



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

2011 DEC 15 AM 6:53

State Water Resources Control Board

Alameda County

December 13, 2011

DEC 15 2011

Livermore Valley Joint & Unified School District
685 East Jack London Boulevard
Livermore, CA 94551

Environmental Health

**UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), FINAL STAFF
DECISION TO REJECT CLAIM: CLAIM NO. 019828; FOR SITE ADDRESS: 2900
LADD AVENUE, LIVERMORE**

On August 29, 2011, a "Staff Decision to Reject Claim" letter was sent to you. The letter informed you that your claim is not eligible for placement on the Fund's Priority List, and stated the reason(s) for that determination. A response dated December 1, 2011 has been received and all additional documents and information have been reviewed.

The response to our request for complete permit information was that there are no additional operating permits available. Permitting information included with your application consists of:

- Application for an operating permit dated 7/6/87
- A six-month permit was issued 10/87
- A six-month permit was issued 02/88
- A letter dated 3/23/88 from Alameda County states you received a six-month interim permit. In order to receive a final five-year permit, the facility must be inspected and prior to inspection, additional information must be submitted.
- A six-month permit issued 01/89
- A letter dated 4/8/92 from Alameda County states the facility has not received a five-year permit to operate USTs.
- Application to close USTs dated 7/14/92

It is clear that permit compliance was not maintained. A final five-year permit was never obtained and there is a gap in compliance between the last six-month permit that expired 07/89 and the application for closure dated 7/14/92.

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

Livermore Valley Joint & Unified School District
Claim No. 19828

Because compliance with permitting regulations was not maintained, your claim is not eligible for participation in the Fund. My decision is based on the following authority:

Applicable Authority

H&SC Section 25284 states:

(a)(1) Except as provided in subdivision (c), no person may own or operate an underground storage tank unless a permit for its operation has been issued by the local agency to the owner or operator of the tank, or a unified program facility permit has been issued by the local agency to the owner or operator of the unified program facility on which the tank is located.

Fund Regulations Section 2811 states:

(a) An owner or operator of an underground storage tank or residential tank for which a permit is required under section 25284 of the Health and Safety Code shall be entitled to reimbursement for eligible corrective action, regulatory technical assistance, and third party compensation costs if...

(2)(A) ...the claimant has complied with the permit requirements of Chapter 6.7 (commencing with Section 25280).

NOTE: The sections cited are found in the Petroleum Underground Storage Tank Cleanup Fund Regulations, Title 23, Division 3, Chapter 18, of the California Code of Regulations, or Petroleum Underground Storage Tank Cleanup Fund Statutes, California Health and Safety Code (H&SC), Division 20, Chapter 6.75.

If you disagree with this Final Staff Decision, you may appeal to the Fund Manager pursuant to Section 2814 of the *Petroleum Underground Storage Tank Cleanup Fund Regulations*. If you would like review of the decision by the Fund Manager, please submit your request along with any additional documentation to:

Lisa Babcock, Fund Manager, Claim No. 019828
Underground Storage Tank Cleanup Fund
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

A request to the Fund Manager should be submitted within thirty (30) calendar days from the date of this letter and must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy

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or outcome desired; and (3) an explanation of why the claimant believes the Staff Decision is erroneous, inappropriate or improper.

Should you decide to appeal this Decision, you must submit the following:

1. Verification that Susan Kinder is authorized to sign on behalf of Livermore Valley Joint and Unified School District. According to your letter dated December 1, 2011, a letter was attached to verify signature authority; however, no letter was received.
2. 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 to the State Board of Equalization. According to your letter dated December 1, 2011, that information had not yet been obtained.

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

Sincerely,

ols

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