

NYS Brownfield Cleanup and State Superfund Programs: Complementary Cleanups



Department of Environmental Conservation

Two of DEC’s cleanup programs, the Brownfield Cleanup Program and State Superfund Program, share many similarities. Both types of projects apply the same State Soil Cleanup Objectives, dependent on a site’s future use, and both cleanup programs are fully protective of public health and the environment. The two programs are also consistent with federal cleanup standards.

Brownfield Cleanup Program (BCP)	State Superfund Program (SSF)
<ul style="list-style-type: none"> Voluntary program to encourage cleanup and redevelopment of contaminated properties by developers to protect public health and the environment. 	<ul style="list-style-type: none"> Enforcement program focused on cleaning up hazardous waste disposal sites to protect public health and the environment.
<ul style="list-style-type: none"> Resulting property is cleaned to the appropriate level for its future use: housing, commercial, or industrial. 	<ul style="list-style-type: none"> Resulting property is cleaned to the appropriate level for its future use: housing, commercial, or industrial.
<ul style="list-style-type: none"> Program applicants agree to investigate and clean up their property under an agreement with DEC in exchange for incentives (ex., environmental liability relief, tax credits). The agreement can be terminated by the program applicant and terminated by DEC for cause. 	<ul style="list-style-type: none"> DEC investigates and requires polluters to perform work under an enforceable legal agreement. When polluters are unable or unwilling to sign a legal agreement, DEC undertakes the cleanup and sues the polluters for the costs of cleanup.
<ul style="list-style-type: none"> If a brownfield site is determined to be a significant threat to public health and/or the environment, DEC chooses the remedy that will address those threats. Approximately half the sites in the Brownfield Program are a significant threat. 	<ul style="list-style-type: none"> Sites that pose a significant threat to public health or the environment are added to the Registry of Inactive Hazardous Waste Disposal Sites. Unlike the brownfield program, only significant threat sites are addressed under the State Superfund program.
<ul style="list-style-type: none"> A Brownfield Cleanup project is not declared complete until the site is no longer a significant threat. 	<ul style="list-style-type: none"> A State Superfund project is not declared complete until the site is no longer a significant threat.
<ul style="list-style-type: none"> If an applicant violates their agreement, regulations or DEC-approved work plans, DEC requires corrective action, potential fines, and enforcement can also result in termination of the site from the Brownfield Program. 	<ul style="list-style-type: none"> State law imposes enforceable environmental liability on polluters and other responsible parties at hazardous waste sites. Enforcement actions may include fines, corrective action, and recovery of cleanup costs.
<ul style="list-style-type: none"> Public participation (fact sheets, comment periods) is required during key stages. 	<ul style="list-style-type: none"> Public participation (fact sheets, comment periods) is required during key stages.
<ul style="list-style-type: none"> Statute: ECL Article 27 – Title 14 Regs: 6NYCRR 375-1, 3 and 6 Guidance: DER-10, DER-31, DOH’s Soil Vapor Intrusion Guidance, among others 	<ul style="list-style-type: none"> Statute: ECL Article 27 – Title 13 Regs: 6NYCRR 375-1, 2, 4 and 6 Guidance: DER-10, DER-31, DOH’s Soil Vapor Intrusion Guidance, among others

Brownfield Cleanup Program (BCP)

State Superfund Program (SSF)



Carman Place C130250

Former NuHart Plastic Manufacturing 224136

All sites are cleaned up to the same use levels, like these housing projects



Standard Gage and Coal Storage C314131

Batavia Iron and Metal Co., Inc. 819018

No cleanup is declared complete until it is no longer a significant threat, like these former industrial sites



Greenpoint Ferry Site C224272

Onondaga Lake Mercury Sediments 734030

All site cleanups conform to state and federal standards, like these waterfront green spaces



459 Smith Street C224012B

Northrop Grumman-Bethpage Facility 130003A

Soliciting public feedback is a key component of all cleanups