN. §§ 9-499, 13-1603
See also	ARIZ. REV. STAT. ANN. §§ 5-348, 13-1601
Arkansas	
Air Pollution	ARK. CODE ANN. §§ 8-3-101 et seq., 8-4-101 et seq., 8-4-301 et seq.
Water Pollution	ARK. CODE ANN. §§ 8-3-101 et seq., 8-4-101 et seq., 8-4-201 et seq.
Ground Water Pollution	ARK. CODE ANN. § 15-22-901 et seq.
See also	ARK. CODE ANN. § 5-72-101 et seq.
Hazardous Substances/Waste	ARK. CODE ANN. §§ 8-7-101 et seq., 8-7-201 et seq.
See also	ARK. CODE ANN. § 27-2-101 et seq.
Solid Waste	ARK. CODE ANN. § 8-6-201 et seq.
Littering	ARK. CODE ANN. § 8-6-401 et seq.
See also Unlawful Dumping	ARK. CODE ANN. § 8-6-501 et seq.

California	
Air Pollution	CAL. HEALTH & SAFETY CODE §§ 39000 et seq., 41500 et seq., 43000 et seq.
Water Pollution	CAL. WATER CODE § 13000 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	CAL. HEALTH & SAFETY CODE §§ 25100 et seq., 28740 et seq.
Solid Waste	CAL. PUB. RES. CODE §§ 40000 et seq., 43000 et seq., 46801 et seq.
See also	CAL. HEALTH & SAFETY CODE § 4500 et seq.
Littering	CAL. PENAL CODE § 374 et seq.
See also	CAL. VEH. CODE § 23111 et seq.
Colorado	
Air Pollution	COLO. REV. STAT. § 25-7-101 et seq.
Water Pollution	COLO. REV. STAT. § 25-8-101 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	COLO. REV. STAT. § 25-15-101 et seq.
See also	COLO. REV. STAT. §§ 18-13-112, 25-5-501 et seq., 43-6-101 et seq.
Solid Waste	COLO. REV. STAT. § 30-20-100.5 et seq.
Littering	COLO. REV. STAT. §§ 18-4-511, 42-4-1207
See generally Trespass, Tampering & Criminal Mischief	COLO. REV. STAT. § 18-4-501 et seq.
Connecticut	
Air Pollution	CONN. GEN. STAT. §§ 22a-1 et seq., 22a-170 et seq.
Water Pollution	CONN. GEN. STAT. §§ 22a-1 et seq., 22a-416 et seq.
See also	CONN. GEN. STAT. §§ 22a-336 et seq., 22a-383 et seq.
Ground Water Pollution	see water pollution
See also	CONN. GEN. STAT. § 22a-416 et seq.
Hazardous Substances/Waste	CONN. GEN. STAT. § 22a-114 et seq.
See also	CONN. GEN. STAT. § 29-336 et seq.
Solid Waste	CONN. GEN. STAT. § 22a-207 et seq.
See also	CONN. GEN. STAT. § 22a-257 et seq.
Littering	CONN. GEN. STAT. § 22a-247 et seq.
See also	CONN. GEN. STAT. § 19a-335 et seq.
Delaware	
Air Pollution	DEL. CODE ANN. tit. 7, § 6001 et seq.
Water Pollution	DEL. CODE ANN. tit. 7, § 6001 et seq.
See also	DEL. CODE ANN. tit. 16, § 1301 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	DEL. CODE ANN. tit. 7, § 6301 et seq.
See also	DEL. CODE ANN. tit. 7, §§ 7701 et seq., 9101 et seq.
Solid Waste	DEL. CODE ANN. tit. 29, § 8225 et seq.
See also Ocean Dumping	DEL. CODE ANN. tit. 7, §§ 6025, 6401 et seq.
	DEL. CODE ANN. tit. 7, § 6070 et seq.

