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BUREAU OF AUDIT

June 28, 2019

**By Electronic Mail**

Vincent Sapienza  
Commissioner  
New York City Department of Environmental Protection  
96-05 Horace Harding Express  
Corona, NY 11368

**Re: Letter Report on the New York City Department of Environmental Protection's  
Compliance with Local Law 25 of 2016 Regarding Translation of Agency Website  
(Audit #SZ19-115AL)**

Dear Commissioner Sapienza:

This Letter Report concerns the New York City Comptroller's audit of the New York City Department of Environmental Protection's (DEP's) compliance with Local Law 25, which governs the translation of websites of New York City agencies. The objective of this audit was to determine whether DEP is complying with Local Law 25, which is intended to make City agencies, and ultimately the City as a whole, more accessible to foreign-born residents whose primary language is not English. Our audit of DEP is one in a series of audits we are conducting on the City's compliance with Local Law 25.

**Background**

New York City, with a population of more than 8.5 million people, is home to one of the most diverse populations in the world, with more than 3.2 million foreign-born residents from more than 200 countries. According to the New York City Department of City Planning (DCP), nearly one-half of all New Yorkers speak a language other than English at home, and almost 25 percent of City residents age five and over, or 1.8 million persons, are not proficient in English. For individuals with limited English proficiency, interacting with City government can often be a challenge.<sup>1</sup>

Most City agencies have a significant presence on the internet and rely on agency websites to both provide information to and interact with the public. Accordingly, in 2016, Mayor de Blasio signed Local Law 25, amending the City's Administrative Code in relation

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<sup>1</sup> Mayor's Office of Immigrant Affairs, "State of Our Immigrant City" annual report, March 2018; New York City Department of City Planning <https://www1.nyc.gov/site/planning/about/language-access.page>

to citizens' ability to access translation of City websites. Local Law 25 requires that every website maintained by or on behalf of a City agency include a translation service enabling users to view the text of that website, wherever practicable, in languages other than English. It also requires that the translation service be identifiable in a manner that is comprehensible to speakers of the seven most commonly spoken languages in the city. As determined by the Department of City Planning, the seven most commonly spoken languages in New York City amongst residents with limited English proficiency are:

- 1) Spanish
- 2) Chinese (includes Cantonese, Mandarin, Taiwanese and Formosan)
- 3) Russian
- 4) Bengali
- 5) Haitian Créole
- 6) Korean
- 7) Arabic

Thereafter, with the City's enactment of Local Law 30 of 2017, as of July 1, 2017 through the present, all City agencies that provide direct public services or emergency services, including DEP, must develop and implement Language Access Plans, in consultation with the Mayor's Office of the Language Services Coordinator and the Mayor's Office of Immigrant Affairs, that include translation and interpretation services in the top 10 limited English proficiency (LEP) languages—the 6 designated by DCP and 4 others determined by the Mayor's Office of the Language Services Coordinator, based on language access data collected by the City Department of Education.<sup>2</sup> DEP's Language Access Plan accordingly adopted Local Law 30's 10-LEP language standard for purposes of providing direct public access via translation services through its website. The 10 designated Citywide in New York City among residents with limited English proficiency are:

- 1) Spanish
- 2) Chinese (includes Cantonese, Mandarin, Taiwanese and Formosan)
- 3) Russian
- 4) Bengali
- 5) Haitian Créole
- 6) Korean
- 7) Arabic
- 8) Urdu
- 9) French
- 10) Polish

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<sup>2</sup> Local Law 30 of 2017 is codified at Title 23, Chapter 11 and at section 23-301 of the New York City Administrative Code and in amendments to sections 15(c) and 18(b), of the City Charter.

DEP's responsibility is to protect public health and the environment by, among other things, supplying clean drinking water, collecting and treating wastewater, and reducing air, noise, and hazardous material pollution. DEP manages the City's water supply; builds and maintains the City's water distribution network, fire hydrants, storm and sanitary sewage collection systems, and green infrastructure systems; and manages the 14 in-City wastewater treatment plants and 7 treatment plants in the upstate watershed. DEP also implements federal Clean Water Act rules and regulations, handles hazardous material emergencies and toxic site remediation, oversees asbestos monitoring and removal, enforces the City's air and noise codes, bills and collects on water and sewer accounts, and manages the Citywide water conservation programs.

