

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
LEXINGTON**

Eastern District of Kentucky  
**FILED**  
FEB - 2 2017  
AT LEXINGTON  
ROBERT R. CARR  
CLERK U.S. DISTRICT COURT

**UNITED STATES OF AMERICA**

**V.**

**INDICTMENT NO. 5:17-cr-19-KKC**

**KENNETH GRAVITT**

\* \* \* \* \*

**THE GRAND JURY CHARGES:**

**BACKGROUND**

1. The Resource Conservation and Recovery Act (RCRA) is a Federal law governing the handling of hazardous waste in the United States, and it is implemented and enforced by the United States Environmental Protection Agency (EPA). The EPA regulations implementing RCRA are codified at 40 C.F.R. § 260 *et. seq.*

2. Pursuant to RCRA, any material determined to be a hazardous waste, as defined by the applicable CFR section, must be managed and disposed of in a manner prescribed by those regulations. A permit issued by the EPA is required for the storage or disposal of any hazardous waste. In addition, a manifest is required for any vehicle transporting hazardous waste and such waste must be transported to a permitted facility.

3. A Cathode Ray Tube (CRT) is defined by EPA regulation as a vacuum tube which is a visual and video display component of electronic devices, most commonly used in the body and screen of older televisions and computer monitors. CRTs generally

contain high enough concentrations of lead, an environmentally toxic element, to qualify as a hazardous material when disposed. EPA regulations (40 C.F.R. § 261) define when used CRTs and the glass removed from them are hazardous waste, based on such factors as the method and purpose of their handling and storage, whether they are intact or broken, and the results of toxicity testing.

4. In recent years, as the last generation of boxy televisions and computer monitors containing CRTs became obsolete, a demand arose in the national economy for the recycling of CRTs in a manner that separated the environmentally hazardous components from the non-hazardous components so that the hazardous components could be recycled or disposed of in an environmentally safe manner. A CRT recycling businesses could make substantial profits by taking large quantities of CRT-containing devices off the hands of companies and entities, such as universities, hospitals and government agencies, that had upgraded their information technology.

5. At all relevant times Global Environmental Services, LLC (GES) was a Kentucky corporation involved in the above-described business of recycling CRTs. It established and maintained facilities in Georgetown, Cynthiana and Winchester, Kentucky. It was the stated business model of GES to receive shipments of old televisions and computer monitors from entities and businesses, to crush some of the lead-containing components of the CRTs into “sand” for subsequent recycling, to dispose of other lead containing CRT components at an EPA permitted facility, and to recycle the metal, plastic and other such components.

6. At all relevant times, GES did not have a permit for the storage or disposal

of hazardous waste.

7. Beginning in the middle to late 2013, GES began to receive many more loads of televisions and monitors in a given time period than it could physically process for recycling in that period. As a result, the unprocessed electronic devices containing the CRTs began to rapidly accumulate at the GES facilities. In addition, GES was unable to sell or recycle the “sand” it produced and it was stored in outdoor piles at GES facilities. This manner of accumulation of “sand” and CRTs slated for recycling violated EPA regulations, rendering the stores of CRTs and “sand” to be hazardous waste, within the meaning of RCRA and its regulations.

8. As the accumulation of unprocessed CRTs and “sand” continued, GES began to transport and dispose of them in ways and manners that violated EPA regulations. Such methods included piling the “sand” in a large, uncovered pile; placing CRTs in dumpsters for transport to an unpermitted landfill; renting large panel trucks to fill with pallets of televisions and monitors and taking them to an unpermitted landfill; and digging a large hole with a backhoe and dumping “sand” and CRTs into the hole and covering it with dirt.

9. At all relevant times, **KENNETH GRAVITT** was the primary owner and operator of GES and directed and approved the activities mentioned above. Dewayne Davis was a manager at GES and implemented many of the above described practices on behalf of **KENNETH GRAVITT**.

**COUNT 1**  
**18 U.S.C. § 371**

10. From on or about a day in April 2013, until on or about late October, 2015, in Scott, Harrison, and Clark Counties, in the Eastern District of Kentucky, and elsewhere,

**KENNETH GRAVITT**

conspired and agreed with Dewayne Davis and others, known and unknown, to violate laws of the United State, to wit: components of RCRA (42 U.S.C. §§ 6928(d)(1),(d)(2) and (d)(5)), by illegally storing, transporting and disposing of CRTs and crushed glass containing excessive levels of lead, and, in furtherance of the conspiracy, one or more of the conspirators committed the overt acts set out in Counts 2 through 8 below, the contents of which are incorporated herein by reference, all in violation of 18 U.S.C. § 371.

**COUNT 2**  
**42 U.S.C. § 6928(d)(2)(A)**  
**18 U.S.C. § 2**

11. The allegations contained in paragraphs 1-9 above are restated and incorporated herein by reference.

12. From on or about April 1, 2013, until on or about October 13, 2015, in Scott County, in the Eastern District of Kentucky, and elsewhere,

**KENNETH GRAVITT,**

aided and abetted by others, knowingly stored and caused to be stored hazardous waste, to wit: ground up CRT glass containing excessive amounts of lead, sacks and boxes of

devices containing used and intact CRTs, and broken CRTs, at an unpermitted facility, to wit, the GES Georgetown facility, all in violation of 42 U.S.C. § 6928(d)(2)(A).

