

# CONSUMER DEFENSE GROUP ACTION

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## 60 Day Notice of Intent to Sue SHELL OIL COMPANY Under Health & Safety Code Sections 25249.5 and 25249.7

Consumer Defense Group Action, a California corporation (hereinafter "CDG" or the "Noticing Party") hereby gives Notice of Intent to Sue Under Health & Safety Code Section 25249.5 (the "Notice") to Rob J. Routs, the President of SHELL OIL COMPANY (hereinafter referred to as "SHELL"), as well as the governmental entities on the attached proof of service. The Noticing Party must be contacted through the following entity: Law Offices of Graham & Martin, LLP, 3 Park Plaza, Suite 2030, Irvine, California 92614.

### Summary of Violation

This Notice is intended to inform SHELL that it is in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with Health & Safety Code Section 25249.5) (hereinafter "Proposition 65"). Proposition 65 absolutely prohibits any business from contaminating the drinking water supplies of California. SHELL is in violation of proposition 65 because it has and is knowingly and intentionally threatening to "release chemicals known to the State of California to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water," at each of the facilities listed on Exhibit A hereto (hereinafter "the Facilities"), which are SHELL branded gasoline stations with underground storage tank systems. Health & Safety Code Section 25249.5 and 25249.7. Proposition 65 provides that when a party, such as SHELL, an entity with more than ten employees, has been and is knowingly and intentionally threatening to "release chemicals known to the State of California to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water," it is violating Health & Safety Code Section 25249.5 and may be enjoined from such conduct pursuant to Health & Safety Code Section 25249.7. The chemicals which SHELL is threatening to release are benzene and toluene ("the Designated Chemicals"), which are contained in the gasoline and other refined petroleum products which SHELL markets and stores within underground storage tank systems owned and/or operated by SHELL located at the Facilities. In order to be in compliance with Proposition 65 SHELL must effectively contain the Designated Chemicals in a UST system that is "product tight." For these purposes, "product tight" means that the operations must be impervious to the liquid and vapor of the substance ("the Designated Chemicals") that is or are contained or to be contained, in the underground storage tank systems so as to prevent seepage of the Designated Chemicals from the containment and in to or on to the ground where the Designated Chemicals will pass or probably will pass into any source of drinking water.

### The Violation

SHELL markets gasoline and other refined petroleum products (hereinafter referred to as "gasoline") to both consumers and retailers. Gasoline is marketed under the SHELL trademark directly to motorists at SHELL branded retail outlets and through independent dealers and distributors in California and elsewhere. SHELL owns and/or operates numerous underground storage tank systems located at the

Facilities that are used for the storage of gasoline offered for sale by SHELL to the general public. The operation by SHELL of the underground storage tank systems located at the Facilities, as well as the delivery, storage and dispensing of gasoline at the Facilities, as currently controlled and managed by SHELL, poses a substantial threat of discharge of gasoline and other refined petroleum products “into water or onto or into land where such chemical passes or probably will pass into any source of drinking water”.

All water within the State, including groundwater, is the property of the people of the State of California. California Water Code §§ 102 and 104. As to all water, the Legislature of the State of California (“the Legislature”) has determined that “the people of the State have a primary interest in the conservation, control and utilization of the water resources of the state, and that the quality of all waters of the State shall be protected for use and enjoyment of the people of the state.” California Water Code § 13000. Under Proposition 65 a “source of drinking water” is not confined to existing drinking water supplies. Rather, a “[s]ource of drinking water means either a present source of drinking water or water which is identified or designated in a water quality control plan adopted by a regional board as being suitable for domestic or municipal uses [and] also includes water identified in a regional board” water quality control plan as being suitable for domestic or municipal uses.” Health & Safety Code §25249.10 (d).

Gasoline contains a number of constituents and additives each of which separately, as well as in combination, present a significant risk to human health, safety and the environment. The gasoline marketed by SHELL contains the chemicals Benzene and Toluene. Benzene is a clear, colorless, highly reactive flammable liquid derived from petroleum and contained in gasoline. Benzene is a chemical known by the State of California to cause cancer and has been listed as such pursuant to Proposition 65. Toluene is a colorless flammable liquid obtained from coal tar or petroleum and contained in motor vehicle fuels. Toluene is a chemical known by the State of California to cause reproductive toxicity and has been listed as such pursuant to Proposition 65. Hereinafter benzene and toluene are referred to as the “Designated Chemicals”.

The gasoline service station operations undertaken at the Facilities are not “product tight” (i.e. the operations are not impervious to the liquid and vapor of the substance that is contained, or is to be contained, in the underground storage tank systems so as to prevent seepage of the Designated Chemicals from the containment and into the ground) and thus are threatening to cause a discharge of Designated Chemicals. The following are the components of the gasoline service station operations that pose a threat of discharge of Designated Chemicals: the underground tank(s) and underground storage tank system(s); the pipes used in connection with the storage of the Designated Chemicals in the USTs, including connecting pipes, vapor recovery lines, vent lines and associated fittings as well as the associated secondary containment systems; the drainage systems which collect surface water run off from the petroleum dispensing and delivery areas; secondary containment and spill control systems, including but not limited to secondary containment for the underground tank system, pipe, connecting pipe, dispensers and dispenser piping and the petroleum delivery area, as well as for the drainage systems which collected surface water run off from the dispensing and delivery area.

