



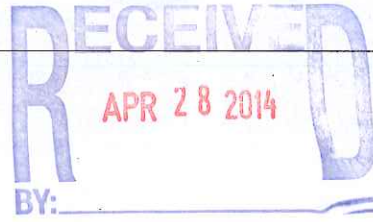
EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

APR 24 2014



Sketchley Family Trust
Frederick Schifferle
Po Box 831041
Dallas, TX 75283

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), FINAL STAFF DECISION TO REJECT CLAIM: CLAIM NO. 019960; FOR SITE ADDRESS: 2585 NICHOLSON ST, SAN LEANDRO

On October 9, 2012, a "Staff Decision to Reject Claim" letter was sent to you. The letter informed you that your claim is not eligible for placement on the Fund's Priority List, and stated the reason(s) for that determination. The letter also informed you that if you did not respond within sixty (60) calendar days from the date of the letter, the decision to reject the claim will become final and conclusive.

Since you did not submit the additional documentation and/or information requested within the time specified, your claim is not eligible for participation in the Fund.

It appears that Sketchley Family Trust did not own or operate the subject underground storage tanks (USTs) in this claim. Sketchley Family Trust filed this claim as the owner of the subject USTs. However, you state in the claim application that Rodding Cleaning owned and operated the subject USTs from May 1980 through April 2012 and that the Sketchley Family Trust was only the property owner. You also state that the subject USTs were removed from the subject site on May 21, 1991. **Please note that only a current or former owner or operator of a UST may file a claim against the Fund.**

My decision is based on the following authority:

Applicable Authority

Fund Regulations Section 2811.2 states:

A Fund application for reimbursement of corrective action costs shall contain the following:

- (n) Any other information or supporting documentation reasonably required by the Division to determine the eligibility, reimbursable amount due, or appropriate priority of the claim

Fund Regulations Section 2810.1(a) states:

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE OFFICER

Only a current or former owner or operator of an underground storage tank ... may file a claim against the Fund.

NOTE: The sections cited are found in the Petroleum Underground Storage Tank Cleanup Fund Regulations, Title 23, Division 3, Chapter 18, of the California Code of Regulations, or Petroleum Underground Storage Tank Cleanup Fund Statutes, California Health and Safety Code (H&SC), Division 20, Chapter 6.75.

If you disagree with this Final Staff Decision, you may appeal to the Fund Manager pursuant to Section 2814 of the *Petroleum Underground Storage Tank Cleanup Fund Regulations*. If you would like a review of the decision by the Fund Manager, please submit your request along with any additional documentation to:

Lisa Babcock, P.G., C.E.G., Fund Manager
Claim No. 019960
Underground Storage Tank Cleanup Fund
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

A request to the Fund Manager should be submitted within thirty (30) calendar days from the date of this letter and must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy or outcome desired; and (3) an explanation of why the claimant believes the Staff Decision is erroneous, inappropriate or improper.

Should you decide to appeal this Decision, you must submit the following:

1. On page 1 of your claim application you indicate that the claimant, Sketchley Family Trust, is filing as the UST owner. However, on page 8 of your claim application you indicate that from May 1980 through April 2002, the claimant was the property owner and Rodding Cleaning (Rodding) was the UST owner and operator. Please note that only a current or former owner or operator of a UST may file a claim against the Fund.

Information submitted with the claim application reflects that directives or other documentation was not in the claimant's name. Eligible claimants must:

1. Have either owned or operated the subject leaking UST, and
2. Be the responsible party directed by the local regulator to undertake corrective action for the unauthorized release, and
3. Be the party incurring and paying for the costs of cleanup.

The USTs were installed by Rodding and documentation identifies Rodding as the responsible party. It appears that Rodding is the UST owner. If this is incorrect, please submit clarification and documentation to support you meet the criteria as outlined above.

2. A copy of the first permit you obtained to own or operate the USTs issued by the local regulatory agency (air pollution or Air Quality Management District permits are not acceptable).
3. A copy of the latest UST operating permit issued by the local regulatory agency prior to removal of the USTs that are the subject of the claim application.
4. A copy of the UST removal permit for all USTs listed in claim application.
5. For verification into Priority Class B submit:
 - o Complete the enclosed forms: "Request for Assignment of Claim to Priority Class B" and "Worksheet for Priority Class B Claimants."

And

- o Documentation supporting the number of employees for the claimant, the claimant's business, and any affiliates [i.e., Employment Development Department (DE-6) payroll reports] for the four quarters prior to the date of claim application submittal. Claimants must employ 100 or fewer full and part-time employees. Claimants who do not have any employees must submit a letter stating that they and their affiliates do not have any employees. This letter must be signed by the claimant under penalty of perjury and must have the claimant's original ink signature.
6. Page 17 of your application states that you are the UST owner at the time of application submittal. Your application was signed on June 12, 2012 and page 4 of your application states the two subject USTs were removed on May, 21, 1991 and have not been replaced. Submit an amended page 17 or amended page 4 to reflect correct and information.
 7. You signed the claim application on behalf of the trust. Please submit trust agreements and documentation proving you have the authority to sign on behalf of the claimant.

If you have any questions, please contact me at (916) 324-8508.

Sincerely,

Adriana Yañez
Claims Review Unit
Underground Storage Tank Cleanup Fund

Cc : Mr. Chuck Headlee
RWQCB, Region 2
1515 Clay Street Ste., 1400
Oakland, CA 94612

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