**COUNT 3**  
**42 U.S.C. § 6928(d)(2)(A)**  
**18 U.S.C. § 2**

13. The allegations contained in paragraphs 1-9 above are restated and incorporated herein by reference.

14. From on or about April 1, 2015, until on or about late October, 2015, in Clark County, in the Eastern District of Kentucky, and elsewhere,

**KENNETH GRAVITT,**

aided and abetted by others, knowingly stored and caused to be stored hazardous waste, to wit: sacks and boxes of devices containing used, intact CRTs, at an unpermitted facility, to wit: the GES Winchester warehouse, all in violation of 42 U.S.C. § 6928(d)(2)(A).

**COUNT 4**  
**42 U.S.C. § 6928(d)(2)(A)**  
**18 U.S.C. § 2**

15. The allegations contained in paragraphs 1-9 above are restated and incorporated herein by reference.

16. From on or about a date in April 2013, until on or about a date in late October, 2013, in Harrison County, in the Eastern District of Kentucky, and elsewhere,

**KENNETH GRAVITT,**

aided and abetted by others, knowingly stored and caused to be stored hazardous waste, to wit: sacks and boxes of devices containing intact CRTS, broken CRTs, and crushed

CRT glass containing excessive levels of lead at an unpermitted facility, to wit, the GES Cynthiana facility, all in violation of 42 U.S.C. § 6928(d)(2)(A).

**COUNT 5**  
**42 U.S.C. § 6928(d)(1) and(d)(2)(A)**  
**18 U.S.C. § 2**

17. The allegations contained in paragraphs 1-9 above are restated and incorporated herein by reference.

18. From on or about a date in April, 2013, until on or about a date in late October, 2015, in Scott and Harrison Counties, in the Eastern District of Kentucky, and elsewhere,

**KENNETH GRAVITT,**

aided and abetted by others, knowingly disposed of and caused to be disposed of hazardous waste, to wit: CRTs containing excessive amounts of lead, by transporting them from GES facilities to a landfill in Scott County, Kentucky that did not have a RCRA permit to dispose of hazardous waste, all in violation of 42 U.S.C. § 6928(d)(1) and (d)(2)(A).

**COUNT 6**  
**42 U.S.C. § 6928(d)(2)(A)**  
**18 U.S.C. § 2**

19. The allegations contained in paragraphs 1-9 above are restated and incorporated herein by reference.

20. From on or about October 7, 2015, until on or about October 13, 2015, in Scott and Harrison Counties, in the Eastern District of Kentucky, and elsewhere,

**KENNETH GRAVITT,**

aided and abetted by others, knowingly disposed of and caused to be disposed of hazardous waste, to wit: crushed glass and CRTs containing excessive amounts of lead, by burying them in a large hole in the ground behind the GES Georgetown facility, a facility which did not have a RCRA permit to handle hazardous waste, all in violation of 42 U.S.C. § 6928(d)(2)(A).

**COUNT 7**

**42 U.S.C. § 6928(d)(5)**

**18 U.S.C. § 2**

21. The allegations contained in paragraphs 1-9 above are restated and incorporated herein by reference.

22. From on or about a date in April, 2013, until on or about late October, 2015, in Scott and Harrison Counties, in the Eastern District of Kentucky, and elsewhere,

**KENNETH GRAVITT**

knowingly transported and caused to be transported, without a manifest, hazardous waste, to wit: CRTs containing excessive amounts of lead, from the GES Georgetown and Cynthiana facilities to an unpermitted landfill in Scott County, Kentucky, all in violation of 42 U.S.C. § 6928(d)(5).

**COUNT 8**

**42 U.S.C. § 6928(d)(5)**

**18 U.S.C. § 2**

23. The allegations contained in paragraphs 1-9 above are restated and incorporated herein by reference.

24. From on or about October 9, 2015, until on or about October 10, 2015, in

Scott and Harrison Counties, in the Eastern District of Kentucky, and elsewhere,

**KENNETH GRAVITT,**

aided and abetted by others, knowingly transported and caused to be transported, without a manifest, hazardous waste, to wit: CRTs containing excessive amounts of lead, from the GES Cynthiana facility to the GES Georgetown facility, all in violation of 42 U.S.C. § 6928(d)(5).

**FORFEITURE ALLEGATION**

**18 U.S.C. § 981(a)(1)(C)**

**28 U.S.C. § 2461(c)**

1. The allegations contained in Counts 1 through 6 of this Indictment are hereby realleged and incorporated by reference for the purpose of proposing the forfeiture allegations pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses of this Indictment, the defendant shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, the following:

**MONEY JUDGMENT:**

A money judgment in the amount equal to the proceeds obtained as a result of the violations.

3. If any of the property described above, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;



- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c).



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**CARLTON S. SHIER, IV**  
**ACTING UNITED STATES ATTORNEY**

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**PENALTIES**

**COUNT 1:** Not more than 5 years imprisonment, \$250,000 fine, and 3 years supervised release.

**COUNTS 2-8:** Not more than 5 years imprisonment, \$250,000 fine, and 3 years supervised release.

**PLUS:** Mandatory special assessment of \$100 per count.

**PLUS:** Forfeiture, as alleged.

**PLUS:** Restitution, if applicable.