

202783



# State Water Resources Control Board



## Division of Financial Assistance

1001 I Street • Sacramento, California 95814  
P.O. Box 944212 • Sacramento, California • 94244-2120

(916) 341-5765 • FAX (916) 341-5806 • [www.waterboards.ca.gov/water\\_issues/programs/ustcf/](http://www.waterboards.ca.gov/water_issues/programs/ustcf/)

**Linda S. Adams**  
Acting Secretary for  
Environmental Protection

**Edmund G. Brown, Jr.**  
Governor

May 31, 2011

Frank J. Warn, Inc.  
Crescent Truck Lines  
Greg Warn  
P O Box 3020  
San Leandro, CA 94577

**UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), STAFF DECISION TO REJECT CLAIM: CLAIM NO. 019708; FOR SITE ADDRESS: 2480 WHIPPLE RD, HAYWARD**

On October 20, 2010, a "Staff Decision to Reject Claim" was sent to you. The letter informed you that your claim is not eligible for placement on the Fund's Priority List, and stated the reason(s) for that determination. The letter also informed you that if you did not respond within sixty (60) calendar days from the date of the letter, the decision to reject the claim will become final and conclusive.

Several requests were made by your consultant to extend the deadline, however to date the documentation has not been received.

Since you did not exercise your right to submit additional information within the time specified, your claim is not eligible for participation in the Fund.

Fund Regulations Section 2811.2 states:

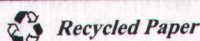
A Fund application for reimbursement of corrective action costs shall contain the following:

(n) any other information or supporting documentation reasonably required by the Division to determine the eligibility, reimbursable amount due, or appropriate priority class of the claim.

**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 Final Staff Decision, you may appeal to the Fund Manager pursuant to Section 2814 of the *Petroleum Underground Storage Tank Cleanup Fund*

**California Environmental Protection Agency**



*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 #019708  
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.

Should you appeal, you must also submit the following:

1. On page 5, #3 of the application "yes" is marked. Please clarify what was located on the property.
2. Per page 7, #1 of the application, product was placed in the UST(s) from 10/20/68 to 8/91. You must provide verification that BOE fees were paid from 1/1/91 to 8/91.
3. A map drawn to scale that shows all underground storage tank locations, a north arrow and distances relative to the nearest public road. **Include locations of all current and former USTs, fuel dispensers, products lines, vapor recovery lines, and other potential sources of contamination including, aboveground storage tanks (ASTs), lifts/hoists, sumps, etc.**
4. All claimants, including any joint claimants, must sign and date the claim application. If you are signing on behalf of a corporation, limited liability company, partnership, trust, or estate, **submit documentation proving you have the authority to sign on behalf of the claimant.**
5. Per page 9 of the application, Crescent Truck Lines, Inc. paid for corrective action costs for work performed to date. **The Fund may only reimburse costs that are incurred by, or on behalf of, the claimant.** Refer to page 15 of the Program Summary for more information.
6. A copy of the **first** permit you obtained to own or operate the USTs issued by the local regulatory agency (air pollution or Air Quality Management District permits are not acceptable).

7. A copy of the most current UST operating permit (**prior to removal**) issued by the local regulatory agency for all USTs that are the subject of the claim application.
8. A copy of the UST removal permit for the 10K gas and (2) 500 gallon oil USTs.
9. A copy of the removal report for all USTs listed in claim application.
10. A copy of **the first** letter from the local regulatory agency naming you a responsible party and directing you to cleanup the contamination at the subject site. The only directives received were addressed to Crescent Truck Lines, Inc. and not the claimant (Frank J. Warn, Inc).
11. A copy of the Fictitious Business Statement for Crescent Truck Lines. Per page 1 of your application "Crescent Truck Lines" is a "dba" of Frank J. Warn, Inc.
12. Verification from the local agency that an unauthorized release of petroleum from the UST was discovered on a specified date. Please provide a copy of the Unauthorized Release Form (URF) signed and dated by the regulatory agency.
13. Priority Class "B" is for small businesses that are independently owned and operated, not dominant in their field of operation, employ 100 or fewer employees (including all affiliates), and have average annual gross receipts of \$12 million or less (including all affiliates) over the three years prior to the date of the claim application.

If you believe you qualify for Priority Class "B", please submit the following documents for review:

- Complete the enclosed forms: "Request for Assignment of Claim to Priority Class B" and "Worksheet for Priority Class B Claimants."

**AND**

- Complete federal tax returns (1040s) for Frank J. Warn for 2007, 2008 and 2009.
- Complete federal tax return (1120) for Frank J. Warn, Inc. for 2009.

**AND**

- Documentation supporting the number of employees for the claimant, the claimant's business, and any affiliates [ie., Employment Development Department (DE-6) payroll reports] for the four quarters prior to the date of

Frank J. Warn, Inc.  
Claim No. 19708

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claim application submittal. Claimants must employ 100 or fewer full and part-time employees. Claimants who do not have any employees must submit a letter stating that they and their affiliates do not have any employees. This letter must be signed by the claimant under penalty of perjury and must have the claimant's original ink signature.

If you do not request a review by the Fund Manager within thirty (30) calendar days from the date of this letter, the Final Staff Decision will then become final and conclusive.

If you have any questions, please contact me at (916) 341-5765.

Sincerely,

o/s

Lu Anne Rolland  
Claims Review Unit  
Underground Storage Tank Cleanup Fund

2011 JUN -3 PM 1:09

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