See also	DEL. CODE ANN. tit. 7, §§ 6101 et seq., 7801 et seq.
Littering	DEL. CODE ANN. tit. 16, § 1601 et seq.
See also	DEL. CODE ANN. tit. 21, § 4189
District of Columbia	
Air Pollution	D.C. CODE ANN. § 6-901 et seq.
Water Pollution	D.C. CODE ANN. §§ 6-901 et seq., 6-921 et seq.
Ground Water Pollution	see water pollution
See also	D.C. CODE ANN. §§ 22-501, 22-3118
Hazardous Substances/Waste	D.C. CODE ANN. §§ 6-701 et seq., 6-3301 et seq.
Solid Waste	D.C. CODE ANN. § 6-3401 et seq.
Littering	D.C. CODE ANN. § 6-2901 et seq.
Florida	
See generally Environmental Land & Water Management Act	
Air Pollution	FLA. STAT. ch. 380.012 et seq.
Water Pollution	FLA. STAT. ch. 386.041, 403.011 et seq.
	FLA. STAT. ch. 372.85, 376.30 et seq., 387.01 et seq., 403.011 et seq.
Ground Water Pollution	FLA. STAT. ch. 373.011 et seq.
See also	FLA. STAT. ch. 376.011 et seq., 387.01 et seq.
Hazardous Substances/Waste	FLA. STAT. ch. 403.701 et seq., 501.061 et seq.
See also	FLA. STAT. ch. 252.86 et seq., 316.302
Solid Waste	FLA. STAT. ch. 403.413, 403.701 et seq.
See also	FLA. STAT. ch. 386.041
Littering	FLA. STAT. ch. 403.413 et seq.
Georgia	
Air Pollution	GA. CODE ANN. § 12-9-1 et seq.
Water Pollution	GA. CODE ANN. § 12-5-20 et seq.
Ground Water Pollution	GA. CODE ANN. § 12-5-90 et seq.
Hazardous Substances/Waste	GA. CODE ANN. §§ 12-8-1 et seq., 12-8-60 et seq.
See also	GA. CODE ANN. § 12-14-1 et seq.
Solid Waste	GA. CODE ANN. § 12-8-1 et seq., 12-8-20 et seq.
Littering	GA. CODE ANN. § 16-7-40 et seq.
Hawaii	
Air Pollution	HAW. REV. STAT. § 342B-1 et seq.
Water Pollution	HAW. REV. STAT. § 342D-1 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	HAW. REV. STAT. § 342J-1 et seq.
Solid Waste	HAW. REV. STAT. § 342H-1 et seq.
Littering	HAW. REV. STAT. § 339-1 et seq.
See also	HAW. REV. STAT. §§ 291C-132, 708-829

Idaho	
Air Pollution	IDAHO CODE § 39-110 et seq.
Water Pollution	IDAHO CODE § 39-3601 et seq.
Ground Water Pollution	see water pollution
See also	IDAHO CODE § 39-120 et seq.
Hazardous Substances/Waste	IDAHO CODE § 39-4401 et seq.
See also	IDAHO CODE §§ 18-3905, 49-2201 et seq., 67-2929, 67-2930
Solid Waste	IDAHO CODE § 39-7401 et seq.
Littering	IDAHO CODE §§ 18-3906, 18-4301, 18-7031
Illinois	
See generally Environmental Protection Act	
Air Pollution	ILL. REV. STAT. ch. 111 1/2, para. 1001 et seq.
See also	ILL. REV. STAT. ch. 111 1/2, para. 1008 et seq.
Water Pollution	ILL. REV. STAT. ch. 127, para. 721 et seq.
	ILL. REV. STAT. ch. 111 1/2, para. 1011 et seq.
Ground Water Pollution	ILL. REV. STAT. ch. 111 1/2, para. 7451 et seq.
Hazardous Substances/Waste	ILL. REV. STAT. ch. 111 1/2, para. 1020 et seq.
	ILL. REV. STAT. ch. 111 1/2, para. 251 et seq.
See also	ILL. REV. STAT. ch. 95 1/2, para. 700-1 et seq.
	ILL. REV. STAT. ch. 127, para. 1250 et seq.
Solid Waste	ILL. REV. STAT. ch. 111 1/2, para. 7051 et seq.
See also	ILL. REV. STAT. ch. 111 1/2, para. 1020 et seq.
Littering	ILL. REV. STAT. ch. 38, para. 86-1 et seq.
See also	ILL. REV. STAT. ch. 111 1/2, para. 1020 et seq.
	ILL. REV. STAT. ch. 95 1/2, para. 11-1427
Indiana	
Air Pollution	IND. CODE § 13-1-1-1 et seq.
Water Pollution	IND. CODE § 13-1-1-1 et seq.
See also	IND. CODE § 13-1-3-1 et seq.
Ground Water Pollution	IND. CODE § 13-7-26-1 et seq.
Hazardous Substances/Waste	IND. CODE § 13-7-8.5-1 et seq.
Solid Waste	IND. CODE § 13-9.5-1-1 et seq.
See also	IND. CODE § 13-2-22-13.5
Littering	IND. CODE § 35-45-3-1 et seq.
Iowa	
Air Pollution	IOWA CODE §§ 455B.101 et seq., 455B.131 et seq.
Water Pollution	IOWA CODE § 455B.171 et seq.

