

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

ALEX BRISCOE, Agency Director



ENVIRONMENTAL HEALTH DEPARTMENT
OFFICE OF THE DIRECTOR
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Certified Mail #: 7002 2030 0006 9574 2119

August 02, 2011

NOTICE OF RESPONSIBILITY

Site Name & Address:

**AMERICAN BRASS & IRON FOUNDRY
7825 SAN LEANDRO ST
Oakland, CA 94621**

**Local ID: RO0000092
Related ID: 523
RWQCB ID: 01-0071
Global ID: T0600100065**

Responsible Party:

**KURT WINTER
MCWANE INC
7825 SAN LEANDRO ST
OAKLAND CA 94621**

Date First Reported: 10/31/1991

**Substance: 8006619 Gasoline-Automotive (motor gasoline
and additives), leaded & unleaded**

Funding for Oversight: LOPS - LOP State Fund

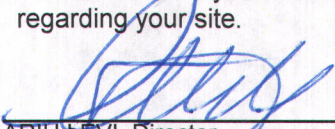
Multiple RPs?: Yes

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 AMERICAN BRASS & IRON FOUNDRY 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 WICKHAM, JERRY, at this office at (510)567-6791 if you have questions regarding your site.


ARIU LEVI, Director
Contract Project Director

Date: 8/1/2011

Action: Add
Reason: ADD RP

Attachment A: Responsible Parties Data Sheet

cc: Jennifer 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

August 02, 2011

Site Name & Address:

AMERICAN BRASS & IRON FOUNDRY
7825 SAN LEANDRO ST
Oakland, CA 94621

Local ID: RO0000092
Related ID: 523
RWQCB ID: 01-0071
Global ID: T0600100065

All Responsible Parties

RP has been named a Primary RP - MIKE OLVERA
AMERICAN BRASS & IRON FOUNDRY
7825 SAN LEANDRO ST | OAKLAND, CA 94621 | Phone (510) 632-3467

RP has been named a Primary RP - KURT WINTER
NINE PLUS LLC
7825 SAN LEANDRO ST | OAKLAND, CA 94621 | Phone (510) 632-3467

RP has been named a Primary RP - KURT WINTER
MCWANE INC
7825 SAN LEANDRO ST | OAKLAND, CA 94621 | Phone (510) 632-3467

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)

August 02, 2011

Responsible Party Identification

Existence of Unauthorized Release

Three gasoline underground storage tanks (USTs) located in the southern portion of the facility were reportedly removed circa 1982 to 1983. No reports are available to document the UST removal. The detection of fuel hydrocarbons in soil and groundwater samples collected in the area of the three former USTs confirms that a release occurred from the USTs. Four additional USTs were removed from four separate areas of the site between August 1991 and June 1992. During the USTs removals, fuel hydrocarbons were observed in soils in the immediate area of the USTs. Soil sampling and analysis during the tank removal and during subsequent site investigations confirmed that a release had occurred from the four UST systems. Based on these facts, unauthorized releases occurred from five UST systems located in separate areas of the site.

Responsible Party Identification

In a Notice of Requirement to Reimburse dated May 28, 1992, American Brass & Iron Foundry was identified a responsible party for releases from USTs at 7825 San Leandro Street in Oakland, Ca. American Brass & Iron Foundry was named a responsible party for the fuel leaks because they were the business owner, tank owner, and tank operator at the time of the unauthorized releases (Definition 1), owned property where an unauthorized release occurred (Definition 3), and had control of the USTs at the time of or following an unauthorized release (Definition 4). The corporate successor to American Brass & Iron Foundry is McWane, Inc.

In 2006, Nine Plus LLC purchased the four property parcels on which unauthorized releases occurred. Nine Plus LLC is a responsible party because they previously owned the property where unauthorized releases occurred (Definition 3).

McWane, Inc. purchased the four parcels on which unauthorized releases occurred between March 2009 and December 2010. McWane, Inc. is a responsible party because they currently own the property where unauthorized releases occurred (Definition 3).