

60-Day Notice of Intent to Sue Under Health & Safety Code Section 25249.6

This notice is given by Consumer Advocacy Group, Inc. ("CAG"). The noticing party must be contacted through the following entity: **Reuben Yeroushalmi, Yeroushalmi & Associates**, 3700 Wilshire Blvd., Ste. 480, Los Angeles, CA 90010; 213-382-3183. This letter constitutes notification that CAG believes and alleges that Proposition 65, *The Safe Drinking Water and Toxic Enforcement Act* (commencing with Health & Safety Code Section 25249.5) and California Code of Regulations, Title 22, section 12601 have been violated by the following companies and/or entities (hereinafter, "the violators") and during the time period referenced below:

NAMES OF COMPANIES LISTED ON EXHIBIT A

PERIOD OF VIOLATION

From: 01/30/00 Through: 01/30/04 And continuing thereafter

Consumer Product Exposures

While in the course of doing business, each and every day, during the time period referenced above, the violators have been and are knowingly and intentionally manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying and/or using asphalt and/or other products containing asphalt as an ingredient (hereinafter collectively "Asphalt Products" throughout the State of California, and thereby directly and indirectly exposing consumers and the public to various chemicals listed in Exhibit B hereto (the "Covered Chemicals"), each of which has been designated by the State of California as causing cancer and/or reproductive toxicity, without first giving clear and reasonable warning of that fact to such exposed persons either in the violators' Material Safety Data Sheets ("MSDS"), or on or with the Asphalt Products, where applicable, so that the warning could be passed on to persons or entities acquiring, purchasing, storing, handling, using or otherwise being exposed to Asphalt Products and/or the Covered Chemicals.

A "consumer product exposure" is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service. Asphalt Products are consumer products. The acquisition, purchase, storage and/or other foreseeable use of Asphalt Products result in exposures through inhalation contact with Asphalt Products and the Covered Chemicals. The violators had control over the decision-making process concerning whether they should manufacture, generate, refine, blend, purchase, sell, distribute, transport, store, handle, apply and/or use the Asphalt Products and whether they should have provided the Proposition 65 warning in connection therewith. The violators manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied, used and/or caused exposures to the Asphalt Products and to Covered Chemicals, but they failed to provide the required warning so that the warning could be passed on. Consequently, the purchasers and users of the

violators' Asphalt Products, during their acquisition, purchase, storage, handling, and/or other foreseeable use of them, came into inhalation contact with the Covered Chemicals, which caused contact with their mouths, throats, esophagi, and lungs.

The routes of exposure for the Consumer Product Exposures to the Covered Chemicals have been the inhalation contacts described above.

Said exposures took place in the California counties whose district attorneys received copies of this notice as listed in the attached certificate of service.

Occupational Exposures

While in the course of doing business at, but not limited to:

ADDRESSES LISTED ON EXHIBIT A

during the time period referenced above, during which violators manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used Asphalt Products or engaged in activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products, the violators thereby directly and indirectly have been and are knowingly and intentionally exposing their employees to the Covered Chemicals, which have been designated by the State of California as causing cancer and/or reproductive toxicity, pursuant to California Code of Regulations, title 22, section 12000, without first giving clear and reasonable warning of that fact to the exposed person (Health & Safety Code Section 25249.6). The violators also have been exposing employees of other companies throughout California to Asphalt Products and/or the Covered Chemicals because they are not including and have not included the required Proposition 65 warning in their MSDS, or on or with the Asphalt Products, where applicable.

An "occupational exposure" is an exposure in the workplace by the employer causing the exposure of any employee. The violators had control over the decision-making process concerning whether they should manufacture, generate, refine, blend, purchase, sell, distribute, transport, store, handle, apply, use and/or cause exposure to Asphalt Products and/or the Covered Chemicals, or engage in activities causing or relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals, and whether they should have provided the Proposition 65 warning in connection therewith. The violators manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied, used and caused exposures to the Asphalt Products and Covered Chemicals, but they failed to provide the required warning.

The sources of exposures are Asphalt Products and the Covered Chemicals. The employees exposed to said Asphalt Products and Covered Chemicals include, but are not limited to, the violators' employees whose tasks involve working in or near areas within a 50-foot radius of the violators' facility where the Asphalt Products and Covered Chemicals are manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used, and at an area along and within a 50-foot radius of the routes traveled during the

manufacturing, generating, refining, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals within or off of the violators' facility to employees of companies who acquired, purchased, stored, used, handled or were otherwise exposed to violators' Asphalt Products and Covered Chemicals, or who were engaged in activities directly or indirectly relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals.