At the Facilities, the gasoline containing Designated Chemicals is stored in one or more underground storage tank(s) and an underground storage tank system (hereinafter referred to collectively as “the USTs”), which includes, but is not limited to, one or more tanks, including the piping connected thereto. The pipes used in connection with the storage of the Designated Chemicals in the USTs includes but is not limited to valves and other appurtenances connected to the pipe, pumping units, fabricated assemblies associated with the pumping units, and metering and delivery stations and fabricated assemblies therein. The pipes used in connection with the storage of the Designated Chemicals in the USTs include

“connecting piping”, such as pipe, valves elbows, joints, flanges and flexible connectors through which the Designated Chemicals flow. The UST system also includes the vapor recovery lines, vent lines and associated fittings as well as the associated secondary containment systems, the drainage systems which collect surface water run off from the petroleum dispensing and delivery areas. Finally, the UST systems include secondary containment and spill control systems including but not limited to secondary containment for the underground tank system, leak detection sensors, pipe, connecting pipe, dispensers and dispenser piping and the petroleum delivery area, as well as for the drainage systems which collect surface water run off from the dispensing and delivery area.

Investigations and reports conducted and prepared for the California State Water Resources Control Board (“SWRCB”) (with the assistance and input of the Environmental Health Divisions and Departments for a number of California counties and Regional Water Quality Control Boards as well as various members of the oil industry), the California Environmental Protection Agency (“CEPA”), Department of Toxic Substances Control (“DTSC”), the Office of Pollution Prevention and Technology Department, as well as testing undertaken by the various city fire departments where the Facilities are located, demonstrate that discharges of petroleum products including the Designated Chemicals occur, and are expected to occur, from the gasoline service station operations at the Facilities on a regular and ongoing basis. The CWRQB Report concluded that 61% of all USTs in operation, at any given time, are discharging/releasing gasoline and other refined petroleum products including the Designated Chemicals into or on to the land. The CWRQB Report also found that the percentage of USTs found to be discharging/releasing gasoline and other refined petroleum products including the Designated Chemicals into or on to the land was not materially different whether the underground storage tank was single or double-walled. SHELL, as well as the oil industry in general, know of these facts.

Because SHELL, as well as the oil industry in general, is aware of these facts, SHELL, along with the oil industry, have in place leak detection sensor systems. The fact that SHELL uses such a system is an acknowledgement by SHELL that it knows that the USTs it operates are likely to leak at any given time. The sensors do not inform SHELL that the USTs are about to release product, only, at best that the USTs have leaked and/or are leaking product, including the Designated Chemicals. Further, the CWRQB Report noted that the leak detection systems in use by the industry only record a discharge from the USTs where the leak is **more** than 0.1 gallons/hour (2.4 gallons a day, or 876 gallons a year per sensor). That is, even under this extremely lax standard, SHELL does not even record a discharge until an individual tank sensor (of which there are usually more than one in any UST) records a discharge of **greater than 876 gallons a year**. Naturally, the level of non-recorded discharge can be much higher for any individual UST since there may be four or more sensors in any given system **each of which** is failing to record a discharge of slightly less than 876 gallons a year. Finally, a report prepared by the SWRCB Underground Storage Tank Program entitled “Field Evaluation of Underground Storage Tank System Leak Detection Sensors” expressly found that the leak detection sensors systems used by the oil industry, including SHELL, are not reliable where, as the report noted, the sensors have not been properly installed, programmed, maintained and operated, or when the secondary containment in which they are installed are not working properly. The SWRCB, in analyzing the use of leak detection sensor systems by the oil industry (including SHELL), specifically noted a number of significant problems which greatly lessened the utility of such sensors including the following: “sensors were raised from the low point of the secondary containment, sensors fail[ed] to alarm when tested, and sensors fail[ed] to shut down the turbine pump in the event of an alarm.” The report went on to note that almost a third of the secondary containment systems had water or product in one or more areas, a fact which would seriously impact the operational effectiveness of the sensor detection systems. Under these circumstances, the sensors will simply not operate effectively, even at the lax warning level used by SHELL. Further, since such sensors, even when working properly, do not prevent leaks but, at best, simply record them, they are ineffective to avoid liability under Health & Safety Code sections 25249.5 and 25249.7. In order to be in compliance with Proposition 65 SHELL must therefore effectively contain the Designated Chemicals in a UST system which is “product tight”, as defined above.

The gasoline service operations of SHELL therefore pose and threaten to pose an imminent threat to human health or safety or the environment and therefore create a substantial probability of harm since there is a substantial likelihood that the majority of the USTs operated and maintained by SHELL are either currently or likely will shortly discharge/release gasoline and other refined petroleum products into or on to the land. Such a discharge/release of the Designated Chemicals from the USTs at the Facilities "probably will pass into [a] source of drinking water." It is clear therefore that for the entire period of time that SHELL has owned and/or controlled the USTs located at the Facilities, SHELL has been and continues to be in violation of Proposition 65. Given that the maximum prior period of potential liability pursuant to Proposition 65, Business & Professions Code §17200 and Fish & Game Code §5650(which are the operative statutes pursuant to which a complaint will be filed against SHELL) is four years, this Notice is intended to inform SHELL that it has been in violation of Proposition 65 from the time period from four years prior to the date of this notice and continues to be in violation, for every day upon which SHELL owns and/or controls the underground storage tank systems for any Facility listed on Exhibit A.

