

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Agency Director



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

May 10, 2012

Mr. Jon Braden
McGrath Steel Company
Address Unknown

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

Dear Mr. Braden:

In an earlier Notice of Responsibility (NOR), the McGrath Steel Company (McGrath) was notified that the referenced site had been placed in the Local Oversight Program and that McGrath was named as a Responsible Party for the fuel leak case. In the attached updated NOR, former and current property owners have also been named additional Responsible Parties for the fuel leak case as defined under 23 C.C.R. Sec. 2720. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

Should you have any questions, please contact me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org

Sincerely,

Digitally signed by Mark E. Detterman
DN: cn=Mark E. Detterman, o, ou,
email, c=US
Date: 2012.05.10 16:51:01 -07'00'

Mark E. Detterman, P.G., C.E.G.
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Donna Drogos (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Case Electronic File, GeoTracker

Attachment 1

Responsible Party(ies) Legal Requirements/Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

May 10, 2012

Site Name & Address: MCGRATH STEEL COMPANY 6655 HOLLIS ST Emeryville, CA 94608

Local ID:	RO0000063
Related ID:	789
RWQCB ID:	01-2283
Global ID:	T0600102099

All Responsible Parties

RP has been named a Primary RP - JON BRADEN
MCGRATH STEEL COMPANY
6655 HOLLIS STREET | EMERYVILLE, CA 94608 | Phone No Phone Number Listed

RP has been named a Primary RP - c/o WALTER F MERKLE
MCG INVESTMENTS, LLC
100 EMBARCADERO - PENTHOUSE | SAN FRANCISCO, CA 94105-1291 | Phone No Phone Number Listed

RP has been named a Primary RP - c/o DAVID D DAVINI
MCGRATH LORETTA A IN TRUST
123 ESTUDILLO AVE | SAN LEANDRO, CA 94577 | Phone No Phone Number Listed

RP has been named a Primary RP - SHIRLEY J DAVINI & DOROTHY D MCGUIRE
SHIRLEY J DAVINI & DOROTHY D MCGUIRE
123 ESTUDILLO AVE | SAN LEANDRO, CA 94577 | Phone No Phone Number Listed

Responsible Party Identification Background

Alameda County Environmental Health (ACEH) names a "Responsible Party," as defined under 23 C.C.R Sec. 2720. Section 2720 defines a responsible party 4 ways. An RP can be:

1. "Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."
2. "In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use."
3. "Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."
4. "Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance."

ACEH has named the responsible parties for this site as detailed below.

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

May 10, 2012

Responsible Party Identification

Existence of Unauthorized Release

On July 3, 1996 two 2,000-gallon steel underground storage tanks (USTs) were removed from the subject site. The USTs did not have any visible holes, but obvious discoloration and petroleum hydrocarbon odor were present in the surrounding soil. Following the UST removal activities confirmation soil samples were collected and contained concentrations up to 1,300 milligrams per kilogram (mg/kg) total petroleum hydrocarbons as gasoline (TPH-g), 870 (mg/kg) total petroleum hydrocarbons as diesel (TPH-d), 4.6 mg/kg benzene, and 35 mg/kg MTBE. The data indicate that an unauthorized release has occurred at the site.

Responsible Party Identification

The McGrath Steel Company is formerly associated with the property and the USTs. The McGrath Steel Company is a responsible party for the site because it owned or operated the USTs used for the storage of a hazardous substance (Definition 1), it owned or operated the USTs immediately before discontinuation of use (Definition 2), and it had control over the USTs at the time of or following an unauthorized release of a hazardous substance (Definition 4).

The Loretta A. McGrath Family Trust is a former property owner associated with the USTs since April 1966. The Loretta A. McGrath Family Trust is a responsible party for the site because it owned or operated the USTs used for the storage of a hazardous substance (Definition 1), it owned or operated the USTs immediately before discontinuation of use (Definition 2), owned the property where an unauthorized release has occurred (Definition 3), and it had control over the USTs at the time of or following an unauthorized release of a hazardous substance (Definition 4).

Shirley J Davini & Dorothy D McGuire are former property owners associated with the USTs since September 2006. Shirley J Davini & Dorothy D McGuire are responsible parties for the site because they owned the property where an unauthorized release has occurred (Definition 3).

MCG Investments LLC & et al is a current property owner associated with the USTs since September 2006. MCG Investments LLC & et al is a responsible party for the site because it owns the property where an unauthorized release has occurred (Definition 3).