

Rocky River Fish Kill Investigation: A Multi-Agency Effort and Success Story



This talk will not focus on traditional natural resources management so much as a conservation professional's role in a multidisciplinary effort to investigate and mediate a source of water pollution, thereby protecting the aquatic resource.

Background

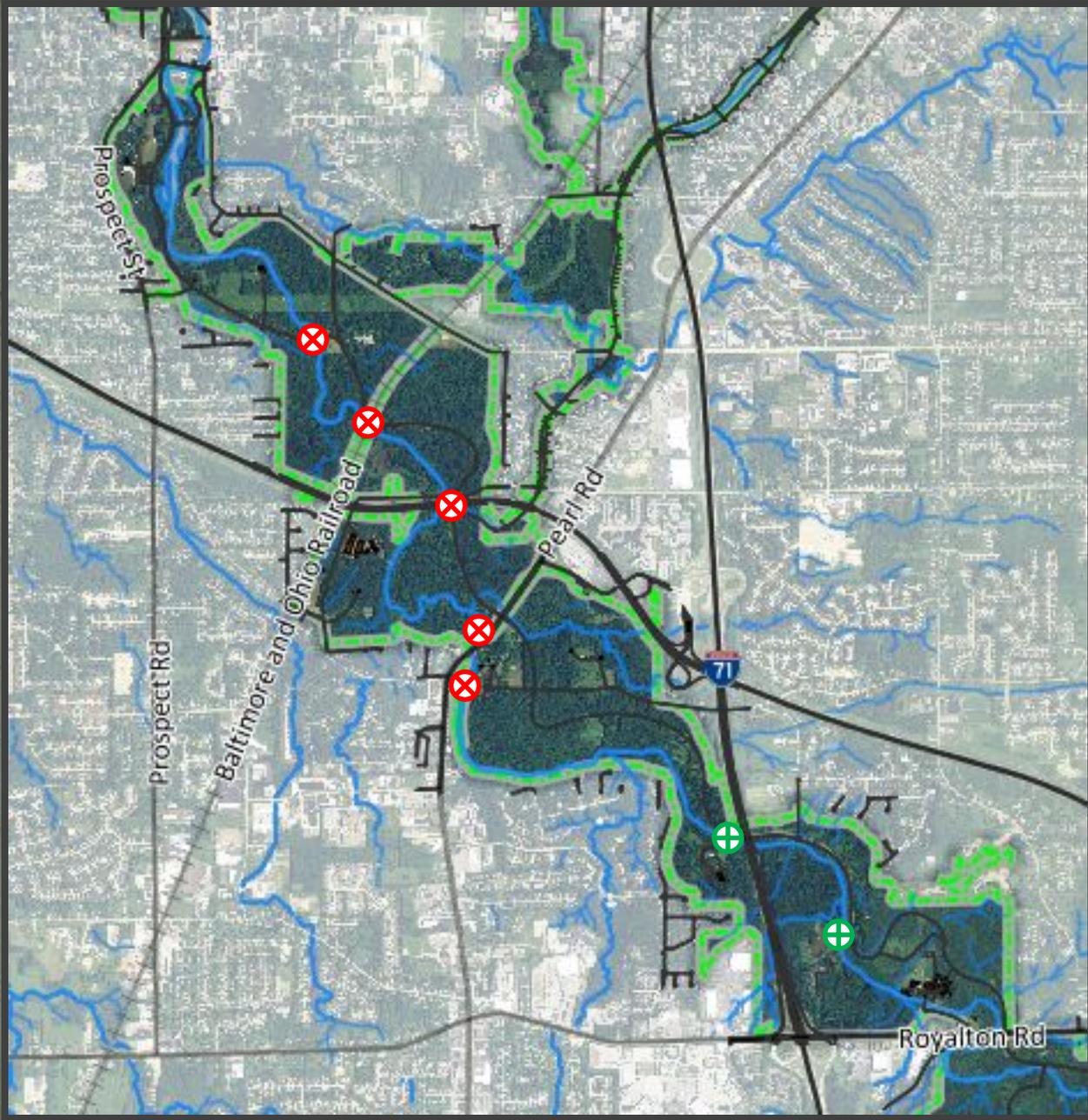
- April 2012 was one of the driest on record.
- Northeast Ohio received between 1/8-1/4" of rainfall on the evening of Friday April 20, 2012.
- On the evening of April 20, Sandy Vozar, City of Berea Public Service Director, reported an unusual spike in pH (from approximately 7 to 8) in incoming water from the East Branch Rocky River.
- On the morning of Saturday April 21st a local angler reported fishing the East Branch Rocky River and observing struggling and dying fish of many species numbering in the hundreds.

