

HK₂, Inc./ SEMCO

1751 Leslie Street, San Mateo, California, (415) 572-8033 (415) 572-9734 Fax

October 15, 1996

**David Gray
1912 Oak Street
Alameda, California 94501**

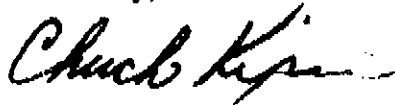
Re: 2801 San Pablo Avenue, Oakland, California

Dear David:

This correspondence is intended to clarify the removal activities located at 2801 San Pablo Avenue in Oakland, California.

Although two dispensers were formerly on site, none were on site at the time of the tank and pipeline removal. Two fuel island pads and related piping were the items removed and disposed.

Sincerely,



**Chuck Kiper
President**



CalEPA

State Water
Resources
Control Board

Division of
Clean Water
Programs

Mailing Address:
P.O. Box 944212
Sacramento, CA
94244-2120

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-4307
FAX (916) 227-4530

10/15/96

att Susan L. Hugo



Pete Wilson
Governor

September 30, 1996

DAVID GRAY
P O BOX 2377
ALAMEDA, CA 94501

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, REQUEST FOR FURTHER
DOCUMENTATION DURING CURSORY REVIEW: CLAIM NUMBER 011824; FOR SITE
ADDRESS: 2801 SAN PABLO AVE, OAKLAND

Dear Mr. Gray:

Thank you for your letter dated September 24, 1996 in which you stated that there was no discount received by you when you acquired the property in 1995. However, I need additional information before I can continue processing your claim.

The reports in your file mention two dispensers were removed in addition to the underground storage tank. This contradicts the statement made in your letter. If the USTs were usable (dispensers still in place) at the time of removal, you are required to demonstrate financial responsibility until the site has been issued closure from the Alameda Environmental Health Agency. Please clarify.

In addition, please provide the proper operating permit as requested in my September 3, 1996 letter to you (copy attached). You stated that you obtained the property in a foreclosure from the Sosa's in October 1995, in which case it would appear unreasonable that you would have obtained an operating permit by January 1, 1990. However, the fact that the UST was still in the ground and was subject to the operating permit requirement still remains. In which case, if you cannot locate the proper operating permit from the Alameda Environmental Health Agency dated prior to January 1, 1990, you must request the State Board to waive the operating permit requirement as a condition for acceptance as explained in my September 3, 1996 letter to you.

NOTE: Failure to respond to this request within thirty (30) calendar days from the date of this letter may result in an ineligibility determination of your claim.

If you have any questions, please contact me at (916) 227-4539.

Sincerely,

Cheryl Gordon, Analyst
Underground Storage Tank Cleanup Fund

Attachment



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.



Cal/EPA

State Water
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Pete Wilson
Governor

September 3, 1996

DAVID GRAY
P O BOX 2377
ALAMEDA, CA 94501

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, REQUEST FOR FURTHER DOCUMENTATION DURING CURSORY REVIEW: CLAIM NUMBER 011824; FOR SITE ADDRESS: 2801 SAN PABLO AVE, OAKLAND

After reviewing your claim application to the Cleanup Fund, we find that the following additional information is needed to determine your eligibility for placement on the Priority List:

- A copy of the permit to own or operate the UST from the local implementing agency dated between January 1, 1984 and January 1, 1990 (pursuant to Chapter 6.7 of the Health and Safety Code).

If you were not subject to the permit requirement, submit documentation to confirm this claim. Situations where the permit was not required by January 1, 1990, can include: a) you removed all USTs prior to January 1, 1990; and not replaced; b) you decommissioned all USTs pursuant to the direction of the regulatory agency prior to January 1, 1984; c) you sold the property and tanks by January 1, 1990.

If you were subject to the permit requirement but failed to comply by January 1, 1990, you can request the State Board to waive the requirement as a condition of eligibility. To request a waiver, complete the attached "Permit Waiver Request" form and return with any additional information requested below.

