



IEWS & INFORMATION ON ENVIRONMENTAL & WORKPLACE SAFETY



## The DEP Legacy Program: An Overview

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### Purpose of the Legacy Program

DEP established the Legacy Program to look at historical contamination at all DEP facilities. Specifically, the program assesses potential employee exposures to four Constituents of Concern (COC): asbestos, lead, mercury, and polychlorinated biphenyls (PCBs). Legacy representatives interview employees and former employees about possible sources of contamination, perform facility walkthroughs and take representative samples of potentially hazardous material. After the data is collected, the Legacy Program produces and manages recommendations on how to prevent occupational exposure to hazards. These recommendations are compiled in a report called a Facility Specific Assessment Report (FSAR) and in a database called LATS. Employees can access this information in various ways discussed below.

### Accessing Legacy information

Legacy data consists of sample locations and results as well as recommendations for managing positive findings. BWSO posts all Legacy recommendations on the facility bulletin board of each facility and has a copy of the FSAR available to all employees at each facility. BWS asks employees with access to LATS to find this information on their own and employees without access to LATS to contact the BWS Legacy Bureau Coordinator (see below) or a local Health and Safety representative. Other bureaus are in the process of being assessed.

### Developments/Status of the Legacy Program

Currently, DEP has completed full Legacy assessments of BWS and BWSO. The assessments for BWT and all Mission Supporting Bureaus (the rest of DEP) are underway, and are scheduled to be completed by August 2013. DEP ensures adherence to Legacy Program recommendations during OEHSC Compliance Audits.

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## Maintenance and Housekeeping

Before starting any Maintenance work, make sure to consult with the Legacy Coordinator for your respective bureau (and the bureau where the work will occur). When cleaning up paint chips during housekeeping activities or after maintenance work, make sure to use a HEPA-vacuum. Dispose vacuum contents in a hazardous waste receptacle appropriate for this type of waste. Peeling paint not recorded in the Legacy database, should be reported to the bureau Legacy contact. Peeling paint should not be disturbed. Water sprays should not be used on surfaces contaminated with Legacy COC's. Cracked/broken/friable asbestos containing material (including insulation) should also not be disturbed during housekeeping or maintenance activities; these areas should be reported to the Bureau Legacy Coordinator.

### DEP Employees Please Note:

- Report historical contamination including spills: If you know of contamination that has occurred and has not been reported, contact the Legacy Program. The program focuses on the primary COC's listed above but is interested in any information regarding other COC's. Employees can report this information anonymously, if desired. The following are ways to report historical contamination at DEP:
  - 1) through the anonymous questionnaire distributed to your bureau; (BWS and BWSO have already received these questionnaires and they have been collected and analyzed during the first phase of the Legacy assessments. Questionnaires will be submitted to all other bureaus within the coming months. Questionnaires will also be sent to former employees.)
  - 2) by informing your supervisor;
  - 3) by reporting information to your Bureau Legacy representative;
  - 4) by reporting information to OEHSC (contact information below);
  - 5) by contacting the DEP Hotline (800-897-9677), and
  - 6) through the confidential email form located on the DEP's intranet Pipeline.
    - Start at Pipeline homepage
    - Proceed to (Click on) Health and Safety homepage
    - There you will find the "EH&S Employee Concerns Hotline and Email Form"
  - 7) By contacting the Federal Monitor, A. Patrick Nucciarone, (732) 280-4800 (Phone); (732) 280-4801 (Fax).
- When working with electrical junction boxes, please note that they may contain asbestos and/or PCBs.
- Likewise, when working in areas with historical mercury contamination be aware that mercury vapor levels can exceed OSHA exposure limits especially on warm days.

#### Legacy Representatives/contacts by bureau

- BWS: Angela Delillo at 914-773-4495
- BWSO: Fernando Park at 718-595-5138
- BWT: Syed Bukhari at 718-595-6839 or Robin Okello at 718-595-3672

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# New EHS Compliance Guidance

## Non-Routine Projects

Effective April 29, 2008

### 1.0 Purpose

This compliance guidance establishes a process that requires employees to identify, apply, and implement environmental, health and safety (EHS) regulatory requirements during the performance of non-routine or unusual operations and activities.

### 2.0 Scope

*This guidance document is part of the Department of Environmental Protection's (DEP) comprehensive EHS program and applies to all DEP facilities and operations.*

### 3.0 Definitions

Non-routine tasks – activities that are new, not customary, not performed in the regular course of procedure or performed so infrequently that they have not been addressed in an existing policy, program, standard operating procedure, or safe work plan.

