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Mayor Bloomberg Announces the End of Federal Probation and Federal Monitoring for DEP

Massive Investments and Overhaul of Agency Systems and Policies Brings End to Federal Oversight that began in 2001

Mayor Visits Newtown Creek Wastewater Plant on Christmas Day to Thank Workers for their Service and Efforts to Successfully End Federal Probation

Mayor Michael R. Bloomberg today announced the end of Federal probation and Federal monitoring that began in 2001 for the Department of Environmental Protection (DEP). The end of Federal oversight is the product of eight years of investments and the overhaul of agency systems and policies. Nearly \$160 million, including major capital improvements, has been invested at agency facilities and more than 44,000 specific workplace conditions have been improved to ensure compliance with Federal regulations. Additionally, DEP has extensively improved safety of operating procedures, including better definition and protection of work zones and improved handling of chemicals and flammable materials. The Mayor made the announcement while visiting DEP employees working the Christmas Day shift at the Newtown Creek Wastewater Treatment Plant.

"In recognition of eight years of hard work improving protection of the City's water quality and our workplace safety practices, Federal officials are ending court oversight of DEP," said Mayor Bloomberg. "New Yorkers can be confident we continue to enjoy the best drinking water in the country. But this isn't the end of our work - it's a new beginning and an opportunity to continue the progress we have made in setting the gold standard for water protection and employee safety. I want to thank our leadership team at the department, the employees here today who are working to protect our water quality on Christmas Day, and the 6,000 men and women of DEP."

"DEP has used its time under Federal supervision to build a

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comprehensive health and safety program that has transformed the agency," said Acting DEP Commissioner Steven W. Lawitts. Thanks to the dedicated efforts of thousands of DEP employees, we have addressed more than 44,000 workplace conditions, and built the organization necessary to maintain and continue to improve water quality controls, and workplace health and safety going forward. I would like to thank Mayor Bloomberg for his commitment to helping us reach this critical milestone, and Federal Monitor A. Patrick Nucciarone for his guidance and hard work over the past eight years."

"The members of Local 1320 Sewage Treatment and Senior Sewage Treatment Workers perform jobs in industrialized environments and therefore take safety very seriously," said James Tucciarelli, President, Local 1320, District Council 37. "During the past four years, our members have worked closely with the agency to develop programs that further improve our health and safety practices. We look forward to probation ending and will continue to implement safety enhancements into the future."

United States District Court Judge Colleen McMahon has concluded that the probation should end, effective December 31, 2009. Judge McMahon also concluded that Federal supervision of DEP's Bureau of Wastewater Treatment should conclude at year's end. Supervision of the Bureaus of Water and Sewer Operations and Water Supply previously ended in October 2006 and October 2007, respectively.

The Federal government began investigating the department in 1998, and the department was placed on probation and under the supervision of a Federal monitor beginning in 2001. Probation and Federal supervision began in 2001 due to Clean Water Act violations concerning small discharges of mercury and other unsafe practices at an upstate reservoir. The Federal government has noted that the City's water supply was always safe for drinking, but improvements in operations and equipment were required. Probation and Federal supervision were extended in 2006, after the discharge of untreated sewage into the East River due to emergency generator failures during the August 2003 blackout.

DEP has invested close to \$160 million in environmental health and safety programs since 2001, including nearly 500 full time equivalent positions; promulgating 50 environmental and safety-related standard operating procedures; training thousands of agency staff; and purchasing an extensive range of environmental management and workplace safety equipment. DEP has also made significant capital improvements, including installing emergency alarm systems at dozens of staffed facilities and upgrading chemical storage tanks at dozens of locations, including wastewater treatment plants.

These investments have made DEP operations safer for employees, and the general public. All 6,000 DEP employees received general safety training and hundreds have received more specialized training in areas like confined space entry, "hot work," and electrical safety. Together, these investments form the foundation for DEP's ongoing commitment to environmental health and safety, and its continued improvement. Improved safety conditions resulted in the number of hours lost due to worker injury declining by 59 percent in the last year.

As part of its comprehensive safety and compliance efforts, DEP created a tiered audit program that rates conditions in

priority order and enabled the agency to identify and address more than 44,000 specific workplace conditions since 2001. DEP will continue to use this program after Federal supervision ends, to maintain and improve upon the gains that have already been made.

In addition to its rigorous audit program, DEP created a Compliance Action Plan, to guide the department in implementing all applicable Federal, state and local environmental, health and safety regulations. The program included developing written policies, conducting training, and purchasing and distributing safety equipment. Among the components of the EHS Program are: a 24/7 confidential employee concerns hotline; a contract management plan to improve the timeliness of implementation for safety-related contracts; and a risk management program.

Last year, a peer-to-peer communications campaign was launched with staff from a range of bureaus to highlight how to incorporate safety as a top priority into operations. The next round will be released this spring.