

LEE HARWELL, JR.  
LAW OFFICE OF LEE HARWELL, JR.  
3424 CARSON STREET, SUITE 320  
TORRANCE, CALIFORNIA 90503  
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February 17, 2005

Bill Lockyer, Attorney General  
Office of the Attorney General  
State of California  
300 South Spring Street  
Los Angeles, California 90013  
Phone: (213) 897-2000  
Website: [www.ag.ca.gov](http://www.ag.ca.gov)

Robert E. Shannon, City Attorney  
City of Long Beach  
333 West Ocean Boulevard - 11th Floor  
Long Beach, California 90802-4664  
Phone: (562) 570-2200  
Email: [cityattorney@ci.long-beach.ca.us](mailto:cityattorney@ci.long-beach.ca.us)

Steve Cooley, District Attorney  
County of Los Angeles  
210 West Temple Street, 18<sup>th</sup> Floor  
Los Angeles, California 90012  
Phone: (213) 974-3512

And See attached list of polluting  
companies, entities and individuals

**Re: NOTICE OF INTENT TO SUE UNDER PROPOSITION 65  
(CALIFORNIA HEALTH & SAFETY CODE §25249.5) FOR  
WRONGFUL DISCHARGE OF OR RELEASE OF A  
CHEMICAL KNOWN TO THE STATE 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**

**PROPERTY: 3200 EAST 29<sup>TH</sup> STREET, LONG BEACH, CA 90806**  
**PARCEL NO.: 7212-022-015**  
**Buyer: ISLANDER EXTREMES INC**  
**Seller: INDUSTRIAL ZINC PLATING CORP**  
**Rec. Date: Dec. 04, 2003**

To the Attorney General of California, the District Attorney of Los Angeles, the City Attorney of Long Beach, and the polluting companies and individuals:

Notice 60 days in advance is hereby provided to the Attorney General of California, the District Attorney of Los Angeles, the City Attorney of Long Beach, and the polluting companies and individuals, of the intent of Islander Extreme, Inc., to file suit

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against the following individuals and companies, including Industrial Zinc Plating Corporation (hereinafter "Zinc"), Dale A. Cardner, Reid Enterprises, Inc., ("Reid"), City of Long Beach, Department of the Air Force, successor to the United States Army Air Corps Douglas Aircraft Co./Boeing Co., Shell Oil Corporation ("Shell"), General Petroleum Corporation ("General"), Richfield Oil Corporation ("Richfield"), for violations of the California Safe Drinking Water and Toxic Enforcement Act Discharge Prohibition

In the course of doing business, including but not limited to, operating businesses in a manner that negligently caused discharges or releases of sludge, liquid, solid and hazardous wastes and in negligently or intentionally failing to clean up the discharges or releases upon the discovery that they were occurring, thereby causing further discharges or releases, these businesses have knowingly caused the discharge or release of chemicals, including arsenic, lead, zinc, MEK, acetone, cadmium, mercury, hydrocarbons, etc., into or on land or water so that such substances entered the environment and were discharged into the groundwater resources of the property.

Arsenic, lead, zinc, MEK, acetone, cadmium and mercury are chemicals known to the State of California to cause both cancer and reproductive toxicity. In addition, certain hydrocarbons, such as trachloroethylene (PCE), are known to cause cancer. Further, the health literature indicates that human organs most susceptible to the effects of tetrachloroethylene (PCE) and, to a lesser extent trichloroethylene (TCE) are the nervous system and the female reproductive system. Animal studies also indicate adverse effects to the liver and kidney.

The Regional Board has designated the groundwater resources of the property and adjacent areas of Los Angeles County as a source of drinking water.

Specifically, for years Zinc dried the residue from its zinc plating operations [called plating sludge cake] on the ground on the Property. Heightened concentrations of arsenic, lead and zinc were found in the soil directly under the location where the plating sludge cake was dried. In addition Dale A. Cardner owned the Property from January 19, 1978 until March 3, 1988. During this time Zinc operated its zinc plating business on the Property.

In addition, the City of Long Beach used the Property as an unlicensed landfill during

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the 1920s and 1930s. Samples taken from the landfill show elevated concentrations of arsenic, lead, mercury and zinc. The landfill material would be classified as California hazardous waste.

The Department of the Air Force is the successor to the United States Army Air Corps, which leased the property from the City of Long Beach and used the Property as an unlicensed landfill during the 1920s and 1930s

Reid Enterprises, Inc., used that Property to manufacture plastics, paints and solvents. It had Underground storage tanks that were used to store paints and solvents, including MEK and acetone, between 1968 and 1971.

Douglas Aircraft Co./Boeing Co., located at 3855 Lakewood Boulevard, less than one mile north-northeast of the property, conducts and extensive aircraft manufacturing operation.

Shell Oil Corporation ("Shell"), General Petroleum Corporation ("General"), Richfield Oil Corporation ("Richfield") have operated oil wells in the Long Beach Oilfield. The petroleum hydrocarbon plume and the escaping methane and methane seeps detected in the soil and the groundwater are coming from offsite oil operations and the offsite Long Beach Oilfield.

