

VIEWS & INFORMATION ON ENVIRONMENTAL WORKPLACE SAFETY



# DEP's Environmental Health and Safety Facility Regulatory Compliance Auditing Program

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The primary objective of the DEP's environmental health and safety facility regulatory compliance auditing program is to ensure that DEP facilities are in full compliance with applicable environmental, health and safety laws and regulations. As part of the agency's comprehensive environmental, health and safety compliance program, the auditing program is implemented by the Office of Environmental, Health & Safety Compliance (OEHSC). OEHSC assembles teams composed of environmental and occupational health and safety professionals who use their experience and training as well as a specific auditing computer software program to identify regulatory non-compliance issues or deficiencies which are later provided to the facility and require corrective action by facility personnel to achieve compliance with the appropriate environmental, health and safety regulations.

The initial scope of the auditing program was targeted toward identifying regulatory compliance issues within the Bureau of Water Supply (BWS) and Bureau of Water & Sewer Operations (BWSO), which included over 350 facilities located within the five boroughs of New York City to Western New York State. OEHSC's audit findings fall into one of three categories. A **Priority-I finding** is an *immediately dangerous situation, an imminent risk to human life, health or the environment*. Examples include leaking hazardous waste, chemical or oil containers or other spills into the environment, and uncontrolled or untreated un-permitted discharges. This type of audit finding **must be corrected within 24 hours** of first observation by the auditor team. A **Priority-II finding** represents a substantial threat to life, health, or the environment. An example of a Priority II audit finding would be the improper storage of used fluorescent light tubes.

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## DEP's Environmental Health and Safety Facility Regulatory Compliance Auditing Program

Priority II findings **must be corrected within 30 days** from the date of the audit exit meeting. A **Priority-III finding** represents all other regulatory compliance issues such as a failure to post NYSDEC tank registration, missing or inadequate documentation records, incomplete training records, and missing hazardous waste weekly inspection forms. Priority III findings **must be corrected within 110 days** from the date of the audit exit meeting. These three levels were developed to ensure that audit findings would be corrected in an appropriate time period relative to the seriousness of the identified deficiency.

Recently, following an internal reorganization, OEHS created a new division with the responsibility for conducting facility regulatory compliance audits. The OEHS **Auditing Programs division** is headed by the Director of Auditing Programs and is staffed with approximately 13 auditors, 5 of whom serve in the role of Lead Auditors, having the responsibility to ensure that the facility regulatory requirements are completed in a timely manner. Lead Auditors communicate with Bureau staff, define regulatory research needs for the audit, and employ flexible resource assignment practices (including consultant/contractor personnel) to maximize the accuracy and quality of the audit. Further, Auditing division staff is cross-trained in both environmental and occupational health and safety regulatory requirements; this blending not only improves the development of each auditor's professional experience in terms of increasing their comprehensive understanding of a facility's compliance issues, but it also improves the efficiency and versatility of the audit program.

After considerable success with auditing facilities within the Bureau of Water Supply (BWS) and Bureau of Water & Sewer Operations (BWSO), the OEHS auditing division is now focused on conducting facility full regulatory compliance audits within the Bureau of Wastewater Treatment (BWT) while continuing to audit as well as provide environmental, health and safety compliance program training and policy support to BWS and BWSO. In November 2007, OEHS

began auditing the fourteen BWT Water Pollution Control Plants (WPCPs). This first phase of the BWT audit program is scheduled to be completed by July 2009. Afterwards, the second phase will commence which will assess the regulatory compliance conditions at BWT pump stations, combined sewer overflow facilities, and regulator sites.

Currently, seven (7) full regulatory audits of the BWT WPCPs have been completed by the OEHS auditing division. The Newtown Creek facility audit was completed last month, and the North River WPCP is in the final stages of field work. The final close-out meeting is being scheduled. Both final reports for these facilities will be completed during December.

Overall, the BWT audit program is on schedule for completion. The next WPCPs to be audited are Oakwood Beach and Wards Island where field work began November 24 and December 1, respectively. Field work for these plants is projected to be completed by January 30, 2009 (Oakwood Beach) and February 27, 2009 (Wards Island). After completing these two audits, only four BWT WPCPs remain to be assessed thereby concluding a challenging and unprecedented effort to complete full facility audits of all 14 plants within a period of eighteen months.

After July 2009, the Auditing division will continue its responsibility for the identification of facility specific compliance issues for BWSO, BWS, BWT and agency-wide issues as the program's focus expands to encompass the Mission Support Bureaus: Bureau of Engineering Design & Construction, Bureau of Human Resources and Administration, Bureau of Environmental Compliance, Bureau of Customer Services, Bureau of Environmental Planning and Analysis, and so forth. In its integral role of ensuring the agency's compliance with environmental, health and safety requirements, OEHS auditing will maintain a solid compliance monitoring program through a process that facilitates a mutual sharing of ideas and information throughout the agency in order to assure the continual improvement of DEP's comprehensive environmental, health and safety compliance program.

# New and Relatively New Faces at OEHS

## In Order of Their Timely Appearance at DEP



### ***Konstantin Zaviyalov, MPH***

#### **EH&S Auditor, Industrial Hygienist II**

Konstantin joined the OEHS unit as an Environmental Auditor in early September 2007. Before coming to the DEP, he was a Director of the EHS Division for three years and an Industrial Hygienist/Epidemiologist for two years at the Russian Government Center of Sanitary and Epidemiology Control (Nefteyugansk City Branch, Russia). His chief responsibilities were to promote the environmental and occupational health of Nefteyugansk Region workers (over 42,000 workers, 180 industrial facilities) through surveillance, epidemiological investigations, environmental and occupational health investigations, environmental risk communication and prevention recommendations as well as enforcement of EHS laws, regulations, and policies.

