

# BARON & BUDD

A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS  
SUITE 1100  
3102 OAK LAWN AVENUE  
DALLAS, TEXAS 75219-4281  
(214) 521-3605  
TELECOPIER (214) 520-1181

FREDERICK M. BARON  
RUSSELL W. BUDD  
BRENT M. ROSENTHAL  
LISA A. BLUE, Ph.D.  
MARY E. SKELNIK  
STEVEN D. WOLENS  
MELISSA K. HUTTS  
STEVE BAUGHMAN JENSEN  
ALLEN M. STEWART  
RICHARD I. NEMEROFF  
LISA R. KIVETT  
LEANNE JACKSON  
LAURA BAUGHMAN  
LAURIE J. MEGGESIN  
LADD R. GIBKE  
ALAN B. RICH  
ELLEN A. PRESBY  
SCOTT SUMMY  
MISTY A. FARRIS  
KEVIN D. MCHARGUE

JAMES D. PIEL  
S. ANN SAUCER  
LANCE A. POOL  
SPECIAL COUNSEL  
CARLOS LOPEZ  
DIANE M. ANDREW\*  
SAM T. RICHARD  
CHRISTINA E. MANCUSO  
SCOTT MORRISON  
WESLEY K. YOUNG  
STEPHEN C. JOHNSTON  
WILLIAM K. TAPSCOTT, JR.  
ASHLEY HIGGINS JETER  
BEN K. DUBOSE  
AMY J. SHAHAN  
TAERI IM OH  
ANN TUTOKY HARPER  
CAREN LOCK HANSON

\*LAWRENCE G. GETTYS  
ALICIA D. BUTLER  
\*PATRICK O'NEAL  
ANDREA S. BOURNE  
VIRGINIA L. ADAMS  
JOYCELL M. HOLLINS  
MARTY A. MORRIS  
LAURA M. CABUTTO  
SCOTT R. FRIELING  
THOMAS M. SIMS  
JOHN J. SPILLANE  
NATALIE F. DUNCAN  
MONTY WADE SULLIVAN  
AMY M. CARTER  
FRANK E. GOODRICH  
CARLA M. BURKE  
SCOTT L. FROST  
TIFFANY NEWLIN  
JACQUELINE MONTEJANO  
JULIANNE J. MAERSCHEL

BRIAN P. MIN  
REY FERNÁNDEZ  
EDMOND L. MARTIN  
DONNA J. BLEVINS  
STEPHANIE N. BROOKS  
DAVID T. RITTER  
CHRIS J. PANATIER  
J. KAMA DAVIS  
RENÉE MELANÇON  
\*THERESA L. NELSON  
D. CARL MONEY  
CELESTE A. EVANGELISTI  
CHAD R. COTTEN  
BRIAN K. PEACOCK  
BRIE D. SHERWIN  
BRIAN M. BOUFFARD  
MONICA WALTERS  
SHAWN E. RAVER  
\*LICENSED IN STATES  
OTHER THAN TEXAS

December 11, 2003

## NOTICE OF VIOLATION OF PROPOSITION 65, CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5.

- To: Bill Lockyer, Attorney General for the state of California  
Grover Trask, Riverside County District Attorney  
The Chairman and Chief Executive Officers of Atlantic Richfield Company, ARCO Oil and Gas Company, ARCO Pipeline Company, ARCO Oil Refining Company, BP Oil Marketing Company, BP America, Inc. and BP Amoco Chemical, their parents, subsidiaries, affiliates, and/or divisions (hereinafter collectively referred to as "Atlantic Richfield").
- RE: **Violations of Proposition 65: Discharge of Listed Chemicals into a Source of Drinking Water in and around ATLANTIC RICHFIELD'S Operations**

This 60-day Notice alerts you to violations of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health & Safety Code Section 25249.5. Members of the noticing party include Communities for a Better Environment ("CBE") and Nicole McAdam, an individual (hereinafter collectively referred to as "noticing party"). CBE is an environmental health and justice 501(c)(3) nonprofit organization. CBE has offices in Huntington Park and Oakland, California. With over 20,000 members statewide, CBE has worked effectively throughout California to prevent and reduce pollution and pledges to cooperate with public prosecutors in this matter to ensure that the violations discussed herein are remedied. CBE and its attorneys have extensive experience in prosecuting violators of Proposition 65.

