

What's New at DTSC's Office of Brownfields?

25th California Unified Program Annual
Training Conference

March 2023

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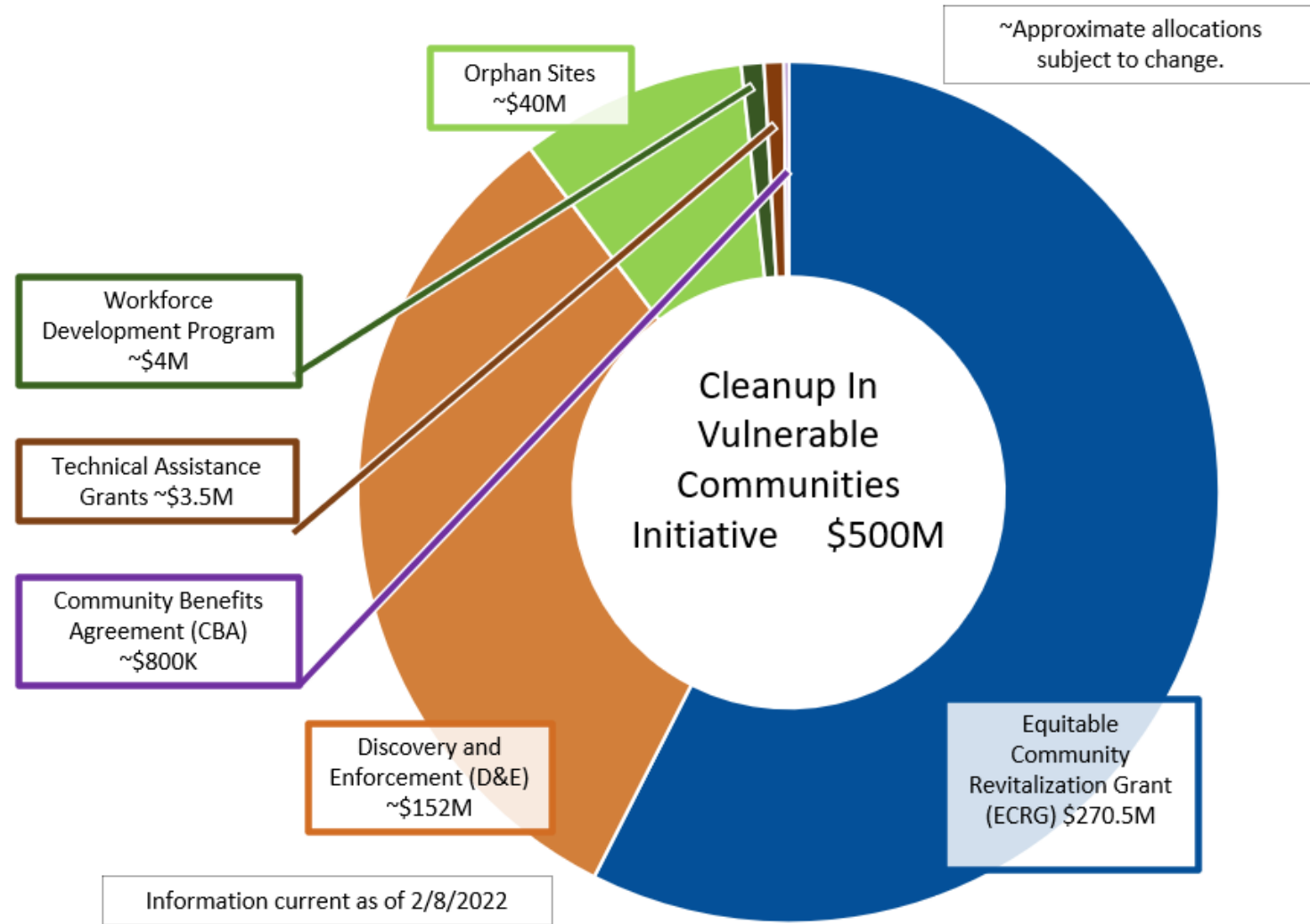
1. Round 2 of the Equitable Community Revitalization Grant
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A photograph of a community garden. In the foreground, there are several raised garden beds filled with dark soil and young green plants. In the background, several people are standing and talking, some wearing jackets, suggesting a cool day. The scene is outdoors with trees and a building visible in the distance.