These companies' knowing discharges or releases of arsenic, lead, zinc, MEK, acetone, cadmium, mercury and hydrocarbons constitute unauthorized discharges of waste in violation of the California Water Code §13264 and applicable regulations. These companies cannot meet their burden of showing that their discharges or releases conform with any law or with any applicable regulation, permit, requirement, or order.

In knowingly discharging or releasing, and continuing to knowingly discharge or release, chemicals known to the State of California to cause cancer or reproductive toxicity into water or onto or into land where such chemicals have passes, and continue to pass, into a source of drinking water, the persons described herein, and each of them, have violated, and continue to violate, the discharge prohibition of Proposition 65 (California Health & Safety Code §25249.5), which states as follows:

"No person in the course of doing business shall knowingly discharge or

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release a chemical known to the state 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, notwithstanding any other provision or authorization of law except as provided in Section 25249.9.” (Health and Safety Code § 25249.5 [Prohibition on contaminating drinking water with chemicals known to cause cancer or reproductive toxicity].)

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lee Harwell, Jr.", written in black ink.

Lee Harwell, Jr.

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Service List

INDUSTRIAL ZINC PLATING CORP  
3100 E 29TH ST  
LONG BEACH CA 90806 -2321

Counsel for Industrial Zinc  
W. Lee Smith, Esq.  
TRUTANICH \* MICHEL, LLP  
Port of Los Angeles  
407 North Harbor Boulevard  
San Pedro, California 90731-2243  
Phone: (310) 548-0410, Ext. 226  
Facsimile: (310) 548-4813  
Email: [lsmith@t-mlawyers.com](mailto:lsmith@t-mlawyers.com)

SHELL OIL COMPANY  
PO BOX 2463 ROOM 4279G  
HOUSTON, TX 77252

SHELL OIL COMPANY  
Agent for Service of Process  
C T CORPORATION SYSTEM  
818 WEST SEVENTH STREET  
LOS ANGELES, CA 90017

MICHAEL WADE BLITSTEIN, Agent  
REID ENTERPRISES INTERNATIONAL, INC.  
40 N SKOKIE BLVD SUITE 445  
CHICAGO, ILL. 60659

ELLEN REID, President  
REID ENTERPRISES INTERNATIONAL, INC.  
3400 LAKE SHORE DR  
CHICAGO, ILL. 60659

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Attention President  
RICHFIELD OIL CORPORATION  
1209 ORANGE ST  
WILMINGTON, DE 19801

RICHFIELD OIL CORPORATION  
Agent for Service of Process  
C T CORPORATION SYSTEM  
818 WEST SEVENTH STREET  
LOS ANGELES, CA 90017

GENERAL PETROLEUM INC.  
ATTN STATE TAX DEPT  
800 BELL ST RM 2606  
HOUSTON, TX 77002

GENERAL PETROLEUM INC.  
Agent for Service of Process  
THE PRENTICE-HALL CORPORATION SYSTEM, INC.  
2730 GATEWAY OAKS DR., SUITE 100  
SACRAMENTO, CA 95833

Attention City Clerk  
City of Long Beach  
Lobby Level  
333 W. Ocean Blvd.  
Long Beach, CA 90802.  
Phone: (562) 570-6101  
TDD: (562) 570-6626

Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
Phone: (202) 272-0167

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Region 9 (AZ, CA, HI, NV)  
Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
<http://www.epa.gov/region09/>  
Phone: (415) 947-8000  
(866) EPA-WEST (toll free in Region 9)  
Fax: (415) 947-3553  
Email: [r9.info@epa.gov](mailto:r9.info@epa.gov)

Dale A. Cardner  
200 North Malden Street  
Fullerton, California 92632

ATTENTION PRESIDENT  
THE BOEING COMPANY  
100 NORTH ROVERSIDE PLAZA  
CHICAGO, IL 60606

THE BOEING COMPANY  
Agent for Service of Process  
CORPORATION SERVICE COMPANY WHICH WILL DO BUSINESS IN  
CALIFORNIA AS CSC - LAWYERS INCORPORATING SERVICE  
2730 GATEWAY OAKS DR STE 100  
SACRAMENTO, CA 95833

ATTENTION PRESIDENT  
MCDONNELL DOUGLAS CORPORATION  
100 N RIVERSIDE  
CHICAGO, IL 60606

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MCDONNELL DOUGLAS CORPORATION

Agent for Service of Process

CORPORATION SERVICE COMPANY WHICH WILL DO BUSINESS IN  
CALIFORNIA AS CSC - LAWYERS INCORPORATING SERVICE

2730 GATEWAY OAKS DR STE 100

SACRAMENTO, CA 95833

Department of the Air Force

Secretary of the Air Force

1670 Air Force Pentagon

Washington, DC 20330-1670

Air Force Chief of Staff

1670 Air Force Pentagon

Washington, DC 20330-1670

The Air Force Center for Environmental Excellence

3300 Sidney Brooks

Brooks City-Base, Texas 78235

Phone: (210) 536-5626