

203001



# State Water Resources Control Board



Linda S. Adams  
Acting Secretary for  
Environmental Protection

**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/](http://www.waterboards.ca.gov/water_issues/programs/ustcf/)

Edmund G. Brown Jr.  
Governor

May 24, 2011

Terradev Jefferson, LLC  
Sara May  
580 2nd St  
Oakland, CA 94607

**UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), STAFF DECISION TO REJECT CLAIM: CLAIM NO. 019748; FOR SITE ADDRESS: 645 4TH ST, OAKLAND**

On 12/28/10, a "Staff Decision to Reject Claim" 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. The letter also informed you that if you did not respond within sixty (60) calendar days from the date of the letter, the decision to reject the claim will become final and conclusive.

On 3/1/11 a 60 day extension was granted; however, to date we have not received the requested documents and information.

Since you did not exercise your right to submit additional information within the time specified, your claim is not eligible for participation in the Fund.

Fund Regulations Section 2811.2 states:

A Fund application for reimbursement of corrective action costs shall contain the following:

- (n) any other information or supporting documentation reasonably required by the Division to determine the eligibility, reimbursable amount due, or appropriate priority class of the claim.

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:

John Russell, P.G., Fund Manager, Claim #019748  
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.

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.

Should you appeal, you must also submit the following:

1. Verification of site ownership. Per page 4 of the 5/22/06 Site Assessment Update, "Metrovation" has owned the property since 2001. Who is Metrovation?
2. What is the relationship between the site owners listed on page 8 of the application? Reba Altward et al has the same address as 3<sup>rd</sup> & Jefferson Properties; Terranomics appears to be associated with Terradev Jefferson, LLC and Terradev Jefferson, LLC appears to be a combination of 3<sup>rd</sup> & Jefferson Properties and Terranomics. Please clarify.
3. Amended page 8 of the application as there is a gap in history from 1972 to 1987.
4. On page 8, all operators were listed as "N/A". What does this mean? To your knowledge, or that of any affiliate, when did the subject UST cease operation?

5. Amended Priority B Worksheet (enclosed), as the one submitted does not appear to list all affiliates. Note: The questions for #3 are relative to the Claimant **and the individual owners**. The only affiliate listed is "Terranomics Development Corp", however, it appears there are other companies affiliated with the individual owners of Terradev Jefferson, LLC. In addition, there is conflicting information regarding employees. Per page 1, 3. h), employees are shared with another business, yet on page 2, zero employees were listed. Please clarify, and submit either a) a statement under penalty of perjury that there are no employees for the claimant and all affiliates, or b) DE-6 forms for all employees of claimant and all affiliates for the four quarters prior to submittal of your application.
6. Complete the enclosed "Request for Assignment of Claim to Priority Class B (Small Business) Addendum to the UST Cleanup Fund Application".
7. Amended page 10, as the UST was not exempt from permitting requirements (it was not decommissioned before 1/1/84).
8. A copy of any permits from 1987 (when the local agency began permitting) to the time of your acquisition of the property.
9. Amended page 18 as the tank was not removed prior to the compliance date of 12/31/93.
10. Claimants are required to have current financial responsibility documents on file with the local regulatory agency. Please submit the original documents to the local regulatory agency and forward a copy to the Fund. Any questions regarding financial responsibility should be directed to Ginny Lagomarsino at (916) 341-5722.
11. You indicate the tank was discovered during building renovation. Please be more specific (i.e., the date of discovery, work being done, etc.) In addition, provide documentation to verify when and how the UST was discovered.
12. Per 5/20/09 letter from Alameda County, a request was made to confirm that no piping or dispensers remain at the site, however, I do not find a response to that request. Please clarify if there was any piping, a dispenser or concrete slab for a dispenser, a fill pipe or vent pipe, etc.
13. A copy of the Articles of Organization to verify the claimant entity type.

Terradev Jefferson, LLC  
Claim No. 19748

-4-

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

2011 MAY 24 PM 12:00