Proposition 65 requires that notice and intent to sue be given to SHELL sixty days before a suit is filed. With this letter, CDG gives notice of the alleged violations to SHELL and the appropriate governmental authorities. This notice covers all violations of Proposition 65 that are currently known to CDG from information now available to it. CDG reserves the right to amend this Notice to inform SHELL of other violations and/or exposures as it gathers further information. With the copy of this amended notice submitted to SHELL, a copy is provided of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary."

Dated: September 17, 2003

By:

EXHIBIT A

<p><b>Amin's Shell</b> 2603 South Normandie Avenue, Los Angeles, CA 90007 (323) 766-0062</p>	<p><b>Pacific Heights Shell</b> California &amp; Steiner, San Francisco, CA 94102 (415) 567-6512</p>
<p><b>Andy's Shell</b> 1150 East Imperial Highway, Los Angeles, CA 90059 (323) 564-5333</p>	<p><b>Richmond Super Shell</b> 4501 Geary Boulevard, San Francisco, CA 94118 (415) 221-0424</p>
<p><b>ARA Kessedjian Shell Service</b> 5007 West Sunset Boulevard, Los Angeles, CA 90027 (323) 666-8700</p>	<p><b>Roy's Super Shell</b> 1070 Oak Street, San Francisco, CA 94117 (415) 864-3231</p>
<p><b>Blanco &amp; Abrams Shell</b> 10815 National Boulevard, Los Angeles, CA 90064 (310) 474-8934</p>	<p><b>Shell Oil CO</b> 1898 Van Ness Avenue, San Francisco, CA 94109 (415) 567-6737</p>
<p><b>Boutros' Shell Service</b> 1520 South Santa Fe Avenue, Los Angeles, CA 90021 (213) 623-3413</p>	<p><b>South of Market Shell</b> 377 6th Street, San Francisco, CA 94103 (415) 546-5659</p>
<p><b>Broadway Shell &amp; Smog Check</b> 3130 North Broadway, Los Angeles, CA 90031 (323) 276-1336</p>	<p><b>South Park Shell</b> 551 3rd Street, San Francisco, CA 94107 (415) 977-0847</p>
<p><b>Carroll Hansen Bel Air Shell Service</b> 800 North Sepulveda Boulevard, Los Angeles, CA 90049 (310) 476-1979</p>	<p><b>Steven Shell Auto Service</b> 2890 3rd Street, San Francisco, CA 94107 (415) 647-5588</p>
<p><b>Chons Shell Service</b> 11574 Santa Monica Boulevard, Los Angeles, CA 90025 (310) 450-7211</p>	<p><b>Sunset Shell</b> 2399 19th Avenue, San Francisco, CA 94116 (415) 731-1521</p>
<p><b>Dagher's Shell Service</b> 5533 East Washington Boulevard, Los Angeles, CA 90040 (323) 728-8622</p>	<p><b>Third Street Shell</b> 2890 3rd Street, San Francisco, CA 94107 (415) 821-0998</p>
<p><b>David's Shell</b> 1404 West Martin Luther King J, Los Angeles, CA 90062 (323) 295-1668</p>	<p><b>Tom Fong's Shell Service</b> 2198 Market Street, San Francisco, CA 94114 (415) 861-9999</p>
<p><b>Firestone Shell</b> 1454 Firestone Boulevard, Los Angeles, CA 90001 (323) 582-9700</p>	<p><b>Tower Shell</b> 701 Portola Drive, San Francisco, CA 94127 (415) 664-3745</p>
<p><b>Five Star Shell</b> 5404 York Boulevard, Los Angeles, CA 90042 (323) 255-7607</p>	<p><b>Turk Street Shell &amp; Food Mart</b> 800 Turk Street, San Francisco, CA 94102 (415) 931-7750</p>
<p><b>Florence Shell &amp; Food Mart</b> 605 East Florence Avenue, Los Angeles, CA 90001 (323) 753-0855</p>	<p><b>Valencia Shell-Ted'S Auto Care</b> 1622 32nd Avenue, San Francisco, CA 94122 (415) 826-4900</p>

