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LAW OFFICES OF
MARK S. POLLOCK
ENVIRONMENTAL LAW AND COMPLIANCE

ATTORNEY GENERAL COPY: CONTAINS
OFFICIAL INFORMATION PER EVIDENCE
CODE SECTION 1040

October 29, 2003

**NOTICE OF VIOLATION OF
CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.**

Dear Public Enforcement Agencies:

Richard F. Sowinski is an individual residing in the State of California who has documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986 ("Proposition 65"), codified at Health & Safety Code §25249.5 et seq. This letter serves to provide Richard F. Sowinski's notification of these violations to the public enforcement agencies and to the violator. Pursuant to §25249.7(d) of the statute, Richard F. Sowinski intends to bring an enforcement action sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator. The specific details of the violations that are the subject of this notice are provided below.

The name of the violator covered by this notice is San Diego Gas & Electric Company.

These violations involve exposures to benzene from the product(s) listed below. On February 27, 1987, the State of California officially listed benzene as a chemical known to cause cancer. On December 26, 1997, the State of California officially listed benzene as a chemical known to cause reproductive toxicity. This notice covers the following product(s):

Natural Gas

The consumer exposures that are the subject of this notice result from the exposure to benzene fumes. Benzene is present in natural gas delivered by San Diego Gas & Electric Company in its un-combusted state and is present at levels posing significant risk as a byproduct of combustion. The consumer exposures will occur in homes and businesses where there are appliances, heaters, or other equipment operating on natural gas. Consumers will include people residing in the homes, working in the businesses, or individuals working on the equipment operating on the natural gas, or working on the natural gas line in the home or business. Accordingly, the consumer exposures have occurred and continue to occur primarily through the inhalation exposure route. Each of these ongoing violations has occurred on every day since October 29, 1999, and will continue every day until clear and reasonable warnings are provided or until these deleterious chemicals are removed from the product. Pursuant to Title 11, C.C.R. § 3100, a Certificate of Merit is attached hereto.

The occupational exposures that are the subject of this notice result from the exposure to benzene fumes. Benzene is present in natural gas delivered by San Diego Gas & Electric Company in its un-combusted state and is present at levels posing significant risk as a byproduct of combustion. The occupational exposures will occur anywhere that employees of San Diego Gas & Electric Company are working on lines containing natural gas, or in areas where equipment is being operated on the natural gas. Accordingly, the occupational exposures have occurred and continue to occur primarily through the inhalation exposure route. Each of these ongoing violations has occurred on every day since October 29, 1999, and will continue every day until clear and reasonable warnings are provided or until these deleterious chemicals are removed from the product. Pursuant to Title 11, C.C.R. § 3100, a Certificate of Merit is attached hereto.

In keeping with his public interest mission and to expeditiously rectify these ongoing violations of California law, Richard F. Sowinski is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this notice to Richard F. Sowinski's counsel in this matter:

Mark S. Pollock, Esq.
1207 Coombs Street
P.O. Box 760
Napa, CA 94559-0760
Telephone: (707) 257-8935

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is: 1207 Coombs Street, Napa, California 94559-0760.

On October 29, 2003, I served the following documents:

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit
- “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary”

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

San Diego Gas & Electric Company
Edwin A. Guiles
Group President - Sempra Energy Utilities
555 West 5th Street
Los Angeles, California 90013

On October 29, 2003, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit, including Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Attn: Craig Thompson, Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
Post Office Box 944255
Sacramento, CA 94244-2550

On October 29, 2003, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit

on each of the parties on the service list attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the service list attached hereto, and depositing it at United States Postal Service mail box for delivery by First Class Mail.

Executed on October 29, 2003, at Napa, California.

PUBLIC ENFORCEMENT AGENCIES SERVICE LIST

THE HONORABLE THOMAS J ORLOFF
ALAMEDA COUNTY DISTRICT ATTORNEY
1225 FALLON ST RM 900
OAKLAND CA 94612

THE HONORABLE GERHARD LUCK
LAKE COUNTY DISTRICT ATTORNEY
255 N FORBES ST
LAKEPORT CA 95453

THE HONORABLE GROVER C TRASK II
RIVERSIDE COUNTY DISTRICT ATTORNEY
4075 MAIN ST
RIVERSIDE CA 92501

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220 S LASSEN ST STE 8
SUSANVILLE CA 96130

THE HONORABLE JAN SCULLY
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901 G ST
SACRAMENTO CA 95814

THE HONORABLE TODD D RIEBE
AMADOR COUNTY DISTRICT ATTORNEY
708 COURT ST STE 202
JACKSON CA 95642

THE HONORABLE STEVE COOLEY
LA COUNTY DISTRICT ATTORNEY
210 W TEMPLE ST STE 18000
LOS ANGELES CA 90012-3210

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419 FOURTH ST, FL 2
HOLLISTER CA 95023

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BUTTE COUNTY DISTRICT ATTORNEY
25 COUNTY CTR DR
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THE HONORABLE ERNEST LICALS
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MADERA CA 93637

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SAN BERNARDINO COUNTY DISTRICT ATTORNEY
316 N MTN VIEW AVE
SAN BERNARDINO CA 92415-0004

THE HONORABLE JEFFREY TUTTLE
CALAVERAS COUNTY DISTRICT ATTORNEY
891 MTN RANCH RD
SAN ANDREAS CA 95249

THE HONORABLE PAULA FRESCHI KAMENA
MARIN COUNTY DISTRICT ATTORNEY
3501 CIVIC CTR DR RM 130
SAN RAFAEL CA 94903

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SAN DIEGO COUNTY DISTRICT ATTORNEY
330 W BROADWAY STE 1320
SAN DIEGO CA 92101

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COLUSA CA 95932

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MARIPOSA CA 95338

THE HONORABLE TERENCE HALLINAN
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880 BRYANT ST STE 325
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MERCED CA 95340

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SAN LUIS OBISPO COUNTY DISTRICT ATTORNEY
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SAN LUIS OBISPO CA 93408

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THE HONORABLE ELIZABETH EGAN
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THE HONORABLE THOMAS W SNEDDON JR
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SANTA BARBARA CA 93101

THE HONORABLE ROBERT HOLZAPFEL
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SALINAS CA 93902

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70 W HEDDING ST
SAN JOSE CA 95110

THE HONORABLE PAUL GALLEGOS
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THE HONORABLE BOB LEE
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THE HONORABLE GILBERT OTERO
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YREKA CA 96097

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VENTURA CA 93009

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WOODLAND CA 95695

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YUBA COUNTY DISTRICT ATTORNEY
215 FIFTH ST
MARYSVILLE CA 95901

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LOS ANGELES CA 90012

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1200 THIRD AVE STE 1620
SAN DIEGO CA 92101

SAN JOSE CITY ATTORNEY'S OFFICE
151 W MISSION ST
SAN JOSE CA 95110

SAN FRANCISCO CITY ATTORNEY'S OFFICE
CITY HALL, ROOM 234
SAN FRANCISCO, CA 94102