This was the earliest record of a fish kill, although the email was not sent/received until Monday April 23rd.

Background

- Ohio Division of Wildlife receives a report from an angler of dead fish in the East Branch Rocky River on Sunday April 22 (Earth Day).
- Wildlife Officer Supervisor Dave Shinko notifies Cleveland Metroparks Rangers to confirm at 4:10 pm.
- Ranger Sgt. Owen Conroy and two additional officers investigate and confirm thousands of dead fish of many species.







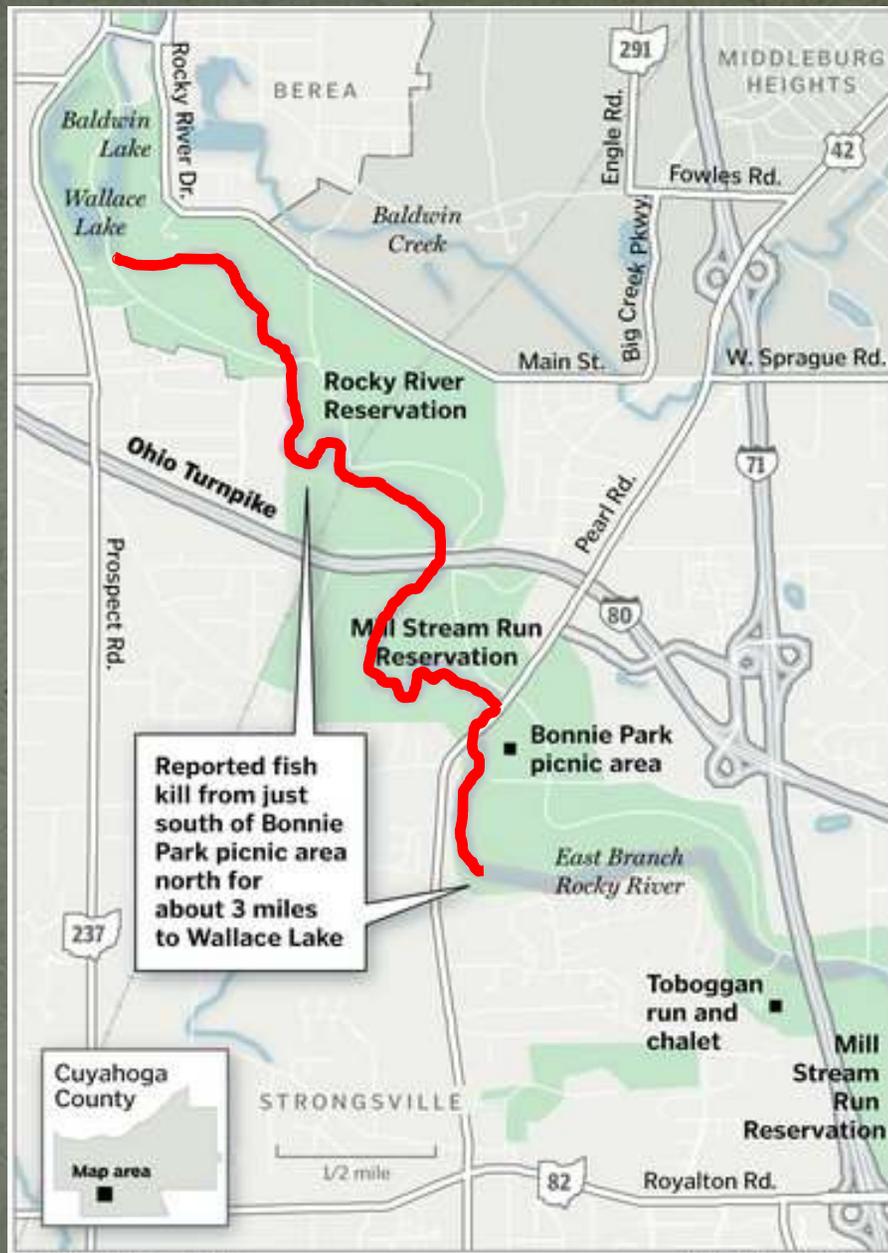
Subwatershed generated with USGS StreamStats program

Investigation - Initial

- Monday morning April 23rd every pertinent local agency was onsite: Ohio Division of Wildlife, Cleveland Metroparks, OEPA, and NEORSD.
- Cleveland Metroparks coordinates group with maps of area and begins assessment of damages (22 species of fish), including state listed threatened Central Bigmouth Shiner.
- Ohio Division of Wildlife crews in canoes assess number of dead fish between Bonnie Park and Baldwin Lake (30,893 dead fish counted, but estimated at much higher).
- OEPA and NEORSD take water samples and begin looking for a source of the kill.