<b>Fountain Shell Inc</b> 1309 North La Brea Avenue, Los Angeles, CA 90028 (323) 851-0293	<b>Will's Super Shell Service</b> 4298 Mission Street, San Francisco, CA 94112 (415) 334-2610
<b>Gabriel's Shell Service Station</b> 3047 Glendale Boulevard, Los Angeles, CA 90039 (323) 660-2608	<b>Broadway Shell Self Serve</b> 5755 Broadway, Oakland, CA 94618 (510) 547-4101
<b>Hadi's Shell Service</b> 405 North Avenue 64, Los Angeles, CA 90042 (323) 255-6325	<b>Chong's Shell</b> 3750 International Boulevard, Oakland, CA 94601 (510) 536-7374
<b>Hanna's Shell Service</b> 1410 South Soto Street, Los Angeles, CA 90023 (323) 263-8010	<b>Coliseum Shell</b> 540 Hegenberger Road, Oakland, CA 94621 (510) 635-8623
<b>Irana Shell</b> 10685 Laurel Canyon Boulevard, Pacoima, CA 91331 (818) 899-6612	<b>Kin's Shell Service No 1</b> 726 Harrison Street, Oakland, CA 94607 (510) 444-6583
<b>J R Shell</b> 4404 South Western Avenue, Los Angeles, CA 90062 (323) 299-9434	<b>M &amp; M Shell</b> 9750 Golf Links Road, Oakland, CA 94605 (510) 562-5616
<b>Jack's Shell</b> 8000 Reseda Boulevard, Reseda, CA 91335 (818) 993-7137	<b>Oak Street Shell</b> 105 5th Street, Oakland, CA 94607 (510) 839-0784
<b>James Shell Service STN</b> 12706 South Central Avenue, Los Angeles, CA 90059 (323) 569-4226	<b>Park Boulevard Shell</b> 3600 Park Boulevard, Oakland, CA 94610 (510) 530-0336
<b>JASS Shell Service</b> 4067 Verdugo Road, Los Angeles, CA 90065 (323) 257-9772	<b>San Pablo Shell</b> 3420 San Pablo Avenue, Emeryville, CA 94608 (510) 595-9395
<b>Jin's Shell</b> 5657 West Sunset Boulevard, Los Angeles, CA 90028 (714) 891-7973	<b>Shell Self Serve</b> 820 Portwood Avenue, Oakland, CA 94601 (510) 532-0628
<b>Jin's Western Shell</b> 270 South Western Avenue, Los Angeles, CA 90004 (213) 738-1800	<b>Shell Self-Serve</b> 4255 Macarthur Boulevard, Oakland, CA 94619 (510) 482-3192
<b>JINS LA Cienega Shell</b> 8500 West Pico Boulevard, Los Angeles, CA 90035 (310) 657-0870	<b>Shell Service Station Piedmont Shell Service</b> 29 Wildwood Avenue, Oakland, CA 94610 (510) 654-0512
<b>JOO Shell</b> 4403 South Figueroa Street, Los Angeles, CA 90037 (323) 234-4666	<b>Sunny Airport Shell</b> 285 Hegenberger Road, Oakland, CA 94621 (510) 568-5191
<b>LA Brea &amp; Venice Shell</b> 6536 Melrose Avenue, Los Angeles, CA 90038 (323) 933-3285	<b>Sunshine Shell</b> 6039 College Avenue, Oakland, CA 94618 (510) 420-8860

<b>Los Feliz Shell Gas &amp; Food Mart</b> Los Angeles, CA 90001 (323) 660-6926	<b>Vickie's Shell</b> 2120 Montana Street, Oakland, CA 94602 (510) 530-9234
<b>Louis's Shell Service Station No 2</b> 1285 East Vernon Avenue, Los Angeles, CA 90011 (323) 233-5511	<b>West Mac Arthur Shell</b> 230 West Macarthur Boulevard, Oakland, CA 94611 (510) 420-5898
<b>M &amp; J Shell Service STN</b> 4236 Eagle Rock Boulevard, Los Angeles, CA 90065 (323) 254-4784	<b>101 Bernal Shell Carwash</b> 101 Bernal Road, San Jose, CA 95119 (408) 629-9929
<b>Marima's Shell 1</b> 1541 South Central Avenue, Los Angeles, CA 90021 (213) 748-0663	<b>Alameda Shell</b> 1455 The Alameda, San Jose, CA 95126 (408) 280-5366
<b>Marquez's Shell Service</b> 2603 South Central Avenue, Los Angeles, CA 90011 (323) 231-1392	<b>Almaden Shell</b> 5607 Almaden Expressway, San Jose, CA 95118 (408) 266-7047
<b>Montebello Shell</b> PO Box 41935, Los Angeles, CA 90041 (323) 721-0894	<b>Berryessa Shell</b> 1705 Berryessa Road, San Jose, CA 95133 (408) 259-9123
<b>Pico Shell</b> 1303 South Western Avenue, Los Angeles, CA 90006 (323) 735-8567	<b>Berryessa Chevron</b> 1715 Berryessa Road, San Jose, CA 95133 (408) 259-0403
<b>Rashid Shell 1</b> 3300 South La Cienega Boulevard, Los Angeles, CA 90016 (323) 935-9350	<b>Blossom Shell</b> 5599 Snell Avenue, San Jose, CA 95123 (408) 972-8989
<b>Rashid Shell 2</b> 2138 West Century Boulevard, Los Angeles, CA 90047 (323) 756-8300	<b>Capitol Shell Auto Care</b> 3939 Snell Avenue, San Jose, CA 95136 (408) 578-6644
<b>Rimons Shell</b> 1010 West Martin Luther King J, Los Angeles, CA 90037 (323) 233-4155	<b>Eastside Shell</b> 1698 Tully Road, San Jose, CA 95122 (408) 238-1177
<b>Robertson Shell</b> 1502 South Robertson Boulevard, Los Angeles, CA 90035 (310) 247-8938	<b>Evergreen Shell</b> White Road & Aborn Road, San Jose, CA 95101 (408) 274-1160
<b>Shell</b> 11913 Compton Avenue, Los Angeles, CA 90059 (323) 566-1667	<b>G &amp; J Shell</b> 1199 Saratoga Avenue, San Jose, CA 95129 (408) 257-0848
<b>Shell</b> 4357 East Cesar East Chavez Avenue, Los Angeles, CA 90022 (323) 264-8500	<b>Hillview Shell Service</b> 1103 Curtner Avenue, San Jose, CA 95125 (408) 269-9410
<b>Shell</b> 4357 East Cesar East Chavez Avenue, Los Angeles, CA 90022 (323) 264-8500	<b>Kooser Shell</b> 5422 Camden Avenue, San Jose, CA 95124 (408) 266-3003

