

New York City

Department of Environmental Protection

Environmental, Health & Safety

2007 Annual Report



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1. A MESSAGE FROM COMMISSIONER LLOYD

A fundamental challenge at any agency as large as DEP is sustaining institutional transformation and change. Overcoming this challenge is particularly important for our environmental, health and safety (EHS) program; ensuring regulatory compliance throughout the agency is absolutely essential to employee safety, public health and the successful execution of the agency's key functions.

In 2007, we have made great strides toward the important – and essential – goal of creating a professional culture where EHS concerns are valued equally and addressed as routinely as other workplace obligations.

There is, of course, progress still to be made. Though all bureaus have made significant progress in addressing systemic compliance concerns and dramatically improving employee training, BWT remains under the supervision of a federal monitor.

Still, a significant achievement over the past year has been the development of programs that will sustain a long term culture of change. In particular, we have developed successful training programs that clearly express the vital connection between EHS compliance and the agency's core mission and make clear the relationship between an individual employee's actions and the success and integrity of the broader agency.

In 2007, more than 1,700 managers and supervisors completed anti-retaliation training, an important milestone in developing an institutional structure better prepared to resolve EHS incidents when they do occur and more responsive to the concerns of employees at every level. Additionally, a significant portion of high-level managerial and supervisory staff have completed training courses emphasizing the role they play in modeling and effectuating change agency-wide.

More than 1,200 non-supervisory employees were also trained in 2007, receiving a course in employee rights and responsibilities that will be critical – and has already been effective – in empowering these employees to express EHS concerns to supervisors, managers, or the federal monitor as they arise and before they become institutional problems.

Moving forward, the key messages of these training programs will be reinforced by a comprehensive EHS communications campaign focusing on those DEP employees who are esteemed by their colleagues and who have maintained exceptional compliance records. Posters will be placed in all DEP facilities emphasizing critical components of the agency's EHS program; they will be accompanied by case studies addressing actual EHS incidents, so employees will be aware of mistakes made in the past and better able to resolve similar circumstances in their own work.

In 2008, I look forward to continued progress. Working to further institutionalize change in BWT and the rest of the agency will be a particularly important goal as we move forward. I am hopeful that continued training, combined with 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 New York City Department of Environmental Protection's (DEP) primary mission is to protect the environmental health and well-being of City residents by providing an abundant and safe supply of drinking water, treating and properly disposing of wastewater, and ensuring that adequate drainage is provided for stormwater runoff. In furtherance of this mission, DEP operates and maintains the City's water supply and wastewater systems, including (among other facilities) reservoirs, dams, aqueducts, tunnels, gatehouses, wastewater treatment plants, pumping stations, laboratories, and combined sewage overflow facilities.

DEP also interprets, administers and enforces a number of local laws, rules and regulations intended to protect the environmental health, welfare and natural resources of the City, including the New York City Air and Noise Codes, local laws on hazardous material spills and asbestos remediation, and the City's community Right-to-Know Law.

In performing all of these activities, DEP employees are committed to providing the people of New York City with superior service and a healthy environment.

As an agency with an environmental mission, DEP is especially sensitive to protecting natural resources, ensuring the health and safety of its employees, and promoting a healthy environment in the communities in which it operates. Accordingly, in performing its day-to-day functions, DEP is committed to:

- Informing and educating our employees, contractors, suppliers, and the general public about the importance of environmental, health and safety concerns;*
- Making sure that our daily operations are conducted in a manner that protects the environment and safeguards the health and well-being of our workforce and of the public we serve;*
- Establishing effective programs that ensure the agency's compliance with all applicable environmental, health and safety laws, rules and regulations;*

- *Encouraging policies and practices which prevent or reduce pollution, conserve resources, and promote efficiency without sacrificing adherence to such laws, rules and regulations; and*
- *Establishing appropriate and effective systems to monitor and gauge the agency's progress in meeting the foregoing commitments.*

DEP and its predecessor agencies have a proud legacy of service to the City and its residents, spanning a period of over 150 years. In a complex and changing world, it is incumbent on all DEP employees not only to do their jobs well, but to conduct themselves in a manner that is consistent with the underlying purpose behind everything we do — namely, protecting and preserving a healthy environment and quality of life for all New Yorkers. By following the principles enumerated in this Statement, which are intended to reflect and embody this standard of conduct, we hope to continue the legacy of service and dedication over the next 150 years and beyond.

