

*New York City*

*Department of Environmental Protection*

*Environmental, Health & Safety*

*2008 Annual Report*



*June 2009*



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## **Executive Summary**

Pursuant to an August 29, 2001 plea agreement entered in the Southern District of New York, DEP began implementing a program designed to prevent and detect violations of environmental, health and safety (EHS) laws (the “Compliance Program”) in its Bureau of Water Supply (BWS) and Bureau of Water and Sewer Operations (BWSO). Pursuant to a February 2006 Plea Agreement, DEP agreed to expand this Program to the Bureau of Wastewater Treatment (BWT) and all other DEP bureaus and offices (collectively, the Mission Support Bureaus or MSBs).

This Report has been prepared in satisfaction of the requirement in the 2006 plea agreement that DEP report annually to the Federal Monitor and the United States District Court for the Southern District of New York on the status of the DEP Compliance Program. Following the development of the BWS/BWSO, BWT, BWT Marine and MSB Compliance Action Plans (CAPS), thousands of employees have been trained and numerous programs have been implemented.

BWS and BWSO, having established an effective EHS program and been released from the Federal Monitor’s supervision, continue to strive for continuous improvement in their compliance with EHS regulations. During the past year, BWT and the MSBs have substantially completed implementation of their comprehensive CAPs. Correction of action items identified during audits of their facilities is well underway.

This Annual Report summarizes the accomplishments, challenges and future EHS goals for DEP.

## **1. A MESSAGE FROM ACTING COMMISSIONER LAWITTS**

Each day, the New York City Department of Environmental Protection delivers more than 1 billion gallons of drinking water to 9 million residents of New York City and five upstate counties, and treats approximately 1.3 billion gallons of wastewater. These services are critical to the economic growth and public health of New York City, and are supported by a vast physical plant that consists of more than 12,600 miles of pipes, tunnels, aqueducts and sewer, 14 in-city wastewater treatment plants and numerous other facilities.

In 2008, our EHS program has focused on the implementation of workplace-specific compliance procedures for the more than 6,000 employees who operate and maintain these facilities. We have also taken significant steps to review safety conditions at the facilities themselves and correct any deficiencies identified during these facility audits.

To date, comprehensive audits have been conducted at almost 500 DEP facilities, and by the end of 2008, the Bureaus of Water Supply and Water and Sewer Operations (BWS and BWSO) had corrected 99% of the 9,700 deficiencies identified during their audits, and the mission support bureaus (MSBs) had corrected more than 90% of their 3,900 findings.

In addition to dramatically improving the safety of DEP facilities, in 2008 we worked to enhance DEP's training program and reinforce critical EHS messages with an agency-wide communications program. 98% of DEP employees have now received Rights and Responsibilities Training, with 100% compliance anticipated by June of 2009. In June 2008, DEP held its first annual EHS Awards Ceremony which honored more than 300 employees for their excellence in EHS leadership and compliance.

At that event we also rolled out the agency's comprehensive employee communications plan, which consists of posters – depicting DEP employees delivering messages about safety and the environment – and case studies, which have been distributed to all employees with their paychecks.

Already, robust employee training and the communications program have resulted in a professional culture that is better prepared to address EHS concerns before they become problematic. In 2008, DEP received 69 calls from employees to our Employee EHS Concerns Hotline. These calls, which raised a number of important issues for the agency, are key indicators of the degree to which critical EHS practices and messages have been adopted by all agency employees.

There is, of course, progress still to be made (BWT remains under the supervision of a federal monitor), and, moving forward, our focus will be on the sustainability and continuous improvement of our EHS Program.

I am hopeful, however, that the progress made in 2008, combined with continued training and the strong base of EHS knowledge that each DEP employee now possesses, will prevent future incidents and ensure that our agency is able to achieve our core mission effectively and safely.

## **2. DEP EHS POLICY STATEMENT**

*The mission of the Department of Environmental Protection is to promote the public health, economic development and quality of life of New York City by providing clean water, managing the effects of storm water, and removing wastewater safely. The DEP also provides stewardship of other critical environmental issues, such as air, noise, and hazardous waste.*

*DEP is committed to fulfilling its mission in a way that:*

- *Ensures that our daily operations are conducted in a manner that protects the environment and safeguards the health and well-being of our workforce and the public we serve;*
- *Establishes effective programs, policies, communications, and systems that ensure our compliance with all applicable federal, state and local EHS laws, rules and regulations;*
- *Informs and educates our employees, contractors, suppliers, and other stakeholders about the importance of EHS compliance;*
- *Encourages policies and practices which prevent or reduce pollution, conserve resources, and promote efficiency without sacrificing adherence to any applicable laws, rules and regulations;*
- *Involves all DEP employees in the process of developing, maintaining and improving EHS awareness and performance;*
- *Provides management tools and support to ensure that DEP operations make the transition from fundamental EHS compliance to continuous improvement and sustained compliance;*
- *Develops and implements appropriate and effective systems to monitor and gauge our progress in meeting the foregoing commitments.*

*By following the principles and standard of conduct embodied in this Statement, DEP strives to ensure that the highest level of EHS standards and practices is assimilated and achieved by every Agency employee.*

## **3. DEP OPERATIONS**

DEP's 6,000 employees are committed to supplying the best possible service to the people of New York while providing a safe and healthy environment. The agency's responsibilities cover a broad range of activities, centered on managing the City's water supply and wastewater treatment systems. They also include handling hazardous

materials emergencies and toxic site remediation, overseeing asbestos removal, managing citywide water conservation programs, and collecting water and sewer fees. DEP's operations are implemented among the following bureaus:

Office of Environmental, Health and Safety Compliance (OEHSC)

The Office of Environmental, Health and Safety Compliance is charged with ensuring that DEP complies with applicable federal, state and local environmental and occupational health and safety laws and regulations. It is also responsible for overseeing Bureau compliance with such laws as well as policy development, facility compliance auditing and employee training.

Bureau of Communications and Intergovernmental Affairs (BCIA)

The Bureau of Communications and Intergovernmental Affairs manages the public information, community outreach and legislative affairs functions of the agency in New York City and its watershed. It is responsible for all press releases and media inquiries; environmental education, special projects and events; production of all publications, both print and electronic, that inform the community of programs, services and issues concerning New York City drinking water, wastewater and related issues; management of the graphic and photographic needs of all DEP bureaus; and communication with all federal, state and local government officials regarding legislative issues. The Bureau also serves as the liaison between New York City's 59 community boards and the Agency.

Bureau of Customer Services (BCS)

The Bureau of Customer Services oversees water conservation through metering and leak survey and enforces water use regulations to prevent water waste, theft of services, and threats of contamination from illegal connections. The Bureau is responsible for issuing bills for water and sewer use, enforcing and interpreting the Water Board rules and regulations, collecting delinquent charges, providing professional customer service and developing and administering programs to increase customers' water conservation efforts. BCS employees are responsible for providing customer support, dealing with contractors, assessing water meter readings and replacing and repairing meters.

Bureau of Engineering, Design and Construction (BEDC)

The primary responsibility of the Bureau of Engineering, Design and Construction is to plan, design, and construct major water quality-related capital projects. These projects focus on two important issues for the City: the continued improvement of water quality within the New York Harbor and estuaries, and the delivery of high quality drinking water.

Bureau of Environmental Compliance (BEC)



The Bureau of Environmental Compliance is comprised of the Division of Air & Noise Policy, Permitting and Enforcement; the Asbestos Control Program; the Division of Emergency Response and Technical Assessment, and the Environmental Economic Development Assistance Unit. These divisions respond to hazardous materials emergencies as well as air and noise code complaints; inspect and monitor for asbestos removal projects; certify asbestos handlers, supervisors and investigators; help to implement the requirements of the Clean Air Act by inspecting and issuing operating certificates to NYC air emissions sources; and maintaining a comprehensive database of facilities containing hazardous and toxic materials.

#### Bureau of Environmental Planning and Assessment (BEPA)

BEPA works with the DEP engineering and operating bureaus by participating in project design and conducting environmental impact assessments for DEP projects. BEPA also provides technical assistance to other City agencies in the areas of air and noise quality, natural resources and hazardous materials. BEPA communicates potential environmental and land use consequences of actions that would be undertaken by DEP to communities and to our regulators in order to secure the necessary approvals and permits. BEPA conducts long range planning studies related to water demand and wastewater flow projections. BEPA employees review documents, perform project management, visit construction sites and conduct air/noise reviews.

#### Bureau of Human Resources and Administration (BHRA)

BHRA serves as the Agency's internal business partner to all mission support and operating bureaus. BHRA is responsible for identifying and responding to all DEP bureau needs, and for initiating new policies, systems and programs relative to maintenance of statistical data regarding Agency operations, human resources management, facility maintenance and improvement, and fleet maintenance. BHRA has undertaken a vital role in supporting the Agency's EHS Compliance Program through its EEO, performance evaluation, training, discipline, recruitment, and job placement initiatives. BHRA's functional units include Human Resources Management; Facilities Management and Construction; Downstate Security; Management Analysis, Planning and Auditing; and Fleet Services.

#### Bureau of Legal Affairs (BLA)

The Bureau of Legal Affairs is charged with providing all legal services required by DEP to fulfill its mission. It is divided into four groups: Regulatory/Compliance, Watershed, Enforcement and Business Affairs. The bureau is also responsible for identifying potential legal problems, bringing them to the attention of appropriate personnel, explaining options and the risks associated with each, and assisting staff in carrying out the actions decided upon by management.

#### Bureau of Wastewater Treatment (BWT)



The Bureau of Wastewater Treatment maintains the chemical and physical integrity of New York Harbor and other local water bodies and viability of the New York water environment through the removal of organic and toxic pollutants from the City's wastewater; control of discharges from the Combined Sewer Overflows and dry weather bypassing; management of operation of treatment plant collection systems; and integration of watershed management concepts into facilities' planning and design. The Bureau is also responsible for the enforcement of a city-wide industrial pretreatment program and a pollution prevention program, and the operation of water pollution control plants, wastewater pumping stations and dewatering facilities.

