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		From Park multime From Part Smith
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	Attorneys for Defendants and C	
6	Steven Davis, Leonard Davis an	d Robert L. Davig
7		
8	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
9	COUNTY	OF ALAMEDA
10		
11	ALVIN H. BACHARACH and BARBARA JEAN BORSUK,	) Consolidated Case Nos. ) 666290-3 and 67066-3
12	<b>`</b>	)
13	Plaintiffs,	) DECLARATION OF PAUL M.
14	<b>v</b> .	) SMITH (SENIOR HAZARDOUS ) MATERIALS SPECIALIST,
15	STEVEN DAVIS, LEONARD DAVIS, ROBERT L. DAVIS, and DOES 1 TO	> ALAMEDA COUNTY)
16	25,	) Date: May, 1994 ) Time: 10:00 a.m.
17	Defendants.	) Dept: 81
		) Trial Date: 10/14/94
18	AND RELATED CROSS-COMPLAINTS.	)
19	-	
20	I, PAUL M. SMITH, declare as follows:	
21	1. I am a senior hazardous materials specialist for	
22	the County of Alameda, Hazardous Materials Program. I know of	
23	the following facts of my own personal knowledge, and if called	
24	upon to testify thereto could and would competently do so.	
25	2. From July 27, 1990 to February 5, 1993, I was	
26	assigned as the hazardous materials specialists to oversee side	
27	remediation at 1432 Harrison Street, Oakland, California 94612	
28	(the "garage"), including the c	
~0	330 // including the t	Sumedering Arres Street garage.
		-1- DECLARATION OF PAUL N. SMITH
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directives included: there was a disparity between the number of tanks for which the facility held underground storage tank permits and the number of tanks which existed at the site. The garage had an underground tank permit for one tank. Four tanks existed at the site. There were no records in Department files of annual tank/pipe integrity testing or quarterly monitoring reports as required by Title 23, California Code of Regulations (CCR).

5. Section 2652, Title 23, CCR requires that, within 24 hours after a unauthorized release from an underground tank has been discovered, the owner/operator shall notify the local agency. There is some question as to when the release was known. An unauthorized released report was filed on August 21, 1994.

6. This section further states that a full written report be submitted to the local agency within five working days discussing the nature of the spill and proposed cleanup actions and a time schedule for implementing the proposed work.

18 In a letter dated January 25, 1991, from Alameda 7. County to the Consultant for the garage, a request was made to 19 submit reports on a quarterly basis. This directive required 20 reports summarizing activities during that interval and detailing 21 the status of the groundwater contamination, interpretation of 22 results and recommendations for future additional work at the 23 24 site. It should be noted that the consultant to which the letter was written no longer handles the case. My assumption is that 25 111 26

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DECLARATION OF PAUL M. SMITH

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1	any future consultant who handled the case would also adhere to
2	this request.
3	I declare under penalty of perjury under the laws of
4	the State of California that the foregoing is true and correct.
5	Executed this day of April, 1994, at Oakland,
6	California.
7	Paul M. Drive
8	PAUL M. SMITH, Senior Hazardous Materials Specialist
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