

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
ALEX BRISCOE, Director



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

January 30, 2012

Mr. Terry Turner  
Dunne Quality Paints  
707 Glenside Circle  
Lafayette, CA 94549

Mr. Chad McNamee  
6820 Thornhill Drive  
Oakland, CA 94611

Subject: Updated Notice of Responsibility; Fuel Leak Case No. RO0000073 and Geotracker  
Global ID T0600101693, Dunne Quality Paints, 1007 41<sup>st</sup> Street, Oakland, CA 94608

Dear Messrs. Turner and McNamee:

In an earlier Notice of Responsibility (NOR), Terry Turner (Dunne Quality Paints) and Chad McNamee were notified that the referenced site had been placed in the Local Oversight Program and that both were named as a Responsible Party for the fuel leak case. In the attached updated NOR, more recent 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](mailto:mark.detterman@acgov.org).

Sincerely,

Digitally signed by Mark E. Detterman  
DN: cn=Mark E. Detterman, o, ou,  
email, c=US  
Date: 2012.01.30 09:42:18 -08'00'

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](mailto:donna.drogos@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Case Electronic File, GeoTracker

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).

## 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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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.