Said exposures took place in locations ranging from the violators' facilities/garage areas where the Asphalt Products and Covered Chemicals are manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used at the violators' principal places of business, as referenced below, to the locations of all activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying and/or using of Asphalt Products and/or Covered Chemicals, and from, on and in the vicinity of work vehicles transporting Asphalt Products and/or Covered Chemicals within or off the violators' facility, to the facilities/garage areas of other companies directly or indirectly involved in the business of manufacturing, refining, blending, purchasing, selling, distributing, transporting, storing, applying and/or using Asphalt Products throughout California, to other addresses where Asphalt Products and/or Covered Chemicals are manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used, as well as the areas along and within the routes traveled between the violator's principal places of business and the destination addresses by which the Asphalt Products and/or Covered Chemicals have been transported.

The routes of exposure for Occupational Exposures to the Covered Chemicals of the affected persons have included, but are not limited to, the smoke, dust, and fumes associated with the heating and use of Asphalt Products, and the activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying and/or using of Asphalt Products and/or Covered Chemicals, that have been breathed in via the ambient air by the exposed persons causing inhalation contact with their mouths, throats, esophagi, and lungs.

CAG also believes and alleges that the violators are also responsible for a route of exposure of dermal contact due to above-described employees (i.e., those working for violators and any other companies in the business of manufacturing, refining, blending, purchasing, selling, distributing, transporting, storing, handling, applying and/or using the Asphalt Products or Covered Chemicals throughout California) and/or those activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying and/or using of Asphalt Products or Covered Chemicals, and coming in direct contact (e.g., their bare skin touching) with the Asphalt Products or Covered Chemicals while mixing, heating, and/or transporting the Asphalt Products or Covered Chemicals, as well as said employees coming in contact with Asphalt Products or Covered Chemicals by inadvertently allowing their work gloves, which had touched the Asphalt Products or Covered Chemicals, to come in contact with their bare skin. Said employees also sustained dermal contact when moving the Asphalt Products or Covered Chemicals in and out of the storage facilities/garage areas where the Asphalt Products or Covered Chemicals had been stored at the principal places of business of

violators and/or any other companies in the business of manufacturing, refining, blending, purchasing, selling, distributing, transporting, storing, applying and/or using Asphalt Products or Covered Chemicals throughout California.

Said exposures took place in the California counties whose district attorneys received copies of this notice as listed in the attached certificate of service.

This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. That approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to (a) the conduct of manufacturers occurring outside the State of California; and (b) employers with less than 10 employees. The approval also provides that an employer may use any means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement be subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the California Attorney General.

Environmental Exposures

While in the course of doing business at, but not limited to:

ADDRESSES LISTED ON EXHIBIT A

during the time period referenced above, during which violators manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied, used and/or caused exposure to Asphalt Products and/or the Covered Chemicals, and engaged in activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals, the violators have been and are knowingly and intentionally exposing reasonably foreseeable members of the public to Asphalt Products and the Covered Chemicals, which are designated by the State of California to cause cancer and/or reproductive toxicity, pursuant to California Code of Regulations, Title 22, section 12000, without first giving clear and reasonable warning of that fact to the exposed persons (Health & Safety Code Section 25249.6), because the violators have been manufacturing, refining, blending, purchasing, selling, distributing, transporting, storing, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals without providing the required Proposition 65 warning in their MSDS, or on or with the Asphalt Products, where applicable, so that the warning could be passed on to persons who might be exposed thereto by any means of any exposure that is not a "consumer product exposure" or "occupational exposure." The violators had control over the decision-making process concerning whether they should manufacture, generate, refine, blend, purchase, sell, distribute, transport, store, handle, apply, use and/or cause exposure to Asphalt Products and/or the Covered Chemicals, and whether they should have provided the Proposition 65 warning in connection therewith.

The violators manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied, used and/or caused exposure to the Asphalt Products and/or Covered Chemicals, but they failed to provide the required warning so that the warning could be passed on. Reasonably foreseeable members of the public who are allegedly exposed to the violators' Asphalt Products and Covered Chemicals include, but are not limited to, neighbors and residents, passersby, motorists, engineers, and inspectors not in the direct employment of violators, where all such persons are found in an area within a 50-foot radius of the locations at which Asphalt Products and/or Covered Chemicals are being manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used, including all activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals.

