

REGULATORY RELATIONSHIPS AND POLICY

Strategy	Progress to Date	Status
Goal: Enlist stakeholders to develop investment priorities and help secure funding for water and wastewater infrastructure.		
72 Form a clean water and clean air partnership with civic groups, customers, regulators, and other stakeholders.	<p>In February 2011, DEP held the first Green Infrastructure Citizen's Group meeting as a forum for public update on our green infrastructure projects. We also convened the Green Infrastructure Steering Committee comprising cross-section of stakeholders from environmental justice, economic development, architecture and design, real estate, and other experts in stormwater management issues.</p> <p>In 2011, DEP worked with different stakeholder groups, including: the Ashokan Release Working Group, the Wawarsing Project Advisory Committee, the Jamaica Bay Eco Watchers, the American Littoral Society, Jamaica Bay Task Force, Eastern Queens Alliance and the Rockaway Waterfront Alliance. We also worked with public, private, and not-for-profit stakeholders to develop the stormwater performance standard and its companion document, <i>Guidelines for the Design and Construction of Stormwater Management Systems</i>. As we revise the Air Pollution Control Code, we will engage stakeholders.</p>	Partially Achieved 
73 Advocate for federal funding for water and wastewater infrastructure.	<p>DEP actively participated in the National Association of Clean Water Agencies "Money Matters" campaign for smarter investments in clean water programs and worked with them to draft legislation for a 10-year permit prioritization of Clean Water Act mandates. In March 2011, former Commissioner Cas Holloway outlined the need for a new, flexible and collaborative enforcement approach to the Clean Water Act at a "Money Matters" summit.</p>	Partially Achieved 
Goal: Engage state and federal regulators in proactive regulatory review and reform to incorporate sustainability principles into clean water regulations and initiatives.		
74 Accelerate meaningful regulatory reform.	<p>We engage with our regulators directly and through partner stakeholder groups. We have joined together with stakeholder groups representing municipalities across the country, including the National Association of Clean Water Agencies, New York Water Environment Association, Clean Water America Alliance, American Water Works Association, Association of Metropolitan Water Agencies, and the US Conference of Mayors to advocate commonsense approaches to environmental issues to ensure investments are made that address the most pressing local issues.</p> <p>In 2011, we continued to make significant progress on federal regulatory reform. In August, the federal government published Executive Order 13563, which recognized the need for both flexibility and the use of cost-benefit principles in regards to federally mandated projects. DEP submitted multiple rounds of comments and in EPA's resulting plan, <i>Improving our Regulations: Final Plan for Periodic Retrospective Reviews of Existing Regulations</i>, the agency committed to reviewing its application of the Combined Sewer Overflow Policy and requirements for covering drinking water reservoirs under the Long Term 2 Enhanced Surface Water Treatment Rule (LT2 rule). EPA has already deferred the implementation of the LT2 rule in New York City, which would require a \$1.6 billion concrete cover over the 90-acre Hillview Reservoir – a project that our research shows would produce no public health benefit.</p>	Partially Achieved 
75 Advocate for flexible new state and federal regulations that accommodate local conditions.	<p>In December 2011, Commissioner Strickland testified to Congress and presented at the US Conference of Mayors on regulatory reform and EPA's proposed integrative planning framework, to increase collaboration between regulators and municipal agencies. DEP also participated in "EPA Workshops on Achieving Water Quality Through Integrated Municipal Stormwater and Wastewater Plans Under the Clean Water Act" in February 2012. That same month, Senator Sherrod Brown introduced the "Clean Water Affordability Act," which DEP helped draft with the National Association of Clean Water Agencies, to increase federal funding for water and sewer infrastructure and require EPA to tailor mandates to the specific needs of individual communities.</p>	Partially Achieved 
76 Seek affordability criteria that make sense for urban areas.	<p>DEP has identified New York City-specific economic indicators and is exploring alternative metrics for evaluating affordability. We will use these results to inform the development of our Long Term Control Plans.</p>	Initiated 

