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## **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.swrcb.ca.gov/cwphome/ustcf



Go:

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 swrch.ca gov

Port Of Oakland Wendel, Rosen, Black & Dean, LLP Carmen King 1111 Broadway 24th Fl Oakland, CA 94607

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), STAFF DECISION TO REJECT CLAIM: CLAIM NUMBER 017197; FOR SITE ADDRESS: 245 2ND ST, OAKLAND

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

On March 25, 2002, the Fund received your claim application. After careful review, it was determined that the application was not complete and further documentation was needed in order to make a determination of eligibility for placement on the Priority List.

On June 25, 2002, the Fund requested the additional documentation in order to determine the eligibility of the subject claim. As you know, one of the required documents was the permit for the UST which is required under section 25284 of the Health and Safety Code. On March 3, 2003, the Fund received a portion of the requested documentation for the subject claim. The permit information that was provided failed to meet the regulations that govern this program.

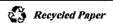
The Petroleum Underground Storage Tank Cleanup Fund Regulations, Section 2811. (a) (1) (2) states in part..."If the underground storage tank ...that is subject to this claim was installed before January 1, 1990, then the claimant must have obtained any permit required by Health and Safety Code, division 20, chapter 6.7 or filed a substantially complete application for any required permit before January 1, 1990."

In addition, still required is a copy of the first directive issued by the local regulator and complete page three of the claim application.

NOTE: 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.

If you disagree with this Staff Decision, you may appeal to the Division Chief pursuant to Section 2814.1 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:

California Environmental Protection Agency



Allan V. Patton, Fund Manager, Claim #017197 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 a request 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,

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 NAME SUE DEEDL

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