

STATE WATER RESOURCES CONTROL BOARD  
 DIVISION OF CLEAN WATER PROGRAMS  
 2014 T STREET, SUITE 130  
 P.O. BOX 944212  
 SACRAMENTO, CALIFORNIA 94244-2120  
 (916) 227-4360  
 (916) 227-4530 (FAX)

ENVIRONMENTAL  
 PROTECTION

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JUL 31 1995

Std 3654  
 (BC)

Roll 109  
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Donald B. Lewis  
 State Shingle Company  
 900 37th Avenue  
 Oakland, CA 94601

**UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 000640, FOR SITE ADDRESS: 880 Fruitvale Avenue, Oakland, CA 94601**

The State Water Resources Control Board (State Board) takes pleasure in issuing the attached Letter of Commitment in an amount not to exceed **\$50,000**. This Letter of Commitment is based upon our review of the corrective action costs incurred to date and your application received on January 15, 1992 and may be modified by the State Board in writing by an amended Letter of Commitment.

Read the terms and conditions listed in the Letter of Commitment. The State Board will take steps to withdraw this Letter of Commitment after 90 calendar days from the date of this transmittal letter unless you proceed with due diligence with your cleanup effort. This means that you must take positive, concrete steps to ensure that corrective action is proceeding with all due speed. For example, if you have not started your cleanup effort, you must obtain three bids and sign a contract with one of these bidders within 90 calendar days. If your cleanup effort has already started and was delayed, you must resume the expenditure of funds to ensure that your cleanup is proceeding in an expeditious manner. You are reminded that you must comply with all regulatory agency time schedules and requirements.

This package includes the following:

- A "Reimbursement Request Instructions" package. Retain this package for future reimbursement requests. These instructions must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988. Included in the instruction package are:
  - Samples of completed Reimbursement Request forms and Spreadsheets.
  - Recommended Minimum Invoice Cost Breakdown
- A "Bid Summary-Sheet to list information on bids received.
- A "Certification of Non-Recovery From Other Sources" which must be returned before any reimbursements can be made.
- "Reimbursement Request" forms which you must use to request reimbursement of costs incurred.
- "Spreadsheet" forms which you must use in conjunction with your Reimbursement Request.
- "Claimant Data Record" (Std. Form 204) which must be completed and returned with your first Reimbursement Request.

**YOU MUST SUBMIT A REIMBURSEMENT REQUEST PACKAGE BY October 20, 1995, OR SEND A WRITTEN UPDATE EXPLAINING:**

1. Status of cleanup to date.
2. Reason(s) why a reimbursement request has not been submitted.
3. Costs incurred to date for corrective action.
4. Projected date for submitting a reimbursement request.

We constantly review the status of all active claims. If you do not submit a reimbursement request or a written update by the date above, or fail to proceed with due diligence with the cleanup, we will take steps to withdraw your Letter of Commitment.

If you have any questions regarding the Letter of Commitment or the Reimbursement Request package, please contact Cheryl Gordon at (916) 227-4539.

Sincerely,

Dave Deaner, Manager  
 UST Cleanup Fund Program

Enclosures

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

Mr. Tom Peacock  
 Alameda County EHD  
 1131 Harbor Bay Pkway, 2nd Fl  
 Alameda, CA 94502-6577

LETTER OF COMMITMENT FOR REIMBURSEMENT OF COSTS

CLAIM NO: 000640

AMENDMENT NO: 0

CLAIMANT: State Shingle Company

BALANCE FORWARD: \$0

CO-PAYEE: None

THIS AMOUNT: \$50,000

JOINT CLAIMANT: None

NEW BALANCE: \$50,000

CLAIMANT ADDRESS: Donald B. Lewis  
900 37th Avenue  
Oakland, CA 94601

TAX ID/SSA NO: 94-2180246

Subject to availability of funds, the State Water Resources Control Board (SWRCB) agrees to reimburse State Shingle Company (Claimant) for eligible corrective action costs at State Shingle Company 880 Fruitvale Avenue, Oakland, CA 94601 (Site). The commitment reflected by this Letter is subject to all of the following terms and conditions:

1. Reimbursement shall not exceed \$50,000 unless this amount is subsequently modified in writing by an amended Letter of Commitment.
2. The obligation to pay any sum under this Letter of Commitment is contingent upon availability of funds. In the event that sufficient funds are not available for reasons beyond the reasonable control of the SWRCB, the SWRCB shall not be obligated to make any disbursements hereunder. If any disbursements otherwise due under this Letter of Commitment are deferred because of unavailability of funds, such disbursements will promptly be made when sufficient funds do become available. Nothing herein shall be construed to provide the Claimant with a right of priority for disbursement over any other claimant who has a similar Letter of Commitment.
3. All costs for which reimbursement is sought must be eligible for reimbursement and the Claimant must be the person entitled to reimbursement thereof.
4. Claimant must at all times be in compliance with all applicable state laws, rules and regulations and with all terms, conditions, and commitments contained in the Claimant's Application and any supporting documents or in any payment requests submitted by the Claimant.
5. No disbursement under this Letter of Commitment will be made except upon receipt of acceptable Standard Form Payment Requests duly executed by or on behalf of the Claimant. All Payment Requests must be executed by the Claimant or a duly authorized representative who has been approved by the Division of Clean Water Programs.
6. Any and all disbursements payable under this Letter of Commitment may be withheld if the Claimant is not in compliance with the provisions of Paragraph 5 above.
7. Neither this Letter of Commitment nor any right thereunder is assignable by the Claimant without the written consent of the SWRCB. In the event of any such assignment, the rights of the assignee shall be subject to all terms and conditions set forth in this Letter of Commitment and the SWRCB's consent.
8. This Letter of Commitment may be withdrawn at any time by the SWRCB if completion of corrective action is not performed with reasonable diligence.

IN WITNESS WHEREOF, this Letter of Commitment has been issued by the SWRCB this 20th day of July, 1995.

STATE WATER RESOURCES CONTROL BOARD

BY [Signature]  
Manager, Underground Storage Tank Cleanup Fund Program

BY [Signature]  
Chief, Division Administrative Services

STATE USE:  
CALSTARS CODING:  
0550-569.02 - 30530  
\$ \_\_\_\_\_



# STATE SHINGLE COMPANY

*We Specialize in Red Cedar Shingles & Shakes*

900 37th AVENUE  
OAKLAND, CA 94601  
(510) 535-1311  
FAX (510) 535-0450

May 5, 1995

Department of Environmental Health  
Environmental Protection Div.  
1131 Harbor Bay Pkwy., # 250  
Alameda, CA 94502-6577

Attn: Mr. Barney M. Chan  
Hazardous Material Specialist

Re: Update of subsurface investigation at former State  
Shingle Co. at 800 Fruitvale Ave., Oakland, CA 94601

Dear Mr. Chan:

In accordance with your request, Mr. Aldine with  
Globe Soil Engineers has just assured me that we can expect  
an updated soil/water report within the next two or three  
weeks.

We have also been in touch with Del Monte's attorney  
Mr. Wendell Mitchel and are letting them use our wells for  
whatever tests you may require.

I need to go into the hospital next week for a major  
operation wo I'll probably be away from the office for at  
least two weeks. If there are any additional requirements  
needed on our part; my partner Don Lewis is very able and  
willing to comply with any request you may have.

As soon as I am able to return to work, I'll be in  
touch with you.

Thank you for your patience and understanding in our  
efforts to resolve these matters.

Sincerely,

TERRANCE C. LEWIS  
President

cc: Mr. Z. Aldine, Globe Soil Engineers, 41 Sutter St.  
Ste 1509, San Francisco, CA 94104  
Mr. Greg Shepard, SPT Co., SP Bldg, One Market Plaza  
San Francisco, CA 94105

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RECEIVED  
MAY 13 1995  
ENVIRONMENTAL  
HEALTH