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MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**

Alameda County

July 21, 2014

JUL 23 2014

Environmental Health

Livermore Valley Joint & Unified School District  
C/O: Ms. Susan Kinder  
685 East Jack London Boulevard  
Livermore, CA 94551

Dear Ms. Kinder:

**UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), FUND MANAGER  
DECISION (FMD) FOR ELIGIBILITY DETERMINATION: CLAIM NO. 19828; FOR SITE  
ADDRESS: 2900 LADD AVENUE, LIVERMORE, CA 94551**

On January 1, 2014, Section 25299.50.3 of the Health and Safety Code was amended to waive the permit requirements for school district claims in some instances. Upon review, Fund Staff determined your claim to be eligible under this waiver.

On April 21, 2014, we received certification from Kelly Bowers, Superintendent of Schools, that the subject UST(s) was removed prior to January 1, 2003.

Based on the information provided in the claim application, the Fund determined that this claim satisfies the definition of a School District claim as defined in Section 80 of the California Education Code and entitles you to access the School District Account.

Your claim has been accepted on the Priority List. However, the priority class you claimed (Priority Class B) was not supported by the documentation you submitted. Therefore, your claim has been assigned to Priority Class "D" with a deductible of \$10,000 based on the following reason:

The Audit Report for Fiscal Year ending in June 30, 2010, indicated Livermore Valley Joint & Unified School District has more than \$7 million in annual revenues, the maximum cap for Priority Class B.

This is an FMD in this matter. If you do not agree with this FMD, you may request a Final Division Decision (FDD) in accordance with Section 2814.1 of the Fund Regulations. The appeal must be received by the Deputy Director of the Division of Financial Assistance within 60 days of the date of this letter. If you do not request an FDD within those 60 days, this decision will become final and conclusive.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE OFFICER

The request for an FDD must include, at a minimum: (1) a statement describing how the claimant is damaged by this FMD; (2) a description of the remedy or outcome desired; and (3) an explanation and supporting documentation of why the claimant believes the action of this FMD is erroneous, inappropriate, or improper.

You may submit your appeal by one of two methods:

1. Upload the appeal, along with all supporting documentation and all information requested above, to the GeoTracker database system. Detailed instructions for uploading documents can be found on our website:

[http://www.waterboards.ca.gov/water\\_issues/programs/ustcf/docs/fund\\_gto/cufdocs.pdf](http://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/fund_gto/cufdocs.pdf)

2. Mail the appeal, along with all supporting documentation and all information requested above to:

Mr. Darrin Polhemus, Deputy Director  
USTCF Claim No. 019828  
Division of Financial Assistance  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, CA 94244-2120

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](http://www.waterboards.ca.gov/water_issues/programs/ustcf/prioritylist.shtml).

The School District Account and the Fund will sunset on January 1, 2016. Any funds remaining in the School District Account on that date will be transferred to the Fund. After January 1, 2016, the State Water Resources Control Board will make payments to Fund claimants, including School District claimants, until the monies in the Fund are exhausted.]

This completes the initial review. The next step in the claim review process is to conduct a compliance review.

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.

**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](http://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.shtml)

Livermore Valley Joint & 4  
Unified School District  
Claim No. 019828

If you have any questions, please contact Lily Lee at (916) 341-5676.

Sincerely,

*Lisa Babcock*  
*for*

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

✓ cc: Alameda County  
Donna Drogos  
1131 Harbor Bay Pkwy, 2nd Floor  
Alameda, CA 94502-6577