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 chief operations are implemented among the following bureaus:

Office of Environmental, Health & Safety Compliance (OEHSC)

The Office of Environmental, Health & Safety Compliance is charged with the responsibility of ensuring that DEP complies with applicable federal, state and local environmental and occupational health & 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 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 service, and threats of contamination from illegal connections. The Bureau of Customer Services also provides consumers of New York City's municipal water and sewer systems with accurate billings and courteous customer service.

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 material emergencies, as well as air and noise code complaints and inspect and monitor for asbestos removal projects. The Bureau is also responsible for certifying asbestos handlers, inspecting and issuing operating certificates to stationary combustion and industrial process sources, maintaining a comprehensive database of facilities containing hazardous and toxic materials, and helping to implement the requirements of the Clean Air Act.

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 Human Resources and Administration (BHRA)

The Bureau of Human Resources and Administration (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 functional units include Human Resources Management; Facilities Management and Construction; Downstate Security; Management Analysis, Planning and Auditing; and Fleet Services.

Bureau of Communications and Intergovernmental Affairs (BCIA)

The Bureau of Communications and Intergovernmental Affairs manages the public information function 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 public information, both print and electronic; and for management of the graphic and photographic needs of all DEP bureaus. The Bureau is also responsible for communicating with all federal, state and local government officials regarding legislative issues, and is the liaison between New York City's 59 community boards and the Agency.

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.

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 Legal Affairs (BLA)

The Bureau of Legal Affairs is charged with providing all legal services required by DEP to fulfill its mission. 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.

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 October 2007, on the Federal Monitor's recommendation, the Court released BWS from the Monitor's jurisdiction as it had done for BWSO the year before.

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 new 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).

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



4.2 Programs

DEP identified almost 40 regulatory areas involved in its day-to-day operations which would benefit by the adoption of written EHS programs. The DEP Environmental Coordination Committee and Health and Safety Coordination Committee completed the writing of these standard operating procedures (SOPs), 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 2007, the Committees continued to work on revisions of the 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 have developed written SOPs.

The 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.

OEHS Training Division

The 2007 staffing allocation included a Director of EHS Training and five EHS Training Specialists. EHS Training Specialists conduct agency-wide RTK training including Office RTK and Facility RTK, EHS Awareness I and II, PPE, Universal Waste Awareness, Asbestos 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.

The Training Division continues to provide the majority of the Agency's annual Right-to-Know/Hazard Communication training for office workers. The Division revised and enhanced the RTK training module to better address regulatory requirements and delivery quality; continued to review the bureaus' training modules as well as to develop, pilot, and implement training modules to enhance future training initiatives; and wrote, updated and published its training materials and information relevant to the health and safety of all employees in V.I.E.W.S., the OEHS quarterly employee newsletter, and on the OEHS web site, *Pipeline*. In 2007, the EHS Training Division procured an EHS Training contract for services previously provided by Con Edison.

EHS Training Coordination Committee (TCC)

The TCC, a group of Bureau Training Coordinators, continued to convene in 2007. 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. Its quarterly assessments and enhancements of RMP training continued.

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

The TCC worked with OIT to develop an EHS training, tracking and reporting system (TTRS). In 2007, OIT evaluated the existing Web Campus training program for

its functionality and ability to meet the Agency's needs with respect to tracking of EHS mandated trainings. OIT determined that the system did not meet those needs and that it would develop a new system. The bureaus continued to use Web Campus and to run monthly compliance reports pending operation of the new system. New or updated RMP and related trainings will be incorporated into the course listings for the TTRS.

Consultant and Vendor-Provided Employee Training

During the first half of 2007, Con Edison continued to provide DEP employees throughout the agency with EHS awareness, refresher, and competency training on more than 40 programs. The contract with Con Edison expired at the end of the 2007 fiscal year. To continue meeting agency needs, OEHS and the ACCO drafted and bid a new EHS training contract. Bureaus also continue to administer mandated and related EHS trainings with existing bureau-specific contracts as well as with assistance from OEHS.

Anti-Retaliation Training

In 2006, 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. Approximately 1,700 managers and supervisors completed the training during the period from June 2006 to February 2007. A program will be put in place to ensure that all newly-appointed supervisors receive training.