#### Bureau of Water and Sewer Operations (BWSO)

The primary responsibilities of the Bureau of Water & Sewer Operations are to operate, maintain and protect the City's drinking water and wastewater collection (sewer) systems; to protect adjacent waterways; and to plan and develop the Department's Capital Water and Sewer Design projects. The Bureau also approves and inspects water and sewer connections performed by licensed plumbers and/or authorized contractors. The Bureau has overall responsibility for the approval and inspection of all public and private construction projects within New York City that could impact the City's water or sewer systems.

#### Bureau of Water Supply (BWS)

To ensure delivery of a sufficient quantity of high quality drinking water, the Bureau of Water Supply is responsible for managing, operating, maintaining and protecting New York City's upstate water supply system – a network of 19 reservoirs and three controlled lakes in a 2,000 square mile watershed extending 125 miles north and west of New York City. The Bureau is also responsible for water system planning, water resources management, acquisition and management of water supply and watershed lands, and providing security for the water supply system. There are two BWS divisions that oversee the three watersheds that supply drinking water to the City: Eastern Operations for Croton and Western Operations for the Catskill and Delaware.

#### Agency Chief Contracting Office (ACCO)

The ACCO is responsible for DEP's procurement functions. On staff are three prevailing wage inspectors who visit construction sites on a regular basis.

#### Budget Office

The Budget Office is responsible for fiscal services and capital, expense and revenue budgeting.

#### Executive Office

The Executive Office is the Office of the Commissioner and is responsible for overall agency administration.

Office of Engineering Audits (OEA)

In order to ensure that the City has received appropriate value for monies invoiced and that contract requirements have been fulfilled, the OEA, which operates under directives issued from the Office of the Comptroller and the Procurement Policy Board (PPB) Rules, independently audits for payment, vouchers under capital construction, expense and consulting services contracts. OEA also reviews all change orders for justification and cost reasonableness. OEA employees perform auditing and visit construction sites to physically verify vouchered amounts and to evaluate the quality and progress of work.

Office of Information Technology (OIT)

OIT is primarily responsible for the Information Technology infrastructure at DEP facilities and for providing business, technical and IT system support to DEP users.

## **4. BUILDING AND SUSTAINING THE DEP EHS PROGRAM**

### **4.1 Background**

In August, 2001, DEP signed a plea agreement following certain violations of federal environmental laws. As a result of its plea, DEP was directed to establish and implement compliance programs designed to prevent and detect violations of EHS

regulations, to establish an internal compliance office (Office of Environmental, Health and Safety Compliance – OEHS) and to conduct audits of its facilities to identify any deficiencies that needed to be addressed. Since that time, DEP has developed the critical elements of an effective EHS compliance program for BWS and BWSO: written programs, training, program implementation, employee concerns, management structure, and auditing compliance.

In February 2006, DEP signed a further agreement to resolve an investigation by the US Attorney's Office into certain incidents during the August 2003 blackout. This agreement provided for DEP to expand its EHS Compliance Program so that it encompasses BWT and all other bureaus and offices not previously covered by the program (the Mission Support Bureaus – MSBs).

All bureaus are working together and taking steps to ensure that compliance will be sustainable and sustained. The DEP Sustainability Committee has been convened to develop a DEP Sustainability System. Thus far, it has provided an EHS Sustainability System Toolkit containing the EHS Sustainability Committee Charter, the EHS Sustainability Manual and Procedure Development Templates.

## **4.2 Programs**

DEP identified approximately 50 regulatory areas involved in its day-to-day operations which would be best addressed by adoption of written EHS programs or guidelines. The DEP Environmental Coordination Committee and the Health and Safety Coordination Committee completed the writing of these standard operating procedures (SOPs) and guidance documents, which instruct employees on how to perform their jobs in compliance with applicable EHS laws and regulations, and serve as the cornerstone of the DEP EHS compliance effort.

In 2008, the Committees continued to work on revisions of previously developed programs to address recommendations identified by field personnel charged with implementing the procedures and to ensure that the programs appropriately addressed the operations of all DEP bureaus. Further, upon development of Compliance Action Plans (CAPs) for BWT and the MSBs, additional areas were identified for which the Coordination Committees developed written SOPs.

All EHS programs are available electronically to DEP employees on the DEP EHS intranet site, Pipeline.

## **4.3 Employee Training**

The DEP EHS training program has several components: (i) training provided by the OEHS EHS training team and bureau EHS training divisions; (ii) EHS awareness and competency training provided to DEP employees by outside EHS training consultants; (iii) specialty training developed in conjunction with consultants; and (iv) a

plan to ensure that DEP employees continue to receive all required initial and refresher EHS training in an effective and timely manner.

### ***OEHSC Training Division***

Following a reorganization, the OEHSC Training Division has been renamed the Compliance Support Division. In addition to its training responsibilities, the Division will now serve as an EHS Information Center for agency-wide questions relating to EHS regulatory interpretation, and it will provide PPE and confined space assessments to all DEP bureaus, as needed. The Director of Compliance Support will serve on three labor/management committees (Upstate, Downstate and Quality of Work Life: Equipment).

The 2008 staffing allocation included a Director of Compliance Support, five EHS Training Specialists and one Compliance Support Specialist. EHS Training Specialists conduct agency-wide Right-to-Know/Hazard Communication (RTK) training including Office Worker RTK and Facility-Specific RTK, EHS Awareness I and II, PPE, Universal Waste Awareness, Asbestos Awareness, Lead Awareness and BWSO Water Quality/Microbiology training for the New York State Water Operations Certification course. One training specialist coordinates intranet enhancements, policy and procedure upgrades, and publications production; he will also serve as the Share Point liaison for OEHSC.

The Compliance Support Division revised and enhanced the RTK training module to better address regulatory requirements and delivery quality, and continued to provide the majority of the Agency's annual RTK training for office workers. It is reviewing Facility-Specific RTK modules and will be conducting those classes for the Mission Support Bureaus that request them.

The Division continued to review bureaus' training modules as well as to develop, pilot, and implement training modules to enhance future training initiatives. Upon development of the Non-Routine Projects Guidance, OEHSC provided Train-the-Trainer sessions as well as follow-up assistance as the bureaus trained their personnel on the Guidance document.

OEHSC Compliance Support also wrote, updated and published training materials and information relevant to the health and safety of all employees in V.I.E.W.S., the OEHSC quarterly employee newsletter, and on the OEHSC web site, Pipeline.

### ***EHS Training Coordination Committee (TCC)***

The TCC, a group of Bureau Training Coordinators, continued to convene in 2008. Its mission is to forge working relationships among bureaus in order to ensure the quality and efficacy of EHS training for DEP employees in all titles. In order to accomplish this mission, the Committee is developing the framework for a formalized agency-wide Training Policy to be disseminated upon implementation of the Training, Tracking and Reporting System (TTRS).

***Web Campus/Training, Tracking, and Reporting System (TTRS)***

While the Agency is transitioning to the new EHS training, tracking and reporting system, Web Campus is being further customized both to facilitate data migration from Web Campus to TTRS and to provide enhanced tracking features for non-EHS training. One feature that has already been added is tracking of excused and unexcused absences in mandatory training classes. This is an important enhancement that will facilitate supervisory oversight of training attendance and will enable supervisors to take appropriate action to ensure full compliance with targeted training mandates.

The TCC continued to work with OIT on development of TTRS. The first phase of the prototype has been built by OIT, and a consultant will be retained in 2009 to continue building the next critical phases of the system. OEHS, the TCC and OIT are identifying requirements of system users so that all the information is available for the consultants. The bureaus continued to use Web Campus and to run monthly compliance reports pending operation of the new system.

***Consultant and Vendor-Provided Employee Training***

In mid- 2008, Total Safety Consulting was retained to provide various EHS training sessions. Bureaus also continue to administer mandated and related EHS training with existing bureau-specific contracts as well as with assistance from OEHS.

***Anti-Retaliation Training***

The consultant group Contract Trainers, in collaboration with the Bureau of Legal Affairs and the BHRA EEO and Training Offices, developed the Anti-Retaliation Training program, a mandatory training course for all DEP managers and supervisors. The training covers awareness of what constitutes retaliation, its consequences organizationally and individually, and ways to prevent retaliation. Supervisors and managers are made aware of the federal, state, and city regulations and DEP policies governing retaliation; learn how to properly address EHS retaliation matters; and become familiar with the resources available to them, including the DEP help structure, the Federal Monitor, and other outside governmental institutions.

The training of approximately 1,700 managers and supervisors has been completed. A train-the-trainer program is being developed (target date 2010) to ensure that the capability/expertise for providing this training to newly-appointed supervisors or new hires exists in-house.

***Management Skills Training***

Pursuant to the Staff Development and Communications Management Plan,<sup>1</sup> BHRA implemented a number of training initiatives designed to support the objective of

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<sup>1</sup> The August 2006 Staff Development and Communications Plan was developed to expand and institutionalize DEP efforts to encourage both line employees and supervisors to integrate EHS principles

changing the management/staff relations culture at DEP and to improve management support for EHS Compliance Program initiatives. BHRA, in collaboration with the NYC Department of Citywide Administrative Services, developed the DEP Professional Staff Development Program. In this program, Agency managers and supervisors are made aware of the significant responsibility that they have in upholding, and complying with, the DEP EHS Compliance Program; they learn professional approaches to managing staff and how to model and communicate behaviors that are necessary in an increasingly regulated environment.

In 2009, all supervisory employees will complete mandatory management and supervisory skills training. Personnel at management levels M3-M5 participated in the Advanced Management Development Program (completed in June 2008). Supervisory Management Training, a three-day program for middle managers at levels M1-M2 and supervisors with 5 or more years of supervisory experience, has been provided to 819 employees (74%) in 34 sessions. Training for this level is scheduled to be completed in June, 2009.

