



Alameda County
MAR 04 2013
Environmental Health



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

FEB 26 2013

Mr. Hooshang Hadjian
16210 Foothill Blvd
San Leandro, CA 94578

Dear Mr. Hadjian:

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), FUND MANAGER
DECISION (FMD) FOR ELIGIBILITY DETERMINATION: CLAIM NO. 019299; FOR
SITE ADDRESS: 16210 FOOTHILL BLVD, SAN LEANDRO

By a letter dated May 21, 2010, Mr. Bruce Jacobsen, West & Associates Environmental Engineers, Inc., requested an FMD for reconsideration of the Fund Staff Decision dated April 30, 2010, for eligibility to the Fund. Fund Staff denied your claim because there was no evidence of an unauthorized release from the underground storage tanks.

Decision

After reviewing Mr. Jacobsen's letter dated May 21, 2010, the supplemental documents provided by you on June 15, 2011, and the supporting documents in claim no. 19299, I have decided to overturn the Staff Decision.

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 approval of your claim budget and 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.

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

Hooshang Hadjian
Claim No. 019299

-2-

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.

FEB 26 2013

Hooshang Hadjian
Claim No. 019299

-3-

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) 347-5765 .

Sincerely,



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

cc: Mr. Bruce Jacobsen
West Associates Environmental
Engineers, Inc.
630 Eubanks Ct., Unit G
Vacaville, CA 95688

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