The sources of exposures are Asphalt Products and the Covered Chemicals. The locations of the exposures range from the areas in and around within a 50-foot radius of the principal places of business of companies in the business of manufacturing, refining, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals throughout California to the area along and within a 50-foot radius of the routes traveled between these companies' principal places of business and the addresses at which Asphalt Products and/or Covered Chemicals have been manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used (including the street, sidewalks and pathways within a 50-foot radius to said addresses, the vicinity of work vehicles and the immediately neighboring areas affected by the Asphalt Products and the Covered Chemicals that have been breathed in via the ambient air by the exposed persons causing contact with their mouths, throats, esophagi, and lungs).

The route of exposure for Environmental Exposures, as referenced above, to the Covered Chemicals has been the inhalation contact described above. Said exposures took place in the California counties whose district attorneys received copies of this notice as listed in the attached certificate of service.

* * *

Proposition 65 (Health & Safety Code Section 25249.7) requires that notice and intent to sue be given to the violator(s) 60 days before the suit is filed. With this letter, CAG gives notice of the alleged violations to the violators and the appropriate governmental authorities. In the absence of any action by the appropriate governmental authorities within 60 days of the sending of this notice, CAG may file suit. This notice covers all violations of Proposition 65 that are currently known to CAG from information now available to it. With the copy of this notice submitted to the violators, a copy of the following is attached: *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.*

Note: CAG, in the interest of the public, is determined to resolve this matter in the least costly manner and one which would be beneficial to all parties involved. In order to encourage the expeditious and proper resolution of this matter, CAG is prepared to forgo all monetary recovery including attorney fees and costs, penalties, and restitution in

exchange for a complete elimination of the exposures listed above through the possible reformulation of your products and modification of your business practices.

Dated: 01/30/04

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Reuben Yeroushalmi, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the party(s) identified in the notice(s) has violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party.
3. I have consulted with at least one person with relevant and appropriate experience and expertise who has reviewed facts, studies, or other data regarding the exposure to the Covered Chemicals that are the subject of the action.
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identify of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: 01/30/04

Exhibit A – Names of Companies Receiving Notice

Georgette McClain
A.C. Dike Company
2788 Ventura Dr.
Lincoln, CA 95648-9500

Bob Jones
Aggregate Products
PO Box 494519
Redding, CA 96049-4519

Jesse Alaniz
45268 Industrial Dr.
Fremont, CA 94538-6441

Jerry Hansen
American River Asphalt Inc.
3417 Grant Line Rd
Rancho Cordova, CA 95742-7000

Tom Angus
Angus Asphalt
9959 Prospect Ave.
Santee, CA 92071-4318

Ed Cline
Arrow Parking Lot Service Inc.
5030 Grayhurst Ave.
Baldwin Park, CA 91706-1812

Jeff Schaefer
Asphalt Care Inc.
7243 Somerset Blvd.
Paramount, CA 90723-3998

Gary Butler
Asphalt M.D.'s
PO Box 98
Thousand Palms, CA 92276-0098

Barry Erickson
Asphalt Maintenance Systems
1607 Terminal Ave.
San Jose, CA 95112-4318

John Rineer
Astro Paving
PO Box 6975
Auburn, CA 95604-6975

John Russo
Aztec Paving Inc.
9045 Olive Dr.
Spring Valley, CA 91977-2302

Mick Brown
B & B Asphalt Inc.
9050 Grant Line Rd., #A
Elk Grove, CA 95624-9416

Jim Burris
Blackfeet Paving and Parking Lot
27210 Citrus Ave.
Perris, CA 92571-7441

Joe Miller
California Commercial Asphalt
PO Box 26880
San Diego, CA 92196-0880

Paul Cooley
Cooley Construction Inc.
PO Box 1341
Victorville, CA 92393-1341

Kenneth Cushman
Cushman Construction Co.
420 E. McGlincy Lane
Campbell, CA 95008-4905

Ralph Johnson
Diversified Asphalt Products
1227 N. Olive St.
Anaheim, CA 92801-2544

Doug Veerkamp
Doug Veerkamp General Engineering
2585 Cold Springs Rd.
Placerville, CA 95667-3211