Management Skills Training

In 2007, pursuant to the Staff Development and Communications Management Plan,¹ BHRA implemented a number of training initiatives designed to support the objective of 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

¹ 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 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.

approaches to managing staff and how to model and communicate behaviors that are necessary in an increasingly regulated environment.

All management and supervisory employees will complete mandatory management and/or supervisory skills training. Personnel at management levels M3-M5 participate in the Advanced Management Development Program. Training for this level began in March 2007. Personnel at management levels M1 and M2 and supervisors with more than 5 years of experience will participate in the Supervisory Management Program. The training program for this level of supervisors was developed in 2007, and training will begin in early 2008.

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. From July to December 2007, more than 1200 employees attended this training. The program is on-going.

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

In 2007, the Office of Disciplinary Counsel (ODC) continued to provide training to employees on how to address EHS-related disciplinary issues. All management and supervisory staff receive this training. Currently, the DEP EHS Disciplinary process, including procedures and sanctions, is being reviewed to identify measures to be taken to make the system more consistent. Any changes to the system are to be incorporated into a new training program.

Future Training Goals

OEHSC will continue to work with OIT and the TCC to ensure a timely rollout of TTRS. The Training Division 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. In 2008, it will begin a series of toolbox talks.

4.4 Implementation

By August 2004, BWS and BWSO had substantially implemented programs in 44 subject matter areas. OEHS 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 2007 target dates in their CAPs.

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. Recipients will receive a monetary award and certificate at a spring 2008 celebration at which the BCIA EHS and anti-retaliation Communications Campaign developed pursuant to the 2006 DEP Staff Development and Communications will be rolled out. The EHS achievements for which the awardees are responsible are also featured in agency-wide communications, including the employee newsletter, *The DEP Digest*, and *Pipeline*, the agency’s intranet site.

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 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 he has been told to do something that violates an EHS law or a requirement of probation, 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.

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 2007, the OEHSC audit staff continued to conduct full regulatory compliance audits of BWS and BWSO facilities in keeping with the established auditing cycle based on the high, medium or low priority ranking of those facilities. By the close of 2007, the OEHSC auditors had conducted full compliance audits and spot audits of approximately 425 BWS and BWSO facilities, including two (2) cycles of high priority facility audits. BWS and BWSO had corrected 98% of deficiencies identified during these audits.

OEHSC also conducted verification audits of findings from previously conducted High Priority (Compliance) Assessments of nine BWT Water Pollution Control Plants (WPCPs). In November 2007, OEHSC commenced the full regulatory compliance audits of the fourteen WPCPs. The initial cycle of WPCP audits is expected to be completed by July 2009, after which time audits of the remaining BWT facilities will commence.

4.7 Contract Management

DEP has taken steps to seek greater internal efficiencies in letting contracts, with special focus on those necessary for EHS requirements. The 2006 Contract Management Plan outlined initiatives, consistent with the procurement rules, to streamline the process from the time a need is identified to the time a contract is awarded. Areas addressed include information management, training, staffing, bureau collaboration, alternatives to competitively bid contract procurement and coordination with outside agencies. Among the Plan initiatives DEP has implemented are the development of a Procurement SOP and the Bid-Tracker system.

4.8 Regulatory Compliance Analysis (RCA)

DEP's EHS Consultant, Arcadis, completed and reported on its review 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. Arcadis continued to provide compliance assistance to BWT to ensure correction of identified deficiencies.

4.9 Review of BWT and BWS Labs

DEP retained a consultant 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. The Consultant completed its review and, pending promulgation of its full report, provided ongoing assistance to DEP in the development of comprehensive programs to ensure adherence to all legal requirements covered by the review; such assistance includes drafting SOPs, designing training materials, and assisting DEP in implementing a recordkeeping system. The same Consultant will commence a similar assessment of BWS laboratories in 2008.

4.10 Spill Prevention Program

DEP continues to implement and improve its spill prevention program. Spill prevention training provided to DEP employees and contractors working at DEP facilities, increased awareness of the types of activities that cause spills, explained agency and bureau requirements for reporting spills, and discussed initiatives for reduction of spills.

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 the pre- and post-award review of contractors' spill histories, tracking spills by vehicle, staff and 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.

