

DEPARTMENT: Public Works

By: Michael Edwards

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes X No     )

Appropriate unanticipated revenue in the Capital Improvement Budget, Hazardous Waste Cleanup account, PW 91-55, (\$43,065), reimbursement from the State Underground Storage Tank Cleanup Fund Program, received for the remediation costs at the Coulterville Road Yard, for use in future underground tank removal and cleanup.

There are future cleanup actions pending at the Sheriff's office, 10th and Old Highway; at the Airport; and at the Sheriff's substation in Don Pedro. The Hornitos Road Yard is pending closure with no significant additional costs expected. Final closure has been previously achieved at the Ben Hur Road Yard and Coulterville Road Yard.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board approved award if the above-ground keylock project in February 1995. There was considerable delay when the existing underground tanks were removed, as part of this project, and it was discovered that there was extensive hydrocarbon contamination. The contamination has been successfully remediated and the Regional Board has granted closure. The state has just notified us that they will reimburse \$43,065 of the total \$66,353 requested. The state has determined that \$13,287 of the costs requested were ineligible, making eligible costs \$53,065. There is then a \$10,000 deductible, resulting in the reimbursement of \$43,065.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1. The reimbursement could be designated for the Road Fund. Future costs of spill remediation at the other sites would then have to be budgeted separately, presumably from the General Fund.

COSTS: ( ) Not Applicable	
A. Budgeted current FY>	\$ _____
B. Total anticipated Costs>	\$ <u>43,065</u>
C. Required additional funding>	\$ <u>43,065</u>
D. Internal transfers>	\$ _____

COSTS: (X) 4/5th Vote Required	
A. Unanticipated revenues>	\$ <u>43,065</u>
B. Reserve for contingencies>	\$ _____
C. Source description: >	_____

Balance in Reserve Contingencies, If Approved:  
\$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:	
List the attachments and number the pages consecutively:	
<u>1. Letter, SWRCB to Tucker</u>	_____
<u>2. Payment Summary Form</u>	_____
<u>3. Budget Action Form</u>	_____
	_____
	_____
	_____
	_____
	_____
	_____

CLERK'S USE ONLY

Res. No.: 98-172 Ord. No.: \_\_\_\_\_  
Vote - Ayes: 4 Noes:           
Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_

Approved  Denied  
 Minute Order Attached  No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board

By: \_\_\_\_\_  
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted With Comment
- Returned for Further Action

Comment: \_\_\_\_\_

C.A.O. Initials:



**Ca/EPA**

**State Water  
Resources  
Control Board**

**Division of  
Clean Water  
Programs**

Mailing Address:  
P.O. Box 944212  
Sacramento, CA  
94244-2120

2014 T Street,  
Suite 130  
Sacramento, CA  
95814  
(916) 227-4307  
FAX (916) 227-4530

World Wide Web  
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

APR 22 1998



Pete Wilson  
Governor

David Tucker  
Mariposa County Public Works Dept.  
4639 Ben Hur Rd  
Mariposa, CA 95338

**UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, REIMBURSEMENT  
REQUEST NO. 1, CLAIM NUMBER 11560, FOR SITE ADDRESS: HWY 49, COULTERVILLE**

We have reviewed and processed your Reimbursement Request No. 1 dated January 14, 1998 for the above-referenced claim and you will be receiving your funds in approximately 30 days. Based on this review, we have determined \$43,065 to be reimbursable as shown on the enclosed Reimbursement Request Form. Total approved for payment to date is \$43,065. If you have any questions regarding these findings, please refer to the enclosed copy of our "Payment Summary" and/or contact Martin Clark at (916) 227-4374.

Our records indicate that this is a final request. If you do not submit another Reimbursement Request or Request for Reconsideration within 30 days from the date of this letter, your claim will be processed for closure.

All **Pending** costs requiring additional information must be resubmitted with your next Reimbursement Request and all **Ineligible** costs must be deleted from the cumulative total on your next Reimbursement Request as shown in the Instructions. If you disagree with those costs determined ineligible, you may request a reconsideration or you may formally appeal the decision in accordance with Section 25299.37 of the Health and Safety Code. Do not submit additional information without a completed spreadsheet and Reimbursement Request form. Submit all Reimbursement Requests to the Payments Unit and Requests for Reconsideration to Mike Mosbacher at the above address.

**REQUIRED DOCUMENTATION:** You are required to submit the following within 30 days from date of this letter:

- A completed "Non-Recovery From Other Sources Disclosure Certification" (form USTCF019.NON enclosed).

Reimbursements from the Underground Storage Tank Cleanup Fund are subject to audit by the State Water Resources Control Board or its authorized representative. You are reminded that all records must be retained and be available for at least three years after the receipt of this final payment.

If you have any questions regarding reimbursement funds, please call me at (916) 227-4405.

