



Linda S. Adams
Secretary for
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State Water Resources Control Board

Division of Financial Assistance

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Arnold Schwarzenegger
Governor

March 19, 2009

To: Underground Storage Tank (UST) Cleanup Fund (Fund) Claimants

Re: **Appeal Process to Request Change to Priority Class B**

Priority Class "C" claimants who want to request that their claim be assigned to the higher Priority "B" classification must meet the following requirements and provide the information requested below.

Priority Class B is for small businesses that are independently owned and operated, not dominant in their field of operation, employ 100 or fewer employees (including all affiliates), and have average annual gross receipts of \$12 million or less (including all affiliates) over the three years prior to the date of the claim application.

If you wish to apply for assignment of your claim to Priority Class B, you must formally request a Fund Manager Decision (FMD) and submit the required documentation as outlined below:

1. Request an FMD and identify that you are appealing for a priority class change. The request letter must be signed by the claimant or a person authorized to sign for this claim, and must have an original ink signature.
2. Complete the Enclosed forms: "Request for Assignment of Claim to Priority Class B" and "Worksheet for Priority Class B Claimants."
3. Submit complete federal tax returns for the claimant and for each affiliate for three calendar years prior to the date of claim application submittal. As proof of gross revenues for the purposes of assignment to Priority Class B, the enclosed chart identifies the federal tax returns, the statement, and schedules that are required to be submitted.
4. Submit documentation supporting the number of employees for the claimant, the claimant's business, and any affiliates [i.e., Employment Development Department (DE-6) payroll reports] for the four quarters prior to the date of claim application submittal. Claimants must employ 100 or fewer full and part-time employees. Claimants who do not have any employees must submit a letter stating that they and their affiliates do not have any employees. This letter must be signed by the claimant under penalty of perjury and must have the claimant's original ink signature.

5. Submit an updated priority class worksheet if the claimant previously certified that any of the following individuals or entities were priority class C or D: joint claimants, owners or operators at the time of discovery of release, or owners or operators at the time of original application submittal. This worksheet can be found in section 21 of the current Fund application (revised January 2008). In addition to the updated worksheet, claimants must provide an explanation of why the priority class worksheet was previously incorrect.

The Fund will review these documents to determine eligibility for Priority Class B. A letter will be mailed to you upon final determination.

Submit your request along with the above documentation to:

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

Claim No. #####

Please Note: If you are the assignee of a claim, you must submit the required documentation for the eligible claimant (original assignor).

Please do not send your request for an FMD or any documentation via e-mail or fax.

If you have any questions, please contact the Fund at (800) 813-FUND (3863) or e-mail USTCleanupFund@waterboards.ca.gov.