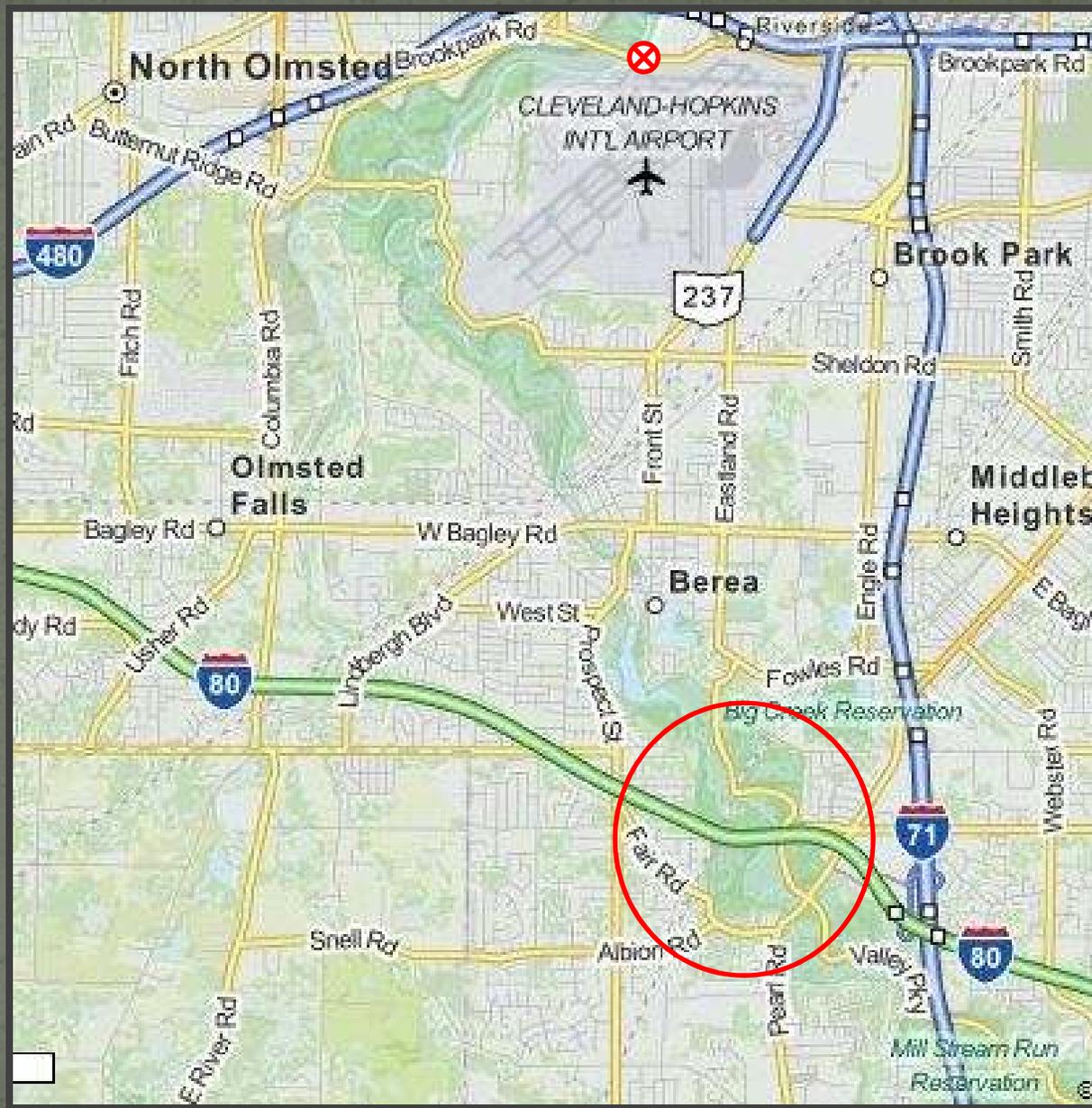


Reported fish kill from just south of Bonnie Park picnic area north for about 3 miles to Wallace Lake

Cuyahoga County
Map area

SOURCES: ESRI; TeleAtlas

THE PLAIN DEALER



Investigation - Initial

- Tuesday morning April 24th the incident was front page news.
- Likely sources investigated
 - Progress Drive
 - Lighthouse Pools
 - Towers of Falling Water Apartments
 - Strongsville Recreation complex pool



TUESDAY, APRIL 24, 2012

Thousands of dead fish found in Rocky River



Members of the Division of Wildlife search the banks of the Rocky River looking for dead fish Monday afternoon. They are trying to find the reason for the large fish kill.