### ***Employee Rights and Responsibilities Training***

The consultant group Contract Trainers, in collaboration with the Bureau of Legal Affairs and the BHRA Office of Training and Development, developed this program for non-supervisory employees. The Anti-Retaliation/Employee Rights and Responsibilities Training Program examines employees' legal rights and responsibilities as they relate to voicing their EEO and EHS complaints or concerns without suffering adverse employment consequences. Employees are instructed as to their responsibility to support the EHS Compliance Program and their obligation to know and comply with the applicable laws, directives, policies and procedures and to report any violations.

To date, 151 training sessions have been completed for 3,760 employees, approximately 98% of the population. Training is scheduled to be completed in June, 2009.

### ***Employee Concerns Program-Related Training***

When revisions to the Employee Concerns Policy are finalized, the program will include bureau Employee Concerns Liaisons (ECLs) and On-Call Responders (OCRs), all of whom received training on their responsibilities; going forward, this training will be incorporated for all DEP employees within the agency RTK training module.

### ***Disciplinary Training***

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into their daily job tasks, to provide opportunities for employees to voice EHS concerns, and to instill confidence in employees that such concerns would be addressed promptly, fairly, and without retaliation.

The BHRA Office of Disciplinary Counsel (ODC) continued to provide training to management and supervisory staff on how to address EHS-related disciplinary issues. During 2008, four classes were held for 114 newly appointed supervisory employees.

#### ***Future Training Goals***

OEHSC will continue to work with OIT and the TCC to ensure a timely rollout of TTRS. The OEHSC and BHRA Training Divisions will continue to develop and implement training modules, as needs are identified, and to assess existing training programs by both in-house and outside sources for content and compliance accuracy.

### **4.4 Implementation**

By August 2004, BWS and BWSO had substantially implemented programs in 44 subject matter areas. OEHSC and bureau EHS continue to work to ensure that compliance with all tasks required for full implementation of a program is maintained. BWT and its Marine Section worked to timely implement the subject matter areas with 2008 target dates in their CAPs. Additional details are provided in bureau-specific portions of Section 5 below.

### **4.5 Employee Programs**

#### ***Environmental, Health and Safety Procedures***

Employees may access the full text of any procedure in the “library” of the DEP Intranet site at <http://egov.nycnet/dep>. In addition, each employee has been provided with the EHS Handbook which summarizes the key elements of each procedure.

#### ***“Serious About Safety” and “Eyes on the Environment” Awards***

In an effort to improve awareness and highlight the many individual accomplishments contributing to the agency’s implementation of a comprehensive EHS compliance program, DEP continued to offer the *Serious about Safety* and *Eyes on the Environment* Awards Program. All DEP employees are eligible to be nominated by their supervisors for these awards. Based on the success of the 2008 EHS awards ceremony, planning is underway for the second annual ceremony, which will likely be held in early fall 2009. All EHS award recipients will be recognized at that event. The EHS achievements of the awardees will also be featured in agency-wide communications, including *The DEP Digest*, the employee newsletter, and *Pipeline*, the agency’s intranet site, as well as in operating Bureau EHS newsletters.

#### ***Employee Concerns Program***

The Employee Concerns Program offers a vehicle by which DEP employees may report concerns relating to EHS issues at DEP without the fear of intimidation or reprisal.



The *Employee EHS Concerns Procedure* outlines the process by which an employee may transmit his or her concern by calling the toll-free Employee EHS Concerns Hotline (800-897-9677), staffed 24-hours a day and seven days a week.

If the employee believes that he has been directed to do something that violates an EHS law or a requirement of probation or has been retaliated against for raising an EHS concern, within 24 hours the concern/complaint is forwarded to an outside Investigator who contacts the employee and conducts a thorough inquiry into the matter. The Investigator reports his findings to a Committee that recommends to the Commissioner corrective actions to be taken to resolve the concern. OEHS tracks completion of all recommended corrective actions.

During 2008, 69 calls to the Employee EHS Concerns Hotline raised issues such as potential exposure at a work site under remediation, reservoir boat safety, potential employee exposures during inspections of commercial and residential properties, improper disposal of universal waste and potential exposure to second-hand smoke.

Calls that were referred to the outside Investigator resulted in corrective actions that included initiation of an agency-wide suggestion box program, improvements to the employee performance evaluation process, clarifications to the Hot Work and Asbestos Management policies, and enhancements to Employee Rights and Responsibilities and Management Skills training modules.

Employees are encouraged to communicate any EHS concern to the Hotline. They may also contact their bureau EHS representative or they may call the Federal Monitor, A. Patrick Nucciarone, Esq., toll free, at 888-875-4800.

## **4.6 Facility Auditing**

The primary objective of the DEP facility auditing program is to ensure that DEP facilities are in full compliance with all EHS regulations. Auditing teams are comprised of experienced EHS professionals who utilize EHS-specific audit software to identify action items or deficiencies that facility personnel must correct in order to achieve compliance.

Throughout 2008, the OEHS, with the assistance of consultants, continued to conduct full regulatory compliance audits of BWS, BWSO and MSB facilities in keeping with the established auditing cycle based on the high, medium or low priority ranking of those facilities. By the close of 2008, in the five years since the OEHS Audit Program had commenced, auditors had conducted full compliance audits and spot audits of approximately 525 DEP facilities, including three completed cycles of the 23 high priority facility audits, 2 completed cycles of the 70 medium priority facility audits and an initial completed cycle of 278 low priority facility audits. By the end of 2008, BWS and BWSO had corrected 99% of the 9700 deficiencies identified during their audits, and the MSBs more than 90% of their 3900 findings.

OEHSC has continued the full regulatory compliance audits initiated in November 2007 of the fourteen (14) BWT WPCPs. At the end of 2008, six (6) of the (14) audits were complete. This initial cycle of WPCP audits will be completed by July 2009. By the end of 2008, BWT had corrected 88% of its 31,000 deficiencies.

#### **4.7 Contract Management**

DEP continues to seek greater internal efficiencies in letting contracts, with special focus on those necessary for EHS requirements. Utilization by the ACCO and the bureaus of tracking systems such as Bid-Tracker has assisted in these efforts.

In order to expedite procurement of services to address EHS needs, DEP has increased its use of Job Order Contracts (JOCs). In response to an evaluation by the NYC Comptroller of the city-wide JOCs program, DEP instituted a number of improvements to the program including development of a JOC Handbook guidance document and assignment of additional personnel to oversee and process JOC projects.

#### **4.8 Review of BWT and BWS Labs**

In 2007, DEP retained a Consultant (AEX) to evaluate for NELAC Compliance all operations and activities conducted by BWT laboratory personnel at the BWT Process Control, Microbiology, Special Projects and Field Process and Microbiology Laboratories. In 2008, AEX completed its review, issued a Consolidated Report, and provided assistance to BWT in the development of comprehensive programs to ensure adherence to all legal requirements covered by the review; such assistance included reviewing draft SOPs, designing training materials, and assisting DEP in implementing a recordkeeping system. During the past year, BWT has corrected most of the AEX findings and will complete the remainder in the coming year. A newly constructed laboratory at the Newtown Creek facility, scheduled to open in June 2009, will assume and more efficaciously perform many functions for which other satellite labs are currently responsible.

Pursuant to a commitment by DEP to perform a similar assessment of BWS Water Quality Laboratories, in 2008 AEX commenced a review of the Water Quality operations associated with sampling, analysis and permit reporting.<sup>2</sup> AEX completed the majority of the assessments of the Water Quality Laboratories and Field Operations units in 2008. In 2009, AEX will conduct Quality Systems training for affected staff, complete the remaining Water Quality assessments, and provide a Water Quality Consolidated Report. In addition, BWS has independently expanded AEX's scope of work to include a review of BWS Operations units involved in sampling and analyses, and AEX will issue a separate Operations Consolidated Report.

#### **4.9 Spill Prevention**

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<sup>2</sup> With the exception of those programs reviewed in 2006 for State Sanitary Code compliance.

DEP continues to implement and improve upon its spill prevention program. The aims of spill prevention training provided to DEP employees and contractors working at DEP facilities, are to increase awareness of the types of activities that cause spills, to explain agency and bureau requirements for reporting spills, and to discuss initiatives for reduction of spills. During 2008, DEP had a 19% decrease in its total number of spills. BEDC showed a large decrease (39%) in the number of spills even though there was an increase in the number of projects it was managing. Although BWS and BWSO had increases in the numbers of spills attributable to equipment failure, the majority were of less than one gallon.

Practices such as pre-use inspections of equipment, proper labeling of valves and ports transferring or receiving chemical and petroleum products, installation of secondary containment devices, adherence by employees and contractors to preventive maintenance schedules and replacement of damaged or old equipment have been implemented. The bureaus continue to initiate additional measures such as signage at fueling stations, the pre- and post-award review of contractors' spill histories, tracking spills by vehicle, equipment relocation efforts and examination of CBS/PBS related spills.

OEHSC facility audits include an evaluation of compliance with spill prevention measures. OEHSC and the bureaus are monitoring and analyzing spill events, identifying their root causes, and developing and tracking corrective actions in order to determine what additional resources or steps may be required to prevent future incidents. Quarterly reports on these metrics are prepared by the bureaus and presented to the EHS Executive Oversight Committee, chaired by the Commissioner.

#### **4.10 Legacy Assessments**

The OEHSC Legacy staff manages the Legacy Assessment Program. DEP commenced the Program to identify and remediate, as appropriate, the presence of asbestos-containing materials (ACM), lead-containing paint (LCP), mercury-containing materials and polychlorinated biphenyls (PCBs) at all DEP facilities which may have utilized, stored or disposed of materials or equipment containing these contaminants of concern (COCs). Findings and recommendations are entered into the Legacy Action Tracking System (LATS) with a responsible person and a target date for correction.

##### ***BWS and BWSO***

During 2008, BWS and BWSO continued to close out Legacy recommendations and to manage paint remediation programs. OEHSC continued to audit LATS entries during all regularly scheduled full regulatory compliance audits of BWS and BWSO facilities. Just as the OEHSC auditors verify the completion of previously identified action items included in the AIT, they conduct a review of the status of the facility's Legacy assessment recommendations included in LATS. The results of this review are included in the facility's Audit Report.