Equitable Community Revitalization Grant

Cleanup In Vulnerable Communities Initiative

- In 2021, Gov. Gavin Newsom signed the [Cleanup In Vulnerable Communities Initiative \(CVCI\)](#)
- Allocated \$500 million to expedite the cleanup and beneficial reuse of idled properties that may be contaminated
- Prioritized properties in historically vulnerable and disadvantaged communities



Cleanup In Vulnerable Communities Initiative

Program	Funding Allocation	Lead	Purpose	Schedule	Priority Areas	Special Considerations	Anticipated Equitable Outcomes
Equitable Community Revitalization Grant (ECRG)	\$270.5 M	<u>Maryam Tasnif-Abbasi</u>	Provide grants for environmental assessment, investigation to tribes, nonprofits and public entities who own on control land, in underserved communities, that is slated for reuse and revitalization.	Applications will be accepted late January through early April 2022, and decisions on funding made in late spring. Future application schedules will be announced in summer 2022.	Californian communities with CES scores of 75% or higher.	Tribes, rural counties, communities that have recently experienced natural disasters, and other communities that have plans to support a vulnerable and disadvantaged population.	Revitalization of communities through safe recycling of contaminated land, while encouraging and incentivizing equitable development.
Discovery and Enforcement (D&E)	~\$152 M	<u>Rafat Abbasi</u>	To investigate and cleanup environmental releases associated with dry-cleaning operations, with a focus on distressed communities with high pollution burdens and adverse socio-economic conditions.	Environmental evaluations began in summer of 2022.	Californian communities with CES 3.0 scores of 75% or higher and proximity to residential areas, schools, hospitals, child-care facilities or senior centers.	Proximity to sensitive receptors.	Revitalization of communities by investigating and cleaning up sites located in distressed communities that have historically carried high pollution burdens.
Orphan Sites	~\$40M	Various Teams across the state	To investigate sites that pose eminent and substantial endangerment with releases of cancer-causing chemicals and have no financially viable parties to fund the investigation and cleanup.	21 projects have varying schedules.	Sites that have cancer-causing chemicals that may impact drinking water supplies, indoor air, and/or soil. Some sites may pose a threat to community where they are located.	Small business owners/families who do not have financial resources to address environmental issues on their property.	Prevent or minimize exposure from cancer-causing chemicals primarily in communities that have historically carried high pollution burdens.
Workforce Development program	~\$4.0 M	<u>Andres Martinez</u>	To provide job opportunities to communities where CVCI work will be conducted. With support from regional training partners, the program will facilitate certification, education, and trainings to provide a pathway to CVCI-related employment.	DTSC will host community input and outreach meetings in late 2022.	Californian communities with CES scores of 75% or higher.	Environmental Justice communities and Tribal communities.	Provide communities with an opportunities for sustainable employment in the environmental industry by providing local talent with the skillset to safely conduct the work proposed in the initiative.
Technical Assistance Grants	~\$3.5 M	<u>Alexander (Ed) Morelan</u>	Provide grants for a subject-matter expert to build community capacity and knowledge on technical activities performed under DTSC's oversight.	Program in development stages. Tentative schedule for pre-qualification applications expected in Fall 2022. Full roll-out currently anticipated in mid 2023.	Sites with CES scores of 75% or higher, where DTSC is providing regulatory oversight of environmental activities.	Sites with CES scores of 75% or higher, where DTSC is providing regulatory oversight of environmental activities.	Encourages community awareness, education, and engagement on environmental challenges, and facilitates an asset-based community capacity building approach.
Community Benefits Agreement (CBA)	~\$800,000	<u>Mera Golo</u>	Establish a program to integrate Community Benefit Agreements with DTSC's oversight of sites in communities with high environmental burdens and proximity to sensitive receptors, by directing benefits to the affected community that go beyond traditional concepts.	Pilot test of the Community Benefit Agreements is anticipated in 2023	California communities with CES scores of 75% or higher for the pilot program	Tribes, rural counties, communities that have recently experienced natural disasters, and other communities that have plans to support a vulnerable and disadvantaged population	By focusing pilot program efforts on the most impacted communities, DTSC will ensure that the Community Benefit Agreements approach will prioritize and anticipate the needs of areas with the greatest cumulative environmental burdens.

