



State Water Resources Control Board



Winston H. Hickox

Secretary for
Environmental

Protection *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*

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

Gray Davis
Governor

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 ineligible 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:

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

Fix Case DELETED
NAME

Std 058

FILE OR ENVELOPE
 PER-NO. Removal No. of Future Amtrak Station
 OWNER Port of Oakland
 Address 245 2nd St.
Oakland 94607 Phone
 Contractor RAMCON
 Address P.O. Box 10216
W. Sacramento Phone 916-378-
7535
 OTHER (Specify)
 Address Dan Schoenholz 272-
 Phone 1830
 CONTACT FOR INVESTIGATION Write

PLAN REVIEW
 \$ 951²⁰ Rec'd. 5/10/93
 No. Plans Rec'd.
 Plans Approved
 Layout Made
 Rejected
 Applicant Notified
 Plans Returned
 Permit Issued
 CONSTRUCTION PROGRESS ACCEPTANCE
 Pre-Plaster/drywall
 Pre-Final
 Final

By Date
 Pre-Construction
 Pre-Plaster
 Final
 U.G. TANKS
 Pre-Covering
 Final
 EXCAVATION
 Septic Tank
 Absorption Field
 Absorption Bed
 House Sewer
 FINAL
 Septic Tank
 Absorption Field
 Absorption Bed
 OTHER

LOP 4581A →

Closed

XR 832-2233 Alan White

Date	By	REMARKS
4-20-93	JE	Gen. contractor is Evans Construction, says Bobbie of Ramcon.
5-10-93	JE	Removal of USTs. See field report.
5-11	JE	Mess. fm D. Schoenholz Only sample w/detectable ETO was FF03 (~110 ppm TPH-g + some ^{20ppm} BTX). They're overexcavating FF03 + FF05, even tho FF05 was ND in pit

REMARKS
 Soil, due to prior high
 ETOs in SBs in that location. Will offhaul SP (non-haz) to their bioremediation site. They want to backfill trench w/SP which has some heavy end HCs. Levels? Mtg w/Port. The address will be Embarcadero + Alice. Pit water was dumped on 5-11. No results yet for SP. Some SP will be sent to their bioremediation

By	Date	LOCATION

Vicinity Map
 U668985
 #95102
 4.13.93

145 2nd St
 Oakland CA 94607
 FUTURE AMTRAK STATION
 15110
 4581

LOP 4581B

~~Closed~~

ENVELOPE No. of	PLAN REVIEW	By	Date
	Rec'd.		
OWNER Future Amtrak Station Address 245-2nd St City 607 Phone	No. of Plans	Rec'd.	
	Plans Approved		
Contractor Address Phone	Layout Made		
	Rejected		
OTHER (Specify) Dan S. 272-1220 Address Phone	Applicant Notified		
	Plans Returned		
CONSTRUCTION PROGRESS ACCEPTANCE			
Pre-Plaster/drywall			
Pre-Final			
Final			

EXCAVATION	Septic Tank	By	Date
	Absorption Field		
FINAL	Absorption Bed		
	House Sewer		
OTHER	Septic Tank		
	Absorption Field		
Absorption Bed			

Date	By	REMARKS	Vicinity Map
3-23-94		Mess. fm Dan S. While doing prep work, they found soil w/HC odor near tank PFDs. They stockpiled soil & found ~200 ppm TPH-d. Mess may have been associated w/ backfill (from another Port site) - hot spot?	
		See inside notes	

245 2nd St
Oakland CA 94607
FUTURE AMTRAK STATION

15110 1-9-94
4381

NC-58