OFFICE OF BROWNFIELDS
Department of Toxic Substances Control · Cleanup In Vulnerable Communities Initiative

Round 1 ECRGrantees

ECRG AMENDMENT ECRGenius

Equitable Community Revitalization Grant

February 13, 2024

Key Terms

Amendment or Amendment Request
- •Budget Amendment
- •Time Extension
- Minimum % spend (reimbursement requests approved for payment)
- Original ECRG Agreement allocation
- Current balance of ECRG Agreement (balance after **reimbursement requests <u>approved</u> for payment**)
- New requested amount
- ECRG Tasks –Terminology to define ECRG activities
- Quarterly Expenditure Plan– Excel table to be submitted by the ECRGrantee - Table in Fluxx that outlines ECRG Tasks, Schedule and budget for current balance and new requested amount
- ECRG Agreement – original agreement signed by DTSC and the ECRGrantee
- ECRG Agreement Amendment –amendment to the original ECRG Agreement
- funding priority = place in line
- Projects funded in order of Fluxx timestamp and eligibility confirmation

Meeting Guidelines

By participating in this meeting you understand that:

- This meeting is being recorded.

- You may be muted for background noise.

- The chat feature will be used to distribute information and accept feedback to be read during the Q&A period.

- This meeting is about the Equitable Community Revitalization Grant. We will not be able to address other topics.

Language and Captions

- Simultaneous audio interpretation is available through Zoom

- Click the interpretation icon at the bottom of your screen or Zoom app to select language

- **In order to hear the session, you must select a language**

- If you're calling by <u>phone only</u> and would like Spanish audio interpretation, please call: (877) 917-6178, enter code 4180779#

- Spanish translated presentation slides are available on the meeting announcement

- Automated closed captions have been enabled

- You can turn them off by clicking the "CC" icon or moving the captions box

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What is the schedule?

- Begin preparing for Amendment Request immediately

- Begin accepting Amendment Requests in March time frame

- Amendment Requests must be submitted at least 60 days prior to the end of grant term

- Since the grant term end date is different for every ECRGrantee, application period will close September 30, 2024

- Available funds may be fully allocated before September

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Am I eligible to apply for an Amendment?

- Submit the Amendment Request at least 60 days prior to the end of your existing grant term

- Meet the minimum percent spend requirements

- Demonstrated responsiveness to ECRG Portfolio Manager and Regulatory Oversight Agency; unresponsiveness will be found if ECRGrantee:
  - Unresponsive to 2 consecutive email requests from Portfolio Manager or regulatory oversight agency
  - Unresponsive to 3 requests from regulatory oversight agency over the last 6 months

- ECRGrantees cannot average the percentage spend over multiple grants to meet the spend down criteria

- Only one request per ECRGrantee organization*

- One-time Amendment per ECRG Agreement*

*Subject to change

Am I eligible to apply for an Amendment?

Minimum Percent Spend by Request Submittal Date *(reimbursements approved for payment)*	Time Extension Only	Budget Amendment Only	Time Extension & Budget Amendment
Investigation and Cleanup Grants			
0% - 24.9%	6 months	No funds	6 months only
25.0% - 29.9%	6 or 12 months	$20k-$200k (includes automatic 6-month extension)	6 or 12 months + $20k-$200k
30.0% - 49.9%	6, 12, or 18 months	$20k-$200k (includes automatic 6-month extension)	6, 12, or 18 months + $20k-$200k
50.0% and up	6, 12, or 18 months	Maximum Grant Amount (includes automatic 6-month extension)	6, 12, or 18 months + Maximum Grant Amount
Community Wide Assessments			
25.0% and up	6 months	Maximum Grant Amount, (with a minimum $5,000 request, includes automatic 6-month extension)	6 months + Maximum Grant Amount (with a minimum $5,000 request)

Minimum percent spend based on reimbursement requests that have been approved for payment

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What ECRG Tasks can I request an Amendment for?

