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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

April 23, 2009

Richard F. Daines, M.D.
Commissioner
Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237

Re: Report 2008-F-30

Dear Dr. Daines:

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 Health (Department) to implement the recommendations contained in our audit report, *Security Over Community Water Supply Systems* (Report 2006-S-31).

Background, Scope and Objectives

The mission of the Department's Bureau of Water Supply Protection (Bureau) is to assure that adequate quantities of safe, potable drinking water are available in New York State. The Bureau has regulatory responsibilities over public water systems which include community water systems. Community water systems include municipally-owned systems, public water authorities, and privately-owned water supply companies (including homeowner associations, apartment complexes, and mobile home parks that maintain their own drinking water systems). The Department has four regional offices which directly oversee 46 Local Health Units located throughout the State. Local Health Units receive a wide variety of security-related education and training from the Bureau. The Units oversee the community water systems, and their staff is responsible for conducting the day-to-day regulation of public water supplies. This includes reviewing and approving designs and alterations, doing sanitary surveys, receiving and reviewing the results of routine water-sampling, issuing violations, verifying the correction of violations, and taking appropriate enforcement actions.

Both State and Federal laws require community water systems to submit Water Supply Emergency Response Plans (Plans). The State law applies to those with gross operating revenues in excess of \$125,000, and the Federal law pertains to all community water systems serving more than 3,300 people. Both laws mandate that the Plan include a Vulnerability Analysis Assessment (VA). The VA is a systematic process for identifying weaknesses in water system security and operations. It focuses on defined threats that could compromise the water system's ability to meet its service missions. However, neither law requires water systems to correct vulnerabilities identified in their VAs.

Our initial audit report, which was issued on August 9, 2007, examined selected aspects of Department oversight over the security of community water systems. The objective of our follow-up was to assess the extent of implementation as of March 9, 2009, of the recommendations included in our initial confidential report. Due to the sensitive nature of the information and the potential risk associated with the release of such information, the details of the recommendations and their implementation status are not included in this report. However, we discussed the detailed results of our follow-up work with Department officials during the conduct of the follow-up.

Summary Conclusions

Overall, we found that Department officials have made considerable progress in implementing the recommendations contained in the confidential draft report. Department officials agreed with our conclusions regarding implementation of the recommendations.

Major contributors to this report were Karen Bogucki, Don Collins and Dave Pleeter.

We thank Department management and staff for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Brian E. Mason
Audit Manager

Cc: Mr. Stephen Abbott, DoH
Mr. Thomas Lukacs, DoB