

R02955



# 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/cwphome/ustcf](http://www.waterboards.ca.gov/cwphome/ustcf)

Arnold Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental Protection

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AUG 12 2008

ENVIRONMENTAL HEALTH SERVICES

July 25, 2008

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

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), REQUEST FOR FURTHER DOCUMENTATION DURING INITIAL REVIEW: CLAIM NUMBER 019103; FOR SITE ADDRESS: 5315 SAN PABLO AVE, OAKLAND

After reviewing the information submitted on July 22, 2008, we find that the following additional information is needed to determine your eligibility for placement on the Priority List:

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](http://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

*California Environmental Protection Agency*

Mr. Jasbinder Singh Grewal  
July 25, 2008  
Claim No. 19103

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become aware of the UST or when the local agency began issuing permits, 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.

NOTE: Failure to respond to this request within thirty (30) calendar days from the date of this letter may result in an ineligibility determination of your claim.

If you have any questions, please contact 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



State of California  
 State Water Resources Control Board  
 Division of Clean Water Programs  
 P.O. Box 944212  
 Sacramento, CA 94244-2120

(Instructions on reverse)

For State Use Only

# CERTIFICATION OF FINANCIAL RESPONSIBILITY

## FOR UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM

A. I am required to demonstrate Financial Responsibility in the required amounts as specified in Section 2807, Chapter 18, Div. 3, Title 23, CCR:

500,000 dollars per occurrence  
 1 million dollars per occurrence  
 or  
 1 million dollars annual aggregate  
 2 million dollars annual aggregate

B. RH Auto Repair hereby certifies that it is in compliance with the requirements of Section 2807,

(Name of Tank Owner or Operator)

Article 3, Chapter 18, Division 3, Title 23, California Code of Regulations.

The mechanisms used to demonstrate financial responsibility as required by Section 2807 are as follows:

C. Mechanism Type	Name and Address of Issuer	Mechanism Number	Coverage Amount	Coverage Period	Corrective Action	Third Party Comp.
State Ust Fund	State Ust Cleanup Fund PO Box 944212 Sacramento, Ca 94244 2120	N/A for Ust. Cleanup Fund	\$405,000 Per Occurrence and Annual Aggregate	State Ust Cleanup Fund Continuous	Yes	Yes
Chief Financial Officer Letter	RH Auto Repair 5315 San Pablo Ave Oakland Ca. 94608	N/A for this Mechanism	5,000 Per Occurrence and Annual Aggregate	Annual	Yes	Yes

Note: If you are using the State Fund as any part of your demonstration of financial responsibility, your execution and submission of this certification also certifies that you are in compliance with all conditions for participation in the Fund.

D. Facility Name <u>RH Auto Repair</u>	Facility Address <u>5315 San Pablo Ave Oakland, CA. 94608</u>
Facility Name	Facility Address
Facility Name	Facility Address
Facility Name	Facility Address

E. Signature of Tank Owner or Operator: [Signature] Date: 7/16/08 Name and Title of Tank Owner or Operator: Jasbinder S. Grewal - president

Signature of Witness or Notary: Mrs J.K. Grewal Date: 7/16/08 Name of Witness or Notary: Gulbinder K. Grewal Vice President

# INSTRUCTIONS

## CERTIFICATION OF FINANCIAL RESPONSIBILITY

Please type or print information clearly. All UST sites owned or operated may be listed on one form, therefore, a separate certification is not required for each site.

### DOCUMENT INFORMATION

- A. **Coverage Required** Check the appropriate boxes.
- B. **Name of Tank Owner or Operator** Full name of either the tank owner or the operator
- C. **Mechanism Type** Indicate which approved mechanism(s) are being used to show financial responsibility either as contained in the federal regulations, 40 CFR Part 280 Subpart H, Sections 280.93 through 280.107, or Section 2808.1 Chapter 18, Div. 3, Title 23, CCR (see Financial Responsibility Guide for more information).
- Name of Issuer** List all names and address of companies and/or individuals issuing coverage.
- Mechanism Number** List identifying number for each mechanism used. Example: insurance policy number, Letter of Credit number, etc., etc. If using the State Cleanup Fund, leave blank.
- Coverage Amount** Indicate amount of coverage for each listed mechanism. If more than one mechanism is indicated, total must equal 100% of financial responsibility for each site.
- Coverage Period** Indicate the effective date(s) of all mechanisms. State Cleanup Fund coverage is continuous as long as you maintain compliance and remain eligible to participate in the Fund.
- Corrective Action** Indicate yes or no. Does the specified financial assurance mechanism provide coverage for corrective action? It is a required coverage. If using the State Cleanup Fund, indicate "yes."
- Third Party Compensation** Indicate yes or no. Does the specified financial assurance mechanism provide coverage for corrective action? It is a required coverage. If using the State Cleanup Fund, indicate "yes."
- D. **Facility Information** Provide all facility and or site names and addresses.
- E. **Signature Block** Provide signature and date signed by tank owner or operator; printed or typed name and title of tank owner or operator; signature of witness or notary and date signed; and printed or typed name of witness or notary. (If notary signs please attach documentation.)

### Where to Mail certification:

Please send original to your local agency(ies) [agency(ies) that issues the UST permits]. Keep a copy of the certification at each listed site.

### Questions:

If you have questions about financial responsibility requirements or about the Certification of Financial Responsibility form, please contact the State Water Resources Control Board, Underground Storage Tank Cleanup Fund at (916) 227-4307.

### Note: Penalties for Failure to Comply with Financial Responsibility Requirements:

Failure to comply may result in: 1) jeopardizing claimant eligibility for the State Cleanup Fund, and 2) liability for civil penalties of up to \$10,000 per day, per underground storage tank, for each day of violation as stated in Article 7, Section 25299.76(a) of the California Health and Safety Code.

**EXHIBIT B**

The Chief Financial Officer or the owner or operator must sign, under penalty of perjury, a letter worded EXACTLY as follows or you may complete this letter by filling in the blanks with appropriate information:

**LETTER FROM CHIEF FINANCIAL OFFICER**

I am the Chief Financial Officer R H Auto Repair  
(Business name, business address, and correspondence address of owner or operator)  
5315 San Pablo Ave Oakland Ca. 94608

This letter is in support of the use of the **Underground Storage Tank Cleanup Fund** to demonstrate financial responsibility for taking corrective action and/or compensating third parties for bodily injury and property damage caused by an unauthorized release of petroleum in the amount of at least \$ 3000 per occurrence and \$ 5000 annual aggregate coverage.  
(Dollar Amount) (Dollar Amount)

Underground storage tanks at the following facilities are assured by this letter:  
R H Auto Repair 5315 San Pablo Ave Oakland Ca 94608  
(Name and address of each facility for which financial responsibility is being demonstrated.)

- 1. Amount of annual aggregate coverage being assured by this letter..... \$ 5,000
- 2. Total tangible assets..... \$ 113,639.23
- 3. Total liabilities..... \$ 52,314.17
- 4. Tangible net worth (subtract line 3 from line 2. Line 4 must be at least 10 times line 1)..... \$ 61,325.06

I hereby certify that the wording of this letter is identical to the wording specified in subsection 2808.1(d)(1), Chapter 18, Division 3, Title 23 of the California Code of Regulations.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed at Oakland, Ca.  
(Place of Execution)

On 7/16/08  
(Date)

[Signature]  
(Signature)

Jasbinder S. Grewal  
(Printed Name)

President  
(Title)