<b>Shell Self Serve</b> 1203 North Soto Street, Los Angeles, CA 90033 (323) 221-0623	<b>Mac's Shell Service</b> 2698 McKee Road, San Jose, CA 95116 (408) 258-2288
<b>Shell Service STN DLRS - Washington &amp; Eastern</b> 5533 East Washington Boulevard, Los Angeles, CA 90040 (323) 728-8622	<b>Monterey Road Shell Service &amp; Car Wash</b> 5270 Monterey Highway, San Jose, CA 95111 (408) 225-2532
<b>Shell Service Station Dealers - Gabriel's Shell Service Station</b> 918 North Soto Street, Los Angeles, CA 90033 (323) 660-2608	<b>Peerless Shell</b> 16601 Almaden Expressway, San Jose, CA 95120 (408) 268-9612
<b>Shell Service STN DLRS - City of Commerce</b> 5533 East Washington Boulevard, Los Angeles, CA 90040 (323) 728-8622	<b>Piedmont Shell</b> 3295 Sierra Road, San Jose, CA 95132 (408) 929-1420
<b>Vermont Shell Auto Center</b> 700 South Vermont Avenue, Los Angeles, CA 90005 (213) 389-3989	<b>Rose Garden Shell</b> 910 North Bascom Avenue, San Jose, CA 95128 (408) 243-6392
<b>West Olympic Shell</b> 11944 West Olympic Boulevard, Los Angeles, CA 90064 (310) 826-1832	<b>Santa Teresa Shell Station</b> 6097 Snell Avenue, San Jose, CA 95123 (408) 227-6950
<b>Irvine Shell Service</b> 4162 Trabuco Road, Irvine, CA 92620 (949) 559-8780	<b>Saratoga Shell Self Service</b> 1804 Saratoga Avenue, San Jose, CA 95129 (408) 379-7165
<b>Shell Service STN DLRS</b> 4162 Trabuco Road, Irvine, CA 92620 (949) 559-8780	<b>Saratoga Shell Service Station</b> 1698 South De Anza Boulevard, San Jose, CA 95129 (408) 252-0862
<b>Shell-Barranca</b> 3720 Barranca Parkway, Irvine, CA 92606 (949) 651-1421	<b>Shell Alameda Newhall</b> 2090 The Alameda, San Jose, CA 95126 (408) 241-1665
<b>Bristol Warner Shell</b> 2523 South Bristol Street, Santa Ana, CA 92704 (714) 540-3358	<b>Shell Self Service 004921</b> 1610 Meridian Avenue, San Jose, CA 95125 (408) 266-8510
<b>Fairview Shell</b> PO Box 27728, Santa Ana, CA 92799 (714) 432-9029	<b>Shell Service Stations - Capitol Shell Service</b> 3939 Snell Avenue, San Jose, CA 95136 (408) 227-4595
<b>Sam's Shell</b> 220 West 17th Street, Santa Ana, CA 92706 (714) 541-5041	<b>Shell Service Stations - AAA Shell Diagnostic Center</b> 2090 The Alameda, San Jose, CA 95126 (408) 241-1665
<b>Sam's Shell</b> 2641 North Bristol Street, Santa Ana, CA 92706 (714) 541-8251	<b>Story Road Shell</b> 1699 Story Road, San Jose, CA 95122 (408) 259-1386
<b>Sam's Shell &amp; Towing</b> 2641 North Bristol Street, Santa Ana, CA 92706 (714) 835-5337	<b>Tully Shell Auto Care</b> 1155 Tully Road, San Jose, CA 95122 (408) 294-8819



