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Alameda County

JAN 25 2012

Environmental Health



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

January 23, 2012

Oakland Unified School District  
Leroy Stokes  
955 High St  
Oakland, CA 94601

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), STAFF DECISION TO REJECT CLAIM: CLAIM NUMBER 019879; FOR SITE ADDRESS: 2607 MYRTLE ST, OAKLAND

After reviewing your claim application and supporting documents submitted to the Fund, we find that your claim is ineligible for placement on the Priority List at this time because the required documentation and/or information necessary to make an eligibility determination was not submitted (Section 2811 of the *Petroleum Underground Storage Tank Cleanup Fund Regulations*).

The following must be submitted to determine your eligibility for placement on the Priority List:

1. Claimants are required to provide 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. If any of the USTs stored fuel oil on or after January 1, 1991 (which the claim application shows it was), please submit confirmation that all storage fees have been paid to the State Board of Equalization (BOE) for the time period that you owned the tanks. Attach copies of the UST Fee Return Forms filed with the BOE with proof of payment (copy of canceled checks) for all applicable time periods or provide a copy of the BOE letter documenting that all fees have been paid for the specific time period at this site (1/1/91-12/23/96). For more information regarding this storage fee, visit the BOE's website at [www.boe.ca.gov](http://www.boe.ca.gov) or call 1-800-400-7115. When contacting BOE, please provide name, site address, parcel number (APN), county, tank number, and the dates that you paid storage fees for the subject tanks (BOE request form is provided for your convenience).
2. Complete number 2 on page one of claim application (*Board of Equalization No.*).

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](http://www.waterboards.ca.gov)

On page four, number 17 of claim application, it indicates fuel was placed in tank after 1/1/91. On page 7, numbers 1 and 4 of claim application, it indicates fuel was placed in fuel tank thru some time in 1996. Therefore, you must provide evidence that BOE fees were paid. If fees were not paid and should have been, this can be remedied by contacting BOE and back paying any applicable fees; however, a Letter of Commitment (LOC) cannot be issued by the Fund until all back fees are paid and the Fund receives a letter from BOE indicating all fees were paid for the time period applicable to this claim (for 1/1/91-12/23/96).

3. On page 4, number 11 of claim application, the date is entered for 12/23/96 as the "*Date Regulatory Agency Confirmed Release and Issued First Cleanup Directives*". From documentation provided, it appears that the date is Alameda County's letter dated 5/20/97. However, if there were any written directives prior to this date, please provide copies; or, if there were verbal directives prior to this date, provide written confirmation from the regulatory agency.
4. On page 4, number 15 of claim application, the date entered for "*Date UST Removed*" is 12/23/26. This appears to be a typographic error and should be 12/23/96. Please confirm, or clarify.
5. On page 10, number 1, what date was UST installed (approximately)?
6. Complete page 10, number 2 of claim application regarding permits (see also numbers 10, 11 & 12 below).
7. On page 10, number 4 of claim application, the answer is insufficient and it appears the wrong box may have been checked for "Compliance Date" (see number 7 below). Claimant must provide documentation to substantiate claimant maintained permit compliance; the only permits provided was the application for a removal permit (dated 11/26/96) and the removal permit (dated 12/12/96); the UST was remove on 12/23/96 (see also numbers 10, 11 & 12 below).
8. On page 18, number 3 of claim application, the date checked for "Compliance Date" (12/31/98) is for Indian Reservations<sup>1</sup>.
9. On page 20 of claim application, complete sections B, C and D.
10. Page 21 of the claim application is signed by Leroy Stokes. Submit documentation showing Leroy Stokes has the authority to sign on behalf of the claimant (i.e., a signed letter from the School District Superintendent giving Leroy

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<sup>1</sup> From documentation in your application, it appears that Financial Responsibility documentation is not required because this claim is for a Heating Oil Tank, which is exempt from Financial Responsibility; therefore completion of a "Compliance Date" is not necessary.

Stokes authority to sign Fund documents). A Power of Attorney form which may be used is attached for convenience.

11. Provide a copy of the **first** permit you obtained to own or operate the USTs issued by the local regulatory agency (air pollution or Air Quality Management District permits are not acceptable).
12. Provide a copy of the **latest** UST operating permit issued by the local regulatory agency dated **prior to removal** of the USTs that are the subject of the claim application (and is dated prior to removal permit application dated 11/26/96).
13. All claimants who file their claim on or after January 1, 2008, and who did not obtain a permit required by statutory law, may seek a waiver of the permit requirement. The Board shall waive the provisions of the permit requirement as a condition for payment from the Fund if the Board finds all of the following:
  - ✓ The claimant was unaware of the permit requirement, and upon becoming aware of the permit requirement, the claimant complies with subdivision (a) of Section 25284 or 25298 and the regulations adopted to implement those sections within a reasonable period, **not to exceed one year**, from when the claimant became aware of the permit requirement.
  - ✓ Prior to submittal of the application to the Fund, the claimant has complied with Section 25299.31, and has obtained and paid for all permits currently required by this paragraph.
  - ✓ Prior to submittal of the application to the Fund, the claimant has paid all fees, interest, and penalties imposed pursuant to Article 5 (commencing with Section 25299.40) and Part 26 (commencing with Section 50101) of Division 2 of the Revenue and Taxation Code for the underground storage tank that is the subject of the claim.

To request this waiver, please complete the enclosed Permit Waiver form, along with documentation demonstrating that you have satisfied the criteria outlined above.

It is important to note that when the Board grants a waiver of the permit requirements, claimants must pay a higher deductible on their claim, depending upon the date that the claimant complied with the UST permitting or closure requirements. Claimants who comply on or before December 22, 1998, must pay twice the amount of deductible that would otherwise apply to the claim, but in no event less than \$10,000. Claimants who comply after December 22, 1998, must pay a deductible that is four times the amount that would otherwise apply to the claim, but in no event less than \$20,000.

Oakland Unified School District  
January 23, 2012  
Claim 19879

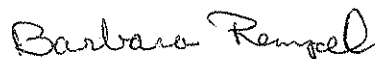
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If all the documentation and information requested above is not submitted within sixty (60) calendar days from the date of this letter, the Staff Decision will then become final and conclusive.

**Please note:** The deadline to submit a claim application for the Special School District Account was January 2, 2012 (your claim was received by the Fund on January 4, 2012). The special account created solely for school districts expires in June 2012 and funds must be encumbered by July 1, 2012. Therefore, it is very important that you provide the requested information as quickly as possible in order to allow the Fund adequate time to process your claim under the special account. If all documentation required for accepting your claim to the Priority List is not received within sixty days, your claim may not make this special funding account, if it should eventually be determined eligible.

If you have any questions, please contact me at (916) 341-5761.

Sincerely,



Barbara Rempel  
Claims Review Unit  
Underground Storage Tank Cleanup Fund

Enclosures

cc: Mr. Chuck Headlee (w/o enclosures)  
RWQCB, Region 2  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612

✓ Ms. Donna Drogos (w/o enclosures)  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577

Paresh C. Khatri (w/o enclosures)  
Alameda County EHD  
Paresh.khatri@acgov.org