What is the Equitable Community Revitalization Grant ?

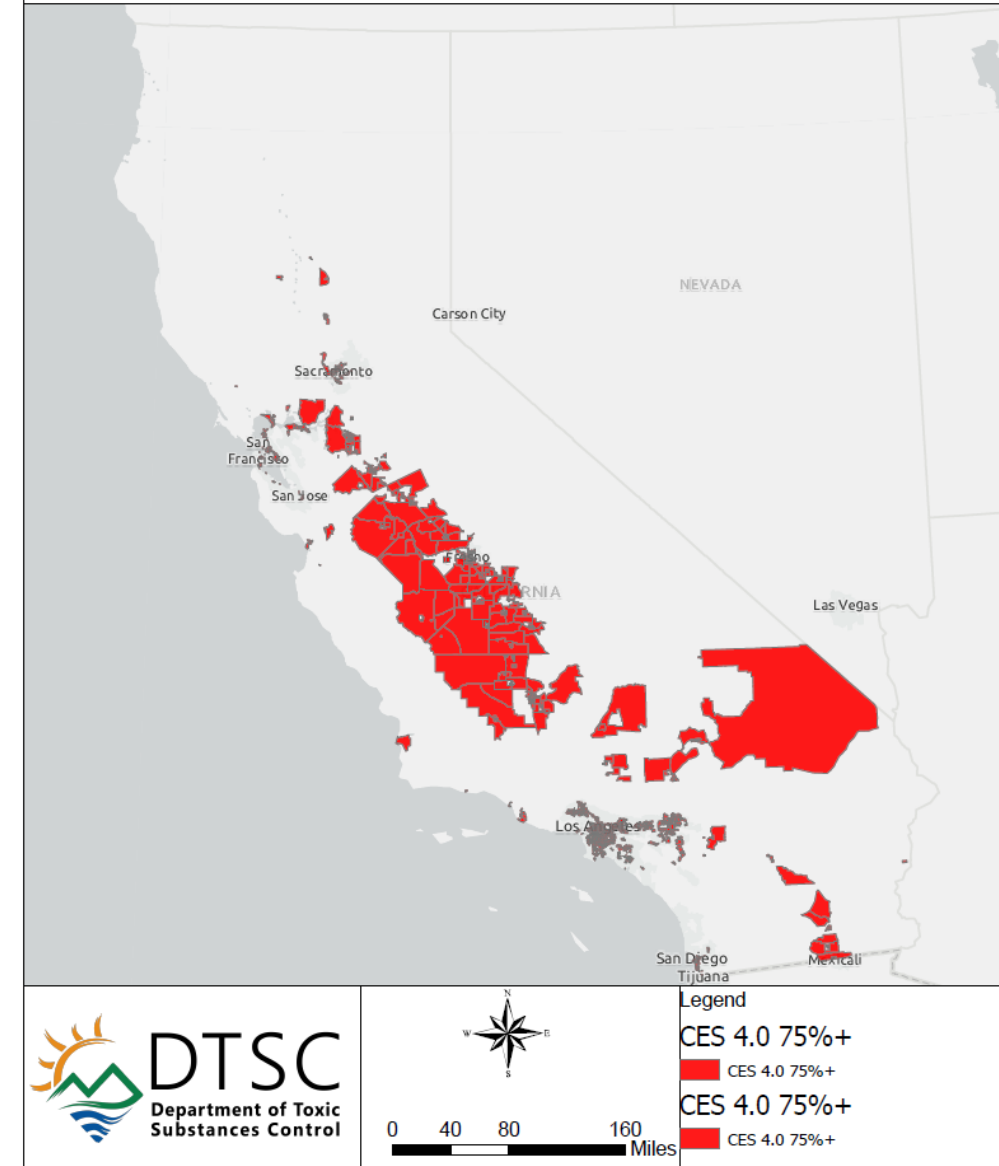
- \$270 million in reimbursement grants
- Currently in second of three rounds
- Incentivize cleanup and investment in disadvantaged areas
- Public entities, nonprofits and Tribes can conduct:
 - Community-wide assessments
 - Environmental investigations
 - Environmental cleanups
- Apply online via a competitive process



How do we define disadvantaged areas?

