



Alameda County

MAR 29 2012

Environmental Health



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

7203066

## State Water Resources Control Board

March 27, 2012

Bruder LLC  
Athán Magganás  
2550 Appian Way, Suite 201  
Pinole, CA 94564

**UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), NOTICE OF ELIGIBILITY DETERMINATION: CLAIM NO. 019781; FOR SITE 6501 SHATTUCK AVE, OAKLAND**

The initial review of your claim is complete. It has been accepted for placement on the Priority List in Priority Class "B", with a deductible of \$5,000.

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. LOCs are issued annually, and are dependent on available funds and the closure of existing claims. 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](http://www.waterboards.ca.gov/water_issues/programs/ustcf/prioritylist.shtml).

**NOTE: Effective July 1, 2011, the Fund changed to a "new business model". As a result, the Fund may not have money available for new LOCs this fiscal year. For additional information regarding the Fund's operations, visit the Fund's web page at [http://www.waterboards.ca.gov/water\\_issues/programs/ustcf](http://www.waterboards.ca.gov/water_issues/programs/ustcf).**

**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, and you will be requested to submit a claim budget.

**Claim Budget:** All Priority A, B and C claims are required to have an approved scope of work and budget prior to receiving an LOC. These budgets must be updated and approved annually, and will enable the Fund to develop cash flow projections and improve payment processing times. Detailed instructions and necessary forms will be sent to you when the Fund determines funding is available for your claim. Information to assist you with setting up these scopes of work and budgets is available on the Fund's website.

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

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

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.

Bruder LLC  
Claim No. 19781

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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](http://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.shtml)

If you have any questions, please contact me at (916) 341-5765.

Sincerely,

*015*

Lu Anne Rolland  
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