1. ECRG Tasks within the current grant type

2. ECRG Tasks are *confirmed* and ready for implementation, or *in progress* and fully planned

3. ECRG Tasks will be implemented within the amended grant term

4. Gap funding for continuing ECRG Tasks already approved by regulatory oversight agency

5. New ECRG Tasks requested by Portfolio Manager or regulatory oversight agency

6. Cannot apply for additional project management allocation

    a.   approved Round 1 unspent project management allocation is allowed*

7. Follow ECRG Round 1 Guidelines

Consequences of failure to achieve proposed plan are addressed in a revised Noncompliance and Termination section of the ECRG Agreement Amendment - applies to Current balance of ECRG Agreement (reimbursement requests that have been approved for payment) and new requested amount

* Should be included in Quarterly Expenditure Plan

What are some important things to know before I decide to apply?

1. Amendment request's Quarterly Expenditure Plan will include the *new requested amount* <u>AND</u> the *current balance* of your ECRG Agreement

    a. Current balance is the original grant amount minus the reimbursement requests <u>approved</u> for payment

2. For time-only extensions, include a Quarterly Expenditure Plan for remaining current balance of your ECRG Agreement

3. Requests should be for *investigative and cleanup related activities* that will be implemented with a high level of confidence within the proposed timeframe

4. Since ECRG funding will be expiring, non-performance may result in Noncompliance Notices and/or early termination of the ECRG Agreement

5. ECRG Portfolio Managers will not be able to support expedited reimbursement requests while the Amendment applications are being accepted

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What are the Amendment application questions?*

Minimum % Spend by Request Submittal Date *(reimbursements approved for payment)*	Time Extension Only	Budget Amendment Only	Time Extension & Budget Amendment
Investigation and Cleanup Grants			
0% - 24.9%	6 months	No funds	6 months only
25.0% - 29.9%	6 or 12 months	$20k-$200k (includes automatic 6-month extension)	6 or 12 months + $20k-$200k
30.0% - 49.9%	6, 12, or 18 months	$20k-$200k (includes automatic 6-month extension)	6, 12, or 18 months + $20k-$200k
50.0% and up	6, 12, or 18 months	Maximum Grant Amount (includes automatic 6-month extension)	6, 12, or 18 months + Maximum Grant Amount
Community Wide Assessments			
25.0% and up	6 months	Maximum Grant Amount, (with a minimum $5,000 request, includes automatic 6-month extension)	6 months + Maximum Grant Amount (with a minimum $5,000 request)

*subject to change until final application opens

1. Is this request less than 60 days prior to the end of your grant term?

2. Have you been unresponsive to 2 consecutive email requests or 3 requests from your environmental regulator or Portfolio Manager over the last 6 months?

3. Which of the following minimum % spend categories applies to this request (see table to the left) on the date of submission?

4. Are you requesting additional funds
   a. What is the remaining current balance of your ECRGrant?
   b. What is the new request amount for additional funding?
   c. What is the sum of the original grant funding allocation plus the new requested amount?
   d. Why was the new requested amount not included in the original ECRG application?

5. Describe why you need a Time Extension, Budget Amendment, or both? Include the barriers that prevented you from meeting your original ECRG Task commitments and how those have been resolved.

6. Describe the "confirmed" ECRG Tasks which are regulatorily approved and/or under contract with a reasonable schedule date with no barriers to completion as proposed in the Amendment Request. Describe the provisions in place to ensure that Quarterly Expenditure Plan will be on schedule and funding will be utilized as proposed.

7. Describe the "in progress" ECRG Tasks which are fully planned, awaiting approvals and/or contracts with a reasonable schedule date with barriers to completion resolved or close to resolution as proposed in the Amendment Request. Describe the provisions in place to ensure that Quarterly Expenditure Plan will be on schedule and funding will be utilized as proposed. Include where you are in the planning process, approvals needed, barriers to completion, and how they will be addressed.

