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PRINTER FRIENDLY

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TEXT SIZE: A A A

Home

Customer Services

Water Utilities

The Watershed

Citywide Initiatives

Business and Professionals

About DEP

» Ways to Pay Your Bill

» Account Information

» Customer Assistance

» Service Line Protection Program

» Water Rates

» Property Managers & Trade Professionals

» Drinking Water

» Wastewater

» Stormwater

» Harbor Water

» Long Term Control Plan

» Watershed Protection

» Watershed Recreation

» Regulatory Reform

» Environmental Education

» Conservation Programs

» Air Pollution Control

» Noise Codes & Complaints

» Forms & Permits

» Economic Development Unit

» Doing Business with DEP

» Asbestos Abatement

» Construction, Demolition & Abatement

» Inside DEP

» News

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Press Releases

Public Notices

Testimony & Public Comments

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A.G. Schneiderman and NYC DEP

Commissioner Lloyd Announce

Agreement with Putnam County

Landowner to Clean Up Illegal Landfill

Landowner Will Clean Up Site, Pay \$245,000 in Penalties and Water Quality Improvements for Discharging Carcinogens, Lead, and Other Toxins into Croton Falls Reservoir

NEW YORK - Attorney General Eric Schneiderman and New York City Department of Environmental Protection Commissioner Emily Lloyd today announced a legal agreement with a Putnam County landowner to fully clean up an illegal landfill that discharged pollution into the Croton Falls Reservoir—a New York City drinking water reservoir that has historically provided 10 percent of the daily water supply for New York City. The agreement requires the landowner, Gary Prato, to clean up the site and pay \$245,000 in penalties. The agreement was reached in a consent judgment entered into by the state, city, and Prato and was signed by Putnam County Supreme Court Justice Victor G. Grossman. This agreement follows a July 2014 legal victory by Attorney General Schneiderman and the City of New York that ruled that Prato and his contractor, Anthony “Dirtman” Adinolfi, violated several state environmental laws in creating and operating the landfill on Prato’s estate on the shores of the Croton Falls Reservoir. Water from the Croton Falls Reservoir has not been used in New York City for several years, while a filtration plant has been under construction in the Bronx.

“Today’s agreement makes it clear that clean, healthy drinking water is a basic right for all New Yorkers,” said **Attorney General Schneiderman**. “There has to be one set of rules for everyone, including illegal polluters who would put a vital source of drinking water for over 1 million New Yorkers at risk.”

“I would like to thank Attorney General Eric Schneiderman, the state Department of Environmental Conservation and Corporation Counsel Zachary Carter for pursuing this case and securing a settlement that addresses the illegal landfill,” said **DEP Commissioner Emily Lloyd**. “Although illegal dumping and regulatory violations are relatively rare in the watersheds that surround New York City’s reservoirs, it is important that we remain vigilant about identifying and pursuing cases like this one in order to protect the drinking water supply that 9.4 million New Yorkers depend on every day.”

Pollutants at the illegal landfill site included known carcinogens, lead, and other toxins. In the consent judgment, Prato makes a number of legal commitments, including:

- The complete investigation and cleanup of the site, including areas of the Croton Falls Reservoir impacted by the pollutant discharge from the site,

More Information

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- › [Capital Projects](#)
- › [Careers at DEP](#)
- › [Environmental Reviews](#)
- › [Interagency MOUs](#)
- › [A to Z Index](#)
- › [Contact Us](#)



according to a detailed and expeditious schedule; and

- Payment of \$245,000, including a \$225,000 civil penalty to the State and \$20,000 to the City.

In 2009, Prato decided to add a pool house and garage to his 27-acre estate on Croton Falls Road in the Town of Carmel in Putnam County. Prato arranged with Adinolfi and his company, Dirtman Enterprises, Inc., to provide material necessary to fill in and grade steeply sloped areas as part of the project. For most of 2010, Adinolfi dumped more than 40,000 cubic yards of fill on the site under Prato's direction. Adinolfi provided the fill at no cost and did the grading for free.

The fill dumped at the site consisted of construction and demolition debris containing waste materials, including coal ash and slag. Sampling of the debris by the defendants' own consultants showed that it contained a variety of likely carcinogens called "polycyclic aromatic hydrocarbons" at levels exceeding State standards for protecting public health and the environment. Some of the fill material eroded and was discharged into the Croton Falls Reservoir. Although currently off-line awaiting next year's anticipated activation of a filtration plant under Van Cortlandt Park in the Bronx, the Croton Falls Reservoir is part of a the Croton drinking water system that has historically provided 10 percent of the drinking water consumed daily in New York City.

In his July 28, 2014 decision, Justice Grossman agreed with Attorney General Schneiderman and New York City Corporation Counsel Zachary W. Carter and ruled that Prato and Adinolfi violated multiple state laws and underlying regulations through their activities at the site, including the construction and operation of a solid waste management facility without obtaining a permit from the New York State Department of Environmental Conservation. Solid waste management facilities are also subject to strict operational and closure requirements to avoid adverse impacts to public health and the environment. The City's watershed regulations govern certain land use activities within its upstate watershed to protect the water supply and preserve it from degradation. These regulations do not allow landfills to be located within 1000 feet of a reservoir, prohibit the discharge of solid waste into a reservoir, and allow only uncontaminated construction debris to be used as fill in the watershed. Justice Grossman found Prato liable for violations of these watershed regulations for his illegal landfill activities. Justice Grossman also ruled that discharges from the site into the Croton Falls Reservoir violated water pollution laws that require permitting and control of pollutants discharged into state waters.

Attorney General Schneiderman and Commissioner Lloyd thank the New York State Department of Environmental Conservation for its participation in this case.

In 2012, Attorney General Schneiderman obtained a guilty plea in a separate criminal case brought against Adinolfi in the Putnam County Supreme Court. That case involved, in part, Adinolfi's operation of an illegal solid waste management facility at the Prato property. As a result, Adinolfi was sentenced to four months behind bars and five years of probation.

This matter was handled by Assistant Attorney General and New York City Watershed Inspector General Philip Bein and Environmental Scientist Mauricio Roma, with support from Environmental Protection Bureau Chief Lemuel M. Srolovic, Executive Deputy Attorney General for Social Justice Alvin Bragg and First Deputy for Affirmative Litigation Janet Sabel. Assistant Corporation Counsel Linda Geary handled the case on behalf of the New York City Law Department, with support from Hilary Meltzer, Deputy Chief of the Environmental Law Division, and Senior Counsel Carrie Noteboom. DEC Regional Solid Waste Geologist Steven Parisio and Assistant Regional Counsel Carol Krebs also worked on the case.

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