



Department of Investigation

Press Release

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FOR RELEASE: IMMEDIATE
November 20, 2001

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Additional Defendants Charged With Illegal Dumping of Construction Debris at College Point Athletic Field Site; 906 Count Indictment Filed in "Field of Dreams"

Queens District Attorney Richard A. Brown, joined by New York City Commissioner of Investigation Edward J. Kuriansky, New York City Trade Waste Commissioner Chairman Raymond V. Casey, New York City Sanitation Commissioner Kevin P. Farrell, New York City Environmental Protection Commissioner Joel A. Miele, Sr. and New York State Environmental Conservation Region 2 Director Mary Ellen Kris, today announced the indictment of two additional individuals and one corporation allegedly controlled by the defendants on charges of allowing more than 211,000 cubic yards of construction and demolition debris to be illegally dumped at a College Point site intended to be used athletic fields for neighborhood residents and their children.

Today's indictment follows an earlier indictment charging three other defendants and three corporations controlled by them as part the same investigation dubbed "Field of Dreams." Those defendants pled guilty to charges of illegally dumping construction material and debris at the site which is leased by a local civic group from the City and face substantial fines as well as up to a year in jail.

District Attorney Brown identified today's defendants as Benjamin Rastelli, Jr., 45, of 166-48 24th Road, Whitestone; Russell Marisak, 55, of 269 Norman Avenue, Brooklyn and Enviro-Fill, Inc., P.O. Box 564397, Flushing. They have been charged with Criminal Mischief in the Second Degree, Falsifying Business Records in the First Degree and Unlawful Release to the Environment of Solid Waste under the Environmental Conservation Law and face up to seven years in prison if convicted.

District Attorney Brown said, "These defendants are alleged to have made millions of dollars at the expense of the residents of College Point and their children and to have acted in total disregard of the residents' safety and in violation of environmental laws. According to the indictment, while Enviro-Fill was under contract to re-grade and level the property with clean land fill at no cost to the College Point Sports Association, they knowingly permitted the dumping of metal, glass, sheet rock, wire, plumbing fixtures and other dangerous materials at the site knowing that not only were they not licensed to dump those materials at the site, but, more significantly, knowing that they were dumping dangerous materials on which youngsters and others would likely to be injured as a result of their actions. It is also charged that the defendants also went to great lengths to conceal their activities by falsifying "dump tickets" and invoices."

Investigation Commissioner Kuriansky said, "These cynical conspirators not only polluted the land for personal profit and left the City holding the bag for over \$10 million in cleanup costs. But even worse, as they strip mined this "Field of Dreams" into something that looked more like the surface of the moon, they also stripped the kids of College Point of the ballfields of their youth. Fortunately, City investigators got wind of the defendants' noxious scheme -- and then dug up the evidence they had literally and illegally 'dumped.'"

Trade Waste Commission Chairman Casey said, "I wish to thank the Queens County District Attorney's Office, the Department of Investigation and the Department of Environmental Conservation for their outstanding effort in bringing this major case to this highly successful conclusion. Today's indictment illustrates the commitment of the Trade Waste Commission to pursue every lead alleging fraud and criminality on the part of the private carters, in order to eliminate the criminal element from the industry. The indictment also brings us the goal that we sought to reach at the onset of the investigation: To return these ball fields to the children of College Point."

Sanitation Commissioner Farrell said, "This indictment is a prime example of the governmental agencies working together toward the betterment of its citizenry. I applaud the work of the Queens District Attorney's Office, the City's Departments of Environmental Protection and Investigation, the New York City Trade Waste Commission and the State's Department of Environmental Conservation. The Department of Sanitation removed the illegally dumped construction and demolition debris from the site and graded the area in order to support the creation of the new baseball fields. To those who dump illegally, they should know that they will be caught. To the children of College Point, the completed "Field of Dreams" became a reality. The Sanitation Department as always, is ready to assist to improve the City's neighborhoods. And we are proud to be a part in making their dreams true."

Environmental Protection Commissioner Miele said, "I am pleased that District Attorney Brown has brought more charges in this case. The allegations, if proven true, demonstrate that those involved had no respect for our children or our environment. Cooperation between various agencies was key to resolving this case. We at DEP were pleased to provide the environmental expertise, site assessment and hazardous materials sampling that were critical to bringing the investigation to a conclusion and protecting the public from potential harm."

Environmental Conservation Commissioner Erin Crotty said, "This joint investigation uncovered serious violations of environmental laws and regulations and we have taken appropriate enforcement action to protect public health and the environment. Illegal activities that place profit above environmental protection will not be tolerated and we will continue to work with local authorities to ensure New Yorkers have a safe and healthy environment in which to live, work and raise their families."

District Attorney Brown said, "According to the charges, in the mid 1960's neighborhood residents began to

convert twenty-two acres of vacant land belonging to the City of New York located near Ulmer Avenue and 127th Street in the College Point section of Queens 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 agreeing to use approximately 140,000 cubic yards of 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, it is alleged, the contractors permitted the dumping of construction and demolition debris at the site and covered it 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."

In May, defendants Francesco Casalino, 42, of 35 Woods Avenue, Malverne, New York and his brothers, Anthony Casalino, 36, of 90-03 157th Avenue, Howard Beach and Joseph Casalino, 52, of 153-28 80th Street, Howard Beach as well as the three corporations operated by them -- Casalino Interior Demolition Corp., located at 66-00 Long Island Expressway, Maspeth; Citiwide Recycling Corp., a solid waste transfer station at 213 Meadow Street, Brooklyn and Astro Trucking Inc. which is also located at the Maspeth address faced similar charges in a 734 count indictment. The three defendants pled guilty and are awaiting sentencing.

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

Assistant District Attorney John A. Scarpa of District Attorney Brown's Economic Crimes Bureau, which is under the supervision of Assistant District Attorneys Brian J. Mich and Diane M. Peress and the overall supervision of Executive Assistant District Attorney Peter A. Crusco, Deputy Executive Assistant District Attorney Michael J. Mansfield and Counsel Linda M. Cantoni, presented the matter to the Grand Jury and is in charge of the prosecution.

It should be noted that an indictment is merely an accusation and that the defendants are presumed innocent until proven guilty.