

Introduction to Brownfields



What is a Brownfield?

There are many definitions:

- EPA: “real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant”
- NYSDEC: “a brownfield is any real property where redevelopment or reuse may be complicated by the potential presence of a hazardous waste, petroleum, pollutant or contaminant”

What is a Brownfield?

- NYC MOER: “any real property within NYC, the redevelopment or reuse of which may be complicated by the presence or potential presence of light to moderate levels of contamination, or any real property that meets the definition of a delegated brownfield site, including, but not limited to, real property containing historic fill material and real property rejected from state programs on grounds that the environmental contamination is not sufficient to warrant state involvement.”

How many are there?

- EPA reports there are more than 450,000 brownfield sites in the US
- NYSDEC reports that nearly every community in NYS is affected by contaminated and abandoned, or brownfield, sites
- In PlaNYC, NYC reported the presence of 7,600 acres of brownfield sites in the five boroughs

What does a Brownfield look like?

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

And like this...



And this...

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

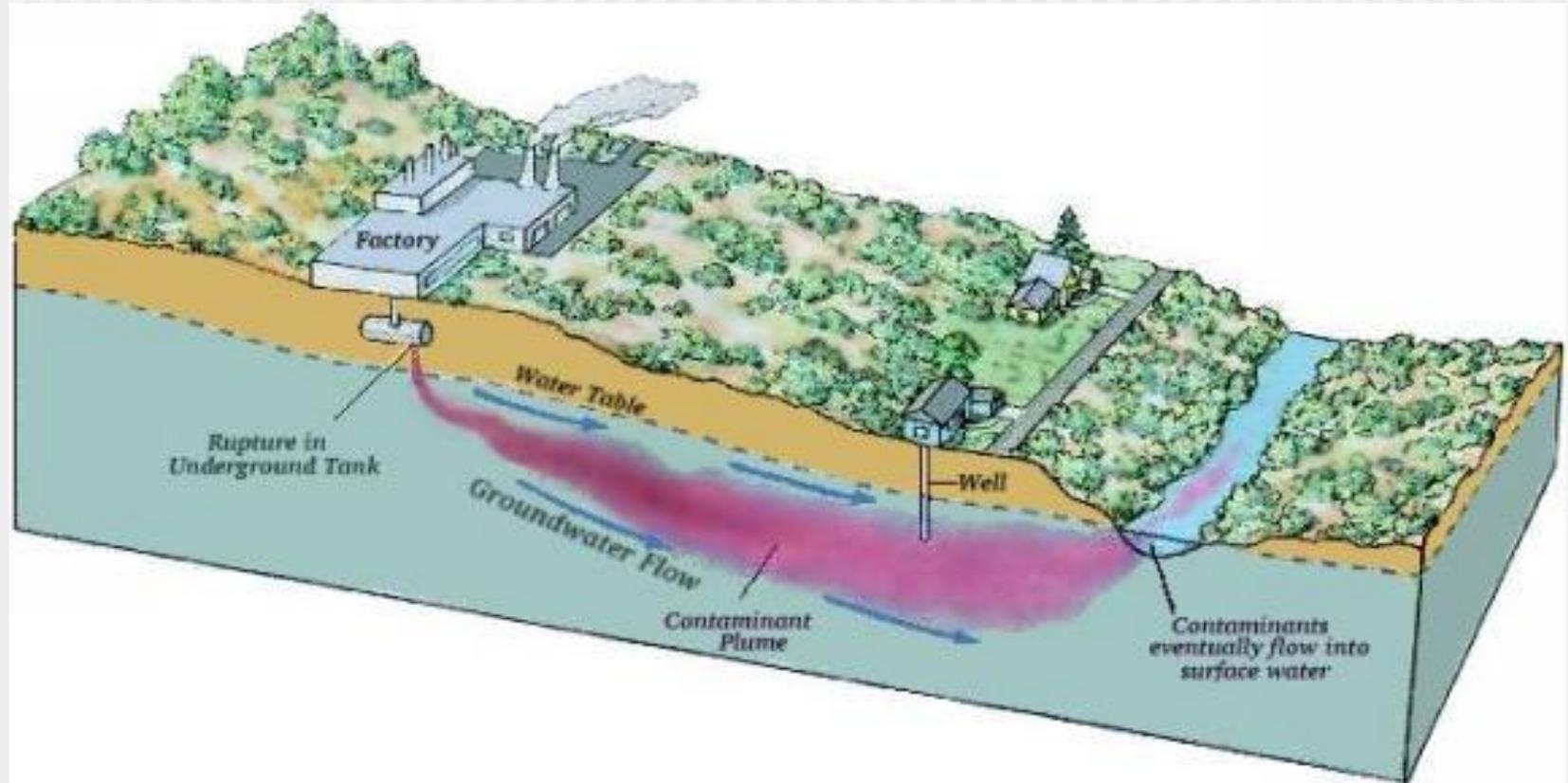
How are Brownfields created?

