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FORMER ENVIRONMENTAL MANAGER OF BOTTLING PLANT TO SERVE FEDERAL PRISON TIME FOR VIOLATING THE CLEAN WATER ACT

Defendant Directed Employees To Dilute Samples Of Plant's Discharges And Falsified Reports To Avoid Detection

SAN FRANCISCO - Dhiren Patel was sentenced yesterday to four months in prison and ordered to do 100 hours of community service related to the environment and to give at least four talks to at least 100 other environmental managers explaining the circumstances leading to his incarceration, United States Attorney MELINDA HAAG announced.

On March 16, 2011, Mr. Patel, 43, pleaded guilty to a felony charge of violating the Clean Water Act, specifically, Introducing a Pollutant into the Sewer System. Businesses that generate wastewater that will be discharged into sewer lines must obtain a Clean Water Act permit that limits the amount of pollutants that may be discharged. According to the plea agreement, Mr. Patel was the Environmental, Health & Safety manager for AMCAN, Beverages, Inc. (AMCAN), a wholly owned subsidiary of The Coca-Cola Company. In this role, starting in 2004 and continuing until 2007, Mr. Patel directed employees to dilute samples of the plant's wastewater discharge before they were sent off-site for testing. Mr. Patel would then prepare monthly reports that contained the inaccurate analytical results of the diluted samples. These false reports were submitted to the City of American Canyon to demonstrate compliance with the plant's Clean Water Act permit. During this time period, the City's own treatment plant violated its own Clean Water Act permit by discharging a pollutant in excess of what the permit allowed into the Napa River and paid fines as a result. The pollutants of concern in this case involved Biological Oxygen Demand ("BOD") and Total Suspended Solids ("TSS") – both of which are measurements of water quality and regulated

as pollutants.

In the spring of 2007, the City's treatment plant experienced operational problems related to BOD and TSS. The City undertook efforts to uncover the source of the problem, including covertly monitoring and testing wastewater discharges from industrial dischargers, including AMCAN. The City's results showed that AMCAN was discharging high concentrations of BOD and TSS, and that several of the City's readings contradicted the BOD and TSS readings that AMCAN reported monthly based on its own sampling. Mr. Patel admitted that during this time, he directed employees to dilute certain samples by adding distilled or tap water to the samples before they were submitted to an outside lab for analysis. He would then prepare monthly reports containing the inaccurate results that would be submitted to the City.

The sentence was handed down by U.S. District Court Judge William Alsup following a guilty plea to one count of violating the Clean Water Act, Title 33 United States Code, Section 1319(c)(2)(B). The defendant will begin serving the sentence on July 29, 2011, and is ordered back to Court on December 6, 2011, to report to the judge on the status of the speeches.

"The Bay Area, like other communities, relies on complete and accurate reporting about discharges of pollution to protect its people and its environment. EPA takes allegations that waste water samples have been tampered with very seriously," said Nick Torres, Special Agent-in-Charge of EPA's Criminal Investigation Division for the California region. "We will continue working with our federal and state law enforcement partners on cases like this."

The prosecution is the result of one year investigation by the United States Environmental Protection Agency's Criminal Investigation Division. Stacey Geis is the Assistant U.S. Attorney who is prosecuting the case, along with the assistance of Rania Ghawi.