The noticing party intends to bring suit sixty days hereafter to correct these violations, pursuant to Health & Safety Code Section 25249.7(d). The public prosecutors may also do so within the next sixty (60)-days pursuant to Health & Safety Code Section 25249.7(c).

### **Chemicals Discharged**

The specific violations alleged here are past and ongoing discharges or releases of Benzene, CAS Number 71432 and Toluene, CAS Number 108883. Benzene and Toluene are chemicals known by the State of California to cause cancer or reproductive toxicity. 22 California Code of Regulations Section 12000. Benzene has been listed as a human carcinogen or reproductive toxin under Proposition 65 since February 27, 1987. Likewise, Toluene has been listed as a human carcinogen or reproductive toxin since January 1, 1991.

### **Identities of Violators**

The persons who in the course of doing business have committed the violations alleged herein are the employees, officers and directors of Atlantic Richfield (“Violator”). Atlantic Richfield has been sent a copy of this 60-day Notice through Federal Express mail (as noted) and/or certified mail, return receipt requested to the addresses and persons listed at the end of this letter.

### **Location of Source of Drinking Water**

The violator named herein has knowingly discharged or released each of the chemicals listed above into water or onto or into land where each chemical has passed, currently passes, or will probably pass into a source, or potential source, of drinking water under and around the facilities listed in Attachment 1 attached hereto.

The discharging and/or releasing of chemicals include, but are not limited to, the leaching of chemicals listed herein into water or onto or into land where each chemical has passed, currently passes, or will probably pass into a source, or potential source, of drinking water. These discharges and releases have occurred and are occurring through the leaching of chemicals as a result of direct releases from underground storage tanks, and/or gasoline storage, transfer, delivery, and dispensing systems (hereinafter “USTs” or “gasoline

systems”) into and onto soil and subsurface groundwater surrounding the above mentioned Atlantic Richfield facilities. These releases from the USTs and gasoline systems enter into surrounding groundwater and soil and migrate toward actual and potential sources of drinking water. Listed chemical discharges also occur through storm water run-off from the facilities.

A “source of drinking water” means either a present source of drinking water or water that is identified in a water quality control plan as being suitable for domestic or municipal uses. Health & Safety Code Section 25249.11(d).

The groundwater under and around the facilities has been used for domestic and/or municipal purposes and/or has been designated as a potential source of drinking water. The subsurface groundwater into which the violator has and continues to discharge contaminants are potential sources of drinking water, and/or are tributaries to potential sources of drinking water.

Therefore, the violator here named has discharged or released the chemicals here named into water or onto or into land where such chemicals have passed, are passing, and/or will probably pass into a source of drinking water. The violator named herein has violated, is violating, and currently threatens to violate Health & Safety Code Section 25249.5 within the meaning of Section 25249.5 and Section 25249.11(e).

### **Approximate Time Period of Violations**

The violator has discharged the chemicals listed above in the manner described herein continuously since approximately December 1994. Such violations have been ongoing since that time.

Each and every day during which the violator has discharged or released the chemicals named herein into the groundwater and/or surface water under and around the listed Atlantic Richfield facilities constitutes a separate violation of Health & Safety Code Section 25249.5, and each chemical released or discharged constitutes a separate violation for each day on which each chemical was released or discharged.

**Knowing Discharge of Chemicals**

The violator named herein has known of its discharges or releases of the chemicals listed above. Therefore, the violations here described have been knowing on the part of the violator.