8. Include a Quarterly Expenditure Plan with ECRG Tasks, schedule, and costs for current balance of your ECRGrant plus new request amount, if applicable.

How can I make sure my Amendment Request is eligible?*

Question #1: Is this request less than 60 days prior to end of your grant term? Ineligible if yes, response subject to verification.

Question #2: Have you been unresponsive to 2 consecutive email requests or 3 requests from your environmental regulator or Portfolio Manager over the last 6 months? Ineligible if yes, response subject to verification.

Question #3: Which of the following minimum % spend categories applies to this request on the date of submission? Ineligible if incorrect.

Question #4: Are you requesting additional funds?
  a. What is the remaining current balance of your ECRGrant? Informational.
  b. What is the new request amount for additional funding? Ineligible if amount is over total allowable for grant type.
  c. What is the sum of the original grant funding allocation plus the new requested amount? Informational.
  d. Why was the new requested amount not included in the original ECRG application? Informational.

Question #5: Describe why you need a Time Extension, Budget Amendment, or both? Include the barriers that prevented you from meeting your original ECRG Task commitments and how those have been resolved. Ineligible if barriers described do not include a resolution.

Question #6: Describe the "confirmed" ECRG Tasks which are regulatorily approved and/or under contract with a reasonable schedule date with no barriers to completion as proposed in the Amendment Request. Describe the provisions in place to ensure that Quarterly Expenditure Plan will be on schedule and funding will be utilized as proposed. Ineligible if confirmed tasks cannot be verified.

Question #7: Describe the "in progress" ECRG Tasks which are fully planned, awaiting approvals and/or contracts with a reasonable schedule date with barriers to completion resolved or close to resolution as proposed in the Amendment Request. Describe the provisions in place to ensure that Quarterly Expenditure Plan will be on schedule and funding will be utilized as proposed. Include where you are in the planning process, approvals needed, barriers to completion, and how they will be addressed. Ineligible if tasks cannot be verified or if barriers are not resolved.

*subject to change until final application opens

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How can I make sure my Quarterly Expenditure Plan is eligible?

Question #8:

1. Includes current balance of your ECRG Agreement plus new requested amount

2. For Amendment Requests <u>over</u> $200,000, at least 50% of the funds requested are "confirmed"

3. For Amendment Requests <u>under</u> $200,000, at least 30% of the funds requested are "confirmed"

4. No travel or ECRGrantee project management is proposed

   a. inclusion of previous approved unspent allocation is allowable but will not count towards the 50% and 30% requirement

5. ECRG Tasks are requested by Portfolio Manager or regulatory oversight agency or are associated with implementation of regulatorily approved workplans

6. Schedule is supported by the regulatory oversight agency

7. Information provided in request meets ECRG Round 1 Guidelines

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How do I apply?

1. Confirm that you meet general eligibility requirements
2. Confirm the existing grant term end date for your specific ECRGrant
3. [Set up a meeting](#) with the Brownfields Technical Assistance Provider, CCLR*
4. Consult with DTSC Portfolio Manager*
5. Coordinate with your contractors on the proposed work and schedule
6. Consult with Regulatory Oversight Manager
7. Develop your ECRG Task schedule and Quarterly Expenditure Plan
8. Start your Fluxx application as soon as possible
9. **Ask for a pre-submittal review by CCLR** *
10. If requesting funding, submit your request as soon as Fluxx opens to ensure your place in the "first come, first serve" line for eligible applications

*Neither CCLR nor Portfolio Managers can guarantee funding decisions

Final eligibility confirmation made by evaluation of submitted Amendment Request content Meetings will be

scheduled as time allows

Staff are not responsible for ensuring funds are available for grantees post-Portfolio Manager meetings

