

COUNTY
ARE SERVICES AGENCY
NT OF ENVIRONMENTAL HEALTH
r Bay Parkway, Suite 250
A 94502-6577

ANK



Shirley J Davini & Dorothy D McGuire
123 Estudillo Avenue
San Leandro, CA 94577

NIXIE 945772815-1N 05/06/15

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
RETURN TO SENDER



RECEIVED
MAY 11 2015
BY: _____



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

April 23, 2015

NOTICE TO COMPLY

Mr. Walter Merkle
MCG Investments LLC
123 Estudillo Avenue
San Leandro, CA 94577

Shirley J Davini & Dorothy D McGuire
123 Estudillo Avenue
San Leandro, CA 94577

Mr. Jon Braden
McGrath Steel Company
Address Unknown

Mr. David Davini
Loretta A McGrath Family Trust
Address Unknown

Subject: Notice to Comply; Fuel Leak Case No. RO0000063; (Global ID # T0600102099); McGrath Steel Company, 6655 Hollis Street, Emeryville, CA 94608

Dear Messrs. Merkle and Braden, and Mses. Davini and McGuire:

A review of the case file for the above-referenced site indicates that your case is not in compliance with Alameda County Environmental Health's (ACEH) September 15, 2014 directive letter that requested the generation of a Site Conceptual Model (SCM) and a Data Gap Work Plan, and requested a meeting in order to facilitate progress at the site under the State Water Resource Control Boards (SWRCBs) Low Threat Closure Policy (LTCP). Notification of meeting dates was requested to occur by October 3, 2014, and the submittal of the SCM and Data Gap Work Plan was requested to be submitted by December 5, 2014. Both the meeting request and the required report upload have not been received at ACEH or Geotracker.

Implementation of site characterization and/or cleanup at this site is crucial to be protective of human health and the environment and to move this case towards closure evaluation. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to characterize the site and implement corrective action.

In order to regain compliance, please notify ACEH of potential meeting dates, and / or electronically submit a SCM and Work Plan to GeoTracker and ACEH's FTP server by the dates specified below. Failure to notify ACEH of meeting potential dates and to submit the SCM and Work Plan by the dates specified below may result in an issuance of a Notice of Violation and possible enforcement action by the District Attorney and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund.

Please be aware, that ACEH may recommend that civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the original due date (October 3, 2014).

Based on the review of the case file and the referenced report ACEH requests that you additionally address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

- 1. Collection of Offsite Indoor Air Samples by Others** - As you are likely aware (copy attached) additional indoor and outdoor air vapor data has been collected by another consultant for the property owners at the immediate downgradient properties located at 1475 and 1483 67th Street, Emeryville, (*Indoor Air Survey Letter of Findings – 1475 and 1483 67th Street Emeryville, California*, Stellar Environmental Solutions, Inc, dated November 26, 2014). The analytical data appears to indicate a