### ***BWT and the MSBs***

DEP issued an RFP for two contractors to perform assessments of the remaining DEP facilities: Contract A, including assessment of the MSB facilities, the remaining BWS facilities (eight sites), and some BWT facilities (pump stations, crew quarters and marine vessels), was awarded to TRC; Contract B, addressing the fourteen BWT Water Pollution Control Plants, one auxiliary plant (CSO) at Spring Creek and two grit chambers (Manhattan and Bronx), was awarded to PB Americas.

Assessments were scheduled to be conducted by 2013, the target date in the BWT and MSB CAPs. The assessments to be performed at each facility were to include: (i) performance of a walk-through assessment; (ii) preparation of a facility-specific work plan (FSWP) and health and safety plan (HASP); (iii) performance of detailed assessment; (iv) preparation of a facility specific assessment report (FSAR); and (v) input of the assessment results into the Legacy Action Tracking System (LATS) database.

The Legacy Coordination Committee (LCC), comprised of members from BWS, BWSO, BWT, Legal Affairs, BEC, BEDC and BHRA Facilities Management and Construction Services (FMC), was reconstituted upon commencement of the new Legacy contracts.

### **4.11 Risk Management Program/Process Safety Management (RMP/PSM)**

The RMP/PSM Management Plan, developed in July 2006, detailed additional management initiatives to build on the progress BWS and BWSO had made in achieving compliance with RMP/PSM requirements and to ensure sustained compliance and a program of continuing improvement. As agreed in October 2007, when the Federal Monitor advised the Court that DEP had implemented an effective RMP compliance program at its four chlorine facilities and recommended that his jurisdiction over DEP RMP Programs terminate, DEP continued, in 2008, to perform programmatic audits and to conduct emergency response drills at the chlorine facilities.

### **4.12 MIS Initiatives**

During 2008, OIT completed development of RMP system modules that track progress on process safety improvements identified in Process Hazard Analyses (PHA), incident investigations, actions required upon a start-up (PSSR), and actions required after a change in process (MOC). OIT continued to work on the development of a Training Tracking and Reporting System (TTRS). TTRS will replace Web Campus for tracking of all EHS-related training. It will have the capability of alerting an employee, his supervisor and the bureau Training Coordinator when training is due and when it is scheduled, and will thereafter provide, at certain intervals, notifications and escalations to the employee to be trained, his supervisor(s), the Bureau Head and OEHS. The System will also provide notice and escalation if an employee fails to attend mandatory training

and will advise those notified that the employee cannot perform impacted job duties until he or she has completed the required training.

OIT also commenced efforts to develop an enhanced Legacy Action Tracking System (LATS) and an Employee EHS Concerns Program Tracking System (ECT). LATS II will track changes made by users, allow bureau users to add new information, and provide access to sampling results and final reports. The database will also have improved query and report capabilities and relational database capabilities (linked tables) which will allow more flexibility when users are working with the data. ECT will be used to track progress and resolution of all employee concerns submitted to the Employee EHS Concerns Hotline Coordinator or bureau Employee Concerns Liaisons by telephone, fax, writing or e-mail. It will also track completion of any corrective actions that are identified as a result of the investigation of a concern.

## **5. BUREAU ACHIEVEMENTS**

DEP has focused, over the past several years, on rolling out a robust EHS program to the entire agency. Both BWS and BWSO were released from the Federal Monitor's supervision when the Court found them to have emplaced effective EHS compliance programs. BWT and the MSBs have likewise made significant strides in implementing their programs. During 2008, BWT and the MSBs successfully completed most of the training and implementation tasks included in their Compliance Action Plans (CAP).

## **5.1 Bureau of Water Supply**

EHS activities within BWS are performed by the Compliance Directorate ("Compliance") and by EHS personnel from the Operations, Water Quality, and Watershed Protection and Planning Directorates. In order to address EHS issues most effectively, EHS Compliance Advisors and Industrial Hygienists have been embedded within each Directorate.

### **Compliance Division**

The chief point-of-contact for handling EHS issues within BWS is Compliance which has an allocated staff of 24 employees. Compliance has primary responsibility for the development, implementation, and oversight of all BWS EHS compliance programs. The mission of Compliance is multi-faceted: (1) to serve as the technical resource for all of BWS, as it achieves and maintains EHS compliance; (2) to provide emergency spill response and remediation at BWS facilities and to supervise contractors hired for hazardous waste/materials remediation and waste disposal; and (3) to provide EHS training to BWS personnel.

### **Operations, Water Quality, and Watershed Protection and Planning Directorates**

EHS Compliance Advisors dedicated to EHS activities have been assigned to the Operations, Water Quality, and Watershed Protection and Planning Directorates. Additionally, Deputy Chiefs of Compliance and Procurement have been assigned within Operations reporting directly to the Chiefs of Western Operations, Eastern Operations, and Wastewater Operations.

Primary responsibilities of Advisors and Deputy Chiefs include: implementation of EHS programs developed by the Agency, performance of in-field assessments of EHS-related conditions at BWS facilities, response to inquiries regarding worker health and safety issues, provision of training and other information sessions to Directorate staff, development of EHS programs tailored to the Division's individual needs, working with personnel from state and federal agencies, and coordination of efforts with other BWS or DEP EHS personnel. Within Operations, one Deputy Chief assumed both Compliance and Procurement duties, establishing a direct link between EHS and the ability to obtain the resources necessary to maintain EHS compliance.

### **Bureau EHS Staff Interactions**

EHS personnel assigned to the Compliance, Operations, Water Quality, and Watershed Protection and Planning Directorates communicate in weekly telephone conferences held to ensure routine communication among all Directorates. Monthly face-to-face meetings for all Bureau EHS staff are also held to allow for longer and more detailed exchanges of information as well as opportunities for training.

## **Bureau Accomplishments**

### ***Health and Safety***

Bureau EHS Health and Safety initiatives included the performance of workplace exposure assessments for potential health risks to employees at wastewater treatment plants from the handling of biosolids, the power washing of filter presses, and the charging of sodium carbonate into process tanks. Exposure assessments were also conducted at other operating facilities to evaluate potential risks associated with the removal of lead-containing paint and the use of sodium hydroxide during the flushing of the scrubber system. Other initiatives included the performance of indoor air quality, ventilation and ergonomic assessments in response to employee concerns; and performance of ongoing job hazard assessments as job requirements and tasks changed. Such assessments frequently resulted in revised PPE requirements and/or the development of safe work practice guidelines.

BWS also completed its small boat safety survey for DEP Police and all Directorates that utilize boats in the performance of their work, and began developing a Small Boat Guide. The guide will provide uniform protocols for the use, maintenance and storage of boats, as well as identification of personal protective equipment (PPE), safety equipment, and training appropriate for personnel utilizing the boats.

BWS upgraded the communication systems for field employees working alone in remote locations through the distribution and activation of forty-four handheld satellite communication and safety (SPOT) devices. In addition, through a contract with Goosetown Communications, BWS began the procurement and installation of high band vehicle radios, handheld radios, and base stations. These high band radios provide coverage through 90% of the upstate watershed region.

### ***Contracts***

In calendar year 2008, Compliance staff managed five active EHS Capital and Expense funded contracts totaling approximately \$10 million. Major accomplishments under these contracts included sump remediations, emergency spill responses and remediations, groundwater monitoring, chamber remediations, sample collection and analysis, disposal of hazardous and non-hazardous wastes, employee medical monitoring, and paint abatement at BWS facilities.



Upcoming contract work will involve continued sump and chamber remediations, sample collection and analysis, disposal services, emergency response, paint and asbestos abatement, and environmental site assessments.

### ***Training***

In 2008, Bureau EHS trained and/or coordinated training for more than 8100 attendees, which equated to each BWS employee's being trained in 9 courses over the year; training sessions addressed over 90 different topics. There were several notable training achievements in 2008: 200+ employees attended 75 different toolbox/tailgate sessions, 454 employees attended CPR training and 360 employees attended annual refresher training on Bloodborne Pathogens, Hearing Conservation, Confined Space Entry and Control of Hazardous Energy (LOTO). The Bureau, in coordination with OEHS and the BHRA Office of Training and Development (OTD), utilized the Agency's Web Campus program for tracking of all facets of the Bureau's training program.

Division EHS staff continued to assist the EHS Training Section by providing formal and informal tailgate safety training sessions on topics such as Cranes and Hoists, Personal Protective Equipment (PPE), Right-to-Know, Confined Space, Bloodborne Pathogens, and LOTO. Compliance staff participated in the Training Coordination Committee (TCC) meetings, assisting in developing a new training tracking system and updating training modules used in annual refresher training.

### ***Legacy Update***

Of 1391 original Legacy action items, 827 items remain open. Of the 827 items, 632 are paint-related and will be abated as set forth under the paint abatement plan. Additionally, 169 items are associated with DA Shafts 9, 10 and 17 and will continue to be addressed through contract DEL-159G. Correction of the remaining 26 open items is in progress.

### ***Audits***

The Action Item Tracking (AIT) database continued to be used to track EHS deficiencies identified during audits. Three hundred ninety-seven (397) audit items at 58 BWS facilities were scheduled for completion during 2008, and 100% of those audit findings were completed on time.

### ***Spills***

With continued emphasis on training and implementation of procedures, BWS continued to increase reporting of all spills and releases. In 2008, BWS implemented a training program to improve competency in identifying root causes associated with incidents. Root cause identification and analysis will be used as a cornerstone for development and implementation of operational programs throughout the bureau to

address the upstream causes associated with spills and releases. The Bureau anticipates that this initiative will be fully implemented in 2010.

### ***Risk Management Program/Process Safety Management (RMP/PSM)***

In addition to correcting the deficiencies identified in audits conducted by consultants retained by DEP and the Federal Monitor, Bureau EHS worked on implementing the measures delineated in the DEP RMP Management Plan. Efforts included a review and consolidation of various tracking tables, continued emphasis on employee training and participation, and implementation of “mini-drills” in addition to annual drills with outside response agencies.