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Quarterly Expenditure Plan

Time After Amendment Granted [dropdown]	ECRG Task [dropdown]	Total Funding per Task within a Quarter	Task Status [dropdown]
Quarter 1 (0-3 months)	Investigation Workplan and Fieldwork	$ 50,000.00	Confirmed
Quarter 1 (0-3 months)	Investigation Report	$ 10,000.00	Confirmed
Quarter 2 (4-6 months)	Cleanup Plan	$ 10,000.00	Confirmed
Quarter 3 (7-9 months)	Cleanup Implementation/Fieldwork	$ 20,000.00	In Progress
Quarter 4 (10-12 months)	Cleanup Implementation/Fieldwork	$ 20,000.00	In Progress
Total Funding Amount (not Including Grant Project Management)		$ 60,000.00	
Grant Project Management (5% of original ECRG Agreement allocation)*		$ 20,000.00	
Grant Project Management Spent To-Date*		$ 15,000.00	
Grant Project Management Left to Spend*		$ 5,000.00	
Current Balance of ECRG Agreement + New Requested Amount*		$ 65,000.00	

* These categories may be updated upon the release of the amendment. The future slide deck will be updated to reflect the changes.

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Quarterly Expenditure Plan
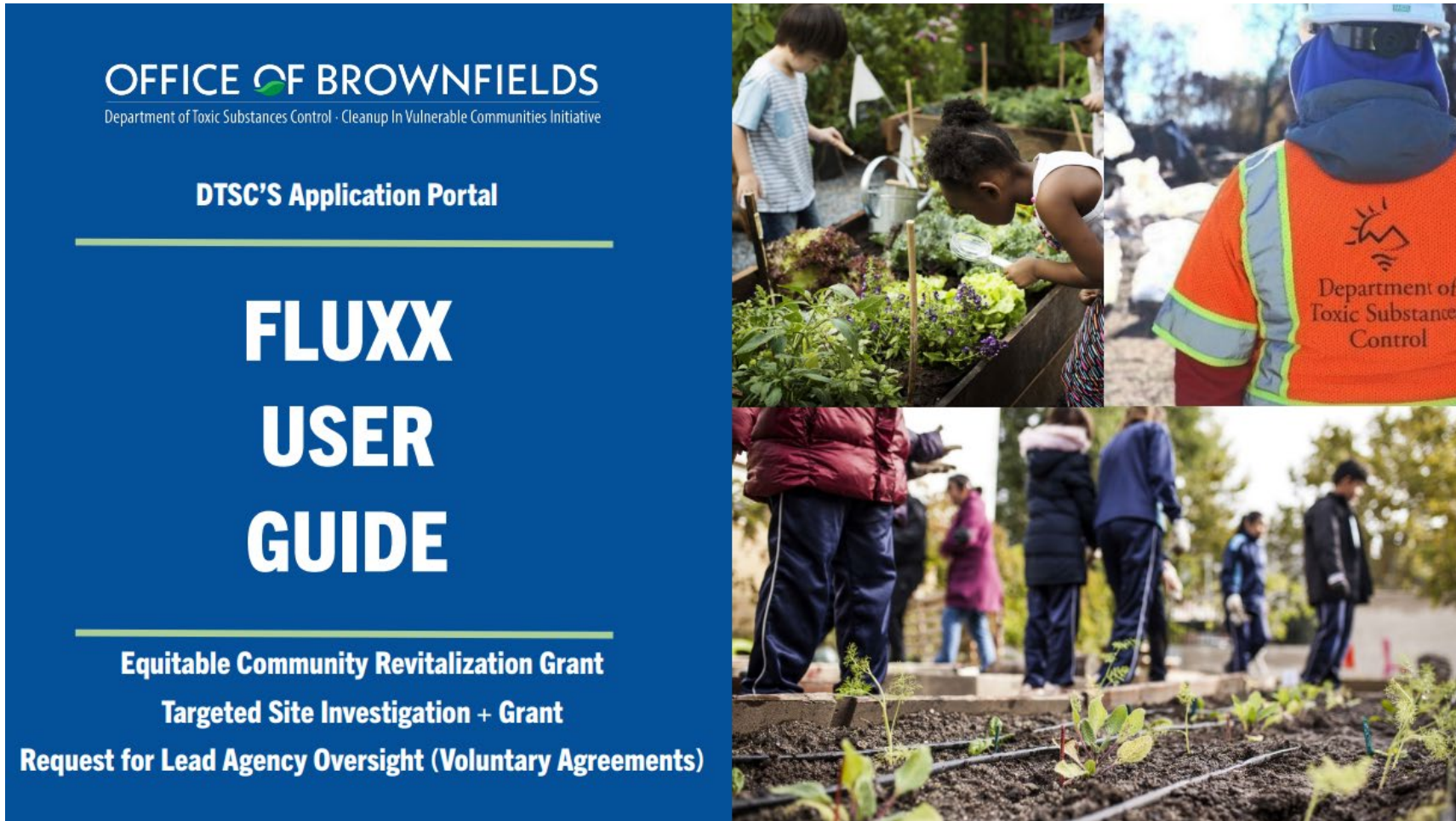
1. ECRG Tasks – these are eligible tasks listed in [ECRG Guidelines](#) (page 97-98, not including Grant Project Management)

