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EX-NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION
EMPLOYEE PLEADS GUILTY TO FALSIFYING RECORDS
RELATING TO DRINKING WATER MONITORING

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that NICHOLAS MIRITELLO, 44, of Wappingers Falls, New York, a former employee of the New York City Department of Environmental Protection (DEP), pleaded guilty today to a felony charge of making false entries in DEP records relating to monitoring of drinking water. The plea took place before United States Magistrate Judge LISA M. SMITH in White Plains federal court.

In pleading guilty, MIRITELLO admitted that on February 10, 2005, while a DEP employee, he made false entries in a DEP log book relating to monitoring of drinking water for turbidity, which is a measure of cloudiness. MIRITELLO admitted that on that day, he went to a DEP facility known as the Catskill Lower Effluent Chamber (CLEC), where he was supposed to perform a turbidity monitoring procedure. MIRITELLO admitted that he did not perform all of the processes included in that procedure and that he made entries in a DEP log book that made it appear as though he had performed the entire procedure.

According to the Indictment containing the charge to which MIRITELLO pleaded guilty:

The United States Environmental Protection Agency (EPA) required DEP to monitor water for turbidity every day of the year at multiple locations, including the CLEC. Employees of DEP were assigned to perform turbidity monitoring in the CLEC at four-hour intervals throughout each day and to make a record of the results of that monitoring in a log book maintained in the CLEC.

The monitoring procedure included three processes, including the performance of a calibration check, to ensure that the equipment used for analyzing water samples was properly calibrated; the taking and analysis of a water sample; and the comparison of the results of that water sample with a reading provided by an automatic testing device. Each of these processes yielded a numerical result. Pages in the turbidity log book contained separate columns for recording the results of each of these processes and the initials of the DEP employee who performed them. (In pleading guilty, MIRITELLO admitted that on February 10, 2005, he made entries in this log book purporting to reflect results yielded by each process, when in fact he had not performed all of them.)

EPA personnel regularly inspected the log book as part of a periodic review of DEP's turbidity monitoring in the CLEC. EPA has found that although turbidity itself has no health effects, turbidity can be harmful in other ways, including by interfering with disinfection and providing a medium for microbial growth. In addition, EPA has found that turbidity can indicate the presence of disease-causing organisms, including bacteria, viruses, and parasites, and that increased turbidity levels can contribute to the development of certain potentially harmful disinfection byproducts.

Sentencing is scheduled for April 24, 2008, before United States District Judge STEPHEN C. ROBINSON in federal court in White Plains. MIRITELLO faces a maximum sentence of five years in prison.

Mr. GARCIA praised the efforts of the United States Environmental Protection Agency's Criminal Investigation Division, the New York City Department of Investigation, and the Federal Bureau of Investigation in connection with this investigation.

Assistant United States Attorney ANNE C. RYAN is in charge of the prosecution.

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