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EX-NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION EMPLOYEE
SENTENCED TO 2 YEARS' FEDERAL PROBATION FOR MAKING
FALSE STATEMENTS RELATING TO DRINKING WATER MONITORING

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that NICHOLAS MIRITELLO, 45, a former employee of the New York City Department of Environmental Protection (DEP), was sentenced yesterday by United States District Judge STEPHEN C. ROBINSON in White Plains, New York, federal court to two years' probation for making false entries in DEP records relating to monitoring of drinking water while he was a DEP employee.

On January 23, 2008, MIRITELLO pleaded guilty to one felony count OF making false statements. In doing so, he admitted that on February 10, 2005, 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, while employed by DEP, 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.

The federal criminal charge to which MIRITELLO pleaded guilty was contained in an Indictment. According to the Indictment, 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. The 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, the 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. 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 the log book purporting to reflect results yielded by each process, when in fact he had not performed all of them.

In imposing sentence, Judge ROBINSON termed MIRITELLO's offense "serious," noting the importance of public confidence that appropriate tests are being performed on the water supply.

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.