

The Case of the Underhanded Scrap Tire Hauler

January 2005

Ohio EPA's Office of Special Investigations (OSI) investigates reports of environmental violations. The following story was developed based on case reports from the office.

From November 2000 to December 2001, Larry Anderson hauled more than 2,400 scrap tires from various garages and tire retailers.

There were just a few glitches with administration of Anderson's scrap tire removal business. He was unlicensed; he hired destitute individuals to rent the U-Hauls into which the tires were loaded; he either failed to remove the tires from the trucks or he illegally dumped them; and, he neglected to return the trucks to U-Haul. To add insult to injury, U-Haul got stuck paying for the disposal of the tires Anderson left in their trucks.

Ohio EPA's Office of Special Investigations (OSI) and the Ohio Attorney General's Bureau of Criminal Identification and Investigation (BCI) unraveled this saga of deception and greed.



The suspects used U-Haul trucks to collect tires, abandoning both the trucks and tires after receiving payment from the tire generator.

It all began when Anderson, of Cleveland, approached a woman and asked her to accompany him and another man to a U-Haul rental office in the area to rent a truck. She said he told her he was going to use it to help someone move their belongings.

Anderson then used the truck to travel to scrap tire generators who paid \$1 per tire (licensed scrap tire transporters usually charge \$2 per tire) to have approximately 250 scrap tires removed. Instead of disposing of the tires, U-Haul stated that the tires and vehicle were abandoned on a city street.

Ohio EPA said that, this scene, more or less, was replayed eight times throughout the next 13 months and included incidents involving Anderson's cousin and his own son. Most often, Anderson approached homeless or out-of-work people, and, after determining that they had a driver's license, offered to pay them \$20 or \$30 to rent a truck in their name. Tires were retrieved, fees were collected and, other than twice

when they were illegally dumped, the tires remained in the abandoned moving vans or were returned, along with the vans, to U-Haul.

Investigators were successful in locating and interviewing most of the accomplices Anderson victimized. All of the accomplices were cooperative and the information they provided about how Anderson approached and solicited their participation was invaluable. While most had never met Anderson before renting trucks for him, some of the accomplices were able to pick Anderson out of a photo lineup and one testified against him.

During Anderson's 13-month tire-dumping spree, U-Haul worked with Cleveland City Police to try to apprehend him. Oddly enough, a U-Haul employee happened to spot one of the trucks that the company had reported as stolen. It was parked on a city street and two men were loading tires into it. When the police arrived, Anderson and his son were arrested. Anderson was charged and convicted of receiving stolen property for being in possession of the U-Haul truck. Following his conviction, Ohio EPA's OSI and the Attorney General's Office BCI continued their investigation. This resulted in Anderson being charged, tried and convicted of four counts of illegal transportation of scrap tires and one count of open dumping. Anderson was sentenced to two years in prison, three years probation and ordered to pay court costs for the environmental crimes he committed.

During the course of the investigation, Anderson gave the names of several tire generators who had paid him to haul scrap tires with knowledge that what he was doing was illegal.

By this time OSI and BCI had conducted a covert operation on the scrap tire generators Anderson identified and devised a plan to go after them.

In early December 2003, OSI and BCI conducted an undercover operation on several of the scrap tire generators. This investigation resulted in various convictions.



Investigators set up a sting operation to catch tire generators who were using this illegal disposal practice.

Scrap tire generator Sam Wormsley, Jr. plead guilty to attempted open dumping and his son, Sam Wormsley III plead guilty to attempted open dumping, illegal transportation of scrap tires and failure to provide shipping information. Wormsley, Jr. was sentenced to serve 30 days home incarceration, pay \$1,500 in restitution and was fined \$1,000. Wormsley III was sentenced to 90 days in jail (suspended), had to pay \$1,500 in restitution, was fined \$3,000 and required to complete 200 hours of community service.

This was an excellent example of cooperation between Ohio EPA, the Attorney General's Office, the Cleveland City Police and U-Haul. Without everyone's participation, this case would have been difficult to solve.

