



Alan C. Lloyd, Ph.D.
Agency Secretary

State Water Resources Control Board

Division of Financial Assistance

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5714 • FAX (916) 341-5806 • www.waterboards.ca.gov/cwphome/ustcf



Arnold Schwarzenegger
Governor

PORT OF OAKLAND
WENDEL, ROSEN, BLACK & DEAN, LLP
CARMEN KING
1111 BROADWAY 24TH FL
OAKLAND, CA 94607

October 26, 2005

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), NOTICE OF ELIGIBILITY DETERMINATION: CLAIM NUMBER 017195; FOR SITE ADDRESS: 265 HEGENBERGER RD, OAKLAND

Your claim has been accepted for placement on the Priority List in Priority Class "D" with a deductible of \$10,000.

We have completed our initial review. The next step in the claim review process is to conduct a compliance review.

Compliance Review: Staff reviews, verifies, and processes claims based on the priority and rank within a priority class. After the Board adopts the Priority List, your claim will remain on the Priority List until your Priority Class and rank are reached. At that time, staff will conduct an extensive Compliance Review at the local regulatory agency or Regional Water Quality Control Board. During this Compliance Review, staff may request additional information needed to verify eligibility. Once the Compliance Review is completed, staff will determine if the claim is valid or must be rejected. If the claim is valid, a Letter of Commitment will be issued obligating funds toward the cleanup. If staff determine that you have not complied with regulations governing site cleanup, you have not supplied necessary information or documentation, or your claim application contains a material error, the claim will be rejected. In such event, you will be issued a Notice of Intended Removal from the Priority List, informed of the basis for the proposed removal of your claim, and provided an opportunity to correct the condition that is the basis for the proposed removal. Your claim will be barred from further participation in the Fund, if the claim application contains a material error resulting from fraud or intentional or negligent misrepresentation.

Record keeping: During your cleanup project you should keep complete and well organized records of all corrective action activity and payment transactions. If you are eventually issued a Letter of Commitment, you will be required to submit: (1) copies of detailed invoices for all corrective action activity performed (including subcontractor invoices), (2) copies of canceled checks used to pay for work shown on the invoices, (3) copies of technical documents (bids, narrative work description, reports), and (4) evidence that the claimant paid for the work performed (not paid by another party). These documents are necessary for reimbursement and failure to submit them could impact the amount of reimbursement made by the Fund. *It is not necessary to submit these documents at this time; however, they will definitely be required prior to reimbursement.*

Compliance with Corrective Action Requirements: In order to be reimbursed for your eligible costs of cleanup incurred after December 2, 1991, you must have complied with corrective action requirements of Article 11, Chapter 16, Division 3, Title 23, California Code of Regulations. Article 11 categorized the corrective action process into *phases*. In addition, Article 11 requires the responsible party to submit an

California Environmental Protection Agency

investigative workplan/Corrective Action Plan (CAP) before performing any work. This phasing process and the workplan/CAP requirements were intended to:

1. help the responsible party undertake the necessary corrective action in a cost-effective, efficient and timely manner;
2. enable the regulatory agency to review and approve the proposed cost-effective corrective action alternative before any corrective action work was performed; and
3. ensure the Fund will only reimburse the most cost-effective corrective action alternative required by the regulatory agency to achieve the minimum cleanup necessary to protect human health, safety and the environment.

In some limited situations **interim cleanup** will be necessary to mitigate a demonstrated immediate hazard to public health, or the environment. Program regulations allow the responsible party to undertake interim remedial action after: (1) notifying the regulatory agency of the proposed action, and; (2) complying with any requirements that the regulatory agency may set. Interim remedial action should only be proposed when necessary to mitigate an immediate demonstrated hazard. **Implementing interim remedial action does not eliminate the requirement for a CAP and an evaluation of the most cost-effective corrective action alternative.**

Three bids: Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. You must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. **If you do not obtain three bids or a waiver of the three-bid requirement, reimbursement is not assured and costs may be rejected as ineligible.**

If you have any questions, please contact me at (916) 341-5714.