- Highest priority to [CalEnviroScreen 4.0](#) score of 75% and higher
- Consider applications below the CES score of 75%:
 - only if primary goal is to support a vulnerable population or community

Figure 1 - Statewide
Areas with CalEnviroScreen 4.0
Score Over 75%



What are the ECRG basics?

- Eligible public entities, Tribes and nonprofits may apply for:
 - Community-wide assessments: \$350,000
 - Site-specific investigations: \$150,000-\$7 million
 - Site-specific cleanups: \$150,000-\$10 million
- Reason to believe that site is, or may be, contaminated
- Must have reuse plans that incorporate equity for community
- Regulatory oversight required for investigations and cleanups
- CERCLA liability defense
- Funding term is 2 years
- Payments via reimbursement

ECRG Round 2 Eligibility Highlights

- Distribution centers and uses that have the potential to cause pollution or contamination are ineligible
- Housing projects that do not include affordable units are ineligible
- Meaningful community engagement is required
- Cleanups for sensitive uses i.e., homes, schools, day care centers, and hospitals/clinics, must have chemicals cleaned up to concentrations that do not require deed restrictions or long term operation and maintenance

AWARDEE DATA- JUNE 2022

AWARDEES

53

25 Cleanup
21 Investigation
8 Community Wide Assessment

AMOUNT AWARDED

\$75.4 M

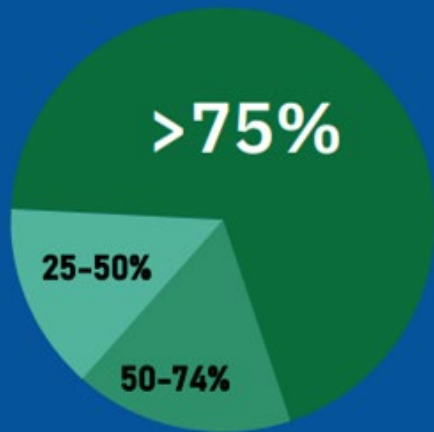
\$57.6M for Cleanup
\$15.7M for Investigation
\$2M for Community Wide Assessment

TOTAL SITES

84

Sites are greater than the total number of applications because Community Wide Assessments contain more than one site.

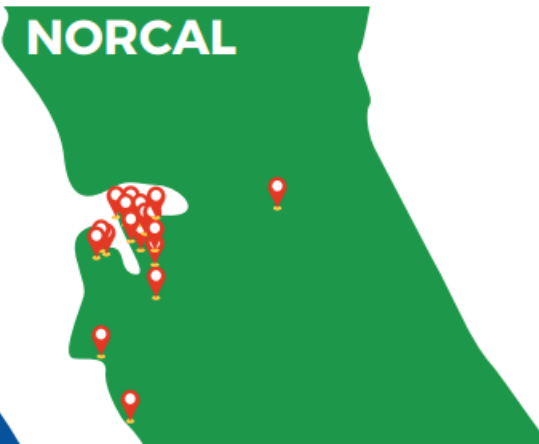
SITE CES PERCENTILE



69% of applications have a CES percentile over 75%



*Maps are not representative of site locations. For a more accurate representation of site locations please visit our [ECRG website](#)



environmental investigation and cleanup. We **EnCouRaGe** you to apply.

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

What are we looking for in ECRG Round 2 Applications?

- ❑ Use the [ECRG Eligibility Self-Check Tool](#)
- ❑ Preference to high CalEnviroScreen score areas
- ❑ High-impact projects that provide community benefits
- ❑ Projects where ECRG funds are critical to move forward
- ❑ Measurable commitments that benefit the community
- ❑ Better geographic representation
 - Central Valley
 - Inland Empire
 - Coachella Valley
 - Far North

What is the ECRG Round 2 schedule?