4.11 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

Assessments were completed at 389 BWS and BWSO facilities in 2006. During 2007, BWS and BWSO continued to close out Legacy recommendations: BWS, 148; and BWSO, 298 recommendations. Paint management and remediation programs were initiated by both bureaus, and they completed the labeling of asbestos-containing materials identified in Legacy Program assessments.

In January 2007, OEHS began auditing LATS entries during all regularly scheduled full regulatory compliance audits of BWS and BWSO facilities. Just as the OEHS 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 will be conducted between 2008 and 2013, the target date in the BWT and MSB CAPs. The assessments to be performed at each facility 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); (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, and BHRA Facilities Management and Construction Services (FMC) will be reconstituted upon commencement of the new Legacy contracts.

4.12 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. In October 2007, the Federal Monitor advised the

Court that DEP had made significant strides toward meeting the Plan's staffing, MIS, employee participation, training and compliance auditing goals and had implemented an effective RMP compliance program at its four chlorine facilities; he recommended that his jurisdiction over DEP RMP Programs terminate and the Court so ordered. DEP agreed to continue, in 2007 and 2008, to perform programmatic audits and to conduct emergency response drills at the chlorine facilities.

4.13 MIS Initiatives

During 2007, OIT developed and maintained several Information Technology systems to aid in managing the Agency's EHS programs. OIT has been working on the development of a Training Tracking and Reporting System (TTRS). Once completed, TTRS will be used to track all EHS-related training and will alert an employee, his supervisor and the bureau Training Coordinator when training is due and when it is scheduled. It will thereafter provide, at certain intervals, notifications and escalations to the employee to be trained, his supervisor(s), the Bureau Head and OEHSC. The System will likewise 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.

Various enhancements requested by the Bureaus in the areas of search tools and item management were made to the Permit Management and Compliance Information System (PMIS) and Action Item Tracking (AIT) systems. OIT also added new modules such as employee bulk replacement (ability to re-assign the responsibilities of one employee in the escalation chain to another), extension requests and extension management. A new Tickler and Notification system, still being developed, will allow the bureaus to create escalations that include more than one person in each step and to set a various times between escalation steps.

The RMP Management System was completed and rolled out to BWS and BWSO. The system, which includes a number of inter-connected modules that will track (1) progress on process safety improvements identified in Process Hazard Analyses (PHA), (2) incident investigations, (3) actions required upon a start-up (PSSR), and (4) actions required after a change in process (MOC), will facilitate RMP/PSM compliance and assist in the analysis of trends. Both BWS and BWSO key RMP personnel were trained in the use of the system.

OIT collaborated with OEHSC on the creation of a requirements document for the development of a new LATS to facilitate document control and sharing of Legacy work plans and reports. OIT also developed systems for tracking Employee EHS Concerns (ECT) and remediation activities at DEP facilities.

5. BUREAU ACHIEVEMENTS

DEP has focused, over the past several years, on rolling out a robust EHS program to two of its largest bureaus, BWS and BWSO, and both bureaus have made tremendous strides in implementing the program. During 2006, BWS successfully completed much training and many implementation tasks included in its Compliance Action Plan (CAP).

5.1 Bureau of Water Supply

EHS activities within BWS are performed by the Compliance Division (“Compliance”) and by EHS personnel from Operations, Water Quality, and Watershed Protection and Planning. 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 staff assigned to the Compliance, Operations, Water Quality, and Watershed Protection and Planning, 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 employees at wastewater treatment plants and for those performing repair of roadways; 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 commenced a small boat safety survey for DEP Police and all Directorates that utilize boats in the performance of their work. The goal of the survey is to evaluate the condition, maintenance and storage of the boats as well as PPE, safety equipment, and training for personnel using the boats.

Contracts

In calendar year 2007, DRCFR staff managed four (4) 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, and paint and asbestos abatement. In addition, environmental site assessments are scheduled to commence in 2008.

Training

In 2007, Bureau EHS trained and/or coordinated training for more than 5000 attendees, which equated to each BWS employee's being trained in 5 courses over the year; training sessions addressed over 60 different topics. 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 & Hoists, Personal Protective Equipment (PPE), Right-to-Know, Confined Space, Blood borne Pathogens, and Control of Hazardous Energy/Lock Out-Tag Out (LOTO). Compliance staff assisted Bureau Management by participating in Employee Information Sessions covering Bureau EHS contracts, new spill prevention procedures, standard operating procedures (SOPs), and EHS policies recently implemented and/or modified and implemented by the Agency.

