



## **Expedited Claim Account Program (ECAP) Frequently Asked Questions**

### **What is the Expedited Claim Account Program?**

In 2014 the State Legislature enacted Senate Bill 445 (SB 445) which required the State Water Resources Control Board to investigate potential methods to reduce the overall cost for site cleanup and the time to reach closure for sites in the Underground Storage Tank Cleanup Fund (Fund). SB 445 added Section 25299.50.7 to the California Health and Safety Code to create the Expedited Claim Account within the Fund. The bill required that a Pilot Project be performed to reduce the cost for site cleanup and time to reach closure; establish multi-year budgets; increase collaboration among Fund staff, regulatory staff and claimants and their consultants; and create project milestones, cost estimates and reimbursement submission schedules. The Pilot Project was performed using a select number of claims representative of Fund participants as a whole, and a report analyzing the effectiveness and efficiency of the [Pilot Project](https://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/ecap/expedited_claim_pilot_project_report.pdf) was posted on December 29, 2017 at

[https://www.waterboards.ca.gov/water\\_issues/programs/ustcf/docs/ecap/expedited\\_claim\\_pilot\\_project\\_report.pdf](https://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/ecap/expedited_claim_pilot_project_report.pdf)

The ECAP process includes a series of collaborative communications with a Joint Execution Team (JET) consisting of Fund staff, regulatory staff, the claimant and their consultant. Using the ECAP process, each site is evaluated against the closure criteria of the Low Threat Closure Policy (Policy), and data objectives, milestones, and a general approach to achieve closure are determined. JET meetings occur at a minimum twice a year, or more often if necessary, to evaluate and update a Project Execution Plan (PEP). JET meetings may be accomplished via teleconference, face-to-face, or other cost-effective means as agreed upon by the JET.

### **What are the benefits of being in ECAP?**

By having all stakeholders participate in the JET meetings, expectations regarding scope of work, schedule, costs, and anticipated reimbursements are clearly defined prior to implementation of tasks. Data objectives, milestones, and a general approach to achieve closure are also determined.

The results of the Pilot Project indicated an average cost savings of approximately \$100,000 and time savings of approximately one year to close a site. In addition, there were fewer ineligible costs and faster reviews of reimbursement requests. ECAP staff believe that the average cost and time savings estimated during the Pilot Project are conservative. Sites that are early in their life cycle are likely to obtain even greater cost and time savings using the ECAP process.

## **Is my claim eligible for ECAP?**

Yes, claims in the Fund are eligible. A claimant must have a Letter of Commitment (LOC) from the Fund. Claimants that have applied for a LOC but have not received it yet will be considered on a case-by-case basis.

## **Does ECAP provide additional funding?**

No. ECAP does not provide an additional source of funding. The reimbursement maximum set by statute is the maximum amount of reimbursement available to a claimant for a single claim [Prior to 2015 \$1.5 Million/Post 2015 \$1.0 Million]. Through technical guidance and assistance in PEP preparation, ECAP staff assist claimants and consultants in the best use of the remaining available funds.

## **How does a claim get into ECAP?**

The claimant can send a letter or email to ECAP that states they would like to participate in ECAP. The letter must identify the claim number, site name and address and specifically request participation in ECAP. The communication must come directly from the claimant; consultants cannot apply on behalf of claimants. This is to ensure that the claimant agrees to participation in ECAP and understands that ECAP does not provide additional or new funding, but aids in the best use of remaining available funds.

A consultant may prepare the letter for their claimant, obtain the claimant's signature, and email a pdf of the signed letter. Please email the request to ECAP Unit Senior Laura Shook at [laura.shook@waterboards.ca.gov](mailto:laura.shook@waterboards.ca.gov). You may also mail the letter to Laura Shook, State Water Resources Control Board, 1001 I Street, Sacramento, CA 95812. Email is faster and is recommended.

## **What happens once a claim is accepted into ECAP?**

The claim is assigned to an ECAP staff member. The staff member reviews the claim history on GeoTracker, including the most recent Review Summary Report (RSR) which compares site conditions to the requirements of the Low Threat Closure Policy, and determines what is needed to meet Policy closure criteria. If no RSR has been prepared, the ECAP staff prepare a draft RSR.

The ECAP staff send the draft RSR to the regulatory case worker for review and sets up a Conceptual Site Model (CSM) call to discuss the site. During the CSM call, the regulatory case worker and ECAP staff work to reach a consensus on Policy criteria that are met/not met and a specific path forward to resolve the unmet criteria. The outcome of the call is shared with the JET and a JET meeting is held. With the consultant's professional input, the JET agrees to a scope of work and schedule. Meeting notes are distributed to document the discussions. As a result of the meeting, directives by the regulatory staff or work plans from the consultant may be necessary. The consultant then submits a Project Execution Plan (PEP) to the JET for review. The PEP includes

the estimated costs for the scope of work to achieve closure. The ECAP staff then make Fund budget adjustments to set aside funds that will be used to reimburse the claimant for the cost of the work.

### **What are the responsibilities of the ECAP participants?**

Each member of the Joint Execution Team plays a role in achieving regulatory closure in a cost-effective and timely manner. The goal of the JET is an agreement on a path to closure that will result in meeting Policy closure criteria and maximizing reimbursements for reasonable and necessary costs. The roles and responsibilities of the JET are further described in the [Expedited Claim Pilot Project Implementation Plan](https://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/ecap/ecap_implementation.pdf) at [https://www.waterboards.ca.gov/water\\_issues/programs/ustcf/docs/ecap/ecap\\_implementation.pdf](https://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/ecap/ecap_implementation.pdf).

### **Can I work only with ECAP staff instead of with my regulator?**

ECAP staff represent the Fund's interest in the best use of the Cleanup Fund. For sites in ECAP, the lead regulator remains the lead and issues the directives. ECAP staff do not have regulatory authority to issue directives, nor can they direct the consultant/claimant independently of the lead regulator. ECAP staff do provide technical and management input regarding proposed activities, especially if the proposed work does not appear to be cost-effective, technically appropriate for the site, or is not addressing the closure criteria of the Policy.

### **Why is it called “expedited”? Will I get reimbursed faster?**

The “expediting” occurs in the collaboration of the JET team, which speeds up decision-making on scope of work, directive issuance, response to directives, and funding set-asides for the agreed-upon scope.

The Fund is mandated to process reimbursement requests in the order in which they are received, so ECAP claims do not go to “the front of the list.” However, following the completion of the work and its subsequent reimbursement request, ECAP staff expedite the technical review of the reimbursement request to make sure it is consistent with the plan approved by the lead agency and discussed among the JET. Because ECAP staff is familiar with the claim and the scope of work that was discussed in the JET meetings, the reviews are completed more quickly and usually result in fewer denied costs. Once the technical review is complete, Fund administrative staff process the reimbursement request and send it to the State Water Board's Accounting Office and State Controller's Office which ultimately issues the reimbursement check.

### **Where can I get more information?**

Please see the [ECAP webpage](https://www.waterboards.ca.gov/water_issues/programs/ustcf/ecap.shtml) on the State Water Resources Control Board website: [https://www.waterboards.ca.gov/water\\_issues/programs/ustcf/ecap.shtml](https://www.waterboards.ca.gov/water_issues/programs/ustcf/ecap.shtml). You may also call Laura Shook, ECAP Unit Senior, at (916) 322-9444 or email at [laura.shook@waterboards.ca.gov](mailto:laura.shook@waterboards.ca.gov).