State investigators test water, search for clues in East Branch

TRAVIS THOMAS
Plain Dealer Reporter

Tens of thousands of fish, from tiny minnows to adult crooked trout, died in the Rocky River's East Branch over the weekend, bringing crews from various state agencies to test the water, search for toxic pollutants and, they hope, determine who is responsible.

The dead and dying fish were first reported Sunday afternoon by a fisherman, who called 1-800-POACHER, a Division of Wildlife hotline.

Wildlife officials contacted the Cleveland Metroparks, which brought in experts from the Ohio Environmental Protection Agency and the Southeast Regional Water District. The fish kill most likely began late last week, as some of the dead fish already were decomposing Monday.

The fish kill began in an area south of the Cleveland Metroparks



State and local officials inspect dead fish pulled from the Rocky River.

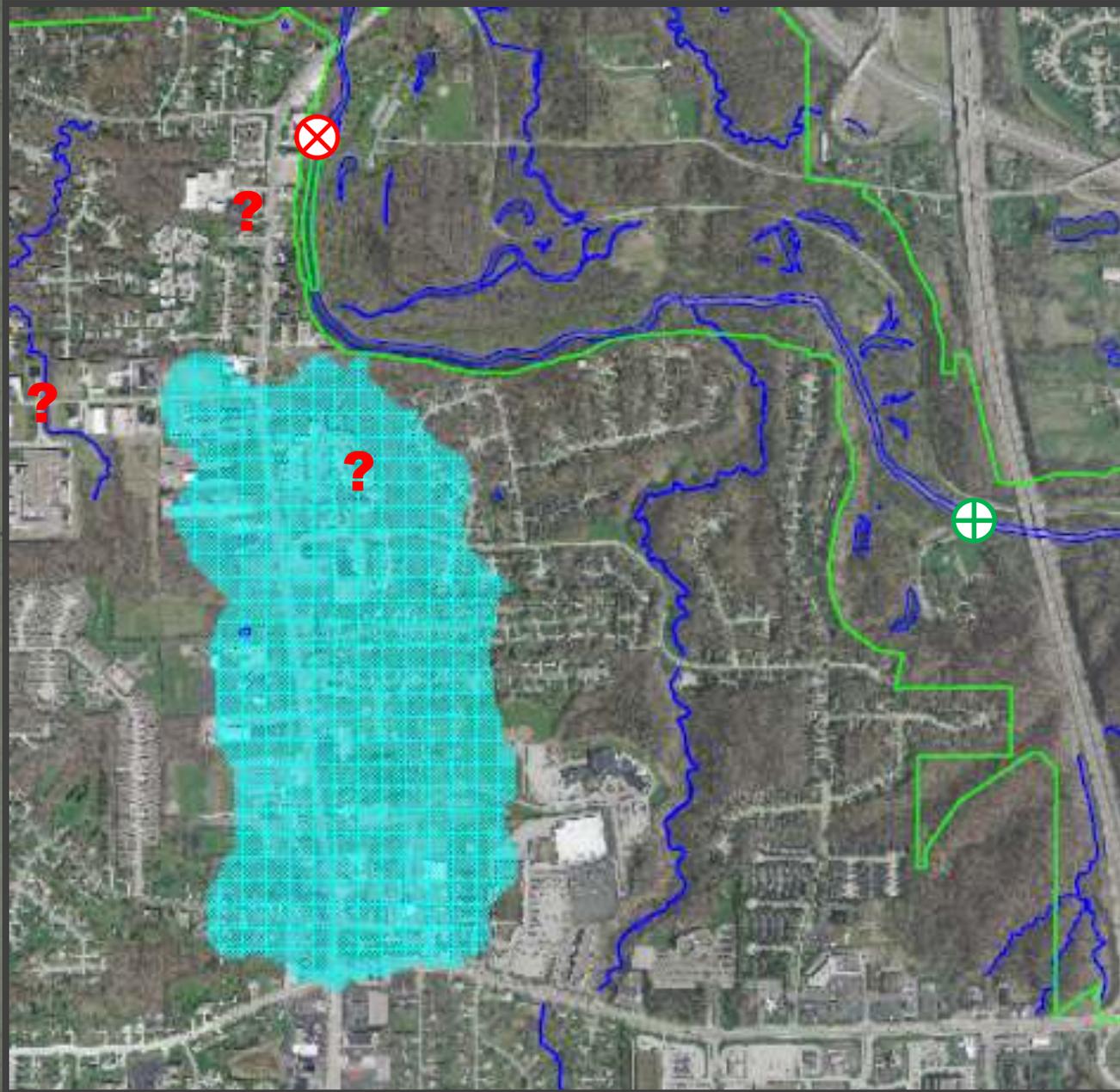
at Logan Run in the Mill Run and East Reservoir. Most died in a 3-mile stretch between the Fenice Park Picnic Area and Wilson Lake in Parma.

