



AGENCY

Certified Mail #: 7009 282 0001 4359 5173

January 26, 2012

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**  
**DUNNE QUALITY PAINTS**  
**1007 41ST ST**  
**Oakland, CA 94608**

**Local ID: RO0000073**  
**Related ID: 608**  
**RWQCB ID: 01-1827**  
**Global ID: T0600101693**

Responsible Party:

**GREEN CITY LOFTS HOMEOWNERS**  
**1007 41ST ST**  
**EMERYVILLE CA 94608**

**Date First Reported: 2/16/1988**  
**Substance: 116 V., M. & P. Naphtha- includes: petroleum spirits, types 2, 3, & 4; high flash aromatic naphtha's, type I & II; VM & p; naphtha's moderately volatile hydrocarbon solvents, types I, II, AND III**  
**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 DUNNE QUALITY PAINTS 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: 1/30/2012  
ARIU LEVI, Director  
Contract Project Director

Action: Add  
Reason: ADD RP

Attachment A: Responsible Parties Data Sheet

cc: Jenniffer Jorden, 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

January 26, 2012

Site Name & Address:

**DUNNE QUALITY PAINTS**  
1007 41ST ST  
Oakland, CA 94608

Local ID: RO0000073  
Related ID: 608  
RWQCB ID: 01-1827  
Global ID: T0600101693

**All Responsible Parties**

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RP has been named a Primary RP - **TERRY TURNER**  
**DUNNE QUALITY PAINTS**  
707 GLENSIDE CIRCLE | LAFAYETTE, CA 94549 | Phone No Phone Number Listed

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RP has been named a Primary RP - **CHAD MCNAMEE**

6820 THORNHILL DRIVE | OAKLAND, CA 94611 | Phone No Phone Number Listed

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RP has been named a Primary RP - **MARTIN SAMUELS**  
**GREEN CITY LOFTS**  
2715 PORTER ST, SUITE 207 | SOQUEL, CA 95073 | Phone No Phone Number Listed

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RP has been named a Primary RP - **FRANK W DUNNE**  
**FRANK W. DUNNE COMPANY**  
707 GLENSIDE CIRCLE | LAFAYETTE, CA 94549 | Phone No Phone Number Listed

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RP has been named a Primary RP - **NA NA**  
**GREEN CITY LOFTS HOMEOWNERS ASSOCIATION**  
1007 41ST ST | EMERYVILLE, CA 94608 | 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)

January 26, 2012

### **Responsible Party Identification**

#### Existence of Unauthorized Release

In June 1988 six USTs formerly holding "350 Paint Thinner" were removed from the sidewalk in front of the site. One UST was 6,000-gallons, two were 3,000-gallons, two were 4,000-gallons, and one was 2,000-gallons in size. Prior to that event, in January 1988, soil bores #1 to #12 had been installed adjacent to the USTs, soil samples collected, and concentrations of up to 27,391 mg/kg were documented to be present in soil. These data indicate that an unauthorized release had occurred at the site.

#### Responsible Party Identification

Frank W. Dunne (Dunne Quality Paints or Frank W. Dunne Co.) owned separate parcels within the property by March 1969 and sold those property parcels in August 1992, and is therefore a former property owner of the site. Frank W. Dunne and Fran W. Dunne Co. are responsible parties for site because they owned multiple USTs used for the storage of a hazardous substance (Definition 1) and they owned the USTs immediately before discontinuation of use (Definition 2), he / it owned the property where an unauthorized release from one or more USTs occurred (Definition 3), and they had control over the USTs at the time of or following an unauthorized release of a hazardous substance (Definition 4).

Chad & Carol McNamee purchased the property in August 1992, is therefore a former property owner of the site. The McNamee's are responsible parties for site because they owned the property where an unauthorized release from one or more USTs occurred (Definition 3).

Green City Lofts LLC purchased the property in May 2003, and is a current property owner of portions of the original parcels, and sold or transferred other portions of the original parcels at various times, and is therefore a current and former property owner of portions of the site. Green City Lofts is a responsible party for site because it owns and owned portions of the property where an unauthorized release has occurred (Definition 3).

Green City Lofts Homeowners Association purchased or received portions of the former parcels beginning in approximately July 2005, and is therefore a property owner of portions of the site, and represents all homeowners. The Green City Lofts Community Association is a responsible party for site because it owns portions of the property where an unauthorized release has occurred (Definition 3).