Sincerely,
Shari Knieriem

Shari Knieriem
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

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State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs

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Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

MAY - 7 2002
Port Of Oakland
Wendel, Rosen, Black & Dean, Llp
Carmen King
1111 Broadway 24th Fl
Oakland, CA 94607

MAY 10 2002

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), REQUEST FOR FURTHER DOCUMENTATION DURING INITIAL REVIEW: CLAIM NUMBER 017195; FOR SITE ADDRESS: 265 HEGENBERGER RD, OAKLAND

After reviewing your claim application to the Cleanup Fund, we find that the following additional information is needed to determine your eligibility for placement on the Priority List:

Please provide a copy of the closure letter issued by Alameda County Department Environmental Health (ACDEH).

The request for a Permit Waiver is not applicable in this case. The subject USTs were either removed or a request to close the USTs was prior to January 1, 1990. The documentation provided is sufficient.

Please be advised that the Authorized Representative Form is no longer used by the Fund. Please complete the enclosed Power of Attorney form.

NOTE: Failure to respond to this request within thirty (30) calendar days from the date of this letter may result in an ineligibility determination of your claim.

If you have any questions, please contact me at (916) 341-5714.

Sincerely,

ORIGINAL SIGNED BY

Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

Ms. Donna Drogos
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

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PORT OF OAKLAND

September 16, 1994

Barney M. Chan
Hazardous Materials Specialist
Alameda County Health Care Services Agency
80 Swan Way, Rm 200
Oakland, CA 94621

Dear Mr. Chan:

**SUBJECT: GROUNDWATER MONITORING AT 265 HEGENBERGER ROAD, OAKLAND
CA, 94621**

This letter is to confirm the results of our telephone conversation earlier today.

In that conversation, you agreed that the Port of Oakland could postpone quarterly monitoring at 265 Hegenberger Road for the third quarter of 1994 pending completion of the tidal study report.

The report should be available for your review by October 5, 1994. We agreed to talk again once you have reviewed the report so we can discuss whether the three monitoring wells currently located at the site are sufficient.

Please contact me at 272-1220 if you have any questions.

Sincerely,

Dan Schoenholz
Associate Environmental Scientist

cc: Gerry Slattery, Uribe & Associates

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PORT OF OAKLAND

June 3, 1994

Barney M. Chan
Hazardous Materials Specialist
Alameda County Health Care Services Agency
80 Swan Way, Rm 200
Oakland, CA 94621

Dear Mr. Chan:

SUBJECT: RESPONSE TO YOUR COMMENTS ON WELL INSTALLATION REPORT FOR 265 HEGENBERGER ROAD, OAKLAND CA, 94621

This letter is in response to your letter dated March 1, 1994, in which you provided comments on the February 11, 1994 Well Installation Report for 265 Hegenberger Road. I apologize for the delay in responding.

You suggested that the Port conduct monitoring to determine whether groundwater is tidally influenced. In order to accomplish this, we propose to perform elevation monitoring over a full tidal cycle, rather than once a month as you indicated in your letter. Based on the results of the elevation monitoring, we will have better data on which to base a decision for placing additional monitoring wells, if necessary.

You also stated that there is some doubt as to the integrity of MO-W3. We have no evidence to suggest that there are any problems with MO-W3. The large elevation difference may be due to localized hydrogeologic or tidal conditions.

Finally, you requested a time when you could inspect the grease trap within the building. I will be happy to meet you at the site at your convenience. Please contact me at 272-1220 to arrange a meeting time, or if you have any questions.

Sincerely,

Dan Schoenholz
Associate Environmental Scientist

cc: Stephanie Knott, Uribe & Associates

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO#539

October 23, 1997
StID # 4269

Mr. John Prall
Port of Oakland
530 Water St.
Oakland CA 94607

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

**Re: Closure of Monitoring Wells at former Marriot Courtyard Site,
265 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Prall:

This letter serves to inform you than our office has received Regional Water Quality Control Board (RWQCB) concurrence for site closure in regards to the underground fuel leak from the 1000 gallon fuel and 2000 gallon gasoline tank at the above referenced site. Therefore, our office requests the proper closure of the six monitoring wells at this site. Every effort should be made to locate and properly close the "lost" wells in addition to the known wells.

I may be reached at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

c: B. Chan, files
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