<b>Santiago Shell &amp; Auto Wash</b> 617 East 17th Street, Santa Ana, CA 92701 (714) 541-3883	<b>Virginia Shell</b> 288 East Virginia Street, San Jose, CA 95112 (408) 286-8668
<b>Shell Auto Center</b> 2641 North Bristol Street, Santa Ana, CA 92706 (714) 542-2640	<b>Winchester Shell Service Station</b> 1025 South Winchester Boulevard, San Jose, CA 95128 (408) 296-7503
<b>Shell Service STN DLRS</b> 2641 North Bristol Street, Santa Ana, CA 92706 (714) 541-8251	<b>Great America Shell</b> 3751 Lafayette Street, Santa Clara, CA 95054 (408) 988-4771
<b>Shell Service STN DLRS - Costa Mesa</b> Baker And Fairview, Santa Ana, CA 92701 (714) 545-8171	<b>Great America Shell</b> 5390 Great America Parkway, Santa Clara, CA 95054 (408) 982-9040
<b>Shell Service Station-Bristol &amp; Mac Arthur</b> 3601 South Bristol Street, Santa Ana, CA 92704 (714) 557-2672	<b>Monroe Shell</b> 2455 Lawrence Expressway, Santa Clara, CA 95051 (408) 985-1329
<b>Shell Service Stations - Campus Shell Smog &amp; Muffler Center</b> Santa Ana, CA 92701 (714) 540-1745	<b>Oakmead Shell</b> 2800 Augustine Drive, Santa Clara, CA 95054 (408) 496-0695
<b>Shell Service Stations</b> 2302 South Bristol Street, Santa Ana, CA 92704 (714) 540-3358	<b>Gilroy Shell</b> 400 Leavesley Road, Gilroy, CA 95020 (408) 842-5227
<b>Shell Service Stations - Bristol Warner Shell</b> Santa Ana, CA 92701 (714) 540-3358	<b>Shell Food Mart</b> 398 1st, Gilroy, CA 95020 (408) 842-9722
<b>Shell Service STN DLRS - Yorba Linda Shell &amp; Tire Store</b> Red Hill And Laguna, Santa Ana, CA 92701 (714) 777-2724	<b>Vieira's Shell</b> 850 Pacheco Pass Highway, Gilroy, CA 95020 (408) 842-9583
<b>Shell Service STN DLRS - Tustin</b> Red Hill And Laguna, Santa Ana, CA 92701 (714) 832-9122	<b>Downtown Shell Service</b> 1619 G Street, San Diego, CA 92101 (619) 235-6742
<b>Sam's Shell</b> 13891 Red Hill Avenue, Tustin, CA 92780 (714) 832-9122	<b>First &amp; Cedar Shell</b> 1666 1st Avenue, San Diego, CA 92101 (619) 232-7057
<b>Tustin Ranch Shell</b> 13131 Jamboree Rd, Tustin, CA 92782 (714) 730-6508	<b>Golden Hill Shell Service</b> 1330 Orange Avenue, Coronado, CA 92118 (619) 232-5438
<b>Customer Care Shell</b> 1200 South State College Boulevard, Anaheim, CA 92806 (714) 776-8300	<b>Hillcrest Shell Service</b> 330 Washington Street, San Diego, CA 92103 (619) 297-1274
<b>Shell E T D Foodmart &amp; Carwash</b> 2100 South Harbor Boulevard, Anaheim, CA 92802 (714) 750-6975	<b>Hoxsey Shell Service</b> 6006 Bounty Street, San Diego, CA 92120 (619) 283-6549

<b>Shell Food Mart Subway Taco Bell</b> 3080 East La Palma Avenue, Anaheim, CA 92806 (714) 630-7827	<b>Mira Mesa Shell</b> 9490 Mira Mesa Boulevard, San Diego, CA 92126 (858) 271-4017
<b>Shell Service STN DLRS</b> 3125 East Orangethorpe Avenue, Anaheim, CA 92806 (714) 996-1380	<b>Mira Mesa Shell Car Wash</b> 8345 Mira Mesa Boulevard, San Diego, CA 92126 (858) 271-7224
<b>Fullerton Shell</b> 242 East Commonwealth Avenue, Fullerton, CA 92832 (714) 738-1840	<b>Morena Blvd Shell Service</b> 1330 Morena Boulevard, San Diego, CA 92110 (619) 276-3663
<b>University Shell &amp; Food Mart</b> 2960 Yorba Linda Boulevard, Fullerton, CA 92831 (714) 996-8002	<b>Pacific Beach Shell</b> 1885 Garnet Avenue, San Diego, CA 92109 (858) 274-0617
<b>Jasmine's Shell Auto Care</b> 889 South Tustin Street, Orange, CA 92866 (714) 532-3966	<b>Rancho Bernardo Shell Self Service</b> 12472 Rancho Bernardo Road, San Diego, CA 92128 (858) 487-1363
<b>JM Quality Shell</b> 1914 East Chapman Avenue, Orange, CA 92867 (714) 633-7243	<b>Rollins Shell Service</b> 2008 Pacific Highway, San Diego, CA 92101 (619) 239-4251
<b>Shell Service STN DLRS</b> 889 South Tustin Street, Orange, CA 92866 (714) 532-3966	<b>Shell 52 &amp; Convoy</b> 7740 Copley Park Place, San Diego, CA 92111 (858) 292-5552
<b>Brookhurst Classic Shell</b> 20001 Brookhurst Street, Huntington Beach, CA 92646 (714) 963-4541	<b>Shell Car Wash</b> 7647 Balboa Avenue, San Diego, CA 92111 (858) 571-0547
<b>Five Point's Shell</b> 18502 Beach Boulevard, Huntington Beach, CA 92648 (714) 964-1751	<b>Shell ETD Foodmart</b> 3890 Division Street, San Diego, CA 92113 (619) 236-9822
<b>Gilbert's Shell Service</b> 20001 Brookhurst Street, Huntington Beach, CA 92646 (714) 963-4541	<b>Shell Service STN DLRS</b> 2008 Pacific Highway, San Diego, CA 92101 (619) 239-4251
<b>Delamo Shell Service</b> 20225 Avalon Boulevard, Carson, CA 90746 (310) 532-9850	<b>Shell Service STN DLRS - Clairemont</b> 1330 Morena Boulevard, San Diego, CA 92110 (619) 276-3663
<b>FAMU Shell</b> 4990 Long Beach Boulevard, Long Beach, CA 90805 (562) 422-8286	<b>Shell Service STN DLRS - Corner Mission  Gorge &amp; Zion</b> 6585 Mission Gorge Road, San Diego, CA 92120 (619) 283-6549
<b>Michael Shell Service</b> 2589 North Lakewood Boulevard, Long Beach, CA 90815 (562) 597-4480	<b>Shell Service STN DLRS - Genesee Shell</b> 4303 Genesee Avenue, San Diego, CA 92117 (858) 560-9725