- ECRGatherings to share information and obtain feedback
 - May 2, 2023; 10am-12pm: Virtual meeting
 - May 9, 2023: 5:30-7:30pm: Virtual meeting with a focus on EJ advocacy groups
 - May 11, 2023: 6:00-8:00pm: In-person meeting, Inland Empire Center
 - May 16, 2023: 6:00-8:00pm: In-person meeting, Central Valley
- Applications will open in the summer
- Check our ECRG [website](#) for updates

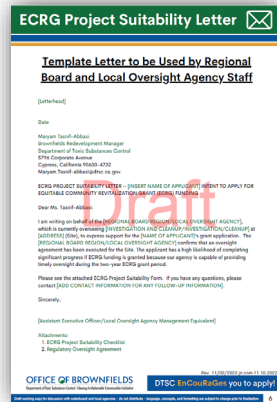
ECRG and Local Agencies/Regional Boards

- Oversight is required
- Project Suitability Letter required for non-DTSC lead sites
- Applicants will request these letters from their lead agency
- Respond within 15 days of applicant request
- Commit to:
 - Site not under an order
 - Regulatory agency has resources available to effectively manage the site within the two year funding window
 - For sensitive uses, cleanup to unrestricted land use

ECRG Project Suitability Letter

Download Draft:

Click Here



Note: Currently in draft form and subject to change

[Letterhead]

Date

Maryam Tasnif-Abbasi

Brownfields Redevelopment Manager

Department of Toxic Substances Control

5796 Corporate Avenue

Cypress, California 90630-4732

Maryam.Tasnif-abbasi@dtsc.ca.gov.

ECRG PROJECT SUITABILITY LETTER – [INSERT NAME OF APPLICANT] INTENT TO APPLY FOR EQUITABLE COMMUNITY REVITALIZATION GRANT (ECRG) FUNDING

Dear Ms. Tasnif-Abbasi:

I am writing on behalf of the [REGIONAL BOARD REGION/LOCAL OVERSIGHT AGENCY], which is currently overseeing [INVESTIGATION AND CLEANUP/INVESTIGATION/CLEANUP] at [ADDRESS] (Site), to express support for the [NAME OF APPLICANT]'s grant application. The [REGIONAL BOARD REGION/LOCAL OVERSIGHT AGENCY] confirms that an oversight agreement has been executed for the Site. The applicant has a high likelihood of completing significant progress if ECRG funding is granted because our agency is capable of providing timely oversight during the two-year ECRG grant period.

Please see the attached ECRG Project Suitability Form. If you have any questions, please contact [ADD CONTACT INFORMATION FOR ANY FOLLOW-UP INFORMATION].

Sincerely,

[Assistant Executive Officer/Local Oversight Agency Management Equivalent]

Attachments:

ECRG Project Suitability Checklist

Regulatory Oversight Agreement

Checklist for Regional Board and Local Oversight Agency Staff

#	Checklist Item	Agency Response
1	The [REGIONAL BOARD/LOCAL OVERSIGHT AGENCY] has assigned the following staff to the Site: [NAME OF STAFF & SUPERVISOR] . The staff are committed to prompt, efficient oversight to ensure that review of workplans, reports and cleanup plans occur at a pace that can accommodate the project's schedule.	
2	Date Regulatory Oversight Agreement was Executed: [Insert date]	
3	Copy of Regulatory Oversight Agreement: [Attach agreement/order or GeoTracker link] For Local Agencies, if the site is under an order the site will not be considered for ECRG funding. For Regional Board voluntary oversight agreements, please provide a copy of the voluntary oversight agreement (e.g, cost recovery agreement) or documentation showing that the oversight was requested voluntarily. For regional Board 13267 Investigative Orders evaluate the details of the Site and determine if an ECRG Project Suitability Letter is appropriate. If so, include a copy of the Order.	
4	Name of Party on the Regulatory Oversight Agreement: [Insert name – must match the Applicant]	
5	Oversight cost estimate for July 1st, 2023, through June 30th, 2025: [Insert or attach oversight cost estimation worksheet for ECRG activities described below]	

