

State Water Resources Control Board

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MAR 11 2013

Alameda County

MAR 14 2013

Environmental Health

Barbara Holland Et Al
c/o: Kelleher & Associates
Attn: Brian Kelleher
5655 Silver Creek Valley Rd PMB 281
San Jose, CA 95121

Dear Mr. Kelleher:

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), FUND MANAGER
DECISION (FMD) FOR ELIGIBILITY DETERMINATION: CLAIM NO. 019354; FOR SITE
ADDRESS: 900 CENTRAL AVE, ALAMEDA

By a letter dated February 11, 2011, you requested an FMD on behalf of Barbara Holland Et Al for reconsideration of the Fund Staff Decision dated January 11, 2011, for eligibility to the Fund. Fund Staff denied your claim because you failed to provide all of the information and documentation necessary to determine eligibility.

Decision

After reviewing the request and supporting documents, I have decided to overturn the Staff Decision. All of the necessary documentation to determine eligibility has been received. However, the assignment to David Thompson is not complete.

The Assignment for this claim to David Thompson cannot be completed at this time, as there are three forms that must be submitted for review by the Fund. Ms. Laura Beck, of the Settlement Review Unit originally requested the forms by letter dated August 23, 2012. Ms. Kelli Garver again requested the forms on December 21, 2012, however to date, we have not received them.

To complete the assignment, please send the following completed forms to the attention of Ms. Kelli Garver, of the Settlement Review Unit for completion of the Assignment Process.

- ✓ "Assignee Change"
- ✓ "Non-Recovery From Other Sources Disclosure Certification" for Barbara Holland Et Al
- ✓ "Non-Recovery From Other Sources Disclosure Certification" for David Thompson.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

Barbara Holland Et Al
Claim No. 019354

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In addition, please complete the enclosed "Summary of Corrective Action Costs" form and return to the attention of Jennifer Fearing.

Your claim is accepted for placement on the Priority List in Priority Class "B" with a deductible of \$5,000. You may view the claims on the annual Priority List on the Fund's website at http://www.waterboards.ca.gov/water_issues/programs/ustcf/prioritylist.shtml.

Pending a satisfactory compliance review, the next step is to issue a Letter of Commitment (LOC) obligating funds to the project when funding is available. The issuance of LOCs is dependent on available funds and the closure of existing claims.

Allocation of Funds: Prior to issuing an LOC, Fund Technical Staff will conduct a review of your claim and information in GeoTracker. Based on this review, your claim will be categorized according to the cleanup phase being conducted at the site. A funding cap will be established for your claim.

Claim Budget: All active Priority Class A, B and C claims must have an annual site budget prior to receiving an LOC. The budget is based on the site-specific needs of the claim, the Fund's projected annual revenue, local regulatory priorities, and direction from the State Water Resources Control Board. Information regarding site budgets is available on the Fund's website.

Compliance Review: When funding is available for your claim, staff will conduct an extensive Compliance Review in coordination with the local regulatory agency or Regional Water Quality Control Board. If the claim is found to be in compliance with regulatory agency directives, an LOC will be issued. If staff determines that you have not complied with regulations governing site cleanup, the claim may be suspended. Your claim will be barred from further participation in the Fund, if the claim application contains a material error resulting from fraud or misrepresentation.

Reimbursement: You will be required to submit the following information in order to receive reimbursement of costs: (1) copies of detailed invoices for all corrective action activity performed (including subcontractor invoices), (2) copies of technical documents (bids, narrative work description, reports), and (3) evidence that the claimant paid for the work performed (not paid by another party). It is not necessary to submit these documents until an LOC has been issued. Failure to submit the required documents could impact the amount of reimbursement. ***Do not wait until you receive your LOC to gather this information.***

Record keeping: All cleanup projects are subject to audit at any time. Maintain an accurate record-keeping and financial management system that provides efficient accountability of all funds used to clean up the site. Records must be retained for at least three years after the final reimbursement, unless there is an ongoing audit. If there is an ongoing audit, the retention period shall be extended until the audit is complete.

Barbara Holland Et Al
Claim No. 019354

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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) to the regulatory agency before performing any work.

Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. 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.

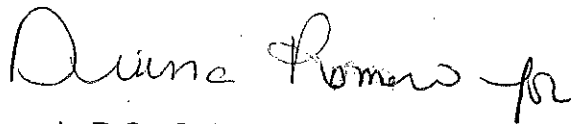
Please remember that you must continue to comply with your existing regulatory directives, regardless of whether the Fund can issue your LOC. The Fund recommends that you speak with your regulator about how to continue corrective action work, at a smaller-scale, or in a phased approach until funding is available.

Electronic Mailing: The Fund encourages all claimants and consultants to sign up for the Fund's electronic mailing list to receive updates as they become available:

http://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.shtml

If you have any questions, please contact Lu Anne Rolland at (916) 341-5764.

Sincerely,



Lisa Babcock, P.G., C.E.G., Fund Manager
Underground Storage Tank Cleanup Fund

Enclosure

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