The objective of this audit was to determine whether DEP is complying with Local Law 25, which is intended to make City agencies' services more accessible to immigrants and non-English speakers through translations of its websites.

### **Findings and Recommendation**

Our audit found that DEP generally complies with Local Law 25. DEP's website, found at <https://www1.nyc.gov/site/dep/index.page>, includes a translation feature for viewing text and essential information in various languages, including the above-noted top 10 languages. DEP's website also provides important information regarding its functions and services, which includes, but is not limited to, information pertaining to DEP's various divisions, office locations, contact information, forms, brochures, annual drinking water quality reports, delinquency notices, business letters sent to customers regarding their water and sewage charges, notifications regarding discolored water and water shutoff and information on rain gardens (environmental projects). All essential information can be translated and viewed in each of the top 10 noted languages.

DEP's most frequently requested documents can be translated and downloaded in the 10 most-requested languages (Spanish, Chinese, Russian, Bengali, Haitian Créole, Korean, Arabic, Urdu, French, and Polish) according to DEP's Language Access Plan 2018.<sup>3</sup> We reviewed and successfully translated the following documents into DEP's 10 most requested languages:

- Annual Drinking Water Quality Report
- Information on Air Pollution and Regulations
- Information on Climate Resiliency
- Information on Combined Sewer Overflow
- Information on Flood Prevention
- Information on Rain Gardens Program

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<sup>3</sup> City agencies determine which documents are key, essential, frequently used and translated on City websites in the top languages for each agency's business purposes.

- Information on Safe Disposal of Harmful Products
- Information on Air Complaint Program
- Protecting Our Water Brochure<sup>4</sup>
- Rain Garden Brochure<sup>5</sup>
- Dry Cleaning Guide<sup>6</sup>

DEP provides translation and interpretation services in all of its locations that interact with the general public, including its five Borough Business Centers located in Manhattan, Bronx, Brooklyn, Queens, and Staten Island.

Our findings are outlined in the following table entitled Compliance Summary.

COMPLIANCE SUMMARY		
Criteria	Compliance	Notes
Website translates into the top 10 most commonly spoken languages. (As required by Local Law 25 of 2016 and Local Law 30 of 2017)	Yes	We reviewed and successfully translated the website text in all 10 noted languages.  DEP's website also has a "Translate This Page" feature, which enables translation of DEP's website text into more than 100 languages.
Website translates essential documents into the top 10 most commonly spoken languages. Key documents translate into DEP's top 10 most requested languages of residents with limited English proficiency. (As prescribed by DEP's standards and Local Law 30's four-factor analysis) <sup>7</sup>	Yes	We reviewed and successfully translated DEP's essential information into the top 10 noted languages and translated key documents into DEP's 10 most requested languages of residents with limited English proficiency.

We recommend that DEP continue to maintain its compliance with Local Law 25 to ensure it effectively meets the needs of residents with limited English proficiency when accessing city services online and that all essential documents are translated as required.

<sup>4</sup>This document translates to Haitian Creole, Italian, Korean, Russian, Spanish, and Chinese. French, Urdu, Bengali, Arabic and Polish were not available. DEP determined that this document did not have to be translated since these languages have not been requested by the public.

<sup>5</sup> This document translates to Chinese, Korean, Polish, Russian and Spanish. French, Arabic, Bengali, Urdu, and Haitian Creole were not available. DEP determined that this document did not have to be translated since these languages have not been requested by the public.

<sup>6</sup> This document translates to Spanish, Chinese, Russian, Korean, Haitian Creole, and Bengali. French, Arabic, Urdu, and Polish were not available. DEP determined that this document did not have to be translated to those languages since they have not been requested by the public.

<sup>7</sup> DEP continuously reviews the translation requested for its documents on its website. In accordance to Local Law 30, DEP will decide if the translation of a brochure/document should be continued in any specific language based upon the frequency the LEP person comes in contact with the agency, the importance of the benefit, service, and the resources available to the agency.

## Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period for this audit was May 29, 2019 through June 10, 2019, the last day of our fieldwork. Our methodology for this audit consisted of the following steps:

- We reviewed applicable laws, rules, policies and procedures to determine our criteria in accordance with Local Law 25.
- We reviewed applicable laws, rules, policies and procedures to determine our criteria in accordance with Local Law 30.
- We researched and determined the 10 designated Citywide languages in the City among residents with limited English proficiency, as determined by the Department of City Planning, the Mayor's Office of Language Services Coordinator, and data collected by the city Department of Education.
- We reviewed and analyzed DEP's website and tested its ability to translate documents into the top 10 most commonly spoken languages for residents with limited English proficiency.
- We reviewed and analyzed DEP's June 2018 Language Access Plan to determine what steps DEP took to comply with Local Law 25.
- We reviewed the Language Access Plan to determine which documents DEP deemed essential for the agency to provide direct public services and that needed to be translated.
- We reviewed and analyzed whether DEP's essential documents and forms could be downloaded on the website, and tested whether they translate to the 10 most commonly spoken languages for residents with limited English proficiency.

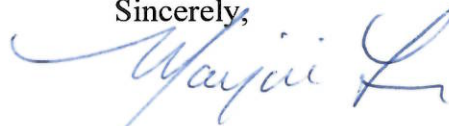
Based on our understanding of the Local Law 25 and Local Law 30 requirements, we outlined all the criteria necessary for agencies to be in compliance. The table below outlines agencies' core criteria required to achieve compliance under Local Law 25 and Local Law 30. A summary of these core criteria forms the basis for the compliance summary reported for each audited agency.

CORE CRITERIA	
Compliance	Detailed Criteria
<b>Spanish</b>	Agency's website includes a translation feature for viewing text, essential information and key documents in Spanish
<b>Chinese</b>	Agency's website includes a translation feature for viewing text, essential information and key documents in Chinese
<b>Russian</b>	Agency's website includes a translation feature for viewing text, essential information and key documents in Russian
<b>Bengali</b>	Agency's website includes a translation feature for viewing text, essential information and key documents in Bengali
<b>French Créole (Haitian Créole)</b>	Agency's website includes a translation feature for viewing text, essential information and key documents in French Créole/Haitian Créole
<b>Korean</b>	Agency's website includes a translation feature for viewing text, essential information and key documents in Korean
<b>Arabic</b>	Agency's website includes a translation feature for viewing text, essential information and key documents in Arabic
<b>Urdu</b>	Agency's website includes a translation feature for viewing text, essential information and key documents in Urdu
<b>French</b>	Agency's website includes a translation feature for viewing text, essential information and key documents in French
<b>Polish</b>	Agency's website includes a translation feature for viewing text, essential information and key documents in Polish

The matters covered in this letter report were discussed with DEP officials during and at the conclusion of this audit. DEP officials were notified of our findings during the course of the audit and agreed that an exit conference was not necessary. On June 14, 2019, we submitted a draft letter report to DEP with a request for comments. We received a written response from DEP on June 27, 2019. In its response, DEP agreed with the audit's findings and recommendation, stating, "DEP will continue to comply with Local Law 25 to effectively meet the needs of New Yorkers with limited English proficiency when accessing DEP's services."

The full text of DEP's comments is included as an addendum to this report.

Sincerely,



Marjorie Landa

c: Michael DeLoach, Deputy Commissioner, Public Affairs and Communications  
William Morris, Director, DEP  
Sara Pecker, Director, Special Projects and Initiatives, DEP  
Jeff Thamkittikasem, Director, Mayor's Office of Operations  
George Davis III, Deputy Director, Mayor's Office of Operations



*Vincent Sapienza, P.E.*  
*Commissioner*

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June 27, 2019

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1 Centre Street, Room 1000  
New York, NY 10007

Re: Draft Letter Report on the New York City Department of Environmental Protection's Compliance with Local Law 25 of 2016 Regarding Translation of Agency Website (Audit #SZ19-115AL)

Dear Ms. Landa:

Thank you for the opportunity to respond to the draft letter report dated June 14, 2019, regarding the compliance of the New York City Department of Environmental Protection (DEP) with Local Law 25 of 2016.

We appreciate your office acknowledging our efforts to provide meaningful language access to the agency's services for New Yorkers with limited English proficiency. DEP will continue to comply with Local Law 25 to effectively meet the needs of New Yorkers with limited English proficiency when accessing DEP's services.

If you require further information, please contact William Morris, Director of Management Analysis, at (718) 595-3697.

Sincerely,



Michael DeLoach