Ground Water Pollution	IOWA CODE § 455E.1 et seq.
See also	IOWA CODE § 455B.171 et seq.
Hazardous Substances/Waste	IOWA CODE §§ 455B.411 et seq., 716B.1 et seq.
See also	IOWA CODE § 455B.461 et seq.
Solid Waste	IOWA CODE § 455B.301 et seq.
Littering	IOWA CODE § 455B.361 et seq.
Kansas	
Air Pollution	KAN. STAT. ANN. § 65-3001 et seq.
Water Pollution	KAN. STAT. ANN. § 65-3301 et seq.
Ground Water Pollution	KAN. STAT. ANN. § 82a-1201 et seq.
Hazardous Substances/Waste	KAN. STAT. ANN. § 65-3430 et seq.
Solid Waste	KAN. STAT. ANN. § 65-3401 et seq.
Littering	KAN. STAT. ANN. § 21-3722
Kentucky	
See generally Environmental Protection	KY. REV. STAT. ANN. § 224.01-010 et seq.
Air Pollution	KY. REV. STAT. ANN. § 224.20-100 et seq.
Water Pollution	KY. REV. STAT. ANN. §§ 224.01-010 et seq., 224.70-100 et seq.
Ground Water Pollution	see water pollution
See also	KY. REV. STAT. ANN. § 151.010 et seq.
Hazardous Substances/Waste	KY. REV. STAT. ANN. § 224.40-100 et seq.
See also	KY. REV. STAT. ANN. § 174.400 et seq.
Solid Waste	KY. REV. STAT. ANN. §§ 224.46-012 et seq., 224.43-610 et seq.
See generally	KY. REV. STAT. ANN. §§ 224.43-010 et seq., 224.43-310 et seq.
Littering	KY. REV. STAT. ANN. § 224.40-100 et seq. KY. REV. STAT. ANN. §§ 433.753, 433.757, 512.070
Louisiana	
Air Pollution	LA. REV. STAT. ANN. § 30:2051 et seq.
Water Pollution	LA. REV. STAT. ANN. §§ 14:58, 30:2071 et seq.
Ground Water Pollution	see water pollution
See also	LA. REV. STAT. ANN. § 30:4.1
Hazardous Substances/Waste	LA. REV. STAT. ANN. §§ 30:2171 et seq., 32:1501 et seq.
See also	LA. REV. STAT. ANN. § 30:4.1
Solid Waste	LA. REV. STAT. ANN. § 30:2151 et seq.
See also	LA. REV. STAT. ANN. § 40:1299.36
Littering	LA. REV. STAT. ANN. § 25:1101 et seq.
See also	LA. REV. STAT. ANN. §§ 32:289, 48:385
Maine	
Air Pollution	ME. REV. STAT. ANN. tit. 38, § 581 et seq.
Water Pollution	ME. REV. STAT. ANN. tit. 38, §§ 361 et seq., 411 et seq., 571
Ground Water Pollution	ME. REV. STAT. ANN. tit. 38, § 401 et seq.
Hazardous Substances/Waste	ME. REV. STAT. ANN. tit. 38, §§ 1301 et seq., 1317 et seq.
See also	ME. REV. STAT. ANN. tit. 25, § 2101 et seq.

