



Department of
Environmental
Conservation

Brownfield Cleanup Program

April 2024



Department of
Environmental
Conservation

The Brownfield Cleanup Program by the Numbers

April 2024
Michael Murphy

Overview

Since the Brownfield Cleanup Program was established in 2003, the Department has received approximately 1,600 applications for inclusion in the program. Of those, 1,319 have been accepted, in whole or in part, into the program.

The following data demonstrate the continued strength of the BCP.



2022 BCP Amendments – Fee provision

The 2022 Amendments to the BCP program requires the payment of a \$50,000 program fee upon the execution of the BCA, unless a fee waiver is granted by the Department.

Fee Waiver – the Applicant must demonstrate a financial hardship (i.e. but for the program fee, remediation would not be economically viable)



Preliminary BCP Application Stats Pre/Post Fee – April 26 – April 25

YEAR	# of Applications Received
2019 - 2020	95
2020 - 2021	91
2021 – 2022*	98
2022 - 2023	79

* BCP Program Fee effective on April 26, 2022



Regional Stats

	April 26 - April 25*			
	2019 - 2020	2020 - 2021	2021 - 2022	2022 - 2023
R1	2	2	4	3
R2	47	37	56	39
R3	17	23	13	11
R4	2	2	3	2
R5	2	0	1	0
R6	1	0	1	0
R7	2	5	8	3
R8	3	2	2	3
R9	19	20	10	18
Total	95	91	98	79



BCP ACTIVE SITES AND COCs ISSUED PER REGION

REGION	ACTIVE SITES	COCs ISSUED
1	33	14
2	304	295
3	101	98
4	10	12
5	6	3
6	8	5
7	30	31
8	49	44
9	121	152
TOTALS	662	654



COC STATISTICS – TIME TO COC

Average time from BCP Application to COC: 4.40 years.

TIME FRAME FOR COC	# OF SITES
< 1 yr.	12
1-2 yrs.	105
2-3 yrs.	174
3-4 yrs.	100
4-5 yrs.	71
5-6 yrs.	52
6-7 yrs.	34

TIME FRAME FOR COC	# OF SITES
7-8 yrs.	16
8-9 yrs.	15
9-10 yrs.	21
10-11 yrs.	13
11-12 yrs.	16
12-13 yrs.	16
> 13 yrs.	9

COCs – FUTURE USES

Highest Allowable Future Uses

- Unrestricted – 171
- Residential – 25
- Restricted-Residential – 259
- Commercial – 179
- Industrial – 20



SUMMARY OF BROWNFIELD DEVELOPMENT CREDITS FROM 2005 THROUGH TAX YEAR 2022



REDEVELOPMENT CLAIMED COSTS AND CREDITS

Total

Costs - \$27,461,343,303

Credits - \$4,273,218,586 (15.5%)

Site Preparation

Costs - \$3,325,154,487

Credits - \$1,076,747,908 (32.4%)



REDEVELOPMENT CLAIMED COSTS AND CREDITS

Tangible Property Component

Costs - \$24,041,757,655

Credits - \$3,167,244,960 (13.2%)

Onsite Groundwater Remediation

Costs - \$112,090,528

Credits - \$30,992,433 (27.6%)



REDEVELOPMENT CREDITS BY REGION

Region 1 – \$26,231,233

Region 2 – \$2,704,034,348

Region 3 - \$746,827,192

Region 4 - \$155,730,477

Region 5 - \$1,665,107

Region 6 - \$10,262,342

Region 7 - \$131,160,299

Region 8 - \$49,037,996

Region 9 - \$448,269,592



REDEVELOPMENT CREDITS PER COC THROUGH 2022

Region 1 - \$2,267,042

Region 2 - \$10,562,634

Region 3 - \$8,117,686

Region 4 - \$12,977,539

Region 5 - \$555,035

Region 6 - \$2,052,468

Region 7 - \$4,372,010

Region 8 - \$1,225,950

Region 9 - \$3,091,514



REDEVELOPMENT CREDITS PER GENERATION

- Total Redevelopment Credits awarded through 2022 tax year– \$4,273,218,586
 - Generation 1 - \$1,233,045,134 (28.9%)
 - Generation 2 - \$1,666,477,993 (39.0%)
 - Generation 3 - \$1,373,695,459 (32.1%)
- BOA Sites - \$147,185,524 (3.4%)
- Affordable Housing Sites - \$851,338,542 (19.9%)
- BOA/Affordable Housing – \$63,715,224 (1.5%)



FIVE YEAR REVIEW

How have numbers for COCs changed since 2018?

- Issued COCs increased from 396 to 654 (65%)
 - Region 2 increased by 77.5% (147 to 261)
- Unrestricted COCs increased from 14% to 26% of total

FIVE YEAR REVIEW

How have numbers for Tax Credits changed since 2018?

