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**NEW YORK CITY AGENCY ADMITS IN FEDERAL COURT TO
VIOLATING PROBATION**

MICHAEL J. GARCIA, United States Attorney for the Southern District of New York, announced that the NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION ("DEP") admitted in federal district court in White Plains, New York, today that it had violated the conditions of a sentence of probation it is serving, following its 2001 conviction for federal environmental crimes. Mr. GARCIA stated that U.S. District Judge CHARLES L. BRIEANT revoked DEP's probation and resentenced DEP to at least three more years of probation. The terms of the resentencing were agreed to between the United States Attorney's Office and DEP.

According to Mr. GARCIA, DEP was originally sentenced to probation in August 2001 after pleading guilty to two federal environmental crimes, a violation of the Clean Water Act relating to the discharge of mercury-contaminated water into a tributary of an upstate reservoir and a violation of the Toxic Substances Control Act relating to its unauthorized use of PCB-contaminated machines in a water supply facility. As a condition of probation, DEP was required to develop and implement an environmental and worker health and safety compliance program relating to its operation of the New York City water supply system, and submit to oversight of that process by a court-appointed monitor. DEP was also subject to other conditions of probation, including a requirement that DEP not commit another federal, state or local crime during the term of its probation. DEP remains on probation as a result of that conviction.

Mr. GARCIA explained that today's proceeding in federal district court included an admission by DEP that it had violated the terms of its probation by committing a crime, specifically, a knowing violation of the Clean Water Act, by failing to properly maintain and promptly repair the emergency electrical system at

the Red Hook Water Pollution Control Plant ("Red Hook"), in Brooklyn, as required by the Clean Water Act permit governing that plant. A knowing violation of a permit issued under the Clean Water Act is a federal felony. Mr. GARCIA pointed out that the emergency electrical system in Red Hook failed to operate during the blackout of August 2003, and that Red Hook discharged approximately 30 million gallons of untreated sewage into the East River as a result.

Under the terms of today's court's order, DEP will be on probation for at least three more years. In addition, the environmental and worker health and safety compliance program, which was previously required only with respect to DEP's water supply operations, must be extended to the entire agency. The monitor's jurisdiction was extended to those aspects of the compliance program that relate to DEP's collection, treatment and disposal of wastewater, and could be expanded to include oversight of the entire program.

In making the announcement, Mr. GARCIA stated, "The New York City Department of Environmental Protection is entrusted with performing critical functions for all New Yorkers, including the provision of drinking water and the prevention of water pollution. Today's proceeding is an important milestone in achieving the goal of this federal prosecution: to ensure that DEP complies with all applicable environmental and worker safety laws while carrying out its responsibilities."

Mr. GARCIA also praised the hard work of the team of federal and city investigators who participated in the investigation, including the United States Environmental Protection Agency's Criminal Investigation Division, the Federal Bureau of Investigation and the New York City Department of Investigation.

Assistant United States Attorney Anne C. Ryan is in charge of the prosecution.

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