

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
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Transmitted Via Email

July 20, 2023

Re: 2023 Milestones for Certificates of Completion, Affordable Housing
Deadlines and Request for Respectful Interactions with NYSDEC staff

Dear Brownfield Cleanup Program Applicants, Consultants, and Attorneys:

As the Director of the Division of Environmental Remediation for the New York State Department of Environmental Conservation (NYSDEC), I thank you all for your effort and time working to investigate and remediate contamination at Brownfield Cleanup Program (BCP) sites across New York State. The BCP program continues to grow and our staff of engineers, geologists, and other environmental professionals work day-in and day-out to review submissions of work plans, reports and respond to requests to expedite reviews and approvals as best we can.

I also know that for many of our BCP sites in New York City that have a planned affordable housing component, the City's expiring 421-a tax benefit program requires remediations to finish and buildings to be occupied in less than three years-time. Furthermore, financing or other deadlines and approvals from other local, state or federal agencies sometimes requires NYSDEC to approve work plans or remedial decisions on specific timeframes. The NYSDEC tries our best to work with BCP applicants to meet these timeframes and appreciates open and direct communication from your teams to NYSDEC project managers and project attorneys when these issues arise. A list of key milestones that each BCP site must achieve is attached.

Unfortunately, I have been made aware of several instances over the past several months where BCP applicants, consultants, and attorneys have been disrespectful towards NYSDEC staff: demanding actions in unreasonable timeframes; yelling or belittling staff in meetings; and not showing staff the respect and professional decorum they deserve. Please note, that should behavior like this continue, it will be documented and could be a basis for a site to be terminated from the BCP. To the vast majority of BCP applicants, consultants and attorneys that treat NYSDEC staff with respect during each interaction, thank you and please know this warning is not directed at you.

Currently, NYSDEC is tracking 107 Certificate of Completions (COC) for 2023, 69 of which are in New York City. The critical path milestones for key submittals are the same as in previous years and detailed below. Failure to make timely submissions that adhere to this schedule may not provide sufficient time for the COC to be issued by December 31st. Accordingly, absent unusual circumstances, submissions after the dates set forth

below may preclude the issuance of the COC by December 31st and may affect the timing or availability of any tax credits to which you may be entitled.

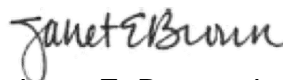
It is important to note that compliance with this schedule enhances the opportunity for the COC issuance but is not a guarantee that a COC will be issued on or before December 31. NYSDEC will make its best efforts to complete the required reviews and issue a COC; it is incumbent on the applicants, their consultants and their attorneys to ensure that their projects meet the milestones listed below.

ACTION	LAST DATE FOR ACTION
Environment Easement (EE) Package, to include: <ul style="list-style-type: none"> • Draft Easement • Title Report submitted • Site Survey 	May 1, 2023 If changes to EE from the template are requested, they must be submitted with a letter detailing the changes and reasons. June 1, 2023 If EE follows the template.
Draft Site Management Plan (SMP) Submitted	August 1, 2023
<ul style="list-style-type: none"> - Construction Completed - Approvable Final SMP* - Submittal of electronic data in EQulS format - Environment Easement Executed - Draft Final Engineering Report (FER) Submitted 	October 1, 2023
Environmental Easement Recorded and Notices Provided	October 15, 2023
FER submitted in final form	November 15, 2023

**SMP finalized and approved once recorded EE is appended to it*

Thank you for your attention to this important matter.

Sincerely,



Janet E. Brown signing for
 Andrew Guglielmi, Director

Attachment

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Key BCP milestones to achieve a Certificate of Completion (COC) include, but are not limited to:

- Executed Brownfield Cleanup Agreement (BCA)
- Submission, review and approval of a Citizen Participation Plan
- Submission of a draft Remedial Investigation Work Plan (RIWP)
- RIWP public notice and 30-day comment period*
- RIWP review and approval
- Remedial Investigation field work
- Remedial Investigation data lab analysis and validation
- Submission, review and approval of a Remedial Investigation Report (RIR)
- Supplemental Remedial Investigation work, if necessary for complete delineation
- Significant Threat Determination
- RIR Fact Sheet
- Submission of a draft Remedial Action Work Plan (RAWP)
- cursory review of RAWP by DEC and DOH to ensure adequate for public notice
- RAWP public notice and 45-day comment period*
- Detailed review of RAWP by DEC and DOH
- RAO/Remedy review with DOH
- Draft Decision Document and review process
- RAWP approval and signed Decision Document
- Remedial Design (if applicable)
- Remedial Action (RA) begins Fact Sheet
- RA occurs
- Environmental Easement (EE) submitted, executed and recorded (if applicable)
- Submission, review and approval of a Site Management Plan (if applicable)
- Submission of Electronic Data Deliverables (EDDs)
- Submission and review of Draft Final Engineering Report (FER)
- FER Fact Sheet
- COC issued / FER Approval
- COC Fact Sheet

**Fixed timeframe that is required by statute.*