Solid Waste
See also
Littering

ME. REV. STAT. ANN. tit. 38, § 1319-O et seq.
ME. REV. STAT. ANN. tit. 38, § 1301 et seq.
ME. REV. STAT. ANN. tit. 38, § 1310-C et seq.
ME. REV. STAT. ANN. tit. 17, § 2261 et seq.

Maryland

Air Pollution
See also
Water Pollution
See generally
Ground Water Pollution
Hazardous Substances/Waste
See also
Solid Waste
See also
Littering

MD. CODE ANN., ENVIR. § 2-101 et seq.
MD. CODE ANN., ENVIR. § 2-601 et seq.
MD. CODE ANN., ENVIR. § 4-401 et seq.
MD. CODE ANN., ENVIR. § 4-101 et seq.
see water pollution
MD. CODE ANN., ENVIR. § 7-101 et seq.
MD. CODE ANN., HEALTH-GEN. § 22-501 et seq.
MD. CODE ANN., ENVIR. § 9-501 et seq.
MD. CODE ANN., NAT. RES. § 3-101 et seq.
MD. ANN. CODE art. 27, § 468

Massachusetts

Air Pollution
Water Pollution
Ground Water Pollution
Hazardous Substances/Waste
See also

MASS. GEN. L. ch. 111, § 142A et seq.
MASS. GEN. L. ch. 21, § 26 et seq.
see water pollution

MASS. GEN. L. ch. 21C, § 1 et seq.
MASS. GEN. L. ch. 21E, § 1 et seq.
MASS. GEN. L. ch. 21I, § 1 et seq.
MASS. GEN. L. ch. 94B, § 1 et seq.
MASS. GEN. L. ch. 16, § 18 et seq.
MASS. GEN. L. ch. 21H, § 1 et seq.
MASS. GEN. L. ch. 111, § 150A
MASS. GEN. L. ch. 270, §§ 16, 16A, 17
MASS. GEN. L. ch. 265, § 35

Solid Waste
See also

Littering
See also

Michigan

Air Pollution
Water Pollution - see generally
See also
Ground Water Pollution
Hazardous Substances/Waste
Solid Waste
Littering
See also

MICH. COMP. LAWS § 336.11 et seq.
MICH. COMP. LAWS § 323.1 et seq.
MICH. COMP. LAWS § 323.331 et seq.
see water pollution
MICH. COMP. LAWS § 299.501 et seq.
MICH. COMP. LAWS § 299.401 et seq.
MICH. COMP. LAWS § 752.901 et seq.
MICH. COMP. LAWS §§ 323.331 et seq., 325.311
et seq.

Minnesota

Air Pollution
Water Pollution
Ground Water Pollution
See also
Hazardous Substances/Waste
See also

MINN. STAT. § 116.01 et seq.
MINN. STAT. § 115.01 et seq.
MINN. STAT. § 103H.001 et seq.
MINN. STAT. § 115.01 et seq.
MINN. STAT. § 115A.01 et seq.
MINN. STAT. § 221.033 et seq.
MINN. STAT. § 115B.04 et seq.

Solid Waste	MINN. STAT. § 609.671
See also	MINN. STAT. § 115A.01 et seq.
Littering	MINN. STAT. § 116.01 et seq.
	MINN. STAT. §§ 85.20, 115A.99, 169.421, 609.68
Mississippi	
Air Pollution	MISS. CODE ANN. § 49-17-1 et seq.
Water Pollution	MISS. CODE ANN. § 49-17-1 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	MISS. CODE ANN. § 17-17-1 et seq.
Solid Waste	MISS. CODE ANN. § 17-17-1 et seq.
Littering	MISS. CODE ANN. § 51-2-1 et seq.
See also	MISS. CODE ANN. §§ 63-3-1211, 97-15-29, 97-15-31, 97-27-9
Missouri	
Air Pollution	MO. REV. STAT. §§ 643.010 et seq., 643.600 et seq.
Water Pollution	MO. REV. STAT. § 644.006 et seq.
Ground Water Pollution	see water pollution
See also	MO. REV. STAT. §§ 260.210, 577.150
Hazardous Substances/Waste	MO. REV. STAT. §§ 260.005 et seq., 260.350 et seq.
Solid Waste	MO. REV. STAT. §§ 260.005 et seq., 260.200 et seq.
Littering	MO. REV. STAT. § 577.070 et seq.
Montana	
Air Pollution	MONT. CODE ANN. § 75-2-101 et seq.
Water Pollution	MONT. CODE ANN. § 75-5-101 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	MONT. CODE ANN. §§ 50-30-201 et seq., 75-10- 401 et seq., 75-11-101 et seq.
Solid Waste	MONT. CODE ANN. § 75-10-201 et seq.
Littering	MONT. CODE ANN. §§ 23-2-522, 61-8-365, 75-10- 212, 75-10-213
Nebraska	
See generally Environmental Protection Act	NEB. REV. STAT. § 81-1501 et seq.
Air Pollution	NEB. REV. STAT. § 81-1501 et seq.
Water Pollution	NEB. REV. STAT. § 81-1501 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	NEB. REV. STAT. § 81-1501 et seq.
Solid Waste	NEB. REV. STAT. § 81-1501 et seq.
Littering	NEB. REV. STAT. § 28-523
Nevada	
Air Pollution	NEV. REV. STAT. § 445.401 et seq.
Water Pollution	NEV. REV. STAT. § 445.131 et seq.
Ground Water Pollution	see water pollution

