

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Internal Audit  
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June 23, 2022

Ms. Heather Pratt  
Audit Manager  
New York State Office of the State Comptroller  
Division of State Government Accountability  
110 State Street – 11<sup>th</sup> Floor  
Albany, New York 12236

Dear Ms. Pratt:

The Department of Environmental Conservation (DEC) has reviewed the Office of the State Comptroller's (OSC) May 26, 2022, follow-up audit report regarding actions taken by DEC to implement recommendations cited in OSC's October 2020 *Compliance with the Sewage Pollution Right to Know Act and Monitoring and Enforcement of State Pollutant Discharge Elimination System Permit Requirements* audit report. The audit found DEC had established procedures to ensure Publicly Owned Sewer Systems (POSSs) and Publicly Owned Treatment Works (POTWs) comply with the Sewage Pollution Right to Know Act (Act) and permit holders meet State Pollutant Discharge Elimination System (SPDES) requirements, while also recommending steps to improve registration, reporting, and monitoring activities.

The follow-up review concluded that DEC made progress addressing the recommendations in the initial audit report and of the three, DEC has fully implemented one and partially implemented two. Implementation actions include: large-scale issuance of Notices of Violation to potential POSSs; notifying and following up with POSSs that failed to report overflows; reviewing overflow data for accuracy; staff training on key noncompliance identification systems; and updating internal policies to require that facilities maintain status reports onsite instead of submission to DEC and aid in resolving SPDES permit deliverable data. In addition, DEC is continuing to work with the New York State Office of Information and Technology Services to develop an application that will provide improved public access to NY-Alert data and enhancements to improve reporting.

DEC staff work diligently to ensure facility compliance with the Act and stringent SPDES permit requirements to protect public health and the environment. Regardless of registration status, reporting of sewage overflows by POSSs and POTWs is required. DEC prioritizes enforcement action for facilities that fail to report sewage overflows through the NY-Alert system.

Sincerely,



Andrew B. Fischler  
Director, Office of Internal Audit