

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Internal Audit
625 Broadway, 9th Floor, Albany, New York 12233-1060
www.dec.ny.gov

November 27, 2019

The Honorable Thomas P. DiNapoli
Comptroller
Office of the State Comptroller
110 State Street, 15th Floor
Albany, NY 12236

Dear Honorable Thomas P. DiNapoli:

In accordance with the provisions of Section 170 of the Executive Law, the Department of Environmental Conservation (DEC) has taken, or will be taking, the following steps to implement the recommendations contained in the Office of the State Comptroller's audit report 2018-S-43, *Oversight of Waste Tire Site Cleanup and Use of Waste Tire Fees*.

Recommendation 1: Collaborate with OGS in the future to renew or establish new abatement contracts in a timely manner.

DEC will collaborate with OGS through periodic updates and meetings to discuss projects and site abatement plans on an ongoing basis, which will help facilitate future waste tire abatement activities. This will include the development of a framework and requirements for successor contracts.

Recommendation 2: Take steps to initiate enforcement actions as promptly as possible for non-compliant sites, especially for those sites that demonstrate a lengthy period of non-compliance and where the owner has not agreed to or begun voluntary abatement activities.

DEC works with site owners (as necessary) to seek voluntary compliance and encourage owner-led abatement and continues to initiate enforcement actions as early and expediently as possible.

Recommendation 3: Establish and document a methodology to estimate the portion of expenses to be charged to the Fund consistent with the authorized purposes under the Law, especially for those divisions that carry out multiple mandates.

DEC's Division of Law Enforcement (DLE) will use its non-personal service allocation from the Waste Management and Cleanup Fund to pay towards its vehicle chargebacks. Expenses will be estimated based on the percentage of work performed by DLE investigators and officers on Environmental Conservation Law Article 27 related activities and applied to mileage and maintenance on assigned vehicles.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew B. Fischler', with a stylized flourish at the end.

Andrew B. Fischler
Director, Office of Internal Audit