

ENVIRONMENTAL AND ENERGY INFORMATION MEMO

OCTOBER 17, 2025

DEC Issues Revised Brownfield Cleanup Program Application

On Oct. 15, 2025, the New York State Department of Environmental Conservation (NYSDEC) issued a revised Brownfield Cleanup Program (BCP) application. In sum, NYSDEC added additional requirements to Section II of the BCP application (also labeled “Project Description”) and supplemented application instructions to cover the newly added requirements.

Question three of Section II asks whether the applicant will submit draft work plans with the BCP application. When NYSDEC receives a complete BCP application, the application (and any draft work plans submitted with it), undergo a 30-day public comment period. NYSDEC added instructions to question three to clarify that work plans submitted during the completeness review phase—after the BCP application is submitted and under review by NYSDEC—will require a separate public comment period and will not be released for comment with the BCP application.

NYSDEC modified question four of Section II to require applicants to work administrative and financial deadlines into BCP project schedules, likely to steer applicants into submitting more realistic project timelines. Notably, the supplemental instructions require that applicants submit “a full project schedule with all key milestones” and include “any interim or final funding deadlines with the corresponding BCP milestone(s) . . . that [applicants] should be considering in order to meet [their] remedial work planning goals.” Moreover, applicants are now responsible for factoring into their project timelines “appropriate review times for [NYSDEC/New York State Department of Health] staff for each submittal,” or 45 days for each submittal per NYSDEC regulations (or longer if significant revisions are required).

Further, NYSDEC added questions five and six to Section II to require applicants to consider Green and Sustainable Remediation (GSR) and Climate Resilience principles—in other words, how a project considers all environmental effects of remediation efforts and how the applicant plans to minimize the environmental footprint of those effects. Question five requires applicants to attach a report describing how GSR and Climate Resilience principles will be evaluated and incorporated throughout all remedial phases of the project. Question six—only applicable to projects starting in the remediation stage—requires the applicant to complete and attach a climate change screening or vulnerability assessment.

NYSDEC is now accepting BCP application submissions via a site control dropbox instead of email submissions, though applicants can also submit application materials on an external hard drive via ground mail.

Prospective applicants who are interested in joining the BCP must take care to comply with the revised application requirements. If not, NYSDEC may deem the application incomplete and require a revised submission.

For more information, please contact **Charles Grieco**, **Robert Tyson** or the Bond attorney with whom you are regularly in contact.

