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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 Southwest Gas Corporation.

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 Southwest Gas Corporation 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 Southwest Gas Corporation 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 Southwest Gas Corporation 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  
Telenhone: (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:

Southwest Gas Corporation  
Michael Maffie  
CEO, Southwest Gas Corporation  
P.O. Box 98510  
Las Vegas, Nevada 89193-8510

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.

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## PUBLIC ENFORCEMENT AGENCIES SERVICE LIST

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

THE HONORABLE WILLIAM RICHMOND  
ALPINE COUNTY DISTRICT ATTORNEY  
PO BOX 248  
MARKLEEVILLE CA 96120

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

THE HONORABLE MICHAEL RAMSEY  
BUTTE COUNTY DISTRICT ATTORNEY  
25 COUNTY CTR DR  
OROVILLE CA 95965

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

THE HONORABLE JOHN POYNER  
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547 MARKET ST  
COLUSA CA 95932

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PO BOX 670  
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450 H ST  
CRESCENT CITY CA 95531

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EL DORADO COUNTY DISTRICT ATTORNEY  
515 MAIN ST  
PLACERVILLE CA 95667

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2220 TULARE ST STE 1000  
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GLENN COUNTY DISTRICT ATTORNEY  
PO BOX 430  
WILLOWS CA 95988

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HUMBOLDT COUNTY DISTRICT ATTORNEY  
825 FIFTH ST  
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IMPERIAL COUNTY DISTRICT ATTORNEY  
939 W MAIN ST  
EL CENTRO CA 92243

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INYO COUNTY DISTRICT ATTORNEY  
PO DRAWER D  
INDEPENDENCE CA 93526

THE HONORABLE EDWARD R JAGELS  
KERN COUNTY DISTRICT ATTORNEY  
1215 TRUXTUN AVE  
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1400 W LACEY BLVD  
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255 N FORBES ST  
LAKEPORT CA 95453

THE HONORABLE ROBERT BURNS  
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220 S LASSEN ST STE 8  
SUSANVILLE CA 96130

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210 W TEMPLE ST STE 18000  
LOS ANGELES CA 90012-3210

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209 W YOSEMITE AVE  
MADERA CA 93637

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3501 CIVIC CTR DR RM 130  
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PO BOX 748  
MARIPOSA CA 95338

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UKIAH CA 95482

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ALTURAS CA 96101

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MONO COUNTY DISTRICT ATTORNEY  
PO BOX 617  
BRIDGEPORT CA 93517

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MONTEREY COUNTY DISTRICT ATTORNEY  
240 CHURCH ST #101  
SALINAS CA 93902

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931 PARKWAY MALL  
NAPA CA 94559

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201 CHURCH ST STE 8  
NEVADA CITY CA 95959

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SANTA ANA CA 92701

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11562 B AVE  
AUBURN CA 95603

THE HONORABLE JEFF CUNAN  
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520 MAIN ST RM 404  
QUINCY CA 95971

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

THE HONORABLE JAN SCULLY  
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901 G ST  
SACRAMENTO CA 95814

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419 FOURTH ST, FL 2  
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SAN LUIS OBISPO CA 93408

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SANTA CRUZ CA 95060

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PO BOX 310  
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VENTURA CA 93009

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WOODLAND CA 95695

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MARYSVILLE CA 95901

LOS ANGELES CITY ATTORNEY'S OFFICE  
200 N MAIN ST RM 1800  
LOS ANGELES CA 90012

SAN DIEGO CITY ATTORNEY'S OFFICE  
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1200 THIRD AVE STE 1620  
SAN DIEGO CA 92101

SAN JOSE CITY ATTORNEY'S OFFICE  
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SAN JOSE CA 95110

SAN FRANCISCO CITY ATTORNEY'S OFFICE  
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SAN FRANCISCO, CA 94102