Sincerely,

Janice Douglass  
Payment Unit  
Underground Storage Tank Cleanup Fund

Enclosures



Recycled Paper

*Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.*

ATT #1

# PAYMENT SUMMARY

Claimant: **MARIPOSA COUNTY DPW** Claim No: **11560**

Request No: **1** Region: **5**

Reviewer: **Martin Clark** Date: **04/15/98**

#	Invoice No.	Invoice AMOUNT	Amount Requested	Eligible	Pending	Ineligible	Foot Notes	USTCF Spreadsheet Comments
<b>Previous Total (Last Reimbursement)</b>				<b>0.00</b>				
1	659	07/09/93	5,700.00	0.00	0.00	5,700.00	3	These costs were related to the confirmation of an unauthorized release. The failed tank integrity test suspected a release, however the release was confirmed until samples were taken during the soil boring project.  It appears that the claimant may have employees that are qualified to perform or oversee corrective action work, however these costs appear to be for project management and reviewing or overseeing corrective action work performed by qualified consultants. These activities are unnecessary and determined ineligible for funding. Please note that costs for corrective action work performed by the claimant are typically eligible for funding. And Senate Bill 562 provides costs incurred after 1/1/97 for procuring contractors to be eligible for funding. It appears that a portion of the amount pending may be eligible for funding based on the provisions of SB 562. Please review the attached information and review the footnotes below. Given this information, please separate out the portion that is eligible for funding and request this amount with the next reimbursement. You may also provide any additional information to support the that the role of the claimant was for eligible corrective action work and therefore eligible for funding. Any costs related to the tank replacement are not eligible for funding.
2	9996	05/12/95	13,350.00	13,350.00		0.00		
3		06/16/95	1,295.00	1,295.00		0.00		
4		12/01/95	13,329.04	13,329.04		0.00		
5	1343	12/26/95	14,700.00	14,700.00		0.00		
6	1344	02/06/96	1,750.00	1,750.00		0.00		
7		03/18/96	1,759.16	1,759.16		0.00		
8		05/01/96	422.56	422.56		0.00		
9		09/27/96	1,406.35	1,406.35		0.00		
10	100346	09/27/96	2,623.73	2,623.73		0.00		
11		12/20/97	1,715.00	1,715.00		0.00		
12	215384	02/07/97	714.63	714.63		0.00		
13		11/19/97	7,587.57	0.00	6,708.26	879.31	4,20,25	
14						0.00	20	
15						0.00		
<b>Total of this Request</b>				<b>53,065.47</b>	<b>6,708.26</b>	<b>6,579.31</b>		

Total costs approved to date: **\$53,065.47** claimant will carry this amount forward to next "Spreadsheet" as "Amount Requested, Previous Total".

**Section 2812.1.(b) requires three bids for any work after December 2, 1991, or cost eligibility may be compromised.**

**PENDING COSTS**

Costs that have been categorized as pending may be substantiated at a later time with a future reimbursement request and do not require an appeal in order for staff to complete the eligibility review. However, additional information is required because documentation in the file is insufficient and/or inadequate to make a reasonable and necessary cost determination (Article 4, Section 2812.2(a), Petroleum USTCF Regulations). Costs "pending" additional information will be reevaluated once requested supporting documentation is submitted to the Fund with a future reimbursement request. Please note, the above "pending" costs are a result of insufficient information submitted. Following submittal of additional information, should the eligibility review determine that the cost(s) and associated activity(s) are unreasonable and unnecessary, the cost(s) will be made ineligible.

**FOOTNOTES**

**3) DETECTION OF AN UNAUTHORIZED RELEASE**

Per Fund Regulation 2804, the definition Corrective Action specifically excludes the activities associated with the detection, confirmation, or reporting of an unauthorized release. As such, costs associated with these activities are not eligible for funding.

**4) REMOVAL, RETROFIT, AND INSTALLATION OF TANKS AND PRODUCT LINES**

Per Fund Regulation 2812.2(d)(3), costs associated with the removal, repair, retrofit, or installation of underground storage tanks, product lines, or other UST related equipment are not eligible for funding.

**20) CLAIMANT'S SUPERVISION AND PROFIT**

Per Fund Regulation 2812(d)(4), the costs associated with the supervision of corrective action by a claimant is not eligible for funding. Additionally, claimants are not entitled to profit from the Fund. Although the Fund will reimburse the actual or direct costs associated with the claimant using their own equipment to perform corrective action. Cost preapproval is highly recommended for this.

**25) PROJECT MANAGEMENT / PROJECT BROKER COSTS**

Per Fund Regulation 2812.2(d)(15), costs associated with obtaining estimates and services from firms qualified to perform corrective action, acting as a liaison with regulatory agencies, reviewing or overseeing corrective action work performed by other qualified consultants and contractors are not eligible for funding. The Fund only reimburses those activities that are directly related to corrective action. If the consultant's role was to perform the "management" activities typically conducted by claimants, such as: hiring and supervising consultants, and contractors, reviewing invoices, reviewing reports, preparing invitations to bid, delivering reports, and providing funding, the costs associated with these activities would not be eligible for funding. In the event that a consultant is performing management activities for the claimant, the costs associated with management are not eligible for funding.

ATT # 2

# BUDGET ACTION FORM

FUND	DEPT/DIV	ACCOUNT	DESCRIPTION	PROJECT	INCREASE	DECREASE
523	1324	305-5505	Haz Mat Cleanup State Grant	91-55	(43,065)	
523	1324	794-0603	S.O. Clean Up	91-55	43,065	
001	0104	414-1090	GENERAL CONTINGENCY			
<b>TRANSFER BETWEEN FUNDS</b>						
<b>TOTAL</b>					0	0

- ACTION REQUESTED:** (Check all that apply)
- Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or appropriating Reserve for Contingencies;
  - Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories within a budget unit;

**JUSTIFICATION:** State Underground Storage Tank Cleanup Fund Program.

DEPT HEAD SIGNATURE	DATE 4/30/98
APPROVED BY RES NO. 98-172 CLERK	DATE 5-12-98

**AUDITOR'S USE ONLY**

BA# \_\_\_\_\_