## **5.2 Bureau of Water and Sewer Operations**

The core mission of BWSO is to operate, maintain and protect New York City’s drinking water and wastewater (sewer) collection systems. The BWSO EHS Division is staffed by 34 professionals whose goal is to foster the unhindered development, maintenance and improvement of effective and comprehensive EHS initiatives within the Bureau. The EHS Division strives to ensure long-term EHS compliance and to fully integrate effective EHS policies and practices at all levels of the Bureau’s organization.

### ***Organization***

During 2008, there were several important changes in the organization of the EHS Division. Nine additional health and safety personnel who report to the Bureau EHS Division were hired as field Safety Officers responsible for sixteen Field Operations locations throughout the five boroughs. The Safety Officers, all with a professional and educational background in EHS or a related field, are to be deployed to assigned field locations after three months of training. This new organization will allow a more hands-on approach at field operations locations, will provide a greater level of consistency in program implementation, and will enable the Water and Sewer Construction Supervisors previously assigned this function to give full attention to their core duties.

In 2008, BWSO, having identified an ongoing need for the integration of health and safety concepts and practices into operational and equipment training, hired a professional with construction experience as an EHS equipment trainer. He will provide training to construction laborers and other field employees on the safe use of their particular equipment.

### **Accomplishments**

#### ***Health and Safety***

2008 Health and Safety initiatives included: development and implementation of a chain saw safety program including First Aid/CPR, Bloodborne Pathogens and an Exposure Control Plan; improvements in and facility training on Injury and Illness

recordkeeping systems; a thorough review of and improvements in all BWSO Emergency Action Plans; development of a protocol for testing all coated steel water mains for asbestos; completion of a job safety analysis for watershed maintainers (chlorine work); development of a lead paint assessment database for all BWSO facilities; performance of an EHS training gap analysis for BWSO contract managers; development of enhanced excavation training; creation of a Health and Safety group work order system and a new HTSL tracking and data management system.

BWSO health and safety staff conducted 268 field safety visits and assessments and responded to more than 50 on-call requests for assistance.

### ***Environmental Compliance***

Environmental Compliance filled all vacancies in 2008 and remains fully staffed. Its routine responsibilities include hazardous waste management, spills response and investigation, overseeing environmental compliance at all BWSO facilities and participating in all aspects of environmental training and field assistance. In 2008, several important regulatory driven projects were completed, including waste characterization of catch basin debris; removal of underground storage tanks at the New Clove and 137 Jamaica Avenue sites; reconciliation of tank inventory at Q4; and completion of NOV responses and Spill Prevention Reports for seven well stations. The 001B well station mercury remediation project progressed with remediation completed at 26 well stations.

The Division made significant strides in improving facility compliance with all fueling station requirements including veeder root management and preparation of ten-day monitoring reports. One Environmental Compliance staff member was assigned to assist Reservoir Operations with implementation of the Risk Management Plan/Process Safety Management Program.

### ***Program Development and Sustainability***

The Program Development section was formed in 2007 and continues to improve EHS programs, training and communication. As the BWSO EHS program matures, its role takes on greater import. Significant accomplishments for 2008 included the development and implementation of a consistent and formal communications program for EHS Alerts, SOPs, Guidelines and general communications; and the completion of the first annual “EHS State of the Facilities Report” which highlights the accomplishments, performance indicators and general EHS condition of each BWSO facility. This document is critical to both Bureau management and EHS management to target EHS needs and recognize accomplishments on a facility-by-facility basis.

Program Development has a very active communications group staffed by one full-time and one half-time employee. It is responsible for issuing the bi-monthly newsletter “*The Conduit: EHS News for BWSO*,” coordinating the EHS communications

meetings and issuing all EHS Alerts, SOPs and Guidelines. In 2008, Program Development issued 4 SOPs and 16 guidelines/general communications.

The group is also responsible for internal auditing, training and contract procurement/administration functions. The internal audit program is robust and includes performance of audits of BWSO facilities on a regular schedule during the period between OEHS audits. This initiative serves a dual role of providing both on-going oversight and opportunities for education of facility personnel. Gaps identified in internal audits are addressed through training or EHS communications meetings. Finally, Program Development is responsible for keeping abreast of regulatory changes and assessing any impacts on the Bureau.

### *Contracts*

In 2008, BWSO EHS was responsible for the management of several contracts including one remedial contract, a tank inspection contract and a hazardous waste and emergency response contract. BWSO EHS also manages several recurring lab, training, medical and safety shoe contracts. In 2008, it initiated procurement of additional contracts, including a tank repair contract, tank removal contract, EHS consulting contract and a paint abatement contract.

### *Training*

In 2008, BWSO EHS administered and/or coordinated training on more than 35 environmental and/or health and safety-related policies, procedures and topics. In total, 4048 BWSO employees attended EHS training sessions in 2008.

The majority of EHS training focused on Hazard Communication/Right to Know and EHS Awareness for both Field and Office Staff, and included site-specific requirements, as needed. New or re-emphasized training initiatives in 2008 focused on RMP, Chain Saw Safety, CPR/First Aid, Bloodborne Pathogens, Forklifts, Powered Platforms, Vapor Recovery Systems and Veeder Root Systems. Classes were held for Facility Emergency Coordinators and Advanced Grade 2B Water Operators. Courses were provided in Hoists, National Incident Management System (NIMS) and Asbestos training for Trades staff. Additional education was offered through toolbox talks and presentation of new materials at Safety Officer and Responsible Manager meetings.

The Training unit made improvements to the content of the EHS Awareness training by integrating case studies and more group discussions. The training evaluation programs, which will help ensure consistent and quality training, have also been formalized, and results are reviewed by the Program Development Manager and EHS Director.

A major initiative undertaken in 2008 was the planning and development of a construction laborer training center which will be operated from the Queens Repair Yard.

This training center will accommodate the equipment and EHS training needs for construction laborers allowing for both classroom and hands-on training experience.

### ***Audits***

By the end of 2008, BWSO had a total of 4733 actions items on the AIT, of which 4690 had been closed, a completion rate of 99.1 %.

### ***Spills***

Bureau EHS responded to 76 spills in 2008, a 61% increase from 47 in 2007. As equipment failure remains the leading cause of spills, BWSO continues to work with BHRA Fleet Services and its facilities to find ways to reduce spills. The average amounts spilled have significantly decreased.

### ***Risk Management Program/Process Safety Management (RMP/PSM)***

Bureau EHS continues to devote resources and effort to bringing the Reservoir Operations RMP/PSM program into full compliance. After the hiring in 2008, of an experienced RMP Manager and a new RMP Compliance Assistant within Reservoir Operations, significant improvements were made in emergency response, incident investigation, mechanical integrity, management of change, employee involvement, training and contractor safety. The RMP/PSM program has become a mature and sustainable program as measured by the level of employee involvement and ownership.

## **5.3 Bureau of Wastewater Treatment**

In 2008, the BWT EHS division staff of 35, supplemented by 18 EHS Station Engineers – Electric and 21 Safety Sewage Treatment Workers assigned to the various plants and collection facilities, focused on implementing, finalizing and maintaining EHS compliance through the BWT Compliance Action Plan (CAP). The majority of CAP subtasks were addressed in a timely manner. While working to meet CAP deadlines, BWT also took steps to ensure that it would have a sustainable EHS Program. Further, during 2008, EHS began support of the Legacy Program and implementation of the Agency's Permit Management Information System (PMIS).

### ***Compliance Action Plan (CAP)***

The CAP for BWT includes 36 programs (26 Health and Safety and 10 Environmental), two of which, High Voltage Electric Safety and Fall Protection, had not been required in the BWS/BWSO CAP. Implementation progress was steady, but several tasks presented more of a challenge either because of the extent of items to be addressed or the learning curve for employees. During 2008, BWT substantially completed CAP tasks associated with: Traffic Work Zone Safety, Emergency Action Plans, Fire Prevention, Cranes and Hoists, Certificates of Fitness, and Wastewater/Stormwater.

BWT also worked toward better integrating the previously completed areas into its daily operations to ensure that compliance would be maintained.

August 2008 was the due date for completion of all CAP items. While great progress was made, not all deadlines were met. Work continued past August 2008 and into 2009 on various sub-tasks associated with Machine Guarding, Potable Water (RPZs), Air Permits, CBS/PBS and Arc Flash. All are on a path to resolution, with some timelines (CBS/PBS) longer than others.

With respect to the many CAP programs already implemented, BWT was able to focus in 2008 on identifying enhancements that would make a program more manageable or sustainable and on completing such newly identified tasks. For example, after CAP tasks for LOTO had been completed, BWT developed a bureau-specific LOTO procedure which it implemented in 2008. Training on such additional initiatives was also provided.

### ***EHS Communication***

#### **Bi-Weekly Status Meetings**

In 2008, Bureau EHS conducted bi-weekly update meetings that evaluated CAP status and continued to set the course for CAP compliance; attendees included representatives of EHS consultant firms, BWT EHS and BWT Engineering. BWT Engineering began attending, as it was assigned responsibility for several major CAP sub-tasks including installation of Emergency Alarms (CAP subject matter area – Emergency Action Plans), Machine Guards and RPZs (CAP subject matter area – Potable Water).

Meetings addressed CAP task status; AIT status (close-outs, CAP AIT items and extensions); and training progress and planning. Meeting participants determined the best way to manage CAP subtasks, made assignments to responsible parties and tracked progress.

#### **Facilities EHS Staff Monthly Meetings**

Nine (9) Facilities EHS Staff Meetings were held with EHS SEEs and Safety STWs in 2008; also in attendance were Directors, Division Chiefs, and Trades Chiefs. Meetings allowed for sharing of issues and concerns; providing guidance; assisting in resolution of AIT issues; performing training; and assigning tasks related to the CAP and compliance maintenance.

