



**MAILING ADDRESS:**  
 STATE WATER RESOURCES CONTROL BOARD  
 DIVISION OF FINANCIAL ASSISTANCE  
 UST CLEANUP FUND  
 P.O. BOX 944212  
 SACRAMENTO, CA 94244-2120

**PHYSICAL ADDRESS:**  
 STATE WATER RESOURCES CONTROL BOARD  
 DIVISION OF FINANCIAL ASSISTANCE  
 UST CLEANUP FUND  
 1001 I STREET  
 SACRAMENTO, CA 95814

**CERTIFICATION OF NON-AFFILIATION WITH INELIGIBLE PRIOR OWNER OR OPERATOR**

Despite the ineligibility of a previous owner or operator, you may be eligible for reimbursement if you are not an affiliate of any person whose act or omission caused or would cause ineligibility for the Underground Storage Tank Cleanup Fund (Fund). Please use the attached form to demonstrate that you are not and were not an affiliate of the above-referenced ineligible person(s) and to declare that fact under penalty of perjury. Please fill out this form carefully and completely, attaching additional sheets as necessary. Failure to fully and accurately disclose information will constitute grounds to reject your claim.

Claimant Name: \_\_\_\_\_

Claim No: \_\_\_\_\_

Site Address: \_\_\_\_\_

The Fund has determined that the following former site owner(s) or UST or residential tank owner(s) or operator(s) committed acts or omissions that caused or would cause ineligibility for the Fund for this occurrence: *[insert name(s) of described ineligible owner or operator]*

Please respond to the following questions carefully and completely, attaching additional sheets as necessary.

- Do you have or have you had in the past a familial relationship with any person listed above? [See definition at H&S Code, § 25299.54, subd. (h)(5)(C).]  YES  NO  
 If yes, please describe the relationship. \_\_\_\_\_
- Do you have or have you had in the past a fiduciary relationship with any person listed above? [A fiduciary is a person who has a duty to act primarily for another's benefit in a specified matter (e.g., executor, administrator, trustee, guardian).]  YES  NO  
 If yes, please describe the relationship. \_\_\_\_\_
- Is there or was there in the past a relationship of direct or indirect control between you and any person listed above? [See examples at H&S Code, § 25299.54, subd. (h)(5)(B).]  YES  NO  
 If yes, please describe. \_\_\_\_\_
- Do you have or in the past have you had shared interests in this or other property with any person listed above? [See examples at H&S Code, § 25299.54, subd. (h)(5)(B).]  YES  NO  
 If yes, please describe. \_\_\_\_\_
- Excluding the sale transaction for this site, do you have or have you had in the past any other business relationship or affiliation with any person listed above?  YES  NO  
 If yes, please describe. \_\_\_\_\_

As the undersigned claimant to the Fund, I hereby declare under penalty of perjury that all of the information I have provided in this form is true and correct to the best of my knowledge and belief. I certify that I am not now, nor have I been in the past, an affiliate of any person whose act or omission caused or would cause ineligibility for the Fund for this occurrence. I understand that my claim may be removed from the Priority List if it is later discovered that any of the information contained herein, or in the claim application or other documents submitted to the Fund, has been misrepresented.

CLAIMANT/JOINT CLAIMANT NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Health and Safety Code, Section 25299.54, subdivision (h):

(h) (1) Except as provided in paragraph (2), a person who purchases or otherwise acquires real property on which an underground storage tank or tank specified in subdivision (e) is situated shall not be reimbursed by the board for a cost attributable to an occurrence that commenced prior to the acquisition of the real property if both of the following conditions apply:

(A) The purchaser or acquirer knew, or in the exercise of reasonable diligence would have discovered, that an underground storage tank or tank specified in subdivision (e) was located on the real property being acquired.

(B) Any person who owned the site or owned or operated an underground storage tank or tank specified in subdivision (e) at the site during or after the occurrence and prior to acquisition by the purchaser or acquirer would not have been eligible for reimbursement from the fund.

(2) Notwithstanding paragraph (1), if the claim is filed on or after January 1, 2003, the board may reimburse the eligible costs claimed by a person who purchases or otherwise acquires real property on which an underground storage tank or tank specified in subdivision (e) is situated, if all of the following conditions apply:

(A) The claimant is the owner or operator of the tank that had an occurrence that commenced prior to the owner's acquisition of the real property.

(B) The claimant satisfies all eligibility requirements, other than those specified in paragraph (1).

(C) The claimant is not an affiliate of any person whose act or omission caused or would cause ineligibility for the fund.

(3) If the board reimburses a claim pursuant to paragraph (2), any person specified in subparagraph (B) of paragraph (1), other than a person who is ineligible for reimbursement from the fund solely because the property was acquired from another person who was ineligible for reimbursement from the fund, shall be liable for the amount paid from the fund. The Attorney General, upon request of the board, shall bring a civil action to recover the liability imposed under this paragraph. All money recovered by the Attorney General under this paragraph shall be deposited in the fund.

(4) The liability established pursuant to paragraph (3) does not limit or supersede liability under any other provision of state or federal law, including common law.

(5) For purposes of this subdivision, the following definitions shall apply:

(A) "Affiliate" means a person who has one or more of the following relationships with another person:

(i) Familial relationship.

(ii) Fiduciary relationship.

(iii) A relationship of direct or indirect control or shared interests.

(B) Affiliates include, but are not limited to, any of the following:

(i) Parent corporation and subsidiary.

(ii) Subsidiaries that are owned by the same parent corporation.

(iii) Business entities involved in a reorganization, as defined in Section 181 of the Corporations Code.

(iv) Corporate officer and corporation.

(v) Shareholder that owns a controlling block of voting stock and the corporation.

(vi) Partner and the partnership.

(vii) Member and a limited liability company.

(viii) Franchiser and franchisee.

(ix) Settlor, trustee, and beneficiary of a trust.

(x) Debtor and bankruptcy trustee or debtor-in-possession.

(xi) Principal and agent.

(C) "Familial relationship" means relationships between family members, including, and limited to, a husband, wife, child, stepchild, parent, grandparent, grandchild, brother, sister, stepbrother, stepsister, stepmother, stepfather, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and, if related by blood, uncle, aunt, niece, or nephew.