

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS
 2014 T STREET, SUITE 130
 P.O. BOX 944212
 SACRAMENTO, CALIFORNIA 94244-2120
 916/227-4532
 FAX 227-4530

FILE
 HAZMAT

94 AUG 18 PM 4:09



8/11/94
~~July 28, 1994~~

Mr. Ed Howell
 Alameda County EHD
 1131 Harbor Bay Pkwy., 2nd Fl.
 Alameda, CA 94501

Dear Mr. Howell:

I am asking for your assistance in sending out "90 day compliance letters" for a contaminated UST site under your jurisdiction that appears to have stopped remediation procedures. The claimant and site address is:

Hiroshi Fukushima
 1630 - 162nd Ave.
 San Leandro
 STID No. 1361
 Claim No. 8308
 (Mailing Address: 1301 Hilliker
 Place, Livermore, CA 94550

As the claimant does not appear to be in corrective action compliance, this will require that your office send a "90-day compliance letter" to the above claimant. I have enclosed, for your reference, copies of the UST Cleanup Fund's initial correspondence sent to all local regulatory agencies on October 2, 1992, regarding the procedures and basic format for the letter. The 90 day letter format may be modified to fit your requirements. I have also enclosed a copy of a letter initiated by our Region 2 office, which is a good sample of a 90-day letter. When you send the 90-day letter, please send me a copy for our file.

I would appreciate your sending this letter to the claimants as soon as possible, but within 30 days. If you have any questions regarding this process, please call me at 916/227-4532.

Sincerely,

Donna L. Turcotte

Donna L. Turcotte, Review Analyst
 Underground Storage Tank
 Cleanup Fund

*in enclosed
 set*

Enclosures (2)

cc: Mr. Steve Morse
 California Regional Water Quality
 Control Board, San Francisco Bay Region
 2101 Webster Street, Suite 500
 Oakland, CA 94612

SAMPLE

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
2101 WEBSTER STREET, SUITE 500
OAKLAND, CA 94612

Phone: (510) 286-1255
Fax: (510) 286-1380



SUBJECT: ELIGIBILITY FOR CLEANUP FUND MONEY FOR UNDERGROUND TANK SITE -

On 6/3/94, Blessy Jones

of the State Water Resources Control Board (State Board) reviewed your underground tank case file at our office. The purpose of *Ms. Jones* review was to determine if you are in compliance with corrective action orders and directives for the cleanup of your site. Compliance with corrective action orders and directives is a requirement for reimbursement of cleanup costs from the Underground Storage Tank Cleanup Fund (Cleanup Fund).

Ms. Jones has informed me that you were found to be out of compliance with Cleanup Fund requirements because no remedial work has been performed at your site.

The State Board is allowing you a final opportunity to come into compliance and remain eligible for Cleanup Fund money. To avail yourself of this opportunity, you must comply with the following directives within 90 calendar days from the date of this letter:

1. Obtain professional services from a qualified geotechnical engineering consultant to conduct a Preliminary Site Assessment. A list of consultants operating in _____ County can be obtained from the _____ by phoning _____. The first \$10,000 spent on corrective action are not reimbursable by the Cleanup Fund, and Cleanup Fund Regulations exclude the first \$10,000 of corrective action work from the "three-bids" requirement that is necessary for all subsequent work. This means that if costs for the Preliminary Site Assessment workplan preparation and/or implementation total \$10,000 or less, you are not required to receive three bids for the work. However, you will still want to choose your consultant and contractors carefully.

2. **Submit a workplan for a Preliminary Site Assessment that is acceptable to this OFFICE**. The objective of the Preliminary Site Assessment is explained on page 2 of the enclosed "Corrective Action Guide". The format to be followed in the workplan is provided in the enclosed "Appendix A". The workplan must include:
- An implementation schedule for actions to be completed in your Preliminary Site Assessment,
 - A schedule for submittal of periodic status reports, and
 - A schedule for submittal of a final report documenting the results of the site investigation proposed in the workplan. This report is to include recommendations for additional work needed to adequately remediate the site, as well as a proposed implementation schedule for the additional work.

All workplans are to be submitted to this OFFICE, with a copy sent to the Include the ~~EB~~ File number shown in the heading of this letter, and allow at least three weeks from the final date of submittal of the workplan for our review and approval.

3. **Begin implementation of the approved Preliminary Site Assessment Workplan.** All work must be done by properly licensed or registered professionals, and must be done in accordance with the workplan or approved amendments to the workplan. Any deviation from the workplan must be explained in writing, and must be approved by this Regional Board's Executive Officer.
4. **Submit documentation of compliance with this directive to the State Board (Division of Clean Water Programs, P.O. Box 944212, Sacramento, CA 94240-2120).** This documentation must consist of:
- A copy of this letter,
 - A copy of the Invitation for Bid and responses (for any work which is over the initial \$10,000),
 - A copy of the contract with the consultant chosen, and
 - Copies of invoices, etc. showing that work is underway and that costs are being incurred.

If the above work is not bid (where necessary), contracted for, and initiated within the 90 calendar day time period, the State Board will take steps to remove your claim from the Cleanup Fund Priority List.

OCT 2 1992

(916) 739-4106
(916) 739-2300 FAX

To: LOCAL UST IMPLEMENTING AGENCIES (LIAs) AND REGIONAL WATER
QUALITY CONTROL BOARDS (RWQCBs)

Subject: RECOMMENDED "90 DAY LETTER" FOR CORRECTIVE ACTION
COMPLIANCE

On August 26, 1992, all of you were sent a letter regarding the need for Underground Storage Tank Cleanup Fund (USTCF) claimants to be in compliance with corrective action orders or directives.

