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**QUEENS CONTRACTOR PLEADS GUILTY TO ILLEGALLY DUMPING SOLID WASTE
AT COLLEGE POINT ATHLETIC FIELD SITE; FACES JAIL AND MUST PAY CITY
\$250,000 IN RESTITUTION**

Queens District Attorney Richard A. Brown, joined by New York City Commissioner of Investigation Rose Gill Hearn, New York City Business Integrity Commission Chairman José Maldonado, New York City Sanitation Commissioner John Doherty, New York City Environmental Protection Commissioner Christopher O. Ward and New York State Environmental Conservation Department Commissioner Erin M. Crotty, today announced that a Queens contractor has pled guilty to illegally dumping in 1996-1997 solid waste -- construction and demolition debris -- at a College Point site intended to be used as athletic fields for neighborhood residents and their children.

The defendant faces a three-month jail term and has agreed to pay the City \$250,000 in restitution.

District Attorney Brown said, "The defendant has admitted his guilt to a crime which put greed before the needs of the children of College Point and trashed their 'field of dreams.' His plea of guilty ensures the certainty of a felony conviction, punishment by a jail term and restitution to the City of \$250,000. It sends a message as well to other illegal dumping violators that the City is patrolling its streets and watching its neighborhoods."

Investigations Commissioner Gill Hearn said, "Benjamin Rastelli was part of a scheme that dumped metal, glass, sheet rock, wire and plumbing fixtures instead of clean, pure dirt at a City-owned site to be developed into ball playing fields for children. He polluted land for personal profit and left the City holding the bag for more than \$10 million in cleanup costs. The sentences in this case should remind people that greed and selfishness don't pay."

Business Integrity Commission Chairman Maldonado said, "This case sends a strong message that BIC and the City's law enforcement agencies consider illegal dumping a serious matter that will be vigorously enforced. Benjamin Rastelli's sentence should send a clear message that trade waste-related crimes will not be tolerated in this City."

Sanitation Commissioner Doherty said, "Illegal dumping is against the law. If you do it, you will get caught. The defendant robbed the community of College Point of valuable athletic fields and recreational facilities by shamefully using these fields as his personal dumping grounds. His guilty plea proves that crime just doesn't pay, especially in New York City."

Environmental Protection Commissioner Ward said, "The DEP is pleased to be able to assist in this investigation. A complete study found that while the type of fill used in this instance was indeed illegal, there were no hazardous materials involved, which certainly must be a relief for the community. I am glad that people who pollute our valuable and scarce recreational spaces are being brought to justice."

State Environmental Conservation Department Commissioner Crotty said, "The multi-agency investigation that ultimately resulted in today's guilty plea sends a clear signal that violating environmental laws is not tolerated in New York. Through joint investigations and cooperative efforts like this one, we continue to ensure that the environment and public health remain protected. I want to thank District Attorney Brown and all of those involved for their efforts in this case."

District Attorney Brown identified the defendant as Benjamin Rastelli, Jr., 47, of 166-48 24th Road in Whitestone, a contractor, the operator of Enviro-Fill, Inc., a corporation doing business at P.O. Box 564397 in Flushing.

The defendant today admitted in Queens Supreme Court that, as part of illegal dumping at the site between October, 1996 and October, 1997, he released on October 15, 1996 over 70 cubic yards of solid waste into the environment and that, additionally, he falsified on October 2, 1996 a corporation invoice to indicate it was accepting only clean fill (dirt) at the site when actually it was accepting construction and demolition debris.

Queens Supreme Court Justice Randall P. Eng accepted the defendant's plea of guilty to Falsifying Business Records in the First Degree and ECL Releasing Solid Waste into the Environment and indicated that at sentencing on June 2, 2003 that he would impose a sentence of three months in jail to be served on weekends and five years' probation. As a condition of the plea of guilty, the defendant has agreed to pay the City \$250,000 in restitution.

According to the charges, Rastelli and Enviro-Fill, while under contract with the City to re-grade and level the property -- 23 acres at 23-01 130th Street near Ulmer Avenue in College Point -- with clean land fill, permitted the dumping of metal, glass, sheet rock, wire, plumbing fixtures and other dangerous materials at the site knowing that it was not licensed to dump those materials at the site and that they were permitting the dumping of dangerous materials on which youngsters and others might be injured as a result of their actions.

District Attorney Brown said that in the mid-60s neighborhood residents in College Point began to convert the site -- vacant land belonging to the City of New York -- into community athletic fields. Sometime thereafter, the College Point Sports Association leased the site from the City at a nominal cost to develop it into a community sports complex. Enviro-Fill, Inc. offered to upgrade the site and build the complex and agreed to use clean fill to level the site at no charge to the City or the Association. Its revenues were to be derived from area contractors who would pay Enviro-Fill \$8 to \$10 a yard for the privilege of dumping clean fill excavated from their construction sites onto the College Point site. Instead, the investigation showed that Rastelli and the corporation permitted the dumping of construction and demolition debris at the site and covered the debris with a thin layer of top soil that quickly wore away, revealing plumbing fixtures, rusty pipes, wallboard, concrete and other dangerous material creating a hazard at the site and making the land completely unuseable.

The investigation was conducted by Department of Investigation Examining Attorneys Lisa Lee and Sandi F. Richman under the supervision of Assistant Commissioner Robert F. Roach, Lieutenant Thomas O'Brien of the Business Integrity Commission, formerly the Trade Waste Commission, under the supervision of Assistant Commissioner Thomas McCormack and DOI Inspector General for the Department of Environmental Protection Clive Morricks.

Former Assistant District Attorney John A. Scarpa of District Attorney Brown's Economic Crimes Bureau handled the investigative segment of the prosecution now being conducted by Assistant District Attorney Brian J. Mich, Bureau Chief, under the supervision of Executive Assistant District Attorney for Investigations Peter A. Crusco and Assistant District Attorney Linda M. Cantoni, Counsel to the Investigations Division.

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Note to Editors: E-version of this press release posted at www.queensda.org.