**Identity of Noticing Party**

The name, address, and telephone number of the noticing party is as follows:

Scott R. Summy, Esq.  
Laura Baughman, Esq.  
Renée Melançon, Esq.  
Baron & Budd, P.C.  
3102 Oak Lawn Avenue, Suite 1100  
Dallas, TX 75219  
(214) 521-3605 & (800) 222-2766

Other responsible individuals representing CBE and Nicole McAdam are:

Scott Kuhn, Esq.  
Communities for a Better Environment  
5610 Pacific Boulevard, Suite 203  
Huntington Park, CA 90255  
(323) 826-9771

Edward L. Masry, Esq.  
Nancy Eichler, Esq.  
Law Offices of Masry & Vititoe  
5707 Corsa Avenue, 2<sup>nd</sup> Floor  
Westlake Village, CA 91362

Walter P. Lack, Esq.  
Brian Leinbach, Esq.  
Engstrom, Lipscomb & Lack, P.C.  
10100 Santa Monica Blvd., 16<sup>th</sup> Floor  
Los Angeles, CA 90067

The noticing party would appreciate receiving prompt notification from you as to whether you will pursue action under Health & Safety code Section 25249.7(c) so that we may make our decisions under Health & Safety Code Section 25249.7(d). We pledge to

cooperate with you in this matter and look forward to hearing from you in the near future. If you have any questions or desire any further information, please contact one of the attorneys listed above at Baron & Budd, P.C., (214) 521-3605 or (800) 222-2766.

With this letter, noticing party gives notice of the alleged violations by your facilities to the Attorney General of California, to the District Attorney for the County of Riverside, and to The Chairman and Chief Executive Officers of Atlantic Richfield Company, ARCO Oil and Gas Company, ARCO Pipeline Company, ARCO Oil Refining Company, BP Oil Marketing Company, BP America, Inc. and BP Amoco Chemical, their parents, subsidiaries, affiliates, and/or divisions, via service of their attorneys of record. This notice covers all violations of the Act that are known to Plaintiffs from public records now available to us. When filed, this suit may also address such other violations as may occur or become apparent after service of this notice letter.

Sincerely,

Enclosures: Appendix A: *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.*

Attachment 1: List of sites noticed for violation of Proposition 65

cc: (Via First Class Certified Mail, Return Receipt Requested and First Class Mail as noted)

Bill Lockyer, Esq. (Via First Class Certified Mail, Return Receipt Requested)  
California Attorney General  
Prop 65 Coordinator  
1515 Clay Street  
Oakland, CA 94612

Grover Trask (Via First Class Certified Mail, Return Receipt Requested)  
Riverside County District Attorney  
4075 Main Street  
Riverside, CA 92501

Notice of Intent to Sue Atlantic Richfield  
for Violations of Proposition 65  
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Jeffrey M. Hmerling (Via First Class Certified Mail, Return Receipt Requested)  
Matthew S. Covington  
Jamie S. Peterson  
Steinhart & Falconer LLP  
333 Market Street, Suite 3200  
San Francisco, CA 94105

ATLANTIC RICHFIELD COMPANY  
ARCO OIL AND GAS COMPANY  
ARCO PIPELINE COMPANY  
ARCO OIL REFINING COMPANY  
BP OIL MARKETING COMPANY  
BP AMERICA, INC.  
BP AMOCO CHEMICAL COMPANY

Edward L. Masry, Esq. (via First Class Mail)  
Nancy Eichler, Esq.  
Law Offices of Masry & Vititoe  
5707 Corsa Avenue, 2<sup>nd</sup> Floor  
Westlake Village, CA 91362

Walter P. Lack, Esq. (via First Class Mail)  
Brian Leinbach, Esq.  
Engstrom, Lipscomb & Lack, P.C.  
10100 Santa Monica Blvd., 16<sup>th</sup> Floor  
Los Angeles, CA 90067

Scott Kuhn, Esq. (via First Class Mail)  
Communities for a Better Environment  
5610 Pacific Boulevard, Suite 203  
Huntington Park, CA 90255

