



*United States Attorney  
Southern District of New York*

---

FOR IMMEDIATE RELEASE  
JUNE 6, 2007

CONTACT: U.S. ATTORNEY'S OFFICE  
HERBERT HADAD, YUSILL SCRIBNER,  
REBEKAH CARMICHAEL  
PUBLIC INFORMATION OFFICE  
(914) 993-1900, (212) 637-2600

---

**NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION  
EMPLOYEE CHARGED WITH MAKING FALSE RECORDS RELATING  
TO DRINKING WATER MONITORING**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that NICHOLAS MIRITELLO, an employee of the New York City Department of Environmental Protection ("DEP"), was arraigned today before United States Magistrate Judge MARK D. FOX in White Plains federal court on felony charges of making false entries in DEP records relating to monitoring of drinking water.

MIRITELLO was charged in a four-count Complaint with violating Title 18, United States Code, Section 1001, by making false entries in DEP records relating to federally mandated testing of drinking water for "turbidity," or cloudiness.

According to the Complaint:

The United States Environmental Protection Agency ("EPA") required DEP to monitor water for turbidity every day of the year at a DEP facility known as the Catskill Lower Effluent Chamber ("the CLEC"). Employees of DEP were assigned to perform

turbidity monitoring in the CLEC at four-hour intervals throughout each day and to record the results in a log book maintained in the CLEC. The monitoring process included a calibration check, to ensure that the equipment used for analyzing water samples was properly calibrated; taking and analyzing a water sample; and comparing the results of that analysis with a reading provided by an automatic testing device. Each of those 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 making the entries. MIRITELLO was charged with making false entries in the log book purporting to reflect numerical results yielded by each of those three processes on four separate occasions in 2005, when in fact he had not performed all of those processes on those occasions.

EPA has found that although turbidity itself has no health effects, it can interfere with disinfection and provide a medium for microbial growth. In addition, EPA has found that turbidity may 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.

If convicted, MIRITELLO faces a maximum sentence of 5 years in prison on each count.

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.

MIRITELLO, who is 44 years old, resides in Wappinger Falls, New York.

The charges contained in the Complaint are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

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

07-139

###