- Total Credits increased by 116%
- Site Prep Credits increased by 156%
- Tangible Credits increased by 105%
- Affordable Housing Credits increased by 10,591%

Thank You

Michael C. Murphy

625 Broadway Albany, NY

518-402-8564

michael.murphy1@dec.ny.gov



Department of
Environmental
Conservation



**Department of
Environmental
Conservation**

DEC Region 4 Remediation Unit

Comments for BCP Conference, Herkimer NY

April 2024
Chris O'Neill

Examples – ‘Before’ and ‘After’



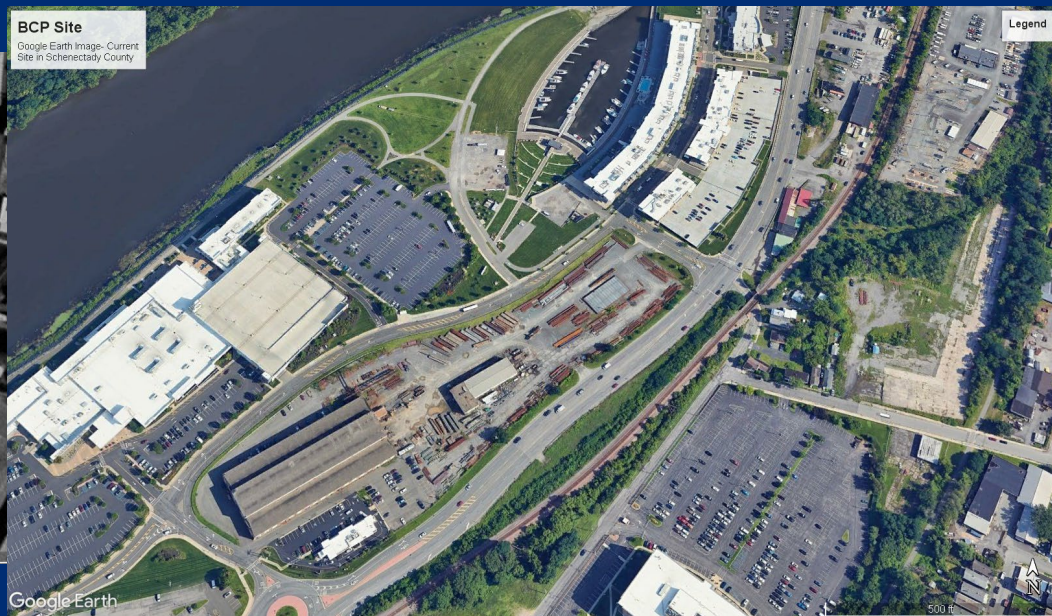
Google Earth
Image Licensed / Copied from
Image © U.S. Geological Survey



Google Earth
Image © 2024 Airbus

Legend

Examples – ‘Before’ and ‘After’



Examples – ‘Before’ and ‘After’



“Initial Data”

Phase 2 Envir Site Assessment (e.g. ASTM standard)

- + each/all environmental media
- + include PFAS and 1,4-dioxane in analyticals
- + gw flow direction

Pre-application Meeting/Worksheet

- + sufficient data (???)



Superfund vs BCP vs Spills

Superfund – site-specific pre-release goal, if practicable

- Minimum: Part 375 Use-based and Other
(soil, gw, sw, sediment, indoor air, ecological, etc.)

BCP – Part 375 Use-based and Other

- (soil, gw, sw, sediment, indoor air, ecological, etc.)

Spills – site-specific, petroleum (only/mostly)

- Meets Standards or Does Not Meet Standards



BCP “Notes”

1. If “indications” at pre-app mtg of sparse data then probably want to consider getting more data or risking denial/incomplete
2. Prescribed procedures, practices, criteria so no/few surprises should occur
3. DER PA, DER PM and DOH PM will do their best, but each has a queue and priorities that control time and effort
+ DER/DOH best efforts to review docs w/in 45 days
4. Keep comms respectful and professional



BCP “Notes” part 2

Ya but....!

Ya but...! Ya but...!

Ya but...! Ya but...! Ya but...!

What about...?

What about...? What about...?

What about...? What about...? What about...?

DER-10 Guidance

Part 375 Regs (revisions)

Part 375 SCOs

CP-51 Guidance SSCOs

PFAS/Dioxane Guidance

DEC TOGS 1.1.1

DEC Sediment Guidance



BCP “Notes” part 3

1. The BCP is a VOLUNTARY program
2. Do the work as planned and APPROVED
3. Communicate BEFORE, DURING and AFTER
+ respectfully and professionally
4. Collect the data – Remedial Investigation
5. Evaluate the data
6. a. Submit report with data et. al., OR
b. Submit plan (Add’l RI Phase or Supplemental RIWP) for data gaps



BCP “Notes” part 3, continued

7. Finalized/Approved RI Report

+ determination for Significant Threat

8. Remedial Action Work Plan and Decision Document

9. {Remedial Design}

+ RAWP may suffice based on site and remedy details

10. Remedial Action – implementation of remedy

11. Final Engineering Report



BCP “Notes” part 3, continued

11. Final Engineering Report, continued

- + Site Management Plan (OMM Plan, Excavation Plan, etc.)

- + Environmental Easement

12. Certificate of Completion

Award and Reward

- + AND Liability Release

13. Let’s not forget about Site Management (post-COC requirements)

PLUS: Public Participation Steps Along The Way

REMINDER: BCP is a VOLUNTARY remedial program



Department of
Environmental
Conservation

Thank You

- Chris O'Neill
- Professional Engineer 2
- NYSDEC, Schenectady
- christopher.oneill@dec.ny.gov
- 518-357-2394

Connect with us:

Facebook: www.facebook.com/NYSDEC

Twitter: twitter.com/NYSDEC

Flickr: www.flickr.com/photos/nysdec



Department of
Environmental
Conservation