



The City of New York
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DOI ISSUES REPORT REGARDING IMPROPER DISPOSAL OF SCRAP METAL AND ENVIRONMENTALLY HAZARDOUS MATERIALS BY NEW YORK CITY SANITATION WORKERS
--DOI arrests six Sanitation Workers who the Queens District Attorney charged variously with official misconduct and environmental crimes--

ROSE GILL HEARN, Commissioner of the Department of Investigation (DOI), announced today the culmination of an investigation that resulted in the issuance of a Report of Findings and Recommendations, the referral for discipline of 51 New York City Department of Sanitation (DSNY) workers and the arrest of six Sanitation Workers for Official Misconduct.

Between October 2006 and June 2007, DOI conducted an investigation that found Sanitation Workers improperly picked up scrap metal and/or extracted scrap metal from appliances containing hazardous substances, and sold that metal pocketing the money on City time. In addition to violating rules and regulations governing the handling and disposal of these materials, these Sanitation Workers did not take the metal to the City's recycling vendor. That enabled them to pocket the cash for scrap metal they dropped off at Pine Scrap Metal Inc., a recycler that is not contracted with the City. This widespread activity captured on DOI surveillances was unauthorized and, in some cases, dangerous to the environment. Some of the Sanitation Workers also engaged in the improper collection of trade waste.

Of the six Sanitation Workers arrested today, five of them face charges of Official Misconduct and violating New York State environmental laws. Specifically, four were arrested on attempting to pollute the environment and one is charged with air pollution, accused of releasing chlorofluorocarbon (CFC), a hazardous gas. The Complaint against the sixth Sanitation Worker charges him with five counts of Official Misconduct and charges that he took scrap metal to Pine Scrap Metal for resale on five separate occasions, including twice when that scrap metal included parts taken from broken up air conditioners.

Three other employees allegedly engaged in similar illegal conduct and are expected to surrender later this week.

Commissioner Rose Gill Hearn said, "The findings in DOI's Report demonstrate that these DSNY employees took keeping discarded items on their routes to a whole new level that included reselling metal items that were supposed to be turned over to a City vendor, did so on City time and

in disregard for health and safety issues. The City is attempting to reduce pollution in a wide variety of ways, including through its recycling program. The charges against a number of Sanitation Workers reflect a disregard for those efforts and show that they are part of the problem. DOI has recommended stricter supervision of Sanitation employees, reinforcement of Sanitation rules and regulations and increased penalties for these types of offenses and termination of employees who mishandle items containing hazardous gases that pose a danger to the environment.”

According to the DOI Report, DOI began investigating after DSNY forwarded an allegation in September 2006 that Sanitation Workers in Queens were improperly selling scrap metal, a valuable recyclable, on their daily routes to Pine Scrap Metal, Inc. located on Laurel Hill Blvd. in Queens. DSNY currently has a contract with Sims Hugo Neu East (SHN), on Greenpoint Avenue in Long Island City, to accept and recycle metal, glass and plastic collected by Sanitation Workers. Pine Scrap Metal has never had a vendor contract with DSNY. The arrested individuals were assigned to DSNY’s Queens West District 3 garage, which is located at 52-35 58th Street in Queens and is within a one-mile radius of Pine Scrap Metal.

According to the DOI Report, Sanitation Workers who do household refuse collection are instructed that they are not authorized to collect items included in the City’s recycling program, such as metal appliances and scrap metal. The Sanitation Workers who do pick up metal appliances and scrap metal are trained and instructed to drop off those recyclables to SHN, the city’s authorized recycling contractor. In addition, DSNY employs specially trained and licensed Sanitation Workers to safely remove the CFC gases from appliances and other items. The worker then tags the appliances with a special bright, orange sticker that certifies it is CFC free and ready to be collected by a Sanitation Worker assigned to that task.

According to the DOI Report, in response to the allegation that focused on Pine Scrap Metal in Queens, DOI surveillance observed more than 50 Sanitation Workers in Queens committing multiple violations, including improperly collecting and selling scrap metal at Pine Scrap Metal; breaking up discarded air conditioners that had not been certified as safe to collect by the DSNY and collecting trade waste.

DOI observed nine Sanitation Workers allegedly engage in misconduct, by improperly collecting air conditioners, even though they were not licensed or trained to do so. In all but one case the Sanitation Workers were observed collecting and dismantling air conditioners to sell the scrap metal for profit.

