

ALAMEDA COUNTY  
HEALTH CARE SERVICES AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
1000 Harbor Bay Parkway, Suite 250  
San Leandro, CA 94502-6577

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

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

July 16, 2015

**NOTICE OF VIOLATION**

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 Violation; 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.

The case review also indicates that your case is not in compliance with ACEH's Notice to Comply dated April 23, 2015, that again requested notification of potential meeting dates and the electronic submittal of a SCM and Work Plan to Geotracker and ACEH's FTP server by specified dates.

As you are aware, offsite property owners have recently submitted indoor and outdoor air vapor samples that indicate the probability of vapor intrusion from contaminants released at your site to the adjacent downgradient properties. The April 2015 Notice to Comply contained a copy of the November 2014 report documenting this condition at the two downgradient properties. An additional report has been submitted to ACEH documenting a second indoor and outdoor air sampling event in June 2015, that further indicates the probability of vapor intrusion from contaminants released at your site to the adjacent downgradient properties. A copy is attached.

As you are aware, the 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.

ACEH has recently met with representatives of the offsite property owner, and has been appraised that the subject site is for sale, and that offsite access to the adjacent properties has been offered in order to begin the delineation of the downgradient groundwater plume, and other appropriate actions as needed. Please also know that the publicly available site history on Geotracker has been updated to document recent technical findings, including the risk of vapor intrusion to downgradient properties, and the risk of potentially explosive concentrations of methane beneath the subject site, and potentially the downgradient properties, from the degradation of petroleum hydrocarbons beneath the site.

In order to regain compliance, ACEH requests the notification of potential meeting dates, and the electronic submittal of a SCM and Work Plan to GeoTracker and ACEH's FTP server, by the dates specified below.