Investigators said the likely cause was a chemical such as ammonia being introduced into a local storm sewer or creek feeding the East Branch.

"The scope of the fish kill was unbelievable. It affected all types of fish," said Christopher Atkins, leader

of the Ohio Department of Natural Resources, whose survey of dead fish in the East Branch on Monday morning identified 23 species. "We still have to find out what caused it. We're checking out every possibility. We want to be systematic, thorough and objective."

On Monday, the cool stream water was gray all the way down, often evidence of chemicals dumped in the water.

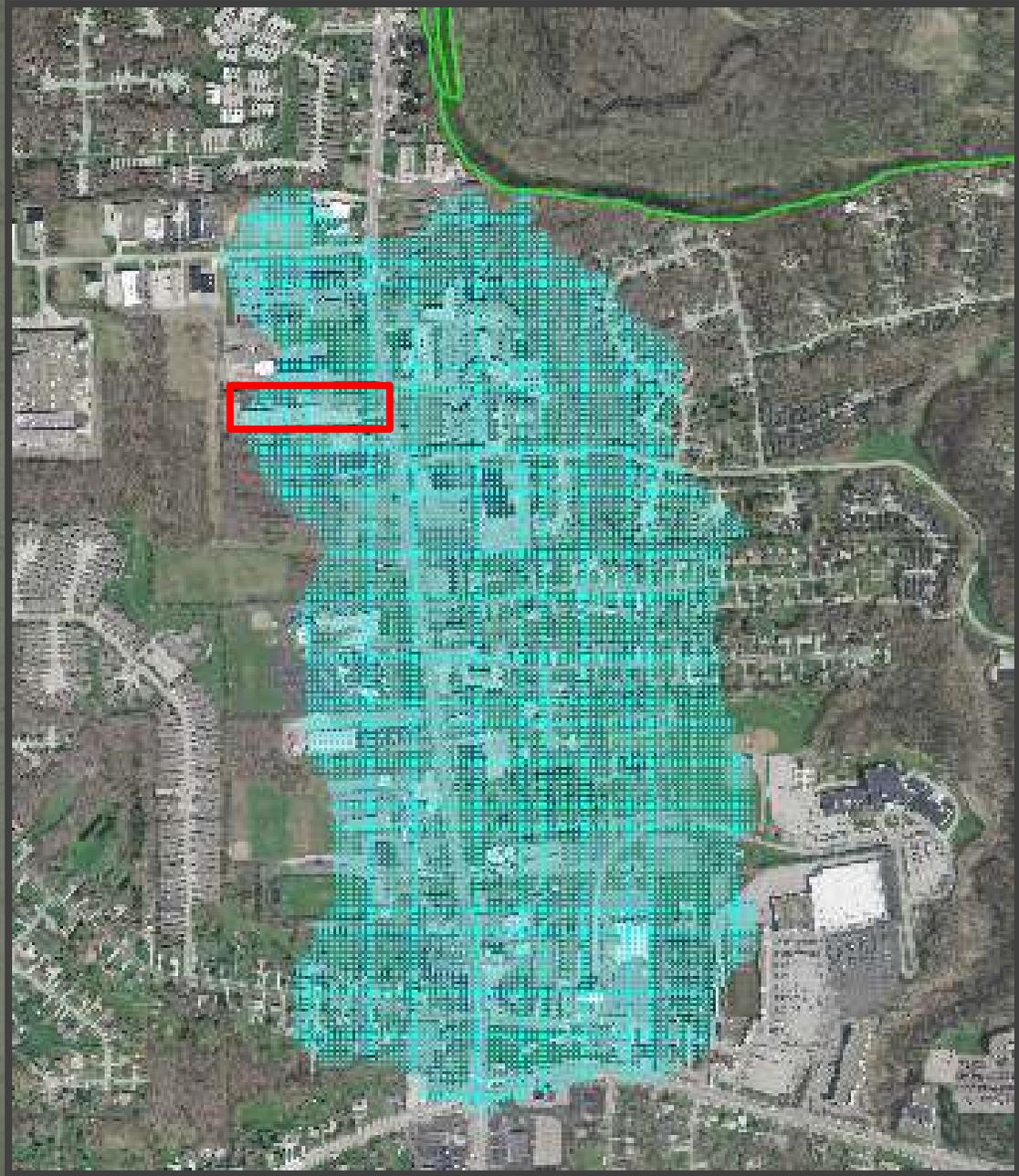


Investigation - Initial

- Tuesday evening April 24th anonymous tip came in to Berea PD claiming knowledge of the source of the kill.
- Source led Cleveland Metroparks Rangers and Strongsville PD to a drum at a storm drain at a precious metals company on Pearl Road in Strongsville.
- Search warrant to sample/seize drum and test storm drain onsite issued in early morning hours of Wednesday 25th.