Konstantin holds a Master of Public Health from Kemerovo State Medical Academy, Russia (2000) and a Second Master's Degree in Economics and Management received from Kemerovo State University, Russia (2005). He recently obtained his Associate Degree in Nursing. He spent over 12 years of his life as a competitive level athlete (boxing, track and field). He is a National Academy of Sport Medicine (NASM) Certified Personal Trainer with over two years of US experience, working with Bally Total Fitness Club and Equinox Fitness Club. Konstantin is a Registered Medical Assistant.



### ***Aderemi Ajala***

#### **OEHS Training Specialist**

Aderemi Ajala joins OEHS's Training Division as a Training Specialist. He holds a B.S. in Health Science from Stony Brook University with a concentration in EH&S. Prior to his appointment at DEP, Remi worked at City Link Corporation as a Safety and Maintenance Coordinator where he was concerned with NYC Department of Transportation comprehensive safety reporting involving both operators and vehicles. Before City Link Corp., he was employed as a Laboratory Safety Specialist at Stony Brook University, his alma mater, and at Pfizer where he modified equipment safety protocols to include Lock Out/Tag-Out procedures and coordinated annual reviews of department procedures.



### ***Victor T. Nyarko***

#### **Director, Legacy Assessment Program**

Victor transferred to OEHS Legacy Program from the Bureau of Environmental Compliance (BEC). Reporting directly to the Assistant Commissioner of OEHS, he is responsible for overseeing the management, implementation, and tracking of the Legacy Assessment Program. At BEC's Asbestos Control Program, he served as Inspector/Emergency Response Supervisor with the enforcement unit where he performed over 2,500 inspections and generated revenues of more than \$3.5 million from violations issued within the past four years. He had the opportunity to work in collaboration with the FBI, USEPA, and the U.S. Attorney's Office on a number of high profile asbestos related cases. He also represented DEP on several occasions in performing joint clearance inspections with USEPA and NYSDOL regulators and consultants working on the pre-demolition abatement phase of the Deutsche Bank building in Lower Manhattan.

Prior to DEP, he worked as a Project Geologist with LMS Environmental Science & Engineering Consultants in Pearl River, NY. In this capacity, he was involved in numerous phase I & II remediation and Brownfield redevelopment projects among which is the Hunts Point Fish Market project which received an EPA Region (II) Phoenix award trophy for excellence in Brownfield redevelopment.

Victor holds a B.S. degree in Geology with a minor in Chemistry. A graduate of Stony Brook University, he received an M.S. degree in Environmental Systems Management with a concentration in Solid and Hazardous Waste Management. He is a member of the American Association of Engineering Geologists, the Board of Certified Safety Professionals (BCSP) and an Adjunct Professor of Earth & Environmental Sciences at Queens College (CUNY).

# OEHSC Quality Assurance and Compliance Support Divisions

After the reorganization of the Office of Environmental, Health and Safety Compliance in the first half of 2008, new divisions were created that still may be unfamiliar to some agency personnel. Following the merger of the former Environmental Compliance and Health and Safety Compliance units, two divisions were created: Audits and Quality Assurance. Quality Assurance is currently staffed by **David Nadler, Director**, and **Cassandra Scantlebury, Quality Assurance Analyst**. The key functions of the Quality Assurance Division are to incorporate the findings of various environmental, health and safety compliance issues into databases, track statistics, figure metrics and report findings.

## The functions of the Quality Assurance Division include:

- **Project management of the contracted EH&S compliance audit program**
- **Administer the Remediation Tracking System**
- **Analyze agency spills, accidents, and injuries**
- **Monitor PESH/Failure to Abate Violations**
- **Present metrics to the Agency**
- **Track overdue compliance items through CTS/PMIS**
- **Prepare OEHSC input into the Commissioner's Monthly Progress Report**
- **Compile and report annual pesticide usage to City Council and DOH**

With these quantitative tools and its analytic approach to programs, policies, and procedures, the Quality Assurance division is well prepared to measure the effectiveness of DEP's EH&S program.

Another part of the reorganization within OEHSC involves the formation of the **Compliance Support Division**. This new division will serve as an EHS Compliance Hotline, providing guidance and updates on EHS regulations and related agency policies. The division will also work on EHS issues with the various bureaus and union members. In addition, the **Training unit** is now part of this division. The Compliance Support Division is staffed by **Doreen J. Johann, Director and support person, as well as Aderemi Ajala, Sabrina Arjune, Kevin Moore, Seena Sweet, and Brenda Thompson, all of whom serve as EHS Training Specialists.**

**At DEP, everyone is responsible for safety. If you or anyone on your team is concerned about your working conditions, it's okay to ask your supervisor or your bureau's EH&S liaison how they can help. If you've still got questions, you can call the EH&S Employee Concerns Hotline. It's DEP's responsibility to acknowledge and fix unsafe situations, procedures, and practices. With your help, we'll not only get the job done, we'll make it safer for ourselves, our coworkers, our families, and our city.**

**CALL (800) 897-9677 OR SEND A MESSAGE THROUGH PIPELINE. HELP IS ON THE WAY.**