- A copy of a completed Certificate of Financial Responsibility identifying the State Cleanup Fund and another mechanism used to demonstrate your appropriate level of financial responsibility. (Call Judi Nash at (916) 227-4527 with questions on financial responsibility).
- A copy of a purchase agreement for the site between you and the Sosa's. If not stated in a written agreement, please inform the State Cleanup Fund if you knew of the existence of underground storage tanks at the site and if you received a discount on the purchase price as a result of the tanks and/or contamination.

NOTE: Failure to respond to this request within thirty (30) calendar days from the date of this letter may result in an ineligibility determination of your claim.

If you have any questions, please contact me at (916) 227-4539.

Sincerely,

Cheryl Gordon
Cheryl Gordon, Analyst

Underground Storage Tank Cleanup Fund

Attachment



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Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM
PERMIT WAIVER REQUEST

CLAIMANT: DAVID GRAY
SITE ADDRESS: 2801 SAN PABLO AVE, OAKLAND

CLAIM NO.: 011824

Claimants who were subject to the permit requirement but failed to comply by January 1, 1990, can request the State Board to waive the requirement as a condition for eligibility. Where the State Board grants the waiver, the level of financial responsibility (deductible) is twice the amount otherwise required. In this case, the claimant will be responsible for the first \$10,000 of eligible corrective action costs before Fund coverage begins.

I, DAVID GRAY, hereby request the State Board to grant a permit waiver. To qualify for the waiver, I am submitting the following documentation:

1. The claimant was unaware of the permit requirement prior to January 1, 1990, and there was no intent to avoid the permit requirement or the associated fees.

Documentation: On the lines below, provide a brief history of the underground storage tanks (USTs) and an explanation as to the reason why the USTs were not permitted by January 1, 1990. Explain when and how you became aware of the law requiring a permit to own or operate the USTs.

2. The claimant has complied with the financial responsibility requirements of Section 25299.31 of the Health & Safety Code (H&SC).

Documentation: Attach a copy of the Certificate of Financial Responsibility that is on file with the local regulatory agency.

3. The claimant has obtained and paid for all currently required permits.

Documentation: If you owned or operated the USTs at the time of submitting the claim application, attach a copy of the permit to own or operate the USTs or a copy of the application indicating you are diligently pursuing the acquisition of the permit issued by the local regulatory agency. If the USTs were removed prior to submittal of the claim application, attach evidence that the USTs were removed, the local regulatory agency notified, and a copy of the required removal permit.

4. The claimant has paid all UST fees imposed by Section 25299.41 of the H&SC due on and after January 1, 1991.

Documentation: If any of the USTs owned or operated had product placed in them on or after January 1, 1991, attach the most recent copy of the UST Fee Return Form filed with the Board of Equalization with proof of payment. (For further information on this form, contact the Fuel Taxes Division at (916) 322-9669.)

Print Claimant Name

Sign Claimant Name

Note: Mail completed "Permit Waiver Request" and documentation to the address on the cover letter.



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ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION

10/04/96

UNDERGROUND STORAGE TANK CLEANUP SITE

AGENCY#: 10000	SOURCE OF FUNDS: -	INSPECTOR: SH
StID: 340	SUBSTANCE: -	
SITE NAME: Vacant		DATE REPORTED :
ADDRESS : 2801 San Pablo Ave		DATE CONFIRMED:
CITY/ZIP : Oakland, CA 94608		MULTIPLE RP's :

CASE TYPE:	CONTRACT STATUS:	PRIOR:	EMERGENCY RESPONSE:
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RP SEARCH :		DATE END:
PRELIM ASSESSMENT :	DATE BEGIN:	DATE END:
REMEDIAL INVESTIG :	DATE BEGIN:	DATE END:
REMEDIAL ACTION :	DATE BEGIN:	DATE END:
POST REMED MONITOR:	DATE BEGIN:	DATE END:

TYPE ENFORCEMENT ACTION TAKEN:	DATE OF ENFORC. ACTION:
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UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

LUFT FIELD MANUAL CONSIDERATION:	CASE CLOSED: on:
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DT EXC START:	REMEDIAL ACTIONS TAKEN:
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RP #1: CONTACT:	RP COST:
RP COMPANY NAME:	Ph:
ADDRESS:	
CITY/STATE:	