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SOUTHERN DISTRICT OF CALIFORNIA

BY: *RS* DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

June 2017 Grand Jury

19 CR 2439WQH

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 WELLGREENSCA, INC. (1),
15 LUNAR LOUSSIA (2),
16 NADIA MALLOIAN (3),

17 Defendants.

Case No. _____

I N D I C T M E N T

Title 18, U.S.C., Sec. 371 -
Conspiracy; Title 42, U.S.C.,
Sec. 6928(d)(1) - Illegal
Transportation of Hazardous Waste;
Title 42, U.S.C., Sec. 6928(d)(5) -
Transportation of Hazardous Waste
Without a Manifest; Title 18,
U.S.C., Sec. 2 - Aiding and
Abetting

19 The grand jury charges:

20 INTRODUCTORY ALLEGATIONS

21 1. The Resource Conservation and Recovery Act ("RCRA") was
22 enacted in 1976 to insure that all hazardous waste generated in the
23 United States was managed in a manner that would minimize the threat to
24 human health and the environment. 42 USC § 6902(b).

25 2. At all times relevant herein, under the authority provided by
26 RCRA, the Environmental Protection Agency ("EPA") established a cradle
27 to grave tracking system for tracking hazardous waste. EPA regulations
28 require generators of hazardous waste to prepare a hazardous waste

1 manifest to transport hazardous waste from their site. A hazardous
2 waste manifest is a form used for identifying the quantity, composition,
3 and the origin, routing, and destination of hazardous waste during its
4 transportation from the point of generation to the point of disposal,
5 treatment, or storage. 42 USC § 6903(12). The manifest form is in
6 triplicate, and is to be signed by the generator, transporter and
7 disposal site, as the waste progresses throughout its journey. When the
8 waste reaches its final destination, a copy of the completed manifest
9 is to be sent to both the generator and the regulatory authorities to
10 demonstrate that the waste was properly managed. EPA regulations require
11 that the EPA identification numbers of the generator, transporter and
12 disposal site appear on the manifest.

13 3. At all times relevant herein, EPA regulations required that
14 all sites where hazardous waste is disposed of must have a valid permit
15 for such activity.

16 4. At all times relevant herein, defendant WELLGREENSCA, INC.
17 ("Wellgreens") was engaged in the business of extracting oils from
18 cannabis at a location on Trade Street in San Diego, California. As
19 part of the manufacturing process, Wellgreens generated various wastes,
20 including 55-gallon drums of waste ethanol. The waste ethanol generated
21 by Wellgreens was a federally regulated hazardous waste that exhibited
22 the characteristic of ignitability, because it had a flashpoint of less
23 than 140 degrees Fahrenheit.

24 5. At all times relevant herein, defendant LUNAR LOUSSIA was one
25 of the owners of Wellgreens, and was present at the site on a regular
26 basis to oversee the facility.

1 6. At all times relevant herein, defendant NADIA MALLOIAN was an
2 administrator at Wellgreens, and was present at the site on a daily
3 basis to facilitate day-to-day operations.

4 Count 1

5 Conspiracy (18 USC §371)

6 7. Paragraphs 1 through 6 of the Introductory Allegations are
7 incorporated as if set forth in full herein.

8 8. Beginning on or about at least as early as November of 2017
9 and continuing up to and including on or about June 8, 2018, within the
10 Southern District of California, defendants WELLGREENSCA, INC., LUNAR
11 LOUSSIA and NADIA MALLOIAN did conspire and agree together and with R.U.
12 and others to commit offenses against the laws of the United States, to
13 wit:

14 a. To knowingly transport a hazardous waste to an
15 unpermitted site, in violation of Title 42, United States Code,
16 Section 6928(d)(1); and

17 b. To knowingly transport or cause to be transported
18 hazardous waste without a manifest, where regulations required a
19 manifest, in violation of Title 42, United States Code,
20 Section 6928(d)(5).

21 9. As a method and means of the conspiracy, the defendants
22 telephoned R.U. (deceased), a refuse hauler not licensed to transport
23 hazardous waste, and requested that he come to their facility to remove
24 waste, including drums of spent ethanol. Defendants paid R.U. and his
25 assistants in cash for the disposal of the drums, in an amount
26 approximately half the cost of lawful disposal. No invoices, manifests,
27 receipts or other paperwork associated with these transactions was
28 prepared by any party.

1 10. In furtherance of said conspiracy, the following overt acts,
2 among others, were committed within the Southern District of California:

3 a. On or about December 26, 2017, defendant NADIA MALLOIAN
4 rented a Penske truck used to conceal drums of waste ethanol from
5 inspectors.

