

# Michael F. Babitzke, Inc.

Professional Corporation

Michael F. Babitzke  
*Attorney at Law*

July 16, 2003

California Attorney General  
P.O. Box 94255  
Sacramento, Ca 94244-2550  
ATTENTION: Environmental Enforcement Unit

San Joaquin County District Attorney Office  
P.O. Box 990  
Stockton, CA 95201

City of Lodi  
City Attorney  
221 West Pine St.  
Lodi, CA 95240

Dear Prosecutors:

I represent James Baum who may be reached in care of this office. This letter constitutes notification that U.S. A. Waste of California, Inc. dba Central Valley Waste Services whose address is 1333 E. Turner Rd. Lodi CA 95241 has violated **Proposition 65, the Safe Drinking Water and Toxic Enforcement Act** commencing with **Health and Safety Code § 25249.5**. The attorney for U.S.A. Waste is Frances M. Goldsberry located at 777 12th St. Ste. 250 Sacramento, CA 95814. I am attaching a copy of a complaint which I have filed on behalf of my client James Baum for your information. The complaint of Mr. Baum is in substance that the garbage trucks operated by U.S. A. Waste on an ongoing basis leak oils, hydraulic fluids and liquid garbage onto the streets of the City of Lodi. These contaminants are then washed into the storm drain system of Lodi which in turn go into the Mokelumne River and/or Lodi Lake.

I have acquired a list of the contaminants set forth **Title 22 §1200** and it appears to me that the contaminants must, of necessity, include one or more chemicals so listed.

For your information, we are initiating discovery and hope to be able to advise you with more precision as to precisely the nature of the discharges are. I am hopeful, however, that this letter will prompt a parallel investigation on your part and hopefully a parallel action. For your further information, my client James Baum has for a period of two and one-half years or more called this to the attention of the city of Lodi and U.S.A. Waste. So far as can be ascertained, no tangible preventative action has been taken by either the City of Lodi or U.S.A. Waste.

**Proposition 65** requires that notice and intent to sue be given to a violator sixty (60) days

before the suit is file. Although in our case, the suit has already been filed pending further development, it is the intent of Mr. Baum to, file a lawsuit unless one of the agencies attached on the above letterhead takes such action.

With a copy of this notice submitted to U.S.A. Waste a copy is provided of the Safe Drinking Water and Toxic Enforcement Act of 1986. If you have any questions please contact my office at your earliest convenience.

Yours Very Truly, \_\_\_\_\_

cc: U.S.A. Waste  
Frances M. Goldsberry  
James Baum