77	Press for state and federal adoption of a watershed management approach to environmental compliance.	DEP and DEC signed a draft agreement to reduce combined sewer overflows that uses an adaptive watershed management approach. Under this approach, DEP will have the ability to test the effectiveness of various grey and green infrastructure technologies that will help us meet our water quality goals in the least expensive way possible.	Initiated 
78	Refine dissolved oxygen criteria and measurements to open up new recreational opportunities.	DEP is currently developing monitoring techniques to track improvements in water quality where infrastructure improvements have occurred or are planned. DEP is nearing completion on updated modeling procedures along with public waterfront access guidelines, notification, and advisory information. This information, combined with post-construction monitoring of water quality improvement projects, will assist us as we prepare Long Term Control Plans and Use Attainability Analyses for specific waterbodies.	Initiated 

HARBOR WATER QUALITY

Strategy	Progress to Date	Status
Goal: Maximize the use of green infrastructure and other source controls to improve water quality.		
79 Reduce runoff from new and existing development by capturing one inch of rainfall on 10% of the impervious areas in CSO watersheds over the next 20 years.	In 2011, DEP negotiated with DEC and agreed to a consent order that will use green infrastructure to significantly reduce amounts of stormwater from entering the city's combined sewer system by managing one inch of rain on 10 percent of impervious surfaces in combined sewer drainage areas by 2030. In 2011, DEP established an Office of Green Infrastructure, convened five meetings of a multi-agency Green Infrastructure Task Force, designed standard right of way bioswales, signed a Memorandum of Understanding with the Department of Parks and Recreation (DPR) to maintain vegetated green infrastructure in the right of way with existing staff, underwrote DPR's Greenstreets program to capture additional stormwater, promulgated an enhanced on-site stormwater performance standard, built green infrastructure pilots across the city, and awarded \$3.8 million through the first ever Green Infrastructure Grant Program.	Initiated 
80 Expand the number of water-quality parameters and testing sites in the New York Harbor Survey.	Over the past year, DEP expanded the number of harbor monitoring stations from 65 to 72 testing sites citywide and is exploring opportunities to expand the number of water quality parameters.	Partially Achieved 
81 Measure CSO volumes.	In 2011, DEP researched the possibility of installing telemetry equipment at combined sewer overflow outfalls to measure the actual volumes of combined sewer overflow discharges at select outfalls throughout the city. In 2012, we will install telemetry equipment at five outfalls located near recreational areas. Work is expected to begin in spring 2012.	Partially Achieved 
Goal: Restore natural systems that can reduce pollution while providing recreational opportunities, habitat, and climate adaptation benefits.		
82 Restore wetlands habitat in and around Jamaica Bay.	Over the last two years, DEP encouraged ecological rehabilitation of oysters and mussels in Jamaica Bay. In October 2010, we constructed an oyster bed to study potential water quality improvement benefits on the bay. The oysters have grown from their average original size of approximately 10 mm to nearly 70 mm as of November 2011. In August 2011, DEP encouraged the natural expansion of ribbed mussels by constructing five underwater cargo nets and A-frame structures to house mussels. The mussels will filter water to remove nutrients, bacteria, and other suspended organic material. We will closely monitor the project for the next two years to evaluate the role that ribbed mussels can play in nutrient removal and the costs associated with achieving various levels of water quality improvement.	Partially Achieved 

83	Expand the Staten Island Bluebelt.	<p>In 2011, DEP continued construction of the Bluebelt in South Richmond, Staten Island as the storm sewer network is completed according to the Bluebelt drainage plans. DEP is currently expanding the Bluebelt program into other parts of Staten Island—New Creek, South Beach and Oakwood Beach. DEP held a public hearing on the draft environmental impact statement for the new drainage plans this past October.</p> <p>In July 2011, we completed the first Bluebelt in Queens at Oakland Lake Park. This \$2.5 million project includes restoration and repair of the park’s perimeters, lake shoreline, ravines and side slopes, planting of thousands of new trees, new recreational opportunities, and installation of storm sewers in streets near the park to better control stormwater runoff and avoid erosion. We are currently in the planning stages of an additional Bluebelt project at Van Cortlandt Park in the Bronx.</p>	Initiated 
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ENERGY