<b>Mike's Shell</b> 2600 Pellissier Place, City Industry, CA 90601 (562) 699-1544	<b>Shell Service STN DLRS - Clairemont Mesa</b> Bl And Genesee Avenue, San Diego, CA 92101 (858) 274-6566
<b>Moe Shell I</b> 598 East Anaheim Street, Long Beach, CA 90813 (562) 432-3250	<b>Shell Stations of Bob Stivers</b> 2521 Pacific Highway, San Diego, CA 92101 (619) 233-4120
<b>Omar Shell Station</b> 6605 Long Beach Boulevard, Long Beach, CA 90805 (562) 428-9595	<b>Shell Stations of Bob Stivers</b> 2290 Moore Street, San Diego, CA 92110 (619) 291-1938
<b>Paul's Shell Service</b> 1750 East Ocean Boulevard, Long Beach, CA 90802 (562) 860-2933	<b>Westwood Shell R B</b> 16998 West Bernardo Drive, San Diego, CA 92127 (858) 487-7455
<b>Shell Oil Products</b> 22232 Wilmington Avenue, Carson, CA 90745 (310) 834-1297	<b>Americana Shell</b> Mountain View, CA 94040 (650) 968-2009
<b>Yang's Shell</b> 200 Alamitos Avenue, Long Beach, CA 90802 (562) 432-7336	<b>Blossom Valley Shell</b> Mountain View, CA 94040 (650) 965-9772
<b>A-Z Shell Mini Mart</b> 15501 Beach Boulevard, Westminster, CA 92683 (714) 898-2010	<b>Mountain View Shell</b> 1288 West El Camino Real, Mountain View, CA 94040 (650) 964-0213
<b>Dave's Shell Station</b> 2127 Indian Springs Lane, Newport Beach, CA 92660 (949) 548-7059	<b>Shell Self Serve</b> 807 North Shoreline Boulevard, Mountain View, CA 94043 (650) 964-6171
<b>Fashion Island Shell</b> 1600 Jamboree Road, Newport Beach, CA 92660 (949) 718-3629	<b>Seaward Shell</b> 2099 Harbor Boulevard, Ventura, CA 93001 (805) 643-7411
<b>Newport Shell</b> 1600 Jamboree Road, Newport Beach, CA 92660 (949) 640-7177	<b>Telephone Shell</b> 7841 Telephone Road, Ventura, CA 93004 (805) 647-8854
<b>Westcliff Shell Car Wash</b> 1000 Irvine Avenue, Newport Beach, CA 92660 (949) 645-5968	<b>Tinsal Enterprises Victoria Shell</b> 2440 South Victoria Avenue, Ventura, CA 93003 (805) 658-7195
<b>Bryant Shell No 4</b> 598 Bryant Street, San Francisco, CA 94107 (415) 495-5833	<b>Albany Shell</b> 999 San Pablo Avenue, Albany, CA 94706 (510) 527-8709
<b>Geneva Shell</b> 2200 Alemany Boulevard, San Francisco, CA 94112 (415) 586-3295	<b>Campus Mini-Mart &amp; Shell Gas Station</b> 2200 Durant Avenue, Berkeley, CA 94704 (510) 649-0280
<b>Golden Gate Shell</b> 1200 19th Avenue, San Francisco, CA 94122 (415) 661-1169	<b>J &amp; W Shell</b> 1200 Ashby Avenue, Berkeley, CA 94702 (510) 486-8318

<b>Hudson Shell</b> 3550 Mission Street, San Francisco, CA 94110 (916) 393-2585	<b>Crow Canyon Shell</b> 2850 Crow Canyon Road, San Ramon, CA 94583 (925) 838-7844
<b>Lincoln Shell No 3</b> 601 Lincoln Way, San Francisco, CA 94122 (415) 242-1028	<b>Las Positas Shell</b> 4530 Las Positas Road, Livermore, CA 94550 (925) 373-3550
<b>Lombard &amp; Laguna Shell</b> 1800 Lombard Street, San Francisco, CA 94123 (415) 922-8184	<b>Portola Shell</b> 1155 Portola Avenue, Livermore, CA 94550 (925) 443-0323

**CERTIFICATE OF SERVICE**

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 3 Park Plaza, Suite 2030, Irvine, California 92614.

