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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.

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

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any future consultant who handled the case would also adhere to this request.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this ____ day of April, 1994, at Oakland, California.

Paul M. Smith
PAUL M. SMITH, Senior
Hazardous Materials Specialist

zc:davis:pldg:oppsumad.pms