



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

SEP 10 2015

Port Of Oakland
Attn: Michele Heffes
530 Water Street
Oakland, CA 94607

Dear Ms. Heffes:

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), CLAIM NUMBER 17577; SITE ADDRESS: 100 AIRPORT DRIVE, OAKLAND

The State Water Resources Control Board (State Water Board) is able to issue, pursuant to applicable regulations, the enclosed Letter of Commitment (LOC). The LOC is your acknowledgement from the State Water Board that you are eligible to submit reimbursement requests for corrective action costs incurred. As stated in the LOC, the State Water Board will reimburse necessary and eligible corrective action costs. Please note that only costs that have been approved by the Fund will be reimbursed. Any submitted costs that are not included in the approved budget are subject to Fund availability and reimbursement may be considerably delayed.

Settlement: According to the "Non-Recovery From Other Sources Disclosure Certification", the Port of Oakland received monies from National Car Rental through bankruptcy court. The "Settlement Agreement and Limited Release" document, dated December 27, 2007 was reviewed by the Fund's Settlement Review Unit. The settlement amount of \$53,180 was for costs incurred for corrective action at the subject site; and the monies received would be monies the Fund would otherwise reimburse. To avoid a double payment, this amount must be deducted from the total amount determined to be eligible for reimbursement from the Fund. However, two offsets to the settlement amount have been determined: \$10,000 for the deductible; and \$15,954 for attorney fees. Therefore, the total amount to be deducted will be \$27,226 (\$53,180 less \$10,000, less \$15,954 = \$27,226). You will see \$27,226 listed as a "Settlement Adjustment" on the Reimbursement Request Form included in this package.

All invoices must be billed in the claimant's name and checks paying for invoices must come from the claimant as listed on the application. Any other invoicing and payment arrangements must be reviewed and approved by the Fund or the costs may not be reimbursed.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

Please note that all reports must be uploaded to GeoTracker to be considered for reimbursement.

Important (For closed sites only): Claimants have 365 days from the date of this LOC to submit cleanup costs to the Fund for reimbursement. All remediation costs, including monitoring well destruction and abandonment costs and case closure costs, must be submitted to the Fund prior to the 365-day deadline. The Fund will not reopen your claim or reimburse costs submitted after the deadline.

It is very important that you read the terms and conditions listed in the enclosed LOC. Claims filed with the Fund far exceed the funding available and it is very important that you make use of it in a timely manner.

You are reminded that 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. Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. If you have any questions about obtaining preapproval or obtaining the most reasonable costs, please e-mail the Fund at USTCCleanupFund@waterboards.ca.gov.

The following documents must be submitted when seeking reimbursement. The Fund will not reimburse costs incurred prior to January 1, 1988:

- 1. The Conditions of Payment Certification form.** This form must be submitted with your first reimbursement request.
- 2. A Reimbursement Request Form.** Two copies of this form are enclosed. Instructions for filling out the Reimbursement Request form are on the back of the form.
- 3. A Reimbursement Request Spreadsheet.** This form is used to organize and track corrective action costs incurred, and must be printed and submitted with your reimbursement requests.

The Conditions of Payment Certification form and Reimbursement Request spreadsheet can be found on the Fund's website at: http://www.waterboards.ca.gov/water_issues/programs/ustcf/forms.shtml.

Please check the Fund's website regularly for the latest news and information about reimbursements and annual budgets at: http://www.waterboards.ca.gov/water_issues/programs/ustcf/#.

Important Note: Non-budgeted costs incurred prior to July 1, 2015, must be submitted in a separate Reimbursement Request (RR) package from budgeted costs incurred after June 30, 2015. The non-budgeted costs incurred prior July 1, 2015, should be submitted in RR #1. If the non-budgeted costs and budgeted costs are combined, the reimbursement package will be returned.

☒ **THIS IS IMPORTANT TO YOU, PLEASE NOTE:**

Signature(s) on the application will be the signature(s) required for all future Fund documents.

We encourage claimants to sign all Fund documents personally. However, there may be circumstances where a claimant wants a representative to be able to sign Fund documents on the claimant's behalf. In this situation, claimants must submit a notarized Power of Attorney form designating a specific representative to sign and submit documents to the Fund. The designated representative should not be a consultant or contractor performing work on the project site because it would create a conflict of interest. Claimants should be aware that they are personally responsible and bound by any assertions made to the Fund pursuant to a Power of Attorney. (An appropriate Power of Attorney form is available on our web site or by request, however other forms may also be acceptable.)

You have six months from the date of this letter to submit your first reimbursement request for incurred corrective action costs. We continuously review the status of all active claims. You must continue to remain in compliance and submit either a reimbursement request every six months, or a status report of your site. Failure to do so may result in the Fund closing your claim.

Please submit any questions you have regarding this letter, your RR, or the RR process to: USTCF_payments@waterboards.ca.gov You will have a response within 48 hours.

Sincerely,


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

Enclosures

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