

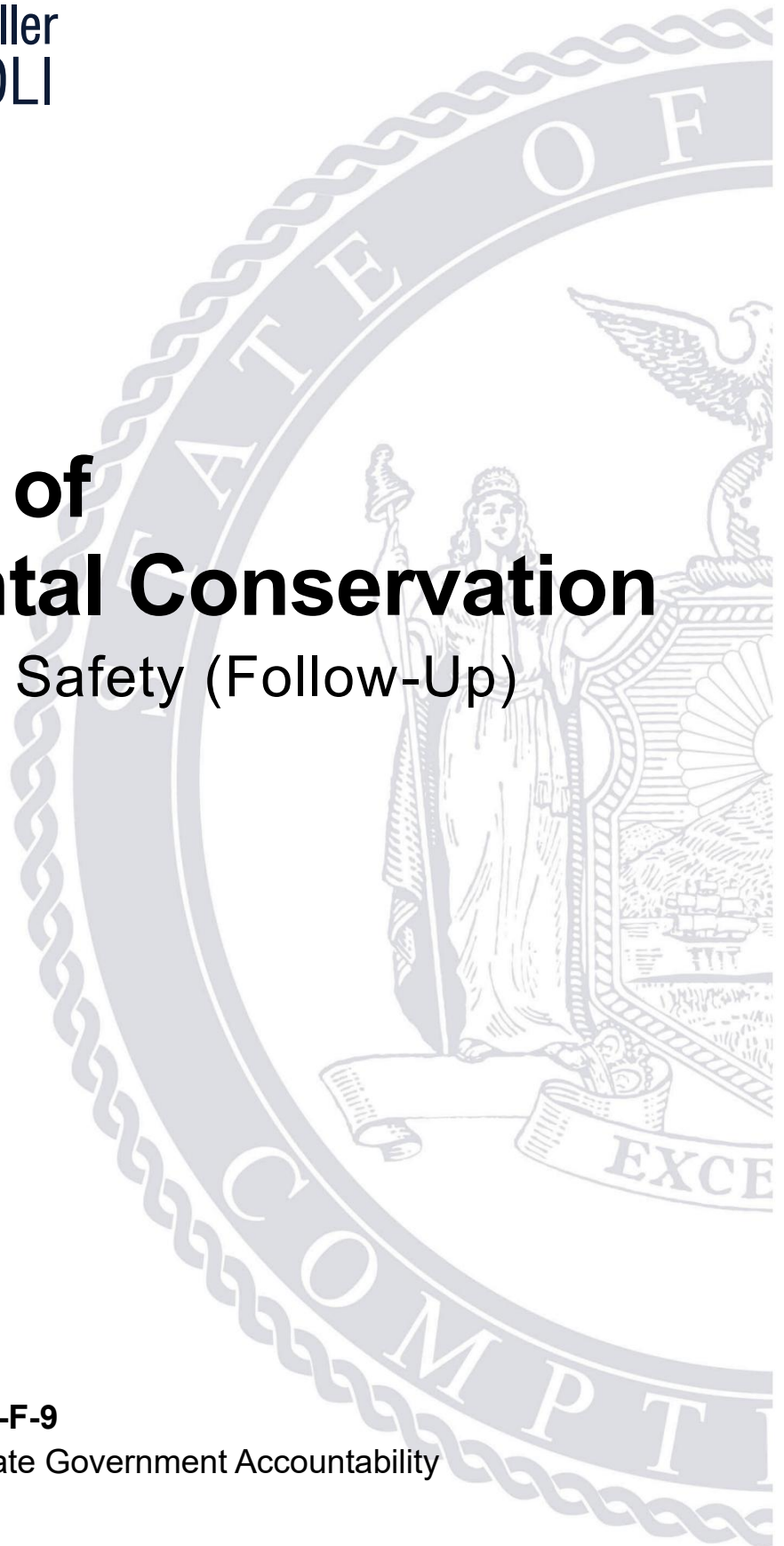
New York State Comptroller
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Department of Environmental Conservation

Oversight of Dam Safety (Follow-Up)

October 2026 | Report 2026-F-9

Prepared by the Division of State Government Accountability



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Authority

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have followed up on the actions taken by officials of the Department of Environmental Conservation to implement the recommendations contained in our initial audit report, [*Oversight of Dam Safety \(Report 2023-S-16\)*](#).

