



PEF/encon

November 5, 2004

Mr. Henry Hamilton
NYS DEC
Office of Environmental Monitors
625 Broadway
12th Floor
Albany, N.Y. 12233-1510

Re: Proposed Revision to O & D Memo # 91-10 on Environmental Monitor
Privatization

Dear Mr. Hamilton:

I am writing to express my opposition to the proposed change in the Environmental Monitor policy posted in the Environmental Notice Bulletin. I do so on procedural and substantive grounds:

Procedural Reasons

NYSDEC, to date, as many news media sources, private individuals, environmental groups and NYS legislators have previously mentioned, has not allowed enough time for public comment, discourse and attention to adequately focus on the issue and fully explore all the consequences. I join them in requesting that the department extend the deadline, as it did, in the equally serious and related, but far more limited, proposed Consent Order previously noticed for the New York City Department of Environmental Protection regarding the construction of combined storm sewer overflow systems for protection of the NYC watershed. I also concur with the requests for public meetings/hearings throughout the state.

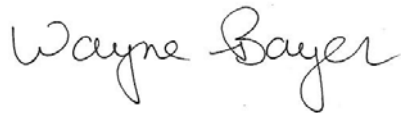
Substantive Reasons

1. I believe that part of the problem with the costs concerns raised in the audit of the environmental management program are a reflection of managerial confidential staff working on the monitor program seemingly having little knowledge of what can be done with the cost recovery and cost tracking capabilities of the Time and Activity Code system (T & A). Monitor managers, preceding the audit (unlike some managers in the state superfund program run by the Division of Environmental Remediation), never seemed to have much knowledge of the

capabilities and potential of that system for assisting with financial management. To my knowledge, they also did not fight for the resources in fiscal management or elsewhere to adequately assist with the accounting and managing of this program.

2. I have heard from staff working in the monitoring program that, in certain instances, they did not have adequate resources for travel to sites to do monitoring work. They also voiced concerns about the difficulty in getting new computers and new software to assist them with their efforts to increase productivity and efficiency.

Sincerely yours,

A handwritten signature in cursive script that reads "Wayne Bayer".

Wayne Bayer
PEF/encon Executive Board

cc PEF/encon