Legacy Update

Of 1391 original Legacy action items, 148 items were closed out during 2007 and 872 items remained open. Of the 872 items, 622 are paint-related and will be abated as set forth under the paint abatement plan. Additionally, 220 items are associated with DA Shafts 9, 10 and 17 and will be addressed through contract DEL-159G. Correction of the remaining open items is in progress.

Audits

At the close of 2007, approximately 4600 action items had been entered into the Action Item Tracking (AIT) database, developed to track EHS deficiencies identified during audits. Of these, more than 98% had been corrected. Most of the remaining action items were related to contract (long-term) work.

Spills

With continued emphasis on training and implementation of procedures, BWS showed a 28% decrease in the number of spills from the number in 2006. The number of spills attributable to BWS equipment failure decreased by 38% during the same period. To reduce its spills, BWS has taken steps such as posting of additional signs at all BWS fueling stations, development of an ERR database to track spills, and issuance of directives concerning fueling procedures. Additional planned measures include working with BHRA Fleet Services staff on vehicle preventive maintenance.

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 contained in the DEP RMP Management Plan. Efforts included an increase in staffing, development of information management systems, enhancement of employee training and participation, and implementation of the joint OEHS/BWS/BWSO internal audit program.

5.2 Bureau of Water and Sewer Operations

BWSO's core mission is to operate, maintain and protect New York City's drinking water and wastewater (sewer) collection systems. The BWSO EHS division is staffed by 24 professionals. The mission of the Division 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.

During 2007, the creation of a new Program Development section gave the EHS Division a more dynamic and responsive way to work toward a sustainable program of EHS compliance and continuous improvement. The Program Development staff of eight developed an improved internal audit program; EHS incentive programs; enhanced bureau-wide communications; standardized format and procedure for drafting EHS SOPs, Guidelines and Alerts; and enhanced the EHS training programs.

Accomplishments

Health and Safety

Health and Safety initiatives included updating information in Legacy Tables for all BWSO facilities and providing additional site-specific Legacy training; reviewing and making recommendations for improvements to the Reservoir Operations chlorine safety program including PPE, alarm equipment, job/task assessments, evacuation procedures, chlorine drills and training; conducting more than 200 Field visits/assessments to address EHS concerns, including mold assessments, air monitoring studies, work zone evaluations, air quality, ergonomics reviews and various job hazard assessments; developing a safety program for BWSO employees using chainsaws; improving the injury and illness recordkeeping systems, forms and database in order to make it possible to better identify trends.

Environmental Compliance

Environmental compliance initiatives included performing an extensive remediation of the Richmond Distribution chamber, including parts, metal decontamination and concrete decontamination; commencing the Groundwater Well Station mercury remediation contract for 26 additional locations; installing an activated carbon filtration system to mitigate PCBs detected in a basement sump at New Clove Pump Station; completing a groundwater monitoring study related to UST remediation at the R2 facility in Staten Island; and developing systems for improving recordkeeping of environmental compliance (10 day inventory) for BWSO USTs.

Program Development and Sustainability

Program development and Sustainability initiatives included creating the BWSO bi-monthly EHS Newsletter, *The Conduit*, the goals of which are to educate and to invite participation in EHS; initiating a BWSO Employee suggestion program at all BWSO facilities; developing and staffing a new internal audit program designed to assist BWSO facilities to achieve higher levels of compliance as well as to educate them on best management practices; developing several new training programs, as detailed below; developing a standardized format and procedures for the development, approval and dissemination of Bureau specific EHS SOPs, Guidelines and Alerts; and completing installation of fire suppression systems at 5 BWSO fueling facilities.

Contracts

BWSO EHS oversaw the completion of a large project involving the remediation of 26 well stations with historical mercury contamination (Contract EHS001B). Other work in 2007 included the development of contract documents for groundwater soil investigation, tank repairs, and environmental compliance work related to preparation of Spill Prevention Reports and development of UST as-builts.

Bureau EHS managed the Medical Surveillance, Safety Shoe, Laboratory Analysis and Hearing Conservation programs and contracts, and was responsible for the management of 114 hazardous/non-hazardous waste projects through the 2007 HMHD contract.

