SITE CLEANUP SUBACCOUNT PROGRAM FREQUENTLY ASKED QUESTIONS

ELIGIBILITY

- Who is a Responsible Party?
  - Potential responsible parties include current or former property owners, business owners, business operators, and parties otherwise responsible for the release or discharge.
  - Questions about whether a person has been named as a responsible party should be directed to the applicable regulatory agency.

- If I apply for a Site Cleanup Subaccount Program (SCAP) grant, will the State Water Board name me as a Responsible Party for this project location?
  - The applicable regulatory agency names responsible parties.
  - The SCAP does not have regulatory duties and does not name responsible parties.
  - With the exception of some public agencies, grant applicants typically are responsible parties. Persons who have not been named as a responsible party should contact SCAP prior to applying for a grant.

- Is a project involving cleanup of a release of petroleum from an underground storage tank (UST) at a site that has received funding from the UST Cleanup Fund, or the Orphan Site Cleanup Fund (OSCF), or the Emergency, Abandoned and Recalcitrant (EAR) Account Program, eligible for SCAP funding?
  - Yes, but the site must be prioritized according to the statutory criteria of the SCAP for human health risk, disadvantaged community status, and cost versus benefit. Other information the State Water Board identifies as necessary for consideration. Consistent with State Water Board Resolution No. 2021-0050 and the Racial Equity Action Plan, and the State Water Board Resolution No. 2024-0023, the State Water Board considers environmental justice by evaluating the most recent CalEnviroScreen score for the project location. Note that a site typically does not receive funding from more than one program at a time. If you have a question about a prospective project, please contact the UST Cleanup Fund, Site Cleanup Subaccount at DFA-SCAP@waterboards.ca.gov.

- If I have a SCAP grant and decide to sell my property, may I assign the grant to the purchaser?
  - No, SCAP grants are not assignable. Please note that selling the property before fully performing the work required under a grant may result in a breach of the grant agreement.

SCAP PRE-APPLICATION PROCESS (GROUNDWATER QUALITY FUNDING)

- Is it important to complete all of the fields in the questionnaire in the Pre-Application?
  - The SCAP requests applicants provide as much information as possible about the proposed project to allow SCAP staff to review the project with less back and forth between SCAP staff and the applicant.
  - Applicants must provide contact information, including a valid mailing address, contact phone, and valid e-mail address where they can receive State Water Board correspondence.

- How can I get help with my Pre-Application?
  - FAAST tutorials are available on the FAAST How-To Videos webpage.
  - If you have a question about a prospective project, please contact the UST Cleanup Fund, Site Cleanup Subaccount at DFA-SCAP@waterboards.ca.gov.

SCAP APPLICATION REVIEW PROCESS

- What additional information will I need to provide during the application process?
  - SCAP will send a Financial Data Request letter to the Responsible Parties, including potential responsible parties that have not been named as responsible parties by the applicable regulatory agency. SCAP uses Responsible Parties' financial information to determine whether they lack sufficient funds for the project.
  - SCAP requests financial documents specific to each individual or type of entity, for example:
    - Individuals – individual income tax returns for the most recent three years
    - Businesses – business income tax returns for the most recent three years; Secretary of State documentation identifying the business and authorized signatories
    - Trusts – income tax returns of the trust and trust documents

    Note that these are only examples; other financial information may be requested.

- If there are multiple Responsible Parties, do all of them need to provide financial information?
  - Yes. All Responsible Parties must lack sufficient financial resources to conduct the response action.

- If there are multiple Responsible Parties and one or more of them does not wish to provide financial data, is the project still eligible?
  - SCAP staff makes every effort to contact all Responsible Parties to obtain their financial information. Failure of one of more Responsible Parties to provide financial information may jeopardize funding of the project.

- How does SCAP evaluate financial information?
  - SCAP staff uses the financial information provided by the Responsible Parties, project budget, and project duration to make a preliminary determination of eligibility and if the Responsible Parties are able to contribute any funds to pay for the project, referred to as ability to pay.
  - SCAP uses the U.S. Environmental Protection Agency's (U.S. EPA) Penalties and Financial Model to evaluate Responsible Parties' ability to afford the projected cost of the project for the duration of the project.
  - SCAP staff also evaluates other information from the Responsible Parties in considering ability to pay, including non-liquid assets, and additional U.S. EPA financial data request forms.
  - SCAP staff informs the Responsible Parties of the results of this analysis in written correspondence.
  - If the State Water Board is unable to determine that the Responsible Parties lack sufficient financial resources to pay for the project, the project is not eligible to receive SCAP grant funding.

