

## **Lab Technician Sentenced for Submitting a False Statement**

On October 24, 2005, lab technician William Joseph Rutherford was sentenced in U.S. District Court, Eastern District of Tennessee, to 2 years probation and 150 hours of community service, and ordered to pay a \$250 fine and a \$100 special assessment. This sentencing follows Rutherford's guilty plea to making a material false statement on documents filed and maintained under the Clean Water Act.

As part of its administration of the Clean Water Act, EPA periodically monitors and ensures the quality of data reported by wastewater facilities and the independent laboratories that analyze wastewater samples on behalf of the facilities. These quality assurance studies are known as Discharge Monitoring Report – Quality Assurance studies. The Discharge Monitoring Report – Quality Assurance studies entail a process by which samples of water with concentrations of various pollutants known to EPA are provided to facilities for analysis. The facility and/or its usual independent laboratory performs the analyses and forwards the results to EPA. EPA compares the reported results of the analyses to its known results to determine whether the facility and/or its independent laboratory is properly performing the analyses.

In July 2002, the Caryville-Jackson Utilities Commission was notified that it was being required to participate in EPA's Discharge Monitoring Report – Quality Assurance study and was told to have its usual laboratory analyze the EPA provided samples. The Caryville-Jackson Utilities Commission routinely contracted with Standard Laboratories, Jacksboro, Tennessee, to perform certain analyses of its wastewater samples. Rutherford is employed as a laboratory technician by Standard Laboratories.

Rutherford received the EPA samples, but instead of performing the tests at Standard Laboratories, he contacted another laboratory to obtain their Discharge Monitoring Report – Quality Assurance study results. Rutherford then falsely reported to the Caryville-Jackson Utilities Commission that the testing had been performed by Standard Laboratories when he knew that the results came from another laboratory. The Caryville-Jackson Utilities Commission subsequently submitted the Discharge Monitoring Report – Quality Assurance report that contained a material false statement, i.e., that the results of the sample analyses were obtained from Standard Laboratories when they were in fact obtained from another laboratory.

*This investigation was conducted jointly with the EPA Criminal Investigation Division and the Office of Inspector General, Tennessee Valley Authority. (Case Cost: \$36,694)*