Training

In 2006, BWSO EHS administered and/or coordinated training on over 40 environmental and/or health and safety-related policies, procedures and skills. In total, 4112 BWSO attendees were trained in 2006.

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 emphasized training initiatives in 2007 included: new training programs in RMP, Chain Saw Safety, CPR/First Aid, Bloodborne Pathogens, Forklifts, Powered Platforms, Vapor Recovery Systems and Veeder Root Systems; classes for Facility Emergency Coordinators, Grade 2B Water Operators and Welding Supervisors; training and education through toolbox talks, presentation of new materials at Safety Officer and Responsible Manager meetings, internal audits and pre-audit walkthroughs; and implementation of a 3-year refresher requirement in Traffic Work Zone Safety for all affected field personnel.

Audits

By the end of 2007, BWSO had a total of 4632 actions items on the AIT, of which 4575, more than 98% had been corrected.

Spills

Bureau EHS responded to 42 spills in 2007, a 32% decrease, down from 62 in 2006. Equipment failure remains the leading cause of spills, and Bureau is working with BHRA Fleet Services to find ways to reduce the rate of spills through changes in equipment and preventive maintenance practices.

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

Bureau EHS devoted significant resources and effort to bringing the Reservoir Operations RMP/PSM program into compliance by making improvements in the areas of, management of process changes, emergency drills, chlorine safety and incident investigations. Expanded Risk Management Program training was provided to Reservoir Operations Staff. Additional staffing was added in 2007 in order to maintain the solid safety record of the two downstate chlorine facilities.

5.3 Bureau of Wastewater Treatment

In 2007, the BWT EHS Compliance Section staff of 26, supplemented by 18 Safety Engineers assigned to the various plants and collection facilities, focused on assisting facilities in attaining EHS compliance through the BWT Compliance Action Plan (CAP). The majority of CAP subtasks were addressed in a timely fashion. While working to meet CAP deadlines, BWT also took steps to ensure that it would have a sustainable EHS Program.

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, are unique to BWT. Implementation progress was steady, but some tasks were more challenging than others, either because of the numbers of action items that had to be completed or because of the learning curve for employees.

During 2007, BWT substantially completed CAP tasks associated with: Scaffolding, PPE, LOTO, High/Low Voltage Electrical Safety, Occupational Noise, Respiratory Protection, Confined Space Entry, Hot Work, Bloodborne Pathogens, Fall Protection, Aerial Lifts/Power Platforms, Medical First Aid (Eyewash Stations), Hazardous Chemicals, Powered Industrial Trucks (PITs), Ventilation, Handheld Tools, Spill Response, Hazardous Waste, Universal Waste and Used Oil. Progress continued on the other CAP programs, and BWT worked toward better integrating the completed areas into its daily operations to ensure that compliance would be maintained.

On occasion, after substantial compliance in a subject matter area had been achieved, BEHS would determine (through observation or feedback from Operations or training classes) that modifications or revisions would make a program more manageable

or sustainable. BEHS would then work with Operations to develop the modifications, and implementation was tracked as if the initiative were part of the CAP. For example, after CAP tasks for Hot Work had been completed, BWT developed and issued a bureau-specific Permit (in accordance with DEP policy); after CAP tasks for LOTO had been completed, BWT developed a BWT-specific LOTO procedure (to be included in the DEP policy). Training on these additional initiatives was also provided and additional equipment was procured.

EHS Communication

Weekly Status Meetings

Bureau EHS continued to attend weekly update meetings which set the course for CAP compliance and evaluated CAP status; attendees included representatives of EHS consultant firms, DEP Legal, OEHS and BWT EHS and Operations staff. 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, assignments were made, and progress was tracked.

Facilities EHS Staff Monthly Meetings

Meetings, held with EHS SEEs and Safety STWs; Directors, Division Chiefs, and Trades Chiefs allowed for sharing of issues and concerns; providing guidance; assisting in resolution of AIT issues; performing training; and assigning tasks related to the CAP.

Plant/Ops Chief Monthly Meetings

Meeting held with the Plant Chiefs and division Chiefs to inform them of the tasks being assigned to facility EHS staff allowed for sharing of issues and concerns and providing 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 2007 included FDNY Certificates of Fitness, Powered Industrial Trucks (PITs) and Aerial Lifts.