Ohio EPA Dedicated to Enforcement of Environmental Crimes and Violations

Each year, Ohio EPA's OSI and the Attorney General's BCI unit work together to investigate and prosecute environmental crimes. In 2003, Ohio secured 21 convictions or plea agreements with a total of 36 felonies and 13 misdemeanors.

Ohio EPA also addresses violations through administrative orders. In 2003, civil environmental enforcement efforts resulted in 198 case resolutions, nearly \$8 million in civil penalties and an expansive list of environmental benefits.

Throughout the year, Ohio EPA publicizes enforcement cases when they are settled by sending news releases to local media and posting them on Ohio EPA's Web site. The Agency believes that these practices may serve as a deterrent to noncompliance. The Agency also produces a year-end report which measures the Agency's performance and documents the environmental benefits gained through enforcement.

The enforcement report points to major improvements in the Agency's enforcement program in the past four years, in spite of significant budget cuts. For example, there has been a 57 percent increase in administrative enforcement actions; administrative penalties assessed have doubled; there was a 95 percent reduction in old cases; the average administrative enforcement case is resolved in nine months; and there has been a 90 percent improvement in the timeliness of resolving formal citizen complaints (known as verified complaints).

"Case statistics are great, but people really want to know if Ohio EPA's actions make a difference in their lives," said Ohio EPA Director Joseph P. Koncelick. "Because of state enforcement actions, Ohio's air and rivers are cleaner, our drinking water is safer and dump sites are disappearing."

Ohio EPA is a national leader in its efforts to quantify the environmental benefits of enforcement. Environmental benefits gained by Ohio EPA's enforcement actions in 2003 include:

- 2,033 tons of air pollution eliminated per year;
- 8,947 customers with cleaner drinking water;
- 19 sewer overflows addressed;
- 56,500 gallons of wastewater now receiving treatment by a treatment plant;
- 3.5 million gallons per day of wastewater receiving enhanced treatment;
- 853 acres of land with improved storm water controls;
- 571 failing on-lot sewage systems corrected;
- 3,200 linear feet of stream mitigation;
- 30,064 tons of solid waste removed from open dumps;
- 5,030,485 abandoned scrap tires and 1,052 tons of construction and demolition debris cleaned up;
- 195 tons of waste removed and disposed through hazardous waste site closures;
- 46,000 cubic yards of hazardous waste properly closed;
- 2,044 gallons of hazardous liquid and sludge waste removed and properly disposed; and
- 995 gallons of non-hazardous liquid waste removed and properly disposed.

These additional highlights are also noted in the report. To view the entire report, [click here](#).

- Civil penalties assessed by Ohio EPA and the Attorney General's Office (AGO) totaled \$7,998,099.
- Ohio EPA assessed civil penalties of \$2,543,874, exceeding the \$2 million mark for the fourth year in a row. This is the highest total amount of administrative civil penalties assessed in the last eight years.
- The Division of Surface Water issued 32 orders and assessed total penalties of \$1,830,768 (\$1,458,935 by the AGO and \$371,833 in administrative penalties).
- The Division of Hazardous Waste Management issued 25 orders and assessed \$1,325,698 in civil penalties (\$669,500 by the AGO and \$656,198 in administrative penalties).
- The Division of Air Pollution Control issued 54 orders and assessed \$2,288,380 in penalties (\$1,198,550 by the AGO and \$1,089,830 in administrative penalties).
- The Division of Solid and Infectious Waste Management issued 19 orders and assessed \$2,386,753 in civil penalties (\$2,007,440 by the AGO and \$379,313 in administrative penalties).
- The Division of Drinking and Ground Waters issued seven orders and assessed \$166,500 in penalties (\$119,800 by the AGO and \$46,700 in administrative penalties).
- Division of Emergency and Remedial Response enforcement efforts resulted in two completed site cleanups in 2003 and selection of final cleanup remedies at four additional sites.

Indications are that this year's enforcement statistics will show an even greater number of cases resolved and penalties assessed. Ohio EPA's next enforcement report should be available in late spring or early summer. Keep checking the Web for more information and an announcement of the report's availability.