

## Former Fujicolor Employee Pleads Guilty to Environmental Crime

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WASHINGTON — Gerald Lakota, a former employee of Fujicolor Processing, pleaded guilty today to willfully concealing and covering up a material fact in reports required to be filed under the Clean Water Act, the Justice Department announced.

According to a plea agreement, while an employee at Fujicolor's film developing facility in Terrell, Texas, Lakota was responsible for environmental compliance at the plant, which included preparing and submitting the plant's wastewater Discharge Monitoring Reports.

In order to ensure compliance with the plant's monthly Discharge Monitoring Reports, Lakota selectively screened or "cherry-picked" samples of the facility's wastewater effluent. Samples that were out of compliance with the facility's pre-treatment permit for silver were not reported on the Discharge Monitoring Reports as required by the facility's permit. The film finishing process at the facility generated a significant amount of process wastewater that contained silver.

By "cherry-picking" the samples, Mr. Lakota falsely presented the analysis of the final "good" samples as representative of the facility's discharge, when he knew this was not true, and created the false impression that the facility was meeting its effluent limits required by the discharge permit.

"Submitting false information in order to mislead authorities is illegal and will not be tolerated," said Ronald J. Tenpas, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "The Justice Department will continue to work cooperatively with the EPA and other law enforcement agencies to ensure the public's safety and protect our natural resources."

"Complete and accurate wastewater discharge reports are absolutely necessary to assure compliance with environmental regulations," said Warren Amburn, Special Agent-in-Charge of the Dallas Area Office for EPA's Criminal Investigation Division. "Violators who submit false reports or bogus data undermine our efforts to protect the public and the environment and they will be vigorously prosecuted."

In a related matter, after disclosing the findings of an internal investigation to federal and state officials, Fujicolor pleaded guilty on Sept. 6, 2007, and agreed to pay a \$200,000 criminal fine for negligently violating its pretreatment permit at its photo-processing facility in Terrell.

EPA requires that industry pre-treat pollutants in their waste in order to protect local sewers and wastewater treatment plants. Local agencies must regulate industrial facilities by issuing permits, conducting inspections, sampling wastewater and reviewing each facility's monitoring data.

Lakota was charged in the Northern District of Texas and pleaded guilty in U.S. District Court for the Eastern District of Tennessee. He faces up to five years in prison, a \$250,000 fine, and five years of supervised release.

The investigation was conducted by the EPA's Criminal Investigation Division and the Texas Commission on Environmental Quality. The case was prosecuted by the Justice Department's Environmental Crimes Section.