#### **Plant/Ops Chief Monthly Meetings**

Ten (10) Plant/Ops Chiefs EHS Meetings were held in 2008 with the Plant and Operations Chiefs; frequently Operations Division Chiefs and Trade Chiefs also attended. Meetings were held to inform participants of the tasks being assigned to facility EHS staff, to allow for sharing of issues and concerns and to provide guidance on EHS-related issues.



### Bureau Directives

In order to document the requirements for compliance, Bureau Directives are issued to ensure that untrained or uncertified staff is not assigned to tasks for which training or certification is required. Programs covered in 2008 included Cranes & Hoists, Lockout/Tagout, Confined Space Entry, Personal Protective Equipment, Bloodborne Pathogens, Electrical Safety, Arc Flash and Emergency Action Plans.

### EHS Staff Site Visits

BEHS staff visited facilities on a regular basis to provide guidance to facility EHS Staff.

### ***Training***

In 2008 the BWT Training and Development Section continued to ensure that training was provided to all identified staff in order to meet CAP dates and staffing levels determined to be required for operations. The Training Section developed, assisted with the development and/or reviewed training packages; scheduled staff and locations; prepared training materials; provided training and/or supported vendor training; and obtained required equipment for classes. Some assistance was provided by consultants (BBL, Arcadis, Applied EHS), outside vendors and others within BEHS.

EHS training was provided on topics including Annual Field Safety (HazCom/RTK); Office Safety; Lab Safety including Chemical Hygiene Plans; NELAC training for laboratory personnel; PPE Assessments and Matrix; LOTO Energy Control Procedures (OJT, NZPs, PM-specific ECPs, writing new ECPs and LOTO administration); Traffic Work Zone Safety; Hearing Conservation Program; Respiratory Protection; Asbestos Awareness; Asbestos Handler, Supervisor and Inspector; Confined Space Entry and Confined Space for Supervisors; Hot Work (PAI, Burning and Welding Safety Training); Bloodborne Pathogens (Exposure Control Plan); Fall Protection; Rigging; Aerial Lifts/Power Platforms; Scaffolding User and Competent Person; Training; Crane/Hoist (Policy and Inspections); Bridge Cranes Operation and Safety; Power Industrial Trucks; High Voltage Electrical Safety Training; Certificates of Fitness (>19 topics including Bulk Acid Storage), SPCC/PBS/Spill Prevention Programs; SPR/CBS/Spill Prevention Programs; Legacy Pollutants; Environmental Policies and Regulations; Opacity (Visible Emissions) training; Emergency Action Plans; Emergency Coordinator's Training; Chainsaw Safety; Fire Extinguisher "hands-on" training; and CPR/AED for Marine titles.

In addition to EHS-related training detailed above, BWT staff attended Management Skills training; Reasonable Suspicion, Corruption Awareness training; Anti-Retaliation training for Supervisors; and Anti-Retaliation training for non-supervisors. The Training Section also provided three classes of STW Orientation Training. This demanding 6-week training program was lengthened from a 4-week course to



accommodate inclusion of EHS-required training topics. The Training and Development Section developed and routinely provides a Trades Orientation program as well, in order to address the needs of newly-hired Trades staff including Electricians, Machinists and Instrumentation Specialists.

### ***Workshops***

One of the tools used in the development of the BWT-specific programs for CAP compliance and EHS implementation was the Workshop. Workshops brought together selected Directors, Division Chiefs, Plant Chiefs, EHS SEEs, Trades staff and/or Engineers, as appropriate to the subject matter. After the written “product” for which the Workshop was held had been developed and agreed to in principle by the members, it was distributed in draft to bureau management and all Plant Chiefs, EHS SEEs, and Safety STWs for their input.

One 2008 Workshop assembled a committee of Subject Matter Experts (SME) in Lockout/Tagout. This committee, including four Plant Chiefs and one Operations Chief, developed the BWT Specific Lockout/Tagout Procedures, which were distributed under a bureau directive in 2008 (Bureau Directive 08-03). Training for all Electrically Qualified Staff and Supervisors was provided by two members of the committee.

As the need is identified, EHS will continue to utilize Operations staff personnel to develop and modify programs in order to maintain and improve EHS compliance.

### ***Audits***

Beginning in late 2007 and continuing throughout 2008, OEHS performed Full Regulatory Compliance Audits of BWT’s Wastewater Treatment Plants. Initially, Collection Operations facilities (2 Crew Quarters and 4 Pumping Stations) were included; however, beginning in March 2008, the focus was on the WPCPs (and any ancillary facilities on site, such as laboratories); by the end of 2008, OEHS had completed or commenced audits at ten (10) of the 14 WPCPs. The progress noted in the results was very encouraging: High Priority Audits (HPA), which looked at only a small fraction of the issues addressed in the Full Regulatory Compliance Audits (150 compared to 4000), had generated a total of 11,658 findings at the 10 facilities; the total number of findings from the Full Regulatory Compliance Audits was 4922 – a reduction of 42%.

Throughout 2008, BWT incorporated the results of numerous other audits and analyses into the AIT, so that by the end of the year there were 29,546 findings on BWT’s AIT; of those, 88% had been closed. The Full Regulatory Compliance Audits, like the HPAs, continued to identify certain recurring issues that the Bureau has determined it needs to better manage (e.g., open junction boxes, defective ladders, improper materials storage, and improper waste management).

Further, during 2008, pending OEHS audits of the BWT Pump Stations, BEHS performed modified HPAs of 44 of the bureau’s 93 sewage Pump Stations. The audits

were based on the previously utilized HPA checklist with modifications that addressed additional items identified as issues during other assessments.

### ***Action Item Tracking System***

Findings from all audits, assessments and Notices of Violation (NOVs) continue to be entered into the DEP Action Item Tracking System (AIT). During 2008, an additional 5,867 new findings (identified during OEHS Full Regulatory Compliance Audits) were entered into the AIT. Findings are assigned to particular Operations divisions (e.g., Machinists, Engineering, and BEHS). BEHS tracks groups or facilities that fail to timely request extensions and notifies them of any lapses. As of the end of 2008, BWT had closed 88% of its total 29,546 identified deficiencies.

To support compliance, BWT sends out monthly reminders (at mid-month) to all persons specified as “Assigned To” in the AIT; each person receives a color-coded spreadsheet listing all open items and indicating what is past due (color-coded red), due at the end of the month (yellow) and due at the end of the following month (green). In addition, Plant and Operations Chiefs are provided with a full list of open items for their facilities on a quarterly basis. AIT statistics are discussed at every Ops/Plant Chiefs EHS and Facilities EHS Staff meeting, as a reminder.

### ***Regulatory Compliance Analysis (RCA)***

The RCA was an evaluation, by DEP’s EHS Consultant, Arcadis (formerly BBL), of BWT facilities’ compliance with applicable environmental laws and permits (including SPDES and Clean Air Act permit obligations) as well as with DEP environmental policies. Arcadis developed a regulatory matrix identifying federal, state and city environmental regulations applicable to BWT operations and an assessment checklist with which it identified compliance gaps at BWT facilities. The final RCA report, issued in October 2007, contained over 1500 findings which were incorporated into the Action Item Tracking system (AIT) for BWT. More than 80% of the findings have since been closed with the remainder scheduled for correction. Those not yet closed included items requiring procurement or completion of construction contracts; procurement of consulting services; and/or obtaining required information (e.g., signs or drawings).

### ***Laboratory Audits***

AEX, a consultant retained to evaluate NELAC Compliance for all operations and activities conducted by BWT laboratory personnel at the BWT Process Control, Microbiology, Special Projects and Field Process and Microbiology Laboratories, completed its audits and issued its final consolidated report to BWT in June 2008. The audit produced almost 1500 findings among the 23 laboratories; findings and corrective actions were entered into the AIT for BWT. Over 80% of the AEX findings were completed by the end of 2008.

Assessment procedures and activities were performed in accordance with the standard assessment procedures utilized by AEX for its State and Federal contract assessments and consulting, based on the 2003 National Environmental Laboratory Accreditation Standards (NELAC). The Standards have been adopted by NYSDOH and incorporated into its Environmental Laboratory Assessment Program (ELAP) regulations.

The assessment process included pre-assessment document and records review, site assessment visits, data review, staff interviews and preparation of debriefing notes reports. The on-site facility visits typically lasted for between one and three days. All field work was completed in 2007.

A major issue identified during the assessments involved NELAP certification of the Plant Laboratories. The DEC Discharge Monitoring Report (DMR) manual provided that, with the exception of fecal analyses, the analyses being performed by the Plant labs pursuant to requirements in the Plants' SPDES permits did not have to be conducted by a NELAP-certified laboratory. Accordingly, BWT removed fecal analysis from its Plant Labs in an effort to achieve compliance while relieving Plant Chiefs of onerous additional duties required of a NELAP-certified Laboratory Technical Director. Fecal analysis was centralized at the existing Wards Island Microbiology lab and the newly set-up Owls Head Microbiology lab.

Construction continues on the Newtown Creek lab, which, as of December 2008, was scheduled to open by March 2009 (as of issuance of this Report, the scheduled date is June 2009). With the Newtown Creek Lab, BWT will further centralize its laboratory operations. BWT's move to centralization is part of its effort to improve productivity and enhance quality assurance

### ***Marine Section***

Because there are regulations peculiar to maritime activity, an additional CAP was developed for the BWT Marine Section, charged with responsibility for the marine transport of sludge in New York City's waterways. In 2006, Safety Management Systems, LLC (SMS) completed an assessment and gap analysis of the Marine Section; all of the regulatory-based findings were included in the Marine Section CAP. The Marine CAP includes 12 health and safety programs, 3 US Coast Guard (USCG) environmental programs and 3 additional USCG programs.

During 2008, BWT continued to hold monthly Marine CAP progress meetings; all CAP training and implementation were substantially completed. SMS began verification audits to verify sustained compliance with CAP programs.