2. Total Funding per Task within a Quarter – this is the total funding per task including the current balance of your ECRG Agreement and your new requested amount

3. Task Status
   a. Confirmed: Regulatorily approved and/or under contract with a reasonable schedule date with no barriers to completion as proposed in the Amendment Request
   b. In Progress: Fully planned, awaiting approvals and/or contracts with a reasonable schedule date with barriers to completion resolved or close to resolution as proposed in the Amendment Request

4. Note that your original grant allocation and percent spent to-date (amount approved for reimbursement) will show on the Amendment form itself for reference

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Fluxx Application

Fluxx Guide

https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/10/DTSC-Fluxx-User-Guide.pdf

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Access DTSC's Application/Grant Portal (Fluxx)
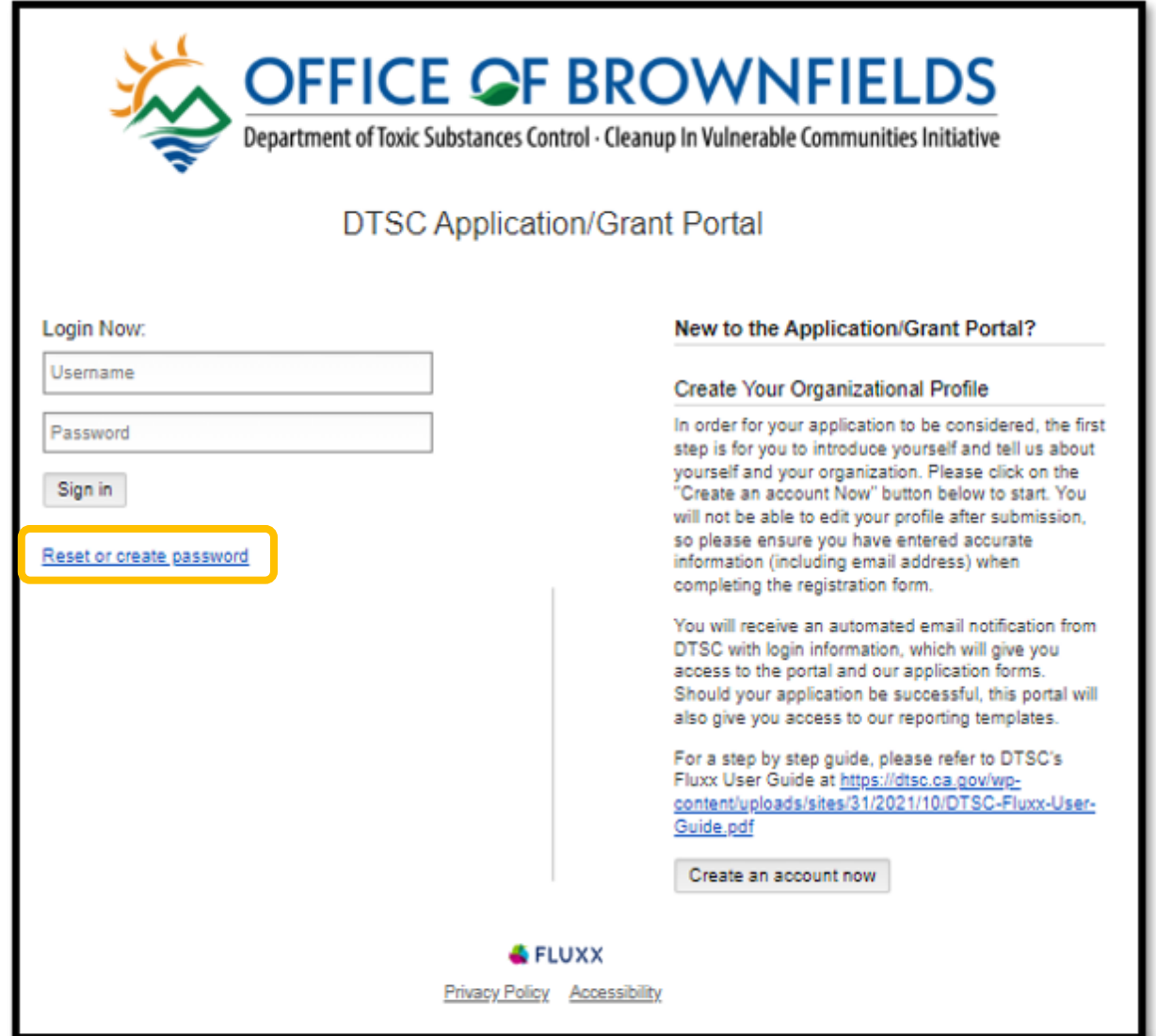
o Visit dtsc.fluxx.io to access DTSC's Application Portal.

