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Department of Justice

U.S. Attorney's Office

Western District of Missouri

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Project Manager Pleads Guilty to False Statements Regarding Lead Contamination at City Park

KANSAS CITY, Mo. – A project manager pleaded guilty in federal court today to misleading federal authorities about lead contamination in a Granby, Mo., city park after he was hired to conduct remediation at the site.

“This defendant was responsible for cleaning up the contaminated soil at Granby City Park, but he deliberately made false statements and provided false information about the dangerous level of lead contamination that continued to threaten the health and safety of the community,” said U.S. Attorney Teresa Moore. “This unconscionable deceit cost taxpayers hundreds of thousands of dollars to correct, which we intend to recoup through fines or restitution.”

“The Environmental Protection Agency Office of Inspector General is committed to providing strong oversight for grants and contracts,” said Special Agent in Charge Garrett J. Westfall of the EPA OIG’s Western Division Field Office. “Recipients will be held accountable for ensuring that they use taxpayer funds in accordance with federal regulations and to support the health and safety of communities. In this case, a guilty plea by a formerly trusted contractor serves to help restore confidence in the EPA health and environmental programs the people of Newton County, Mo., deserve. The EPA OIG thanks our law enforcement and prosecutorial partners for their dedication to this investigation.”

“Today’s guilty plea highlights the Department of Defense, Office of Inspector General, Defense Criminal Investigative Service’s commitment to protect the integrity of the DoD procurement process,” said Michael Mentavlos, Special Agent in Charge, DCIS Southwest Field Office. “DCIS, in concert with our federal law enforcement and prosecutorial partners, stand united in ensuring the safety and welfare of our communities.”

“The defendant intentionally provided false information to regulators regarding lead contamination in the Granby community,” said Special Agent in Charge Lance Ehrig of EPA’s criminal enforcement program in Missouri. “Today’s guilty plea demonstrates that EPA and our law enforcement partners are committed to holding accountable individuals who choose to violate the law.”

Lynn Eich, 65, of St. Louis, Mo., waived his right to a grand jury and pleaded guilty before U.S. Chief District Judge Beth Phillips to a federal information that charges him with one count of making a false statement relating to a federal environmental remediation contract.

Eich was employed by Environmental Quality Management as the project manager for a soil remediation project in Newton County, Mo. The remediation company was awarded a contract from the U.S. Army Corps of Engineers and the Environmental Protection Agency, which ultimately totaled nearly \$12 million, to perform mine waste remediation at the Newton County Mine Waste Remediation Superfund Site in and around Granby. This area had been previously contaminated with lead in the surface soil deposited through historical mining and smelting operations in the area.

The contract required the removal of contaminated soil and backfilling some areas, including Granby City Park, using clean fill material.

Approximately one month before it was awarded the contract for the Newton County project, the remediation company was also awarded an EPA contract in Oronogo, Mo., to complete a similar but larger soil remediation project. The receipt of both contracts was not expected and caused Eich to request a personnel change to the Newton County project's Quality Assurance, Quality Control (QAQC) Manager in order to complete both contracts. Eich represented to the Corps of Engineers that the replacement for the QAQC Manager had comparable experience as the person listed on the original application and that the replacement was qualified to fulfill the duties of a QAQC Manager on the Newton County project. In fact, the replacement QAQC Manager was not qualified and had little to no experience testing soil for hazardous materials.

Between Sept. 12 and Oct. 19, 2016, the QAQC Manager failed to properly test fill material that was used to remediate Granby City Park.

On Oct. 14, 2016, the site superintendent, who reported to Eich, received laboratory analysis of two samples taken from the offsite borrow source. One sample indicated lead levels of 640 mg/kg and the other indicated a lead level of 720 mg/kg, both in excess of the contractual requirement of less than 100 mg/kg. The results of these samples were not reported to the EPA or the Corps of Engineers as required by federal environmental laws.

On June 4, 2018, Eich called the Corps of Engineers and indicated that a "hot spot" had been detected in Granby City Park. During the call, Eich misrepresented the scope of the area of contamination at the park by stating that it was less than 1,000 cubic yards. Eich also submitted a map of Granby City Park that showed a limited area of contamination when, as Eich knew, lead contamination was pervasive through the entire park.

By pleading guilty today, Eich admitted that he intentionally made this false statement and provided false information regarding the scope and amount of lead contamination at Granby City Park.

The EPA then conducted its own sampling of Granby City Park, followed by additional sampling by the EPA National Enforcement Investigations Center, which found Granby City Park was still contaminated by lead in the soil. The EPA was required to hire another remediation contractor to conduct a removal project of Granby City Park. The removal project required removal of the contaminated backfill and soil from the park to ensure the health and safety of the community. The removal project was completed in June 2021, resulting in additional costs to the EPA.

Under federal statutes, Eich is subject to a sentence of up to five years in federal prison without parole and a fine up to \$250,000. The maximum statutory sentence is prescribed by Congress and is provided here for informational purposes, as the sentencing of the defendant will be determined by the court based on the advisory sentencing guidelines and other statutory factors. A sentencing hearing is scheduled for Jan. 18, 2023.

This case is being prosecuted by Assistant U.S. Attorneys Brent Venneman and Casey Clark. It was investigated by the Environmental Protection Agency, Office of Inspector General; the Environmental Protection Agency Criminal Investigative Division; the Department of Defense, Office of Inspector General, Defense Criminal Investigative Service; and the Army Criminal Investigative Division, Major Procurement Fraud Unit.

Component(s):

USAO - Missouri, Western

