



AGENCY

Certified Mail #: 7009 2820 0001 4359 9973

May 10, 2012

**NOTICE OF RESPONSIBILITY**

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**

Responsible Party:

**SHIRLEY J DAVINI & DOROTHY D MCGUIRE**  
**123 ESTUDILLO AVE**  
**SAN LEANDRO CA 94577**

Date First Reported: 7/3/1996

Substance: 12034 Diesel fuel oil and additives, Nos.1-D, 2-D,  
2-4

Funding for Oversight: LOPS - LOP State Fund

Multiple RPs?: Yes

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has (have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified MCGRATH STEEL COMPANY as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency, within 20 calendar days of receipt of this notice that identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Board at (916) 341-5808 or telephone (916) 341-5752.

Pursuant to section 25296.10(c)(6) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact this office for further information about the designation process.

Please contact your caseworker DETTERMAN, MARK, at this office at (510)567-6876 if you have questions regarding your site.

Date: 5/11/12

ARIU LEVI, Director  
Contract Project Director

Action: Add  
Reason: NEW

Attachment A: Responsible Parties Data Sheet

cc: Jenniffer Jordan, SWRCB, D. Drogos (Sent via electronic mail to donna.drogos@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

May 10, 2012

<b>Site Name &amp; Address:</b> <b>MCGRATH STEEL COMPANY</b> <b>6655 HOLLIS ST</b> <b>Emeryville, CA 94608</b>
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<b>Local ID:</b>	<b>RO0000063</b>
<b>Related ID:</b>	<b>789</b>
<b>RWQCB ID:</b>	<b>01-2283</b>
<b>Global ID:</b>	<b>T0600102099</b>

**All Responsible Parties**

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

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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

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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

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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

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**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).