## ATTACHMENT 1

RIVERSIDE COUNTY					
FACILITY #	STREET ADDRESS	CITY	COUNTY	STATE	ZIP
1250	403 S D STREET	PERRIS	RIVERSIDE	CA	92570
1259	702 E SIXTH ST	CORONA	RIVERSIDE	CA	92879
1807	12428 HEACOCK ST	SUNNYMEAD	RIVERSIDE	CA	92553
1841	1505 THIRD ST	RIVERSIDE	RIVERSIDE	CA	92507
1916	4196 VAN BUREN BLVD	RIVERSIDE	RIVERSIDE	CA	92503
1924	785 N MAIN ST	CORONA	RIVERSIDE	CA	92880
1935	2228 W RAMSEY ST	BANNING	RIVERSIDE	CA	92220
1941	6692 INDIANA AVE	RIVERSIDE	RIVERSIDE	CA	92506
1958	1216 CALIMESA BLVD	CAL MESA	RIVERSIDE	CA	92320
5168	3659 CENTRAL AVE	RIVERSIDE	RIVERSIDE	CA	92506
5208	24994 ALESSANDRO BLVD	SUNNYMEAD	RIVERSIDE	CA	92551
5346	250 DIAMOND DR	LAKE ELSINOR	RIVERSIDE	CA	92530
5385	104 N SAN JACINTO	HEMET	RIVERSIDE	CA	92343
5475	73980 HIGHWAY 111	PALM DESERT	RIVERSIDE	CA	92260
5476	27900 DATE PALM DRIVE	CATHEDRAL CITY	RIVERSIDE	CA	92234
5500	41555 WINCHESTER RD	TEMECULA	RIVERSIDE	CA	92590
5514	82338 HIGHWAY 111	INDIO	RIVERSIDE	CA	92201
5536	3830 MCKINLEY ST	CORONA	RIVERSIDE	CA	92879
5543	833 N RAMONA BLVD	SAN JACINTO	RIVERSIDE	CA	92582
5555	500 W STETSON AVE	HEMET	RIVERSIDE	CA	92543
5556	3700 HAMNER AVE	NORCO	RIVERSIDE	CA	92860
5593	298 S SANDERSON AVE	HEMET	RIVERSIDE	CA	92545
5618	29355 CENTRAL AVE	LAKE ELSINOR	RIVERSIDE	CA	92532
5644	33986 ORANGE ST	WILDOMAR	RIVERSIDE	CA	92595
5676	1402 E ONTARIO AVE	CORONA	RIVERSIDE	CA	92881
5679	11887 MAGNOLIA AVE	RIVERSIDE	RIVERSIDE	CA	92503
5695	44239 MARGARITA RD	TEMECULA	RIVERSIDE	CA	92592
5746	690 N STATE ST	HEMET	RIVERSIDE	CA	92543
5750	33440 HIGHWAY 74	HEMET	RIVERSIDE	CA	92545
5764	16466 PERRIS BLVD	MORENO	RIVERSIDE	CA	92553
5829	687 S SAN JACINTO AVE	SAN JACINTO	RIVERSIDE	CA	92583
5884	67625 E PALM CANYON D	CATHEDRAL CITY	RIVERSIDE	CA	92234
5896	46150 WASHINGTON ST	LA QUINTA	RIVERSIDE	CA	92253
5928	27691 YNEZ RD	TEMECULA	RIVERSIDE	CA	92591
5934	41240 KALMIA ST	MURRIETTA	RIVERSIDE	CA	92562
5966	26925 NEWPORT RD	MENIFEE	RIVERSIDE	CA	92584
5968	1717 E VISTA CHINO	PALM SPRINGS	RIVERSIDE	CA	92262
5986	400 S LOVEKIN BLVD	BLYTHE	RIVERSIDE	CA	92225
6305	40212 WINCHESTER RD	TEMECULA	RIVERSIDE	CA	92591
6306	32975 MONTEREY AVENUE	THOUSAND PALMS	RIVERSIDE	CA	92276
6345	2624 E ALESSANDRO BLV	RIVERSIDE	RIVERSIDE	CA	92508
6502	12775 PALM DRIVE	DESERT HOT SPRINGS	RIVERSIDE	CA	92240
6504	16851 LAKE SHORE DR	LAKE ELSINOR	RIVERSIDE	CA	92530
6508	78355 VARNER ROAD	PALM DESERT	RIVERSIDE	CA	92211
6528	501 ALLESANDRO BLVD	RIVERSIDE	RIVERSIDE	CA	92508
6546	74950 GERALD FORD DR	PALM DESERT	RIVERSIDE	CA	92210
6555	23145 HEMLOCK AVENUE	MORENO	RIVERSIDE	CA	92557
81851	800 SERFAS CLUB DR./91 FWY	CORONA	RIVERSIDE	CA	92882