

# CONSUMER DEFENSE GROUP ACTION

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## 60 Day Notice of Intent to Sue Chevron Texaco Corporation Under Health & Safety Code Sections 25249.5 and 25249.7

Consumer Defense Group Action, a California corporation (hereinafter “CDG” or the “Noticing Party”) hereby amends its earlier Notice of Intent to Sue Under Health & Safety Code Section 25249.5 (the “Notice”) given to David J. O’Reilly, the President of Chevron Texaco Corporation, to identify the specific subsidiary responsible as owner and operator of the facilities identified in Exhibit A hereto, Chevron U.S.A., Inc. (hereinafter referred to as “CHEVRON”). This amended Notice has also been served on counsel for CHEVRON, the agent for service of process of Chevron U.S.A., Inc. and 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 CHEVRON 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. CHEVRON 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 CHEVRON 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 CHEVRON, 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 CHEVRON is threatening to release are benzene and toluene (“the Designated Chemicals”), which are contained in the gasoline and other refined petroleum products which CHEVRON markets and stores within underground storage tank systems owned and/or operated by CHEVRON located at the Facilities. In order to be in compliance with Proposition 65 CHEVRON 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

CHEVRON markets gasoline and other refined petroleum products (hereinafter referred to as “gasoline”) to both consumers and retailers. Gasoline is marketed under the CHEVRON trademark directly

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. CHEVRON, as well as the oil industry in general, know of these facts.

Because CHEVRON, as well as the oil industry in general, is aware of these facts, CHEVRON, along with the oil industry, have in place leak detection sensor systems. The fact that CHEVRON uses such a system is an acknowledgement by CHEVRON that it knows that the USTs it operates are likely to leak at any given time. The sensors do not inform CHEVRON 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, CHEVRON 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 CHEVRON, 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 CHEVRON), 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 CHEVRON. 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 CHEVRON must therefore effectively contain the Designated Chemicals in a UST system which is "product tight", as defined above.

## CHEVRON/TEXACO GAS STATIONS

<b>Abe's Chevron Station</b> 2065 South La Cienega Boulevard, Los Angeles, CA 90034 (310) 836-9942	<b>Chevron Station</b> 15425 Culver Drive, Irvine, CA 92604 (949) 262-9615
<b>Adly's Chevron</b> 10329 Palms Boulevard, Los Angeles, CA 90034 (310) 839-1558	<b>Chevron Stations</b> 80 Corporate Park, Irvine, CA 92606 (949) 261-6864
<b>AZIZ Chevron</b> 14204 South Figueroa Street, Los Angeles, CA 90061 (310) 532-1891	<b>Chevron Stations</b> 16221 Lake Forest Drive, Irvine, CA 92618 (949) 788-0111
<b>BS Chevron Service</b> 7861 Melrose Avenue, Los Angeles, CA 90046 (323) 655-5377	<b>Chevron Stations</b> 18002 Culver Drive, Irvine, CA 92612 (949) 786-7575
<b>Baldwin Hills Chevron Service</b> 4701 West Slauson Avenue, Los Angeles, CA 90056 (323) 293-6778	<b>Irvine Chevron</b> 18002 Culver Drive, Irvine, CA 92612 (949) 786-7575
<b>Bayless Chevron Service</b> 1869 Hillhurst Avenue, Los Angeles, CA 90027 (323) 665-9837	<b>Bonakdar Chevron</b> 1104 South Bristol Street, Santa Ana, CA 92704 (714) 545-4080
<b>Beverly Chevron</b> 3625 Beverly Boulevard, Los Angeles, CA 90004 (213) 389-1414	<b>Chevron</b> 3100 South Harbor Boulevard, Santa Ana, CA 92704 (714) 427-1200
<b>Beverly Chevron</b> 7020 Beverly Boulevard, Los Angeles, CA 90036 (323) 930-0707	<b>Chevron Car Wash</b> 325 North Tustin Avenue, Santa Ana, CA 92705 (714) 558-8464
<b>Beverly Shell</b> 6107 West Olympic Boulevard, Los Angeles, CA 90048 (323) 938-0289	<b>Chevron Gas Station</b> 702 South Harbor Boulevard, Santa Ana, CA 92704 (714) 531-0154
<b>Bezerra Joe Chevron Service</b> 901 North Alameda Street, Los Angeles, CA 90012 (213) 680-1222	<b>Chevron Stations</b> 1104 South Bristol Street, Santa Ana, CA 92704 (714) 545-4080
<b>Bob Meyer Chevron</b> 3100 North San Fernando Road, Los Angeles, CA 90065 (323) 258-1931	<b>Chevron Stations</b> 2120 East McFadden Avenue, Santa Ana, CA 92705 (714) 547-4533
<b>Brentwood Chevron</b> 11852 San Vicente Blvd, Los Angeles, CA 90049	<b>Chevron Stations</b> 430 East Dyer Road, Santa Ana, CA 92707 (714) 540-1457
<b>Carolyn Gehrke Chevron</b> 1107 North La Cienega Boulevard, West Hollywood, CA 90069 (310) 659-4576	<b>Chevron Stations</b> 325 North Tustin Avenue, Santa Ana, CA 92705 (714) 558-8464