EHS Staff Site Visits

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

Training

The BWT Training and Development Section performed at a Herculean level in 2007 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 Arcadis, 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, PPE Assessments and Matrix, the new LOTO Energy Control Procedure format, Traffic Work Zone Safety, Hearing Conservation Program, Respiratory Protection, Asbestos Awareness, Confined Space Entry – Evaluations, Inventories, Signage and Permits, Hot Work (PAI, Burning and Welding Safety Training), Bloodborne Pathogens (Exposure Control Plan), Fall Protection, Aerial Lifts/Power Platforms, Scaffolding User and Competent Person's Training, Crane/Hoist (Policy and Inspections), Bridge Cranes, PITs, High and Low Voltage Electrical Safety Training, Certificate of Fitness (>19 topics), SPCC/PBS/Spills Programs, SPR/CBS/Spills Programs, Hazardous Waste Generator and Manifest and Hazardous Waste Contingency Plans.

The Training Section also provided STW Orientation Training for 8 classes. This demanding 6-week training was lengthened from 4 weeks to accommodate inclusion of EHS-required training topics. The Section developed a Trades Orientation program as well, to address the needs of new Trades staff.

Workshops

One of the tools used in the development of the BWT-specific programs for CAP compliance and EHS implementation was the Workshop. Workshops were an assemblage of 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.

During 2007, Workshops were held in a number of subject matter areas including PPE (development of the matrix), LOTO (development of the ECP format), Emergency Action Plans (format and contents), Confined Space (development of permits), Arc Flash & High Voltage PPE (develop basis for guidelines), Arc Flash Study (review of report, bases, and format) and Machine Guards (moving forward). Overall, the Workshops proved useful as BWT developed EHS tools for compliance (matrices, permits, guidelines, etc.) that took into account operational realities. On occasion, further refinement was needed when implementation was attempted or in response to feedback from training participants.

Audits

The High Priority Audits (HPAs) of the 14 Wastewater Treatment Plants, 94 Pumping Stations, Laboratories, managed Landfills and Crew Quarters, completed in 2006, alerted BWT Operations staff to facility deficiencies, and, during 2007, Operations exhibited a better understanding of what was required as the deficiencies were addressed and facilities began to show improvement. As 2007 ended, 86% of HPA items (13,811 of 15,998) had been corrected and closed out; more than 2/3 of the open findings related to CAP tasks not yet due (machine guards; RPZ Devices; Emergency Planning issues).

The HPAs also identified certain past practices (e.g., open junction boxes; removed handrails; removed machine guards; improper material storage; improper chemical and petroleum storage) that required correction and are now being better managed.

After completion of the High Priority Audits, pending performance of full regulatory compliance (FRC) audits of BWT facilities, OEHSC began a series of Verification Audits to confirm the “completed” status of findings as well as to identify deficiencies in certain areas recommended by the Federal Monitor. One Crew Quarters facility and nine (9) WPCPs were audited under this program. In late 2007, OEHSC began scheduling FRC audits of BWT facilities, beginning with Port Richmond and the Gowanus Crew Quarters (along with its Pump Station).

Action Item Tracking System

Findings from the HPAs were placed into the DEP Action Item Tracking System (AIT). It was decided that action items from all audits and EHS assessments (including items identified in NOV's) would be included in the AIT for tracking purposes. During 2007, an additional 7,681 findings identified in the Verification Audits, the Regulatory Compliance Analysis Report, the Machine Guard Assessment Report, the LPG Storage Assessment and the Flammable and Combustible Storage Assessment were entered into the AIT.

Findings are assigned to particular Operations divisions (e.g., Machinists, Engineering, EHS). Groups or facilities that fail to timely request extensions are tracked and notified of any lapses. As noted above, by the end of 2007, 86% of HPA items (13,811 of 15,998) had been closed. With the addition of deficiencies from other audits and assessments, there were 23,679 deficiencies, 14,893 of which (63%) were addressed. Of the 8,786 open action items, almost 7,000 were machine guard deficiencies, which had a CAP due date of August 31, 2008.