o Click Reset or create password to reset password if needed

# Access Your ECRG Grant Record

○ Navigate the Portal using the menu bar on the left side

○ Find Grants and select Active to access the Grant Record for which you need an ECRG Agreement Amendment Request

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Where to Apply for an ECRG Amendment Request

o Create the ECRG Agreement Amendment Request in Fluxx by navigating back to the grant record and clicking the Request Amendment button at the top right corner

o A dialog box will appear, click Amendment and the Request Amendment form will appear
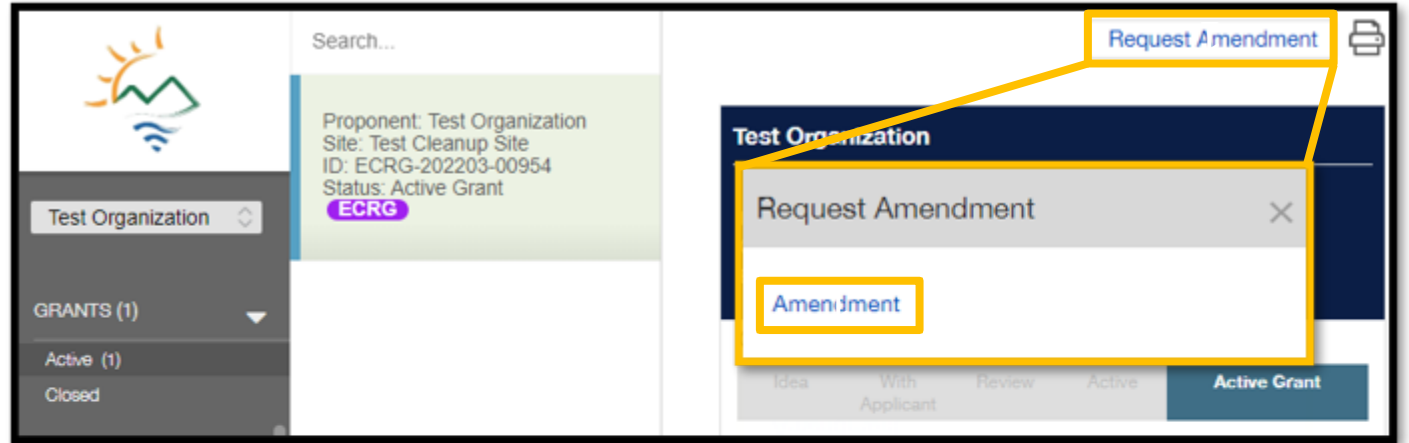
Note that this presentation will be updated to include screenshots from Fluxx for the entire ECRG Amendment Request at a later date