Strongsville PD Sgt. John Hall



Investigation – Search Warrant

- Drum found onsite.
- Sampling of storm drain revealed pH of 13 (25 April).
- Contractor hired to flush storm drain reveals high levels of cyanide present.



Investigation – Site Layout







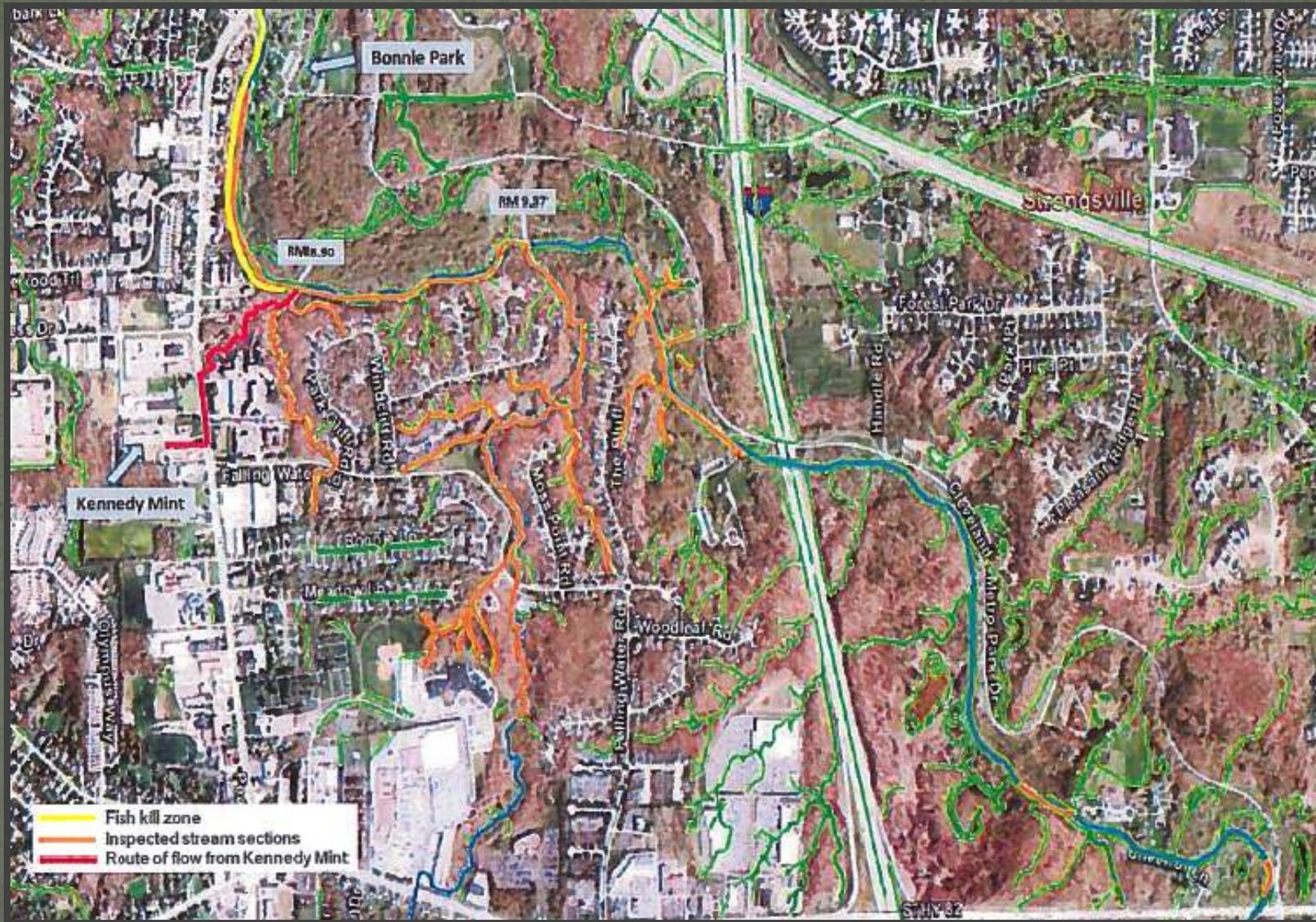
Investigation – Site Drainage

- The site is on a subwatershed divide, with the east side going to the origin of the impact zone, and the west going further north (downstream).
- NEORSD storm sewer dye testing onsite on 26 April revealed facility storm drainage indeed leads to the origin of the kill (east drainage).