Daren Young
Dryco Construction
5275 Central Ave.
Fremont, CA 94536-6532

Curt Brown
Excel Paving
2230 Lemon Ave.
Long Beach, CA 90806-5195

John Bortolotto
G Bortolotto & Co.
580 Bragato Rd.
San Carlos, CA 94070-6227

Robert Thompson
Hat Creek Construction Inc.
24339 State Highway 89
Burney, CA 96013-9615

Steve Hemmingsen
Hemmingsen Construction Co.
1841 Northcrest Dr.
Crescent City, CA 95531-8923

Leallyn Breault
Centerline Striping Co.
9847 Dino Dr.
Elk Grove, CA 95624-9468

Albert C. Powell
Collet Construction Co., Inc.
2290 E. Main St.
Woodland, CA 95776-9503

Eddie Andreini
Andreini Brothers Inc.
151 Main St.
Half Moon Bay, CA 94019-1705

Juan Quintor
AJW Construction
966 81st Ave.
Oakland, CA 94621-2512

Michael Bauman
Bauman Landscape
115 Brookside Dr.
Richmond, CA 94801-1203

Bruce Carone
Bruce Carone Grading and Paving
PO Box 5427
Concord, CA 94524-0427

Sean Venables
Duran & Venables
261 Bothelo Ave.
Milpitas, CA 95035-5338

Joe Vick
AAA Paving Co.
3330 N. Locust Ave.
Rialto, CA 92377-3705

American Paving Co
315 N. Thomas Ave.
Fresno, CA 93706

Gordon L. Rayner
California Pavement Maintenance Co.
9390 Elder Creek Rd.
Sacramento, CA 95829-9397

Ken Czubernat
ABC Construction Co
3120 National Ave
San Diego, CA 92113-2544

Kevin Maturo
Accurate Asphalt Inc
14660 Industry Cir
La Mirada, CA 90638-5815

John Istanbuli
Apex Asphalt Maintenance
15077 La Palma Dr
Chino, CA 91710-9615

Appian Engineering
Robert Alvey, Vice President
760 East Capitol Avenue
Milpitas, CA 95035

A. Teichert & Sons
Thomas J. Bois, Esq.
2030 Main Street, Suite 520
Irvine, CA 92614

Jeff Ludlow
Asphalt Professionals Inc
166 N Moorpark Rd # 104
Thousand Oaks, CA 91360-4407

Laura Carter
Baldwin Contracting Co Inc
1764 Skyway
Chico

Basic Resources
Thomas Walsh
Director
P.O. Box 3191
Modesto, CA 95353

Foster Dennis
California Paving & Grading
3253 Verdugo Rd
Los Angeles, CA 90065-2035

Victor A Cantando
Calvac Paving & Sealing
505 E Evelyn Ave
Mountain View, CA 94041-1613

Robert C Jones
O C Jones & Sons Inc
1520 4th St
Berkeley, CA 94710-1748

Dante Ghilotti
Ghilotti Brothers Inc
525 Jacoby St
San Rafael, CA 94901-5305

Daley General Engineering Contractors
John H. Daley Jr.
Executive VP
5370 Eastagate Mall
San Diego, CA 92121

Glen Wells Construction Company, Inc.
Bret K. Wells
Vice President/Secretary
P.O. Box 3104
Visalia, CA 93278

Granite Construction Company
James M. Cady
Branch Div. Counsl
Box 50085 Watsonville, CA 95077

John Franich
Granite Rock Company
330 Blomquist St
Redwood City, CA 94063-2702

Russell Grigg
Griffith Co
PO Box 70157
Bakersfield, CA 93387-0157

Hanson Aggregates
Marvin Howell
Director of Land Use
P.O. Box 639069
San Diego, CA 92163

Hazard Construction Company
PO Box 229000
San Diego, CA 92192-9000

Larry Tronstad
Slinsen Construction Co
PO Box 3329
Napa, CA 94558-0332

William Gates
Top Grade Construction
324 Earhart Way
Livermore, CA 94551-9309

Yolanda Vargas
Vargas & Esquivel Constr Inc
20 Dorman Ave
San Francisco, CA 94124-1807

