



JAN 15 2026

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

Dear Comptroller DiNapoli:

In accordance with the provisions of Section 170 of the Executive Law, the Department of Environmental Conservation (DEC) has taken the following steps to and implement the recommendations contained in the Office of the State Comptroller's audit report 2022-S-26, *Brownfield Cleanup Program*. These steps further enhance sustainable development in New York State, a DEC priority. Please contact Andrew Fischler, Audit Director, at (518) 402-9761 if you, or your staff, have any questions.

Recommendations:

1. **Develop policies or guidance that communicates to project managers more specific criteria and time frames for determining appropriate progress and possible actions to ensure effective and timely cleanup for sites that pose a significant threat to health and the environment. The policies or guidance should include direction on when program termination is necessary and what circumstances constitute lack of progress, especially in cases where DEC determines the applicant is not acting in good faith to adhere to the Agreement.**

DEC's Division of Environmental Remediation (DER) has begun developing guidance to address enrolled Brownfield Cleanup Program (BCP) sites that have not made satisfactory progress towards meeting their cleanup. The guidance provides DER staff instruction on acting when an applicant's pace in completing their Remedial Program is insufficient. Additionally, DER has created letter templates regarding sites that have been in the BCP for ten or more years and have not made satisfactory progress in meeting Remedial Program cleanup objectives. The letters provide notification to site applicants, and/or those responsible for receiving site related correspondence, that DEC deems the pace and progress of the site's Remedial Program unsatisfactory and in violation of the Agreement.

2. **Work with the Office of Information Technology Services to complete the transfer of site-related documents for active Brownfield program sites.**

DER has revised its guidance on uploading BCP site-related documents to DECinfo Locator. The guidance, which has been disseminated to DER staff and posted to DER's internal webpage, identifies first and second priority site categories and documents to upload to DECinfo Locator and provides instruction on documentation preparation, with the primary goal of providing public access to site-related documents via DECinfo Locator.

Sincerely,



Amanda Lefton
Commissioner