Among those arrested today was MICHAEL CASTRO, 43, of South Ozone Park, Queens. While on household refuse collection, he was observed improperly taking an air conditioner and using his Sanitation truck compactor to break up the air conditioner in order to remove the metal coil from inside. In the process of doing so, CASTRO is accused of releasing CFC into the environment. The leaked gas can be seen on DOI’s surveillance videotape. Upon returning to the Queens West District 3 garage, CASTRO collected all the metal from the truck’s side compartment, placed it in the trunk of his personal vehicle, drove to Pine Scrap Metal, and allegedly sold the scrap metal while he was still on duty. CASTRO was charged with Air Pollution Prohibited, 6 New York State Code Rules and Regulations 211.2, promulgated pursuant to Environmental Conservation Law Article 19, an unclassified misdemeanor, and Official Misconduct, a class A misdemeanor. If convicted, CASTRO faces up to one year in prison and a maximum fine of \$15,000. CASTRO is a nine-year veteran of DSNY and earns a base salary of \$57,392.

As a result of those observations, part of the DOI investigation included strategically placing air conditioners on the routes of five, two-man collection crews in Queens who were not authorized to collect such appliances. For this undercover operation, DOI obtained five air conditioners free of CFC and stripped of the bright, orange stickers and markings that would have indicated they were CFC free. Sanitation Workers improperly picked up the air conditioners and dismantled them

removing the internal metal that would have caused a release of hazardous gases had the CFC not been removed for the purpose of this undercover operation.

The other individuals arrested are:

- JOSEPH GALLO JR., 52, of Levittown, N.Y., was charged with Attempted Air Pollution Prohibited, 6 New York State Code Rules and Regulations 211.2, promulgated pursuant to Environmental Conservation Law Article 19, an unclassified misdemeanor, and Official Misconduct, a class A misdemeanor. GALLO is a 28-year veteran of DSNY and earns a base salary of \$57,392.
- ANTHONY MANN, 48, of Maspeth, Queens, was charged with Attempted Air Pollution Prohibited, 6 New York State Code Rules and Regulations 211.2, promulgated pursuant to Environmental Conservation Law Article 19, an unclassified misdemeanor, and Official Misconduct, a class A misdemeanor. MANN is a 17-year veteran of DSNY and earns a base salary of \$57,392.
- ANDRE WILLIAMS, 37, of Fresh Meadows, Queens, was charged with Attempted Air Pollution Prohibited, 6 New York State Code Rules and Regulations 211.2, promulgated pursuant to Environmental Conservation Law Article 19, an unclassified misdemeanor, and Official Misconduct, a class A misdemeanor. WILLIAMS is a 13-year veteran of DSNY and earns a base salary of \$57,392.
- CARMELO LA ROCCA, 47, of Middle Village, Queens, was charged with Attempted Air Pollution Prohibited, 6 New York State Code Rules and Regulations 211.2, promulgated pursuant to Environmental Conservation Law Article 19, an unclassified misdemeanor, and Official Misconduct, a class A misdemeanor. LA ROCCA is a nine-year veteran of DSNY and earns a base salary of \$57,392.
- PETER MASTROCCO, 49, of Levittown, N.Y. was charged with Official Misconduct, a class A misdemeanor. MASTROCCO is a 20-year veteran of DSNY and earns a base salary of \$57,392.

If convicted, each faces up to one year in jail.

The DOI report recommends:

1. DSNY should significantly enhance supervision of its employees assigned to refuse and recycling collection. DOI observed no supervision taking place during its investigation.
2. DSNY should periodically remind Sanitation Workers during roll call about the materials that they are authorized to collect during household collection versus recycling collection, reinforcing the section of the Code of Conduct that states, "unauthorized sorting, or taking of any refuse or recycling material for personal use, is prohibited."
3. DSNY should implement a policy change to prohibit DSNY employees from entering any scrap metal business while on duty unless that business has an active contract with DSNY.
4. DSNY should establish new disciplinary regulations penalizing any Sanitation Worker up to 15 vacation days for collecting appliances that they are not authorized to collect or collecting scrap metal and taking it to an unauthorized location to sell it for personal profit.
5. DSNY should terminate employees for the improper handling or disposal of CFC appliances containing hazardous gases.

Commissioner Rose Gill Hearn thanked DSNY Commissioner John Doherty and New York State Department of Environmental Conservation Commissioner Alexander Grannis, and their staffs, for their cooperation in the investigation.

The investigation was conducted by DOI's Office of the Inspector General for DSNY, under the direction of Inspector General Tim Crowe and his staff, including Acting Deputy Inspector General Yves Desire, Confidential Investigator Charles Busch and Special Investigators Alan Lefkof and Thomas Spirakis, with assistance of the New York City Police Department Detective Squad assigned to DOI.

The Office of Queens District Attorney Richard A. Brown is prosecuting the case.

Criminal complaints are accusations. Defendants are presumed innocent until proven guilty.

DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City.

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To report someone ripping off the city, call DOI at (212) 825-5959.**