Background, Objective, and Scope

Hundreds of dam failures have occurred throughout U.S. history, causing immense property and environmental damage and ending thousands of lives. As the nation's dams age and the population increases, the potential for deadly dam failures grows. Dam failures not only pose risks to public safety but can also cause millions of dollars in damage and result in the impairment of many other infrastructure systems, such as roads, bridges, and water systems. Dam failures are most likely to happen due to overtopping (water spilling over the top of a dam), foundation defects, cracking, inadequate maintenance and upkeep, and piping (when seepage through a dam is not properly filtered and soil particles form sink holes in the dam). If a dam fails, resources must be devoted to the prevention and treatment of public health risks, as well as the resulting structural consequences.

The Department of Environmental Conservation's (DEC) mission is to conserve, improve, and protect New York's natural resources and environment and to prevent, abate, and control water, land, and air pollution, in order to enhance the health, safety, and welfare of the people of the State and their overall economic and social well-being. To this end, DEC is entrusted with the regulatory power over dams to help protect people against loss of life and property from flooding and dam failure. Under the Environmental Conservation Law (Law), DEC is authorized to design a program to monitor dam safety. Dams are owned and operated by the State, private parties, or local municipalities, and the Law requires dam owners to operate and maintain dams in a safe condition at all times. Dam Safety Regulations (Regulations) govern dam owners' responsibilities for several areas—such as permitting, periodic engineering assessments, construction, maintenance, repairs, inspections, recordkeeping, and other requirements—and outline DEC's oversight and enforcement authority. These requirements primarily apply to owners of dams or other structures that impound or will impound waters and that, in the event of failure, pose a threat of personal injury or substantial property or natural resource damage. DEC has also developed procedures for its visual inspections of dams.

DEC may assign a hazard classification to a dam that indicates the level of damage possible if the dam was to fail. Hazard classifications are assigned based on factors such as physical structure and location of the dam, potential for loss of life, damage to natural resources, and access to emergency services. A dam may be assigned one of four classes:

- Class A (low hazard) – Failure would result in only isolated damage and is unlikely to result in the loss of life or disruption to important utilities.

- Class B (intermediate hazard) – Failure would result in damage to a small number of homes or minor roads, may potentially disrupt important utilities, and is likely to pose the threat of personal injury.
- Class C (high hazard) – Failure may result in widespread or serious damage to homes, main highways, and important utilities, and the loss of human life or widespread substantial economic loss is likely.
- Class D (negligible or no hazard) – Dam has been breached or removed.

DEC uses an internal electronic database to track information related to each dam—such as location, owner information, and hazard classification—and to produce a [public-facing dam inventory map \(DECinfo Locator\)](#) that includes details of each dam. As of August 2026, DEC regulated 6,546 dams: 4,369 Hazard Class A, 501 Hazard Class B, 354 Hazard Class C, and 1,322 Hazard Class D.

Hazard Class B and C dams pose the greatest risks in the event of dam failure. Therefore, the Regulations require owners of certain sizes and impoundment capacities and owners of Hazard Class B and C dams to create an Inspection and Maintenance Plan that must be available for review upon request from DEC. Owners of Hazard Class B and C dams are also required to prepare and submit an Emergency Action Plan (Emergency Plan) to DEC with annual updates and to conduct regular safety inspections, which are to be performed by the owner's retained engineer. DEC may request a copy of the resulting report at any time. Hazard Class B and C dam owners must send DEC an Engineering Assessment of their dams at least once every 10 years. DEC may perform a field inspection of any dam and may create field inspection reports based on the inspections. DEC's goal is to inspect Hazard Class C dams every 2 years, Hazard Class B dams every 4 years, and other dams on an as-needed basis.

In February 2015, DEC implemented a strategy to integrate the assignment of condition ratings into DEC's normal cycle of dam inspection, review, and follow-up. Ratings were usually assigned according to program priorities (e.g., deficient, high-hazard dams received the highest priority). Condition ratings used by DEC are as follows: unsafe, unsound—deficiency recognized, unsound—more analysis needed, unsound—fair, deficiently maintained, and no deficiencies noted.

