



State Water Resources Control Board



Division of Financial Assistance

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5784 • FAX (916) 341-5806 • www.waterboards.ca.gov/water_issues/programs/ustcf/

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

January 5, 2009

Alameda County

JAN 07 2008

Environmental Health

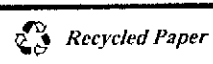
Mr. Jasbinder Singh Grewal
5315 San Pablo Ave
Oakland, CA 94608

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), STAFF DECISION TO REJECT CLAIM: CLAIM NO. 019103; FOR SITE ADDRESS: 5315 SAN PABLO AVE, OAKLAND

Your claim has been found to be ineligible for placement on the Priority List because you failed to provide the information requested in the Fund's letters dated January 7, 2008, May 29, 2008, July 25, 2008, and September 8, 2008 as follows:

1. Claimant is required to provide documentation that all UST storage fees (for the tanks that are the subject of this claim) due on or after January 1, 1991, imposed by Section 25299.41 of the Health and Safety Code have been paid. If any of the USTs stored fuel or waste oil on or after January 1, 1991, please submit confirmation that all storage fees have been paid to the State Board of Equalization (BOE) for the time period that you owned or operated the tanks. Attach copies of the UST Fee Return Forms filed with the BOE with proof of payment (copy of canceled checks) for all applicable time periods or provide a copy of the BOE letter documenting that all fees have been paid for the specific time period at this site. For more information regarding this storage fee, visit the BOE's website at www.boe.ca.gov or call 1-800-400-7115. When contacting BOE, please provide name, site address, parcel number (APN), County, tank number, and the dates that you paid storage fees for the subject tanks.
2. Submit a copy of **the first** letter from the local regulatory agency naming you a responsible party and directing you to cleanup the contamination at the subject site.
3. You have indicated you were unaware of the UST at the time you acquired your site. Fund regulations state that if a claimant acquires real property where a UST is situated, and despite reasonable diligence, the claimant was unaware of the UST at the time the real property was acquired, the claimant can demonstrate permit compliance if the claimant obtains a UST permit within a reasonable period of time, not to exceed one year, from when the claimant should have become aware of the UST or when the local agency began issuing permits,

California Environmental Protection Agency



whichever occurs later. Please submit evidence (photos, maps, reports, etc.) that you exercised reasonable diligence at the time of your acquisition of this site.

4. The permit waiver request form you completed asks that you provide the following information:

Provide a brief history of the UST(s) and an explanation as to why the claimant did not obtain UST permits when the claimant became subject to permitting requirements (when the claimant became the owner and/or operator of the USTs or when the local regulatory agency began issuing UST permits, whichever occurred later). Explain when and how the claimant became aware of the law requiring a permit to own or operate the UST(s). (Attach additional sheets as necessary.)

5. Submit copies of permits to own or operate the UST from the local regulatory agency dated from 1986 to 2007 (Air Pollution permits are not acceptable).
6. Provide a copy of a cancelled check for remediation as it relates to this site.
7. Please explain why you submitted two "Note Secured By A Deed Of Trust" documents.
8. Submit all reports completed to date.
9. A "DBA" cannot be the claimant to the Fund. Submit a new page one of the application to reflect Jasbinder Singh Grewal and Gulbinder Kaur Grewal as the claimants to the Fund **AND** provide both social security numbers as the tax identification number.

Section 2811.2(n) states, "any other information or supporting documentation reasonably required by the Division to determine the eligibility, reimbursable amount due, or appropriate priority class of the claim."

NOTE: The sections cited are found in the Petroleum Underground Storage Tank Cleanup Fund Regulations, Title 23, Division 3, Chapter 18, of the California Code of Regulations.

If you disagree with this Staff Decision, you may appeal to the Fund Manager pursuant to Section 2814 of the *Petroleum Underground Storage Tank Cleanup Fund Regulations*. If you would like review of the decision by the Fund Manager, please submit your request along with any additional documentation to:

Mr. Jasbinder Singh Grewal
January 5, 2009
Claim No. 19103

-3-

Ronald M. Duff, Fund Manager, Claim #019103
Underground Storage Tank Cleanup Fund
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

A request to the Fund Manager must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy or outcome desired; and (3) an explanation of why the claimant believes the Staff Decision is erroneous, inappropriate or improper.

If you do not request a review by the Fund Manager within thirty (30) calendar days from the date of this letter, the Staff Decision will then become final and conclusive.

If you have any questions, please call me at (916) 341-5784.

Sincerely,



Carolyn Saputo
Claims Review Unit
Underground Storage Tank Cleanup Fund

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