Strategy	Progress to Date	Status
Goal: Reduce DEP’s carbon footprint.		
84 Implement strategy to reduce DEP greenhouse gas emissions by 30% from 2006 levels to meet <i>PlaNYC</i> goals.	<p>DEP’s 14 wastewater treatment plants are a significant source of greenhouse gas emissions, particularly methane from anaerobic digester gas produced as part of the wastewater treatment process. DEP has completed greenhouse gas and energy efficiency audits at four wastewater treatment plants, and is in the process of auditing four additional plants to identify where energy use and emissions can be reduced. We are also reducing digester gas methane emissions by repairing digester roofs, piping, and flares.</p> <p>In 2011, DEP explored the feasibility of reusing anaerobic digester gas to power wastewater treatment plant operations and meet on-site heat and electricity needs. A project is underway at the Oakwood Beach Wastewater Treatment Plant that will allow the plant to use digester gas as its primary heating fuel, greatly reducing both fuel oil consumption and methane emissions. These improvements, along with projects to replace or rehabilitate power and heat generation equipment and install more energy efficient centrifuges, will decrease greenhouse gas emissions across in-city wastewater treatment plants by 304,000 metric tons per year. We are also working with National Grid to convert anaerobic digester gas from the Newtown Creek Wastewater Treatment Plant into pipeline-ready natural gas. This gas-to-grid project is the first example in the United States of injecting purified digester gas directly into a local natural gas distribution system. The gas, which normally would be flared, could heat up to 2,500 homes and would account for the removal of approximately 15,000 metric tons of greenhouse gasses per year.</p>	Initiated 
Goal: Reduce electricity demand.		
85 Ensure the reliability of our power supply.	<p>DEP is continuing to work with utilities and state and federal regulators to reassess and renew established protocols. DEP, DEC, and Con Edison signed a memorandum of understanding to operate emergency generators, preventing power disruptions at key DEP facilities, such as wastewater treatment plants. Additionally, Con Edison, in partnership with DEP, completed a report and findings on how to improve communication protocols during energy emergencies (e.g., heat waves). In 2011, DEP commissioned a study on the environmental and electrical system reliability impacts of closing Indian Point Nuclear Power Plant.</p>	Partially Achieved 
86 Implement aggressive demand-side management practices to mitigate projected 53% increase in electricity demand over the next five years.	<p>Facility-level energy audits are underway at wastewater treatment plants to identify opportunities for greater energy efficiency. Many of the most promising solutions include operational improvements or upgrades to process controls and installing better equipment such as more efficient lighting, heating, ventilation, and cooling systems. In 2011, we completed modifications to five of the nine blowers at the Newtown Creek Wastewater Treatment Plant, increasing energy efficiency and reliability.</p>	Initiated 

87	Facilitate new gas transmission projects into New York City to lower gas and power prices, increase the reliability of power and gas supply, and decrease fuel oil consumption.	Natural gas is the cleanest burning fossil fuel, but it has been nearly 40 years since the last new major natural gas trunk line has been built directly into the city. Over the past year, DEP has worked with private developers and with the Federal Energy Regulatory Commission (FERC) to bring vital new gas supply into the city. Two projects currently in development will have a significant impact on New York City: one from Spectra Energy (800 million cubic feet of natural gas per day) and another from Williams (600 million cubic feet per day). Together, these projects will meet the city's future gas needs. Both of these pipeline proposals are currently moving through the regulatory scoping process; New York City is the lead agency for the Williams environmental review, while FERC has the primary role for the Spectra interstate project.	Partially Achieved 
Goal: Explore and invest in cost-effective clean energy projects.			
88	Develop 30-50 megawatts of clean energy supply at DEP facilities to ensure the reliability of our core operations and to reduce the net consumption, energy costs, and emissions across the agency.	<p>In May 2011, the Department of Citywide Administrative Services released an RFP for the development of three megawatts (MW) of solar power on the rooftops of city facilities. The Port Richmond Wastewater Treatment Plant in Staten Island has been selected as one of the facilities for this renewable energy supply program; and we estimate that the 200,000 square foot roof can accommodate up to 1.5 MW.</p> <p>Although a feasibility study for the development of a 1.5 MW wind turbine at the Oakwood Beach Wastewater Treatment Plant in Staten Island concluded that wind turbines would not be a cost-effective investment DEP will continue to look for opportunities for clean energy projects at our other facilities. For example, we are pursuing development of solar and wind energy at closed city landfills and are evaluating the feasibility of hydroelectric generation at some of our upstate reservoirs and at our in-city wastewater treatment plants.</p> <p>DEP is evaluating the feasibility of building cogeneration facilities at the North River and Wards Island Wastewater Treatment Plants, which together would provide up to 14 MW of new, clean distributed generation. Cogeneration facilities achieve major efficiencies by maximizing the use of digester gas, combining the production of power and heat for use onsite at the wastewater treatment plants.</p>	Initiated 
89	Work with regulators to promote competitive energy markets and efficient and fair energy incentives for New York City.	In 2011, DEP supported efforts to improve state criteria for distributed generation and combined heat and power systems. We also worked to ensure that the Renewable Portfolio Standard targeted for downstate projects is operating effectively, and established regulatory criteria for the importation of Canadian hydropower into the city that are best designed to meet both city and state public policy goals. In addition, we supported the application for a planned lease of federal offshore waters to support wind turbines as a means of bringing an additional source of renewable energy to the city. We are also an active party in the pending DEC case considering issuance of a federal Clean Water Act permit for the Indian Point nuclear plant that serves the city without the emission of greenhouse gases.	Partially Achieved 