**I SERVED THE FOLLOWING:**

- 1.) 60-Day Notice of Intent to Sue Under Health & Safety Code Section 24249.6;
- 2.) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary (*only sent to violators.*)

by enclosing a true copy of the same in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid:

Date of Mailing: September 17, 2003  
Place of Mailing: Irvine, California

**NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:**

Rob J. Routs, President Shell Oil Company One Shell Plaza Houston, TX 77002	California Attorney General (Proposition 65 Enforcement Division) 1515 Clay Street, 20th Floor Oakland, CA
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And all entities listed on Attachment to Proof of Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: September 17, 2003

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**Attachment to Proof of Service - Additional Entities Noticed.**

Los Angeles County DA  
210 W. Temple Street, 18th Floor  
Los Angeles, CA 90012

Los Angeles City Attorney  
200 N. Main St. N.E.  
Los Angeles, CA 90012

San Diego County DA  
330 Broadway  
San Diego, CA 92101

San Diego City Attorney  
1200 3rd Ave. Ste. 1620  
San Diego, CA 92101

San Francisco City Attorney  
1390 Market Street  
San Francisco, CA 94102

San Francisco County DA  
880 Bryant Street  
San Francisco, CA 94103

Riverside County DA  
4075 Main St., 1<sup>st</sup> Fl.  
Riverside, CA 92501

San Bernardino County DA  
316 N. Mountain View Av.  
San Bernardino, CA 92415

Sacramento County DA  
P.O. Box 749  
Sacramento, CA 95812

Orange County District Attorney  
700 Civic Center Dr. W., 2<sup>nd</sup> Fl.  
Santa Ana, CA 92701

Humboldt County DA  
825 5th Street  
Eureka, CA 95501

Shasta County District Attorney  
1525 Court Street  
Redding, CA 96001-1632

San Mateo DA  
1050 Mission Road  
South San Francisco, CA 94080

Marin County DA  
3501 Civic Center Dr. #130  
San Rafael, CA 94903

Santa Barbara County DA  
1105 Santa Barbara St.  
Santa Barbara, CA 93101

Ventura County DA  
800 South Victoria Avenue  
Ventura, CA 95695

San Jose City Attorney  
151 W. Mission St.  
San Jose, CA 95110

Contra Costa County DA  
727 Court Street  
Martinez, CA 94553

Yolo County D A  
301 2<sup>nd</sup> Street  
Woodland, CA 95695

District Attorney  
1430 Freedom Blvd.  
Watsonville, CA 95076

El Dorado County DA  
1360 Johnson Blvd. #105  
South Lake Tahoe, CA 96150

Kern County DA  
2100 College Avenue  
Bakersfield, CA 93305

Napa County DA  
931 Parkway Mall  
Napa, CA 94559

Inyo County DA  
386 W. Line Street  
Bishop, CA 93514

Lake County DA  
255 N. Forbes St.  
Lakeport, CA 95453

Yuba County DA  
215 5<sup>th</sup> Street  
Marysville, CA 95901

Stanislaus County DA  
300 Starr Avenue  
Turlock, CA 95380

District Attorney  
14227 Road 28  
Madera, CA 93638

Santa Clara County DA  
2645 Zanker Road  
San Jose, CA 95134

Mariposa County DA  
P.O. Box 748  
Mariposa, CA 95338

Nevada County DA  
201 Church Street, Suite 8  
Nevada City, CA 95959

San Luis Obispo County DA  
1050 Monterey Street, Rm. 450  
San Luis Obispo, CA 93408

Merced County DA  
445 I Street  
Los Banos CA 93635

Sonoma County DA  
600 Administrative Dr.  
Santa Rosa, CA 95403

San Joaquin DA  
225 W. Elm Street #C  
Lodi, CA 95240

Mendocino County DA  
700 S. Franklin St.  
Forst Bragg, CA 94537

Solano County DA  
321 Tuolomne Street  
Valejo, CA 94590

Butte County DA  
25 County Center Drive  
Oroville, CA 95695

Mono County DA  
P.O. Box 617  
Bridgeport, CA 93517

Sutter County DA  
446 Second Street  
Yuba City, CA 95991

Santa Cruz County DA  
701 Ocean Street  
Santa Cruz, CA 95061

Alameda County DA  
1225 Fallon Street  
Oakland, CA 94612

Del Norte County DA  
450 H Street  
Crescent City, CA 95531

Kings County DA  
1400 W Lacey Blvd  
Hanford CA 93230

Mondoc County DA  
204 S Court Street  
Alturas CA 96101

Santa Clara DA  
2645 Zanker Rd  
San Jose CA 95134

Siskyou County DA  
P.O. Box 986  
Yreka, CA 96097

Lake County District Atty  
6850 Old Highway 53  
Clearlake CA 95422

Solano County DA  
321 Tuolumne St  
Valejo CA 94590

Glenn County DA  
540 W Sycamore St  
Willows CA 95988

Stanislaus DA  
300 Starr Ave  
Turlock CA 95380

Yolo County DA  
301 2nd Street  
Woodland CA 95695

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: September 17, 2003

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