Checklist for Regional Board and Local Oversight Agency Staff

#	Checklist Item	Agency Response
6	<p>[For existing agreements only] Has the ECRG Applicant been cooperative and responsive to the Regional Board's/Local Oversight Agency's requests and requirements for this Site? [Yes or No]</p>	
7	<p>[For existing agreements only] Describe activities overseen by the agency at the site since January 2021:</p> <ul style="list-style-type: none"> a. [# and names of workplans, cleanup plans, or monitoring reports submitted since January 2021] b. [# and names of workplans, cleanup plans, or monitoring reports approved by the Regional Water Quality Control Board since January 2021] <p>[Note: If workplans, cleanup plans, or monitoring reports have not been submitted and/or approved since January 2021, please describe why]</p>	
8	<p>What environmental activities are needed to implement the Applicant's desired reuse plans for this Site? [Briefly describe what the Regional Board/Local Oversight Agency will need in order to make a determination that the Site is suitable for the proposed reuse]</p>	
9	<p>How many of these activities can the Regional Board/Local Oversight Agency oversee and approve in a two-year timeframe? [describe the schedule of activities]</p>	

How can you prepare for an ECRG application?

- Identify a site with contamination and reuse plans in a high CES score area
- Use the resources on the [ECRG website](#)
- Use the ECRG Eligibility Self-Check Tool
 - Collect the information needed for the application
 - Gather documents needed
- Participate in ECRGenius [webinars](#)
- Work with our Brownfield Technical Assistance Provider (B-TAP), the Center for Creative Land Recycling

ECRG Assistance

- Work with the Center for Creative Land Recycling (CCLR or “See Clear”)
- [Set up an appointment](#) for:
 - Early stage ECRG project envisioning
 - Site eligibility verification
 - Discussion on ECRG application focus areas
 - Getting answers to specific questions on the ECRG
 - Building a better ECRG application
 - Application pre-submittal review

Working with CCLR dramatically increases ECRG success
95% of applicants who worked CCLR got ECRG funding

A photograph of a community garden. In the foreground, there are several raised garden beds filled with dark soil and young green plants. In the background, a group of people, including children and adults, are standing and talking. The scene is outdoors with trees and a bright sky. A semi-transparent blue rectangle is overlaid in the center of the image, containing the text 'Office of Brownfields' in white.

Office of Brownfields

What is DTSC's Office of Brownfields?

- Unit under the Cypress Cleanup Branch of the Site Mitigation and Restoration Program
- Coordinate voluntary agreements statewide
- Performance tracking for voluntary agreements
- Development of tools and resources
- Manage the Equitable Community Revitalization Grant
- Local Agency and Regional Board coordination
- Brownfield continuous improvement