CA 90045 (310) 641-1754	
<b>Chevron Stations</b> 7360 La Tijera Boulevard, Los Angeles, CA 90045 (310) 645-8380	<b>Carl &amp; Dan's Chevron Service</b> 6000 Geary Boulevard, San Francisco, CA 94121 (415) 750-0111
<b>Chevron Stations</b> 1869 Hillhurst Avenue, Los Angeles, CA 90027 (310) 855-9497	<b>Castro Street Chevron</b> 2399 Market Street, San Francisco, CA 94114 (415) 621-2570
<b>Chevron Stations</b> 4005 Eagle Rock Boulevard, Los Angeles, CA 90065 (323) 254-4250	<b>Chevron APSI</b> 1288 19th Avenue, San Francisco, CA 94122 (415) 731-1044
<b>Chevron Stations</b> 4081 Marlton Avenue, Los Angeles, CA 90008 (323) 299-7273	<b>Chevron at Masonic &amp; Fell</b> 1698 Fell Street, San Francisco, CA 94117 (415) 921-8188
<b>Chevron Stations</b> 7861 Melrose Avenue, Los Angeles, CA 90046 (323) 655-5377	<b>Chevron Marina</b> 2301 Lombard Street, San Francisco, CA 94123 (415) 929-9775
<b>Chevron Stations</b> 7955 West Sunset Boulevard, Los Angeles, CA 90046 (323) 656-2777	<b>Chevron No 90787</b> 2998 San Jose Avenue, San Francisco, CA 94112 (415) 585-0775
<b>Chevron Stations</b> 2134 North Vermont Avenue, Los Angeles, CA 90027 (323) 664-0200	<b>Chevron Stations</b> 19th Avenue And Ortega, San Francisco, CA 94102 (415) 731-2733
<b>Chevron Stations</b> 1570 South Western Avenue, Los Angeles, CA 90006 (323) 731-7238	<b>Chevron Station</b> 1000 Harrison Street, San Francisco, CA 94103 (415) 863-3001
<b>Chevron Stations</b> 1865 South La Brea Avenue, Los Angeles, CA 90019 (323) 939-6822	<b>Chevron Stations</b> 1501 Van Ness Avenue, San Francisco, CA 94109 (415) 441-3518
<b>Chevron Stations - LA Tijera &amp; Orange</b> 7360 La Tijera Boulevard, Los Angeles, CA 90045 (310) 645-8380	<b>Chevron Stations - Ingleside</b> 1799 Ocean Avenue, San Francisco, CA 94112 (415) 334-1333
<b>Chevron Stations - La Cienega Bl &amp; Holloway Dr</b> 1107 North La Cienega Boulevard, W Hollywood, CA 90069 (310) 659-4576	<b>Chevron Stations</b> 1100 Junipero Serra Boulevard, San Francisco, CA 94132 (415) 239-5788
<b>Chevron Stations - N Mission Road &amp; Marengo</b> 1101 North Mission Road, Los Angeles, CA 90033 (323) 227-6500	<b>Chevron Stations</b> 1799 Ocean Avenue, San Francisco, CA 94112 (415) 334-0783
<b>Chevron Stations - Eagle Rock BL &amp; AV 40</b> 4005 Eagle Rock Boulevard, Los Angeles, CA 90065 (323) 254-4250	<b>Chevron Stations</b> 1198 Valencia Street, San Francisco, CA 94110 (415) 695-8743