Hazardous Substances/Waste	NEV. REV. STAT. § 459.001 et seq.
Solid Waste	NEV. REV. STAT. § 444.440 et seq.
Littering	NEV. REV. STAT. §§ 202.185, 444.630
New Hampshire	
Air Pollution	N.H. REV. STAT. ANN. § 125-C:1 et seq.
Water Pollution	N.H. REV. STAT. ANN. § 485-A:1 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	N.H. REV. STAT. ANN. §§ 147-A:1 to D:1 et seq.
Solid Waste	N.H. REV. STAT. ANN. § 149-M:1 et seq.
Littering	N.H. REV. STAT. ANN. § 147:21, 163-B:1 et seq., 265:102, 266:72
New Jersey	
Air Pollution	N.J. REV. STAT. § 26:2C-1 et seq.
Water Pollution	N.J. REV. STAT. § 58:10A-1 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	N.J. REV. STAT. §§ 13:1E-1 et seq., 13:1K-1 et seq.
Solid Waste	N.J. REV. STAT. §§ 13:1E-1 et seq., 13:1I-1 et seq.
Littering	N.J. REV. STAT. §§ 13:18A-24, 23:7-9
New Mexico	
Air Pollution	N.M. STAT. ANN. § 74-2-1 et seq.
Water Pollution	N.M. STAT. ANN. § 74-6-1 et seq.
Ground Water Pollution	N.M. STAT. ANN. § 74-6B-1 et seq.
Hazardous Substances/Waste	N.M. STAT. ANN. §§ 74-4-1 et seq., 74-4A-E-1 et seq.
Solid Waste	N.M. STAT. ANN. § 74-9-1 et seq.
Littering	N.M. STAT. ANN. § 67-16-1 et seq.
New York	
Air Pollution	N.Y. ENVTL. CONSERV. LAW § 19-0101 et seq.
Water Pollution	N.Y. ENVTL. CONSERV. LAW § 17-0101 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	N.Y. ENVTL. CONSERV. LAW §§ 27-0301 et seq., 37-0101 et seq.
Solid Waste	N.Y. ENVTL. CONSERV. LAW § 27-0501 et seq.
Littering	N.Y. VEH. & TRAF. LAW § 1220
See also	N.Y. NAV. LAW § 33 to 33-c
	N.Y. R.R. § 52-e
North Carolina	
Air Pollution	N.C. GEN. STAT. § 143-215.105 et seq.
Water Pollution	N.C. GEN. STAT. § 143-211 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	N.C. GEN. STAT. §§ 130B-1 et seq., 143-215.75 et seq.
Solid Waste	N.C. GEN. STAT. § 290 et seq.
Littering	N.C. GEN. STAT. §§ 14-399, 76-40