### ***Federal Monitor Verification Audits***

Throughout 2008, the Federal Monitor and his consultants visited all 14 WPCPs and all BWT laboratories. One of the purposes of their visits was likewise to verify the

status of findings reflected as “corrected” in the AIT. At all but two WPCPs, more than 90% of the action items were confirmed closed; five facilities were at 100%. The average for the 14 WPCPs was 93% of findings verified as having been accurately closed. The visits also allowed the Monitor to get an overall impression of the buy-in by the Plant Chiefs and facility EHS personnel as well the facilities’ compliance with CAP tasks.

### ***EHS Support Contracts***

BWT maintains several contracts to support EHS compliance. BEHS manages or oversees contracts and/or purchase orders for emergency response, waste removal (including hazardous, universal, non-hazardous and used oil), laboratory services for EHS issues, medical contract for Hepatitis B inoculation series, medical contract for other EHS programs, audiometric testing via COSH contract and electrical PPE. BEHS also provides guidance to Operations and Engineering on proper safety equipment to be purchased.

Further, BWT Engineering oversees a large number of requirement contracts that assist Operations in achieving and maintaining compliance; these include crane and hoist inspection and repair; fire extinguisher maintenance; metal recycling; and alarm system inspection and maintenance.

### ***Permit Management Information System (PMIS)***

Work began in 2008 to gather BWT information to be entered in the Agency’s Permit Management Information System (PMIS), a web-based reminder system for EHS tasks that need to be routinely performed. Reminders are sent in the form of an email notice; if the required task has not been addressed in a set timeframe, the reminder escalates to supervisory personnel.

BEHS staff began meeting with Coney Island and Red Hook WPCP EHS staff to gather data related to equipment, scheduling and a reporting hierarchy. Training and gathering of information from all other locations will follow in 2009.

### ***Sustainability***

BWT has added a Sustainability Chief to its EHS Division to provide assistance to the bureau as it moves from implementation to maintenance and enhancement of the EHS program. Under the direction of OEHS, DEP tasked Arcadis with development of an EHS Sustainability System. As part of this initiative, the Sustainability Committee was constituted. BWT’s Sustainability Chief has taken an active role in the committee and will continue to be the point-person for BWT on the Committee.

The Sustainability Chief will also work with EHS staff as part of its “Program Support” effort (to get underway in 2009). Within BWT, the Program Support effort is an EHS program-based evaluation of the on-going use and compliance with the EHS

programs that have been implemented over the past 3 years. The focus is on identifying deficiencies and problems with the program and then developing a course of action to resolve, improve, enhance or modify the program to make it more manageable and maintainable.

### *Legacy*

In coordination with OEHS, EHS provided support in commencing the Legacy Assessment Program at BWT facilities. Two contracts were awarded, one for the WPCPs and the other to include BWT Pump Stations and ancillary facilities. EHS assisted with review of work plans, HASPs, and schedules, and coordinated site visits and meetings with WPCP staff. Field work began in November 2008 at the Rockaway WPCP. EHS will continue to provide coordination support, guidance, and technical review as the program moves ahead.

## **5.4 Mission Support Bureaus**

Overall, the MSBs have successfully implemented a comprehensive Compliance Program. Each MSB has designated at least one employee to act as its MSB EHS Coordinator. Several of the Coordinators participate in a working group of Bureau EHS Directors. The group was constituted by Office of Environmental, Health and Safety Compliance (OEHS) Assistant Commissioner McCoy to work on agency-wide EHS issues such as the sustainability of EHS compliance programs.

Until the CAP had been substantially implemented, monthly meetings were held with bureau EHS Coordinators to discuss EHS Compliance Program implementation status. The Bureau of Legal Affairs provided to the Commissioner a bi-monthly status report on the MSBs' implementation of the CAPs.

Below is a summary of progress to date on the major elements of the program: written procedures (SOPs); training; and implementation. The detailed status of the BCIA, BCS, BEC, BEDC, and BHRA compliance programs is set forth as well.

### *Compliance Action Plan (CAP)*

The Office Worker and Field Worker CAPs include a target date for the completion of each item. Except as noted below, most target dates have been met.

### EHS Program Development

As part of the rollout of the BWS/BWSO EHS Compliance Program, DEP drafted over 30 SOPs. Each bureau is required to comply with applicable SOPs as it implements corresponding programs. Under the MSB CAPs, one SOP (which applies only to BHRA Facilities Management and Construction) was scheduled to be written over the past year: High Voltage Electrical Safety. BHRA determined that no additional SOP would be needed and implemented the agency-wide Arc Flash PPE guidelines.

### EHS Training

All CAP training except that on the EAPs had been completed in 2007. “New employee” and refresher training sessions are ongoing. Some bureaus offered additional training to staff such as 10-hour OSHA training provided to BEC and BEPA employees.

Development of and training on the Emergency Action Plans (EAPs) was due to be completed in May 2008. It has been necessary for DEP to obtain EAPs from the landlords of the Lefrak facility and a number of other leased MSB facilities. When FDNY-approved EAPs are provided, employees receive the appropriate training.<sup>3</sup>

### EHS Program Implementation

Implementation in the following subject matter areas was due and timely substantially completed during 2008: High Voltage Electrical Safety and Ventilation.

Implementation in the Wastewater/Stormwater subject matter area has been delayed because of difficulty in obtaining DEP permits for sewer connections at two BHRA facilities. With respect to the Fleet Central Repair Shop,<sup>4</sup> the landlord has had to make major plumbing corrections (oil/water separator, separation of stormwater/sanitary discharges, etc.). For the FMC Grand Avenue Construction Services facility,<sup>5</sup> the landlord’s engineer had to address the lack of drawings and other required technical data. Legal and BHRA have been working with the landlords to address the issues.

## **BCIA**

### ***Communications Plan***

The Bureau of Communications and Intergovernmental Affairs (BCIA) has worked with an advertising consultant to develop an EHS and anti-retaliation outreach campaign that contemplates regular communication with DEP employees on core EHS values as well as on employee leadership and support for EHS policies. BCIA has rolled out the campaign at BWT, BWSO and BWS facilities with posters depicting DEP employees delivering messages about safety and the environment.

In June 2008, BCIA hosted the first annual Awards Ceremony honoring employees from all bureaus “for excellence in leadership, integrity and EHS.” It plans to hold the second annual event in fall 2009.

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<sup>3</sup> EAPs for the High and Low-Rise Lefrak buildings were approved by FDNY in January 2009. The MSB EHS Coordinators prepared an addendum to address gaps between OSHA requirements and FDNY requirements. A train the trainer course was developed and offered in April 2009 so that a roll-out of training on the EAP could begin. Training is in progress and will be completed during 2009.

<sup>4</sup> For additional details, please see BHRA section below.

<sup>5</sup> The sewer connection permit for the Grand Avenue facility was approved in January 2009.



Additionally, BCIA has posted case studies on the agency's intranet site – Pipeline – for Employee Concerns incidents. The case studies have also been distributed to all agency employees along with their paychecks and via e-mail. In addition to outlining the events of the incident and explaining what went wrong, the case studies focus on the broader context of how EHS incidents impact and should guide the future decision-making of all agency employees.

## **BCS**

The Bureau of Customer Service (BCS) is responsible for issuing bills for water and sewer use, enforcing and interpreting the Water Board rules and regulations, collecting delinquent charges, providing professional customer service and developing and administering programs to increase customers' water conservation efforts.

During 2008, BCS employees continued to receive required refresher training. BCS completed further field analysis studies of its employees' activities as required for implementation of the PPE, Confined Space and Wastewater/Stormwater CAP subject matter areas. BCS has corrected all of its 10 Priority II audit action items and 128 of the 130 Priority IIIs. The two open items for which BCS has been granted extensions are asbestos issues that will be addressed under the Legacy Program.

## **BEC**

The Bureau of Environmental Compliance (BEC) is comprised of the Division of Air & Noise Policy, Permitting and Enforcement (ANPEP); the Asbestos Control Program (ACP); the Division of Emergency Response and Technical Assessment (DERTA); and the Environmental Economic Development Assistance Unit. ANPEP is responsible for the regulation and control of stationary and mobile sources of air pollution covered by the New York City Air Pollution Control Code. This division, also responsible for noise abatement and control activities as specified in the New York City Noise Control Code, responded to more than 52,000 Air/Noise complaints in 2008.

The ACP is responsible for the implementation and enforcement of the Asbestos Rules, including certification of asbestos handlers, supervisors, and investigators; receipt of project notifications; and variance reviews and approvals. Routine field inspections and complaint response resulted in more than 3600 inspections in 2008. DERTA responded to more than 3200 incidents involving potentially hazardous materials and is charged with ensuring that hazardous materials are handled, used, stored, transported and disposed of properly. In addition, DERTA maintains a comprehensive inventory of and inspects facilities in New York City that are subject to Community Right to Know regulations concerning hazardous and toxic materials; more than 5500 of these inspections were performed in the last year.

Each Division/Unit is expected to achieve and maintain compliance with safe, yet efficient practices and staff is expected to participate in the EHS program by



understanding and complying with SOPs and by questioning and addressing concerns. The EHS Coordinator regularly meets with staff and union chapter representatives to reinforce the importance of everyone's participation in the EHS Programs.

The Bureau EHS Office continued to coordinate and maintain EHS programs, activities and training, conduct employee outreach, and address employee concerns. The EHS Coordinator participates in all DEP EHS Committees; is a member of BEC Senior Staff, reporting directly to the BEC Deputy and Assistant Commissioners; and works to ensure that EHS considerations are integrated into daily operations.

Employees are instructed to identify potential risks and to remove themselves from hazardous conditions, stopping work until the risks can be eliminated or controlled. The EHS Coordinator conducted and continues to conduct evaluations of field activities to monitor EHS compliance and maintained an open policy by which staff may request her presence at field activities. The use of field observations is a means by which she monitors for potential deviations from safe practices and then provides guidance and reinforcement of hazard recognition.