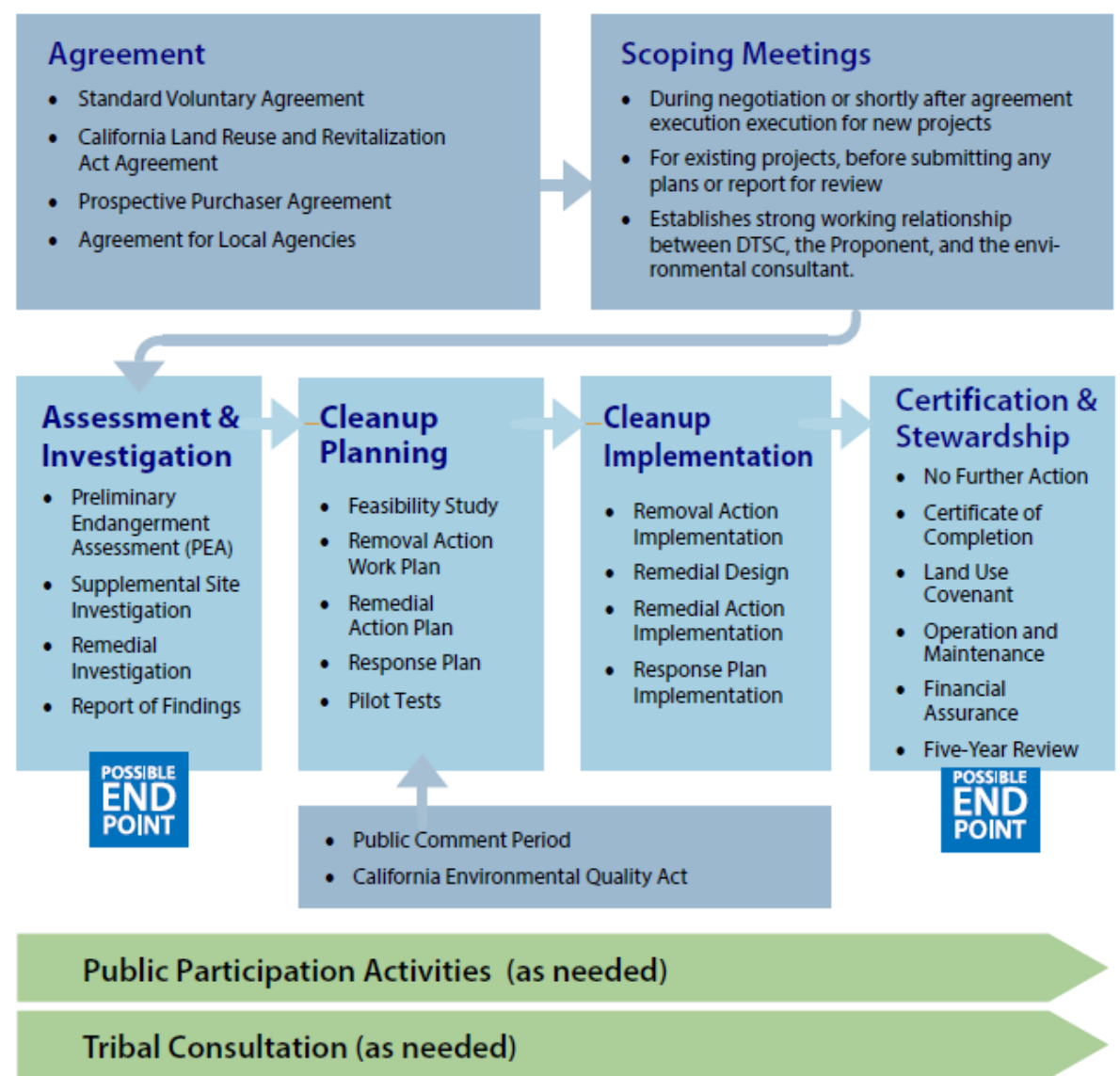
How Do You Work With A California Regulatory Agency?

Options:

- Local Oversight Agency
- Regional Water Quality Control Board
- Department of Toxic Substances Control
- Agencies will work together to determine the best agency
- Fee-for-service agreements or orders
- End goal is “No Further Action”

What Is The Investigation And Cleanup Process?

For more information, refer to our [Quick Reference Guides](#)



Possible End Points:

1. Based on site evaluation, projects may conclude without need for any further action;
2. Based on site evaluation, projects may conclude with the need for a Land Use Covenant, in which case a public notice process will be implemented through a Preliminary Endangerment Assessment, Report of Findings, or equivalent documents; and,
3. Cleanups may either be conducted to unrestricted land use levels, or may require long term stewardship.

What Are The Regulators Looking For?

Identification:

What are the contaminants of concern and what media affected?

Delineation:

How deep and how widespread is the contamination?

Source:

Is there a source on the site or is contamination residual?

Risk:

How are people being exposed and are they safe?

Risk:

How is the environment being exposed and is it safe?

Solutions:

What needs to be done to address the contamination source, and make sure that exposure is controlled or eliminated?

Long-term protection:

Make sure that the site continues to be safe and protective in perpetuity

Collaboration:

Work with you to balance health, safety and reuse

What Does “No Further Action” Mean?

- No more investigation or cleanup needed
- No more investigation or cleanup needed:
 - if site is only used for commercial or industrial purposes
 - if an engineering control, like a vapor barrier, is maintained
 - if special conditions are met
- Conditions come with long-term requirements
 - Land Use Covenants
 - Operation and Maintenance plans and agreements
 - Financial set-asides
- Compare cost of unconditional NFA with the cost of the long-term stewardship

Local Agency Update – AB 304 (2021)

- AB 304 (2021) affected the way Local Agencies must report site information to DTSC and Regional Water Quality Control Boards
- [Quick Reference Guide](#) available to go over the requirements of H&SC Sections 101480 - 101490
- Managing AB 304 for DTSC – Greg Shaffer and [Regional Brownfield Coordinators](#)
 - 12 month self certification reminder
- GeoTracker forms are available to comply with notification requirements
- Site Referrals



Q&A