HAZARDOUS MATERIALS

Strategy		Progress to Date	Status
Goal: Prevent public and ecosystem exposure to contaminated sediments and soils, return water to providing ecological services, and reuse clean soils and sediments.			
90	Continue to work with EPA to clean up Superfund-designated sites.	<p>In 2010, EPA listed Newtown Creek and Gowanus Canal on the Superfund National Priorities List. Over the past year, DEP worked with the Newtown Creek Group, composed of a number of significant stakeholders, to launch an investigation into the degree of contamination in the creek, as well as associated health and environmental risks. The Newtown Creek Group has submitted work plans to EPA, and plans to begin the first phase of surface water and sediment sampling early this year.</p> <p>In 2011, EPA released both the Remedial Investigation and Feasibility Studies for the Gowanus Canal. We continue to provide information to EPA about the sources of chemical contamination in the canal to support cost-effective cleanup that will address contaminated sediment. EPA's Contaminated Sediments Technical Advisory Group will review our comments in response to the Remedial Investigation. DEP will work with EPA and DEC to define our next steps as we work together to improve the water quality of the canal.</p>	Initiated ◆◇◇
91	Secure the repeal of GASB Standard 49.	In 2006, the Government Accounting Standards Board (GASB) issued a standard that municipalities following generally accepted accounting principles (GAAP) can no longer capitalize costs to investigate or remediate environmentally contaminated sites. The city initially secured a waiver from this ruling that was set to expire in 2011, and through the joint efforts of the Comptroller's Office and the Office of Management and Budget, subsequently obtained State legislation permanently enabling the city to continue using capital funds for remediation costs incurred as a component of larger capital projects. However, even under this waiver, much of the remediation work at the two Superfund sites will not be capital eligible.	Achieved ◆◆◆
92	Promote beneficial use determinations (BUDs)	In 2011, DEP submitted a draft interagency agreement to the New York State Department of Environmental Conservation (DEC) streamlining regulatory approval for reuse of non-hazardous soil and fill material. DEC is reviewing the document, and will provide comments to DEP in spring 2012.	Initiated ◆◇◇
Goal: Ensure proper management of hazardous materials.			
93	Continue to meet all of the requirements of the Construction, Demolition, and Abatement (CDA) laws and improve asbestos compliance.	In 2009, the city enacted a number of new laws to ensure that asbestos abatement is conducted safely. These laws impact the ways that asbestos projects are filed, approved and inspected, and involve new levels of cooperation between DOB and FDNY. Our asbestos enforcement staff conducted 5,545 asbestos-related inspections in 2011. DEP also developed an iPad interface to streamline complaint response and notification inspections, and all asbestos enforcement staff are using iPads in the field. In 2011, this interface was named Best Wireless Project by the New York City Department of Information Technology and Telecommunications at their annual Excellence in Technology Awards. Over the last year, DEP improved the online asbestos permit database to allow for faster permit filing and renewal and developed stricter new controls to ensure that only certified asbestos inspectors can submit applications. As of December 1, 2011, all Asbestos Assessment Reports must be filed and paid for online by certified asbestos investigators at our e-file site, relocating this service from DOB.	Achieved and Ongoing ◆◆◆+
94	Improve and refine hazardous material management systems.	In 2011, DEP implemented a new hazardous materials inspection system and increased inspections of facilities to improve compliance standards. In 2011, we conducted more than 9,100 Right-to-Know inspections, an increase of 14% over 2010, and issued more than 730 violations.	Partially Achieved ◆◆◇
95	Improve responses to emergencies.	DEP implemented a program to improve response efficiency by streamlining the criteria and the type of events that require a response. DEP also restructured operational procedures to improve the efficiency of hazardous material mitigation.	Partially Achieved ◆◆◇