North Dakota	
Air Pollution	N.D. CENT. CODE § 23-25-01 et seq.
Water Pollution	N.D. CENT. CODE § 61-28-01 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	N.D. CENT. CODE §§ 23-20.2-01 et seq., 23-20.3-02 et seq.
Solid Waste	N.D. CENT. CODE § 23-29-01 et seq.
Littering	N.D. CENT. CODE §§ 20.1-01-25, 20.1-06-09, 39-10-59
Ohio	
Air Pollution	OHIO REV. CODE ANN. § 3704.01 et seq.
Water Pollution	OHIO REV. CODE ANN. § 6111.01 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	OHIO REV. CODE ANN. § 3734.01 et seq.
Solid Waste	OHIO REV. CODE ANN. § 3734.50 et seq.
Littering	OHIO REV. CODE ANN. §§ 731.51, 1502.01 et seq., 1542.49, 3767.32, 4511.74, 4511.82
Oklahoma	
Air Pollution	OKLA. STAT. tit. 63, § 1-1801 et seq.
Water Pollution	OKLA. STAT. tit. 11, § 37-101 et seq., tit. 82 § 926.1 et seq.
Ground Water Pollution	see water pollution title 82
Hazardous Substances/Waste	OKLA. STAT. tit. 63, § 1-1601 et seq.
Solid Waste	OKLA. STAT. tit. 63, §§ 1-2001 et seq., 2300 et seq.
Littering	OKLA. STAT. tit. 21, §§ 1753.3, 1761.1, 1789, tit. 82 § 1455
Oregon	
Air Pollution	OR. REV. STAT. § 468A.005 et seq.
Water Pollution	OR. REV. STAT. § 468.005 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	OR. REV. STAT. §§ 453.001 et seq., 465.003 et seq., 466.005 et seq.
Solid Waste	OR. REV. STAT. § 459.005 et seq.
Littering	OR. REV. STAT. §§ 164.375, 164.785, 164.805
Pennsylvania	
Air Pollution	35 PA. CONS. STAT. ANN. § 4001 et seq.
Water Pollution	35 PA. CONS. STAT. ANN. § 691.1 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	35 PA. CONS. STAT. ANN. §§ 6020.101 et seq., 6021.101 et seq., 6022.101 et seq.
Solid Waste	35 PA. CONS. STAT. ANN. § 601.101 et seq., 53 PA. CONS. STAT. ANN. § 4000.101 et seq.
Littering	18 PA. CONS. STAT. ANN. § 6501, tit. 30 § 2503, 75 PA. CONS. STAT. ANN. § 3709

Rhode Island	
Air Pollution	R.I. GEN. LAWS § 23-23-1 et seq.
Water Pollution	R.I. GEN. LAWS § 46-12-1 et seq.
Ground Water Pollution	R.I. GEN. LAWS § 46-13.1-1 et seq.
Hazardous Substances/Waste	R.I. GEN. LAWS § 23-19.1-1 et seq.
Solid Waste	R.I. GEN. LAWS § 23-19-1 et seq.
Littering	R.I. GEN. LAWS § 57-15-1 et seq.
South Carolina	
Air Pollution	S.C. CODE ANN. § 48-1-10 et seq.
Water Pollution	S.C. CODE ANN. § 48-1-10 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	S.C. CODE ANN. §§ 23-39-10 et seq., 44-56-10 et seq.
Solid Waste	S.C. CODE ANN. § 44-96-10 et seq.
Littering	S.C. CODE ANN. §§ 16-11-700, 16-11-720, 44-67-10 et seq.
South Dakota	
Air Pollution	S.D. CODIFIED LAWS § 34-1-1 et seq.
Water Pollution	S.D. CODIFIED LAWS § 34A-2-1 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	S.D. CODIFIED LAWS §§ 34A-11-1 et seq., 49-28A-1 et seq.
Solid Waste	S.D. CODIFIED LAWS § 34A-6-1.1 et seq.
Littering	S.D. CODIFIED LAWS §§ 22-34-27, 34A-7-1 et seq.
Tennessee	
Air Pollution	TENN. CODE ANN. § 68-25-101 et seq.
Water Pollution	TENN. CODE ANN. § 69-3-101 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	TENN. CODE ANN. §§ 68-27-101 et seq., 68-46-101 et seq.
Solid Waste	TENN. CODE ANN. § 68-31-101 et seq.
Littering	TENN. CODE ANN. § 39-14-501 et seq.
Texas	
Air Pollution	TEX. HEALTH & SAFETY CODE ANN. § 382.001 et seq.
Water Pollution	TEX. WATER CODE ANN. § 26.001 et seq.
Ground Water Pollution	TEX. WATER CODE ANN. § 26401 et seq.
Hazardous Substances/Waste	TEX. HEALTH & SAFETY CODE ANN. §§ 361.131 et seq., 501.001 et seq.
Solid Waste	TEX. HEALTH & SAFETY CODE ANN. § 361.001 et seq.
Littering	TEX. HEALTH & SAFETY CODE ANN. § 365.001 et seq.
Utah	
Air Pollution	UTAH CODE ANN. § 19-2-101 et seq.
Water Pollution	UTAH CODE ANN. § 19-5-101 et seq.

