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Southern District of New York*

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**NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
EMPLOYEE INDICTED BY FEDERAL GRAND JURY FOR FALSE
STATEMENTS RELATING TO DRINKING WATER MONITORING**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, announced that DIETER GREENFELD, 63, an employee of the New York City Department of Environmental Protection ("DEP"), was indicted late yesterday on federal criminal charges of making false documents and statements relating to monitoring of drinking water.

In a five-count Indictment, a federal grand jury sitting in the Southern District of New York charged that GREENFELD made false entries in a log book maintained by DEP relating to monitoring of drinking water for turbidity, which is a measure of cloudiness, on four separate occasions in February and March, 2005. According to the Indictment, the United States Environmental Protection Agency ("EPA") required DEP to monitor water for turbidity at a number of locations, including a DEP water supply facility known as the Catskill Lower Effluent Chamber. Also according to the Indictment, EPA personnel periodically reviewed a log book maintained by DEP at the Catskill Lower Effluent Chamber ("the log book") which purported

to reflect the results of DEP's turbidity monitoring at that facility, information relating to the calibration of certain turbidity monitoring equipment located there, and the initials of the DEP employee who performed the monitoring and the calibration.

According to the Indictment, the log book purported to set forth both the results of turbidity monitoring performed by an instrument that took continuous turbidity readings and the results of the analysis of "grab samples," that is, samples taken by holding a container in a stream of running water. The Indictment alleges that DEP submitted periodic reports to EPA that purported to reflect the results of its turbidity monitoring in the Catskill Lower Effluent Chamber ("the turbidity reports"). The Indictment alleges that EPA utilized data provided by DEP about turbidity monitoring to ascertain whether DEP was in compliance with applicable regulations, and that failure to comply with those regulations could have triggered a requirement to filter water flowing to New York City through the Catskill and Delaware aqueducts.

The Indictment alleges that GREENFELD was responsible for performing turbidity monitoring at certain times in the Catskill Lower Effluent Chamber and for recording the results of that monitoring in the log book. The Indictment charges that on four occasions during February and March, 2005, GREENFELD entered the Catskill Lower Effluent Chamber and made entries in the turbidity log book that falsely purported to reflect that he had calibrated turbidity monitoring equipment and taken and analyzed grab samples of water flowing through the facility when, in fact, he had not. The

Indictment charges GREENFELD with making such false entries on four separate occasions, the last of which is March 7, 2005.

According to the Indictment, a criminal investigator employed by the United States Attorney's Office for the Southern District of New York, together with employees of the New York City Department of Investigation, interviewed GREENFELD on or about March 11, 2005. The Indictment charges that during that interview, GREENFELD falsely stated that the morning of March 7, 2005, was the first and only time he ever failed to take a grab sample while conducting a turbidity test.

According to the Indictment, EPA had found that although turbidity itself had no health effects, turbidity could be harmful in other ways, including by interfering with disinfection and providing a medium for microbial growth. In addition, EPA had found that turbidity could indicate the presence of disease-causing organisms, including bacteria, viruses, and parasites, and that increased turbidity levels could contribute to the development of certain potentially harmful disinfection byproducts.

If convicted of the charges, GREENFELD faces a maximum sentence of 25 years in prison.

Mr. KELLEY praised the efforts of the United States Environmental Protection Agency's Criminal Investigation Division and the New York City Department of Investigation in connection with this investigation. Mr. KELLEY said that the investigation is continuing.

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

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

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