(323) 663-2541	94102 (415) 441-2240
<b>Jim's Chevron</b> 4005 Eagle Rock Boulevard, Los Angeles, CA 90065 (323) 254-4250	<b>Ingleside Chevron</b> 1799 Ocean Avenue, San Francisco, CA 94112 (415) 334-4842
<b>Los Feliz Chevron STN</b> 2134 North Vermont Avenue, Los Angeles, CA 90027 (323) 664-0200	<b>Marina Chevron</b> Lombard & Pierce, San Francisco, CA 94102 (415) 929-9775
<b>M K Chevron</b> 1907 Arlington Avenue, Los Angeles, CA 90018 (323) 731-8098	<b>Mission Chevron Foodmart</b> 3400 Mission Street, San Francisco, CA 94110 (415) 824-2414
<b>M K L Chevron</b> 3063 Crenshaw Boulevard, Los Angeles, CA 90016 (323) 734-4166	<b>Patricks Chevron Service</b> 101 Bayshore Boulevard, San Francisco, CA 94124 (415) 826-7290
<b>Michael Frio Chevron</b> 7360 La Tijera Boulevard, Los Angeles, CA 90045 (310) 645-8380	<b>Patricks Chevron Service</b> 101 Bayshore Boulevard, San Francisco, CA 94124 (415) 826-7290
<b>Morales Chevron</b> 1276 North Western Avenue, Los Angeles, CA 90029 (323) 464-9534	<b>Wing's Chevron Service</b> 1799 Ocean Avenue, San Francisco, CA 94112 (415) 334-1353
<b>Park's Chevron Service</b> 4081 Marlton Avenue, Los Angeles, CA 90008 (323) 299-7273	<b>Chevron No 96982</b> 892 John Daly Boulevard, Daly City, CA 94015 (650) 755-9447
<b>Quan's Chevron Service</b> 250 South Atlantic Boulevard, Los Angeles, CA 90022 (323) 268-3944	<b>Chevron Stations</b> 2690 Bayshore Boulevard, Daly City, CA 94014 (415) 330-9888
<b>R &amp; K Chevron</b> 1865 South La Brea Avenue, Los Angeles, CA 90019 (323) 939-6822	<b>Chevron Stations</b> 247 87th Street, Daly City, CA 94015 (650) 992-5344
<b>Raffi's Chevron</b> 2538 Crenshaw Boulevard, Los Angeles, CA 90016 (323) 735-8487	<b>Chevron Stations</b> 410 Hickey Boulevard, Daly City, CA 94015 (650) 991-9100
<b>Rafi's Chevron 4</b> 1101 North Mission Road, Los Angeles, CA 90033 (323) 227-6500	<b>Chevron Stations - San Francisco, Ingleside</b> 2690 Bayshore Boulevard, Daly City, CA 94014 (415) 334-1353
<b>Rafi's Chevron No 3</b> 1009 Crenshaw Boulevard, Los Angeles, CA 90019 (323) 933-6108	<b>Daly City 76</b> Junipero Serra Bl &, Daly City, CA 94014 (650) 992-5550
<b>Robert's Chevron</b> 4666 Santa Monica Boulevard, Los Angeles, CA 90029 (323) 661-9793	<b>Hickey Chevron</b> 410 Hickey Boulevard, Daly City, CA 94015 (650) 991-9100

(562) 427-9168	(408) 274-2223
<b>Chevron Stations</b> Spring & Palo Verde, Long Beach, CA 90802 (562) 429-2405	<b>Chevron Stations</b> 2252 Lincoln Avenue, San Jose, CA 95125 (408) 266-9470
<b>Chevron Stations</b> 9337 Washington Boulevard, Pico Rivera, CA 90660 (562) 942-1088	<b>Currie's Chevron</b> 2710 Story Road, San Jose, CA 95127 (408) 729-9044
<b>Chevron Stations</b> 10808 Beverly Boulevard, Whittier, CA 90601 (562) 699-7885	<b>D &amp; L Chevron</b> 5808 Soltero Drive, San Jose, CA 95123 (408) 241-7229
<b>Chevron Stations</b> Washington Bl & Passon, Pico Rivera, CA 90660 (562) 942-1088	<b>Hacienda Chevron</b> 1656 Foxworthy Avenue, San Jose, CA 95124 (408) 269-0337
<b>Chevron Stations - Seal Beach</b> Atlantic Avenue And Carson, Long Beach, CA 90802 (562) 598-2713	<b>Izzet's Chevron</b> 2801 South White Road, San Jose, CA 95148 (408) 274-2223
<b>Chevron Stations - Telegraph Road &amp; Norwalk BL</b> 12155 East Telegraph Road, Whittier, CA 90601 (562) 944-3109	<b>Leigh Avenue Chevron</b> Leigh Avenue & Southwest, San Jose, CA 95101 (408) 294-3314
<b>Chevron Stations</b> Telegraph Road & Norwalk, Pico Rivera, CA 90660 (562) 944-3109	<b>Lincoln Avenue Chevron</b> 2252 Lincoln Avenue, San Jose, CA 95125 (408) 266-9470
<b>Chevron Stations</b> Lakewd Bl & Willow, Long Beach, CA 90802 (562) 494-3652	<b>Magic Sands Chevron</b> 161 Blossom Hill Road, San Jose, CA 95123 (408) 225-1754
<b>Chevron</b> 8000 East Santa Ana Canyon Road, Anaheim, CA 92808 (714) 998-2637	<b>Meridian Chevron</b> 900 Meridian Avenue, San Jose, CA 95126 (408) 297-7987
<b>Chevron Stations</b> 1801 South Harbor Boulevard, Anaheim, CA 92802 (714) 533-8741	<b>North First Chevron</b> 1747 North 1st Street, San Jose, CA 95112 (408) 453-8193
<b>Kramer Chevron &amp; Food Mart</b> 3085 East La Palma Avenue, Anaheim, CA 92806 (714) 630-6040	<b>Romero Steve Chevron Service</b> Senter Road & West Capitol, San Jose, CA 95101 (408) 225-9500
<b>Chevron Station</b> 2961 Yorba Linda Boulevard, Fullerton, CA 92831 (714) 792-3825	<b>Rudy's Chevron Service</b> 1151 Tully Road, San Jose, CA 95122 (408) 998-9247
<b>Chevron Stations</b> 1001 West Commonwealth Avenue, Fullerton, CA 92833 (714) 992-4541	<b>Tara Chevron</b> 4652 Meridian Avenue, San Jose, CA 95118 (408) 265-7622
<b>Joe's Chevron</b> 1730 West Orangethorpe Avenue, Fullerton, CA 92833 (714) 871-1914	<b>Tully Chevron Auto Service</b> 1151 Tully Road, San Jose, CA 95122 (408) 279-5460

