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## **The Brownfield Problem in the State and the City**

*With the City's population expected to grow by an additional one million people by 2030, brownfields, when remediated, represent a major new supply of buildable space for housing, parks, job-producing services and industries, and public amenities.*

### **What are Brownfields?**

Brownfields are sites whose redevelopment is complicated by the presence or potential presence of contamination. Addressing brownfields involves both environmental remediation and economic development. According to PlaNYC, the City has 7,600 acres of brownfields, an area more than eight times the size of Central Park.

### **How do Brownfields Affect my District?**

Brownfields are often clustered in former industrial areas, along the water, or wherever a gas station, auto repair shop or drycleaner in a shopping mall once did business. The historic practice of filling low-lying areas with ash and construction waste also created contaminated land.

### **What's wrong with the State's existing Brownfield Cleanup Program (BCP)?**

The BCP offers significant state tax credits for the remediation and redevelopment of sites. Concern that the program's tax credits are too lavish has prompted the State to restrict the number and categories of sites eligible for state oversight. A wider range of contaminated sites, including sites with historic fill and petroleum contamination, should be eligible for the program. Further, parties not responsible for a site's contamination should be able to clean up inactive hazardous waste sites (Class 2 sites) through the BCP and earn tax credits. The indiscriminate disqualification of historic fill sites disproportionately affects New York City where many low-income neighborhoods and communities of color are built on fill materials. Entire communities are being denied the health and environmental benefits of the BCP as well as the incentive of the brownfield tax credits.

### **How can the Brownfield Opportunity Area (BOA) Program be strengthened?**

The State has awarded 17 NYC communities with BOA planning grants. Critical to strengthening these community planning efforts is the need to target the brownfield tax credits to projects that need them, and in the context of the larger re-structuring, create a 20% brownfield tax credit bonus for sites that are developed consistent with BOA plans. In addition, the dual agency administration of the BOA program should be simplified with the Department of State given responsibility for program administration.

### **Why Does the City Need its Own Local Cleanup Program?**

The Brownfield Cleanup Program, by necessity, was created to address all of the State's brownfield sites, including the thousand-acre heavily contaminated sites prevalent in Upstate industrial cities. It lacks the flexibility and timeliness that smaller, straightforward cleanups need. There are very few large brownfield sites in NYC, but under the current program, each gas station and auto repair garage must go through the same regulatory review process and sequence. As a result, developers and lenders unwilling to await the many-month eligibility determination and review processes are conducting cleanups outside of any regulatory program. PlaNYC proposes that the City, building on its experience in overseeing remediation, create a streamlined, local cleanup program for historic fill and other moderately contaminated sites. The City program will be consistent with the state Brownfield Cleanup Program, be approved by DEC before it takes effect, and solicit community input on projects. All sites would be remediated to State standards and upon completion be issued a State liability release. The City program, funded completely by the City, would operate alongside of the BCP which would address the most contaminated sites. Together, the two programs, the State BCP and a local City program, would accelerate the pace of brownfield cleanups in New York City.