



Matthew Rodriguez
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Financial Assistance

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5765 • FAX (916) 341-5806 • www.waterboards.ca.gov/water_issues/programs/ustcf/



Edmund G. Brown Jr.
Governor

September 13, 2011

ConocoPhillips Company
Louis Mosconi
3900 Kilroy Airport Wy #210
Long Beach, CA 90806

Alameda County

SEP 15 2011

Environmental Health

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), STAFF DECISION TO REJECT CLAIM: CLAIM NO. 018978; FOR SITE ADDRESS: 1771 FIRST STREET, LIVERMORE

Your claim has been found to be ineligible for placement on the Priority List for the following reason: You have failed to provide adequate information that identifies the source(s) of the subsurface petroleum contamination at the subject site.

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...

(1) There was an unauthorized release of petroleum from the underground storage tank or residential tank.

H&SC Section 25299.57(d) states:

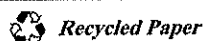
Except as provided in subdivision (j), a claim specified in subdivision (a) may be paid if the board makes... the following findings:

(1) There has been an unauthorized release of petroleum into the environment from an underground storage tank.

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.

Your claim was reviewed by our Technical Review Unit and on August 29, 2008 it was determined that the source of the gasoline release had not been identified and confirmed. No investigation for any leak from the tanks was identified or provided.

California Environmental Protection Agency



On September 16, 2008, a letter was sent by the Fund requesting evidence to identify the source of contamination. There was no response to that letter and a final request was sent on September 29, 2009.

A Site Investigation Report dated November 11, 2008 was provided in response to that request, and your claim was again reviewed by our Technical Unit. On September 1, 2011, it was again determined that there is insufficient documentation to identify the source of contamination. The Site Investigation Report concludes that the impacted soil **likely** originated from the fuel dispensers and the USTs. However, the Technical Reviewer, Mr. Mohammed Khan, determined that the conclusion of the origin of contamination was based on a lack of substantiating data.

Absent verification to substantiate the source of contamination, your claim is ineligible to participate in the Fund.

If you disagree with this 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:

John Russell, P.G., Fund Manager, Claim #«CLAIM_NO»
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 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 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. A copy of the first permit to operate the USTs after acquisition on 2/13/01.
2. A copy of the most recent operating permit.
3. A completed "Certification of Compliance with Health & Safety Code, Section 25299.54, subdivision (h)". This form is on our website under "Forms / Publications".

ConocoPhillips Company
Claim No. 18978

-3-

If you do not request a review by the Fund Manager within thirty (30) calendar days from the date of this letter, the Final Staff Decision will then become final and conclusive.

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

Sincerely,

o/s

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