6 b. On or about January 10, 2018, defendant NADIA MALLOIAN
7 telephoned R.U.

8 c. On or about January 30, 2018, in response to a request
9 for information about the disposal of the hazardous waste generated at
10 the facility, defendant LUNAR LOUSSIA sent an email stating "I'll handle
11 today."

12 d. On or about February 6 and 7, 2018, an employee of
13 defendant WELLGREENSCA, INC., telephoned R.U.

14 e. On or about February 7, 2018, co-conspirators transported
15 3 drums of waste ethanol from the Wellgreens facility on Trade Street
16 in San Diego and dumped them at Hill Street in El Cajon, without a
17 hazardous waste manifest.

18 f. On or about February 13, 2019, co-conspirators
19 transported 10 drums of waste ethanol from the Wellgreens facility on
20 Trade Street in San Diego and dumped them at the intersection of
21 California state routes 52 and 125, without a hazardous waste manifest.

22 g. On or about March 23, 2018, defendant NADIA MALLIOAN
23 telephoned R.U.

24 h. On or about April 30, 2018, defendant NADIA MALLIOAN
25 telephoned R.U.

26 i. On or about May 1, 2018, co-conspirators transported
27 4 drums of waste ethanol from the Wellgreens facility on Trade Street
28

1 in San Diego and dumped them at the intersection of California state
2 routes 52 and 125, without a hazardous waste manifest.

3 j. On or about May 4, 2018, co-conspirators transported
4 4 drums of waste ethanol from the Wellgreens facility on Trade Street
5 in San Diego to Jamacha Road in El Cajon, without a hazardous waste
6 manifest.

7 k. On or about May 17, 2018, co-conspirators transported
8 4 drums of waste ethanol from the Wellgreens facility on Trade Street
9 in San Diego to Avocado Avenue in El Cajon, without a hazardous waste
10 manifest.

11 l. On or about June 8, 2018, co-conspirators transported
12 3 drums of waste ethanol from the Wellgreens facility on Trade Street
13 in San Diego to Logan Avenue in San Diego, without a hazardous waste
14 manifest.

15 All in violation of Title 18, United States Code, Section 371.

16 **Counts 2-6**

17 **Illegal Transportation of Hazardous Waste**

18 **(42 USC §6928(d)(1))**

19 11. Paragraphs 1 through 6 of the Introductory Allegations are
20 incorporated as if set forth in full herein.

21 12. On or about the dates set forth below in Column B, defendants
22 WELLGREENSCA, INC., LUNAR LOUSSIA and NADIA MALLOIAN did knowingly
23 transport and cause to be transported hazardous waste, to wit, drums of
24 waste ethanol having the characteristic of ignitability, set forth below
25 in Column C, to a facility without a permit under this subchapter, as
26 described below in Column D:

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Count (A)	Date (B)	# of drums (C)	Location (D)
2	2-7-18	3	1350 Hill Street, El Cajon
3	5-1-18	4	Intersection of SR 125 and SR 52
4	5-4-18	4	171 Jamacha Road, El Cajon
5	5-17-18	4	1201 Avocado Avenue, El Cajon
6	6-8-18	3	5075 Logan Avenue, San Diego

All in violation of Title 42, United States Code, Section 6928(d)(1), and Title 18, United States Code, Section 2.

Counts 7-11

Transportation of Hazardous Waste Without a Manifest

(42 USC §6928(d)(5))

13. Paragraphs 1 through 6 of the Introductory Allegations are incorporated as if set forth in full herein.

14. On or about the dates set forth below in Column B, defendants WELLGREENSCA, INC., LUNAR LOUSSIA and NADIA MALLOIAN did knowingly transport and cause to be transported hazardous waste, to wit, drums of waste ethanol having the characteristic of ignitability, set forth below in Column C, without a manifest, which were required by regulation to be transported with a manifest:

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Count	Date	# of drums
(A)	(B)	(C)
7	2-7-18	3
8	5-1-18	4
9	5-4-18	4
10	5-17-18	4
11	6-8-18	3

All in violation of Title 42, United States Code, Section 6928(d)(5), and Title 18, United States Code, Section 2.

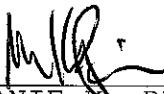
DATED: June 27, 2019.

A TRUE BILL:


Foreperson

ROBERT S. BREWER, JR.
United States Attorney

By:


MELANIE R. PIERSON
Assistant U.S. Attorney