Division Two Construction, Inc.
1961 Meeker Ave.
Richmond, CA 94804

Homer J. Olsen, Inc.
35500 Olsen Way
Union City, CA 94587-3642

J. Flores Construction, Inc.
4229 Mission St.
San Francisco, CA 94112

Craig Young
O'Grady Paving Inc
2513 Wyandotte St
Mountain View, CA 94043-2314

Don Redgwick
Redgwick Construction Co
25599 Huntwood Ave
Hayward, CA 94544-2214

Richard Allison
Antioch Paving Co
PO Box 1669
Antioch, CA 94509-0166

Bay Cities Paving & Grading
670 Scott Creek Rd.
Freemont, CA 94539

Greg Burns
Imperial Paving Co
13555 Imperial Hwy
Whittier, CA 90605-4237

Jerry Pemberton
J & L Paving & Seal Coating
3472 Enterprise Ave
Hayward, CA 94545-3226

Jim Crawford
Jim Crawford Construction Co
1189 Hoblitt Ave
Clovis, CA 93612-2824

Gordon Vicini
Joe Vicini Inc
PO Box 206
Placerville, CA 95667-0206

Chris Armstrong
Koch-Armstrong General Engrng
10769 Woodside Ave
Santee, CA 92071-3174

Rose Halfmann
Madison Paving
4820 Cecilia St
Cudahy, CA 90201-5913

M A Matich
Matich Corp
PO Box 50000
San Bernardino, CA

Louie Roessler
McGuire & Hester Equipment
9009 Railroad Ave
Oakland, CA 94603-1245

James C Miller
Miller's Custom Work Inc
PO Box 1300
Susanville, CA 96130-1300

Kevin Holtzinger
Northwest General Engineering
PO Box 11099
Santa Rosa, CA 95406-1099

David Hudson
Palm Canyon Contractors
PO Box 656
Yucaipa, CA 92399-0656

Dottie Lange
Pavement Coatings Co
PO Box 1491
Cypress, CA 90630-6491

Michael J Carver
R J Noble Co
PO Box 620
Orange, CA 92856-9020

Ted Zamudio
Reed & Graham Inc
PO Box 5940
San Jose, CA 95150-5940

Jack Yeghoian
Robert R Yeghoian Co
12191 Pawnee Rd
Apple Valley, CA 92308-7213

Richard Fleck
Southland Paving Inc
361 N Hale Ave
Escondido, CA 92029-1716

Janet Simas
Spirit Road Oils Spreading
550 Sunol St
San Jose, CA 95126-3763

Don Chapin Jr
Don Chapin Co
440 Crazy Horse Canyon Rd
Salinas, CA 93907-8402

Craig Thomas
Tyner Paving
2005 N San Fernando Rd
Los Angeles, CA 90065-1235

Dan Houck
Universal Asphalt Co
PO Box 2548
Santa Fe Springs, CA 90670-0548

Dick Becker
Val-Rock Inc
PO Box 1028
Seeley, CA 92273-1028

Jim Cory
Vulcan Materials-Calmat
1709 Sherborn St
Corona, CA 92879-2069

Bob Koleas
Western Emulsions
382 Live Oak Ave
Irwindale, CA 91706-1313

Guy Tittlemier
Western Oil Spreading Svc Inc
899 Mission Rock Rd
Santa Paula, CA 93060-9762

Dorna Seanez
Western Paving Contractors Inc
15533 Arrow Hwy
Irwindale, CA 91706-2002

John Jones
A O Metro Stripe & Seal
4057 Lucas Lane
Concord, CA 94521-2652

Linda Aguirre
Aguirre Paving & Seal Coating
6197 McLaughlin Way
Marysville, CA 95901-6518

Allstate Paving Inc.
5100 Clayton Rd. #B1
Concord, CA 94521-3161

Kimberly Avila Yvett
Apco
3011 Euclid
Concord CA 94519-2635

Paul Ferry
Asphalt Maintenance-Ferry's
PO Box 3031
Walnut Creek, CA 94598-0031

Richard Buscaglia
B & B Grading and Paving
2490 Vista Del Monte
Concord, CA 94520-3182

Dominic Foti
Blacktop Paving Inc.
PO Box 610084
Redwood City, CA 94061-0084

Bruce Carone
Bruce Carone Grading and Paving
PO Box 5427
Concord, CA 94524-0427

Buena Vista Paving and Grading
5824 Foothill Blvd.
Oakland, CA 94605-1306

A.C. Paving
9811 Stearns Ave.
Oakland, CA 94605-4803

Donald Sollars
Ace Construction
350 Vista Ridge Dr.
Milpitas, CA 95035-7216

Juan Quintor
AJW Construction
966 81st Ave.
Oakland, CA 94621-2512

David Amaya
Amaya Pavement Restoration Inc.
980 Ames Ave.
Milpitas, CA 95035-6303