AIR AND NOISE POLLUTION

Strategy		Progress to Date	Status
Goal: Improve air quality and public health in New York City by controlling local sources of air pollution.			
96	Reduce air emissions from idling.	In 2011, DEP inspectors collaborated with DEC regulators to enforce the City's and State's three-minute and five-minute idling standards, respectively. We also assessed schools with high childhood asthma rates and placed "No Idling" signs around 12 schools in East Harlem and the South Bronx in conjunction with the new one-minute idling limit in school zones. We continue to send flyers to schools, parents, and transportation providers to enforce idling regulations.	Partially Achieved ◆◆◇
97	Reduce local air emissions from the use of residual heating oil.	In April 2011, DEP promulgated a new rule to phase out the use of No. 4 and No. 6 heating oils over the next 20 years. These regulations are expected to save more than 300 lives and avoid 600 emergency room visits and 200 hospitalizations each year by 2030. In July, DEP and DOB streamlined the fuel change filing process, making the transition to cleaner No. 2 oil or natural gas faster and easier and saving building owners approximately \$3,000 for each boiler conversion. In 2011, the city also announced the Clean Heat campaign, an education and outreach program to assist property owners comply with these regulations through education and outreach and technical assistance to building owners.	Achieved and Ongoing ◆◆◆+
98	Update the New York City Air Code for the first time since 1970.	The New York City Air Pollution Control Code (Air Code) is a critical tool to reduce pollution, but has not undergone a comprehensive revision since 1970. DEP is currently in the process of updating the code to refine local air emission inventories, better regulate perchloroethylene and non-perchloroethylene chemicals (chemicals widely used to dry-clean clothes), reduce local emissions from the use of residual heating oils, revise emissions standards to be consistent with existing state and federal regulations, and expand permitting to address new technologies and newer fuels such as renewables and recycled cooking oils. We are also eliminating outdated and unused provisions, improving technology, and further reducing local pollutant emissions.	Initiated ◆◇◇
99	Expand and refine local air emission inventories with DOHMH and relevant stakeholders.	DEP finalized a rule regarding perchloroethylene chemicals with the Department of Health and Mental Hygiene (DOHMH) and met with the dry cleaners association. We will continue to meet with DOHMH regarding better ventilation controls.	Initiated ◆◇◇
Goal: Reduce noise by targeted enforcement and code changes.			
100	Enhance the 2005 Noise Code.	Noise complaints are one of the most significant referrals to DEP through 311 and there is growing consensus that noise pollution has an adverse effect on public health. New York City adopted a comprehensive Noise Code in 2005, the first of its kind in any major metropolis. We have integrated this Code into our operations, and since 2005, we have improved mitigation technologies and techniques, including acoustical designs for buildings. As we analyze the effectiveness of the 2005 changes, DEP will assess mitigation methods from sectors that produce significant complaints and incorporate noise mitigation and attenuation methods into the revised Building and Noise Codes. DEP is conducting a Noise Code listening tour and has begun to review and amend language in reference to street plate noise, circulation devices, emergency signals, horn-honking, commercial music, and sound reproduction devices.	Partially Achieved ◆◆◇