USGS StreamStats program





NEORS map

Investigation – Search Warrant

- On April 27, a Federal Search Warrant was executed at Kennedy Mint. The Montorsi's (owners) denied that they directed or dumped any pollutant into the storm sewer.
- The owners denied knowledge of the whereabouts of the drum on April 27 and again on May 16.
- KM employees admitted that they previously assisted Ray Montorsi in placing 55-gallon drums into the solid waste dumpster and then observing the drums near the sewer catch basin at a later time.
- Witnesses revealed drums were staged near a shipping door, and samples of material on the floor in this location revealed high levels of cyanide.



Investigation – Search Warrant

- Further interviews revealed on April 16, 2012, Montorsi, with assistance from an employee, put two drums into a dumpster outside Kennedy Mint. On April 17, the waste hauling company declined to dispose of the contents of the dumpster because of the two drums inside.
- On April 18th Montorsi moved the drums from the dumpster and placed them next to the storm drain in the Kennedy Mint parking lot.
- Later that day Montorsi used a hammer and sharp metal tool to punch a hole near the bottom of a drum containing liquid cyanide. The drum was allowed to discharge into the storm drain and eventually the East Branch of the Rocky River.

Investigation – Consent Search

- Kennedy Mint employees were later re-interviewed at their residence.
- Investigators find that drums were hidden from OEPA investigators and taken to Montorsi residence prior to criminal search warrant.
- Investigation reveals drums by shed at residence were both high in cyanide. Montorsi's deny knowledge of how drums got there.



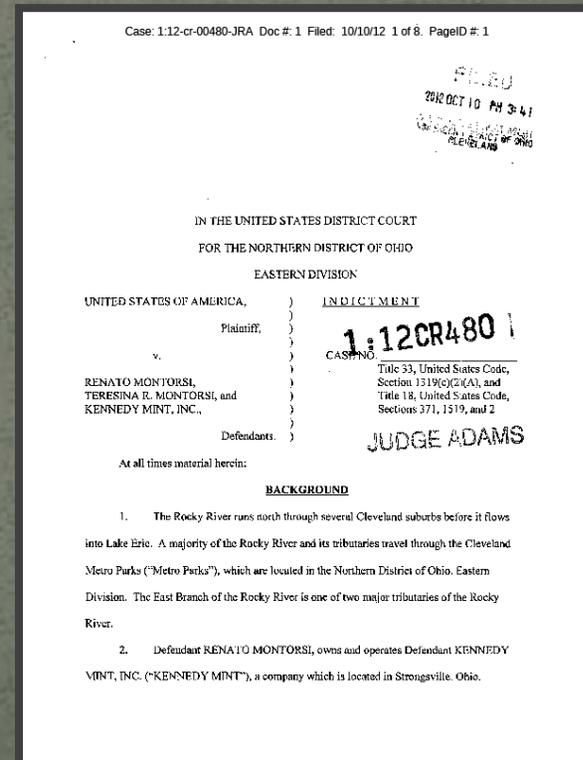
Investigation – Consent Search

- Puncture at bottom of one of the drums with material build up reveals high cyanide levels in surrounding soil.
- Further interviews reveal that instrument used to puncture the drum was a drill bit, which also indicated cyanide presence once located.



Indictment

- US Attorney issues indictment on October 10, 2012 naming Renato and Teresina Montorsi as well as Kennedy Mint.
- Four felony counts:
 - Clean Water Act
 - Conspiracy
 - 2 counts of Obstructing Justice



Indictment – Press Conference



“Clean, fresh water is our greatest resource in Northern Ohio. We will aggressively investigate and prosecute cases in which people pollute Ohio’s streams, rivers and lakes.”

– US Attorney Steven Dettelbach

Indictment – Press Coverage



THURSDAY, OCTOBER 11, 2012

Grafton couple accused of causing fish kill

Duo dumped cyanide into sewer, feds charge

JAMES F. McCAFFRY
Plain Dealer Reporter

Federal authorities accused a Grafton couple Wednesday of causing a massive fish kill in the Rocky River by dumping 50 gallons of cyanide into a storm sewer last spring.

A grand jury returned indictments against Renato Montross, 78, and his wife, Teresa, 74, on charges of conspiracy and obstruction of justice. Renato Montross is also accused of violating the Clean Water Act.

"The Montrosses chose to use the river behind us as his own dump," U.S. Attorney Steven Dettelbach said in an afternoon news conference at the Rocky River Nature Center. "Swampy every fish in a three-mile stretch — about 30,000 — were killed."