Arco Paving
3632 Concord Blvd.
Concord, CA 94519-1807

Asphalt Solutions Trust
125 Avila Rd.
Concord, CA 94520-1005

Jack Wu
Bay Cities Paving and Grading
670 Scott Creek Rd.
Fremont, CA 94539

Travis Bond
Bond Blacktop Inc.
1147 Atlantic St.
Union City, CA 94587-2001

Bruce Amarcum
Bruce's Asphalt
3321 Vincent Rd.
Pleasant Hill, CA 94523-4332

CM Stevens Paving & Grading
PO Box 275
Danville, CA 94526-0275

Deena Schaack
A No Fault Asphalt
PO Box 50877
Palo Alto, CA 94303-0672

Frank Aguilar & Sons
Aguilar & Sons
1116 Bernal Ave.
Burlingame, CA 94010-5817

Donald Arsenault
Alameda Paving & Excavating
2900 Main St.
Alameda, CA 94501-7522

Allen Henderson
American Asphalt Repairing
PO Box 3367
Hayward, CA 94540-3367

Jack Jones
Artic Paving and Excavation
5563 Ave.
San Leandro, CA 94579

Steve Scudero
Asphalt Striping Inc.
4022 Pacheco Blvd., #3
Martinez, CA 94553-2257

Ben Rodriguez
Bay Cities Paving and Grading Inc.
5029 Fomi Dr.
Concord, CA 94520-1224

Larry Bragato
Bragato Construction Co. Inc.
500 Bragato Rd.
San Carlos, CA 94070-6227

Israel Arteaga
Buena Vista Paving and Grading
2292 Capitol Ave.
East Palo Alto, CA 94303-1712

Calvac Paving & Sealing
505 E. Evelyn Ave.
Mountain View, CA 94041-1613

Robert Choate
Choate Paving & Grading
4274 Arthur Rd
Martinez, CA 94553-1406

Chuck Harris
Chuck Harris Paving
PO Box 2131
Walnut Creek, CA 94595-0131

Steve Kaiser
County Paving Co.
PO Box 6528
Concord, CA 94524-1528

DL Drummond Asphalt
851 81st Ave.
Oakland, CA 94621-2555

James Davis
Davis Paving Inc.
PO Box 7386
Menlo Park, CA 94026-7386

Ed De Silva
Da Silva Gates Construction
PO Box 2909
Dublin, CA 94568-0909

Design Interlock
PO Box 2268
Mill Valley, CA 94942-2268

DRT Grading & Paving
5727 Sonoma Dr. #C
Pleasanton, CA 94566-7758

Daren Young
Dryco
5275 Central Ave.
Fremont, CA 94536-6532

Estevan Alva
El Camino Paving Inc.
PO Box 62319
Sunnyvale, CA 94088-2319

Joe Fanfa
Fanfa Inc.
2401 Grant Ave.
San Lorenzo, CA 94580-1888

Jerry Stanley
G & S Paving
26 San Marcos Dr.
Pittsburg, CA 94565-5628

Alfred Galedridge
Galedrige Construction Inc.
PO Box 427
Alviso, CA 95002-0427

Ted Gallagher
Gallagher & Burk Inc.
PO Box 7227
Oakland, CA 94601-0227

Galvin Engineering
PO Box 1147
Clayton, CA 94517-9147

Ali Yazdi
Ghilotti Construction Co.
2301 Kerner Blvd.
San Rafael, CA 94901-5549

Sam Rizinius
Grade Tech Inc.
PO Box 1728
San Ramon, CA 94583-6728

Jeff McDaniels
Granite Construction Co.
2000 Via De Mercados
Concord, CA 94520-4937

John Franich
Graniterock
365 Blomquist St.
Redwood City, CA 94063-1092

Harold Hutson Construction
394 Cummings Skwy
Martinez, CA 94553-9615

JJM Engineering
5317 Kohler Ave.
Sacramento, CA 95841

La Starda Contracting
L.R. Ruffalo, Partner
P.O. Box 7141
Orange, CA 92863-7141

Paveco Construction, Inc.
Patricia A. Flemming, President
730 Los Angeles St.
Glendale, CA 91204