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How are the decisions going to be made?

- Funding decisions are based on Fluxx submission timestamp for eligible applications

- Requests reviewed for eligibility as they are received

- Approvals:
  - ECRG Agreement Amendment will be processed for signatures
  - ECRG Agreement Amendment must be signed within 10 calendar days of DocuSign generation

- Denials:
  - Issues resulting in a denial determination may be provided a one-time opportunity to resolve
    - Only if funding is available after eligible applications submitted with an earlier time-stamp are approved
  - Resubmit request within 10 calendar days if the issue can be resolved
  - **Original funding priority will be maintained** for resubmissions within 10 calendar days
  - Resubmission will be reviewed for a final determination one time
  - Determination is final, and there is no appeal process
  - ECRGrantee may submit a new request after 10 calendar days (with new funding priority)

- If submitted simultaneously, original Round 1 ECRG Application scores will be used as a tie-breaker

- DTSC reserves the right to disperse available funds as deemed appropriate

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What's the funding situation?

- Currently, ECRG has approximately ~$10M for amendments

- Funding availability is subject to change at any time

- Total funding cannot exceed maximum amount for grant type

Grant Type	Round 1 Maximum Grant Amount
Community-Wide Assessment	$ 300,000.00
Site-specific Environmental Investigation	$ 3,000,000.00
Site-specific Environmental Cleanup	$ 7,000,000.00

- Requests must align with the minimum percentage spend requirements

- To maximize benefit to the greatest number of ECRGrantees, depending on the number of eligible requests received and funding available, the Office of Brownfields may adjust proposed ECRG Tasks and reduce new request amounts for funding.

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How will my current ECRG Agreement be amended?

NONCOMPLIANCE AND TERMINATION* *(continued on next slide)*

17.1   In the event GRANTEE fails to comply with any term, condition, or obligation of this AGREEMENT, GRANTEE shall be deemed in noncompliance of this AGREEMENT. Events by which GRANTEE shall be deemed to be in noncompliance include, but are not limited to, the following:

a.   GRANTEE fails to timely respond, no later than sixty (60) days, to DTSC requests made in connection with this AGREEMENT or ECRG funding

b.   GRANTEE fails to timely respond, no later than sixty (60) days, to regulatory entities providing oversight for the Site

c.   GRANTEE makes or submits any fraudulent, false or misleading warranty, representation, statement or material in, or in connection with, this AGREEMENT or the ECRG Agreement Amendment Request

d.   GRANTEE fails to provide complete or timely Quarterly Reports

e.   GRANTEE makes changes to the Proposed Reuse without prior review and written approval by DTSC or that cause the Site to no longer meet eligibility criteria for ECRG funding

f.   GRANTEE fails to complete the ECRG Tasks within the extended funding period required by this AGREEMENT

g.   GRANTEE fails to provide notification of change in Site ownership without the required notification in Section 13, and fails to obtain advance written DTSC approval for continued ECRG eligibility

Provisions subject to change until an Amendment is awarded to eligible Grantees

How will my current ECRG Agreement be amended?