- Former dry cleaners
- Former gas station sites
- Former utility sites
- Former railroad sites
- Former auto repair/junk yards
- Former manufacturing- metal plating, lumber, paint formulation, print shops

How are Brownfields created?

- Dry cleaners: trichloroethylene
- Gas stations: petroleum
- Old railroad yards: petroleum, lead
- Utility sites: PCBs, metals
- Manufacturing: petroleum, solvents

How are Brownfields created?



Why are Brownfields a Problem?

- Neighborhood blight
- Impediment to revitalization
- Health and safety concerns related to presence of contaminated soil, soil vapor and groundwater
- Depress tax base

Benefits of Redeveloping Brownfields

- Removes a neighborhood eyesore
- New development can provide housing and jobs
- Takes development pressure off greenfields which helps control sprawl
- Improves and protects environment
- Increase in local tax base

What are the Brownfields Laws?

- Federal: Small Business Liability Relief and Brownfields Revitalization Act passed in 2002- provided relief from liability for contaminated property purchasers as well as a series of grants for assessment, cleanup, job training and technical assistance.

What are the Brownfields Laws?

- New York State: In 2003 New York State passed legislation creating the Brownfield Cleanup Program- program noteworthy for BOA grants and tax incentives
- New York State: In 2006 New York State adopted the regulations that describe the implementation of the BCP legislation.

What are the Brownfields Laws?

- New York State: In 2008 New York State revised the BCP program to include a cap on some types of tax credits
- New York City: In 2009, New York City created the Local Brownfield Cleanup Program; the first of its kind.

What are the NYS Brownfields Programs?

- **Brownfield Cleanup Program**
 - Eligible sites are those that meet the NYS definition of a brownfield site
 - Most parties, whether or not responsible for contamination, are eligible for program
 - Provides oversight of investigation and remediation
 - Provides certificate of completion with release from future liability
 - Provides tax credits as incentive
 - For more information go to:
www.dec.ny.gov/chemical/8648.html

What are the NYS Brownfields Programs?

- **Brownfield Opportunity Area Program**
 - Planning tool for municipalities and community based groups
 - Provides money for planning and site assessments
 - Funds awarded to 16 groups in NYC
 - For more information go to:
http://nyswaterfronts.com/grantopps_BOA.asp

What are the NYS Brownfields Programs?

- Environmental Restoration Program
 - Only NYS municipalities eligible for program
 - Municipality must own property and cannot be responsible for the contamination at the site
 - Program provides funds for and oversight of investigation and remediation activities
 - Upon completion of clean-up, state provides indemnification and release from liability
 - For more information go to:
<http://www.dec.ny.gov/chemical/8444.html>

What are the NYC Brownfields Programs?

- Local Brownfield Cleanup Program
 - Recently created via 2009 Legislation
 - Eligible sites are those that meet the NYC definition of a brownfield site
 - Remainder of program under development
 - For more information go to:
<http://www.ci.nyc.ny.us/html/oer/html/brownfield/local-cleanup.shtml>