San Joaquin Refining Co.
Ed Starbuck, Vice President
P.O. Box 5576
Bakersfield, CA 93388

Santa Ana Creek Development Co.
Garrett Pack
Chairman & General Manager
2288 N. Poatavia
Orange, CA 92865

Schafer's Parking Lot Service/Asphalt
Management.
Gayle L. Schaefer, Vice President
7202 Petterson
Paramount, CA 90723

SRM Contracting and Paving
Brent Cooper
General Manager
7192 Mission Gorge Road
San Diego, CA 92120

Sully-Miller Contracting/Blue Diamond
Materials
Bruce Rieser, CEO
1100 E. Orangethorpe Ave., #200
Anaheim, CA 92801

Trinchero Construction Co., Inc.
Don Trinchero, President
12860 Sycamore Avenue
San Martin, CA 95046

Union Asphalt
Bob Kober
VP Regulatory Affairs
P.O. Box 1280
Santa Maria, CA 93456

Ford Construction Co., Inc.
8541 Laguna Station Road
Sacramento, CA 95814

George D. Garcia, Inc.
643 Kings Row
San Jose, CA 95112-2724

Hensel-Phelps Construction Co.
2107 N. First Street, Ste. 101
San Jose, CA 95131

Independent Construction
3911 Laura Alice Way
Concord, CA 94520

LMECDEC Construction
600 Railroad Ave.
Pittsburg, CA 94565

Robert Burns Construction, Inc.
2501 Wigwam Dr # 5
Stockton, CA 95205

Robert Taylor
All American Concrete
20112 SW Cypress St.
Newport Beach, CA 92660-0713

Willie Resendiz
GBR Construction & Property
300 N. State College Blvd.
Anaheim, CA 92806-2914

Michael Clarke
Emerald Paving
18831 Gothard St.
Huntington Beach, CA 92648-1524

Larry Sylvester
Advantage Sealing Systems
14388 Santa Ana Ave.
Fontana, CA 92337-7136

Robert Stanley
All American Paving
18440 Donna Lane
Perris, CA 92570-9731

Michael Hueslein
Guatay Equipment
2455 Alpine Blvd.
Alpine, CA 91901-2204

Darryl Cotton
Fleet Service
6176 Federal Blvd.
San Diego, CA 92114-1401

Tracy Cocco
Cocco Construction
9740 Olson Dr.
San Diego, CA 92121-2801

Lynne Fuller
Capitol Paving Inc.
408 Olive Ave.
Vista, CA 92083-3489

Steve Celata
All Southern California Paving
3953 Ocean Front Walk
San Diego, CA 92109-6921

The Sanchez Co.
John Sanchez
General Partner
P.O. Box 1068
Paso Robles, CA 93447

Telfer Oil Company
Jeff Hopkins
Safety Director
P.O. Box 709
Martinez, CA 94553

C. F. Archibald Paving Inc.
3624 Haven Ave.
Redwood City, CA 94064

Antonio Ruiz
Ruiz Construction Co.
1601 Cortland Ave.
San Francisco, CA 94110

Martin Brothers Construction, Inc.
3174 Luyung Dr., Ste. #3
Rancho Cordova, CA 95742

Jerry Cossey
North Bay Construction, Inc.
431 Payran St.
Petaluma, CA 94952

EXHIBIT B – COVERED CHEMICALS

acetaldehyde
arsenic (inorganic arsenic compounds)
arsenic (inorganic oxides)
asbestos
benza[a]anthracene
benzene
benzo[a]pyrene
benzo[b]fluoranthene
benzo[j]fluoranthene
benzo[k]fluoranthene
beryllium and beryllium compounds
1,3 butadiene
cadmium and cadmium compounds
carbazole
carbon disulfide
chromium (hexavalent compounds)
chrysene
cobalt heptahydrate]
dibenz[a,h]anthracene (or) dibenzo[a,h]anthracene
dibenz[a,j]acridince (or) dibenzo[a,j]acridine
dibenzo[a,e]pyrene
dibenzo[a,h]pyrene
dibenzo[a,i]pyrene
dibenzo[a,l]pyrene
dichloromethane (methylene chloride)
diesel engine exhaust
formaldehyde (gas)
indeno[1,2,3,-cd]-pyrene
lead and lead compounds
mercury and mercury compounds
methyl chloride
5-methylchrysene
nickel and certain nickel compounds
silica, chrystalline (airborne particles of respirable size)
tetrachloroethylene (perchloroethylene)
toluene
toluene diioscyanate
trichloroethylene

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 3700 Wilshire Boulevard, Suite 480, Los Angeles, CA 90010.