I feel it is important to emphasize that the UST Cleanup Fund Program regulations and statutes require a claimant to be in compliance with applicable corrective action orders or directives in order to be eligible to participate in the Cleanup Fund. As you are aware, cleanup funds are limited and once committed cannot be used for other purposes. Therefore, the Cleanup Fund will not issue a Letter of Commitment until we are sufficiently sure of a claimant's eligibility, and that the investigation and/or cleanup is likely to proceed, or is proceeding, in a timely manner. Clearly, verification of compliance with corrective action orders or directives is essential in this process.

For those UST Cleanup Fund claimants who are not currently in compliance with corrective action directives, we are providing an avenue by which they may come into compliance. Enclosed you will find a copy of a "RECOMMENDED 90 DAY COMPLIANCE LETTER", which would be prepared by the local regulatory agency (either the LIA or RWQCB), and a copy of an attachment, from the UST Cleanup Fund Program, for the "RECOMMENDED...LETTER". The two documents are intended to assist both the local regulatory agency and the USTCF claimant in proceeding with the cleanup of the contaminated site in an expeditious fashion.

If you have any questions or comments, please refer to my August 26, 1992 memo, or contact me at (916) 739-4106.

Sincerely,

ORIGINAL SIGNED BY

Dave Deaner, Manager
UST Cleanup Fund

Enclosures (2)

JMUNCH/a:\90dycv.ltr (10-1-92)

[Handwritten signatures]

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF CLEAN WATER PROGRAMS
2014 T STREET, SUITE 130
P.O. BOX 944212
SACRAMENTO, CA 94244-2120



(916) 739-4106
(916) 739-2300 FAX

TO: CLAIMANTS TO THE UNDERGROUND STORAGE TANK
CLEANUP FUND

SUBJECT: UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, COMPLIANCE
WITH CORRECTIVE ACTION ORDERS AND DIRECTIVES

My staff recently reviewed the regulatory agency's records for the purpose of verifying the eligibility of your claim application currently on the Underground Storage Tank Cleanup Fund Priority List.

In order to be eligible for reimbursement from the Cleanup Fund the claimant must be in compliance with (1) provisions of Chapter 6.7 of the California Health and Safety Code; (2) corrective action orders and directives; and (3) the Corrective Action Regulations (Article 11, Chapter 16, Division 3, Title 23, California Code of Regulations).

Our review of the regulatory agency records determined that you are currently not in compliance with corrective action directives and therefore are not eligible. Under circumstances such as yours the regulatory agency believes that there is justification to provide you with an opportunity to come into compliance and may be issuing a revised directive and schedule. Compliance with this directive and schedule may allow the Cleanup Fund to find you in compliance with corrective action directions and therefore eligible for reimbursement from the Cleanup Fund.

You must take positive, concrete steps to come into compliance. Upon submittal of documentation of compliance with the revised directive and schedule, and the resolution on any other eligibility or priority issues, the Cleanup Fund will review your claim and determine whether a Letter of Commitment can be issued to you.

Documentation must consist of (1) a copy of the regulatory agency's revised directive; a copy of the Invitation for Bid and responses (if appropriate); (3) a copy of the contract with the consultant chosen; and (4) copies of invoices, etc. showing that work is underway and that costs are being incurred.

If such work is not bid, contracted for, and initiated within the 90 day calendar period, the Cleanup Fund will take steps to remove your claim from the Underground Storage Tank Cleanup Fund Priority List.

You are reminded that the Cleanup Fund requires three bids (estimates) from qualified firms for corrective action costs to be eligible. The first \$10,000 of eligible costs is exempt from the three bid requirement. I suggest that you review our "Cleanup Fund Corrective Action Guide" for help with selecting consultants and contractors.

Please contact the Cleanup Fund at (916) 739-4106 if you have questions regarding this notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Deaner".

Dave Deaner, Manager
UST Cleanup Fund

RECOMMENDED 90 DAY COMPLIANCE LETTER

To: UST CLAIMANT/RESPONSIBLE PARTY

On _____, your file was reviewed by State Water Resources Control Board staff with the Underground Storage Tank Cleanup Fund Program (Cleanup Fund). The purpose of their review was to determine if you are in compliance with corrective action orders and directives. Compliance with corrective action orders and directives is a requirement for reimbursement of cleanup costs from the Cleanup Fund.

As a result of their review, it has been determined that you are currently not in compliance because _____

_____. For cases such as yours, the Cleanup Fund is providing responsible parties with an opportunity to come into compliance provided the regulatory agency will issue a revised corrective action directive. You must take positive concrete steps to come into compliance.

Please refer to the attached memorandum from the Cleanup Fund regarding their requirements before a Letter of Commitment can be issued obligating funds to assist you with the cleanup of your site.

Accordingly, pursuant to _____ of _____, you are hereby directed to begin the necessary work at your site within 90 calendar days from the date of this letter. The required work shall include:

- 1.
- 2.
- 3.

Please be aware, that pursuant to Title 23, Division 3, Chapter 16, Article 11 of the California Code of Regulations you are required to have an approved workplan prior to initiation of any work. In addition, you are to provide a status report of all activities, including the progress, of this case every _____ days. All correspondence, workplans and reports are to be submitted to this office and the _____.

If you have any questions regarding the provisions of this letter and/or the necessary work at the site, please call _____ at _____.

Sincerely,

Local Agency or Regional Board

cc: UST Cleanup Fund