On April 22 — Earth Day — tens of thousands of dead and dying fish, turtles, crayfish, frogs and other wildlife washed up along three miles of the East Branch of the Rocky River between the



U.S. Attorney Steven Dettelbach, flanked by law officials and representatives from state agencies, announces the indictment of Renato Montross, 78, and his wife, Teresa, 74, in the dumping of cyanide into the Rocky River last April that killed 30,000 fish.

Rocky Park, Fritch Ave. and Walling Lake in Berea.

Cases from federal and state pre-enforcement agencies converged to clean up the damage in the vicinity of the Mill Creek Run Reservation. They also tested the polluted water

to determine the source of the chemical spill and the identity of the toxin.

Investigators focused their search on the area of Paul Road and Progress Drive in Strongsville.

SEE CLEVELAND PAGE 18

Arraignment - Pleas to Charges

- Renato Montorsi
 - Charges dropped on March 28, 2013, due to unfit condition to stand trial.
- Teresina Montorsi
 - Pleaded Guilty of Obstruction of Justice on May 23rd, 2013 in Federal Court Hearing.
- Kennedy Mint
 - Pleaded Guilty on CWA violation on May 23rd, 2013 in Federal Court Hearing.

Federal Court Hearing

- Deal struck stating that Kennedy Mint will pay \$30,893 restitution to ODNR to restock steelhead trout in the Rocky River.
- Sentencing set for August 29, 2013.



FRIDAY, MAY 24, 2013



Sentencing – August 29, 2013

- Teresina Montorsi – Obstructing Justice
 - One year probation
 - \$5,000 fine
- Kennedy Mint - CWA
 - One year probation
 - \$30,893 restitution to ODNR
 - \$300,000 Community Service Payment to Cleveland Metroparks in plea bargain

Case: 1:12-cr-00480-JRA Doc #: 37 Filed: 09/09/13 1 of 5. PageID #: 280
AO 245B (Rev. 6/05) Sheet 1 - Judgment in a Criminal Case

United States District Court
Northern District of Ohio

UNITED STATES OF AMERICA
v.
Kennedy Mint, Inc.

JUDGMENT IN A CRIMINAL CASE
Case Number: 1:12CR480-01
USM Number:
Richard H. Blake
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1 of the Indictment.
 pleaded nolo contendere to count(s) ___ which was accepted by the court.
 was found guilty on count(s) ___ after a plea of not guilty.

The defendant is adjudicated guilty of these offense(s):

Title & Section	Nature of Offense	Offense Ended	Count
33 U.S.C. § 1319(o)(2)(A) and 18 U.S.C. § 2	Unpermitted Discharge into Water of the United States	4/18/2012	1

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) ___.

Count(s) 2, 3, and 4 of the Indictment are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and the United States Attorney of material changes in the defendant's economic circumstances.

August 29, 2013
Date of Imposition of Judgment

s/John R. Adams
Signature of Judicial Officer

JOHN R. ADAMS, United States District Judge
Name & Title of Judicial Officer

September 9, 2013
Date

Good News

- Could have been much worse (drinking water supply).
- NEORSD data indicates the river in the impacted zone is recovering and is expected to fully recover.
 - Reference: 2006 @ RM 10.0 IBI = 34-38 (Marginally Good to Good)
 - 23 April 2012 – Total Fish Kill at RM 8.5. IBI = 0
 - 20 September 2012 @ RM 8.5 IBI = 32 (Fair)
 - 2 Central Bigmouth Shiners
 - 16 October 2012 @ RM 8.5 IBI = 34 (Marginally Good)
 - 39 Central Bigmouth Shiners

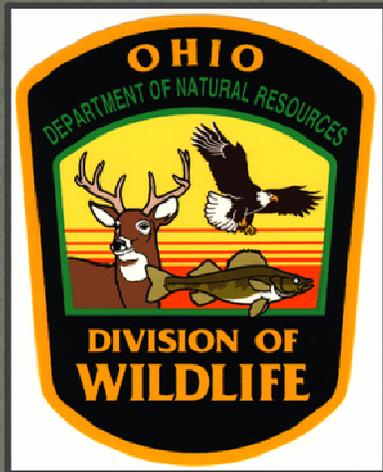


Central Bigmouth Shiner

In Conclusion/Lessons Learned

- Communication with the public can be vital to effective stewardship of Natural Resources.
- Agencies at local, regional, state and federal levels can/should play important roles together in effective environmental investigations.
- Know the resources at your disposal (ie GIS, StreamStats).
- The US Attorney will prosecute Clean Water Act violations.
- Fines involved can go to good use in restoration projects aimed at improving and protecting our watersheds.

Questions?



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