



# State Water Resources Control Board



## Division of Financial Assistance

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Secretary for

Environmental Protection

Arnold Schwarzenegger  
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Shell Oil Products Us - HSE/S&E  
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20945 Wilmington Ave S  
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JUL 14 2009

Alameda County

JUL 15 2009

Environmental Health

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), NOTICE OF  
ELIGIBILITY DETERMINATION: CLAIM NO. 019158; FOR SITE ADDRESS: 3420  
SAN PABLO AVE, OAKLAND

Your claim has been accepted for placement on the Priority List in Priority Class "D"  
with a deductible of \$10,000.

We have completed our initial review. The next step in the claim review process is to  
conduct a compliance review.

**Compliance Review:** Staff reviews, verifies, and processes claims based on the priority  
and rank within a priority class. After the Board adopts the Priority List, your claim will  
remain on the Priority List until your Priority Class and rank are reached. At that time,  
staff will conduct an extensive Compliance Review at the local regulatory agency or  
Regional Water Quality Control Board. During this Compliance Review, staff may  
request additional information needed to verify eligibility. Once the Compliance Review  
is completed, staff will determine if the claim is valid or must be rejected. If the claim is  
valid, a Letter of Commitment (LOC) will be issued obligating funds toward the cleanup.  
If staff determine that you have not complied with regulations governing site cleanup,  
you have not supplied necessary information or documentation, or your claim  
application contains a material error, the claim will be rejected. In such event, you will  
be issued either a Notice of Intended Removal from the Priority List or a Notice of Intent  
to Suspend Claim from Priority List, informed of the basis for the proposed removal or  
suspension of your claim, and provided an opportunity to correct the condition that is the  
basis for the proposed removal or suspension. Your claim will be barred from further  
participation in the Fund, if the claim application contains a material error resulting from  
fraud or misrepresentation.

**Record keeping:** During your cleanup project you should keep complete and well  
organized records of all corrective action activity and payment transactions. If you are  
eventually issued a LOC, you will be required to submit: (1) copies of detailed invoices  
for all corrective action activity performed (including subcontractor invoices), (2) copies  
of canceled checks used to pay for work shown on the invoices, (3) copies of technical  
documents (bids, narrative work description, reports), and (4) evidence that the claimant

paid for the work performed (not paid by another party). These documents are necessary for reimbursement and failure to submit them could impact the amount of reimbursement made by the Fund. **Do not wait until you receive your LOC to gather this information. Begin to compile this information now (particularly cancelled checks) so you will be prepared to request reimbursement when your LOC is issued. It is not necessary to submit these documents at this time; however, they will definitely be required prior to reimbursement. All records pertaining to the corrective action claim must be retained for a period of three years after the final payment is made to you.**

Compliance with Corrective Action Requirements: In order to be reimbursed for your eligible costs of cleanup incurred after December 2, 1991, you must have complied with corrective action requirements of Article 11, Chapter 16, Division 3, Title 23, *California Code of Regulations*. Article 11 categorized the corrective action process into **phases**. In addition, Article 11 requires the responsible party to submit an **investigative workplan/Corrective Action Plan (CAP)** before performing any work. This phasing process and the workplan/CAP requirements were intended to:

1. help the responsible party undertake the necessary corrective action in a cost-effective, efficient and timely manner;
2. enable the regulatory agency to review and approve the proposed cost-effective corrective action alternative before any corrective action work was performed; and
3. ensure the Fund will only reimburse the most cost-effective corrective action alternative required by the regulatory agency to achieve the minimum cleanup necessary to protect human health, safety and the environment.

Three bids: Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. You must comply with all regulatory agency time schedules and requirements. You are encouraged to take the necessary steps in obtaining the most reasonable, necessary, and cost effective method for your corrective action. Otherwise, **reimbursement is not assured and costs may be rejected as ineligible.**

If you have any questions, please contact me at (916) 341-5714.

Sincerely,

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Shari Knieriem  
Claims Review Unit

Equilon Enterprises Llc, Assignee

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Underground Storage Tank Cleanup Fund

cc: Ms. Donna Drogos  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577