The following Compliance Program activities have been undertaken for this bureau:

### ***Training***

BEC employees continue to attend required refresher training. Personnel assigned laboratory duties maintain C14 Certificates of Fitness issued by FDNY. New employees receive the required training for their respective units.

### **ACP**

When first hired, Inspectors receive the USEPA Hazardous Materials Emergency Response course (40-hour HAZWOPER); they also receive training and are qualified as Asbestos Handlers, Asbestos Supervisors and Asbestos Inspectors/Investigators and OSHA Construction Industry Training. The Technical Review staff has begun receiving Asbestos Project Designer training. This course work is followed by extensive field training with a senior staff member on performance of inspections. Annual Right to Know (RTK) training, medical evaluation, respirator training and fit testing and the NYS Inspector/Investigator refresher course are provided. The ACP technical staff has also received training from the FDNY and the Department of Buildings on specific relevant aspects of the Fire and Building Codes.

### **DERTA**

Staff undergoes USEPA Hazardous Materials Emergency Response course training (40-hour HAZWOPER) and 24-hour Hazardous Materials Proficiency Training annual refresher, which includes RTK training and other specialized training.

### ***Implementation***

During 2008, BEC completed tasks required for the substantial completion of implementation of applicable subject matter areas. It continues to maintain its MSDS binder and required postings and recordkeeping. Pending training on the Lefrak EAP, BEC has instructed its employees on steps to be taken in an emergency and has designated temporary assembly points.

### ***Audit***

All action items have been corrected and closed except one open item that requires finalization of and training on the Lefrak EAP.

## **BEDC**

The following Compliance Program activities have been undertaken for this bureau:

### ***Training***

BEDC employees continue to receive required refresher training. Appropriate training is provided to new hires and employees who have a change in job assignment. BEDC EHS has developed a training program tailored specifically to instruct BEDC Construction Supervisors on how to manage a construction project with respect to EHS issues. The three-day training program was conducted in November 2008, will recur yearly thereafter and will be provided to new hires. In addition to providing the OSHA 10-hour construction safety certification, the three-day program provides training on environmental issues such as how to manage and dispose of hazardous waste.

### ***Implementation***

BEDC substantially completed tasks required for implementation of the PPE and Occupational Noise/Hearing Conservation subject matter areas. With respect to Air Emissions, BEDC has received all required registrations and permits from the DEP Bureau of Environmental Compliance and has finalized four Air Permitting Standard Operating Procedures (SOP's). BEDC has developed a Permit Resource Division (PDR) and Permit Tracking database to address all permits and assure that permits are transitioned from design to construction and then to operations. Below is a summary of the PDR Group's accomplishments.

### ***Audit***

Areva performed HPAs of all the BEDC Construction Sites and a full EHS compliance audit of BEDC office space in Lefrak. BEDC has corrected 2121 of the 2122 identified action items; the open item is a Priority III and will be corrected as part of a construction project.

BEDC EHS has implemented an internal environmental auditing program for construction environmental issues similar to its existing safety audit program. After the initial audits are complete, BEDC will continue to conduct weekly inspections of its active construction sites for both safety and environmental issues. The environmental audit program also involves an environmental education element through which BEDC EHS staff conducts an Environmental Orientation for all project staff. During the

Orientation, environmental regulations and DEP EHS policies and specifications are reviewed so that contractors and CM staff are reminded of their compliance obligations.

BEDC EHS continues to conduct weekly safety audits on projects and regularly attends construction progress and other project meetings to address on-going EHS issues and concerns.

### ***Spill Prevention, Reporting and Investigation***

Training, reporting and investigation activities continued with emphasis on identification of root causes. Targeted training was provided to DEP and contractor staff by request or as the need was identified via spill reporting. The spill training program is being updated to include instruction on proper reporting and completion of environmental release reports. The spill training program was updated to include instruction on proper reporting and completion of environmental release reports.

### ***Contractor Safety and Construction Management***

As part of its EHS oversight of contractors, BEDC has 1) continued pre-award EHS screening; 2) implemented an EHS Metrics reporting system for BEDC personnel and construction contractors to track contractor EHS records; 3) conducted evacuation drills for BEDC construction sites; 4) initiated spill incident reporting and investigation; and 5) conducted reviews of contractor Health and Safety Plans (HASPs). Additionally, EHS continues to regularly inspect BEDC construction projects to identify safety issues and implement immediate corrective actions.

BEDC continues to update EHS contract specifications and Construction Management contracts to increase EHS responsibilities of the contractor and construction managers. BEDC has developed a Design Project Manual for BEDC Design staff. There is an EHS chapter that includes EHS checklists to be completed by the designers. It is anticipated that this new initiative of focusing on EHS issues during the design phase will decrease EHS issues during construction. The Manual is complete and has been distributed to all BEDC Design staff.

BEDC is also developing a DEP Construction Management Manual for DEP contract supervisors. An EHS chapter will include one-page guidance documents based on DEP EHS policies and procedures and a checklist created to assist Contract Supervisors in ensuring EHS compliance on construction projects.

BEDC EHS is involved in all aspects of the life cycle of a project. EHS is present during the pre-bid, pre-award and pre-construction stages of the project and has developed EHS checklists and packages for meetings to inform and put the contractors on notice of the EHS requirements. In addition the contractors are asked at pre-award, to present who will be managing their environmental issues including waste before they are awarded the contract.

### ***Permit Resource Division (PRD)***

BEDC established the PRD group to support permit management of its capital projects; it reviews applications for key permits, provides support on permitting issues, develops tools and guidelines for permit management and provides education. The Division has developed and implemented the Permit Tracking Database (PTD), which is

used to track permit status on all active design and construction projects and to identify any variances throughout the phases of a permit life cycle.

The PRD has compiled from its historical record of capital projects a comprehensive list of permits typically required for construction activities. It has met with all BEDC Project Managers to review their project scopes to ensure that all required permits have been identified. The PRD, BEDC Project Managers, and consultants are able to use PTD to run reports that identify issues with submitting applications, receiving approvals, and expiring permits.

The PRD has developed guidelines providing an overview of responsibilities for the Project Manager throughout the life cycle of a project as well as a standard operating procedure for Construction Managers to support Project Managers in permit management during the construction phase. The PRD is currently developing permit-specific guidelines which detail the application process, prerequisite information for approvals, content requirements, and timelines.

### **Bureau of Human Resources and Administration (BHRA)**

The following Compliance Program activities have been undertaken for this bureau:

#### ***Training***

BHRA focuses on sustaining training through periodic refresher training, as required by the CAP and DEP Policies and Procedures. Training highlights in 2008 included Office Right-to-Know (109 employees), Confined Space (37), Facility Right-To-Know (40), LOTO (45) and EAP (22). BHRA, in collaboration with OEHS, is working toward training all Lefrak DEP employees on their respective Lefrak EAPs by the end of June 2009 (see update on EAP implementation below).

In addition to taking care of its own CAP items related to EHS training, BHRA has implemented a number of training initiatives designed to foster an organizational culture change in which employees are more cognizant of their roles, rights, and responsibilities in the context of compliance initiatives.

Agency supervisory personnel complete a 3-day Professional Staff Development class in which they learn professional approaches to managing staff and how to model and communicate behaviors that are necessary to uphold and comply with the DEP EHS Compliance Program.

Non-supervisory employees attend a 1-day Anti-retaliation/Employee Rights and Responsibilities program designed to examine the employees' legal rights and responsibilities as they relate to EHS laws, civil rights laws, and retaliation law. This program emphasizes the obligation all employees have to know and comply with the law and to report any violations.

During 2008, more than 2500 employees attended training classes in the DEP Professional Staff Development Program and the Anti-retaliation/Employee Rights and Responsibilities Training Program.

***Implementation***

BHRA completed tasks required for implementation of the High Voltage Electrical Safety and Ventilation subject matter areas. With respect to the delay in implementing the Emergency Action Plan (EAP) subject matter area (due May 2008), BHRA worked with the landlords of DEP's leased facilities, including Lefrak, to obtain/develop the facilities' EAPs. As of January 2009, FDNY approved EAPs for both the High Rise and Low Rise Lefrak buildings.

With respect to Wastewater/Stormwater, BHRA has two leased facilities that required sewer connection permits. The first, the Grand Avenue Construction Service's Shop was issued its sewer connection permit in January 2009. As to the second, the Fleet Review Avenue Central Repair Shop, BHRA continues to work with the landlord's engineer on the permit approval process. The Bureau of Wastewater Treatment (BWT) tentatively approved with modifications the permit application submitted in October 2008 for the facility's oil-water separator and related internal plumbing. The landlord's engineer is preparing to re-submit the application with the required changes. BHRA also is working with BWSO to resolve an outstanding issue related to the existing street sewer connection, upon which corrective construction will be performed and the permit approved.

***Audit***

BHRA's 38<sup>th</sup> St. Archives facility was its only facility audited in July 2008. There were no EHS findings, but OEHS provided some helpful recommendations concerning improved practices. Five AIT items were outstanding (all Priority IIIs) from earlier audits, four of which will be resolved when EAP training has been completed. The remaining item relates to a gas detector issue at the Fleet Central Repair Shop that BHRA is working to resolve.

***Recruitment and Staffing***

BHRA continues to play a major role in the recruitment/staffing functions that are related to the Agency's EHS manpower requirements. During 2008, twenty-one EHS positions were filled in BEDC, BWT, BWSO, BWS, and OEHS.

## **6. CONCLUSION**

During 2008, BWT and the MSBs endeavored to complete their CAPs and address the deficiencies identified in the full regulatory compliance audits of their facilities. All bureaus initiated a cooperative effort to develop an agency-wide Sustainability System that will provide a systematic strategy for identifying, prioritizing and implementing sustainable EHS programs to assist DEP employees in complying with regulatory requirements, enhance the well-being of DEP employees and the public, and continually improve EHS-related operational activities.

In 2009, the Agency and its Bureaus will continue to work toward implementing a process of ongoing assessment and enhancement of their EHS programs utilizing the EHS Sustainability System as a standard for evaluation and a guide for improvement.