The objective of our initial audit, issued in February 2025, was to determine if DEC was adequately regulating dam owners across the State to ensure their compliance with safety requirements. The audit covered the period from January 2020 through October 2024 and found that while DEC actively conducts inspections of Hazard Class B and C dams in the State, and has worked to assign condition ratings in alignment with changes in program goals, there were areas where DEC could make improvements to help ensure dam owner compliance with Regulations so that they meet safety standards to protect people against loss of life and property from flooding and dam failure. Specific areas for improvement included increasing compliance and improving enforcement against dam owners that fail to submit required documentation to DEC, such as Emergency Action Plans, Engineering Assessments, and Annual Certifications. We also found that DEC had not assigned a condition rating for 26% of Hazard Class B and C dams. Additionally, DEC could improve the timeliness of inspections and establish time frames for the completion of inspection reports to ensure that inspection results are communicated timely.

The objective of our follow-up was to assess the extent of implementation, as of July 2026, of the one recommendation included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

DEC made progress in addressing the issues we identified in the initial audit report. The one recommendation has been partially implemented.

Follow-Up Observations

Recommendation – Improve regulation of dam owners in New York State, which may include but not be limited to:

- Completing and implementing enforcement procedures for dam owners that fail to operate and maintain a dam in a safe condition and fail to submit required documents to DEC as necessary.
- Assigning condition ratings to Hazard Class B and C dams and updating DEC's database accordingly.
- Increasing the number of timely inspections in alignment with DEC's goals for Hazard B and C dams.
- Establishing time frames for the completion of inspection reports.

Status – Partially Implemented

Agency Action – DEC is still developing a dam safety compliance and enforcement policy. This policy was in draft during our initial audit and remains in that stage. The policy establishes a statewide framework for dam safety compliance and enforcement activities and identifies enforcement responses based on the nature of the violation and the dam owner's cooperation and compliance history. It outlines detailed factors to consider when taking enforcement action against dam owners, including the severity of the deficiency; potential impacts on downstream populations, infrastructure, and environmental resources; failure to submit timely (required) Engineering Assessments, Emergency Action Plans, operation and maintenance documentation, or permit applications; failure to implement required corrective actions within established time frames; and repeat or chronic non-compliance. Additionally, when a dam owner fails to comply or when conditions warrant immediate action, the policy identifies avenues for DEC to pursue administrative, civil, or other enforcement remedies, including emergency actions necessary to protect life and property. Remedies may include compliance and technical assistance, warning letters and notices of violation, enforcement action, and civil penalties. DEC officials stated they plan to release the draft for public comment by the end of calendar year 2026.

DEC has made progress assigning Hazard Class B and C condition ratings. As of July 31, 2026, DEC has not assigned Hazard Class B and C condition ratings for 92 of the 857 (11%) dams it

currently oversees. This is an improvement from our initial audit, where 26% hadn't been assigned a condition rating.

DEC has also made improvements toward inspecting all Hazard Class B and C dams. Our initial audit found that DEC did not meet inspection goals in 21 instances; however, as of July 2026, we found only eight instances where DEC's inspection goals were not met. DEC attributed the remaining eight instances to dams having been reclassified to different hazard classes, newly constructed dams, and dam owners canceling inspections due to unavailability.

Regulations require DEC to send an inspection report to the dam owner and the chief executive officer of the municipality or municipalities where the dam is located within 30 calendar days of completing the inspection report. As the Regulations are silent on a time frame for inspectors to complete the report, DEC established a goal of distributing the inspection report to the dam owner and municipality within 30 days of the physical site inspection. Although DEC has sent several emails to inspectors reminding them of the 30-day goal, this goal is not being met. We selected a sample of five inspection reports issued in calendar year 2025 and found that only one had been sent within 30 days; the remaining four were sent 32 to 84 days after the inspection was completed. DEC officials stated that this goal is not always achieved due to other competing priorities within the Dam Safety Program. DEC officials should continue working with inspectors to ensure that inspection results are completed in a timely manner.

Reporting Requirements

DEC officials are requested, but not required, to provide information about any actions planned to address the unresolved issues discussed in this follow-up within 30 days of the report's issuance. We thank the management and staff of DEC for the courtesies and cooperation extended to our auditors during this follow-up.



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