

R0311



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) 341-5996 • www.waterboards.ca.gov/water_issues/programs/ustcf/

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

Call Mac Transportation Company, Inc.
Scott Fooks
205 Anapamu St E
Santa Barbara, CA 93101

JUN 22 2009

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), STAFF DECISION TO REJECT CLAIM: CLAIM NO. 019228; FOR SITE ADDRESS: 461 MCGRAW AVE, LIVERMORE

Your claim has been found to be ineligible for placement on the Priority List for the following reason:

Applicable Authority

Section 25281(y) (1) of the H & SC, reads in part:

"Underground storage tank" means any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground.

Section 25299.57(d)(1) of the H&SC, reads in part:

"...the State Water Board may pay a claim to the Fund if [t]here has been an unauthorized release of petroleum into the environment from an underground storage tank..."

Background

According to the documents submitted with the claim application, the subject UST was removed in July 1995. Samples collected near the dispense piping area (appeared to have been collected from area of obvious over spillage) detected 17,000 mg/kp (ppm) of TPHd.

After the UST was removed there was excavation and exploratory geoprobe borings conducted at the site. Contamination detected in the sample collected near the dispenser appears to have collected in an obvious overspill area. No visible signs or leak or odor was observed during UST or dispenser removal. There is insufficient documentation to justify an eligible release from the UST system at the site.

Claimant may appeal by providing additional investigation data to justify an eligible release from UST system at the site.

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 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:

Ronald M. Duff, Fund Manager, Claim #019228
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 Staff Decision will then become final and conclusive.

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

Sincerely,

ISI

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