- Should I request a grant for the entire life of this project, or for a work phase?
  - Generally, applicants should provide a scope of work and cost estimate to carry out response actions for a period of 18 months, depending on the nature and complexity of the project.

- How long does it take for a project to get approved for funding?
  - The time it takes for an eligible project to get approved for funding varies. Much of the variation in time depends on the following:
    - Responsiveness of the applicant to SCAP staff's information requests;
    - Time needed for the regulatory agency staff to review, concur, or request changes to the proposed scope of work; and
    - Time needed for approval of funding by the Deputy Director of the Division of Financial Assistance.

- What can I do to give my project the best chance at funding?
  - Respond to all requests for information from SCAP staff in a timely manner, as completely and accurately as possible.
  - Keep SCAP staff informed of any work in progress on the project during the development of the grant.
  - Select a reputable consulting company to prepare the scope of work and cost estimate. If this firm is new to the site, be sure that the firm visits the site before developing the cost estimate.

GRANT FUNDING

- When do I get my funds?
  - SCAP does not reimburse grantees for any costs incurred outside the eligible work period indicated in grant agreement.
  - SCAP is a reimbursement program. After the grant agreement is executed, the grantee submits reimbursement requests with invoices for completed work to the SCAP for tasks in the approved scope of work, using pre-populated electronic invoice templates. After SCAP staff reviews and approves the invoice, the grantee receives reimbursement for reasonable and necessary costs of agreed-upon scope of work set forth in the grant agreement.

- Does the SCAP grant pay for regulatory agency oversight costs?
  - SCAP grants will reimburse grantees for regulatory agency oversight costs. During the grant period, the Responsible Party does not pay cost recovery fees for Regional Water Board oversight. Typically, SCAP may reimburse oversight costs charged by other regulatory agencies through the grant agreement.

GRANT RECIPIENT RESPONSIBILITIES

- What happens if my consultant invoices me for work that was not part of the grant agreement, or does not do work that was part of the grant agreement?
  - SCAP cannot reimburse grantees for any costs incurred on work that is not included in the grant agreement. In addition, SCAP cannot reimburse costs that are incurred outside the eligible work period of the grant.
  - If the grant scope of work needs to be amended to add new scope, for which the grant recipient seeks reimbursement, the new scope can be added in an amendment to allow for reimbursement. Amendments require State Water Board approval in advance of conducting the added work. Work outside of the scope of the original grant agreement that is performed before the amendment is executed will not be reimbursed.
  - If a portion of the scope of work is not or cannot be performed, or is not necessary, a Joint Execution Team (JET) meeting is needed to determine whether that portion of the scope of work should be de-funded.

- What happens if the grant period is too short for me to complete the entire project?
  - The JET negotiates the scope, cost estimate, and schedule before the grant agreement is executed to ensure that ample time is provided for the execution of the project. If a schedule overrun is anticipated, the grantee must contact the SCAP immediately (see contact information below on Page 7) and request a JET meeting to discuss the issue before a schedule overrun occurs.
  - SCAP may be able to extend grant end dates with an amendment when unforeseen project delays prevent completion of the grant scope of work as originally scheduled.

FUNDED PROJECTS

- What types of projects have received funding through SCAP?
  - Examples of the types of projects that have been funded by SCAP include the following:
    - Excavation and removal of soils contaminated with chlorinated solvents
    - Identification of contaminant source areas
    - Groundwater cleanups of chlorinated solvents using in-situ treatment
    - Soil and groundwater cleanups of industrial metals plating shops
    - Remedial investigation of potential contaminant source areas
    - Installation, operation, and maintenance of soil vapor extraction or other remediation systems for the cleanup of volatile organic compounds
    - Interim vapor intrusion mitigation and remedial action planning

STAY INFORMED

- Site Cleanup Subaccount Program Website
- Note - to become a member of the SCAP e-mail subscription mailing list and receive announcements about SCAP by e-mail, please take the following steps.
  1. Go to E-mail Subscription Mailing Lists
  2. Click on “State Water Resources Control Board”
  3. Enter your email address as directed, then click “Submit”
  4. Click on the “+” sign next to “Financial Assistance (Grants & Loans)”
  5. Select “Site Cleanup SubAccount Program (SCAP)”
  6. Click “Submit”

CONTACT THE STATE WATER BOARD

Email: DFA-SCAP@waterboards.ca.gov
Phone: 1-800-813-Fund (3863)