



Certified Mailer #P367 604 343

May 24, 1991

Mr. Afonso Chan
828 Harrison St. Suite 203
Oakland, CA 94607

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)

Final

*** THIRD NOTICE OF VIOLATION ***

RE: Reputed Former Shell Station, 246 14th Street, Oakland, CA
94612

Dear Mr. Chan:

Our records indicate that there are four underground tank(s) located at the above facility. You are required by law to either permit or to remove these tanks.

In accordance with the California Code of Regulations, Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations one of the following actions must be taken:

1. Submit a tank closure plan to this Department as required by Article 7, 2670^b forms available from this office, or
2. Apply for a permit as required by Article 10, 2710^(2711, 2712). Permit applications Part A and B are available from this office.

Please note that section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank, as required by section 25298.

You have kept this department informed as to your request of Shell Oil Co., as the previous landowner, to review the disposition of this property in terms of their liability for the removal of the underground storage tanks and any subsequent remedial activity which may be needed.

In the event that it is shown that Shell does share in this responsibility, the department will expect their participation in the timely removal or permitting of the tanks. To this end, Shell will receive a copy of this correspondence and all future letters from this agency regarding this matter.

You were notified on September 20, 1990 and again on March 19, 1991 by this Department and aside from the explanation provided above there has been no motion toward either the permitting or removal of the tanks at the above site. This case has been referred to the District Attorneys Office for review. If you have any questions concerning this matter, please contact this office at 415/271-4320.

Sincerely,

Paul M. Smith

Paul M. Smith
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Lester Feldman, RWQCB
Larry S. Turner, Area Real Estate Representative, Shell Oil Co.
Jack Brastad, Shell Area Representative
Larry Armstrong, Quality Tune-Up Shops