### 4.0 Responsibilities

#### 4.1 Assistant Commissioner, Office of Environmental, Health and Safety Compliance (OEHSC) will:

- Provide technical and compliance support, as requested by Bureau EHS (BEHS).
- Provide a periodic report and evaluation of Bureau activities for patterns and trends; identify situations that have agency-wide implications and communicate these to the Bureau Heads; and provide recommendations for improvement, as appropriate.
- Assume the responsibilities assigned to BEHS in section 4.2, for bureaus without staff with the required EHS expertise.

#### 4.2 Bureau EHS will:

- Provide technical and compliance support in a timely manner to Bureau personnel to ensure compliance with EHS requirements during non-routine or unusual projects.
- Communicate to Operations the need to notify BEHS when a non-routine work activity will be performed.
- Upon receipt of a request related to a non-routine task, collect pertinent information (sampling results, MSDS, drawings, diagrams, manufacturer's recommendations, equipment specifications, etc.) concerning the activity and then research the appropriate EHS requirements applicable to the proposed or planned non-routine activity.
- For each non-routine activity, review the description of and written procedure for the task as prepared by Operations personnel performing the work, and supplement the procedure by adding the EHS requirements; recommend conservative use of PPE to compensate for the inherent uncertainty of non-routine activities.
- Monitor the performance of the non-routine activity to ensure compliance with EHS regulatory requirements.
- Immediately communicate to the Bureau Head and the **OEHSC Assistant Commissioner** any reported incident which is an immediately dangerous situation, (i.e., an imminent risk to life, health or the environment), and provide recommendations for protection and prevention.

#### 4.3 Supervisors/Employees will:

- Advise BEHS staff about non-routine work prior to commencing the activity, and obtain technical assistance with respect to appropriate EHS requirements applicable to the proposed or planned non-routine activity.
- Prepare a written operating procedure describing the non-routine activity, the proposed methodology, the considerations given to engineering controls and protective measures to be utilized.
- Provide SOP to BEHS for its EHS compliance additions and sign-off.
- Review the steps necessary to complete the task/operation with staff and consider outcomes and EHS implications *before* initiating activities; include safety in all decision-making processes.

- Comply with the SOP.
- Monitor the performance of the non-routine activity to ensure compliance with EHS regulatory requirements.

### 5.0 Compliance Guidance Protocol

- Prior to initiating, conducting or performing a non-routine activity, DEP employees must immediately contact BEHS for compliance and technical assistance.
- Upon receipt of a request for technical and compliance assistance, BEHS should collect pertinent information concerning the activity and then research the appropriate EHS requirements applicable to the proposed or planned non-routine activity.
- Supervisor and employees tasked with the non-routine activity must prepare a written operating procedure describing the non-routine activity, the proposed methodology, the considerations given to engineering controls and protective measures to be utilized, and tools and equipment to be used.
- After identifying the EHS requirements (consideration should be given to regulatory and permit requirements, certification or training required for employees performing the task, and required notifications), BEHS should add to the written operating procedure any EHS compliance requirements and how they should be implemented in the performance of the proposed or planned non-routine activity.
- Supervisor will communicate requirements of the SOP to staff.
- All employees will comply with the SOP.
- BEHS and the Supervisor will monitor performance of the non-routine activity to ensure compliance with the identified EHS regulatory requirements.

Safety Observance Calendar	Event	Sponsor	Contact	Web
June 1 - 30	National Safety Month	National Safety Council	(630) 285-1121	<a href="http://nsc.org">nsc.org</a>
June 1 - July 31	National Fireworks Safety Months	Prevent Blindness America	(800) 331-2020 <a href="mailto:info@preventblindness.org">info@preventblindness.org</a>	<a href="http://preventblindness.org">preventblindness</a>
June 1 - 7	Sun Safety Week	Sun Safety Alliance	Phil Schneider (703) 837-4202 <a href="mailto:pschneider@sunsafetyalliance.org">pschneider@sunsafetyalliance.org</a>	<a href="http://sunsafetyalliance.org">sunsafetyalliance</a>
August 1 - 31	National Immunization Awareness Month	Centers for Disease Control and Prevention	No Listing	<a href="http://vaccines.gov">vaccines</a>