Ground Water Pollution	see water pollution
Hazardous Substances/Waste	UTAH CODE ANN. §§ 19-6-101 et seq., 19-6-301 et seq.
Solid Waste	UTAH CODE ANN. § 19-6-501 et seq.
Littering	UTAH CODE ANN. §§ 41-6-114 et seq., 73-18a-1 et seq.
Vermont	
See generally Uniform	
Environmental Law Enforcement	VT. STAT. ANN. tit. 10, § 8001 et seq.
Air Pollution	VT. STAT. ANN. tit. 10, § 551 et seq.
Water Pollution	VT. STAT. ANN. tit. 10, § 1251 et seq.
Ground Water Pollution	VT. STAT. ANN. tit. 10, § 1390 et seq.
Hazardous Substances/Waste	VT. STAT. ANN. tit. 10, § 6603 et seq.
Solid Waste	VT. STAT. ANN. tit. 10, § 6603 et seq.
Littering	VT. STAT. ANN. tit. 24, § 2201
Virginia	
Air Pollution	VA. CODE ANN. § 10.1-1300 et seq.
Water Pollution	VA. CODE ANN. § 62.1-44.2 et seq.
Ground Water Pollution	VA. CODE ANN. § 62.1-254 et seq.
Hazardous Substances/Waste	VA. CODE ANN. § 10.1-1426 et seq.
Solid Waste	VA. CODE ANN. § 10.1-1408 et seq.
Littering	VA. CODE ANN. § 10.1-1414 et seq.
Washington	
Air Pollution	WASH. REV. CODE § 70.94.010 et seq.
Water Pollution	WASH. REV. CODE § 90.48.010 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	WASH. REV. CODE §§ 70-105-005, 70-106-010 et seq.
Solid Waste	WASH. REV. CODE § 70-95-010 et seq.
Littering	WASH. REV. CODE § 70-93-010 et seq.
West Virginia	
Air Pollution	W. VA. CODE ANN. § 16-20-1 et seq.
Water Pollution	W. VA. CODE ANN. § 20-5A-1 et seq.
Ground Water Pollution	W. VA. CODE ANN. § 20-5M-1 et seq.
Hazardous Substances/Waste	W. VA. CODE ANN. § 20-5E-1 et seq.
Solid Waste	W. VA. CODE ANN. § 20-5F-1 et seq.
Littering	W. VA. CODE ANN. § 20-7-26
Wisconsin	
Air Pollution	WIS. STAT. §§ 144.30 et seq., 146.10 et seq.
Water Pollution	WIS. STAT. §§ 144.01 et seq., 147.01 et seq.
Ground Water Pollution	WIS. STAT. § 160.001 et seq.
Hazardous Substances/Waste	WIS. STAT. § 144.60 et seq.
Solid Waste	WIS. STAT. §§ 144.43 et seq., 159.01 et seq.
Littering	WIS. STAT. §§ 80.65, 159.81
Wyoming	
See generally Environmental	

Quality Act	WYO. STAT. § 35-11-101 et seq.
Air Pollution	WYO. STAT. § 35-11-201 et seq.
Water Pollution	WYO. STAT. § 35-11-301 et seq.
Ground Water Pollution	see water pollution
Hazardous Substances/Waste	WYO. STAT. § 35-11-1414 et seq.
Solid Waste	WYO. STAT. § 35-11-501 et seq.
Littering	WYO. STAT. § 6-3-204

Appendix C

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