<b>John's Texaco</b> 565 North Virgil Avenue, Los Angeles, CA 90004 (323) 660-0945	<b>Texaco Star Mart</b> 51 Technology Drive, Irvine, CA 92618 (949) 727-7017
<b>Olympic &amp; Grand Texaco</b> 504 West Olympic Boulevard, Los Angeles, CA 90015 (213) 748-5687	<b>Archie's Texaco Food Mart &amp; Propane</b> 4502 Westminster Avenue, Santa Ana, CA 92703 (714) 636-0713
<b>Oscar's Texaco</b> 6320 Holmes Avenue, Los Angeles, CA 90001 (323) 587-2733	<b>C L L Texaco</b> 320 North Tustin Avenue, Santa Ana, CA 92705 (714) 835-8089
<b>Sams Texaco Service</b> 11261 Santa Monica Boulevard, Los Angeles, CA 90025 (310) 473-6636	<b>Golden Texaco</b> 8520 Warner Avenue, Fountain Valley, CA 92708 (714) 842-7150
<b>Superfine Texaco</b> 500 South Alameda Street, Los Angeles, CA 90013 (213) 626-1259	<b>Texaco Food Mart No 0975</b> 1815 North Tustin Street, Orange, CA 92865 (714) 921-1223
<b>Texaco DLRS Service STNS</b> 3154 East Olympic Boulevard, Los Angeles, CA 90023 (323) 262-9190	<b>Texaco Service Station Orange</b> 830 East Katella Avenue, Orange, CA 92867 (714) 771-6990
<b>Texaco Service</b> 3963 Union Pacific Avenue, Los Angeles, CA 90023 (323) 265-1759	<b>Villa Park Texaco</b> 2640 North Santiago Boulevard, Orange, CA 92867 (714) 283-0573
<b>Wally's Olympic Texaco</b> 3154 E Olympic Blvd, Los Angeles, CA 90023 (323) 262-9190	<b>Nano-Tex</b> 5770 Shellmound Street, Emeryville, CA 94608 (510) 420-3772
<b>Westchester Texaco &amp; Car Wash</b> 5800 West Manchester Avenue, Los Angeles, CA 90045 (310) 215-9716	<b>Noble's Mike Texaco</b> 400 South Anaheim Hills Road, Anaheim, CA 92807 (714) 998-3501
<b>Downtown Texaco</b> 805 East Ocean Boulevard, Long Beach, CA 90802 (562) 951-5989	<b>Texaco Star Mart</b> 1198 West Ball Road, Anaheim, CA 92802 (714) 772-4098
<b>Texaco Star Mart</b> 22232 Wilmington Avenue, Carson, CA 90745 (310) 834-1297	<b>A &amp; M Service Station-Texaco</b> 235 West Valencia Mesa Drive, Fullerton, CA 92835 (714) 526-3974
<b>Anaheim Hills Texaco</b> 400 South Anaheim Hills Road, Anaheim, CA 92807 (714) 998-3501	

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

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