Regulatory Compliance Analysis (RCA)

As part of its EHS initiative, BWT assigned to Arcadis the task of performing a full regulatory compliance analysis of the WPCPs to evaluate how BWT performed against applicable federal, state and local environmental regulations on Air Emissions,

PBS, CBS, Hazardous Waste, Landfills, Universal Waste, PCBs, Used Oil, Stormwater and SPDES,

The project included development of a Work Plan and a Regulatory Register of regulations applicable to BWT; expedited evaluation of BWT's SPDES compliance efforts; documentation review and field work; workshops to review with staff findings/corrective actions; reports; and entry of RCA findings into the AIT. More than 1600 new findings/corrective actions were entered into the AIT in 2007, as a result of the RCA.

Laboratory Audits

In 2007, BWT contracted with Analytical Excellence, Inc. (AEX) for performance of comprehensive assessments of its analytical laboratory and in-plant testing operations and to assist in identifying and implementing necessary corrective actions and operational enhancements for all twenty-three (23) NYS Department of Health (DOH) accredited laboratories.

The assessment procedures and activities were performed according to the standard assessment procedures utilized by AEX for its State and Federal contract assessments and consulting. The compliance review was primarily based on the 2003 National Environmental Laboratory Accreditation Standards (NELAC), effective July 2005. The Standards have been adopted by DOH and incorporated into the 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 (1) and three (3) days. The on-site visits and exit interviews began in July 2007 and were completed by October 2007.

More than 1500 deficiencies were identified among the 23 laboratories. These deficiencies must be resolved in order to bring the labs into compliance with accreditation standards, EPA published and promulgated methods, New York State Department of Environmental Conservation (DEC) permitting requirements and internal BWT policies. The final report will be issued in mid-2008.

Marine Section

Because there are different regulations governing maritime activity, an additional CAP was developed for the Marine Section, which is charged with responsibility for the marine transport of sludge in New York City's waterways. In 2006, Safety Management Systems, LLC (SMS) completed the Marine Section Assessment Report and all of the regulatory-based findings were included in the Marine Section CAP. SMS continued to assist the BWT Marine Section with training and implementation activities in 2007. The

Marine CAP includes 12 health and safety programs, 3 US Coast Guard (USCG) environmental programs and 3 additional USCG programs.

Monthly Marine CAP review meetings were held in 2007, and implementation of the following programs was substantially completed: Confined Space Entry, Respiratory Protection, Flammable and Combustible Liquids, PPE, Response Plans, Oil Pollution, Navigation Safety Regulations, Marine Terminal Housekeeping, Marine Terminal Machine Guarding and Gear Certification Cranes and Hoists. In 2008, SMS will begin verification audits to verify compliance with these programs.

Federal Monitor Verification Audits

In 2007, the Federal Monitor and his consultants visited all 14 WPCP and several Crew Quarters and larger Pump Stations. One of the purposes of their visits was to perform a verification of the HPA findings as reported on the AIT. Verification Audits of the WPCPs occurred between March and October 2007. The percentages of findings verified as properly closed ranged from 85% to 99%; only 3 WPCPs were identified as having less than a 90% verification rate. The average for the 14 WPCPs was almost 94% of findings verified as having been accurately closed.

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.

In addition, BWT maintains a large number of requirement contracts (including separate universal waste and used oil removal and recycling contracts) that are used to assist Operations in achieving and maintaining compliance. BEHS provides guidance to Operations on proper safety equipment to be purchased and utilized.

5.4 Other Bureaus

Other DEP bureaus (the Mission Support Bureaus or MSBs) identified bureau-specific EHS staff and began work to train staff and implement the DEP EHS programs. Either full regulatory compliance audits or HPAs of their facilities were conducted, and the bureaus are working to correct identified deficiencies. A full report on MSB EHS compliance accomplishments is disseminated annually on June 30.

6. CONCLUSION

Since 2006, when we expanded our EHS compliance program to the entire agency, BWT and the MSBs have made significant progress in completing the tasks in their Compliance Action Plans (CAPs). The majority of the subject matter areas were timely completed.

In October 2007, the Court determined that BWS had achieved the goal BWSO had been credited with achieving the year before – having an effective EHS compliance program – and the Court terminated the Monitor’s oversight jurisdiction of BWS.

During 2008, BWT will endeavor to complete its CAP and address the deficiencies identified in the full regulatory compliance audits of its facilities. DEP will strive to better integrate compliance into all of its day-to-day operations and to put systems in place to sustain compliance.