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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.waterboards.ca.gov/water_issues/programs/ustcf/

2010 MAY -5 PM 2:44

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

Mr. Bob Lawlor
Transportation Terminals Company
4919 Tidewater Ave #B
Oakland, CA 94601

MAY 04 2010

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), STAFF DECISION TO REJECT CLAIM: CLAIM NO. 019052; FOR SITE ADDRESS: 15651 WORTHLEY DR, SAN LORENZO

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

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...”

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 2804 of the Fund Regulations defines “Release” and “Underground storage tank” as follows:

“Release” means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank or residential tank into or on the waters of the state, the land, or the subsurface soils. The term does not include releases which are clearly attributable to spills or overfills occurring as a result of filling or emptying of an underground storage tank or residential tank.”

Background and Decision

The Funds Technical Staff has reviewed your file and all associated documents and has determined that, the unauthorized release is not from the USTs located at the site. Based on the technical documentation, it appears that a diesel spill was evident in the dispenser area during County’s UST system inspection in November 2001. The County required a subsurface investigation in the dispenser area. Subsequent site investigations and tank removal activity indicated that diesel contamination was

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restricted to a shallow depth underneath and in the immediate vicinity of the dispenser area. No extensive contamination due to any dispenser system failure was detected at the site. Therefore, your claim is not eligible for participation in the Fund.

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:

John Russell, P.G., Fund Manager, Claim #019052
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,

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Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

cc: Donna Drogos
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577