NONCOMPLIANCE AND TERMINATION* *(continued from previous slide)*

h. GRANTEE fails to inform DTSC of any current conflicts of interest or fails to inform DTSC that a conflict of interest has arisen within seven (7) calendar days of GRANTEE learning of the conflict of interest.

i. GRANTEE fails to submit the first reimbursement request within one hundred and eighty (180) days of the date of this AGREEMENT

j. GRANTEE is unable to meet and fully comply with the terms of this AGREEMENT and the ECRG Amendment Application and Guidelines

k. GRANTEE fails to cooperate with DTSC requests in connection with ECRG funding

17.2 In the event that GRANTEE fails to comply with the terms of this AGREEMENT or the ECRG Amendment Application or Guidelines, DTSC shall provide written Notice of Noncompliance to GRANTEE.

a. The Notice of Noncompliance shall provide a reasonable time for GRANTEE to respond, not less than ten (10) calendar days from the date of the notice. GRANTEE will cure or request an extension not less than sixty (60) days from Notice of Noncompliance.

b. If GRANTEE fails to cure the noncompliance to the satisfaction of DTSC within the time period prescribed in the Notice of Noncompliance, DTSC may terminate the AGREEMENT and pursue any remedies available at law or in equity, including reimbursement of the funds DTSC has provided GRANTEE.

17.3 If GRANTEE is in noncompliance, DTSC may immediately withhold from GRANTEE all or any portion of ECRG funding until such time the noncompliance is cured pursuant to this AGREEMENT.

Provisions subject to change until an Amendment is awarded to eligible ECRGrantees

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How will I be held accountable for the new commitments?

- Strict quarterly tracking of approved ECRG Task schedule and Quarterly Expenditure Plan

- If commitments are not met:

  o First missed deadline: ECRG Agreement Noncompliance Notice and opportunity for correction

  o Second missed deadline: Possible rescinding of all funding due to nonperformance

Applies to Current balance of ECRG Agreement (reimbursement requests that have been approved for payment) and new requested amount included in Quarter Expenditure Plan

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What's next?

- Evaluate your current ECRG project

- Work with your environmental consultant and regulator to develop or update your project plan

- Send in your reimbursement requests early

- Confirm your remaining balance

- Once you have drafted an approach [contact CCLR](#) for assistance

- Make an appointment to discuss your proposal with your Portfolio Manager

- Keep an eye out for the ECRGoodMorning with the application open date

- Apply!

Note: Until the Amendment Guidelines are final, minor changes and adjustments may be made; however, the information needed to prepare an application will generally remain the same

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ECRG Who's Who

- Regulatory Agency Project Manager*: Directs all technical decisions for investigations and cleanup
  - DTSC
  - Water Board
  - Local Agency

- Portfolio Manager: Office of Brownfields manager assigned to each ECRGrant for coordination, reimbursements, troubleshooting, and general support
  - Rana Georges – ECRG Portfolio Manager rana.georges@dtsc.ca.gov
  - Sarah Larese – ECRG Portfolio Manager sarah.larese@dtsc.ca.gov
  - Greg Shaffer – ECRG Portfolio Manager gregory.shaffer@dtsc.ca.gov
  - Doris Nguyen – ECRGrant Execution Support Manager doris.nguyen@dtsc.ca.gov

- CCLR: Contracted by Office of Brownfields to provide deep support to ECRGrantees and potential applicants. Schedule a meeting with CCLR through Calendly
  - Sebastian Harrison – sebastian.harrison@cclr.org
  - Janet Naito – janet.naito@cclr.org
  - Jim Bergdoll – Jim.Bergdoll@cclr.org
  - Ignacio Dayrit – ignacio.dayrit@cclr.org

- Not required for CWAs

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Questions and Answers

Question and Answer Instructions

- **Zoom Audio:** Use the "raise hand" feature and you will be invited to unmute your audio when it is your turn.

- **Zoom phone line:** Press *9 to join the phone queue. The facilitator will say the last 4 digits of your phone number when it is your turn. Press *6 to unmute your line.

- **Text only:** Use the Chat feature to have your question read by the facilitator.

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