I SERVED THE FOLLOWING:

- 1.) 60-Day Notice of Intent to Sue Under Health & Safety Code Section 25249.6
- 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, along with an unsigned copy of this declaration, 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: **2/2/04**

Place of Mailing: Los Angeles, CA

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

| | | |
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| ∇ | | |
| Office of the Attorney General P.O. BOX 70550 Oakland, CA 94612-0550 | Alameda County District Attorney 1225 Fallon St, Room 900 Oakland, CA 94612 | San Francisco County District Attorney 850 Bryant St, Rm 322 San Francisco, CA 94103 |
| ∇ | | |
| San Francisco City Attorney # 1 Dr. Carlton B. Goodlett Place, Suite 234 San Francisco, CA 94102 | Santa Clara County District Attorney 70 W Hedding St. San Jose, CA 95110 | San Jose City Attorney 151 W. Mission St. San Jose, CA 95110 |
| Contra Costa County District Attorney 725 Court St., Room 402 Martinez, CA 94553 | San Mateo County District Attorney 400 County Center Redwood City, CA 94063 | Yuba County District Attorney 215 5th St Marysville, CA 95901 |
| Marin County District Attorney 3501 Civic Center Drive, #130 San Rafael, CA 94903 | San Bernardino County District Attorney 316 N Mountain View Ave San Bernardino, CA 92415-0004 | Fresno County District Attorney 2220 Tulare St, Ste. 1000 Fresno, CA 93721 |
| Sacramento County District Attorney 901 G Street Sacramento, CA 95814 | San Joaquin County District Attorney PO Box 990 Stockton, CA 95201 -0990 | Placer County District Attorney 11562 "B" Ave Auburn, CA 95603-2687 |

| | | |
|---|--|---|
| San Diego County District Attorney 330 W. Broadway, Ste 1300 San Diego, CA 92101-3803 | San Diego City Attorney City Center Plaza 1200 3rd Ave # 1100 San Diego, CA 92101 | Los Angeles County District Attorney 210 W Temple St, 18th Floor Los Angeles, CA 90012 |
| Los Angeles City Attorney 200 N Main St Ste 1800 Los Angeles CA 90012 | Riverside County District Attorney 4075 Main St Riverside, CA 92501 | Ventura County District Attorney 800 S Victoria Ave Ventura, CA 93009 |
| Butte County District Attorney 25 County Center Dr. Oroville, CA 95965-3385 | Yolo County District Attorney 310 Second St Woodland, CA 95695 | Orange County District Attorney PO Box 808 Santa Ana, CA 92702 |
| El Dorado County District Attorney 515 Main St. Placerville, CA 95667-5697 | Tulare County District Attorney County Civic Center, Rm 224 Visalia, CA 93291 | Santa Cruz County District Attorney PO Box 1159 Santa Cruz, CA 95061 |
| Kern County District Attorney 1215 Truxtun Ave. Bakersfield, CA 93301 | Shasta County District Attorney 1525 Court St, 3rd Floor Redding, CA 96001-1632 | Del Norte County District Attorney 450 "H" St. Crescent City, CA 95531 |
| Lassen County District Attorney 200 S Lassen St, Suite 8 Susanville, CA 96130 | Sonoma County District Attorney 600 Administration Dr., Rm 212-J Santa Rosa, CA 95403 | Sutter County District Attorney 446 Second Street Yuba City, CA 95991 |
| Monterey County District Attorney PO Box 1131 Salinas, CA 93902 | Santa Barbara County District Attorney 1105 Santa Barbara St. Santa Barbara, CA 93101 | Imperial County District Attorney 939 W. Main St., 2 nd Floor El Centro, CA 92243-2860 |
| The addresses on Exhibit A | | |
| Stanislaus County District Attorney PO Box 442 Modesto, CA 95353 | San Luis Obispo County District Attorney County Government Center, Rm 450 San Luis Obispo, CA 93408 | Napa County District Attorney PO Box 720 Napa, CA 94559-0720 |

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

Dated: 2/2/04