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Environmental Criminal Enforcement: Memphis, Tennessee, Environmental Consulting Firm CEO Sentenced for Allegedly Filing False Discharge Monitoring Reports

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The United States Department of Justice (“DOJ”) issued a September 12th news release stating that DiAne Gordon (“Gordon”) had been sentenced to 36 months in prison for allegedly fabricating discharge monitoring reports (“DMRs”).

The DMRs were allegedly submitted to state regulators in Tennessee and Mississippi.

Clean Water Act DMRs are reports that contain self-monitoring results from wastewater required by National Pollutant Discharge Elimination System (“NPDES”) permits. Such reports are completed and submitted periodically to either state environmental agencies or the United States Environmental Protection Agency. Sample collection and laboratory testing must be performed following the NPDES permit specifications and Clean Water Act requirements. Further, laboratory test methods must be performed following the guidelines established in 40 C.F.R. Part 136.

The news release states that court documents and information in the public record provide that Gordon was:

. . . the co-owner and chief executive officer of Environmental Compliance and Testing (“ECT”). ECT held itself out to the public as a full-service environmental consulting firm and offered, among other things, sampling and testing of stormwater, process water and wastewater.

Gordon is claimed to have indicated she was sending the samples to a full-service environmental testing laboratory. The results were allegedly memorialized in lab reports and chain of custody forms submitted to the Mississippi Department of Environmental Quality and Tennessee Department of Environment and Conservation to satisfy state permit requirements. Instead, Gordon is alleged to have fabricated the test results and related reports. At least 405 laboratory reports and chain of custody forms from Ms. Gordon’s company are alleged to have been submitted to state regulators since 2017.

In addition to the prison sentence, the court ordered that Gordon pay restitution in the amount of \$222,388.

A copy of the news release can be downloaded [here](#).